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SB173

Sponsor Statement

The bottom-line purpose of my choice to bring SB173 forward is the financial protection of nearly every Alaskan ratepayer who depends upon a utility to deliver electricity to their home, business or facility. SB173 conforms Alaska law to federal law with respect to wood poles treated with pesticides registered with the Environmental Protection Agency. The legislation is drafted narrowly to apply only to a "wood utility pole installed, removed or used by public utilities in connection with providing a utility service in the state."

In the State of Alaska, every wooden utility pole is factory-treated with a preservative/pesticide which prolongs the service life of the pole by protecting it from organisms that compromise structural integrity. It is logical to assume that soil coming in direct contact with treated utility poles for 30 or more years would include traces of that preservative.

The provisions of AS 46.03.822(a) are interpreted to assume public utility liability and indirectly, Alaskan ratepayers for remediating residual preservative when replacing or removing treated wooden utility poles. This liability does not exist under federal law because the companion federal statute to AS 46.03.822 contains a specific exemption for "the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.]."

SB173 clarifies and eliminates the assumption of liability and remediation costs for trace elements by including the federal exemption within Alaska's statutes.

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