

HB

19

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

REPORTED OUT
MAY 2 2005
SENATE FINANCE
COMMITTEE

DATE: 4/18/05

FURTHER:

DATE TURNED IN TO OFFICE: 2 May 2005

Finance Committee considered CS FOR HOUSE BILL NO. 19(FIN)

HB 19 PESTICIDE & BROADCAST CHEMICALS

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:
 Same Title
 New Title

SCS House Bill:
 Same Title
 Technical Title Change
 New Title w/ SCR # _____

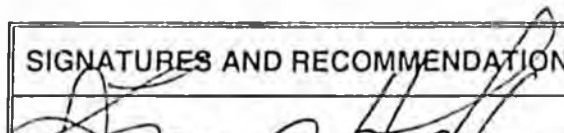
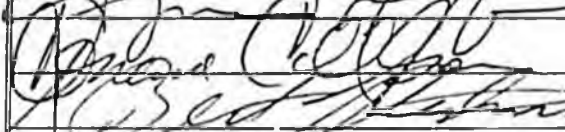
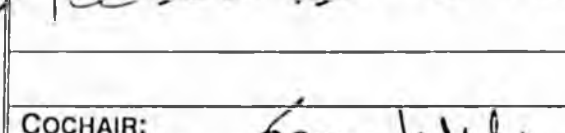
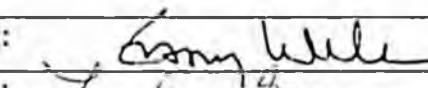

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#
DEC	4/21/05	221.6			

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Ind.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	Do PASS	Do NOT PASS	NO REC	AMEND
	✓			
			✓	
			✓	
COCHAIR: 			✓	
COCHAIR: 	✓			

REPRESENTATIVE KEVIN MEYER

HOUSE DISTRICT 30

Sponsor Statement

CS for House Bill 19

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

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

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

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

Approximately 5,500 chemicals are currently registered with ADEC. These chemicals are used for a wide variety of beneficial public purposes on public and private property. CSHB 19 requires that public notice be given when these chemicals are used in a public place. The definition of public place is limited to common areas of an apartment building, portions of government buildings, parks, plazas, and public sports fields.

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

(Updated 3/22/05)

CSHB19 – What would DEC do?

Registration Fees

- Would estimate fee at \$105 assuming certification fee exists
- Fee would cover program costs to regulate the use of the chemicals in Alaska

Certification

- Require all individuals who apply pesticides in public areas to become certified
- The cost would be \$25 annually with a free course and test every three years
- Public area includes: hotels, restaurants, parks, government buildings, parking lots, places of business etc. sections that are accessible by the public
- Develop a CD that trains applicators who can't attend a class in person

Public Notification

- Would vary by type of facility. Some examples:
 - Hotels – a note card in the room notifying the occupant chemicals may be used and to contact the manager if they have questions
 - Multi-family dwellings – a registration for occupants that want to be notified if spraying is to occur on the premise
 - Park Lot – signs posted stating spraying has occurred in the area.
 - Restaurants – exempt because they fall under the Alaska Food Code
- Promulgation of regulations with public and industry input

Fiscal Note

- Would replace all GF by FY 2008 with fees generated from chemical registration and certified applicator fees
- Would have a cost of \$105 yearly for registration
- Would include a yearly cost of \$25 for certified applicators
- Add three additional staff to implement the work of increased inspection, enforcement, and complaint investigation
- Reflect database improvement costs and regulation drafting expenses

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

Changes to HB 19 in CS HB 19 version 24-LS 0149I

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 for 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

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

HB 19

- Sec. 3 - (9)&(10) "a reasonable fee"
- After inserting new section 4
- Sec. 6 - AS 46.03.320 is amended by adding a new section to read: (c) A person may not apply a pesticide or broadcast chemical in a public place unless licensed by the department or otherwise authorized under a regulation of the department. The department shall by regulation provide for reasonable public notification, including written notice posted on the application site, when pesticides and broadcast chemicals are applied in a public place. In this subsection, "public place" means *(A) that portion of a public accommodation to which access is not ordinarily restricted to employees or residents;* (B) common areas of an apartment building or other multifamily dwelling; (C) that portion of a government office or facility to which access is not ordinarily restricted to employees; and (D) *outdoor areas that the general public may frequent, including plazas, parks, parking lots, and public sports fields. In this subsection, "public place" does not include a restaurant, hotel, or motel.*

(italicized and bold deleted)

CSHB 19

- ***New*** Sec. 4 - (c) In (a) (9) and (10) of this section, "reasonable fee" means a fee that does not unduly interfere with the conduct of commerce in the state.
- Renumber sections accordingly

Sec. 7 - AS 46.03.320 is amended by adding new subsections to read: (c) A person may not apply a pesticide or broadcast chemical in a public place unless licensed by the department or otherwise authorized under a regulation of the department. The department shall by regulation provide for reasonable public notification, including written notice posted on the application site, when pesticides and broadcast chemicals are applied in a public place. In this subsection, "public place" means (1) common areas of an apartment building or other multifamily dwelling; (2) that portion of a government office or facility to which access is not ordinarily restricted to employees; and (3) plazas, parks, and public sports fields. **(d) In this section, "multifamily dwelling" means a building that includes 10 more than four single-family dwellings.**

(Bold added)

ADAMS TECHNOLOGY SYSTEMS

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ADAMS TECHNOLOGY STATE PESTICIDE REGISTRATION SERVICE CENTER (ATSSC)

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

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

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

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

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

* Wisconsin Registration Fee Details

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

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

"NON-HOUSEHOLD" pesticides: \$0 to \$24,999 in sales pay \$325; gross sales between \$25,000 and \$74,999 pay \$1060; sales over \$75,000 pay \$3,060 PLUS 1.3% of the gross sales of the product in WI.

Introduced by: Chay
Date: 03/15/05
Action: Adopted as Amended
Vote: 8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH

RESOLUTION 2005-024

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

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

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

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

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

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

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

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

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

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

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

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

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

Emails Related to HB 19 – Pesticide & Broadcast Chemical Regulation

From: Dr. Daniel J. Young [mailto:akyoun@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 Pl.
City: Anchorage
Zip Code: 99507

Subject: HB 19

Dear Rep. Meyer,

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

Shannon Kuhn

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ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

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

Dear Members of the House Resources Committee:

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

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

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

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

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

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

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

Thank you.


Maria J. D'Angelo, Executive Director
Alaska Public Health Association

Pesticides and Public Health: The Importance of Public Notification

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- c) Olshan, A.F. et.al. 1993. Risk factors for Wilm's tumor. *Cancer* 72(3):938-944.
- ⁱⁱⁱSanborn, M. et.al. 2004. Systematic Review of Pesticide Human Health Effects. Publication of the Ontario College of Family Physicians.
- ^{iv}Gorell, J.M. et.al. 1998. The risk of Parkinson's disease with exposure to pesticides, farming, well water, and rural living. *Neurology* 50(5):1346-1350.
- ^vButterfield, P.G. et.al. 1993. Environmental antecedents of young-onset Parkinson's disease. *Neurology* 43(6):1150-1158.
- ^{vi}Fleming, L., et.al. 1994. Parkinson's disease and brain levels of organochlorine pesticides. *Ann. Neurol.* 36(1):100-103.
- ^{vii}Osborn, S. 2001. Do Pesticides Cause Lymphoma? Lymphoma Foundation of America. www.lymphomaresearch.org.
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April 6, 2005

The Honorable Thomas Wagoner
Alaska Senate
State Capitol, Room 427
Juneau, AK 99801-1182

Re: House Bill 19

Dear Senator Wagoner:

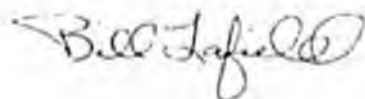
The Consumer Specialty Products Association (CSPA) is writing in regard to House Bill 19 that would, among other things, create an annual pesticide registration fee with a maximum fee of \$120 for the approximately 5,500 pesticides brands sold in Alaska. CSPA is not opposed to reasonable pesticide registration fees; however, we believe the maximum fee designated in this bill is too high and should be reduced to a more reasonable level (*i.e.* \$85 per product).

CSPA is a national nonprofit trade association representing over 245 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 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.

CSPA believes that the maximum allowable pesticide registration fee should be reduced. According to Fiscal Note 2 on House Bill 19, the receipt authority to the Department of Environmental Conservation (DEC) for this fee is \$280,500. Therefore, if all 5,500 current registrants were to continue to register products this fee would be approximately \$51 per product. DEC suggests that 40% of registrants would drop registrations in Alaska if a fee is implemented. CSPA believes this estimate is *too* large and that only a few companies would reduce their registrations in the state. However, if there *was* a 40% drop in registrations the fee would still *only* be approximately \$85 per product. Therefore, we believe this legislation should be amended to specify that the pesticide registration fee *should not exceed \$85 per product*. CSPA believes this fee maximum is reasonable and would meet the needs of DEP for the foreseeable future.

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

Sincerely,



William L. Lafield
Vice President State Affairs

cc: Senate Resources Committee Members
Representative Kevin Meyer
Kristin Ryan, Department of Environmental Conservation

LEGAL SERVICES

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

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Mail Stop 3101

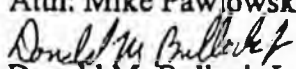
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 2, 2005

SUBJECT: Sectional analysis for HB 19, version 24-LS0149I

TO: Representative Kevin Meyer
Attn: Mike Pawlowski

FROM: 
Donald M. Bullock Jr.
Legislative Counsel

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

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

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

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

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

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

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

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

Representative Kevin Meyer
March 2, 2005
Page 2

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

If I may be of further assistance, please advise.

DMB:jad
05-133.jad



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Anchorage, Alaska 99518-1105
www.aklung.org
Fax: (907) 565-5587

April 28, 2005

Senator Lyda Green
Co-Chair Senate Finance Committee
State Capitol, Room 516
Juneau, AK 99801-1182

Re: House Bill 19 "An act relating to pesticides and broadcast chemicals; and providing for an effective date."

Dear Senator Green,

American Lung Association of Alaska is dedicated to our mission of preventing lung disease and promoting lung health in Alaska. In 2004, ALAA celebrated 70 years in Alaska, making us one of the oldest voluntary health organizations in the state. Founded in 1934, the ALAA was a primary force in winning the battle against the tuberculosis epidemic. We now work daily to reduce tobacco addiction, improve air quality, and fight asthma and other lung diseases.

American Lung Association of Alaska supports House Bill 19 which levies a registration fee for pesticides, requires certification for individuals who apply pesticides and requires notification for pesticide application. HB 19 will help provide valuable information and protect Alaskans health.

Asthma is a chronic, potentially fatal inflammatory disease of the respiratory system. Nearly one-third of people with asthma are children. Asthma is the number one cause of hospitalization among children, the number one chronic health condition among children, and the leading cause of school absenteeism.

According to the Journal of the American Medical Association (JAMA), asthma can be triggered by pesticides. Several types of pesticides are known to cause allergic reactions or airway constriction. Because pesticides have been linked to this very serious health condition, it is imperative the public know when and where pesticides are being sprayed so they can avoid exposure. ALAA would appreciate your support of HB 19. It could be a matter of life or death to someone with asthma.

Sincerely,

Christa Garba, CEO
ALAA

Honorable Chair Persons Ms Green and Mr Wilken
Honorable Senators, Guests:

I am Ken Perry, a life long Alaskan and General Manager of PARATEX Pied Piper - Alaska's oldest Pest Management Company. I also represent Certified Applicators in Alaska, and speak by permission of the National Pest Management Association and a major chemical manufacturer's group known as RISE. As you are aware, I have been involved in this Bill since Mr Meyer first kindly asked us to meet with his assistant Mr Pawlowski and representatives from ADEC some months ago. I am grateful for this consideration on their part. At that time, I addressed the same concerns I have addressed continually through many committees, and have offered reasonable solutions as well. Frankly, the document before you today is so far removed from the original intent of the sponsors, that I am amazed it still has support. In that vein, I submitted to you via e-mail yesterday a workable set of amendments that can return the Bill to its original course and meet most of our concerns. I urge you to either adopt those amendments or send the Bill back to the sponsor to achieve those same goals.

On the issue of pesticide safety, the barrages of comments you are receiving from certain environmentalists have already been addressed at the Federal level. While they certainly have every right to be heard on their claims, it is still the EPA who makes the decision on what chemicals can be safely used, when and where. While a pesticide free environment might seem to be a goal for them, we should not ignore the desire of others for a pest free environment. Their choices to buy products to achieve their desire should not be denied by excessive fees levied against the manufacturers, who will then simply remove their availability from the Alaska marketplace. Nor should the concerns you have raised about five to ten products which they continually reference require 4600 other products to be punished. If you have not done so, I would urge you to request a current list of the 4620 currently registered pesticides. The first thing you will notice is that the vast majority (perhaps 80%) are sanitizing agents, wood preservatives and animal care products. Continue to peruse the list for products that are "specialty use" items, registered and sold in small volumes to someone in Alaska or have trade store names that do not exist in our state. As you will see, very few of them, perhaps 4 percent, are used by the professional applicators, and many of those are used once or twice a year.

I would urge this committee to take the reasonable and responsible approach to this matter, not the inflamed and passionate but seriously misdirected sledge hammer one you see before you. Consider your decision carefully as the eyes of many major companies who may choose to do business with our state in the future are upon you.

I am available to you for any questions at this time.



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Sincerely,

Christa Garba, CEO
ALAA

SENATE COMMITTEE REPORT

DATE: 3/24/05

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/15/05

Resources Committee considered CS FOR HOUSE BILL NO. 19(FIN)

HB 19 PESTICIDE & BROADCAST CHEMICALS

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

and recommends:

- be replaced with _____ CS _____ (_____)
- adopt previous _____ CS _____ (_____)
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to _____ Committee

CS Senate Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
SCS House Bill:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#
1/FI/DEC	3/10	.			2

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:

	DO PASS	DO NOT PASS	NO REC	AMEND
Elton <i>[Signature]</i>	✓			
Gross <i>[Signature]</i>				✓
Dyson <i>[Signature]</i>			✓	
Seckins <i>[Signature]</i>	✓			
Stedman <i>[Signature]</i>			✓	
B. Stevens <i>[Signature]</i>	X			
Wagner CHAIR: <i>[Signature]</i>			✓	

Talking Points HB 19 Senate Finance

- Thank you Madame Chair, members of the committee.
- The intent behind House Bill 19 is twofold:
 - To eliminate the state general fund obligation for a required state pesticide program.
 - To provide reasonable protections for the public health.
- Speaking on General Funds, Mr. Chairman.
 - The way state pesticide programs work is that the EPA approves a pesticide for sale in the United States and then each state registers the pesticide for sale in the particular state.
 - The state agency, in our case, DEC, is also responsible for registration, inspecting and enforcing the requirements that the EPA puts on the handling, distribution, and sale of these chemicals.
 - The cost of this program has been paid for with general funds.
 - Every state except for Alaska has charged a fee on chemical manufacturers to help pay for the costs of state programs. They expect it.
 - That is how every other state pays for their program.
 - The department estimates that the annual fee will be \$85.
 - We have ensured that the imposition of the fee is flexible allowing the department to waive fees for products with limited use in the state.
 - This would make Alaska the 11th cheapest state in the country.
- In addition to funding the state's existing pesticide regulatory program, House Bill 19 takes two important steps in protecting the public health.
- House Bill 19 requires that when pesticides are applied in a public place, they are applied by a certified applicator and that reasonable public notice is posted.

→ Wet paint

- The definition of a public place, is limited to:
 - Common areas of an apartment building or multi-family dwelling,
 - Portions of a government facility
 - Parks, plazas, and public sports fields. → not golf courses
- HB 19 targets the important places where the public tends to feel safe, for example in a park
 - **But**, House Bill 19 does not impact private business or private property like your home.
 - What House Bill 19 does is require notice when pesticides are applied in a very narrow set of places.
 - With public notice, Alaskans are given the freedom to choose whether or not they expose their children, their pets, or themselves to pesticides at a public park.
 - Maybe they are asthmatic and need to know.
 - This is the right to know portion of House Bill 19.



I describe the public notice process in House Bill 19 as akin to putting up a wet paint sign.

- Mr. Chairman, I have worked on House Bill 19 with a wide variety of parties ranging from the conservation community, the agricultural community, chemical companies, hospitality industry, and the real-estate groups.
- The current version of House Bill 19 is a carefully crafted compromise and I urge your support.