

**ALASKA STATE LEGISLATURE  
HOUSE STATE AFFAIRS STANDING COMMITTEE**

Anchorage, Alaska

July 29, 2020

10:01 a.m.

**MEMBERS PRESENT**

Representative Zack Fields, Co-Chair

Representative Jonathan Kreiss-Tomkins, Co-Chair (via teleconference)

Representative Sara Hannan (via teleconference)

Representative Andi Story (via teleconference)

Representative Steve Thompson (via teleconference)

**MEMBERS ABSENT**

Representative Grier Hopkins

Representative Sarah Vance

Representative Laddie Shaw

**OTHER LEGISLATORS PRESENT**

Representative Kelly Merrick (via teleconference)

**COMMITTEE CALENDAR**

PRESENTATION(S): COVID-19 WORKPLACE SAFETY: REDUCING VIRUS TRANSMISSION ON THE JOB

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

SHELLY MILLER, Professor of Mechanical Engineering  
University of Colorado Boulder  
Boulder, Colorado

**POSITION STATEMENT:** Testified during the presentation on COVID-19 workplace safety.

JULIA LUONGO, PhD, Air Quality Consultant  
Ramboll Shair  
San Francisco, California

**POSITION STATEMENT:** Testified during the presentation on COVID-19 workplace safety.

ANDREW ELSBERG, MD, Emergency Physician  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation on COVID-19 workplace safety.

JAKE METCALFE, Executive Director  
Alaska state employees Association/ American Federation of  
state, County, and Municipal Employees  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation on COVID-19 workplace safety.

CHARLES BRASINGTON  
Department of Law  
City & State

**POSITION STATEMENT:** Commented during the presentation on COVID-19 workplace safety.

JOSHUA WILSON, Business Agent  
Alaska Correctional Officers Association  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation on COVID-19 workplace safety.

MARVIN JONES  
Unite Here Local 878  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the presentation on COVID-19 workplace safety.

#### **ACTION NARRATIVE**

[10:01:31 AM](#)

**CO-CHAIR ZACK FIELDS** called the House State Affairs Standing Committee meeting to order at 10:01 a.m. Representatives Hannan (via teleconference), Story (via teleconference), Thompson (via teleconference), Kreiss-Tomkins (via teleconference), and Fields were present at the call to order.

**PRESENTATION(S): COVID-19 Workplace Safety: Reducing Virus Transmission on the Job**

[10:01:50 AM](#)

CO-CHAIR FIELDS announced that the only order of business would be a presentation on COVID-19 workplace safety and reducing virus transmission on the job.

[10:03:12 AM](#)

SHELLY MILLER, Professor of Mechanical Engineering, University of Colorado Boulder, provided her background in air pollution engineering with a specialty in indoor environments. She said her focus is on indoor sources of pollution and how to reduce exposure to toxic contaminants, including indoor airborne infectious disease transmission. She informed the committee that she has been actively involved in the coronavirus pandemic since March as one of the 36 world experts who petitioned World Health Organization (WHO) to recognize that a component of COVID-19 was being transmitted through inhalation exposure to virus-containing particles. Subsequently, WHO acknowledged inhalation as one of three potential transmission routes, along with exposed surfaces and respiratory droplets. She expressed particular concern about airborne transmission of virus-containing particles that can be inhaled from the general environment. She explained that the source of those particles is infected individuals who could be asymptomatic. She stressed the importance of reducing the source of exposure and controlling the emissions from infected individuals. She pointed out that masks are an engineering source control. She said limiting the contaminants from entering the environment raises the chances of controlling the problem. Additionally, she recommended social distancing because more distance between people decreases the concentration of airborne particles they generate and lowers the chance of inhaling those particles. She reiterated that without the protection of masks or social distancing, the risk of exposure is high. She pointed out that another way to reduce infection risk in buildings is to ensure that they are providing 100 percent outside air to dilute the concentration of potentially infectious particles. She also recommended that buildings avoid recirculating indoor air; however, if they must, she suggested a filter with at least a MERV-13 rating or air cleaners to reduce the concentration of virus-containing particles in the air. In order to contain the pandemic by limiting exposure and reducing risk, she strongly recommended using all the available approaches, including masks, social distancing, better building ventilation, and limited time indoors.

[10:07:41 AM](#)

CO-CHAIR FIELDS asked if unmasked individuals who are seven feet apart could transmit COVID-19 via aerosol transmission.

DR. MILLER answered yes. She explained that an infected individual who is not wearing a mask and talking loudly is generating particles that possibly contain the virus, which once in the air, can travel for many meters, stay aloft for hours, and circulate the entire room.

[10:08:48 AM](#)

CO-CHAIR FIELDS questioned whether experts have considered if the virus can be transmitted through a building's ductwork from one room to another.

DR. MILLER said experts have been actively trying to understand that questions by analyzing specific outbreaks, including the Diamond Princess outbreak and others in indoor environments. She explained that it is concerning because other infectious diseases are transmitted through the ductwork in buildings, such as the flu and tuberculosis, which is why 100 percent outside air and recirculating with MERV-13 filters is recommended.

[10:10:09 AM](#)

CO-CHAIR FIELDS questioned whether the average building's HVAC system introduces 100 percent outside air in each cycle or some recirculation is typical.

DR. MILLER asserted that buildings are not designed for 100 percent outside air because it is less energy efficient. She said most buildings are designed and operated for thermal comfort, which provides 20 percent outside air and 80 percent recirculated air. She further noted that areas that require more heating or cooling rely heavily on recirculated air that has been conditioned and less on outside air. She recommended the addition of supplemental air conditioning/cleaning from air purifiers, which requires a HEPA filter recirculating air cleaner, if 100 percent outside air cannot be introduced.

[10:11:28 AM](#)

CO-CHAIR FIELDS inquired about the science behind UV air treatment in ductwork in an addition to filtration.

DR. MILLER said for recirculated air, UV light is a viable option to disinfect airborne virus as it moves through the ductwork. She only recommended UV light if the installation of a MERV-13 filter is not possible for a specific HVAC system with lower filtration capabilities. She noted that it would have to be designed and operated by an engineer for maintenance purposes.

10:13:36 AM

JULIA LUONGO, PhD, Air Quality Consultant, Ramboll Shair, informed the committee that she received her PhD from the University of Colorado Boulder studying indoor air quality dynamics and how ventilation systems impact indoor air quality. She noted that she is a mechanical engineer - not a medical doctor - speaking from the standpoint of aerosol science. She introduced the difference between droplets and aerosols. Droplets, she said, are larger particles that fall quickly from the air and could land on someone's body, while aerosols are smaller particles released when breathing, talking, or coughing, which float through the air and could be inhaled. She noted that Aerosols stay afloat for hours and consequently, could be responsible for both short- and long-range virus transmission. She said architectural variety is one of the most challenging aspects of controlling indoor air quality. Every building has different ventilation systems, layouts, building materials, age, or occupancy density, which all impact indoor air quality and therefore, risk of aerosol transmission. She reiterated that there isn't a one-size-fits-all plan for mitigating viral transmission risk indoors. She stated that the rate of outdoor air ventilation is one of the most important factors that impacts the risk of indoor aerosol transmission. In other words, bringing in more outside air can dilute virus-containing particles and reduce the risk that an individual could breathe in enough virus to become infected. She noted that it's not yet known how many particles are required to initiate infection, but increasing dilution or ventilation reduces the risk that a sufficient number of viral particles are be encountered by someone inside. Per WHO, she listed "the three Cs" that reduce risk: crowded spaces, close contact settings, and confined or enclosed spaces with poor ventilation. She stressed that ventilation systems do not always work as designed; further, the American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) convened a panel of experts who issued recommendations for infection control with ventilation systems. ASHRAE recommended knowing the environment and taking great caution if poor ventilation, confined spaces, high occupancy, or

high emissions are present. She informed the committee that wearing masks, increasing distance, and increasing outdoor air ventilation rates can help reduce the risk of aerosol transmission indoors. Regarding HVAC systems, she recommended disabling demand control ventilation and opening outdoor air dampers to 100 percent; keeping ventilation systems running longer hours; and bypassing energy recovery ventilation systems that could leak potentially contaminated exhaust air back into the outdoor air supply. She also recommended prioritizing time spend outdoors, reducing time of exposure, and controlling risk factors, such as providing added filtration and the aforementioned air cleaning strategies.

[10:19:57 AM](#)

REPRESENTATIVE THOMPSON sought to clarify whether aerosols travel long distances.

DR. LUONGO confirmed that. She said aerosols can stay afloat for many hours and are impacted by air currents.

CO-CHAIR FIELDS noted that the state has not implemented safety controls for buildings occupied by state employees, psychiatric facilities, correctional institutions, or long-term care facilities.

[10:21:04 AM](#)

ANDREW ELSBERG, MD, Emergency Physician, said SARS-CoV-2 appears to be transmitted both by droplet and aerosol. He explained that droplets are a "friendlier" environment for coronavirus and, depending on the surface, remain stable for 8-72 hours; however, surface transmission is not considered a large driver of transmission and can be mitigated by hand hygiene and regular surface cleaning. He stated that close physical contact, talking closely, coughing, or sneezing in close proximity are the primary drivers; hence, the social distancing guidelines, policies against working when symptomatic, and justification for mask mandates. He added that aerosols are problematic in prolonged enclosed exposure, such as offices, cars, or airplanes. He listed several real-world examples of possible aerosolized spread, including the restaurant in China, the choir practice in Washington, and the call center in South Korea. He pointed out that aerosolized virus appears to be stable for a shorter time compared to droplets; however, if an asymptomatic individual is shedding the virus at work, the virus is being replenished into the environment and could spread throughout the

office. He reported that the Center for Disease Control and Prevention (CDC) recommends N95 masks for healthcare workers in direct contact with patients who tested positive for COVID-19. He emphasized the importance of decreasing the amount of virus that could enter an environment. He reported that the positivity rate has more than tripled and continues to trend upwards despite having broad-based asymptomatic screening that dilutes results relative to other states. In Alaska, he said, there were 51 hospitalizations in July compared to 15 total hospitalizations in the month of June. He shared his understanding that decreasing the amount of coronavirus in Alaska's communities by implementing mask mandates in shared indoor spaces and limiting gathering size and capacity in all indoor spaces could mitigate the escalating outbreak and improve workplace safety. He opined that continuing the current statewide strategy would not change behavior or the spread of disease. He shared his belief that strong sick leave policies are also necessary, which should actively discourage working while even mildly ill. He said using a "doctor's note policy" would help maintain health care capacities. Additionally, he advocated for a universal masking policy to decrease transmission. He explained that masking decreases spread by droplets and would lower the amount of virus in an environment, likely decreasing the amount of aerosolized virus as well. He opined that basic surgical masks, if available, should be the standard, as studies indicate that they are twice as effective as cloth masks. To conclude, he addressed one final point on workplace safety. He said breakrooms have been identified as a place of spread in Alaska, most likely because that is where workers let their guard down and take their masks off to eat or drink. He recommended educating workers on the importance of avoiding congregate areas without a mask or while eating.

[10:29:26 AM](#)

CO-CHAIR FIELDS noted that Mr. Elsborg recommended a universal masking policy before the virus spread rapidly in Alaska. He asked whether the risk of catching coronavirus is greater at work, home, or in a grocery store.

DR. ELSBERG indicated that infection depends on the amount of virus an individual is in contact with and the length of exposure time. He explained that brief exposure, like passing someone in a grocery store while wearing a mask, would not likely lead to infection. He recommended minimizing close interaction with others and cited British Columbia's policies based on the percent of interaction. He added that because the

virus spreads from asymptomatic individuals, prolonged contact increases the risk of exposure to more virus for a longer period of time.

10:31:42 AM

CO-CHAIR FIELDS asserted that coronavirus is being transmitted at workplaces and yet, workplace safety standards and a universal mask mandate are still nonexistent.

10:32:51 AM

JAKE METCALFE, Executive Director, Alaska state employees Association/ American Federation of state, County, and Municipal Employees, informed the committee that ASEA/AFSCME Local 52 represents 8,200 state employees across the state of Alaska who enjoy working for the state and want to be safe in their place of work. He explained that unions primarily exist because of workers' safety concerns. In the 1970s, the Alaska State Legislature passed the Public Employee Relations Act, which includes a declaration of policy that read as follows:

The legislature finds that joint decision making is the modern way of administering government. The public employees have been granted the right to share in the decision-making process affecting wages and working conditions. They have become more responsive and better able to exchange ideas and information on operations with their administrators. Accordingly, government is made more effective. The legislature further finds that the enactment of positive legislation establishing guidelines for public employment relations is the best way to harness and direct the energies of public employees eager to have a voice in determining their conditions of work, to provide a rational method of dealing with disputes and work stoppages, to strike when the merit principles where civil service is in effect, and to maintain favorable political and social environment. The legislature declares it is the public policy of the state to promote harmonious and cooperative relations between government and its employees and to protect the public by ensuring effective and orderly operations of government. These policies are effectuated by recognizing the right of public employees to organize for the purposes of collective bargaining and requiring public employers to negotiate

with and enter into written agreements with employee organizations on the matters of wages, powers, and other terms and conditions of employment.

MR. METCALFE indicated that safety is one of the most important conditions. He shared his belief that the workplace is safer when the employer and employees negotiate over those conditions. He pointed out that many employees have converted to telework, which is an effective way to provide government services; however, there are state offices that are requiring employees to return to work. He expressed hope that ASEA/AFSCME Local 52 could negotiate the health and safety issues surrounding that issue. He offered his belief that the workers who spend hours in state offices are the best source of information regarding workplace health and safety practices, which is why ASEA/AFSCME demanded to bargain with the state. He noted that the state denied the request to bargain on those issues. He asserted that returning to work during the pandemic is a safety concern and a matter of life and death for state employees. He suggested that the administration set up worker councils in state buildings to create a safe work environment by addressing issues like social distancing, air quality, and a mask policy. He pointed out that ASEA/AFSCME provided workplace safety mitigation plans to the administration and has yet to see any action or response. Additionally, with the help of experts, ASEA/AFSCME has come up with workplace safety ideas based on employee interests that would make the workplace safer. He urged the legislature to make the administration follow the law.

[10:42:09 AM](#)

REPRESENTATIVE THOMPSON asked how many state employees have tested positive for COVID-19.

MR. METCALFE answered one employee at McLaughlin Youth Center, one employee at Alaska Psychiatric Institute (API), one at Department of Health and Social Services (DHSS), and one at the Pioneer Home. He said DHSS has been good about contacting ASEA/AFSCME when a positive test is identified in one of its facilities, but other departments have not been as willing to share that information. He noted that there was another positive case in the Atwood building last week. He explained that when a case is identified, employees are primarily concerned with the availability of testing. When that occurs, he recommended implementing COVID-19 testing for all employees to prevent further spread from asymptomatic individuals.

10:45:30 AM

REPRESENTATIVE STORY asked why the administration declined to meet with ASEA/AFSCME to bargain on workplace health and safety issues.

MR. METCALFE said the administration sent a letter expressing the belief that they do not have to negotiate on safety conditions involving the return to work. However, he asserted that health and safety are mandatory conditions of bargaining; therefore, ASEA/AFSCME would be filing an unfair labor practice charge. He reiterated that state employees want to work and would like to be part of the solution for creating a safe work environment. He opined that the state should want to negotiate with their employees.

10:48:30 AM

REPRESENTATIVE STORY asked if ventilation systems and air quality have been assessed in state buildings.

MR. METCALFE said he's not aware of any action regarding ventilation in state office buildings. He noted that ASEA/AFSCME provided information pertaining to the expert testimony from the previous committee hearing to Department of Administration (DOA) and the governor's office, but there has been no response. He reiterated that ASEA/AFSCME's continued effort to share information and multiple offers to meet have been repeatedly denied.

CO-CHAIR FIELDS deduced that the state has not performed upgrades to MERV-13 filters or changed HVAC systems to provide 100 percent outside air in any of the office buildings. He asked if that is correct.

MR. METCALFE said he has not been provided with that information.

10:50:59 AM

CO-CHAIR FIELDS asked how long it typically takes to resolve an unfair labor practice with the Alaska Labor Relations Agency.

MR. METCALFE said it's a process that takes time to be done well.

CO-CHAIR FIELDS opined that refusing to bargain on a life and death issue is an obvious violation of state law. He expressed concern that ASEA/AFSCME will ultimately prevail, but in the meantime, state employees and workplaces are at risk of becoming a vector to further transmit the virus into Alaska's communities.

[10:52:08 AM](#)

CO-CHAIR FIELDS asked for further detail on the at-risk Department of Law (DOL) employee who was required to return to work in person.

MR. METCALFE said the employee who works in the Anchorage District Attorney's Office has health conditions that increase her risk of severe illness from COVID-19. The employee is concerned about returning to work in a building that lacks a consistent mask or social distancing policy. He explained that based on the return-to-work order, ASEA/AFSCME has requested to bargain on those conditions to provide workplace standards and mitigation practices for all employees. He restated his suggestion for worker counsels that could discuss and communicate employee needs.

[10:56:18 AM](#)

CO-CHAIR FIELDS read an email that the aforementioned DOL employee sent to her supervisors requesting to continue teleworking. The email read as follows:

I have serious concerns about coming back to work even for a few days a week this soon. I personally do not feel safe or comfortable coming back to work physically at this time. I myself am extremely high risk and my daughter is extremely high risk. My daughter has an immunodeficiency that puts her in the extreme high-risk category and her doctors have even expressed that if she were to contract COVID-19 at this time, she would most likely not survive.

[10:57:34 AM](#)

CO-CHAIR FIELDS recapped that prolonged exposure in a workplace or household is the most likely place to contract COVID-19. He pointed out that the DOL employee is being required to return to work in an unsafe environment.

[10:58:03 AM](#)

CHARLES BRASINGTON, Department of Law, declined to comment.

CO-CHAIR FIELDS said it's unfortunate that for two hearings in a row, state departments have declined to testify on their participation in workplace safety.

[10:58:53 AM](#)

JOSHUA WILSON, Business Agent, Alaska Correctional Officers Association (ACOA), noted that he has been representing correctional officers in Alaska for over seven years. Regarding PPE, he said officers are only regularly being offered cloth and surgical masks, even when working in quarantined areas with suspected or confirmed cases of COVID-19. He reported that Department of Corrections (DOC) is still fit testing officers for N95 masks; however, those officers are only provided one N95 mask to wear for the entire workweek. He noted that in one facility, only size medium N95 masks were provided, so many officers failed the fit test. He expressed frustration that Anchorage police officers and Alaska state troopers are provided with abundant N95 masks, while correctional officers are not. Furthermore, he expressed concern about the lack of communication regarding the identification of positive cases. He reported that, per DOC's website, there's currently 15 remands who have tested positive for COVID-19 and two individuals that are part of the inmate population who have tested positive. He indicated that DOC continues to keep that information from the officers at the exposed facilities. He recommended reporting positive cases to the entire facility in which they were identified. He also reported that testing is not being widely advertised or received. Furthermore, he expressed concern about the ongoing staffing issue. He said officers are being forced to work on their days off to make up for the staff shortage. He noted that this is happening despite the legislature funding a recruitment team for DOC. He offered his belief that DOC knew the funding was approved when the governor signed the budget on April 6 and subsequently became available on July 1. He added that DOC has yet to start recruiting for the recruitment team, which would fix the staffing shortage. He opined that with unemployment at a high, there's people that could make excellent officers and DOC should be recruiting them as quickly as possible.

[11:02:52 AM](#)

CO-CHAIR FIELDS asked for an updated timeline on the opening of the Palmer Correctional Center.

MR. WILSON offered his belief that DOC hired a superintendent; nonetheless, he said there's been no hiring of officers or staff for that facility and a timeline has not been provided. He reported that upper management from DOC has not met with ACOA since April 15 and DOA stopped its weekly meetings in the beginning of June. He noted that ACOA sent another request to meet last week and has not received a response.

CO-CHAIR FIELDS informed the committee that the Hilton Anchorage was invited to appear at today's hearing to discuss coronavirus-related safety issues; however, Hilton management did not respond.

[11:04:48 AM](#)

MARVIN JONES, Unite Here Local 878, said since the previous hearing, the Hilton Anchorage reported that its fourth employee has tested positive for COVID-19. He stated that Unite Here compiled a survey of 20 questions for various Anchorage hotels to understand the conditions that employees are working under. He noted that the survey is still being executed, but so far, many workers are terrified to come to work, especially at the Hilton Anchorage due to their recent outbreak. He reported that aside from the four confirmed cases at the Hilton Anchorage, the Sheraton Anchorage Hotel & Spa had one confirmed case and the Coast Inn also had one confirmed case. He explained that several hotels are being used to quarantine groups. Furthermore, he observed that the Hilton Anchorage has exhibited no change in behavior since the last committee hearing. He offered his understanding that there is a lack of training related to COVID-19 procedures for the workers at the Hilton Anchorage. He also expressed concern about the excessive leaking in the Hilton's lobby. He urged to committee to help impose stronger safety regulations to protect city and state workers from the coronavirus.

[11:09:32 AM](#)

CO-CHAIR FIELDS asked for the full list of hotels represented by Unite Here.

MR. JONES listed the Sheraton Anchorage Hotel & Spa, Captain Cook Hotel, Hilton Anchorage, Coast Inn, Clarion Suites Downtown

Hotel, Four Points by Sheraton, Westmark Anchorage hotel, Sky Chefs, and AlSCO.

[11:10:24 AM](#)

CO-CHAIR FIELDS observed that there have been four times as many COVID-19 cases among workers at the Hilton Anchorage. He offered his belief that employee safety practices do impact whether a worker is likely to catch coronavirus based on the higher infection rates at the Hilton. He asked if it makes a difference when an employer takes steps to ensure workplace safety during the pandemic.

MR. JONES said the Captain Cook Hotel assigned one of its towers for quarantining specific groups, including workers from the North Slope. He added that the hotel implemented a sanitation squad specifically for cleaning the entire hotel. He said due to the hotel's due diligence, there have been zero cases of coronavirus at that location.

[11:12:18 AM](#)

CO-CHAIR FIELDS said he grows more concerned with each hearing as more state employees are being asked to work in manifestly dangerous situations. He expressed further concern that Department of Labor & Workforce Development (DLWD) is not working on a set of workplace safety standards. He noted that the federal government has been taken to court over OSHA's failure to issue workplace safety standards. He pointed out that in Alaska, those workplace safety standards are delegated to AKOSH.

[11:13:16 AM](#)

REPRESENTATIVE STORY echoed Chair Fields' concern about DOA's failure to appear at today's hearing. She urged the administration to work with the employee union and take these safety concerns into consideration.

[11:15:04 AM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House State Affairs Standing Committee meeting was adjourned at 11:15 a.m.