

111TH CONGRESS
2D SESSION

H. R. 4477

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

JANUARY 20, 2010

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 Toxic Exposure Registry 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 (c) 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 where the member was de-
4 ployed, including the 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 (d) 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 (e) ANNUAL REPORT.—Not later than one year after
8 the date of the enactment of this Act, the Secretary shall
9 submit to the Committees on Armed Services of the Sen-
10 ate and House of Representatives a report describing—

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

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

17 (f) DEFINITIONS.—In this section:

18 (1) The term “existing medical surveillance sys-
19 tems” means medical surveillance systems and other
20 data in the possession of the Secretary as of the
21 date of the enactment of this Act.

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

24 (A) Exposure to the fumes emanating from
25 a hazardous disposal site for—

- 1 (i) more than six months, in the case
2 of a member of the Armed Forces who was
3 deployed to a military installation that
4 made use of open pits to burn waste; or
5 (ii) any period of time when exposure
6 to such fumes was intensive.

7 (B) A situation where a member of the
8 Armed Forces with service-related health prob-
9 lems demonstrates significant exposure to
10 fumes emanating from a hazardous disposal
11 site.

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

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

19 **SEC. 3. PROHIBITION ON DISPOSAL OF COVERED WASTE IN**
20 **OPEN AIR BURN PITS.**

21 (a) INCLUSION OF SOLID WASTE CONTAINING PLAS-
22 TICS IN DEFINITION OF COVERED WASTE.—Subsection
23 (c)(2) of section 317 of the National Defense Authoriza-
24 tion Act for Fiscal Year 2010 is amended—

1 (1) by redesignating subparagraphs (B) and
2 (C) as subparagraphs (C) and (D), respectively; and

3 (2) by inserting after subparagraph (A) the fol-
4 lowing new subparagraph (B):

5 “(B) solid waste containing plastics;”.

6 (b) INCLUSION OF INFORMATION ON PAST USE OF
7 OPEN AIR BURN PITS IN REPORT TO CONGRESS.—Sub-
8 section (b) of such section is amended—

9 (1) by redesignating paragraphs (2) through
10 (7) as paragraphs (3) through (8), respectively; and

11 (2) by inserting after paragraph (1) the fol-
12 lowing new paragraph (2):

13 “(2) an explanation of the situations and cir-
14 cumstances under which open-air burn pits were
15 used to dispose of waste during military exercises
16 and operations worldwide during the period begin-
17 ning on September 11, 2001, and ending on the date
18 of the enactment of this Act;”.

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