

HB

19

HFIN

FILE

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: CSHB 19 (FIN)
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Cons.
Title Pesticide & Broadcast Chemicals RDU Environmental Health
Component Solid Waste
Sponsor Meyer
Requester HFC Component No. 2344

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	86.0	158.1	158.1	158.1	158.1	158.1
Travel	8.0	10.0	10.0	10.0	10.0	10.0
Contractual	118.7	25.2	25.2	25.2	25.2	25.2
Supplies	2.0	3.0	2.0	3.0	3.0	3.0
Equipment	6.9	7.4	1.0	1.0	1.0	1.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	221.6	203.7	197.3	197.3	197.3	197.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	318.0	318.0	318.0	318.0	318.0	318.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)
1004 GF	(25.6)	(43.5)	(48.5)	(48.5)	(48.5)	(48.5)
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 RSS	318.0	318.0	316.6	316.6	316.6	316.6
TOTAL	221.6	203.7	197.3	197.3	197.3	197.3

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	1	2	2	2	2	2
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945

Date/Time 3/17/05 9:57 AM

Approved by: Rep. Meyer, Co-Chair House Finance Committee
Rep. Chenault, Co Chair House Finance Committee

Date 3/17/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

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Travel	8.0	10.0	10.0	10.0	10.0	10.0
Contractual	118.7	25.2	25.2	25.2	25.2	25.2
Supplies	2.0	3.0	3.0	3.0	3.0	3.0
Equipment	6.9	7.4	1.0	1.0	1.0	1.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	221.6	203.7	197.3	197.3	197.3	197.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	318.0	318.0	318.0	318.0	318.0	318.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)
1004 GF	(25.6)	(43.5)	(48.5)	(48.5)	(48.5)	(48.5)
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 RSS	318.0	318.0	316.6	316.6	316.6	316.6
TOTAL	221.6	203.7	197.3	197.3	197.3	197.3

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	1	2	2	2	2	2
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945

Date/Time 3/17/05 9:57 AM

Approved by: Rep. Meyer, Co Chair House Finance Committee
Rep. Chenault, Co-Chair House Finance Committee

Date 3/17/2005

adopted 3/15/05

N/D

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 19(RES)

BY REPRESENTATIVE MEYER

- 1 Page 3, following line 7:
- 2 Insert a new bill section to read:
- 3 ** Sec. 4. AS 44.46.025 is amended by adding a new subsection to read:
- 4 (e) In (a)(9) and (10) of this section, "reasonable fee" means a fee that does
- 5 not unduly interfere in the conduct of commerce in the state."
- 6
- 7 Renumber the following bill sections accordingly.

Amendments
#1 : #2
adopted already
need to be
incorporated into final

adopted 3/15/05

AMENDMENT

2

OFFERED IN THE HOUSE

BY REPRESENTATIVE MEYER

TO: CSHB 19

1 Page 3, line 28:

2 Delete "a new subsection"

3 Insert "new subsections"

4

5 Page 4, following line 9:

6 Insert a new subsection to read:

7 "(d) In this section, "multi-family dwelling" means a building that includes
8 more than four single-family dwellings."

adopted 3/15/05.

AMENDMENT 3

OFFERED IN THE HOUSE
TO: CSHB19 (RES) 24-LS0149M

BY REPRESENTATIVE MEYER

- 1 Page 4, lines 3-9
- 2 Following "means" delete all material up to "or motel."
- 3 Insert:
- 4 (1) common areas of an apartment building or other multifamily dwelling; (2) that
- 5 portion of a government office or facility to which access is not ordinarily restricted
- 6 to employees; and (3) plazas, parks, and public sports fields.
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Introduced by: Chay
Date: 03/15/05
Action: Adopted as Amended
Vote: 8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH

RESOLUTION 2005-024

A RESOLUTION SUPPORTING HB 19 AND ALASKANS' RIGHT TO KNOW ABOUT PESTICIDE USE IN PUBLIC PLACES

WHEREAS, pesticides are currently used without notice in places where Alaskans live, work, and play: in parks, public recreation areas, apartment buildings, day care facilities, universities, gardens, greenhouses, agricultural and forest lands, hospitals, nursing homes and military reservations; and

WHEREAS, pesticide exposure is linked to serious health problems including cancer, reduced fertility, birth defects, neurological diseases, and hormone disruption; and

WHEREAS, many pesticides are highly toxic to fish and wildlife, degrade our water quality, and persist in the environment for long periods of time; and

WHEREAS, children are particularly vulnerable to the toxic effects of pesticides, and when pesticides are applied indoors, exposure times are long and intense; and

WHEREAS, Alaskans should have a right to know where, when, and what toxic pesticides are being sprayed to avoid exposure, and protect the health of our children, and pregnant or nursing mothers; and

WHEREAS, a bill under consideration in the Alaska State Legislature, House Bill 19, would require adequate public notice for pesticide applications in public places;

THEREFORE BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough Assembly strongly supports Alaskan's right to know about pesticide use in places they live, work and play, and therefore the assembly supports HB 19.

SECTION 2. That the Kenai Peninsula Borough Assembly supports requiring pesticide applicators to provide notice when pesticides are applied in areas the general public, especially children and pregnant or nursing mothers, may frequent, so health-conscious Alaskans can avoid these areas.

SECTION 3. That a copy of this resolution be sent to Senator Thomas Wagoner, Senator Gary Stevens, Senator Al Kookesh, Senator Con Bunde, Representative Mik Hawker, Representative Mike Chenault, Representative Kurt Olson, Representative Paul Seaton, Representative Woodie Salmon, Representative Kevin Meyer, Representative Beth Kerttula, and Representative Gabrielle LeDoux.

SECTION 4. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF MARCH, 2005.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 19(RES)
(H) Publish Date: 3/1/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title: Pesticide & Broadcast Chemicals RDU: Environmental Health
Component: Solid Waste
Sponsor: Representative Meyer
Requester: _____ Component No. 2344

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services	158.1	215.0	215.0	215.0	215.0	215.0
Travel	12.0	10.0	10.0	10.0	10.0	10.0
Contractual	128.8	30.4	30.4	30.4	30.4	30.4
Supplies	3.0	4.0	4.0	4.0	4.0	4.0
Equipment	13.8	7.9	1.5	1.5	1.5	1.5
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	315.7	267.3	260.9	260.9	260.9	260.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	384.0	384.0	384.0	384.0	384.0	384.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1002 GF Match	(68.3)	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)
1004 GF	0.0	(45.9)	(48.5)	(48.5)	(48.5)	(48.5)
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (1156 Receipt Supported Services)	384.0	384.0	380.2	380.2	380.2	380.2
TOTAL	315.7	267.3	260.9	260.9	260.9	260.9

Estimate of any current year (FY2005) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	2	3	3	3	3	3
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Alaska is the only state that does not charge a fee for the registration of pesticides. This bill allows the department to fund a registration system, applicator licensing system, and increased enforcement and technical assistance with registration and applicator licensing fees. The current pesticide program is funded under a federal grant requiring state match and state general fund for a position that processes registrations at no charge to the manufacturers and suppliers of pesticides.

(continued on second page)

Prepared by: Kristin Ryan, Director Phone 907-269-7644
Division: Environmental Health Date/Time 2/22/05 4:05 PM
Approved by: Kurt Fredriksson, Acting Commissioner Date 2/22/2005
Agency: Department of Environmental Conservation

FISCAL NOTE #1

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSHB 19(RES)

Currently there are 5,500 pesticides registered in Alaska. Each year new pesticides are registered so the total number of pesticides generally increases annually. Based on the experience of other states in Region X that have implemented or increased their pesticide registration fees, Alaska can expect that some number of manufacturers and suppliers will choose not to register or renew pesticide registrations. An attrition rate as high as 40% can be expected. Using the current number of pesticides that are registered in the state, a \$105.00 per label registration fee could generate up to \$577.5 each year.

Because of attrition and other factors we project a total of 3,300 pesticides will actually be registered in Alaska following the implementation of the fee, resulting in approximately \$346.5 in potential revenue from registration fees. The fact that many of the pesticides registered in Alaska are not sold or used suggests that attrition will occur.

An estimated 1,500 pesticide applicators will be required by regulation to have a license to apply pesticides. Pesticide applicators will be charged an annual \$25.00 licensing fee for a license that will require renewal every three years. Annual revenue of \$37.5 is expected from the pesticide applicator licensing fee.

Total annual revenue for both the label registration and applicator licensing fee is expected to be \$384.0.

An Environmental Conservation Manager I will be hired to manage the statewide pesticide program, promulgate regulations, develop and implement the pesticide registration and applicator licensing systems, increase enforcement, and increase technical assistance on the safe use of pesticides. An Environmental Specialist III will be hired to conduct inspections to determine compliance with the registration and licensing requirements, public notice requirements, and implement enforcement action as appropriate. In the second year an Environmental Specialist I will be hired to support an increase in complaint investigations related to the public notice requirements and to support related compliance inspections.

Contractual costs of \$90.0 are included in the first year for update of the registration tracking database, set up of the billing system, development of a multi-media applicator training course, and development of a web delivered registration and applicator licensing system. Additional travel and contractual costs are included in the first year for the revision of pesticide regulations. Thereafter, \$5.0 of contractual costs continue to support the department's billing system for the invoicing associated with the registration fee.

Other budget line item funding is included for travel to conduct inspections and for basic position support costs and equipment.

With the implementation of a \$105.00 registration and annual \$25.00 applicator licensing fee, the pesticide program will be funded primarily with the federal grant and fees. State general fund currently appropriated for the pesticide grant match and to support the current registration system will be supplanted by fee revenue. A portion of general fund remains in the budget for one-time start up costs but is fully supplanted by fee revenue by the third year in FY2008.

Personal Services New Position Detail

Department of Environmental Conservation Implementation of CSHB 19

Scenario: A Scenario for FY2006 Fiscal Notes #3 (4247)
Component: Solid Waste Management (2344)
RDU: Environmental Health (207)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Annual Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#003	Environ Conserv Mgr I	FT	A	SS	Wasilla	2A	21B	12.0		58,968	0	0	26,984	85,952

Justification:

This position will implement CSHB 19 and be focused on increasing the enforcement activity of the pesticide program, providing technical assistance to the public and businesses, and management of the statewide pesticide program.

Funding Detail:

1156	Receipt Supported Services	100.00%	85,952
Total Funding:		100.00%	85,952

18-#004	Environmental Spec III	FT	A	GP	Wasilla	2A	18B	12.0		47,316	914	0	23,852	72,082
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Justification:

This position will implement CSHB 19 and be focused on increased enforcement related to registration and the safe use of pesticides according to the federal label

Funding Detail:

1156	Receipt Supported Services	100.00%	72,082
Total Funding:		100.00%	72,082

Component Summary:

Total New Positions: 2

Fund Description	Fund Percent	Fund Amount
1156 Receipt Supported Services	100.00%	158,034
Total Funding:		158,034

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

AS 46.03.900

Rep Holm

(12) "low level radioactive materials" means a radioactive waste other than

(A) used nuclear reactor fuel;

(B) waste produced during the reprocessing of used nuclear reactor fuel; and

(C) elements having an atomic number greater than 92 and containing 10 or more nanocuries per gram;

(13) "manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of a hazardous waste when the hazardous waste is transported;

(14) "mining waste" means solid waste from the extraction, beneficiation, and processing of ores and minerals, including coal, and including phosphate rock and overburden from the mining of uranium ore;

(15) "motor vehicle" has the meaning given in AS 28.40.100 ;

(16) "municipal solid waste" means waste material

(A) generated by a household, including a single-family or multi-family residence, and collected and disposed of as part of municipal solid waste collection services; or

(B) generated by a commercial, industrial, or institutional entity, to the extent that the waste material

(i) is essentially the same as waste normally generated by a household;

(ii) is collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services; and

(iii) contains a relative quantity of hazardous substances not greater than the relative quantity of hazardous substances contained in waste material generated by a typical single-family household;

(17) "other wastes" means garbage, refuse, decayed wood, sawdust, shavings, bark, trimmings from logging operations, sand, lime cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, heat from cooling or other operations, and other substances not sewage or industrial waste which may cause or tend to cause pollution of the waters of the state;

(18) "person" means any individual, public or private corporation, political subdivision, government agency, municipality, industry, copartnership, association, firm, trust, estate, or any other entity whatsoever;

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

(20) "pollution" means the contamination or altering of waters, land, or subsurface land of the state in a manner which creates a nuisance or makes waters, land, or subsurface land unclean, or noxious, or

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

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() Publish Date: _____

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Title Pesticide & Broadcast Chemicals RDU Environmental Health
Component Solid Waste
Sponsor Moyer
Requester HFC Component No. 2344

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Note: Amounts do not include inflation unless otherwise noted below.

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Supplies	2.0	3.0	3.0	3.0	3.0	3.0
Equipment	6.9	7.4	1.0	1.0	1.0	1.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	221.6	203.7	197.3	197.3	197.3	197.3

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	280.5	318.0	318.0	318.0	318.0	318.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)
1004 GF	(25.6)	(43.5)	(48.5)	(48.5)	(48.5)	(48.5)
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 RSS	318.0	318.0	316.6	316.6	316.6	316.6
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Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time	1	2	2	2	2	2
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Prepared by: House Finance Committee

Phone 465-4945

Date/Time 3/17/05 12:44 PM

Approved by: Rep. Moyer, Co-Chair House Finance Committee
Rep. Chenault, Co-Chair House Finance Committee

Date 3/17/2005

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement

CS for House Bill 19

"An Act relating to pesticides and broadcast chemicals; and providing for an effective date."

CS for House Bill 19 authorizes a registration fee on pesticide and broadcast chemicals registered for sale or distribution in the state of Alaska and a licensing fee for certified applicators. CSHB 19 also directs the Alaska Department of Environmental Conservation (ADEC) to promulgate reasonable public notice requirements for pesticides applied in a public place.

ADEC currently registers pesticides and other broadcast chemicals for sale in the state of Alaska. Every state has a registration program, and in every state except Alaska a manufacturer must pay a fee to register a chemical for sale or distribution. Fees range from \$15.00 per chemical in Missouri to \$750.00 per chemical in California. Fees from registrations support respective state agencies pesticide and broadcast chemical regulation and registration programs.

Alaska's pesticide and broadcast chemical registration program has traditionally been paid for with state general fund dollars. The per chemical fee authorized in CSHB 19 would shift the burden of Alaska's pesticide regulation and registration program from general funds to program receipts.

Approximately 5,700 chemicals are currently registered with ADEC. These chemicals are used for a wide variety of beneficial public purposes on public and private property. CSHB 19 requires that public notice be given when these chemicals are used in a public place.

The sustainable funding for Alaska's pesticide and broadcast chemical regulation and registration programs, and reasonable public notice requirements established in CSHB 19 will strengthen ADEC's ability to regulate pesticide and broadcast chemical use for the public benefit.

(Updated 3/1/05)



Pesticide Public Notice- HB 19

House Resources Committee- February 23, 2005

810 N St, Ste 203, Anchorage Alaska 99501 / Ph. 907.258.6171 / Fax 907.258.6177
PO Box 22151, Juneau Alaska 99802 / Ph. 907.463.3366 / Fax 907.463.3312 / www.acvoters.org

HB 19- Pesticide Public Notice, sponsored by Rep. Kevin Meyer (R-Anchorage), would enhance the Department of Environmental Conservation's (DEC) pesticide program and Alaskans' right-to-know about pesticide use in public places. Alaska Conservation Voters supports requirements for detailed, on-site public notice, and endorses improvements to pesticide regulation and education efforts.

Provisions of the draft sponsor substitute of HB 19 include:

- 1. Registration Fees:** HB 19 would authorize the DEC to charge chemical manufacturers a fee to register their pesticides and broadcast chemicals in the state. Alaska is currently the *only* state in the country that does not levy a registration fee. DEC estimates that they would charge \$115 per chemical to help cover costs of the state's pesticide program in Alaska.
- 2. Certification:** HB 19 would require that all persons who apply pesticides in "public places" to be licensed in application techniques and guidelines. DEC would charge a nominal licensing fee. Public places, as identified in the current version of the bill, include, but are not limited to: parks, plazas, parking lots, government buildings, common areas of apartment buildings, and outdoor areas that the general public may frequent.
- 3. Public Notification:** HB 19 would require DEC to develop regulations for reasonable, on-site notice for the application of pesticides in a public place.

Why Is Pesticide Regulation Important?

- **Widespread Use:** Pesticides are used in places where Alaskans live, work, and play: in parks, public buildings, apartment buildings, day care facilities, universities, greenhouses, agricultural and forest lands, hospitals, nursing homes and military reservations.
- **Health Effects:** Pesticides exposure is linked to serious health problems including cancer, reduced fertility, birth defects, neurological diseases, and hormone disruption. Children are particularly vulnerable to the toxic effects of pesticides.
- **Environmental Effects:** Many pesticides are highly toxic fish and wildlife, and degrade our water quality, and pollute our environment.
- **Right-to-Know:** Alaskans should have a right to know where, when, and what toxic pesticides are being sprayed so we can avoid exposure in public places.
- **Training Needed:** Individuals applying pesticides in public locations should be trained in safe handling and pesticide application practices to minimize danger to the public.
- **Necessary Funding:** Alaska is the **ONLY** state that does not collect fees on pesticides registered for commercial use. The proposed fees would support DEC's pesticide education and enforcement efforts.
- **Widespread Support:** Broad-based support for pesticide use information, included: the medical community, subsistence food users, parents, workers, and environmental advocates.

Alaskans building a better future.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

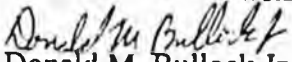
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 2, 2005

SUBJECT: Sectional analysis for HB 19, version 24-LS0149M

TO: Representative Kevin Meyer
Attn: Mike Pawlowski

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1. Adds a new paragraph to AS 37.05.146(c) to separately account for program receipts from the registration of pesticides and broadcast chemicals under AS 44.46.025.

Section 2. Amends AS 37.10.058(2) to add regulation of pesticides and broadcast chemicals registered under AS 46.03.320(a)(4) to the definition of "designated regulatory service."

Section 3. Adds the regulation of pesticides and broadcast chemicals and the licensing of pesticide applicators to the list of responsibilities in AS 44.46.025(a), and sets the maximum reasonable fees that may be assessed.

Section 4. Amends AS 46.03.320(a) to authorize DEC to register pesticides and broadcast chemicals for sale or distribution.

Section 5. Amends AS 46.03.320(b) to authorize the department to adopt regulations relating to a temporary license waiver for private applicators of restricted-use pesticides and for the licensing of or temporary license waiver for other persons engaged in the spraying or application of pesticides and broadcast chemicals in public places.

Section 6. Adds a new subsection (c) to AS 46.03.320 to prohibit a person from applying a pesticide or broadcast chemical in a public place unless licensed or otherwise authorized by the department; requires the department to adopt regulations requiring notification at the application site when pesticides and broadcast chemicals are applied in a public place; defines "public place."

Representative Kevin Meyer
March 2, 2005
Page 2

Section 7. Makes the Act effective January 1, 2006 and will require a 2/3 vote in each body.

If I may be of further assistance, please advise.

DMB:jad
05-133.jad

CSHB19 - Y – What would DEC do?

Registration Fees

- Would estimate fee at \$105
- Would cover program costs to regulate the use of pesticides in Alaska
- Establish fee waiver for limited use, new products, or research

Certification

- Require individuals who apply pesticides in public areas to become certified
- \$25 annual fee with a free course and test every three years
- Public areas include: parks, government buildings, parking lots, places of business that are accessible by the public, multi-family dwellings
- Develop a CD that trains applicators who can't attend a class in person

Public Notification

- Private property not accessed by the public is exempt
- Would vary by type of facility. Examples:
 - Multi-family dwellings – notification of occupants
 - Parking lot – signs posted
 - Municipal park – signs posted

Fiscal Note

- Would replace all GF by FY 2008 with fees (\$105 registration, \$25 certified applicators)
- Three new staff for increased inspection, enforcement, and complaint investigation
- Reflect database improvement costs, regulation drafting expenses, and cost to create CD

Impact to various industries

- Farmers – no changes
- Restaurants - no changes
- Hotels – no changes
- Commercial pesticide applicators – business increase, may be reduction of products available

Promulgation of regulations with public and industry input.

ADAMS TECHNOLOGY SYSTEMS

5145 FOREST RUN TRACE - SUITE B • ALPHARETTA GA 30022-4504
 Phone: 770-751-1073 • Fax: 770-751-1173
 www.AdamsTechnology.com • E-mail: AdamsTech@ATS2.com

ADAMS TECHNOLOGY STATE PESTICIDE REGISTRATION SERVICE CENTER (ATSSC)

This chart is for quick reference only! It is meant to give an overview of the registration fees and the total cost of registering one product in all states. We have intentionally used the New Product Fee that most registrants will likely pay. This chart is not perfect but gives a rough picture of the fees as of the date listed below. Please refer to the state forms for current and complete registration information. Most states post their regulations, fee schedules and forms on the internet.

ATSSC State Pesticide Registration Fee Chart - Updated: November 19, 2003 (10:30am)

State	2003 Reg Fee	Date Confirmed	2004 Reg Fee	Form Chgs?	Comments
AK Alaska	\$0.00	11/13/03	\$0.00	No	Proposed \$150
AL Alabama	\$100.00	11/17/03	\$100.00		
AR Arkansas	\$150.00	11/13/03	\$200.00	Yes	Reg \$150 + \$50 Pesticide Disposal (some exemptions)
AZ Arizona	\$100.00	11/11/03	\$100.00		
CA California	\$200.00	11/13/03	\$750.00	Yes	Plus Mill Tax: \$0.0021 - Amendments: \$100 (new chg & form)
CO Colorado	\$95.00	11/12/03	\$95.00	No	
CT Connecticut	\$500.00	11/13/03	\$750.00	No	Five year registration (\$150/yr) - Pro-rated first year registration to fit into a 5 year cycle
DC Washington DC	\$75.00	11/11/03	\$130.00	No	
DE Delaware	\$70.00	11/11/03	\$70.00		Two year registration (\$35/yr)
FL Florida	\$250.00	11/12/03	\$250.00	Yes	SLN & EUP: \$100
GA Georgia	\$100.00	11/17/03	\$100.00		
HI Hawaii	\$225.00	11/18/03	\$225.00		Three year registration (\$75)
IA Iowa	\$250.00	11/17/03	\$250.00		Based on sales: Minimum \$250, Maximum \$3000
ID Idaho	\$145.00	11/11/03	\$145.00		
IL Illinois	\$500.00	11/17/03	\$600.00	Yes	Includes Company Fee of \$400/yr! Registration fee after first is \$200/product
IN Indiana	\$75.00	11/11/03	\$75.00		
KS Kansas	\$210.00	11/13/03	\$210.00	Yes	Antimicrobials \$150
KY Kentucky	\$125.00	11/13/03	\$125.00	No	
LA Louisiana	\$300.00	11/12/03	\$400.00	No	
MA Massachusetts	\$100.00	11/11/03	\$300.00	Yes	New AI: \$500, Renewals: \$250
MD Maryland	\$60.00	11/11/03	\$100.00		
ME Maine	\$115.00	11/11/03	\$125.00		
MI Michigan	\$190.00	11/17/03	\$190.00		Fee is 0.75% of sales, minimum \$190. Antimicrobials, Household, etc: \$140
MN Minnesota	\$250.00	11/11/03	\$250.00	Yes	Plus Mill Tax: Sales x 0.004 plus 0.003 ACRRA - Proposed \$350
MO Missouri	\$15.00	11/11/03	\$15.00	No	Proposed \$100

ATSSC State Pesticide Registration Fee Chart - Updated: November 19, 2003 (10:30am)

State	2003 Reg Fee	Date Confirmed	2004 Reg Fee	Form Chgs?	Comments
MS Mississippi	\$200.00	11/13/03	\$200.00	Yes	
MT Montana	\$185.00	11/13/03	\$185.00	No	
NC North Carolina	\$80.00	11/11/03	\$150.00		Reg fee \$100 + \$50 > \$5000 in sales or \$25 < \$5000
ND North Dakota	\$350.00	11/12/03	\$350.00	No	Designated Two year registration periods (\$175/yr)
NE Nebraska	\$200.00	11/12/03	\$200.00	Yes	Specialty Products: \$135
NH New Hampshire	\$50.00	11/13/03	\$50.00	No	
NJ New Jersey	\$250.00	11/11/03	\$250.00		
NM New Mexico	\$35.00	11/11/03	\$35.00		
NV Nevada	\$60.00	11/11/03	\$60.00		
NY New York	\$310.00	11/13/03	\$310.00	No	Two year registration (\$155/yr) (expect fee increase by July 1, 2005!)
OH Ohio	\$75.00	11/17/03	\$75.00		
OK Oklahoma	\$100.00	11/12/03	\$160.00	No	
OR Oregon	\$160.00	11/11/03	\$160.00		
PA Pennsylvania	\$135.00	11/17/03	\$135.00	No	
RI Rhode Island	\$80.00	11/11/03	\$80.00		
SC South Carolina	\$100.00	11/17/03	\$175.00		
SD South Dakota	\$175.00	11/12/03	\$175.00	No	Two year registration (\$87.50/yr)
TN Tennessee	\$100.00	11/11/03	\$100.00		
TX Texas	\$350.00	11/12/03	\$420.00	Yes	Two year registration (\$210/yr) (Pro-rated first year registration to fit into a 2 year cycle)
UT Utah	\$70.00	11/17/03	\$70.00		
VA Virginia	\$160.00	11/13/03	\$160.00	Yes	
VT Vermont	\$75.00	11/11/03	\$75.00		
WA Washington	\$290.00	11/17/03	\$290.00	Yes	Two Year Registration (\$145/yr)
WI Wisconsin	\$265.00	11/12/03	\$265.00	No	Reg Fee from \$265 to \$3060 plus 1.3% of sales. *See detail below.
WV West Virginia	\$100.00	11/17/03	\$100.00		
WY Wyoming	\$75.00	11/11/03	\$75.00		
One Reg Fee Total	\$8,230.00		\$9,860.00		119.81% percent of last year (Reg Fees only. No mill taxes included)

*** Wisconsin Registration Fee Details**

"HOUSEHOLD" pesticides: \$0 to \$24,999 in sales pay \$265; sales between \$25,000 and \$74,999 pay \$750; and sales over \$75,000 pay \$1,500.

"INDUSTRIAL" pesticides: \$0 to \$24,999 in sales pay \$315; sales between \$25,000 and \$74,999 pay \$860; and sales over \$75,000 pay \$3,060.

"NON-HOUSEHOLD" pesticides: \$0 to \$24,999 in sales pay \$325; gross sales between \$25,000 and \$74,999 pay \$1060; sales over \$75,000 pay \$3,060

PLUS 1.3% of the gross sales of the product in WI.

Pesticides and Public Health: The Importance of Public Notification

In a systematic review of the peer-reviewed scientific literature concerning health effects of pesticides, a team of physicians concluded: "The literature does not support the concept that some pesticides are safer than others; it simply points to different health effects with different latency periods for the different classes."¹ People may be exposed to pesticides, including herbicides, insecticides, fungicides, and biocides. We can be unknowingly exposed to pesticides applied in public buildings, parks, lawns, golf courses, airports, roadsides, railways, forest lands, and apartment complexes. Harmful pesticides are often applied without our notice or consent. Notification measures provide important right-to-know information necessary to protect public health. Pesticides can profoundly damage our health. Recent studies demonstrate that pesticide exposures are linked with such harmful health effects such as Parkinson's disease, learning disabilities, birth defects, lymphoma, and leukemia.

Even very low exposures to pesticides can cause health effects long after the initial exposure occurs. Children are more susceptible to the harmful effects of pesticides. In some cases, parental exposure can result in health effects in the children because developing babies are particularly vulnerable. Recent studies show that home extermination increases the risk of non-Hodgkin's lymphoma, leukemia, and Wilm's tumor in children.² Elderly people and those with chronic illnesses and chemical sensitivities are also at greater risk from exposures.

Surprising positive associations were found for pesticides that are considered less toxic in acute poisoning settings. For example, "the herbicides glyphosate (the active chemical compound found in Roundup, a commonly used herbicide manufactured by Monsanto) and glufosinate had associations with congenital malformations (birth defects). Parental preconception exposure to glyphosate was associated with late abortion."³

Strong evidence links Parkinson's disease to pesticide exposure. Research demonstrates a link between occupational exposures to pesticides, especially herbicides, to increased risk of Parkinson's disease.⁴ There is also evidence of increased risk of Parkinson's from exposure to pesticides in the home.⁵ Parkinson's has also been associated with elevated levels of organochlorine pesticides in brain tissue.⁶

The Lymphoma Foundation of America recently compiled dozens of studies documenting increased risk of lymphoma from pesticide exposure.⁷ Increased risk of developing non-Hodgkin's lymphoma was found among people exposed to lindane, DDT, organophosphorus insecticides and various herbicides, including 2,4-D.⁸

Pesticides are also known to disrupt the endocrine system, causing such harmful health effects as thyroid dysfunction, developmental disorders and reproductive problems (e.g. low sperm count, infertility, birth defects). The list of endocrine disrupting pesticides include widely used carbamates such as aldicarb and carbaryl, common organophosphate pesticides such as malathion and chlorpyrifos, and persistent chlorinated pesticides such

as endosulfan and lindane.^{ix} "More than 60% of herbicides are documented endocrine disruptors. Among the most widely used herbicides that interfere with the thyroid system are 2,4-D, acetochlor, aminotriazole, amitrole, bromacil, bromoxnil, pendamethalin, and the thioureas."^x

Asthma can be triggered by pesticides. Several types of pesticides are known to cause allergic reactions or airway constriction, including pyrethrins, pyrethroids, organophosphates, and carbamates. Infants exposed to herbicides before the age of one were 10 times more likely to develop early persistent asthma.^{xi}

The following example demonstrates why we need to take precautionary measures to prevent pesticide exposure. The science about the health effects of pesticides is ahead of public policy. Dr. Warren Porter, a professor in physiological ecology of the University of Wisconsin, Madison states: "In 1945, a National Geographic photographer took a picture of a child walking through DDT that was being sprayed from a truck at New York's Jones Beach State Park. The side of the truck said, 'DDT. Powerful Insecticide. Harmless to Humans.' Since that time, herbicides like Roundup (glyphosate) have been touted for their safety. Yet, they are capable of modifying the most fundamental biological processes. A paper published in August 2000 shows that Roundup alters gene expression and inhibits necessary steroid production by disrupting a particular protein expression. In 2002, a paper shows that Roundup can also affect early cell division processes in embryos."^{xii}

Research has shown that exposures to certain pesticides (particularly organophosphates and pyrethroids) can disrupt neurological development and can lead to learning disabilities. Even a relatively small exposure to a toxic chemical during a window of vulnerability can have a permanent impact, one that might not occur if the same exposure happened at another time.^{xiii} "The vast majority of pesticides and other industrial chemicals in use today have never been examined for their impacts on the developing brain. Given the vulnerability of the developing brain to chemical exposures, scientists have raised concerns that this lack of information may be affecting many children and preventing us from recognizing the true magnitude of the public health threat."^{xiv} For example, despite the fact that organophosphate and pyrethroid pesticides are common and 90% of U.S. children have detectable residues of at least one organophosphate pesticide in their bodies, little is known about their effects on the developing brain. In the laboratory, a single low-level exposure to an organophosphate pesticide or a pyrethroid at day 10 of life causes permanent changes in the brain and hyperactivity of rodents.^{xv} The effects of combined multiple and cumulative exposures experienced in the course of our daily lives remains virtually unstudied.

Prepared by Pamela Miller, M.En., Biologist and Director of Alaska Community Action on Toxics.

^{ix}Sanborn, M. et al. 2004. Systematic Review of Pesticide Human Health Effects. Publication of the Ontario College of Family Physicians. Found on the following web site: <http://www.ocfp.on.ca>

^xa) Leiss, J.K. and D.A. Savitz. 1995. Home pesticide use and childhood cancer: a case-control study. *Am. J. of Public Health*, 85(2):249-252.

^b) Ma, X. et al. 2002. Critical windows of exposure to household pesticides and the risk of childhood leukemia. *Environmental Health Perspectives* 110(9):955-960.

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- e) Olshan, A.F. et.al. 1993. Risk factors for Wilm's tumor. *Cancer* 72(3):938-944.
- ¹⁰Sanborn, M. et.al. 2004. Systematic Review of Pesticide Human Health Effects. Publication of the Ontario College of Family Physicians.
- ¹¹Gorell, J.M. et.al. 1998. The risk of Parkinson's disease with exposure to pesticides, farming, well water, and rural living. *Neurology* 50(5):1346-1350.
- ¹²Butterfield, P.G. et.al. 1993. Environmental antecedents of young-onset Parkinson's disease. *Neurology* 43(6):1150-1158.
- ¹³Fleming, L., et.al. 1994. Parkinson's disease ad brain levels of organochlorine pesticides. *Ann. Neurol.* 36(1):100-103.
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- ¹⁵a) Zahm, S.H. et.al. 1990. A case-control study of non-Hodgkin's lymphoma and the herbicide 2,4-D in eastern Nebraska. *Epidemiology* 1(5):349-356.
- b) Zahm, S.H. and A. Blair. 1992. Pesticides and non-Hodgkin's lymphoma. *Cancer Research* 52(Supplement 19):5485s-5488.
- c) Blair, A. et.al. 1998. Non-Hodgkin's lymphoma and agricultural use of the insecticide lindane. *Am. J. Ind. Med.* 33(1):82-87.
- ¹⁶Shafer, K.S. 2004. Chemical Trespass: Pesticides in Our Bodies and Corporate Accountability. Pesticide Action Network North America.
- ¹⁷Colburn, T. 2003. Neurodevelopment and endocrine disruption. *Environmental Health Perspectives* 112(9):944-949.
- ¹⁸Salam, M.T. 2003. Early life environmental risk factors on asthma: findings from the children's health study. *Environmental Health Perspectives* 9 December 2003.
- ¹⁹Porter, W. 2004. Do pesticides affect learning and behavior? The neuro-endocrine-immune connection Pesticide and You. A Publication of Beyond Pesticides/National Coalition Against the Misuse of Pesticides 24(1):11-15.
- ²⁰Schettler, T, J Stein, F Reich, and M Valenti. 2000. In Harm's Way: Toxic threats to child development. Greater Boston Physicians for Social Responsibility.
- ²¹Global Pesticide Campaigner. A Publication of Pesticide Action Network North America. August 2003: 13(2).
- ²²Ahlbom J, Fredriksson A, Eriksson P. 1995. Exposure to an organophosphate (DFP) during a defined period in neonatal life induces permanent changes in brain muscarinic receptors and behaviour in adult mice. *Brain Res* 677:13-19.

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ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

**HB 19—Public Right to Know About Pesticides
(H)Resources Committee Wednesday, Feb.23, 2005**

Dear Members of the House Resources Committee:

Thank you for listening to public testimony on HB 19 "Public Right to Know About Pesticides."

On behalf of the Alaska Public Health Association, representing two hundred twenty public health professionals across Alaska who are committed to developing sound public health policy to improve the health of all Alaskans, I would like to express support for HB 19 as important public health policy.

The Alaska Public Health Association and our national organization, the American Public Health Association, have long established resolutions in support of Environmental Health and Preserving the Right-To-Know Information to Reduce the Risk of Exposure to Toxic Substances. My comments reflect this rich tradition of preserving the Right-To-Know of individuals and the community in an effort to reduce the risk of exposure to toxic substances and to best protect the public's health.


We firmly believe the right-to-know about chemicals in one's community, work place or near one's child's school is not only an important right in our democracy but a vital component of public health. HB 19 makes the commercial use of pesticides in public areas – such as schools, parks and municipal buildings – known to the public.

Hazard reduction activities and Right-to-Know programs are an essential means to protect individuals and communities from the harm due to the release of hazardous chemicals, including the use of many common herbicides and pesticides, which have been correlated to serious health risks to people, the environment and toxicity to the fish our economy and subsistence depend on.

Community Right-To-Know about potential exposure to pesticide use is an essential information tool for public health and affirms that individual citizens, community leaders as well as their elected representatives have the necessary information to make informed choices about their own and their community's health and safety.

We encourage you to move HB 19 out of Committee when you hear it this Wednesday.

Thank you.


Marie J. Loring, Executive Director
Alaska Public Health Association

Emails Related to HB 19 – Pesticide & Broadcast Chemical Regulation

From: Dr. Daniel J. Young [mailto:akyongs@mtaonline.net]
Sent: Monday, February 07, 2005 1:29 PM
To: Rep. Kevin Meyer
Subject: Bill HB 19

Representative Meyer,

Thank you for sponsoring this very important legislation. As a Naturopathic Physician I see people with chemical sensitivities and they benefit immensely when they know about spraying. Of course it benefits all of us particularly the children.
Thank You,

Madeleine Morrison-Young N.D.
Eagle River

From: Michelle Wilber [mailto:katmainomad@hotmail.com]
Sent: Friday, February 04, 2005 11:02 AM
To: Rep. Kevin Meyer
Subject:

Dear Representative Meyer,

Thanks so much for your sponsorship of HB 19! I am happy to see your support for public notification of pesticide application. As a mother of a small child in Anchorage, I appreciate any effort to keep him and other safe from harmful chemicals.
Yours,
Michelle Wilber

From: Dale and Linda Slaughter [mailto:archdles@ak.net]
Sent: Friday, February 04, 2005 9:58 AM
To: Rep. Kevin Meyer
Subject: HB 19

Thank you for sponsoring House Bill 19. Notice of application of pesticides is dear to my heart because I try to grow organic vegetables for personal use. Even if I can't prevent the pesticides from blowing across my growing area, it would be nice to know what's in the produce. There are a lot of other important issues addressed by your bill and I support your efforts.

Linda Slaughter

Emails Related to HB 19 – Pesticide & Broadcast Chemical Regulation

-----Original Message-----

From: Pixie Siebe [mailto:pixies@alaskalife.net]
Sent: Tuesday, February 01, 2005 9:53 PM
To: Rep. Kevin Meyer
Subject: HB 19

Dear Representative Meyer,

Thank you very much for introducing HB 19. I am most concerned with the public's right to know about chemical use in public places. I am concerned that chemicals can cause reactions and harm when people come into contact with them. The public should have the right to know when public areas pose a possible exposure risk.

I am currently reading Riki Ott's Sound Truth and Corporate Myths. It is very disturbing to read about how many of the workers were exposed to chemicals that they had been assured were okay or were not given proper protection in the work environment. I know many of these people just wanted to do something to help Prince William Sound, and in the process were exposed, and will probably be affected the rest of their lives.

The public's right to know of potential exposure is critical. We are lucky in Alaska to have a pristine environment in many respects. I think this makes us less aware of potential hazards.

Thank you for your concern, and work on this matter.

Sincerely,
Martha (Pixie) Siebe
8700 Solar Drive
Anchorage, AK 99507

Email For: Representative Kevin Meyer
From: shannonkuhn@gmail.com
Name: Shannon Kuhn
Street: 9120 Cathedral Pl.
City: Anchorage
Zip Code: 99507

Subject: HB 19

Dear Rep. Meyer,

As one of your constituents, I found it necessary to applaud you on the creation of HB 19. Taking the initiative to do so shows strong leadership, and your actions are commendable. I am an 18 year old student, working with Alaska Community Action on Toxics. On behalf of my peers as well as the community, I strongly support and encourage you not to weaken your bill by relinquishing control of posting requirements and registration fees to the DEC. Your bill as it currently stands is absolutely incredible, and is providing for a healthier state and environment for everyone. This is not an environmental issue; this is a HEALTH issue. You are paving the way for a healthier Alaska. I would like to speak with you, please reply by email. Thank you again.

Shannon Kuhn

Sec. 18.80.300. Definitions.

(1-4) "public accommodation" means a place that caters or offers its services, goods, or facilities to the general public and includes a public inn, restaurant, eating house, hotel, motel, soda fountain, soft drink parlor, tavern, night club, roadhouse, place where food or spiritous or malt liquors are sold for consumption, trailer park, resort, campground, barber shop, beauty parlor, bathroom, resthouse, theater, swimming pool, skating rink, golf course, cafe, ice cream parlor, transportation company, and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons;



**Statement of Pamela K. Miller, Executive Director, Alaska Community Action on Toxics
House Bill 19—Public Notice of Pesticide Use (Sponsored by Representative Meyer)**

**Hearing of the House Finance Committee
March 15, 2005**

Co-Chairman Chenault, Co-Chairman Meyer, and Members of the House Finance Committee—thank you for the opportunity to provide testimony today concerning House Bill 19, the “Public Notice of Pesticide Use” Bill introduced by Representative Kevin Meyer. My name is Pamela Miller, Biologist and Executive Director of Alaska Community Action on Toxics (ACAT). ACAT is a non-profit statewide environmental health organization that conducts research and provides educational programs, technical assistance, and training.

Alaska Community Action on Toxics strongly supports HB 19. We believe that enactment of HB 19 will be an important first step in assuring the public’s right-to-know about pesticide applications. HB 19 is an important measure to protect public health. Children, elderly people, and those with chronic illnesses are particularly susceptible to adverse health effects from pesticide exposure. As with provisions to protect public health from exposure to second-hand tobacco smoke, this legislation would provide information to the public that prevents exposure to potentially harmful chemicals without knowledge or consent.

Pesticide use occurs in places frequented in our daily lives—parks, public lands and buildings and grounds, transportation and utility rights-of-way, schools, universities, airports, farms, nursing homes, hospitals, day care centers, stores, apartments, and greenhouses. Although there are more than 5,700 pesticides registered for use in Alaska, we have no reliable system to track the amounts and locations of pesticide use. On-site accurate information about pesticide use will be helpful for pesticide applicators and chemical corporations because it will dispel speculation and misrepresentation of facts.

National Research Council has stated that pesticides are “perhaps the only toxic substances that are purposefully applied to the environment.” Legally, pesticides are supposed to be regulated so that they do not cause “unreasonable adverse effects” or harm. But this does not mean that pesticides are safe. Registered pesticides are known to cause cancer, genetic damage, birth defects, miscarriages, liver and kidney damage. Less than 10% of pesticides in common use have been adequately tested for hazards.

Alaska Community Action on Toxics has done extensive research on the health effects of pesticides, using the peer-reviewed scientific and medical literature. In a systematic review of the peer-reviewed scientific literature concerning health effects of pesticides, a team of physicians from the Ontario College of Family Physicians concluded: “*The literature does not support the concept that some pesticides are safer than others; it simply points to different*

h...h effects with different latency periods for the different classes...Some more surprising positive associations were found for pesticides that are considered less toxic in acute poisoning settings...For example, the herbicide glyphosate (active chemical ingredient in the commonly used herbicide, Roundup) had associations with congenital malformations (birth defects)."

Our support for this bill stems from our research and experience in working with the Anchorage School District (ASD) concerning pesticide use in schools. Our research demonstrated that the Anchorage School District used pesticides linked with serious health problems, posing a special risk to children. Teachers, parents, and students were not provided with notification about pesticide applications. A group of parents, teachers, and students worked with ACAT for nearly a year in meetings with the ASD to address these problems. This work culminated in a decision of the Anchorage School Board to implement a policy requiring notification procedures and least-toxic pest management. The state then promulgated regulations to require notification in schools on a statewide basis. The notification requirement only includes schools and not other public lands or facilities. We also supported the Municipality of Anchorage ordinance on pesticide notification, but the provisions are limited to the municipality and does not include indoor notification in public facilities.

Alaska is currently the only state that does not require a fee for pesticide registration. The provisions of this bill require a modest registration fee compared with other states. The bill is fiscally positive and provides a direct and measurable benefit to the public by supporting ADPC's Pesticide Program to more effectively conduct its work.

In summary, HB 19 provides a useful tool for decision-makers and the public because it will help to:

- Protect public health, especially for children and those more vulnerable to the harmful effects of pesticides
- Promote good decisions about pest management.
- Enhance community right-to-know and transparency about pesticide use.

I hope that the committee will ensure that strong, precautionary and specific on-site notification provisions are retained in the legislation. Last summer, my family and I were going into a prominent Anchorage hotel to meet friends for lunch when we encountered a hotel employee spraying an unknown chemical from a backpack sprayer on the grounds as we walked from the parking lot to the hotel entrance. I asked the young woman what she was spraying—she said that she didn't know. She had no protective gear. The smell of the pesticide was strong, so we were likely exposed to a fairly concentrated dose. We found out from the hotel manager that the chemical was the insecticide malathion, a pesticide that is particularly toxic to the nervous system, especially to developing children. In this case, the worker should have been provided with information and protective gear and the public should have been provided notification.

Thank you for your careful consideration of the merits of this bill. We urge the Committee to help ensure its passage.




Alaska State Legislature

Please enter into the record my testimony to the (H) FINANCE
COMMITTEE NAME
 committed on HB 19, dated March 15, 2005.
BILL/SUBJECT TODAY'S DATE

My name is Katie Aspen Garenus, and I am a senior at Homer High School. Thank you for this opportunity to share my opinion about House Bill 19. I strongly support this Bill, and would like to thank Representative Meyer for sponsoring it. As a teenager, I and my peers are affected greatly by pesticide use in public areas. First off, teenagers are particularly vulnerable to pesticides; second, pesticides disrupt hormones, and we all know that teens have high levels of hormonal activity. Secondly, teens spend large amounts of time in public spaces like schools, sports fields, and parks. Please, for the health of teens and all Alaskans, pass support HB19 which would give us all the opportunity to make informed decisions about our health.

signed: Katie Aspen Garenus
LEGISLATOR (BY CO. PARTICIPANTS)

REPRESENTING
P.O. Box 1752 Homer, AK 99603
ADDRESS
(907) 335-1923
PHONE


Alaska Community Action on Toxics
505 West Northern Lights Blvd., Suite 205
Anchorage, Alaska 99503
(907) 222-7714
pfmillet@akaction.net; www.akaction.org

Statement of Pamela K. Miller, Executive Director, Alaska Community Action on Toxics
House Bill 19—Public Notice of Pesticide Use (Sponsored by Representative Meyer)

Hearing of the House Resources Committee
February 23, 2005

Co-Chairs Ramras and Samuels and Members of the Committee—thank you for the opportunity to provide testimony today concerning House Bill 19, the “Public Notice of Pesticide Use” Bill introduced by Representative Kevin Meyer. My name is Pamela Miller, Biologist and Executive Director of Alaska Community Action on Toxics (ACAT). ACAT is a non-profit statewide environmental health organization that conducts research and provides educational programs, technical assistance, and training.

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Alaska Community Action on Toxics has done extensive research on the health effects of pesticides, using the peer-reviewed scientific and medical literature. In a systematic review of the peer-reviewed scientific literature concerning health effects of pesticides, a team of physicians from the Ontario College of Family Physicians concluded: *“The literature does not support the concept that some pesticides are safer than others; it simply points to different*

health effects with different latency periods for the different classes...Some more surprising positive associations were found for pesticides that are considered less toxic in acute poisoning settings...For example, the herbicide glyphosate (active chemical ingredient in the commonly used herbicide, Roundup) had associations with congenital malformations (birth defects)."

Our support for this bill stems from our research and experience in working with the Anchorage School District (ASD) concerning pesticide use in schools. Our research demonstrated that the Anchorage School District used pesticides linked with serious health problems, posing a special risk to children. Teachers, parents, and students were not provided with notification about pesticide applications. A group of parents, teachers, and students worked with ACAT for nearly a year in meetings with the ASD to address these problems. This work culminated in a decision of the Anchorage School Board to implement a policy requiring notification procedures and least-toxic pest management. The state then promulgated regulations to require notification in schools on a statewide basis. The notification requirement only includes schools and not other public lands or facilities. We also supported the Municipality of Anchorage ordinance on pesticide notification, but the provisions are limited to the municipality and does not include indoor notification in public facilities.

Alaska is currently the only state that does not require a fee for pesticide registration. The provisions of this bill require a modest registration fee compared with other states. The bill is fiscally positive and provides a direct and measurable benefit to the public by supporting ADEC's Pesticide Program to more effectively conduct its work.

In summary, HB 19 provides a useful tool for decision-makers and the public because it will help to:

- Protect public health, especially for children and those more vulnerable to the harmful effects of pesticides
- Promote good decisions about pest management.
- Enhance community right-to-know and transparency about pesticide use.

I hope that the committee will ensure that strong, precautionary and specific on-site notification provisions are retained in the legislation. Last summer, my family and I were going into a prominent Anchorage hotel to meet friends for lunch when we encountered a hotel employee spraying an unknown chemical from a backpack sprayer on the grounds as we walked from the parking lot to the hotel entrance. I asked the young woman what she was spraying—she said that she didn't know. She had no protective gear. The smell of the pesticide was strong, so we were likely exposed to a fairly concentrated dose. We found out from the hotel manager that the chemical was the insecticide malathion, a pesticide that is particularly toxic to the nervous system, especially to developing children. In this case, the worker should have been provided with information and protective gear and the public should have been provided notification.

Thank you for your careful consideration of the merits of this bill. We urge the Committee to help ensure its passage.

Honored Co-Chairs and Members of the House Finance Committee:

For the record, I am Ken Perry, General Manager of PARATEX Pied Piper Pest Control and spokesman for several Alaska Pesticide Applicators.

I present the following analogy for your honest consideration:

"Roger enters the well maintained lobby of the Anchorage Museum of Art and History. There, posted in plain view as required, was the following notice:

WARNING – This facility hires persons of Middle-Eastern descent and allows others equal access to this building! As you know, some members of their common religion have been frequently implicated in acts of terrorism, including suicide bombs and other mass killings in public places such as this. For more information, please contact... (Etc.).

Roger turned away, and went home.

A certain religious center receives the following note on official State of Alaska letterhead:

Our records indicate that you have (X Number) members in your local group. A law recently passed in the Alaska Legislature now requires you to pay an annual \$120 registration fee for each member. In addition, each person in your group must also now pay a \$25 per year certification fee to keep their employment. The proceeds from these fees will go to enforcement of new public notification and registration/tracking laws intended to protect the public from the risks of terrorism often linked to practitioners of your religion."

You may find the language of these two notices as inflammatory and inappropriate as I do. However, please note that, other than their fictitious implementation, the perception reflected in the language and intent are a widely held and often repeated point of view that is often accepted as fact. Our country lies in constant fear, and rightly so, from acts of terrorism. American soldiers are dying daily at the hands of certain religious zealots. An entire Federal agency was created to protect us from terrorism. Should not well-intentioned advocates lobby for State and Local protection above and beyond what the experts in Washington DC have put into force? Is the concept inconceivable? Our US and Alaska constitutions' guarantees to rights of privacy, both personal and property, and the rights to pursue fair trade and employment would certainly seem to make this scenario impossible.

And yet, this Body is being asked to make almost identical legislation, with similar violations of privacy, free trade and employment, based on the same types of emotionally charged fears. They question the integrity and scientific studies of the EPA and pesticide manufacturers, just as the example above seeks to second guess and undercut the federally directed Dept of Homeland Security, and punish the vast majority of a large religion that has no direct connection to terrorism. You will be/are hearing many *anecdotal stories* about pesticides. But please put them in their proper perspective and keep in mind that *true science* is being conducted already on a Federal level and with huge financial investments by the manufacturers. Appropriate restrictions and safety limits are already mandated there by EPA. Riskier pesticides are being voluntarily removed from the market place when clear evidence is presented, and sometimes even when it is not. In addition, ADEC is constantly monitoring the pesticide labels they allow to register and have the authority already to restrict or refuse them based on any circumstances unique to Alaska.

I strongly urge you not to pass this inflammatory bill and fall victim to the environmental extremists who are promoting it. If they want to invoke a "Right-To-Know" platform for their notification laws, then remind them of their "**Right-To-Inquire**", taking personal responsibility to ask, if they wish to know whether a pesticide has been used somewhere that they frequent. If they cite the need to "educate the public about the dangers of pesticides", let them spend their tax free money and educate to their hearts content. If they have chosen as individuals not to use the variety of chemicals currently registered, that is certainly their right, but they **DO NOT** have the right to limit the rest of the citizens of Alaska from access to items they choose to purchase by causing them to be removed from sale here. Please "**Just Say No!**"

Thank you for the opportunity to speak, and I remain at your disposal should you have any questions.

Douglas Owen

From: Mike Turek [turek_mike@yahoo.com]
Sent: Sunday, February 20, 2005 1:02 PM
To: Rep. Jay Ramras
Cc: Rep. Beth Kerttula
Subject: HB 19

FEB 21 2005

Representatives, Jay Ramras and Beth Kerttula,

I support Representatives Kevin Meyer (R-Anchorage) and Beth Kerttula's (D-Juneau) bill, HB 19—Public Right to Know About Pesticides. This bill provides valuable information about where and when pesticides are used, and protects our health by requiring public notice before pesticides are used.

Why Is Pesticide Regulation Important?

- Nearly 6,000 pesticides are currently registered for use in Alaska. They are used in places where we live, work, and play: in parks, public buildings, grocery stores, apartment buildings, airports, schools, day care facilities, universities, greenhouses, agricultural and forest lands, hospitals, nursing homes and military reservations.
- Pesticides are linked to serious health problems including cancer, reduced fertility birth defects, neurological diseases, and hormone disruption.
- Alaskans have a right to know where, when, and what toxic pesticides are being sprayed so we can avoid exposure in public places.
- Children are particularly vulnerable to the toxic effects of pesticides.
- Many pesticides are highly toxic or extremely toxic to fish and wildlife.
- Pesticides degrade our water quality and the health of our environment.
- Despite these known risks, we have no accurate information on which pesticides are used, where, when, and in what amounts.
- Alaska is the ONLY state that does not collect fees on pesticides registered for commercial use.
- There is broad-based support for pesticide use reporting, including support from the medical community, subsistence food users, parents, workers, and environmental advocates.

How Would HB 19 Help? Provisions of the current "work draft" of HB 19 include:

1. **Registration Fees:** HB 19 authorizes the Department of Environmental Conservation to charge a fee to chemical manufacturers to register their chemicals in the state. Alaska is currently the only state in the country that does not set a fee. DEC estimates that they would charge a \$115 fee per chemical to help cover the costs of the state's pesticide program in Alaska.
2. **Certification:** HB 19 requires that all persons who apply pesticides in 'public areas' become certified in application techniques and guidelines. A nominal certification fee would be charged. Public areas are defined as: parks, government buildings, common areas of apartment buildings, and outdoor areas that the general public may frequent. The bill specifically exempts restaurants, hotels, and motels from the definition of public place.

3. Public Notification: HB 19 requires DEC to develop regulations for reasonable, on-site notice for the application of pesticides in a public place.

Thank you. Michael F. Turek, 4443 Mountainside Drive, Juneau, Alaska 99801

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Douglas Owen

From: Ken(neth J) Perry [Mail@Paratex-PP.com]

Sent: Monday, February 21, 2005 10:22 AM

To: Rep. Jay Ramras

Subject: HB19 Wednesday Hearing

FEB 21 2005

Honorable Representative, Committee Co-Chair Mr. Jay Ramras:

As you know, your Resources Committee is to consider HB19 at Wednesday's meeting. I intend to testify, of course, but wanted to extend a courteous caution to you in advance and encourage you to give this bill serious consideration before the highly charged hearing. This bill **MUST NOT** be passed!

FIRST – The manufacturers of pesticides represented by RISE have said they would not boycott a reasonable fee structure (est. \$25 per year) for a revenue supporting bill used to offset reasonable State pesticide regulation. Such a bill could bring in as much as \$85,000-\$100,000 a year to offset the State budget. **HOWEVER**, if a punitive dollar amount such as recommended in this bill **AND** if any amount is dedicated to anti-pesticide regulation such as the suggested notification requirements, they have stated clearly to me that they will review **ALL** of their current registrations and remove many if not all. This includes not just the small number that this bill seeks to over regulate, but a large number of personal use items that your constituents have asked to purchase here (including cleaning agents, paints, solvents etc.). This could be disastrous to the ADEC Pesticide Division if they base their budget on such revenues, and will be a source of embarrassment to the Legislature when they have to request other State Funds to cover their fiscal needs.

SECOND – The attempt to make **LAW** in an area already closely governed by the Federal government is a dangerous agenda. The chemicals you seek to restrict have already been labeled by EPA with full consideration of personal and public safety. The concerns of exposure are addressed on the label under "re-entry requirements", and in other areas therein, and are therefore Federally enforced. Billions of dollars have been (and continue to be) spent on research and testing both by the manufacturers and EPA. Chemicals which pose a significant threat to public safety are either made "Restricted Use" or not allowed to be registered. In addition, the manufacturers have sought to encourage the public to use trained professionals to apply pesticides that may have a higher risk than over-the-counter pesticides available to the public. **YET**, the enclosed notification legislation seeks to override the Label – in effect negating it. In addition, to ask every business, industry, church and charity (except Hotels and Restaurants) in Alaska to post a misleading written sign in their facilities whenever they choose to use any pesticide is egregious!

I will appear at the Anchorage LAO for a more in depth testimony and to answer your questions. However I urge you not to put off your consideration until then **AND** to avoid being swayed by sensationalism and unsupported anecdotal stories you will likely be subjected to by the environmental extremists who continue to push this type of legislation.

Respectfully,

(Representing Alaska Pesticide Applicators Group;
NPMA-National Pest Management Association, www.pestworld.org;
RISE-Responsible Industry for a Sound Environment, www.pestfacts.org)

Kenneth J (Ken) Perry

General Manager

2/21/2005

Douglas Owen

FEB 21 2005

From: Cheryl & Brian Hilmes [twoteachers@gci.net]
Sent: Sunday, February 20, 2005 9:00 PM
To: Rep. Ralph Samuels; Rep. Jay Ramras; Rep. Gabrielle LeDoux; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner; Rep. Carl Gatto; Rep. Jim Elkins
Cc: Brian & Cheryl Hilmes
Subject: HB 19 - Public Right to Know About Pesticides

I fully support HB 19 which will provide valuable information about where and when pesticides are used, and which will protect our health by requiring public notice before pesticides are used.

Nearly 6,000 pesticides are currently used in places where we live, work, and play: in parks, public buildings, grocery stores, apartment buildings, airports, schools, day care facilities, universities, greenhouses, agricultural and forest lands, hospitals, nursing homes and military reservations.

Pesticides are linked to serious health problems including cancer, reduced fertility, birth defects, neurological diseases, and hormone disruption. Alaskans have a right to know where, when, and what toxic pesticides are being sprayed so we can avoid exposure in public places.

Children are particularly vulnerable to the toxic effects of pesticides. Many pesticides are highly toxic or extremely toxic to fish and wildlife. Pesticides degrade our water quality and the health of our environment.

Despite these known risks, we have no accurate information on which pesticides are used, where, when, and in what amounts. Alaska is the ONLY state that does not collect fees on pesticides registered for commercial use. Something is terribly wrong with this.

I am a public school teacher, mother and frequent park visitor. I have supported each pesticide bill that has been before the legislature. I appreciate that Sharon Cissna has raised the importance of this issue many times in the past. It is time that our leaders did the right thing to protect the public health of our people, water and other natural resources. It would be unconscionable to continue to allow the pesticide companies free reign in our villages, cities and state.

Please pass HB 19. Please do what's right.

Quyana,
Cheryl Hilmes
2411 Lyvona Lane
Anchorage, AK 99502

Douglas Owen

From: Ken(neth J) Perry [Mail@Paratex-PP.com]
Sent: Tuesday, February 22, 2005 3:52 PM
To: Rep. Jay Ramras; Rep. Ralph Samuels; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner
Subject: *****SPAM***** HB 19 Comments
Attachments: HB19 Comments.pdf

Alaska House of Representatives
Resources Committee

RE: House Bill 19 Please note that references to 'this Bill' herein are based on CHSB19 Work Draft 24-LS01 \Y 2/11/05 and that, as of this writing, we have not seen the Fiscal Note from ADEC.

Honorable Chairpersons and Members:

I would like to comment specifically on our objections to the passage of SB19 presently before your committee. By way of introduction, I am President of my company, PARATEX Pied Piper, spokesman for a group of Alaska Pest Control Applicators, spokesman by proxy for NPMA - our national trade group and RISE - the pesticide manufacturers' trade group.

REGISTRATION AND CERTIFICATION FEES

As you are aware, this bill would provide for the collection of fees to register pesticides in our State, and an annual fee to pesticide applicators certified by ADEC. While we recognize that it is appropriate that a modest fee could rightly be asked of both groups, we feel that it should be a reasonable amount, not arbitrary, and not attached to legislation that is (in our view) anti-pesticide in nature. This source of potential revenue was addressed in 2004 by ADEC. At that time they estimated a 40% loss in registrations (Fiscal Note 4/1/04 to SB027-CS-LC-EC-EH-4-01-04). When manufacturers were polled at about the same time regarding a potential \$25 per year registration, they echoed the same likely scenario of losses. That percentage will most certainly rise in lock-step with the fee schedule. When informed of the potential amounts of the current bill, the reaction was consistent with that hypothesis. Some manufacturers have spoken of removing ALL their registrations if this bill goes through, including some of the lowest toxicity alternatives currently registered.

It needs to be pointed out here, that we are not just discussing the 100 or so insecticides and rodenticides that are currently used by the professional applicators among us. The 5700 currently registered pesticides include fungicides, herbicides, disinfectants, paints, pet care, lawn care, plant care, and mosquito products etc, often used in negligible sales volume amounts by specialty preference of the citizens of Alaska. There is little incentive for these manufacturers to maintain their labels in a low volume, high cost, (and the explosive environmental activism) such as exists in Alaska. Many are registered only because it IS free, even though they may have very little (sometimes no) market here. Were time allowed, I would share with you a few experiences we have already had in not getting some newer, safer products registered FOR FREE in Alaska due to the recent history of environmental activism and its intrusion into our Legislature. While I am not in a position to estimate actual losses, my personal research and communications on this are not encouraging.

On the issue of certification fees (for applicators) our industry has stated a willingness to pay a modest fee in recognition of the cost to our State of our overseers in ADEC. HOWEVER, we will not be

2/22/2005

likely to certify anyone except essential personnel, and will not pay for any more than one year certification for a new employee unless we are certain of their long-term status with us, especially if this certification fee is combined with (what we perceive to be) anti-business legislation. ADEC will need to be aware of this as they plan their budgets over the next several years if they intend to replace their General Fund support with fees and registrations connected to this Bill.

In conclusion to this section, I wish to make you aware that our Alaska Applicators and NPMA have spoken in favor of certification fees as an offset (not replacement) of General Funds expenditures to the ADEC Pesticide Program. And my personal feeling is that a modest fee of \$25 per year will be acceptable to a great many manufacturers under the same terms. We (Alaska Pesticide Applicators and NPMA) have already offered to this Legislature and the last to support or not oppose a revenue only bill that makes that happen. In fact, if this Committee desires to strike all the language from Page 3 Line 28 to page 4 Line 9, and reduce the Dollar amount on Page 2 Line 5 to \$25, we will withdraw our objection to this bill's passage and encourage the manufacturers to accept it.

PESTICIDE APPLICATION & NOTIFICATION

The second feature of the Bill before you is the attempt to require certified applicators and "written notice(s) posted on the application site" in "public places". As to the matter of requiring certified applicators in certain situations, this is something that our industry has been looking forward to seeing addressed by ADEC for some time. There is a large loophole at present in 18 AAC 90 which removes from oversight persons who apply pesticides (with no training) on property other than their own private access property. Our concerns have been for the countless numbers of untrained landlords and their employees who are applying pesticides in apartments and office buildings across the State. However, in the language of the current Bill, with the exception of hallways and common areas, nothing is changed. In addition, many restaurant owners are purchasing large amounts of chemicals and applying them in their food preparation and storage areas with no knowledge of their potential risk. Yet, this Bill exempts Hotels/Motels and Restaurants (but not Bars interestingly) from the requirement. While I applaud their industry in getting this exemption from notification (See Below), it has been my experience that most progressive food service and lodging businesses DO hire a professional, and I wonder if the language was correctly intended to exempt them from the requirement of certification and training as well. If passed with this language, ADEC will be hamstrung should it ever decide, scientifically, that it is in the best interest of the public that these facilities be required to have training.

As to the issue of "written notification" we categorically oppose this type of regulation. This issue is an attempt to place restrictions on pesticides that are neither warranted nor appropriate. Determination of possible contact with a pesticide is addressed by Federal Laws such as FIFRA and regulated/enforced by EPA. If a state authority decides to require regulations that surpass the Label, they can require that a special label be produced for their State only. Currently ADEC reviews a registration request and determines, based on their scientific resources, whether this needs to be done for Alaska. While they have refused a handful of registrations, they have not seen the need to require additional labeling, including notification requirements. In addition, other than extremist groups, I am not aware that the citizens of Alaska have been overly concerned about this issue. HOWEVER, if and when ADEC feels the need to address this matter, they can certainly enact regulations and enforce them, just as they did recently with the issue of pesticides in schools. It is often the market place which drives the matter of public awareness. If there is a demand for public notification, I am sure that entrepreneurial business owners will take the lead in advertising that there are "no pesticides used on (their) premises". Until then, it seems likely that anyone with a particular need to know has already taken upon themselves the necessity of inquiring ahead of time, just like they might ask the waiter if the food they are serving has something to which they are allergic, or if the bedding in the motel they are about to check into has been washed with a chemical they cannot tolerate. The signage suggested by this Bill is intended to make it appear that the use of a pesticide is wrong or presents a clear and present danger. This is NOT accurate, and is an unreasonable burden to place on the businesses that choose to hire a professional

applicator. (Do-it-yourselfers seldom read labels, let alone regulations, and most certainly will not put up signs.)

I am pleased that the Hotel/Motel and Restaurant industry has convinced the sponsor of the inappropriateness of this regulation. By securing an exemption for themselves (Page 4 Lines 8, 9), they have certainly relieved a potential threat to their businesses and ours. However, the same principles apply to ALL privately owned businesses and properties, and they should, in fairness, have the same exemption. Since that leaves only State and Local government owned property, it appears appropriate that the Alaska Legislative body should only venture into State owned properties, advising if they choose that ADEC draft regulation for these alone, and allow our Cities, Towns and Rural governments to decide for themselves what is necessary in this regard (and carry the burden of enforcement). More realistically, however, the entire matter of written notification needs to be removed from consideration at this time.

I/We urgently recommend that this Bill be voted down in your Committee. If I may answer any questions for you, please do not hesitate to call or write.

Respectfully,

Kenneth J (Ken) Perry General Manager

Mail@Paratex-PP.com

PARATEX Pied Piper Pest Control (est. 1965)

2440 E 88th Ave., Ste. A (907) 344-2538

Anchorage, AK 99507 (Fax) 344-9111

ICQ, MSN, AIM, Yahoo available on Request

Douglas Owen

From: seahag@mtaonline.net
Sent: Tuesday, February 22, 2005 12:26 PM
To: Rep. Jay Ramras; Rep. Ralph Samuels; Rep. Jim Elkins; Rep. Gabrielle LeDoux; Rep. Kurt Olson
Cc: Rep. Paul Seaton; Rep. Harry Crawford; Rep. Mary Kapsner; abby@akcenter.org
Subject: Pesticide right to know

Dear House Resource Committee Members,

I am sending you a copy of the letter I sent to Representative Carl Gatto on 2/22/05 regarding the Pesticides Right to Know. In my opinion, our informed consent to expose ourselves to known toxins is everyone's problem, regardless of where we live.

Dear Carl Gatto,

Hi! I understand you have been friends with my parents for many years. I have noted many of the good decisions you have made, including using public safety funding for rape crisis and prevention. Although you are not my representative, I am writing you this letter because the damage done by pesticides affects us all, and I know that you are a smart man who strives to do the right thing.

As you may well know, my son Obie has acute asthma and several deadly allergies which, to my chagrin, might be a direct result of his having been exposed to pesticides, both in his diet and in his environment (of course, his conditions may also be a result of genetically engineered foods or toxins in required vaccinations, but that's a letter for a different day).

Our federal government has done nothing to protect us, and has done little to inform us about the potential risks of pesticides, as several of the higher-ups in the EPA leave their positions every other year to work for Monsanto Chemical Corporation (If you would like names of these offenders, I have them, but can't provide them at the moment because I am at work and trying to get this letter out before the 23rd)! I'm sure you remember the "DDT is Good For Me" campaign in the seventies, at a time when Eagle River could hardly boast the presence of one or two eagles, and that the species was nearly rendered extinct before anything was done about it. I'm sure you'll agree that our local government needs to rise above the sloppy standards of the feds.

Anyway, not only should the companies that are risking our health and environment be held accountable for the damage they do to our children and environment, but also those of us who are indeed aware of their injustices have a right to know when and where their toxins are sprayed so we can avoid contact with things that will, over time, kill us!

Please support our right to know when and where pesticides are sprayed, as well as making these companies financially accountable for their damage to our environment.

Sincerely,

M. Gallion
16623 Rivers Edge Lane
Eagle River, AK 99577
(907) 622-2888

mail2web - Check your email from the web at <http://mail2web.com/>

FEB 23 2005

Douglas Owen

From: Nina Faust [fausbail@xyz.net]
Sent: Tuesday, February 22, 2005 6:25 PM
To: Rep. Jay Ramras
Subject: HB 19

Dear Representative Ramras:

I was surprised to learn that nearly 6,000 pesticides are currently registered for use in Alaska. They are pervasive in our lives. Often we do not even know we are being exposed to substances linked to cancer, fertility problems, birth defects, neurological and other diseases, and hormone disruption. Notification of pesticide use in public places gives Alaskans the opportunity to avoid exposure to these toxic substances, a choice particularly important for children who are more vulnerable to pesticides' toxic effects.

It is also surprising that Alaska is the only state that does not collect fees on pesticides registered for commercial use. Given the known toxic properties of pesticides, the public is very supportive of reporting requirements. Collecting fees would provide funds to oversee pesticide registration. I support requiring fees for chemical manufacturers to register their pesticides in Alaska.

Requiring all people applying pesticides in 'public areas' to become certified in application techniques and pesticide handling guidelines is good commonsense. This would not only protect the public, but it would also protect the applicator. I support this part of the bill.

Under HB 19, the Department of Environmental Conservation would be required to develop regulations for reasonable, on-site notice for the application of pesticides in a public place. I hope the regulations will include a requirement of at least 24-hours notice to be prominently posted around public areas before spraying so Alaskans can avoid these areas during pesticide application.

HB 19 is a great step forward in protecting the health of all Alaskans, as well as the health of the subsistence foods we eat. We should not continue the cavalier attitude of applying pesticides without public knowledge. There is too much at stake for us and for Alaska's children. Please pass a strong Pesticide Right-to-Know Bill.

Nina Faust
P.O. Box 2994
Homer AK 99603
907-235-6262

2/23/2005

PO Box 202045
Anchorage, AK 99520
February 22, 2005

FEB 23 2005

Representative Jay Ramras, Co-Chair
Representative Ralph Samuels, Co-Chair
House Resources Committee

Re: HB 19

We know that toxics need to be handled with care – even toxics that make our lives better.


I'm pleased that Representative Meyer is sponsoring this needed legislation. As a longtime Alaskan who works in the health industry, I know good information helps us make reasonable decisions about our health.

Requiring all persons who apply pesticides in public areas to become certified in proper application techniques is just good business. The AK Department of Environmental Conservation has the expertise to handle this certification process and the expertise to handle chemical manufactures registering their chemicals. This expert management costs so it is only sensible that a fee be charged to cover those costs.

Reasonable on-site, timely notices about the coming application of pesticides will assist those with asthma and other health problems to avoid those public places. The Anchorage School District found strong support from parents, teachers, school nurses, food workers and others when they instituted similar pesticide regulations

I urge passage of this legislation.

Thanks for your consideration of my brief comments.



Mary Grisco

Brandon Maitlen

From: Ruth and John [jsandr@matnet.com]
Sent: Saturday, February 26, 2005 10:31 AM
To: Rep. Jay Ramras; Rep. Ralph Samuels
Cc: Rep. Mary Kapsner; Rep. Harry Crawford; Rep. Paul Seaton; Rep. Kurt Olson; Rep. Gabrielle LeDoux; Rep. Carl Gatto; Rep. Jim Elkins
Subject: HB 19; relating to pesticides and broadcast chemicals
Attachments: PesticidesHB19Comment021805.doc

P.O. Box 766
Talkeetna, AK 99676
February 18, 2005

Representative Ralph Samuels
Representative Jay Ramras
Co Chairs of the House Resources Committee

Via e-mail: Representative_Jay_Ramras@legis.state.ak.us
Representative_Ralph_Samuels@legis.state.ak.us

Dear Representatives Samuels and Ramras:

I wish to express my support for HB 19. I support requirements for on-site public notice of pesticide (and broadcast chemicals) applications. I support granting DEC the authority to collect pesticide registration and applicator licensing fees. And, I support requiring operators to be certified in the proper handling and application methods.

I ask that my comments be entered into the official public record.

Pesticides are poison, and have many serious and well documented adverse health effects. I have an absolute right to be made aware of pesticide applications in public places so that I may avoid exposure to these poisons. I am glad that this bill recognizes this right and I hope that your committee and the

2/28/2005

House and Senate, as a whole, agree.

Likewise, I think that pesticides should be registered and that the collection of fees, to at least in part offset the costs of licensing applicators and registering and regulating pesticides and broadcast chemicals, is entirely appropriate and long overdue.

And, finally, in order to ensure that pesticides are properly applied, it makes perfect sense to require that persons who apply pesticides in public areas be certified.

Again, I support HB 19 and urge its approval.

Sincerely,

[signed]

John Strassenburgh

cc: members of the House Resources Committee

Ruth McHenry
HC60 Box 306T
Copper Center, AK 99573
(907) 822-3644

House Resources Committee
State Capitol
Juneau, AK 99801

by fax to 465-2070

Re: HB 19—Pesticides

Dear Resources Committee Members:

I support HB 19, and urge you to give it a "do pass" recommendation.

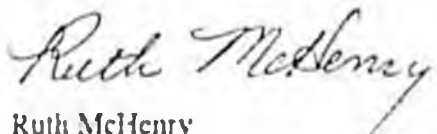
This legislation is all about giving information to the public so that each of us can make his or her decision about whether to enter an area where pesticides have been applied. In steering clear of the issue of whether a given pesticide is harmful or innocuous to humans, it gives us something we should all be able to agree on.

There are some additional provisions I would encourage:

- Specifically include "public lands", as well as "public place" and "place of employment" in Sec. 46.03.325 (a). "Public place" might or might not be interpreted to include public lands. Fish, game and berries make up a big part of my diet. I want to know whether pesticides were applied near them.
- Do not exclude restaurants and lodging. These are the places where I would be most likely to have sustained contact with residual pesticides.
- Require notices to be posted for longer than 48 hours. I think this is especially important outdoors, where chemicals persist a long time in our cold climate. I would suggest that notices remain up outdoors for three months or until freeze-up, whichever happens first. Rather than requiring that applicators monitor the signs for that period, you could just require that they be weather-proofed.

It is my hope that you will pass legislation that is in the best interests of the people of Alaska, who, unlike chemical manufacturers, are your constituents.

Sincerely,


Ruth McHenry

I would like to thank Representative Samuels and Representative Ramras, as well as the rest of the House Resources Committee for giving me the opportunity to speak before you today. I would also like to thank Representative Kevin Meyer for introducing this crucial bill. As a voter in Representative Meyers district I have been continually impressed by his unwavering dedication and commitment to HB 19.

My name is Shannon Kuhn with Alaska Youth for Environmental Action. Every summer, thousands of youth from all over the state flock to community parks. Our beautiful hanging baskets and manicured lawns lure citizens outside to admire them. Parkstrips are always crowded with everything from picnics to impromptu games or Frisbee. Team sports such as soccer bring entire families out to the fields to cheer their loved ones on.

However, during these precious moments we are unwittingly being exposed to many pesticides; from the chemicals sprayed on the flowers to the weed-killers on the grass. Children are more susceptible to these toxic chemicals than adults. As they frequently put things in their mouths, such as contaminated grass, they are at a higher risk of being exposed to these chemicals. Studies have shown that pesticide-exposed children have impaired stamina, coordination, memory, and capacity to represent familiar subjects in drawings. However, adults are also negatively affected by exposure to pesticides. I have been researching common active ingredients in well-known pesticide treatments and have discovered that chemicals considered as some of the safest by the EPA are actually "known and suspected human carcinogens".

Based on the need to protect Alaskan's health, there should be public, on-site notification any time pesticides are sprayed. We have the RIGHT TO KNOW which pesticides are being used in the places we live, work, and play, as well as where and when spraying occurs, and in what amounts.

This is extremely important.

Please support HB 19 and help ensure the health and safety of Alaskans everywhere!

February 7, 2005

The Honorable Kevin Meyer
Alaska House of Representatives
State Capitol, Room 515
Juneau, Alaska 99801-1182

Re: Concerns Regarding House Bill 19

Dear Representative Meyer:

The Consumer Specialty Products Association (CSPA) is concerned about House Bill 19 that would, among other things, create an annual pesticide registration fee of \$115 for the approximately 5,500 pesticides brands sold in Alaska. We believe this increase would be unnecessary and excessive.

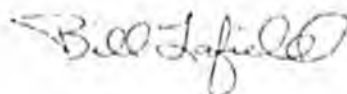
CSPA is a national nonprofit trade association representing over 240 companies engaged in the formulation, manufacture, distribution and sale of specialty products for consumer and institutional use. Our member companies produce a wide range of products including disinfectants, disinfectant cleaners, household insecticides, insect repellants, and rodenticides, which will be directly affected by this fee.

These consumer products must be registered as pesticides with the U.S. EPA and the State of Alaska. According to CSPA's recent national pesticide registration fee survey, our members represent nearly 90% of those companies who will be paying any registration fee in Alaska. Therefore, any fee will be a substantial cost to our member companies. In view of the fact that many of these companies register hundreds of products in Alaska, a significant increase, such as the one proposed in House Bill 19, could deter companies from registering and selling their products in Alaska.

CSPA is not generally opposed to pesticide registration fees that fund the cost of administering the registration program and benefit all registrants equally. However, we assert that the proposed fee is in excess of the cost of administering the registration program. According to Fiscal Note 1 on Senate Bill 275 of 2004 and past discussions with Kristin Ryan, Director of the Division of Environmental Health at the Department of Environmental Conservation, the needs of the department would warrant a pesticide registration fee no larger than \$40. Undoubtedly, the proposed \$115 fee exceeds the essential costs of the program.

We truly appreciate your consideration of our views, and we urge you to amend House Bill 19 to eliminate this excessive pesticide registration fee. Please contact me (202) 872-8110 or blafield@cspa.org if I can provide any additional information about CSPA or our position on House Bill 19.

Sincerely,



William L. Lafield
Vice President State Affairs

cc: Kristin Ryan, Department of Environmental Conservation
Representative Jay Ramras, Co-Chair House Resources Committee
Representative Ralph Samuels, Co-Chair House Resources Committee



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February 7, 2005

Kristen Ryan
Director of Environmental Health
Department of Environmental Conservation
555 Cordova St.
Anchorage, AK 99501

Via-E-mail

SUBJECT: ALASKA HB19

Dear Ms. Ryan:

McLaughlin Gormley King Company (MGK) has a number of pesticide products registered in the state of Alaska. As a small business with pesticide product registrations in your state, we have several concerns regarding House Bill No. 19.

First we are concerned that this bill raises pesticide registration fees for pesticides and "broadcast chemicals" to \$115.00 without knowing whether these fees are justified by the department's expenses for administering the pesticide registration program.

Furthermore, this bill does not define the term "broadcast chemical". Such a vague term could be applied to many types of compounds. We are confused as to what types of compounds this bill intended to regulate. The term is also not used in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and thus we are concerned about its use in the bill.

Additionally Sec. 3(a) 1 states the department may regulate the packaging and labeling of pesticides for sale. These are already regulated at the Federal level and Federal regulations would pre-empt the state from regulating pesticide labels. If it were not for federal pre-emption, it would be very burdensome for businesses to develop labels and distribute products in compliance with varying regulations in the many states.

Sec 4. of HB19 outlines requirements for public notice prior to all pesticide applications excluding antimicrobial compounds, biopesticides, tamper resistant baits. The bill requires the notices to contain the following language "CAUTION: Pesticides may be harmful to your health, and you are advised to minimize exposure to them. Pregnant women, infants, children and individual with respiratory or heart disease, chemical sensitivities, or weakened immune systems may be particularly susceptible to adverse health effects due to pesticide exposure." EPA registered pesticides are subject to risk assessments and also review of toxicological data and these statements are not found on pesticide product labels. What supporting scientific data are the sponsors of the bill citing in support of requiring these additional statements? Furthermore, requiring the word CAUTION on these notices along with the EPA signal word on these notices would create great confusion to the public as the signal word could very likely conflict with the EPA signal word. The myriad of requirements for the contents and posting of these notices



**NATIONAL
PEST
MANAGEMENT
ASSOCIATION inc.**

International

February 26, 2005

The Honorable Jay Ramras, Chairman
House Resources Committee
Alaska House of Representatives
State Capitol, Room 104
Anchorage, AK 99801-1101

Dear Chairman Ramras:

I am writing on behalf of the National Pest Management Association (NPMA) to express concerns about House Bill 19, legislation that would institute pesticide registration and pesticide applicator fees, require notification prior to the use of pesticides in public places and limit the use of pesticides in such settings to licensed or otherwise authorized applicators. I understand the House Resources Committee recently heard testimony on the bill, and plans to vote on the measure in the very near future.

Founded in 1933, NPMA is the nation's only national trade association for companies that manage structural and urban pests such as carpenter ants, cockroaches, flies, mosquitoes, rodents, spiders and stinging insects. Our more than 5,000 members, including several Alaska pest management companies, service a myriad of settings, such as single and multi-family housing, office buildings, schools, hospitals, restaurants, hotels and numerous other commercial, institutional and industrial settings.

Imposing a pesticide registration fee of \$120.00 per pesticide product registered in Alaska, as HB 19 proposes, will almost certainly result in a dramatic loss of pesticide products for commercial pesticide applicators, farmers, foresters and homeowners. While Alaska may be the only state without a pesticide registration fee, the state's many unique features make this anomaly perfectly understandable.

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The Honorable Jay Ramras

February 26, 2005

Alaska's remoteness, small population, short growing season and relatively tiny agricultural community make Alaska a rather small market for pesticide manufacturers. Such market forces do not justify a fee of \$120.00 per product. Even without a registration fee, representatives of pesticide manufacturers have told me that the driving force behind registering their products in Alaska is so they can boast that their products are registered in all 50 states and the District of Columbia.

Recognizing that pesticide fee legislation is largely the purview of pesticide manufacturers, NPMA almost never comments or gets involved in such issues. We could not, however, sit on the sidelines for HB 19. Imposing a \$120.00 per product registration fee in Alaska is bad public policy that will result in the loss of many valuable tools for pest management professionals and a lack of choice for both pest management professionals' customers and do-it yourselfers.

The lack of tools and consumer choice will lead to the reemergence of pests that are currently under check as well as a black market. I point to two facts to support these predictions. The loss of certain products the last several years has resulted in the reappearance of bedbugs. Almost unheard of in the late 1990s, calls to pest management professionals to manage this "nightmare" pest have skyrocketed. As for my latter prediction, our nation's standard of living has increased by leaps and bounds over the last 20 years, and modern society finds living with pests completely unacceptable. If effective, affordable pest control products are not available to Alaska homeowners in retail stores, I am quite sure they will consider purchasing such products over the Internet.

Since NPMA does not represent pesticide manufacturers, I will not pretend to know what, if any fee, with which they can live. Instead, NPMA respectfully suggests that the Committee authorize a study on the impact of instituting various pesticide registration fee levels. Consulting with pesticide manufacturer representatives is essential to a meaningful study. NPMA pledges its support in encouraging manufacturers to participate in good faith in such an exercise.

Alaska's commercial applicators do not currently pay an applicators' fee. Authorizing ADEC to charge up to \$25.00 seems like a fair starting point.

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The Honorable Jay Ramras

February 26, 2005

Pest management professionals do not have a problem paying their fair share. We would, however, ask that you and other members of the Committee remember that just last year the Legislature increased the annual state business license fee from \$25.00 to \$100.00, or \$50.00 for sole proprietorships. While happy to help bridge the state's budget shortfall, Alaska pest management professionals may greet additional measures that impose fees upon the industry with some skepticism.

Requiring applicators that apply pesticides in public places to meet some minimum level of competence seems like common sense, and NPMA has a long and successful tracking record of lobbying for these types of requirements. In fact, we were instrumental in getting a provision included in federal pesticide law encouraging states to adopt minimum training standards for professional and not-for-hire applicators. As a professional applicator group, we undoubtedly stand to benefit greatly from such a proposal and, in this case, are probably the epitome of a self-interested party.

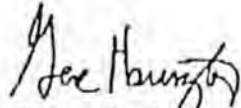
Still, from a philosophical standpoint, it is rather difficult to argue against applicators using pesticides in public settings meeting a baseline standard, and we applaud the intent of this provision. We understand, however, that some of the practical difficulties with implementing such a broad requirement were the topic of much discussion at the Committee's recent hearing.

Currently, Alaska's pesticide applicator rules require persons treating schools to be licensed. NPMA respectfully suggests a modest broadening of the current requirement to include licensed day care centers, government buildings, universities, multi-family housing, malls, cruise ships and parks. Regarding notification, NPMA does not believe there is a need or demand for such a broad notification requirement, and we respectfully ask that this provision be deleted from HB 19.

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The Honorable Jay Ramras
February 26, 2005

NPMA appreciates the your time and consideration of this matter. I encourage you to contact me at (800) 678-6722, ext. 130 or gharrington@pestworld.org should you have any questions.

Sincerely,



Gene Harrington

Manager of Government Affairs

Fees by Year - Drop Scenarios

With a GF/GF Match target reduction of \$119,300 & full funding of personal services

	0.00%	10.00%	15.00%	20.00%	25.00%	30.00%	35.00%	40.00%
FY06	\$72.27	\$80.30	\$85.03	\$90.34	\$96.36	\$103.25	\$111.90	\$120.45
FY07	\$62.31	\$69.23	\$73.30	\$77.89	\$83.08	\$89.01	\$95.86	\$103.85

With a GF Match target reduction of \$70,800 & full funding of personal services

	0.00%	10.00%	15.00%	20.00%	25.00%	30.00%	35.00%	40.00%
FY06	\$63.45	\$70.51	\$74.65	\$79.32	\$84.61	\$90.65	\$97.62	\$105.76
FY07	\$53.49	\$59.43	\$62.93	\$66.86	\$71.32	\$76.42	\$82.29	\$89.15

With a GF/GF Match target reduction of \$119,300 & funding for 1 position (\$89,500)

	0.00%	10.00%	15.00%	20.00%	25.00%	30.00%	35.00%	40.00%
FY06	\$59.15	\$65.72	\$69.58	\$73.93	\$78.86	\$84.49	\$90.99	\$98.58
FY07	\$40.00	\$44.44	\$47.06	\$50.00	\$53.33	\$57.14	\$61.54	\$66.67

With a GF Match target reduction of \$70,800 & funding for 1 position (\$89,500)

	0.00%	10.00%	15.00%	20.00%	25.00%	30.00%	35.00%	40.00%
FY06	\$50.33	\$55.92	\$59.21	\$62.91	\$67.10	\$71.90	\$77.43	\$83.88
FY07	\$31.18	\$34.65	\$36.68	\$38.98	\$41.58	\$44.55	\$47.97	\$51.97