

HOUSE BILL NO. 201

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA, Kerttula, Tarr, Kreiss-Tomkins, Kito III

Introduced: 4/8/13

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the application of non-aerial pesticides and broadcast chemicals**
2 **near fish habitat or water for human consumption, and in public places."**

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

4 *** Section 1.** AS 46.03.320(c) is amended to read:

5 (c) A person may not apply a pesticide or broadcast chemical in a public place
6 unless licensed by the department or otherwise authorized under a regulation of the
7 department. The department shall by regulation provide for reasonable public
8 notification **and time for public comment**, including written notice posted on the
9 application site, when pesticides and broadcast chemicals are applied in a public place.

10 In this subsection, "public place" means

11 (1) common areas of an apartment building or other multi-family
12 dwelling;

13 (2) that portion of a government office or facility to which access is
14 not ordinarily restricted to employees; [AND]

1 (3) plazas, parks, and public sports fields; **and**

2 **(4) transportation rights-of-way.**

3 * **Sec. 2.** AS 46.03.320 is amended by adding new subsections to read:

4 (e) A non-aerial pesticide or broadcast chemical may not be applied by a
5 public agency under the jurisdiction of the state or used in a state project or program
6 within 150 feet of anadromous or resident fish habitat or within 600 feet of a public or
7 private water source that may be used for human consumption unless licensed by the
8 department under this subsection. The department may not license the use of a non-
9 aerial pesticide or broadcast chemical within 150 feet of anadromous or resident fish
10 habitat or within 600 feet of a public or private water source that may be used for
11 human consumption unless the public is provided with an opportunity for public
12 comment and unless reasonable public notice is given, including written notice posted
13 at the application site, including points of public access, for at least 30 days prior to
14 the commencement of the spray operation, and the department finds that the pesticide
15 or broadcast chemical use will not harm anadromous or resident fish or an anadromous
16 or resident fish habitat and will not harm a public or private water source that may be
17 used for human consumption. The required period for public notice or public hearing
18 may be shortened if the department determines that there is an imminent danger to
19 public health or an emergency that threatens a natural resource of the state that could
20 be prevented or mitigated by the prompt application of a pesticide or broadcast
21 chemical.

22 (f) A non-aerial pesticide or broadcast chemical may not be applied in a public
23 place without posting a written notice at the application site. The notice must be
24 conspicuously posted at each point of customary access to each public place or each
25 portion of each public place and must be at least 8 1/2 by 11 inches and be reasonably
26 designed to remain legible for the longer of 24 hours after the application or the time
27 when entering the application area is safe according to the product label. In this
28 subsection, "public place" means

29 (1) common areas of an apartment building or other multi-family
30 dwelling;

31 (2) that portion of a government office or facility to which access is

- 1 not ordinarily restricted to employees;
- 2 (3) plazas, parks, and public sports fields; and
- 3 (4) transportation rights-of-way.