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FISCAL IMPACT REPORT

ORIGINAL DATE 02/25/15

SPONSOR SFC LAST UPDATED _____ HB _____

SHORT TITLE Airborne Hazards & Open Burn Pit Registry Act SB 144/SFCS

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY15 | FY16 | FY17 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|---------------|---------------|----------------------|------------------------------|------------------|
| Total | | Indeterminate | Indeterminate | | Recurring | General Fund |

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Department of Military Affairs (DMA)

Not Responding

Veteran's Services Department (VSD)

SUMMARY

Synopsis of SFC Substitute

Senate Bill 144 as substituted by the Senate Finance Committee will be cited as the "Master Sergeant Jesse Baca Military Airborne Hazards and Open Burn Pit Registry Act."

SB 144 proposes that the Secretary of the New Mexico Veterans Services Department (VSD) provide support to New Mexico service members and veterans who have been exposed to open burn pit smoke or other airborne hazards during their service in Operation Iraqi Freedom, Operation Enduring Freedom, Operation New Dawn, the Gulf War 1990-1991 or other conflicts or theaters that may subsequently be identified.

This support will be provided in following ways:

- By identifying a subject-matter expert at the U.S. Department of Veteran Affairs (VA) who has the ability and capacity to assist veterans seeking medical care of assistance with the department's claims process;

- Making available to veterans the most current medical studies and recommendations with regard to inhalation of toxic substances due to exposure to open burn pits;
- Establishing and maintaining a public information program to educate and inform service members, veterans, and families regarding:
 - a. How to sign up and use the VA Burn Pit Registry and information regarding the Veteran Health Administration’s (VHA) presumptive conditions or diseases believe to have been caused by exposure to open burn pit;
 - b. The type of treatments offered by the VHA that are available for any conditions or diseases caused by exposure to open burn pits and care offered outside the VHA that has been approved for medical use;
 - c. How to document medical conditions that may be related to exposure to open burn pits and how to apply for a service-connected disability through the VA;
 - d. Appealing an existing disability rating decision or requesting an upgrade in disability rating from the VA.

FISCAL IMPLICATIONS

The fiscal impact on the VSD is indeterminate but establishing and maintaining a public information program, will impact the operating budget in a recurring fashion.

SIGNIFICANT ISSUES

A July 8, 2014 NBC news story has detailed the health struggles of Master Sergeant Jessey Baca, following his deployment in Iraq for two tours. While there he was stationed next to an open burn pit. His strong advocacy on behalf of other veterans who also were exposed to airborne hazards is also documented here:

<http://www.nbcnews.com/health/health-news/iraq-war-vet-lived-see-birth-burn-pit-registry-ill-n147801>

Thanks in part to his efforts, there now exists a federal registry for veterans who believe exposure to airborne hazards and open burn pits has created health issues for them.

DMA analysis states:

The Department of Veterans Affairs has established the “Airborne Hazards Open Burn Pit Registry,” in response to the adoption of federal law or P.L. 112-260 (effective January 10, 2013). The law was sponsored by Senator Udall, in response to Air National Guard Msgt. Sgt. Jessey Baca who had post-deployment health issues from open burn pit exposure in IRAQ.

OTHER SUBSTANTIVE ISSUES

DOH analysis on the original bill cites several studies used in the governmental determination that concluded that, at this time, there is no evidence of long-term health problems from exposure to open pit burns:

The Department of Defense Center for Deployment Health Research (part of the Naval

Health Research Center), conducted a number of epidemiologic studies to look for associations of illness or other health conditions among deployed US service member populations who were assigned to locations with burn pits. The health conditions examined included respiratory symptoms and diseases, cardiovascular diseases, chronic multisymptom illness (CMI), lupus erythematosus, rheumatoid arthritis, sleep apnea, and birth outcomes for infants of parents who had deployed. The overall preliminary findings from October 2010 indicates that there were no substantial or consistent health effects in personnel assigned to locations with burn pits at the bases examined, on a population-wide basis, compared to other deployers.

(http://fhp.osd.mil/pdfs/AFHSC_Report_FACT_SHEET_FINAL_2010_10_13.pdf)

Additionally, at the request of the USDVA, the Institute of Medicine (IOM) of the National Academy of Sciences examined available scientific and medical evidence on health issues and exposure to [burn pits](#) in Iraq and Afghanistan. According to their October 2011 report, [Long-term Health Consequences of Exposure to Burn Pits in Iraq and Afghanistan](#), there was limited but suggestive evidence of a link between exposure to combustion products and **reduced lung function** in various groups thought to be similar to deployed service members, such as firefighters and incinerator workers.

(<http://www.iom.edu/Reports/2011/Long-Term-Health-Consequences-of-Exposure-to-Burn-Pits-in-Iraq-and-Afghanistan.aspx>)

An article published in 2012 in the [Journal of Occupational and Environmental Medicine](#) titled “Birth outcomes among military personnel after exposure to documented open-air burn pits before and during pregnancy” looked at birth outcomes in military women and men with potential exposure to documented open-air burn pits before and during pregnancy. The study found that, in general, burn pit exposure at various times in relation to pregnancy and for differing durations was not consistently associated with an increase in birth defects or preterm birth in infants of active-duty military personnel (<http://www.ncbi.nlm.nih.gov/pubmed/22517496>).

TECHNICAL ISSUES

CS/144, in its title and in Sections 1 and 2, references the “Open Burn Pit Registry” and its “Creation,” but the substitute bill no longer directs that an Open Burn Pit Registry be created.

ALTERNATIVES

DMA analysis on the original bill suggests that adoption of a Joint Memorial to recognize the achievements of Sgt. Baca in helping create the USDVA registry law could be a purposeful alternative to SB 144.

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