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April 1, 2011
Re: HB195

Honorable Co-Chairs, Mr Feige & Mr Seaton
Honorable Vice-Chair Ms Wilson
Honorable Committee Members:

First let me thank the honorable Mr Feige and his staff for the fine work done on preparing and introducing HB195. The major thrust of this bill is clearly defined, and well past due in the opinion of industry. Please except the full support of this Bill from the pest control community here in Alaska, with one concern addressed below (par 3).

For many years, the State Department of Environmental Conservation (ADEC) has maintained a close watch over the safety of pesticide applications in our state. While we have not always seen eye-to-eye on some factors of their oversight, our industry has been blessed with the overall fairness and scientific application of Federal and State regulations on our activities and products. Unfortunately, as this Bill addresses, it has had its hands shackled in its ability to present a united application of these regulations to certain non-commercial applicators. As a result, it has spent large numbers of hours on permitting processes and subsequent required hearings, to be allowed to simply affirm regulation already in place by State Statute and Department Regulation. I will be the first to admit that this has reduced their ability to protect the general public on issues of safety and enforcement in other areas including our idustry's activities. As a result, I can personally attest to some questionable actions, which I will keep private, that have occurred over the years. While I have tried to address these on a personal level where possible, I believe some are a result of unnecessary time spent by ADEC on the permitting and duplicate oversight of a small number of applicators and users that have a very safe record on issues of pesticide choice and application. I believe that the recommendations addressing AS 46.03.320 as written in HB195 are well past due. On a 'housekeeping' note, I do believe, on a matter of documentation, that this action will also negate AS 46.03.330 (as I understand it) and should be included in this action.

I do have a concern about the recommended change per Section 4 to AS 46.03.320 as written in this Bill. When this definition was discussed in its inception, the stakeholders and sponsors sought to find the appropriate language to provide any needed protection of the public, while avoiding unnecessary burdens on the addressed facilities. I believe the language as currently written provides that. The change recommended here adds unnecessary confusion to the definition AND unnecessary cost to the facility. In actuality, there is virtually no area of a facility that is not accessible to the “general public” if an employee or vendor were to escort them there. In that case, the escort would no doubt be present to point out any application concerns that may be present, and other “posting” requirements addressed elsewhere would provide the level of safety sought by previous Legislators. What this change will create, however, is that the facility would be REQUIRED to have a Certified Applicator on staff OR hire at additional expense an outside Commercial Applicator, to apply even the least toxic pesticide (including ADEC governed “green” pesticides and certain cleaning and sanitizing compounds). In my opinion, this section should be removed from HB195.

I remain at your service, via phone or e-mail, to provide any clarification on the matters addressed herein, or any other matter pertaining to pesticide use and safety in our great State.

Respectfully,

Ken (Kenneth J) Perry
President/General Manager
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