

**SUBJECT:** Creating an open burn pit registry for service members and veterans

**COMMITTEE:** Defense and Veterans' Affairs — committee substitute recommended

**VOTE:** 8 ayes — Flynn, Tinderholt, Ashby, Hinojosa, Lopez, Lozano, Ramos, Romero

0 nays

1 absent — Reynolds

**WITNESSES:** For — Rosie Torres, Burn Pits 360; Ware Wendell, Texas Watch; (*Registered, but did not testify:* Jose Carlos Gonzalez, Gonzalez and Associates Homeland Security; Aimee Bertrand, Harris County Commissioners Court; Valerie James)

Against — None

On — (*Registered, but did not testify:* Kirk Cole and Manda Hall, Texas Department of State Health Services; Suzanna Hupp, Health and Human Services Commission; James Cunningham, Texas Coalition of Veterans Organizations, Texas Council of Chapters of the Military Officers Association of America; Gary Lee, Texas Veterans Commission)

**DIGEST:** CSHB 306 would require the Department of State Health Services (DSHS) to establish an open burn pit registry of service members and veterans who were exposed to open burn pit smoke or other airborne hazards during their service in any conflict or theater recognized by the U.S. Department of Veterans Affairs (VA). For each entry in the registry, DSHS would include the service member or veteran's:

- name, address, phone number, and electronic address;
- location and period of military service;
- medical condition or death that could be related to exposure to open burn pit smoke or other airborne hazards; and

- other information considered necessary by the VA.

DSHS would share information in the open burn pit registry with the VA's Airborne Hazards and Open Burn Pit Registry and would electronically link the state's registry with the federal registry.

**Voluntary registration.** A service member, veteran, or family member of a service member or veteran could register a case of exposure to open burn pit smoke or other airborne hazards with DSHS for inclusion in the registry. Information obtained under the provisions of the bill would be confidential and not subject to disclosure under the Texas Public Information Act, a subpoena, or other release, except to the VA.

**Open burn pit information.** With assistance from the Texas Veterans Commission, DSHS would include information on its website to inform service members, veterans, and their families about:

- the open burn pit registry and the VA's Airborne Hazards and Open Burn Pit Registry;
- the most recent scientific developments on the health effects of open burn pit smoke or other airborne hazards;
- the availability of treatment offered by the VA;
- the process for applying to the VA for service-related disability compensation; and
- the manner of appealing to the VA an existing service-related disability rating decision or requesting an increased rating based on these illnesses and conditions.

**Memorandum of understanding.** The executive commissioner of the Health and Human Services Commission (HHSC) could enter a memorandum of understanding with the VA as necessary to administer the provisions of the bill. The memorandum would have to ensure that the VA maintained the confidentiality of a service member or veteran's personally identifying information.

**Report.** DSHS would submit a report to the appropriate standing

committees of the House and Senate by December 1 of each even-numbered year. The report would include an assessment of the effectiveness of collecting and maintaining information on the health effects of exposure to open burn pit smoke and other airborne hazards and any recommendations to improve the collection and maintenance of the information. DSHS would submit an initial report by December 1, 2020.

The executive commissioner of HHSC would be required to adopt rules and enter into any memorandum of understanding necessary to administer the bill by March 1, 2020.

The bill would take effect September 1, 2019.

**SUPPORTERS  
SAY:**

CSHB 306 would help to ensure service members and veterans received the medical care and support they deserve by creating a registry for information, education, and awareness of illnesses arising from exposure to burn pit smoke.

The use of open burn pits in military conflicts since the Gulf War may have exposed service members and veterans to airborne toxins. This bill would provide outreach and education to these service members and veterans by creating a central repository of information with the state.

The federal registry does not provide for ongoing outreach to veterans, the updating of health information in the registry, or for the ability of family members of deceased veterans to enter their information in the registry. This state registry created by CSHB 306 would provide for all of these items and integrate with the federal registry to provide the greatest possible support to service members, veterans, and their families.

**OPPONENTS  
SAY:**

CSHB 306 could duplicate the existing functions of the VA's Airborne Hazards and Open Burn Pit Registry.

**NOTES:**

The Legislative Budget Board estimates that the bill would have a negative impact of \$2.6 million on general revenue related funds through the biennium ending August 31, 2021. The bill would not make any

appropriations but could provide the legal basis for an appropriation of funds to implement the bill.