ALASKA LEGISLATURE COMMITTEE FILES 2001-2002 8672
10319 HOUSE LABOR & COMMERCE

(worker) and the work itself. In all states a separation from work is considered to be without fault if the leaving of work is with *good cause in connection with the work*, e.g., the worker leaves because the work, or work-related conditions, affected him to a degree that reasonableness dictated that he leave. But, some states determine that the worker is also without fault when his leaving is for personal *good cause*, e.g., the worker must leave his work to care for a sick dependent.

If only *good cause* is required to establish no fault, then personal problems as well as work problems are considered. Allowing personal problems opens a wide range of considerations. Personal problems may relate to health, family responsibilities or other personal reasons. Work problems include anything related to the job.

If a state law requires that *good cause* must be in *connection with the work*, the claimant must show that the work created a circumstance which gave him a justifiable reason for leaving. Justifiable reasons must be considered in terms of each state's law. In some states a justifiable reason cannot include legal working conditions which the worker had an opportunity to evaluate before accepting the job. In at least one state, *connected with the work* is limited to substandard working conditions that adversely affect the average or normal worker.

A second issue of importance is the issue of *discharge*. When is a discharged worker unemployed without fault? All states disqualify a worker if he has been discharged for misconduct connected with the work. The reasoning is that by his misconduct, he has acted to cause his unemployment.

Interpretations of *misconduct, and connected with the work* vary considerably from state to state. But in all states, and the courts have concurred (Boynton Cab Co. v. Neubeck, 1941), minor human errors such as inadvertancies, ordinary negligence in isolated instances, inefficiency, or good faith errors of judgment or discretion are *not* misconduct.

Unemployment caused by *labor disputes* also raises an issue as to whether a worker is eligible for benefits. Most states do not provide payments to a worker who is unemployed due to a stoppage of work caused by a labor dispute in which he is participating or directly interested. Theoretically, it is a traditional policy in the unemployment insurance program to remain neutral in labor disputes.

Since determinations in *labor disputes* affect groups of workers and typically involve complex technicalities, the determinations in most states are centralized. Therefore, the discussion of labor disputes will not be covered in detail.

After the initial determination that an individual is an insured unemployed worker, a weekly examination of the circumstances under which the claimant was unemployed is made. In this weekly examination, it must be determined that the claimant is *able to work and available* for work.

As part of availability, the claimant must apply for work. This requirement is easily equated to the fault-no fault concept. By this application the claimant is taking a positive action to show his readiness to work. If the worker does not register for work, he is extending his unemployment, therefore demonstrating an unreadiness for work.

Other aspects of the issue of availability of the worker can also be related to the fault-no fault concept. When availability restrictions arise out of something controllable by the worker, such as unwillingness to work for the prevailing rate of pay, or under other prevailing conditions of work, he is acting to continue his unemployment.

An exception to the fault-no fault concept occurs when the person is not physically able to work or when other uncontrollable personal circumstances keep him from being able to work. Although these cases are determined under the availability (or ability) sections of unemployment insurance laws, such cases relate more to the concept of whether or not the individual is a worker than to the fault-no fault concept. As previously stated the fault-no fault idea permits eligibility to be determined when the unemployment is caused by an event over which the worker has no control. Thus, an individual who is physically unable to work may have no control over his condition but would not be eligible for benefits.

A worker who is initially unemployed without fault may remain unemployed due to his own fault if he refuses without *good cause* an opportunity to become employed. This generally occurs by a refusal to accept an offer of suitable work, by refusal to accept a referral to suitable work or by a failure to apply for suitable work. State laws relating to this issue have many similarities because they are based on federal requirements.

Summary

The above discussion seeks to provide some answers to the question: When can a person be paid unemployment insurance benefits? The answer can be found by reexamining the three key questions. The claimant can be paid when: 1) his recent work history and past earnings qualify him as an eligible *worker*; 2) he is not working or is earning less than his weekly benefit amount, that is, he is *unemployed*; 3) his unemployment is *without fault*. In assessing fault and without fault three areas are important: a) his *reason for separation* was without fault due to a reduction in the labor force, quitting with good cause, being discharged for reasons other than misconduct in connection with the work, or unemployment during a labor dispute in which he meets specific statutory provisions which afford relief from disqualification; b) he has not extended his unemployment by refusing to accept suitable work; and c) his current personal circumstances and actions show that he presently is a worker who is willing and ready to work.

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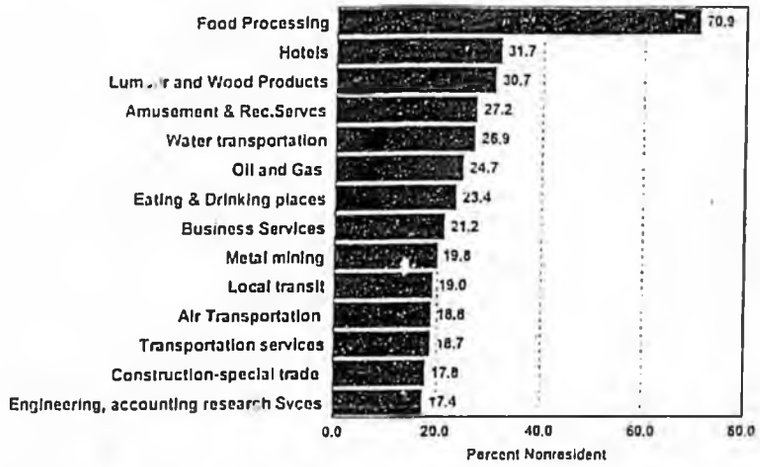
Many Industries Still Have High Nonresident Hire Rates

On average, 20.9% of private sector workers were nonresident in 1999, but the nonresident rates varied widely by industry. (See appendix table A-2 for detailed industry nonresident employment and wages.) Nonresident workers in Alaska are typically found in industries with a large number of seasonal jobs (often relatively low paying), industries with faster than average growth, industries with jobs having special skills, and industries where the workers may be employed in remote worksites or camps. Alaska's seasonal industries continue to dominate the list of those with the highest nonresident earnings and workers. Seafood processing, visitor industry sectors (hotels, eating and drinking places, air transportation and transportation services), lumber and wood products, and the oil industry were the major industry sectors with the highest percentage of nonresident workers in 1999.

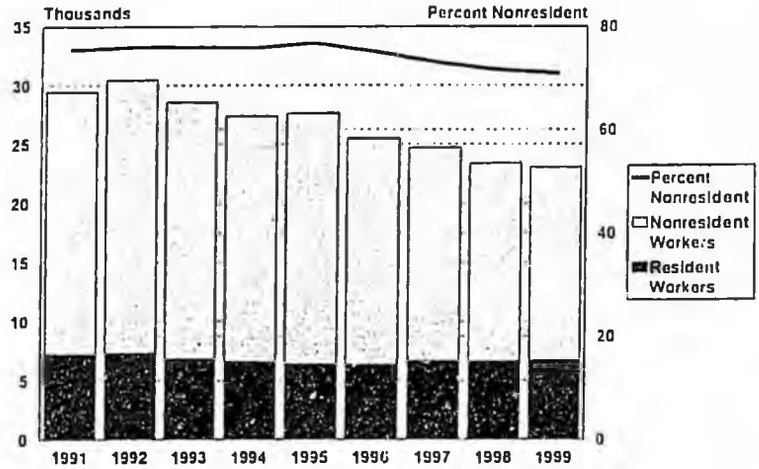
Private Sector Industries with Highest Percent Nonresident Workers - Alaska 1999



Note: Industries with 1,000 or more workers.
Source: Alaska Department of Labor and Workforce Development, Research and Analysis Section.

Although showing continued improvement over the last several years, the food processing industry continued to employ the highest percentage of nonresidents, 70.9% in 1999. However, Department and industry recruitment efforts targeting Alaska residents have led to an overall 5 percentage point decline in the percent nonresident workers since 1994. Nonresidents earned 59% of total wages in this sector. Total earnings increased by $16.3 million and the total number of workers declined by 351. The number of nonresident workers decreased by 416 workers or 2.4% while resident workers increased by 65 workers between 1998 and 1999. Resident earnings increased by 8.8% or about $7.8 million and nonresident earnings increased by 5.8% or about $8.5 million between 1998 and 1999. The food processing industry is relatively low paying with nonresident workers earning on average $4,495 in each quarter that they worked in 1999, an increase of $429 from 1998.

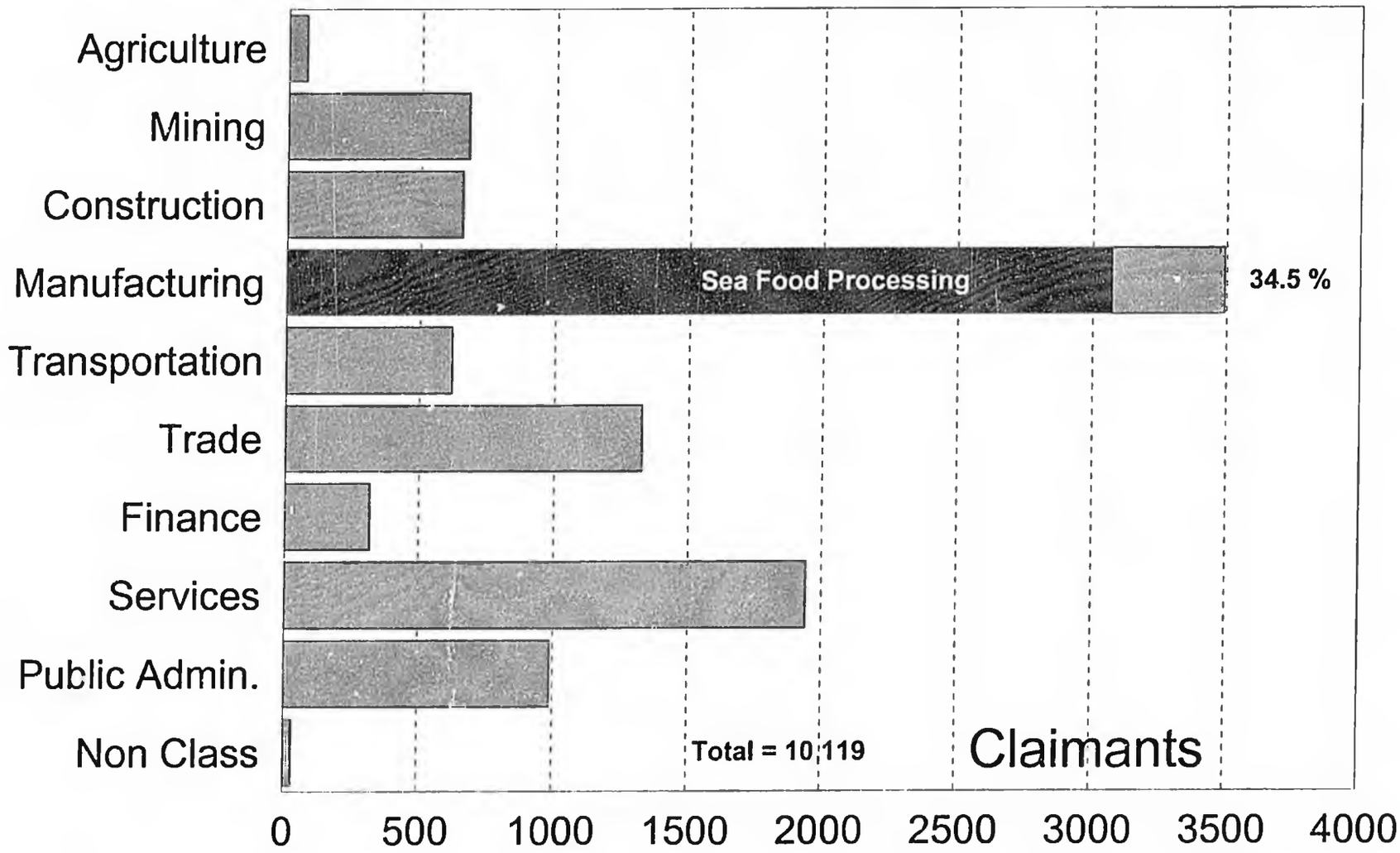
Food Processing Number and Percent Nonresident Workers-Alaska 1991 to 1999



Source: Alaska Dept. of Labor and Workforce Development, Research and Analysis Section

Chart 1

Alaska's Interstate UI Claimants 1999
Distribution by Industry

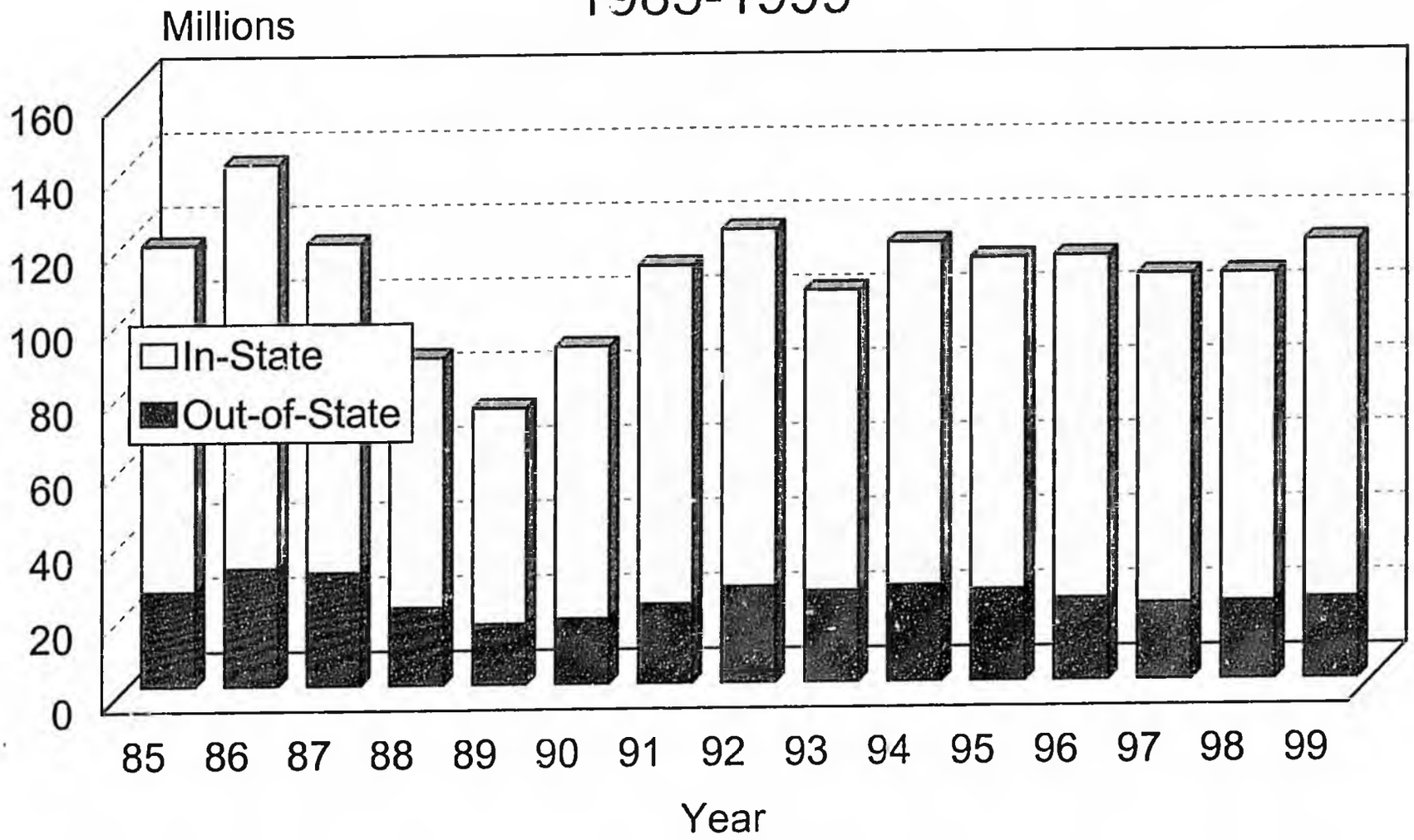


Source: Alaska Department of Labor & Workforce Development

Chart 2

Figure 2.1

Amount of UI Payments, Regular Benefits 1985-1999

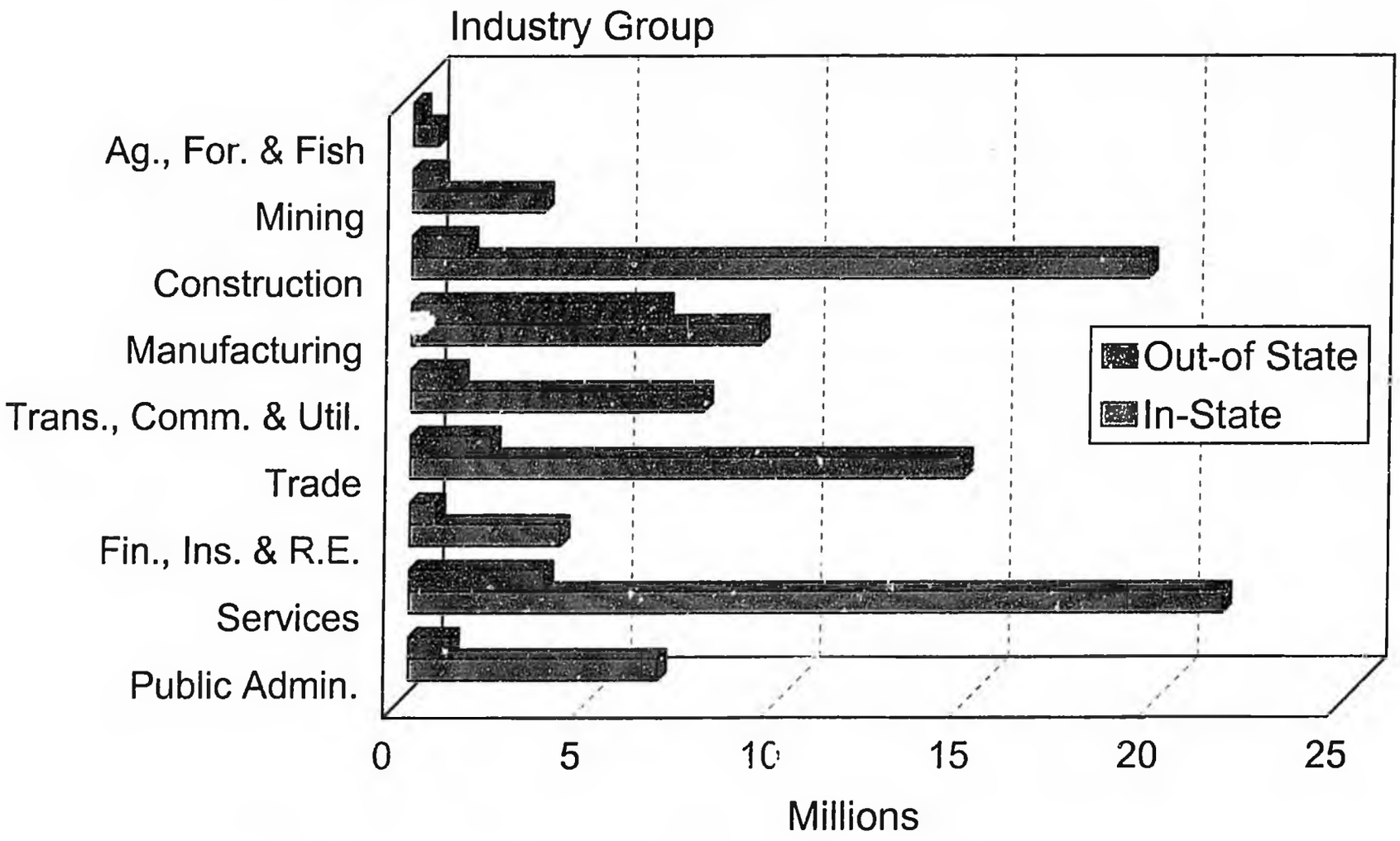


Source: Alaska Department of Labor and Workforce Development

Chart 3

Figure 2.3

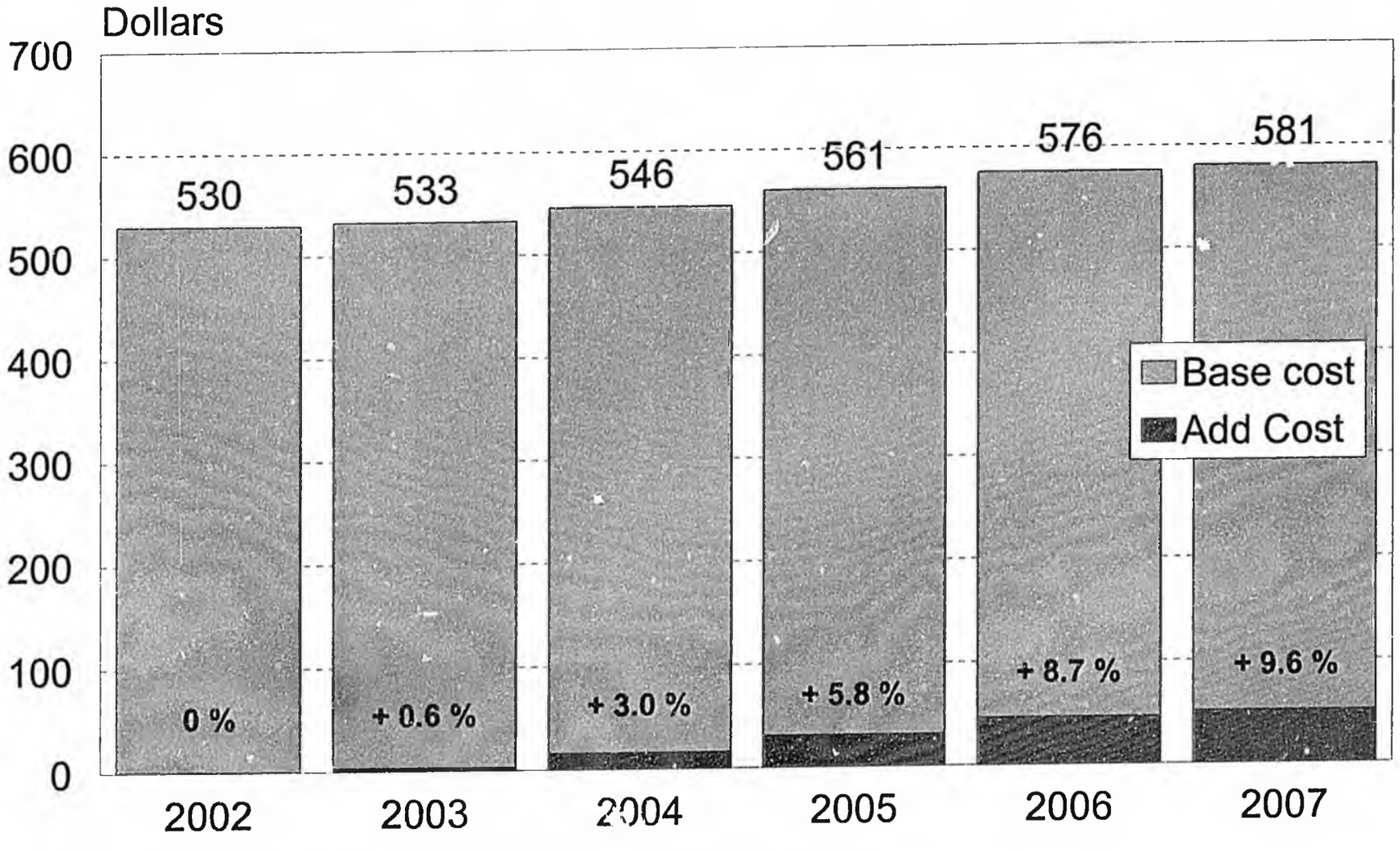
UI Regular Benefit Payments, by Industry, 2000
for "In-State" and "Out of State" Claimants



Source: Alaska Department of Labor and Workforce Development

Chart 4

Estimated Max Cost per Worker for Average Employer
(5 years to reach cost of proposal)

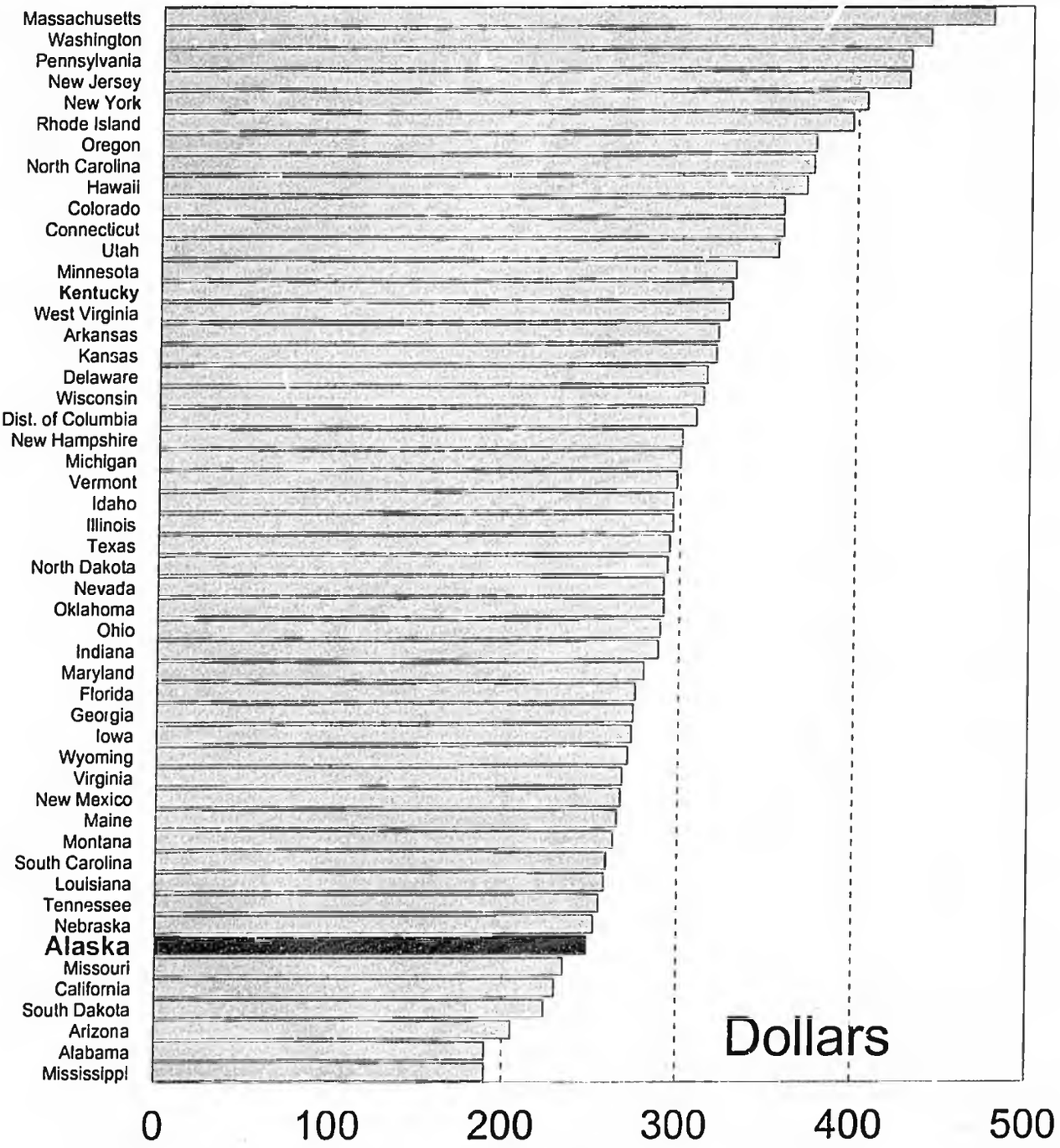


Source: Alaska Department of Labor & Workforce Development

Chart 5

State Benefit Comparison, 1999

Maximum Weekly Benefit Amount



Source: Alaska Dept of Labor & Workforce Development

HB

66

Alaska State Legislature

House Labor & Commerce Committee
•
House Military & Veterans' Affairs Special Committee
•
House Economic Development & Tourism Special Committee

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Representative Sharon Cissna

Sponsor Statement
HB 66

"An Act relating to pesticide use."

Alaskans lack the necessary records to safeguard their own exposure to pesticides. Certified pesticide applicators (CPA) are required to keep documentation on restricted use pesticides, but they are not required to report even this small percentage of total pesticide use. The limited documentation kept is extremely difficult for the public to access. According to a recent survey, 93% of voters favor required disclosure and reporting of pesticide use in Alaska.

HB 66 makes the commercial use of pesticides in public areas -- such as schools, parks, and municipal buildings -- known to the public. This bill creates a mechanism to study the suspected link of pesticides to increasing cancer, respiratory illness, and allergies.

This bill specifically:

- Charges pesticide manufacturers a $150 registration fee per label.
  Alaska is the only state that does not receive such a fee.
- Establishes a $25 per annum registration fee for certified pesticide applicators.
  The Department provides training and licensure, but does not yet have the authority to charge a fee.
- Requires CPAs to report pesticide use to DEC.
  They are currently required to collect the information, but not required to report it.
- Mandates DEC establish a pesticide tracking system readily available to the public and integrated with a Geographic Information System.
- Establishes a nine-member Pesticide Advisory Board to research ways to limit public exposure to pesticides
  This is a volunteer board, which will incur minimal expenses to the State.

The tracking system will be funded by the $150 manufacturer's registration fee and the CPA licensure fees. Information collected by this tracking system will enable researchers and public officials the opportunity to create policy that reduces public exposure to hazardous chemicals, protects water quality, and keeps pesticides out of subsistence foods.

Sectional Analysis for HB 66, "an Act relating to pesticide use."

Section 1. Establishes a registration fee of $150 per pesticide product registered in Alaska.

Section 2. Establishes a license fee of $25 per annum for certain pesticide applicators.

Section 3, Sec. 46.03.335 Pesticide Tracking System.
(a) Mandates the department establish a pesticide tracking system, integrated with a statewide GIS, revealing the location and extent of pesticide use in Alaska.
(b) Mandates applicators report to the department pesticide name; rate, date, amount, location and method of application; crop, commodity, or site upon which pesticide was applied; and the target organism.
(c) Applicators must report unused pesticides.
(d) Applicators must retain records for three years.
(e) Civil penalties may be imposed for compliance failure.

Sec. 46.03.340. Availability of information to the public.
(a) Tracking system data must be available to public on the Internet and on disk or printed form by request.
(b) Department shall publish annual report detailing statewide pesticide application.

Sec. 46.03.345. Pesticide Advisory Board.
(a) Establishes a Pesticide Advisory Board of nine members: two pesticide applicators or dealers; two advocates of protection from pesticides; one agent of a public water supplier; one agent of the University's Cooperative Extension Service; one expert in pest control, epidemiology, fish and wildlife biology or children's health issues; and two public members.
(b) Board's responsibilities include advising the department on the tracking system, research methods for understanding household use of pesticides, and methods for increasing public awareness.
(c-e) Establishes routine mechanics of board governance.
(f) Board members are not entitled to transportation or per diem expenses.

Sec. 46.03.350. Technical Assistance.
(a) The department or Board may request technical assistance in establishing the tracking system from any public or private agency with expertise.
(b) The department may provide technical assistance to applicators to facilitate reporting.

Sec. 46.03.355. Department's use of the Tracking System.
The department shall use the pesticide use database to better protect the environment and citizens of Alaska from pesticides.

Section 4. ADEC may proceed to develop regulations.

Section 5. Pesticide Advisory Board shall submit a report to the Governor with recommendations for action.

Section 6. Except as provided in Section 7, this Act takes effect January 1, 2002.

Section 7. Section 4 takes immediate effect.

House of Representatives Committees:
•
Health, Education, &
Social Services Committee
•
Military & Veterans' Affairs
Special Committee
•
University Finance Subcommittee
•
Public Safety Finance Subcommittee
•
Court System Finance Subcommittee

Alaska State Legislature

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Representative Sharon Cissna

Questions and Answers
CS HB 66
"An act relating to pesticide use"

Q: Why is HB 66 necessary?
A: Alaska does not have a system to track pesticide use. Although Alaska has 4,571 pesticide labels registered for use, we have no accurate information on which pesticides are used, where, when, and in what amounts. Reliable information on pesticide use is necessary as a baseline for the Alaska contaminants research program, and in order to make effective policy decisions to protect water quality, subsistence foods, and public health. Accurate pesticide use data will assist researchers in determining what pesticides are transported from lower latitudes and what pesticides derive from within the state. Alaska is the only state that does not collect fees on pesticides registered for commercial use. Accurate and publicly accessible information about pesticide use is a valuable tool for researchers, public health professionals, policy makers, and the general public. Realistic data will preclude speculation and distortion of facts.

Q: What will HB 66 require of Certified Pesticide Applicators (CPA's)?

1) Certified pesticide applicators are already required to keep documentation on restricted use pesticide applications. New DEC regulations independent of this bill will require documentation on all pesticide usages by CPA's. HB 66 requires applicators *report* pesticide usage to ADEC. Which pesticides must be reported is being left to the discretion of the department.
2) They must also post notice before spraying outside 48 hours in advance. (Current Municipality of Anchorage regulations are for 24-hour notice.)
3) And they must pay $25 per annum as a license fee.

Q: Does HB 66 protect the privacy of applicators and their clients?
A: It does. Applicators will be required to report pesticide usage locations specifically enough to differentiate between watersheds, but general enough to protect the anonymity of individuals.

Q: I am a pesticide applicator that only applies pesticides indoors. Why should I have to report such usage?
A: Indoor pesticide use reporting will provide valuable data for policy makers and public health officials to evaluate potential health risks.

Q: I am an applicator certified for three different categories of pesticide use. Will I be required to pay the $25 per annum license fee three times?
A: No, applicators are required to pay just the $25 license fee each year, regardless of how many categories of use they have received training on and been certified for.

Q: Most pesticide use in Alaska is by individuals, not by CPAs. Since individual use is not tracked, how will the tracking system be useful?
A: We have no accurate measure of private or commercial use of pesticides, so HB 66 is intended as a beginning step to provide the public with useful information about commercial pesticide use. Accurate information can benefit applicators by providing the public with documentation of amounts and types of pesticide use, thus preventing distortion of facts. In the future, it may be useful to also track individual use through retail sales or another mechanism. HB 66 calls upon the Advisory Board to look into ways to track household pesticide use.

Q: Under HB 66, Pesticide Manufacturers are required to pay $150 registration fee per pesticide label. How does that compare to other states?
A: Alaska is the only state that currently does not charge such a registration fee for pesticides. The average fee is approximately $110. Examples from other states follow: New York $300, Vermont $75, California $200, Delaware $70, Connecticut $100

Q: In its original incarnation as HB356, HB 66 required reporting of Sales and Usage. Why was the Sales portion of this bill was dropped?
A: It was dropped due to concerns by the department that if every person going to a store to buy a pesticide had to fill out a form, this would be complicated and burdensome for everyone involved. As stated above, one of the advisory board's mandates is to advise on ways to track household use in the future.

22-LS0352\J
Lauterbach
1/24/02

CS FOR HOUSE BILL NO. 66( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE CISSNA

A BILL

FOR AN ACT ENTITLED

"An Act relating to pesticide use; relating to program receipts collected by the Department of Environmental Conservation for registrations and licenses relating to pesticides; and providing for an effective date."

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

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

(AAA) receipts of the Department of Environmental Conservation under AS 44.46.025(e) and AS 46.03.320(b);

*** Sec. 2.** AS 44.46.025 is amended by adding a new subsection to read:

(e) The department may charge a registration fee of $150 for a pesticide label for a pesticide product registered for use in the state.

*** Sec. 3.** AS 46.03.320(b) is amended to read:

(b) The department may provide by regulation for the licensing of private applicators of restricted-use pesticides and for persons engaged in the custom, commercial, or contract spraying or application of pesticides and broadcast chemicals.

The license must specify each category of use that is authorized for the person holding the license. A person engaged in the custom, commercial, or contract spraying or application of pesticides and broadcast chemicals may, by regulation, be required to secure a surety bond or liability insurance. **The department shall establish and collect a fee for a license issued under this subsection. The fee shall be $25 times the number of years for which the license is valid when issued, regardless of how many categories of use are authorized under the license. The department shall review the licensing fee every two years and recommend changes in the fee to the legislature when considered appropriate.**

* **Sec. 4.** AS 46.03 is amended by adding a new section to read:

Sec. 46.03.225. Notice of commercial pesticide spraying. (a) Except as provided in (e) of this section, a person who engages in the business of applying pesticides or broadcast chemicals shall give written notice as provided in this section every time that the person is going to spray a pesticide or broadcast chemical out of doors unless the spraying is covered by the notice provisions of AS 46.03.330.

(b) The notice required under this section shall be posted

(1) on the property to be sprayed and on each residence or commercial building located on property that is contiguous to the property to be sprayed;

(2) at least 48 hours before the spraying and not more than 72 hours before the spraying; and

(3) in a manner that is reasonably calculated to provide actual notice to the persons living or doing business on property contiguous to the property to be sprayed.

(c) The notice required under this section must include

(1) the trade name of each pesticide or broadcast chemical;

(2) the chemical name, to the extent available, of the principal active ingredients in each pesticide or broadcast chemical;

(3) the exact date and approximate time that the pesticide or broadcast chemical will be sprayed;

(4) the name, address, and telephone number of the person doing the spraying;

(5) a warning that the pesticide or broadcast chemical is or may be harmful; and

(6) a statement of recommended precautions.

(d) The department shall provide samples of the notice required under this section. Substantial compliance with the sample notices constitutes compliance with this section.

(e) Notwithstanding other provisions of this section, notice is not required under this section if the pesticide or broadcast chemical will be applied only to the exterior surface of a building and if the pesticide or broadcast chemical will not be applied to plants or animals.

* **Sec. 5.** AS 46.03 is amended by adding new sections to article 5 to read:

Sec. 46.03.335. Pesticide tracking system. (a) The department shall establish and implement a pesticide use tracking system. In developing the system, the department shall ensure that, to the extent practicable, the data submission process uses existing record-keeping requirements, automates the reporting system, and encourages electronic submission of data. The department shall strive for a system that is efficient and cost-effective and that reveals the location and extent of pesticide use to the extent practicable.

(b) The department may establish regulations for the submission and dissemination of accurate data for the tracking system, including regulations

(1) for data submission timing, which may differ for different categories of pesticide applicators;

(2) regarding which pesticides are subject to the reporting requirements of this section, based in part on the frequency of pesticide application; in adopting regulations under this paragraph, the department shall seek and consider advice from the Pesticide Advisory Board; the department may not include sanitizers or disinfectants within the reporting requirements of this section; and

(3) regarding how location information is to be submitted and reported, which may differ for different categories of pesticide applicators; the department shall require enough specificity about the location of pesticide applications so that aggregation of the data into hydrological units, as defined by the United States

Geological Survey, is enabled without unnecessarily permitting identification of specific pesticide applicators in the aggregated data.

(c) The system established under this section must require all licensed custom, commercial, or contract pesticide applicators in the state to report to the department the following information pertaining to the professional use of the pesticides that the department has determined are subject to the reporting requirements of this section:

(1) pesticide product name and United States Environmental Protection Agency registration number;

(2) total amount of product applied;

(3) identification number assigned to the reporting entity by the department;

(4) size in acres or square feet of the area treated;

(5) application rate in volume or weight of product for each area treated;

(6) location of application;

(7) date of application;

(8) application method, including equipment, device, or apparatus used; and

(9) target organism.

(d) A licensed custom, commercial, or contract pesticide applicator shall retain the records upon which the information submitted under (c) of this section is based for three years after submitting the report to the department.

(e) In addition to other civil or criminal penalties that may be applicable, the department may impose a civil penalty on a person who fails to comply with a reporting requirement established under this section. The penalty may be up to $1,000 for the first failure to comply and up to $2,000 for a second or subsequent failure to comply.

Sec. 46.03.340. Availability of information to the public. (a) The data in the tracking system developed under AS 46.03.335 shall be made accessible by the department to the general public through the Internet and shall be available from the department on disk and in printed format upon request. The database shall be made

accessible in a way that reasonably provides the public with understandable and useful information about the use of pesticides at local, regional, and state levels. The department shall ensure that pesticide use information in the database is accessible to researchers, pesticide users, workers, government agencies, and the public in a timely and user-friendly manner.

(b) On or before June 30 of each year, the department shall publish an annual report, available to the public, that includes

(1) a detailed summary of the information reported to the department under AS 46.03.335;

(2) an analysis of the data, including known reasons for any increases or decreases in pesticide use over time and within categories such as pesticide type, applicator type, and location; and

(3) a description of the improvements made in the database or data collection process during the fiscal year that have made the information in the database more accessible to the public or have integrated the database with other information or data bases maintained by the department.

Sec. 46.03.345. Pesticide Advisory Board. (a) There is established a Pesticide Advisory Board consisting of seven members appointed by the governor to staggered three-year terms as follows:

(1) one member who is a pesticide applicator or pesticide dealer who is required to be licensed by the department;

(2) one member who is not employed by or the agent of a licensed pesticide applicator or pesticide dealer and who has demonstrable expertise in fisheries biology or fish toxicology;

(3) one member who is not employed by or the agent of a licensed pesticide applicator or pesticide dealer and who has demonstrable expertise in wildlife biology or wildlife toxicology;

(4) one member who is employed by or is an agent of a public water supplier;

(5) one member who is an agent or specialist with the cooperative extension service, University of Alaska;

(6) one member who is not employed by or the agent of a licensed pesticide applicator or pesticide dealer and who has some expertise in public health issues, particularly children's health issues; and

(7) one public member.

(b) The Pesticide Advisory Board shall

(1) advise the department on the development and implementation of the pesticide use tracking system required under AS 46.03.335;

(2) advise the department on the development and implementation of research and information-gathering mechanisms related to household use of pesticides, especially the location of intended use, purpose, and amounts;

(3) recommend to the department methods for increasing public awareness of less toxic alternatives to pesticides;

(4) solicit public input on, and recommend to the department, ways to improve the reporting and enforcement proc and on ways to improve the accessibility and utility of the data generated by the tracking system;

(5) recommend to the department ways to address the problem of persistent organic pollutants in the state; and

(6) recommend to all state agencies and the University of Alaska ways in which they could modify their practices with regard to pest control so that prevention of pest populations is emphasized through structural and procedural modifications that reduce the potential habitat of pests, pesticides will be used as a last resort, the least hazardous pesticide will be used when pesticide use is needed, and pesticide use will be targeted to areas that are not accessible to people, especially children.

(c) A member appointed under this section is eligible for reappointment, but a member may not serve for more than two consecutive terms. If there is a vacancy, the governor shall make an appointment to become immediately effective for the unexpired term. A member serves at the pleasure of the governor.

(d) The Pesticide Advisory Board shall select one of its members as chair and another as vice-chair for the terms and with the duties and powers considered necessary by the board for the performance of the functions of the Pesticide Advisory

Board.

(e) A majority of the members of the Pesticide Advisory Board constitutes a quorum for the transaction of business. The Pesticide Advisory Board shall meet at a place and time determined by the board. The board may also meet at other times and places specified by the call of the chair or of a majority of the members of the board.

(f) Notwithstanding AS 39.20.180, a member of the Pesticide Advisory Board is not entitled to reimbursement of transportation expenses and payment of per diem allowances.

Sec. 46.03.350. Technical assistance. (a) In order to develop and implement the pesticide use tracking system required under AS 46.03.335, the department and the Pesticide Advisory Board may request technical assistance from any public or private agency with expertise in the subject matter.

(b) The department may develop a program to provide technical assistance to pesticide applicators who are required to report under AS 46.03.335. The department may develop and provide computer software to licensed pesticide applicators to facilitate reporting for the tracking system.

Sec. 46.03.355. Department's use of the tracking system. The department shall use the pesticide use database developed under AS 46.03.335 in carrying out the department's responsibilities for the protection of water quality, other environmental protection, worker health and safety programs, public health protection programs, pesticide-related illness surveillance programs, risk assessments, and pest management research and control programs. The department shall cooperate with and advise other state agencies concerning their programs that may be affected by the use of pesticides.

* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. The Department of Environmental Conservation may proceed to develop and adopt regulations to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before January 1, 2003.

* **Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT. The Pesticide Advisory Board shall submit a report to the governor by

January 1, 2005, concerning the board's recommendations for action related to its areas of jurisdiction under AS 46.03.345(b). The board shall notify the legislature that the report is available.

*** Sec. 8.** Except as provided in sec. 9 of this Act, this Act takes effect January 1, 2003.

*** Sec. 9.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

22-LS0352\O
Lauterbach
4/8/02

CS FOR HOUSE BILL NO. 66( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE CISSNA

A BILL

FOR AN ACT ENTITLED

"An Act relating to pesticide use; relating to program receipts collected by the Department of Environmental Conservation for registrations and licenses relating to pesticides; and providing for an effective date."

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

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

(AAA) receipts of the Department of Environmental Conservation under AS 44.46.025(e) and AS 46.03.320(b),

*** Sec. 2.** AS 44.46.025 is amended by adding a new subsection to read:

(e) The department may charge a registration fee of $150 for a pesticide label for a pesticide product registered for use in the state.

*** Sec. 3.** AS 46.03.320(b) is amended to read:

(b) The department may provide by regulation for the licensing of private applicators of restricted-use pesticides and for persons engaged in the custom, commercial, or contract spraying or application of pesticides and broadcast chemicals.

The license must specify each category of use that is authorized for the person holding the license. A person engaged in the custom, commercial, or contract spraying or application of pesticides and broadcast chemicals may, by regulation, be required to secure a surety bond or liability insurance. **The department shall establish and collect a fee for a license issued under this subsection. The fee shall be $25 times the number of years for which the license is valid when issued, regardless of how many categories of use are authorized under the license. The department shall review the licensing fee every two years and recommend changes in the fee to the legislature when considered appropriate.**

* **Sec. 4.** AS 46.03 is amended by adding a new section to read:

Sec. 46.03.325. Notice of commercial pesticide spraying. (a) Except as provided in (e) of this section, a person who engages in the business of applying pesticides shall give written notice as provided in this section every time that the person is going to spray a pesticide out of doors unless the spraying is covered by the notice provisions of AS 46.03.330.

(b) The notice required under this section shall be posted

(1) on the property to be sprayed and on each residence or commercial building within one-quarter mile of the site where the spraying will occur if the residence or commercial building is located on property that is contiguous to the property to be sprayed;

(2) at least 48 hours before the spraying and not more than 72 hours before the spraying; and

(3) in a manner that is reasonably calculated to provide actual notice to the persons living or doing business on property contiguous to the property to be sprayed.

(c) The notice required under this section must include

(1) the trade name of each pesticide;

(2) the chemical name, to the extent available, of the principal active ingredients in each pesticide;

(3) the exact date and approximate time that the pesticide will be sprayed;

(4) the name, address, and telephone number of the person doing the spraying;

(5) a warning that the pesticide is or may be harmful; and

(6) a statement of recommended precautions.

(d) The department shall provide samples of the notice required under this section. Substantial compliance with the sample notices constitutes compliance with this section.

(e) Notwithstanding other provisions of this section, notice is not required under this section if the pesticide will be applied only to the exterior surface of a building and if the pesticide will not be applied to plants or animals.

* **Sec. 5.** AS 46.03 is amended by adding new sections to article 5 to read:

Sec. 46.03.335. Pesticide tracking system. (a) The department shall establish and implement a pesticide use tracking system. In developing the system, the department shall ensure that, to the extent practicable, the data submission process uses existing record-keeping requirements, automates the reporting system, and encourages electronic submission of data. The department shall strive for a system that is efficient and cost-effective and that reveals the location and extent of pesticide use to the extent practicable.

(b) The department may establish regulations for the submission and dissemination of accurate data for the tracking system, including regulations

(1) for data submission timing, which may differ for different categories of pesticide applicators;

(2) regarding which pesticides are subject to the reporting requirements of this section, based in part on the frequency of pesticide application; in adopting regulations under this paragraph, the department shall seek and consider advice from the Pesticide Advisory Board; the department may not include sanitizers or disinfectants within the reporting requirements of this section; and

(3) regarding how location information is to be submitted and reported, which may differ for different categories of pesticide applicators; the department shall require enough specificity about the location of pesticide applications so that aggregation of the data into hydrological units, as defined by the United States

Geological Survey, is enabled without permitting identification of specific pesticide applicators in the aggregated data.

(c) The system established under this section must require all licensed custom, commercial, or contract pesticide applicators in the state to report to the department the following information pertaining to the professional use of the pesticides that the department has determined are subject to the reporting requirements of this section:

(1) pesticide product name and United States Environmental Protection Agency registration number;

(2) total amount of product applied;

(3) identification number assigned to the reporting entity by the department;

(4) size in acres or square feet of the area treated;

(5) application rate in volume or weight of product for each area treated;

(6) location of application;

(7) date of application;

(8) application method, including equipment, device, or apparatus used; and

(9) target organism.

(d) The department may conduct a statistically valid household pesticide use survey to acquire data that would complement information received under (c) of this section.

(e) A licensed custom, commercial, or contract pesticide applicator shall retain the records upon which the information submitted under (c) of this section is based for three years after submitting the report to the department.

(f) In addition to other civil or criminal penalties that may be applicable, the department may impose a civil penalty on a licensed custom, commercial, or contract pesticide applicator who fails to comply with a reporting requirement established under this section. The penalty may be up to $1,000 for the first failure to comply and up to $2,000 for a second or subsequent failure to comply.

Sec. 46.03.340. Availability of information to the public. (a) The data in

the tracking system developed under AS 46.03.335 shall be made accessible by the department to the general public through the Internet and shall be available from the department on disk and in printed format upon request. The department shall aggregate the data released under this section so that the anonymity of specific pesticide applicators and their clients is protected. The database shall be made accessible in a way that reasonably provides the public with understandable and useful information about the use of pesticides at local, regional, and state levels. The department shall ensure that pesticide use information in the database is accessible to researchers, pesticide users, workers, government agencies, and the public in a timely and user-friendly manner.

(b) On or before June 30 of each year, the department shall publish an annual report, available to the public, that includes

(1) a detailed summary of the information reported to the department under AS 46.03.335;

(2) an analysis of the data, including known reasons for any increases or decreases in pesticide use over time and within categories such as pesticide type, applicator type, and location; and

(3) a description of the improvements made in the database or data collection process during the fiscal year that have made the information in the database more accessible to the public or have integrated the database with other information or data bases maintained by the department.

Sec. 46.03.345. Pesticide Advisory Board. (a) There is established a Pesticide Advisory Board consisting of seven members appointed by the governor to staggered three-year terms as follows:

(1) one member who is a pesticide applicator or pesticide dealer who is required to be licensed by the department;

(2) one member who is not employed by or the agent of a licensed pesticide applicator or pesticide dealer and who has demonstrable expertise in fisheries biology or fish toxicology;

(3) one member who is not employed by or the agent of a licensed pesticide applicator or pesticide dealer and who has demonstrable expertise in wildlife

biology or wildlife toxicology;

(4) one member who is employed by or is an agent of a public water supplier;

(5) one member who is an agent or specialist with the cooperative extension service, University of Alaska;

(6) one member who is not employed by or the agent of a licensed pesticide applicator or pesticide dealer and who has some expertise in public health issues, particularly children's health issues; and

(7) one public member.

(b) The Pesticide Advisory Board shall

(1) advise the department on the development and implementation of the pesticide use tracking system required under AS 46.03.335, including advice on ways to make it as easy as practicable for persons to comply with the reporting requirements of AS 46.03.335;

(2) advise the department on the development and implementation of research and information-gathering mechanisms related to household use of pesticides, especially the location of intended use, purpose, and amounts;

(3) recommend to the department methods for increasing public awareness of less toxic alternatives to pesticides;

(4) solicit public input on, and recommend to the department, ways to improve the reporting and enforcement process and on ways to improve the accessibility and utility of the data generated by the tracking system;

(5) recommend to the department ways to address the problem of persistent organic pollutants in the state; and

(6) recommend to all state agencies and the University of Alaska ways in which they could modify their practices with regard to pest control so that prevention of pest populations is emphasized through structural and procedural modifications that reduce the potential habitat of pests, pesticides will be used as a last resort, the least hazardous pesticide will be used when pesticide use is needed, and pesticide use will be targeted to areas that are not accessible to people, especially children.

(c) A member appointed under this section is eligible for reappointment, but a member may not serve for more than two consecutive terms. If there is a vacancy, the governor shall make an appointment to become immediately effective for the unexpired term. A member serves at the pleasure of the governor.

(d) The Pesticide Advisory Board shall select one of its members as chair and another as vice-chair for the terms and with the duties and powers considered necessary by the board for the performance of the functions of the Pesticide Advisory Board.

(e) A majority of the members of the Pesticide Advisory Board constitutes a quorum for the transaction of business. The Pesticide Advisory Board shall meet at a place and time determined by the board. The board may also meet at other times and places specified by the call of the chair or of a majority of the members of the board.

(f) Notwithstanding AS 39.20.180, a member of the Pesticide Advisory Board is not entitled to reimbursement of transportation expenses and payment of per diem allowances.

Sec. 46.03.350. Technical assistance. (a) In order to develop and implement the pesticide use tracking system required under AS 46.03.335, the department and the Pesticide Advisory Board may request technical assistance from any public or private agency with expertise in the subject matter.

(b) The department may develop a program to provide technical assistance to pesticide applicators who are required to report under AS 46.03.335. The department may develop and provide computer software to licensed pesticide applicators to facilitate reporting for the tracking system.

Sec. 46.03.355. Department's use of the tracking system. The department shall use the pesticide use database developed under AS 46.03.335 in carrying out the department's responsibilities for the protection of water quality, other environmental protection, worker health and safety programs, public health protection programs, pesticide-related illness surveillance programs, risk assessments, and pest management research and control programs. The department shall cooperate with and advise other state agencies concerning their programs that may be affected by the use of pesticides.

* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to

read:

REGULATIONS. The Department of Environmental Conservation may proceed to develop and adopt regulations to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before January 1, 2003.

*** Sec. 7.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT. The Pesticide Advisory Board shall submit a report to the governor by January 1, 2005, concerning the board's recommendations for action related to its areas of jurisdiction under AS 46.03.345(b). The board shall notify the legislature that the report is available.

*** Sec. 8.** Except as provided in sec. 9 of this Act, this Act takes effect January 1, 2003.

*** Sec. 9.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 16, 2001

FURTHER REFERRALS: Resources
Finance

Date of Committee Action: APRIL 24, 2002

The LABOR AND COMMERCE Committee considered: **HB 66**

HOUSE BILL NO. 66 **TRACKING OF PESTICIDE USE**

"An Act relating to pesticide use; and providing for an effective date."

Recommends it be replaced with _____ **CS** HB 66 (L&C) [ ] **Same Title** [X] **New Title**
*For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR*_____

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

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

NEW **FISCAL NOTES** *For Chief Clerk's Office Use Only				
FN# *	List by Dept(s):	Fiscal	Indet.	Zero
	DEC	X		

PREVIOUS **FISCAL NOTES**				
List by Dept(s):	FN #	Fiscal	Indet.	Zero

Signing with recommendations	**Printed Name**	**DP (2)**	**DNP**	**NR (3)**	**AM**
Norman Rokeberg	ROKEBERG			✓	
Kim Meyer	Meyer	✓			
Harris S Crawford Jr.	CRAWFORD	✓			
Peter Kott	Kott			✓	
Chair: Lyman Hoffman	MACKINNON			✓	
Chair:					

LEGAL SERVICES

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

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

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

MEMORANDUM April 25, 2002

SUBJECT: Pesticide Use (CSHB 66(L&C))

TO: Representative Lisa Murkowski
Attn: Amy Erickson

FROM: Terri Lauterbach
Legislative Counsel

Enclosed is CSHB 66(L&C). There is a legal issue raised by one of the amendments made by the Labor and Commerce Committee that I wish to bring to your attention.

The issue is raised by sec. 2 of the enclosed CS, which was added by "Amendment # 4." The amendment added a new paragraph (10) to the list of documents in AS 40.25.120(a) that are not subject to public inspection. However, paragraph (4) of AS 40.25.120(a) already covers the application location information mentioned in the new paragraph (10) because "Amendment #3" added by the L&C Committee made that information confidential. Existing law in AS 40.25.120(a)(4) covers any information required to be kept confidential under state law. A new paragraph (10) for AS 40.25.120(a) was unnecessary.

The reason this raises a legal issue (and not just a redundancy issue) is that, by adding the new paragraph (10) to AS 40.25.120(a), the implication is that paragraph (4) in AS 40.25.120(a) was considered by the legislature to be inadequate to cover the application location information even though Amendment # 3 made that information "confidential." There are 200+ places in state law that make certain types of information "confidential," thus bringing the information under the reach of AS 40.25.120(a)(4) without adding those 200+ types of information as their own paragraphs in AS 40.25.120(a). By adding this new paragraph (10) for application location when another law already made the information "confidential," the amendment could cause a state department or a court to question the status of all those other references to "confidential" documents because they aren't also separate paragraphs in AS 40.25.120(a).

In my opinion, the legal status of other material made confidential by state law (as to whether it is open to public inspection) would be improved by deleting sec. 2 from this CS.

If I may be of further assistance, please advise.

TML:pjc
02-046.pjc

Enclosure

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 66
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Environmental Conservation
Title: Tracking Pesticide Use
BRU: Environmental Health
Component: Laboratory Services
Sponsor: Representative Cissna
Requester: House Labor & Commerce
Component No.: 2065

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	227.1	227.1	227.1	158.3	158.3	158.3
Travel	8.0	8.0	8.0	8.0	8.0	8.0
Contractual	73.8	63.8	63.8	54.1	54.1	54.1
Supplies	4.0	4.0	4.0	3.0	3.0	3.0
Equipment	82.8	4.0	4.0	4.0	4.0	4.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**395.7**	**306.9**	**306.9**	**227.4**	**227.4**	**227.4**
CAPITAL EXPENDITURES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CHANGE IN REVENUES (1005)	**765.0**	**690.0**	**690.0**	**765.0**	**690.0**	**690.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	395.7	306.9	306.9	227.4	227.4	227.4
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	**395.7**	**306.9**	**306.9**	**227.4**	**227.4**	**227.4**

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	4	4	4	3	3	3
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

See attached.

Prepared by: Janice Adair
Phone 269-7644
Division: Environmental Health
Date/Time 1/22/02 12:34 PM
Approved by: Kurt Fredriksson
Date 1/22/2002
Agency: Department of Environmental Conservation

HB 66 requires that DEC establish and manage a pesticide-reporting program that provides information on the individual application of certain pesticides as defined in regulations adopted under the bill.

The tracking system must identify the product, amount used, application rate, method, date applied, size of area treated, the location (street address) of the application, and the target organism. This data must be GIS based and easily accessible to the public through the Internet. The department is to prepare an annual report that summarizes the information that has been reported.

Additionally, a Pesticide Board is established to advise DEC on the development and implementation of the tracking system.

Two Environmental Specialists (an ES II and an ES III) will develop regulations, policies, procedures, outreach activities, prepare the annual report as well as staff and work with the Pesticide Advisory Board. The focus will be on helping the pesticide applicators come into compliance with the reporting requirements. A full time Environmental Technician will be required to input the data reported into the database and to manage the database system and reports.

An Analyst Programmer IV will oversee the development of the database and web site that will support the tracking system for 3 years.

The contractual line includes funding for training and preparation of outreach materials as well as $20.0 for a contract for the initial development of the GIS based data system in the first year. Subsequent years include $10.0 for a contract to assist with maintenance and needed upgrades to the system as technology changes.

Equipment costs in FY 2003 include the ordinary office equipment (desk, chair, and office furniture) for the new staff. The bulk of the costs are for the GIS workstations, ArcView license, W2000 server and related hardware and ArcView MapObjects Internet Map Server. $4.0 is included in subsequent years for equipment replacement and software upgrades.

Revenues are from the label registration and applicator certification fees. A $150.00 label registration fee will generate $690.0 based on an estimated 4,600 labels. Applicators would pay $75.00 ($25.00 per year) for a three-year certification. The certification fee, for approximately 1000 applicators, would generate $75.0 in FY 2003 and 2006.

Fees as established in this bill clearly generate more revenue than needed to operate the program described in HB 66. However when Oregon instituted this law, there was a 20% reduction in the number of registrations and licenses. If that same reduction were to occur here, revenue would decrease by $153.0 to $612.0 but still cover the projected cost of the tracking program.

Personal Services New Position Detail

DRAFT

Department of Environmental Conservation

Scenario: DEC 2003 Fiscal Notes (2321)
Component: Laboratory Services (2065)
BRU Name: Environmental Health (207)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#007	Analyst/Programmer IV	FT	A	GG	Palmer	1A	20A	12.0		50,712	1,051	0	17,025	68,788

Justification:

Required to oversee development of database and website that will support the pesticide tracking system for 3 years, to implement HB 66.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	68,788
	Total Funding:	100.00%	68,788

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#008	Environmental Tech II	FT	A	GG	Palmer	1A	12A	12.0		29,502	611	0	13,114	43,227

Justification:

Required to input data reported into the database, maintain database and reports, to implement HB 66.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	43,227
	Total Funding:	100.00%	43,227

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#009	Environmental Spec II	FT	A	GG	Palmer	1A	16A	12.0		38,454	797	0	14,765	54,016

Justification:

Required for implementation of HB 66. Position will develop regulations, policies, procedures, outreach activities, prepare annual report, provide staff support and work with the Pesticide Advisory Board and focus on compliance issues.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	54,016
	Total Funding:	100.00%	54,016

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#010	Environmental Spec III	FT	A	GG	Palmer	1A	18A	12.0		44,298	918	0	15,843	61,059

Justification:

Required for implementation of HB 66. Position will develop regulations, policies, procedures, outreach activities, prepare annual report, provide staff support and work with the Pesticide Advisory Board and focus on compliance issues.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	61,059
	Total Funding:	100.00%	61,059

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

Personal Services New Position Detail

DRAFT

Department of Environmental Conservation

Scenario: DEC 2003 Fiscal Notes (2321)
Component: Laboratory Services (2065)
BRU Name: Environmental Health (207)

Component Summary:

Total New Positions: 4

Fund	Description	Fund Percent	Fund Amount
1005	General Fund/Program Receipts	100.00%	227,090
	Total Funding:	100.00%	227,090

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB 66
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Environmental Conservation
Title: Tracking Pesticide Use
BRU: Environmental Health
Component: Laboratory Services
Sponsor: Representative Cissna
Requester: House Labor & Commerce
Component No.: 2065

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	227.1	227.1	227.1	158.3	158.3	158.3
Travel	8.0	8.0	8.0	8.0	8.0	8.0
Contractual	73.8	63.8	63.8	54.1	54.1	54.1
Supplies	4.0	4.0	4.0	3.0	3.0	3.0
Equipment	82.8	4.0	4.0	4.0	4.0	4.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	**395.7**	**306.9**	**306.9**	**227.4**	**227.4**	**227.4**
CAPITAL EXPENDITURES	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**	**0.0**
CHANGE IN REVENUES (1005)	**765.0**	**690.0**	**690.0**	**765.0**	**690.0**	**690.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	395.7	306.9	306.9	227.4	227.4	227.4
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	**395.7**	**306.9**	**306.9**	**227.4**	**227.4**	**227.4**

Estimate of any current year (FY2002) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal: [ ]

POSITIONS

Full-time	4	4	4	3	3	3
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

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

See attached.

Prepared by: Janice Adair
Phone 269-764-
Division: Environmental Health
Date/Time 1/22/02 12:34 PM
Approved by: Kurt Fredriksson
Date 1/22/2002
Agency: Department of Environmental Conservation

HB 66 requires that DEC establish and manage a pesticide-reporting program that provides information on the individual application of certain pesticides as defined in regulations adopted under the bill.

The tracking system must identify the product, amount used, application rate, method, date applied, size of area treated, the location (street address) of the application, and the target organism. This data must be GIS based and easily accessible to the public through the Internet. The department is to prepare an annual report that summarizes the information that has been reported.

Additionally, a Pesticide Board is established to advise DEC on the development and implementation of the tracking system.

Two Environmental Specialists (an ES II and an ES III) will develop regulations, policies, procedures, outreach activities, prepare the annual report as well as staff and work with the Pesticide Advisory Board. The focus will be on helping the pesticide applicators come into compliance with the reporting requirements. A full time Environmental Technician will be required to input the data reported into the database and to manage the database system and reports.

An Analyst Programmer IV will oversee the development of the database and web site that will support the tracking system for 3 years.

The contractual line includes funding for training and preparation of outreach materials as well as $20.0 for a contract for the initial development of the GIS based data system in the first year. Subsequent years include $10.0 for a contract to assist with maintenance and needed upgrades to the system as technology changes.

Equipment costs in FY 2003 include the ordinary office equipment (desk, chair, and office furniture) for the new staff. The bulk of the costs are for the GIS workstations, ArcView license, W2000 server and related hardware and ArcView MapObjects Internet Map Server. $4.0 is included in subsequent years for equipment replacement and software upgrades.

Revenues are from the label registration and applicator certification fees. A $150.00 label registration fee will generate $690.0 based on an estimated 4,600 labels. Applicators would pay $75.00 ($25.00 per year) for a three-year certification. The certification fee, for approximately 1000 applicators, would generate $75.0 in FY 2003 and 2006.

Fees as established in this bill clearly generate more revenue than needed to operate the program described in HB 66. However when Oregon instituted this law, there was a 20% reduction in the number of registrations and licenses. If that same reduction were to occur here, revenue would decrease by $153.0 to $612.0 but still cover the projected cost of the tracking program.

Personal Services New Position Detail

DRAFT

Department of Environmental Conservation

Scenario: DEC 2003 Fiscal Notes (2321)
Component: Laboratory Services (2065)
BRU Name: Environmental Health (207)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#007	Analyst/Programmer IV	FT	A	GG	Palmer	1A	20A	12.0		50,712	1,051	0	17,025	68,788

Justification:
Required to oversee development of database and website that will support the pesticide tracking system for 3 years, to implement HB 66.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	68,788
	Total Funding:	100.00%	68,788

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#008	Environmental Tech II	FT	A	GG	Palmer	1A	12A	12.0		29,502	611	0	13,114	43,227

Justification:
Required to input data reported into the database, maintain database and reports, to implement HB 66.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	43,227
	Total Funding:	100.00%	43,227

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#009	Environmental Spec II	FT	A	GG	Palmer	1A	16A	12.0		38,454	797	0	11,765	54,016

Justification:
Required for implementation of HB 66. Position will develop regulations, policies, procedures, outreach activities, prepare annual report, provide staff support and work with the Pesticide Advisory Board and focus on compliance issues.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	54,016
	Total Funding:	100.00%	54,016

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#010	Environmental Spec III	FT	A	GG	Palmer	1A	18A	12.0		44,298	918	0	15,843	61,059

Justification:
Required for implementation of HB 66. Position will develop regulations, policies, procedures, outreach activities, prepare annual report, provide staff support and work with the Pesticide Advisory Board and focus on compliance issues.

Funding Detail:

1005	General Fund/Program Receipts	100.00%	61,059
	Total Funding:	100.00%	61,059

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

Personal Services New Position Detail

DRAFT

Department of Environmental Conservation

Scenario: DEC 2003 Fiscal Notes (2321)
Component: Laboratory Services (2065)
BRU Name: Environmental Health (207)

Component Summary:

Total New Positions: 4

Fund	Description	Fund Percent	Fund Amount
1005	General Fund/Program Receipts	100.00%	227,090
	Total Funding:	100.00%	227,090

Note: If a position is split, an asterisk (*) will appear in the Split/Count column. If the split position is also counted in the component, two asterisks (**) will appear in this column.

PARATEX Pied Piper

Alaska's Pest Control Experts

2440 E 88th Ave., Suite A
Anchorage, AK 99507

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AK 800: (800) 478-2538
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January 23, 2002

Honorable Members of the Alaska House of Representatives,
Labor & Commerce Committee:

Thank you for the opportunity to address the merits of HB66 currently before you. By way of introduction, I am a life-long Alaskan, originally from Fairbanks. I am part owner and General Manager of PARATEX Pied Piper Pest Control, an Alaskan owned company since 1965. We are one of only two multi-branch pest management companies in The State. Our industry is very small and made up mostly of single owner/operators. While I have not requested permission to speak on behalf of all these persons, I am confident they will agree with my observations below.

I have attempted to keep my comments brief and specific. If I may be of any further assistance to you, feel free to call or e-mail me. I also am hopeful of being present at the LAB in Anchorage for your session Friday January 25. I will not belabor your meeting by reading these comments into the record, but would like to make a brief statement and make myself available to you at that time. My comments are as follows:

FAIRNESS: If you were to review the first time this legislation was proposed (HB356, 2/9/00) you would find that it was directed at pesticide "dealers", 'sellers' and "licensed applicators" to track the "use and sales" of pesticides in Alaska. Within two weeks, an amended version (SSHB 356, 2/25/00) was introduced to remove dealers & sellers ***and*** remove the "and sales" portion. What this means is that the vast majority of pesticides used in our state, purchased from hardware, lawn & garden and grocery stores are not going to be tracked. This was no doubt a result of the larger industries' (wholesalers and retailers of pesticides) ability to influence the language. Unfortunately, the "licensed applicators" are small businesses or even 'mom & pop' businesses that lack the money and clout to make such a swift difference in the proposed legislation. It is my hope that the L&C Committee members will show their support for Alaska small business operators and stop this obviously unfair intrusion.

NECESSITY: There is no basis to believe that Alaskans are being endangered by the use or misuse of pesticides. In fact, our unique environment makes the use of pesticides per capita (and per land mass) small enough to be considered negligible. We have far fewer pests than the lower 48, and our seasonable temperatures will continue to provide our best method of pest management. A recent letter to the editor in the Anchorage Daily News decried the fact that 2,979 pesticides were registered for use in Alaska. If you compare that number to the tens of thousands available elsewhere, you get some idea of how non-existent

the perceived problem really is. A few years ago, UAF Cooperative Extension asked some of us to voluntarily provide usage data for one year. You may want to ask them whether the results were consequential enough to support this kind of legislation. As to the demand for a public information data-base, having been in business throughout the State of Alaska since 1965 I can tell you with all honesty that requests for information about pesticides we use come very infrequently. This includes multi family dwellings where preparation posting occurs for interior applications and the Municipality of Anchorage where neighbor notification for exterior ornamental spraying has been required for many years. When these rare calls are received, we are happy to provide any information requested on chemicals being applied.

SECTIONAL COMMENTS:

Sec. 1. re: Registration Fee. This proposal is another attempt to make industry pay for unnecessary and short sighted (proposed) legislation. The affect of this regulation will be the refusal of manufacturers to make their products available to us here in Alaska. I have had two manufacturers refuse to register their products here because the monetary gain did not make it worth even filing the paperwork, in their opinions. As mentioned above, we use very little pesticide here, and so their market is marginal at best. It is my understanding that others, too, have decided not to sell in Alaska for this reason (ask ADEC). While I would agree that this decision is foolish on their part given the lack of a registration fee, still it happens. And you can rest assured it will happen with exponential increase when money is added to the equation. Sadly, the two I was aware of involved newly developed low risk materials and these will likely continue to be the ones who decline. So in effect, Alaskan PMPs will be unable to provide safer alternatives as they are made available elsewhere.

Sec. 2. re: License Fee. While we have no objection to paying reasonable fees to operate our activities, it should be noted that we currently pay $30 - $50 (depending on the category) for our certifications, to UAF Cooperative Extension. The inherent dangers of this proposed legislation include (a) a lack of available certified personnel, (b) an inducement to violate the regulations, (c) an excessive burden on small business, (d) an open door to excessive fees.

(a) Each summer many pest management companies must hire seasonal and part time employees to fill the needs of our unique climate. It is currently hard enough to arrange certification for them at the current $30 UAF program fee. To add this additional fee for the 3 year license usually issued would cost us or them $105 or more PER CATEGORY! This seems to be an attempt to limit our ability to conduct business.

(b) If a fee is charged for each category (14 are available, 3 are commonly used in our business) it will encourage more individuals to work without proper certification and therefore without oversight by the ADEC. This is already a problem due to the unique loopholes in the existing regulation for property and business owners and their employees.

(c) Since some of us in the pest management business hire many certified technicians, it will likely be the companies who will bear the brunt of these new fees. In my company alone, that would cost

me $1300 for my current employees and $600 more for my seasonal hires. And it discourages me from seeking more certification categories to increase our company's profile.

(d) We are all aware of the open door concept of new user fees. Too often we have seen such enacted at what appears to be a "reasonable amount" only to find them increasing substantially as 'department(s) review and recommend changes in fees' each year. In actuality it appears that this proposal is partially designed to pay for a new reporting program. As expressed elsewhere in this document, the costs of this will be astronomical and I greatly fear it will be the users like myself who will then be required to support it with increasing fees.

Sec. 3. re: Pesticide Tracking Program Our objection to this proposal is beyond expression. Put simply (a) it is an absolutely unnecessary burden to small business, (b) it unfairly targets private enterprise and the smallest users of pesticides, (c) it is a veiled attempt to instigate a program which will cost Alaska taxpayers millions of dollars, (d) it is an attempt to influence law by establishing a stacked anti-pesticide committee whose agenda is well known.

(a) This program is unnecessary for two reasons. (1) There is no substantiated need for such a system as there is currently little public demand for it. And (2) it is highly redundant of existing regulation. The public would be far better served by increasing the enforcement of current regulations.

(1) Aside from the anti-pesticide lobbies, very little if any has been heard from the citizens of Alaska requesting such a system. We do not have a documented problem with unnecessary public exposure to pesticides and are extremely unlikely to have one based on our unique situation.

(2) The State Regulations already require substantial record keeping, and, in fact, it has just increased that threshold significantly.

(b) As proposed, it (1) singles out a minority of people and (2) violates privacy of businesses and their customers.

(1) The only pesticides covered will be those applied by a small business community of "certified applicators". These applied chemicals are miniscule compared with those applied by householders, businesses, apartment house owners etc. who are not required to be certified, and other industries that have been or most certainly will be exempted from these new rules.

(2) The public data-base would be a violation of pecuniary information in a very competitive market. Why will the State of Alaska be requiring me to make my or my competitors' customer lists public? It also violates the customers right to privacy. Why does Ms Murkowski have to let her friends and neighbors know that she was the unfortunate recipient of a package infested with cockroaches? Why must the Anchorage Hilton tell the world that one of their guests brought Bed Bugs

into a room? Maybe next time she or they will hire a non-certified person (likely with less training) to come to their house or business and apply pesticides.

(c) I notice that no fiscal notes have as yet been added to this bill. You may wish to request a copy of the State of Wisconsin report dated Dec 20, 2000 of a similar program. Initial estimates ranged from 2.6 to 6.9 Million Dollars to the State of Wisconsin for set up costs alone. I am unclear as to the yearly cost, but imagine it is comparable and no one seemed to care to comment on the industry cost. All of us in Alaska know that any cost comparison with the lower states will be higher here, and most proposals are exceeded quickly given our uniqueness. In this time of serious fiscal concern, what possible justification could there be to add this expensive program to our budget? If in fact the Alaska Legislature feels the need to spend money on pesticide use, our ADEC budget is pathetic. These people work extremely hard with a small budget to oversee the current pesticide program. What an insult to these fine people to add to their workload such a frivolous package of regulation!

(d) If you read the recommended make-up of the "Pesticide Advisory Board" it becomes apparent that our industry would be a token presence, at best, to a board with an obvious agenda. While I would certainly be available to serve on such a board during non peak seasons, it is unlikely that I could compete financially with the special interest and government employees on the board whose cost of travel will likely not be born personally. And it is likely few if any of my competitors would be able to do so either. I cannot even afford to fly to Juneau this week and testify in person to your committee!

SUMMARY: This Bill has been introduced as a result of certain special interest groups whose ultimate goal is to ban the use of pesticides in the US. They are well-funded national groups who seek to introduce into state laws, regulations that they seem unable to pass in the US Legislative, Judicial and Executive Branches or through the Federal Agencies already functioning to protect the environment. They see Alaska as an easy target because our industry has little voice and because "hot button" issues such as this pander to the interest of less scrupulous individuals than you, seeking reelection to legislative office.

The pesticide makers, distributors and users are already well regulated on the Federal and State levels. Is there room for improvement? Obviously, yes. But that is so with virtually any industry or regulated group. Is it in keeping with the Alaska Charter to unnecessarily restrict free trade and the ability of individual Alaskans to earn a living or expect personal privacy? I beseech the members of this committee to review this matter carefully and represent us the people fairly, as you volunteered to do.

Respectfully,

Kenneth J (Ken) Perry
General Manager

ACAT

Alaska Community Action on Toxics

WHY ALASKA NEEDS TO TRACK PESTICIDE USE

Despite widespread pesticide use, Alaska has no reliable information on which pesticides are used, where, when, and in what amounts. Alaska needs to create a system to track pesticide use. Under such a right to know program, anyone who uses pesticides for custom, contract, or commercial purposes (e.g., in schools, on public lands, on road right of ways) would report their use to the Department of Environmental Conservation. This information would be available to public officials, researchers, and the general public to help reduce the impacts of pesticides in a number of important ways:

Protect Water Quality

Alaska's economy and quality of life depend on clean water. Information from other states shows that pesticides often make their way into water. Without reliable information on pesticide use, there is no way to know where water quality may be impacted. Location-specific information on pesticide use will help identify surface and groundwater sites at risk of contamination. This information can be used in planning to protect water quality.

Improve Public Health Protection

Pesticides are associated with a range of health problems, from headaches, nausea, and asthma, to cancer, developmental disorders, and birth defects. Without accurate information on the types and amounts of pesticides to which people are exposed, health researchers and public officials find it difficult to understand the relationship between pesticide exposure and illness. That's why the American Medical Association urged the government to "support improved reporting systems for pesticide usage and pesticide-related illnesses."

Protect Subsistence Foods

Pesticides may be found in the habitats of many animals consumed by Alaskans as subsistence foods. After pesticides enter the food chain, they accumulate in fatty tissues and organs of fish and wildlife that may be consumed by other animals and humans. Pesticide use information can be mapped with data on locations of harvest areas. The public can use this information in choosing where to harvest subsistence foods to limit their exposure to contaminants.

Safeguard Our Children's Future

Children are more vulnerable than adults to the health threats posed by pesticides. Multiple studies have linked pesticide exposures to a variety of adverse health effects to children, including changes in brain development; an increased risk of several cancers; higher frequencies of birth defects, stillbirths, and lower birth weights. Congress passed the Food Quality Protection Act in 1996, requiring the Environmental Protection Agency (EPA) to establish standards that protect children. However, EPA cannot successfully implement this new law in part because accurate information on pesticide use in unavailable. By tracking pesticide use, we can begin to understand how our children may be exposed to pesticides in various settings and how to protect them from the adverse health effects.

Give Communities the Right to Know

Pesticides are widely used in our communities, including in schools, parks, roadsides, public buildings, and stores, most often without our knowledge. We are entitled to information about the pesticides used around us so we can evaluate our own risks and take actions to protect ourselves and our families.

Make Better Pest Management Decisions

Pesticide use reporting provides non-regulatory incentives for the development and implementation of alternative pest management strategies. Reliable information on pesticide use will help homeowners and commercial applicators make better decisions about pest management. Researchers, public officials, and the general public can use the information to evaluate the success of different pest management strategies. Identification of successful pest management practices without toxic chemicals can provide applicators and homeowners alternatives to pesticide use.

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Pesticides found in Aleutian Island eagle eggs

By John Roach
Saturday, October 02, 1999

Bald eagle eggs in Alaska's pristine Aleutian Islands have been found to contain elevated levels of organochlorine pesticides — startling evidence that the contaminants can travel long distances and affect wildlife in remote locations.

Organochlorines are chemical compounds used to kill agricultural insect pests. Unfortunately, they are long-lived, toxic to most animals and can be converted to even more deadly compounds as they degrade or are eaten and released into the environment.

Some organochlorines, such as DDT, are banned in the United States, but many others are still regulated for use, said Bob Anthony, a U.S. Geological Survey scientist and lead author a report published in the September issue of *Environmental Toxicology and Chemistry*.

The report adds to a growing body of research that indicates organochlorine pesticides can travel long distances. Evidence suggests the pesticides are transported via atmospheric and ocean currents, as well as via seabirds who eat contaminated fish in parts of the world where organochlorines are used.

There is even the possibility that the military took DDT up to the Aleutians and once they determined they had no use for it, dumped it in a bay. "We do know that the bays heavily used by the military over time do show the highest levels of PCBs," said Anthony.

The most likely source of contamination is migratory seabirds that may feed on contaminated fish in southern latitude waters. When bald eagles eat those seabirds, they may accumulate the contaminants.

As evidence, Anthony and his colleagues point out that eagles on Kiska, the westernmost of the islands, had a diet composed of 60 percent seabird, whereas on the innermost islands, seabirds only made up 25 percent of the diet. Eagle numbers per nest on Kiska, unlike the other islands, were dangerously low.

"The high proportion of seabirds in the diet of eagles from Kiska island could be the major source of DDE and mercury contamination," Anthony said in a statement.

"That is where it (the research) is leading us," he added in an interview, "but we don't want to rule out the possibility that it might be arriving via atmospheric and ocean currents."

The researchers are one year into a four-year study on the source of elevated levels of DDE and mercury in nearshore marine communities in which bald eagles forage.

WHY PESTICIDE USE SHOULD BE TRACKED

Accurate and detailed information on which pesticides are used, where, when, and in what amounts provides an essential tool for protecting public health and the environment from these toxic chemicals. Making that information available — preferably in a geographic information system — will help to:

- **Secure our right to know.** Toxic pesticides are widely used in our communities, usually without our knowledge. Everyone has a right to know about the pesticides used around us.
- **Protect public health.** Pesticides are linked to a range of health problems, including cancer and birth defects. Without accurate information on the pesticides that people are exposed to, health researchers find it very difficult to understand the relationship between exposure and illness. That's why the American Medical Association (1997) has called for "improved reporting systems for pesticide usage and pesticide-related illnesses."
- **Safeguard children.** Fetuses, infants, and children are more vulnerable than adults to the health threats posed by toxins. To protect the next generation, we need to know which chemicals our children are being exposed to in the food they eat, the water they drink, and the air they breathe.
- **Keep our water clean.** Pesticides are widely found in rivers, streams, and wells in both urban and rural areas across the U.S. Site-specific data on pesticide use help identify water supplies at the greatest risk of contamination, and inform realistic protection efforts.
- **Save our wild salmon.** Pesticides have not only killed salmon directly, but low levels of pesticides in salmon habitat can also have profound, delayed effects that threaten survival. Real-world data on pesticide use in our watersheds can be mapped with locations of salmon populations to address these threats.
- **Create healthy workplaces.** People are exposed to pesticides in a range of jobs, from office work to flower shops to road repair. Farm workers and pesticide applicators suffer the most. Pesticide use reporting can help document and prevent health problems associated with exposure in the workplace.
- **Make better decisions about pests.** Tracking pesticide use will create non-regulatory incentives for the adoption of pest management strategies that are better for the environment and the bottom line.

Alaska Science Forum

November 2, 1995

Unwanted Traveler Settles in Alaska Trees
Article #1259

by Ned Rozell

This column is provided as a public service by the Geophysical Institute, University of Alaska Fairbanks, in cooperation with the UAF research community. Ned Rozell, is a science writer at the institute.

Being the wonderful place it is, Alaska attracts migrants of all shapes and forms--from ducks winging their way north in the springtime to humans towing both trailers and dreams of life in the Last Frontier. Because of its location on the globe, Alaska also draws its share of wind-carried pollutants from other areas of the earth.

In a recent study by Indiana University researchers, samples of Alaska tree bark showed high concentrations of pesticides that were sprayed on crops possibly half a world way. The Alaska results were part of a worldwide analysis of tree bark performed by Ronald Hites, a chemistry professor at IU in Bloomington, Indiana, and Staci Simonich, who earned her doctorate degree with the research and now works with Proctor and Gamble in Cincinnati.

Northern areas such as Alaska become home to pesticides hitching a ride on the wind because of what Simonich calls a "global distillation process," where airborne pollutants are carried from warm to cold areas. Once in a cold area, they settle on vegetation, soil and bodies of water.

Picture it this way: a farmer growing rice in India sprays his crop with an insecticide, some of which misses the mark and floats in the air. The wind picks up the chemical particles and carries them northward. When the particles collide with cold air over northern parts of the globe, they change from a gas to a liquid and settle out in a new home. Hites likens this condensation process to the steam from a coffee cup set on the dashboard of a cold car. The steam rises until it hits the cool surface of the windshield; there it reverts back to a liquid as an annoying foggy patch on the glass.

Tree bark provides a unique landing pad for condensed pesticides. Tree bark contains fats, called lipids, which help create a waxy coat that prevents the tree from losing too much moisture during dry periods. These lipids act as a magnet for the condensed insecticides.

With the help of friends and colleagues, Hites and Simonich collected 200 tree bark samples from all over the world. Simonich asked a friend who worked in the lab and was traveling to Alaska to gather a

few samples. The bark fragments, some collected from a variety of tree species near Denali National Park, showed a high level of lindane. Lindane is the active ingredient in pesticides used to kill aphids and other insects that plague agricultural operations varying from tree plantations to rice farms.

Simonich said the level of lindane found in Alaska tree bark isn't high enough to harm people, wildlife, or trees, but it is a good indicator of how far pollutants can travel. She said the lindane found in Alaska tree bark could have originated from local sources--although it's not likely due to the scarcity of Alaska farms and tree plantation --or from as far away as India.

In the study, published in the Sept. 29 issue of *Science*, Hites and Simonich found high lindane concentrations in tree bark from other high-latitude countries such as Norway, Canada, Sweden, Scotland and Russia. Simonich said the bark samples from Norway were gathered from a particularly remote site, which buttresses the theory that lindane--a chemical that easily changes from gas to liquid--travels on the wind toward the cold regions of the globe.

Simonich said the tree bark actually cleans the air of such compounds, but the fate of pollutants after trees die and bark decays isn't as clear. In a sense, Alaska trees could be cleaning the earth's atmosphere by collecting the remnants of pesticides sprayed on the other side of the globe.

Living on Earth Index Main Index

[Living on Earth Index] [Main Index]

DEC *NEWS RELEASE*

Alaska Department of Environmental Conservation
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Phone: (907) 269-7501 Fax: 269-7510
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October 26, 2001

DEC gives Anchorage School District Beyond Compliance Award for pesticide management policy that helps protect children's health.

New regulations for pesticide use by all Alaska schools signed.

As part of National Children's Health Month, Alaska Department of Environmental Conservation Commissioner Michele Brown today gave the Anchorage School District a Beyond Compliance Award for the District's pesticide management policy. Brown also signed new regulations on the use of pesticides in state and private schools throughout the state.

"The Anchorage School District's policy to protect the health of our children is one of the most progressive in the nation and is a good model for other Alaska school districts," Commissioner Brown said. "Children are most susceptible to possible impacts from chemical pesticides and these new measures gives them much better protection."

ASD Superintendent Carol Comeau accepted the award on behalf of the School District. Comeau and the Commissioner also thanked Alaska Community Action on Toxics and Alaska Youth for Environmental Action for their involvement in the development of the district-wide pesticide management policy.

The policy was put in place early last year by ASD and the new regulations for pesticide use by all Alaska schools, signed by Commissioner Brown today, will become law later this winter.

The school district's pest prevention and management strategies use the following guidelines:

- Least disruptive of natural controls.
- Least hazardous to human health.
- Minimal negative impacts to non-target organisms.
- Least damaging to the school and natural environment.
- Most likely to produce long-term reductions in pest control requirements.

The new regulations take clear steps to limit student and staff exposure to pesticides. The rules include:

- Schools must use nonchemical methods to control pests whenever possible.
- School must notify parents at least 24 hours before applying any pesticide which children would come in contact.

- Treated areas must be posted with a sign and the area restricted until it is safe to enter.
- The person who applies or supervises the use of most pesticides on school premises must be certified by the state.
- Certified applicators must keep records on the use of general use pesticides.

Superintendent Comeau said, "I really want to commend the students with the Alaska Youth for Environmental Action and Alaska Community Action on Toxics for bringing this issue forward. It shows that the public process works. Our new policy promotes a healthy and safe school environment for students and staff. We will use non-chemical measures first, with pesticides used only as a last resort and with parental notification."

Brown also lauded the efforts of the Alaska Community Action on Toxics and youth from the Alaska Youth for Environmental Action for their initiative in calling for the policy. "We've gotten in front of a problem plaguing other school districts in the nation. ACAT and these involved young people worked hard to see these rules made, and their foresight will protect the health of school children in the future."

Pam Miller, director of ACAT, said, "We started calling for a district-wide pest management policy in the summer of 1999 because we were concerned about the health effects of certain pesticides, especially among young people. It took over a year, but we were very pleased with the outcome and the cooperative working relationship we had with the Anchorage School District in developing this policy. The students at AYEA were instrumental in assuring the success of getting the policy in place."

AYEA student Corey Rennell said, "I am overjoyed to hear that the state is implementing statewide regulations from the ideas some AYEA students helped create for the Anchorage School District. It was amazing to see an idea we developed evolve into a working, effective, and progressive plan to help protect public health in Alaska. Through testifying, extensive collaboration, lobbying, and media work, our voices were heard by the school district and our hopes were achieved. It is so fulfilling now to see the work of a few in the community spread to benefit the whole state."

For more information contact:
Charles Fedullo, DEC, 269-3784;
Roger Fiedler, ASD, 742-4151;
Pam Miller, ACAT, 222-7714, and
Polly Carr, NWF's AYEA, 258-4805.

ORGANIZATIONS THAT SUPPORT PESTICIDE USE TRACKING BILL

January 23, 2002

Alaska Action Center
Alaska Center for the Environment
Alaska Chronic Fatigue and Multiple Chemical Sensitivity Support Group
Alaska Community Action on Toxics
Alaska Conservation Alliance
Alaska Injured Workers Alliance
Alaska Public Interest Research Group
American Lung Association of Alaska
Arctic Organics
Brain Injury Association of Alaska
Center for Marine Conservation (now Ocean Conservancy)
Cook Inlet Keeper
Kachemak Bay Conservation Society
Mental Health Association of Alaska
National Wildlife Federation of Alaska
Native American Fish and Wildlife Society
Northern Alaska Environmental Center

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

Contaminants In Alaska

[illegible]'s Arctic At Risk?

Interagency Collaborative Paper

U.S. Department of the Interior - State of Alaska, Department of Environmental Conservation & Department of Health & Social Services - U.S. Environmental Protection Agency - National Oceanic and Atmospheric Administration - University of Alaska Institute for Circumpolar Health Studies

Alaska Federation of Natives - Alaska Native Science Commission - Alaska Inter-Tribal Council - Native American Fish and Wildlife Society - Alaska Native Tribal Health Consortium - Alaska Community Action on Toxics - North Slope Borough

September 2000

Contaminants in Alaska: Is America's Arctic at Risk?

Changes are occurring in America's Arctic. Chemicals rarely used in the Arctic are appearing in Alaska's air, water, fish, plants, and wildlife. These contaminants are of concern locally and globally. Locally, fish and wildlife are an essential part of the Alaskan Native diet and culture. Globally, this unanticipated concentration of pollutants may be sending an important message about how contaminants travel and accumulate far from the original source. The presence of environmental pollutants in the Arctic is particularly troubling because the Arctic ecosystem is fragile and slow to recover from impacts.

U.S. Department of Interior

"The act and ritual of our subsistence food activities encompass who we are, and all that we are and is a vital source of our spirituality. I emphasize these things because I want you to know how much of an impact the threat of contaminants has on these things which are so sacred to us."

Sally Smith, Chairperson,
Alaska Native Health Board

The contaminants of greatest concern are persistent organic pollutants, or POPs. These include DDT, PCBs, and dioxins. POPs have a broad range of negative effects. They are transported to the Arctic by large-scale air and water currents and some migratory species. Heavy metals, including mercury, cadmium, selenium, arsenic, and lead are also of great concern in the Arctic, and some are occurring at levels that can't be explained by natural releases.

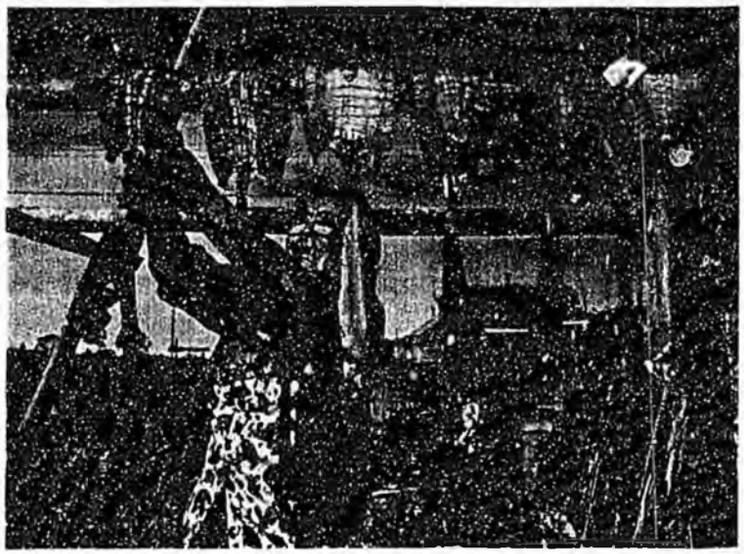
The levels of persistent organic pollutants found in the Alaskan Arctic are surprising because POPs were not manufactured in the Arctic. Although this paper focuses on the long-range transport of contaminants, some POPs were used at military installations during World War II and the Cold War, and these sites also concern local residents.

The use of some POPs has been banned for many years in the United States, Canada, and some European nations. However, these contaminants can travel long distances from areas in Russia, Asia, and other countries where they are still used.

POPs and heavy metals are showing up in Alaska's wildlife. In the Aleutian Islands for example, bald eagles, sea otters, and Steller sea lions all have elevated levels of the pesticide DDT and some other contaminants. Concentrations of the pesticide hexachlorohexane (HCH) in male polar bears from Alaska are among the highest in the

Arctic. Sea otters from Adak on the Aleutian Chain had concentrations of DDT 36 times higher than sea otters in Southeast Alaska. Some killer whales in the North Pacific are now considered among the most contaminated marine mammals on earth.

People also are exposed to these pollutants. Canadian studies have shown that the concentration of PCBs in the blood of adult Inuit is approximately seven times higher than in other North American adult populations that have been tested. Preliminary studies also show that Alaskan Natives in western and southwestern communities have also been exposed to PCBs and DDT.



"Much of the cultural traditions, values, and subsistence activities has been passed from generation to generation, so much of the lifestyle remains even with the great changes that have been brought about by the western world . . . . The Arctic is our classroom. Our inherent cultural traditions, values and beliefs are in danger of being lost."

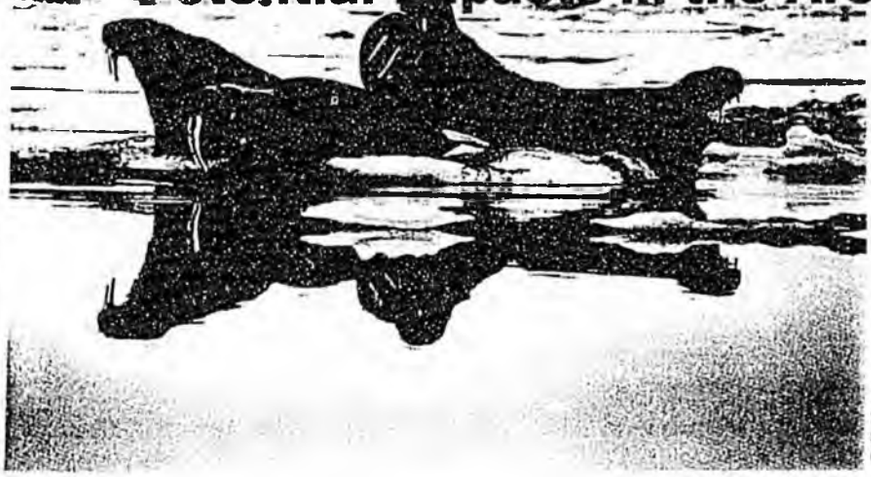
Sterling Gologergen, Yupik from Savoonga, St. Lawrence Island, in northwestern Alaska.

The world's Arctic is at risk from potentially harmful contaminants. In Alaska, they have been found in water, air, wildlife, and humans. There is good reason to suspect that harmful effects are likely in some instances, but conclusive evidence is lacking. An organized, systematic approach is needed to properly evaluate the real risks posed by these chemicals and to identify actions needed to reduce unacceptable risks. As many other Arctic countries have done, the United States should establish a fully funded Arctic contaminants program. By taking action now, Alaska's rich natural resources can be protected for future generations.

Goals for Establishing a U.S. Arctic Contaminants Program

- **Educate people** about contaminants and their impacts on humans and wildlife in the U.S. Arctic ecosystems
- **Commit resources** for a long-term research and monitoring program to assess and track contaminants in Alaska's Arctic ecosystems
- **Strengthen partnerships** between federal and state agencies, universities, Alaskan Native tribes and organizations, and communities to address critical contaminant issues
- **Reduce and eliminate exposure** to persistent organic pollutants and heavy metals through strong national initiatives and international agreements, such as the POPs Treaty

What are Persistent Contaminants and Their Potential Impacts in the Arctic?



Bill Hess

"There is a real hesitancy about eating the clams now. When I was a kid, you know, we used to eat the muscles on the clam raw. But now you don't anymore."

Elaine Abraham, Yakutat

Toxic chemicals accumulating in the Arctic include **persistent organic pollutants**, or POPs, such as DDT and PCBs, and **heavy metals**, including mercury, cadmium, and lead. While some heavy metals provide essential micronutrients, others are naturally toxic. All metals have serious negative effects at high concentrations.

POPs and heavy metals are particularly troublesome in the Arctic because they:

- **Travel long distances** in air and water currents, are transported by some migratory animal species, and tend to get trapped in colder environments
- **Persist** long after they are released and move from air and water into soil, plants, animals and humans
- **Magnify** in living organisms: POPs accumulate in fat; heavy metals generally accumulate in organs and muscle
- **Cause adverse effects,** sometimes at very low levels of exposure

Evidence is increasing from scientific studies of humans and animals that exposure to POPs and heavy metals can result in significant adverse effects, particularly when the exposure occurs during the early stages of life. These effects include:

- **Reproductive effects:** reduced ability to conceive and carry offspring
- **Immunological effects:** decreased ability to fight off disease
- **Neurological and developmental effects:** reduced growth and permanent impairment of brain function
- **Cancer:** a number of POPs are known or suspected carcinogens

We do not know, however, the significance of exposure to these pollutants for people and wildlife living in Arctic environments. A major effort is required to improve our understanding of the effects of exposure to generally low levels of contaminants on human and animal populations.

POPs at a Glance

POPs are human-made chemicals that are highly resistant to breakdown by ordinary natural processes. There are three categories:

- **industrial chemicals** such as polychlorinated biphenyls (PCBs) and hexachlorobenzene (HCB)
- **industrial waste byproducts** such as dioxins and furans
- **pesticides** such as DDT and chlordane

Why is the Arctic Region at Risk?

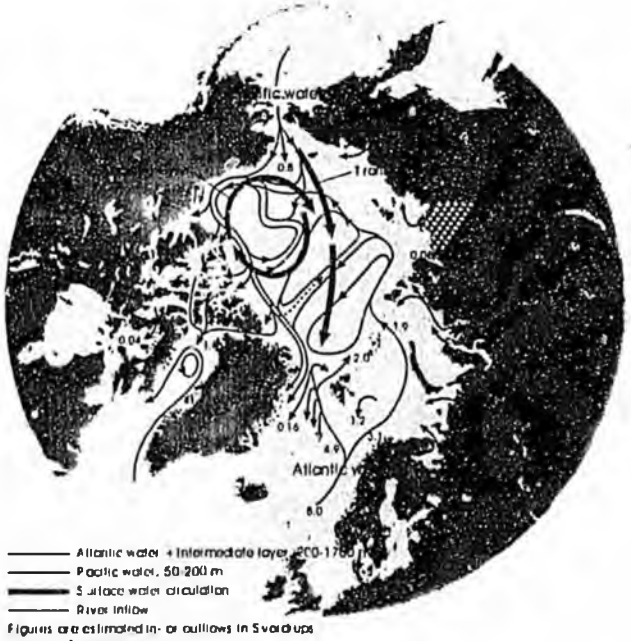
Dr. Todd O'Hara and Mr. Craig George, researchers for the North Slope Borough Department of Wildlife Management, measure a ringed seal as part of a contaminant sampling project in cooperation with local hunters in Barrow.

U.S. Department of Interior

Although many think of the U.S. Arctic as relatively untouched by humans, contaminants are being found in the air, water, fish, plants, and wildlife. The cold Arctic environment is a sink or settling area for these contaminants which circulate around the globe and northward in air and ocean currents. They settle out in Arctic waters, sea ice, and land, where they remain for long periods and break down very slowly because of the colder climate.

America's Arctic, as specified by law, includes northern and western regions of Alaska comprising approximately half the state. The Arctic Monitoring and Assessment Programme defines it more broadly and includes much of southcentral Alaska.

Arctic Monitoring and Assessment Programme
Arctic Pollution Issues: A State of the Arctic Environment Report, Chapter 3, Figure p.22/1



Arctic Monitoring and Assessment Programme
Arctic Pollution Issues: A State of the Arctic Environment Report, Chapter 3, Figure p.31/1

Air currents move contaminants into Alaska's waters, sea ice, and land from industrial, agricultural and other sources throughout the world. Ocean currents are also key pathways for long-range transport of contaminants. Several large rivers enter the Arctic, possibly carrying contaminants that could be transported to Alaska coastal waters.

What are the Risks to Fish & Wildlife?

Steve Amstrup, USGS

"People on the island are very concerned about the animals we eat now. They think that there might be something wrong because they are getting real skinny...The Elders said that there never used to be cancer but now they are getting cancer."

Herman Toolie, Savoonga, St. Lawrence Island, Traditional Knowledge Project

The Bering Sea, Arctic Ocean, and tundra support a rich diversity of wildlife. The Arctic is the breeding, nesting, and rearing habitat for a wide range of species including seabirds, waterfowl, shorebirds, whales, polar bears, and caribou. Migratory animals come north to raise their young among the abundance of krill, plankton, insects, and undisturbed habitat. The edge of the Arctic ice pack provides habitat for polar bears and their prey such as Pacific walrus, and ribbon and ringed seals. Beluga and killer whales feast on the abundance of fish and other marine organisms. Contaminants move through and accumulate in the higher levels of this food chain.

Migratory animals can bring contaminants from outside Alaska. For example, migratory birds can have 100 times higher concentrations of some POPs compared to birds that do not migrate.

Studies have documented population declines in some of these species, but the cause of these changes is poorly understood. According to a recent report from the Alaska Native Science Commission, traditional ecological observations made by Native people increasingly note the presence of diseases and abnormalities in the fish and wildlife species they rely upon for food. Possible links between contaminants and these changes need to be thoroughly investigated, using the complementary methodologies of western science and Alaska Native traditional knowledge.

Recent Studies Provide Warning Signs About Contamination:

Although much remains unknown, some recent studies show that contaminants are present in some Alaskan wildlife species. Examples include:

Exxon Valdez Oil Spill

Sea otters from Adak Island on the Aleutian Chain have DDT concentrations up to 36 times greater than sea otters in Southeast Alaska.

Exxon Valdez Oil Spill

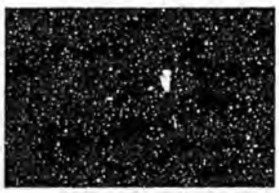
The contaminant concentrations in some Alaska **killer whales** are as high as or higher than levels found in beluga whales in the St. Lawrence River estuary in Canada where high contaminant loads may be causing reductions in survival of young animals.

"We're Indian people, we don't use pesticides. Yet we have it all over our land .... I'd like us to face the question of whether it is safe to eat. From my perspective, the benefits [of eating subsistence foods] far outweigh the risks."

Paul Erhart, Tanana, Traditional Knowledge and Contaminants Project

U.S. Department of Interior

Contaminant levels recorded in **peregrine falcons** in Interior and Arctic Alaska from 1979 to 1995 revealed mercury at levels known to be harmful to reproduction.



Ted Swem, U.S. Fish & Wildlife

POPs were found in **northern fur seals** in a recent Alaskan study of the biological effects of contaminants. Higher contaminant levels in the pups were correlated with diminished immune function.

Suzanne Marcy, U.S. EPA

A study of Aleutian **green-winged teals** revealed that mercury concentrations in 25 percent of the eggs collected were high enough to cause deformities in chicks. More than 25 percent of the samples had PCB contamination high enough to cause reduced hatching of eggs in the laboratory.

Susan Woodward, U.S. Fish & Wildlife

Bald eagles from the western Aleutians in one of the most remote national wildlife refuges in the United States have elevated concentrations of DDT.

Exxon Valdez Oil Spill

Steller sea lions in the western part of their range, where populations are declining, have higher levels of some persistent organic pollutants than eastern populations.

National Oceanic Atmospheric Admin.

Blubber from **beluga whales** from the eastern Chukchi Sea has slightly higher levels of PCBs and pesticides than blubber from belugas of Southcentral Alaska.

Arctic Project

How Do Contaminants Affect People?

U.S. Department of Interior

"Alaska Native people have been living as a part of the Arctic ecosystem for millennia, and in most areas, they still do. As consumers of local resources, they in some ways are the end recipients of the type of pollutants that are transported long distances."

Arctic Monitoring and Assessment Programme, 1997

In the U.S. Arctic, human exposure to pollutants occurs primarily through eating subsistence foods. Traditional Alaska Native lifestyles are based on hunting, fishing, and close relationships to the land. In most communities, village residents have few culturally acceptable, nutritious, and affordable alternatives to their traditional foods because there are few or no roads, restaurants, or supermarkets. Alaskans live in a vast territory, which is home to approximately 227 federally recognized tribes, representing more than 40% of the tribes in the entire United States. In Alaska there are Alutiq, Yup'ik, Chup'ik, Sugpiaq, Tlingit, Haida, Eyak, Tsimpsian, Inupiat and Athabascan peoples, each with their own language, arts, and traditions. Subsistence foods are an essential part of these cultures.

Subsistence users rely on many animals for food including seals, whales, fish, birds, and bird eggs. Persistent contaminants have a tendency to accumulate in fatty tissues and organs. People in the north tend to eat more organ meats and fats than people further south. POPs can concentrate in living organisms at 70,000 times the levels found in soil or water. People in northern communities are concerned that contaminants may be affecting their health and the health of the natural resources on which they depend.

During the past 10 years, studies have noted the presence of cadmium, methyl mercury and persistent organic pollutants in species traditionally harvested and consumed in Alaska. Although these initial assessments demonstrated that villagers had been exposed to these contaminants, the levels do not warrant recommending any restrictions to using traditional foods at this time because of the overall benefits of a subsistence diet.

Traditional foods provide relatively inexpensive and readily available nutrients, essential fatty acids, antioxidants, calories, protein, and many health benefits. Some of these benefits include protection from diabetes and cardiovascular disease, improved maternal nutrition and neonatal and infant brain development. Severely limiting the consumption of traditional foods may result in harm because reduction of the consumption of foods that have health benefits may increase the consumption of "store-bought" foods that do not have these positive qualities.

Contaminant risks associated with consumption patterns of traditional foods are unknown. At this time, we lack information about contaminant levels in traditional foods. We also need to know how these levels may be changing over time so we can understand the possible effects on human health in northern regions. Further studies are necessary to determine contaminant concentrations in subsistence foods and evaluate the potential health effects for subsistence users.

What are the Risks to Children?

"Alaska Native infants have a much higher rate of hospitalization for infection than any other group of U.S. infants. The reasons for this disparity are not known, but it is not due to vaccine-preventable diseases, or to recognizable immune deficiency syndromes. Prenatal exposure to contaminants, which are known to affect the developing immune system, could play a role, and that possibility is now being examined."

Jim Berner, Director for the Office of Community Health Services, Pediatrician, Alaska Native Tribal Health Consortium

U.S. Department of Interior

Fetuses, infants, and nursing babies are most vulnerable to the effects of contaminants. Their developing cells are more sensitive to the potential effects of POPs and heavy metals, and the growing brain is especially sensitive to adverse effects. Moreover, POPs move readily from mother to fetus through the umbilical cord, and to infants through mothers' milk.

There is extensive documentation from Arctic Canada that Native women and their babies are exposed to POPs. Inuit women have PCB levels in their breast milk that are five times higher than those in southern Canada.

Much less information exists about exposure to and documented effects of contaminants on infants and children from the U.S. Arctic. We do know that effects may be variable and subtle, which can make them difficult to detect. In a study from the northeastern United States, researchers found that Mohawk babies who had significant amounts of PCBs in their umbilical cords performed more poorly than less exposed babies on tests assessing visual recognition of faces, ability to shut out distractions, and overall intelligence.

Why is the Arctic important to the U.S?

Family Photo Jessie Paul Nagaruk

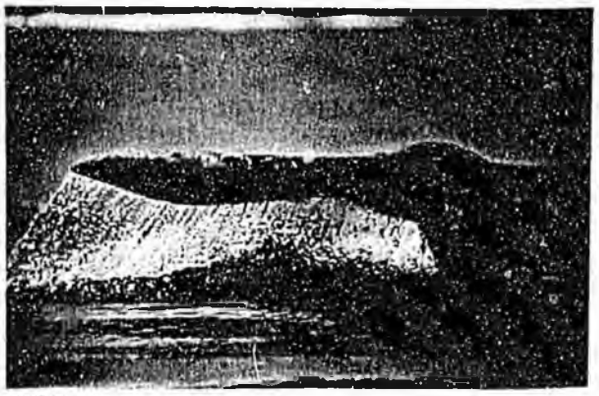
Environmental change in the U.S. Arctic may be an early warning of changes for other parts of the country and world. The Arctic serves primarily as a "sink" or settling area for many of these pollutants. Contaminants in the Arctic are incorporated in the food chain, accumulating in a variety of resident and migratory fish and wildlife species. Migratory species typically summer in the Arctic and winter in lower latitudes, thus contamination of these birds, fish, and mammals should be a concern for the entire nation, not just Alaskans.

The Arctic is valued internationally for its expansive tundra, majestic mountains, unique wildlife and clean coastal waters. Americans care deeply about these lands; many are national parks, preserves and national wildlife refuges that benefit all Americans.

Contamination in the Arctic threatens the region's unique resources, including subsistence foods central to indigenous Arctic peoples' way of life. Alaska is one of the last places in the nation where residents rely heavily upon hunting and fishing and have a close relationship to the land for survival and cultural identity. Thus, the potential contamination of traditional food raises problems that extend beyond the usual scope of public health.

The United States lacks a strong national Arctic contaminant research and monitoring program, thus research and public education lag far behind most programs in other Arctic nations. We have many unanswered questions regarding the extent and significance of this contamination. By comparison, Canada's multi-million-dollar Northern Contaminants Program has developed much more comprehensive information that directly engages indigenous people to assess contaminants and evaluate potential risks. Many northern European countries, including Sweden, Norway, Finland, and Denmark, also have active Arctic monitoring and assessment programs.

What Can We Do?



Bill Hess

Educate people about Arctic contaminants and their impacts in the U.S.

The U.S. needs a comprehensive outreach program that educates and communicates information about contaminants in the Arctic so people can make informed decisions to minimize risks to their families and communities. Currently, we are far behind most other Arctic countries in providing the type of information crucial to the overall health of our citizens.

Commit resources for a long-term cooperative research and monitoring program to assess and track contaminants in Alaska's Arctic ecosystems.

We need to know more about contaminants in the north, including the geographic distribution of various contaminants, potential biological and human health effects of these compounds, and long-term trends. Monitoring should focus on key indicator species that feed at a high level on the food chain, species used as traditional foods for subsistence and those with declining populations, since contaminants may play a role in these declines. Another key priority is to determine the effects of chemical mixtures on human health and Arctic ecosystems. We need diet surveys to determine what and how much people are eating of potentially contaminated resources. Researchers must also continue to compare Alaskan data with those of other Arctic regions, in collaboration with the eight-nation Arctic Council, as part of the Arctic Monitoring and Assessment Programme (AMAP).

Strengthen partnerships between federal and state agencies, universities, Alaska Native tribes and organizations, and communities.

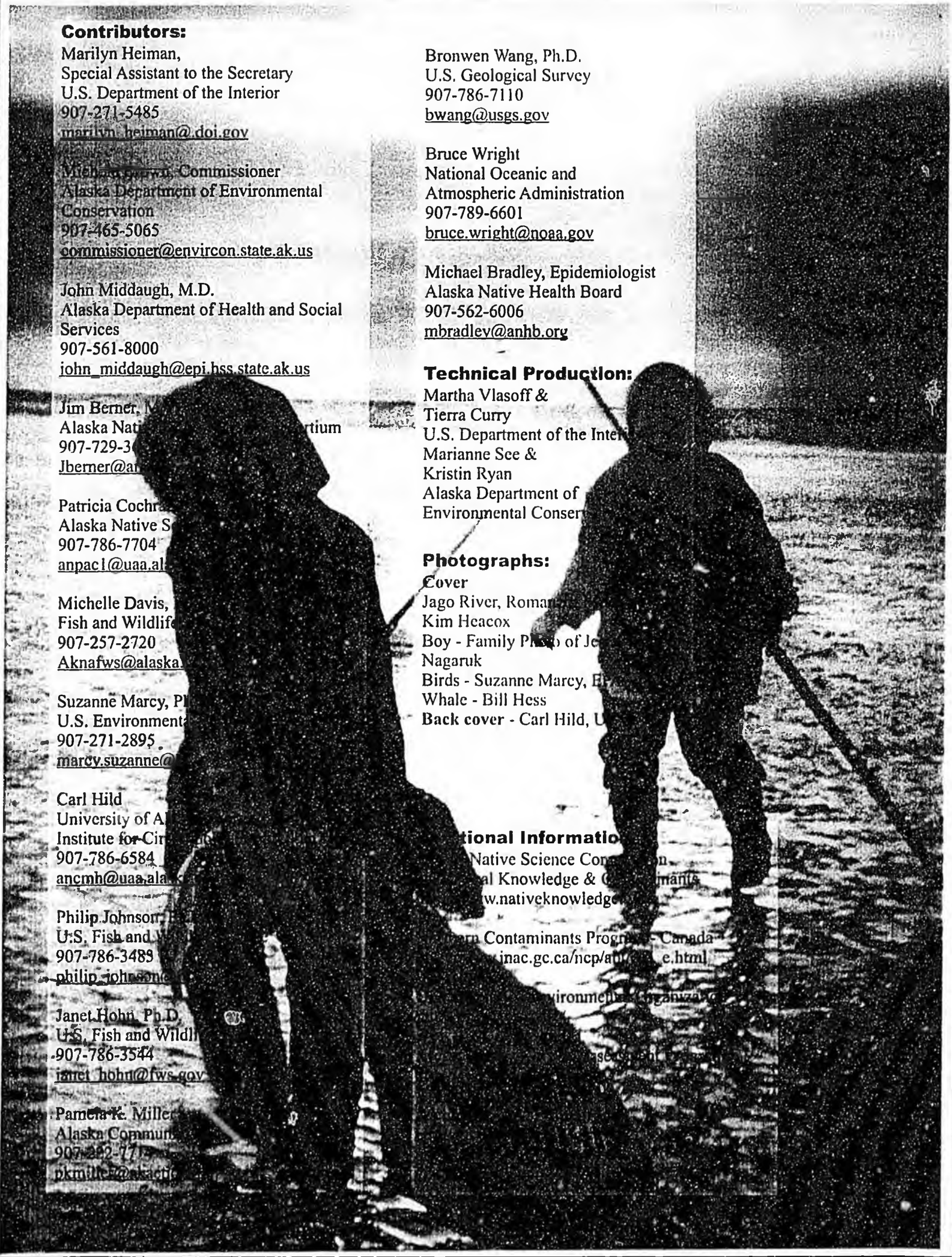
Effective coordination will improve future efforts by agencies, tribes, private and nonprofit entities, and universities. Better coordination of methods, standards, testing, and increased community involvement about contaminants will save time and money, avoid duplication, and ensure that the results are relevant and are communicated in a culturally appropriate manner.

Reduce exposures to POPS and heavy metals.

We need to lead and support the development of a strong international treaty to reduce or eliminate production and use of POPs throughout the world. The international POPs treaty will be an agreement that will immeasurably protect the health and well being of all peoples, with special benefits to those in the vulnerable American Arctic. We should promote international agreements to reduce or eliminate production and use of other toxic substances such as mercury.

"Agencies and organizations have conducted research on contaminants in Alaska. Despite this effort, the concerns, needs and issues of Alaskan Native communities in regard to contaminants have largely been unmet. Experience from the Canadian Northern Contaminants Program shows that indigenous people are very capable of collaborating with other organizations and agencies in research and programs dealing with contaminant issues. Efforts to incorporate Native involvement in directing contaminant programs in Alaska is long overdue and is the only solution for meeting Native needs and concerns."

Mike Bradley, Epidemiologist, Alaska Native EpiCenter, Alaska Native Health Board



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PESTICIDE USE IN ALASKA

Alaska Community Action on Toxics (ACAT) has begun attempting to collect information about pesticide use in Alaska. This is not an easy task as the information is not readily available and must be systematically collected from all the possible pesticide users. Much of the information collected thus far regards use by different sectors of state and local governments. Such information was available under public record laws. Public record requests produced varying results because of different record keeping systems within the institutions contacted -- some agencies and organizations maintain comprehensive records about pesticide application and some keep nothing at all or note only that an exterminator visited on a specific date.

Information about private pesticide use – for example, in restaurants, supermarkets and hospitals - is not available unless the applicator voluntarily discloses the information. Thus, it is very difficult to access information about private pesticide use.

It is virtually impossible for the average citizen to access information about pesticide use and exposure in Alaska in an expedient and comprehensive manner. Nobody has the time or energy to systematically contact all possible users of pesticides to create a "big picture" perspective on pesticide use. A pesticide use tracking system that is readily available to the public would enable people to evaluate their own risks to minimize their exposure to toxic chemicals.

The following information summarizes some of the information received from our preliminary investigation.

Where are pesticides used in Alaska?
Pesticide use in Alaska is widespread, occurring in many places frequented in daily life in Anchorage, Fairbanks, Juneau, Palmer, and Kenai. Pesticides are applied in homes and yards, restaurants, schools, hospitals, nursing homes, public buildings, airports, parks, gardens, greenhouses, universities, and farms.

What are the target organisms?
Pesticides are applied to kill spiders, silverfish, carpenter ants, aphids, sawtooth grain beetles, swallow bugs, hornets, midges, flies, mealy bugs, weevils, European crane flies, spruce bark beetles, roaches, rodents, and weeds.

What type of pesticides are applied? Dozens of different pesticides are used in Alaska. Some commonly applied pesticides are: Chlorpyrifos (Dursban, Lorsban, Engage), Cyfluthrin (Tempo), Diazanon (Knox-Out), Glyphosate (Roundup). (The chemical name is listed first and trade name follows in parenthesis.)

What health effects are associated with pesticides used in Alaska?

Chlorpyrifos (Dursban, Lorsban, Engage) is a broad spectrum organophosphate insecticide, used in homes and buildings for control of termites, cockroaches, and fleas, and also agriculturally and in greenhouses. It is the most widely used insecticide in the United States. Total use is estimated at almost 30 million pounds per year. Chlorpyrifos affects the nervous system by

inhibiting an enzyme that is important in the transmission of nerve impulses. Symptoms of acute poisoning include headache, nausea, muscle twitching and convulsions. Human birth defects have been associated with exposure to chlorpyrifos products. It also affects the male reproductive system. Chlorpyrifos has caused genetic damage in human blood and lymph cells, mice spleen cells, and hamster bone marrow cells. Immune system abnormalities have been reported from people exposed to chlorpyrifos. Extremely small quantities can be lethal to birds as evidenced by the Sitka Raven kill in June 1999. It kills fish at concentrations as low as a few parts per trillion and kills a wide variety of other aquatic organisms. Chlorpyrifos contaminates air, ground water, rivers, and lakes, contaminating areas up to fifteen miles from the site of application.

Cyfluthrin (Tempo) is a synthetic pyrethroid that is a neurotoxin with a mode of action similar to that of the organochlorine insecticide DDT. It is used to kill unwanted insects in and around buildings, in agriculture and on ornamental plants. Acute exposures cause stinging skin, tremors, convulsions, decreased blood pressure, and labored breathing. Chronic exposure of lab animals has resulted in weight loss, kidney inflammation, vomiting, diarrhea, and a decrease in body temperature. Exposure through inhalation causes symptoms at very low doses; concentrations of as little as 150 parts per billion are enough to cause lethargy and a failure to gain weight. Cyfluthrin also appears to affect reproduction. It is highly toxic to fish and bees with just one part per billion killing some fish species. Ecosystem-level tests have shown that cyfluthrin affects many organisms in pond ecosystems, including algae, zooplankton, nematodes, insects and fish.

Diazinon (Knox Out) is an organophosphate insecticide, used most commonly in non-agricultural settings for lawns and home gardens to control larval stage insects. It kills insects and other animals, including humans through its effect on the nervous system. It inhibits an enzyme that is important in the transmission of nerve impulses. Symptoms of diazinon poisoning in humans include headache, nausea, and dizziness, excessive salivation, tearing, urination, defecation, blurry vision, slow heartbeart, muscle weakness, and incoordination and respiratory depression. Diazinon exposure has also caused abnormal eye movements, damage to skeletal muscles, and inflammation of the pancreas. A 1999 Seattle area investigation found concentrations of diazinon that exceeded EPA standards for aquatic life in all but one of ten streams. Other field studies of chlorpyrifos for turf and agricultural use have found concentrations in water samples that exceed levels toxic to aquatic organisms.

Glyphosate (Roundup) is a broad-spectrum herbicide widely used to kill unwanted plants both in agriculture and in non-agricultural landscapes. Estimated use in the United States is between 38 and 28 million pounds per year. Glyphosate-containing products are acutely toxic to animals, including humans. Symptoms include eye and skin irritation, headache, nausea, numbness, elevated blood pressure, and heart palpitations. Lab studies have found medium-term toxicity (salivary gland lesions), long-term toxicity (inflamed stomach linings), genetic damage (in human blood cells), effects on reproduction (reduced sperm counts in rats; increased frequency of abnormal sperm in rabbits), and carcinogenicity (increased frequency of liver tumors in male rats and thyroid cancer in female rats). Glyphosate has been called "extremely persistent" by the EPA.

BASIC INFORMATION ABOUT PESTICIDES

What is a Pesticide?

By law, a pesticide is "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest." This definition includes insecticides, herbicides, fungicides, rodenticides, and antimicrobials as well as plant growth regulators, defoliants and dessicants. The National Research Council has stated that pesticides are "perhaps the only toxic substances that are purposefully applied to the environment." While pesticides may be effective at killing or damaging pests, they do not solve pest problems because they do not eradicate the factors that have allowed the pest to thrive.

Does Government Registration Mean Pesticides Are Safe?

Legally, pesticides are supposed to be regulated so that they do not cause "unreasonable adverse effects" and so that there is "a reasonable certainty that no harm will result" from their use. But this does not mean that pesticides are safe by a common-sense definition. Registered pesticides are known to cause cancer, genetic damage, miscarriages, birth defects, liver and kidney damage, and cataracts. In addition, pesticide regulation is problematic. Many pesticides used today were registered using old test protocols and have not been reevaluated under current standards. Pesticide testing is performed or paid for by pesticide manufacturers, setting up a conflict of interest. Many tests are only "conditionally required" and are often waived. Finally, tests ignore the multiple pesticides to which people are regularly exposed because they only look at one pesticide at a time. Considering the above information, pesticides are not safe.

Are Pesticides Hazardous to Our Health?

As pesticides are chemicals designed to kill or harm pests, it is not surprising that they can damage human health. Pesticides can cause headaches, nausea, cancer and death, damage the nervous system, disrupt our hormone and immune systems, affect reproduction, and burn eyes and skin. Pesticides with significant health hazards are applied in startling quantities. For example, just looking at the 26 most widely used pesticides, Americans annually apply about 380 million pounds of pesticides classified by the EPA as carcinogens. About 650 million pounds of pesticides that cause reproductive problems are used annually, with hundreds of millions of applications in our homes, on our lawns, and in our gardens.

Do Pesticides Pose Special Hazards to Children?

Research shows that pesticides are particularly hazardous for children. Children eat more pesticides on their food than adults because of their eating patterns and their body size. The National Research Council estimated that every day, over 100,000 two-year olds consume more than our government's "acceptable levels" of a common group of neurotoxic pesticides. In addition, recent research has linked a wide variety of health problems in children to their parent's exposure to pesticides, such as brain cancer, birth defects, and premature birth. Finally, children's behavior makes them more susceptible to pesticide hazards because they crawl around and climb where pesticides may be applied, put things in their mouths that contain pesticide residues, and they breathe more for their body weight than adults.

Do Pesticides Contaminate Our Rivers, Streams, and Wells?

Pesticides are widely found in waterways throughout the United States. The U.S. Geological Survey (USGS) has found that over 95% of river and stream samples, as well as over 50% of well samples contained at least one pesticide, and many samples contained multiple pesticides. Both urban and agricultural areas have pesticide-contaminated waterways. Although many of the pesticide concentrations measured by the USGS are relatively low, recent studies show that these pesticides are already causing health problems for humans and animals. For example, the numbers of breast cancer cases in Kentucky and low birth-weight babies in southern Iowa were high in areas with pesticide-contaminated water. Also, the USGS concluded, "[w]ithin all regions studied," the fish already "may be experiencing some degree of endocrine disruption."

STATE OF ALASKA

TONY KNOWLES, GOVERNOR

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January 25, 2002

The Honorable Lisa Murkowski
Chair, House Labor and Commerce Committee
Alaska House of Representatives
Juneau, AK 99801

Attention: Amy Erickson

Re: HB 66, an act relating to pesticide use

Dear Representative Murkowski:

We have been fielding several calls over the past few days regarding the above-referenced bill, which will be heard in your committee this afternoon. With this letter, you will find a three page EPA fact sheet entitled "What is a pesticide" that I hope will be of value to the committee as it deliberates this bill.

My testimony will answer some of the other questions that have been posed to us by various staff, including what is the role of EPA, what the state's program currently includes, the number of pesticides registered in Alaska, and how we would see this bill working.

If there is any other information I can provide before the hearing, please let me know and we will do our best to get it to you.

Sincerely,

Janice Adair
Director

cc: The Honorable Sharon Cissna (w/fact sheet)

EPA United States Environmental Protection Agency

Office of Pesticide Programs

What is a Pesticide?

A pesticide is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Pests can be insects, mice and other animals, unwanted plants (weeds), fungi, or microorganisms like bacteria and viruses. Though often misunderstood to refer only to *insecticides*, the term pesticide also applies to herbicides, fungicides, and various other substances used to control pests. Under United States law, a pesticide is also any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Many household products are pesticides. Did you know that all of these common products are considered pesticides?

- Cockroach sprays and baits
- Insect repellents for personal use.
- Rat and other rodent poisons.
- Flea and tick sprays, powders, and pet collars.
- Kitchen, laundry, and bath disinfectants and sanitizers.
- Products that kill mold and mildew.
- Some lawn and garden products, such as weed killers.
- Some swimming pool chemicals.

By their very nature, most pesticides create some risk of harm to humans, animals, or the environment because they are designed to kill or otherwise adversely affect living organisms. At the same time, pesticides are useful to society because of their ability to kill potential disease-causing organisms and control insects, weeds, and other pests. In the United States, the Office of Pesticide Programs of the Environmental Protection Agency is chiefly responsible for regulating pesticides. Biologically-based pesticides, such as pheromones and microbial pesticides, are becoming increasingly popular and often are safer than traditional chemical pesticides.

Here are some common kinds of pesticides and their function:

Algicides
Control algae in lakes, canals, swimming pools, water tanks, and other sites.

Antifouling agents
Kill or repel organisms that attach to underwater surfaces, such as boat bottoms.

Antimicrobials
Kill microorganisms (such as bacteria and viruses).

Attractants
Attract pests (for example, to lure an insect or rodent to a trap). (However, food is not onsidered a pesticide when used as an attractant.)

Biocides
Kill microorganisms.

Disinfectants and sanitizers
Kill or inactivate disease-producing microorganisms on inanimate objects.

Fungicides
Kill fungi (including blights, mildews, molds, and rusts).

Fumigants
Produce gas or vapor intended to destroy pests in buildings or soil.
Herbicides
Kill weeds and other plants that grow where they are not wanted.
Insecticides
Kill insects and other arthropods.
Miticides (also called acaricides)
Kill mites that feed on plants and animals.
Microbial pesticides
Microorganisms that kill, inhibit, or out compete pests, including insects or other microorganisms.
Molluscicides
Kill snails and slugs.
Nematicides
Kill nematodes (microscopic, worm-like organisms that feed on plant roots).
Ovicides
Kill eggs of insects and mites.
Pheromones
Biochemicals used to disrupt the mating behavior of insects.
Repellents
Repel pests, including insects (such as mosquitoes) and birds.
Rodenticides
Control mice and other rodents.

The term pesticide also includes these substances:

Defoliants
Cause leaves or other foliage to drop from a plant, usually to facilitate harvest.
Desiccants
Promote drying of living tissues, such as unwanted plant tops.
Insect growth regulators
Disrupt the molting, maturity from pupal stage to adult, or other life processes of insects.
Plant growth regulators
Substances (excluding fertilizers or other plant nutrients) that alter the expected growth, flowering, or reproduction rate of plants.

What about pest control devices? EPA also has a role in regulating devices used to control pests. More specifically, a "device" is any instrument or contrivance (other than a firearm) intended for trapping, destroying, repelling, or mitigating any pest. A mousetrap is an example of a device. Unlike pesticides, EPA does not require devices to be registered with the Agency. Devices are subject to certain labeling, packaging, record keeping, and import/export requirements, however.

What is not a pesticide? The U.S. definition of pesticides is quite broad, but it does have some exclusions:

- Drugs used to control diseases of humans or animals (such as livestock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration.
- Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides.
- Biological control agents, except for certain microorganisms, are exempted from regulation

by EPA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests.)

- Products which contain certain low-risk ingredients, such as garlic and mint oil, have been exempted from Federal registration requirements, although State regulatory requirements may still apply. For a list of ingredients which may be exempt, and a discussion of allowable label claims for such products, see EPA's Pesticide Registration Notice 2000-6, "Minimum Risk Pesticides Exempted under FIFRA Section 25(b)."

OPP Home | EPA Home | Comments
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www.epa.gov/pesticides/whatis.htm
updated July 12, 2001

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HB 66 ~ Pesticide Right to Know

To: House Labor & Commerce Members
Date: January 25, 2002

Alaska Conservation Alliance (ACA) and Alaska Conservation Voters (ACV) are sister nonprofit organizations dedicated to protecting Alaska's environment through public education and advocacy. ACA's 44 member organizations and businesses represent over 35,000 registered Alaskan voters. As most Alaskans, our members want to be assured that the food we eat and the water we drink are free from contaminants.

HB 66 will enable all Alaskans to access information regarding the use of pesticides, a group of chemicals linked to a variety of health effects. Armed with this information, Alaskans can choose the steps we, as individuals, want to take to limit our exposure to these chemicals. Additionally, health researchers and public health officials will have more data to help them determine the risks associated with pesticide use.

Pesticide Use Tracking System

House Bill 66 directs the Alaska Department of Environmental Conservation to establish and implement pesticide use tracking system. Alaskans have a right to know about pesticide frequency, quantity applied, and size of area treated in areas such as public lands, parks, schools, workplaces, and hospitals.

Registration Fees

The pesticide use tracking system will be funded by collection of registration fees on pesticide labels registered for commercial sale in the state of Alaska. Currently, there are no fees associated with registering pesticides. Alaska is the ONLY state that does not collect registration fees.

Pesticide Tracking Advisory Board

House Bill 66 creates a Pesticide Advisory Board consisting of 9 members. The board would have diverse representation with members from medical communities, children's advocates, wildlife researchers, pesticide applicators, drinking water providers, and community members. The advisory board would advise the DEC on the development and implementation of pesticide use reporting, recommend methods for public education, research and develop mechanisms for collection of household use, and work with the public to improve the reporting and tracking system.

ACA and ACV encourage legislators to support HB 66 because of the benefits and protections it provides Alaskans. This legislation, which contains its own funding mechanism, represents an opportunity for the Department of Environmental Conservation to further its mission to protect public health.

Danielle Brown

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Alaska's Pest Control Experts

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January 24, 2002

Honorable Members of the Alaska House of Representatives,
Labor & Commerce Committee:

Please accept this follow up to yesterday's comment letter. I know I promised not to burden you with more comment, but the newest revision I saw this morning necessitates it. Interestingly, I was told by Ms Cissna's office yesterday that it was coming, but it took someone with a higher regard for public input than they to forward it to me so that I could prepare for it's surreptitious introduction. As of the beginning of this writing (10AM), I have still not received a copy from her office. ***NOTE: Nor at it's completion time of 2:45 PM.***

If I may, let me begin by making additional comments to my first submittal as a result of a phone conversation with Ms Cissna's office late yesterday afternoon. In talking with her assistant, Rob Earl, I was informed of some clarifications on which I comment below:

FAIRNESS: I was told that it was ADEC who recommended removing "dealers" "sellers" and "and sales" from the proposal. This is likely a result of previous issues they have faced from these groups on Department recommended changes. They are fully aware that they would receive serious opposition from these industries. However, regardless of who recommended it, this proposal eliminates the largest percentage of pesticides applied in Alaska and unfairly targets a small group of businesses. My previous comments remain unchanged.

NECESSITY: Interestingly, there was no attempt on his part to explain this issue. I remain convinced that there is no evidence to support the need for this legislation.

SECTIONAL COMMENTS:

Sec. 1. re: Registration Fee. This one really surprised me. I was informed that this was NOT a one time $150 registration fee, but an annual fee to be collected from the registrants. And, yes, if it is the desire of the special interest groups behind this legislation to reduce the number of pesticides available to the Alaskan public, this will certainly accomplish that. And it will put every one of our Pest Management Businesses effectively out of business (their secondary goal).

(a) **Sec. 2. re: License Fee.** Although it is not clearly stated in the proposal, I was informed that this was not to be collected per certification category but individual licensee. While that is

comforting, it is still an inappropriate form of taxation and is specifically being used to pay for an unnecessary program. (More comments elsewhere in this letter).

Sec. 3. re: Privacy & Cost of the Program. I was assured that (a) a newer version would be released today and that it would clarify that the data collected should not make public the applicator and that the location of application would be limited to which "watershed" it would affect and that (b) the cost was estimated by ADEC to be only 400 Thousand Dollars ($400,000) for set up and 227 Thousand Dollars ($227,000) for annual maintenance, AND that the fees requested in 1(a) & 2(b) would surely cover that cost.

(a) As mentioned earlier, I have yet to receive this promised update, but in reviewing the one I obtained elsewhere I see it is addressed. How they expect to define "watersheds" is unclear. (Addressed again later in this letter.) I still object to the public being allowed knowledge of how much pesticide my company applied this year and where. Such information has no proven positive value and likely would be used in perverted ways by special interest groups to further their scare tactics and terrify our fellow citizens to line their own pockets with donations.

(b) I think someone is VERY optimistic in it's cost and collections estimates. (1) It is unlikely the costs can be contained to these levels, (2) the resources suggested will not be there. This program will most assuredly become a government-supported (tax based) program.

(1) Already the States of Oregon, Massachusetts and Wisconsin are finding their similarly written programs to be basically unaffordable. And these states ALREADY have an individual income tax. (Sorry, I couldn't resist that one.)

(2) The gentleman in Ms Cissna's office estimated that there were 1000 applicators in the State. His math indicated an income from license fees of $250,000. I am sure he meant to say $25,000. Add to that the income from the 2,979 registered pesticides (as per the "power behind the throne's" recent ADN letter, I did not verify the number with ADEC) at $150 each for $446,850 and it would appear that it was fully financed. HOWEVER, the number of actual Pesticide Applicators ***by category*** as per my ADEC inquiry this morning is currently 821. Of these, a great many are multiple certificate holders such as most of my employees and many more obtained their certification for a limited need period and are very unlikely to renew (especially if we tax them to death). A generous estimate of certified applicators would be 300 to 350. And of these, a great many are government employees whose fees will be paid by, guess who! So, from the public sector (mostly two struggling pest management businesses) you will receive perhaps $1000 a year IF I was not deceived on the issue of licensee versus category.

As for getting the pesticide manufacturers to pay for this program, you can forget that too. My comments yesterday are even more appropriate when they find out that they must pay this fee annually. I know for myself that the small number of pesticides I actually do use will not merit these companies investment in our State. They will simply not renew and refuse to provide us with new and safer alternatives. I am truly sorry that consulting only the special interest groups on this matter has so sadly misled Ms Cissna.

Now I feel the need to comment on the revisions announced to you today. First let me express my disappointment in the manner in which this was inserted. Not just the clarification and rewriting in the closing hours before your consideration, but an attempt to insert completely new regulation in such a deceitful way. Again I will attempt to comment on specific sections, but keep in mind that this newest edition substantially changes these designators. I will use the newer numbers for your review:

Sec. 2. re: Registration Fee. I could not help but notice that after our discussion yesterday (Mr. Earl & I) this was NOT clarified. Is it one time or annual AND do they really think any more than a handful will pay $150?

Sec. 3. re: Applicator Fee. Also not clarified??? Frankly, it appears to me that ADEC has the power to recommend and implement these two ideas under its current charter. They did not suggest this in their extensive rewrite last year. If the State refuses to adequately fund it's own agencies, and a small licensing fee is to be collected from companies such as mine, let it be addressed in that method.

Sec. 4. re: Application Notification. WOW! What an unthinkable broadside to our industry! This was an obvious attempt to sneak major legislation past the nose of the public, business sectors and your committee. While I was aware through discussions with NPMA (our industry representative) that Mr. Earl had inquired about this issue last week, he certainly did not ask my opinion yesterday. In an attempt at brevity may I point out that (a) such a law is not necessary, and is (b) redundant to almost half of the population of Alaska. In addition it is (c) an unnecessary burden designed to over-regulate a small business community. I will reserve my comments on the individual requirements of this section as the whole package is objectionable in its entirety.

(a) From where comes this overwhelming cry of Alaskans for such an action? The current and recently rewritten ADEC regulations already protect persons from unnecessary exposure by way of spray drift. Has someone decided that dead Spruce Trees, brown and desiccated deciduous trees, and millions of dandelions are an important addition to our environment and aesthetics?

(b) As referenced in the proposal, the writing with the exception of a 48 hour (as opposed to 24) pre-notification is patterned after the existing Anchorage Municipality Regulation 15.75. Since almost half of the state's population is already under this law, are we to assume that the rest of the state's local governments do not know how to pass such regulation? Let us not use the heavy hand of the State Legislature to

circumvent our local, municipal and borough governments' right to govern as they see fit.

(c) Those few of us who fall under the Anchorage rules have struggled for years in an attempt to comply, but we have been doing so. As a result of this regulation we often lose countless dollars from having to re-post properties due to inclement weather. It should be noticed that this new law would affect many struggling lawn care businesses that apply minimal amounts of herbicides to their customer's yards. I can't wait until one of our industrious young school children is fined hundreds of dollars because he or she sprayed the neighbor's dandelion bed for $5 an hour or did not pay $55 for a certification.

Sec. 5. re: Pesticide Tracking System. On the matter of the changes herein, nothing I see would change my previous comments. In fact, it would seem to underscore the narrow scope of its oversight to a small group of Alaska businesses and the lack of significant data to meet its apparent goal. I will comment on (a) the increased load to ADEC, (b) tell-tale reduction in Advisory Board members.

(a) As previously mentioned, there is ample room in the ADEC mandate to enact any regulations, permanent or emergency, which may be determined necessary to protect the environment of Alaska. That would certainly allow them to request data from certified applicators from time to time if there were a specific need. Speaking for my company, and myself I would be happy to review our already significant record keeping files to determine if a specific pesticide found in some watershed had come as a result of our activity. As per the rewording and the explanation in the cover letter, ADEC is also being asked to increase its role from oversight of proper use of pesticides to the role of advisor, telling others what methods of pest management and what pesticides they should be using. To enact this frivolous legislation and ask ADEC to oversee it on their current budget is mean spirited. They are not even allowed a representative on the proposed Advisory Board!

(b) The agenda "hand" of the proponents has been further tipped as they seek to decrease the minority opinion on this slanted board even further by allowing only one industry representative to serve. I found it amusing, in their cover letter to these adjustments, that this was as "a further cost reduction". I thought the members served per gratis. How much money do they estimate cutting two members will save?

SUMMARY: Again, I thank the members of the L&C Committee for the opportunity to address this matter. I am not well versed in the political arena, and am especially grateful that you have received this material in its uneducated form. Once again, I will try to make myself available tomorrow at the Anchorage LAB to answer any questions you may have.

Respectfully,

Kenneth J (Ken) Perry
General Manager

COOK • INLET • KEEPER

TESTIMONY OF COOK INLET KEEPER
ON H.B. 66
BEFORE THE
HOUSE LABOR AND COMMERCE COMMITTEE
JANUARY 25, 2002

Please accept these comments on behalf of Cook Inlet Keeper on House Bill No. 66, on pesticide use. This testimony was developed by Lois Epstein, a licensed, Senior Engineer with Cook Inlet Keeper, with over 17 years of experience on toxic chemical issues. Keeper is a citizen-based nonprofit organization dedicated to protecting Alaska's Cook Inlet watershed and the life it sustains. We represent over 800 citizens, scientists, native Alaskans and fishermen/women.

Alaskans – and especially young Alaskans – have a right to clean food and clean water. Yet under current law, we have no way to understand the types and amounts of pesticides applied around our parks, on our roads, in schools, or in our neighborhoods. H.B. 66 will go a long way toward helping us better understand pesticide use throughout the state.

A registry of pesticide use will help managers and researchers understand how much persistent, bioaccumulative pesticide is in use in Alaska, and where. These are critical pieces of information for developing a plan for this particularly-dangerous and long-lived classes of pesticides.

Chemical use reporting is a powerful way to improve performance without command and control regulation. One of the best examples of "right-to-know" reporting producing improved performance is the nearly 50 percent decline in toxic chemical releases among U.S. manufacturing plants during the first ten years of the federal Toxics Release Inventory (TRI) program. Quotes such as the following by the Chemical Manufacturers' Association show the support this program produced within industry once reporting was in-place:

> We continue to believe that T.R.I has been a very successful venture. Our members have gotten behind it and witnessed a 50 percent reduction in pollution.
> -- Mort Mullins, Chemical Manufacturers' Association, *New York Times*, June 28, 1995.

Additionally, because relatively few governmental staff are required to administer TRI and similar reporting programs, right-to-know reporting produces environmentally beneficial results at low cost to government relative to other environmental programs.

Cook Inlet Keeper appreciates the Alaska House Labor and Commerce Committee's attention to our comments. Thank you very much for addressing this important issue.

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Organizations That Support Pesticide Use Tracking Bill HB 66

April 15, 2002

PUBLIC HEALTH GROUPS

Alaska Chronic Fatigue and Multiple Chemical Sensitivity Support Group

Alaska Community Action on Toxics

Alaska Injured Workers Alliance

Alaska Public Interest Research Group

American Lung Association of Alaska

Brain Injury Association of Alaska

Mental Health Association of Alaska

ENVIRONMENTAL ADVOCACY GROUPS

Alaska Action Center

Alaska Center for the Environment

Alaska Conservation Alliance

Arctic Organics

Ocean Conservancy (formerly Center for Marine Conservation)

Cook Inlet Keeper

Kachemak Bay Conservation Society

National Wildlife Federation of Alaska

Native American Fish and Wildlife Society

Northern Alaska Environmental Center

Why is House Bill 66 needed?

1. Large amounts of pesticides are used every year in urban and rural Alaska, including use in schools, parks, agricultural lands, grocery stores, public buildings, homes, gardens, and elsewhere.

2. Pesticides are linked to a variety of health problems, including cancer, developmental disorders, reproductive failure, birth defects, allergies, and asthma.

3. Despite these known risks, we have no accurate information on which pesticides are used, where and where pesticides are used, and in what amounts.

4. In order to make informed and effective policy decisions to protect water quality, public health, and subsistence foods, Alaskans need reliable information on pesticide use.

5. In 2001, there were 4571 pesticide labels (individual pesticide products) registered for sale and use in the state of Alaska.

6. Alaska is the ONLY state that does not collect registration fees on pesticides registered for sale and use.

What will House Bill 66 mandate?

1. This bill will require those who use pesticides for commercial and contract purposes to provide notice to members of the public regarding applications of pesticides outdoors and to report basic information regarding where, when, quantity used, and name of product used to the Department of Environmental Conservation.

2. The Department of Environmental Conservation is required to make the reporting process convenient for those required to report, and to make the information available to the public, researchers, and public officials in a timely manner. Reports will protect privacy of both applicators and their clients.

3. The bill establishes a seven member Pesticide Advisory Board that includes representation from a pesticide dealer or applicator, a fisheries biologist, a wildlife biologist, a public water supplier, an agent of the Cooperative Extension Service, a children's health advocate, and a member of the public.

4. The bill requires a registration fee be collected for pesticide products registered for commercial sale in the state of Alaska and allows for the charging of licensing fees.