

**SB**

**288**

# ALASKA STATE LEGISLATURE

Co-chair, Joint Armed Services  
Committee

•  
Resources Committee

•  
Judiciary Committee

•  
Transportation Committee



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## SENATOR BILL WIELECHOWSKI

March 2, 2008

Senator Bettye Davis, Chair  
Senate State Affairs Committee  
Room 30, State Capitol  
Juneau, Alaska 99801

I respectfully request a hearing on SB 288 and SJR 18, which seek to limit Alaska children's exposure to toxic chemicals.

Children, teachers, and other staff members spend a significant part of their lives in school buildings and are exposed to chemicals from a plethora of sources. SB 288 seeks to prevent unnecessary exposure of children and staff to chemical pesticides, provide notification to parents and guardians when pesticides are used, and to provide a healthy learning environment through promoting non-chemical pest prevention and control. The Anchorage School District already follows a similar plan, so we'd like to extend the protection to children all over Alaska.

SJR 18 requests the federal government in to test the materials used in toys and other children's products for toxicity. Currently the regulatory agency only conducts tests to determine if a toy presents a choking, aspiration or ingestion hazard but relies on toy and child product manufacturers to self-regulate the materials used in their products.

These changes will help ensure our children's safety and health. Thank you for your speedy consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Wielechowski".

Senator Bill Wielechowski

# ALASKA STATE LEGISLATURE



Co-chair, Joint Armed Services  
Committee

•  
Senate Resources Committee

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Senate Judiciary Committee

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Senate Transportation Committee

*Session:*  
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## SENATOR BILL WIELECHOWSKI

### **Senate Bill 288: Pesticides in Schools Sponsor Statement**

SB 288 seeks to prevent unnecessary exposure of children and staff at schools to chemical pesticides, provide notification to parents and guardians when pesticides are used, and provide the healthiest learning environment, playgrounds and playfields as possible through promoting nonchemical pest prevention and control.

Children, teachers, and other staff members spend a significant part of their lives in school buildings and are often exposed to toxic pesticides. Pesticide exposure at school can occur whether applications are made before children enter the building or while they are present. Chemicals fill the air and settle on desks, counters, shades, and walls. Children and staff breathe in contaminated air or touch contaminated surfaces, unknowingly exposing themselves to residues that can remain for days. In addition, children's normal behaviors, such as crawling on the ground and putting their hands in their mouths, can result in exposures not faced by adults. The United State Environmental Protection Agency estimates that human exposure to air pollutants indoors can be two to five times, occasionally up to 100 times higher than outdoor levels. The National Academy of Science estimates that 25 percent of learning and behavioral disabilities in children are due to exposure to neurotoxic pesticides.

The National Education Association and numerous other public interest organizations have announced support for the reduction of pesticide use at schools. The National Parent Teacher Association passed a resolution in 1992 calling for the reduction of pesticide use at schools and calling on policy makers to consider all possible alternatives before using pesticides. The Anchorage School District already follows a plan for non-chemical pest prevention and control, with pesticides used only as a last resort.

Please join us in passing this critical legislation for all Alaskans—protecting our children, teachers, and staff from unnecessary exposure to chemicals.

## **Sectional Analysis SB 288**

### **Section 1.**

Legislative findings on the danger and use of pesticides, the connection between pesticide use and asthma, the health care costs of asthma, and the increased exposure of children and staff in schools to pesticides used there. The intent of the Legislature to minimize this exposure.

### **Section 2. Article 5. Pesticide Use at Schools**

#### **Sec 14.33.300 Pest Management in Schools**

- a) The use, handling, storing, and disposal of pesticides on school grounds as provided in this bill.
- b) Other available safe alternative nonchemical methods of pest prevention have to be tried and fail before pesticides can be used.
- c) Governing body of a school district will adopt a policy for approval of pesticide use while reducing exposure to students, prohibiting the use of the most toxic pesticides as defined by the Environmental Protection Agency, and requires pest management strategies that will minimize the need for pesticides

#### **14.33.310 Notification of Pesticide Use**

Requires the notification and posting of planned pesticide use between 2-5 days prior to application. (Currently, notification is only one day prior.) In emergency cases, a waiver can be obtained from DEC for this notification.

#### **14.33.320 Record Keeping**

Requires the maintenance of a written or electronic record of pesticide use on the grounds for at least 5 years and available at public request.

#### **14.33.350 Definitions.**



## **ALASKA CENTER *for the* ENVIRONMENT**

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March 3, 2008

The Honorable Bill Wielechowski  
Alaska State Senate  
Alaska State Capitol  
Juneau, Alaska 99801-1182

Dear Senator Wielechowski,

I am writing to offer our support for SB 288, "An Act relating to the procurement, use, storage, and handling of pesticides and broadcast chemicals; and relating to notice and record keeping requirements pertaining to pesticides."

As you know, ACE is a non-profit environmental education and advocacy organization. Founded by a group of concerned Alaskans in 1971, ACE is the largest grassroots conservation organization in Alaska with over 6,000 members a vast majority of which are Alaskan residents. Thousands of Alaskans find expression for their conservation values through membership in ACE's values of balance, common sense, and long-range stewardship in managing our natural resources.

SB 288 is important to our organization because it would prevent the unnecessary exposure of children and staff to highly toxic pesticides in schools. This legislation promotes alternatives, requiring that the 'least amount of the least toxic' as the only exception. SB 288 is important because pesticides are a risk factor for several types of cancer in children - non-Hodgkin lymphoma, leukemia, and Wilm's tumor. These consequences can easily be avoided by understanding the risks involved with the use of pesticides and the alternatives available.

On behalf of our staff, board, and members thank you for introducing this important piece of legislation to protect Alaska's communities.

Sincerely,

Randy Virgin  
Executive Director

# FISCAL NOTE

**STATE OF ALASKA**  
**2008 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 288  
 () Publish Date: \_\_\_\_\_

Identifier (file name): SB288-DEC-SW-3-10-08 Dept. Affected: Dept. of Environmental Conservation  
 Title: Pesticides/Broadcast Chemicals in Schools RDU: Environmental Health  
 Component: Solid Waste  
 Sponsor: Senator Wielechowski  
 Requester: Senate HESS Component Number: 2344

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
<b>OPERATING EXPENDITURES</b>							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
<b>TOTAL OPERATING</b>		*** INDETERMINATE ***					

<b>CAPITAL EXPENDITURES</b>							
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<b>CHANGE IN REVENUES ( )</b>							
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other interagency Receipts							
<b>TOTAL</b>		*** INDETERMINATE ***					

Estimate of any current year (FY2008) cost: Indeterminate

**POSITIONS**

Full-time							
Part-time							
Temporary							

**ANALYSIS:** (Attach a separate page if necessary)

The fiscal impacts of SB 288 to the Department of Environmental Conservation (DEC) cannot be determined without further information.

The following items would need to be clarified in order to prepare a statement of costs:

1. How much involvement will DEC have in providing technical assistance to school administrators under 14.33.300(b) and (c)? This will impact the number of additional technical assistance staff required? This would include technical assistance for the following items:

(Continued on Page 2)

Prepared by: Kristin Ryan, Director  
 Division: Environmental Health  
 Approved by: Dan Easton  
Department of Environmental Conservation

Phone 269-7645  
 Date/Time 3/10/08 12:00 PM  
 Date 3/11/2008

**FISCAL NOTE**

**STATE OF ALASKA  
2008 LEGISLATIVE SESSION**

**BILL NO. SB 288**

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**ANALYSIS CONTINUATION**

- a. Evaluating "safe nonchemical alternatives";
- b. Defining "property damage";
- c. Evaluating "avoidance of health effects related to an identified pest";
- d. Defining "potentially harmful pesticides"; and
- e. Defining an "emergency".

2. What type of enforcement is expected to ensure compliance with 14.33.300(b), 14.33.300(c), 14.33.310(a), and 14.33.320? This will impact the number of additional inspectors required. This would include enforcement/inspections for the following items:

- a. Has the school administrator unsuccessfully tried "safe alternative nonchemical methods" and documented the results?
- b. Has the school administrator properly documented any pesticide use only for the prevention of property damage or to avoid health effects related to an identified pest? What documentation is required?
- c. Has the school administrator prohibited the use of Category I and II pesticides, unless approved by DEC?
- d. Has the school administrator completed appropriate documentation and notification? What documentation is required?
- e. Has the school administrator kept appropriate records of all pesticide use?

3. What role is expected from DEC under 14.33.310(b), "The Department of Environmental Conservation may waive the 48-hour notification requirement under (a) of this section in an emergency, as defined by the department?" The interpretation of "emergency" will impact the number of hours required to ensure compliance with this section.

4. Incremental staff time will be required to revamp the current regulations under 18 AAC 90, sections 90.300(a)(9), 90.420, 90.615, and 90.625.

5. Depending on the role of DEC as defined in the questions above, incremental staff time will also be required to conduct extensive outreach to schools throughout the state to educate school administrators regarding the new requirements.



# Alaska Conservation Alliance

*Uniting for Alaska's Future*

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March 10, 2008

The Honorable Senator Wielechowski  
State Capitol  
Juneau, Alaska 99801

**Re: SB 288 – Pesticides/Broadcast Chemical in Schools**

Dear Senator Wielechowski,

On behalf of the Alaska Conservation Alliance (ACA), a consortium of 40 Alaska-based conservation groups, I would like to express our enthusiastic support for SB 288, an act limiting the amount of toxic pesticides children are exposed to in schools in Alaska. In fact, ACA member groups chose the issue of pesticides in Alaskan schools as a top priority at the Annual General Meeting last November.

The use of pesticides in schools is a concern for ACA because of the health risks to children and the environment. As you know, exposure to pesticides has been linked with cancer, birth defects, asthma, endocrine disruption, acute poisoning, impaired neurological development in fetuses and infants, lymphoma, leukemia, and other human health effects. The National Academy of Sciences estimated that 25% of learning and behavioral disabilities in children are the result of exposure to neurotoxic pesticides. Pesticides are particularly dangerous to children because they take in more pesticides pound-for-pound than adults and their brains and other organs are still developing. For example, a child's lungs do not fully develop until between six and eight years, making their respiratory system particularly vulnerable to pesticides.

Pesticides have been shown to both cause asthma and trigger asthma attacks in individuals already suffering from the disease. Dr. Ruth Etzel, MD, PhD, from the George Washington University School of Public Health and Health Services wrote that "epidemiologic studies suggest that children with asthma may breathe easier if they are exposed to fewer pesticides at home and at school." Of the 48 pesticides commonly used in schools, studies have shown the 39 may contribute to asthma. When you consider that children spend an average of 30 hours a week at school it becomes even more imperative that we reduce the use of pesticides in and around schools.

While it is difficult to quantify the cost of pesticide related illnesses in children, asthma can be used as a proxy. As explained above, pesticides can cause asthma in children and can cause asthma attacks in children already suffering from the illness. In the 2006 report from the Alaska Department of Health and Social Services, "Asthma in Alaska", the Department reported that approximately 11,000 children in Alaska have asthma. Asthma is the most common chronic illness in children and the most common reason for school absence. As mentioned above, asthma can be triggered by pesticide exposure. On average, every time an Alaskan child is admitted to

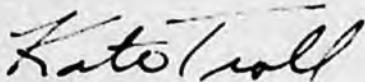
the hospital for an asthma attack the cost of that hospital stay is \$7,333. The total cost of asthma related hospital visits for children under the age of 15 between 2001 and 2004 was \$4,487,664. This is a significant burden on parents and health care providers in Alaska that has the potential to be lessened by exposing children to fewer pesticides in schools.

Critics of this bill will argue that eliminating the use of EPA Class I & II pesticides will cost schools money and limit the tools available to school administrators. On the issue of cost, preliminary data suggests that the long-term costs of using fewer pesticides and putting more energy into prevention may be less than conventional pest management practices. However, there are short-term expenses including training, purchasing new equipment, and making repairs to school buildings. Making these initial investments will hopefully result in the need for fewer pesticides, exposing fewer school children to these toxics.

While schools will have to alter their pest management strategies to place more emphasis on prevention, fears that schools will be adversely limited in pest management techniques are also unfounded. The Anchorage School District (ASD) has already actualized success in limiting pesticide use. In 2000 the Anchorage School Board approved ASD Memorandum #199 from February 14, 2000, mandating that the ASD Superintendent "establish a pest management plan" that uses "non-chemical pest prevention and control first...with pesticides used only as a last resort." All students in Alaska's schools deserve this same level of protection from exposure to pesticides and this bill would do just that.

This bill would raise the policy bar in Alaska and provide our kids equal protection from unnecessary pesticide applications. Alaska Conservation Alliance would like to join the National Parent Teacher Association, the National Education Association, 33 other states and over 400 school districts, including the Anchorage School District, in urging the reduction of pesticide use in schools. ACA believes that the tool to accomplish this is SB 288. SB 288 would prevent the unnecessary exposure of children and staff at schools to pesticides at an acceptable cost and we encourage the swift passage of this bill. Thank you for bringing this issue to our attention and taking proactive measures to ensure the health and safety for children in Alaska's schools.

Sincerely,



Kate Troll  
Executive Director

CC: Senator Davis  
Senator Thomas  
Senator Cowdery  
Senator Elton  
Senator Dyson