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Referred: Resources and
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GOLL AND BOUCHER

1 IN THE HOUSE

2

SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 608

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to spraying and application of
7 pesticides and broadcast chemicals."

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

9 * Section 1. AS 46.03.320 is amended by adding a new subsection to
10 read:

11 (c) The department shall adopt regulations prescribing the wind
12 and other weather conditions during which spraying or application of a
13 pesticide or broadcast chemical may be conducted, in order to protect
14 the health and safety of the public and to limit damage to crops and
15 the environment. Regulations adopted under this subsection do not
16 apply to the spraying or application of a chemical fire retardant by
17 the Department of Natural Resources.

18 * Sec. 2. AS 46.03.330(b) is repealed and reenacted to read:

19 (b) The department shall conduct a public hearing on the pro-
20 posed program if a hearing is requested by the governing body of the
21 affected municipality, or by a petition signed by at least 50
22 residents. The requirement for public hearing may be waived if the
23 commissioner determines that a public emergency exists.

24 * Sec. 3. AS 46.03 is amended by adding a new section to read:

25 Sec. 46.03.340. NOTICE OF PESTICIDE APPLICATION. (a) At least
26 10 days before spraying or applying a pesticide or broadcast chemical
27 on publicly or privately owned land, the state, a municipality, a
28 utility, or a public corporation, or a contractor of any of these,
29 shall provide written notice to each person who owns or resides on the

1 land, or land adjoining the land, on or over which the spraying or
2 application is proposed or likely to occur. Notice shall be published
3 in a newspaper of general circulation serving the areas where the
4 affected land is located. Notice also shall be mailed to persons who
5 own or reside on land affected by the spraying or application. The
6 requirement for public notice by mailing may be waived if the com-
7 missioner determines that a public emergency exists.

8 (b) Notice under this section must include

9 (1) the chemical identity and product name of each pesti-
10 cide or broadcast chemical to be applied;

11 (2) the dates and locations of the spraying or application;

12 (3) the problem or pest sought to be controlled by the
13 spraying or application;

14 (4) the manner of spraying or application;

15 (5) the name, address, and telephone number of the state
16 agency, municipality, utility, public corporation, or contractor of
17 any of these, responsible for the spraying or application;

18 (6) appropriate warnings concerning

19 (A) the known or suspected acute and chronic health
20 effects of exposure to each pesticide or broadcast chemical to be
21 applied;

22 (B) evacuation of and reentry to an area affected by
23 the spraying or application; and

24 (C) the use or consumption of, or contact with, crops
25 or plants affected by the spraying or application.

26 (c) This section does not apply to the spraying or application
27 of a chemical fire retardant by the Department of Natural Resources.

28 * Sec. 4. AS 46.03.330(c) is repealed.