

ALASKA STATE LEGISLATURE
SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE

February 19, 2014

1:34 p.m.

MEMBERS PRESENT

Senator Bert Stedman, Chair
Senator Peter Micciche, Vice Chair
Senator Kevin Meyer
Senator Pete Kelly
Senator Johnny Ellis

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

SENATE BILL NO. 161

"An Act relating to duties and procedures of the state medical examiner and the Department of Health and Social Services; and relating to death certificates."

- HEARD & HELD

SENATE BILL NO. 151

"An Act relating to chemicals that are of high concern for children and to the manufacture and sale of products containing certain flame retardant chemicals; relating to an interstate chemicals clearinghouse; adding an unlawful act to the Alaska Unfair Trade Practices and Consumer Protection Act; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: SB 161

SHORT TITLE: AUTOPSIES AND DEATH CERTIFICATES

SPONSOR(S): SENATOR(S) OLSON

02/07/14	(S)	READ THE FIRST TIME - REFERRALS
02/07/14	(S)	HSS
02/19/14	(S)	HSS AT 1:30 PM BUTROVICH 205

BILL: SB 151

SHORT TITLE: HIGH-RISK CHEMICALS FOR CHILD EXPOSURE
SPONSOR(s): SENATOR(s) OLSON

01/31/14 (S) READ THE FIRST TIME - REFERRALS
01/31/14 (S) HSS, JUD
02/19/14 (S) HSS AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

DAVID SCOTT, Staff
Senator Donny Olson
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 161 and SB 151 on behalf of the sponsor.

RAEBELLE WHITCOMB, Director
Workforce Development Center
Bristol Bay Native Association (BBNA)
Dillingham, Alaska

POSITION STATEMENT: Testified in support of SB 161.

JACKIE RUSSELL, Social Worker
Bristol Bay Area Health Corporation (BBAHC)
Dillingham, Alaska

POSITION STATEMENT: Testified in support of SB 161.

KERRE SHELTON, Director
Alaska Division of Public Health
Department of Health and Social Services
Anchorage, Alaska,

POSITION STATEMENT: Testified in support of SB 161.

MARCIA DAVIS, General Council
Senior Vice President
Calista Corporation
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 161.

JESSICA WALSH, Registered Nurse & Student
American College of Nurse Midwives
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 151.

PAMELA MILLER, Executive Director
Alaska Community Action on Toxics
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 151.

KYLE GREEN, Firefighter
Fairbanks Firefighters Association
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 151.

PATRICE LEE, representing herself
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 151.

JOEL CRAFT, Service Provider
Children's Programs
Kawerak, Inc.
Nome, Alaska

POSITION STATEMENT: Testified in support of SB 151.

BRIAN PARTCH, Firefighter
Alaska Professional Firefighters Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 151.

JEFF TUCKER, Fire Chief
North Star Fire Department
North Pole, Alaska

POSITION STATEMENT: Testified in support of SB 151.

TIFFANY IMMINGAN, representing herself
Savoonga, Alaska,

POSITION STATEMENT: Testified in support of SB 151.

TIM SHESTEK, Senior Director, State Affairs
American Chemistry Council
Sacramento, California

POSITION STATEMENT: Testified in opposition to SB 151.

THOMAS OSIMITZ, Ph.D., Toxicologist
American Chemistry Council
Charlottesville, Virginia

POSITION STATEMENT: Testified in opposition to SB 151.

SUSAN WALSH, Nurse
Alaska Nurses Association
Ketchikan, Alaska

POSITION STATEMENT: Testified in favor of SB 151.

BETHANY BUCHANAN, M.D., Family Nurse Practitioner

Alaska Nurse Practitioner Association
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 151.

ACTION NARRATIVE

[1:34:19 PM](#)

CHAIR BERT STEDMAN called the Senate Health and Social Services Standing Committee meeting to order at 1:34 p.m. Present at the call to order were Senators Micciche, Kelly, Meyer, Ellis, and Chair Stedman.

SB 161-AUTOPSIES AND DEATH CERTIFICATES

[1:34:49 PM](#)

CHAIR STEDMAN announced that the first order of business would be SB 161.

[1:35:18 PM](#)

DAVID SCOTT, Staff, Senator Donny Olson, Alaska State Legislature, Juneau, Alaska, explained SB 161 on behalf of the sponsor. He said the bill was introduced to try to alleviate some unforeseen difficulties for families in rural Alaska when a loved one dies and the body must be transported to Anchorage for an autopsy. There are misunderstandings created by forms that are used resulting in high costs for funeral home expenses.

He noted new sections of the bill which would clarify that not every death that requires an autopsy must be transported to Anchorage. The bill also provides telemedicine options to try to save the state money. The state currently uses general fund dollars to transport remains from rural communities to Anchorage and back.

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MR. SCOTT explained changes in the bill. In Section 1 on line 13, "may" was deleted and "shall" was inserted. On page 2, line 3, the sponsor requests a discussion of language he is ready to remove. It says "by a policy of the transporting entity", which means an airline could require embalming. The sponsor does not believe the policy of a private company should affect what the state does. He said the sponsor is willing to negotiate that issue.

He said Section 2 adds two subsections so autopsies don't all have to be conducted in Anchorage, but could be done by video technology. Section 2 (g) is a new section of law which provides

that a person who is responsible for the burial of a body would receive a form from the State Medical Examiner's Office.

Section 3 conforms to Section 4, which requires that if there is no funeral director in a community, a person shall be designated by the state registrar to file the death certificate and obtain personal data from the next of kin or best qualified person.

Section 5 conforms to Section 6, which requires that the medical examiner shall obtain a burial-transit permit before a body is transported.

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MR. SCOTT noted a DHSS fiscal note and a draft form from the State Medical Examiner's Office in members' packets. He highlighted the first line of the form which states that there is no legal requirement for the use of a funeral home.

He concluded that the bill is an effort to alleviate family suffering during tough times.

CHAIR STEDMAN noted a DHSS fiscal note for \$115,000 in general funds to implement these changes.

He opened public testimony.

1:41:47 PM

RAEBELLE WHITCOMB, Director, Workforce Development Center, Bristol Bay Native Association (BBNA), Dillingham, Alaska, testified in support of SB 161. She said she is also testifying on behalf of her family. She explained that from BBNA's perspective, the legal requirement for the use of the State Medical Examiner has caused additional burdens on families. She related that BBNA provides burial assistance along with the state. Many times BBNA has had to deal with costs of embalming and air transportation. Limited funding has an impact on the state and tribal organization.

She related that sometimes the requirements go against the family's wishes and values. For example, embalming before transportation is not a customary and traditional practice.

She shared a person story on behalf of herself and her family. They were forced to pay for embalming costs at a funeral home in Anchorage and the expense was a significant burden. Also, the need to transport an individual out of state entails an extra charge for a container and embalming. She said another issue is

that the body is not released until the bill is paid in full. She concluded that the bill is important to people in rural areas.

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JACKIE RUSSELL, Social Worker, Bristol Bay Area Health Corporation (BBAHC), Dillingham, Alaska, testified in support of SB 161. She concurred with the previous speaker and emphasized how important the bill is to rural communities. She shared the services available at BBAHC, such as telemedicine, and suggested that they could cooperate with the medical examiner to cut costs. She said she hopes the committee will pass the bill.

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KERRE SHELTON, Director, Alaska Division of Public Health, Department of Health & Social Services, Safety, Anchorage, Alaska, testified in support of SB 161. She stated that the bill is very important to the Division, and the care of families in Alaska is very critical to the Division and to the State Medical Examiner's Office.

She related that the State Medical Examiner's Office is in Anchorage and exists to determine cause and manner of death for cases that are brought under their jurisdiction. There are between 1,600 and 1,700 deaths per year in Alaska and only about half fall under the Medical Examiner's jurisdiction. The criteria for those deaths are set out in current statute. Expected home or hospital deaths do not fall under the jurisdiction of the Medical Examiner's Office.

She described what happens at the Medical Examiner's Office in Anchorage. Autopsies can be internal or external or both, based on the circumstances of the case. Various tests can be performed. She said there are three forensic pathologists, one position of which is vacant. There are also autopsy technicians and investigators, making a total of 17 staff. The in-house case load was 857 last year; another 775 cases were not brought in to the office

MS. SHELTON reported that the Medical Examiner's Office relies strongly on local law enforcement who collect scene information, consult with the pathologist, and determine if the case should be brought into the jurisdiction of the office. Next, the body must be transported to Anchorage and processed as quickly as possible and returned back to the family. The Medical Examiner's Office recognizes the sensitivity and emotional nature of the cases, especially unanticipated death.

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She shared policies that are in place regarding transporting the body back to the home city. The office provides the burial-transit permit when the body leaves. It also revised the authorization of release-of-remains form to clarify issues regarding funeral homes. The office attempts to do what is best for the family and has no stake in funeral homes. The office no longer does embalming because the law requiring it was abolished in 2005. Funeral homes do embalming and cosmetology work.

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She indicated that there are no other facilities that can perform a forensic examination except for in Fairbanks and Anchorage. Neither of those offices have telemedicine equipment. The state caseload does not warrant another autopsy facility. An extensive amount of equipment would be required to ensure that the exams are legally defensible, medically appropriate, and meet the standards.

She said there are no forensic pathology services in rural communities. Forensic examinations must be legally defensible and provide the same high standard of care for all cases. She questioned the liability if someone else would perform a forensic exam.

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MARCIA DAVIS, General Council, Senior Vice President, Calista Corporation, Anchorage, Alaska, testified in support of SB 161. She described the function of Calista Heritage Foundation, a non-profit that is responsible primarily for educational scholarships for shareholders. Calista also provides burial assistance, funding some of the costs for transport and burial. She discovered that the problem of high costs has been around for a long time. There have been efforts to correct the problem that have not met with success when dealing with state agencies.

MS. DAVIS stated that in order to find a solution, she studied laws and had conversations with the Department of Health and Social Services (DHSS), but got nowhere. She then went to the State Medical Examiner's Office in search of a solution.

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She said in that meeting, she shared culturally sensitive issues surrounding death in rural areas. She described issues with the form families must fill out and the lack of communication between the Medical Examiner's Office and rural Alaska. By

contrast, she shared how villages handle a death. She maintained that the form must be revised; it is currently different from what the law requires.

She concluded that too much cost is put on the family, and it is unfair to hold a body hostage until the bills are paid. She said she found a law in North Dakota where it is a crime to hold the body for money. She emphasized that values are different in Bush Alaska.

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She said Calista would like to see the Medical Examiner's Office have the statutory authority to make changes to procedures and to the form. She said the next step is to translate the form into Yupik.

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CHAIR STEDMAN held SB 161 in committee.

SB 151-HIGH-RISK CHEMICALS FOR CHILD EXPOSURE

[2:10:03 PM](#)

CHAIR STEDMAN announced that the final order of business would be SB 151. He said it was the first hearing on the bill. The intent is to have the sponsor introduce the bill, take public testimony, and hold it in committee.

DAVID SCOTT, Staff, Senator Donny Olson, Alaska State Legislature, Juneau, Alaska, presented SB 151 on behalf of the sponsor. He informally called SB 151 the "Children's Safe Product Act." He explained that the bill would prohibit and ban products containing certain flame retardant chemicals known as "chlorinated tris." It would also require the Department of Environmental Conservation (DEC) to participate and be a member of the Interstate Chemicals Clearinghouse. It requires DEC to publish a list of chemicals of high concern for children and periodically update the list. Some states are banning chlorinated tris and there is a national effort to update a law passed in 1976 called the Toxic Substance Control Act. The new law is called the Chemical Safety Improvement Act.

MR. SCOTT presented the sections of the bill. He explained that Section 1, beginning on page 1, line 8, requires DHSS to publish a list of chemicals of high concern. It requires that before placing the chemical on the list, the department shall determine that the chemical is of high concern and that it has been identified by a government entity to be based on credible

scientific evidence. The section also provides ways to determine that there is a high potential for children to be exposed to a chemical of concern.

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MR. SCOTT continued to explain that beginning on page 2, line 17, the bill provides that the list of chemicals may be reviewed and revised. Beginning on page 2, line 20, prohibitions regarding the tris are listed and beginning on page 2, line 20, the penalties are set out. Beginning on page 3, line 8, the rules for participation in Interstate Chemicals Clearinghouse are given.

MR. SCOTT related that page 3, line 17, allows the department to adopt regulations. The definitions begin on page 3, line 19.

He said Section 2 of the bill provides that violating AS 18.31.640 would be an unfair trade act. Section 3 is transition language that states by January 1, 2016, the department will publish the first list of chemicals. Section 4 is instructions for the revisor and Section 5 is the effective date.

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MR. SCOTT noted two fiscal notes, one from DEC and one from DHSS. He referred to a handout entitled "What's on Your List?" and letters of support and opposition in members' packets. He related that in favor of SB 151 are the Alaska Fire Chiefs Association, Alaska Nurses Association, and the American Sustainable Business Council. Against the bill are the Alaska Chamber of Commerce, and the American Chemistry Council, who are both in favor of reforming the 1976 Act [by passing the national Chemical Safety Improvement Act.] He pointed out that the sponsor is aware of that but does not believe Congress will act.

CHAIR STEDMAN said there were two fiscal notes, one from DHSS for \$37,000 in general funds to develop an inventory of chemicals of high concern in children's products and one from DEC for \$370,000 in general funds for two new environmental program specialist positions.

CHAIR STEDMAN opened public testimony.

2:18:08 PM

JESSICA WALSH, Registered Nurse, Student, American College of Nurse Midwives, Anchorage, Alaska, testified in support of SB 151. She spoke of her job as a nurse caring for women and educating them on how to avoid toxic chemicals that are known

endocrine disruptors. She shared the devastating effects of toxic chemicals on children. She told of an experience of mattress shopping and the inability to purchase one without flame retardants. She maintained that flame retardant chemicals have not been shown to have a benefit for reducing mortalities from fire. She urged the committee to protect children from the effects of harmful chemicals.

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PAMELA MILLER, Executive Director, Alaska Community Action on Toxics, Anchorage, Alaska, testified in support of SB 151. She said that this year at least 33 states have stepped up to address this issue. She stressed that the federal law is outdated and Congress has failed to fix the law. She thanked the sponsor for introducing SB 151, which gives Alaska the opportunity to better protect the health of children by establishing a list of chemicals of high concern. She listed possible harmful effects of these chemicals.

[2:25:03 PM](#)

KYLE GREEN, Firefighter, Fairbanks Firefighters Association, Fairbanks, Alaska, testified in support of SB 151. He noted the provisions in the bill will protect firefighters, as well as children. He said studies have found that smoke transports toxic chemicals that are harmful. The cancer rate for firefighters has increased. The use of flame retardants has not shown a decline in fire damage. He provided alternatives such as educating the public in fire prevention and implementing residential fire sprinklers.

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PATRICE LEE, representing herself, Fairbanks, Alaska, testified in support of SB 151. She said that Alaska should do everything possible to protect children from harmful chemicals. She opined that industry should have to prove that the materials they use in products are safe before they can use them. In other modern countries, such toxics are not allowed in children's products. She concluded that healthier children equal less expensive health care and a brighter future.

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JOEL CRAFT, Service Provider, Children's Programs, Kawerak, Inc., Nome, Alaska, testified in support of SB 151. He encouraged Alaska to do everything possible to protect the health of children. In October 2013, the Alaska Federation of Natives passed a resolution supporting chemicals policy reform at the state level. He said SB 151 is a step in the right

direction toward protecting the health of present and future generations. He voiced concern about the high rate of birth defects in Alaska Native infants, which are the highest in the nation and twice the rate of white infants born in Alaska. He spoke of the harmful effects of the tris chemicals. He thanked the sponsor.

[2:32:13 PM](#)

BRIAN PARTCH, Firefighter, Alaska Professional Firefighters Association, Anchorage, Alaska, testified in support of SB 151. He noted a higher rate of cancer in firefighters due to flame retardants. He listed other methods that are more effective for fighting fires. He noted that fire investigators are also exposed to chemicals when investigating the cause and origin of fires.

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JEFF TUCKER, Fire Chief, North Star Fire Department, North Pole, Alaska, testified in support of SB 151. He noted a letter of supported provided to the committee. He echoed the comments of previous firefighters in support of SB 151.

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TIFFANY IMMINGAN, representing herself, Savoonga, Alaska, testified in support of SB 151. She noted that toxic chemicals have an impact on her community. She said in one year there were 19 deaths from cancer and illnesses. She said there is PCB in traditional foods on the island. She thanked Senator Olson for introducing the bill that would protect children from toxic chemicals.

[2:37:12 PM](#)

TIM SHESTEK, Senior Director, State Affairs, American Chemistry Council, Sacramento, California, testified in opposition to SB 151. He noted that he has submitted written comments to the committee. He highlighted major concerns with the bill as drafted. The bill requires the drafting of a list of chemicals that may be used in consumer products, but it is silent on how that information might be used or communicated to the public, retailers, or others. Assessing the safety of a chemical compound requires looking both at the potential hazard and exposure. He explained that the mere presence of a product does not mean that the product is harmful or violates safety standards or law. The bill would list chemicals without any information about what the information means or doesn't mean.

He referred to the sponsor's opening comments that alluded to a congressional effort to update the Federal Toxic Substance Control Act. He spoke in favor of the passage of the Chemical Safety Improvement Act currently pending in Congress, which is supported by over 100 business groups, organized labor, and both U.S. Senators from Alaska. The bill would significantly change the way chemicals are regulated and provide U.S. Environmental Protection Agency with the authority to conduct safety assessments on chemicals based solely on consideration of risk to human health and the environment, and the ability to focus in on sensitive sub-populations, such as children.

He concluded that the Chemical Safety Improvement Act strikes the right balance in establishing a predictable and workable regulatory environment for U.S. manufacturing, as well as U.S. retailers.

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THOMAS OSIMITZ, Ph.D., Toxicologist, American Chemistry Council, Charlottesville, Virginia, testified in opposition to SB 151. He described his role as a toxicologist. He stated that the issue of TCPP, one of the three chemicals mentioned in the bill, is very confusing. He maintained that there are many differences between the three tris chemicals. He noted that TCPP has been extremely well studied and is used in foam insulation, not as a fire retardant in clothing or beds. He clarified that TCPP is not a carcinogen and does not have the properties listed in the bill as a chemical of high concern. He requested that any reference to TCPP as a flame retardant be removed from the bill.

[2:43:12 PM](#)

SUSAN WALSH, Nurse, Alaska Nurses Association, Ketchikan, Alaska, testified in favor of SB 151. She said she has provided written testimony to the committee. She agreed with previous testifiers in support of SB 151. She shared her experience with congressional efforts to update the 1976 Federal Toxic Substance Control Act. She noted the cost of SB 151 is \$400,000; however, she asked the committee what the cost of not implementing the bill would be. There is a significant rise in autism, birth defects, and learning disabilities with the introduction of toxic chemicals. She said understood the Chamber's opposition to the bill because of the potential for loss of business.

She said the Alaska Nurses Association passed a resolution in October calling for municipal chemical policy reform at the state level that reduces the use of toxic chemicals and requires that less harmful chemicals be substituted whenever possible. It

would ensure adequate information on the health effects of chemicals is available to the public before the chemicals are introduced on the market. She concluded that SB 151 is a critical bill for the protection of children, firefighters, and other vulnerable populations.

[2:46:05 PM](#)

BETHANY BUCHANAN, M.D., Family Nurse Practitioner, Alaska Nurse Practitioner Association, Anchorage, Alaska, testified in support of SB 151. She described the operation of the endocrine system and how chemicals disrupt it. She described afflictions as a result of chemical exposure. She stressed that life relies on biochemical transmission and exposure to chemicals cause life-long chronic problems.

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SENATOR MICCICHE asked if there is a list of chemicals that affect the endocrine system.

MS. BUCHANAN listed ingredients in plastic, dioxins, DDT, and lead.

SENATOR MICCICHE requested written testimony.

MS. BUCHANAN offered to do so.

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CHAIR STEDMAN closed public testimony.

CHAIR STEDMAN held SB 151 in committee.

[2:50:40 PM](#)

There being no further business to come before the committee, Chair Stedman adjourned the Senate Health and Social Services Standing Committee at 2:50 p.m.