

Introduced: 2/18/86
Referred: Health, Education and
Social Services and Resources

1 IN THE SENATE

BY JOSEPHSON

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SENATE BILL NO. 439

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - SECOND SESSION

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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.

16 * Sec. 2. AS 46.03.330 is repealed and reenacted to read:

17 Sec. 46.03.330. PESTICIDE PROGRAMS. (a) An officer, agent,
18 contractor, or employee of the state, or of a municipality, utility,
19 or public corporation, or a person engaged in the commercial or
20 agricultural spraying or application of a pesticide or broadcast
21 chemical, may not direct, carry out, or participate in the spraying or
22 application of a pesticide or broadcast chemical, except in accordance
23 with regulations adopted by the department under AS 46.03.320.

24 (b) At least 72 hours before spraying or applying a pesticide or
25 broadcast chemical on publicly or privately owned land, the state, a
26 municipality, a utility, or a public corporation, or a contractor of
27 any of these, shall provide written notice to each person who owns or
28 resides on the land, or land adjoining the land, on or over which the
29 spraying or application is proposed or likely to occur. Notice shall

1 be published in a newspaper of general circulation serving the areas
2 where the affected land is located. Notice also shall be mailed to
3 persons who own or reside on land affected by the spraying or
4 application. The department shall conduct a public hearing on the
5 proposed program if a hearing is requested by the governing body of
6 the affected municipality, or by a petition signed by at least 50
7 residents of the area in which the spraying or application will occur.
8 The requirement for public notice by mailing or public hearing may be
9 waived if the commissioner determines that a public emergency exists.

10 (c) Notice under this section must include

11 (1) the chemical identity and product name of each pesti-
12 cide or broadcast chemical 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) information available to the state agency, municipal-
21 ity, utility, public corporation, or contractor of any of these,
22 regarding risks to the health or safety of persons, or damage to crops
23 or the environment, that may result from the spraying or application,
24 including appropriate warnings concerning evacuation of and reentry to
25 an area and warnings about the use or consumption of, or contact with,
26 crops or plants affected by the spraying or application.

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