

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 356
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CISSNA

Introduced: 2/25/00

Referred: Labor and Commerce, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to pesticide use; and providing for an effective date."

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

3 * Section 1. AS 44.46.025 is amended by adding a new subsection to read:

4 (e) The department may charge a registration fee of \$150 for a pesticide label
5 for a pesticide product registered for use in the state.

6 * Sec. 2. AS 46.03.320(b) is amended to read:

7 (b) The department may provide by regulation for the licensing of private
8 applicators of restricted-use pesticides and for persons engaged in the custom,
9 commercial, or contract spraying or application of pesticides and broadcast chemicals.

10 A person engaged in the custom, commercial, or contract spraying or application of
11 pesticides and broadcast chemicals may, by regulation, be required to secure a surety
12 bond or liability insurance. The department shall establish and collect a fee for a
13 license issued under this subsection. The fee shall be \$25 times the number of
14 years for which the license is valid when issued. The department shall review the
15 licensing fee every two years and recommend changes in the fee to the legislature

1 when considered appropriate.

2 * **Sec. 3.** AS 46.03 is amended by adding new sections to article 5 to read:

3 **Sec. 46.03.335. Pesticide tracking system.** (a) The department shall establish
4 and implement a pesticide use tracking system. In developing the system, the
5 department shall ensure that, to the extent practicable, the data submission process uses
6 existing record-keeping requirements, automates the reporting system, and encourages
7 electronic submission of data. The department may establish regulations for the
8 submission and dissemination of accurate data for the tracking system, such as
9 regulations for data submission timing, which may differ for different categories of
10 pesticide applicators; regulations regarding which pesticides are subject to the reporting
11 requirements of this section, based in part on the frequency of pesticide application;
12 and regulations regarding how location information is to be submitted and reported,
13 which may differ for different categories of pesticide applicators. The department shall
14 strive for a system that is efficient and cost-effective, that provides for a database that
15 is spatially referenced and compatibly integrated with the statewide geographic
16 information system, and that reveals the location and extent of pesticide use to the
17 extent practicable.

18 (b) The system established under (a) of this section must require all licensed
19 custom, commercial, and contract pesticide applicators in the state to report to the
20 department the following information pertaining to the professional use of pesticides
21 other than sanitizers and disinfectants:

22 (1) pesticide product name and United States Environmental Protection
23 Agency registration number;

24 (2) total amount of product applied;

25 (3) identification number assigned to the reporting entity by the
26 department;

27 (4) size in acres or square feet of the area treated;

28 (5) application rate in volume or weight of product for each area
29 treated;

30 (6) location of application, including the five-digit zip code,
31 municipality, and, to the extent practicable, street address, township, range, and

1 section, waterway, agricultural field, fee lot, or similar portion of parcel or right-of-
2 way;

3 (7) date of application;

4 (8) application method, including equipment, device, or apparatus used;

5 (9) crop, commodity, stored product, or site to which the pesticide was
6 applied, including a site code to identify the type of site if necessary; and

7 (10) target organism.

8 (c) If a licensed custom, commercial, or contract pesticide applicator does not
9 use a pesticide for which a report is required during a reporting period, the pesticide
10 applicator shall file a statement indicating the absence of any use during the reporting
11 period.

12 (d) A licensed custom, commercial, or contract pesticide applicator shall retain
13 the records upon which the information submitted under (b) of this section is based for
14 three years after submitting the report to the department.

15 (e) The department may impose a civil penalty on a person who fails to
16 comply with a reporting requirement established under this section. The penalty may
17 be up to \$1,000 for the first failure to comply and up to \$2,000 for a second or
18 subsequent failure to comply.

19 **Sec. 46.03.340. Availability of information to the public.** (a) The data in
20 the tracking system developed under AS 46.03.335 shall be made accessible by the
21 department to the general public through the Internet and shall be available from the
22 department on disk and in printed format upon request. The database shall be made
23 accessible in a way that reasonably provides the public with understandable and useful
24 information about the use of pesticides at local, regional, and state levels. The
25 department shall ensure that pesticide use information in the database is accessible to
26 researchers, pesticide users, workers, government agencies, and the public in a timely
27 and user-friendly manner.

28 (b) On or before June 30 of each year, the department shall publish an annual
29 report, available to the public, that includes

30 (1) a detailed summary of pesticide use in the state, including quantity
31 of pesticides used, pounds of active ingredient and total pounds of product, category

1 of pesticide applicator, and areas of pesticide application; and

2 (2) an analysis of the data, including known reasons for any increases
3 or decreases in pesticide use over time and within categories such as pesticide type,
4 applicator type, and location.

5 **Sec. 46.03.345. Pesticide Advisory Board.** (a) There is established a
6 Pesticide Advisory Board consisting of nine members appointed by the governor to
7 staggered three-year terms as follows:

8 (1) two members who are pesticide applicators or pesticide dealers who
9 are required to be licensed by the department;

10 (2) two members who are not employed by or the agents of a licensed
11 pesticide applicator or pesticide dealer and who have a demonstrable record of
12 advocating for water quality protection, fish and wildlife protection, pest management,
13 alternatives to pesticides, occupational health and safety, or the public's right to know
14 about pesticides or other potential hazards in their communities;

15 (3) one member who is employed by or is an agent of a public water
16 supplier;

17 (4) one member who is an agent or specialist with the cooperative
18 extension service, University of Alaska;

19 (5) one member who is not employed by or the agent of a licensed
20 pesticide applicator or pesticide dealer and who has some expertise in all of the
21 following areas:

22 (A) pest control research;

23 (B) epidemiology;

24 (C) fish and wildlife biology;

25 (D) children's health issues; and

26 (6) two public members.

27 (b) The Pesticide Advisory Board shall

28 (1) advise the department on the development and implementation of
29 the pesticide use tracking system required under AS 46.03.335;

30 (2) advise the department on the development and implementation of
31 research and information-gathering mechanisms related to household use of pesticides,

1 especially the location of intended use, purpose, and amounts;

2 (3) recommend to the department methods for increasing public
3 awareness of less toxic alternatives to pesticides;

4 (4) solicit public input on ways to improve the reporting and
5 enforcement process and on ways to improve the accessibility and utility of the data
6 generated by the tracking system.

7 (c) A member appointed under this section is eligible for reappointment, but
8 a member may not serve for more than two consecutive terms. If there is a vacancy,
9 the governor shall make an appointment to become immediately effective for the
10 unexpired term. A member serves at the pleasure of the governor.

11 (d) The Pesticide Advisory Board shall select one of its members as chair and
12 another as vice-chair for the terms and with the duties and powers considered
13 necessary by the board for the performance of the functions of the Pesticide Advisory
14 Board.

15 (e) A majority of the members of the Pesticide Advisory Board constitutes a
16 quorum for the transaction of business. The Pesticide Advisory Board shall meet at
17 a place and time determined by the board. The board may also meet at other times
18 and places specified by the call of the chair or of a majority of the members of the
19 board.

20 (f) Notwithstanding AS 39.20.180, a member of the Pesticide Advisory Board
21 is not entitled to reimbursement of transportation expenses and payment of per diem
22 allowances.

23 **Sec. 46.03.350. Technical assistance.** (a) In order to develop and implement
24 the pesticide use tracking system required under AS 46.03.335, the department and the
25 Pesticide Advisory Board may request technical assistance from any public or private
26 agency with expertise in the subject matter.

27 (b) The department may develop a program to provide technical assistance to
28 pesticide applicators who are required to report under AS 46.03.335. The department
29 may develop and provide computer software to licensed pesticide applicators to
30 facilitate reporting for the tracking system.

31 **Sec. 46.03.355. Department's use of the tracking system.** The department

1 shall use the pesticide use database developed under AS 46.03.335 in carrying out the
2 department's responsibilities for the protection of water quality, other environmental
3 protection, worker health and safety programs, public health protection programs,
4 pesticide-related illness surveillance programs, risk assessments, and pest management
5 research and control programs. The department shall cooperate with and advise other
6 state agencies concerning their programs that may be affected by the use of pesticides.

7 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section
8 to read:

9 REGULATIONS. The Department of Environmental Conservation may proceed to
10 develop and adopt regulations to implement this Act. The regulations take effect under
11 AS 44.62 (Administrative Procedure Act), but not before January 1, 2001.

12 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section
13 to read:

14 REPORT. The Pesticide Advisory Board shall submit a report to the governor by
15 January 1, 2003, concerning the board's recommendations for action related to its areas of
16 jurisdiction under AS 46.03.345(b). The board shall notify the legislature that the report is
17 available.

18 * **Sec. 6.** Except as provided in sec. 7 of this Act, this Act takes effect January 1, 2001.

19 * **Sec. 7.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).