

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 86/2

4488 HCRA HB 493 - HB 519



**CO—MAN SERVICES**

BOX 234  
DILLINGHAM, ALASKA 99576

January 6, 1984

Patterson Sanitation & Refuse Service Inc.  
King Salmon, Alaska 99613

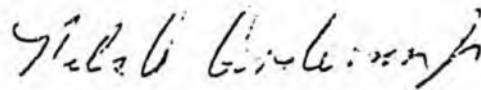
Dear Mr. Patterson,

Representative Adelheid Herrmann has asked me to contact you regarding solid waste disposal by floating and land processors in the Naknek/ King Salmon area. We have reports that floating processors burn their combustible waste and that they bring their non-combustible waste to shore for disposal at your waste disposal site in the Naknek/ King Salmon Dump Site.

Can you confirm this for us? Your help in this matter would be very helpful in planning a solid and fish waste disposal program to prevent dumping into the river systems of Bristol Bay.

Thank you for your consideration.

Very Sincerely,



Nels A. Anderson, Jr., Special Assistant  
Special Committee on Fisheries

cc: Representative Adelheid Herrmann



## CO—MAN SERVICES

BOX 234  
DILLINGHAM, ALASKA 99576

January 6, 1984

Mr. Don Penner  
Bristol Bay Borough  
Naknek, Alaska 99633

Dear Mr. Penner,

Representative Herrmann has asked me to contact you regarding the solid and fish waste disposal program you have with the Alaska Department of Environmental Conservation. Our office is interested in this program because other coastal communities could benefit by using what you have worked out as a model.

As you know, many people complained about fish processors dumping unground fish waste and solid waste into the Naknek/Kvichak and MUSHAGAK river systems. ADEC was present during the 1983 season, but many complaints of finding fish entrails in drift and set nets still persisted throughout the 1983 fishing season.

Any information you have would be helpful in preparing for the 1984 season. We are especially interested in whether or not all processors brought their waste for disposal on land. We want to avoid any problems that will cause unnecessary environmental damage to our waters that we depend on for a living.

Thank you for your consideration.

Very Sincerely,

Nels A. Anderson, Jr., Special Assistant  
Special Committee on Fisheries

cc: Representative Adelheid Herrmann



**CO—MAN SERVICES**

BOX 234  
DILLINGHAM, ALASKA 99576

January 6, 1984

Mr. James C. Allen  
Alaska Department of Environmental Conservation  
437 E. Street, Suite 200  
Anchorage, Alaska 99501

Dear Mr. Allen,

On behalf of Representative Herrmann, I would like to commend you on the amount of work that your office accomplished in helping to reduce fish waste and solid waste disposal in Bristol Bay in 1983. The effort to notify processors, the judiciary and others about what your mission was is outstanding and should be repeated in 1984.

There are some questions however, about your August 18, 1983 report to Mr. Keith Kelton regarding your observations on what the effect of your effort accomplished.

OBSERVATION # 1

I can find very few people who would state that the fish waste problem even left the bay. I am personally able to tell you that I recieved complaints about fish waste in nets and on beaches throughout the summer fishing season. It has come to my attention that this is true in Nushagak and Naknek/Kvichak River systems. Many fishermen also complained about plastic garbage bags being caught in props and that there were large numbers of garbage bags sighted on our beaches in both river systems.

OBSERVATION # 2

There is little evidence that can substantiate this observation. People who live on the river and fish all summer found that 1983 was worse in terms of fish waste and garbage disposal. This has to be the case when you see the large number of floating fish processors and commercial fishing boats operating in Bristol Bay. Garbage is being dumped somewhere and we are not sure how much combustible waste on board floating processors and how much non-combustible waste is being hauled to shore for disposal at municipal dump sites. Your help in determining the extent of disposal practices would be appreciated so that the final destination of waste generated by fishing activities can be accounted for.

You referred to issues I raised in Observation #2 in your memo to Mr. Bill Lamoreaux on August 2, 1982. You questioned the accuracy of fish processors who stated that they "burn combustible solid waste on the stern and they will tell you that the non-combustibles are taken to a shore dump, but this is highly questioned as being accurate." Have you determined that the fish processors now

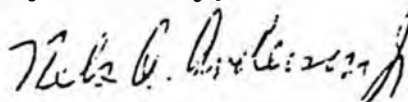
have this capacity and if so how many actually do it? If they do not then what accounts for such an improvement in waste disposal in 1983?

Furthermore your memo of August 2, 1982 in reference to a discrepancy on your part regarding discharge pipe design and construction. Has your recommendation been implemented by regulation and is it in effect at this time?

Finally, have your recommendations in the August 2, 1982 letter been translated into regulations? Can you tell us how much grinding equipment costs and how much of an investment is required to have a back-up grinder in parallel?

Recommendation #1 (b) seems to be rather harsh especially if the processor has fish on board that may spoil if held too long before processing. The economic interests of fishermen are at risk if they have no place to deliver their fish if a processor is shut down during grinder breakdown. In your view, is this a good suggestion?

Very Sincerely,



Nels A. Anderson, Jr., Special Assistant  
Special Committee on Fisheries

cc: Representative Adelheid Herrmann

cc: Commissioner, Department of Environmental Conservation

P R E S S   R E L E A S E

January 10, 1984

From: Representative Adelheid Herrmann

Fish Waste Disposal

Representative Adelheid Herrmann, D-District 26, is not satisfied with the fish waste situation in Bristol Bay. 1983 had twenty-nine (29) land processors and thirty-eight (38) floating processors in Bristol Bay. In addition, an estimated four hundred (400) to five hundred (500) support vessels of all types were operating in Bristol Bay.

The large number of processors and their support vessels presents a problem of fish waste and solid waste disposal. If fish waste is not ground up it will eventually get onto the beaches and get caught in gill nets. Solid waste dumped into the water will get fouled in propellers, anchors and set net tackle.

The Alaska Department of Environmental Conservation is charged with the responsibility of providing programs that prevent environmental degradation of the air, water and land resources of Alaska. In 1983, DEC developed a plan for the disposal of salmon and solid waste in Bristol Bay. The department sent letters to processors regarding discharge of bilge oil, fuel spills, dumping solid waste overboard and on beaches, and discharge of untreated sewage and processing wastes. They also notified processors that they would be making routine patrols to prevent pollution and respond to reported pollution incidents. DEC did spend time inspecting land based plants for water, sewage and fish waste discharge systems as well as boarding floating processors for sanitary, solid and fish waste discharge.

"Although, I recognize the effort made by DEC, I am still concerned that more needs to be done in 1984. I am asking fishermen and others to send me letters or public opinion messages via the Legislative Information Offices regarding their experience regarding fish and solid waste disposal problems in the Bay in 1983. I need this information to help me get funds to put more emphasis on a fish and solid waste disposal program for the 1984 fishing season.

Representative Herrmann received an unusually high number of complaints from her constituency in Bristol Bay regarding fish waste getting caught in nets. There were complaints of garbage bags floating to the beaches and plastic bags fouling props and set net tackle.

"It is my intent to work with DEC to increase the effort of preventing fish and solid waste pollution in 1984 and I will do all I can to see that there is enough money in the DEC budget to get the job done. I again ask for letters and public opinion messages to be sent to me on any fish waste or solid waste problems that you observed in 1983.", Herrmann concluded.

# Alaska State Legislature

REPRESENTATIVE  
ADELHEID HERRMANN

PO BOX 83  
NAKNEK, ALASKA 99833  
(907) 248-4495

While in Juneau  
BOX V  
JUNEAU ALASKA 99811  
(907) 465-4942, 465-4943



CO CHAIRMAN  
RESOURCES COMMITTEE

MEMBER  
TRANSPORTATION  
COMMITTEE

## House of Representatives

### DISTRICT 26

ADAK  
AKUTAN  
ALEKNAGIK  
ATKA  
BELKOFSKI  
CLARK'S POINT  
COLD BAY  
DILLINGHAM  
DUTCH HARBOR  
EGEGIK  
EKUK  
EKWOK  
FALSE PASS  
IGIUGIG  
ILIAMNA  
KING COVE  
KING SALMON  
KOKHANOK  
KOLIGANEK  
LEVELOCK  
MANOKOTAK  
NAKNEK  
NELSON LAGOON  
NEWHALEN  
NEW STUYAHOK  
NIKOLSKI  
NONDALTON  
PEDRO BAY  
PILOT POINT  
PORT ALSWORTH  
PORT HEIDEN  
PORT MOLLER  
PORTAGE CREEK  
SAND POINT  
SOUTH NAKNEK  
SQUAW HARBOR  
ST GEORGE  
ST PAUL  
TOGIAK  
TWIN HILLS  
UGASHIK  
UNALASKA

March 12, 1987

Western Legislative Conference  
720 Sacramento St.  
San Francisco, CA 94108  
ATTN: Dan Sprague, Office Director  
Patty Spangler, Policy Analyst

Dear Dan and Patty:

Attached is a White Paper on Ocean Dumping and Marine Debris prepared at my request by the Alaska House Research Agency.

My interest in this subject has primarily stemmed from a reoccurring problem with marine debris and garbage dumping in my district. In addition to our local fleets, we have had an influx of international and out-of-state boats in the waters of District 26. These large fleets comprise of floating processors, tenders, and at the very least approximately 1700 gillnet fishing vessels in the Bristol Bay area.

The problem waste takes two forms; one being the disposed unground fish waste (intestines, etc.) attributed to the processors not using grinders, and the other consists of refuse thrown overboard from floating processors, tenders, and gillnet fishing vessels.

In addition to the general complaints of refuse dumping, fishermen complained of catching the unground fish waste in their nets. This generated additional concerns; resulting in extra work for crews to clear the nets, the offensive odor of the decomposing waste, concerns of possible health hazard associated with frequent handling of so much decomposing fish waste, and the mere nuisance of the fish waste.

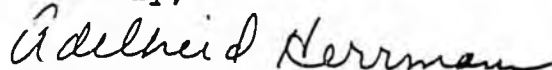
Although we have seen improvements, this is an ongoing concern within my district. For example, a proposal to contract barges for the purpose of transporting

refuse from the bays to the nearest onshore dump sites gained much support but, did not receive approval in the administrations budget.

On the other hand, there has been increased usage of waste grinders and incinerators on floating processors, which was basically a result of citizens voicing their concerns.

I hope the Western Legislative Conference will find this paper very helpful. I would like to emphasize my concern with regard to this issue. Thank you.

Sincerely,



Adelheid Herrmann  
Alaska State Representative  
District 26

AH/rs



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

P O. Box Y, State Capitol  
Juneau, Alaska 99811-3100  
Mail Stop 3100  
(907) 465-3991

March 10, 1987

MEMORANDUM

TO: Representative Adelheid Herrmann

ATTN: Rona Sorensen

FROM: Karen Oakley<sup>ko</sup>  
Legislative Analyst

RE: White Paper on Ocean Dumping and Marine Debris  
Research Request 87.154

You requested that we prepare a draft white paper on ocean dumping for discussion by the Pacific States/Territories Ocean Resource Group (ORG) of the Western Legislative Conference (WLC) of the Council of State Governments. The ORG was formed in 1985 to study, share information, analyze, discuss, and act upon major policy issues affecting the ocean and coastal resources of the member states and territories.<sup>1</sup> A number of marine issues were selected for study, and lead states/territories were designated for preparing papers on each issue. Papers were to be 6 to 7 double-spaced pages in length and contain: 1) a succinct statement of the issue; 2) background information; 3) an analysis of major policy issues and events; 4) a description of alternatives for resolving the issue; and 5) recommendations. Guam was originally designated to prepare the paper on ocean dumping. When they were unable to complete the project, you volunteered. Draft papers are due to the WLC office in Sacramento in mid-March 1987.

The draft white paper attached addresses both ocean dumping and marine debris. "Ocean dumping" refers to the regulated disposal of materials, primarily dredged materials and sewage sludge, in the ocean. "Marine debris" generally refers to refuse discarded at sea from vessels. While the marine debris issue was not initially selected for discussion, this issue has received national attention during the last few months, and several pieces of legislation addressing marine debris are currently being considered by Congress. Therefore, I have addressed both issues in the paper.

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<sup>1</sup>Alaska, American Samoa, California, Commonwealth of the Northern Mariana Islands, Guam, Hawaii, Oregon, and Washington are participating in the Ocean Resources Group.

Representative Herrmann  
March 10, 1987  
Page 2

As you know, our agency does not make recommendations. The draft paper therefore includes a discussion of the various alternatives but makes no recommendations.

Attached are most of the documents I referred to in drafting this paper, including the documents you transmitted to us. These reference documents are organized by topic in several attachments.

I hope you find this draft paper useful. Please let me know if you need any further information.

Attachments

## OCEAN DUMPING AND MARINE DEBRIS

Prepared by the State of Alaska for the Ocean Resources Group of the Western Legislative Conference of the Council of State Governments.

### STATEMENT OF THE ISSUE

The ocean serves many societal functions, including waste disposal. While the assimilative capacity of the ocean is great, it is not infinite, and other uses of the ocean may be adversely affected by the unregulated disposal of wastes in the ocean. Two marine waste disposal issues are of concern here: 1) ocean dumping; and 2) marine debris. "Ocean dumping," which has been regulated in the United States for 15 years, refers generally to the disposal of materials, primarily sewage sludges, dredged materials, and industrial wastes, which are transported to the ocean for the specific purpose of disposal. "Marine debris" refers generally to man-made objects that are intentionally or accidentally discarded at sea from vessels or that enter the sea from the land.

Regulation of the use of the ocean for waste disposal is in the realm of international and national law, and the role that coastal states may play in regulating the use of their offshore waters for waste disposal is circumscribed by federal rules. Both ocean dumping and marine debris are

issues of current high interest at the national level, and regulatory changes are imminent. Such changes could affect waste disposal and management practices, and, coastal states, which have interests in both waste disposal and protection of the coastal environment, will necessarily be affected. This white paper addresses the role that Pacific states and territories may play in preventing the degradation of the ocean and its living resources from ocean dumping and marine disposal.

#### BACKGROUND

Ocean dumping. Most industrialized nations, including the United States, have long used the oceans as a convenient dumping ground for all kinds of waste. While some wastes can be safely assimilated, other wastes, particularly heavy metals, pathogenic microorganisms, organohalogenes, chlorinated hydrocarbons, petroleum hydrocarbons and radioactive wastes, can adversely affect the marine environment and pose a threat to human health. The United States was one of the first countries to recognize that coastal waters could be degraded by the unregulated disposal of wastes in the ocean, and, in 1972, Congress enacted the Marine Protection, Research, and Sanctuaries Act (MPRSA), commonly called the Ocean Dumping Act (ODA). The act declared that it was the policy of the United States to:

regulate the dumping of all types of materials into ocean waters and to prevent or strictly limit the dumping into ocean waters of any material which would adversely affect human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.

While Congress recognized that the oceans had a role to play in waste disposal, they rejected the idea that the ocean's great capacity to assimilate waste made it the optimal disposal medium. The ODA expressly prohibited the ocean dumping of radiological, chemical and biological warfare agents and high-level radioactive waste and prohibited the disposal of all other materials except as authorized by permit. The Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (CE) were directed to establish and implement a regulatory program for ocean dumping. The EPA was to serve as the lead agency, and because the CE already had jurisdiction over dredging activities under the Clean Water Act, the CE was delegated the authority to review and issue permits for the disposal of dredged materials.

At the time that the ODA was enacted, the United States was working actively with other nations to conclude an international treaty to regulate ocean dumping. This treaty, titled the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and known commonly as the London Dumping Convention (LDC), was initially signed by 27 nations in 1972 and went into force in 1975. The LDC requires each nation to adopt

domestic implementing legislation, and the ODA was modified in 1974 to make it fully consonant with the treaty.

Although the United States took the lead in enacting its own law to regulate ocean dumping and in pushing for an international treaty, implementation within the U. S. has been slow. Since enactment of the ODA over 15 years ago, the quantity of wastes dumped in the ocean has hardly abated, and in some cases, has increased. This situation is largely the result of EPA's use of "interim permits" to authorize continued dumping: In 1977, EPA designated 140 historically used ocean dump sites on an interim basis pending completion of baseline studies necessary for final site designation determinations. EPA's policy was to "dump now, study later." The use of interim permits made sense during the early years of ODA implementation as existing dumpers needed an opportunity to comply with the environmental criteria required for a special permit or to develop land-based alternatives. The EPA has been slow in completing the required studies of the interim sites, however, and only a few sites have received final approval.

The EPA and the CE have been taken to court several times over their implementation of the ODA. All of the disputes have involved disposal sites on the East Coast, where the lack of land for waste disposal has increased pressure on the use of ocean for waste disposal. Two cases are of particular importance because the rulings in these cases require that EPA change their regulations governing the evaluation of ocean dumping permit applications.

In National Wildlife Federation v. Costle, a case over the use of different criteria for evaluating dredged and non-dredged material disposal sites, the court ruled that the EPA may set different standards for review of dredged materials disposal sites. The courts also ruled, however, that the standards are invalid unless and until the EPA explains their rationale for the use of different criteria. Dredged materials are often innocuous, but in harbors that receive sediments from industrialized areas, the sea floor may contain heavy metals and other harmful compounds. The National Wildlife Federation had argued that the criteria for evaluating applications for the disposal of dredged material should be the same as for other industrial materials.

In City of New York v. EPA, a dispute over the banning of sewage sludge disposal in Long Island Sound, the court held that the EPA was required to evaluate the need for the ocean dumping of sludge, the effects of the dumping on the specific dump site and the costs of land-based alternatives in reviewing the City of New York's application to continue dumping sewage sludge. This decision requires EPA to balance the costs and impacts of land-based disposal against the marine environmental sensitivity criteria. Before the decision, EPA could reject an application if their analysis of the material to be dumped showed that the ocean would be "unreasonably degraded" by its disposal. The City of New York decision essentially requires EPA to perform a cost-benefit analysis; since the true costs of ocean disposal are unknown and largely unquantifiable, the ocean will often appear to be the most cost-effective location for disposal.

Although both cases were decided in the early 1980s, EPA is only now about to publish their proposed regulation changes in the Federal Register. While it is generally understood that the revisions will bring the EPA regulations into compliance with Costle and City of New York decisions, the specific content of the new regulations is not known at this time. Any changes in the regulations for reviewing ocean dumping permit applications will be important to the western states and territories because most of the sites in the Pacific Ocean have not yet received final approval, and because most of the sites in the Pacific are for the disposal of dredged materials. There are currently 35 ocean dumping sites with interim approval and eight sites with final approval within the waters of the western states and territories. All but one of the interim sites are for the disposal of materials dredged from harbors and ports; the other interim site, located in American Samoa, is for the disposal of fish cannery wastes. Of the approved sites, there are five in Hawaii and one in California for dredged material disposal, one in California for the disposal of drilling muds and cuttings, and one near the South Pacific island of Kwajalein for the disposal of wastes from a missile range.

In addition to these interim and approved ocean dumping sites, several proposals for new sites are apparently under consideration. The U. S. Navy has recently proposed to dump 100 decommissioned nuclear submarines and thousands of tons of radium and uranium contaminated soil from the WW II Manhattan Project at a site near American Samoa. While an Environmental

Impact Statement (EIS) has been prepared for this proposal, no decision has yet been made. Several major West Coast cities are also considering the ocean disposal of sewage sludge, a practice heretofore conducted in the United States only on the East Coast.

Thus, for the western states and territories, final designation of ocean dumping sites is pending, and states still have the opportunity to be involved in the decision-making process. While courts have held that EPA and the CE are not required to write an Environmental Impact Statement for each dumping site, it is the policy of both agencies to prepare them. Some of the interim sites for the disposal of dredged materials are in territorial waters within three miles of shore, and final designation of these sites will require a finding of consistency with the state's coastal management program. Through the EIS process and the coastal management consistency process, states are afforded an opportunity to comment on final site designation of interim sites and on proposed new sites. Changes in the way that the EPA makes decisions about site approval are imminent, however, and these changes are expected to generally weaken the criteria, making it more difficult to deny permits.

**Marine Debris.** Man-made objects that one way or another end up in the ocean are currently the focus of another ocean waste disposal issue termed "marine debris". For centuries, shipboard practice has been to discard refuse at sea; overboard disposal was convenient, and the need to maintain

hygienic conditions in confined quarters necessitated prompt waste disposal. Until the recent past, this practice did not appear to present any major problem as most materials were easily degraded. With the advent of modern plastics, however, wastes dumped overboard now contain quantities of material that do not readily degrade and that float. Now, much of the refuse that is discarded at sea does not disappear, but persists, accumulates and is transported far from the disposal site.

Great quantities of plastics are disposed at sea from merchant ships, navies, recreational fisherman and boaters, commercial fisherman and beach goers. Another major source of plastic in the ocean is from the land via rivers and municipal sewage outfalls. Fishing nets, lines and pots, now made almost exclusively of plastics and nylon, are another component of marine debris. Worn fishing gear may be intentionally discarded, but is more often simply lost.

Much of the debris that is disposed of at sea ends up back on shore. While beach litter is unsightly and degrades the recreational use of our nation's shores, the major problems created by marine debris occur at sea. Marine birds, mammals, and turtles become entangled in discarded nets, lines and strapping bands, and they are also known to ingest plastic beads, bags and other synthetic materials which they apparently mistake for food. From the number and distribution of species that have been documented to be affected by entanglement or ingestion of plastics, it can be concluded that plastics are pervasive in the marine environment and are a factor in the lives of most marine animals. While the impact on marine populations is

not yet well understood, plastic pollution has been implicated in declines of several species, including the northern fur seal on the Pribilof Islands in the Bering Sea and the endangered Hawaiian monk seal.

Derelict fishing gear is also a problem for marine animals, as the gear continues to fish, catching non-target birds and mammals and target fishes for long periods of time, even years, after the gear is lost. Derelict gear therefore contributes to the impact on marine bird and mammal populations from plastic pollution and results in loss of economically important target species as well.

In addition to the problems caused for marine animals, marine debris presents a safety hazard to vessels due to such occurrences as entanglement of propellers or blockage of intakes. The loss of living resources, the degradation of beaches, and the loss of vessel working time together comprise the costs of using the ocean as a depository for nondegradable wastes.

Currently, there are no laws prohibiting the disposal of plastics at sea. The Protocol of 1978--Relating to the International Convention for the Prevention of Pollution from Ships--1973, which is referred to as MARPOL, contains an addendum, Annex V, which would prohibit the disposal of plastics at sea. While the United States is a signatory of MARPOL, the United States has yet to sign Annex V. Recent awareness of the problems created by marine debris has renewed pressure on the United States to sign Annex V. In February 1987, the National Security Council recommended approval, and ratification by the Senate is expected.

As for the London Dumping Convention, each signatory will need to pass domestic legislation to implement Annex V. Several bills are already before Congress that would implement Annex V. One such bill, HR 940, introduced by Congressman Studts, is entitled the Plastic Pollution Research and Control Act and would instruct the Coast Guard, which currently enforces the provisions of MARPOL in the United States, to administer and enforce Annex V. This bill would also require the study of derelict nets and discarded plastics on marine life and inventories of port capabilities to handle wastes previously discarded at sea.

#### POLICY ISSUES AND EVENTS

The traditional legal principle governing human use of the ocean has been that no nation has sovereignty over the high seas, and the use of the oceans for waste disposal provides a classic example of the "tragedy of the commons." Heretofore, all nations have been able to enjoy the convenience of ocean disposal without responsibility for the costs. Only recently have the costs of unregulated disposal of wastes in the ocean been recognized.

Environmental laws are partitioned by the medium receiving the waste, and this medium-based approach to waste disposal regulation results in the shifting of wastes to the least regulated medium. Regulation of disposal

on land, in the air, and in surface waters preceded any regulation of disposal in the ocean, and use of the ocean as a disposal medium accelerated as regulation of disposal in the other mediums tightened. The LDC and MARPOL provide a legal force to encourage proper stewardship of the ocean and balance the political and economic forces that have heretofore made waste disposal in the ocean so financially appealing.

Enactment and implementation of these laws was a necessary first step. The crux of the ocean waste disposal problem, however, lies in what can be done with the mountains of waste that our society produces. Prohibiting ocean disposal of sewage sludge or of plastics does not solve the problem of what to do with sewage sludge or with shipboard garbage. As New York City Mayor Edward Koch rhetorically asked the House Merchant Marine and Fisheries Committee when they were considering a ban on sewage sludge disposal in the New York bight: "What am I going to do with this sludge, take it home and keep it in my apartment? I can unequivocally state that no land sites are available in the New York area for storing these materials in the volumes in which they are produced." The recognition that the ocean cannot provide an "easy answer" to the question of what to do with our wastes has made the problem more complex.

Coastal states have a vital interest in protecting the productivity of their coastal waters which provide for the livelihoods, recreation, and, indeed, the identities of their peoples. States, as the operators, funders and regulators of landfills, also have a vital interest in waste disposal. The banning or regulation of waste disposal in the ocean shifts the burden for receiving wastes back to the land, and coastal states will be required to take some responsibility for the proper disposal of these wastes.

The time for greater coastal state involvement in Pacific Ocean waste disposal issues is at hand. Most of the ocean dumping sites in the western states and territories will be considered for final site designation in the next two to three years. Decisions about final site designation will be made using criteria that require the EPA to consider the costs of land-based disposal alternatives in determining whether the ocean will be unreasonably degraded by use of a particular dump site. States still have an opportunity to comment on these regulation changes and to be involved in decisions to approve both interim and new dumping sites. Regarding marine debris, international and national laws will soon end the common practice of dumping all wastes overboard. Ratification of Annex V is pending, and coastal states can speed its implementation in the United States by determining how wastes which were once disposed of at sea can best be handled onshore.

#### **ACTION ALTERNATIVES**

**Ocean dumping.** While international and federal laws are in place for regulation of ocean dumping, states still have a responsibility to determine whether approval of each proposed dump site is acceptable. There are several steps that states can take which will help determine the future of ocean dumping in their regions:

Review proposed changes in EPA regulations on ocean dumping. Proposed changes in EPA ocean dumping regulations to bring the regulations into conformance with court rulings will be published in the Federal Register in the spring or summer of 1987. States could individually or collectively review and comment on those regulations to assess their impact on the process of receiving final site designation for sites in their states. States could also consider the effect of the proposed changes on the decision-making process for approval of new sites for disposal of wastes which heretofore have not been disposed of on the west coast, such as sewage sludge and low-level radioactive wastes.

Be vigilant in review of all old and new proposed dump sites. States should not assume that because a dump site has been in use for many years that no environmental harm is occurring. Interim dumping sites were designated solely on the basis of their historical use, so states should review the Environmental Impact Statement for final designation of interim sites as carefully as they would review an EIS for a proposed new site. In Oregon, study of the long-used Tillamook Bay dumping site revealed that the area is one of the most productive on the entire Oregon coast.

Express support of continued funding of the ODA research provisions. In addition to providing for a regulatory program for ocean dumping, the Ocean Dumping Act instructed the EPA and the National

Oceanic and Atmospheric Administration (NOAA) to conduct research into the effects of ocean dumping and on alternative methods of waste disposal. Under the current administration, funding of this part of the ODA has lagged. States need to actively support the funding of this type of research, especially in light of the changes expected in the EPA regulations due to the City of New York decision.

**Marine Debris.** International and national laws are not yet in place to regulate man-made debris in the ocean, but enactment is expected soon. States may speed implementation by anticipating the effects that enactment will have in their regions. States may take a variety of actions, individually or collectively, that would help end pollution of the oceans from marine debris:

Express support for ratification and implementation of Annex V. While the Senate is expected to ratify Annex V at any time, expressions of support could still be important. Also, once ratified, implementing legislation will have to be enacted, and even though several bills are currently under consideration that would implement Annex V, there is no certainty that implementing legislation will pass this session or that such legislation would be adequately funded. Strong support of Annex V implementation by coastal states could speed action by Congress. Congress is likely to be concerned about the burden on land-based disposal sites that

will be placed by Annex V, and states could show their willingness to accommodate these wastes onshore.

Sponsor beach cleanup projects. To solve the problem of marine debris will require changes in attitudes and behavior. People are not likely to change their habits of throwing refuse overboard until they understand the problems that are caused by this practice. Beach cleanups, where the public is given the opportunity to work together to pick up all litter on selected beaches, are a proven method of increasing public awareness of the fate of plastics and other man-made debris in the ocean. While the "clean up" provides only temporary relief of the litter on the beaches, the cleanups are a useful tool for educating the public. Beach cleanups have been used successfully on the East Coast, in Texas and in Oregon. When held simultaneously by several states, beach cleanups may magnify public awareness.

If all debris collected during cleanups is inventoried, beach cleanups can also provide data on the types and sources of debris most common in a particular region. States may then target their actions to abate the specific sources of debris that are a problem in their region.

Sponsor education of involved groups. In addition to beach cleanups as a method of reaching the public, states could sponsor the preparation and implementation of educational talks to groups that have an interest in protecting the coastal environment or that will otherwise be affected by implementation of Annex V. Education and resultant changes in public opinion are probably the key to implementation of Annex V because strict enforcement of Annex V is logistically impossible. People must decide to do something with their trash other than throw it overboard, and people must be provided with reasonable alternatives for disposal. Probably the only thing that will cause them to decide to change their habits is an understanding of the consequences of that action and the availability of a convenient alternative.

The NOAA has already embarked on some educational work of this type. A presentation on marine debris has been prepared and given to fishermen's groups all along the West Coast and was received with great interest. This kind of educational effort is a necessary predecessor to getting acceptance of any new rules about disposal of shipboard wastes.

Promote use of limited lifetime plastics and plastics recycling. The technology exists to create plastic containers with limited lifetimes. In California, Oregon and Alaska, nonbiodegradable six-pack holders have been banned, and holders made of short-lived

plastics are used. For these types of plastic products to come into wider use, consumers will have to demand them. Inventory of the types of plastic products showing up on beaches may provide clues of other types of products that do not need to be long lasting, and states may wish to consider also banning these products.

States may also play a role in the promotion of the recycling and reuse of plastic wastes. California and Oregon are considering legislation that would subsidize the development of plastics recycling industries. People have learned that paper, glass, tin, aluminum, and newspaper can be recycled, and states may be able to encourage people to also recycle plastics.

Help ports determine the best way to handle garbage from ships. Because the immediate result of Annex V is to ban at-sea disposal of wastes, ports must be prepared to handle the wastes that were previously dumped at sea. Most ports are probably totally unequipped to handle great increases in the quantities of refuse, and upgrading of refuse handling facilities will undoubtedly be required. States may bear or share in the costs of upgrading. States may need to determine the amounts, types and seasonality of wastes that will be generated in each port to see where nearby landfills can accommodate the additional wastes.

NOAA, through the National Marine Fisheries Service, has recently helped fund a one-year cooperative study with the Port of Newport, Oregon, to develop a system for the receipt and disposal of vessel-generated and nonbiodegradable refuse. Pilot projects such as this will provide information vital to implementation of Annex V.

**Designate sanctuaries.** In every coastal state, there are some areas that are deserving of a higher standard of environmental care. States may have the ability to designate such areas as sanctuaries wherein special rules apply. Some of the Annex V implementation bills would designate an area around the Aleutian Islands as a seabird conservation zone. Sanctuary designation by states may help call attention to locally important areas and help prevent waste disposal in them.

**Sponsor research on net loss.** Derelict fishing nets and pots represent lost fishing time, lost capital investments for fisherman, and they have the potential to harm both target and nontarget resources. While some fisherman do discard old nets at sea, fishermen generally do not try to lose their nets. A study of the conditions under which gear is lost would be important to determining if anything could be done to prevent such losses. This information would benefit fishermen and would help solve the problems of derelict nets.

Increase enforcement of existing state litter laws within the three-mile limit. Most states have litter laws that prevent the disposal of wastes in the state's land and waters, including its marine waters, except as provided by permit. The current practice of disposing of wastes overboard probably violates the litter laws of most states. As for Annex V, enforcement of litter laws in marine waters would be logistically difficult. States may be able to use existing enforcement personnel of related laws for this purpose to some extent. In Alaska, seafood inspectors have attempted to educate seafood processors and others in the seafood industry that wastes should not be disposed of overboard.

RECEIVED MAR 13 1988

March 15, 1988

Honorable Adelheid Herrmann  
House of Representatives  
Box V  
Juneau, Alaska 99811

Re: Marine Garbage Disposal

Dear Representative Herrmann,

Thank you for taking time to enlighten me on your efforts to control garbage dumping the bays. As you requested, here are a few ideas I have on the subject.

Actual Collection:

1) Ask processors to act as collection points for their fishermen. When there is sufficient buildup of trash, processor or tender takes trash to local dock for collection by local municipality or private collector.

2) In cases where there is not a dock, trash could be collected by a barge or landing craft. Which could then off-load on a designated beach site. If the municipality was not able to transport the refuse, a forklift could be assigned to the barge for taking trash directly to the landfill.

3) A dedicated tug and barge or a landing craft could make scheduled rounds of the bays and collect garbage from processors and fishermen.

4) One small barge could be anchored in each bay. A "garbage tender" could then off load these barges as necessary.

5) Equipment for these might include: a) 20 "dumpsters" approximately the size of a 8'X 8'X 20' container van, b) shallow draft landing craft with at least 1000 square feet of deck space, c) a barge or barges with at least 1200 square feet of deck space.

Compensation and Funding:

1) A direct fee could be assessed for each unit of garbage collected. A small fee for individual fisherman and larger fees for industrial amounts.

2) Processors might agree to pay one or two shallow draft tenders to collect garbage between open fishing periods.

3) The State of Alaska could offer a direct credit against

the "Fish Tax" for payments made to a garbage collector. With a reasonable maximum credit allowed.

4) The State of Alaska could contract with a firm through a bid process to collect garbage. Bidders would agree to provide certain services at certain times to certain areas.

5) Processors could be assessed by the State of Alaska. Perhaps a percentage of the fish tax could be allocated for garbage collection.

#### Cost

My guess is about \$2000.00 per day for a tug and barge or landing craft. The cost of processors taking care of fishermen's garbage is much more complicated. Perhaps a processor would be allowed a tax credit if they took care of their fishermen's refuse. With the value of the resource taken out of Bristol Bay in the hundreds of millions of dollars, \$60-80 thousand a year isn't a great amount.

The best solution is: for each fisherman and processor to voluntarily dispose of their garbage in a lawful and ecologically sound manner. Short of that, a system which makes garbage disposal convenient and easy on the pocket book will be the next best thing.

Sincerely Yours,

Mark L. Smith

Smith  
Box 106  
Dillingham Ak 99576



Honorable A. Herrmann  
House of Representatives  
Box V  
Juneau, Ak 99811

*Handwritten notes*



JIM D. CLARK  
BOROUGH MANAGER

TELEPHONE  
(907) 246-4224

# Bristol Bay Borough

BOX 189 • NAKNEK, ALASKA 99633

March 18, 1988

Representative Adelheid Herrmann  
Box V  
Juneau, AK 99811

RE: HB 493, HB 494 & HJR 61

Dear Adelheid:

There is a critical need to solve the marine garbage problems in Bristol Bay and in other areas of Alaska. Further, there is a critical need for financial support from the State of Alaska and the United States Congress to allow coastal communities to join in preventing marine pollution. We support HB 493 and 494 and request the State Legislature to enact both bills to help us solve a problem that is harmful to Bristol Bay and the entire State of Alaska.

Sincerely,

Jim D. Clark  
Borough Manager

bjt



NATIONAL FISHERIES INSTITUTE, INC.

2000 M STREET, N.W., STE. 580 ■ WASHINGTON, D.C. 20036 ■ (202) 296-5090

December 5, 1986

The Honorable Adelheid Herrmann  
P.O. Box 63  
Naknek, Alaska 99633

Dear Representative Herrmann:

I vaguely recollect promising during one of the Task Force sessions in San Pedro to mail you copies of the federal fish package and Sen. Chaffee's plastic debris bill. Well, at long last, here they are. I bet you're excited.

I'm looking forward to seeing you in Olympia. Hope your holiday's are enjoyable.

Best wishes,

A handwritten signature in cursive script, appearing to read "Alfred D. Chandler".

Alfred D. Chandler  
Government Relations  
Representative

Enclosures (2)

99TH CONGRESS  
2D SESSION

# S. 2596

To require the Administrator of the Environmental Protection Agency to conduct a study of the adverse effects that the pollution of the environment caused by discarding or dumping of plastics on land and in the waters have on the environment, including the effects on fish and wildlife, to make recommendations for eliminating or lessening such adverse effects, and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water.

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## IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 23), 1986

Mr. CHAFEE (for himself, Mr. STAFFORD, Mr. BAUCUS, Mr. PELL, Mr. SIMON, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To require the Administrator of the Environmental Protection Agency to conduct a study of the adverse effects that the pollution of the environment caused by discarding or dumping of plastics on land and in the waters have on the environment, including the effects on fish and wildlife, to make recommendations for eliminating or lessening such adverse effects, and to require the Administrator of the Environmental Protection Agency to control the pollution of the environment caused by the discarding of plastics on the land and in water.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled.*

3       SECTION 1. (a) This Act may be cited as the "Plastic  
4 Waste Reduction Act of 1986".

5       (b) The Congress finds and declares that—

6           (1) when plastic rings and devices, which are in-  
7 creasingly being used to store, carry, and transport a  
8 variety of containers, are disposed in the environment,  
9 they persist for extended periods of time and have seri-  
10 ous adverse impacts on fish and wildlife species and  
11 the environment; and

12           (2) although certain States, which require such  
13 rings and devices to break down upon exposure to nat-  
14 ural elements, have been largely successful in reducing  
15 those impacts, other States have not enacted or en-  
16 forced such laws.

17       **TITLE I—STUDY OF PLASTIC POLLUTION**

18       SEC. 101. (a) The Administrator of the Environmental  
19 Protection Agency (hereinafter referred to in this title as the  
20 "Administrator") shall undertake a study for the purpose of  
21 determining the adverse effects that the discarding and  
22 dumping of millions of pounds of plastics each year have on  
23 the environment, including fish and wildlife, within the  
24 United States and the oceans, and to enable the Administra-  
25 tor to make recommendations to the Congress as to what

1 actions might be taken to eliminate or lessen such adverse  
2 effects.

3 (b) Such study shall be carried out with a view to deter-  
4 mining the impact on the environment, including fish and  
5 wildlife, as a result of the discarding or dumping of such plas-  
6 tic, including—

7 (1) plastic debris discarded or dumped on land and  
8 in all water bodies, including streams, rivers, lakes,  
9 bays, estuaries, and oceans;

10 (2) the discarding or dumping of raw plastic pel-  
11 lets on land and in all water bodies, including streams,  
12 rivers, lakes, bays, estuaries, and oceans; and

13 (3) the discarding or dumping of plastic finished  
14 products, including, but not limited to, plastic holders  
15 for multi-package beverages, plastic packing bands,  
16 fishing nets, or fishing gear, on land and in all water  
17 bodies, including streams, rivers, lakes, bays, estuaries,  
18 and oceans.

19 (c) In carrying out the study required by this title, the  
20 Administrator shall—

21 (1) consult with the United States Fish and Wild-  
22 life Service, the National Marine Fisheries Service, and  
23 all other departments and agencies of the United  
24 States engaged in research, investigation, or studies in-  
25 volving, directly or indirectly, the impact of such plas-

1       tics debris on the environment, including fish and wild-  
2       life, and such departments and agencies shall fully co-  
3       operate with the Administrator; and

4               (2) solicit and consider views and recommenda-  
5       tions from representative members of the fishing indus-  
6       try, the beverage industry, the plastic industry, con-  
7       sumer interest groups, and other interested and affect-  
8       ed individuals and businesses.

9       (d)(1) In making such recommendations as to actions  
10      which might be taken to eliminate or lessen the impact of the  
11      discarding or dumping of such plastics on the environment,  
12      including fish and wildlife (including recommendations to re-  
13      quire the use of biodegradable or photodegradable plastics, or  
14      recycling), the Administrator shall consider and include in the  
15      report a statement as to the environmental, public health,  
16      and economic impacts of each such action so recommended.

17       SEC. 102. On or before the expiration of the eighteen-  
18      month period following the date of the enactment of this title,  
19      the Administrator shall report to the Congress the results of  
20      the study conducted pursuant to this title, together with rec-  
21      ommendations in connection therewith. The Administrator  
22      shall identify those recommendations as to which the Admin-  
23      istrator believes there is existing authority to implement, and  
24      those recommendations which will require legislative action  
25      by the Congress if they are to be implemented.

1 SEC. 103. There is authorized to be appropriated such  
2 sum as may be necessary to carry out the provisions of this  
3 title.

4 TITLE II—REGULATION TO CONTROL PLASTIC  
5 POLLUTION

6 SEC. 201. As used in this title, the term—

7 (1) "Administrator" means the Administrator of  
8 the Environmental Protection Agency;

9 (2) "regulated item" means any device which is  
10 made, used, or designed for the purpose of packaging,  
11 transporting, or carrying multi-packaged cans, bottles,  
12 or other containers, and which is of a size, shape,  
13 design, or type capable, when discarded, of becoming  
14 entangled with fish or wildlife; and

15 (3) "naturally degradable material" means a ma-  
16 terial which, when discarded, will be reduced to envi-  
17 ronmentally benign subunits under the action of normal  
18 environmental forces, such as, among others, biological  
19 decomposition, photodegradation, and hydrolysis.

20 SEC. 202. Within eighteen months after the date of the  
21 enactment of this title, the Administrator shall require, by  
22 regulation, any regulated item to be made of a naturally de-  
23 gradable material which decomposes within a period estab-  
24 lished by such regulation. The period within which decompo-  
25 sition must occur shall be the shortest period of time consist-

1 ent with the physical integrity of the item for its intended  
2 use.

3       SEC. 203. Nothing in this Act shall preclude or deny  
4 any right of any State or political subdivision thereof to adopt  
5 or enforce any regulation, requirement, or standard of per-  
6 formance respecting a regulated item that is more stringent  
7 than regulations promulgated pursuant to this Act.

8       SEC. 204. (a) Any regulation promulgated by the Ad-  
9 ministrator pursuant to this title shall contain provisions suffi-  
10 cient to assure that adequate recordkeeping and testing re-  
11 quirements for implementing and enforcing such regulation  
12 will be carried out.

13       (b) Any violation of a regulation promulgated by the Ad-  
14 ministrator pursuant to this title shall be punishable by a fine  
15 of not to exceed \$25,000, or imprisonment for not more than  
16 12 months, or both.

○

# Major Fisheries and Coast Guard Bills Move Through Congress

## Driftnet, Plastics Pollution Restrictions Signed Into Law

Congress has approved and the President has signed into law an omnibus package of legislation that I sponsored which affects the fishing industry in Alaska. Included in the bill are provisions which authorize the Governing International Fisheries Agreement (GIFA) between the U.S. and Japan, implement the Convention on Prevention of Pollution at Sea, reauthorize the Sea Grant Program, and implement controls on the use of high seas driftnets.

The Governing International Fisheries Agreement with Japan will run for two years, and will extend a number of joint ventures in the Kodiak area between Alaska fishermen and Japanese companies.

The bill combats the growing problem of ocean dumping of plastics. It implements Annex V of the International Convention for the Prevention of Pollution from Ships. Annex V prohibits the disposal of plastic garbage from ships anywhere in the sea, and establishes the distance from shore where the disposal of other types of garbage, such as glass, paper, and organic garbage, is prohibited.

The Sea Grant Program is also reauthorized under the legislation. This program has been in effect since the 1970's and has been responsible for important marine research activities. The University of Alaska is a Sea Grant University and receives funds under the program for research and academic instruction. The Alaska Marine Advisory Program is also funded under the Sea Grants.

The driftnet provisions in the bill require the Secretary of Commerce, acting through the Secretary of State, to enter into negotiations with those nations that allow their vessels to engage in driftnet fishing on the high seas in order to establish monitoring of those fisheries. The Secretary is also required to negotiate enforcement agreements with these nations. If these agreements are not negotiated and imple-

mented, the U.S. can embargo imports of fish from that nation.

I agree with many Alaska fishermen that this bill does not go far enough. In order to get any agreement, and the negotiations process started, however, we need the approval of many diverse interests. It is my personal intent to continue to seek ways to more closely control driftnet fishing on the high seas. I do not consider this bill to be the final chapter, but rather one more step in my effort to stop this tremendous waste of our marine resources, and eliminate the high seas interception of salmon.

The House also approved and sent to the Senate separate legislation which authorizes \$2.6 billion for the Coast Guard to carry out its fisheries enforcement, search and rescue, and drug interdiction missions.

The legislation includes two provisions which were added at my request. The first would authorize relocation assistance, similar to that extended to Department of Defense personnel, to Coast Guard employees in Alaska, and in particular Juneau, who were affected by the reorganization of support and logistics functions to Alameda, California. The Authorization also includes an extension of local hire provisions on Coast Guard contracts.

This Authorization should provide the funding levels necessary for the Coast Guard to carry out its critical missions in Alaska. The local hire and relocation assistance programs are very important to Alaska, and I will continue to work with Senators Stevens and Murkowski to see that they are included in the Senate version of the authorization.

This entire package of bills are important to a maritime state like Alaska. The plastics provisions will protect our coastline and marine mammals. The Sea Grant Program funds important research in the state, and the GIFA provides continued employment to a number of Alaska fishermen.

## REFLAGGING BAN SIGNED INTO LAW

The last bill approved by the first session of the 100th Congress was legislation which I sponsored along with three other members of Congress from the Pacific Northwest that will ban the further reflagging of fish processing vessels retroactive to July 28, 1987. This effort is in keeping with the original intent of the 200-mile fishing zone, which was to Americanize our fishery.

The legislation requires that vessels newly licensed after July 28, 1987 have a majority of voting stock owned by U.S. citizens. In addition, the bill requires vessel builds and rebuilds to be performed in U.S. shipyards, and it requires that fishing industry vessels and U.S. merchant vessels be manned by U.S. crewmen.

As I told you in my last newsletter, the reflagging issue has been extremely controversial in Alaska. It has been my intent all through this process to protect the interests of Alaska fishermen and Alaska communities, and I believe that this bill carries out that desire.

It is important to remember that the U.S. fishing industry is composed of a number of diverse interests. A Congressman from the Northeast may have a different perspective on an issue than one from the Gulf Coast or the Pacific Northwest and Alaska. This bill is a compromise between those interests. The important thing is that a reflagging ban has been passed, and we can move forward with building an Alaska-based bottom fish processing industry.

In conjunction with this bill, and in line with my efforts to promote Alaska shore based processing facilities, I have introduced legislation which would impose a fee on the activities of commercial and recreational fishermen and offshore processors outside of State waters in the 200-mile zone. It imposes no new fees on near-shore fishermen or shore-based processors. The revenues raised from these fees would be divided between the Regional Fishery Management Councils, coastal states through the Marine Fisheries Commissions, and the National Marine Fisheries Service,

REPRESENTATIVE ADELHEID HERRMANN'S

QUESTIONS TO

SENATOR TED STEVENS

March 8, 1988 - Joint Session

REPRESENTATIVE HERRMANN:

Thank you, Madam President.

Senator, two issues:

First, I appreciate your comments and point of view on Navy homeporting. I do have some concerns, though, and as you know I have Adak Naval Air Station in my district and I appreciate all the capital improvements projects you have put in there regarding education. But I want to just mention that we had a meeting in Anchorage and your office was involved - Marie Matsuno Nash - we had Bill Sherrill(?) from Murkowski's office and so on - and we had the Adak School Board there.

And - you know we wanted to find out who the one person in the Navy was responsible for education that the people on the island could talk to in the Navy. We never could find out who that one person was that's responsible. Like you say, the commander-in-chief of the Pacific is in Honolulu, and I think the hierarchy and the bureaucracy of the Navy is so great that we could not find one person that people in Adak could go talk to - to find out some of their education concerns.

I realize that homeporting is good for the economy of the state and we really need that, but I'd suggest that people look at Adak as the Navy station in the state and look at some of the problems that they're having - because it seems like with the school foundation funding problem that we're having, Adak is in limbo between the state and the federal government - nobody really wanting to take responsibility for that. And I think that when you're talking turkey, as you say, I think that people have to look at that and really say - What does the state of Alaska have to offer the Navy?

And the other concern is on marine debris. I've been doing quite a bit of work on that and I think that there's federal requirements now that the ship garbage, or the garbage coming off the ships - that has to be disposed of on shore - and a lot of our smaller communities don't have the facilities available there to take all this garbage on shore. And I know that the state is working with the federal government on that, I believe, but that is something that is a concern of mine.

Thank you.

SENATOR STEVENS:

Well, thank you.

That last issue is going to be very difficult. We'll have a transition, there's no question about that, but our country took the lead in the disposal of waste at sea and now it's taking the lead in the whole concept of dealing with plastic pollution. And I think we're going to have to face up to it in our communities, that really it's part of the trash collection. Every community has some kind of trash disposal and we've had our problems with EPA in Anchorage and a lot of other places in terms of how you bring that about.

But it makes no sense for these vessels to be dropping off garbage that includes all these plastic things, whether they're vessels that are not going to touch our shores or whether they're our vessels. I think some of the worst things I've seen is the pictures they've got of little fishes are trying to grow up with the plastic top of a six-pack around them, or when they open up some of these shellfish they find inside of them, anything from the metal part of the top of a can of beer or coke or something else - and those things are going to ruin our number 2 industry if we're not careful. And I think we've been very much involved with it - if there's anything we can do to try and help in the transition--I can't promise money anymore, anymore than you can, unfortunately--but we'll try to work out to see if we can't get some kind of a joint plan to assure that a state that's got half the coastline of the United States is going to be able to take that transition and not get a bunch of orders from some federal agency to put us all behind the eight-ball and back in court again as some of our communities were at the time of the sewage disposal legislation. But--and I hear you on that.

On the first one, I'd like for you to just think out loud with me on that one. Adak is not a normal base. As a matter of fact, Adak is one island, has no civilian community, has 3 major naval bases, 3 separate commanders, one of which is highly classified.

The primary school there is named after Ann. I've been out there many times - she loved the place and liked to go out there and visit the people out there - and they named that school after Ann, after she was killed. And we're trying to work out getting a school in there, as you know, now - but there's no place in the United States where the Navy keeps that kind of school. They do - they have a group overseas that handles education overseas - but I've insisted that they can't treat our people as being overseas. So those base commanders out there are the people they've got to talk to - and unfortunately, the communications sometimes between the civilians involved in the school operation--and they are civilian employees of the Navy and of the state--State employees, some of them--are unwilling

to go through the normal Navy procedure to deal with their problems.

I think they're very good people, I've worked with those education people, it's a great place to send kids to school - you really have got to see it to understand - they work hard with their children out there. But we can't expect the Navy to create a special position to deal with one school. Now that's our problem. Rather, I would hope that you'd realize they're Alaskan kids and you'd create a special position to deal with that school - because I insist they're our kids, not overseas - and yet the state won't put up the money to build a school. We're getting federal money to build that school - which--you know, they pay taxes, by the way--they pay taxes to the state - when you charge them, by the way--I'm not going to get into that one today - But believe me, they are Alaskan residents and they're not being treated as Alaskan residents with regard to the school system. You don't treat them the same as you do the children that are going to school on Elmendorf, or Richardson, or Eielson, or Wainwright.

That gives us in Washington a real tough time. Now, so far we've won. I think you'd agree. We're going to get the money to build that school - we've got federal money to build the Ann Stevens school - we've got federal money for the middle school coming - and I think that we'll be able to finance it. But I'm not going to be able to get the money to finance the administration of one school. You've got to help us solve that - and I think if you don't, we won't get money if they expand - and that base - from what you've been hearing, I hope you realize that Adak's going to continue to expand.

I'm taking a lot of time on it, but let me tell you - I saw the briefing yesterday on where the Soviets are in the North Pacific, and it was a classified one, but I urge you to - we can arrange for you to get a briefing of what's out there if you want to get it. There's more Soviet Navy now in the Pacific than we have worldwide. And if you want to look at it, the most modern vessels they have are in the Pacific - they're new ones - they're new submarines - they're new missile carriers - and some of you - and Max, I don't mean this personally - but you're coming up now with on this home porting the question of what about nuclear accidents and should this be a nuclear-free zone - Those are nuclear-carrying vessels out there the Soviets have got.

I can't get you a nuclear-free zone - if you can't understand this--these are not nuclear vessels that are coming in here right now, by the way - let me hasten to add that - but I can't say they won't be here, and if those guys start playing games with us, I hope to God we have some here - because deterrence is the only thing those people understand. And if you don't recognize the passage of history now that's got us this INF Agreement, I urge you to study it.

They walked away from us 3 times - it wasn't until we built up our strength - we'd indicated that we were going to the new SDI - that the Soviets came back to the table, have stayed at the table, got the first agreement - they're demanding we stay - do you know we're working around the clock now in Geneva on the second agreement? No one believes we can get it, but they're insisting on going ahead with another agreement. We have the capability of responding that they do not have in their system, and I believe that we have the capability of providing the defense that the country needs here.

But the nuclear issue ought not to be part of homeporting - and that the whole question of this Navy base out there ought to be recognized - Did you know that Adak today--let me just tell you this--is the fifth largest community in Alaska - the fifth largest community. There's no civilian community there, but if you had one, it would be the fifth largest city in Alaska - and I think that it oughta be treated--the Alaskans out there oughta be treated as though they were in our state.

\* \* \* \* \*

(5) HB493

Rec'd 3/24/88



**COOPERATIVE EXTENSION SERVICE**  
**UNIVERSITY OF ALASKA, USDA & SEA GRANT COOPERATING**

MARINE ADVISORY PROGRAM, PO BOX 10046, DILLINGHAM, ALASKA 99576

March 24, 1988

Representative Adelheid Herrmann  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99802

Dear Representative Herrmann,

I'm writing to you on behalf of the University of Alaska's Marine Advisory Program in support of House Bill 493, "An Act relating to Marine Garbage Collection."

As you are aware, the U. S. Congress recently passed a new marine pollution law that prohibits the dumping of any plastics in the oceans at any time and allows the dumping of other kinds of trash outside of 12 miles from shore. For the vast majority of fishermen in Alaska, this means that to abide by the law, they must bring all of their trash back to port beginning December 1, 1988 when the law goes into effect.

Another requirement of the law is that ports that are authorized and charge to moor vessels must have facilities to dispose of all this new trash coming ashore. Recently, I attended a National Sea Grant sponsored conference in Portland concerning the new law. Gary Daily, the harbor master from Dutch Harbor was also in attendance. He and Doug Insley, president of the Alaska Association of Harbor Masters spoke quite convincingly about how many Alaskan ports will be faced with a major problem of disposal of this newly generated trash from the fishing and tourism industries. Dutch Harbor, for example, has over 4,000 port calls a year. It also has a very limited landfill which is scheduled to overflow in two years, and no incineration or other facilities to dispose of waste.

It became clear throughout the conference that those who wrote the new law had not considered the solid waste disposal problem that municipalities are obligated to absorb.

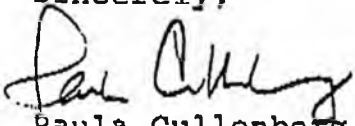
Several steps are being made toward beginning to address this problem. The National Marine Fisheries Service has given the Alaska Department of Environmental Conservation \$25,000 to estimate the amount of trash anticipated to be produced by vessel size class. NMFS is also considering funding the Southwest Alaska Municipal Conference toward a small study of possible solutions to Unalaska's particular disposal problems, such as increasing landfill sizes, incineration, recycling etc. It is intended that the information gathered would be specific enough to help Unalaska, yet general enough to be transferable to other communities in the State.

House Bill 493 is a timely and much needed next step in addressing this problem. It will allow a source of seed funds for communities to begin implomenting the most applicable means of collection and disposal of marine trash.

The Marine Advisory Program will be involved in educating marine users about the bill, promoting the return of marine trash to shore, as well as providing technical assistance to coastal communities in meeting waste disposal needs. We are not, however, a source of funds to municipalities.

I enthusiastically support HB 493 and hope to see it pass this session.

Sincerely,



Paula Cullenberg, Agent  
Marine Advisory Program

PC/ejn

RECEIVED MAR 25 1988  
⑥ HB 493

## CITY OF KING COVE

P.O. Box 37 • King Cove, Alaska 99612 • (907) 497-2340

March 21, 1988

The Honorable Adelheid Herrmann  
Alaska State Representative  
P.O. Box V  
Juneau, Alaska 99811

RE: House Bill 493

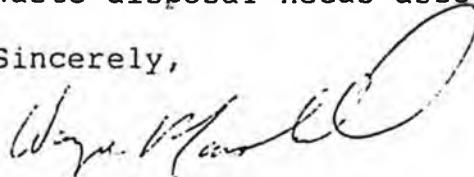
Dear Representative Herrmann:

The City of King Cove applauds your action to introduce HB 493, an act which begins to address the serious marine garbage problem which is confronting coastal communities. We believe the bill is a first step which the State must take to assist its coastal communities to handle the solid waste which inundates communities from processing and fishing activities.

The City would also like the intent of the bill expanded to include monites to plan, construct and implement solid waste collection systems that will be needed to respond to new federal requirements which prohibit ocean dumping. HJR 61, which you introduced, identifies the problems which coastal communities will face in providing the facilities needed to handle this garbage.

The City supports the intent of HB 493 and hopes the legislature can assist coastal communities in meeting solid waste disposal needs associated with the fishing industry.

Sincerely,



Wayne Marshall  
City Manager  
1007 W. 3rd, Suite 201  
Anchorage, Alaska 99501  
274-7555

HB

494



STATE OF ALASKA  
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

House C+RA      3-25-88      3:00 p.m.

2/17

D

R

F

P

N

BILL PREPARATION/ACTION\*

Bill # HB 494

Date Referred: 2/15/88 Out:

Title: Approp: Marine Garbage Grants

Sponsor: Herrmann Referrals: CPA Fin

CONTACTS:\*\*\*\*\*

Name \_\_\_\_\_

② ~~Plasman~~ \_\_\_\_\_

Herrmann 3/16 [\*3/25]; \_\_\_\_\_

Plasman 3/21 FN [\*3/25]; \_\_\_\_\_

\*\*\*\*\*

REMARKS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEETINGS:\*\*\*\*\*

Date \_\_\_\_\_ Action \_\_\_\_\_

\* 3/25/8 1st hung passed out 3DP

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*See other side for additional information.



# HOUSE COMMITTEE REPORT

(5)

Date referred: 2/15/88

FURTHER REFERRALS: Finance

DATE: MAR 25 1988

The Community and Regional Affairs Committee has considered HB 494

"An Act making special appropriations to the Department of Community and Regional Affairs for grants to collect marine garbage; and providing for an effective date."

**RECOMMENDS:**

- replace with \_\_\_\_\_  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(s):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

**SIGNING OTHER RECOMMENDATIONS:**

Heinrich Springer Springer

Gregheid Herrmann Herrmann

Tom Collins Collins

Heinrich Springer  
Chairman's signature

File Contents

HB 494 - Approp: Marine Garbage Grants

<u>No.</u>	<u>Description</u>
1.	Bill - HB 494
2.	Bill Review - Harrison

HB494.FIL  
3/24/88

② HB 494

March 21, 1988

TO: Rep. Henry Springer, Chairman HCRA

FROM: David C. Harrison, P. A., HCRA *DCH*

RE: HB 494 " An Act making a special appropriations to the Department of Community and Regional Affairs for grants to collect marine garbage; and providing for an effective date."

Section 1. Requests \$100,000 to be appropriated to the DCRA under state law AS 44.47.750 to various communities in Birstol Bay.

During the fishing season, many processors anchor outside borough and city limits where the authority for the clean environment is the responsibility of the state. It is in such community waters as given in the appropriation request that garbage collection is very much needed.

It may be suggested here that communities so affected my be assisted by the DCRA to find means to have the garbage collected. It could be by commercial scows located in and near the communities so affected.

Foreign ships that come into the bay have often discarded crates, boxes, and plastic strapping into the waters causing pollution to float or wash up on shores near these communities.

The need for this is based upon the fact that much of the pollution is done just outside local community jurisdictions.

H B

519

#	Date In	Doc. Type	Date	Subject	DESCRIPTION	From	Copied	Init
(1)	2/17/88	Bull	2/15/88	Bill				
(2)	3/2	cut.		"Article" Radon in AK		Heldensdorf		
(3)	3/2	Ltr.		Letter From Rep Davis Request		Rep Davis		
(4)	3/2	copy of CS		Budget 384 sheets		Forbes		
(5)	3/2	Booklet		Radon Reduction in <sup>Construction</sup> Homes		US EPA		
(6)	3/2	Booklet		A Home Owner's Guide 2nd Ed		US EPA		
(7)	3/2	Booklet		A CITIZEN'S Guide to Radon		US EPA		
(8)	3/3	Bill Review						
(2.1)	3/4	Dist		Alaska Radon Info from Spencer				
(1.1a)	3/7/8	FN	3/7/8	DCRA	4 pgs			
(1.2)	3/7/8	PP	3/7/8	DCRA				
(1.2)	3/7	FN		HSS				
(1.4)	3/7	PP		HSS				
(1.1)	3/5	CS		Proposed CS				
(9)	<del>3/7</del>	<del>Review</del>		<del>(Staff Review)</del>				
(15)	3/7	Anal.		DEC Analysis.				
(9)	3/28	cut		Article on Radon				
(11)	4/15	Booklet	4/15/88	Occupational Safety & Health (AK)	<sup>Standards</sup>	AK Dept of Labor		
(12)	4/15	Study	4/15/88	Indoor Air Quality 11/14/87		Washington D.C.		
(13)	4/15	Article	4/15/88	Indoor Air Complaints				
(14)	4/19	Article	4/19	GENERAL PRINCIPLES OF RESOLUTION	<sup>Radon</sup>	Phil Carson		
(12)	4/21	2nd CS		2nd Prop CS 5-1051 L				
(15)	4/22	Text.		Phil London				
(16)		POM		Phil London				
A	3/7/8	(min)						
B	3/28/8	(3 min)						
C	4/22/8	(min)						

(#) = Distributed, all files

(Ltr) = Master, Backup, Next Com. Files

## File Contents

### HB 519 - Radon Mitigation Loans to Homeowners

<u>No.</u>	<u>Description</u>
1.	Bill - HB 519
1.1.	Proposed CS (by Sponsor)
1.2a	2nd Proposed CS, 5-1851L, 3/31/88, Chenoweth
1.1a.	Fiscal Note with impact - DCRA
1.2	Fiscal Note (Zero) - HSS
1.3	Position Paper - DCRA
1.4	Position Paper - HSS
2.	Memo - Rep. Davis
2.1	Alaska Radon Information
3.	Article "Radon in Alaska"
4.	BRU Budget Sheet C-5
5.	Booklet - "Radon Reduction in New Construction"
6.	Booklet - "A Homeowner's Guide" 2nd Ed.
7.	Booklet - "A Citizen's Guide to Radon"
8.	Bill Review - Harrison (HCRA Staff)
9.	Article on Radon
10.	Memo - Davis response
11.	Booklet - Occupational Safety Standards
12.	Study - Indoor Air Quality
13.	Article - General principles - resolutions

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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STATE OF ALASKA  
THE LEGISLATURE

POUCHY - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

HC+RA	3-28-88	3:00 P.M.
	4-22-88	3:00 P.M.
	3-7-88	3:00 P.M.







### COMMITTEE:

HOUSE COMMUNITY & REGIONAL AFFAIRS

**DATE:** Mon. Mar. 28, 1988

# SIGN-IN

## Subject of meeting:

- ~~HB 318~~ Energy Efficient Home Equity Fund
- ~~HB 319~~ Approp: AK Energy Efficient Home Program
- ~~hb 519~~ Radon Mitigation Loans to Homeowners
- ~~HB 520~~ Approp: Radon Mitigation Loan Fund
- \*HB 522 Planning Commissions

**NAME (PLS PRINT)**      **YOUR TITLE & ADDRESS**      **PHONE**      **REPRESENTING**      **DO YOU WANT TO TESTIFY?**

Scott Burgess	Juneau	C-1325	AML	Yes
Katherine Pearson	Rep HB 519			
Rep. Davis	SDU			
Rep. Miller				
Jim Plummer				

HB 519  
520

520

522

65



# Alaska State Legislature

Representative Mike Davis

District 19

P.O. Box V  
Juneau, Alaska 99811  
(907) 456-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708  
(907) 456-8161

TO: House Community & Regional Affairs Committee  
FROM: Rep. Mike Davis  
DATE: March 7, 1988  
RE: HB 519 and HB 520, establishing a revolving loan fund for radon mitigation.

House Bill 519 establishes a revolving loan fund in the Department of Community and Regional Affairs for reduction of radon in homes.

Radon is a naturally occurring radioactive gas. The largest source of indoor radon is directly from the soil in areas where uranium deposits are high. Significant amounts of radon can enter and accumulate in homes, presenting a serious health threat to residents. The major known health effect of radon in the air is an increased risk of lung cancer. It is estimated that 5,000 to 20,000 lung cancer deaths annually can be attributed to radon.

Dangerous levels of radon have been recorded in several Alaskan communities. Effective techniques have been developed to reduce radon levels in homes. However, many Alaskans cannot afford to retrofit their houses. Some are reluctant to even test for radon, because they will not be able to pay for necessary modifications. House bill 519 will set up a small loan program for these homeowners.

This legislation authorizes the Dept. of Community and Regional Affairs to make market rate loans of up to \$10,000 for radon mitigation. To be eligible, a homeowner must have applied for a loan from a bank or savings & loan, and been rejected. The homeowner is also required to submit a plan for the use of the money. The department may establish additional eligibility criteria and write regulations for the program.

The House of Representatives recognized the need for radon mitigation when it unanimously passed HJR 38, which calls for a joint state/federal effort to alleviate the radon gas problem in Alaska. House Bill 519 is a positive step in that direction.

LEGISLATIVE

SPONSOR: H C+RA

TC DATE/DAY: Monday March 7

Pub. Hear Work Ses. Inv. Hear ?

TIME: 3-4:30

LEGISLATIVE REFERENCE: HB 520 + HB 521

JUNEAU ROOM: CA-603

SUBJECT: Radon Mitigation

BRIDGE: DD# 456-5076

radon mitigation

# OF PORTS: \_\_\_\_\_

CONTACT: Katherine PH: 4941 483

DATE TAKEN/BY: W 3/3

\*\*\*\*\*

TELECONFERENCE SITES:

LIO'S

LTC'S

VTS'S

- Anchorage
- Barrow \*
- Bethel
- Delta Junction \*
- Dillingham \*
- Fairbanks
- Glennallen \*
- Juneau
- Ketchikan
- Kodiak
- Kotzebue
- Mat-Su
- Nome
- Petersburg \*
- Sitka
- Soldotna
- Valdez \*

- Homer
- Wrangell

See List on Reverse Side

ALL LIO'S

OTHER SITES WELCOME WITH PRIOR NOTIFICATION

OFFNETS: \_\_\_\_\_

CHAIRING SITE: JOU

CHAIRPERSON: Rep Seiger

[ ] CONFORMS TO LEGISLATIVE COUNCIL POLICY 4/85

Martha Brubaker  
SIGNATURE OF SPONSOR/CONTACT PERSON

3/4/88  
DATE

\*\*\*\*\*

SPECIAL INSTRUCTIONS

no Jou MOD  
they will use speakerphone. 2 people in FB:

\* SESSION ONLY

gpc / CRA



# Alaska State Legislature

Representative Mike Davis

District 19

P.O. Box V  
Juneau, Alaska 99811  
(907) 456-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708  
(907) 456-8161

FEB 18 1988

TO: Rep. Heinrich Springer  
Chairman, House Community & Regional Affairs  
FROM: Rep. Mike Davis  
DATE: February 17, 1988  
RE: HB 519 and HB 520

I would like to request early scheduling of HB 519 and HB 520, establishing a revolving loan fund for radon mitigation.

While radon exposure is poses a serious threat to public health, many Alaskans cannot afford to install mitigation systems in their homes. HB 519 and HB 520 would provide loans of up to \$10,000 to home owners to install air-to-air heat exchangers, vapor barriers and other mitigation mechanisms.



(1.1) HB 519

5-1851B  
Chenoweth  
3/4/88

Original sponsors: Davis, Koponen  
and Ulmer

1 IN THE HOUSE

2 CS FOR HOUSE BILL NO. 519 ( )

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing a revolving loan fund for radon  
7 mitigation; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. FINDINGS. The legislative finds that

10 (1) exposure to radon poses a serious threat to public health  
11 and is estimated to cause approximately 5,000 to 20,000 lung cancer deaths  
12 each year nationally;

13 (2) fourteen percent of the indoor radon measurements made by  
14 the state's divisions of geological and geophysical surveys and public  
15 health exceeded four picocuries, the level at which the Environmental  
16 Protection Agency recommends action be taken to reduce the level;

17 (3) environmental conditions in Alaska contribute to the health  
18 risk of radon, due to the long heating season, amount of time spent in-  
19 doors, and pressure differentials caused by extreme indoor-outdoor tempera-  
20 ture differentials;

21 (4) high levels of radon may decrease property values, making  
22 loans difficult to obtain and greatly hindering resale;

23 (5) techniques such as vapor barriers, air-to-air heat exchang-  
24 ers, and certain house pressurization strategies may be used to mitigate  
25 radon in homes;

26 (6) many Alaskans do not have the financial resources to install  
27 radon mitigation systems in their homes; and

28 (7) state response to the health threat posed by radon is essen-  
29 tial and should continue at existing or expanded levels.

1 \* Sec. 2. AS 44.47 is amended by adding new sections to read:

2 ARTICLE 11A. RADON MITIGATION REVOLVING LOAN FUND.

3 Sec. 44.47.650. RADON MITIGATION REVOLVING LOAN FUND. There is  
4 in the Department of Community and Regional Affairs the radon mitiga-  
5 tion revolving loan fund to carry out the purposes of AS 44.47.650 -  
6 44.47.658. The fund may not be used for any other purpose.

7 Sec. 44.47.652. POWERS AND DUTIES OF THE DEPARTMENT IN ADMINIS-  
8 TERING THE FUND. (a) The department may

9 (1) make loans to homeowners to mitigate the effects of  
10 radon on property used as the homeowner's place of residence;

11 (2) adopt regulations necessary to carry out the provisions  
12 of AS 44.47.650 - 44.47.658.

13 (b) The department shall

14 (1) determine by regulation eligibility for loans based on  
15 a measurement of radon within the borrower's residence; eligibility  
16 must be established based on a sliding scale that inversely relates  
17 the minimum measurement level to qualify for a loan to the length of  
18 the time period during which the radon measurement was taken;

19 (2) develop other eligibility standards for loans;

20 (3) adopt guidelines for the determination of loan terms.

21 (c) The department shall dispose of property acquired through  
22 default or foreclosure of a loan made under AS 44.47.650 - 44.47.658.  
23 Disposal shall be made in a manner that serves the best interests of  
24 the state, and may include the amortization of payments over a period  
25 of years.

26 Sec. 44.47.654. LOAN TERMS AND PAYMENTS. (a) A loan made by  
27 the department under AS 44.47.650 - 44.47.658 may not exceed \$10,000.

28 (b) The duration for repayment of a loan may not exceed 10  
29 years.

1 (c) The interest rate on a loan made by the department under  
2 AS 44.47.650 - 44.47.658 is the annual rate charged member banks for  
3 advances by the 12th Federal Reserve District on the day the loan is  
4 made.

5 (d) All principal and interest payments on loans under AS 44.-  
6 47.650 - 44.47.658 shall be paid into the radon mitigation revolving  
7 loan fund.

8 Sec. 44.47.656. ELIGIBILITY FOR LOANS. A homeowner is eligible  
9 for a loan under AS 44.47.650 - 44.47.658 if

10 (1) a measurement of the radon in the homeowner's residence  
11 exceeded the numbers of picocuries determined by program regulation  
12 under AS 44.47.652(b)(1);

13 (2) the homeowner has applied for a loan to mitigate the  
14 effects of radon from a state chartered or federally chartered lending  
15 institution, and the application has been rejected;

16 (3) the homeowner submits to the department a plan for the  
17 use of the loan funds that is approved by the commissioner; and

18 (4) the applicant meets additional eligibility standards  
19 established by the department under AS 44.47.652.

20 Sec. 44.47.658. SPECIAL ACCOUNT ESTABLISHED. (a) There is  
21 established as a special account within the radon mitigation revolving  
22 loan fund the foreclosure expense account. This account is estab-  
23 lished as a reserve from fund equity.

24 (b) The commissioner may expend money credited to the foreclo-  
25 sure expense account when necessary to protect the state's security  
26 interest in collateral on loans made under AS 44.47.650 - 44.47.658 or  
27 to defray expenses incurred during foreclosure proceedings after a  
28 default by an obligor.

29 \* Sec. 3. This Act takes effect July 1, 1988.

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HB 519  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_  
Title: Establishing a revolving loan  
fund for radon mitigation  
Sponsor: \_\_\_\_\_  
Requestor: \_\_\_\_\_

Agency Affected: Community & Regional Affairs  
BRU: Housing Assistance

Components: Radon Mitigation Loan Fund

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES		62.4	64.9	67.4	70.1	72.7
TRAVEL		8.0	8.0	8.0	8.0	8.0
CONTRACTUAL		6.0	6.0	6.0	6.0	6.0
SUPPLIES		.4	.4	.4	.4	.4
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		76.8	79.3	81.8	84.5	87.1

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		76.7	79.3	81.8	84.5	87.1
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME		1.0	1.0	1.0	1.0	1.0
PART-TIME		1.0	1.0	1.0	1.0	1.0
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

See Attached Analysis

Prepared by: Carol Carroll  
Division: Administrative Services

Phone: 465-4709  
Date: 3/7/88

Approved by Commissioner: David G. Hoffman  
Agency: Community and Regional Affairs

Date: \_\_\_\_\_

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

FISCAL NOTE ANALYSIS

A. Assumptions

Enactment of this legislation will require the Department of Community and Regional Affairs to develop regulations, determine eligibility standards and adopt guidelines for loan terms. Also, the Department will be required to review applications for loans and coordinate a home visit to determine eligibility with other state agencies who are presently measuring radon levels in homes. Depending on the appropriation level an estimated 50 to 250 loan applications will need to be reviewed and processed.

B. Staff Requirements

In order to respond to the responsibilities enumerated above it will be necessary to establish a new Project Coordinator position in the Housing Assistance Section to develop regulations and oversee the loan application process. A part-time Clerk III position will be needed to assist the Project Coordinator.

Computation of Salary Costs

1. Project Coordinator,	Range 18 Step A	
	Salary	\$37.4
	Benefits	12.1
	Total	<u>\$49.5</u>
2. Clerk III, Part-time	Range 08 Step A	
	Salary	\$ 9.8
	Benefits	3.1
	Total	<u>12.9</u>

3. Position costs

Travel in the amount of \$8.0 is necessary for the Project Coordinator do on-site reviews and develop loan packages.

Contractual in the amount of \$6.0 is necessary for mail, phone, advertising and printing.

Supplies in the amount of \$.4 is required for routine office needs.

Position Title <u>Project Coordinator</u>		No. of Positions <u>1.0</u>	Range/Step <u>18 A</u>	Barg. Unit <u>GGU</u>																																				
Time Status <u>Full-Time</u>	Staff Months <u>12.0</u>	Location <u>Anchorage</u>		Election District																																				
<table border="1"> <thead> <tr> <th colspan="2">Type of Expenditure</th> <th>Amount</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary</td> <td>37.4</td> <td rowspan="5"></td> </tr> <tr> <td>Benefits</td> <td>12.1</td> </tr> <tr> <td>Premium Pay</td> <td>-0-</td> </tr> <tr> <td>Other</td> <td>-0-</td> </tr> <tr> <td><b>Total Personal Services</b></td> <td></td> <td>49.5</td> </tr> <tr> <td>Travel</td> <td></td> <td>8.0</td> </tr> <tr> <td>Contractual</td> <td></td> <td>5.0</td> </tr> <tr> <td>Commodities</td> <td></td> <td>.2</td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> </tr> <tr> <td><b>Total Cost</b></td> <td></td> <td><b>62.7</b></td> </tr> </tbody> </table>		Type of Expenditure		Amount	1	2	3	Salary	37.4		Benefits	12.1	Premium Pay	-0-	Other	-0-	<b>Total Personal Services</b>		49.5	Travel		8.0	Contractual		5.0	Commodities		.2	Equipment			Other			<b>Total Cost</b>		<b>62.7</b>	<b>Justification</b>  This position will develop regulations for eligibility standards and loan conditions for the proposed radon mitigation loan fund. In addition, this position will oversee program activity to include on-site reviews and processing of a loan.		
Type of Expenditure		Amount																																						
1	2	3																																						
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**Request For  
New Position**

Agency Community and Regional Affairs  
BRU Housing Assistance  
Component Radon Mitigation Loan Fund

**FY 89**

Page 3 of 4  
Revised Date

Position Title <b>Clerk III</b>		No. of Positions <b>.5</b>	Range/Step <b>08 A</b>	Barg. Unit <b>GGU</b>	
Time Status <b>Part-Time</b>	Staff Months <b>6.0</b>	Location <b>Anchorage</b>		Election District	
Type of Expenditure		Justification			
		<p>This position will assist the project coordinator with necessary loan processing paperwork, regulation preparation and various clerical duties associated with the project.</p>			
1	2				3
Salary	9.8				
Benefits	3.1				
Premium Pay	-0-				
Other	-0-				
Total Personal Services					12.9
Travel					-0-
Contractual					1.0
Commodities					.2
Equipment					
Other					
Total Cost					14.1
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	14.1			
GF Program Receipts	1005				
Other					

**Request For  
New Position**

Agency Community and Regional Affairs  
 BRU Housing Assistance  
 Component Radon Mitigation Loan Fund

Page 4 of 4  
 Revised Date

**FY 89**

(1.2) HB 519

STATE OF ALASKA  
1988 LEGISLATIVE SESSION

BILL VERSION: HB 519  
PUBLISH DATE: \_\_\_\_\_

FISCAL NOTE

REQUEST:

Revision Date: 2/15/88  
Title: An Act establishing a re-  
volving loan fund for radon . . .  
Sponsor: Davis et al.  
Requestor: \_\_\_\_\_

Agency Affected: Health & Social Services  
BRU: State Health Services  
Components: Lab Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The enactment of HB 519 would have no direct fiscal impact on the Department of Health and Social Services.

Prepared by: Elizabeth Ward, Director *Elizabeth Ward* Phone: 465-3090  
Division: Public Health Date: 3-3-88

Approved by Commissioner: *MUNA M MURPHY* Date: 3/7/88  
Agency: Department of Health & Social Services

- Distribution (by preparer):
- Legislative Finance
  - Legislative Sponsor
  - Requestor
  - Office of Management and Budget
  - Impacted Agency(ies)

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

March 7, 1988

STEVE COWPER, GOVERNOR

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

POSITION PAPER

RE: House Bill 519: "An Act Establishing A Revolving Loan Fund for Radon Mitigation"

SPONSOR: Representative Davis, et. al.

Program Effects of Bill

House Bill 519 would create in the Department of Community and Regional Affairs a revolving loan fund to finance radon mitigation measures for Alaskans whose homes' measurement of radon exceed six picocuries per liter and who cannot secure financing from commercial banks.

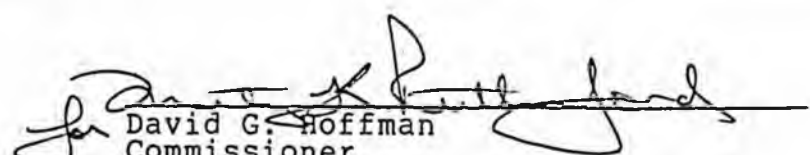
Comments

The Department strongly supports steps to mitigate radon where its occurrence exceeds safety limits. Radon is a serious health and indoor air quality issue with which this country is just coming to grips. High radon levels are being discovered in the Fairbanks area, and the extent of the problem is not currently fully known. The State of Alaska clearly has a role in addressing this health threat.

Fortunately, there exist alternatives to address this problem. Many of the technologies used in energy-efficient construction, properly installed vapor barriers, proper ventilation, and air-to-air heat exchangers have proven effective in mitigating high radon levels.

The Department has been very active in increasing public awareness of radon and other indoor air quality concerns. We have sponsored two successful statewide indoor air quality conferences, funded the Alaska Craftsman Home Training Program which teaches builders how to construct radon-free homes, and are currently working with the Alaska Lung Association and the University of Alaska in developing factsheets and a video program on radon and indoor air quality.

The Department, however, does not have a position on this legislation. While it supports continued research and education efforts on the issue as well as mitigation efforts, it questions whether the State should create a new loan fund in light of the current revenue situation.

  
 David G. Hoffman  
 Commissioner

Position Paper

HB 519

For an Act entitled: "An Act establishing a revolving loan fund for radon mitigation; and providing for an effective date."

HB 519 establishes a revolving loan fund for radon mitigation in private homes. The Department of Community and Regional Affairs is to administer this fund, making loans to homeowners who meet specific eligibility standards. That department is also required to adopt regulations necessary to carry out provisions of the fund under guidelines established in HB 519.

Comments and Recommendations

1. Under legislative findings on page one, reference is made to the Environmental Protection Agency (EPA) remedial action level of six picocuries per liter of radon gas concentration. The EPA remedial action level is four picocuries per liter.
2. HB 519 specifies that a homeowner be eligible for a loan if the measurement of radon concentration exceeds six picocuries per liter. It is recommended that the EPA action level be used as the baseline and that eligibility for loans be based on different radon gas level measurements made in the home, depending upon the duration of the measurements. The EPA health risk estimates are based on annual averages with occupancy in the home for 75% of the time and an exposure period of 70 years. It is known that the concentration levels vary with the season of the year and associated ventilation rate changes in the home. Consequently grab-samples, or measurements made over short time periods, may not reflect an average condition. For example, it has been shown that on the average, a wintertime basement screening measurement overestimates the first floor annual average by a factor of three. Also, a three-month wintertime first floor measurement overestimates an annual first floor measurement by