

ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672

11220 SENATE LABOR & COMMERCE

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Senate bill 27 -Pesticide Right to Know Senate Labor & Commerce

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To: Members of Senate Labor & Commerce
From: Matt Davidson, Legislative Director
Date: February 26, 2004
Subject: SB 27 'Pesticide Right to Know'

SB 27 makes an important step forward in protecting the public from the harmful effects of pesticides. This bill creates a mechanism to study the suspected link of pesticides exposure to increasing cancer rates, immune system disorders, reproductive health problems, respiratory illnesses, and allergies through public notice and a pesticide use tracking system.

**Please support this important legislation and move it from the Labor and Commerce Committee.*

Charges pesticide manufacturers- (Sec. 2) The Department of Environmental Conservation (DEC) may charge a registration fee of \$150.00 for a pesticide product registered for use in the state. *With nearly 5,500 pesticides registered, registration fees could bring the state upwards of \$825,000. Currently, there are no fees associated with registering pesticides. Alaska is the ONLY state that does not collect pesticide registration fees.*

Establishes a registration fee- (Sec.3) Requires certified pesticide applicators to pay \$25 per annum registration fee. *The Department provides training and licensure, but does not have the authority to charge a fee.*

Provides public notice of commercial pesticide spraying- (Sec. 4) Public notice is required 48 hours in advance of actual spraying. Public notice to nearby residents will include pesticide name, date and time pesticide will be sprayed and the contact information of the applicator.

Requires reporting of pesticide use to DEC- Requires certified pesticide applicators to document pesticide use to DEC. *They are currently required to collect the information, but not required to make information available.*

Establishes a pesticide tracking system- (Sec. 5) SB 27 mandates DEC to establish and implement a pesticide use tracking system. The idea behind pesticide tracking system is to create an efficient and cost-effective system that will make known the location and extent to which pesticides are applied. Under the tracking system section of SB 27 the department has the authority to impose a civil penalty on any pesticide applicator who fails to comply with reporting requirements. *Information can be cross-referenced with other databases like the Cancer Registry.*

Alaskans building a better future.

Provides public information - (Sec. 5) Data within the pesticide use tracking system can be accessed by the general public through the Internet in order to adequately provide understandable and useful information about the use of pesticides at local, regional and state levels.

Creates pesticide advisory board- (Sec. 5) SB 27 creates a seven member volunteer Pesticide Advisory Board. The intent of the advisory board is to advise DEC on the development and implementation of pesticide use reporting, methods for public education, research and develop mechanisms for collection of household use, and to work with the public to improve the reporting tracking system.

Alaskans building a better future.



POINTCOUNTERPOINT *Require disclosure of pesticide use?*

Pesticide bill will cost big money for no good reason

EVERETT WALTON, *American Pest Management*

For years now, I have been frustrated listening to environmental extremists hurl accusations at our industry and the pesticide products that we use. They profess to be experts in toxicology and pest management, often convincing ill-informed public officials to pass anti-pesticide legislation. What would happen if we gave them what they so desperately seek — a world without pesticides?

We could have the return of the plague, which is estimated to have killed 25 million people between 1050 and 1200. We could have the return of yellow fever, a mosquito-borne disease that has killed untold millions throughout history. We could have the return of typhus, a louse-borne disease, also killing millions throughout history. Malaria, which had been eradicated from the United States, is staging a comeback. How many people would die yearly and how many areas of the United States, much less the world, would be uninhabitable without pesticides?

In modern America, pesticides are used to better human life. Man uses them, intentionally, to improve and protect his environment for his children, his domesticated animals, his plants and his food supply. In America, we spend less of our income on food than other people anywhere (about 17 percent, as opposed to more than 50 percent in much of the world), in large part due to our use of pesticides.

Given the choice, most people would choose to live their lives without fear of starvation or exposure to diseases like the plague, malaria and Lyme disease or of sharing their homes, businesses and schools with cockroaches, shrews, ants, termites, etc.

Today we are very fortunate to have pesticides and professional applicators that seek to improve our standards of living, protecting our lives and health. The next time you hear an "environmentalist" ranting about the horrific effect of pesticides and the death that has resulted from their usage, ask them to show you the numbers (the facts) to prove it. They cannot! There has never been a death in America as a result of a pesticide applied by a professional who has applied those pesticides while following label instructions. It is time to put an end to the scare tactics and lies that the environmental organizations use to sway public opinion.

HB66 claims it will allow the tracking of pesticides. It cannot do this; it exempts from reporting 98 percent of all pesticide users. Only 45 people in the entire state are required to report under HB66. HB66 will add more than \$1 million to the state budget just to satisfy the environmental extremist. Tell your legislators not to let this happen.

■ Everett Walton is co-owner of American Pest Management in Anchorage.

HB 66



Pesticide Right-to-Know Bill will protect public health

PAMELA K. MILLER, *Alaska Community Action on Toxics*

Pesticides can profoundly damage our health. Recent studies demonstrate that pesticide exposures are linked with Parkinson's disease, learning disabilities, birth defects, lymphoma and leukemia. Harmful pesticides are often applied without our notice or consent. Children, elderly people and those with chronic illnesses are particularly vulnerable to pesticide exposures.

In Alaska, pesticides are used in places where we live, work and play: in parks, public buildings, grocery stores, apartment buildings, airports, schools, day care facilities, universities, greenhouses, agricultural and forest lands, hospitals, nursing homes, military reservations and in the oil industry. Pesticides affect our water quality, foods and health. Although there are 4,571 pesticides registered for use in Alaska, we have no reliable system to track the amounts and locations of pesticide use.

Alaska Community Action on Toxics supports the Pesticide Right-to-Know Bill — HB66, sponsored by Rep. Sharon Cissna, and SB14, sponsored by Sen. Johnny Ellis. Our support for this bill stems from our work with the Anchorage School District concerning pesticide use in schools. ACAT's research showed that the Anchorage School District used pesticides linked with serious health problems without notification. We worked cooperatively with the district to address

these problems. The Anchorage School Board implemented a policy requiring notification procedures and least-toxic pest management.

We need statewide measures to track pesticide use in all places where people may be exposed. The Pesticide Right-to-Know Bill requires commercial pesticide users to report basic information about the quantities, types, times and locations of use. The bill also requires companies to notify the public about pesticide applications.

Alaska is the only state that does not require chemical corporations to pay a fee to register pesticides. The bill is fiscally sound because the program will be funded through modest registration fees from chemical corporations for pesticides imported into the state. We support strengthening the bill to include reporting and tracking of all pesticide uses. This bill will dispel speculation and misrepresentation of facts and support responsible pest management business practices.

Toxic exposures to pesticides are preventable causes of harm. The bill will help protect public health. Please contact your legislators to support HB 66 and SB 14, the Pesticide Right-to-Know Bill.

■ Pamela K. Miller is director of Alaska Community Action on Toxics in Anchorage.

Anchorage Daily News 02/07/02

ADN 02/07/02

January 30, 2003

JUNEAU EMPIRE

The voice of Alaska's capital city since 1912

Legislation protects fish, fishermen from pesticides

Letter to the editor

This winter the state Legislature will consider a bill important to public health and the Alaskan salmon industry. Right now it is legal for private corporations to spray toxic chemicals from airplanes in Alaska. Senate Bill 233 would ban this practice to protect our health and natural resources.

Everyone knows that pesticide drift is dangerous, but in Alaska it may well be our fishermen who are hit hardest. Many of the areas that could be sprayed for forestry purposes are over Southeast Alaska's islands.

These islands are surrounded by waters heavily used by commercial and sport fishermen.

Pesticide runoff into our pristine waters could contaminate the entire catch and risk human health.

Worse, the existing aerial pesticide regulations do not allow for adequate buffers between sprayed areas and salmon streams.

Our fishing industry depends on the American public's perception of Alaska wild salmon as pure and fresh. How will the industry be affected if our fish are contaminated with toxic chemicals?

I urge the Legislature to pass SB 233; in particular, I ask Sen. Fred Dyson to schedule a hearing for this bill in the Health and Social Services Committee.

As a commercial fisherman and chair of this committee, I trust that he understands the importance of this issue.

Anissa Berry-Frick
Port Alexander

Adn 01/31/04
Daily News Letters

Special interests win over health concerns in pesticide spraying

As a mother and a resident of Eagle River, I was alarmed to find out that Alaska's Department of Environmental Conservation (DEC) cared more for special interests such as logging than their own children and their own health when they made the decision to allow spraying of pesticides from airplanes in Alaska.

Spraying carcinogenic chemicals into the air lets the wind blow and spread them at will, contaminating drinking water and salmon streams. Whoever made that decision clearly had their priorities out of balance. Spraying in Alaska is done primarily for forestry purposes and not only endangers our air, water and salmon but places children and other humans at risk of cancer and other related sicknesses.

Fortunately, the Legislature is in position to take action to protect the public from this short-sighted administrative decision. Senate Bill 233 would ban aerial spraying of pesticides over Alaska land except for public health emergencies.

The problem is, SB 233 was introduced last session and hasn't seen the light of day. Sen. Dyson can help protect the health of Alaskans and our natural resources by scheduling a hearing for SB 233 and helping it become law for our children, our salmon and our own health.

-- Christie Stepanik

Eagle River

02/14/04

Aerial spraying dangerous to fish and human; help ban get passed

Sen. Fred Dyson, chairman of the Health and Social Services Committee, has a great opportunity this session to take positive action to safeguard the health of Alaskans. At present, private companies and individuals can obtain state permits to spray chemicals over Alaska from airplanes with minimal public notice and without adequate buffers to protect salmon streams and drinking water. When you realize how far these sprays can drift with very little wind, you can appreciate the risks they pose to humans and wildlife. Aerial spraying is hardly the way to go.

SB 233, introduced last year by Sen. Johnny Ellis, would ban aerial spraying of pesticides. This follows the lead of Washington, Oregon and California, where the use of pesticides near salmon-bearing streams has just been banned by U.S. District Judge John Coughenour. Also, stores in urban areas must post warnings about the most commonly used and potentially dangerous chemicals. However, Mr. Ellis' bill has not been brought up by Sen. Dyson's Health and Social Services Committee. Your support is needed to get action on this excellent legislation.

-- Owen K. Hughes

Eagle River

January 23, 2004

The Seattle Times



seattletimes.com

Pesticides restricted to protect salmon; West Coast ruling is sweeping

By **Craig Welch**

Seattle Times staff reporter

A federal judge yesterday banned application of 38 pesticides along Northwest salmon streams, and required retailers in major West Coast cities to post warnings that read "Salmon Hazard" where seven of the most harmful chemicals are sold.

The sweeping order by U.S. District Judge John Coughenour affects everything from sprays used in orchards, dandelion-killers used on farms and yards, and industrial herbicides applied on forests, golf courses and roadsides.

The ruling, while not unexpected, rattled Northwest farming representatives, who said it raised many questions and punished growers for the failures of federal regulators — though they acknowledge it's too soon to know how drastically they may need to change their practices.

And the case could have implications beyond the region, as similar lawsuits over pesticides' impact on sea turtles in the Chesapeake Bay area and California red-legged frogs wind through the courts.

Yesterday's order comes after a two-year court battle over the Environmental Protection Agency's failure to adequately assess the impact pesticides may be having on threatened fish runs.

Federal scientists knew through studies that the pesticides could affect the ability of salmon to smell, reproduce, avoid predators, swim or detect prey.

"Delay has harmed salmon for a long time," said Patti Goldman, an attorney with Earthjustice, which fights court cases for environmental groups. "It's about time we had some protections."

The new restrictions apply to lands adjacent to any waterway home to threatened salmon or steelhead in California, Oregon or Washington.

> Aerial spraying is restricted to 100 yards from salmon streams, except for mosquito prevention and other human-health applications.

"Pesticide-application buffer zones are a common, simple and effective strategy" to avoid harm to listed fish species, Coughenour said in his ruling. Last year,

he found the EPA had violated the Endangered Species Act.

Environmentalists said pesticide users — in most cases — had alternative means or chemicals to protect their crops or plants, and that it's good management not to apply pesticides close to waterways anyway.

"EPA has to make sure the growers know and comply with it, and we'll need to see that they develop some sort of enforcement mechanism," said Erika Schreder, with the Washington Toxics Coalition.

Wary farm advocates, especially those representing vegetable and fruit growers, said it could be devastating to small operators.

"In the Skagit Valley, for example, you've got a lot of small farms with water bodies going around or through or near them, and for some it will be tough to treat their crops effectively," said Pat Boss, with the Washington State Potato Commission.

A U.S. Department of Agriculture study submitted to the court suggested, in the worst-case scenario, stream-side pesticide buffers could result in farmers ripping out fruit crops near streams, causing losses of \$100 million a year in Washington and Oregon alone.

An Environmental Protection Agency study found the financial impact would more likely be less than \$5 million in all three states — with most of that coming from rice farms in California.

Both conclusions were reached when it was expected that the judge's order

would apply to 54 pesticides; 16 since have been determined by EPA to be unlikely to harm listed fish.

Mike Willett, with the Northwest Horticulture Council, said it's impossible to predict how growers will respond. It's a "one-size-fits-all ruling that doesn't make any sense," he said, but Washington agriculture is a "pretty resourceful group."

"Some of these pesticides are used on just one crop or on many crops, some are near water and some are not — it's very site-specific," he said.

"There are new alternative products coming on the market, but in many cases, the industry knows very little about how they're going to work. They may turn out to be great fits."

Meanwhile, the pesticide industry group CropLife America, which intervened in the lawsuit on behalf of the EPA, called the buffer zones unnecessary.

"The court's final order is devastating to agriculture and pest control in the Pacific Northwest," the group said in a written statement.

"These severe restrictions on agriculture, small-business and consumer use of pest control products hurt farmers, foresters, homeowners and retailers in Washington, Oregon and Northern California."

Most of the restrictions will be implemented in two weeks.

Craig Welch: 206-464-2093 or cwelch@seattletimes.com

Pesticide warnings

A federal judge ordered that in West Coast cities of 50,000 or more, retailers who sell seven particular pesticides must post a sign — "Salmon Hazard" in large letters — along with a warning about hazards to salmon streams. The pesticides are:

- 2,4-D
- carbaryl
- diazinon
- diuron
- malathion
- triclopyr BEE
- trifluralin

- methidathion
- methomyl
- methyl parathion
- metolachlor
- metribuzin
- naled
- oxyflourfen
- pendimethalin
- phorate
- prometryn
- propargite
- tebuthiuron
- triclopyr BEE
- trifluralin

Pesticides requiring protective buffers

- acephate
- azinphos-methyl
- bensulide
- bromoxynil
- captan
- carbaryl
- carbofuran
- chlorothalonil
- chlorpyrifos
- coumaphos
- 2,4-D
- diazinon
- 1,3-dichloropropene
- diflubenzuron
- dimethoate
- disulfoton
- diuron
- ethoprop
- fenamiphos
- fenbutatin-oxide
- lindane
- linuron
- malathion
- methamidophos

Subject: SB 27 Testimony

Date: Thu, 26 Feb 2004 15:17:20 -0500

From: "Andy Hackman" <ahackman@cspa.org>

To: <jane_alberts@legis.state.ak.us>

Dear Ms. Alberts:

Thank you for accommodating our testimony via email and answering my questions regarding this hearing. Per your phone message attached is the brief testimony of the Consumer Specialty Products Association (CSPA). This testimony expresses our concerns with this bill and our opposition to creating a \$150 pesticide registration fee.

Please let me know if you or any of the members of the Senate Labor and Commerce Committee have any questions regarding our position on this issue. Also please reply to this message and let me know if you received the testimony and were able to open the attachment.

Thank you very much,


Andy Hackman

Manager, State Affairs Programs

The Consumer Specialty Products Association

P: (202) 833-7328

F: (202) 872-8114

 [CSPA's Testimony AK SB 27.pdf](#)

Name: CSPA's Testimony AK SB 27.pdf

Type: Acrobat (application/pdf)

Encoding: base64

Download Status: Not downloaded with message

The Consumer Specialty Products Association

Testimony Expressing Concerns with Senate Bill 27

Presented: February 26, 2004

By: Andrew Hackman, Manager State Affairs Programs

To: Senate Labor and Commerce Committee

Senator Bunde, and distinguished members of the Senate Labor and Commerce Committee, my name is Andrew Hackman and I am representing the Consumer Specialty Products Association (CSPA).

The Consumer Specialty Products Association (CSPA) is opposed to provisions of Senate Bill 27 that would allow the Department of Environmental Conservation (the department) to charge a \$150 pesticide registration fee. We respectfully ask that any pesticide registration fee be limited to the direct costs related registering pesticides in the State of Alaska. Per our discussions with the department about SB 275, we believe such a fee would be no more than \$40 per product (*see* Fiscal Note #1 for SB 275).

CSPA is a national nonprofit trade association that represents more than 235 companies engaged in the formulation, manufacture, distribution and sale of consumer and institutional products. CSPA members produce a wide variety of products including household and institutional disinfectants and disinfecting cleaners and ready to use pesticides,

Consumer and institutional pesticide products and antimicrobials play a vital role in protecting consumers from dangerous pests and biological contaminants. These products include, among other things, any disinfectant, sanitizer, germicide, fungicide, herbicide, insecticide, insect repellent, rodenticide and any pesticide labeled for use on pets. Institutional pesticide products are also used in settings such as hospitals, schools, day care centers, restaurants, and office buildings. Consumer and institutional antimicrobial products help eliminate biological contaminants such as mold and bacteria (including many pathogens) that cause a variety of human health problems; and consumer and institutional pesticide products also protect against disease carrying pests such as cockroaches and rodents.

All of these products must be registered as pesticides with the U.S. EPA and the State of Alaska. According to our recent national pesticide registration fee survey, our members represent nearly 90% of those companies who will be paying any registration fee in the State. Therefore, this any fee **will** be a significant cost to our member companies since many of them register **hundreds** of products in the state.

CSPA has had discussions with Kristin Ryan, Director of the Division of Environmental Health at the Department of Environmental Conservation and appreciated her listening to our position. In our discussions with Ms. Ryan, regarding SB 275, we understand that

the needs of the department would warrant a \$40 pesticide registration fee. CSPA generally supports pesticide registration fees that fund the cost of administering the registration program and benefit all registrants equally. Thus, CSPA would not oppose a \$40 registration fee. However, we feel that a \$150 registration fee is excessive and would exceed the actual cost of the department's registration program.

Therefore, CSPA *urges* you to amend SB 27 to limit the pesticide registration fee to \$40 or, in the alternative, place a \$100 cap on the amount that the department would be allowed to charge for pesticide registrations.

CSPA appreciates your consideration of our industry's perspective on this important issue.

Testimony supporting SB 27, Tracking of Pesticide Use

Office of Senator Johnny Ellis
Attention Geran Tarr
State Capitol, Room 9
Juneau, Alaska 99801

Candy Sims
4305 Oakwood Drive
Palmer, Alaska 99645
E-mail: candy99645@yahoo.com

February 26, 2004

State of Alaska
Senate Labor and Commerce Committee

Good afternoon everyone,

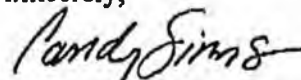
Thank you for this opportunity to speak today. My name is Candy Sims. I am here today to request the passing of SB 27. Having suffered from sensitivity to both medications and chemicals I had the opportunity to work with many state and federal offices to protect others from suffering by using the knowledge available to them to fight back and survive. As I understand the purpose of this meeting, we're actually debating the cost of the inconvenience to the pesticide industry to provide the community of knowledge of possible health risks that their product could cause. And, I've even heard the argument from the pesticide industry that registering their products usage would be burdensome and a nuisance.

There is another industry to be considered here. The health industry. As I and many others suffer reactions to chemicals used in our air, we turn to our doctors and the medical community for help. The cost can be very burdensome and sometimes just plain overwhelming. Countless hours and dollars are spent to identify the source of the problem.

This committee today has an opportunity to help both Alaskans and the medical industry, by preparing for the eventual outcome from all this suffering, as a sufferer's next industry to go to for help would be the legal industry. Once you've suffered someone has to pay. And with that in mind I think this committee should be considering what it will cost the state in potential lawsuits in the future for not taking this step forward towards prevention and allowing the public to be fully informed when something harmful is being sprayed anywhere near them. I believe this revenue positive bill will help both industries from needless expenditures, while positively helping the community and protecting our quality of life.

Because my health is personal, I'm taking your actions regarding this legislation very personally. I urge you to consider the economics and help Alaskans keep ourselves informed. Thank you for your time today.

Sincerely,



Candy Sims, Palmer, AK 99645.



ALASKA PUBLIC HEALTH ASSOCIATION

Committed To Advancing Alaska's Public Health Since 1978

ALPHA

Testimony Provided to (S)Labor and Commerce February 26, 2004
Re: SB 27 "An Act Relating to Pesticide Use"

Chairman Bunde, members of the Labor & Commerce Committee, thank you for the opportunity to testify today. My name is Marie Lavigne, I am the Executive Director of the Alaska Public Health Association. I am honored to be here representing over two hundred public health professionals from across Alaska who are deeply committed to developing sound public health policy to improve the health of all Alaskans.

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


We firmly believe the right-to-know about chemicals in one's community, work place or near one's child's school is not only an important right in our democracy but a vital component of public health. SB 27 makes the commercial use of pesticides in public areas – such as schools, parks and municipal buildings – known to the public.

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

At this time, Alaskans lack access to records to safeguard their own exposures to pesticides. Certified Pesticide Applicators are required to keep documentation on restricted use pesticides, yet they are not required to report this information to the DEC. The limited documentation that exists has been extremely difficult for the public to access. As referenced in the Sponsor's letter, a recent survey indicates 93% of voters favor disclosure and reporting of pesticides use.

The community Right-To-Know about potential exposure to pesticide use is as an essential information tool for public health and affirms that individual citizens, community leaders as well as their elected representatives have the necessary information to make informed choices about their own and their community's health and safety. We encourage you to pass this bill out of Committee.

Thank you.


Marie J. Lavigne, Executive Director
Alaska Public Health Association

February 25, 2004

Re: Senate Bill 27 - "An Act Relating to Pesticide Use"

Dear Chairman Bunde and Labor and Commerce Committee Members,

Please accept my written testimony in favor of SB 27. I am a resident of Senate District P in south Anchorage, a parent of young children, and an environmental health scientist. My professional background includes a degree in civil engineering and certification by the National Environmental Health Association as a registered sanitarian. In Alaska I've worked with the Bristol Bay Area Health Corporation and the U.S. Public Health Service where, among other duties, I operated a state-certified drinking water laboratory and conducted contamination investigations.

In my view, the strengths of this bill are that it

- \$ supports the right of individuals to make decisions regarding their own health,
- \$ develops a tracking system to improve our understanding of the relationship between pesticide use and human health, and
- \$ provides a source of revenue.

As a parent I do all I can to prevent unnecessary chemical exposures to my young children in and around my home. I feel it is my right to know about potential exposures in public places, especially schools and parks where we work and play. I support posting notice of pesticide application in such places. I also believe public entities should be leaders in promoting less toxic alternatives, particularly when exposures to children are likely. The Pesticide Advisory Board established by this bill could provide intelligent leadership to our communities with minimal use of state funds.

In my rural sanitation work I was often frustrated by the lack of information available to Alaska residents living near abandoned military installations about potential contaminants. Extremely expensive sampling and testing programs were the only way to provide some assurance that drinking water was safe. Of course SB 27 has nothing to do with old military sites, but the tracking system proposed in this bill would provide information on pesticide use that could save us from grappling with such unknowns when problems arise in the future.

Ignorance is expensive in so many ways. Please take a step to protect the health of Alaskans and improve our scientific knowledge by passing SB 27. Thank you very much for the opportunity to comment.

Respectfully,

Beverly Short
11921 Whispering Spruce Circle
Anchorage
345-2946

**Department of Environmental
Conservation
Division of Environmental Health**

**Pesticide Regulation Revision
Aerial Application of Pesticides for Forestry
Vegetation Management
Public Noticed March 25, 2003 – May 1, 2003**

**Responsiveness Summary
September 9, 2003**

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Introduction

A. Summary of Project

The Department of Environmental Conservation (DEC) has issued three permits for the aerial application of pesticides, including one permit for a forestry vegetation management project. As the result of an application for a pesticide permit to conduct aerial spraying of an herbicide for a forestry vegetation management project, the Department of Law reviewed the application of Alaska Forest Resource Practices Act (AS 41.17). Department of Law recommended that DEC develop regulations to ensure that the provisions of AS 41.17 were implemented.

B. Opportunities for Public Participation

On November 25, 2002, DEC sent approximately 1,500 pre-proposal packets to state and federal boards and agencies, state legislators, environmental groups, and members of industry to seek public input into DEC's initial attempt at developing these forest management regulations. This first, informal comment period ended January 13, 2003. We received approximately 50 comments.

After reviewing the comments, we made many changes to the pre-proposal and formally noticed this project on March 25, 2003. In addition to direct mailings, DEC posted the notice online (<http://notes3.state.ak.us/pn/pubnotic.nsf>) in accordance with state requirements, provided downloadable files of the draft on the DEC website (<http://www.state.ak.us/dec/deh>) as a courtesy, and published the notice in the Juneau, Anchorage, Ketchikan, and Fairbanks newspapers. We worked with Department of Natural Resources, and we also presented the project to the Board of Forestry and the Board commented to the regulations. This formal comment period ended May 1, 2003. We received approximately 335 comments, including oral comments provided during a public forum organized by members of the Alaska Legislature.

C. Issues Relating to Regulation Drafting Process

Comment Summary:

Some commenters stated that their organization or other groups were dropped from DEC's mailing list and therefore did not receive the public notice.

Response:

DEC used several methods to provide notice about the draft regulations and made every effort to compile a current list of interested parties. Notice under the Administrative Procedures Act was mailed to each interested party that received the initial pre-proposal. DEC has since updated the mailing list and has added people who requested information about the project or commented to the proposal. Additionally, DEC has created a list server from the email addresses of those who commented to electronically notify interested parties for future projects (http://jn@mail17.state.ak.us/guest/RemoteListSummary/DEC_Pesticide_Information).

Comment Summary:

Some commenters felt that DEC should have held public hearings to elicit comments from interested parties. One commenter stated that DEC's decision to not hold public hearings is a high crime against the United States and an act of fascism, and compared DEC to psychopaths and sociopaths.

Response:

DEC values both the public process and input on the draft regulations and provided people with extensive opportunities to provide written comments through the mail, fax, or email. Holding a public hearing is not a requirement of the Alaska Administrative Procedures Act and would have been impractical due to limited resources. Some members of the Alaska Legislature held a public hearing and provided DEC with audio tapes and some written testimony. DEC afforded oral testimony provided at the legislature's public hearing and written comments equal respect and consideration.

Comment Summary:

Some commenters stated that they did not have enough time during the comment period on the draft to allow them to respond before the deadline and requested an extension of the deadline for commenting. One commenter asked why DEC extended a comment period for one project but not the pesticide regulation project.

Response:

DEC's decision to extend a comment period for one project and not another is based on many factors, including the efforts DEC made to include the public and prior comment periods. DEC provided a combined comment period of 74 days for commenters to prepare and submit comments – longer than required by the Alaska Administrative Procedures Act. We made extensive efforts to elicit comments during both the informal and formal comment periods, including publication in several newspapers and posting on the DEC website.

DEC encouraged everyone who indicated a desire to comment on the draft to do so, and DEC carefully considered all comments received before the deadline. We provided either verbal or written responses to each person who called or wrote requesting an extension of the comment period.

Comment Summary:

One commenter stated that DEC should withdraw the proposed regulations and develop a working group to develop future regulations.

Response:

DEC recognized the need for extensive input on this project and actively solicited feedback through an informal comment period. We made several changes to the informal working draft based on valuable input from the citizens who commented during this time. The public acted as a working group to contribute to the project as noticed, and we have made several additional changes in response to this public notice period.

Comment Summary:

One commenter stated that repealing and readopting an entire section is unusual and is confusing to readers.

Response:

It is unusual to repeal and readopt an entire section because of the difficulty it creates for history of a regulation. However, where it is impractical to revise the section because of organizational problems, Department of Law recommends it and an editor's note will explain the change to the reader. The format DEC used in the draft follows the *Alaska Drafting Manual for Administrative Regulations*, as prescribed by law.

Comment Summary:

One commenter stated that there are too many separate sources of information that need to be gathered to fully understand the draft regulations and that the current public comment process is not user friendly.

Response:

DEC understands that regulations that cross-reference other regulations may be difficult to understand. To assist the public, we developed a publication called, *DEC's Guide to Commenting on Regulations* (which we sent with the public notice and provide on our website at <http://www.state.ak.us/dec/deh>), posted additional information to our website, and provided help to people who requested our assistance.

We appreciate the commenter's feedback and will make additional efforts for future regulations projects to assist readers. We welcome suggestions and will continue to look for ways to assist people in understanding both the content of our regulations and the rulemaking process.

Comment Summary:

One commenter stated that 18 AAC 90.020(1) is problematic because of the use of the words "may not" instead of "shall not" and states that "shall" is legally more binding. That commenter also stated that 18 AAC 90.525 is also problematic because the language reads "the department may" rather than "the department will, in its discretion."

Response:

Department of Law has determined that the phrase "the department will, in its discretion" is unnecessarily confusing. We followed the *Alaska Drafting Manual for Administrative Regulations* to make these language changes. The changes in no way weaken DEC's discretion or create less of a legal responsibility on the applicant.

I. Issues Outside the Scope of the Regulations Project

A. Subsidy

Comment Summary:

Some commenters stated that this regulation project appeared to be a subsidy to business and implied that DEC was financially supporting the logging industry and creating jobs for pesticide applicators.

Response:

DEC's Pesticide Program does not provide financial assistance, funding, or other financial incentives to assist particular businesses. We do not promote pesticide use - we are complying with our statutory mission to ensure the safe use of pesticides within this state.

Comment Summary:

One commenter stated that the government has a history of not being honest with its citizens.

Response:

The Alaska Legislature tasked DEC with regulating the use of pesticides to make sure that human health, safety, and welfare and the environment is protected. We rely on several sources, including peer-reviewed scientific articles, to ensure that we carry out this mission.

B. Klukwan Permit Application

Comment Summary:

Some commenters stated that DEC should not issue a permit to Klukwan, Inc. for aerial application of pesticides for forestry projects or made specific reference to certain sites.

Response:

This regulation project deals with the permit process of aerial application of pesticides in forestry vegetation management projects and, while the resulting regulations will affect future permit applications, the purpose of the public comment period was to elicit feedback on the proposed regulations.

C. Monsanto Company

Comment Summary:

Some commenters stated that the U.S. EPA "has twice caught scientists falsifying results at research laboratories hired by Monsanto to study glyphosate."

Response:

This regulation project addresses the overall aerial use of herbicides in the forestry context and does not make specific reference to either Monsanto or glyphosate. However, when making decisions concerning registration of a pesticide within Alaska and permit applications, DEC relies on peer-reviewed information to make decisions regarding pesticide use within this state.

D. ANCSA & ANILCA

Comment Summary:

One commenter discussed mandates of ANCSA and corruption of the ANCSA system.

Response:

This comment is outside the scope of this project and DEC's statutory mission.

E. Other

Comment Summary:

One commenter stated that the use of pesticides has been linked to the emergence of "super germs" and recommended DEC develop ways to effectively deal with the emergence of "super-microbes."

Response:

This comment is outside the scope of this project and DEC's statutory mission.

II. Issues Relating to the Regulatory Process of Issuing a Permit and Permit Application Requirements

A. General Concerns

Comment Summary:

One commenter stated that the draft regulations did not refer to the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA) and stated that DEC's draft regulations were contradictory to FIFRA.

Response:

FIFRA regulates product labeling, registration, use, and distribution, and addresses issues including worker safety, environmental hazards and risks, and disposal. Our pesticide regulations add additional stipulations for product use in this state. Because the commenter did not specifically state where the DEC may have been contradictory to FIFRA, we were not able to further evaluate this comment.

Comment Summary:

One commenter stated that 18 AAC 90.020(1) should be clarified to reflect the entire statutory standard of AS 46.03.730 that states, "...may cause damage to or endanger the health, welfare, or property of another person, or in a manner that is likely to pollute the air, soil, or water of the state."

Response:

A regulation should not paraphrase or restate a statute for a variety of reasons: it does not add to the force of the statute, it increases the likelihood of errors, and it can mislead the reader into thinking that all pertinent law is reflected in the regulations. It can also present serious interpretation problems when determining whether a given regulation is intended to merely be a helpful restatement of the law or is actually something of a different substantive meaning.

Comment Summary:

One commenter stated that 18 AAC 90.020(5) conflicts with 18 AAC 90.020(1) because labeling itself does not assure a pesticide's safety. The commenter adds that it is unreasonable for DEC to conclude that the use of pesticides in a manner consistent with labeling will ensure that such use does not cause damage to or endanger human health, safety and welfare, or the environment.

Response:

The purpose of a permit is to add specific additional conditions to a pesticide use at a particular site. DEC amended the provision to be clear that DEC prohibits both an applicator from using a pesticide in a manner inconsistent with labeling and an applicator from violating a condition of a permit issued by DEC.

Comment Summary:

Some commenters were concerned about DEC's ability to oversee and monitor permit activities for compliance.

Response:

DEC shares the commenters' concern. DEC has historically issued few permits for aerial application of pesticides for forestry uses, and we do not anticipate a significant increase in the number of future permits for this activity. For these reasons, we are confident that we will continue to monitor these applications on-site as we have for each of the previously issued permits.

Comment Summary:

One commenter stated that 18 AAC 90.215 should be amended to be more consistent with 18 AAC 90.505(1) that requires a permit for application of a pesticide to waters of the state. That commenter also recommended that DEC amend 18 AAC 90.215 to require that a pesticide be shown not to cause foreseeable adverse effects to waters and to fully protect existing uses of those waters prior to registration.

Response:

We have changed 18 AAC 90.215 in response to the commenter's first suggestion. Requiring that a pesticide be shown to not cause foreseeable adverse effects to water is not a feasible requirement. Some pesticides are specifically used in water to cause adverse effects to specific pests. We are able to further restrict the uses of EPA-registered pesticides used within this state.

Comment Summary:

Some commenters felt that DEC should require a permit for all ground application of pesticides and require that the pesticide to be used is the least toxic to humans, fish, and other wildlife.

Response:

Currently, the department does not require a permit for certain types of ground applications, but applicators must follow labeling instructions and other applicable regulations.

In the initial draft regulations, we included a statement that pesticides should be the least toxic for the application. We removed the statement from the public noticed regulations after commenters pointed out that, sometimes, the least toxic pesticide might require several applications or a larger dose to be effective.

B. Exempt Activities

Comment Summary:

One commenter recommended that 18 AAC 90.510 be amended to say "the department may...after it has given 30 days' notice to the public, adjacent landowners, DNR, and ADFG, exempt...[university] projects...on more than one acre but not more than 20 acres of land."

Response:

Through DEC's changes to the regulations, we are increasing our oversight abilities. Applicants who desire exemption are required to submit a written application and satisfy certain conditions in order to be exempt. Exemption means that applicants do not need to go through the process of a normal permit application. If the applicant does not meet the criteria, the activity is not exempt and the applicant must go through the full permit application process, including notice to the public.

Comment Summary:

Some commenters stated that changes to 18 AAC 90.510 broaden existing regulations and one commenter stated that this change would turn state land into a research lab for testing potentially dangerous pesticides.

Some commenters stated that a universal permit exemption (under 18 AAC 90.500(1) and portions of 18 AAC 90.510) of all airports and on state lands could potentially put resources at risk because many of these lands are located near or contain productive fish and wildlife habitat. These commenters recommend that DEC require site

specific information through a permit application to evaluate whether granting the exemption is protective of human health and the environment.

One commenter recommended that DEC include requirements that ensure that research projects will not result in foreseeable adverse effects outside the 20-acre limit and that limit exemption to research projects that use ground application of pesticides.

Response:

The regulations are actually more restrictive. Previously, research projects were automatically exempt from permitting. These regulations allow for the department to review the projects before the project begins.

Although certain activities do not require a permit, they will undergo a review process and DEC may place limitations on the particular application if necessary.

Research projects are currently, and will continue to be limited to ground application. These regulations will increase our ability to monitor these activities.

Comment Summary:

Some commenters stated that 18 AAC 90.510 does not clearly state that a permit is not required when ground application is performed on land owned by the applicator.

Response:

18 AAC 90.505 specifically states each activity that requires a permit. If an activity is not listed at 18 AAC 90.505, it is exempt from permitting but applicators must follow the labeling instructions and other general application requirements.

Comment Summary:

One commenter stated that emergency exemptions should always require written documentation under 18 AAC 90.510.

Response:

We agree, and have made conforming changes to 18 AAC 90.510.

Comment Summary:

Some commenters stated that the term "significant economic loss" used in 18 AAC 90.510 is too subjective and recommends that DEC delete the term. One commenter notes that the Forest Resource Practices Act (AS 41.17.950(8)(c)) states that multiple use involves "...consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output."

Response:

When determining whether to issue an emergency exemption, DEC considers all factors, including the commenters' concerns.

Comment Summary:

Some commenters stated that 18 AAC 90.525(b)(5) is vague because there is no standard upon which a denial would be issued and that there is no definition of

unreasonable adverse effect. Some commenters recommended the regulation not be revised to delete the language "...on human health, safety, welfare, or the environment."

Response:

We amended the regulation because the language was redundant. There is a definition for "unreasonable adverse effects" at 18 AAC 90.990 that includes the deleted language. The deletion changes language but makes no substantive change to the provision, so it does not change the standard of review DEC uses in making permit determinations.

Comment Summary:

One commenter suggested that DEC amend 18 AAC 90.215(a) to specifically state its reasons for granting a permit.

Response:

18 AAC 90.215(a) speaks to registration of pesticides within the state, not permit applications for pesticide use. If we deny a registration, we state the reason for the denial. In the case of a permit application, we also state the reason for denial.

Comment Summary:

One commenter stated that DEC should develop regulations that provide deterrent for violation of these regulations, including requiring the applicant to post a substantial bond. Another commenter stated that the Forest Practices Act allows for DEC to develop regulations for financial security.

Response:

DEC currently requires commercial applicators to have insurance. Additionally, AS 46.03.760 and AS 46.03.790 provide for civil and criminal penalties for permit violations.

Comment Summary:

One commenter stated that 18 AAC 90.530, while not proposed to be amended by DEC, should be amended so that DEC requires an applicant to renounce the renewal and to provide that a renewed permit will not take effect sooner than 40 days after DEC grants the renewal.

Response:

We agree and have made changes to 18 AAC 90.530.

C. Permit Application Requirements

Comment Summary:

One commenter stated that proposed additions to permit application requirements at 18 AAC 90.515, including a map of the treatment area, soil type, and vegetation in the area are positive changes, but recommends also requiring the applicant to identify

groundwater (if known), amount of annual precipitation, and distance to any drinking water systems or water intake locations.

Another commenter stated that the draft regulations are not clear whether an applicant is required to provide information to DEC on soil drainage and slope, and recommended that DEC require this information.

Another commenter stated that DEC should amend 18 AAC 90.515(8)(E) because the U.S. Soil Conservation Survey has not classified soils in all areas of the state, including Southeast Alaska. U.S. Forest Service has conducted some surveys and those should be acceptable to DEC.

Response:

DEC has ready access to public drinking water system information. An applicant is not likely to be aware of groundwater. We will, however, require annual precipitation and will make that change to 18 AAC 90.515. DEC may require additional information under 18 AAC 90.515(17).

In terms of soil classification, we did not specify acceptable sources and will review the submissions on an individual basis. We will accept both sources that the commenter mentioned.

Comment Summary:

One commenter stated that 18 AAC 90.515(15) should be amended to always require proof of ownership and/or permission from the land owner.

Response:

The reason that the section does not always require proof of ownership and permission is that sometimes the owner of land is also the applicant.

Comment Summary:

One commenter stated that 18 AAC 90.515(8) is inconsistent with 18 AAC 90.800(1)(B)(i) and should require identification of both surface and marine waters.

Response:

We agree and have made that change.

Comment Summary:

One commenter stated that Integrated Pest Management (IPM) and Best Management Practices (BMP) should be considered during the permit process so DEC can determine the best tool is used for each job.

Response:

We are confident that we have struck the right balance through this regulation project. Our regulations essentially become Best Management Practices.

Comment Summary:

One commenter stated that 18 AAC 90.515(16) should be amended because EPA certifies and registers pesticides for use in a specific manner for specific places and pests

and that an applicant should not be required to further justify that a pesticide does not cause unreasonable adverse effects.

Response:

EPA certifies and registers pesticides, and state programs ensure the proper use of those pesticides within the state for that state's particular situation. To ensure the safe use of pesticides, our regulations allow for local review of site specific conditions, including soil type, rainfall, temperatures, and other factors that may affect pesticide movement and degradation.

Comment Summary:

One commenter stated that 18 AAC 90.515(16) should be amended to say, "...that the pesticide to be applied is the least toxic available."

Response:

In the initial draft regulations, we included a statement that pesticides should be the least toxic for the application. We removed the statement from the public noticed regulations after commenters pointed out that, sometimes, the least toxic pesticide might require several applications or a larger dose to be effective.

Comment Summary:

One commenter stated that applicants should be required to submit Alaska-specific studies conducted by an independent party about the proposed pesticide to be used.

Response:

Our initial draft included such language; however, some commenters pointed out that studies conducted outside of Alaska should not be dismissed as irrelevant – especially because of the lack of available Alaska-specific studies. DEC may still require Alaska-specific studies as part of the application process, if the specific circumstances of the permit necessitate such studies.

D. Public Review Process, Including Public Hearings and Notification

Comment Summary:

One commenter stated that the Forest Practices Act directs DNR as the lead agency in the permit review process.

Response:

DEC has actively coordinated our regulations project with DNR. The draft regulations include DNR as a reviewer during the permit review process. The Forest Resources Practices Act at AS 41.17.100 directs DEC as the lead agency for pesticide permitting, so the application will initially go through DEC.

Comment Summary:

One commenter stated that 18 AAC 90.520 be reorganized so that (e) is made the first step in the review process, followed by (f) so that each project has the benefit of professional review prior to public review.

Response:

The review order in this regulation package allows for professional review prior to public review, so this should address the commenter's concern.

Comment Summary:

One commenter stated that the requirements of 18 AAC 90.520(d) should apply to forestry vegetation management projects, as well.

Response:

We set up different public notice and hearing requirements for forestry vegetation management projects in the draft regulations because these projects require additional interagency coordination between DEC and DNR.

Comment Summary:

Some commenters suggested that DEC require the state and pesticide applicators to hold hearings.

A commenter also proposed that 18 AAC 90.520(c) be consistent with 18 AAC 15.060(c) and that 18 AAC 90.520(d) be changed to require DEC or the applicant to send a copy of an application to local, state, and federal agencies.

One commenter suggested that 18 AAC 90.520(b) should define what "good cause" means.

Response:

These regulations already require that the applicant hold a public hearing under certain circumstances (18 AAC 15).

We have changed 18 AAC 90.520(c) to say that an applicant must provide notice of a hearing at least 15 days prior to the hearing to be consistent with 18 AAC 15.060(c). We have the ability to forward a copy of an application to local, state, and federal agencies under 18 AAC 90.520(d), so no change is necessary.

There are many situations that might define "good cause." Unfortunately, there are so many factors specific to each situation that we cannot foresee all of the circumstances that we may consider "good cause" for us to require a public hearing. We review each application individually, and will make appropriate decisions for each situation.

Comment Summary:

One commenter stated that applicants should be required to provide notice to each property owner within ½ mile of the treatment area boundaries because land owners wouldn't read published public notices. Another commenter stated that DEC should require applicators to provide individual notification prior to a ground or aerial

application, to each person who requests it, particularly those people who have health problems.

Some commenters stated that DEC should require applicants to post signs in areas to be sprayed prior to application of the pesticides. One commenter stated that access/re-entry provisions are part of the pesticide labeling and the lack of adequate posting may be a pesticide label violation.

Response:

EPA requires that each applicator follow label requirements of each pesticide. The label may require that the applicator post signs either prior to, or after an application. In addition to label requirements, DEC may issue permits with stipulations specific to each site and application that include additional posting.

III. Issues Relating to the Use of Pesticides/Herbicides

A. General Concerns

Comment Summary:

Some commenters expressed concern about the previous use of DDT and Agent Orange and, in various ways, connected Agent Orange, DDT, 2,4-D, 2,4,5-T, and organophosphates and glyphosate.

One commenter referred to forestry pesticides for vegetation management as "forest bug dope" and "D.E.E.T."

Another commenter compared pesticides use to Chernobyl and was concerned about pesticides in the jet stream.

Response:

This project concerns DEC's permit process, and does not refer to specific pesticides. DEC will review each application individually and the public may comment to a particular application during the comment period for that application. For clarification, Agent Orange is a defoliant used during the Vietnam war containing a mixture of 2,4-D, 2,4,5-T, and a contaminant, dioxin. DDT is a banned insecticide that is toxic to many insects. Glyphosate is an herbicide that is toxic to broadleaf plants.

The regulations regarding aerial application of pesticides for forestry vegetation management cover activities to facilitate conifer release, not insect control.

We assume that the comment regarding Chernobyl and release of pesticides to the jet stream referred to the release of radioactive material after an explosion of a nuclear power plant.

Comment Summary:

Some commenters felt that pesticide use should not be allowed in Alaska.

Response:

DEC acknowledges the concerns expressed by commenters who are opposed to the use of pesticides in Alaska. We believe these regulations will ensure that pesticides are used in a manner that is protective of human health and the environment.

Comment Summary:

Some commenters recommended that DEC adopt a preference for mechanical thinning of forests by hand or machine and that if mechanical thinning is not appropriate, ground application be used instead of aerial application. Suggested alternatives included introducing sheep or goats, hiring teenagers, and other methods.

Response:

We agree that, in some cases, mechanical thinning may be a preferred method of vegetation control. However, aerial application of pesticides may be a more appropriate method of application for some circumstances. Regulations are not meant to recommend one activity over another – they are meant to regulate certain activities and, in this case, DEC has been tasked with regulating broadcast chemical application. Under some circumstances, ground application of pesticides may be impractical or it may present a greater hazard to applicators.

Comment Summary:

One commenter recommended that DEC provide pesticide information to the public regarding environmental and health effects associated with particular pesticides. One commenter recommended DEC develop and include in each permit a list or table of pesticides that could potentially be used in forest vegetation management and their known adverse effects to fish and benthic invertebrates and a statement that encourages applicants to first consider using least persistent, leachable, and/or toxic pesticides.

Response:

DEC maintains an informative website at <http://www.state.ak.us/dec/deh/pesticides/home.htm>.

Comment Summary:

One commenter stated that it was inconsistent of DEC to monitor wild foods for contaminants, educate people about contaminated wild food, and regulate the use of pesticides.

Response:

DEC is specifically studying and providing education about wild foods because we are concerned with the overall health of the environment. This activity is neither inconsistent with our mission, nor is it contrary to the mission of the pesticide program – to ensure the safe application of pesticides, a legal activity in this state.

Comment Summary:

Some commenters stated that DEC should not spray pesticides.

Response:

DEC does not engage in the application of pesticides. DEC regulates the use of pesticides within Alaska.

Comment Summary:

One commenter stated that DEC's use of the term "pesticides" was confusing because it appeared to include "herbicides."

Response:

We define the term "pesticide" at 18 AAC 90.990. "Pesticide" is a broad term that encompasses the term "herbicide."

Comment Summary:

Some commenters stated that DEC should reform its registration system to include registration fees and tracking to collect and disseminate information to public officials, health researchers, and the general public

These commenters also stated that DEC should prohibit the registration of carcinogenic pesticides, development and reproductive toxins, endocrine disruptors, cholinesterase-inhibitors, and other neurotoxins, and require independent toxicity testing and assessment of health effects.

Response:

DEC currently maintains records of permits. DEC is in the process of seeking fee authority to support our pesticide registration system.

Alaska and other states rely on EPA, the recognized national authority within the United States, for health effect assessment and toxicity determinations.

Comment Summary:

One commenter stated that, while scientific studies have shown that pesticides break down before they are able to cause harm, there is anecdotal evidence that indicates otherwise.

Response:

DEC relies on EPA determinations, peer-reviewed studies and other information to make determinations about whether a pesticide will cause unreasonable adverse effects.

B. Aerial Spraying

Comment Summary:

Some commenters stated that DEC should ban aerial spraying in Alaska.

Response:

While rarely used, aerial application of pesticides may be preferred over other application methods.

Comment Summary:

Some commenters stated that these draft regulations are Alaska's first attempt to establish standards for broadcast chemical use in forestry and are concerned that these standards set a precedent.

Response:

DEC issued permits for aerial application of pesticides prior to the development of this regulation package. For these applications, DEC used a different standard of review for determining whether to issue the permit and the terms of the permit. The Department of Law recommended that DEC develop regulations to implement the Forest Resources Practices Act (AS 47.17.100).

Comment Summary:

One commenter stated that 18 AAC 90.605(b)(2) should be clarified to explain the basis with which DEC will determine what qualifies as "properly calibrated."

Response:

We agree. The language was unnecessarily confusing and we have deleted the language.

Comment Summary:

Some commenters stated that 18 AAC 90.610 was vague and noted that enforcement would be difficult. One commenter stated that DEC should amend 18 AAC 90.610 to say "when wind speed prediction and/or measurement using a calibrated device to measure wind velocity and direction exceeds..."

Response:

18 AAC 90.610 addresses the on-site application of pesticides, not the permit application that the applicant submits to DEC. Prediction of wind speed is not appropriate to accurately determine the wind speed at the time of the pesticide application.

C. Drift

Comment Summary:

Some commenters stated that drift from helicopter application is imprecise and impossible to control. Some commenters stated that 40% to 60% of pesticide drifts away from the target site during an aerial application and may drift to salmon spawning streams or coastal/estuarine habitats, homes, organic farms, drinking water sources, parks, schools, and subsistence areas, and that pesticide drifts significant distances away from the intended target.

Some commenters recommended DEC consider rotor-wash as part of the wind speed for purposes of 18 AAC 90.610.

Response:

We share the commenters' concern about drift from pesticide application. When reviewing each application, we consider the potential for drift and the possibility of

adverse effects. Some commenters referred to papers that indicated that most of the aerially-applied pesticide does not reach the anticipated target. These articles were old and generally concerned broadcast pesticide applications to crop fields. As well, none of the articles analyzed the directed aerial application method that DEC would likely require for an aerial application of pesticide. At the publication time of the articles, the directed aerial application technique was not available.

The directed aerial application technique results in pesticide release directly above the targeted plants, with deposition mostly on the targeted plants and does not result in substantial drift.

DEC evaluates each permit application and considers many factors that might contribute to drift and the public has an opportunity to comment on each permit that DEC issues prior to the application of the pesticide.

D. Persistence and Mobility

Comment Summary:

One commenter stated that glyphosate is broken down by biological activity and requires microbial action to break it down. The commenter stated that the length of time glyphosate residual persists is due to a number of factors, including the number and type of organisms present, and stated that because Alaska soils are cold and wet, microbial activity is low and could persist for 335 days as cited in an Ontario forest soil study.

Response:

DEC relies on peer-reviewed studies and other information to make determinations about persistence in the environment and other considerations.

E. Inert Ingredients and Additives/Adjuvants

Comment Summary:

Some commenters stated that 18 AAC 90.515 should require an applicant to provide information regarding inactive ingredients.

Response:

The concern identified by the commenters is one that is widely recognized. However, an applicant may not have access to proprietary information regarding inert ingredients. To address this concern, EPA classifies inert ingredients into four categories or lists. For those ingredients categorized as toxic, amounts that would be toxicologically significant in the formulations are required to be listed on the pesticide label.

F. Buffer Zones, Pesticide-Free Zones, and Monitoring

Comment Summary:

Some commenters stated that the proposed minimum buffer zones were inadequate, not based on science, and misleading because they do not replicate logging buffers. Some commenters recommended a buffer zone around public drinking water systems of at least one mile.

Response:

The proposed regulations did not specifically set a minimum buffer zone around surface and marine waters because there is no one buffer zone that can scientifically be supported for every type of application condition. Instead, we proposed a strip of land between a buffer zone that would be set as a permit condition and a water body where no pesticides may enter through any means. We called this strip of land a pesticide-free zone. There would be no application of pesticides in both the pesticide-free zone (set in regulation) and the buffer zone (set in each individual permit). We did set a buffer zone of 200-feet from a public drinking water system. That buffer was based on public drinking water regulations at 18 AAC 80.

Comment Summary:

Some commenters stated that the proposed pesticide-free zone was inadequate to allow for a margin of error and not based on science. One commenter stated that DEC may not have the agency staff, budget, or time to adequately review permit requests, site specific conditions, impacts to existing uses, or other factors that should influence whether the permit is issued.

Response:

In DEC's initial draft (sent to interested parties in November, 2002), we proposed buffer zones that were based exclusively on forestry buffer zones set out in the Forest Practices Act. During the informal comment period, we received many objections to these proposed buffers because the distances were not based on science pertinent to pesticide use. We agreed.

The buffer zones found in the Forest Practices Act were carefully developed by the Science and Technical Committees of the Alaska Board of Forestry as a strip of trees that could not be logged to protect water bodies and related organisms. For pesticide application, DEC is not aware of science that would support using the same buffer zones to protect water bodies from pesticide movement. In fact, while there is science to recommend adequate buffer zones under certain conditions for a certain type of pesticide, there is no science that would recommend one particular buffer zone appropriate for every type of geology, pesticide, method of application, droplet size, etc.

Instead, we looked to British Columbia, a jurisdiction similar to Alaska in terms of geology, and found that BC sets a 10-meter pesticide-free zone and sets a buffer zone in addition to the pesticide-free zone that will protect the pesticide-free zone and the water body.

Although there is no scientific basis for the 10-meter distance, the pesticide-free zone extends the area where no pesticides may enter, so it sets a standard to protect the water bodies and allows for specific site analysis to be conducted for each permit application. The pesticide-free zone is not only a no-application zone, it is a protected zone that is protected additionally by a buffer zone. This language represents a significant change from the pre-proposal and DEC believes this approach is much more protective of water bodies than what we had originally proposed.

The existing review process that DEC utilizes requires staff to consider site relevant science specific to each pesticide, including adsorption, transfer, and degradation, specific site conditions, potential impacts, and other factors to determine

whether a permit will be issued and the conditions that will accompany the permit. The pesticide-free zone and the determination of the additional buffer will not create additional workload on DEC staff.

Comment Summary:

Some commenters made specific recommendations as to the distance of no-application buffer zones. Some commenters suggested a 200-250 foot pesticide-free zone as a buffer to be consistent with the buffer set up for public drinking water sources. Many of these recommendations stated that DEC should create specific buffer zones for traditional subsistence areas, fishery resource areas, karst geology, and the like. One commenter stated that all bird nests, mammal dens sites, and other high value habitat should be protected by buffer zones and that DEC should develop regulations to identify migratory bird habitat and restrict use seasonally to protect bird habitat.

Response:

The buffer zone proposed for public drinking water systems is 200 feet. The pesticide-free zone is a completely different concept that sets the 35-foot standard as an area that must be protected by an additional buffer zone.

DEC reviews peer-reviewed studies, site information, and use other information to set buffer zones within each permit that are specific to each site and pesticide used. The public has an opportunity to comment on each specific permit application during the public comment period required as part of the permit process.

Comment Summary:

Some commenters stated that the pesticide-free zone should be based on the riparian buffer widths specified in the Forest Practices Act to prevent undesigned pesticide application to the riparian buffer.

Response:

We feel that the combination of DEC and DNR requirements is protective of the riparian buffer as well as the water bodies the riparian buffer protects. Applicators will not apply pesticides within the protective area or the pesticide-free zone, so the riparian buffer will be adequately protected. Both agencies will consider FRPA standards for riparian areas (AS 41.17.115) when reviewing permit applications.

Comment Summary:

Some commenters stated that the term pesticide-free zone was confusing and that the definition of pesticide-free zone should be clarified as to whether there would be tolerance of pesticides within the pesticide-free zone. One commenter recommended changing the terminology and the definition to express an area between a direct action or application and an important resource where the presence of pesticide is, to all practicable extent, minimized. One commenter suggested that DEC only use the term "buffer" in the context already used by the forestry profession, use the term "pesticide-free zone" as has been proposed, and use the phrase "diffusion zone" or "pesticide diffusion zone" in place of "buffer zone."

Response:

We agree that the proposed terminology was confusing and have clarified terminology to explain the concept.

Comment Summary:

One commenter recommended that 18 AAC 90.800(1)(A) be changed so that pesticides should not be applied within 200 feet of a public or private drinking water system or property lines.

Response:

DEC's regulations address public water systems. It is difficult to require and enforce such a regulations because neither DEC nor applicants have information about private water systems.

We may stipulate additional requirements as part of a permit. However, if property owners believe a pesticide was applied to their property and the department has not specified additional requirements, the owner may seek civil remedy through the courts. However, DEC enforces the pesticide regulations and terms of each permit.

Comment Summary:

One commenter stated that buffer zones seem to only be required for aerial application of pesticides and recommends that buffer zones be required for ground applications, as well.

Response:

Ground applications are not activities that require a permit under most circumstances. Applicators are required by federal law to comply with each pesticide label for use. Where DEC issues a permit for ground application, buffer zones that are not defined through the label may be specified within the conditions of each permit and are specific to the site and pesticide used.

Comment Summary:

One commenter stated that 18 AAC 90.800(1)(A), specifying that pesticides not be applied within 200 feet of public drinking water system, is a good requirement.

Response:

We agree.

Comment Summary:

One commenter recommended that DEC include provisions that require buffer zones to be marked.

Response:

As part of each permit, DEC may require an applicant to mark boundaries, use global positioning systems (GPS), or utilize other methods to ensure proper application.

Comment Summary:

One commenter stated that pesticide mixing, loading, and cleaning activities may present the greatest potential for water contamination and recommends DEC set minimum distances from surface/marine waters where these activities may be conducted.

Response:

Mixing, disposal, and proper use instructions are part of both the pesticide labeling and DEC may specify additional conditions within a permit.

Comment Summary:

One commenter stated that 18 AAC 90.800(2)(B) is not clear and recommends DEC provide examples of potential modifications to be more explicit.

Response:

We review each application based on multiple factors that are specific to the site and proposed application. Flexibility is part of the permit review process.

Comment Summary:

Some commenters stated that applicants should always be required to conduct monitoring and submit a summary of treatment results. Some commenters stated that stream sediment should be monitored for pesticide presence.

Another commenter stated that the regulations at 18 AAC 90.215 are not sufficiently clear to describe enforcement, corrective, and preventive actions to prevent subsequent contamination if a violation of the permit occurred. Some commenters stated that DEC should deter contamination beyond a target area through the use of severe administrative fines.

Response:

DEC may require monitoring, including stream sediment, through the current regulations.

AS 46.03.760 and AS 46.03.790 provide for civil and criminal penalties where an applicant violates the conditions of a permit or any other pertinent regulations and DEC may refuse to grant subsequent applications to violators, so administrative fines are not necessary at this time.

Comment Summary:

One commenter stated that 18 AAC 90.800 does not distinguish between anadromous streams and water bodies and non-anadromous streams and water bodies and recommends DEC allow over-spray on water bodies less than ¼ acre in size that don't support resident populations of fish.

Response:

DEC evaluates each permit application with respect to the specific site and proposed pesticide application. We also consider whether water bodies support living organisms other than fish.

IV. Issues Relating to the Environment, Including Wildlife

A. General Concerns

Comment Summary:

Some commenters stated that DEC's regulations do not address impacts to threatened and endangered species as required under the Endangered Species Act of 1973 (16 U.S.C. 1531) and the Migratory Bird Treaty Act (16 U.S.C. § 703) because DEC relies on EPA's pesticide registration program.

Response:

DEC does rely on EPA's registration program when determining whether and how a specific pesticide may be used within Alaska. However, we also consider additional materials, including peer-reviewed studies.

B. Surface Water and Groundwater

Comment Summary:

One commenter stated that proposed wording at 18 AAC 90.215(b)(3) protecting surface and marine water is a positive change, but recommends that DEC address locations of wells and groundwater recharge areas, including some wetland areas and strengthen protection through routine monitoring after application. Another commenter suggested that the definition of surface water include all waters that could be affected by application of pesticides, including wetlands.

Response:

We have changed the regulation to broaden the scope of our consideration of water.

C. Ecosystems

Comment Summary:

Some commenters stated that special consideration should be given to aerial application of pesticides over karst landscapes that are found over soluble rocks and recommend DEC require applicants to submit information demonstrating no ill effects to such systems.

Response:

If a karst landscape might be affected by a pesticide use, an applicant must provide such information to DEC as part of the permit application. We consider all information relevant to that application. The permit process also provides interested parties an opportunity to comment on a particular permit application.

Comment Summary:

Some commenters stated that alders are beneficial to proper soil fertilization and that eliminating alders as part of forestry vegetation management will lead to soil depletion.

Response:

DEC regulates the use of pesticides within the spectrum of forestry vegetation management. However, to be clear, alder growth in an area is slowed by an herbicide application to reduce competition with seedling conifers, but the alders are not eliminated.

Comment Summary:

Some commenters remarked to the endocrine, reproductive, and direct and indirect toxicity of pesticides to mammals, fish, frogs, and birds. One commenter stated that glyphosate causes mortality of live beneficial species, including thrichgramma, lacewing, ladybugs, and predatory beetles, is hazardous to earthworms, and reduces nitrogen fixation.

Another commenter stated that it is a mistake to include glyphosate and imazapyr in any discussion of food-chain transfers based on documented fate and transport in the environment and stated that articles that have been frequently cited, including those from the "Journal of Pesticide Reform," are not from peer-reviewed periodicals.

Response:

DEC relies on peer-reviewed studies and other information to make determinations about whether a pesticide will cause unreasonable adverse effects.

D. Aquatic Species, Including Salmon

Comment Summary:

Some commenters stated that some chemicals that would be used for forestry vegetation management projects are documented to be acutely toxic to fish. One commenter stated that glyphosate herbicides are more toxic to fish than glyphosate itself and are acutely toxic to juvenile salmon. One commenter stated that the U.S. District Court in Seattle found that 55 active ingredients from pesticides were linked to adverse effects on salmonid populations.

Response:

Some pesticides are toxic to animals and can present problems if the pesticides are applied to water. However, the pesticide-free zone combined with the site-specific protective area protects water from contamination.

Comment Summary:

One commenter stated that glyphosate causes water temperatures to rise for several years following treatment because herbicide kills shading vegetation and that, as water temperature rises, toxicity of glyphosate to fish increases.

Response:

DEC's pesticide-free zone and protective area safeguard the riparian buffer as well as the water body that the riparian buffer protects, so shade vegetation is left intact.

Comment Summary:

One commenter stated that 18 AAC 90.510 would allow the Missile Defense Agency, an agency in the process of doing a final EIS for the Ground-Based Midcourse Defense Extended Test Range, to spray on state land sponsored by the University of Alaska, and that this action would result in harm to Kodiak fish populations.

Response:

DEC is not aware of the tests referred to by the commenter. However, if an agency is engaging in an activity that falls under those conditions that require a permit, that agency is required to go through the permit process.

E. Forest Regeneration Alternatives

Comment Summary:

One commenter stated that DEC should evaluate whether an applicant for a pesticide use permit made reasonable efforts to ensure adequate regeneration by all other means, including leaving seed trees, maintaining slope stability, and tree planting.

Response:

DEC's role in forestry is to regulate the use of pesticides. As part of the pesticide application process, DEC will forward each application to DNR for review of regeneration issues. The FRPA at AS 41.17 and regulations at 11 AAC 95 provide the authority and review standards for reforestation activities.

F. Helicopter Flightpaths

Comment Summary:

One commenter stated that DEC should develop regulations regarding flightpaths for helicopters to avoid disturbing nesting sites and other sensitive areas.

Response:

Both the interagency review and public process ensure that each permit, through the addition of stipulations that are site-specific, addresses special considerations, including nesting sites.

V. Issues Relating to Human Health, Safety, and Welfare

A. Cancer, Hormonal and Genetic Alterations, and Reproductive Problems

Comment Summary:

Some commenters stated that imazapyr and glyphosate may cause adverse effects in humans, including symptoms similar to Huntington's disease, nerve lesions, a threefold higher risk of hairy cell leukemia, increased risk of miscarriage, premature birth, Attention Deficit Disorder, Non-Hodgkin's lymphoma, and harmful changes in blood chemistry and genetic mutation. Some commenters were concerned because they have survived cancer or they or their family or friends have cancer and attribute their cancer to pesticide exposure. Some commenters referred to tests conducted on laboratory animals as proof of adverse effects. Other comments wanted a guarantee that no one will be harmed because of pesticide use.

Response:

We acknowledge and are sympathetic to the concerns of these commenters, who believe that pesticide exposure was responsible for the cancer in their lives. DEC also acknowledges that the improper use of pesticides, including herbicides, can be potentially hazardous.

DEC carefully reviews each permit application and reviews current, peer-reviewed scientific studies to determine whether a pesticide may cause adverse effects. In addition to federal labeling requirements, DEC requires applicants to follow certain operational procedures and take measures designed to help ensure that mishandling or misuse of pesticides does not occur.

B. Acute and Chronic Toxicity

Comment Summary:

One commenter stated that chronic toxicity data is often not available because appropriate studies have not been conducted, and concluded that DEC is not able to make informed decisions to issue permits.

Another commenter stated that objective, peer-reviewed information that represents the scientific consensus of mainstream academia may be found at EXTOWNET at <http://ace.ace.orst.edu/info/extownet/pips/glyphosa.htm>.

Response:

DEC relies on peer-reviewed studies and other information to make determinations about whether a pesticide will cause unreasonable adverse effects.

C. Subsistence Lifestyle

Comment Summary:

Some commenters stated that moose, grouse, and other game animals would ingest pesticides that would contaminate their meat and present a risk to hunters and recommends banning pesticide use. One commenter stated that a 1994 study indicated that herbivores have a very high concentration of glyphosate in their viscera up to 2 weeks after an application. Another commenter recommended DEC require monitoring of animal tissue and wild edibles.

Response:

We agree that pesticides applied in a manner that allows indiscriminate contamination from drift or runoff could potentially cause adverse effects. Through our permitting process, we review findings from EPA and peer-reviewed studies to determine whether a pesticide would cause unreasonable adverse effects in Alaska.

Comment Summary:

Some commenters recommended that DEC ban pesticide use in any area where subsistence activity occurs, including areas used for hunting, fishing, or gathering plants for food, medicinal purposes, or basketry.

Response:

Through the permitting process, we consider conditions and information specific to each site and type of application. Additionally, the permit application undergoes interagency and public scrutiny. This process allows us to make prudent decisions regarding the issuance of a permit.

D. Other

Comment Summary:

One commenter stated that pesticides are chemical weapons that affect humans in the same way that they affect insects except that they are typically applied at a much lower concentration than what would be used against humans.

Response:

This project deals with herbicide use for forestry vegetation management projects, not insecticides.

VI. Issues Relating to Economics

A. Alaska's Image

Comment Summary:

Some commenters stated that exposure of salmon and salmon habitat to pesticides jeopardizes approval of organic certification and could harm marketing efforts.

Some commenters stated that Alaska's tourism industry relies on a clean image, especially with respect to its forests and jobs, and income could be lost as a result of these regulations.

One commenter stated that Alaska honey is considered premium honey and that pesticide use will jeopardize the premium status.

Response:

It has been legal to aerially apply pesticides in Alaska for 30 years. During that time, DEC has issued three permits for this type of application. We have demonstrated prudent judgment in the past and will continue to do so in the future. These regulations articulate conditions that were previously part of each individual permit and are even more protective of the environment.

For more information about fish monitoring that DEC conducted, please visit our website at: www.state.ak.us/dec/deh.

State	Fee	Comments
Alabama	\$100.00	Penalty fee if not registered/Civil & criminal penalties
Arizona	\$100.00	Criminal penalty for non-payment
Arkansas	\$150.00	
California	\$200.00	400/2yr + % of sales
Colorado	\$80.00	
Connecticut	\$100.00	
Delaware	\$70.00	
Florida	\$225.00	plus 100.00 for EUP and SLN
Georgia	\$100.00	
Hawaii	\$225.00	225/3yr
Idaho	\$145.00	
Illinois	\$100.00	250/company + the 50/product
Indiana	\$75.00	
Iowa	\$250.00	3000max per company + .1% retail sales
Kansas	\$130.00	\$130.00 for antimicrobials/\$190.00 for all others
Kentucky	\$125.00	
Louisiana	\$300.00	
Maine	\$105.00	
Maryland	\$60.00	
Massachusetts	\$100.00	
Michigan	\$20.00	+ .07% sales (RUP 100/product)
Minnesota	\$250.00	.4% of 1% or 250minimum + .2% of 1% tax
Mississippi	\$200.00	
Missouri	\$15.00	
Montana	\$185.00	70 for reg + 80 for ground water
Nebraska	\$135.00	\$135.00 for antimicrobials/\$200.00 for all others
Nevada	\$60.00	
New Hampshire	\$50.00	
New Jersey	\$250.00	
New Mexico	\$35.00	
New York	\$100.00	
North Carolina	\$30.00	
North Dakota	\$350.00	Per product for 2 years.
Ohio	\$50.00	
Oklahoma	\$100.00	
Oregon	\$160.00	depends on number of products/company
Pennsylvania	\$135.00	
Rhode Island	\$80.00	
South Carolina	\$100.00	
South Dakota	\$175.00	Per product for 2 years.
Tennessee	\$100.00	3500/2yr maybe per company
Texas	\$350.00	Per product for 2 years.
Utah	\$60.00	
Vermont	\$75.00	
Virginia	\$160.00	more if large volumes are sold
Washington	\$145.00	depends on amount sold, 10 extra for lawn & garden
West Virginia	\$100.00	
Wisconsin	\$265.00	depends on amount sold
Wyoming	\$75.00	
Puerto Rico	\$10.00	
Average	\$131.20	per product unless otherwise specified

Cell 321-5489

Wed ~~Thursday~~ next week

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- tracking in homes -

- Advocacy Board - NO -

- tracking system

1/4 mile - should be less

\$40 ~

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notification of
Salary of positions
in department

The Consumer Specialty Products Association

Testimony Expressing Concerns with Senate Bill 27

Presented: February 26, 2004

By: Andrew Hackman, Manager State Affairs Programs

To: Senate Labor and Commerce Committee

Senator Bunde, and distinguished members of the Senate Labor and Commerce Committee, my name is Andrew Hackman and I am representing the Consumer Specialty Products Association (CSPA).

The Consumer Specialty Products Association (CSPA) is opposed to provisions of Senate Bill 27 that would allow the Department of Environmental Conservation (the department) to charge a \$150 pesticide registration fee. We respectfully ask that any pesticide registration fee be limited to the direct costs related registering pesticides in the State of Alaska. Per our discussions with the department about SB 275, we believe such a fee would be no more than \$40 per product (*see* Fiscal Note #1 for SB 275).

CSPA is a national nonprofit trade association that represents more than 235 companies engaged in the formulation, manufacture, distribution and sale of consumer and institutional products. CSPA members produce a wide variety of products including household and institutional disinfectants and disinfecting cleaners and ready to use pesticides,

Consumer and institutional pesticide products and antimicrobials play a vital role in protecting consumers from dangerous pests and biological contaminants. These products include, among other things, any disinfectant, sanitizer, germicide, fungicide, herbicide, insecticide, insect repellent, rodenticide and any pesticide labeled for use on pets. Institutional pesticide products are also used in settings such as hospitals, schools, day care centers, restaurants, and office buildings. Consumer and institutional antimicrobial products help eliminate biological contaminants such as mold and bacteria (including many pathogens) that cause a variety of human health problems; and consumer and institutional pesticide products also protect against disease carrying pests such as cockroaches and rodents.

All of these products must be registered as pesticides with the U.S. EPA and the State of Alaska. According to our recent national pesticide registration fee survey, our members represent nearly 90% of those companies who will be paying any registration fee in the State. Therefore, this any fee **will be** a significant cost to our member companies since many of them register **hundreds** of products in the state.

CSPA has had discussions with Kristin Ryan, Director of the Division of Environmental Health at the Department of Environmental Conservation and appreciated her listening to our position. In our discussions with Ms. Ryan, regarding SB 275, we understand that

the needs of the department would warrant a \$40 pesticide registration fee. CSPA generally supports pesticide registration fees that fund the cost of administering the registration program and benefit all registrants equally. Thus, CSPA would not oppose a \$40 registration fee. However, we feel that a \$150 registration fee is excessive and would exceed the actual cost of the department's registration program.

Therefore, CSPA *urges* you to amend SB 27 to limit the pesticide registration fee to \$40 or, in the alternative, place a \$100 cap on the amount that the department would be allowed to charge for pesticide registrations.

CSPA appreciates your consideration of our industry's perspective on this important issue.

CompanyName	Products
3M	21
8 IN 1 PET PRODUCTS	2
A SAFE PEST ELIMINATORS INC	1
ABATEMENT TECHNOLOGIES, INC C/O ADAMS TECH	2
ABBOTT LABORATORIES C/O LEWIS & HARRISON, LLC	1
ACCESS BUSINESS GROUP LLC	3
ADVANCE CHEMICALS, LTD	1
AEGIS ENVIRONMENTAL MANAGEMENT, INC	3
AGRAQUEST, INC	3
AGRILIANCE, LLC	4
AGROFRESH, INC. C/O KELLY REGISTRATION	2
AIR GUARD CONTROL	6
AIREX LABORATORIES	3
AIRKEM PROFESSIONAL PRODUCTS	23
AKZO NOBEL COATINGS, INC	2
ALBAUGH INC.	2
ALBEMARLE CORPORATION	1
ALCIDE CORPORATION	3
ALDEN, A DIV. OF METREX RESEARCH CORPORATION	1
ALLIANT FOODSERVICE, INC C/O DELTA ANALYTICAL	2
AMBRANDS C/O REGISTRATIONS BY DESIGN	1
AMERIBROM, INC	3
AMERICAN BIOPHYSICS CORP.	2
AMERON INTERNATIONAL CORPORATION	16
AMTECO, INC	1
AMVAC CHEMICAL CORPORATION	1
ANCHOR CHEM PRODUCTS C/O FORMULA CORP	1
ANDIS COMPANY	1
ANTEC INTERNATIONAL LTD C/O DELTA ANALYTICAL CORP	1
APPLICA CONSUMER PRODUCTS, INC	2
APPLIED BIOCHEMIST	1
APTER INDUSTRIES, INC	1
AQUA CLEAR INDUSTRIES, INC	37
AQUA MIX, INC.	2
AQUARIUM PHARMACEUTICALS, INC	10
ARAMARK	2
ARAMSCO C/O DELTA ANALYTICAL CORPORATION	2
ARBORJET, INC.	1
ARBORSYSTEMS, LLC C/O REGWEST COMPANY	2
ARC SPECIALTY PRODUCTS, BALCHEM CORP.	1
ARCH CHEMICALS, INC	129
ARCH WOOD PROTECTION, INC. C/O ARCH CHEMICALS	2
ARKION LIFE SCIENCES, LLC, C/O STEWART	1
ARMATRON INTERNATIONAL, INC	1
ARVESTA CORPORATION	1
ASEPSIS, INCORPORATED	28

ASPLUND SUPPLY INC. C/O FORMULA CORP.	8
ATLAS CHEMICAL CORPORATION	1
AUSTRITAL C/O LEWIS & HARRISON	1
AVECIA, INC	4
AVENTIS C/O BAYER CROPSCIENCE LP	1
AVITROL CORPORATION	2
AVON PRODUCTS, INC	13
B & G EQUIPMENT COMPANY C/O REGWEST CO	1
B.C. WILLIAMS INDUSTRIES, INC	1
BACKSCRATCHERS, INC	1
BAKER PETROLITE CORPORATION	15
BALK FAMILY TRUST DBA SCOOT PRODUCTS	5
BALTIMORE AIRCOIL COMPANY C/O DELTA ANALYTICAL	1
BAROID DRILLING FLUIDS, INC	1
BASF CORP.	7
BASF CORPORATION	26
BAYER CONSUMER CARE DIV, C/O ADAMS TECH SYSTEMS	1
BAYER CORPORATION AG DIV C/O BAYER ENV SCIENCE	14
BAYER CROPSCIENCE c/o BAYER ENV SCIENCE	2
BAYER CROPSCIENCE LP	8
BAYER ENVIRONMENTAL SCIENCE	3
BAYER HEALTHCARE LLC, ANIMAL HEALTH DIV	15
BAYER-ADVANCED LLC	40
BAYER-PURSELL, LLC	8
BBJ ENVIRONMENTAL SOLUTIONS, INC	2
BEACHCOMBER HOT TUBS PLUS INC.	5
BEAUMONT PRODUCTS, INC	4
BECKER MICROBIAL PRODUCTS, INC C/O REGWEST	2
BECKER UNDERWOOD, INC	3
BEHR PROCESS CORPORATION	1
BEMIS MANUFACTURING CO	1
BEST SANITIZERS INC.	1
BIO-CIDE INTERNATIONAL, INC	3
BIOCIDE, INC	1
BIO-DERM LABORATORIES, INC.	3
BIOGANIC SAFETY BRANDS, INC C/O REGGUIDE	16
BIOLAB, INCORPORATED	62
BIOSAFE SYSTEMS	2
BIOSAFETY USA C/O DELTA ANALYTICAL CORP.	1
BIOSENSORY, INC	2
BIO-SENTRY LABORATORIES C/O QUALIS, INC	3
BIOSHIELD TECHNOLOGIES, INC	1
BIOTROL INTERNATIONAL	4
BIOVERSE, INC. C/O REGWEST CO, LLC	1
BIOWORKS, INC	2
BIRD SHIELD REPELLENT CORP.	1
BIRD-B-GONE, INC	2

BIRD-X, INC	1
BISSELL C/O PENN CHAMP, INC.	9
BISSELL, INC C/O BRAZOS ASSOCIATES, INC	1
BLACK FLAG BRANDS LLC	11
BLOCK DRUG COMPANY, INC	2
BLOCK DRUG CORPORATION	1
BLUE DIAMOND EXTERMINATING & MANU CO, INC	3
BLUE RHINO CORP. C/O ADAMS TECHNOLOGY SYSTEMS	1
BONIDE PRODUCTS	50
BROOKER CHEMICAL CORPORATION	1
BUCKEYE INTERNATIONAL, INC	14
BUCKMAN LABORATORIES	1
BUSHWACKER BACKPACK & SUPPLY DBA COUNTER	1
BUZZ OFF INSECT SHIELD LLC	1
C & K MANUFACTURING AND SALES CO., LLC	1
CALIFORNIA TAN, INC.	6
CALTECH INDUSTRIES, INC	7
CAPO INDUSTRIES LTD,	11
CARDINAL DISTRIBUTION C/O QUALIS, INC.	1
CASCADE DESIGNS, INC	1
CASCADE WATER SERVICES	2
CEDAR CHEMICAL CORPORATION	3
CELESTE INDUSTRIES CORP	1
CENTRAL GARDEN & PET dba LILLY MILLER BRANDS	42
CH20, INC	19
CHAMPION TECHNOLOGIES, INC	5
CHASE PRODUCTS COMPANY	10
CHECK CORPORATION DBA DAMP CHECK	1
CHECK-MARK, DIV OF DM RESOURCES, INC	24
CHEM LAB PRODUCTS, INC	20
CHEM ONE LTD	1
CHEM-AQUA, INC.	1
CHEMICAL PRODUCTS TECHNOLOGIES, LLC	4
CHEMICAL SPECIALTIES, INC	10
CHEMINOVA AGRO A/S	3
CHEMINOVA, INC	9
CHEMLINK LABORATORIES LLC C/O LEWIS & HARRISON	1
CHEMSEARCH, DIV OF NCH CORP	13
CHEMSICO, DIV. OF UNITED INDUSTRIES CORP	112
CHEM-TECH, LTD	1
CHURCH & DWIGHT CO., INC	17
CIBA SPECIALTY CHEMICALS CORPORATION	2
CLARKE MOSQUITO CONTROL PRODUCTS	3
CLEAN CONTROL CORP C/O ADAMS TECHNOLOGY	2
CLEANING SOLUTIONS GROUP	7
CLEARWATER INTERNATIONAL, LLC	1
CLEARY CHEMICAL CORP. C/O EXPONENT INC	13

CLOROX PROFESSIONAL PRODUCTS CO C/O THE CLOROX	19
COGLAN'S LTD	2
COGNIS CORPORATION C/O LEWIS & HARRISON	1
COLEMAN C/O KEANE & ASSOC.	1
COLGATE ORAL PHARMACEUTICALS	1
COLGATE-PALMOLIVE CO INSTITUTIONAL PRODUCTS	9
COLTENE / WHALEDENT, INC	1
COMBAT INSECT CONTROL SYSTEMS C/O THE CLOROX CO	27
COMBE INCORPORATED	6
CONTECHEM, INC	1
CONTRACT PACKAGING, INC	2
COPPER BRITE, INC	3
CORE TEX PRODUCTS, INC C/O KELLY REG SYSTEMS	1
COTTRELL, LTD	5
CRC INDUSTRIES, INC	6
CREATIVE SALES, INC	1
CROMPTON MANUFACTURING COMPANY, INC	2
CROSSTEX INTERNATIONAL, INC C/O SRC	2
CUT-HEAL ANIMAL CARE PRODUCTS	1
D & D HOLDING, INC C/O DEGESCH AMERICA, INC	8
D & D HOLDINGS C/O PESTCON SYSTEMS, INC	2
DECON LABS, INC	1
DEER-OFF, INC C/O LEWIS & HARRISON	2
DEL LABORATORIES INC	2
DEXOL, A DIV OF VERDANT BRANDS, INC	6
D-I-1-4, INC	1
DIP 'N GROW, INC.	1
DISHWASHER MAGIC LLC C/O WAGNER REG ASSOC	1
DIVERSEY LEVER	21
DOMINO'S PIZZA, INC C/O SPURRIER CHEMICAL CO., INC	1
DOW AGROSCIENCES LLC	63
DRAGON CHEMICAL CORP	2
DREW AMEROID MARINE DIV. ASHLAND CHEMICAL CO.	2
DREW INDUSTRIAL DIV / ASHLAND CHEMICAL CO.	37
DREXEL CHEMICAL COMPANY	2
DRI-EAZ PRODUCTS, INC. C/O ADAMS TECHNOLOGY	1
E PAINT COMPANY, INC	3
E.C. GEIGER, INC c/o ADAMS TECH SYSTEMS	3
E.I. DUPONT DE NEMOURS & CO.	3
E.I. DUPONT DE NEMOURS & COMPANY, INC	20
EAGLE CHEM C/O FORMULA CORP.	2
EARTH SCIENCE LABORATORIES, INC	5
EARTH SCIENCE PRODUCTS CORP	1
EAS'Y GARDENER, INC C/O JC PRINZO	10
ECOLAB, INC	121
ECOLOGICAL LABORATORIES, INC.	2
ECOSMART TECHNOLOGIES, INC	25

EDEN BIOSCIENCE CORPORATION	4
ELITE CONSUMER PRODUCTS C/O IONICS INC.	1
EMERALD BIOAGRICULTURE CORPORATION	3
EMPIRE CANDLE, INC	1
EMPYREAN BIOSCIENCE, INC C/O ADAMS TECH SYSTEMS	1
ENCORE TECHNOLOGIES, LLC	1
ENFORCER PRODUCTS, INC	98
ENGLEHARD CORPORATION C/O ADAMS TECH SYSTEMS	1
ENVIRONMENTAL LABORATORIES, INC	1
ENVIROSYSTEMS INC.	1
ENVIROX, LLC	5
ERCO WORLDWIDE C/O DELTA ANALYTICAL CORP	2
ETI H2O	1
ETS, INC	2
EXCEL MARKETING, INC. C/O KRS	10
EXCELTEC INTERNATIONAL CORP	2
FALCON SAFETY PRODUCTS, INC.	1
FAMILY PHARMACY C/O QUALIS, INC	1
FARMSAVER.COM LLC	6
FARNAM COMPANIES, INC	37
FIBERLOCK TECHNOLOGIES, INC	3
FIELDS CORPORATION	4
FLEA SCARE NATURAL'S L.P.	1
FLEMING COMPANIES, INC. C/O NATIONAL INTERCHEM	1
FLEXABAR CORPORATION	1
FLO-KEM, INC.	4
FMC CORP, AGRICULTURAL PRODUCTS GRP	1
FMC CORPORATION	2
FMC CORPORATION C/O SRS INT'L CORP	2
FOOD SERVICES OF AMERICA, INC.C/O DELTA ANALYTICAL	3
FORMULA CORPORATION	5
FORTECH PRODUCTS c/o FORMULA CORP	14
FOUR PAWS PRODUCTS, LTD.	8
FULLER SYSTEM, INC	4
FURBISH CHEMICAL & SUPPLY CO INC OF ALASKA	1
GARLIC RESEARCH LABS	3
GARRATT-CALLAHAN COMPANY	1
GC AMERICA, INC	3
GE BETZ, INC	27
GENERAL CHEMICAL CO	1
GENICS, INC.	3
GETINGE/CASTLE, INC	6
GIMBORN PET SPECIALTIES DBA GPS GROUP	1
GLB POOL & SPA	2
GLOBAL HOUSEHOLD BRANDS C/O CSI	2
GMS MARKETING SERVICES C/O ADAMS TECHNOLOGY	1
GOLDLINE LABORATORIES, INC. C/O QUALIS INC	1

GOLDSCHMIDT CHEMICAL CORPORATION	5
GOWAN COMPANY	7
GRANT LAB C/O REGISTRATIONS BY DESIGN	16
GREAT LAKES TREATMENT CORPORATION	2
GREAT WESTERN CHEMICAL COMPANY DBA GW	6
GREEN LIGHT COMPANY	47
GREEN PRODUCTS COMPANY	3
GREENWORLD ENVIRONMENTAL, INC	1
GRIFFIN BROS, INC	1
GRIFFIN LLC	11
GRIZZLY SUPPLY LLC C/O UDAP INDUSTRIES INC	1
GRO TEC, INC C/O KELLY PRODUCTS, INC	61
GROVER MUSICAL PRODUCTS, INC	1
GSI/CAMDEN PRODUCTS, INC. C/O DELTA ANALYTICAL	1
GUARDIAN PERSONAL SECURITY PRODUCTS, LLC	1
GUARDSMAN PRODUCTS	2
GUSTAFSON LLC	2
H & S CHEMICALS DIVISION C/O LONZA, INC	7
H. INTERDONATI, INC	1
HACO, INC.	1
HALLIBURTON ENERGY SERVICES, INC.	2
HAMMONDS FUEL ADDITIVES, INC C/O DELTA ANALYTICAL	1
HARVEST TEC	1
HASA, INC	1
HAYWARD POOL PRODUCTS, INC. C/O SRC	2
HELENA CHEMICAL COMPANY	1
HELM AGRO US, INC.	2
HEMPEL COATINGS (USA), INC	24
HENRY COMPANY	2
HENRY SCHEIN, INC C/O METREX RESEARCH CORP	1
HIGH DESERT PRODUCTS	1
HILL-ROM AIR-SHIELDS	1
HILLYARD, INC	34
HOGIL PHARMACEUTICAL CORPORATION	2
HONEYWELL	3
HOT FOOT AMERICA LP	1
HOT PEPPER WAX, INC.	8
HOUSECHEM, INC.	3
HOWE ENTERPRISES	1
HPC C/O BETCO CORPORATION	4
HUIH DETERGENTS, INC	2
HUNTINGTON PROFESSIONAL, A SERVICE OF ECOLAB, INC	9
HYDRITE CHEMICAL COMPANY	1
IGENE BIOTECHNOLOGY, INC	1
IGUANA, LLC	2
IMC VIGORO C/O PURSELL INDUSTRIES, INC	1
IMCOR, A SERVICE OF ECOLAB	2

IMPACT PRODUCTS, LLC	1
INNOVATIVE MEDICAL SERVICES	1
INNOVATIVE PEST CONTROL PRODUCTS	2
INSIGHT PHARMACEUTICALS CORP.	1
INTER-AMERICAN PRODUCTS, INC C/O QUALIS, INC	1
INTERMATIC, INC.	1
INTERNATIONAL PAINT INC	96
INTERVET, INC	1
IQ PRODUCTS COMPANY	11
IRON OUT, INC.	1
ISK BIOCIDES, INC	4
ISLAND MARKETING CORP	1
ITW DYMON	6
J.T. EATON & CO., INC.	14
JACUZZI PREMIUM SPAS	3
JADCO CHEMICAL LTD dba CHEMLOGIS	9
JASCO CHEMICAL CORPORATION	4
JCI/JONES CHEMICALS, INC	3
JIANGHAN SALT & CHEMICAL COMPLEX C/O PONDA INT'L	1
JMS FLOWER FARMS, INC	1
JOHNSON DIVERSEY, INC.	60
JOTUN PAINTS, INC	6
JUNGLE LABORATORIES	5
KATADYN NORTH AMERICA C/O KRS	2
KAY CHEMICAL CO. C/O ECOLAB	21
KAZ, INC	1
KELLER SUPPLY	10
KEMIRA AGRO OY	1
KIK INTERNATIONAL, INC C/O DELTA ANALYTICAL CORP	2
KIMBERLY-CLARK CORP C/O LEWIS & HARRISON	2
KINCAID ENTERPRISES, INC	2
KING RESEARCH, INC	3
KLEEN BRITE LABORATORIES, INC	2
KOP-COAT, INC	52
L & R MANUFACTURING C/O WALTER G. LEGGE CO	1
L/M ANIMAL FARMS	4
LAFAYETTE PHARMACEUTICALS, INC	2
LAGASSE BROS., INC	2
LAMPLIGHT FARMS, INC	2
LANCO RESEARCH LLC C/O ADAMS TECHNOLOGY	1
LAWN AND GARDEN PRODUCTS, INC	45
LEBANON SEABOARD CORPORATION	4
LEISURE TIME	2
LENTEK INTERNATIONAL, INC	1
LESCO, INC	2
LHB INDUSTRIES	1
LIGHT MANUFACTURING CO.	2

LILLY MILLER BRANDS	6
LIME-O-SOL COMPANY	2
LIPHATECH., INC	27
LIQUID FENCE CO. INC.	4
LO-CHLOR CHEMICALS	2
LONZA, INC	52
LOVELAND INDUSTRIES, INC.	5
LUSEAUX LABORATORIES, INC	7
M & R DURANGO, INC.	1
MACE SECURITY INTERNATIONAL, INC	1
MADA EQUIPMENT COMPANY, INC	2
MAKHTESHIM - AGAN OF N. AMERICA, INC	21
MAKIKI ELECTRONICS	1
MALLINCKRODT INC.	2
MARIL PRODUCTS, INC	4
MARTHA STEWART LIVING O., INC C/O WILLERT HOME	8
MATSON, LLC.	20
MAXFORCE INSECT CONTROL SYS C/O BAYER ENV SCIENCE	12
MCKESSON	2
MCLAUGHLIN GORMLEY KING CO.	4
MCNEIL RIVER ENTERPRISES, INC	1
MCNETT CORP C/O LEWIS & HARRISON	1
MEDICAL CHEMICAL CORPORATION	3
MEDO INDUSTRIES, INC c/o PENNZOIL-QUAKER STATE CO.	1
MELALEUCA, INC	1
MERIAL LIMITED	11
METREX RESEARCH CORP C/O SYBRON DENTAL	1
METREX RESEARCH CORPORATION	7
MICRO FLO COMPANY, LLC	1
MICROBAN SYSTEMS, INC	5
MICROTEK MEDICAL, INC C/O ADAMS TECH SYSTEMS	1
MILLIKEN CHEMICAL C/O ADAMS TECHNOLOGY SYSTEMS	3
MINE SAFETY APPLICANCES CO C/O WALTER G. LEGGE CO	1
MINNTECH CORPORATION	2
MIRACLE-GRO LAWN PRODUCTS, INC	7
MONSANTO CO. LAWN & GARDEN PRODUCTS	19
MONSANTO COMPANY	26
MOST PRODUCTS	2
MOTOMCO, LTD	11
MULTISORB TECHNOLOGIES, INC C/O DELTA ANALYTICAL	1
MYCOGEN CORPORATION C/O DOW AGROSCIENCES	1
MYCOTECH CORPORATION	2
NALCO DIVERSIFIED TECH C/O ONDEO NALCO CO.	11
NATIONAL BRANDS, INC	3
NATIONAL INTERCHEM CORPORATION	1
NATIONAL SAFETY ASSOCIATES, INC	4
NATIONAL TOWELETTE	1

NATRAPEL, INC C/O LAIRD'S REG CONSULTANTS	2
NATURAL ANIMAL HEALTH PRODUCTS, INC.	1
NATURAL CHEMISTRY INC. C/O LANDIS INT'L, INC.	1
NECESSARY ORGANICS, INC C/O LEWIS & HARRISON	11
NEVIN LABORATORIES, INC	1
NEW MOUNTAIN CO. C/O COMPLIANCE SERVICES	1
NEWAYS INC.	1
NIPPON SODA CO., LTD C/O NISSO AMERICA INC.	1
NISUS CORPORATION C/O REGWEST CO.	10
NORDICO MARKET DEVELOPMENT, INC	4
NORTH SAFETY PRODUCTS	2
NORTHWEST JANITORIAL SUPPLY C/O FORMULA CORP.	4
NORWECO, INC	2
NOVARTIS CONSUMER HEALTH, INC C/O LEWIS & HARRISON	1
NOVOZYMES BIOLOGICALS, INC. C/O REG BY DESIGN	1
NU-CALGON WHOLESALER, INC.	6
NUTRA-PARK INC.	3
NYCO PRODUCTS CO.	1
OAKWOOD NATURAL SOLUTIONS	1
OLYMPIC HORTICULTURAL PRODUCTS c/o ADAMS TECH SYS	16
OMEGA PROTEIN, INC.	1
ONDEO NALCO COMPANY	23
ONDEO NALCO ENERGY SERVICES	18
ORANGE GUARD, INC	2
ORECK CORPORATION	2
ORGANICA BIOTECH, INC.	2
OSMONICS / AUTOTROL	1
OSMOSE RAILROAD SERVICES, INC.	3
OSMOSE UTILITIES SERVICES INC.	7
OSMOSE, INC	22
OSTER PROFESSIONAL PRODUCTS C/O ADAMS	1
OUT! INTERNATIONAL, INC	1
PACE INTERNATIONAL LLC	2
PACIFIC COAST DISTRIBUTING, INC C/O THE HARTZ MTN	13
PALMERO HEALTH CARE	1
PATTERSON DENTAL SUPPLY, INC C/O METREX RESEARCH	2
PBI/GORDON CORPORATION	2
PDI THE HEALTHCARE DIV OF NICE PAK PRODUCTS, INC	13
PENN CHAMP INC	9
PENTAPURE, INC	1
PERMA-CHINK SYSTEMS	2
PESTCON SYSTEMS, INC	2
PET CHEMICALS	21
PFEIFFER PHARMACEUTICALS, INC	1
PFIZER INC. DBA PFIZER ANIMAL HEALTH	7
PHARMACAL RESEARCH LABORATORIES INC	2
PHARMACIA & UPJOHN COMPANY C/O PFIZER INC.	1

PHELPS DODGE REFINING CORP	2
PHILLIPS 66 COMPANY c/o BRAZOS ASSOCIATES	1
PIC CORPORATION	5
PIN/NIP, INC	1
PIN/NIP, INC C/O DATAPLEX, S.A.DE C.V	1
PIONEER AMERICAS LLC	3
PIONEER ECLIPSE CORP.	3
PLANT MARVEL LABS, INC	1
PLANT PRO-TEC, LLC	1
PLATTE CHEMICAL COMPANY	22
PMC SPECIALTIES GROUP, INC	1
POCO, LLC	13
POLAR EQUIPMENT, INC	1
POLARIS POOL SYSTEMS, INC C/O EDWARD W. LYLE	1
POWER SERVICE PRODUCTS, INC.	1
PPG ARCHITECTURAL FINISHES, INC	3
PPG INDUSTRIES, INC	12
PredDeter LLC	1
PREMIER HORTICULTURE, INC.	2
PRENTISS INCORPORATED	2
PRESTIGE BRANDS INTERNATIONAL	3
PRIME SOURCE	2
PRISM SANITATION MGMT, LLC C/O US CHEMICAL CORP.	3
PRO PRODUCTS, LLC	1
PRO-CLEAN PRODUCTS, LLC	1
PROCTER & GAMBLE	28
PROFORCE INC.	1
PRO-SERVE, INC.	1
PURDY PRODUCTS COMPANY	1
PURITAN SERVICES, INC. C/O ECGLAB, INC	20
PURITY POOL PRODUCTS, INC.	8
PURSELL INDUSTRIES, INC	18
PURSELL INDUSTRIES, INC C/O UNITED IND CORP.	4
PURSELL TECHNOLOGIES	1
PYRANHA, INC	4
QUADRA CHEMICALS, INC.	9
QUALIS, INC	1
R VALUE WEST	1
RBR PRODUCTIONS, INC C/O DELTA ANALYTICAL CORP	2
REAL REMEDIES, LLC	1
REALEX, DIV OF UNITED INDUSTRIES CORP	15
RECKITT BENCKISER, INC	100
RECREATIONAL EQUIPMENT, INC	3
RECREATIONAL WATER PRODUCTS, INC	47
REEMAY, INC c/o WAGNER REG ASSOC., INC.	1
RETTA MANUFACTURING, INC	1
RHODES AMERICAN/HOMAX	1

RHODIA CONSUMER SPECIALTIES, LTD.C/O DELTA ANALYTI	1
RICHARD'S HOMEWARES, INC	2
ROBINSON LABORATORIES, INC	1
ROCHESTER MIDLAND CORPORATION	16
ROCKLINE INDUSTRIES	2
ROCKWELL LABORATORIES, LTD	3
ROEBIC LABORATORIES, INC	3
ROHM AND HAAS COMPANY	3
ROHM AND HAAS COMPANY - BIOCIDES DIVISION	40
ROTO-ROOTER CORPORATION	2
ROXIDE INTERNATIONAL, INC	1
RPS PRODUCTS, INC	1
RUST-OLEUM CORPORATION	2
RX FOR FLEAS, INC	1
S.C. JOHNSON & SON, INC	190
SAFER, INC A WHOLLY OWNED SUBS. OF WOODSTREAM	27
SAFETEC OF AMERICA, INC	2
SAFEWAY INC. C/O DELTA ANALYTICAL CORP	1
SARA LEE HOUSEHOLD & BODY CARE USA	1
SASHCO, INC C/O REGWEST COMPANY	1
SAVE-A-LOT LTD. C/O DELTA ANALYTICAL CORP	1
SAVER SYSTEMS A DIV. OF MEREDITH, INC	1
Sawyer Products c/o Scientific Coordination	6
SCENT-OFF CORPORATION	2
SCHERING-PLOUGH ANIMAL HEALTH CORP	10
SCHERING-PLOUGH HEALTHCARE C/O REGWEST COMPANY	4
SCHERING-PLOUGH HEALTHCARE CANADA C/O REGWEST	5
SCHROER MANUFACTURING COMPANY	1
SCHULTZ COMPANY	39
SCOT LABORATORIES	2
SCOTCH CORPORATION	1
SCOTTS-SIERRA CROP PROTECTION COMPANY	5
SCRYPTON SYSTEMS, INC	1
SEARS, ROEBUCK & CO C/O ELCO LABORATORIES, INC	1
SECURITY EQUIPMENT CORPORATION	1
SECURITY PRODUCTS COMPANY	4
SENORET CHEMICAL CO., INC	10
SENSIBLE LIFE PRODUCTS, DIV OF LBD LTD	1
SEPRO CORPORATION	13
SERGEANT'S PET PRODUCTS, INC	52
SHAKLEE CORPORATION	1
SHERWIN-WILLIAMS CONSUMER GROUP	5
SHERWIN-WILLIAMS CONSUMER GROUP-ACE	2
SIGMA COATINGS USA B.V.	2
SKLAR INSTRUMENTS	4
SOLVAY CHEMICALS, INC.	2
SOUND SOAP	1

SOURCE TECH BIO, INC.	2
SPARTAN CHEMICAL COMPANY, INC	35
SPECIALTY CONSTRUCTION BRANDS, INC.	3
SPECKOZ, INC C/O MCLAUGHLIN GORMLEY KING CO.	7
SPECTRUM GROUP, DIV OF UNITED INDUSTRIES	146
SPEER PRODUCTS	1
SPHERIX	3
SPORICIDIN INTERNATIONAL	3
SPRAY NINE CORP.	4
SPURRIER CHEMICAL COMPANIES, INC	3
SSDC, INC C/O ECOLAB	7
STAR BRITE DISTRIBUTING, INC	1
STAR HORSE PRODUCTS, INC C/O ADAMS TECH SYSTEMS	4
STEARNS PACKAGING CORPORATION	2
STERILEX CORPORATION	2
STERIS COMPANY	4
STERIS CORPORATION	31
STINGER A DIVISION OF KAZ, INC	8
STONE CARE INTERNATIONAL, INC	2
STRAIGHT ARROW PRODUCTS, INC.	1
SUMMIT CHEMICAL CO	5
SUNOCO, INC (R&M)	4
SUNSHINE MAKERS, INC C/O ADAMS TECHNOLOGY	5
SWISS FARMS PRODUCTS, INC	26
SYNGENTA CROP PROTECTION, INC	31
SYSCO CORPORATION C/O ADAMS TECHNOLOGY	22
TAENSA, INC C/O EARTH BIOSCIENCES INC.	1
TAKASAGO C/O KEANE & ASSOCIATES	1
TAMBY CHEMICAL CORPORATION	1
TEC LABORATORIES, INC	3
TECHPAC, LLC C/O KELLY PRODUCTS, INC	7
TEMPO PRODUCTS COMPANY	1
TENDER CORPORATION C/O LAIRD'S REG CONSULTANTS	5
TERMINIX INT'L DBA PARAGON PPCP	1
TESSENDERLO KERLEY, INC	1
TEXAS GULF INDUSTRIES, INC	1
TEXSPORT	1
THE ANDERSONS LAWN FERTILIZER DIVISION	7
THE BRAMTON COMPANY	3
THE BUTCHER CO. C/O JOHNSON DIVERSEY, INC.	26
THE CLOROX COMPANY	54
THE COLEMAN CO. INC.	3
THE DOW CHEMICAL COMPANY	46
THE ECOLOGY WORKS, INC	1
THE FOUNTAINHEAD GROUP BURGESS PRODUCTS DIV	3
THE GARDEN GROW CO. C/O CENTRAL GARDEN & PET	33
THE HARTZ MOUNTAIN CORPORATION	98

THE HOLMES GROUP, INC	1
THE JOMAPS COMPANY	1
THE KROGER COMPANY C/O DELTA ANALYTICAL CORP	1
THE KROGER COMPANY C/O KELLY REG SYSTEMS	3
THE KROGER COMPANY C/O QJALIS, INC	1
THE ORTHO GROUP	113
THE RAMSEY CO C/O JOHNSON DIVERSEY, INC.	10
THE SCHAWBEL CORPORATION	5
THE SCOTTS COMPANY	34
THE SCOTTS COMPANY DBA THE ORTHO GROUP	1
THE SHERWIN- WILLIAMS COMPANY SPRAYON PRODUCTS	1
THE SHERWIN-WILLIAMS COMPANY	21
THE SOLARIS GROUP OF MONSANTO COMPANY	35
THE SPIC AND SPAN COMPANY C/O CSI	2
THE SUNSWIPE CORPORATION LLC C/O VERIDIEN CORP	1
THE TANGLEFOOT COMPANY	1
THE VALSPAR CORPORATION	12
TIFA LIMITED	2
TOMLYN PRODUCTS, DIV OF VETOQUINOL USA INC.	1
TOTAL SOLUTIONS	2
TROY BIOSCIENCES INC	1
TYCO HEALTHCARE GROUP, LP C/O REGISTRATIONS BY DES	1
U.S. DEPT OF AGRICULTURE - APHIS - WS	1
UDAP INDUSTRIES, INC	2
ULTRONICS INC.	2
UNISOURCE WORLDWIDE INC SUB OF GEORGIA-PACIFIC	31
UNISOURCE WORLDWIDE, INC	3
UNITED HORTICULTURAL SUPPLY	7
UNITED PHOSPHORUS, INC.	4
UNIVAR USA INC. PP&S DIV. C/O BIOLOGIC INC	4
UNIVAR USA, INC	5
UPM CORPORATION	1
US BORAX, INC C/O DELTA ANALYTICAL CORP	5
US CHEMICAL CORPORATION	26
USA DETERGENTS INC.	2
V.F. GRACE C/O SECURITY EQUIP CORP.	1
V.F. GRACE, INC	1
VALENT BIOSCIENCES CORPORATION	4
VALENT USA CORPORATION	7
VALUE GARDEN SUPPLY, LLC	6
VANSON HALOSOURCE	1
VEGETATION MANAGEMENT LLC	1
VERIDIEN CORPORATION	3
VETERINARY PRODUCTS LABORATORIES	2
VETOQUINOL N.A. INC C/O DELTA ANALYTICAL CORP	1
VETOQUINOL USA	3
VIC INTERNATIONAL CORPORATION	1

VIGORO INDUSTRIES, INC C/O PURSELL INDUSTRIES	1
VINELAND LABORATORIES	1
VIRBAC AH, INC.	40
VOLUNTARY PURCHASING GROUPS	73
VULCAN CHEMICALS	2
W.F. YOUNG, INC	8
W.R. SWEENEY, MFR. INC.	1
WALCO-LINCK CO	10
WALMART STORES, INC. C/O SHERWIN-WILLIAMS DIV.	3
WARNER-LAMBERT CONSUMER HEALTHCARE C/O RBD, INC	1
WARREN E. CONLEY CORPORATION	1
WATERBURY COMPANIES, INC	72
WATKINS MANUFACTURING CORP	1
WATKINS, INC	5
WAUPACA NORTHWOODS LLC	6
WEITECH, INC C/O APPLICA CONSUMER PRODUCTS	1
WELLMARK INTERNATIONAL	87
WESMAR COMPANY, INC	13
WESTBRIDGE AG PRODUCTS	2
WESTERN FAMILY FOODS, INC C/O QUALIS, INC	1
WEXFORD LABS, INC	4
WHINK PRODUCTS COMPANY	1
WHITE CAP INCORPORATED	7
WHITMIRE MICRO-GEN RESEARCH LABORATORIES, INC	72
WILBER-ELLIS COMPANY	3
WILLERT HOME PRODUCTS, INC	25
WILLIAM MARVY COMPANY, INC	4
WILLIAM ZINSSER & CO., INC	3
WOODSTREAM CORPORATION	37
WPC BRANDS, INC	37
XPEDX C/O BETCO CORPORATION	21
Y-TEX CORPORATION	13
ZENECA AG PRODUCTS, INC	25
ZENEX INTERNATIONAL	1
ZEP MANUFACTURING COMPANY	41
ZINSSER CO., INC	2
ZODIAC POOL CARE, INC. C/O SRC	8
ZOO MED LABORATORIES	3
ZOTOS INTERNATIONAL, INC.	1



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TO: Ms. Jane Alberts *

FAX #: (907) 465-3871

FROM: Ms. Michelle Wilson

SUBJECT: Testimony for L&C hearing on introduction
of SB 27

MESSAGE:

Ms. Alberts,

Attached is my testimony prepared
for yesterday's hearing. Please contact
me if you have further questions
or research needs.

* Please distribute to members of the
L&C committee.

Quvana, Thank you.

IF YOU DID NOT RECEIVE ALL OF THE PAGES, PLEASE CALL OUR OFFICE A.S.A.P.

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Testimony of Michelle Wilson, Alaska Community Action on Toxics

Senate Bill 27—Pesticide Use Tracking Bill

Hearing of the Senate Labor and Commerce Committee

February 26, 2004

Mr. Chairman and Members of the Committee—thank you for the opportunity to present testimony today concerning Senate Bill 27, the Pesticide Use Tracking Bill introduced by Senator Ellis.

Alaska Community Action on Toxics, or ACAT, is a non-profit statewide membership organization of 300 members dedicated to ensuring the health of Alaska's communities. We are not an Outside organization. Our mission: We believe everyone has the right to clean air, clean water, and foods free from contamination. ACAT provides technical assistance and training on environmental health issues for members of the general public, workers, and Tribes.

We strongly support SB 27. In particular, the sections requiring modest label registration fees based on national averages and steps to improving public notification of pesticide use.

Revenue Generating Legislation

SB 27 would require a modest annual registration fee of \$150 that could generate approximately \$800,000 annually (not accounting for a reduction percentage). By

comparison, Governor Murkowski recently proposed a registration fee of only \$40 for the chemical manufacturers who sell in Alaska (Senate Bill 275). The national average is about \$110. This is a licensing for manufacturers who sell chemical products in our state. Alaskans and our natural resources – notably our wild salmon – must not bear the burden of contaminants without the manufacturer contributing funds to run the program and offset any costs resulting from contamination, enforcement, and so forth. Often times we've found "discontinued" products being sold in retail stores in Anchorage and rural communities. The DEC Pesticide Program does not have sufficient resources to monitor and enforce registration requirements.

Respectfully, sir and members of the committee, we feel this has been short-sighted to let Outside chemical manufacturers escape fees while the State has to pay almost \$50,000 a year to run the registration program. Alaska must no longer be the only state in the country without pesticide registration fees.

Support Right-to-Know

Pregnant and nursing mothers, children, elders, and especially those with heart conditions, chronic illnesses and conditions such as asthma are particularly susceptible to adverse health effects from pesticide exposure. Despite the known risks of pesticide exposures, the people of Alaska have are not given adequate or timely notification on the application of pesticides.

We believe that enactment of SB 27 will be an important first step in assuring public right-to-know about the quantities, types, and locations of pesticide applications in our workplaces, parks, public lands, and buildings. Current on-site notification is absent or not enforced. Notification will allow for people on the job or in their communities to evaluate their own risks and take whatever protective actions they deem necessary.

A recommendation for an amendment to strengthen the notification section of the bill would be to extend notification for at least 48-72 hours after spraying [Section 4. Sec. 46.03.325 (b)(2)]. This would be modeled after the Anchorage School District policy

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that was passed unanimously by the Anchorage School Board, February 14, 2000. Post-application of pesticides is when risk of exposure is highest from ventilation and residue.

The Notification section of the Anchorage School District Policy reads as follows:

"The school or facility will provide at least 48-hour advance written and posted notification to parents, staff, and students if pesticides are to be applied, with signs to remain posted for at least 72 hours after application."

ASD MEMORANDUM #199 (1999-2000) February 14, 2000

Since the original authoring of Senate Bill 27, the State of Alaska has made regulatory changes to allow aerial spraying of toxic chemicals for forestry purposes, contrary to over 330 comments --ranging from local governments and Native Councils to Alaska shellfish and salmon industry organizations, agencies, and public health care professionals from around the state.

With the current aerial spraying permitting, the **ONLY** notification required consists of a published notice when the interested party has applied for a permit. For the hunter, the berry picker or fisherman, there is no notice that an area will or had been sprayed with chemicals.

Concern for the Health of Salmon and Traditional Foods

It is widely known that pesticides can kill or harm wildlife. A huge body of scientific evidence shows that pesticides have a variety of detrimental effects on salmon and other aquatic life. Much of this evidence comes from research and field studies by EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service.

Just last month a federal court judge ruled on a case brought by fishing and conservation groups. The Judge ordered restrictions **38** pesticides near salmon-bearing streams in Washington, Oregon and California, in addition to require "Salmon Hazard" notifications in stores where pesticide products are sold.

A number of these same pesticides are registered by the DEC and commonly used in Alaska, including: 2,4-D (a component of Agent Orange), Carbaryl (insecticide), Diazinon, Trifluralin, to name just a few.

The bill could be improved to require "Salmon Hazard" signs in retail markets where pesticide products are sold. This would be a significant step in giving Alaska salmon equal protection from pesticides. This is also an issue that the Pesticide Advisory Board should look into [Section 5, Sec. 46.03.345(b)].

At present, ground application of pesticides does not have to abide by buffers near salmon habitat. Kristin Ryan with DEC told the Board of Forestry earlier this month that it is "Our intent is to protect water quality, NOT the riparian area ... I can't guarantee protection of the riparian zone." Salmon habitat is going unprotected."

Certified applicators need to provide ON-SITE notification of pesticide applications (both ground and aerial) on public and private lands.

Why is Pesticide Use Tracking Necessary for Alaska (Section 5)

Pesticide use occurs in places frequented in our daily lives—parks, public buildings and grounds, schools, universities, airports, farms, nursing homes, hospitals, day care centers, stores, and greenhouses. We support a pesticide use tracking law because Alaska has no reliable information or system for public officials, researchers, or members of the public to track which pesticides are used, where, when, and in what amounts.

Accurate information about pesticide use will be helpful for pesticide applicators and chemical corporations because it will dispel speculation and misrepresentation of facts.

The National Research Council has stated that pesticides are "perhaps the only toxic substances that are purposefully applied to the environment." Legally, pesticides are supposed to be regulated so that they do not cause "unreasonable adverse effects" or harm. But this does not mean that pesticides are safe. Registered pesticides are known to

cause cancer, genetic damage, birth defects, miscarriages, liver and kidney damage. Less than 10% of pesticides in common use have been adequately tested for hazards.

Pesticide Advisory Board

We encourage the commitment to this section of the bill. It would serve the DEC Pesticide Program to have a board of citizens and specialists to deal with any public health emergencies, invasive species or insect epidemics (such as Spruce Bark Beetles) to look at approaches for handling the problem, prevention and education to the public and local governments, Tribes and agencies within the State.

Summary

In summary, SB 27 provides a much need state revenue from an untapped source and the potential to fund the enforcement and notification programs for pesticide use. Other reasons to support SB 27:

- Enhances the general public and worker right-to-know
- Protects public health and workplaces, especially for children and those more vulnerable to the harmful effects of pesticides
- Protects water quality, salmon habitat, and other aquatic resources
- Promote responsible decisions about pest management

Thank you for taking up this important public health bill. Considering the provisions of the bill, this program can pay for itself. We appreciate the opportunity to testify and encourage you to pass it onto the next referral.

Division of Environmental Health

Pesticide Control Program

State of Alaska DEC > DEH > Pesticide Control Program

Pesticide Registration

Who has to Register Pesticides?

The State of Alaska's revised Pesticide Control Regulations 18 AAC 90 became effective on 2/15/98. Article 2, Pesticide Registration, states that pesticides may not be distributed or sold unless they have been registered with the Department of Environmental Conservation. Alaska Pesticide Control Regulations can be found on the internet at: <http://www.state.ak.us/dec/title18/aac90ndx.htm>.

Product registration will be effective for one year, from January 1 through December 31. The pesticide application must be received by January 1st in order to register your products for the year. Presently there is no fee associated with registration.

Unregistered pesticides distributed or offered for sale in Alaska after January 1, 1999 will be subject to a Stop Sale, Use, or Removal Order (18 AAC 90.220).

Links to a Pesticide Registration Application, Application Instructions and a New Product Registration Form may be found below. If you have any questions about the registration process or need more information please call the Pesticide Program at (907) 745-3236, or email Darla Acker at darla_acker@dec.state.ak.us.
(TOP)

Pesticides are defined in the regulations as follows:

"pesticide" means a chemical or biological agent intended to prevent, destroy, repel, or mitigate plant or animal life and any substance intended for use as a plant regulator, defoliant, or desiccant, including insecticides, fungicides, rodenticides, herbicides, nematocides, and biocides; "pesticide" does not include a new animal drug, as defined in 21 U.S.C. 321. that

(A) has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use; or

B) is animal feed as defined in 21 U.S.C. 321;
(TOP)

Instructions for Registering Pesticides in the State of Alaska

Pesticide products are registered in Alaska for one calendar year, beginning January 1 and expiring December 31. New products can be submitted for registration any time BEFORE sale or distribution in Alaska. Please notify the Pesticide Program of any corrections or changes to company name, address, contact names, phone/fax numbers, product name, or product label.

Application (pdf):

Return the completed, signed Pesticide Registration Application form with the other documentation required, including the Product Renewal List and/or New Product List.

Quick Links...

- Pesticide Definition
- Instructions for Registering Pesticides
- Application
- New Product Registration Form
- Database of Pesticides Registered in Alaska
- Discontinuing registration

What's New...

- Alerts/Recalls
- Apply for Permit
- Becoming Certified
- Becoming Recertified
- Certified Applicators
- Pesticide Registration
- Permit Holders
- Training Schedule
- Worker Protection Standard
- Pesticides HomePage



Pesticide Registration

New Product Registration Form (pdf):

List all new products (not previously registered in Alaska) on this form. All products must be approved and registered before distribution or sale in Alaska. A company-generated list is acceptable if the required information (product name, EPA Reg. No., Active Ingredients and %, and % inerts) is included. **Current EPA approved documentation and/or forms must also accompany new product registration. EPA Supplemental Distribution Form 8570-5 or Additional Brand Name (EPA Notification) documentation must also be included if applicable.** A Verification of Pesticide Registration form will be sent to you upon approval of product registration.

Database of Pesticides Registered in Alaska

Renewed Product List:

Annual renewals will be submitted as a written list, a computer generated printout or the Alaska renewal list. The renewal list must contain the EPA registration no. and name of the registered product. A completed Pesticide Registration Application form must also be submitted. The EPA Registration Number (and Supplemental Number if applicable) should be included with each product name. Additional labels **do not** need to be submitted **unless** they have been revised.

[TOP](#)

Discontinuing registration:

When you wish to discontinue state registration of a product, you should **continue renewal registration** of that product for two years to allow it to clear from distribution channels in Alaska. Indicate by writing D1 (discontinuation 1 st year) or D2 (discontinuation 2 nd year) next to the referenced product on the renewal list to indicate the status. After the two-year discontinuation process, you may remove the product from state registration by drawing a heavy line through the product name on your renewal list. Please contact our office if you wish to cancel a product that has not progressed through the two-year discontinuation process..

Labels:

New Product Labels:

Send one copy of the EPA stamped registration label & copies of any EPA supplemental forms. Send one copy of the finished, complete product labeling.

Revised Product Labels:

Send one copy of each revised label. Show changes on the revised label by highlighting.

[TOP](#)



U.S. Environmental Protection Agency

History

Contact Us | Print Version Search:



EPA Home > History > Publications > The Guardian: EPA's Formative Years, 1970-1973 > Pesticides and Public Health

Pesticides and Public Health

Timeline

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Unlike the air controversy, which erupted after the agency's establishment, EPA's creation coincided with the culmination of the public debate over DDT (dichloro-diphenyl-trichloro-ethane). A chlorinated hydrocarbon, DDT proved to be a highly effective, but extremely persistent organic pesticide. Since the 1940s, farmers, foresters, and public health officials sprayed it across the country to control pests such as Mexican boll weevils, gypsy moths, and pesky suburban mosquitos. Widespread public opposition to DDT began with the publication of Rachel Carson's influential *Silent Spring*. Reporting the effects of DDT on wildlife, Carson demonstrated that DDT not only infiltrated all areas of the ecological system, but was exponentially concentrated as it moved to higher levels in the food web. Through Carson, many citizens learned that humans faced DDT-induced risks. By 1968 several states had banned DDT use. The Environmental Defense Fund, which began as a group of concerned scientists, spearheaded a campaign to force federal suspension of DDT registration—banning its use in the United States. Inheriting Department of Agriculture (USDA) pesticide registration functions, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1964, EPA was born in the midst of the DDT storm.

In January 1971, a tribunal of the U.S. Court of Appeals in the District of Columbia ordered Ruckelshaus to begin the process of suspending DDT's registration, and to consider suspending its registration immediately. At the end of a sixty-day review process, the administrator reported that he had found no good reason to suspend DDT registration immediately. It and several other pesticides—including 2, 4, 5-T (Agent Orange), Dieldrin, Aldrin, and Mirex—did not appear to constitute imminent health threats. This action infuriated many environmentalists.

By 1971, the Environmental Defense Fund had mobilized effective public opposition to DDT. The furor created by Ruckelshaus's refusal to stop DDT use prompted many to look for sinister political motivations. Some suggested that Mississippi Congressman Jamie Whitten had used his position as chairman of the agricultural appropriations subcommittee of the House Appropriations Committee to make Ruckelshaus conform to the interests of the agricultural lobby. While actually, Ruckelshaus took his cautious stance for less menacing reasons.

At its creation, EPA not only inherited the function of pesticide registration from USDA, but also the staff that served that function. The USDA economic entomologists who designed the pesticide registration process in the first place preached the advantages of effective pesticides and minimized discussion of debatable health risks. The same staff that had backed USDA Secretary Clifford Hardin's earlier claim that DDT was not "an imminent hazard to human health or to fish and wildlife" provided Ruckelshaus with the same counsel.

Between March 1971 and June 1972, American newspapers reported both sides of the pesticide debate. Some articles recalled the glory days when pesticides saved thousands of lives in World War II; how they had increased agricultural productivity and allowed relatively few farmers to feed the world's growing population; and how the most besieged insecticides, such as DDT and Mirex, had little human toxicity. Other journalists praised alternative approaches to pest management such as biological controls (predator introduction, sterile males, and pheromone traps), integrated controls (crop rotation and carefully delimited pesticide use), and refinement of other, less



Rachel Carson's *Silent Spring* led to banning DDT and other

persistent chemicals. Some reported the near panic of Northwestern fruit growers facing beeless, and therefore fruitless, seasons. They attributed the lack of pollinating insects to pesticide use.

Throughout the spring of 1972, Ruckelshaus reviewed the evidence EPA had collected during the agency's hearings on DDT cancellation and the reports prepared by two DDT study groups, the Hilton and Mraz Commissions. Both studies suggested that DDT be phased out due to the chemical's persistent presence in ecosystems and noted studies suggesting that DDT posed a carcinogenic risk to humans. In June, he followed the route already taken by several states he banned DDT application in the United States. Though unpopular among certain segments of EPA's constituency, his decision did serve to enhance the activist image he sought to create for the agency, and without prohibitive political cost.

The DDT decision was important to EPA for several reasons. While it did not stop the debate over what constituted appropriate pesticide use, DDT demonstrated the effect public pressure could have on EPA policy decisions. It also made very visible the tightrope act a regulatory agency performs when it attempts to balance the demands for protection of human and environmental health against legitimate economic demands. Furthermore, EPA's decision set a precedent for regulatory decision-making. As an advocate of the environment, Ruckelshaus and the agency chose to risk erring on the side of protecting human health at the expense of economic considerations--a course that would bring the agency under heavy criticism before the end of its first decade.

NEXT: Changing Captains >>

8. Thomas Dunlap *DDT: Scientists, Citizens, and Public Policy* (Princeton University Press, 1981), p. 203

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Last updated on Tuesday, June 11th, 2002
URL: <http://www.epa.gov/history/publications/formative6.htm>



PARATEX Pied Piper

Alaska's Pest Control Experts

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

Phone: (907) 344-2538
AK 800: (800) 478-2538
Fax: (907) 344-9111

E-Mail: mail@paratex-pp.com

Prepared Comments for Tuesday April 6, 2004 L&C Committee Hearing

Honorable members of The Committee, staff and guests thank you for the opportunity to address you in regard to **Senate Bill 27**. For the audio record, I am Ken Perry, owner and General Manager of PARATEX Pied Piper Pest Control of Alaska, and appear before you representing by proxy a significant number of the small group of commercial pesticide applicator companies doing business in our State as well as our industry trade group, the National Pest Management Association. Additionally, I am in contact with, and speak with the appreciation of, the chemical manufacturer's trade group RISE. Let me begin by thanking you for holding this Bill until I could present myself for comment and questions. My wife Cherry also sends her thanks. You will be pleased to know that the medical matter that prevented me from appearing at the last hearing has been favorably resolved.

Inasmuch as the proponents and legislative supporters of this bill have not seen fit to consult those of us in the industry, our various trade groups, or our chemical suppliers who are to be so violently affected I will attempt to provide this committee with the information that is being withheld from you. In addition, my previous submittals to the members of this Committee have more specific detail.

As to **Section 2 and 3**, an \$80 annual pesticide registration fee as a smoke screen for calling the Bills implementation non-cost, that math is extremely unsupportable. Besides the ultra-conservative costs projected, the revenue projections are unsupportable.

As to the outlandish presumptions in page two paragraph 6 of the Fiscal Note, you will need to know that at the present time, all manufacturers with current registrations in Alaska have decided to review their lists and determine which chemicals they will continue to register. The decision is to be based on costs of registration versus potential income, AND the desirability of paying the State of Alaska to implement anti-pesticide legislation against their own interests. This review will be not only of insecticides and rodenticides but their sanitizers, antimicrobials, soaps etc that make up perhaps 90% of the current registrations in Alaska. Please be aware that I have already had manufacturers refuse to register even low-toxicity products for our use or retail when the registration was free because of the "high level of environmental activism" associated with our State. Our elected officials pandering to the anti-pesticide groups by entertaining legislation such as this only exacerbates this situation.

In addition, the figure of 1000 pesticide applicators is significantly inflated, and of those individuals who are in fact certified, a large number are no longer active applicators and a significant number of others are State, Federal and local government employees

who, if they do decide to continue registered, will simply pass the cost along in their tax based budgets.

Section 4 (c) is being perceived by the manufacturers to be wholly unacceptable. The EPA has mandated what language should be placed on each label and the State's desire to add thereto on their website is in fact an act of labeling which is unnecessary and would require substantial scientific research. You may wish to consult the State of California which has several label variations as to the cost of their research on each one. If, however, the ADEC wishes to make the MSDS for each registration available on their website, there would likely be no objection since they are a matter of public record. It would, however, be the responsibility of ADEC to guarantee to anyone accessing them that they were, in fact, the latest available for the product. AND, any errors by ADEC in posting such documents could result in legal action if they negatively impact the manufacturers.

Section 5 is an unnecessary and punitive action aimed at our industry and our customers. Carefully couched in the language too is a veiled attempt to promote the agenda of outside funded special interest groups like ACAT and others. A case in point is the attempt to abuse this committee with a change of wording in (c) (2). If by some miscarriage of reason this bill does proceed, the vast majority of the wording herein will have to be addressed and changed.

As for **Section 6**, – we emphatically oppose this punitive, expensive and unnecessary burden on our industry AND its expensive implementation and maintenance cost on the taxpayers of Alaska. To date there has been no evidence provided that we have a pesticide exposure problem in the State or its waters. Studies which have been done already bear this out. Additionally, it and **Section 5** seeks to provide a "hit list" garnered from our customer records to be used by these special interest groups to do more targeted harassment to legal users of pesticides or pesticide applicators whose services they may choose to purchase with an expectancy of privacy.

I close my comments by reiterating our industry's desire to assist you to enact any justifiable legislation. If there is a need determined in the future for a reporting system, there are several options you may choose to implement such as those enacted in some states to track pesticide poisonings or errant pesticide applications in order to assess and advise the ADEC. If by some rare occurrence a problem of pesticide contamination is found in our State lands or waters, we will be happy to assist in tracking down it's sources. But, as for the Bill in front of you now, we respectfully request that you vote a "No Pass" on this bill. I am now at your disposal to answer any questions you may have. Thank You.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB272
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DCED
 Title Deferred Deposit Advances RDU Banking, Securities & Corporations (115)
(Payday Loans) Component Banking, Securities & Corporations
 Sponsor Senate Rules
 Requester Senate Labor & Commerce Component No. 1233

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	104.0	104.0	104.0	104.0	104.0	104.0
Travel	12.0	12.0	12.0	12.0	12.0	12.0
Contractual	103.7	103.7	103.7	103.7	103.7	103.7
Supplies	1.5	1.5	1.5	1.5	1.5	1.5
Equipment	4.8					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	226.0	221.2	221.2	221.2	221.2	221.2

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	64.0	69.0	64.0	69.0	74.0	79.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1156 Receipt Supported Services	226.0	221.2	221.2	221.2	221.2	221.2
TOTAL	226.0	221.2	221.2	221.2	221.2	221.2

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	2					
Part-time	0					
Temporary	0					

ANALYSIS: (Attach a separate page if necessary)

This legislation requires the Division of Banking, Securities and Corporations to license and supervise Alaska's payday lending establishments.

The division anticipates two additional staff will be needed to implement these provisions.

Personal Services: One Financial Institution Examiner I (\$61.7) and one Administrative Clerk III (\$42.3)

Travel: In-state and out-of-state travel to verify establishments have licenses and to examine licensed establishments

Contractual: Hearings for applicants who file formal complaints regarding the denial of applications or revocation of a license (\$100.0), rent (\$1.2), and miscellaneous contractual expenses for two new employees (\$2.5)

Prepared by: Mark Davis, Director Phone (907) 465-2521
 Division Banking, Securities & Corporations Date/Time 4/6/04 11:39 AM
 Approved by: Edgar Blatchford, Commissioner Date 4/6/2004
 Agency Department of Community & Economic Development

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. SB272

ANALYSIS CONTINUATION

Supplies: Miscellaneous contractual expenses for two new employees (\$2.5)
Equipment: Computer equipment for new staff (\$4.8)

Change in Revenues: The division anticipates an increase in revenues (Receipt Supported Services/RSS) as a result of collecting new licensing fees required by this legislation. This estimate is based on the assumption that there will be 50 establishments who will each pay \$500 for a license.

The division also estimates there will be additional revenues collected to recover the cost of examining establishments for compliance with the provisions of this legislation. We estimate that we would recoup approximately \$39.0 from the cost examination of these licensees.

new

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: SB027-CS-LC-EC-EH-4-01-04
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title Relating to Pesticide Use RDU Environmental Health
Component Laboratory Services
Sponsor Senator Ellis
Requester (S) Labor & Commerce Component No. 2065

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services	133.2	173.7	173.7	173.7	173.7	173.7
Travel	4.0	8.0	8.0	8.0	8.0	8.0
Contractual	117.6	44.1	44.1	44.1	44.1	44.1
Supplies	3.0	3.0	3.0	3.0	3.0	3.0
Equipment	20.7	1.0	1.0	1.0	1.0	1.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	278.5	229.8	229.8	229.8	229.8	229.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES (1156)	339.0	264.0	264.0	339.0	264.0	264.0
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FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
1156 Receipt Supported Services	278.5	229.8	229.8	229.8	229.8	229.8
TOTAL	278.5	229.8	229.8	229.8	229.8	229.8

Estimate of any current year (FY2004) cost: 0.0
Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time	3	3	3	3	3	3
Part-time	0	0	0	0	0	0
Temporary	1	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached

Prepared by: Kristin Ryan, Director Phone 907-269-7644
Division: Environmental Health Date/Time 4/1/04 12:00 AM
Approved by: Kurt Fredriksson, Deputy Commissioner Date 4/1/2004
Agency: Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

BILL NO. SB027-CS-LC-EC-EH-4-01-04

ANALYSIS CONTINUATION

CSSB 27 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. This reporting program will include a list of all pesticides registered in Alaska and the known potential hazards incidental to the use of each pesticide which is defined by the Material Safety Data Sheets (MSDS) provided by pesticide manufacturers. DEC must also conduct a one-time survey of household pesticide use and provide this information as well. This fiscal note assumes an effective date of January 2005.

The tracking system must identify the product, department assigned identification number, amount used, application rate, method, date applied, size of area treated, the location of the application, and the target organism. This data must be easily accessible to the public through the Internet and formatted to exclude confidential location information but must include location by hydrological unit. 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 and other areas related to pesticide use.

An Environmental Specialist III (ESIII) will be hired at the beginning of FY2005 to develop regulations, the database tracking system, initiate the pesticide use household survey and initial pesticide program requirements as defined by this bill. In January 2005, an Environmental Specialist II (ESII) will be hired. The ESIII and ESII will develop policies and procedures, conduct outreach and compliance activities, prepare the annual report, conduct enforcement, and serve as staff to the Pesticide Advisory Board. A full time Environmental Technician will also be hired in January 2005 to manage the database system and reports and to input the data reported into the database. A non-permanent Administrative Clerk III will be hired in March 2005 to collect all of the Material Safety Data Sheets that will be made available on the web. The first six months is focused on regulations and the necessary MIS system support. Many of the costs relating to Board support, educational material, reporting system rollout, annual reports etc will span the 12 months following the implementation of the registration fee.

The contractual line includes funding for training and preparation of outreach materials. Additionally, in the first year, two contracts of \$50.0 each will be implemented to 1) upgrade the pesticide database for the registration and licensing fee and to develop the web based reporting system, and 2) to develop, conduct and report on a survey of household pesticide use. Equipment costs in FY 2005 include the ordinary office equipment (desk, chair, and office furniture) and computer workstations for new staff. \$1.0 is included in subsequent years for equipment replacement and software upgrades.

Revenues are from the label registration and applicator certification fees. Fees will be collected for products that are registered on or after January 1, 2005. Using the current number of pesticides (5,500) that are registered with the state and an expected attrition of 40%, it is estimated that the \$80.00 label registration fee will generate \$264.0 each year. The attrition rate is an estimate based on feedback from other states that have implemented a registration fee and witnessed a reduction in the number of pesticides registered. 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 2005 and 2008.

Personal Services New Position Detail

Department of Environmental Conservation
Implementation of CSSB 27

Scenario: A Scenario for FY2005 Fiscal Notes (3605)
Component: Laboratory Services (2065)
RDU: Environmental Health (207)

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Annual Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#029	Environmental Tech II	FT	A	GP	Palmer	2A	12B	6.0		15,654	0	0	7,972	23,626
Justification:						Funding Detail:								
This position is necessary for implementation of CSSB 27, for database management and reporting.						1156			Receipt Supported Services		100.00%		23,626	
						Total Funding:			100.00%		23,626			
18-#030	Environmental Spec II	FT	A	GP	Palmer	2A	16B	6.0		20,568	0	0	9,129	29,697
Justification:						Funding Detail:								
This is one of two positions (necessary for implementation of CSSB 27) which will develop regulations, policies, procedures, outreach activities, prepare annual report, conduct enforcement, provide staff support and work with the Pesticide Advisory Board and focus on compliance issues.						1156			Receipt Supported Services		100.00%		29,697	
						Total Funding:			100.00%		29,697			
18-#031	Environmental Spec III	FT	A	GP	Palmer	2A	18B	12.0		47,316	0	0	19,712	67,028
Justification:						Funding Detail:								
This is one of two positions (necessary for implementation of CSSB 27) which will develop regulations, policies, procedures, outreach activities, prepare annual report, conduct enforcement, provide staff support and work with the Pesticide Advisory Board and focus on compliance issues.						1004		General Fund Receipts		50.00%		33,514		
						1156		Receipt Supported Services		50.00%		33,514		
						Total Funding:			100.00%		67,028			
18-#033	Administrative Clerk III	NP	A	GP	Palmer	2A	10A	4.0		8,976	0	0	3,835	12,811
Justification:						Funding Detail:								
This non-permanent position will implement the requirements of CSSB 27 related to making a list of pesticides registered in Alaska and information on the known potential hazards incidental to the use of each pesticide available on the internet. The position will work with a contractor to collect and digitize as required all the Material Safety Data Sheets from manufacturers for registered pesticides.						1004			General Fund Receipts		100.00%		12,811	
						Total Funding:			100.00%		12,811			

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

Department of Environmental Conservation
Implementation of CSSB 27

Scenario: A Scenario for FY2005 Fiscal Notes (3605)
Component: Laboratory Services (2065)
RDU: Environmental Health (207)

Component Summary:

Total New Positions: 4

<u>Fund Description</u>	<u>Fund Percent</u>	<u>Fund Amount</u>
1004 General Fund Receipts	34.79%	46,325
1156 Receipt Supported Services	65.21%	86,837
Total Funding:	100.00%	133,162

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.

23-LS0277H
Bullock
4/5/04

CS FOR SENATE BILL NO. 27(L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered:
Referred:

**This version removes the public
notice/warning requirement for retailers
and amends Section 5**

Sponsor(s): SENATORS ELLIS, Elton

A BILL
FOR AN ACT ENTITLED

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

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

5 *** Section 1.** AS 37.05.146(c) is amended by adding a new paragraph to read:

6 (78) receipts of the Department of Environmental Conservation under
7 AS 44.46.025(e) and AS 46.03.320(b).

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

9 (e) The department may charge a registration fee of \$80 for a pesticide label
10 for a pesticide product registered for use in the state.

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

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

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

10 * Sec. 4. AS 46.03.320 is amended by adding a new subsection to read:

11 (c) The department shall compile and make available on the Internet the list of
12 pesticides registered for use in the state and the known potential hazards incidental to
13 the use of each pesticide.

14 * Sec. 5. AS 46.03 is amended by adding a new section to read:

15 Sec. 46.03.325. Notice of commercial pesticide spraying. (a) A person who
16 engages in the custom, commercial, or contract spraying or application of pesticides
17 shall give written notice as provided in this section every time that the person sprays a
18 pesticide out of doors, unless the spraying is covered by the notice provisions of
19 AS 46.03.330.

20 (b) The notice required under this section shall be posted at least 48 hours, but
21 not more than 72 hours, before the spraying and shall continue to be posted for at least
22 48 hours after the spraying is completed.

23 (c) The notice shall be posted

24 (1) on the property that is the subject of the spraying and on each
25 residence and each commercial building with a different owner or manager on all
26 properties adjacent to the location of the spraying; and

27 (2) in a manner that is reasonably calculated to provide actual notice to
28 the persons living or doing business on property contiguous to the property that will be
29 or has been sprayed.

30 (d) The notice required under this section must include

31 (1) the trade name of each pesticide;

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

3 (3) the exact date and approximate time that the pesticide will be
4 sprayed or has been sprayed;

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

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

8 (6) a statement of recommended precautions.

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

12 * **Sec. 6.** AS 46.03 is amended by adding new sections to article 5 to read:

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

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

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

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

29 (3) regarding how location information is to be submitted and reported,
30 which may differ for different categories of pesticide applicators; the department shall
31 require at least enough specificity about the location of pesticide applications so that

1 aggregation of the data into hydrological units, as defined by the United States
2 Geological Survey, is enabled.

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

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

9 (2) total amount of product applied;

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

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

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

15 (6) location of application;

16 (7) date of application;

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

19 (9) target organism.

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

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

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

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