

Offered: 2/25/70
Referred: Rules

Original sponsor: Hammond

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 270

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 pesticides and broadcast chemicals."

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 insecticides, fungicides, rodenticides,
12 nematocides, herbicides, biocides and other pesticides and broadcast
13 chemicals, it is the purpose of secs. 854 - 862 of this chapter to
14 assure to the public the benefits to be derived from the safe, scientific
15 and proper use of pesticides and broadcast chemicals while safeguarding
16 the public health, safety and welfare, and to protect the public
17 interest in the soils, waters, forests, wildlife, agricultural and
18 other natural resources of the state.

19 Sec. 44.19.854. BOARD CREATED. There is created in the Office of the
20 Governor a Pesticides Control Board composed of the commissioner of
21 health and welfare, who shall serve as chairman, the commissioner of fish
22 and game, and the commissioner of natural resources, or their designees,
23 and two other persons appointed by the governor who are professionally
24 knowledgeable in the field of pesticides and broadcast chemicals.

25 Sec. 44.19.855. POWERS AND DUTIES OF BOARD. (a) The board
26 shall promulgate regulations designed to

27 (1) regulate the transportation, testing, inspection,
28 packaging, labeling, handling and advertising of pesticides and broad-
29 cast chemicals offered for sale, or placed in commerce for use in the

1 state;

2 (2) regulate and supervise the distribution, application or
3 use of pesticides and broadcast chemicals in any state project or
4 program, or by any public agency under the jurisdiction of the state;

5 (3) regulate or prohibit the use of pesticides and broad-
6 cast chemicals.

7 (b) The board may provide by regulation for the licensing of
8 persons engaged in the custom, commercial or contract spraying or appli-
9 cation of pesticides and broadcast chemicals, including the requirement
10 of a surety bond and liability insurance for the licensee.

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

18 (b) The commissioners of fish and game and natural resources are
19 authorized to cooperate with the commissioner of health and welfare
20 and to assign such officers, personnel, and equipment as is considered
21 appropriate by the board to effect the provisions of secs. 854 - 862
22 of this chapter.

23 Sec. 44.19.857. PUBLIC PESTICIDE PROGRAMS. No officer, agent or
24 employee of the state, or of a borough or city of any class, may direct
25 carry out, or participate in the spraying or application of a pesticide
26 or broadcast chemical in any program or project involving funds,
27 materials or equipment of the state, borough or city, except in accor-
28 dance with regulations promulgated by the board under secs. 854 - 862
29 of this chapter. Before a public project that would affect lands owned

1 separately by two or more persons is initiated, the person directing
2 the program shall give public notice of the program in the manner
3 required by regulations of the board. The board shall conduct a
4 public hearing on the proposed program if a hearing is requested by
5 the governing body of the affected borough or city, or by a petition
6 signed by at least 50 residents. The requirement for public hearing
7 may be waived upon certification to the board by the commissioner of
8 health and welfare that a public health emergency exists.

9 Sec. 44.19.858. PROHIBITIONS. No person may spray or apply, or
10 cause to be sprayed or applied, a pesticide or broadcast chemical in
11 such a manner as to damage or endanger the health, welfare or property
12 of another person, or in such manner as to be likely to pollute waters
13 of the state without prior authorization of the board.

14 Sec. 44.19.859. REVIEW. A person who is adversely affected by a
15 final decision by the board may appeal to the district court. The
16 attorney general shall represent the board, if requested, upon all
17 appeals unless he appeals or intervenes in behalf of the state.

18 Sec. 44.19.860. APPROPRIATIONS, LOANS AND GRANTS. The board is
19 authorized to accept and administer appropriations, loans or grants
20 from federal, state, or private sources for carrying out its functions.

21 Sec. 44.19.861. PENALTIES. A person who violates any provision
22 of secs. 854 - 862 of this chapter or any regulation promulgated under
23 them is, upon conviction, punishable by a fine of not more than \$1,000,
24 or by imprisonment for not more than six months, or by both. In
25 addition, he may be enjoined from continuing the violation. Each day
26 upon which a violation occurs may constitute a separate violation.

27 Sec. 44.19.862. DEFINITIONS. In secs. 854 - 863 of this chapter

- 28 (1) "board" means the Pesticides Control Board;
29 (2) "broadcast chemicals" means chemical substances which

1 are released into the air or onto land or water for the purpose of
2 preventing, destroying, repelling, stimulating or retarding plant
3 or animal life, or chemical substances released for meteorological
4 control, oil spill control or fire control;

5 (3) "pesticide" means any chemical or biological agent
6 intended for preventing, destroying, repelling, or mitigating plant
7 or animal life and any substance intended for use as a plant regulator,
8 defoliant or desiccant, including but not limited to insecticides,
9 fungicides, rodenticides, herbicides, nematocides and biocides.

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