

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 111 entitled “An act relating to the U.S. Department of Veterans  
4 Affairs’ Airborne Hazards and Open Burn Pit Registry” respectfully reports  
5 that it has considered the same and recommends that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. FINDINGS

9 The General Assembly finds that:

10 (1) According to the U.S. Department of Veterans Affairs (VA), “burn  
11 pits were a common way to get rid of waste at military sites in Iraq and  
12 Afghanistan.”

13 (2) At present, the U.S. Department of Veterans Affairs provides  
14 contradictory information about the health impacts on soldiers of exposure to  
15 burn pits.

16 (3) On the one hand, the Department’s website says, “At this time,  
17 research does not show evidence of long-term health problems from exposure  
18 to burn pits. VA continues to study the health of deployed Veterans.”

19 (4) On the other hand, under the heading “Health effects from burn pit  
20 smoke” the VA states that “Toxins in burn pit smoke may affect the skin, eyes,  
21 respiratory and cardiovascular systems, gastrointestinal tract and internal

1 organs. Veterans who were closer to burn pit smoke or exposed for longer  
2 periods may be at greater risk. Health effects depend on a number of other  
3 factors, such as the kind of waste being burned and wind direction. Most of  
4 the irritation is temporary and resolves once the exposure is gone. This  
5 includes eye irritation and burning, coughing and throat irritation, breathing  
6 difficulties, and skin itching and rashes. The high level of fine dust and  
7 pollution common in Iraq and Afghanistan may pose a greater danger for  
8 respiratory illnesses than exposure to burn pits, according to a 2011 Institute of  
9 Medicine report.”

10 (5) According to the VA, the waste products in burn pits include  
11 “chemicals, paint, medical and human waste, metal/aluminum cans, munitions  
12 and other unexploded ordnance, petroleum and lubricant products, plastics,  
13 rubber, wood, and discarded food.”

14 (6) In the past, the U.S. Armed Forces have been slow to acknowledge  
15 the physical injuries associated with environmental exposure during service  
16 members’ active duty. Notable examples of this include exposure to Agent  
17 Orange during the Vietnam War and the condition known as Gulf War  
18 Veterans’ Medically Unexplained Illness.

19 (7) After a period of equivocation, the U.S. government has usually  
20 acknowledged what veterans know too well—that their illnesses and suffering

1 are real, that it is connected to their military service, and that the U.S.  
2 government must treat and compensate the veterans.

3 (8) Exposure to burn pits should be addressed proactively, and the State  
4 of Vermont and the U.S. government should prioritize the health of service  
5 members and veterans and not repeat past patterns of denial.

6 (9) A registry called the Airborne Hazards and Open Burn Pit Registry  
7 has been created to track service members who may have been exposed to burn  
8 pits. Between June 2014 and December 2018, 394 Vermonters joined the  
9 Registry.

10 (10) It is important that every Vermonter who was or may have been  
11 exposed to burn pits should participate in the Registry.

12 Sec. 2. DEPARTMENT OF HEALTH; EDUCATIONAL MATERIALS

13 (a)(1) On or before July 1, 2019, the Commissioner of Health, in  
14 consultation with the Adjutant and Inspector General and the U.S. Department  
15 of Veterans Affairs, shall develop written educational materials that provide  
16 information about health effects that are associated with chemicals identified at  
17 open burn pits during overseas military deployments, including:

18 (A) information regarding how to participate in the U.S. Department  
19 of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry and  
20 resources that can provide assistance with the registration process;

1           (B) information regarding the eligibility requirements for  
2 participation in the Registry, including deployment locations and dates;

3           (C) contact information for the U.S. Department of Veterans Affairs’  
4 Airborne Hazards and Open Burn Pit Registry; and

5           (D) contact information for the Vermont Environmental Health  
6 Coordinator at the White River Junction VA facility.

7           (2)(A) On or before July 1, 2019, the information shall be made  
8 available on the Department of Health and the Office of Veterans Affairs  
9 websites.

10           (B) The Department of Health, in cooperation with appropriate  
11 professional licensing boards and professional membership associations, shall  
12 ensure the information is made available to all licensed health care providers in  
13 Vermont on or before July 1, 2019.

14           (b) On or before July 1, 2019, the Commissioner of Health and the  
15 Adjutant and Inspector General, in coordination with any available and  
16 interested federal or State agency, shall develop a pamphlet or other written  
17 informational material regarding the U.S. Department of Veterans Affairs’  
18 Airborne Hazards and Open Burn Pit Registry, including:

19           (1) information regarding the eligibility requirements for participation in  
20 the Registry, including deployment locations and dates;

1           (2) information regarding how to participate in the Registry and  
2           resources that can provide assistance with the registration process;

3           (3) the symptoms associated with exposure to open burn pits during  
4           overseas military deployments;

5           (4) contact information for the U.S. Department of Veterans Affairs’  
6           Airborne Hazards and Open Burn Pit Registry; and

7           (5) contact information for the Vermont Environmental Health  
8           Coordinator at the White River Junction VA facility.

9           Sec. 3. COMMUNICATION TO SERVICE MEMBERS AND VETERANS;

10           NATIONAL GUARD; OFFICE OF VETERANS AFFAIRS

11           (a) Beginning on or before July 1, 2019, the Adjutant and Inspector  
12           General and the Executive Director of the Vermont Office of Veterans Affairs,  
13           in consultation with any available and interested federal or State agency, shall  
14           collaborate to contact all members of the Vermont National Guard and all  
15           known veterans and members of the U.S. Armed Forces residing in Vermont  
16           who may be eligible to participate in the U.S Department of Veterans Affairs’  
17           Airborne Hazards and Open Burn Pit Registry. In particular, the Adjutant and  
18           Inspector General and the Executive Director of the Vermont Office of  
19           Veterans Affairs shall contact all members of the Vermont National Guard and  
20           any veteran or member of the U.S. Armed Forces residing in Vermont who  
21           may have served in any of the following:

1           (1) Operation Enduring Freedom, Operation Iraqi Freedom, or  
2           Operation New Dawn;

3           (2) Djibouti, Africa, on or after September 11, 2001;

4           (3) Afghanistan, on or after September 11, 2001;

5           (4) Operation Desert Shield or Operation Desert Storm; or

6           (5) in the Southwest Asia theater of operations on or after August 2,  
7           1990.

8           (b) Each veteran or service member contacted shall be encouraged to join  
9           the Registry and shall be provided with:

10           (1) contact information for the U.S. Department of Veterans Affairs’  
11           Airborne Hazards and Open Burn Pit Registry; and

12           (2) a copy of the pamphlet created by the Commissioner of Health and  
13           the Adjutant and Inspector General pursuant to Sec. 2 of this Act.

14           Sec. 4. ADJUTANT AND INSPECTOR GENERAL; COORDINATION  
15           WITH U.S. DEPARTMENT OF VETERANS AFFAIRS

16           (a) On or before July 1, 2019, the Adjutant and Inspector General shall  
17           encourage the U.S. Department of Veterans Affairs to enhance and simplify  
18           the registration process for the Airborne Hazards and Open Burn Pit Registry  
19           by providing for:

1           (1) identification verification for DS Logon Level 2 access to be made  
2           available at U.S. Department of Veterans Affairs' community-based outpatient  
3           clinics throughout Vermont;

4           (2) the creation of a paper registration option; and

5           (3) the creation of a process for deceased veteran's family members to  
6           participate in the Registry on behalf of a deceased veteran.

7           (b)(1) On or before July 1, 2019, the Adjutant and Inspector General shall  
8           request that the Periodic Health Assessment for members of the Vermont  
9           National Guard determine whether the Guard member was deployed to a  
10           location that would make him or her eligible to participate in the U.S.  
11           Department of Veterans Affairs' Airborne Hazards and Open Burn Pit  
12           Registry, and whether the Guard member was exposed to open burn pits during  
13           his or her deployment to that location.

14           (2) On or before July 1, 2019, the Adjutant and Inspector General shall  
15           request that any member of the Vermont National Guard who during his or her  
16           Periodic Health Assessment is identified as having been potentially exposed to  
17           open burn pits during a deployment is automatically registered to participate in  
18           the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit  
19           Registry.

20           Sec. 5. EFFECTIVE DATE

21           This act shall take effect on passage.

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3 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE