

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

March 17, 2010

1:36 p.m.

MEMBERS PRESENT

Senator Bettye Davis, Chair
Senator Joe Paskvan, Vice Chair
Senator Johnny Ellis
Senator Fred Dyson

MEMBERS ABSENT

Senator Joe Thomas

COMMITTEE CALENDAR

SENATE BILL NO. 193

"An Act relating to licensure as an optometrist; establishing a retired status optometrist license; and providing for an effective date."

- MOVED SB 193 OUT OF COMMITTEE

SENATE BILL NO. 172

"An Act establishing the Alaska Health Care Commission in the Department of Health and Social Services; and providing for an effective date."

- MOVED CSSB 172(HSS) OUT OF COMMITTEE

SENATE BILL NO. 295

"An Act relating to flame retardants and to the manufacture, sale, and distribution of products containing flame retardants; relating to bioaccumulative toxic chemicals; and providing for an effective date."

- HEARD AND HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 193

SHORT TITLE: LICENSING FOR OPTOMETRY

SPONSOR(S): LABOR & COMMERCE BY REQUEST

04/17/09 (S) READ THE FIRST TIME - REFERRALS

04/17/09 (S) HSS, L&C
03/17/10 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 172

SHORT TITLE: ALASKA HEALTH CARE COMMISSION

SPONSOR(s): OLSON

03/27/09 (S) READ THE FIRST TIME - REFERRALS
03/27/09 (S) HSS, FIN
04/17/09 (S) HSS AT 1:30 PM BUTROVICH 205
04/17/09 (S) Scheduled But Not Heard
04/18/09 (S) HSS AT 10:00 AM BUTROVICH 205
04/18/09 (S) -- MEETING CANCELED --
02/03/10 (S) HSS AT 1:30 PM BUTROVICH 205
02/03/10 (S) Heard & Held
02/03/10 (S) MINUTE(HSS)
03/10/10 (S) HSS AT 1:30 PM BELTZ 105 (TSBldg)
03/10/10 (S) Heard & Held
03/10/10 (S) MINUTE(HSS)
03/17/10 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 295

SHORT TITLE: FLAME RETARDANTS AND TOXIC CHEMICALS

SPONSOR(s): WIELECHOWSKI

02/24/10 (S) READ THE FIRST TIME - REFERRALS
02/24/10 (S) HSS, FIN
03/17/10 (S) HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

JILL MATHESON, OD, Chair
Alaska State Optometry Board
Juneau, AK

POSITION STATEMENT: Supported SB 193.

DENISE LICCIOLI
Staff to Senator Olson
State Capitol
Juneau, AK

POSITION STATEMENT: Presented SB 172.

BILL HOGAN, Commissioner
Department of Health and Social Services (DHSS)
Anchorage, AK

POSITION STATEMENT: Supported SB 172.

D. TYRELL MCGIRT

Alaska Primary Care Association
Iliuliuk Family & Health Services, Inc
Unalaska/Dutch Harbor, AK

POSITION STATEMENT: Supported SB 172 and requested that community health care be represented on the commission.

MARIE DARLIN

AARP Capital City Taskforce
Juneau, AK

POSITION STATEMENT: Supported SB 172.

J. KATE BURKHART, Executive Director
Alaska Mental Health Board (AMHB) and Advisory Board on
Alcoholism and Drug Abuse (ABADA)
Juneau, AK

POSITION STATEMENT: Supported SB 172.

SONIA HANDFORTH-KOME, Acting President
Alaska Primary Care Association and
Executive Director
Iliuliuk Family & Health Services, Inc
Unalaska/Dutch Harbor, AK

POSITION STATEMENT: Supported SB 172

SENATOR WIELECHOWSKI

Alaska State Legislature
Juneau, AK

POSITION STATEMENT: Sponsor of SB 295.

MEGAN ROGERS

Intern to Senator Wielechowski
State Capitol
Juneau, AK

POSITION STATEMENT: Presented SB 295.

LORI VERBRUGGE

Department of Health and Social Services (DHSS)
Anchorage, AK

POSITION STATEMENT: Was available to answer questions.

DR. DAVID HEIMBACH, Professor of Surgery
University of Washington
Seattle, WA

POSITION STATEMENT: Opposed SB 295.

PATTI SAUNDERS, Director of Development

ARC of Anchorage
Anchorage, AK
POSITION STATEMENT: Supported SB 295.

JIM GILL, representing himself
POSITION STATEMENT: Opposed SB 295.

GREG PATTERSON, representing himself
POSITION STATEMENT: Opposed SB 295.

KRISTIN RYAN, Director
Division of Environmental Health
Department of Environmental Conservation (DEC)
Anchorage, AK
POSITION STATEMENT: Was available for questions on SB 295.

SARA HANNON, RN, representing herself
Anchorage, AK
POSITION STATEMENT: Supported SB 295.

Pamela K. Miller Executive Director
Alaska Community Action on Toxics (ACAT)
Anchorage, AK
POSITION STATEMENT: Supported SB 295.

SHARON WHYTAL, RN, representing herself
Homer, AK
POSITION STATEMENT: Supported SB 295.

ACTION NARRATIVE

[1:36:42 PM](#)

CHAIR BETTYE DAVIS called the Senate Health and Social Services Standing Committee meeting to order at 1:36 p.m. Present at the call to order were Senators Ellis, Paskvan, and Davis.

SB 193-LICENSING FOR OPTOMETRY

[1:37:00 PM](#)

Chair Davis announced consideration of SB 193.

[1:37:32 PM](#)

SENATOR PASKVAN, sponsor of SB 193, said this bill updates optometric licensure criteria by standardizing the level of optometric licensure as opposed to the current three levels of licensure. This will align Alaska statutes with current education levels that are standard in most optometric schools

nationwide. Many states have already passed similar legislation. Alaskans deserve the most current care possible and continuing to license less than the standard education levels puts citizens at risk, he said. The Labor and Commerce Committee introduced the bill at the request of the Board of Optometry.

[1:39:00 PM](#)

JILL MATHESON, OD and Chair, Alaska State Optometry Board, said the Optometric Association is also advocating for SB 193 on the board's behalf. She related the bill contains some housekeeping changes but the focus is to have one uniform level of licensure. It's in the best interest of the public to have all optometrists qualified at the same level. The bill does not change the scope of practice or allow any more privileges and it doesn't remove the requirements that the Legislature put in place several years ago. A grandfather clause is included so that current lower level licensees could continue to practice under a restricted license. The restricted license could be upgraded once the educational requirements have been met.

[1:40:07 PM](#)

SENATOR DYSON joined the meeting.

CHAIR DAVIS closed public testimony and noted that the bill didn't appear to have any opposition.

SENATOR PASKVAN moved to report SB 193 from committee with individual recommendations and attached zero fiscal note(s). There being no objection, SB 193 moved from the Senate Health and Social Services Standing Committee.

At ease from 1:42 p.m. to 1:43 p.m.

SB 172-ALASKA HEALTH CARE COMMISSION

[1:43:54 PM](#)

Chair Davis announced consideration of SB 172. It was heard previously.

DENISE LICCIOLI, Staff to Senator Donald Olson, sponsor of SB 172, said the sponsor has seen the proposed committee substitute and has no objection.

CHAIR DAVIS moved to adopt the work draft committee substitute (CS) for SB 172, labeled 26-LS0790\P as the working document. There being no objection, version P was before the committee.

[1:47:04 PM](#)

BILL HOGAN, Commissioner, Department of Health and Social Services (DHSS), spoke in favor of CSSB 172 to create the Alaska Health Care Commission in statute. The temporary commission has been focusing on how to improve access to the health care system, contain the growth of cost, improve quality and safety, and put increased emphasis on prevention programs like tobacco cessation and obesity prevention. He stated his belief that having the Alaska Health Care Commission in place will help position the state to address costs related to the Medicaid budget and to prepare for the national health care reform.

[1:48:43 PM](#)

D. TYRELL MCGIRT, Alaska Primary Care Association (APCA), said he is also a board member with the Iliuliuk Family & Health Services Clinic Inc., the community health care (CHC) center in Unalaska/Dutch Harbor. While APCA believes the committee has done an outstanding job identifying different health care representatives to sit on the commission, they would point out that specific representation by community health care centers is missing and could offer a great deal. Community health centers are a proven model of primary and preventative care in Alaska and nationwide. They never turn patients away, 42 percent of their users are uninsured, and 72 percent of their users are low income. Alaska has 26 CHCs with 146 sites and in rural Alaska they are often the only option for primary and preventative health care. He reiterated support for a seat on the commission specifically for community health centers.

[1:51:44 PM](#)

MARIE DARLIN, AARP Capital City Taskforce, Juneau, Alaska, said AARP adds its voice to those supporting SB 172 to make permanent the Alaska Health Care Commission. Not all of the decisions regarding health care will be made in Washington DC; Alaska has to decide how national health care will be applied here so that it works for everybody.

[1:53:38 PM](#)

J. KATE BURKHART, Executive Director, Alaska Mental Health Board (AMHB) and the Advisory Board on Alcoholism and Drug Abuse (ABADA), thanked the committee for including a representative of the Alaska Mental Health Trust Authority in the CS and echoed previous testimony from the Primary Care Association regarding the importance of dedicating a specific seat to community health centers. Most indigent Alaskans receive health care through CHCs so having someone familiar with practicing in that context will

be imperative to addressing the issue of rising health care costs, particularly the Medicaid budget.

[1:55:27 PM](#)

SONIA HANDFORTH-KOME, Acting President, Alaska Primary Care Association (APCA), and Executive Director, Iliuliuk Family & Health Services Clinic Inc. in Unalaska/Dutch Harbor, said she is speaking in favor of SB 172 but she believes that there has been a little oversight in not providing a specific seat for community health centers. The commission is looking for varied view points and ways to reduce health care costs and CHCs have a proven track record for doing that on a national level. Their perspective is different than the hospital perspective, the tribal perspective, or the for-profit perspective so it would be useful for the commission to have this representation. In Alaska CHCs see 1 in 9 patients in 142 sites so they're a solution that works. APCA would like that to be represented on this commission, she concluded.

[1:57:21 PM](#)

SENATOR PASKVAN asked how many of the 142 sites are tribal health community sites.

MS. HANDFORTH-KOME replied she isn't sure, but 13 of the 26 community health center organizations are tribal.

SENATOR ELLIS commented that he went to Unalaska 18 years ago when the clinic opened and last fall he visited again and was impressed with their outstanding work in the community.

MS. HANDFORTH-KOME said they're getting ready to do a community health needs assessment in an effort to do more with less.

SENATOR DYSON commented that they must have the world's most interesting clientele.

MS. HANDFORTH-KOME agreed; providers actually visit because of the interesting clientele, she said.

[1:59:24 PM](#)

CHAIR DAVIS closed public testimony. She stated that while she agrees with the statements about the community health centers she believes that can be addressed in a subsequent committee.

SENATOR PASKVAN moved to report CSSB 172, labeled 26-LS0790\P, from the committee with individual recommendations and attached

fiscal note(s). There being no objection, CSSB 172 (HSS) moved from Senate Health and Social Services Standing Committee.

At ease from 2:01 p.m. to 2:03 p.m.

SB 295-FLAME RETARDANTS AND TOXIC CHEMICALS

[2:03:04 PM](#)

Chair Davis announced the consideration of SB 295.

MEGAN ROGERS, Intern to Senator Bill Wielechowski, said SB 295 will ban the use of Polybrominated diphenyl ethers (PBDEs) as flame retardants in consumer products like mattresses, textiles, and electronics. These chemicals are bio-accumulative and toxic to humans and the environment. When PBDEs burn they can potentially create more toxic substances, including a form of dioxin, making them highly dangerous for firefighters battling a blaze. Alternatives to their use are available and cost-effective. Eleven states have proposed and four have enacted PDBE policies prohibiting the manufacture, distribution and use of products containing PBDEs.

SB 295 will empower the Department of Environmental Conservation (DEC) to educate retailers to identify products that contain these chemicals and fine companies that fail to comply with the ban. The Department of Environmental Conservation (DEC) must develop a list of chemicals of concern along with other alternatives and every three years report on the progress of the ban. Exemptions apply if the prohibited product is part of a transportation vehicle or if the product is used in an industrial mining process or a resold item.

Every year 50 million pounds of PBDEs are built into products in North America even though it's a developmental toxin and possible carcinogen. SB 295 attempts to protect Alaskans from preventable exposure to these toxins.

[2:07:28 PM](#)

SENATOR PASKVAN asked if the intent is that this will apply to household products or if it is intended to be more broadly applicable to public buildings.

MS. ROGERS said most major name-brand companies already use alternatives to PDBEs.

SENATOR WIELECHOWSKI added that the bill essentially says that the use, manufacture or distribution of PBDE chemicals is

prohibited with the limited exceptions listed on page 2, lines 21-30. It just so happens that the majority of the products that contain these chemicals are in households.

SENATOR PASKVAN asked if there's any evidence that banning these chemicals would increase the frequency of fires or related injuries.

MS. ROGERS deferred the question to Ms. Verbrugge with the Department of Health and Social Services (DHSS).

2:11:00 PM

LORI VERBRUGGE, Department of Health and Social Services (DHSS), said she is a toxicologist so her expertise relates to the environmental behavior of PBDE chemicals and their effect on the health on humans and animals. She doesn't have expertise to answer the specific question regarding the possible increased risk of fire and related injuries.

SENATOR PASKVAN asked if she has any anecdotal information that would indicate an unintended consequence of banning PBDE chemicals.

MS VERBRUGGE replied she hasn't heard anything to that effect.

2:12:33 PM

DR. DAVID HEIMBACH, Professor of Surgery, University of Washington, said he takes care of all of the Alaskan burn patients and there were about 35 last year. He said that he has very strong feelings that sort of flame retardant should be used in sleepwear and mattresses because people who don't have this protection are at significant risk in the event of fire. He related a story of a six-week-old baby whose crib mattress did not have flame retardant. A dog knocked a candle into the crib and the baby sustained a devastating 75 percent burn, but a pillow in the bed had flame retardant and did not catch fire.

DR. HEIMBACH stressed that he is not "in the pocket" of anyone who produces flame retardant, but he believes that having some kind of flame retardant in products that are at risk of catching fire is imperative. He related another incident of a 70 year old woman whose chenille robe caught fire when she leaned over her gas stove. She sustained a 35 percent total body burn. This was devastating for the woman and her grandchildren who watched her catch fire.

He urged the committee to think very carefully before completely banning fire retardants. The Environmental Protection Agency (EPA) is working with manufacturers to remove deca-BDE from flame retardants by 2013 and he believes that it would be highly premature for a state to ban their use before an alternative is available.

[2:16:53 PM](#)

PATTI SAUNDERS, Director of Development, ARC of Anchorage, stated strong support for SB 295. She explained that ARC of Anchorage is a private not-for-profit organization that serves people with developmental disabilities and mental health issues so that they can lead rich and productive lives. She said she and her coworkers would be happy to go out of business because all preventable disabilities have been prevented, but they need legislative help to address prevention. Learning and developmental disabilities impact the quality of life for people and their families and impose a financial burden on the state through special education and increased health care costs. The incidence of learning and developmental disabilities has been rising rapidly. In fact, 7.3 percent of the public school students in the Anchorage School District have disabilities.

Scientific evidence has proven that certain chemicals, including deca-BDE, can cause learning and developmental disorders. Young children's developing brains and bodies are particularly susceptible to exposure and the damage can be permanent. PBDE residues have been consistently found in tissue samples of new mothers and their infants. Ingesting contaminated breast milk is one of two major sources of PBDE exposure in children. This is an issue worldwide, although North American women have the largest average body burden of PBDE's. SB 295 will help protect children from needless exposure to this toxic chemical. So much in life can't be controlled but adults do have an obligation to their children to take responsibility for things that can make a difference. SB 295 can make a difference.

MS. SAUNDERS referenced the previous testimony and noted that the International Association of Firefighters has gone on record opposing the use of PDBEs because their use puts firefighters at much higher risk.

[2:22:56 PM](#)

JIM GILL, representing himself, stated opposition to SB 295. He personally knows people whose lives were saved because of fire retardants. Until there's a better solution, the costs can outweigh whatever benefit might be achieved by passing SB 295.

[2:24:07 PM](#)

GREG PATTERSON, representing himself, said he has been a volunteer fireman much of his life. He carries burn victims out of buildings and he strongly believes that people need the protection provided by flame retardants. He questioned why the ban is placed on some but not all products if these chemicals are so dangerous, and suggested it might be better to wait until the definitive research is finished before making this a law. The benefits of these life-saving retardants might outweigh the dangers of using them, but that won't be clear until the research is done. While studies of these bio-accumulative toxins do indicate danger, the Center for Disease Control has stated that the conditions have to be ideal to enter the environment and the exposure has to be acute and repeated. He urged the committee to wait until all of the information is in before making these chemicals illegal.

[2:28:19 PM](#)

KRISTIN RYAN, Director, Division of Environmental Health, Department of Environmental Conservation (DEC), Alaska, said she is available for questions.

[2:28:38 PM](#)

SARA HANNON, representing herself, said she recently became a registered nurse and she is speaking in strong support of SB 295. It will phase out PBDEs and support the use of safer alternatives that are already on the market. PBDEs are linked to thyroid problems, which is significant because changes in thyroid hormone levels affect almost all the systems in the body. Since safer alternatives are available, there should be a law supporting their use. During clinical rotations she learned that some babies and children may spend a year or more in hospitals sleeping on mattresses that may contain PBDEs. The first day she rotated in the emergency room a woman came in with an inhalation injury from her couch that was treated with flame retardant and didn't burn. She later died and the physician and nurses speculated that it was because she inhaled toxic fumes from the couch. SB 295 makes a lot of sense, she concluded.

[2:31:28 PM](#)

PAMELA K. MILLER Executive Director, Alaska Community Action on Toxics (ACAT), said she is a biologist speaking in support of SB 295. ACAT is a statewide environmental health organization that conducts research and provides educational programs, technical assistance, and training. She noted that she provided written information about the harms related to this class of chemicals

and the strong support firefighting and health organizations have expressed for the ban.

PBDEs are used in plastic casings of consumer electronics, upholstered furniture, and mattresses, but there are safer and effective alternatives. PBDEs are chemically similar to PCBs, which have been banned for 30 years. They are persistent and tend to accumulate in the bodies of animals and people.

Addressing fire safety, she said that phasing these fire retardant chemicals out does not mean lowering safety standards. Many electronic manufacturers have already adopted new materials and designs that meet safety codes without relying on deca or other brominated flame retardants. These alternate products have saved thousands of lives and their use has not been accompanied by an increase in fires or fire casualties.

MS. MILLER said they know that people are exposed through inhalation of indoor air and dust particles and through foods that are contaminated with PBDEs. Exposure occurs in the uterus and infants are exposed through the mother's breast milk. Over time PBDEs have increased significantly in the bodies of people, particularly in North America. Northern people are at greater risk of exposure because these chemicals are transported through wind and ocean currents and they tend to concentrate in the flesh of animals that are used as traditional food sources. Alaskans may also be at higher risk because their homes are closed in more than homes in warmer climates.

PBDEs are known to harm neurodevelopment, reproduction, thyroid function, and are implicated in immune system suppression. SB 295 is an important measure to protect the health of Alaskans, particularly those fighting fires. It is especially important as a measure to protect the health of children whose developing brains are more vulnerable. SB 295 will not compromise fire safety or harm Alaska businesses because of the prevalence of safer alternatives. She urged passage.

[2:37:22 PM](#)

SENATOR PASKVAN asked if she has any information regarding whether the ban of PBDEs would increase the frequency of hazards or related injuries of fire.

MS. MILLER answered that in places where PBDEs have been banned there has been no compromise in fire safety.

SENATOR PASKVAN referenced the testimony that cited the CDC research and asked if the scientific community is divided on the issue.

[2:38:53 PM](#)

MS. MILLER responded she believes that the consensus in the scientific and health communities is quite clear and more studies are coming out in peer review literature every day. The EPA recognized the significant harm that deca and other brominated flame retardants present and negotiated a voluntary phase out with three major manufacturers. She reiterated that there are effective, safe, and economical alternatives already on the market. This bill is not about compromising fire safety. That wouldn't be responsible, but it is responsible to phase out this class of chemicals that are highly harmful to human health.

SENATOR PASKVAN summarized that she believes that fire safety will be comparable and the health risks to Alaskans will be reduced.

MS. MILLER agreed.

[2:40:44 PM](#)

SHARON WHYTAL, representing herself, said she is a registered nurse who supports SB 295 and she would urge the committee to do likewise. As a nurse, she is concerned about emerging science linking PBDEs to adverse health effects including learning and memory impairment, brain development, cancer, and thyroid problems. Higher concentrations of these chemicals are found in northern regions, but scientists are finding impacts at lower concentrations.

SB 295 is an important measure to protect workers and the general public. In fact, the American Public Health Association has passed a resolution urging state and federal governments to phase out the use of PDBEs in products manufactured in the U. S. Safer alternatives are already available so fire safety wouldn't be compromised by eliminating PDBEs. As a society we need to be proactive about health issues; many other countries have already taken this step, she concluded.

CHAIR DAVIS urged anyone who would like to submit written testimony to do so before the meeting on Monday. She held SB 295 in committee.

[2:45:50 PM](#)

There being no further business to come before the committee, Chair Davis adjourned the Senate Health and Social Services Standing Committee hearing at 2:45 p.m.