

Original sponsor: Hammond

Offered: 2/25/70  
Referred: Rules

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 and providing for an effective date."

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

9 \* Section 1. AS 44.19 is amended by adding new sectionsto read:

10 ARTICLE 10 A. PESTICIDES CONTROL BOARD.

11 Sec. 44.19.853. PURPOSE. Through the regulation of the sale of,  
12 commerce in, and application of insecticides, fungicides, rodenticides,  
13 nematocides, herbicides, biocides and other pesticides and broadcast  
14 chemicals, it is the purpose of secs. 854 - 862 of this chapter to  
15 assure to the public the benefits to be derived from the safe,  
16 scientific and proper use of pesticides and broadcast chemicals while  
17 safeguarding the public health, safety and welfare, and to protect the  
18 public interest in the soils, waters, forests, wildlife, agricultural  
19 and other natural resources of the state.

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

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

29 (1) regulate the transportation, testing, inspection,

1 packaging, labeling, handling and advertising of pesticides and broad-  
2 cast chemicals offered for sale, or placed in commerce for use in the  
3 state;

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

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

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

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

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

25 Sec. 44.19.857. PUBLIC PESTICIDE PROGRAMS. No officer, agent or  
26 employee of the state, or of a borough or city of any class, may direct,  
27 carry out, or participate in the spraying or application of a pesticide  
28 or broadcast chemical in any program or project involving funds,  
29 materials or equipment of the state, borough or city, except in accor-

1 dance with regulations promulgated by the board under secs. 854 - 862  
2 of this chapter. Before a public project that would affect lands owned  
3 separately by two or more persons is initiated, the person directing  
4 the program shall give public notice of the program in the manner  
5 required by regulations of the board. The board shall conduct a  
6 public hearing on the proposed program if a hearing is requested by  
7 the governing body of the affected borough or city, or by a petition  
8 signed by at least 50 residents. The requirement for public notice or  
9 public hearing may be waived upon certification to the board by the  
10 commissioner of health and welfare that a public emergency exists. The  
11 provisions of this section apply to home rule municipalities.

12 Sec. 44.19.858. PROHIBITIONS. No person may spray or apply, or  
13 cause to be sprayed or applied dichloro-diphenyl-trichloro-ethane (DDT),  
14 dieldrin or other pesticide or broadcast chemical in such a manner as  
15 to be likely to damage or endanger the health, welfare or property of  
16 another person, or in such manner as to be likely to pollute waters of  
17 the state without prior authorization of the board.

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

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

25 Sec. 44.19.861. PENALTIES. A person who violates any provision  
26 of secs. 854 - 862 of this chapter or any regulation promulgated under  
27 them is, upon conviction, punishable by a fine of not more than \$1,000,  
28 or by imprisonment for not more than six months, or by both. In  
29 addition, he may be enjoined, in the criminal action or in a civil

1 action, from continuing the violation. Each day upon which a violation  
2 occurs may constitute a separate violation.

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

4 (1) "board" means the Pesticides Control Board;

5 (2) "broadcast chemicals" means chemical substances which  
6 are released into the air or onto land or water for the purpose of  
7 preventing, destroying, repelling, stimulating or retarding plant  
8 or animal life, or chemical substances released for meteorological  
9 control, oil spill control or fire control;

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

15 \* Sec. 2. This Act takes effect July 1, 1970.  
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