

**HOUSE BILL NO. 195**

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

**BY REPRESENTATIVE FEIGE**

**Introduced: 3/16/11**  
**Referred: Resources**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the regulation and use of pesticides and broadcast chemicals."**

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

3 **\* Section 1.** AS 37.10.058(2) is amended to read:

4 (2) "designated regulatory service" means a regulatory service  
5 provided under the following regulatory programs:

6 (A) control of solid waste facilities under AS 46.03.020(10)(D)  
7 and (E);

8 (B) regulation of the disposal of waste into waters of the state  
9 under AS 46.03.100;

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

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

1 authorization;

2 (E) any authorization for the use or appropriation of water  
3 under AS 46.15;

4 (F) administration of emission control permits for the air  
5 quality control program under AS 46.14; and

6 (G) regulation of pesticides and broadcast chemicals registered  
7 under AS 46.03.320(a)(3) [AS 46.03.320(a)(4)].

8 \* **Sec. 2.** AS 44.46.025(a) is amended to read:

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

15 (1) animals and animal products under AS 03.05; food, drugs, and  
16 cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;

17 (2) certificates of inspection for motor vehicles under AS 46.14.400 or  
18 46.14.510;

19 (3) drinking water systems under AS 46.03.720;

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

21 (5) waste management and disposal authorizations under  
22 AS 46.03.100;

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

26 (7) certification of federal permits or authorizations under 33 U.S.C.  
27 1341 (sec. 401, Clean Water Act);

28 (8) regulation of point source discharges of pollutants under the  
29 program authorized by AS 46.03.020(12);

30 (9) regulation of pesticides and broadcast chemicals registered under  
31 AS 46.03.320(a)(3) [AS 46.03.320(a)(4)], with a reasonable fee not to exceed \$120;

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

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

4 (a) The department may

5 (1) regulate the transportation, testing, inspection, packaging, labeling,  
6 handling, and advertising of pesticides and broadcast chemicals offered for sale or  
7 placed in commerce for use in the state;

8 (2) [REGULATE AND SUPERVISE THE DISTRIBUTION,  
9 APPLICATION, OR USE OF PESTICIDES AND BROADCAST CHEMICALS IN  
10 ANY STATE PROJECT OR PROGRAM OR BY A PUBLIC AGENCY UNDER  
11 THE JURISDICTION OF THE STATE;

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

13 **(3)** [(4)] register pesticides and broadcast chemicals for sale or  
14 distribution.

15 \* **Sec. 4.** AS 46.03.320(c) is amended to read:

16 (c) A person may not apply a pesticide or broadcast chemical in a public place  
17 unless licensed by the department or otherwise authorized under a regulation of the  
18 department. The department shall by regulation provide for reasonable public  
19 notification, including written notice posted on the application site, when pesticides  
20 and broadcast chemicals are applied in a public place. In this subsection, "public  
21 place" means (1) common areas of an apartment building or other multi-family  
22 dwelling; (2) that portion of a government office or facility **that is accessible to the**  
23 **general public** [TO WHICH ACCESS IS NOT ORDINARILY RESTRICTED TO  
24 EMPLOYEES]; and (3) plazas, parks, and public sports fields.

25 \* **Sec. 5.** Section 2, ch. 42, SLA 2005, as reconciled with sec. 3, ch. 31, SLA 2005, is  
26 amended to read:

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

28 (2) "designated regulatory service" means a regulatory service  
29 provided under the following regulatory programs:

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

31 and (E);

1 (B) regulation of the disposal of waste into waters of the state  
2 under AS 46.03.100;

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

5 (D) any authorization for the use or appropriation of water  
6 under AS 46.15;

7 (E) administration of emission control permits for the air  
8 quality control program under AS 46.14; and

9 (F) regulation of pesticides and broadcast chemicals registered  
10 under AS 46.03.320(a)(3) [AS 46.03.320(a)(4)].

11 \* **Sec. 6.** AS 46.03.330 is repealed.