

HB

19

24-LS0149Y
Bullock
2/11/05

CS FOR HOUSE BILL NO. 19()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES MEYER, Kerttula

A BILL

FOR AN ACT ENTITLED

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

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 37.05.146(c) is amended by adding a new paragraph to read:

5 (78) receipts of the Department of Environmental Conservation from
6 the registration of pesticides and broadcast chemicals and the licensing of pesticide
7 applicators under AS 44.46.025.

8 *** Sec. 2.** AS 37.10.058(2) is amended to read:

9 (2) "designated regulatory service" means a regulatory service
10 provided under the following regulatory programs:

11 (A) control of solid waste facilities under AS 46.03.020(10)(D)

12 and (E),

13 (B) regulation of the disposal of waste into waters of the state

14 under AS 46.03.100;

1 (C) certification of federal permits or authorizations under 33
2 U.S.C. 1341 (sec. 401, Clean Water Act);

3 (D) a coastal management consistency determination relating to
4 a permit or authorization issued under a program listed in (A) - (C) of this
5 paragraph, if the determination is made by the agency issuing the permit or
6 authorization;

7 (E) any authorization for the use or appropriation of water
8 under AS 46.15; [AND]

9 (F) administration of emission control permits for the air
10 quality control program under AS 46.14; and

11 (G) regulation of pesticides and broadcast chemicals
12 registered under AS 46.03.320(a)(4).

13 * Sec. 3. AS 44.46.025(a) is amended to read:

14 (a) Except as otherwise provided in AS 37.10.050 - 37.10.056, the Department
15 of Environmental Conservation may adopt regulations that prescribe reasonable fees,
16 and establish procedures for the collection of those fees, to cover the applicable direct
17 costs, not including travel except in the case of a designated regulatory service, as that
18 term is defined in AS 37.10.058, of inspections, permit preparation and administration,
19 plan review and approval, and other services provided by the department relating to

20 (1) agriculture and animals under AS 03.05; food, drugs, and
21 cosmetics under AS 17.20; and public accommodations and facilities under AS 18.35;

22 (2) certificates of inspection for motor vehicles under AS 46.14.400 or
23 46.14.510;

24 (3) drinking water systems under AS 46.03.720;

25 (4) water and wastewater operator training under AS 46.30;

26 (5) waste management and disposal authorization, under
27 AS 46.03.100;

28 (6) certification of laboratories conducting environmental analyses of
29 public drinking water systems or of oil or hazardous substances, or conducting other
30 analyses required by the department;

31 (7) certification of federal permits or authorizations under 33 U.S.C.

1 1341 (sec. 401, Clean Water Act);

2 (8) regulation of point source discharges of pollutants associated with
3 timber-related activities under the program authorized by AS 46.03.020(12);

4 (9) regulation of pesticides and broadcast chemicals registered
5 under AS 46.03.320(a)(4), with a reasonable fee not to exceed \$120;

6 (10) licensing of pesticide applicators under AS 46.03.320(b), with
7 a reasonable fee not to exceed \$25.

8 * Sec. 4. AS 46.03.320(a) is amended to read:

9 (a) The department may

10 (1) regulate the transportation, testing, inspection, packaging, labeling,
11 handling, and advertising of pesticides and broadcast chemicals offered for sale [,] or
12 placed in commerce for use in the state;

13 (2) regulate and supervise the distribution, application, or use of
14 pesticides and broadcast chemicals in any state project or program [,] or by a public
15 agency under the jurisdiction of the state;

16 (3) regulate or prohibit the use of pesticides and broadcast chemicals;

17 (4) register pesticides and broadcast chemicals for sale or
18 distribution.

19 * Sec. 5. AS 46.03.320(b) is amended to read:

20 (b) The department may provide by regulation: for the licensing of or
21 temporary license waiver for private applicators of restricted-use pesticides; [AND]
22 for persons engaged in the custom, commercial, or contract spraying or application of
23 pesticides and broadcast chemicals, and for other persons engaged in the spraying
24 or application of pesticides and broadcast chemicals in public places. A person
25 engaged in the custom, commercial, or contract spraying or application of pesticides
26 and broadcast chemicals may, by regulation, be required to secure a surety bond or
27 liability insurance.

28 * Sec. 6. AS 46.03.320 is amended by adding a new subsection to read:

29 (c) A person may not apply a pesticide or broadcast chemical in a public place
30 unless licensed by the department or otherwise authorized under a regulation of the
31 department. The department shall by regulation provide for reasonable public

1 notification, including written notice posted on the application site, when pesticides
2 and broadcast chemicals are applied in a public place. In this subsection, "public
3 place" means (A) that portion of a public accommodation to which access is not
4 ordinarily restricted to employees or residents; (B) common areas of an apartment
5 building or other multifamily dwelling; (C) that portion of a government office or
6 facility to which access is not ordinarily restricted to employees; and (D) outdoor areas
7 that the general public may frequent, including plazas, parks, parking lots, and public
8 sports fields. In this subsection, "public place" does not include a restaurant, hotel, or
9 motel.

10 * Sec. 7. This Act takes effect January 1, 2006.



ALPHA

ALASKA PUBLIC HEALTH ASSOCIATION

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**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. Lavigne, Executive Director
Alaska Public Health Association



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

Changes to HB 19 in CS HB 19 version 24-LS 0149\Y

HB 19

- **Sec. 1-** Adds receipts from the regulation of pesticides to the list of program receipts in AS 37.05.146.
- **Sec. 2-** Directs DEC to charge a \$115 annual fee to register pesticides and broadcast chemicals for sale or distribution in Alaska.
- **Sec. 3-** Conforming amendment to DEC's authority.
- **Sec. 4-** Requires and specifically details the provisions of a public notification program for pesticide applications in public places.
- **Sec. 5-** Requires government employees and subdivisions to comply with the notice requirement in section 4.
- **Sec. 6-** Effective Date

CSHB 19

- **Sec. 1-** Adds receipts from the regulation of pesticides and fees from the licensing of pesticide applicators, to the list of program receipts in AS 37.05.146.
- **Sec. 2-** Conforming amendment adding regulation and registration of pesticides and broadcast chemicals to the definitions in AS 37.10.058 (Public Funds) for accounting purposes.
- **Sec. 3-** [Corresponds to section 2 in the (G) version] Gives DEC the authority (rather than a directive to) to charge a reasonable fee for the registration of pesticides and the licensing of pesticide applicators. Sets a cap on fees at:
 - \$120 for registration.
 - \$25 for licensing.
- **Sec. 4-** Same as old section 3
- **Sec. 5-** Gives DEC the authority to temporarily waive the license requirements set in section 6.
- **Sec. 6-** Prohibits a person from applying a pesticide or broadcast chemical in a public place without a license, directs DEC to promulgate regulations that provide for reasonable public notice, and defines "public place."
- **Sec. 7-** Effective Date

Emails Related to HB 19 – Pesticide & Broadcast Chemical Regulation

From: Dr. Daniel J. Young [mailto:akyoungs@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 others 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 Fl.
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

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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 ACRRR - 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 one 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	\$285.00	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.

• INFORMATION PLEASE! NOTIFICATION AND POSTING OF URBAN PESTICIDE APPLICATIONS

Laws that require notification about planned urban pesticide applications and posting following application are common in the U.S. and have broad support. Half of the states have some kind of posting law, and more than half have notification laws. Posting and notification laws have the support of environmentalists, pesticide applicator trade organizations, and the U.S. Environmental Protection Agency.

Notification and posting laws can be aimed at all pesticide applications, or can target special concerns. Schools, parks, and hospitals are good examples of sites where notification and posting are high priorities.

Typical notification laws require pesticide users to notify people who may be exposed between 24 and 48 hours prior to application. The most effective laws also provide detailed information about the planned treatment and its potential hazards.

Typical posting laws use a standard sign. Posting is required for variable intervals up to 96 hours.

Notification and posting of pesticide applications gives any concerned person the opportunity to take precautions to avoid exposure to toxic chemicals. This information can be a powerful educational tool and can provide an impetus to change the approaches that are used for pest management and reduce pesticide use.

BY CAROLINE COX

The U.S. Environmental Protection Agency (EPA) is charged with regulating pesticide use so that these chemicals, "perhaps the only toxic substances that are purposefully applied to the environment,"¹ will not pose what the law defines as unreasonable risks.² As part of this mandate, EPA requires warning statements on pesticide product labels. "Avoid contact with skin, eyes, and clothing,"³ "Avoid breathing vapor,"⁴ or "Harmful if absorbed through skin,"⁵ for example, are common label warnings. Yet, because most pesticide applications, even those in public areas, occur without public notification, it is impossible to take the precautionary steps required by EPA. How do library patrons "avoid breathing vapor" of an insecticide that's been used in the library if they are unaware that the pesticide's been applied? How do picnickers "avoid contact" with an herbicide ap-

plied in their neighborhood park if they're unaware of the application? What if an individual needs or wants to take more precautions than those written on a pesticide label? One solution to this dilemma is posting and notification laws, laws that give the public information about which pesticides are applied, when, and where.

What Are Posting and Notification Laws?

Posting and notification laws are legal requirements that pesticide users notify the public about the applications they make. These include laws that require customers of pest control companies or adjacent residents to receive a written notice prior to a pesticide application, and laws that require signs to be posted after a treatment is made.

We use a broad definition of posting and notification and include any public notice of a pesticide application. Notification involves public notice prior to application. Often this takes the form of a registry so that notification is provided only to those who make a request. Posting involves the placement of signs on treated

areas at the time of application and for a specified interval afterwards.

In this article, we discuss posting and notification laws that are aimed at lawn care pesticides, landscape pesticides, or pesticide used in public buildings and multiple family residences. Notification and posting of agricultural pesticide applications is federally required by the Worker Protection Standard issued by EPA in 1992,⁶ as well as some state laws, and will not be included here.

A Broad Consensus Supports Posting and Notification Laws

Posting and notification laws have wide support. These laws are based on right-to-know principles, that "citizens exposed to substances which may pose significant risks to their health and well-being have a right to receive basic information"⁷ and that "those who undertake the activities which result in such exposures can generally be expected to bear the burden of providing such information."⁷ Posting and notification laws enjoy the kind of popular support that is shared by most right-to-know policies.

Caroline Cox is JPR's editor.

Pesticide user groups also support posting and notification laws. For example, Responsible Industry for a Sound Environment (RISE), representing the specialty pest management industry,⁸ supports posting at the time of application by professional applicators.⁹ The Professional Lawn Care Association of America (PLCAA) supports posting as long as there is uniformity among jurisdictions in the specific requirements. PLCAA also supports notification requirements, if they provide for notification by request only.¹⁰ The U.S. General Accounting Office surveyed five large lawn care firms that all support the PLCAA position.¹¹ Industry has stated that their support for posting and notification is based on their desire to be "good neighbors" and not because of risks posed by pesticides.¹²

EPA also has supported posting laws for lawn care pesticides, although its policy has never been issued in a final form. In its draft guidance, EPA stated that "pesticides are biologically active substances usually designed to have toxic effects on living organisms."⁷ "Accordingly," EPA continued, "citizens who may be exposed to such substances legitimately expect to be informed about significant exposures." EPA found that "among the

pesticides registered for use on residential lawns are chemicals which can cause a variety of adverse health effects if exposure is sufficient"⁷ and concluded that "one benefit of providing the information that a pesticide application has taken place via posting is to enable individuals who wish to do so to take steps to avoid exposure of themselves, their children, or their pets to the pesticide that has been applied in their community."⁷

Both Wisconsin and Connecticut have had posting and notification laws¹³ for about a decade that are supported by lawn care companies and public agencies.¹⁴

Posting and Notification Laws are Common

Because posting and notification laws can vary widely in scope, it is difficult to systematically survey state laws. However, all the surveys that NCAP has located show that this type of law is common.

According to *Farm Chemicals Handbook*, a guide to agricultural pesticides, a majority of states (29) have enacted laws requiring posting of pesticide applications. While two of these laws are limited to agricultural pesticides, most include or are directed at urban pesticide use.¹⁵ A similar survey by the trade journal *Landscape*

Management in 1997 found 24 states with posting requirements.¹⁶ NCAP estimates that 25 states have laws requiring posting of some urban pesticide applications, although their scope varies widely. (This estimate was made by combining the data from the *Landscape Management* survey with NCAP's survey of state laws. See Figure 1. Also, Table 1 gives specific information about the Pacific Northwest.)

The General Accounting Office (GAO) did a similar survey of state posting requirements in 1991. At that time, they found 16 states with posting laws.¹¹

A comparison of the GAO survey with the new ones shows that the number of state posting laws has grown by between 50 and 80 percent in the last seven years.

According to the GAO, at least 23 states require some kind of notification of lawn care pesticide applications.¹¹ *Landscape Management* identified 19 states with notification laws.¹⁶ NCAP's best estimate is that 26 states have laws requiring notification of some urban pesticide applications. (See Figure 1 and Table 1.)

Preemption

In 1991, the U.S. Supreme Court ruled that the federal pesticide law (the

Figure 1
State Notification and Posting Laws in The U.S.



"Posting/notification laws." 1997. *Landscape Management* (Dec.) 60-61.
Arizona Revised Statutes 15-152
California Food and Agricultural Code Sec. 12978.

Montana Code Annotated 80-8-107.
Texas Structural Pest Control Act 135b-6.

State level posting and notification laws are found in over twenty-five states. Many local jurisdictions have similar policies.

**Table 1
Posting and Notification Laws in Pacific Northwest States**

State	Notification Requirements	Posting Requirements	State Preemption of Local Regulations
California	Structural pest control companies must provide notice to owners and tenants of planned pesticide applications. In commercial buildings, notice must be posted in a conspicuous place. (California Business and Professions Code, Sec. 8538) Residents, physicians, and media must be notified at least 72 hours prior to any aerial eradication projects. (California Food and Agricultural Code Sec. 5771-5880)	Applications of pesticides to public property (including schools and parks) must be posted with warning signs if the pesticide used has a worker re-entry interval of at least 24 hours. (California Food and Agricultural Code Sec. 12978)	No local ordinance or regulation can prohibit or regulate any matter relating to the registration, sale, transportation, or use of pesticides. (California Food and Agricultural Code Sec. 11501)
Idaho	none	none	No local jurisdiction can adopt any ordinance regarding pesticide sale, use, or application; this includes notification of use. (Idaho Code 22-3426.)
Oregon	none	none	No local jurisdiction can adopt any ordinance regarding pesticide sale, use, or application; this includes notification of use. (Oregon Revised Statutes 634.055)
Montana	none	Indoor applications in publicly-owned buildings (offices, schools, libraries, museums, hospitals, dormitories) must be posted from the time an application is done until the pesticide is dry or the re-entry interval has expired. (Montana Code Annotated 80-8-107)	Local governments may not adopt standards more stringent than the state posting law. (Montana Code Annotated 80-8-107) Local government may not regulate the labeling, distribution, use, or sale of pesticides. (Montana Code Annotated 80-8-120)
Washington	Certified applicators making landscape or right-of-way applications must notify people on a pesticide-sensitive list maintained by the Department of Agriculture. (Revised Code of Washington 17.21.430) Certified applicators using power equipment for landscape or right-of-way applications must display a warning sign on the equipment. (Revised Code of Washington 17.21.400)	Certified applicators making landscape applications to unfenced yards, commercial properties, golf courses, parks, cemeteries, and rest stops must post signs at points of entry. (Revised Code of Washington 17.21.410)	none

Federal Insecticide, Fungicide and Rodenticide Act; FIFRA) did not preempt local authority to regulate pesticide use by businesses or individuals. State and local jurisdictions, the court ruled, have the right to enact pesticide regulations. In response to this ruling, many state legislatures (under pressure from the pesticide industry) passed "local preemption" laws that require such laws to be enacted at the state level.¹⁸ (See Table 1.) Preemption laws often apply to posting and notification requirements.

If you are planning to advocate for a posting or notification ordinance in your

community, it's important to first determine whether your state has passed a preemption law. If such a law has been passed, study the law carefully. Laws vary from state to state, and may provide opportunities. The preemption law in Michigan, for example, allows local jurisdictions to enact posting and notification ordinances, although other kinds of regulations must be enacted at the state level.¹⁹ Second, remember that preemption laws do not prevent local jurisdictions from enacting policies regarding their own pesticide use. For example, preemption laws do not prohibit a school board from en-

acting a policy that requires parents be notified about pesticide applications made in schools or on school grounds. Neither do preemption laws prohibit a city from enacting a policy that requires pesticide applications on city parks to be posted. You should encourage any of the agencies in your community that use pesticides to adopt such policies.

What Applications Need Posting or Notification?

There are arguments for making posting and notification laws as broad as possible. Simply, the more that people know

about the scope of pesticide use in their community, the more impetus they have to change their approach to pest management. Laws with a broad scope apply to public and private areas, target outdoor and indoor pesticide applications, apply to any type of pesticide, and provide notification to a wide audience.

For example, although posting and notification laws nearly always focus on commercial applicators, they can apply to homeowners who use pesticides on their own property. Homeowners apply an estimated 25 - 43 million pounds of pesticides annually, a significant proportion (between 52 and 64 percent) of the amount applied by industrial, government, and commercial applicators.²⁰ Omitting homeowners from a posting and notification law thus omits a significant amount of community pesticide use. EPA's draft guidance suggests including homeowners.⁷ Posting of homeowner pesticide applications is required in Connecticut (with the exception of small applications and those made in fenced

yards);¹³ and retailers are required to provide homeowners with warning signs in Wisconsin.²¹

The pesticide industry appears divided about including homeowners in posting and notification laws. PLCAA noted that a law that omits homeowners defeats the purpose of the law because so many pesticide applications are excluded.¹⁰ However, RISE does not support posting requirements for homeowners.⁹

On the other hand, for both political and educational reasons, a targeted posting and notification law that focuses on pesticide applications of particular concern can be invaluable. School or park pesticide use, for example, is often of concern because of the exposure to children. Other locations where pesticides pose special concerns include day care centers, hospitals and nursing homes, restaurants, public office buildings, and many others. Laws or policies focusing on these applications can be important tools for educating people about pesticide use and building support for use reduction.

Many posting and notification laws target only outdoor pesticide applications.^{13,22-24} Given that many people can be exposed by indoor applications in public buildings, such applications should be included when possible.

Some posting laws apply only to pesticides with EPA-mandated restricted entry intervals.^{25,26} Since these laws omit many pesticides, NCAP supports laws without this kind of restriction when they are politically feasible.

There is no consensus about the audience for notification laws. Many laws and policies provide notification only for those who request it,¹⁷ although some laws encourage requests by requiring that applicators ask their customers if they want notification.²⁷ Some laws provide notification only for those people whose need for notification is confirmed by a doctor.²⁸ Other notification laws target a specific group of exposed people. For example, school notification laws often require that school districts notify students, parents, and school employees.^{29,30} NCAP supports notification requirements that are as broad as are feasible.

Table 2
Useful Language in Notification and Posting Laws

Notification

... at least 24 hours before the pesticide is applied in a school, the school shall provide to each parent or guardian, and staff member:

- (i) the common name of the pesticide;
- (ii) the location of the application;
- (iii) the planned date and time of application;
- (iv) the following language:

"The Office of Pesticide Programs of the United States Environmental Protection Agency has stated:
"Where possible, persons who are potentially more sensitive, such as pregnant women and infants (less than two years old), should avoid any unnecessary pesticide exposure."; and
(v) a brief description of potential adverse effects based on the material safety data sheet of the pesticides to be applied.
(1998 Laws of Maryland, Chapter 461)

Posting

- (1) Signs shall be posted at least four days before application of the pesticide product and remain posted at least four days after application of the pesticide.
- (2) Signs shall be posted (i) at every entry point where the pesticide is applied if the pesticide is applied in an enclosed area, and (ii) in highly visible locations around the perimeter of the area where the pesticide is applied if the pesticide is applied in an open area.
- (3) Signs shall be of a standardized design that are easily recognizable to the public and workers.
- (4) Signs shall contain the name and active ingredient of the pesticide product, the target pest, the date of pesticide use, the signal word indicating the toxicity category of the pesticide product, the date for re-entry to the area treated, and the name and contact number for the City department responsible for the application.
(San Francisco Administrative Code Sec. 39.5)

The Details

During the enactment of a pesticide posting or notification law, many questions arise concerning the details of the law. What should the contents of a notification letter be? How much advance notification is appropriate? What kind of signs should be posted at the time of application? What should they say? How long should they remain up? How should posting and notification laws be enforced? Because the pesticide industry desires uniform regulations, it is often politically expedient to answer these questions in the way that they are commonly answered across the country. Compelling local reasons, however, may support a different approach. Consider the following issues:

Contents of a notification letter: The more specific information a notification letter provides, the more it educates people about pesticides. A good example comes from a new Maryland law requiring notification about indoor applications

in elementary schools. In addition to details about the upcoming application, the letter must include potential adverse effects of the pesticide being used (as stated on the material safety data sheet) and a warning statement about the hazards of pesticides to infants and pregnant women.³⁰ (See Table 2.)

Timing of notification: Typically, notification laws specify 24 to 48 hours advance notification,^{13,29} while some also provide for longer term notification for places with routine pesticide use (schools, golf courses, cemeteries).²⁵ For example, EPA draft guidance recommends that golf courses post a permanent sign reading "Pesticides are applied periodically to this golf course" with a chart containing information about specific applications as they are made.⁷

Contents of signs: EPA's draft guidance suggests that the sign used to post residential pesticide applications should be 4 inches by 5 inches, yellow with black lettering, and contain a graphic discouraging people from walking on the lawn. (See Figure 2.) The sign states "Pesticide Application," "Keep off," and the date of the application.⁷ Many states have adopted this standard sign.¹⁰ The back of the sign contains the name of the pesticide product and the name and contact information of the applicator. EPA recommends a similar, but larger (8 1/2 by 11 inches) sign for parks, school grounds, and recreational fields.⁷

Posting Interval: EPA's draft guidance suggests that signs remain up for 24 to 48 hours following a pesticide application.⁷ In publicly accessible buildings that are open for a standard five-day week, longer intervals (96 hours; see Table 2) are desirable because people who enter the building on Monday morning will not have information about applications done on Friday evening if the interval is only 48 hours. Similar logic applies to areas (parks, for example) that people often don't visit on a daily basis.

Enforcement: Compliance with posting and notification laws can be problematic. For example, when the New York attorney-general surveyed school districts

(within New York but outside of New York City) about whether or not they posted warning signs as required by state law for outdoor applications, only about 40 percent reported posting signs.³¹ Little monitoring of compliance has been done, but it seems clear that activists need to watch carefully after enactment of such a



Figure 2:

This is the standard icon on signs used to post lawn care pesticide applications.

law to see that the law is enforced. Enforcement of most pesticide-related laws is complaint-driven, so that enforcement action is dependent on someone first filing a complaint. Education of pesticide users and retailers by state agencies about the posting and notification requirements is crucial.¹⁴

Conclusion

Laws or policies requiring notification and posting of pesticide applications give concerned people the opportunity to take precautions to avoid exposure to potentially toxic chemicals. The information that's provided can be a powerful educational tool and provide an impetus for changing the approaches that are used for pest management and reducing pesticide use. These laws are supported by a widespread and strongly held belief that people deserve the right to know about toxic exposures; although common now, these laws need to be in force everywhere. *

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REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 20

Sponsor Statement

House Bill 19

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

House Bill 19 levies a registration fee for pesticide and broadcast chemicals registered for sale or distribution in the state of Alaska and sets public notice requirements for their application.

The Alaska Department of Environmental Conservation (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 \$115.00 per chemical fee levied in HB 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. HB 19 requires that public notice is given when these chemicals are used in or around a public place, or place of employment. The use of pesticides or chemicals on private property is not subject to the public notice requirements in HB 19.

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

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

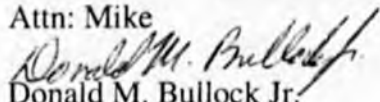
State Capitol
Juneau, Alaska 99301-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

January 11, 2005

SUBJECT: Sectional analysis for HB 19
(Work Order No. 24-LS0149\G)

TO: Representative Kevin Meyer
Attn: Mike

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. Adds a new subsection to AS 44.46.025 to require the Department of Environmental Conservation (DEC) to charge an annual registration fee of \$115 for the registration of a pesticide or broadcast chemical for sale or distribution in the state.

Section 3. Amends AS 46.03.320(a) to allow DEC to register pesticides and broadcast chemicals for sale or distribution.

Section 4. Adds a new section, AS 46.03.325, to AS 46.03. The new section requires a person spraying or applying a pesticide to provide public notice each time the person is going to spray or apply a pesticide, states the posting requirements for the notice, describes the form and content of the notice, and lists certain situations in which notice is not required.

Section 5. Amends AS 46.03.330(a) to require an officer, agent, or employee of the state, a borough, or city of any class, to comply with the notice requirements in AS 46.03.225 when spraying or applying a pesticide or broadcast chemical in any program or project involving state or local government funds or materials.

HB 19 SECTIONAL

Representative Kevin Meyer
January 11, 2005
Page 2

Section 6. 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:med
05-010.med

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.

Contact: Kristin Ryan, Director, Environmental Health Division, 907-269-7644,
email Kristin_Ryan@dec.state.ak.us

HOUSE COMMITTEE REPORT

(9)

Date Referred to Committee: January 10, 2005

FURTHER REFERRALS: Finance

Date of Committee Action: 02/28/05

The RESOURCES Committee considered:

HB 19

HOUSE BILL NO. 19

PESTICIDE & BROADCAST CHEMICALS

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

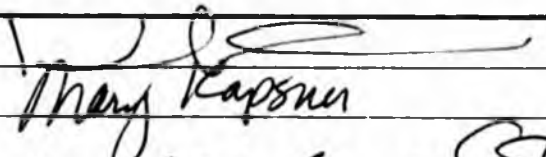
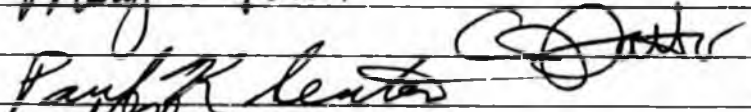
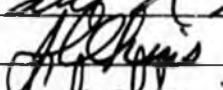
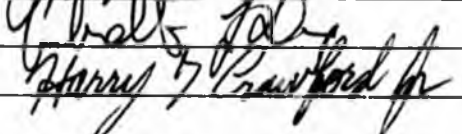


Recommends it be replaced with [] HCS or [] HCS for HB 19 (RES)
 For Senate Bills with new title: [] Technical Title [] New Title: HCR _____ [] Same Title [] New Title

- [] attach amendments
- [] add new referral to _____ Committee
- [] Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

<u>NEW FISCAL NOTES</u>				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
DEC		✓		

<u>PREVIOUS FISCAL NOTES</u>				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
DEC		✓		

<u>Signing with recommendations</u>	Printed Last Name	DP	DNP	NR	AM
	OLSON			✓	
Mary Kapsner	KAPSNER			✓	
	GATTU			✓	
Paul K. Seaton	SEATON	✓			
	ELKIN'S	✓			
Charles Seaton	WEDOUT	✓			
	CRAWFORD	✓			
Harry Crawford					
Chair: 	RAMRAS	X			
Chair: 	SAMUELS			X	

FISCAL NOTE

** DRAFT **

STATE OF ALASKA
2005 LEGISLATIVE SESSION

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

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
1003 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

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. CSHB 19

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 / 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:	100.00%	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.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

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

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title: Pesticide & Broadcast Chemicals RDU: Environmental Health
Component: Solid Waste
Sponsor: Representative Meyer
Requester: House Resources 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	88.8	30.4	30.4	30.4	30.4	30.4
Supplies	2.0	3.0	3.0	3.0	3.0	3.0
Equipment	13.9	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	274.8	266.3	259.9	259.9	259.9	259.9

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	379.5	379.5	379.5	379.5	379.5	379.5
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)	(70.8)
1004 GF	(33.9)	(42.4)	(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)	379.5	379.5	379.2	379.2	379.2	379.2
TOTAL	274.8	266.3	259.9	259.9	259.9	259.9

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 and increased enforcement and technical assistance with a registration fee. 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 3:55 PM
Approved by: Kurt Fredriksson, Acting Commissioner Date 2/22/2005
Agency: Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

BILL NO. HB 19

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 \$115.00 per label registration fee could generate up to \$632.5 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 \$379.5 in potential revenue. The fact that many of the pesticides registered in Alaska are not sold or used suggests that attrition will occur.

An Environmental Conservation Manager I will be hired to manage the statewide pesticide program, promulgate regulations, develop and implement the pesticide registration system, 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 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 \$50.0 are included in the first year for update of the registration tracking database, set up of the billing system, and development of a web delivered registration 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 \$115.00 registration fee, the pesticide program will be funded primarily with the federal grant and registration 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 in the third year, FY2008.

Personal Services New Position Detail

Department of Environmental Conservation
Implementation of HB 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 HB 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 HB 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:	100.00%	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.

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.

Douglas Owen

From: Dave Murray [dmurray@alaska.net]
Sent: Saturday, February 19, 2005 5:58 PM
To: Rep. Jay Ramras
Subject: HB-19

Representative Ramras: I have just learned about House Bill 19, and I want very much to urge your support of the Public Right to Know About [the Use of] Pesticides.

David F. Murray
1518 Moose Trail
Fairbanks AK 99709-6614

FEB 21 2005

Douglas Owen

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To: Rep. Jay Ramras
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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

FEB 21 2005

Subject: HB19 Wednesday Hearing

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

Douglas Owen

From: Dave Murray [dmurray@alaska.net]
Sent: Saturday, February 19, 2005 5:58 PM
To: Rep. Jay Ramras
Subject: HB-19

Representative Ramras: I have just learned about House Bill 19, and I want very much to urge your support of the Public Right to Know About [the Use of] Pesticides.

David F. Murray
1518 Moose Trail
Fairbanks AK 99709-6614

FEB 21 2005

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

FEB 21 2005

Douglas Owen

From: jai crapella [jaiping@yahoo.com]
Sent: Monday, February 21, 2005 9:44 AM
To: Rep. Jay Ramras
Subject: HB 19

Please support HB 19. The public has a right to be protected from the harmful effects of pesticides and herbicides.

thank you

Jai Crapella
1204 2nd St Douglas, AK 99824

Do you Yahoo!?
Yahoo! Search presents - Jib Jab's 'Second Term'

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-LS0149\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

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 any 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: Marina Lindsey [marina_lindsey@yahoo.com]
Sent: Tuesday, February 22, 2005 4:04 PM
To: Rep. Mary Kapsner; Rep. Harry Crawford; Rep. Paul Seaton; Rep. Kurt Olson; Rep. Gabrielle LeDoux; Rep. Carl Gatto; Rep. Jim Elkins; Rep. Jay Ramras; Rep. Ralph Samuels
Cc: arah@seacc.org; Representative_Beth_Kerrtula@legis.state.ak.us
Subject: Please support HB 19 - Notice of Pesticide Use

Dear Representatives,

I am writing to urge you to support HB 19. The public has the right to know when they could be exposed to pesticide use in public areas. As you know, pesticide related cancers are prevalent in our country, and children and pets are highly susceptible to the adverse effects of exposure.

Thank you for your support of this bill and for making Alaska a great place to live.

Sincerely,

Marina Lindsey
3431 Greenwood Ave.
Juneau, AK 99801

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

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



ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

ALPHA

FEB 21 2005

**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 as 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 as 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. Lavigne, Executive Director
Alaska Public Health Association

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.

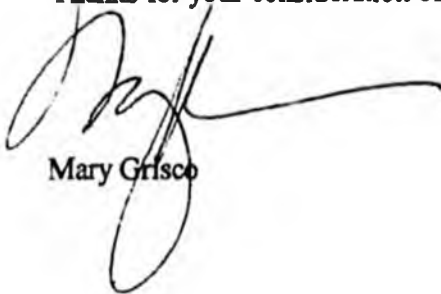
I'm pleased that Representative Meyer is sponsoring this needed legislation. As a longtime Alaskan who works in the health industry, I know good information helps us make reasonable decisions about our health.

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

Douglas Owen

From: Neil Wagner [nlights@xyz.net]
Sent: Wednesday, February 23, 2005 8:15 AM
To: Rep. Jay Ramras
Subject: HB 19

To Ray Ramras,

I would like to express my support for House bill 19. I am aware of the benefits and liabilities of pesticide use.

This bill takes a reasonable approach to management:

DEC should register chemical companies and charge a fee for it.

I believe that anyone who can apply pesticides in public areas should be certified in application techniques and guidelines.

DEC should have regulations for reasonable, on-site notice for the application of pesticides in a public place.

Thank you in advance for your support of this timely bill.

Sincerely,

Neil Wagner
POB 1801
Homer, AK 99603

907 235-6953

Douglas Owen

FEB 23 2005

From: Robert Andrews [andrews@aptalaska.net]

Sent: Wednesday, February 23, 2005 12:25 AM

To: Rep. Jay Ramras

Dear Representative

I believe that HB 19 is a very important piece of legislation aimed at the protection of all Alaskans. I urge you to support this timely bill.

Thank you,

Bob Andrews
HC 60 Box 3710
Haines, Alaska 99827

2/23/2005

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

FEB 23 2005

Douglas Owen

From: southeast sea kayaks [kayakketchikan@kpunet.net]
Sent: Tuesday, February 22, 2005 5:30 PM
To: Rep. Jay Ramras
Cc: Rep. Ralph Samuels
Subject: Support for HB 19

Kim Kirby
1430 Millar Street
Ketchikan
AK 99901

February 22nd 2005

Attention: Representative Jay Ramras on HB 19

Dear Sir,

I am writing to let you know that I think HB 19, an initiative to make the public aware about the use of pesticides, is a good thing for Alaska.

I think Alaskans have a right to know when and where these chemicals are being used so we have a choice in avoiding them, particularly as subsistence gathering of foods is so prevalent here.

As pesticides are so harmful to humans and the environment I would certainly want to know if they were being used locally in my area.

I hope you will see fit to support this measure and you submit my comments in the bill's record.

Yours sincerely,

Kim Kirby

From: Ryan, Kristin J.
Sent: Wednesday, February 23, 2005 11:32 AM
To: 'Representative_Jay_Ramrus@legis.state.ak.us'; 'Representative_Ralph_Samuels@legis.state.ak.us';
'Representative_Jim_Elkins@legis.state.ak.us'; 'Representative_Carl_Gatto@legis.state.ak.us';
'Representative_Gabrielle_LeDoux@legis.state.ak.us'; 'Representative_Kurt_Olson@legis.state.ak.us';
representative_paul_seaton@legis.state.ak.us; 'Representative_Harry_Crawford@legis.state.ak.us';
'Representative_Mary_Kapsner@legis.state.ak.us'; Representative_Kevin_Meyer@legis.state.ak.us

Cc: 'Mike Pawlowski'; 'cody_rice@legis.state.ak.us'; Brown, Benjamin
Subject: Committee Substitute for HB19-Y

Honorable Representatives -

The Department of Environmental Conservation supports this legislation. It provides for greater public health protection by requiring certified applicators and public notification in public areas and puts the expense of regulating pesticide use on the manufacturers who profit from the use.

Attached is a fact sheet DEC has created to explain how we would implement this legislation. We will be available at your hearing today to explain the details and answer questions.

<<CSHB19 what would DEC do.doc>>
Thanks,

Kristin Ryan
Director
Division of Environmental Health
Department of Environmental Conservation
555 Cordova St., Anchorage, Alaska 99501
907.269.7644 phone 907.269.7654 fax

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.

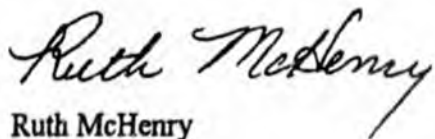
This legislation is all about giving information to the public so that each of us can make his or her decision about whether to enter an area where pesticides have been applied. In steering clear of the issue of whether a given pesticide is harmful or innocuous to humans, it gives us something we should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

**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.

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.

The 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 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.

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 of 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!

Douglas Owen

From: Dan Bogan [andlb1@uaa.alaska.edu]
Sent: Wednesday, February 23, 2005 12:41 PM
To: Rep. Kevin Meyer
Cc: 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: Thank you for sponsoring HB 19

Dear Representative Meyer:

As one of your constituents, I want to thank you for sponsoring HB 19. It's about time that the state of Alaska starts charging chemical manufacturers for registering their chemicals in our state. It only makes good sense to insure (as much as possible) the public's health by requiring those whose job it is to apply pesticides in public spaces to be trained and certified to do so. The public has a right to be notified when pesticides have been applied in public places so that they may take precautions accordingly. I hope that you will continue to sponsor and support bills in the legislature that are designed to protect public health and natural resources.

Dan Bogan
3910 Iona Circle
Anchorage, AK 99507

Sec. 18.80.300. Definitions.

(14) "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;

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(14) "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:

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

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



**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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Page Two

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.

Page Three

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.

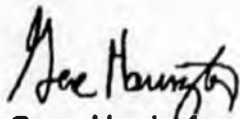
Page Four

The Honorable Jay Ramras

February 25, 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

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.

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 manufactures 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: Dave Murray [dmurray@alaska.net]
Sent: Saturday, February 19, 2005 5:58 PM
To: Rep. Jay Ramras
Subject: HB-19

Representative Ramras: I have just learned about House Bill 19, and I want very much to urge your support of the Public Right to Know About [the Use of] Pesticides.
David F. Murray
1518 Moose Trail
Fairbanks AK 99709-6614

FEB 21 2005

Douglas Owen

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

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

To: Rep. Jay Ramras

FEB 21 2005

Subject: HB19 Wednesday Hearing

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

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

FEB 21 2005

Douglas Owen

From: jai crapella [jaiping@yahoo.com]
Sent: Monday, February 21, 2005 9:44 AM
To: Rep. Jay Ramras
Subject: HB 19

Please support HB 19. The public has a right to be protected from the harmful effects of pesticides and herbicides.

thank you

Jai Crapella

1204 2nd St Douglas, AK 99824

Do you Yahoo!?

Yahoo! Search presents - [Jib Jab's 'Second Term'](#)

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-LS0149\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

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 any 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) Ferry General Manager

Mail@Paratex-PP.com

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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: Marina Lindsey [marina_lindsey@yahoo.com]
Sent: Tuesday, February 22, 2005 4:04 PM
To: Rep. Mary Kapsner; Rep. Harry Crawford; Rep. Paul Seaton; Rep. Kurt Olson; Rep. Gabrielle LeDoux; Rep. Carl Gatto; Rep. Jim Elkins; Rep. Jay Ramras; Rep. Ralph Samuels
Cc: arah@seacc.org; Representative_Beth_Kerrtula@legis.state.ak.us
Subject: Please support HB 19 - Notice of Pesticide Use

Dear Representatives,

I am writing to urge you to support HB 19. The public has the right to know when they could be exposed to pesticide use in public areas. As you know, pesticide related cancers are prevalent in our country, and children and pets are highly susceptible to the adverse effects of exposure.

Thank you for your support of this bill and for making Alaska a great place to live.

Sincerely,

Marina Lindsey
3431 Greenwood Ave.
Juneau, AK 99801

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/> .



ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

ALPHA

FEB 21 2005

**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.

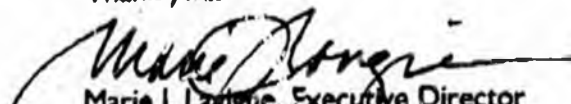
We firmly believe the right-to-know about chemicals in one's community, work place or near one's child's school is not only an important right in our democracy but a vital component of public health. HB 19 makes the commercial use of pesticides in public areas – such as schools, parks and municipal buildings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

Hazard reduction activities and Right-to-Know programs are as 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 as 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. Longie, Executive Director
Alaska Public Health Association

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

Douglas Owen

From: Neil Wagner [nlights@xyz.net]
Sent: Wednesday, February 23, 2005 8:15 AM
To: Rep. Jay Ramras
Subject: HB 19

To Ray Ramras,

I would like to express my support for House bill 19. I am aware of the benefits and liabilities of pesticide use.

This bill takes a reasonable approach to management:

DEC should register chemical companies and charge a fee for it.

I believe that anyone who can apply pesticides in public areas should be certified in application techniques and guidelines.

DEC should have regulations for reasonable, on-site notice for the application of pesticides in a public place.

Thank you in advance for your support of this timely bill.

Sincerely,

Neil Wagner
POB 1801
Homer, AK 99603

907 235-6953

Douglas Owen

FEB 23 2005

From: Robert Andrews [andrews@aptalaska.net]

Sent: Wednesday, February 23, 2005 12:25 AM

To: Rep. Jay Ramras

Dear Representative

I believe that HB 19 is a very important piece of legislation aimed at the protection of all Alaskans. I urge you to support this timely bill.

Thank you,

Bob Andrews
HC 60 Box 3710
Haines, Alaska 99827

FEB 23 2005

Douglas Owen

From: Nina Faust [fausball@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

FEB 23 2005

Douglas Owen

From: southeast sea kayaks [kayakketchikan@kpunet.net]
Sent: Tuesday, February 22, 2005 5:30 PM
To: Rep. Jay Ramras
Cc: Rep. Raiph Samuels
Subject: Support for HB 19

Kim Kirby
1430 Millar Street
Ketchikan
AK 99901

February 22nd 2005

Attention: Representative Jay Ramras on HB 19

Dear Sir,

I am writing to let you know that I think HB 19, an initiative to make the public aware about the use of pesticides, is a good thing for Alaska.

I think Alaskans have a right to know when and where these chemicals are being used so we have a choice in avoiding them, particularly as subsistence gathering of foods is so prevalent here.

As pesticides are so harmful to humans and the environment I would certainly want to know if they were being used locally in my area.

I hope you will see fit to support this measure and you submit my comments in the bill's record.

Yours sincerely,

Kim Kirby

Douglas Owen

From: Andy Hackman [ahackman@cspa.org]
Sent: Wednesday, February 23, 2005 1:29 PM
To: Rep. Jay Ramras
Subject: Opposition to House Bill 19
Importance: High
Attachments: AK HB19 testimony.doc

FEB 23 2005

Dear: Representative Ramras:

The Consumer Specialty Products Association (CSPA) is **opposed** to the provisions of House Bill 19 that would create an annual pesticide registration fee of \$115. We believe that this fee is **excessive and exceeds the true cost of the pesticide registration program.**

CSPA appreciates your consideration of our position on this important issue. Attached please find a written copy of CSPA's testimony on House Bill 19, while we are not able to testify in person we hope that this document clearly expresses our industry's position and is helpful to the Committee.

Please feel free to contact me directly if you have any questions or if there is another opportunity where we may present oral testimony on this legislation.

Respectfully Submitted,

Andy Hackman
Manager, State Affairs Programs
The Consumer Specialty Products Association
P: (202) 833-7328
F: (202) 872-8114

The Consumer Specialty Products Association

Testimony on Senate Bill 275

Submitted: February 23, 2005

**By: Andrew Hackman, Manager State Affairs Programs
To: House Resources Committee**

Representatives Ramras and Samuels, and distinguished members of the House Resources Committee, the Consumer Specialty Products Association (CSPA) is opposed to the provisions of House Bill 19 that would, among other things, create an annual pesticide registration fee of \$115 for the 5,500 pesticides brands sold in Alaska. We strongly 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.

Consumer and institutional pesticide products and antimicrobials play a vital role in protecting consumers from dangerous pests and biological contaminants. They help eliminate biological contaminants such as mold and bacteria (including many pathogens) that cause a variety of human health problems; and consumer and institutional pesticide products also protect against disease carrying pests such as cockroaches and rodents.

All of these 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 the State. Therefore, any fee will be a significant cost to our member companies. In view of the fact that many of these companies register hundreds of products in Alaska, an extreme 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, the proposed fee is superfluous of the cost of administering the registration program. According to Fiscal Note 1 on Senate Bill 275 of 2004 and our 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. The proposed \$115 fee exceeds the essential costs of the program.

The Consumer Specialty Products Association
Senate Resources Committee
February 23, 2005

Page 2 of 2

Therefore, CSPA urges you to amend House Bill 19 to eliminate this excessive pesticide registration fee.

CSPA appreciates your consideration of our industry's perspective on this important issue. Please feel free to contact me at (202) 833-7328 if you have any questions about CSPA's position on this important issue.

FEB 23 2005

Douglas Owen

From: Cathy Cooke [cookecath@hotmail.com]
Sent: Wednesday, February 23, 2005 6:22 PM
To: Rep. Jay Ramras
Subject: Pesticide Bill

Represtativ Ramras,

Please consider regulated pesticides in Alaska. My health has personally been affected in an extremely negative way due to pesticide exposure. In short, they make us very sick and even kill, not to mention what they do to the earth. I trust you will do the right thing. Here is what you need to remember:

- Pesticides are linked to serious health problems including certain cancers, reduced fertility, birth defects, neurological impairment, asthma, and endocrine disruption.
- Citizens of Alaska have a right to know where, when, and what toxic pesticides are being sprayed so they 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.
- 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 require 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.

Thank you for your time and concern,

Sincerely,

Cathy Cooke

Douglas Owen

From: Lawrence D. Weiss [ldweiss@gmail.com]
Sent: Thursday, February 24, 2005 11:00 AM
To: Rep. Jay Ramras; Rep. Ralph Samuels
Cc: Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux; Rep. Kurt Olson; Rep. Harry Crawford; Rep. Mary Kapsner
Subject: *****SPAM*****

Dear Representatives Ramras and Samuels:

Yesterday I waited at the Anchorage LIO for one hour and 45 minutes to give testimony regarding House Bill 19, but just when testimony was actually being taken (due to the late start), I had other obligations that I had to run out to attend to. Nevertheless, I would like to provide a copy of what I was going to say...

My name is Lawrence D. Weiss. I recently retired from UAA as Research Professor in Public Health. I was trained at Harvard School of Public Health. I am now Professor Emeritus at the University of Alaska Anchorage.

In addition, I am President of the Board of ACPP, and past President of the Alaska Public Health Association. Given my background and professional interests, you can see why I have a compelling interest in HB 19.

I want to thank Rep. Meyer for sponsoring this bill, and thank all the other legislators who do or will support this bill, because it promotes a critical public health principle: This bill promotes education of the public about matters that will affect their health, and the health of their children, and gives them the opportunity to make informed choices. Sometimes this principle is known as "right to know," but really, it is just old fashioned health education--not much different than the school nurse telling kids to wash their hands, or the doctor advising parents to have their children vaccinated.

What can an informed public do with this information? A parent who has a child known to suffer from asthma can find out that a possible asthma trigger has been applied indoors or outside. Armed with this critical knowledge, this parent will know to keep the child away from the area. This informed parent may well have prevented a serious asthma attack which would have landed the child in the emergency room. That would be a major medical expense that would be avoided by the knowledge given parents by the provisions of this bill.

So with this example, I want to emphasize that the monetary savings in costs to families and employers are very real when an informed public has the ability to make decisions to keep themselves healthy--and this bill gives the public the knowledge they need to make that decision.

Some parents are fully aware that the vast majority of pesticides and related chemicals are not specifically tested with regard to effects on children, despite a tremendous amount of scientific evidence that demonstrates that infants and children are far more sensitive to the effects of exposure to many harmful substances. These parents will have the option of keeping their children out of possible harm's way during the critical years of growth. This is a very reasonable public health decision--why risk the possibility of exposure when avoiding it is relatively easy, and the possible consequences can be quite serious?

I am not a toxicologist, but I am a trained and experienced public health professional. If there is any information I can provide to you in order to clarify any of these issues, please do not hesitate to ask.

Thank you for the difficult but important work you are doing.

Lawrence D. Weiss

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Douglas Owen

From: Ken(neth J) Perry [Mail@Paratex-PP.com]
Sent: Thursday, February 24, 2005 11:03 AM
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
Cc: ADEC - Kristin Ryan; Mike Pawlowski; Rep. Kevin Meyer
Subject: *****SPAM***** Note of Thanks and Clarifications.
Attachments: Committee Hearing Thanks and Follow-Up.pdf

Honorable Chairman, Mr Ramras;
Respected Members of the House Resources Committee:

I thank you again for your kind offer to allow me longer commenting time at the hearing yesterday. I felt that, even though the remaining testimony would be redundant, those people should have a right to be heard as well. Below are a few comments and clarifications I would like to have made had we been able. I also have not asked for large numbers of our supporters to present public testimony, nor urged an e-mail campaign such as the proponents have done. My personal feeling, as a businessman like you, is that facts, clearly presented one time, have more value than repetitive, often non-target verbiage in person or via e-mail. IF, however, you feel that your Committee needs to hear from our clients, or a cadre of other affected property owners, I will make an effort to provide you with such a mass E-mailing. My comments attempt to follow the order of their presentation according to my notes on the hearing.

Mr Meyer stated that there was currently no charge for training. While ADEC *certification* is free, the cost of ADEC required training, administered by UAF Co-Operative Extension, ranges from \$30.00-\$50.00 (and may easily increase in the future) and must be paid to receive initial certification as well as renewals. So any certification fee will be in addition to these already mandated charges.

Mr Samuels asked about flowers along a public walkway and about weed & feed etc. Yes, if enacted as law, this Bill will require written notification and certified applicators in all of those cases.

Mr Gatto asked about smoking areas, and the question of pesticides came up. It was stated that tobacco was not a pesticide, however Nicotine was a very popular insecticide used in the 40's & 50's and is still an active ingredient in several pesticides sold today.

Mr Seaton asked for a clarification of "Public Accommodation", and whether that would apply to a location such as the Conoco-Phillips Atrium. That expression means any place to which the public has implied access ("accommodates the public"), and so not only would the Atrium be included in the certification and notification requirements, but so would any office in the complex where anyone other than an employee might be allowed to visit or conduct business.

Ms LaDoux asked for further clarification of the term "broadcast chemicals". The term is most often used of any material wherein the material is "scattered" in various directions. This would include distribution from a dry spreader such as you might use on your lawn, or an aerosol can which can release any material into the air currents whereby it can move from the site of its actual release. As an example, a time dispenser in a bathroom releases a "broadcast chemical" called deodorizer into the room. The reason it is kept in regulation is so that some chemicals, such as fertilizers (natural and chemically produced) to name just one category, while not registered pesticides, can still be managed by the

regulation in which it is ensconced. So in this case, they would require the same certified applicator to apply and notification requirements be applied if enacted.

Mr Seaton also asked about the purchase and sale of wood preservatives (including paints) covered in **18 AAC 90**. The *seller* is not required to obtain certification unless the chemical (and I am not aware of any in his category) is a Restricted Use Pesticide and they are selling from within Alaska. Nor is a *seller* required to verify that the purchaser is certified unless it is an RUP. The *user* is not required to have certification to purchase any pesticide, but is only required to have it if he *uses* the product. It is in this capacity that he will be required to post a written notice any time he uses the material anywhere someone besides himself or an employee (such as a customer) might have any opportunity to visit.

Ms Ryan indicated that there are no monetary penalties for violating **18 AAC 90** regulations, and that is technically true as regards the code itself. However, they do have the authority to seek legal action through the State's Attorney and *level civil penalties* as a result. This is something I believe they have done a time or two through the years. She also indicated that restaurants are already covered under sanitation rules, but these rules do not specifically require any actual training on the use of pesticides. I appreciated that ADEC is not concerned about hotels because there is little risk of "long-term exposure", but should not the same principle apply to these randomly accessed "public areas"?

Mr Samuels asked about home businesses and the answer is yes. Since these invite public access, they fall under the "public accommodation" rules and will have to meet all of the enclosed new regulations.

During **Ms Hamilton's** (AK Farm Bureau) testimony **Ms Ryan** explained how the determination of fee amounts was decided. She explained that ADEC decided what its budget would be and divided the State portion (by subtracting Federal contributions) into estimated receipts (estimating a 40% drop on labels and a 100% increase in applicators) from Certification and Label Registration fees. My math indicates this would be \$359,100 from registrations and \$50,000 from applicators for a total of \$409,100. I did not incorporate the reductions in the first figure for the reductions in cost that may be given for new or low revenue items she spoke about. I am sure her Fiscal Note will be more specific, and look forward to seeing it if this Bill moves forward.

Dr Von Hippel stated that historical applications of pesticides against Spruce Bark Beetle (and other tree insects) were not successful. I am sure that one of our hundreds of customers who still have healthy Spruce in their yards can be convinced to share their shade with him over a glass of lemonade if asked to provide a rebuttal. As to his unsubstantiated claims of pesticide induced angina etc, I join with you in wishing him good health and a long life.

Ms Neenan's testimony helped to clarify part of the intent of this Bill. That it would "increase public awareness" as to pesticides, is in keeping with similar remarks made a year ago in MOA discussions by ACAT representatives that the expanded notification rules would "educate people to the dangers of pesticides" and 'provide more opportunity for neighbors to convince them (customer) not to use pesticides' (sic). As we stated then, it is not the government's role to pay for these tax-free anti-pesticide groups' propaganda, and certainly not to accommodate them to harass legal users of pesticides. Ms Neenan also referred to this Bill as a stepping stone to further anti-pesticide legislation that they have previously failed to successfully act in the AK Legislature. I am certain that is in their agenda.

As to the bulk of the supporting testimony heard yesterday, it should not be lost on this Committee that the issues raised as to chemical safety and unsubstantiated claims of pesticide related illnesses are not germane to this Bill. While they may serve the purpose of the proponents to strike fear into the hearers, they can only be addressed at the Federal level where these materials are tested and registered for use. OR, through ADEC, if they feel that a particular pesticide is not compatible with

Alaska's environment and should therefore not be registered for sale here. As an industry, we are concerned about any of these anecdotal stories, and therefore strive to use pesticides safely and as needed. EPA and the manufacturers also have all of these concerns in their minds and continue to give them appropriate consideration at all times. Again, notification can be made a part of any EPA label (and in some cases is) if they deem it appropriate. If in the future we decide to use any such labeled material, we will abide by those requirements, just as we have attempted to do for decades.

As was readily apparent from the testimony you heard yesterday, the issues raised by this Bill are extremely complex, and attempting to enact them in this manner is what an old Missourian friend of mine used to call a "shag-nasty" for you. While I recognize a potential desire to "let it through and the house will vote it down", I strongly encourage you to reject this Bill outright, or if that is not possible, that you dismiss any regulatory language from this Bill and reduce it to a revenue generating bill only. However, please do not rewrite it in such a way as to *replace* the DEC Pesticide Division needs from the General Fund. It will be impossible for them to work with any confidence in behalf of the citizens of Alaska if each day they have to worry whether they will garner enough funds 'this year' from new fees to maintain their staff toward the end of the fiscal year or for the next. Unlike the anti-pesticides obvious disdain for this department, I have come to have deep respect for the knowledge and education represented here, regardless of whether I agree or disagree with some of their actions. I have always supported increasing their department's budget rather than the constant decreases they have seen through the past several years. I urge you to send a message of support to this overworked and under-appreciated department and, as for the concerns we may all have about public right-to-know and balancing that with property rights, let ADEC decide as part of their already given mandate how to proceed. There are many alternatives to the strict language of this Bill that they can pursue, and I will be pleased, as in the past, to work with them on the decision making process. (One possibility I am aware of could even be offset by user fees paid by those demanding this regulation.)

Again, I thank this Committee most humbly for allowing my input. If I may be of any service to you, please do not hesitate to call or write.

Respectfully,

Kenneth J (Ken) Perry

Kenneth J (Ken) Perry General Manager

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Douglas Owen

From: Ryan, Kristin J. [Kristin_Ryan@dec.state.ak.us]
Sent: Thursday, February 24, 2005 4:52 PM
To: Rep. Kevin Meyer; Rep. Kurt Olson; Rep. Paul Seaton; Rep. Jay Ramras; Rep. Ralph Samuels;
Rep. Jim Elkins; Rep. Carl Gatto; Rep. Gabrielle LeDoux; Rep. Harry Crawford; Rep. Mary Kapsner
Cc: Mike Pawlowski; Brown, Benjamin
Subject: Follow up for hb19 testimony

Honorably House Resource Committee Members:

To follow up with my testimony on HB19, the definition in Statute of broadcast chemicals is:
Ser. 46.03.900. Definitions.

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

Also, a private apartment would not be considered a public space whereas the hallway or parking area would be. Under existing tenant/landlord laws, landlords should be giving notice before entering leased space. This provides the tenant an opportunity to deny entrance for spraying if preferred.

Regulations would need to establish the definition of "frequented by the public" that would most likely be based on the number of customers/public who enter the area daily. If the number is small, such as a book keeper out of their house, the business would be exempt from the public notification and certification requirements.

Thanks,

Kristin Ryan

Director

Division of Environmental Health

Department of Environmental Conservation

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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.

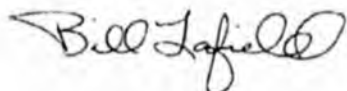
CSPA is a national nonprofit trade association representing over 240 companies engaged in the formulation, manufacture, distribution and sale of specialty products for consumer and institutional use. Our member companies produce a wide range of products including disinfectants, disinfectant cleaners, 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