

**SB**

**173**

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173</SUBJECT><COMM>SJUD30</COMM></TARGET>

# Senator Peter A. Micciche

*Alaska State Legislature*

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SB173

## Sponsor Statement

The bottom-line purpose of my choice to bring SB173 forward is the financial protection of nearly every Alaskan ratepayer who depends upon a utility to deliver electricity to their home, business or facility. SB173 conforms Alaska law to federal law with respect to wood poles treated with pesticides registered with the Environmental Protection Agency. The legislation is drafted narrowly to apply only to a "wood utility pole installed, removed or used by public utilities in connection with providing a utility service in the state."

In the State of Alaska, every wooden utility pole is factory-treated with a preservative/pesticide which prolongs the service life of the pole by protecting it from organisms that compromise structural integrity. It is logical to assume that soil coming in direct contact with treated utility poles for 30 or more years would include traces of that preservative.

The provisions of AS 46.03.822(a) are interpreted to assume public utility liability and indirectly, Alaskan ratepayers for remediating residual preservative when replacing or removing treated wooden utility poles. This liability does not exist under federal law because the companion federal statute to AS 46.03.822 contains a specific exemption for "the application of a pesticide product registered under the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.]."

SB173 clarifies and eliminates the assumption of liability and remediation costs for trace elements by including the federal exemption within Alaska's statutes.

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Explanation of Changes Ver. A to Ver. J

1. Page 1, Lines 1-2: Amends the title to read "An Act relating to the liability of a person for the release of certain pesticides on a wood utility pole." [The title in the previous version read "*An Act relating to the liability of a person or the state for the release of certain pesticides during application on a utility pole.*"]

2. Page 1, Line Six: Amends Section. 1 (the proposed newly created AS 09.65.243) by removing the words "neither the state nor" [The Committee Substitute, in Change 4, add the definition of person given in AS 46.03.900. Because the state is considered a person under AS 46.03.900, the references to the state in Section. 1 were redundant and removed.]

3. Page 1, Lines 10-11: Amends Section. 1 (the proposed newly created AS 09.65.243), by rewriting paragraph (1) to read "the release resulted during the installation, use, or removal of a wood utility pole treated with a registered pesticide;" [The previous paragraph (1) read "*the release resulted from the application of the pesticide on a wood utility pole during the installation, use, or removal of the utility pole;*"]

4. Page 1, Lines 14-15: Amends Section. 1 (the proposed newly created AS 09.65.243) by adding a new subsection (b) to read: "For the purposes of this section, "person" has the meaning given in AS 46.03.900"

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