

HOUSE BILL NO. 19

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MEYER, Kerttula, LeDoux, Seaton

Introduced: 1/10/05

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to pesticides and broadcast chemicals; and providing for an effective**
2 **date."**

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

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

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

7 *** Sec. 2.** AS 44.46.025 is amended by adding a new subsection to read:

8 (e) The department shall charge an annual registration fee of \$115 to register a
9 pesticide or broadcast chemical for sale or distribution in the state.

10 *** Sec. 3.** AS 46.03.320(a) is amended to read:

11 (a) The department may

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

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

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

5 **(4) register pesticides and broadcast chemicals for sale or**
 6 **distribution.**

7 * **Sec. 4.** AS 46.03 is amended by adding a new section to read:

8 **Sec. 46.03.325. Public notice of pesticide use.** (a) Except as provided in (d)
 9 and (e) of this section, a person spraying or applying a pesticide in or around a public
 10 place or place of employment shall provide public notice each time the person is going
 11 to spray or apply a pesticide.

12 (b) The notice required under this section shall be posted

13 (1) at least 48 hours, but not more than 120 hours, before the spraying
 14 or application of the pesticide and shall continue to be posted for not less than 48
 15 hours after spraying or application has been completed;

16 (2) conspicuously at an outdoor treatment site in highly visible
 17 locations along the perimeter of the application area, including posting at 50-foot
 18 intervals along a path, trail, road, or other byway adjoining the treatment site;

19 (3) conspicuously in common areas and at each entry point into an
 20 indoor facility in or around which the pesticide is sprayed or applied; the notice must
 21 be visible to persons visiting and working at the application site;

22 (4) conspicuously in common areas and at each entry point of an
 23 apartment building or multiple-dwelling building in or around which the pesticide is
 24 sprayed or applied; the notice must be visible to persons visiting and residing in the
 25 building; a copy of the notice shall be given to each owner or owner's agent.

26 (c) The notice shall be printed on 8 1/2 x 11 inch paper and must provide the
 27 following information:

28 (1) a heading containing the United States Environmental Protection
 29 Agency signal word from the pesticide label next to the words, "Pesticide
 30 Application;"

31 (2) the address of the premises where the pesticide is being sprayed or

1 applied;

2 (3) the name, telephone number, and pesticide business registration
3 number or certified applicator number of the pesticide applicator, and the name and
4 telephone number of the responsible party from whom the pesticide label and material
5 safety data sheet may be obtained;

6 (4) alternative dates for the spraying or application in case of
7 inclement weather;

8 (5) the name and United States Environment Protection Agency
9 registration number of each pesticide being applied;

10 (6) the rate, mode, and concentration of application;

11 (7) the telephone numbers of pesticide information lines and addresses
12 of Internet websites where information about the pesticide being sprayed or applied is
13 available; and

14 (8) the following precautionary statement: "CAUTION: Pesticides may
15 be harmful to your health, and you are advised to minimize exposure to them.
16 Pregnant women, infants, children, and individuals with respiratory or heart disease,
17 chemical sensitivities, or weakened immune systems may be particularly susceptible
18 to adverse health effects due to pesticide exposure."

19 (d) Notice is not required

20 (1) when the pesticide is sprayed or applied by a homeowner to the
21 homeowner's own property;

22 (2) for applications of an antimicrobial product, biopesticide, or
23 substance exempted from federal pesticide regulation under 7 U.S.C. 136w(b);

24 (3) for a private or commercial

25 (A) use of a pesticide in an aerosol can of 18 fluid ounces or
26 less for personal protection against biting or stinging insects;

27 (B) use of insect or rodent bait contained in a tamper-resistant
28 container;

29 (C) granular application;

30 (D) nonpressurized spot application of less than nine square
31 feet; and

1 (E) use of boric acid or a horticultural nonsynthetic soap or oil.

2 (e) The prenotification and preposting requirements of this section do not
3 apply to an emergency spraying or application approved by the commissioner to
4 protect against an imminent threat to human health or to native species by invasive
5 non-native species. Following an approved emergency spraying or application,
6 notification and posting consistent with the requirements of this section shall occur as
7 soon as possible.

8 * **Sec. 5.** AS 46.03.330(a) is amended to read:

9 (a) An officer, agent, or employee of the state, or of a borough or city of any
10 class, may not direct, carry out, or participate in the spraying or application of a
11 pesticide or broadcast chemical in any program or project involving funds, materials,
12 or equipment of the state, borough, or city, except in accordance with **AS 46.03.225**
13 **and** regulations adopted by the department under AS 46.03.320.

14 * **Sec. 6.** This Act takes effect January 1, 2006.