

"The 2018 Burn Pit Reformation and Veteran's Care Act"

A Bill presented to the Honorable Gus Bilirakis
February 23, 2018

The 2018 Burn Pit Reformation and Veteran Care Act will reform the manner in which the Department of Defense and Department of Veterans Affairs conducts research, manages servicemembers healthcare and for these agencies to acknowledge the severity of exposures to toxic chemicals servicemembers have been subjected to while serving in combat zones for over a decade.

Submitted by:

VETERAN WARRIORS

YN1 LAUREN PRICE, USN, (RET).
FOUNDER AND MANAGING DIRECTOR
11151 SW 60TH STREET
CEDAR KEY, FL 32625
P: 727.247.8141
F: 727.255.5085



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For over a decade, both the Department of Defense (DoD) and Department of Veterans Affairs (VA); have relied on their own internal research facilities and staff; who at the direction of their respective leadership; have denied that there is any correlation between service members and contractors contracting rare and inexplicable (through genetics or by other know impetus) diseases and the use of open-air burn pits as a method of waste disposal in combat zones.

Both entities continue to deny the existence of any "valid" research which proves the direct causal links between open-air burning and over 130,000* (This number is taken from the VA's "Burn Pit Registry") veterans. It is not inclusive of all exposed and does not account for those who have succumbed to their diseases; as they are banned from being registered) service-members who are sick and in many cases dying. These agencies refusal to publically acknowledge these causal links has had a direct impact on the service members receiving medical care and specific benefits that they would otherwise be entitled to under U.S. laws and regulations.

For decades, the United States government (USG) has created and enforced specific laws to protect human life and the environment; with regard to burning of household trash, chemical, medical, manufacturing and even military waste. There has been literally hundreds of thousands of man-hours spent researching the effects on humans, animals and the environment when trash is burned in open-air pits.

Inside the U.S. borders, it is illegal (under numerous federal and state statutes) to burn a wide variety of items in open-air burn pits. Yet, as the conflicts in the Middle East have worn on; the use of open-air burn pits not only was permitted, but it was openly sanctioned as "necessary".

Each and every item burned in these pits emits a chemical or group of chemicals. Each of these chemicals has been studied by thousands of researchers around the world. The consistency in the results of that research is what the USG has used repeatedly to create and enforce laws about open-air burning of trash, inside our borders; yet the DoD and VA still refuse care and benefits to tens of thousands of service members on the basis of their myopic and pigeon-hole research base.

The irony and insult to each service member is obvious and overt. The DoD has lengthy and specific regulations regarding burning such items as any piece of military equipment painted with CARC paint. As all military equipment is painted with CARC paint, it is a logical conclusion that no military equipment or part of such equipment be burned in an open-air pit. Yet the DoD has sanctioned the burning of all manner of military equipment painted with CARC paint for the entire duration of the Middle East conflict.

1. https://phc.amedd.army.mil/PHC%20Resource%20Library/CARC_Paint_37-011-0313.pdf
2. https://phc.amedd.army.mil/PHC%20Resource%20Library/TG144_NOV2012.pdf

The VA also has a public policy about veterans who have been exposed to burning CARC paint and acknowledges that this paint contains toxic chemicals that can be harmful to humans.

1. <https://www.publichealth.va.gov/exposures/carc-paint/index.asp>

"Health problems associated with CARC paint:

Paint fumes present the most potential risk to users especially when CARC is spray painted, rather than applied with a brush or roller.

CARC paint contains several chemical compounds that can be hazardous when inhaled or exposed to the skin:

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- Isocyanate (HDI) – Highly irritating to skin and respiratory system. High concentrations can cause: itching and reddening of skin; burning sensation in throat and nose and watering of the eyes; and cough, shortness of breath, pain during respiration, increased sputum production, and chest tightness.
- Solvents – Inhaling high concentrations can cause coughing, shortness of breath, watery eyes, and respiratory problems, including asthma
- Toluene diisocyanate (TDI) – High levels released during the drying process can cause kidney damage.”

CARC paint is only one specific known chemical compound that has been routinely burned in open-air pits. There are literally thousands more.

On April 26, 2010; the VA issued the “Environmental Training Letter” to all VA facilities nationwide. It is a policy document which clearly directs all rating examiners and clinical providers on specific chemicals known to be found in the open-air burn pits and how to rate and treat veterans who claim exposures.

http://archive.sgtsullivancenter.org/wp-content/uploads/2014/11/Training-Letter-10-03-OIF_OEF-Exposures.pdf

Most are familiar with parts of this document; as it has supported the legislation surrounding the Camp Lejeune Water Contamination presumption of exposure that the VA has granted to those who served on that base.

The existence of this “Training Letter” provides yet another layer of evidence that the VA is aware of the toxins veterans’ who served near open-air burn pits and continues to defy even its own edicts. Under this policy, the VA has granted “Presumptive Status” to those exposed to contaminated water at Camp Lejeune (only); even though this very policy encompasses the burn pits in Iraq, Afghanistan and Djibouti; as well as water contamination at Camp Lejeune and Atsugi, Japan.

As nearly all trash burned releases toxic chemicals and the USG has regulated this for decades; there is no excuse why it should even be an option, let alone continue.

Those doing so are subject to fines and criminal sanctions inside the U.S. borders. Those service members exposed to these chemicals should not be denied access to any medical care or benefits when the hazards are well known to the USG.

The Center for Disease Control (CDC) lists all of the chemicals found in the Middle East conflict areas, in their top three-hundred (in ranking of most dangerous); <https://www.atsdr.cdc.gov/spl/previous/07list.html>

All clauses of this bill are supported by statutory authority to enact the clause.

- A. Regarding Department of Defense, its agents, employees or contractors use of open-air burn pits to dispose of waste outside of the United States;
 1. In accordance with U.S. environmental protection and employee safety laws, prohibit the use of Burn Pits in combat zones after 30 days (to allow for short-lived events).
 - a. EPA laws which apply to burning trash:
 - i. [Comprehensive Environmental Response, Compensation and Liability Act \(CERCLA\)/ Resource Conservation and Recovery Act \(RCRA\)](#)
 - ii. [Hazardous Air Pollutants for Hazardous Waste Combustors and Clean Air Act](#)

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- iii. [Toxic Substances Control Act \(TSCA\)](#)
 - iv. [Emergency Planning and Community Right-to-Know Act \(EPCRA\)](#)
 - v. [Safe Drinking Water Act \(SDWA\)](#)
 - b. OSHA laws which apply to burning trash:
 - i. [Particulates Not Otherwise Regulated \(Total Dust\)](#)
 - ii. [Carbon Monoxide](#)
 - iii. [Benzene](#)
 - iv. [Carbon Dioxide](#)
 - v. [Hydrogen Sulfide](#)
 - vi. [Ammonia](#)
 - vii. [Chromium \(VI\) \(Hexavalent Chromium\)](#)
 - viii. [Silica, Crystalline Quartz \(Respirable Fraction\)](#)
 - ix. [Particulates Not Otherwise Regulated \(Respirable Fraction\)](#)
 - x. [Ozone](#)
 - xi. [Acetone](#)
 - xii. [Formaldehyde](#)
 - xiii. [Xylene](#)
 - xiv. [Lead, Inorganic \(as Pb\)](#)
 - xv. [Toluene](#)
 2. To void any contract clause with any civilian corporation that would allow that corporation to "indemnify" the United States against suit for the corporations, its agents or employees wrongdoing.
 - a. <https://ir.stthomas.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=1267&context=ustlj>
 - b. <https://www.law360.com/articles/692782/pentagon-must-cover-30m-in-kbr-iraq-war-indemnity-claims>
 - c. https://www.huffingtonpost.com/2013/01/24/kbr-indemnity-agreement_n_2536876.html
 - d. <https://www.law360.com/articles/692782/pentagon-must-cover-30m-in-kbr-iraq-war-indemnity-claims>
 3. To provide for immediate cancelation of any contract with a civilian corporation who violates any U.S. law (regardless of which law).
 - a. https://energy.gov/sites/prod/files/gcprod/documents/GC_Guidance_on_Inherently_Governmental_Functions_012411.pdf
- B. THIS NEXT SECTION IS ABOUT HOW SERVICE MEMBERS' ILLNESSES ARE BEING HANDLED UPON RETURNING FROM COMBAT ZONES.
1. That the Department of Defense and the Department of Veterans Affairs will immediately cease and desist any and all actions that impede, prohibit or interfere with service members or veterans receiving prompt medical attention for illnesses contracted as a result of service in combat zones.
<https://www.nap.edu/catalog/23677/assessment-of-the-department-of-veterans-affairs-airborne-hazards-and-open-burn-pit-registry>

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- a. This includes but is not limited to; refusal to acknowledge air quality testing, soil quality testing and other contaminant or toxic chemical impact research by other federal agencies.
2. The Department of Defense and the Department of Veterans Affairs shall immediately participate with all federal agencies and civilian sector physicians who have researched illnesses contracted by toxic exposures. This participation shall specifically be directed by a task force that will include at least seven members from the civilian researchers, seven members from other federal agencies to include; the EPA, OSHA, CDC, the FDA and two (each) from the DoD and VA.
3. The Department of Veterans Affairs shall establish "PRESUMPTIVE" status for all illnesses derived by a service member or veteran; during service in combat zones; that relate to exposures to toxic chemicals that are already proven to exist in the region of service. The veteran will be required to provide military record evidence of duty within affected areas of conflict, (Iraq, Afghanistan, Djibouti and Kuwait). These exposures include but are not limited to; burn pits, contaminated sand and dust particulates, jet fuel, depleted uranium, CARC paint, and other environmental hazards known to be prevalent in the regions. These illnesses include but are not limited to; Constrictive Bronchiolitis, Cancer, Chronic GI involvement, Skin Rashes that are unidentifiable by conventional testing, Autoimmune Disorders and Reproductive Impairments. <https://secure.ssa.gov/poms.nsf/lnx/0423022840>

INDEX OF SOURCES OR SUPPORTING STATUTES

General Sources:

<https://www.atsdr.cdc.gov/spl/previous/07list.html>
<https://www.tomudall.senate.gov/news/press-releases/udall-corker-end-unnecessary-and-dangerous-use-of-burn-pits-in-afghanistan>
<https://www.sigar.mil/pdf/alerts/SIGAR-15-33-AL.pdf>
http://www.afghan-web.com/environment/kabul_air_quality.pdf
<https://www.publichealth.va.gov/exposures/wars-operations/iraq-war.asp>
<https://www.publichealth.va.gov/exposures/wars-operations/oef.asp>
<https://secure.ssa.gov/poms.nsf/lnx/0423022840>
<https://www.nap.edu/catalog/23677/assessment-of-the-department-of-veterans-affairs-airborne-hazards-and-open-burn-pit-registry>
<https://www.gao.gov/new.items/d1163.pdf>
<https://www.motleyrice.com/article/department-veterans-affairs-addresses-burn-pits-and-environmental-hazards-combat-zones>
https://www.cnic.navy.mil/content/dam/cnic/sac/pdfs/N45/2017%20Environmental%20Files/Overseas_Environmental_Baseline_Guidance_Document.pdf

Burning tires emit Butadiene:

<http://apps.who.int/iris/bitstream/10665/42367/1/9241530308.pdf>
<https://www.osha.gov/SLTC/butadiene/healtheffects.html>

Burning jet fuel (aka JP4 or JP8):

https://www.osha.gov/dts/chemicalsampling/data/CH_248748.html

CARC paint:

https://phc.amedd.army.mil/PHC%20Resource%20Library/CARC_Paint_37-011-0313.pdf
https://phc.amedd.army.mil/PHC%20Resource%20Library/TG144_NOV2012.pdf
<https://www.army.mil/e2/c/downloads/328663.pdf>
<http://www.dtic.mil/dtic/tr/fulltext/u2/a382772.pdf>

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PCB's

<https://www.atsdr.cdc.gov/csem/pcb/docs/pcb.pdf>

Particulate Matter:

https://phc.amedd.army.mil/PHC%20Resource%20Library/Particulate_Matter_Factsheet_64-009-0414.pdf

<https://academic.oup.com/epirev/article/37/1/116/419452>

Lung diseases caused by toxic chemicals:

<https://hazmap.nlm.nih.gov/category-details?id=551&table=tbdiseases>

<https://www.aaaai.org/about-aaaai/newsroom/news-releases/middle-eastern-deployment>

<http://adsabs.harvard.edu/abs/2014AGUFM.A11D3041L>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4037815/>

Known contaminants:

Sodium Dichromate - <http://www.dtic.mil/dtic/tr/fulltext/u2/a576469.pdf>

Iraq Dust - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4037815/>

Airborne trash -

https://www7.nau.edu/itep/main/HazSubMap/docs/Burning/SWAN_HealthEffectsOfBurningTrash.pdf

Dioxins and others: <https://archive.epa.gov/epawaste/nonhaz/municipal/web/html/health.html>

Styrene - <https://www.cdc.gov/niosh/docs/81-123/pdfs/0571.pdf>

Styrene - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1569622/>

PCB's - <https://www.atsdr.cdc.gov/csem/csem.asp?csem=30&po=8>

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