

SENATE BILL NO. 288

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR WIELECHOWSKI

Introduced: 2/19/08

Referred: Health, Education and Social Services, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the procurement, use, storage, and handling of pesticides and**
2 **broadcast chemicals; and relating to notice and record keeping requirements pertaining**
3 **to pesticides."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS AND INTENT. (a) The legislature finds that

8 (1) in 1992, the National Parent Teacher Association passed a resolution
9 calling for the reduction of pesticide use at schools and calling on policy makers to consider
10 all possible alternatives before using pesticides;

11 (2) the National Education Association and numerous other public interest
12 organizations have announced support for the reduction of pesticide use at schools;

13 (3) more than 6,000 pesticides are registered for use in the state with little or
14 no screening of environmental or health effects;

1 (4) the Department of Health and Social Services' 2006 report "Asthma in
2 Alaska" found that approximately 9,000,000 children in the United States under 18 years of
3 age have asthma; asthma is the most common chronic illness in children and the most
4 common cause of school absences and can be triggered by pesticide exposure;

5 (5) the average cost of a hospital visit for a child under 15 years of age with
6 asthma is \$7,333 and the total cost of hospital stays for a primary diagnosis of asthma in
7 Alaska in 2001 - 2004 was \$17,000,000 overall and \$4,487,664 for children under 15 years of
8 age;

9 (6) the National Academy of Sciences estimates that 25 percent of learning
10 and behavioral disabilities in children are because of exposure to neurotoxic pesticides;

11 (7) pesticide exposure

12 (A) has been linked with cancer, birth defects, asthma, endocrine
13 disruption, genetic mutations, acute poisoning, decreased sperm counts, impaired
14 neurological development in fetuses and infants, lymphoma, leukemia, and other
15 human health effects;

16 (B) is particularly dangerous to school age children, as their bodies and
17 brains are still developing and thus are more susceptible to the hazardous effects of
18 pesticides than adults.

19 (b) It is the intent of the legislature to

20 (1) prevent unnecessary exposure of children attending and staff employed at
21 schools to chemical pesticides;

22 (2) promote the use of nonchemical pest prevention and control measures first,
23 with pesticides used only as a last resort;

24 (3) allow use of the smallest amount of the least toxic formulation of a
25 pesticide with the least potential for human exposure; and

26 (4) provide notification to the parents and guardians of children in the rare
27 cases that pesticides are used at schools.

28 * **Sec. 2.** AS 14.33 is amended by adding new sections to read:

29 **Article 5. Pesticide Use at Schools.**

30 **Sec. 14.33.300. Pest management in schools.** (a) A person may not use,
31 handle, dispose of, or store pesticides in or on the grounds of a public or private

1 elementary, middle, or secondary school except as provided in AS 14.33.300 -
2 14.33.350.

3 (b) A pesticide may not be used or stored in or on the grounds of a public or
4 private school unless other available safe alternative nonchemical methods for
5 eliminating pests at the school have been tried and failed. Alternative nonchemical
6 methods of pest prevention and control include education, physical barriers,
7 mechanical modifications, and biological measures.

8 (c) The governing body of a school district and the person in charge of a
9 private school shall adopt a policy that

10 (1) allows for approval of pesticide use in or on the grounds of a
11 school only for the prevention of property damage or the avoidance of health effects
12 related to an identified pest;

13 (2) reduces exposure of children and school staff to potentially harmful
14 pesticides;

15 (3) prohibits the use of a Toxicity Category I or II pesticide, as defined
16 by the Environmental Protection Agency under 40 C.F.R. 156.62, except in an
17 emergency and when the use is approved by the Department of Environmental
18 Conservation;

19 (4) requires pest management and prevention strategies that will
20 minimize the need for pesticides.

21 **Sec. 14.33.310. Notification of pesticide use.** (a) Except as provided in (b) of
22 this section, not less than 48 hours and not more than 120 hours before a pesticide is
23 used at a public or private school, the principal of the school or the superintendent
24 shall notify the students, each student's parent or guardian, and the school staff and
25 volunteers of the pesticide use by posting notices and by mailing the notice to the last
26 known address of the person to be notified. The notice must remain posted for not less
27 than 72 hours after pesticide use.

28 (b) The Department of Environmental Conservation may waive the 48-hour
29 notification requirement under (a) of this section in an emergency, as defined by the
30 department.

31 **Sec. 14.33.320. Record keeping.** A governing body of a public school and the

1 person in charge of a private school shall maintain a written or electronic record of all
 2 pesticide use in or on the grounds of a school for not less than five years. A copy of
 3 the record shall be made available to the public on request.

4 **Sec. 14.33.350. Definitions.** In AS 14.33.310 - 14.33.350,

5 (1) "pest" means a living organism or infectious, transmissible, or
 6 contagious disease of plants, that is, or is liable to be, dangerous or detrimental to
 7 humans or to the environment, or that can create a nuisance;

8 (2) "pesticide" has the meaning given in AS 46.03.900;

9 (3) "private school" has the meaning given in AS 14.45.200.

10 * **Sec. 3.** AS 46.03.330(a) is amended to read:

11 (a) An officer, agent, or employee of the state, [OR] of a borough or city of
 12 any class, **or of a school district or regional educational attendance area** may not
 13 direct, carry out, or participate in the spraying or application of a pesticide or
 14 broadcast chemical in any program or project involving funds, materials, or equipment
 15 of the state, borough, [OR] city, **school district or regional educational attendance**
 16 **area,** except in accordance with regulations adopted by the department under
 17 AS 46.03.320.