

HOUSE No. 3643

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel R. Carey

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>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>2/5/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/16/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/25/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>

HOUSE No. 3643

By Mr. Carey of Easthampton, a petition (accompanied by bill, House, No. 3643) of Daniel R. Carey 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-Second General Court
(2021-2022)**

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

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

35 (c) On or before January 1, 2022, the commissioner, in coordination with the
36 commissioner of Veterans services and the adjutant general of the Massachusetts national guard
37 shall prepare an informational pamphlet regarding the health effects of exposure to open burn
38 pits and how to participate in the U.S. Department of Veterans Affairs' Airborne Hazards and
39 Open Burn Pit Registry and resources that can provide assistance with the registration process
40 for distribution by the commissioner of veterans services and the adjutant general of the
41 Massachusetts national guard. The informational pamphlet shall be distributed to any and all
42 services the commissioner of veteran services and adjutant general of the Massachusetts national
43 guard see fit, including but not limited to veteran service offices throughout the commonwealth
44 and veteran organizations. Veteran service officers shall receive training to assist with
45 implementation of this legislation.

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

48 Section 16. (a) The commissioner, the commissioner of public health and the adjutant
49 general of the Massachusetts national guard, shall collaborate to contact all members of the
50 Massachusetts national guard and all known veterans and members of the U.S. Armed Forces
51 residing in Massachusetts who may be eligible to participate in the U.S. Department of Veterans
52 Affairs' Airborne Hazards and Open Burn Pit Registry. In particular, the commissioner of
53 veteran services, the commissioner of public health, and the adjutant general of the
54 Massachusetts national guard shall develop and execute a plan that ensures contact with all

55 members of the Massachusetts national guard and any veteran or member of the U.S. Armed
56 Forces residing in Massachusetts who may have served in any of the following:

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

58 (ii) Djibouti, Africa, on or after September 11, 2001;

59 (iii) Afghanistan, on or after September 11, 2001;

60 (iv) Operation Desert Shield or Operation Desert Storm; or

61 (v) in the Southwest Asia theater of operations on or after August 2, 1990.

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

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

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

68 SECTION 3. (a) Notwithstanding any general or special law to the contrary, on or before
69 September 1, 2021, the adjutant general of the national guard and the commissioner of veterans
70 services shall encourage the U.S. Department of Veterans Affairs to enhance and simplify the
71 registration process for the Airborne Hazards and Open Burn Pit Registry by providing for:

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

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

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

77 (b) On or before October 1, 2021, the adjutant general of the national guard shall request
78 that the periodic health assessment for members of the Massachusetts national guard determine
79 whether the guard member was deployed to a location that would make him or her eligible to
80 participate in the U.S. Department of Veterans Affairs' Airborne Hazards and Open Burn Pit
81 Registry, and whether the guard member was exposed to open burn pits during his or her
82 deployment to that location.

83 (c) On or before October 1, 2021, the adjutant general shall request that any member of
84 the Massachusetts national guard who during his or her periodic health assessment is identified
85 as having been potentially exposed to open burn pits during a deployment is automatically
86 registered to participate in the U.S. Department of Veterans Affairs' Airborne Hazard and Open
87 Burn Pit Registry.

88 SECTION 4. The informational pamphlet required in subsection (c) of section 240 of
89 chapter 111 of the General Laws shall be made available on the department of public health's
90 website on and after October 1, 2021.