

Report Title:

Hawaii National Guard Veterans; Depleted Uranium Testing

Description:

Requires the Adjutant General and the Director of Veterans Services to assist Hawaii National Guard veterans returning from Iraq and the Persian Gulf in obtaining federal treatment services, including best practice health screening tests capable of detecting low levels of depleted uranium in such veterans, and establishing a task force to study the health effects on such veterans of exposures to hazardous materials, including DU, during the service of such veterans

THE HOUSE OF REPRESENTATIVES

H.B.

TWENTY-THIRD LEGISLATURE,
2006

STATE OF HAWAII

A BILL FOR AN ACT

relating to depleted uranium and other hazardous materials exposure testing for Hawaii National Guard veterans

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that depleted uranium (DU) is a chemically toxic and radioactive heavy metal. It is a waste product of nuclear fuel or nuclear bomb production, during which natural uranium has been “depleted” of uranium 235. Gram for gram, DU is 60 percent as radioactive as pure uranium ore and has a half-life of 4.5 billion years.

The legislature further finds that DU is a chemically toxic heavy metal that can cause kidney and lung damage when ingested or inhaled. DU emits radioactive alpha particles that can cause cancer when inhaled or ingested. DU can also cause mutations that can be carried forward from one generation to another.

The legislature further finds that at least 16 different munitions used by United States armed forces contain DU. DU is 1.7 times denser than lead, making it a highly effective anti-tank weapon as the DU slices through the tank's armor. When a DU shell penetrates through tank armor, it ignites and spews an extremely fine DU dust into the air. Such dust can carry for miles and can be easily inhaled or ingested. DU is also used in the armor of Abrams tanks, exposing the operators of such tanks to DU radiation.

The legislature further finds that DU munitions and armor have been used extensively in Iraq during the 1991 Gulf War and the 2003 invasion and occupation of Iraq. **(What about the RECENT discovery of its use in HAWAII??)** Members of Hawaii's National Guard serving in Iraq, and in armed services functions, facilities, vehicles and aircraft involving DU, have been exposed to DU in unknown doses with unknown consequences to the health of such members **and possibly to their spouses and unborn children.**

The purpose of this Act is to safeguard the health of Hawaii's National Guard veterans by assisting such veterans in obtaining federal treatment services, including best practice health screening tests capable of detecting low levels of DU in such veterans, and by establishing a task force to study the health effects on such veterans of exposures to hazardous materials, including DU, during the service of such veterans.

SECTION 2. Chapter 363, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§363- Test for exposure to depleted uranium. (a) As used in this section:

(1) "Eligible member" means a member of the Hawaii National Guard who served in the Persian Gulf War, as defined in 38 USC 101, or in an area designated as a combat zone by the President of the United States during Operation Enduring Freedom or Operation Iraqi Freedom;

(2) "Veteran" means a veteran, as defined in section 363-1 of the Hawaii Revised Statutes, who served as an eligible member;

(3) "Military physician" includes a physician who is under contract with the United States Department of Defense to provide physician services to members of the armed forces; and

(4) "Depleted uranium" means uranium containing less uranium-235 than the naturally occurring distribution of uranium isotopes.

(b) On and after October 1, 2006, the Adjutant General and the Director of Veterans Affairs shall assist any eligible member or veteran who (1) has been assigned a risk level I, II or III for depleted uranium exposure by his or her branch of service, (2) is referred by a military physician, or (3) has reason to believe that he or she was exposed to depleted

uranium during such service, in obtaining federal treatment services, including a best practice health screening test for exposure to depleted uranium using a bioassay procedure involving sensitive methods capable of detecting depleted uranium at low levels and the use of equipment with the capacity to discriminate between different radioisotopes in naturally occurring levels of uranium and the characteristic ratio and marker for depleted uranium. No state funds shall be used to pay for such tests or such other federal treatment services.

(c) On or before October 1, 2006, the Adjutant General shall submit a report to the committees of the State Legislature having cognizance of matters relating to military and veterans' affairs on the scope and adequacy of training received by members of the Hawaii National Guard on detecting whether their service as eligible members is likely to entail, or to have entailed, exposure to depleted uranium. The report shall include an assessment of the feasibility and cost of adding predeployment training concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone.”

SECTION 3. Chapter 363, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§363- Task force to study health effects of exposure to hazardous materials. (a) There is established a task force to study the health effects of the exposure to hazardous materials, including, but not limited to, depleted uranium, as they relate to military service. The task force shall, within available appropriations:

- (1) With the approval of the president pro tempore of the Senate and the speaker of the House of Representatives, and subject to the provisions of subsection (c) of this section, commission a study to consider the health of service members who may have been exposed to hazardous materials since August 2, 1990, and conduct a scientific conference on such health effects;
- (2) initiate a health registry for veterans, as defined in section 363-1 of the Hawaii Revised Statutes, and military personnel returning from Afghanistan, Iraq or other countries in which depleted uranium or other hazardous materials may be found;
- (3) develop a plan for outreach to and follow-up of military personnel;
- (4) prepare a report for service members concerning potential exposure to depleted uranium and other toxic chemical substances and the precautions recommended under combat and noncombat conditions while in a combat zone; and

(5) make any other recommendations the task force considers appropriate.

(b) The task force shall consist of the following members:

(1) The Director of Veterans Services or a designee;

(2) The Director of Health or a designee;

(3) Six members who are members of the State Legislature, appointed, one each, by the president pro tempore of the Senate, the speaker of the House of Representatives and the majority and minority leaders of the Senate and the House of Representatives;

(4) Two members who are veterans with knowledge of or experience with exposure to hazardous materials, appointed, one each, by the president pro tempore of the Senate and the speaker of the House of Representatives; and

(5) Four members who are physicians or scientists with knowledge of or experience in the detection or health effects of exposure to depleted uranium or other hazardous materials, appointed, one each, by the majority and minority leaders of the Senate and the House of Representatives.

(c) The person retained to conduct the study under subdivision (1) of subsection (a) of this section shall, prior to being retained, disclose to the president pro tempore of the Senate and the speaker of the House of Representatives any research done by such person

(1) on any matters related to depleted uranium, or

(2) that was funded by an entity that is engaged in manufacturing processes that use depleted uranium.

(d) All appointments to the task force shall be made no later than thirty days after the effective date of this section. Any vacancy shall be filled by the appointing authority.

(e) The president pro tempore of the Senate and the speaker of the House of Representatives shall appoint as chairpersons of the task force one senator and one representative, respectively, from among the members appointed under subdivision (3) of subsection (b) of this section. The chairpersons shall schedule the first meeting of the task force, which shall be held no later than sixty days after the effective date of this section.

(f) The administrative staff of the committees of the State Legislature having cognizance of matters relating to military and veterans' affairs shall serve as administrative staff of the task force.

(g) Not later than January 31, 2007, the task force shall submit a report on its findings and recommendations to the committees of the State Legislature having cognizance of matters relating to military and veterans' affairs. The task force shall terminate on the date that it submits such report or January 31, 2007, whichever is earlier.”

SECTION 4. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY: _____