

- SUBJECT:** Creating open burn pit registry for military service members and veterans
- COMMITTEE:** Public Health — favorable, without amendment
- VOTE:** 11 ayes — Price, Sheffield, Arévalo, Burkett, Coleman, Collier, Cortez, Guerra, Klick, Oliverson, Zedler
- 0 nays
- WITNESSES:** For — Rosie Lopez-Torres and Diane Slape, Burn Pits 360; Le Roy Torres
- Against — None
- On — Janna Zumbrun, Texas Department of State Health Services; Jose Silva, Texas Veterans Commission
- BACKGROUND:** The U.S. Department of Veterans Affairs launched the Airborne Hazards and Open Burn Pit Registry in June 2014, after the Open Burn Pit Registry Act was signed into law in January 2013.
- DIGEST:** HB 283 would require the Department of State Health Services (DSHS) to create an open burn pit registry for outreach and education for military service members and veterans who were exposed to smoke from solid waste disposal sites and other airborne hazards during certain military operations.
- Service members who were in the following military operations could participate in the registry:
- Southwest Asia operations on or after August 2, 1990;
 - Operation Desert Shield or Desert Storm;
 - Djibouti, Africa, on or after September 11, 2001;
 - Operation Enduring Freedom, Iraqi Freedom, or New Dawn; or
 - any other conflict or operation identified by the U.S. Department of

Veterans Affairs (VA).

The bill would allow service members, veterans, or their relatives to register a case of exposure to open burn pit smoke or other airborne hazards with DSHS for inclusion in the registry.

For each registrant, DSHS would have to include the service member or veteran's name, contact information, location and dates of service, medical condition or death potentially related to the exposure of open burn pit smoke or other airborne hazards, and other information DSHS or the VA deemed necessary. DSHS would be required to share this information with the VA Airborne Hazards and Open Burn Pit Registry. The state's open burn pit registry would have to include an electronic link to the federal registry.

Information received by DSHS for the open burn pit registry would be confidential and exempt from the disclosure requirements under the Public Information Act.

HB 283 would require DSHS, with assistance from the Texas Veterans Commission, to develop and publish the following information on the department's website:

- how to register and use the state and federal open burn pit registries;
- updated scientific developments on the health effects of exposure to open burn pit smoke and other airborne hazards;
- available treatment offered by the VA;
- the process for applying to the VA for service-related disability compensation; and
- the process to appeal a service-related disability rating decision made by the VA.

DSHS would have to report on the effectiveness of collecting and maintaining information on the health effects of exposure to open burn pit smoke and other airborne hazards and recommend improvements for

gathering such information. The initial report would be due to the applicable House and Senate standing committees by December 1, 2018, and would have to be completed by December 1 every even-numbered year thereafter.

By March 1, 2018, the Health and Human Services Commission executive commissioner would have to adopt rules to administer the bill's provisions and, as necessary, enter into a memorandum of understanding with the VA.

The bill would take effect September 1, 2017.

**SUPPORTERS
SAY:**

By establishing a Texas open burn pit registry, HB 283 would increase awareness among the state's veterans of the long-term health effects of exposure to toxic fumes from open burn pit sites. The bill would improve coordination and communication between state and federal governmental agencies and allow state agencies to distribute educational information to military members more effectively.

Although a federal open burn pit registry exists, there are key differences between the federal registry and the state registry. First, the federal government prohibits the relative of a deceased soldier to enter the deceased soldier's information into the registry. This hinders efforts to track the mortality rate of military members who have died from exposure to toxic fumes. Second, if a military member's medical condition has worsened, it may not be updated in the federal registry. A state registry also would be better tailored to the needs of Texas veterans.

Only a small portion of Texas veterans who may have been exposed to open burn pit fumes during their service have participated in the federal registry. A state registry is essential for ensuring that Texas veterans receive accurate and timely data for medical issues arising from open burn pit exposure.

**OPPONENTS
SAY:**

HB 283 would duplicate a function that already exists at the federal level. Texas should not use taxpayer dollars to fund a state open burn pit registry

when the federal government operates a national one.

NOTES:

According to the Legislative Budget Board, HB 283 would have a negative impact of about \$2.7 million to general revenue related funds during fiscal 2018-19. It is assumed that DSHS would hire four new full-time employees and use existing staff to create and maintain the open burn pit registry.

A companion bill, SB 158 by Hinojosa, was referred to the Senate Committee on Veteran Affairs and Border Security on January 25.