

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

March 22, 2010

1:32 p.m.

**MEMBERS PRESENT**

Senator Bettye Davis, Chair  
Senator Joe Paskvan, Vice Chair  
Senator Joe Thomas  
Senator Fred Dyson

**MEMBERS ABSENT**

Senator Johnny Ellis

**COMMITTEE CALENDAR**

HOUSE BILL NO. 349

"An Act relating to the Statewide Suicide Prevention Council."

- MOVED HB 349 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."

- MOVED SB 295 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 349

SHORT TITLE: SUICIDE PREVENTION COUNCIL MEETINGS

SPONSOR(S): REPRESENTATIVE(S) FAIRCLOUGH

02/17/10	(H)	READ THE FIRST TIME - REFERRALS
02/17/10	(H)	STA
03/11/10	(H)	STA RPT 5DP
03/11/10	(H)	DP: JOHNSON, GATTO, GRUENBERG, PETERSEN, LYNN
03/11/10	(H)	STA AT 8:00 AM CAPITOL 106
03/11/10	(H)	Moved Out of Committee
03/11/10	(H)	MINUTE(STA)
03/12/10	(H)	TRANSMITTED TO (S)
03/12/10	(H)	VERSION: HB 349

03/15/10 (S) READ THE FIRST TIME - REFERRALS  
03/15/10 (S) HSS  
03/22/10 (S) HSS AT 1:30 PM BUTROVICH 205

BILL: SB 295

SHORT TITLE: FLAME RETARDANTS AND TOXIC CHEMICALS

SPONSOR(S): SENATOR(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  
03/17/10 (S) Heard & Held  
03/17/10 (S) MINUTE(HSS)  
03/22/10 (S) HSS AT 1:30 PM BUTROVICH 205

**WITNESS REGISTER**

CRYSTAL KOENAMEN, Staff  
to Representative Anna Fairclough  
Alaska State Legislature  
Juneau, AK

**POSITION STATEMENT:** Presented HB 349 on behalf of the sponsor.

CHRIS HALL, Community Relations Specialist  
ARC of Anchorage  
Anchorage, AK

**POSITION STATEMENT:** Supported SB 295.

ROXANNE CHAN, representing herself  
Anchorage, AK

**POSITION STATEMENT:** Supported SB 295.

GORDON NELSON, PhD, Dean  
College of Science  
Florida Institute of Technology  
Melbourne, FL,

**POSITION STATEMENT:** Opposed SB 295.

PETER THERING, representing himself  
Mat-Su Valley, AK

**POSITION STATEMENT:** Opposed SB 295.

ANNA GODDUHN, representing herself  
Fairbanks, AK

**POSITION STATEMENT:** Supported SB 295.

PAMELA MILLER, Executive Director

Alaska Community Action on Toxics  
Anchorage, AK  
**POSITION STATEMENT:** Supported SB 295.

**ACTION NARRATIVE**

[1:32:40 PM](#)

**CHAIR BETTYE DAVIS** called the Senate Health and Social Services Standing Committee meeting to order at 1:32 p.m. Present at the call to order were Senators Paskvan, Dyson, and Davis. Senator Thomas arrived soon thereafter.

**HB 349-SUICIDE PREVENTION COUNCIL MEETINGS**

CHAIR DAVIS announced consideration of HB 349.

SENATOR THOMAS joined the meeting.

[1:33:19 PM](#)

CRYSTAL KOENAMEN, Staff to Representative Fairclough, explained that that last year the makeup of the Suicide Prevention Council was modified in order to make it easier to establish a quorum. Because of geographic challenges the council continues to have difficulty meeting a quorum and HB 349 addresses that by allowing the members to meet and vote via teleconference.

SENATOR THOMAS asked if the issue was that members understood that they could vote by teleconference but it wasn't in statute or if it was that members were precluded from voting by some other area of the statute.

MS. KOENAMEN replied they preferred not vote by teleconference because they weren't sure if it was legal.

SENATOR THOMAS opined that they probably could have voted, but he hasn't looked at the statute.

[1:36:07 PM](#)

SENATOR DYSON asked if this was the suicide prevention board to which he was recently appointed.

MS. KOENAMEN answered yes; there is only one state-wide Suicide Prevention Council and it's housed within the Department of Health and Social Services (DHSS).

SENATOR DYSON said he doesn't believe that rises to the level of a conflict of interest but he wanted to disclose it. He added

that being able to participate by teleconference would be very valuable.

1:38:01 PM

SENATOR PASKVAN moved to report HB 349 from committee with individual recommendations and attached fiscal note(s). There being no objection, HB 349 moved from the Senate Health and Social Services Standing Committee.

At Ease from 1:38 p.m. to 1:40 p.m.

### **SB 295-FLAME RETARDANTS AND TOXIC CHEMICALS**

CHAIR DAVIS announced the consideration of SB 295. It was heard previously.

1:41:02 PM

CHRIS HALL, Community Relations Specialist, ARC of Anchorage, said he is speaking in favor of SB 295. He explained that ARC of Anchorage is a private not-for-profit organization that helps people with mental health and developmental disabilities live satisfying and dignified lives. They are one of the more than 1,000 local chapters nationwide. He said that these disabilities have multiple negative quality of life impacts on disabled individuals and their families and cost the state a great deal because of required special education and increased health care costs.

MR. HALL pointed out that the scientific literature indicates that flame retarding chemicals concentrate in children at higher levels than in adults. Scientists recently concluded that for children, inhaling and ingesting contaminated dust is likely to be an important pathway for exposure to PBDEs. In the U.S., PBDE levels in tissue and breast milk are many times higher than in any other country that keeps this data and appear to be doubling every 2-5 years in North America.

Animal studies indicate that exposure to PDBEs has been associated in with learning difficulties, IQ, behavior, delayed puberty, reproductive development, thyroid function, and cancer. Scientific evidence has demonstrated that neurological effects occur at even lower levels of exposure. Children that have higher concentrations of PDBEs in their umbilical cord blood scored lower on tests of mental and physical development between age 1 and 6. At age 4 those with the highest prenatal exposures had verbal and IQ scores that were lower by 5.5 to 8 points.

MR. HALL concluded stating that SB 295 is important legislation to help protect children from needless exposure to PBDEs; affordable and effective alternatives are available.

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ROXANNE CHAN, representing herself, said that when she was in high school she traveled to Europe and spent one afternoon with a friend picking out the most perfect shade of pink fingernail polish. Subsequently she found that she had been unwittingly exposed to toxic chemicals in that polish. Now she is a registered nurse, an acupuncturist and practitioner of oriental medicine. She has spent her adult life avoiding chemical exposure yet recent tests revealed that her body is contaminated with a variety of toxic chemicals including moderate levels of PBDEs. For reasons that she doesn't understand she had exceptionally high levels of BEHP, a type of phthalate.

MS. CHAN said that she was innocent that summer in junior high to the effects of these chemicals; she expected adults to be her guardians. As publicly elected officials she asked legislators to become guardians of the innocent and enact SB 295. There are alternatives to polybrominated diphenyl ethers, she said.

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GORDON NELSON, Dean, College of Science, Florida Institute of Technology (FIT), said he received his PhD in chemistry from Yale and over the last 35 years his research has been in flame retardants and flame retardant plastics. Pointing out that penta and octa BDE haven't been manufactured since 2004 and the three manufacturers of deca agreed with the U.S. EPA in January to phase out production over three years, he opined that a bill like SB 295 isn't necessary. Rather, he suggested letting the U.S. EPA proceed unhindered. Furthermore, it's important to understand that after deca passed over 1,100 risk assessments the 2008 European Union report determined that it was safe for continued use.

MR. NELSON noted that SB 295 regulates mattresses, upholstery and electronic products and not transportation, but several studies indicate that exposure to deca in automobiles is several times higher than exposure in a home or office. Furthermore, the bill doesn't deal with product end-of-life issues and in the absence of that these chemicals will be around for many decades to come. He suggested that the Department of Environmental Conservation (DEC) will have difficulty determining whether a flame retardant is harmful or if there are safer alternatives. For example, a State of Washington report recommended replacing

deca with triphenyl phosphate (TPP), but TPP isn't a flame retardant for polystyrene, which is the plastic in televisions. Second, TPP has been cited as an endocrine disrupter and has significant toxicity for trout.

MR. NELSON said the next problem with the bill relates to the definition it gives for a flame retardant because as a scientist he doesn't know what it means. Referencing the previous testimony, he acknowledged that one will find 1-200 chemicals in any given person's blood at the part per billion level; the question is what that means and if there's any health hazard. He urged the committee not to pass SB 295 because the state's concerns have already been addressed.

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SENATOR PASKVAN asked if the January 2010 phase out was based in part on a safety consideration.

MR. NELSON replied the risk assessment in Europe said the material is safe for use, but these manufacturers decided it was less trouble to move to something else. For example, you can no longer buy baby bottles with certain plastics.

SENATOR PASKVAN asked if he agrees that this bill would prohibit products with penta and octa in them from being sold in Alaska even if they were last manufactured in 2004.

MR. NELSON replied you won't find a new product with penta or octa in it because the material hasn't been available to manufacturers for 6 years.

SENATOR PASKVAN asked if stopping manufacture of penta and octa is in part the result of safety considerations.

MR. NELSON said absolutely; penta and octa did not pass the EU risk assessment, but deca did pass.

[1:57:08 PM](#)

SENATOR THOMAS asked what harm there would be for Alaska to speed up the phase out of deca within its borders.

MR. NELSON opined that the harm is that it interferes with the U.S. EPA process.

SENATOR THOMAS asked if he agrees that Alaska wouldn't have much impact if it decided to speed up the phase out within its borders.

MR. NELSON said he agreed, but the result could be that Alaska might not have some products that it otherwise would have because just one fire retardant can't be used for all products. He again mentioned the suggestion in the State of Washington to use triphenyl phosphate instead of deca and said if that were the law a different plastic would have to be used and that would require product redesign. He continued to say that it's interesting that the bill specifically mentions computers even though deca isn't used in computers because they need higher performing plastics. Starting in 1975 the primary use of deca was to flame retard polystyrene in televisions and the result was that the previously high death rate from television fires in the U.S. dropped dramatically.

[2:01:23 PM](#)

SENATOR DYSON asked if he would agree that it's easier to draw a cause and effect relationship in children's clothing than a component in a car or a piece of furniture.

MR. NELSON replied he agrees but the chemicals that the bill proposes to ban aren't used in clothing.

SENATOR DYSON asked what components are used in automobiles that are so much more dangerous than these other applications.

MR. NELSON replied he wouldn't use the term "dangerous" but automobiles have high levels of flame retardant in the plastic and upholstery in the interior. Because the environment is small and closed, human exposure is higher.

SENATOR DYSON asked if it's difficult to diagnose the source of the contamination for people who have high levels of these chemicals.

MR. NELSON said yes; several years ago members of the EU Parliament were tested for 103 chemicals and most of the individuals tested positive for all. However, it's difficult to know if it was one element or a particular combination. He provided a personal example relating to high levels of arsenic in the blood.

SENATOR DYSON surmised that it would be difficult to draw a direct cause and effect relationship between contemporary levels of contamination and the use of a certain fingernail polish some years ago.

MR. NELSON agreed heartily.

SENATOR PASKVAN asked if he's being paid for his testimony today and if so, by whom.

MR. NELSON replied he was asked to testify by the Citizens for Fire Safety (CFS) and would be paid for his time, but he had not reviewed his comments with CFS.

[2:06:18 PM](#)

PETER THERING, representing himself, said he is a part-time volunteer EMT. After listening to the testimony last week he did his own research and found that other burn centers oppose this kind of bill. Looking further he found that only four states have passed this type of legislation because there aren't safe alternatives. The more you learn the more you'll agree that this bill should be held, he concluded.

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ANNA GODDUHN, representing herself, said she's studied environmental toxicology for several years and is concerned by the lack of precaution in chemicals management. A great deal of research has been done on the toxicity of these kinds of compounds and the implications can be incorporated into policy with a simple rule. That is if it's toxic to mice and it accumulates in human blood and fat, people shouldn't be widely exposed to it. But industry will never voluntarily take responsibility for the real cost of their products, she said. Thus, it's the Legislature's responsibility to make sure that industrial activity is conducted with regard to risks to human health.

Referencing previous testimony, Ms. Godduhn said she doesn't agree that passing this bill would interfere with the U.S. EPA process in any way whatsoever. Rather, accelerating the phase out would instead be a major victory. Quite simply, we have to learn to live without these and other products that cause tremendous harm, she concluded.

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PAMELA MILLER, biologist and Executive Director, Alaska Community Action on Toxics (ACAT), said ACAT is a statewide environmental health research organization. She said it's known that PBDEs are toxic and bioaccumulative endocrine disrupting chemicals used as flame retardants in consumer products like mattresses, upholstery, building products, and electronics. Because they aren't chemically bound to the products, they can

be released into the indoor and outdoor environment. Exposure can occur through dietary ingestion and inhalation of contaminated dust.

MS. MILLER mentioned the research from the Columbia University School of Public Health that Mr. Hall cited and confirmed the findings about reduced IQ scores. One researcher said the observed reduction in IQ scores is in the range seen with low level lead exposures and noted that this is a concern because IQ is a predictor of future educational performance and. Ms. Miller said this research underscores the need for preventative policies to reduce toxic exposures occurring in utero. And it augments the scientific evidence that links exposures to low levels of PBDEs in the environment with harm to neurodevelopment, reproduction, thyroid function, and immune system suppression.

MS. MILLER noted that an independent and in depth study by the University of Massachusetts found that safer alternatives are on the market and in widespread use. She opined that even though deca is being phased out, Alaska should act now to protect children, fire fighters, and others against these persistent, toxic, and unnecessary chemicals. The EPA entered into a voluntary phase out agreement with these manufacturers because they recognize the serious harm to health that these chemicals present to the public.

MS. MILLER said she realizes that deca is less persistent than some other formulations of PDBEs, but the evidence demonstrates that it breaks down into more persistent and toxic bi-products like penta and octa. SB 295 is an important protective measure that will provide long lasting protection for public health without compromising fire safety. She urged the committee to pass the bill.

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CHAIR DAVIS closed public testimony and asked for a motion.

SENATOR PASKVAN commented that the committee heard from Gordon Nelson today and he did not state his affiliation even though it was his obligation to do so as a witness, particularly since he was being paid to testify. When a witness doesn't state an affiliation, it causes me to mistrust their substantive testimony, he said.

SENATOR DYSON said he should maintain that perspective and continue to ask the question because many who testify have a dog

in the fight, but that doesn't mean that their testimony isn't accurate. He observed that a lot of folks testified today with great passion, but the testimony may not be as well informed as one would hope. Our quest is always to get accurate information, he concluded.

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SENATOR PASKVAN moved to report SB 295 from committee with individual recommendations and attached fiscal note(s). There being no objection, SB 295 moved from the Senate Health and Social Services Standing Committee.

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There being no further business to come before the committee, Chair Davis adjourned the Senate Health and Social Services Standing Committee hearing at 2:21 p.m.