

**ALASKA STATE LEGISLATURE**  
**HOUSE LABOR AND COMMERCE STANDING COMMITTEE**

January 25, 2002

3:20 p.m.

**MEMBERS PRESENT**

Representative Lisa Murkowski, Chair  
Representative Andrew Halcro, Vice Chair  
Representative Kevin Meyer  
Representative Pete Kott  
Representative Harry Crawford

**MEMBERS ABSENT**

Representative Norman Rokeberg  
Representative Joe Hayes

**COMMITTEE CALENDAR**

HOUSE BILL NO. 66

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

- HEARD AND HELD

**PREVIOUS ACTION**

BILL: HB 66

SHORT TITLE: TRACKING OF PESTICIDE USE

SPONSOR(S): REPRESENTATIVE(S) CISSNA

Jrn-Date	Jrn-Page		Action
01/16/01	0100	(H)	READ THE FIRST TIME - REFERRALS
01/16/01	0100	(H)	L&C, RES, FIN
01/16/01	0100	(H)	REFERRED TO LABOR & COMMERCE
01/25/02		(H)	L&C AT 3:15 PM CAPITOL 17

**WITNESS REGISTER**

REPRESENTATIVE SHARON CISSNA  
Alaska State Legislature  
Capitol Building, Room 420  
Juneau, Alaska 99801

POSITION STATEMENT: Sponsor of HB 66.

ROBERT EARL, Staff  
to Representative Sharon Cissna  
Alaska State Legislature  
Capitol Building, Room 420  
Juneau, Alaska 99801  
POSITION STATEMENT: Testified on the specifics of HB 66.

JANICE ADAIR, Director  
Division of Environmental Health  
Department of Environmental Conservation (DEC)  
555 Cordova Street  
Anchorage, Alaska 99501  
POSITION STATEMENT: Provided DEC's position on the bill.

TRACEY LYNN, Program Manager  
Environmental Public Health Program  
Epidemiology Section  
Division of Public Health  
Department of Health and Social Services  
PO Box 240249  
Anchorage, Alaska 99524-0249  
POSITION STATEMENT: Testified on behalf of the Department of  
Health and Social Services.

COREY RENNELL, Student Representative  
Anchorage School Board  
1640 Crescent Drive  
Anchorage, Alaska 99508  
POSITION STATEMENT: Testified on behalf of the students of the  
Anchorage School District.

TOM MACCHIA, Physician's Assistant  
PO Box 221285  
Anchorage, Alaska 99522  
POSITION STATEMENT: Testified as a health care worker in favor  
of HB 66.

KATIE BRYSON, High School Senior  
7911 Hazel Court  
Anchorage, Alaska 99516  
POSITION STATEMENT: Testified as a high school student in favor  
of HB 66.

KEN PERRY, General Manager  
Paratex Pied Piper Pest Control  
2440 East 88th Avenue, Suite A  
Anchorage, Alaska 99507

POSITION STATEMENT: Testified on behalf of his pest control business.

EVERETT WALTON, Partner  
American Pest Management  
403 East Fireweed Lane  
Anchorage, Alaska 99503-2111

POSITION STATEMENT: Testified on behalf of his pest control company.

BARBARA WILLIAMS  
Alaska Public Interest Research Group (AkPIRG); Alaska Injured Workers Alliance  
PO Box 1010931  
Anchorage, Alaska 99270

POSITION STATEMENT: Testified on behalf of AkPIRG and the Alaska Injured Workers Alliance.

PAMELA MILLER, Biologist and Director  
Alaska Community Action on Toxics (ACAT)  
135 Christensen Drive, Suite 100  
Anchorage, Alaska 99501  
POSITION STATEMENT: Testified on behalf of ACAT.

WALTER PARKER, Former Highway Commissioner  
3724 Campbell Airstrip Road  
Anchorage, Alaska 99024  
POSITION STATEMENT: Testified in favor of HB 66.

CHERYL HILMES  
(no address given)  
Anchorage, Alaska  
POSITION STATEMENT: Testified in favor of HB 66.

CHIP NORDHOF (ph)  
(no address given)  
Anchorage, Alaska  
POSITION STATEMENT: Testified in favor of HB 66.

NANCY JEAN OUIMET, M.D.  
2440 East Tudor Road 1146  
Anchorage, Alaska 99507  
POSITION STATEMENT: Testified as a doctor in favor of HB 66.

#### **ACTION NARRATIVE**

TAPE 02-4, SIDE A  
Number 0001

CHAIR LISA MURKOWSKI called the House Labor and Commerce Standing Committee meeting to order at 3:20 p.m. Committee members present at the call to order were Representatives Crawford, Kott, Meyer, and Murkowski. Representative Halcro joined the meeting as it was in progress.

HB 66-TRACKING OF PESTICIDE USE

CHAIR MURKOWSKI announced that the matter before the committee was HOUSE BILL NO. 66, "An Act relating to pesticide use; and providing for an effective date."

Number 0144

REPRESENTATIVE KOTT moved to adopt the proposed committee substitute (CS) for HB 66, version 22-LS0352\J, Lauterbach, 1/24/02, as the working document. There being no objection, it was so ordered and Version J was before the committee.

Number 0200

REPRESENTATIVE SHARON CISSNA, Alaska State Legislature, sponsor of HB 66, told the committee that three years prior, a group of young mothers and professionals came to her after completing a successful campaign to eliminate irresponsible and unnecessary uses of pesticides in Anchorage schools. She said the group's concern stemmed from the growing body of knowledge about the dangers pesticides pose to children. Representative Cissna claimed that pesticides pose a greater threat to children than adults. She said the Anchorage group came to her because they felt that the problem should be looked at statewide.

REPRESENTATIVE CISSNA said she had been working for two years to draft a piece of legislation that would allow Alaska to take an important first step in tracking pesticides in the state. She said that Alaska's budget crisis is posing challenges to the state's small businesses, and that it is important that the legislation "do a lot, with very little." Representative Cissna said that the reasons for the proposed CS were the changes made in order to save money. She said that she was greeted in Juneau by the members of the "Success by Six initiative." She pointed out that this group of educators push to illustrate the effect that children's environments have on them.

REPRESENTATIVE CISSNA said that Alaska lacked the records to safeguard its own pesticides. Representative Cissna pointed out that certified pesticide applicators are required to keep documentation on restricted-use pesticides but are not required to report total pesticide use. She told the committee that it is difficult for the public to access information on the use of pesticides. Representative Cissna cited a recent survey as saying 93 percent of voters in Alaska favored required disclosure of pesticide use.

REPRESENTATIVE CISSNA made the statement that HB 66 makes the commercial use of pesticides in public areas known to the public. She told the committee that it gives a mechanism to study the suspected link between pesticides and cancer, respiratory illnesses, and allergies. She invited her aide to go into the specifics of the changes.

Number 0516

ROBERT EARL, Staff to Representative Sharon Cissna, Alaska State Legislature, testified on the specific changes to HB 66. He referred to page 1, Section 1, of Version J. He said this section puts the fees collected in Sections 2 and 3 under "receipt supported service," and he likened it to those fees received by the Pioneers' Home and the Department of Public Safety. He pointed out that the fees go straight to the Department of Environmental Conservation (DEC) and that they are not from the general fund. He said what is not spent on the tracking system would go to the general fund.

CHAIR MURKOWSKI said that she had questions on Sections 2 and 3, and that Mr. Earl need not go into every section unless there were specific questions.

MR. EARL reported that Section 2 charges a \$150 registration fee. He said that "outside pesticide applicators have pesticides registered in Alaska." He said there are 4,571 registered and that there are no fees charged for their registration. Mr. Earl told the committee that Alaska is the only state not to charge a registration fee. He indicated that in the current fiscal note, the imposition of a fee would account for approximately \$690,000, or the bulk of the fiscal note. He speculated that since there is free registration in Alaska, Outside pesticide companies register in the state so that they can claim to be registered in all 50 states. He added that also included in the fiscal note was an Oregon example of a 20-percent drop in registrations once a fee was implemented.

Number 0687

CHAIR MURKOWSKI asked if the \$150 fee was an annual fee or a one-time-only fee, and if it is an annual fee, why a company would choose to register in the state if there is no real market for its pesticide here. She stated her understanding of Mr. Earl's point that companies would take advantage of the state's having no fee, but questioned whether they would continue the policy if one were instated. Chair Murkowski asked Mr. Earl if he thought the decline in registration would be more than 20 percent, as in the case of Oregon.

MR. EARL agreed that it could be more. He went on to say that the average registration fee for states is \$110. In response to another question by Chair Murkowski, he said the \$110 average was mostly an annual fee.

REPRESENTATIVE MEYER asked why charge \$150 if the national average is \$110.

Number 0783

MR. EARL said that there is no particular reason for the higher fee, but put forward, "Since we are the last state to charge such a fee, I suppose it could be argued that they've been getting away with it for a number of years ...."

REPRESENTATIVE MEYER reasoned that if \$110 is an average, there must be other states that are charging \$150.

MR. EARL referred to the packet and examples of others states' fees including New York, \$300; Vermont, \$75; California, \$200; Delaware, \$70; and Connecticut, \$100.

MR. EARL then referred to Section 3. He outlined how it would allow the department to charge a \$25-per-annum license fee to certified pesticide applicators. He told the committee that currently, DEC and the Cooperative Extension Service train applicators to apply pesticides. He said there are 14 different categories of pesticide use. The fee would apply per licensee, per year, regardless of how many categories of use the person is certified for.

Number 0875

CHAIR MURKOWSKI made the observation that the proposed CS specifies "private applicators." She asked how many private applicators there are in the state.

MR. EARL answered that the fiscal note is in error, and that there are not 1,000 applicators as it states. He said it was accounting for separate categories of certification. He clarified that there are only about 620 separate applicators.

CHAIR MURKOWSKI asked if those 620 are all private applicators.

MR. EARL said they are certified pesticide applicators that one would hire to "spray trees."

CHAIR MURKOWSKI wondered if there is a distinction between private and public applicators.

REPRESENTATIVE MEYER posed the question of where the "farmers in the valley" would fall under the scenario.

MR. EARL cited page 1, line 12. He said that the language was designed to exclude farmers and include only certified pesticide applicators.

Number 1000

REPRESENTATIVE HALCRO followed up on Representative Meyer's question by asking if the bill excluded farmers and government institutions like the Alaska Railroad [Corporation].

MR. EARL answered "yes."

REPRESENTATIVE HALCRO brought up the example of discussion of pesticides along the railroad a couple of years prior, and noted that it was that discussion that brought about this type of legislation. He pointed out that it seemed that this bill would exempt the people who brought about the concern to begin with. Representative Halcro put forth his thought that if someone were to come to his house to spray for pests, it would not be a public health concern. He asked if there was a reason why government organizations and farmers were excluded.

MR. EARL made the point that the bill should be regarded as a first step. He referred the committee to page 6, line 18. He said that in the bill, one of the board's responsibilities, through the state agencies, is "to try to follow integrated pest management more."

Number 1100

REPRESENTATIVE CISSNA interjected that one of the goals of the legislation was to address the issues as a "first step," to get some of the information that is out there. She claimed that it is not possible to count every bit of pesticide in the state, and if that were the bill's intent, "it would not make it through." She said that this bill is one way to begin finding out about a group that cannot be studied in any other way. She said, built into the legislation is the institution of a board composed of seven members - scaled back from nine to seven - that would be the most able to educate the public. She made the point that education is a better approach to the problem of pesticides than more laws and regulations. She said it would be hard to educate the public on how to properly use pesticides, but made it clear that it would be the board's charge to do this by use of its scientific knowledge. She said that the board will make recommendations on whether or not "things should be made illegal in the state system, and that's why they're there."

Number 1225

REPRESENTATIVE HALCRO asked, of the 4600 pesticides registered in the state, how many can be purchased at a local hardware store.

MR. EARL responded that many are not sold in Alaska, but are registered here for the sake of their claim to be sold in all 50 states, as mentioned earlier. He added that there are 74 "restricted-use pesticides" available for sale to those with certification and training.

REPRESENTATIVE HALCRO asked: Of the 4,600 less the 74 restricted use pesticides, how many are available for sale at a local hardware store?

MR. EARL answered that he did not know specifically, but added that any of the nonrestricted-use pesticides are available to the general public.

REPRESENTATIVE HALCRO asked if he was correct in assuming that if he hired someone to apply a pesticide, that person must report what was used, the square footage of application, and the exact location of its application. He said he was referring to Version J, page 4, line 15.

Number 1331

MR. EARL referred Representative Halcro to line 28, page 3, and said that page 4 is left open to allow the department to determine how specific it would be. He then referred to Section 5, subsection (b)(3), and said that the intent is for the "department to require enough specificity about location of application to be able to aggregate the data into hydrological units," but general enough to protect anonymity.

Number 1375

CHAIR MURKOWSKI followed up by clarifying that pesticide applicators would still be required to provide information set forth in subsection (c) on page 4. However, what is then made available to the public is more narrowly tailored to provide the privacy to the individual by indicating a specific watershed. She asked if she was correct in assuming that the name, date, and location of pesticide application would be confidential.

MR. EARL responded that it would be confidential.

CHAIR MURKOWSKI asked if it was stated somewhere. She said that she was not sure that there was a confidentiality provision in Version J when she looked.

REPRESENTATIVE CISSNA responded that it was meant to be. "If it isn't, it's an omission," she added.

Number 1443

MR. EARL stated that currently applicators are required to keep documentation on application with the exact location of application specified. They are not required to report to DEC. He said that one of the aims of the legislation is to report the location in a manner that protects confidentiality. He offered that perhaps Version J was not specific enough on that point.

CHAIR MURKOWSKI asked if she was correct to assume that the current system provides for the registration of pesticides, but doesn't require the type of information "such as we're looking for in (c)."

MR. EARL said he believed that the documentation is supposed to be kept, and that DEC can inspect it if there is a problem.

CHAIR MURKOWSKI asked Mr. Earl to clarify if "they're currently compiling all the documentation, [but] it just doesn't go anywhere after that."

MR. EARL replied that was correct. He clarified that documentation must be kept on restricted-use pesticides currently, and added that regulations are in the works - unrelated to this bill - to keep documentation on all pesticides.

CHAIR MURKOWSKI asked if keeping the documentation was in the current statute.

MR. EARL responded that that was only so with the restricted use pesticides.

Number 1530

MR. EARL continued, saying, "Section 4 requires applicators to notify their neighbors" between 48 and 72 hours before the application of a pesticide. He said it was modeled after current Municipality of Anchorage code.

CHAIR MURKOWSKI asked what happens if there are strong winds or pouring rain. She asked how the Anchorage code handles the elements.

MR. EARL answered that he did not know.

CHAIR MURKOWSKI referred to Section 4, subsection (b), paragraph (1). She asked how close "contiguous" property would be defined by the bill.

MR. EARL said that in the case of two properties divided by a vacant lot, they are not contiguous.

CHAIR MURKOWSKI gave the example of her area of Anchorage as one with a great deal of properties having large areas separating homes or residences, but with the properties still being technically contiguous. She advised having a more narrow definition of "contiguous".

Number 1683

MR. EARL added that the notification had been changed from that found in the Anchorage code, where it was from 24-96 hours. He said that in Version J it was changed to 48-72 hours.

Representative Cissna felt 24 hours was too little, he explained and 96 hours might allow the public to forget the notification.

MR. EARL moved on to Section 5 and said it establishes the pesticide tracking system and reportage of pesticide use to DEC. He referred to subsection (b)(2), saying that it allows the department the discretion to choose which pesticides to track. He said that all of the restricted-use pesticides would be tracked, and other "suspect" pesticides would be added as they are identified by the Environmental Protection Agency (EPA), DEC, or the pesticide advisory board.

Number 1791

CHAIR MURKOWSKI asked if AS [46.03.]340 - page 4 line 28 - did not negate all of the aspirations to confidentiality previously stated.

MR. EARL asked Chair Murkowski if page 3, line 20, "would take care of that problem."

CHAIR MURKOWSKI said that she did not think it took care of the problem. She said if the data was collected under Section 5, subsection (c), it should be indicated that it is excluded or developed under Section 5, subsections (a) and (b). She said it appeared to her that anything gathered under "that whole section" would be available to the public.

Number 1878

REPRESENTATIVE CISSNA told the committee that it was her intention to keep confidentiality, and added, "This is not a witch hunt; this is a search for data."

REPRESENTATIVE MEYER asked where the figures on penalties for infractions came from on page 4, subsection (e). He pointed to the penalties of \$1,000, and \$2,000 for first and second offenses, respectively. He asked if they were based on other states' policies, and whether they were to be levied on top of other civil or criminal penalties that would be applicable. He said that they sound "a little steep."

MR. EARL said the department would be better able to address that question. He then moved on to the section of Version J that sets up the advisory board legislation. He said the membership of the board had been lowered from nine to seven members. Mr. Earl told the committee that this was done to

reduce the impact the board would have on DEC in the way of information requests. He said "on line 20, we reduced the number of pesticide applicators from two to one." He said that the original bill called for two members with demonstrable records of advocating for water quality protection, fish and wildlife protection, or pest management. Mr. Earl said that had been changed to require a member of the board with expertise in fisheries, and one with expertise in wildlife.

CHAIR MURKOWSKI asked if the board was meant to deal with the pesticide industry, why the proposed board only called for one member of that industry. She asked if moving from two members to one was simply for economy.

REPRESENTATIVE CISSNA said that in "our" search to find information, "we" strove to find data to analyze the danger of pesticides. She said the bill was structured to allow scientists to get data through the tracking system, and also to come up with recommendations. She said some of those recommendations would be applicable to pesticide applicators, and some would not. Representative Cissna said she feels scientists need more information that could be provided by the board. She said there is "enough scientific knowledge out there now, to point to the fact that we need to look at it." She gave the example of lead being made illegal in many of its applications in the absence of complete scientific proof of its danger.

REPRESENTATIVE CISSNA said that it was not her goal to exclude the pesticide applicators, and said "if they can think of more ways to get at this goal, that would make it easier for them; I would be delighted."

REPRESENTATIVE MEYER asked if the level of expertise required to fill the board was too high.

REPRESENTATIVE CISSNA answered that she had anticipated that question and said that at lunch she had come "up with a whole fistful of names." She added that there was incredible talent in Alaska. She also said it was a revenue-positive bill. She said that in Version J, the "fanciness" was cut back by requiring less-expensive computer reporting. She said the current fiscal note did not represent the cheaper version.

Number 2280

JANICE ADAIR, Director, Division of Environmental Health, Department of Environmental Conservation, testified via teleconference. She said that the pesticide program is within her division. She said she would like to give some general information and background. She mentioned a fact sheet she had sent to the committee that referred to pesticides. The sheet gave examples of the wide range of chemicals that EPA considers pesticides.

MS. ADAIR said that pesticides have been regulated in the United States for nearly 100 years. She mentioned the Federal Insecticide, Fungicide, and Rodenticide Act (known as FIFRA). Ms. Adair pointed out that the EPA was given authority for federal pesticide oversight in 1970 when the agency was created.

MS. ADAIR said the EPA is required to register all pesticides sold in the United States, and as part of that process, EPA examines the ingredients of a pesticide; how it is to be used; the amount, frequency, and timing of its use; and storage and disposal practices. She told the committee that there are extensive requirements for the labeling of pesticides, and EPA must approve each label. She said the EPA conducts special reviews of pesticides to determine whether their use poses an unreasonable risk to human health or the environment. It also evaluates potential new pesticides and uses, reviews older pesticides against current standards and knowledge, and promotes reduced-risk pesticides and non-chemical pest management - also known as integrated pest management. It sets exposure standards for workers and sets limits on how much of a pesticide residue may remain on foods.

MS. ADAIR said:

EPA has the authority to enter into cooperative agreements with states to conduct inspections and enforcement activities related to the sale and distribution of pesticides; train and certify pesticide applicators of restricted use-pesticides; and implement a field-based outreach program that focuses on agricultural worker protection, groundwater protection, and endangered species protection. And that's where the state comes in.

She said the state does have a cooperative agreement with the EPA and that it conducts the work described above, including: training of the applicators, inspection of records that

applicators are required to keep, investigation of complaints, and conducting of inspections.

MS. ADAIR said Alaska has a state registration requirement, which means that in order for a pesticide to be sold in Alaska, it must be registered with the department. She said that this allows [the department] to know what pesticides may be used in Alaska, and [to] deny registration for a product that may pose an unacceptable risk to Alaska's particular environment. She gave the example of a recently denied registration for a product whose label stated that it would contaminate groundwater.

MS. ADAIR said:

Because so many areas of Alaska depend on groundwater as a source of their drinking water, and because the product was not needed for any unique purpose, we denied its registration. We also have a very small permitting requirement for projects that are conducted by state and local governmental entities, so the railroad [Alaska Railroad Corporation (ARRC)] is absolutely covered under current law, and that would not be changed by this bill. And any pesticide project that would affect land owned by two or more different people must also be permitted. Those are both statutorily required. In our regulations, we have also required a permit for pesticide applications that are done by air, or that are done to the water.

She gave the example of a species of non-native pike killed by the Alaska Department of Fish and Game because it was affecting salmon on the Kenai Peninsula. She said that kill had to be permitted by her department.

MS. ADAIR said:

We provide technical assistance to many groups such as the Pribilof Islands for rat eradication, the U.S. Forest Service on non-native species eradication, or what they call "noxious weeds," and the Air Force and others on spruce bark beetles.

We have regulations at the Department of Law that are going through their final review, that will require schools to provide notice to parents and guardians before pesticides are used at the school, and to post the area after use until it is safe for children to

access it again. We will be submitting for public review and comment later this year a similar requirement for day care centers.

TAPE 02-4, SIDE B  
Number 2473

MS. ADAIR continued:

EPA funds the Alaska pesticide project except for the registration component. We get just under \$300,000 in grant funds from EPA, and it is matched with about \$82,000 in state funds. Then the registration costs to the state are about \$47,000.

Registration has been required since 1998, she explained. Alaska was the last state to implement a state registration requirement and is the only state without a state registration fee, said Ms. Adair. She told the committee that in 2001, there were 4,571 pesticides registered for sale in Alaska. Of these, 1,367 were anti-microbials, which include disinfectants and sanitizers; 279 were repellants; and 74 were restricted-use.

MS. ADAIR said:

A restricted-use pesticide is a pesticide that, even when used according to the label instructions, has such potential for negative effects that it can only be used by applicators certified by the state under a program approved by EPA.

She said the use of the phrase "private applicators" in the bill is in existing statute, and it does not mean to exclude anyone working in the public sector. "If you use restricted-use pesticides, you must be certified by the state," said Ms. Adair; that is a federal requirement.

MS. ADAIR said this bill would do many things. It would establish fees for certain pesticide-related activities. It is very similar to the requirement in the Municipality of Anchorage of posting notice to neighbors. She said that people appreciate the opportunity to bring in their children or dogs before neighbors begin spraying pesticides on adjacent property.

Number 2417

MS. ADAIR said the bill would require that the department establish a system to track the use of certain pesticides in the

state, as determined by regulation. Since Alaska does not have a large permitting program, Ms. Adair said it would allow the state to gather information on how and where pesticides are used. She said Chair Murkowski's point that certified applicators should be subject to public review was a good one.

MS. ADAIR said the department would have to publish a report providing a detailed summary of the tracking information, and come up with any changes to the database that make the information easier or more informative to the public.

Number 2363

MS. ADAIR also said that the bill creates a seven-member advisory board to provide guidance to the department on several topics including the development of the tracking system, a research-and-information-gathering mechanism related to household use of pesticides; increasing public awareness of less toxic alternatives; improving the enforcement process, accessibility, and utility of the tracking-system data, and addressing persistent organic pollutants in the state. In addition, the board would provide recommendations to all state agencies and the university on how to control pests in such a way that pesticides would not be needed. The board would not be paid any per diem, would be appointed by the governor, and should serve staggered three-year terms, said Ms. Adair.

MS. ADAIR explained that the bill would state that commercial or contract use of pesticides would require the applicator to be certified. She referred to the question by Representative Meyer concerning penalty amounts. Ms. Adair said she did not recall the department having any input into those penalty amounts. She referred to page 4, line 23, which read in part, "In addition to other civil or criminal penalties that may be applicable ...." She said this was added to make sure that if other things needed to be brought into consideration, they could be.

Number 2280

MS. ADAIR thanked Representative Cissna and her staff for working with the department and addressing its concerns as the bill has evolved. She mentioned the fiscal note in particular. She said the department supported a more active pesticide program, notification to neighbors, the state policy on integrated pest management, and the fees as a source of revenue.

Number 2245

CHAIR MURKOWSKI referred back to the question she posed to Mr. Earl about the drop-off rate whereby companies who had registered their pesticides in Alaska, but did not sell them, were expected to discontinue their products' registration upon the imposition of a fee. She mentioned the 20 percent figure that Mr. Earl had used and asked Ms. Adair if she had any further information on that figure.

MS. ADAIR said it is difficult to say how many companies would actually "drop off" and added that the 20-percent figure was used because it had been an actual occurrence in another state. She said she was not sure about how many companies were actually registering their products just because of the lack of a fee. She added that some states have 10,000 pesticides registered.

CHAIR MURKOWSKI asked what a "broadcast chemical" is.

MS. ADAIR replied that a broadcast chemical is how people generally describe dispersants, such as those used in oil spills. She said it was an old term used in statute but not used commonly every day. A pesticide would be a subcategory of that, because it "is anything that you could apply in a broadcast fashion."

Number 2165

REPRESENTATIVE HALCRO asked Ms. Adair if the data her department collects was available to the public upon request.

MS. ADAIR answered that the only data that her department collects is that concerning permitted projects. The records applicators are required to keep are kept at their place of business, and made available for the department's review.

REPRESENTATIVE HALCRO asked if he was correct in assuming that 1,400 of the 4,600 pesticides are sanitizers or disinfectants such as Clorox or Listerine.

Ms. Adair answered, "Correct."

REPRESENTATIVE HALCRO asked if companies would be charged the \$150 fee to sell those types of products in the state.

Number 2117

MS. ADAIR said that the registration is for the active ingredient of the pesticide, and it is usually done by the manufacturers of the chemicals such as Dow Chemical Company and Monsanto.

REPRESENTATIVE HALCRO asked if most or all commercial applicators are licensed, bonded, and insured.

MS. ADAIR answered that that they are, but the department gave an exemption to some of the requirements to anyone working for a school district who also becomes certified under the new regulations to use pesticides at a school.

REPRESENTATIVE HALCRO asked, regarding the Municipality of Anchorage's ordinances, if they mandate notification of pesticide use to neighbors.

MS. ADAIR answered that she has not seen the ordinance and does not know how it actually works. She said for example, when her birch trees are being sprayed for aphids, her neighbors receive notice at least 24 hours in advance of spraying; and if weather postpones the spraying, notice is re-posted. It is an ordinance in Anchorage.

Number 2024

REPRESENTATIVE KOTT asked if the department believed that since there has been no fee in Alaska in the past, the fee should "make up and catch up" by charging more than the national average for the future.

MS. ADAIR said that the amount of a fee, or issuance of a fee at all, is a policy call by the legislature. After Representative Kott restated the question, Ms. Adair said she does not think the department believes that the fee should make up for missed fees in the past.

REPRESENTATIVE KOTT asked Ms. Adair if the Anchorage ordinance requires that the pesticide applicator keep the posting up for a length of time after the pesticide is used.

MS. ADAIR answered that she did not believe so, and deferred to some of the applicators waiting to testify on line.

REPRESENTATIVE KOTT asked about the military's use of pesticides and how it would be certified.

MS. ADAIR surmised that it would also have to be certified since that case deals with federal requirements.

REPRESENTATIVE KOTT asked if the military would also be required to notify surrounding residences, "perhaps off the installations," via postings.

MS. ADAIR said, "That's a darn good question because it would be contiguous, wouldn't it?"

REPRESENTATIVE KOTT agreed and said that he was thinking of Elmendorf Air Force Base and the Anchorage Municipal Golf Course, both with a number of residences surrounding them. He reasoned that they would have to post those residences with notifications in the event of those facilities' using pesticides.

MS. ADAIR said she suspected Representative Kott's assumptions to be correct, but added that she would have to check with the Municipality of Anchorage to be sure.

REPRESENTATIVE KOTT asked if Ms. Adair was aware of the Indiana University study that found pesticides that "may have come from half a world away" on Alaskan tree bark.

MS. ADAIR said she was not aware of the particular study in question, but claimed she was aware that the issue of airborne toxins being dumped in Alaska has been researched extensively. She made note of a theory of the "Arctic acting as some sort of a sump for both air and waterborne toxins that do originate in other parts of the world."

Number 1821

REPRESENTATIVE MEYER said he has "not heard of this being a real big problem." He said that he had heard mention of the issues of pesticides as a concern with regard to schools, the railroad being sprayed for weeds, and farmers spraying anhydrous ammonia, but he said he thought these examples were "excluded from this bill."

MS. ADAIR said the ARRC is not excluded. It is covered under current statute, and the bill changes nothing relative to the ARRC. She said under current statute, state or local governments must have a permit to conduct pesticide projects. She said she was not familiar with the situation with farmers, but if they hire someone to apply pesticides, that person must

be certified. If the farmer uses pesticides himself or herself, and does not apply it by air or to the water and it is only on the farmer's own land, then it is not required to be permitted.

REPRESENTATIVE MEYER asked if it would have to be "posted 48 hours."

MS. ADAIR answered that only if the application was done by someone for hire.

REPRESENTATIVE MEYER asked if this bill addresses "a real problem."

MS. ADAIR said that was a "very, very, difficult question to answer," and added that nothing DEC does generates as much controversy and emotion as pesticides. She said that there appear to be some health effects from some pesticide use, "but the science isn't real clear, so people get scared."

Number 1638

CHAIR MURKOWSKI asked, in light of the stipulation that those who apply pesticides in a commercial capacity are subject to "enforcement or penalties," whether her son would be open to the same enforcement and penalties if hired by a neighbor to do yard work where lawn pesticides are used.

MS. ADAIR said that under current regulations, one must be at least 18 to be a certified applicator. She said she that one "could infer that they would have to be certified."

REPRESENTATIVE HALCRO asked if the requirements in the bill are similar to what the ARRC is currently abiding by.

MS. ADAIR said statute requires that the ARRC, and other governmental entities, get a permit from the department. It must post public notice and use certified applicators. She said that the bill would not have "a huge effect" on how the ARRC operates. She added, though, that if it had its own certified applicators, it would have to provide the department with information for the tracking system.

Number 1383

TRACEY LYNN, Program Manager, Environmental Public Health Program, Epidemiology Section, Division of Public Health,

Department of Health and Social Services, testified via teleconference.

REPRESENTATIVE CRAWFORD asked Ms. Lynn if she felt that there has been, or is, a problem with pesticides.

MS. LYNN said that the science is uncertain, but added that there is a potential for risk. She said, "The more conservative course of action would be to monitor the situation through a pesticide tracking system."

Number 1230

COREY RENNELL, Student Representative, Anchorage School Board, testified via teleconference. He said he represents Anchorage's 50,000 students on the Anchorage School Board. He said that four years prior, he began working with the Anchorage School District to implement a "district management plan." He said prior to the implementation of the plan, he was concerned for his health because of pesticides. He said he was even more concerned for those who did not know of the potential threats to their health. Mr. Rennell stated his belief in the use of pesticides under certain circumstances, but added that pesticides can "cause biological complications when directly exposed to a human body." He said that public awareness would be the straightest path to public safety. Mr. Rennel said that in light of the state's fiscal deficit, this bill would not be a burden because it "pays for itself." Mr. Rennell said that the bill is a necessary and long needed addition to the protection of the people of Alaska, and urged the committee to support it.

Number 1122

TOM MACCHIA, Physician's Assistant, testified via teleconference. He said that he has been practicing as a physician's assistant in Alaska for 23 years. He said that he worked in the North Slope oilfield medical clinics before "the OSHA [Occupational Safety and Health Administration] right-to-know law," and that it was "a rather scary scramble" when people were exposed to chemicals and toxins. He supported the idea of people being aware of what they may be exposed to. Mr. Macchia said he has also worked with a great number of sick children. He pointed out that children are much more vulnerable to chemical exposure because they are still developing. He said giving parents more information to help them protect their children would be "a good thing."

REPRESENTATIVE MEYER asked what type of pesticide he was speaking of in regard to his work with children.

MR. MACCHIA said he was not referring to a particular pesticide but rather the benefit of the OSHA law that made information more accessible.

Number 0971

KATIE BRYSON, High School Senior, testified via teleconference. Ms. Bryson said:

Madame Chair and honorable members of the committee, thank you. My name is Katie Bryson and I am a high school senior here in Anchorage. I've been working on pesticide-related issues since 1998, when I became involved in an Anchorage community effort to limit the use of potentially harmful chemicals in our schools. That policy, which was a parent idea to the proposed legislation, was unanimously approved in 2000 and has since been commended by Alaska's Department of Environmental Conservation. In the time I've spent working on these issues, I've heard many different facts and opinions about pesticide use. After studying the proposed legislation, I firmly believe that it does not pander to any single set of beliefs regarding the use of pesticides. Instead, it furthers Alaska's ability to expand its scientific knowledge base, and it protects the right of all Alaskans to have access to that knowledge.

House Bill 66 is not designed to restrict the use of specific chemicals, or to unreasonably regulate the actions of Alaskan pest management businesses; it is designed to stand up for individual members of the public, individual constituents. Some opponents have voiced the opinion that, as no direct harm from pesticides to human systems and the environment is confirmed, there is no reason to implement this tracking system. I disagree. We have no way of recognizing or understanding any chemical effects until we have a comprehensive tracking plan. Ignorance of the presence of these substances won't solve problems that may be related to them, such as low salmon runs or endocrine disruptions in the children who play in our parks. Ignorance will only prevent us from identifying potential causes of these

problems. And with all respect to the applicators of pesticides, it is not fair or just for merely a select few to have free and immediate access to records of which pesticides are used where and in what quantities. These are matters that impact the public. I would ask that you respect the public's right to know with your support of this bill.

Number 0582

KEN PERRY, General Manager, Paratex Pied Piper Pest Control, testified via teleconference. Mr. Perry said to the committee:

My name is Ken Perry. I am the same age as Mr. Crawford and was born and raised in Mr. Hayes' district of Fairbanks, but for the past eight years have resided in Anchorage. I am the father of five children and have a deep and abiding love for my home state, its environment, and its people. I am here to speak on behalf of myself as a resident; [on behalf of] my company, Paratex Pied Piper, a 37-year-old Alaskan-owned business, of which I am a minority owner and the general manager; and as a representative of the National Pest Management Association [NPMA], the trade group representative for our industry in the United States.

Let me begin by thanking the members of this committee for receiving and reading the response letters I have submitted over the past four days. I know that your workload in this session is very heavy, and I am honored that you would take time to consider the opinions of a small-business operator like myself. I also want to apologize to you and Ms. Cissna along with her staff if my first foray into the world of politics has in any way caused offense. My letters have come with an undertone of frustration and may have been worded in such a way as to appear condescending. While that was not my intent, again I apologize if that appearance was present. I will not take up the time of this hearing to reiterate what I have already written into the record. Instead I will comment on two matters: first the matter of fiscal responsibility, and the other, my concern about fairness in the handling of this bill.

Number 0692

It is of no little concern to us, the residents of Alaska, that the current legislature addresses the fiscal gap that exists and is growing rapidly in our budget process. In fact, your own time from that issue is being robbed by virtue of this frivolous piece of legislation known as House Bill 66. It would be deliberate deceit to suggest that these new laws would not cost the Alaska budget tens of thousands - if not eventually - millions of dollars to implement and oversee. For the sake of sound fiscal responsibility, this committee must not recommend this bill. If in fact this session does come up with extra funds, I would urge that these be placed into the existing skeleton budget of the Alaska Department of Environmental Conservation, the ADEC, to assist them to more effectively carry out the mandate that currently exists for them in the matter of oversight in their pesticide division. Although my colleagues and I may not always agree with them on issues of their governing of our industry, I have found them to be some of the most professional and conscientious government employees I have had the opportunity to deal with. To burden them with more unnecessary workload, especially without funding, is unthinkable.

Number 0553

I spoke previously of my hurt at the handling of this matter. While this may have little to do with the merits of the bill before you, I would like to address the matter of responsible legislation. The bill, especially in its present form, provides for excessive regulation on a group known as "applicators of restricted use pesticides" and "persons engaged in the custom, commercial, or contract spraying or application of pesticides and broadcast chemicals". For the edification of this committee, that language means solely a group of small businesses, including pest-control companies - about 15 - and a few lawn-and-garden maintenance companies ... A number that has come to my attention is 29 along with evidently - and I'm mistaken here: I thought it would also affect our sole aerial crop sprayer; perhaps it does not.

While I was made aware of this proposed regulation by our NPMA Legislative Affairs Department on the East

Coast, and made brief comments to the originator's office in 2000 when it first surfaced, neither I nor - as best I can determine - my competitors, [were] contacted by that office for input. The NPMA also wrote comments, but was contacted only within the past ten days for input, and that was primarily in regard to the new language surreptitiously included Tuesday for a state wide neighbor-notification law. Were it not for a letter from the special interest group pushing this legislation, published in last week's Anchorage Daily News, I would not have even known that this matter was scheduled for hearing today.

In contrast, we are frequently asked to provide input into recommended changes in ADEC regulation. Last year a major revision was disseminated to us, commented upon, reviewed, rewritten, and sent out again for comment. Incidentally, the ADEC whose thumb is on the pulse of pesticide use in Alaska could easily have made the recommendations found in HB 66 during this period, but evidently saw no need.

Number 0478

Should not the rule makers involved here show us the same respect? I do not know the remedy for this, nor am I familiar with rules and policy of the Alaska legislature, if they exist, as to contacting persons and businesses that will be severely impacted by proposed legislation. As an Alaskan I can speak only to the hurt I feel from the appearance that outside special-interest groups have more influence on this body or its members than its citizenry do.

Number 0454

REPRESENTATIVE HALCRO asked Mr. Perry what the most common "outside applications" he performed were, besides spraying trees for aphids.

MR. PERRY said that his is a full-service pest control-company; he sprays trees for spruce bark beetles and deciduous-tree pests, injects trees with chemicals for pests, and performs exterior building applications.

REPRESENTATIVE MEYER asked if Alaska is one of the last states to have some of the requirements in this bill.

MR. PERRY said that it is not the case. He said many of the regulations are not in existence in other states and have only recently been proposed. He said that the "tracking bill" has been recently adopted in other states and found to be "unfinanceable." He said the public reporting aspect has been found to be a violation of privacy. Mr. Perry said Alaska is the last state to implement label licensing. He said that there are a small number who do apply, that very few will apply, and that it will likely put him out of business.

REPRESENTATIVE MEYER asked Mr. Perry if the \$150 would be advantageous to his business and the public.

MR. PERRY said that the fee will make the pesticides that he uses, no longer registered in the state of Alaska, and that will put him out of business. He said the public will suffer because they will not have the ability to deal with pests. He said that his company uses IPM (integrated pest management), but pesticides must be used when necessary.

Number 0210

REPRESENTATIVE MEYER asked about the Anchorage ordinance and how it relates to both the bill and his business.

MR. PERRY said it is a 24 hour required notification period with a window of time that allows another 96 hours for the application of pesticides. He said it works well for the purposes it was applied to. He said he does not like the law particularly, but his company abides by it. He said that there are many whom HB 66 does not cover, who will get no benefit from the notification requirement.

REPRESENTATIVE PERRY asked if the Anchorage ordinance charges a fee like the \$150 in HB 66.

MR. PERRY said that Anchorage charges a fee of somewhere between \$100 and \$150 per year.

REPRESENTATIVE MEYER concluded that whatever amount of fee the bill imposes, the Municipality of Anchorage's fee would be added to that.

MR. PERRY said "yes."

CHAIR MURKOWSKI asked if all contiguous properties must be posted under the Anchorage ordinance.

MR. PERRY said that was correct.

TAPE 02-5, SIDE A  
Number 0001

MR. PERRY, responding to a question, said that if the weather interferes with a pesticide application, his company must repost a notice.

REPRESENTATIVE CRAWFORD asked, if other states charge label registration fees and they still have pesticide application businesses, why it would put Mr. Perry's company out of business.

MR. PERRY said the issue is the availability of pesticides. Alaska is unique in that most people apply their own pesticides. He said his company is hired by people with a higher regard for the environment. He said the problem with the fee is that the added cost will deter pesticide and chemical companies from registering their products in the state. Companies marketing newer and safer chemicals would not want to risk the cost of entering the Alaskan market, and companies like his would be forced to use the older, less safe chemicals whose research and development fees have been paid for many years ago.

Number 0270

REPRESENTATIVE CRAWFORD asked Mr. Perry why he believed the bill originated "outside the state."

MR. PERRY said he was affiliated with, but not a board member of, the NPMA. He said he was granted authority to speak for them. There are two pest control companies in Alaska that are members of that association. He said that most of the regulations in the bill are identical to those proposed throughout the United States by many of the same "anti-pesticide groups." He said that these groups have tried to bring the same types of regulations at the federal level, but were not successful and have now turned to the states. He said that these groups feel that the small number of pest control companies in Alaska have made the state appear to be an easy target for these groups.

Number 0390

REPRESENTATIVE HALCRO asked if there is anything besides posting requirements that the municipal ordinance requires of his business.

MR. PERRY referred to Section 15.75 of the Anchorage Municipal Code, saying it has to do with "licensing and insurance and permitting which is pretty much general to the pest control area." He said that he could not speak to anything Representative Halcro was asking about "in a unique nature."

Number 0459

REPRESENTATIVE KOTT asked about the notice requirements in Section 4, subsection (c), paragraph (4). He asked Mr. Perry if he could comment directly on whether or not the notice requirements in the bill mirrored those found in the Anchorage Municipal Code.

MR. PERRY said the bill's wording is almost identical to that of the Anchorage Municipal Code, Section 15.75, with the exception of the 48 to 72 hour posting. He said it would almost guarantee "constant reposting." He said he had no problem with the posting of telephone numbers. It would allow the neighbor to know who is applying the pesticide and how to get hold of them. He said when his company receives calls from concerned neighbors, he tells them what the chemical is, faxes a copy of the MSDS [material safety data sheet], and gives them all the information they want. He said his problem with the bill is the "extreme redundancy" that takes place between this bill and the Anchorage code when "grossly half of the state of Alaska is covered by virtue of living in our wonderful municipality."

Number 0630

EVERETT WALTON, Partner, American Pest Management testified via teleconference. He said that as he understood it, the bill had three points: the tracking of broadcast spray pesticides by way of mandated reports, public notification of intended spraying, and the raising of money by fees. He said it would also add "a new layer of bureaucracy, reports, and statutes."

MR. WALTON said that broadcast spray pesticides cannot be tracked if 98 percent of all users are exempt from reporting. Farmers, oil companies, and all retail outlets are exempted from this reporting, and only 29 small companies will be required to report their spraying, under this bill. He said that more than

half of the states population is already given prior notification under the Anchorage law. He said that often, small companies do not comply with the notification law, and that government does not have enough personnel to enforce it. He said that only the two largest pest control companies will be hampered by the law. He said the bill would cost over \$500,000 by some estimates. He said that many companies will see Alaska's small market and forego registration of chemicals as unproductive. He said there will only be 50 people in the whole state who are truly affected by the reporting part of the bill. Mr. Walton said that companies in Alaska do not use a single restricted use pesticide for broadcast spraying, and if one were used, it would be by an exempt person or group. He said he does not feel there is a problem to be solved. He said that the pesticide application professionals are responsible for a small portion of pesticides used in Alaska; the majority are applied by private citizens. He said that the bill was a "boondoggle."

Number 0886

CHAIR MURKOWSKI asked Mr. Walton to clarify the numbers 29 and 60 as far as individuals or businesses affected by the bill.

MR. WALTON said that within the 29 businesses working at pest control or landscaping in the state, there are approximately 60 people.

Number 0980

BARBARA WILLIAMS, representing Alaska Public Interest Research Group (AkPIRG) and Alaska Injured Workers Alliance, testified via teleconference. She urged the committee to support the bill to track pesticide use. Ms. Williams said that consumers need to know what pesticides are being used, how they are being used, and what protections are necessary. Ms. Williams voiced concern about health protection, protection of food, and protection of children. She raised the issue of pesticides in schools and hospitals. In the case of hospitals, many people are irresponsible and posting does them no good. She said the bill is a step in the right direction towards the regulation of, and data collection about, pesticides.

MS. WILLIAMS said that workers, especially those on the Alaska Railroad, should not be exempted from (indisc.). She said it is important they know the risks of toxins they may be exposed to on the job. She said the ARRC is a self insured employer; without regulation, it would be possible for those workers who

become ill due to exposure to have nowhere to turn. She said it is critical to regulate larger, self-insured organizations so that injured workers have all the information they need. Ms. Williams said the public should have better knowledge of what they may be exposed to, and that she supported the bill.

Number 1235

REPRESENTATIVE CRAWFORD told the committee of a severe asthma attack he suffered while traveling in an agricultural area of Washington. He said he later read in a newspaper that there was "a sort of an epidemic" of problems similar to what he had suffered at the same time and in the same area. There was a lack of unequivocal information due to a lack of laws for tracking or identifying pesticide use. He said the best that could be done was to speculate that the rash of problems hailed from the spraying of potato fields with pesticides. Representative Crawford also made note of "a pocket of leukemia" in the same area amongst farm workers and their children. He asked if this bill would help provide more, and better, information for tracking pesticide application.

MS. WILLIAMS said all types of workers need to have better access to information about toxins that they may become exposed to. She said when there is an exposure, "they look just fine; there's nothing wrong with them." She said that people have a harder time getting the treatment and benefits that they need. Ms. Williams told the committee that is the reason railroad workers need to be protected by the law as well, because "there is very little regulation of their work anyway."

Number 1474

PAMELA MILLER, Biologist and Director, Alaska Community Action on Toxics (ACAT) testified via teleconference. Ms. Miller said:

We're a nonprofit, statewide membership organization of 300 members, and we provide technical assistance and training on environmental health issues to members of the general public, workers, and tribes.

We strongly support HB 66, with recommendations to strengthen the bill. We believe that enactment of this bill will be an important first step in assuring worker and public right-to-know about the quantities, types, and locations of pesticide applications in our workplaces, parks, public lands, and buildings. It

will provide useful data for people on the job or in their communities to evaluate their own risks and take whatever protective actions they deem necessary. As you've heard, children, elderly people, [and] those with chronic illnesses or chemical injury are particularly susceptible to adverse health effects from pesticide exposure.

Number 1550

Our support for this bill stems from our research and experience in working with the Anchorage School District over the past several years concerning pesticide use in schools. Our research demonstrated in 1998 that the Anchorage School District used pesticides linked with serious health problems, posing a special risk to children. Teachers, parents, and students were not provided with notification about pesticide applications.

A group of parents, teachers, and students worked with ACAT for nearly a year in meetings with the Anchorage School District to address these problems. This work culminated in the February 2000 decision of the Anchorage School Board to implement a policy requiring notification procedures and least-toxic pest management. The state then promulgated regulations, signed by Commissioner Michele Brown in October 2001, to require notification in schools on a statewide basis. But the notification only includes schools and not facilities such as day care or extended care for the elderly, and I'll mention some others that are not included.

number 1625

So why is pesticide-use tracking necessary for Alaska?

We need a pesticide use tracking law because there is no reliable information or system for public officials, researchers, or members of the public to track which pesticides are used, where, when, and in what amounts. Currently we have 4,594 pesticides registered for use, with 250 pending applications for registration. Pesticide use occurs in places frequented in our daily lives. That includes parks, public buildings and grounds, schools, universities,

airports, farms, nursing homes, hospitals, day care centers, stores, and greenhouses. Accurate information about pesticide use will be helpful for pesticide applicators and chemical corporations because it will dispel speculation and misrepresentation of facts.

The National Research Council has stated that pesticides are "perhaps the only toxic substances that are purposefully applied to the environment." Legally, pesticides are supposed to be regulated so that they do not cause "unreasonable adverse effects" or harm. But this does not mean that pesticides are safe. Certain pesticides are known to cause cancer, genetic damage, birth defects, miscarriages, liver, and kidney damage. These are pesticides currently on the market. Less than 10 percent of pesticides in common use have been adequately tested for hazards.

Lindane is an example of a pesticide used in Alaska that has exceedingly harmful effects because it is persistent, toxic, and it bio-accumulates. It is used to control head lice in children and for spruce bark beetle infestations. It adversely affects the liver, the nervous system, the kidneys, immune system, and is a cancer promoter. Although it is banned in many countries, it is not yet banned in the U.S., and certainly not in Alaska. It is accumulating in fish, wildlife, and people living in the north. Although lindane is transported from lower latitudes outside Alaska, we can only speculate about how much is transported from outside versus amounts used within Alaska. Pesticide-use tracking will provide a necessary basis for contaminants research in Alaska. This is becoming more important as we begin to understand the environmental and health effects of persistent pollutants transported to the north via oceanic and atmospheric currents.

Number 1683

In summary, HB 66 provides a useful tool for decision makers, workers, and community members because it will help to: enhance the general public and worker right-to-know; protect public health and workplaces; protect water quality, salmon habitat, and other aquatic

resources; and I think it will promote good decisions about pest management.

Specific recommendations for the bill: we would like to substitute "shall" for "may" in Sections 1(b) and 1(e); require reporting from all applicators, including government, agriculture, and households; add a citizen suit provision such as exists in the federal Emergency Planning and Community Right to Know law.

MS. MILLER urged the committee to strengthen the bill in the ways suggested, and to help ensure its passage.

Number 1739

CHAIR MURKOWSKI asked Ms. Miller to send in her written recommendations.

REPRESENTATIVE HALCRO said he was looking at a Department of Environmental Conservation (DEC) press release from 10/26/01, commending the Anchorage School District for its compliance with DEC's new pesticide management policy. He said it appeared the compliance was voluntary. He asked Ms. Miller if she thought that "maybe this doesn't require such government oversight, and certain industries could come to the table themselves, like the Anchorage School District did."

Number 1793

MS. MILLER said it took over a year of hard work to negotiate the policy that the Anchorage School Board eventually passed. She said the board did so voluntarily, but it was only in response to a "public records Act request" that her organization made. That, in turn, was released to the media, disclosing that harmful pesticides were being used. She said she appreciates the outcome and efforts that the school district made, "but initially, it was not voluntary."

Number 1830

WALTER PARKER, Former Highway Commissioner, testified via teleconference. He said most of his work with contaminants in Alaska in the last 55 years dealt with the risk associated with their transfer. Mr. Parker said when he arrived in Alaska there were residues left from the World War II "all over the place." He said that there are still 600 "federal sites" to be cleaned up.

MR. PARKER said that contaminants are a problem that will not go away rapidly, and that the state needs to track them. He said the bill is "a good move at this time to keep track of the pesticides." As Highway Commissioner in 1975, Mr. Parker recalled, he eliminated the use of herbicides along Alaska's roadways "because they were dangerous," but the railroads did not follow suit. He said as a chairman of the Hazardous Spill Technology Review Council from 1990-1995, he had an opportunity to get up to speed on federal regulations and DEC's role in the matter. He said the federal laws are not enough because they provide only a modicum of notification. He has grandchildren all over the state and said he wants to see all of them protected, not just the ones who live in Anchorage. Mr. Parker said another committee to keep an eye on the industry is a good thing.

Number 2040

CHERYL HILMES testified in support of the bill via phone. She said that through her own research, she has found that pesticides have been linked to health problems such as cancer and birth defects. Ms. Hilmes said as a mother and as the wife of an asthmatic, she has good reason for concern. Schools and parks are most used by children, and they are also "free-for-alls" for pest management companies, said Ms. Hilmes. She brought up the issue of parents having a choice in what level of pesticide exposure their children should have. Ms. Hilmes said she has control over her child's food consumption and television watching, but not so with pesticide exposure because she does not know what her daughter is being exposed to. Ms. Hilmes told the committee of an experience where she saw a pesticide applicator spraying chemicals near a mall in Anchorage. Upon further investigation, Ms. Hilmes said, she learned the chemicals should not have been sprayed when pedestrians and shoppers were present. This episode made her "get involved." She said she has a right to know about pesticide use, and said she is "not an outsider."

Number 2180

CHIP NORDHOF (ph) testified via teleconference. Mr. Nordhof said he has seen a number of people sprayed by pesticides on several occasions. He said at one point he was sprayed, which prompted him to talk to the people spraying. He asked them what chemicals they were spraying and also for them to stop. Mr. Nordhof said that the workers did as he asked, but they did not

know what chemicals were in the pesticides, or what the side effects to humans are. He said that is concerned about pesticides and the effects they have on humans.

Number 2305

NANCY JEAN OUIMET, M.D., testified via teleconference. She said she has been practicing pediatrics in Alaska for the past 17 years. Dr. Ouimet said pesticides pose health concerns for humans. She said the young and infirm are the most vulnerable to these health problems. Pesticides are widely distributed. They "do not respect property lines" and can get into the soil, air, and water; this can take place in a cumulative manner. Dr. Ouimet said these chemicals should be monitored to protect public safety and to ward off public hysteria. She said this bill meets many of the needs Alaska has in terms of tracking pesticides and making sure the correct people are using them.

CHAIR MURKOWSKI said it was her intention to hold the bill over and work with the sponsor on areas that might need fine-tuning; privacy considerations and casual labor in particular.

REPRESENTATIVE MEYER added that he would like to make sure that the bill was not duplicating the law that is already on the books for over 40 percent of the state's population, in Anchorage. [HB 66 was held over.]

#### **ADJOURNMENT**

There being no further business before the committee, the House Labor and Commerce Standing Committee meeting was adjourned at 5:45.