



LAWS OF ALASKA

1970

Source

Chapter No.

CSSB 270 am H

166

AN ACT

Relating to pesticides and broadcast chemicals; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 44.19 is amended by adding new sections to read:

ARTICLE 10 A. PESTICIDES CONTROL BOARD.

Sec. 44.19.853. PURPOSE. Through the regulation of the sale of, commerce in, and application of insecticides, fungicides, rodenticides, nematocides, herbicides, biocides and other pesticides and broadcast chemicals, it is the purpose of secs. 854 - 862 of this chapter to assure to the public the benefits to be derived from the safe, scientific and proper use of pesticides and broadcast chemicals while safeguarding the public health, safety and welfare, and to protect the public interest in the soils, waters, forests, wildlife, agricultural and other natural resources of the state.

Sec. 44.19.854. BOARD-CREATED. There is created in the Office of the Governor a Pesticides Control Board composed of the commissioner of health and welfare, who shall serve as chairman, the commissioner of fish and game, and the commissioner of natural resources, or their designees, and two other persons appointed by the governor who are professionally knowledgeable in the field of pesticides and broadcast chemicals.

Sec. 44.19.855. POWERS AND DUTIES OF BOARD. (a) The board shall promulgate regulations designed to

(1) regulate the transportation, testing, inspection, packaging, labeling, handling and advertising of pesticides and broadcast chemicals offered for sale, or

placed in commerce for use in the state;

(2) regulate and supervise the distribution, application or use of pesticides and broadcast chemicals in any state project or program, or by any public agency under the jurisdiction of the state;

(3) regulate or prohibit the use of pesticides and broadcast chemicals.

(b) The board may provide by regulation for the licensing of persons engaged in the custom, commercial or contract spraying or application of pesticides and broadcast chemicals, including the requirement of a surety bond and liability insurance for the licensee.

Sec. 44.19.856. ADMINISTRATION AND ENFORCEMENT. (a) The commissioner of health and welfare shall administer and enforce the regulations promulgated by the board and disseminate informational and educational material to the public concerning the use, effects and hazards of pesticides and broadcast chemicals. The commissioner of health and welfare may employ a deputy for pesticides and broadcast chemicals and such other staff as are necessary for these purposes.

(b) The commissioners of fish and game and natural resources are authorized to cooperate with the commissioner of health and welfare and to assign such officers, personnel, and equipment as is considered appropriate by the board to effect the provisions of secs. 854 - 862 of this chapter.

Sec. 44.19.857. PUBLIC PESTICIDE PROGRAMS. No officer, agent or employee of the state, or of a borough or city of any class, may direct, carry out, or participate in the spraying or application of a pesticide or broadcast chemical in any program or project involving funds, materials or equipment of the state, borough or city, except in accordance with regulations promulgated by the board under secs. 854 - 862 of this chapter. Before a public project that would affect lands owned separately by two or more persons is initiated, the person directing the program shall give public notice of the program in the manner required by regulations of the board. The board shall conduct a public hearing on the proposed program if a hearing is requested by the governing body of the affected borough or city, or by a petition signed by at least 50 residents. The requirement for public notice or public hearing may be waived upon certification to the board by the commissioner of health and welfare that a public emergency exists. The provisions of this section apply to home rule municipalities.

Sec. 44.19.858. PROHIBITIONS. No person may spray or apply, or cause to be sprayed or applied dichloro-diphenyl-trichloro-ethane (DDT), dieldrin or other pesticide or broadcast chemical in such a manner as to be likely to damage or endanger the health, welfare or property of another person, or in such manner as to be likely to pollute waters of the state without prior authorization of the board.

Sec. 44.19.859. REVIEW. A person who is adversely affected by a final decision by the board may appeal to the district court. The attorney general shall represent the board, if requested, upon all appeals unless he appeals or intervenes in behalf of the state.

Sec. 44.19.860. APPROPRIATIONS, LOANS AND GRANTS. The board is authorized to accept and administer appropriations, loans or grants from federal, state, or private sources for carrying out its functions.

Sec. 44.19.861. PENALTIES. A person who violates any provision of secs. 854 - 862 of this chapter or any regulation promulgated under them is, upon conviction, punishable by a fine of not more than \$1,000, or by imprisonment for not more than six months, or by both. In addition, he may be enjoined, in the criminal action or in a civil action, from continuing the violation. Each day upon which a violation occurs may constitute a separate violation.

Sec. 44.19.862. DEFINITIONS. In secs. 854 - 863 of this chapter

(1) "board" means the Pesticides Control Board;

(2) "broadcast chemicals" means chemical substances which are released into the air or onto land or water for the purpose of preventing, destroying, repelling, stimulating or retarding plant or animal life, or chemical substances released for meteorological control, oil spill control or fire control;

(3) "pesticide" means any chemical or biological agent intended for preventing, destroying, repelling, or mitigating plant or animal life and any substance intended for use as a plant regulator, defoliant or desiccant, including but not limited to insecticides, fungicides, rodenticides, herbicides, nematocides and biocides.

* Sec. 2. This Act takes effect July 1, 1970.