

**ALASKA STATE LEGISLATURE  
HOUSE RESOURCES STANDING COMMITTEE**

March 19, 2018

1:52 p.m.

**MEMBERS PRESENT**

Representative Andy Josephson, Co-Chair  
Representative Geran Tarr, Co-Chair  
Representative John Lincoln, Vice Chair  
Representative Harriet Drummond  
Representative Justin Parish  
Representative Chris Birch  
Representative DeLena Johnson  
Representative George Rauscher  
Representative David Talerico

**MEMBERS ABSENT**

Representative Mike Chenault (alternate)  
Representative Chris Tuck (alternate)

**COMMITTEE CALENDAR**

CONFIRMATION HEARING(S) :

Board of Game

Lawrence Van Daele - Kodiak

- CONFIRMATION(S) ADVANCED

Big Game Commercial Services Board

Jason Bunch - Kodiak

- CONFIRMATION(S) ADVANCED

HOUSE BILL NO. 27

"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

HOUSE BILL NO. 272

"An Act establishing the Tangle Lakes State Game Refuge; and providing for an effective date."

- MOVED CSHB 272(RES) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 27

SHORT TITLE: HIGH-RISK CHEMICALS FOR CHILD EXPOSURE

SPONSOR(S): REPRESENTATIVE(S) TARR

01/18/17	(H)	PREFILE RELEASED 1/9/17
01/18/17	(H)	READ THE FIRST TIME - REFERRALS
01/18/17	(H)	RES, L&C
03/09/18	(H)	RES AT 1:00 PM BARNES 124
03/09/18	(H)	Heard & Held
03/09/18	(H)	MINUTE(RES)
03/19/18	(H)	RES AT 1:00 PM BARNES 124

BILL: HB 272

SHORT TITLE: TANGLE LAKES STATE GAME REFUGE

SPONSOR(S): REPRESENTATIVE(S) JOSEPHSON

01/12/18	(H)	PREFILE RELEASED 1/12/18
01/16/18	(H)	READ THE FIRST TIME - REFERRALS
01/16/18	(H)	FSH, RES
02/13/18	(H)	FSH AT 11:00 AM GRUENBERG 120
02/13/18	(H)	Heard & Held
02/13/18	(H)	MINUTE(FSH)
02/27/18	(H)	FSH AT 10:00 AM GRUENBERG 120
02/27/18	(H)	Moved HB 272 Out of Committee
02/27/18	(H)	MINUTE(FSH)
02/28/18	(H)	FSH RPT 4DP 2DNP 1NR
02/28/18	(H)	DP: EDGMON, TARR, KREISS-TOMKINS, STUTES
02/28/18	(H)	DNP: EASTMAN, NEUMAN
02/28/18	(H)	NR: CHENAULT
03/07/18	(H)	RES AT 1:00 PM BARNES 124
03/07/18	(H)	Heard & Held
03/07/18	(H)	MINUTE(RES)
03/12/18	(H)	RES AT 1:00 PM BARNES 124
03/12/18	(H)	-- MEETING CANCELED --
03/14/18	(H)	RES AT 1:00 PM BARNES 124
03/14/18	(H)	Heard & Held
03/14/18	(H)	MINUTE(RES)

**WITNESS REGISTER**

LAWRENCE VAN DAELE, PhD, Appointee

Board of Game

Alaska Department of Fish and Game (ADF&G)

Kodiak, Alaska

**POSITION STATEMENT:** Testified as appointee to the Board of Game.

JASON BUNCH, Appointee

Big Game Commercial Services Board

Division of Corporations, Business and Professional Licensing

Department of Commerce, Community & Economic Development (DCCED)

Kodiak, Alaska

**POSITION STATEMENT:** Testified as appointee to the Big Game Commercial Services Board.

MARK RICHARDS, Executive Director

Resident Hunters of Alaska

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of Dr. Lawrence Van Daele, appointee to the Board of Game.

WAYNE KUBAT, Vice President

Alaska Professional Hunters Association (APHA)

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of Dr. Lawrence Van Daele, appointee to the Board of Game, and Jason Bunch, appointee to the Big Game Commercial Services Board.

ANAHMA SHANNON, Director

Environmental Program

Kawerak, Inc.

Nome, Alaska

**POSITION STATEMENT:** Testified in support of HB 27.

ART DELAUNE, Legislative Chair

Governor's Council on Disabilities and Special Education

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of HB 27.

ANDREW HACKMAN, Registered Federal Lobbyist

Juvenile Products Manufacturing Association (JPMA)

(No address provided)

**POSITION STATEMENT:** Expressed JPMA's concerns with HB 27.

THOMAS ZOELLER, PhD, Professor  
Biology Department  
University of Massachusetts Amherst  
Amherst, Massachusetts

**POSITION STATEMENT:** Testified in support of HB 27.

ROBERT SIMON, Spokesperson  
North American Flame Retardant Alliance  
American Chemistry Council  
Washington, D.C.

**POSITION STATEMENT:** Testified in opposition to HB 27.

SUSAN WALSH, RN, President  
Ketchikan Bargaining Unit  
Alaska Nurses Association  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of HB 27.

SAMARYS SEGUINOT-MEDINA  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 27.

JOE MEEHAN, Special Areas Program Coordinator  
Division of Wildlife Conservation  
Alaska Department of Fish and Game (ADF&G)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to HB 272.

MARTY PARSONS, Deputy Director  
Central Office  
Division of Mining, Land and Water  
Department of Natural Resources (DNR)  
Anchorage, Alaska

**POSITION STATEMENT:** Answered questions related to HB 272.

#### **ACTION NARRATIVE**

[1:52:52 PM](#)

**CO-CHAIR ANDY JOSEPHSON** called the House Resources Standing Committee meeting to order at 1:52 p.m. Representatives Tarr, Josephson, Parish, Talerico, Rauscher, and Drummond were present at the call to order. Representatives Birch, Johnson, and Lincoln arrived as the meeting was in progress.

#### **CONFIRMATION HEARINGS(S) :**

Board of Game  
Big Game Commercial Services Board

[1:53:14 PM](#)

CO-CHAIR JOSEPHSON announced that the first order of business would be confirmation hearings of appointees to the Board of Game and the Big Game Commercial Services Board.

[1:55:22 PM](#)

LAWRENCE VAN DAELE, PhD, Appointee to the Board of Game, Alaska Department of Fish and Game (ADF&G), testified as appointee to the Board of Game. In response to Co=Chair Josephson, he explained Governor Walker appointed him to the seat that was vacated by Kip Fanning, who served two years of a three-year appointment before stepping down for personal reasons. Governor Walker has now nominated him for a full three-year term.

CO-CHAIR JOSEPHSON offered his understanding that Dr. Van Daele is from Kodiak and is an expert on brown bears.

DR. VAN DAELE confirmed he is from Kodiak but said there is no such thing as an expert on brown bears. But, he continued, he has spent his 34-year career at ADF&G working with brown bears.

REPRESENTATIVE TALERICO observed from Dr. Van Daele's resume that he has done some habitat evaluation work. He inquired how widespread that work was in the state.

DR. VAN DAELE replied he worked primarily in the south and west part of the state. He said his work with habitat was ancillary in that he didn't do specific habitat work, such as with the Division of Habitat. Most of his habitat work was when he was in Dillingham looking at what areas could support moose and caribou. The caribou herd there was rising at the time.

CO-CHAIR JOSEPHSON requested Dr. Van Daele to describe his first year of experience serving on the Board of Game.

DR. VAN DAELE responded it has been an honor to serve on the Board of Game. He said he is amazed at the process the board has and the ability for people to be heard through the advisory committees, the board process, and coming to individual board members with ideas. He is impressed with how much passion there is for Alaska's wildlife resources, he continued, and with that passion comes lots of varying opinions. The challenge has been

trying to balance all those interests in a way that is fair to everybody and follows the constitution. Given his 34 years of work for ADF&G he wasn't new to the board process, he said, but it is a different experience to be on the board side of things, which he enjoys even though it's hard work.

CO-CHAIR JOSEPHSON said he is looking forward to hearing the arguments, which he believes will be favorable, for Dr. Van Daele's reconfirmation next month.

DR. VAN DAELE offered his willingness to comment and share ideas on any wildlife legislation that Co-Chair Josephson sponsors.

CO-CHAIR JOSEPHSON accepted Dr. Van Daele's offer.

REPRESENTATIVE RAUSCHER stated he would like to talk to Dr. Van Daele one-on-one at a later time.

DR. VAN DAELE agreed to do so.

[1:59:50 PM](#)

JASON BUNCH, Appointee to the Big Game Commercial Services Board, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community & Economic Development (DCCED), testified he is seeking confirmation to the guides-outfitters seat on the board. He said the U.S. Coast Guard brought him and his wife to Alaska in 1997 and he served Alaska as a helicopter rescue swimmer for 13 years. He now operates a small guide business on Kodiak, guides for other guide-outfitters when needed, and holds both the federal and state land use permit. He added that he and his wife also own an asphalt maintenance business that they operate seasonally.

REPRESENTATIVE PARISH noted Mr. Bunch is the owner-guide of Kodiak Backcountry Adventures, is a guide for a bear camp, and is the owner of K-Line Alaska. He asked what K-Line Alaska is.

MR. BUNCH answered that K-Line Alaska is an asphalt maintenance business that does small asphalt work, such as potholes, driveways, and small parking lots. The business also applies line stripes in parking lots and does seal coating and preservation of asphalt surfaces.

REPRESENTATIVE PARISH inquired whether Mr. Bunch, in his work as a guide and if confirmed to the board, anticipates having to make choices that could have financial impact on his businesses.

MR. BUNCH replied that a section in the application asks whether an applicant feels he/she would be in conflict being a guide and being on a guide licensing board. At first, he didn't know how to answer that, he said, so he read the [Alaska Executive Branch Ethics Act (Ethics Act)]. A section of the Ethics Act, he related, states that minor and inconsequential conflicts of interest are unavoidable, which gave him some pause. However, he continued, the act also talks about the misuse of official positions and provides lists of do's and don'ts. After reviewing that he felt confident he wasn't going to allow himself to be put in a position that would challenge his integrity. He further stated that he feels the section on disclosure procedures sums up the whole Ethics Act and that it safeguards his integrity. Given all of that information, he said he doesn't think he will have a hard time making decisions that could potentially have an effect on his own business. There are many steps and procedures to put that forth on the table and to utilize the board, and the chair of the board especially, to check and balance his integrity.

REPRESENTATIVE PARISH thanked Mr. Bunch for his considerable study of the topic. He said the question on the application asks: "Is it possible that you or any member of your family will benefit financially by decisions to be made by the board or commission for which you are applying?" Continuing, he said that as a guide-outfitter and for a guide-outfitter seat, it is anticipated that there would be some conflicts because this is the industry in which Mr. Bunch works. The potential existence of such conflicts isn't a barrier condition, he stated, because there will be occasions in which the board is required to make determinations that affect guides or outfitters. He requested a narrow answer to the aforementioned question.

MR. BUNCH responded that if he had the statutes and regulations in front of him, he would look at what the board is authorized to do and what the board's purpose is. He said the board is responsible for licensing, he is licensed, and he cannot imagine being in a conflict or in a position where he would gain monetarily from a licensing regulation or decision made by the board. In regard to the board's purpose to establish regulation, he said he would answer yes. A guide-outfitter who is on this board could inconsequentially gain monetarily indirectly, but not directly, through a decision made by the board. If that were the case, he continued, he would make that known through the disclosure procedures. He posed a scenario of owning a business that trains young guides and said that in this

case he could perhaps gain directly through a decision he makes on the board on a regulation that affected training. He added that it is a loaded question and a tough question to answer.

[2:08:41 PM](#)

CO-CHAIR JOSEPHSON thanked Mr. Bunch for his answer. He noted there is divided opinion within the committee on the question's technicality and whether it is well framed. He said he is impressed that Mr. Bunch has done homework on this and that Mr. Bunch understands the nuances of it. He added he doesn't want Mr. Bunch to think he is facing an inquisition because the committee is pleased he has applied for the seat.

MR. BUNCH thanked Co-Chair Josephson and allowed it does feel like an inquisition.

REPRESENTATIVE TALERICO pointed out that Mr. Bunch was awarded the Emergency Medical Technician (EMT) of the Year by the State of Alaska for heroic efforts. He thanked Mr. Bunch for his past service and said it is impressive.

[2:10:10 PM](#)

CO-CHAIR JOSEPHSON opened public testimony on the nominations of Dr. Van Daele and Mr. Bunch.

[2:10:18 PM](#)

MARK RICHARDS, Executive Director, Resident Hunters of Alaska, testified that last year his organization supported Dr. Van Daele's appointment to the Board of Game and it now supports his reappointment. Having attended all the Board of Game meetings over the past year, he said he has neither seen nor heard anything from Dr. Van Daele that would cause his organization to change its opinion that Dr. Van Daele is a great addition to the board. He said Dr. Van Daele is well known from his career with ADF&G and has now seen things from both sides of the table. He further noted that Dr. Van Daele serves as the Board of Game member on the Big Game Commercial Services Board and is a valuable asset to that board as well.

[2:11:28 PM](#)

WAYNE KUBAT, Vice President, Alaska Professional Hunters Association (APHA), testified in support of confirming Dr. Van Daele to the Board of Game. He said Dr. Van Daele doesn't

always agree with the APHA, but the organization supports Dr. Van Daele's appointment because he is knowledgeable, does his homework, and puts the conservation of Alaska's wildlife resource first. He added that Dr. Van Daele is respectful and willing to listen to viewpoints he doesn't necessarily agree with and APHA feels Dr. Van Daele will work to unite Alaskans instead of dividing them. Dr. Van Daele's long background as a wildlife biologist in Kodiak gives the Board of Game much-needed representation, knowledge, and perspective concerning coastal and island areas of Alaska. Dr. Van Daele came up to speed in a short amount of time, he added, and APHA looks forward to working with him and supports his confirmation.

MR. KUBAT further testified in support of appointing Mr. Bunch to the Big Game Commercial Services Board. He noted Mr. Bunch became a registered guide in 2012 and since then Mr. Bunch has been an active participant in activities of the Board of Game and Big Game Commercial Services Board. Mr. Bunch shows passion and energy in all that he does and is a fast learner. He said the APHA feels Mr. Bunch will be a valuable member of the Big Game Commercial Services Board given his business, guiding, and Alaskan skills.

[2:13:00 PM](#)

CO-CHAIR JOSEPHSON's closed public testimony after ascertaining no one else wished to testify.

[2:13:12 PM](#)

CO-CHAIR TARR stated the House Resources Standing Committee has reviewed the qualifications of Dr. Lawrence Van Daele, appointee to the Board of Game, and Mr. Jason Bunch, appointee to the Big Game Commercial Services Board, and recommends their names be forwarded to a joint session for consideration. She reminded members that signing the reports regarding appointments to boards and commissions in no way reflects individual members' approval or disapproval of the appointees, and that the nominations are merely forwarded to the full legislature for confirmation or rejection.

[There being no objection, the confirmations were advanced.]

[2:13:44 PM](#)

The committee took an at-ease from 2:13 p.m. to 2:16 p.m.

**HB 27-HIGH-RISK CHEMICALS FOR CHILD EXPOSURE**

2:16:34 PM

CO-CHAIR TARR announced that the next order of business would be HOUSE BILL NO. 27, "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." [Before the committee was Version D, labeled 30-LS0264\D, Bannister, 3/15/18, the proposed committee substitute (CS) adopted as the working document on 3/9/18, and open for public testimony.]

2:17:01 PM

ANAHMA SHANNON, Director, Environmental Program, Kawerak, Inc., testified in support of HB 27. She noted Kawerak is a Native nonprofit organization in Nome serving the 20 tribes in the Bering Sea region. She said children should not be exposed to toxics by having them put directly into bedding, clothing, toys, and household goods. The chemicals being directly put into household products affect neurological, reproductive and immune system health. It is known that children are affected at a greater rate because their bodies are smaller, they breathe faster, and they have a greater rate of exposure due to the nature of where and how they play. Flame retardants are not effective in preventing fires, she stated, but they are harmful to children through ingestion and inhalation.

MS. SHANNON pointed out that in the Bering Sea region and in rural communities throughout Alaska, many of the Class 3 landfills burn whatever is taken to the dump, including items containing flame retardants. The toxic smoke produced by burning these products makes its way into the environment by smoke fallout, toxic ash that leaches into groundwater, or tracked out of the landfills on the bottom of people's boots. The polluted air that is produced affects everyone exposed to the smoke. Landfills are burned on a daily basis and often are less than two miles away from the village, she noted, and it is known that cancer-causing dioxins are produced when these products are burned. She urged that the environment and people stop being exposed to these detrimental chemicals and that Alaska's children be kept healthier through passage of HB 27.

2:19:35 PM

ART DELAUNE, Legislative Chair, Governor's Council on Disabilities and Special Education, spoke in support of HB 27 from the perspective of brain development. He said the council's mission is to advocate for individuals with developmental disabilities and work to ensure that they flourish in safe environments. The council also has the responsibility to advocate for early intervention systems that allow very young children to develop in natural and stimulating environments. He stated the council supports HB 27 because it believes the bill would help protect the health and brain development of Alaska's children. It would benefit families and firefighters, he added, by preventing exposure to toxic retardant chemicals found in children's products and upholstered furniture.

MR. DELAUNE pointed out that numerous scientific papers in the peer-reviewed literature have documented the harms posed by the use of these chemicals in consumer products. Children are especially at risk, he noted, because they tend to come into greater contact with toxic chemicals found in household dust. Studies show that, up to five years old, children's developing brains and reproductive organs are most vulnerable. Children can have three to five times higher blood levels of these chemicals than their parents. In Alaska during the long winter months, he continued, infants and toddlers tend to spend more time indoors in homes with greater insulation and less ventilation, which makes them more vulnerable to these levels of toxic flame retardants in these consumer products. He urged the passage of HB 27 because it will enrich and protect the brain development of Alaska's children.

[2:21:49 PM](#)

ANDREW HACKMAN, Registered Federal Lobbyist, Juvenile Products Manufacturing Association (JPMA), noted JPMA represents over 85 percent of the makers of juvenile products, everything from cribs to car seats to strollers. He said four statutes regulate JPMA with regard to the materials and the chemicals that go into its products, including the Consumer Products Safety Improvement Act, the federal Hazardous Substances Act, and the Toxic Substance Control Act. He said JPMA has worked with a number of states in trying to reduce requirements for flame retardants. For example, JPMA worked with California in revising its flame retardant requirements under Technical Bulletin 117 (TB117) so that flame retardants don't have to continue to be used to reach the mandates of those standards. However, he pointed out, there are instances where flame retardants are required to meet

certain Underwriters Laboratories (UL) performance standards for electronic components. Also, flame-retardant standards must be met under the National Highway Traffic Safety Administration (NHTSA) standards for car seats.

MR. HACKMAN said JPMA is concerned that if HB 27 moves forward and doesn't acknowledge those instances where those types of requirements are placed upon the components and the products themselves, there is the potential of car seats being banned or restricted in the state. Other states that have moved forward in this area have acknowledged things like electronic components and car seats, he continued. Even San Francisco, which took action on flame retardants this past year, acknowledged those types of products in those types of situations. He said JPMA hopes the committee will look to move toward some consistency on this legislation. He further noted that JPMA has some concerns with the breadth and the additional listing of an open-ended process to continue to restrict chemicals. Other states have used weighted evidence standards for similar types of processes and programs. He stated JPMA looks forward to being involved with the committee and opportunities for making sure HB 27 is consistent with other states.

[2:25:17 PM](#)

THOMAS ZOELLER, PhD, Professor, Biology Department, University of Massachusetts Amherst, testified in support of HB 27. He spoke as follows:

My research over the past 25 years has really been focused on understanding how thyroid hormone controls brain development, and whether, and how environmental chemicals like halogenated and other chemical flame retardants can interfere with this action. It is first important to recognize that thyroid hormone is essential for brain development in the fetus, in newborns, and in children, and this fact is so well recognized that every baby born in this country is tested for normal functioning of the thyroid gland at birth. In some regions of the country as many as 1 in 1,200 newborns have low thyroid hormone, and this is really considered a medical emergency to ensure that they are identified and treated quickly to limit cognitive deficits caused by low thyroid hormone during development. It's also become clear that thyroid hormone levels in pregnant women are particularly important because the thyroid gland in a

fetus doesn't begin to function until about 20 weeks. Having said that, thyroid hormone is still important for brain development during that period.

My research on flame retardants such as poly-brominated diphenyl ethers, tetrabromo bisphenol A, and some perfluorinated chemicals has demonstrated that these chemicals can interfere with thyroid hormone in the developing brain, but in ways that we don't fully understand. And in particular these chemicals can interfere with thyroid hormone action in the brain without affecting hormone levels in the blood. Currently, the only tool we have to test whether flame retardants affect the human thyroid system is to measure blood levels of thyroid hormone. But since chemicals can interfere with thyroid hormone action without affecting hormone levels in the blood it produces a situation where the so-called weighted evidence winds up being obfuscated because of this disconnect between the ability of chemicals to work in tissue without affecting measures that we normally use as an index of safety. This observation should be concerning because it means that these kinds of chemicals can act like a stealth bomber that slides below the radar of the ways we can test for safety of these chemicals and therefore protect human health.

So, in closing, it's clear to me that these kind of flame retardants can and do affect human development in part by interfering with thyroid hormone. And this conclusion is based on years of really high-resolution research that can't be duplicated for every flame retardant that comes on the market. These chemicals are robbing our children and grandchildren of critical intellectual potentials. And while these effects may not be visible on the faces of our children, they're no less important for them individually and for our society.

[2:29:16 PM](#)

ROBERT SIMON, Spokesperson, North American Flame Retardant Alliance, American Chemistry Council, testified in opposition to HB 27. He said his industry is committed to strong chemical safety regulation, including support for the overwhelmingly bipartisan 2016 Lautenberg Chemical Safety Act (LCSA) signed into law by President Obama, which fundamentally strengthened

and changed the federal regulation of chemical safety. That law, he continued, is relevant to HB 27.

MR. SIMON said the council opposes HB 27 based on three points. First, the legislation would duplicate federal and international chemical regulatory initiatives, including those recently adopted in the U.S. that fundamentally strengthen chemical regulation. Numerous federal and international regulatory agencies already assess the safety of chemicals, including the explicit consideration of children's health. Second, he continued, HB 27 would impose overly broad bans on the use of certain chemicals in all consumer products and could undermine overall consumer product safety. Under HB 27 if the state identifies a chemical of potential concern to children's health it would automatically be banned in all consumer products. From the council's perspective this is inappropriate and not supported by the science. There may be cases where a chemical in a specific application is not even available or does not result in any exposure to consumers or to children and yet HB 27 would automatically ban all of its uses in consumer products. Furthermore, banning certain chemicals could have unintended consequences of creating other consumer safety risks. A number of chemicals are used in product chemistry to provide a broad range of product benefits. By broadly banning all the consumer product applications, Alaska could be undermining overall consumer product safety, which is important to consider as legislators reflect on this legislation. Third, he said, the bill includes, from the council's perspective, an inappropriate ban on a broad range of flame retardants and would ban specifically substances that government regulators around the globe have determined do not pose a risk. For example, HB 27 specifically calls out TCPPE, which has a very different safety profile from the criteria referenced in the bill and despite it having been reviewed and having a safety determination for its uses in Canada and the European Union (EU), HB 27 would ban it.

[2:34:18 PM](#)

SUSAN WALSH, RN, President, Ketchikan Bargaining Unit, Alaska Nurses Association, testified in support of HB 27. She said the bill would protect Alaska children and firefighters from high-risk exposure to halogen flame retardants. She noted she is a nurse with a diverse background that includes family practice, pediatrics, emergency room, and chemo infusion, and currently she is employed as a labor and delivery nurse and in-house lactation consultant.

MS. WALSH drew attention to a fact sheet provided to members by Alaska Community Action on Toxics (ACAT) and to the testimony provided by experts regarding this toxic chemical. She reinforced "the shocking statistic" that birth defects in Alaska are twice as high than the U.S. as a whole and that Native infants have twice the birth defects as white infants in Alaska. There are currently no federal laws that protect people from the unnecessary addition of flame retardant products even though in September [2017] the federal Consumer Product Safety Commission released a long list of adverse health effects of these noxious chemicals that have a disproportionately negative effect on vulnerable populations, which include children.

MS. WALSH noted that the Alaska Nurses Association has long supported the precautionary principle and joined national affiliates in support of passage of similar bills at the federal level. However, she said, that process is moving at a snail's pace. She urged the committee to protect Alaskans and pass HB 27 and join the other 15 states that are considering policy to ban toxic flame retardants. That this bill is in the House Resources Standing Committee might be confusing for some, she added, but she would contend that [Alaska's] children are its biggest resource and they need and deserve protection.

[2:36:35 PM](#)

SAMARYS SEGUINOT-MEDINA testified in support of HB 27. She said she is a scientist and public health professional, but primarily she is a mother and grandmother. She stated there is much evidence showing the harmful effects that flame retardants have in children. Continuing her testimony, she paraphrased from the following written statement [original punctuation provided]:

I thought it would be relevant and important for this hearing to remember former Dr. David M. Heimbach who failed to disclose his ties to the flame retardant chemical industry.

He testified at least three times in Juneau between 2010 and 2012 against bills to restrict chemicals proven to be hazardous, especially to children.

Washington medical board reported that Heimbach invented tragic stories of children burn victims in his testimony to Alaska and other states. Heimbach fabricated testimony and falsely presented himself as an unbiased burn expert when, in fact, he was on the

payroll of the manufacturers of chemical flame retardants. Washington state officials said that he had been paid \$240,000 for his help.

Chemical industry is paying people to give false testimony. This is an example of the deceptive tactics that the chemical industry uses for their own benefit without any consideration of the harm they can cause to people, especially children who are the most vulnerable.

Is our duty and responsibility as citizens and public servants to care for our children and provide, ethically and respectfully, the protection they need so they can thrive and grow in a safe and healthy environment. I support HB 27 and I want to thank Rep. Tarr and Rep. Josephson for working for the wellbeing of our children.

CO-CHAIR TARR inquired about the name of the documentary that exposed Dr. Heimbach.

MS. SEGUINOT-MEDINA replied she would send this information.

[2:40:03 PM](#)

CO-CHAIR TARR closed public testimony after ascertaining no one else wished to testify on HB 27.

CO-CHAIR TARR held over HB 27.

[2:40:35 PM](#)

The committee took a brief at-ease.

[2:40:42 PM](#)

REPRESENTATIVE JOHNSON asked whether this material could still be purchased online and whether the bill would make a difference if that were the case.

CO-CHAIR TARR responded that all of the manufactured goods could not be quickly removed from the shelves, but the bill would draw a line in the sand so that any new products being sold would be without these chemicals. Any person owning the [now prohibited] products would keep them and dispose of them in a, hopefully,

safe manner. After the effective date, she continued, any products sold in Alaska would not contain these chemicals.

REPRESENTATIVE JOHNSON reiterated her question about whether online orders would be included.

CO-CHAIR TARR offered her belief that online sales would be included, but said she would get back to the committee with a firm answer.

REPRESENTATIVE RAUSCHER drew attention to the sectional analysis for HB 27 and asked how [under Section 2] the sixth bullet can exist given the fourth bullet.

CO-CHAIR TARR answered there would be two sets of products - products already on shelves [at the bill's effective date] and products coming into the state after the effective date. Products already in a retailer's possession containing these chemicals would be subject to the informed consumer option, and the retailer wouldn't be required to take them off the shelf. After the bill's effective date, products coming into the state would comply with the law and wouldn't contain those chemicals.

REPRESENTATIVE RAUSCHER noted the sectional analysis speaks to manufacturers. He therefore requested clarification that, once on the shelf, it would be the storeowner who is required to put on the [informed consumer] label.

CO-CHAIR TARR replied it would be the retailer's responsibility to put on that public notice. But, she continued, the reason the other part of it speaks to manufacturers is that the manufacturers are being told those products can no longer be sold in Alaska.

[HB 27 was held over.]

### **HB 272-TANGLE LAKES STATE GAME REFUGE**

[2:46:07 PM](#)

CO-CHAIR JOSEPHSON announced that the final order of business would be HOUSE BILL NO. 272, "An Act establishing the Tangle Lakes State Game Refuge; and providing for an effective date."

REPRESENTATIVE BIRCH drew attention to [a map entitled, "Ahtna, Inc. Oil and Gas Interests Southeast of Proposed Tangle Lakes State Game Refuge - March 2018"]. He said the map shows the

proposed state game refuge area as being bisected by Doyon Ltd. boundaries and Ahtna, Inc. boundaries. Bringing attention to another map, he said [the proposed refuge] includes a portion of the Matanuska-Susitna Borough. He inquired whether the sponsor has reached out to the borough.

CO-CHAIR JOSEPHSON replied no, but noted the borough's lobbyist is in the committee room. He pointed out that this portion of the Matanuska-Susitna Borough is already in a controlled use area, so is presently a regulated area.

REPRESENTATIVE JOHNSON asked whether this controlled use area is labeled on the map as "Wildlife Habitat, Public Recreation, Forestry". She further asked how this controlled use area is different from what is being talked about today.

CO-CHAIR JOSEPHSON stated it is in the western portion, although he cannot remember the name. He noted the map being referenced is entitled, "Proposed Tangle Lakes State Game Refuge, Generalized State ownership, [Leasehold] Location Orders, Mineral Orders (Closing), and Land Classifications". The map generally shows land classifications as derived from two, and possibly three, management areas, he added. The area just to the east of the Maclaren River and inside the Matanuska-Susitna Borough is in a controlled use area. He asked Mr. Meehan of the Division of Wildlife if he is correct.

[2:49:26 PM](#)

JOE MEEHAN, Special Areas Program Coordinator, Division of Wildlife Conservation, Alaska Department of Fish and Game (ADF&G), replied yes, that area is part of the Clearwater Creek Controlled Use Area. It is an administrative designation by the Board of Game, he explained, and this controlled use area primarily restricts the use of off-road vehicles while engaged in hunting activities.

CO-CHAIR JOSEPHSON requested Mr. Meehan to confirm that the off-road preclusion is not created by the proposed refuge, but is something the Board of Game has already created.

MR. MEEHAN replied correct, the Board of Game created it.

[2:50:37 PM](#)

REPRESENTATIVE BIRCH moved to adopt Amendment 1, labeled 30-LS1167\U.[2], Bullard, 3/16/18, which read:

Page 7, line 22:  
Delete "2019"  
Insert "2023"

CO-CHAIR TARR objected for purposes of discussion.

REPRESENTATIVE BIRCH explained HB 272 withdraws mineral entry, meaning no new mining claims can be staked, and Amendment 1 would extend mineral withdrawal from [January 1,] 2019, to [January 1,] 2023, to allow a five-year window for staking claims. This extension would permit additional time for the mining industry to do geological evaluations and determine mineral potential in the area and stake claims if there is interest. These claims, he continued, would then be honored under the language in the bill on page 7, line 21, regarding existing valid rights. This is a common mineral withdrawal and includes those in the Alaska National Interest Lands Act (ANILCA).

CO-CHAIR JOSEPHSON clarified Amendment 1 is labeled U.2.

[CO-CHAIR TARR maintained her objection.]

CO-CHAIR JOSEPHSON stated that when first looking at Amendment 1 he didn't reject it outright. He said he is unsure whether its impact would be to drive to a conclusion the issue of the [Department of Natural Resources] permitting mining through the permitting process or what the result would be. While the amendment has some merit, he allowed, he doesn't personally agree with it and therefore opposes it.

REPRESENTATIVE BIRCH opined that, in total, HB 272 is a land grab and he is opposed to the bill. Amendment 1 mitigates to some extent the land grab aspects from the standpoint that if there is any mineral potential it allows a few more years for exploration and development. Alaska has a tremendous record of joint use and shared use lands, he said, and the mining industry has a sterling record statewide of doing good work while there is still hunting and fishing.

[2:54:52 PM](#)

A roll call vote was taken. Representatives Birch, Johnson, Rauscher, and Talerico voted in favor of Amendment 1. Representatives Lincoln, Drummond, Parish, Tarr, and Josephson

voted against it. Therefore, Amendment 1 failed by a vote of 4-5.

[2:55:52 PM](#)

REPRESENTATIVE BIRCH moved to adopt Amendment 2, labeled 30-LS1167\U.3, Bullard, 3/16/18, which read:

Page 7, lines 21 - 24:

Delete all material and insert:

"(c) The commissioner shall permit entry into the Tangle Lakes State Game Refuge for purposes of mineral exploration, development, and extraction if the commissioner finds that the exploration, development, or extraction is compatible with the purposes specified in (b) of this section; however, all mineral leases in effect on January 1, 2019, are valid and continue in full force and effect according to the terms of those leases."

CO-CHAIR JOSEPHSON objected for discussion purposes.

REPRESENTATIVE BIRCH explained Amendment 2 would remove the mineral withdrawal language on page 7, lines 21-24, and replace it with language that allows for mineral entry into the Tangle Lakes State Game Refuge if the commissioner of the Department of Natural Resources (DNR) determines exploration or development is compatible with the purposes specified in (b). As heard through invited and public testimony, he continued, the premise that a choice must be made between renewable and nonrenewable resources is not true. His father was a mining engineer and his mother a geologist, he said, and he grew up in mining camps in Alaska and personally felt the positive impact that sustainable development has had in Alaska. To say that mining will irreparably damage the ecosystem and wildlife in this area is unacceptable and is not based on facts, he opined. Removing the mineral withdrawal language and replacing it with this language would ensure that public use and habitat are maintained while also allowing for responsible development, which provides jobs and state revenue.

REPRESENTATIVE TALERICO expressed his support for Amendment 2. He said he received several public comments asking whether there would be a risk to the Tangle Lakes canoeing area and the ability to portage between lakes. He offered his understanding that that area has already been protected and set aside for quite a while as a designated Wild and Scenic River. He said he agrees with the sponsor of Amendment 2 given his own personal

experience of habitat improvement that was done after mining. He allowed it takes responsible people to do that, as well as responsible regulations that he thinks Alaska has.

CO-CHAIR JOSEPHSON noted the area Representative Talerico is referencing is the recreational river corridor that is shown on the previously identified map.

CO-CHAIR JOSEPHSON stated he appreciates that Amendment 2 would allow some discretion by the commissioner and the commissioner would have to find facts that support that mineral development as being consistent with the refuge. However, he continued, he doesn't support the amendment. Noting [his] objection is maintained, he requested a roll call vote.

[3:01:16 PM](#)

A roll call vote was taken. Representatives Parish, Birch, Johnson, Rauscher, Talerico, Lincoln, and Tarr voted in favor of Amendment 2. Representatives Drummond and Josephson voted against it. Therefore, Amendment 2 was adopted by a vote of 7-2.

CO-CHAIR JOSEPHSON invited discussion of HB 272 as amended.

REPRESENTATIVE RAUSCHER asked what restrictions apply to the state special use area within the proposed refuge boundary.

CO-CHAIR JOSEPHSON replied that Alaskans and visitors cannot remove rocks from the area because it is the state [Tangle Lakes Archeological District Special Use Area]. He deferred to DNR to provide further response as to what the special use area does.

[3:03:30 PM](#)

MARTY PARSONS, Deputy Director, Central Office, Division of Mining, Land and Water, Department of Natural Resources (DNR), explained the primary function of the special use area is to limit the type of motorized vehicles that can operate within the archeological area, and when they can operate.

REPRESENTATIVE RAUSCHER requested someone from DNR speak to the mineral order closing shown in the green area on the map.

CO-CHAIR JOSEPHSON clarified Representative Rauscher is talking about the mineral order closings located in the far east of the proposed refuge and also north of the proposed refuge.

MR. PARSONS responded it is correct that there is a mineral closing order in that area - Mineral Order 1118 and 483.

CO-CHAIR JOSEPHSON asked what the order's impact is.

MR. PARSONS answered it closes the area to any staking or creation of mineral property right that didn't pre-exist the closure order that DNR put into effect. In essence, he added, it closes the area to staking or mineral location.

REPRESENTATIVE RAUSCHER inquired about the meaning of leasehold location order.

CO-CHAIR JOSEPHSON noted the leasehold location order is mostly overlaid with the archeological district.

MR. PARSONS replied the leasehold location order means an individual can stake a claim but cannot mine without entering into a lease with the state. It adds a few more protections to the area in that, in a lease, DNR would be able to put in a few more stipulations than it might otherwise be able to do under regular operating plans.

REPRESENTATIVE RAUSCHER requested further clarification on what can and cannot be done.

MR. PARSONS explained that exploration is allowed to take place. The leasehold location order only requires that another step be taken to enter into a lease agreement with the state to actually operate and mine - it does not prevent mining.

[3:07:35 PM](#)

REPRESENTATIVE TALERICO drew attention to the map and observed that the upper left corner within the proposed refuge is labeled Eastern Tanana Area Plan and to the right within the mineral closure area it is labeled Tanana Basin Area Plan. He offered his understanding that this plan was split and therefore it would seem that the area on the east side of the map would be the Eastern Tanana Basin Area Plan.

MR. PARSONS explained that this area is subject to four active operating plans. The Tanana Basin Area Plan was broken into multiple parts - the Susitna Area Plan, the Eastern Tanana Area Plan, the remnant Tanana Basin Area Plan that affects portions of this, and the Copper Basin Area Plan. The map, he continued,

identifies correctly that there is the remnant of the older Tanana Basin Area Plan and the Eastern Tanana Area Plan only modified a portion of it.

REPRESENTATIVE RAUSCHER asked whether there is a designated State of Alaska definition of state game refuge.

CO-CHAIR JOSEPHSON deferred to Mr. Meehan to answer whether there is a specific statutory definition of state game refuge.

MR. MEEHAN replied there is a statutory purpose statement for refuges in Title 16, AS 16.20.010 through AS 16.20.080, which continues the enabling legislation for refuge areas. It says the purpose is to protect and preserve the natural habitat and game populations in certain designated areas of the state.

[3:11:22 PM](#)

CO-CHAIR TARR moved to report HB 272, Version 30-LS1167\U [as amended], out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE JOHNSON objected.

[3:12:41 PM](#)

A roll call vote was taken. Representatives Drummond, Parish, Lincoln, Tarr, and Josephson voted in favor of HB 272, as amended. Representatives Birch, Johnson, Rauscher, and Talerico voted against it. Therefore, CSHB 272(RES) was reported out of the House Resources Standing Committee by a vote of 5-4.

[3:13:52 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Resources Standing Committee meeting was adjourned at 3:13 p.m.