

111TH CONGRESS
1ST SESSION

H. R. 2419

To require the Secretary of Defense to establish a medical surveillance system to identify members of the Armed Forces exposed to chemical hazards resulting from the disposal of waste in Iraq and Afghanistan, to prohibit the disposal of waste by the Armed Forces in a manner that would produce dangerous levels of toxins, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2009

Mr. BISHOP of New York (for himself and Ms. SHEA-PORTER) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To require the Secretary of Defense to establish a medical surveillance system to identify members of the Armed Forces exposed to chemical hazards resulting from the disposal of waste in Iraq and Afghanistan, to prohibit the disposal of waste by the Armed Forces in a manner that would produce dangerous levels of toxins, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Military Personnel
5 War Zone Toxic Exposure Prevention Act”.

1 **SEC. 2. IDENTIFICATION OF HEALTH EFFECTS RELATED TO**
2 **HAZARDOUS DISPOSAL SITE.**

3 (a) ESTABLISHMENT.—The Secretary of Defense
4 shall establish and administer a system to identify mem-
5 bers of the Armed Forces who were potentially exposed
6 to a hazardous disposal site and any negative health ef-
7 fects that may be related to such exposure. The Secretary
8 shall administer such system using existing medical sur-
9 veillance systems.

10 (b) NOTIFICATION.—If the Secretary learns that a
11 member of the Armed Forces was potentially exposed to
12 a hazardous disposal site, the Secretary shall—

13 (1) give notice of the potential exposure to—

14 (A) the member;

15 (B) the commanding officer of the unit to
16 which the member belonged at the time of po-
17 tential exposure; and

18 (C) in the case of a member of the Na-
19 tional Guard, the Adjutant General of the State
20 concerned; and

21 (2) inform the member that the member may be
22 included in the system required by subsection (a).

23 (b) REGISTRATION.—For each member of the Armed
24 Forces notified of a potential exposure under subsection
25 (b), the Secretary shall collect information for purposes

1 of the system required by subsection (a). Such information
2 shall include—

3 (1) the locations that the member was deployed,
4 including dates of such deployment;

5 (2) the approximate distance of the living and
6 working quarters of the member from a hazardous
7 disposal site;

8 (3) the types of materials disposed of at the
9 site;

10 (4) the length of time the member was exposed
11 to such site;

12 (5) any symptoms experienced by the member
13 while deployed;

14 (6) any symptoms the member experiences at
15 the time of submitting such information to the Sec-
16 retary; and

17 (7) other information the Secretary considers
18 appropriate.

19 (c) EXAMINATION.—Not later than 30 days after the
20 date on which the Secretary learns that a member of the
21 Armed Forces was potentially exposed to a hazardous dis-
22 posal site, and annually thereafter, the Secretary shall—

23 (1) provide such member—

24 (A) a complete physical examination; and

1 (B) consultation and counseling with re-
2 spect to the results of such physical examina-
3 tion; and

4 (2) ensure that documentation of the potential
5 exposure is placed in the medical record of the mem-
6 ber maintained by the Department of Defense.

7 (d) PROPOSED CAPABILITIES.—

8 (1) SUFFICIENCY.—The Secretary shall deter-
9 mine if existing medical surveillance systems are suf-
10 ficient to identify all potential negative health effects
11 resulting from exposure to a hazardous disposal site.

12 (2) REPORT.—Not later than six months after
13 the date of the enactment of this Act, the Secretary
14 shall submit to Congress a report with any rec-
15 ommendations to change existing medical surveil-
16 lance systems in order to improve the identification
17 of negative health effects resulting from exposure to
18 a hazardous disposal site.

19 (e) ANNUAL REPORT.—Not later than one year after
20 the date of the enactment of this Act, the Secretary shall
21 submit to the Committees on Armed Services of the House
22 of Representatives and the Senate a report describing—

23 (1) the status of implementing the system re-
24 quired by subsection (a); and

1 (2) the incidences of illnesses among members
2 of the Armed Forces notified under subsection (b)
3 and whether such illnesses may have been caused by
4 exposure to a hazardous disposal site.

5 (f) DEFINITIONS.—In this section:

6 (1) The term “existing medical surveillance sys-
7 tems” means medical surveillance systems and other
8 data in the possession of the Secretary as of the
9 date of the enactment of this Act.

10 (2) The term “exposure to a hazardous disposal
11 site” includes the following:

12 (A) Exposure to the fumes emanating from
13 a hazardous disposal site for—

14 (i) more than one year if the member
15 of the Armed Forces was deployed to a
16 military installation that made use of open
17 pits to burn waste; or

18 (ii) any period of time when exposure
19 to such fumes was intensive.

20 (B) A situation where a member of the
21 Armed Forces with service-related health prob-
22 lems demonstrates significant exposure to
23 fumes emanating from a hazardous disposal
24 site.

1 (3) The term “hazardous disposal site” means
2 a location where hazardous methods of disposing of
3 mass amounts of waste were used during Operation
4 Enduring Freedom or Operations Iraqi Freedom, in-
5 cluding the use of open pits to burn waste.

6 (4) The term “member of the Armed Forces”
7 includes former members of the Armed Forces.

8 **SEC. 3. PROHIBITION ON DISPOSAL OF WASTES IN A MAN-**
9 **NER THAT PRODUCES DANGEROUS LEVELS**
10 **OF TOXINS.**

11 (a) IN GENERAL.—The Secretary of Defense shall
12 prohibit the disposal of waste during contingency oper-
13 ations lasting more than six months in a manner that ex-
14 poses members of the Armed Forces or civilian employees
15 of the Department of Defense to the following:

16 (1) Environmental toxins, including dioxin, ben-
17 zene, and other carcinogens.

18 (2) Combinations of toxins that may lead to
19 long-term negative health effects.

20 (3) Low levels of toxins that exceed military ex-
21 posure guidelines for exposures of over one year.

22 (b) REGULATIONS.—Not later than 60 days after the
23 date of the enactment of this Act, the Secretary of Defense
24 shall prescribe regulations to carry out this section.

1 (c) REPORT.—Not later than 180 days after the date
2 of the enactment of this Act, the Secretary shall submit
3 to Congress a report on the status of waste disposal tech-
4 niques used by members of the Armed Forces in Iraq and
5 Afghanistan, including, for each military department, an
6 assessment of the compliance with the regulations re-
7 quired under this section.

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