

1 IN THE SENATE

BY HAMMOND

2 SENATE BILL NO. 270

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to pesticides."

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

8 \* Section 1. AS 44.19 is amended by adding new sections to read:

9 ARTICLE 10 A. PESTICIDES CONTROL BOARD.

10 Sec. 44.19.853. PURPOSE. Through the regulation of the sale of,  
11 commerce in, and application of chemical insecticides, fungicides,  
12 herbicides and other chemical pesticides, it is the purpose of secs.  
13 854 - 863 of this chapter to assure to the public the benefits to be  
14 derived from the safe, scientific and proper use of chemical pesticides  
15 while safeguarding the public health, safety and welfare, and to protect  
16 the public interest in the soils, waters, forests, wildlife, agricultural  
17 and other natural resources of the state.

18 Sec. 44.19.854. BOARD CREATED. There is created in the Office of  
19 the Governor a Pesticides Control Board composed as the commissioner  
20 of health and welfare, who shall serve as chairman, the commissioner of  
21 fish and game, and the commissioner of natural resources.

22 Sec. 44.19.855. POWERS AND DUTIES OF BOARD. The board shall  
23 promulgate regulations designed to

24 (1) regulate the transportation, testing, inspection, packag-  
25 ing, labeling, handling and advertising of chemical pesticides offered  
26 for sale, or placed in commerce for use in the state;

27 (2) provide for the licensing of persons engaged in the  
28 custom, commercial or contract spraying or application of chemical  
29 pesticides, including the requirement of surety bond and liability

1 insurance of the licensees;

2 (3) prescribe materials, formulations and methods to be used  
3 by persons engaged in custom, commercial or contract spraying or appli-  
4 cation of chemical pesticides;

5 (4) regulate and supervise the distribution, application or  
6 use of chemical pesticides in any state project or program, or by any  
7 public agency under the jurisdiction of the state.

8 Sec. 44.19.856. ADMINISTRATION AND ENFORCEMENT. (a) The commis-  
9 sioner of health and welfare shall administer and enforce the regulations  
10 promulgated by the board and disseminate informational and educational  
11 material to the public concerning the use, effects and hazards of chemi-  
12 cal pesticides. The commissioner of health and welfare may employ a  
13 deputy for pesticides and such other staff as are necessary for these  
14 purposes.

15 (b) The commissioners of fish and game and natural resources are  
16 authorized to cooperate with the commissioner of health and welfare and  
17 to assign such officers, personnel, and equipment as is considered  
18 appropriate by the board to effect the provisions of secs. 854 - 863  
19 of this chapter.

20 Sec. 44.19.857. LICENSE REQUIRED. No person may engage in the  
21 business of the custom, commercial or contract spraying or application  
22 of chemical pesticides without having a valid license issued by the  
23 commissioner of health and welfare in accordance with regulations pro-  
24 mulgated under secs. 854 - 863 of this chapter. The license shall be  
25 issued for a term not to exceed one year and may be suspended or revoked  
26 if determined by the board to be in the best interest of public health  
27 or safety.

28 Sec. 44.19.858. PUBLIC PESTICIDE PROGRAMS. No officer, agent or  
29 employee of the state, or of a borough or city of any class, may direct,

1 carry out, or participate in the spraying or application of a chemical  
2 pesticide in any program or project involving funds, materials or equip-  
3 ment of the state, borough or city, except in accordance with regulations  
4 promulgated by the board under secs. 854 - 863 of this chapter. Before  
5 a public project that would affect lands owned separately by two or more  
6 persons is initiated, the person directing the program shall give public  
7 notice of the program in the manner required by regulations of the  
8 board. The board shall conduct a public hearing on the proposed program  
9 if a hearing is requested by the governing body of the affected borough  
10 or city, or by a petition signed by at least 50 residents. The require-  
11 ment for public hearing may be waived upon certification to the board  
12 by the commissioner of health and welfare that a public health emergency  
13 exists.

14 Sec. 44.19.859. PROHIBITIONS. No person may spray or apply, or  
15 cause to be sprayed or applied, a chemical pesticide in such a manner  
16 as to damage or endanger the health, welfare or property of another  
17 person, or in such manner as to be likely to pollute waters of the  
18 state.

19 Sec. 44.19.860. REVIEW. A person who is adversely affected by a  
20 final decision by the board may appeal to the district court. The  
21 attorney general shall represent the board, if requested, upon all  
22 appeals unless he appeals or intervenes in behalf of the state.

23 Sec. 44.19.861. APPROPRIATIONS, LOANS AND GRANTS. The board is  
24 authorized to accept and administer appropriations, loans or grants  
25 from federal, state, or private sources for carrying out its functions.

26 Sec. 44.19.862. PENALTIES. A person who violates any provision  
27 of secs. 854 - 863 of this chapter or any regulation promulgated under  
28 them is, upon conviction, punishable by a fine of not more than \$1,000,  
29 or by imprisonment for not more than six months, or by both. In

1 addition, he may be enjoined from continuing the violation. Each day  
2 upon which a violation occurs constitutes a separate violation.

3 Sec. 44.19.863. DEFINITION. In secs. 854 - 863 of this chapter,  
4 "board" means the Pesticides Control Board.  
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