

Introduced: 1/27/70
Referred: Health, Welfare &
Education

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 538

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the limitation of use of certain
7 pesticides; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. The Alaska State Legislature, deeply concerned with the
10 conservation and protection of the flora and fauna with which Alaska
11 is so richly bestowed and with the health and well being of its
12 human inhabitants, views the continued uncontrolled use of DDT and
13 certain other chlorinated hydrocarbons as being more detrimental in
14 their contamination of the world environment than they are beneficial
15 in increasing crop yields or reducing human sickness in Alaska.
16 Because of their widespread use in the past these pesticides consti-
17 tute the major immediate threat to the continued survival of numerous
18 species of birds, many of which nest in or migrate through Alaska;
19 concentrations of these chemicals in fish have rendered them unfit
20 for human or animal consumption and have resulted in marked injurious
21 effects on many species of vertebrates, and yet to be determined
22 effects on man. Microorganisms which are often the basic units of
23 natural food chains have developed concentrations of these poisons
24 which are passed on in turn to higher animals; microorganisms which
25 create oxygen in the oceans of the world have been seriously
26 affected by these substances and grave damage may be caused by the
27 significant reduction of their numbers. Therefore, until further
28 scientific research is developed and presented which will show
29 the complete effects and ramifications of the use and ingestion

1 of these dangerous poisons upon the world environment, their sale
2 and use in Alaska must be greatly restricted.

3 * Sec. 2. AS 18.60 is amended by adding new sections to read:

4 Sec. 18.60.700. PROHIBITED ACTS. It is unlawful for a person
5 to knowingly sell or offer for sale, use, spray, transfer, give away,
6 distribute, supply, exchange, obtain outside the state for use in
7 Alaska, or disseminate into the atmosphere, on land, water or any
8 living thing, by any means, dichlorodiphenyltrichloroethane (DDT),
9 aldrin, endrin, dieldrin, chlordane, lindane, heptachlor, benzene
10 hexachloride, or toxaphene, or any substance containing them.

11 Sec. 18.60.710. EXCEPTION. In a case of grave national or
12 state emergency in which there is no practical substitute for the
13 pesticides named in sec. 700 of this chapter a special permit may be
14 issued for their use by the written consent of the commissioner of
15 health and welfare, the commissioner of fish and game, and the
16 commissioner of natural resources. The permit shall prescribe
17 definitely the time, a description of the exact location to be
18 treated, the type and amount of pesticide to be used, and the persons
19 involved in the administration of the pesticide, and shall set forth
20 the reasons for its use.

21 Sec. 18.60.720. INJUNCTIVE RELIEF. The department may bring
22 an action for injunctive relief to prevent a violation of secs.
23 700 - 740 of this chapter. The court may proceed in a summary
24 manner or otherwise and may restrain a person from violating a
25 provision of secs. 700 - 740 of this chapter.

26 Sec. 18.60.730. INVESTIGATORY POWERS OF DEPARTMENT. For the
27 purpose of secs. 700 - 740 of this chapter, the department may take
28 samples for analysis, conduct examinations and investigations,
29 inspect any substance to determine if it is one named in sec. 700

1 of this chapter, or enter at reasonable times any establishment,
2 shop, warehouse, spray or dusting service, which deals in any
3 pesticide to determine if sec. 700 of this chapter is being
4 violated.

5 Sec. 18.60.740. VIOLATION. A person who violates a provision
6 of secs. 700 - 740 of this chapter is guilty of a misdemeanor and
7 upon conviction is punishable by a fine of not more than \$10,000 or
8 by imprisonment for not more than six months, or by both.

9 Sec. 18.60.750. DEFINITIONS. In Secs. 700 - 740 of this
10 chapter

11 (1) "spray" means the application of pesticides by any
12 power driven machine, non-power machine, or by any device or in any
13 other manner, including manual application, or by aerosol or pres-
14 surized cans or applicators, used on the ground or in the air to
15 spray or dust or to provide any other treatment to trees, ornamental
16 shrubbery and lawns, to crops, land, marshes, water, or to animals,
17 humans, and buildings;

18 (2) "department" means the Department of Health and Welfare.

19 * Sec. 3. This Act takes effect July 1, 1970.
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