

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 and mental health injuries associated with environmental exposure
16 during service members’ active duty. Notable examples of this include
17 exposure to Agent Orange during the Vietnam War and the condition known as
18 Gulf War 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 September 2018, 366 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 the U.S. Department of Veterans Affairs' Airborne Hazards
17 and Open Burn Pit Registry, including:

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

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

1 (C) the symptoms associated with exposure to open burn pits during
2 overseas military deployments;

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

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

7 (2)(A) The information shall be made available on the Department of
8 Health and the Office of Veterans Affairs websites.

9 (B) The Department of Health, in cooperation with the Vermont
10 Medical Society and other medical professional organizations, shall ensure the
11 dissemination of the information to all health care providers in Vermont.

12 (b) The Commissioner of Health and the Adjutant and Inspector General, in
13 coordination with the U.S. Department of Veterans Affairs, shall develop a
14 pamphlet or other written informational material regarding the U.S.
15 Department of Veterans Affairs’ Airborne Hazards and Open Burn Pit
16 Registry, including:

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

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

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

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

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

7 Sec. 3. COMMUNICATION TO SERVICE MEMBERS AND VETERANS;
8 NATIONAL GUARD; OFFICE OF VETERANS AFFAIRS

9 (a) The Adjutant and Inspector General and the Executive Director of the
10 Vermont Office of Veterans Affairs, in consultation with the U.S. Department
11 of Veterans Affairs, shall collaborate to contact all members of the Vermont
12 National Guard and all veterans and members of the U.S. Armed Forces
13 residing in Vermont who may be eligible to participate in the U.S Department
14 of Veterans Affairs’ Airborne Hazards and Open Burn Pit Registry. In
15 particular, the Adjutant and Inspector General and the Executive Director of
16 the Vermont Office of Veterans Affairs shall contact all members of the
17 Vermont National Guard and any veteran or member of the U.S. Armed Forces
18 residing in Vermont who may have served in any of the following:

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

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

- 1 (3) Afghanistan, on or after September 11, 2001;
2 (4) Operation Desert Shield or Operation Desert Storm; or
3 (5) in the Southwest Asia theater of operations on or after August 2,
4 1990.

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

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

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

11 Sec. 4. ADJUTANT AND INSPECTOR GENERAL; COORDINATION

12 WITH U.S. DEPARTMENT OF VETERANS AFFAIRS

13 (a) The Adjutant and Inspector General shall encourage the U.S.

14 Department of Veterans Affairs to enhance and simplify the registration
15 process for the Airborne Hazards and Open Burn Pit Registry by providing for:

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

19 (2) the creation of a paper registration option for veterans who lack
20 reliable Internet access;

1 (3) the creation of a process for deceased veteran’s family members to
2 participate in the Registry on behalf of a deceased veteran;

3 (b)(1) The Adjutant and Inspector General shall request that the Periodic
4 Health Assessment for members of the Vermont National Guard determine
5 whether the Guard member was deployed to a location that would make him or
6 her eligible to participate in the U.S. Department of Veterans Affairs’ Airborne
7 Hazards and Open Burn Pit Registry, and whether the Guard member was
8 exposed to open burn pits during his or her deployment to that location.

9 (2) The Adjutant and Inspector General shall request that any member of
10 the Vermont National Guard who during his or her Periodic Health Assessment
11 is identified as having been potentially exposed to open burn pits during a
12 deployment is automatically registered to participate in the U.S. Department of
13 Veterans Affairs’ Airborne Hazards and Open Burn Pit Registry.

14 Sec. 5. EFFECTIVE DATE

15 This act shall take effect on passage.

16

17

18 (Committee vote: _____)

19

20

Senator _____

21

FOR THE COMMITTEE