

ALASKA STATE LEGISLATURE
HOUSE LABOR AND COMMERCE STANDING COMMITTEE

March 6, 2020

3:18 p.m.

MEMBERS PRESENT

Representative Ivy Spohnholz, Chair
Representative Sara Hannan
Representative Andi Story
Representative Sara Rasmussen

MEMBERS ABSENT

Representative Louise Stutes
Representative Zack Fields
Representative Mel Gillis

COMMITTEE CALENDAR

HOUSE BILL NO. 93

"An Act relating to temporary courtesy licenses for certain nonresident professionals; and relating to the Department of Commerce, Community, and Economic Development."

- HEARD & HELD

HOUSE BILL NO. 27

"An Act relating to the manufacture, sale, distribution, and labeling of child-related products containing certain flame retardant chemicals; relating to an interstate chemicals clearinghouse; adding unlawful acts to the Alaska Unfair Trade Practices and Consumer Protection Act; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 93

SHORT TITLE: MILITARY SPOUSE COURTESY LICENSE

SPONSOR(S): REPRESENTATIVE(S) TUCK

03/13/19	(H)	READ THE FIRST TIME - REFERRALS
03/13/19	(H)	MLV, L&C
04/02/19	(H)	MLV AT 1:00 PM GRUENBERG 120
04/02/19	(H)	Heard & Held

04/02/19 (H) MINUTE (MLV)
 04/04/19 (H) MLV AT 1:00 PM GRUENBERG 120
 04/04/19 (H) -- MEETING CANCELED --
 04/09/19 (H) MLV AT 1:00 PM GRUENBERG 120
 04/09/19 (H) -- MEETING CANCELED --
 04/16/19 (H) MLV AT 1:00 PM GRUENBERG 120
 04/16/19 (H) Moved HB 93 Out of Committee
 04/16/19 (H) MINUTE (MLV)
 04/17/19 (H) MLV RPT 6DP
 04/17/19 (H) DP: THOMPSON, RAUSCHER, TUCK, JACKSON,
 TARR, LEDOUX
 05/06/19 (H) L&C AT 3:15 PM BARNES 124
 05/06/19 (H) -- MEETING CANCELED --
 05/10/19 (H) L&C AT 3:15 PM BARNES 124
 05/10/19 (H) Heard & Held
 05/10/19 (H) MINUTE (L&C)
 03/02/20 (H) L&C AT 3:15 PM BARNES 124
 03/02/20 (H) Heard & Held
 03/02/20 (H) MINUTE (L&C)
 03/06/20 (H) L&C AT 3:15 PM BARNES 124

BILL: HB 27

SHORT TITLE: REGULATION OF FLAME RETARDANT CHEMICALS

SPONSOR(S): REPRESENTATIVE(S) TARR

02/20/19 (H) PREFILE RELEASED 1/11/19
 02/20/19 (H) READ THE FIRST TIME - REFERRALS
 02/20/19 (H) RES, L&C
 04/03/19 (H) RES AT 1:00 PM BARNES 124
 04/03/19 (H) Heard & Held
 04/03/19 (H) MINUTE (RES)
 04/05/19 (H) RES AT 1:00 PM BARNES 124
 04/05/19 (H) Heard & Held
 04/05/19 (H) MINUTE (RES)
 01/24/20 (H) RES AT 1:00 PM BARNES 124
 01/24/20 (H) Scheduled but Not Heard
 01/27/20 (H) RES AT 1:00 PM BARNES 124
 01/27/20 (H) Heard & Held
 01/27/20 (H) MINUTE (RES)
 01/29/20 (H) RES AT 1:00 PM BARNES 124
 01/29/20 (H) Scheduled but Not Heard
 01/31/20 (H) RES AT 1:00 PM BARNES 124
 01/31/20 (H) Scheduled but Not Heard
 02/03/20 (H) RES AT 1:00 PM BARNES 124
 02/03/20 (H) -- MEETING CANCELED --
 02/05/20 (H) RES AT 1:00 PM BARNES 124
 02/05/20 (H) Moved CSHB 27 (RES) Out of Committee

02/05/20 (H) MINUTE (RES)
02/07/20 (H) RES RPT CS (RES) NT 5DP 2NR
02/07/20 (H) DP: TUCK, HANNAN, HOPKINS, TARR,
LINCOLN
02/07/20 (H) NR: TALERICO, RAUSCHER
02/26/20 (H) L&C AT 3:15 PM BARNES 124
02/26/20 (H) <Bill Hearing Canceled>
03/04/20 (H) L&C AT 3:15 PM BARNES 124
03/04/20 (H) -- MEETING CANCELED --
03/06/20 (H) L&C AT 3:15 PM BARNES 124

WITNESS REGISTER

REPRESENTATIVE CHRIS TUCK
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, provided the opening statement for HB 93.

MARY BETH GOODMAN
Anchorage, Alaska

POSITION STATEMENT: Testified in support of HB 93.

SARA CHAMBERS, Director
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community & Economic Development
Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 93.

TAMMIE PERREAULT, Regional Liaison
Defense-State Liaison Office
U.S. Department of Defense
Joint Base Lewis-McChord, Washington

POSITION STATEMENT: Testified in support of HB 93.

REPRESENTATIVE GERAN TARR
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, introduced HB 27 and provided a PowerPoint presentation, entitled "House Bill 27 Toxic Free Children's Act."

KARLA HART, Staff
Representative Geran Tarr
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided a sectional analysis for HB 27 on behalf of Representative Tarr, prime sponsor.

SU CHON, Civic Engagement Coordinator
Alaska Community Action on Toxics
Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 27.

TOM WESCOTT, President
Alaska Professional Firefighters Association
Eagle River, Alaska

POSITION STATEMENT: Testified in support of HB 27.

ACTION NARRATIVE

[3:18:26 PM](#)

CHAIR IVY SPOHNHOLZ called the House Labor and Commerce Standing Committee meeting to order at 3:18 p.m. Representatives Hannan, Rasmussen, and Spohnholz were present at the call to order. Representative Story arrived as the meeting was in progress.

HB 93-MILITARY SPOUSE COURTESY LICENSE

[3:19:07 PM](#)

CHAIR SPOHNHOLZ announced that the first order of business would be HOUSE BILL NO. 93, "An Act relating to temporary courtesy licenses for certain nonresident professionals; and relating to the Department of Commerce, Community, and Economic Development."

[3:19:21 PM](#)

REPRESENTATIVE CHRIS TUCK, Alaska State Legislature, as prime sponsor, reintroduced HB 93 and provided a brief recap of the bill. He explained that the bill ensures that military spouses have the ability to get their occupational licenses in an expedient way in order for them to continue practicing in their profession. He said it helps military families when they are deployed to Alaska in the transitional phase, as well as gives them the ability to practice a profession that provides for their family.

CHAIR SPOHNHOLZ added that this bill is based on underlying legislation that was passed in 2011. She explained that HB 93

seeks to implement a report on the subject matter because this kind of special licensure hasn't progressed as expected.

REPRESENTATIVE TUCK confirmed that, adding that the goal is to get a progress report back to the legislature on the fulfillment of the original bill's requirement.

[3:21:45 PM](#)

CHAIR SPOHNHOLZ opened public testimony.

[3:22:16 PM](#)

MARY BETH GOODMAN expressed her support for HB 93. She informed the committee that she is a licensed professional counselor in 7 states and possesses a national certification. She said she has been practicing counseling for 20 years and holds special certifications in trauma, post-traumatic stress disorder (PTSD), family systems, eating disorders, critical incident stress management, autism and sensory processing disorders. She further noted that she is a military spouse who is a self-proclaimed expert in transferring her professional license; however, she has been told that she does not qualify to be licensed in Alaska. Furthermore, the board does not issue military spouse reciprocity. She explained that she has made up for those deficits by continuing her professional education through continuing education units. She urged the committee to consider several factors as they deliberate HB 93: education, experience, finances, and expediency.

[3:27:10 PM](#)

REPRESENTATIVE HANNAN attempted to clarify whether there is temporary licensure available for Ms. Goodman's particular license.

MS. GOODMAN confirmed that temporary licensure is not available for mental health.

REPRESENTATIVE HANNAN noted that the Division of Corporations, Business and Professional Licensing issued 3 types of temporary occupational licenses for psychology and one for marital and family therapy. She questioned whether Ms. Goodman's license would fit into either type.

MS. GOODMAN said no, because she is a licensed professional counselor.

REPRESENTATIVE HANNAN said she's not sure which board would govern that profession. She asked if it would be the "psychology board."

MS. GOODMAN answered yes.

[3:28:14 PM](#)

CHAIR SPOHNHOLZ deferred to Ms. Chambers.

[3:28:22 PM](#)

SARA CHAMBERS, Director, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community & Economic Development, explained that the division does have a Board of Professional Counselors that regulates the counseling profession. She said if there was a temporary license for a professional counselor it would be listed under that board.

[3:28:49 PM](#)

REPRESENTATIVE HANNAN asked if marital and family therapists are licensed under the Board of Professional Counselors.

MS. CHAMBERS replied that they have their own board.

[3:29:01 PM](#)

REPRESENTATIVE HANNAN asked how many types of counseling licenses and governing boards exist in Alaska for therapists and counselors.

MS. CHAMBERS said there are several boards that are mental health focused: The Board of Marital and Family Therapy, the Board of Professional Counselors, the Board of Social Work Examiners, and the Board of Psychologist and Psychological Associate Examiners. Those encompass all the strict mental health professions with the exception of behavioral therapists, which are licensed but don't have a board.

REPRESENTATIVE HANNAN pointed out that three of the aforementioned boards have issued temporary professional licenses, which leaves the Board of Professional Counselors as the only board that doesn't. She asked if that is correct.

MS. CHAMBERS said that should be accurate.

CHAIR SPOHNHOLZ acknowledged that the memorandum from the division [included in the committee packet] confirms that.

[3:30:01 PM](#)

CHAIR SPOHNHOLZ asked what is preventing Ms. Goodman from meeting the Alaska licensure standard.

MS. GOODMAN explained that present day licensure requires a 60-hour master's degree; however, when she received her master's degree 20 years ago, 48 hours was all that was required. She further noted that the board application states that if the license was received prior to July 2000, that standard is no longer a requirement.

CHAIR SPOHNHOLZ said she appreciates Ms. Goodman bringing this to the committee's attention, adding that the issue might require further administrative clarification.

[3:31:19 PM](#)

TAMMIE PERREAULT, Regional Liaison, Defense-State Liaison Office, U.S. Department of Defense, reported that the Defense-State Liaison Office and the U.S. Department of Defense fully support HB 93 as it provides the opportunity to further identify ways in which to better support military spouses in Alaska. Occupational licensure is one of the key priorities for the secretary of defense and the U.S. Department of Defense in improving the quality of life for military families, she said. She noted that 68 percent of married service members report that their spouses' ability to maintain a career impacts their decision to remain in the military. Furthermore, 77 percent of military spouses' report that they want or need to work, and up to 34 percent of military spouses are required to maintain an occupational license for employment. She stated that Alaska has the second highest number of military spouses out of any state. The report that HB 93 seeks would bring to light the challenges that Alaska might be facing in improving occupational licensure, she said. She thanked the committee for their support and for the consideration of this bill.

[3:34:26 PM](#)

CHAIR SPOHNHOLZ closed public testimony.

[3:34:41 PM](#)

REPRESENTATIVE STORY asked when the report would be done if HB 93 passes. She offered her belief that the timeline should be as quick as possible to find out how to be more effective in this area.

CHAIR SPOHNHOLZ directed attention to page 2, lines 3-4, of the bill, and read the following:

The department shall submit the report prepared under (e) of this section to the Joint Armed Services Committee on or before the first day of March each year.

[3:35:26 PM](#)

REPRESENTATIVE HANNAN expressed her expectation that the report addresses not only the questions being asked directly, but also the underlying problems. Furthermore, she said that she wants to know how many people are applying for a license and not being issued one.

CHAIR SPOHNHOLZ asked if Representative Hannan would like to amend the bill.

REPRESENTATIVE HANNAN answered no. She said that giving those remarks while the division director is in the room will help Ms. Chambers understand her intent. She added that she doesn't want to slow down the bill with an amendment.

CHAIR SPOHNHOLZ said she doesn't want to unnecessarily stall the process; however, she wants to ensure that the bill requests the kind of report that they want. She encouraged Representative Hannan to propose an amendment.

REPRESENTATIVE HANNAN suggested offering a conceptual amendment that would read as follows:

Page 1, Line 7
Insert: "applied for and"
Immediately following the word
"licenses" on line 7

[3:39:19 PM](#)

REPRESENTATIVE STORY noted that as it's currently written, the conceptual amendment might result in the number of licenses that

were applied for an received instead of how many were applied for and not issued.

CHAIR SPOHNHOLZ objected for the purpose of discussion.

REPRESENTATIVE HANNAN suggested inserting "applied for or"

[3:40:05 PM](#)

REPRESENTATIVE TUCK suggested adding a paragraph (5) under subsection (e), that reads, "the number and type of the licenses that have been applied for." He reiterated that the goal of HB 93 is to "see where we're at." He offered his belief that adding the number of applicants strengthens the bill.

REPRESENTATIVE HANNAN asked if Chair Spohnholz recommends holding the bill until Monday.

CHAIR SPOHNHOLZ answered yes.

REPRESENTATIVE HANNAN "withdrew" her conceptual amendment.

[3:44:03 PM](#)

CHAIR SPOHNHOLZ announced that HB 93 was held over.

HB 27-REGULATION OF FLAME RETARDANT CHEMICALS

[3:44:24 PM](#)

CHAIR SPOHNHOLZ announced that the final order of business would be HOUSE BILL NO. 27, "An Act relating to the manufacture, sale, distribution, and labeling of child-related products containing certain flame retardant chemicals; relating to an interstate chemicals clearinghouse; adding unlawful acts to the Alaska Unfair Trade Practices and Consumer Protection Act; and providing for an effective date."

[3:44:41 PM](#)

REPRESENTATIVE GERAN TARR, Alaska State Legislature, as prime sponsor, introduced HB 27 and provided a PowerPoint presentation, entitled "House Bill 27 Toxic Free Children's Act." She informed the committee that slides 1-3 discuss the regulation of chemicals in the environment in a federal context. She pointed out that the federal laws that exist are dated, adding that the scientific understanding has significantly

improved over time. The 2008 Consumer Product Safety Improvement Act, which uses children as the benchmark for safety, is a reflection of that. A more recent reform is the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which improved the way chemicals are managed at the federal level. Nonetheless, much remains to be done and much remains to be learned, she said. She highlighted a list of worker health concerns due to exposure to chemicals, including cancer, reproductive health disorders, developmental delays or cognitive impairment, birth defects, endocrine disruption, respiratory disorders, and neurodevelopmental disorders (slide 6). She emphasized that everyone has different genetics and different exposure. She said that the challenge in regulating these chemicals is the attempt to create a strict causal relationship between health issues and exposure to a specific chemical. It's difficult because humans aren't tested, genetics are unique, and exposure is different, she said. Ultimately, sometimes chemical exposure has a different effect on one person than it does another.

REPRESENTATIVE TARR continued on to slide 7 and highlighted the three types of exposure: absorption, inhalation, and eating. She stated that HB 27 regulates flame retardants, or polybrominated diphenyl ethers (PBDEs), which are used in a variety of commonplace items, including children's products, furniture, electronics, plastics, building materials, motor vehicles, airplanes, and textiles (slide 8). She explained that bioaccumulation is the gradual accumulation of substances, such as pesticides or chemicals, into an organism, and it is the primary reason for concern regarding PBDEs. She noted that bioaccumulation of PBDEs can lead to numerous health impacts; furthermore, it is the leading cause of cancer in firefighters (slide 9). She directed attention to a timeline on slide 10, mapping the use of flame retardants in household products since 1975 when the first TSCA was passed. She pointed out that the need for such products has been reduced and replaced with alternatives over time. She discussed the visuals on slides 11-12, which highlight how children are at risk for exposure to these chemicals. Slides 13-14 address the endocrine system and endocrine disruption. She explained that certain chemicals, once inside the bloodstream, can mimic hormones and if they bind to the sites intended for hormone binding, they can cause an inappropriate response, such as excessive hormone production or insufficient hormone production, which have adverse biological impacts on human health. She highlighted policy solutions included in this bill on slide 15, such as restricting the use

of known chemicals of concern, restricting the use of possible substitutes, conducting Alaska research, and collaborating with other states. To conclude, she informed the committee that HB 27 is comparable to the Anchorage ordinance that prevents the sale, manufacture, and distribution of some products that contain prohibited flame retardant chemicals. She noted the letters of support from furniture stores included in the committee packet.

[3:59:46 PM](#)

KARLA HART, Staff, Representative Geran Tarr, Alaska State Legislature, on behalf of Representative Tarr, prime sponsor, presented the sectional analysis for HB 27. She stated that Section 1 presents the findings. Subsequently, Section 2 addresses the prohibited chemical compounds. She explained that the "exemptions section" exempts use in second-hand upholstered furniture unless the furniture is being rebuilt. Products, or components of products, for motor vehicles, watercraft, aircraft, and other vehicles, as well as products that are primarily used outside of the home are also exempt. She said that the civil penalty is \$500 each day for a violation; however, she added that there's no enforcement mechanism in the bill. She turned attention to the "participation in interstate chemicals clearinghouse [section]," which authorizes the Department of Environmental Conservation to participate. Finally, the definitions section is straightforward, she said.

[4:02:51 PM](#)

REPRESENTATIVE HANNAN directed attention to Section 18.31.640, the participation in interstate chemicals clearinghouse, and inquired as to the cost for participation and what kind of information it provides.

REPRESENTATIVE TARR explained that before the TSCA reform bill was passed, there was a recognition that the states needed better collaboration. She said that by participating in this clearinghouse everyone could benefit through the sharing of information. She noted that some larger states have participated and put a lot of resources into it, adding that the smaller states benefit by having access to it.

REPRESENTATIVE HANNAN sought clarification on whether it's a fixed cost.

REPRESENTATIVE TARR answered no. She said it was previously based on population size, overall state budget, and other things to incorporate the diversity of participation.

REPRESENTATIVE HANNAN pointed out that state agencies typically don't perform research. She asked if it's the states' university systems that participate in the clearinghouse and carry out the research.

REPRESENTATIVE TARR said yes; however, some states are engaging in research through their division of public health, for example.

[4:06:56 PM](#)

CHAIR SPOHNHOLZ questioned whether there is anyone in Alaska - possibly at the University - who is studying flame retardants.

REPRESENTATIVE TARR said she doesn't believe so. She noted that it was sad to lose research capacity around endocrine disruptors after Dr. Frank von Hippel left the University of Alaska Anchorage.

CHAIR SPOHNHOLZ added that Dr. von Hippel is an internationally recognized expert who is originally from Alaska. She offered her belief that he was recruited to Arizona State University, adding that it's a big loss for the state when an Alaskan takes their expertise elsewhere. She asked why there's no cost associated with allowing the DEC to participate in the interstate chemicals clearinghouse to learn about flame retardant chemicals.

[4:08:49 PM](#)

REPRESENTATIVE TARR said they want to participate and benefit from that collaboration even if there's no additional funding available at this time. She stated, "it's permissive and there's some flexibility within their budget if they had funding."

CHAIR SPOHNHOLZ sought to clarify that there's a membership fee for individual states; however, in order to maintain cost neutrality, [states] have permission to participate without allowing them to become full members.

REPRESENTATIVE TARR confirmed that.

[4:10:25 PM](#)

REPRESENTATIVE STORY questioned whether the bill sponsor has had conversations with furniture manufacturers in Alaska regarding how HB 27 would affect them if passed, as well as any steps they would have to take.

REPRESENTATIVE TARR directed attention to the letters of support included in the committee packet.

MS. HART noted that the owner of Sadler's Furniture has testified and given support in the past. She said he has worked to figure out who is providing furnishings that meet the requirements. She reported that he is finding it difficult to buy furniture that do not meet Anchorage's regulation because Washington and California have both passed laws that encourage the manufacture of compliant furniture.

[4:12:45 PM](#)

REPRESENTATIVE HANNAN pointed out that there aren't any furniture manufacturers in Alaska. Nonetheless, furniture stores have explained that they have plenty of compliant wholesale options from California.

REPRESENTATIVE TARR confirmed that.

[4:14:28 PM](#)

SU CHON, Civic Engagement Coordinator, Alaska Community Action on Toxics, offered her belief that access to clean air, clean water, and safe shelter is a basic human right. She said that growing up in Alaska, she felt blessed because of its pristine lands; however, she has come to realize that in reality, the state has many contaminated sites and is at higher risk to exposure from global contaminants due to the way chemicals concentrate in northern areas. She added that it's not just the outdoor environments, many harmful pollutants have found a way into homes and workplaces. Flame retardants are supposedly the new lead because of the way they cause harm to human health. They are widely found in mattresses, carpets, television sets, and even children's' products and toys. She noted that the name "flame retardant" is a misnomer, as they have proven to be ineffective at providing fire safety benefits in homes. The scientists who study these flame retardant chemicals and firefighters who battle house fires can attest to this and have testified in support of HB 27 in previous years. In March 2019,

the Anchorage Assembly unanimously passed the "Protecting the Health of Children and Firefighters Ordinance," a landmark ordinance preventing the use of harmful flame retardant chemicals in children's products, furniture, and mattresses. She urged members to pass HB 27, a substantively similar bill, to ensure the protection of the health of all Alaskans. She went on to say that the Alaska State Legislature also has a responsibility to protect firefighters and taxpayer dollars. She said science has shown that certain flame retardant chemicals increase the risk of cancer in firefighters and the cost to health care for firefighters with cancer can cost millions of dollars per person. She reported that HB 27 received broad support from the firefighting community, healthcare providers, scientists, parents, teachers, and children's health advocates. She urged the legislature to pass HB 27 this legislative session.

[4:17:53 PM](#)

TOM WESCOTT, President, Alaska Professional Firefighters Association, He stated that the Alaska Professional Firefighters Association (APFA) supports this bill and urges its passage. HB 27 would work to ban chemicals proven to be dangerous to firefighters and the community, such as PBDE flame retardants. He reported that the APFA represents 500 firefighters across Alaska, and they support HB 27 and look forward to its passage.

CHAIR SPOHNHOLZ asked Mr. Wescott to describe what he knows about the relative effectiveness of flame retardants slowing down actual fires.

MR. WESCOTT noted that he is not a chemical expert. He shared what he's learned from firefighting, which is that everything will burn eventually when its heated to a certain point. He said there are other ways to achieve the same result. He added that firefighters get cancer at a higher rate than the general population because of the products of combustion that burn, which they are exposed to through skin absorption.

CHAIR SPOHNHOLZ mentioned HB 84 and the dangers of flame retardants, as well as the higher rates of cancer among firefighters and first responders. She asked Mr. Wescott to describe the "better ways" to slow fire.

MR. WESCOTT listed wool as an alternative material to flame retardants. He said there are other types of flame retardants

that, as long as they're tested to ensure that they lack secondary harm, will work to replace the dangerous ones.

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REPRESENTATIVE STORY asked what the [APFA] does for prevention and to bring awareness to families about chemicals that are in products.

MR. WESCOTT said he isn't the right person to answer that. He said the APFA works with ACAT to bring this important issue forward and bring it to the attention of the legislature to affect change.

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CHAIR SPOHNHOLZ said HB 27 would be held over.

[4:25:21 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 4:25 p.m.