

HOUSE No. 4512

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the Airborne Hazards and Open Burn Pit Registry.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|--|------------------|
| <i>John C. Velis</i> | <i>4th Hampden</i> | <i>1/22/2020</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> | <i>1/23/2020</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> | <i>1/23/2020</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>1/23/2020</i> |
| <i>Hannah Kane</i> | <i>11th Worcester</i> | <i>1/23/2020</i> |
| <i>Jerald A. Parisella</i> | <i>6th Essex</i> | <i>1/23/2020</i> |
| <i>David F. DeCoste</i> | <i>5th Plymouth</i> | <i>1/23/2020</i> |
| <i>James Arciero</i> | <i>2nd Middlesex</i> | <i>1/23/2020</i> |
| <i>Michael J. Finn</i> | <i>6th Hampden</i> | <i>1/23/2020</i> |
| <i>Daniel R. Carey</i> | <i>2nd Hampshire</i> | <i>1/23/2020</i> |
| <i>Michael S. Day</i> | <i>31st Middlesex</i> | <i>1/23/2020</i> |
| <i>William J. Driscoll, Jr.</i> | <i>7th Norfolk</i> | <i>1/23/2020</i> |
| <i>Daniel Cahill</i> | <i>10th Essex</i> | <i>1/23/2020</i> |
| <i>Joanne M. Comerford</i> | <i>Hampshire, Franklin and Worcester</i> | <i>1/23/2020</i> |
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>1/23/2020</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> | <i>1/23/2020</i> |
| <i>Angelo J. Puppolo, Jr.</i> | <i>12th Hampden</i> | <i>1/24/2020</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> | <i>1/25/2020</i> |

| | | |
|----------------------------|-----------------------|------------------|
| <i>Natalie M. Blais</i> | <i>1st Franklin</i> | <i>1/27/2020</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> | <i>1/27/2020</i> |
| <i>Richard M. Haggerty</i> | <i>30th Middlesex</i> | <i>1/27/2020</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> | <i>1/28/2020</i> |
| <i>Marcos A. Devers</i> | <i>16th Essex</i> | <i>1/30/2020</i> |
| <i>Timothy R. Whelan</i> | <i>1st Barnstable</i> | <i>1/30/2020</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> | <i>1/30/2020</i> |

HOUSE No. 4512

By Mr. Velis of Westfield, a petition (subject to Joint Rule 12) of John C. Velis and others relative to the federal Open Burn Pit Registry and exposure of veterans and service members to certain airborne hazards. Veterans and Federal Affairs.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the Airborne Hazards and Open Burn Pit Registry.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws is hereby amended by adding the
2 following section:-

3 Section 240. (a) The commissioner, in consultation with the commissioner of veterans
4 services and the adjutant general of the Massachusetts national guard, shall develop written
5 educational materials that provide information about health effects that are associated with
6 chemicals identified at open burn pits during overseas military deployments, including:-

7 (i) the symptoms associated with exposure to open burn pits during overseas military
8 deployments;

9 (ii) information regarding how to participate in the U.S. Department of Veterans Affairs’
10 Airborne Hazards and Open Burn Pit Registry and resources that can provide assistance with the
11 registration process;

12 (iii) information regarding the eligibility requirements for participation in the Registry,
13 including deployment locations and dates;

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

16 (v) contact information for the U.S. Department of Veterans Affairs' Airborne Hazards
17 and Open Burn Pit Registry.

18 The commissioner, in cooperation with appropriate professional licensing boards and
19 professional membership associations, shall ensure the information is made available to all
20 appropriate licensed health care providers in Massachusetts.

21 (b) The commissioner, in consultation with the commissioner of veterans services and the
22 adjutant general of the Massachusetts national guard shall:-

23 (i) monitor the most current published epidemiological studies and recommendations
24 arising as a requirement of 38 U.S.C. 527, as well as any developments in the study and
25 treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused
26 by open burn pits; and

27 (ii) create a database of self-identifying service members and veterans who have been
28 exposed to burn pits, that shall include the name, address, electronic address, phone number,
29 location and period of service, and any other information as deemed necessary. Such information
30 shall be used only for the purposes of communicating information about exposure to toxic
31 airborne chemicals and fumes caused by open burn pits to service members and veterans. The
32 database, materials or other information shall be confidential and privileged, shall not be subject

33 to chapter 66, or clause Twenty-sixth of section 7 of chapter 4 and shall not be subject to
34 subpoena, discovery or introduction into evidence in any private civil action.

35 (c) The commissioner, in coordination with the commissioner of veterans services and
36 the adjutant general of the Massachusetts national guard shall prepare an informational pamphlet
37 regarding the health effects of exposure to open burn pits and how to participate in the U.S.
38 Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry and resources
39 that can provide assistance with the registration process for distribution by the commissioner of
40 veterans services and the adjutant general of the Massachusetts national guard.

41 The informational pamphlet shall be distributed to any and all services the commissioner
42 of veteran services and adjutant general of the Massachusetts national guard see fit, including but
43 not limited to veteran service offices throughout the commonwealth.

44 SECTION 2. Chapter 115 of the General Laws is hereby amended by adding the
45 following section:-

46 Section 16. (a) The commissioner, the commissioner of public health and the adjutant
47 general of the Massachusetts national guard, shall collaborate to contact all members of the
48 Massachusetts national guard and all known veterans and members of the U.S. Armed Forces
49 residing in Massachusetts who may be eligible to participate in the U.S. Department of Veterans
50 Affairs' Airborne Hazards and Open Burn Pit Registry. In particular, the commissioner, the
51 commissioner of public health and the adjutant general of the Massachusetts national guard shall
52 contact all members of the Massachusetts national guard and any veteran or member of the U.S.
53 Armed Forces residing in Massachusetts who may have served in any of the following:

54 (i) Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

- 55 (ii) Djibouti, Africa, on or after September 11, 2001;
- 56 (iii) Afghanistan, on or after September 11, 2001;
- 57 (iv) Operation Desert Shield or Operation Desert Storm; or
- 58 (v) in the Southwest Asia theater of operations on or after August 2, 1990.

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

61 (i) contact information for the U.S. Department of Veterans Affairs' Airborne Hazards
62 and Open Burn Pit Registry; and

63 (ii) a copy of the pamphlet created by the commissioner of public health pursuant to
64 subsection (c) of section 240 of chapter 111.

65 SECTION 3. (a) Notwithstanding any general or special law to the contrary, on or before
66 September 1, 2020, the adjutant general of the national guard and the commissioner of veterans
67 services shall encourage the U.S. Department of Veterans Affairs to enhance and simplify the
68 registration process for the Airborne Hazards and Open Burn Pit Registry by providing for:

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

71 (ii) the creation of a paper registration option; and

72 (iii) the creation of a process for deceased veteran's family members to participate in the
73 Registry on behalf of a deceased veteran.

74 (b) On or before September 1, 2020, the adjutant general of the national guard shall
75 request that the periodic health assessment for members of the Massachusetts national guard
76 determine whether the guard member was deployed to a location that would make him or her
77 eligible to participate in the U.S.

78 Department of Veterans Affairs' Airborne Hazards and Open Burn Pit Registry, and
79 whether the guard member was exposed to open burn pits during his or her deployment to that
80 location.

81 (c) On or before September 1, 2020, the adjutant general shall request that any member of
82 the Massachusetts national guard who during his or her periodic health assessment is identified
83 as having been potentially exposed to open burn pits during a deployment is automatically
84 registered to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open
85 Burn Pit Registry.

86 SECTION 4. The informational pamphlet required in subsection (c) of section 240 of
87 chapter 111 of the General Laws shall be made available on the department of public health's
88 website on and after September 1, 2020.