

Offered: 5/7/86
Referred: Rules

Original sponsors: Davis, Hurley,
Clocksin, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 608 (Finance)
3 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."
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 for other than agricultural purposes may be conducted, in
14 order to protect the health and safety of the public and to limit
15 damage to crops and the environment. Regulations adopted under this
16 subsection do not apply to the spraying or application of a chemical
17 fire retardant by 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 AS 46.03.330(b) is repealed and reenacted to read: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 resi-
22 dents. The requirement for public hearing may be waived if the com-
23 missioner determines that a public emergency exists.
24 * Sec. 3. AS 46.03 is amended by adding new sections to article 6 to
25 read:
26 Sec. 46.03.340. NOTICE OF PESTICIDE APPLICATION. (a) At least
27 10 days before spraying or applying a pesticide on publicly or pri-
28 vately owned land, the state, a municipality, a utility, a public
29 corporation, or a contractor of any of these, shall publish notice of

1 the proposed spraying or application in a newspaper of general circu-
2 lation serving the area where the affected land is located. Notice
3 shall also be given in any other manner necessary and reasonably
4 calculated to inform persons who lawfully reside on or use (1) land on
5 or over which the pesticide is proposed or likely to be sprayed or
6 applied; and (2) land any portion of the property line of which is
7 within 100 feet of the area on or over which the pesticide is proposed
8 to be sprayed or applied. The requirement for public notice may be
9 waived if the commissioner determines that a public emergency exists.

10 (b) Notice under this section must include

11 (1) the chemical identity and product name of each pesti-
12 cide to be applied;

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

14 (3) the problem or pest sought to be controlled by the
15 spraying or application;

16 (4) the manner of spraying or application;

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

20 (6) appropriate warnings concerning

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

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

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

27 (c) This section does not apply to the spraying or application

28 of

29 (1) a chemical fire retardant by the Department of Natural

1 Resources; or

2 (2) a pesticide for agricultural research purposes by the
3 Department of Natural Resources or the University of Alaska.

4 Sec. 46.03.350. CONTAMINATION OF DOMESTIC WATER SUPPLIES PROHI-
5 BITED. A pesticide may not be sprayed or applied in a location or
6 manner that contaminates water used for domestic consumption and
7 thereby jeopardizes the health of persons consuming the water.

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