



LAWS OF ALASKA

2005

Source
CSHB 19(FIN)

Chapter No.

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:

THE ACT FOLLOWS ON PAGE 1

AN ACT

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

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3 * **Section 1.** AS 37.05.146(c) is amended by adding a new paragraph to read:

4 (78) receipts of the Department of Environmental Conservation from
5 the registration of pesticides and broadcast chemicals and the licensing of pesticide
6 applicators under AS 44.46.025.

7 * **Sec. 2.** AS 37.10.058(2) is amended to read:

8 (2) "designated regulatory service" means a regulatory service
9 provided under the following regulatory programs:

10 (A) control of solid waste facilities under AS 46.03.020(10)(D)

11 and (E);

12 (B) regulation of the disposal of waste into waters of the state
13 under AS 46.03.100;

1 (C) certification of federal permits or authorizations under 33
2 U.S.C. 1341 (sec. 401, Clean Water Act);

3 (D) a coastal management consistency determination relating to
4 a permit or authorization issued under a program listed in (A) - (C) of this
5 paragraph, if the determination is made by the agency issuing the permit or
6 authorization;

7 (E) any authorization for the use or appropriation of water
8 under AS 46.15; [AND]

9 (F) administration of emission control permits for the air
10 quality control program under AS 46.14; **and**

11 **(G) regulation of pesticides and broadcast chemicals**
12 **registered under AS 46.03.320(a)(4).**

13 * **Sec. 3.** AS 44.46.025(a) is amended to read:

14 (a) Except as otherwise provided in AS 37.10.050 - 37.10.056, the Department
15 of Environmental Conservation may adopt regulations that prescribe reasonable fees,
16 and establish procedures for the collection of those fees, to cover the applicable direct
17 costs, not including travel except in the case of a designated regulatory service, as that
18 term is defined in AS 37.10.058, of inspections, permit preparation and administration,
19 plan review and approval, and other services provided by the department relating to

20 (1) agriculture and animals under AS 03.05; food, drugs, and
21 cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;

22 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
23 46.14.510;

24 (3) drinking water systems under AS 46.03.720;

25 (4) water and wastewater operator training under AS 46.30;

26 (5) waste management and disposal authorizations under
27 AS 46.03.100;

28 (6) certification of laboratories conducting environmental analyses of
29 public drinking water systems or of oil or hazardous substances, or conducting other
30 analyses required by the department;

31 (7) certification of federal permits or authorizations under 33 U.S.C.

1 1341 (sec. 401, Clean Water Act);

2 (8) regulation of point source discharges of pollutants associated with
3 timber-related activities under the program authorized by AS 46.03.020(12);

4 **(9) regulation of pesticides and broadcast chemicals registered**
5 **under AS 46.03.320(a)(4), with a reasonable fee not to exceed \$120;**

6 **(10) licensing of pesticide applicators under AS 46.03.320(b), with**
7 **a reasonable fee not to exceed \$25.**

8 * **Sec. 4.** AS 44.46.025 is amended by adding a new subsection to read:

9 (e) In (a)(9) and (10) of this section, "reasonable fee" means a fee that does
10 not unduly interfere in the conduct of commerce in the state.

11 * **Sec. 5.** AS 46.03.320(a) is amended to read:

12 (a) The department may

13 (1) regulate the transportation, testing, inspection, packaging, labeling,
14 handling, and advertising of pesticides and broadcast chemicals offered for sale [,] or
15 placed in commerce for use in the state;

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

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

20 **(4) register pesticides and broadcast chemicals for sale or**
21 **distribution.**

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

23 (b) The department may provide by regulation for the licensing of **or**
24 **temporary license waiver for** private applicators of restricted-use pesticides, [AND]
25 for persons engaged in the custom, commercial, or contract spraying or application of
26 pesticides and broadcast chemicals, **and for other persons engaged in the spraying**
27 **or application of pesticides and broadcast chemicals in public places.** A person
28 engaged in the custom, commercial, or contract spraying or application of pesticides
29 and broadcast chemicals may, by regulation, be required to secure a surety bond or
30 liability insurance.

31 * **Sec. 7.** AS 46.03.320 is amended by adding new subsections to read:

1 (c) A person may not apply a pesticide or broadcast chemical in a public place
2 unless licensed by the department or otherwise authorized under a regulation of the
3 department. The department shall by regulation provide for reasonable public
4 notification, including written notice posted on the application site, when pesticides
5 and broadcast chemicals are applied in a public place. In this subsection, "public
6 place" means (1) common areas of an apartment building or other multi-family
7 dwelling; (2) that portion of a government office or facility to which access is not
8 ordinarily restricted to employees; and (3) plazas, parks, and public sports fields.

9 (d) In this section, "multi-family dwelling" means a building that includes
10 more than four single-family dwellings.

11 * **Sec. 8.** This Act takes effect January 1, 2006.