

HOUSE BILL NO. 356

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE CISSNA

Introduced: 2/9/00

Referred: Labor and Commerce, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to pesticide use and sales; 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 and sales tracking system. In developing the system,
5 the department shall ensure that, to the extent practicable, the data submission process
6 uses existing record-keeping requirements, automates the reporting system, and
7 encourages electronic submission of data. The department may establish regulations
8 for the 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 and dealers, and regulations regarding how location information
11 is to be submitted and reported, which may differ for different categories of pesticide
12 applicators, based in part on the frequency of pesticide application. The department
13 shall strive for a system that is efficient and cost-effective, that provides for a database
14 that is spatially referenced and compatibly integrated with the statewide geographic
15 information system, and that reveals the location and extent of pesticide use to the
16 extent practicable.

17 (b) The system established under (a) of this section must require all pesticide
18 dealers in the state to report to the department the following information pertaining to
19 the sale of pesticides to end users, including private residents and licensed pesticide
20 applicators:

21 (1) name of each pesticide product sold, including the United States
22 Environmental Protection Agency registration number;

23 (2) amount of each pesticide product sold by calendar month;

24 (3) name of seller; and

25 (4) five-digit zip code of the location of intended use as reported to the
26 dealer by the buyer.

27 (c) The system established under (a) of this section must require all licensed
28 pesticide applicators in the state to report the following information to the department:

29 (1) pesticide product name and United States Environmental Protection
30 Agency registration number;

31 (2) total amount of product applied;

1 (3) identification number assigned to the reporting entity by the
2 department;

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

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

6 (6) location of application, including the five-digit zip code,
7 municipality, and, to the extent practicable, street address, township, range, and
8 section, waterway, agricultural field, fee lot, or similar portion of parcel or right-of-
9 way;

10 (7) date of application;

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

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

14 (10) target organism.

15 (d) If a licensed pesticide applicator or a pesticide dealer does not use or sell
16 a pesticide for which a report is required during a reporting period, the pesticide
17 applicator or pesticide dealer shall file a statement indicating the absence of any use
18 or sale during the reporting period.

19 (e) A licensed pesticide applicator shall retain the records upon which the
20 information submitted under (c) of this section is based for three years after submitting
21 the report to the department.

22 (f) The department may impose a civil penalty on a person who fails to
23 comply with a reporting requirement established under this section. The penalty may
24 be up to \$1,000 for the first failure to comply and up to \$2,000 for a second or
25 subsequent failure to comply.

26 **Sec. 46.03.340. Availability of information to the public.** (a) The data in
27 the tracking system developed under AS 46.03.335 shall be made accessible by the
28 department to the general public through the Internet and shall be available from the
29 department on disk and in printed format upon request. The database shall be made
30 accessible in a way that reasonably provides the public with understandable and useful
31 information about the use of pesticides at local, regional, and state levels. The

1 department shall ensure that pesticide use and sales information in the database is
 2 accessible to researchers, pesticide users, workers, government agencies, and the public
 3 in a timely and user-friendly manner.

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

6 (1) a detailed summary of pesticide use and sales in the state, including
 7 quantity of pesticides used and sold, pounds of active ingredient and total pounds of
 8 product, category of pesticide applicator, and areas of pesticide application; and

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

12 **Sec. 46.03.345. Pesticide Tracking Advisory Board.** (a) There is established
 13 a Pesticide Tracking Advisory Board consisting of 12 members appointed by the
 14 governor to staggered three-year terms as follows:

15 (1) three members who are pesticide applicators or pesticide dealers
 16 who are required to be licensed by the department;

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

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

24 (4) three members who are not employed by or the agents of a licensed
 25 pesticide applicator or pesticide dealer and who collectively have demonstrable
 26 expertise in all of the following areas:

27 (A) pest control research;

28 (B) epidemiology;

29 (C) fish and wildlife biology;

30 (D) children's health issues; and

31 (5) two public members.

1 (b) The Pesticide Tracking Advisory Board shall

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

4 (2) 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 Tracking Advisory Board shall select one of its members as
12 chair and 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 Tracking
14 Advisory Board.

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

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

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

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

1 **Sec. 46.03.355. Department's use of the tracking system.** The department
2 shall use the pesticide use and sales database developed under AS 46.03.335 in
3 carrying out the department's responsibilities for the protection of water quality, other
4 environmental protection, worker health and safety programs, public health protection
5 programs, pesticide-related illness surveillance programs, risk assessments, and pest
6 management research and control programs. The department shall cooperate with and
7 advise other state agencies concerning their programs that may be affected by the use
8 of pesticides.

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

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

14 * **Sec. 5.** Except as provided in sec. 6 of this Act, this Act takes effect January 1, 2001.

15 * **Sec. 6.** Section 4 of this Act takes effect immediately under AS 01.10.070(c).