ALASKA LEGISLATURE COMMITTEE FILES, 2003-2004 8672
11221 SENATE LABOR & COMMERCE

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

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

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

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

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

Sec. 46.03.345. Pesticide Advisory Board. (a) There is established a Pesticide Advisory Board consisting of seven members appointed by the governor as follows:

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

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

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

biology or wildlife toxicology;

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

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

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

(7) one public member.

(b) The Pesticide Advisory Board shall

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

(2) develop a household survey to be used by the department to gather information related to household use of pesticides, especially the location of intended use, purpose, and amounts;

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

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

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

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

(c) If there is a vacancy on the board, the governor shall make an appointment to become immediately effective. A member serves at the pleasure of the governor.

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

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

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

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

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

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

* **Sec. 7.** AS 46.03.335(b) is amended to read:

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

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

(2) regarding which pesticides are subject to the reporting requirements of this section, based in part on the frequency of pesticide application; [IN ADOPTING REGULATIONS UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL SEEK AND CONSIDER ADVICE FROM THE PESTICIDE ADVISORY BOARD;] the department may not include sanitizers or disinfectants within the reporting requirements of this section; and

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

* **Sec. 8.** AS 46.03.350(a) is amended to read:

(a) In order to develop and implement the pesticide use tracking system required under AS 46.03.335, the department [AND THE PESTICIDE ADVISORY BOARD] may request technical assistance from a public or private agency with expertise in the subject matter.

* **Sec. 9.** AS 46.03.345 is repealed.

* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. The Department of Environmental Conservation may proceed to develop and adopt regulations to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before January 1, 2005.

* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORT. The Pesticide Advisory Board shall submit a report to the governor by January 1, 2006, concerning the board's recommendations for action related to its areas of jurisdiction under AS 46.03.345(b), added by sec. 6 of this Act. The board shall notify the legislature that the report is available.

* **Sec. 12.** Except as provided in secs. 13 and 14 of this Act, this Act takes effect January 1,

2005.

* **Sec. 13.** Sections 7 - 9 of this Act take effect June 30, 2008.

* **Sec. 14.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

ADAMS TECHNOLOGY SYSTEMS

5145 FOREST RUN TRACE - SUITE B • ALPHARETTA GA 30022-4504
Phone: 770-751-1073 • Fax: 770-751-1173
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ADAMS TECHNOLOGY STATE PESTICIDE REGISTRATION SERVICE CENTER (ATSSC)

This chart is for quick reference only! It is meant to give an overview of the registration fees and the total cost of registering one product in all states. We have intentionally used the New Product Fee that most registrants will likely pay. This chart is not perfect but gives a rough picture of the fees as of the date listed below. Please refer to the state forms for current and complete registration information. Most states post their regulations, fee schedules and forms on the internet.

ATSSC State Pesticide Registration Fee Chart - Updated: November 19, 2003 (10:30am)

State		2003 Reg Fee	Date Confirmed	2004 Reg Fee	Form Chgs?	Comments
AK	Alaska	$0.00	11/13/03	$0.00	No	Proposed $150
AL	Alabama	$100.00	11/17/03	$100.00		
AR	Arkansas	$150.00	11/13/03	$200.00	Yes	Reg $150 + $50 Pesticide Disposal (some exemptions)
AZ	Arizona	$100.00	11/11/03	$100.00		
CA	California	$200.00	11/13/03	$750.00	Yes	Plus Mill Tax: $0.0021 - Amendments: $100 (new chg & form)
CO	Colorado	$95.00	11/12/03	$95.00	No	
CT	Connecticut	$500.00	11/13/03	$750.00	No	Five year registration ($150/yr) - Pro-rated first year registration to fit into a 5 year cycle
DC	Washington DC	$75.00	11/11/03	$130.00	No	
DE	Delaware	$70.00	11/11/03	$70.00		Two year registration ($35/yr)
FL	Florida	$250.00	11/12/03	$250.00	Yes	SLN & EUP: $100
GA	Georgia	$100.00	11/17/03	$100.00		
HI	Hawaii	$225.00	11/18/03	$225.00		Three year registration ($75)
IA	Iowa	$250.00	11/17/03	$250.00		Based on sales: Minimum $250, Maximum $3000
ID	Idaho	$145.00	11/11/03	$145.00		
IL	Illinois	$500.00	11/17/03	$600.00	Yes	Includes Company Fee of $400/yr! Registration fee after first is $200/product
IN	Indiana	$75.00	11/11/03	$75.00		
KS	Kansas	$210.00	11/13/03	$210.00	Yes	Antimicrobials $150
KY	Kentucky	$125.00	11/13/03	$125.00	No	
LA	Louisiana	$300.00	11/12/03	$400.00	No	
MA	Massachusetts	$100.00	11/11/03	$300.00	Yes	New AI: $500, Renewals: $250
MD	Maryland	$60.00	11/11/03	$100.00		
ME	Maine	$115.00	11/11/03	$125.00		
MI	Michigan	$190.00	11/17/03	$190.00		Fee is 0.75% of sales, minimum $190. Antimicrobials, Household, etc: $140
MN	Minnesota	$250.00	11/11/03	$250.00	Yes	Plus Mill Tax: Sales x 0.004 plus 0.003 ACRRA - Proposed $350
MO	Missouri	$15.00	11/11/03	$15.00	No	Proposed $100

ATSSC State Pesticide Registration Fee Chart - Updated: November 19, 2003 (10:30am)

State		2003 Reg Fee	Date Confirmed	2004 Reg Fee	Form Chgs?	Comments
MS	Mississippi	$200.00	11/13/03	$200.00	Yes	
MT	Montana	$185.00	11/13/03	$185.00	No	
NC	North Carolina	$80.00	11/11/03	$150.00		Reg fee $100 + $50 > $5000 in sales or $25 < $5000
ND	North Dakota	$350.00	11/12/03	$350.00	No	Designated Two year registration periods ($175/yr)
NE	Nebraska	$200.00	11/12/03	$200.00	Yes	Specialty Products: $135
NH	New Hampshire	$50.00	11/13/03	$50.00	No	
NJ	New Jersey	$250.00	11/11/03	$250.00		
NM	New Mexico	$35.00	11/11/03	$35.00		
NV	Nevada	$60.00	11/11/03	$60.00		
NY	New York	$310.00	11/13/03	$310.00	No	Two year registration ($155/yr) (expect fee increase by July 1, 2005!)
OH	Ohio	$75.00	11/17/03	$75.00		
OK	Oklahoma	$100.00	11/12/03	$160.00	No	
OR	Oregon	$160.00	11/11/03	$160.00		
PA	Pennsylvania	$135.00	11/17/03	$135.00	No	
RI	Rhode Island	$80.00	11/11/03	$80.00		
SC	South Carolina	$100.00	11/17/03	$175.00		
SD	South Dakota	$175.00	11/12/03	$175.00	No	Two year registration ($87.50/yr)
TN	Tennessee	$100.00	11/11/03	$100.00		
TX	Texas	$350.00	11/12/03	$420.00	Yes	Two year registration ($210/yr) (Pro-rated first year registration to fit into a 2 year cycle)
UT	Utah	$70.00	11/17/03	$70.00		
VA	Virginia	$160.00	11/13/03	$160.00	Yes	
VT	Vermont	$75.00	11/11/03	$75.00		
WA	Washington	$290.00	11/17/03	$290.00	Yes	Two Year Registration ($145/yr)
WI	Wisconsin	$265.00	11/12/03	$265.00	No	Reg Fee from $265 to $3060 plus 1.3% of sales. *See detail below.
WV	West Virginia	$100.00	11/17/03	$100.00		
WY	Wyoming	$75.00	11/11/03	$75.00		
One Reg Fee Total		$8,230.00		$9,860.00		119.81% percent of last year (Reg Fees only. No mill taxes included)

*** Wisconsin Registration Fee Details**

"HOUSEHOLD" pesticides: $0 to $24,999 in sales pay $265; sales between $25,000 and $74,999 pay $750; and sales over $75,000 pay $1,500.
"INDUSTRIAL" pesticides: $0 to $24,999 in sales pay $315; sales between $25,000 and $74,999 pay $860; and sales over $75,000 pay $3,060.
"NON-HOUSEHOLD" pesticides: $0 to $24,999 in sales pay $325; gross sales between $25,000 and $74,999 pay $1060; sales over $75,000 pay $3,060 PLUS 1.3% of the gross sales of the product in WI.

(New) Opposition Letters since first hearing SB 27

NATIONAL PEST MANAGEMENT ASSOCIATION Inc.
International
8100 Oak Street, Dunn Loring, VA 22027
(703) 573-8330 • Fax (703) 573-4116

March 30, 2004

The Honorable Con Bunde, Chairman
Committee on Labor and Commerce
Alaska Senate
State Capitol Building-Room 506
Juneau, AK 99801

Dear Chairman Bunde,

I understand that one of the committees you chair, the Senate Committee on Labor and Commerce, is scheduled to hear testimony on Senate Bill 27 tomorrow afternoon. I am writing on behalf of the National Pest Management Association (NPMA) to express opposition to that measure and respectfully urge its defeat.

Founded in 1933, NPMA is the only national trade association for companies that manage structural and urban pests such as ants, rodents, spiders, stinging insects and termites. Some of the settings at which our 5,000 plus members – several of whom are based in Alaska – manage pests include single and multi-family housing, schools, office buildings, restaurants, and countless other commercial and industrial settings.

As proposed, SB 27 would establish a pesticide tracking system and require commercial pesticide applicators to notify adjacent residences and commercial entities each time they apply a pesticide outside. Similar bills that have passed in other states have proven costly and difficult to implement. More importantly, the few states that have adopted such laws have reaped little discernable benefit. Oregon and Massachusetts have yet to fully implement the pesticide tracking measures they approved a few years ago because of a lack of resources and the need to fund other pressing priorities. SB 27 would attempt to fund the pesticide tracking system by imposing a $150.00 pesticide registration fee and $25 annual applicator fee.

Proponents of SB 27 point to other state pesticide registration fees, note that that the national average is $135.00, and rely on those arguments as justification for instituting a pesticide registration fee in Alaska. Such thinking completely ignores several factors that are unique to Alaska.

Alaska is remotely located, vast, sparsely populated, and relatively to many other states, has a smaller pest population. (According to 2000 U.S. Census Bureau statistics, Alaska is the 48th most populated state or jurisdiction, beating out Vermont, the District of Columbia, and Wyoming. Meanwhile, Alaska is more than double the geographic size of the next largest state.) That is not say, however, that pest infestation are a rare occurrence in Alaska. To the contrary, carpenter ants, mosquitoes, black flies, rodents, yellow jackets and hornets, spiders and bed bugs are just a small sampling of pests that are commonly found in Alaska's urban and suburban communities. Each of these pests is potentially deadly, destructive or annoying, and the public demands that all are adequately managed. Having products to effectively manage such pests is in the public's best interests.

Another factor that also cannot be overlooked is Alaska's short growing season and the lack of row or traditional crops. Absent such producers who are in much greater numbers in other states, the Alaska market is substantially smaller for pesticide manufacturers than most other states.

Imposing a $150.00 fee as proposed in SB 27 or $80, as I understand has been discussed in recent days, would result in a loss of available products to Alaska businesses and consumers. In fact, the fiscal note accompanying Senate Bill 275 – which proposes to institute a $40 pesticide registration fee - estimates that there would be a 40 percent reduction in the potential number of registrations annually.

There is no way of telling, of course, which products would be lost, only that the revenue generated by pesticide product sales in Alaska, do not justify additional bureaucracy and cost. This fact in itself reveals that relatively few pesticides are being purchased and used in Alaska, throwing into the question the need to establish a costly bureaucracy to track their usage.

Ironically, SB 27 could actually result in increased pesticide usage, especially if the manufacturers of low impact products such as baits, gel, and pastes were to discontinue registering their products in Alaska, thus depriving commercial companies and the public of effective and relatively benign tools. Moreover, the availability of commonly used products such as Lysol, Comet and other disinfectants could also be impacted. These two question marks perfectly illustrate the underlying problem with SB 27, questionable value but increased uncertainty and lack of consumer choice.

I believe that SB 27, though well intended, is counterproductive legislation that would not provide any obvious benefit. It is clear, however, that it would burden small businesses and greatly limit options for Alaska consumers. I respectfully urge its defeat.

Please do not hesitate to contact me if you have any questions. I can be reached at 1-800-678-6722, ext. 130 or gharrington@pestworld.org.

Sincerely,

Gene Harrington
Manager of Government Affairs

Cc: Jane Alberts
Karen McCarthy
Lauren Wickersham

Subject: RE: SB 27 and April 1 Hearing
Date: Thu, 01 Apr 2004 09:43:25 -0500
From: "Frank Gasperini" <fgasperini@pestfacts.org>
To: <Jane_Alberts@legis.state.ak.us>, <Mail@Paratex-PP.com>
CC: <Senator_Bettye_Davis@legis.state.ak.us>, <Senator_Con_Bunde@legis.state.ak.us>, <Senator_Gary_Stevens@legis.state.ak.us>, <Senator_Hollis_French@legis.state.ak.us>, <Senator_Ralph_Seekins@legis.state.ak.us>, <gharrington@pestworld.org>

Ken,

Thank you for keeping us updated on the fee issue in Alaska.

As the National Trade Association of Manufacturers, Formulators and Distributors of specialty (non-agricultural) pesticide and fertilizer products the concept of raising the pesticide registration fee based on the national average--- or do anything other than maintain a registration program is disturbing to us.

I am attaching a copy of an accord signed by CropLife America, CSPA and RISE that discusses our general position in Pesticide Registration Fees as well as a brief statement identifying who we (RISE) are. In summary, while we do not oppose all fees, it is our belief that they must be reasonable and that the money derived must go only toward the actual cost of registering the products. The Current proposal is neither reasonable, nor earmarked to registration activity.

Use reporting programs in other states have proven extremely difficult to implement, of limited (if any) real value and cost over-runs are common. Several states, including Oregon, have delayed implementation due to cost factors.

The Governor's initial proposal was a $40 fee. While this is a huge increase versus the current $0 fee structure, it was a more easily defensible number than the current proposals. Even $40 would likely result in significant reductions in the number of pesticide products, including common household cleaners and disinfectants that would remain available to Alaska residents. A larger increase will cut deeper into the number of registrations many manufacturers are willing to carry in the State--- this may well include many innovative products such as baits and other low volume products that serve to reduce the potential exposure to product used in structural situations, as well as insect repellent products containing DEET or other active ingredients that are commonly used by Alaska residents.

I know that Gene Harrington of NPMA has submitted comments as well. Having read NPMA's comments, I can state that his concerns overall are very comparable with ours.

Regards,
Frank Gasperini, RISE

FEE ACCORD final.doc	**Name:** FEE ACCORD final.doc **Type:** WINWORD File (application/msword) **Encoding:** base64 **Download Status:** Not downloaded with message

The Problem with Pests

CONTACT: Angela Bendorf Jamison, RISE Communications
Phone (919) 719-2081 Email: angela@communicopiaPR.com
Web site: www.pestfacts.org

Industry Association Promotes Safe, Responsible Product Use

The specialty pest management products industry has taken the lead on promoting safe and responsible use of pesticides by coordinating its efforts through RISE (Responsible Industry for a Sound Environment)®. The association is comprised of companies that produce and supply specialty chemicals and fertilizers for professional applications and general consumer use.

"Our mission is to provide a strong, unified voice for the specialty pesticide industry," says Allen James, president, RISE, Washington, DC. "We promote the safe and responsible use of all industry products. In addition, we communicate the value of industry products as pest management tools to enhance the quality of life and the environment."

Products that fall into the specialty pesticide category include pest management tools used in and around homes, businesses and public areas and on lawns, flowers and trees. Specialty pesticides and fertilizers are also used in commercial greenhouses and nurseries, on sport turf such as golf courses and for vegetation management along roadways, railroads and utility rights-of-way. Industries served by RISE include structural pest control, turf and ornamental, vegetation management, nursery and greenhouse, forestry, aquatics and public health.

RISE was created in 1991 to address the critical needs of the specialty pest management industry. RISE provides information on issues that affect the specialty pesticide and fertilizer industry, and monitors legislative and regulatory issues in Washington, DC, and in the states. For more information, visit the RISE web site at www.pestfacts.org.

Responsible Industry for a Sound Environment voice 202-872-3860
1156 15th Street, NW, Suite 400 fax 202-463-0474
Washington, DC 20005 http://www.pestfacts.org

RISE™

STATE REGISTRATION FEE ACCORD
BETWEEN
CROP LIFE AMERICA (CLA), CONSUMER SPECIALTY PRODUCTS ASSOCIATION (CSPA) and RISE (RESPONSIBLE INDUSTRY FOR A SOUND ENVIRONMENT)

The above parties recognize the importance of adequate funding for state pesticide regulatory programs, in order for the state's pesticide regulatory authority to carry out its public trust and to ensure that pesticide products are properly regulated. The basic state pesticide regulatory program can include activities in the areas of registration, administration, investigation and enforcement, education, training and stewardship for programs uniformly applicable to all products and uses. The components that comprise basic programs may vary from state to state.

To promote industry cooperation on government affairs issues related to state pesticide registration fees and programs, parties to this Accord support the following principles in funding state pesticide programs:

I. The basic pesticide regulatory program should, in part, receive allocations from the state's general fund and federal grants.

II. Fees derived from registration of pesticide products should be reasonable and equitable for all pesticide products and be used only to support the state's basic pesticide regulatory program.

III. In the event a state identifies a funding need outside the basic state pesticide regulatory program that pertains only to a product, group of products or a special activity or program that only impacts or benefits one select market segment, special fee assessments should be levied only on those products that are impacted and/or benefit from the program.

In addition, the parties to the Accord agree to actively and jointly support the following actions related to state pesticide fees:

a) If any party becomes aware of a state pesticide funding issue or any contemplated change in pesticide registration or special fees, the party will notify and consult with other parties to this Accord at the earliest possible time in order to ensure a coordinated industry approach.

b) Wherever possible, the parties will work with state regulators to address any valid needs or inequities that exist in state registration fee structures.

c) All parties will oppose transfer of pesticide registration fees and/or special pesticide fees to unrelated programs administered by state agencies or state general funds.

d) The parties agree not to engage in independent action that would change existing state laws, definitions, or classifications of pesticide products in any manner that is inconsistent with FIFRA, unless a need is established in order to assess a special fee to a group of products.

e) Each party has the need to enhance the public perceptions of their member's products through positive public relations efforts, but agrees not to promote one type or class of pesticide product over another as being "safer".

f) All parties shall communicate this Accord to all related organizations, respective members and state and regional associations, state regulators and other affiliated groups and parties.

This Accord is not intended to bar any association from independent legislative action that is necessary to protect the interest of its membership in areas not related to pesticide fees and pesticide registration issues that are subject to the above provisions. Parties recognize that individual member companies may take action or promote legislation not in compliance with this agreement. Parties agree to discourage this type activity, and to notify other parties to the Accord about this activity as soon as reasonably possible.

When executed by all parties, this Accord shall continue in effect until one or more of the parties gives written notice to the other(s) of its desire to modify or end the Accord.

Jay Vroom, CLA	D. Christopher Cathcart, CSPA	Allen James, RISE
Date:_____	Date:_____	Date:_____

Subject: SB27 In Hearing this Afternoon
Date: Thu, 01 Apr 2004 09:36:12 -0900
From: "Ken(neth J) Perry" <Mail@Paratex-PP.com>
To: "AK Senate, Ralph Seekins" <Senator_Ralph_Seekins@legis.state.ak.us>,
"AK Senate, Hollis French" <Senator_Hollis_French@legis.state.ak.us>,
"AK Senate, Gary Stevens" <Senator_Gary_Stevens@legis.state.ak.us>,
"AK Senate, Con Bunde" <Senator_Con_Bunde@legis.state.ak.us>,
"AK Senate, Bettye Davis" <Senator_Bettye_Davis@legis.state.ak.us>,
"AK Senate Bunde, Jane Alberts" <Jane_Alberts@legis.state.ak.us>

Honorable Senator and Member of the Senate Labor and Commerce Committee:

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

As you are aware, I will not be present at today's meeting, and unfortunately 24 hour notice while trying to maintain an open business (tax paying/generating unlike the ACAT & affiliated groups) does not allow me time to go into more detail than below. Had I had the opportunity to sit in person or conference with you I would have addressed the issues below and answered what I am sure are many questions on your part.

#1 As to the CSSB just submitted. It should be obvious to you in your review that this is not a compromise as Mr Bunde requested it be, but in fact an effort at delusion. You have received by now comments from NPMA and RISE, organizations that I had recommended be contacted for their input on the registration fee. Instead, however, the proponents took a pen and just blew a new $80 figure in your face. This, by the way, makes the eventuality of their new program even more likely to be a budget increaser. And then, they added changes that make the bill even more outrageous, such as demands on retailers to terrify their customers (Section 4), reducing their potential profits; Demanding, rather than requesting a consumer survey at State expense (46.03.335 d & 46.03.345 b 2): And setting up the ADEC for future litigation when they sue them for not interpreting "adjacent" (46.03.325 c 1) as "1a - not distant: NEARBY" rather than the common understanding "1b - Having a common border" This is obvious in that the meaning of "contiguous" they are trying to replace is "being in actual contact: touching along a boundary or at a point". This is the same attempt at homeowner harassment they recently tried to trick Mayor Begich into enacting in the MOA notification ordinance.

#2 Justifiable need for new regulation has NOT been shown. As I predicted to you prior to the February hearing, the proponents have thrown emotional words like "Fishery Contamination" (there is NO evidence that this has occurred or is likely to occur, besides tracking and notification will not protect against such potential anyway – it is already covered by ADEC and EPA application regulations), "Aerial Spraying" (this bill has nothing to do with that issue whatsoever), and "Cancer/Children" etc. (these matters are clearly mandated and reviewed over and over again on the Federal level by EPA and the FIFRA codes paid for by your Federal taxes). Are some pesticides linked to possible cancer and birth defects? Maybe, but so are a large host of other things, and pesticide generally ranks very low on the list of risk factors. Interestingly, the greatest risk factor for most cancers is in fact heredity, but I see none of these groups proposing legislation requiring sterilization of persons and their progeny who may pass it on.

Additionally, the attempt to require notification of pesticide application is an attempt to harass home and business owners who choose to use our services. This was made crystal clear at a recent meeting here in Anchorage where the representative of ACAT said that their desire was to provide opportunities for more neighbors to approach our customers and try to dissuade them from using pesticides. AND, that she preferred that MOA pass stricter notification laws because she did not want to get to know her neighbors personally so as to let them be aware that she would like to know if they have applied a pesticide to their private property.

#3 Costs of implementation. At a time when your constituents are begging for less government and budget cutting, can you in good conscience promote the opposite result stemming from this legislation? As mentioned in other correspondence, other states have found these programs to be an unnecessary expense burden, and so have refused to enact them. DO NOT BE FOOLED, this new burden on ADEC will add to our budget crisis. And, the proposed regulation requirements on our industry and the manufacturers will most assuredly be paid for by higher consumer prices for both goods and services. In my company alone, the MOA notification requirement that covers only tree spraying (not all exterior pesticide applications as proposed) adds an average of $25 per job. Extending it to non-contiguous properties will likely raise that to $35 or more, not just on foliar sprays but all services we perform outside the home, such as Carpenter Ant, Wasp and Spider remediation. They will not be pleased to learn that their legislators have encouraged this cost increase.

In conclusion, let me again express my apology that I will not be able to attend this afternoon and answer what I am sure will be a great many questions on your part. I could not help but reflect on the fact that the first committee to hear his Bill was the Labor and Commerce Committee. I had assumed that was because their responsibility was to fairly examine legislation that would impact labor or commerce in Alaska. As elected officials who have agreed to sit on this committee, I would hope that you would accept that responsibility and "kill" this Bill now. Otherwise, I would hope that some explanation could be forthcoming from your offices to the business community as to why you did not look out for their interests. Remember too, that these organizations are closely linked or have similar agendas to the groups who have tied up our Oil, Gas, Mining and Timber industries further adding to our budget crisis. Would you, my fellow Alaskans, not have appreciated your US House and Senate members "just saying NO"?

Respectfully,

Kenneth J (Ken) Perry General Manager

Mail@Paratex-PP.com

PARATEX Pied Piper Pest Control (est. 1965)

2440 E 88th Ave., Ste. A (907) 344-2538

Anchorage, AK 99507 (Fax) 344-9111

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Changes

23-LS0277\D
Bullock
3/29/04

CS FOR SENATE BILL NO. 27( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS ELLIS, Elton

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

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

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

* **Sec. 4.** AS 46.03.320 is amended by adding new subsections to read:

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

(d) A person selling at retail a pesticide registered for use in the state shall conspicuously display a notice that lists the type or types of pesticide being sold and the known potential hazards incidental to the use of each type according to information made available by the department under (c) of this section. The notice shall be displayed at each location at which the person offers a pesticide for sale.

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

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

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

(c) The notice shall be posted

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

(2) in a manner that is reasonably calculated to provide actual notice to

the persons living or doing business on property contiguous to the property that will be or has been sprayed.

(d) The notice required under this section must include

(1) the trade name of each pesticide;

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

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

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

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

(6) a statement of recommended precautions.

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

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

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

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

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

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

or disinfectants within the reporting requirements of this section; and

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

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

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

(2) total amount of product applied;

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

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

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

(6) location of application;

(7) date of application;

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

(9) target organism.

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

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

(f) In addition to other civil or criminal penalties that may be applicable, the department may impose a civil penalty on a licensed custom, commercial, or contract

pesticide applicator who fails to comply with a reporting requirement established under this section. The penalty may be up to $1,000 for the first failure to comply and up to $2,000 for a second or subsequent failure to comply.

Sec. 46.03.340. Availability of information to the public. (a) The data in the tracking system developed under AS 46.03.335 shall be made accessible by the department to the general public through the Internet and shall be available from the department on disk and in printed format upon request. The department shall aggregate the data released under this section so that the anonymity of specific pesticide applicators and their clients is protected. The database shall be made accessible in a way that reasonably provides the public with understandable and useful information about the use of pesticides at local, regional, and state levels. The department shall ensure that pesticide use information in the database is accessible to researchers, pesticide users, workers, government agencies, and the public in a timely and user-friendly manner.

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

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

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

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

Sec. 46.03.345. Pesticide Advisory Board. (a) There is established a Pesticide Advisory Board consisting of seven members appointed by the governor as follows:

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

(2) one member who is not employed by or the agent of a licensed

pesticide applicator or pesticide dealer and who has demonstrable expertise in fisheries biology or fish toxicology;

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

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

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

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

(7) one public member.

(b) The Pesticide Advisory Board shall

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

(2) develop a household survey to be used by the department to gather information related to household use of pesticides, especially the location of intended use, purpose, and amounts;

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

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

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

(6) recommend to all state agencies and the University of Alaska ways in which they could modify their practices with regard to pest control so that prevention of pest populations is emphasized through structural and procedural

modifications that reduce the potential habitat of pests, pesticides will be used as a last resort, the least hazardous pesticide will be used when pesticide use is needed, and pesticide use will be targeted to areas that are not accessible to people, especially children.

(c) If there is a vacancy on the board, the governor shall make an appointment to become immediately effective. A member serves at the pleasure of the governor.

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

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

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

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

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

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

state agencies concerning their programs that may be affected by the use of pesticides.

* **Sec. 7.** AS 46.03.335(b) is amended to read:

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

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

(2) regarding which pesticides are subject to the reporting requirements of this section, based in part on the frequency of pesticide application; [IN ADOPTING REGULATIONS UNDER THIS PARAGRAPH, THE DEPARTMENT SHALL SEEK AND CONSIDER ADVICE FROM THE PESTICIDE ADVISORY BOARD;] the department may not include sanitizers or disinfectants within the reporting requirements of this section; and

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

* **Sec. 8.** AS 46.03.350(a) is amended to read:

(a) In order to develop and implement the pesticide use tracking system required under AS 46.03.335, the department [AND THE PESTICIDE ADVISORY BOARD] may request technical assistance from a public or private agency with expertise in the subject matter.

* **Sec. 9.** AS 46.03.345 is repealed.

* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REGULATIONS. The Department of Environmental Conservation may proceed to develop and adopt regulations to implement this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before January 1, 2005.

* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to read:

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

January 1, 2006, concerning the board's recommendations for action related to its areas of jurisdiction under AS 46.03.345(b), added by sec. 6 of this Act. The board shall notify the legislature that the report is available.

* **Sec. 12.** Except as provided in secs. 13 and 14 of this Act, this Act takes effect January 1, 2005.

* **Sec. 13.** Sections 7 - 9 of this Act take effect June 30, 2008.

* **Sec. 14.** Section 10 of this Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: SB027-EC-EH-2-24-04
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affecte: 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	120.4	173.7	173.7	173.7	173.7	173,7
Travel	4.0	8.0	8.0	8.0	8.0	8.0
Contractual	67.6	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	**215.7**	**229.8**	**229.8**	**229.8**	**229.8**	**229.8**
CAPITAL EXPENDITURES						
CHANGE IN REVENUES (1156)	**570.0**	**495.0**	**495.0**	**570.0**	**495.0**	**495.0**

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	46.0	(68.9)	(68.9)	(68.9)	(68.9)	(68.9)
1004 GF	0.0	(59.9)	(59.9)	(59.9)	(59.9)	(59.9)
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	169.7	358.6	358.6	358.6	358.6	358.6
TOTAL	**215.7**	**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	0	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 2/24/04 6:29 PM
Approved by: Kurt Fredriksson, Deputy Commissioner — Date 2/24/2004
Agency: Department of Environmental Conservation

ANALYSIS CONTINUATION

SB 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 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 and initial pesticide program requirements as defined by this bill. Since fees cannot be collected until after January 1, 2005, $46.0 in general funds is needed to cover the cost of this position and related startup costs. In January 2005, an Environmental Specialists 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. 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, $50.0 will be used for a contract to upgrade the pesticide database for the registration and licensing fee and to develop the web based reporting system. 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 $150.00 label registration fee will generate $495.0 each year. 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 SB 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 / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#029	Environmental Tech II	FT	A	GP	Palmer	2A	12 B	6.0		15,654	0	0	7,972	23,626

Justification:
This position is necessary for implementation of SB 27, for database management and reporting.

Funding Detail:

1156	Receipt Supported Services	100.00%	23,626
	Total Funding:	100.00%	23,626

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#030	Environmental Spec II	FT	A	GP	Palmer	2A	16 B	6.0		20,568	0	0	9,129	29,697

Justification:
This is one of two positions (necessary for implementation of SB 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.

Funding Detail:

1156	Receipt Supported Services	100.00%	29,697
	Total Funding:	100.00%	29,697

PCN	Job Class Title	Time Status	Retire Code	Barg Unit	Location	Salary Sched	Range & Steps	Budgeted Months	Split / Count	Annual Salary	COLA	Premium Pay	Annual Benefits	Total Costs
18-#031	Environmental Spec III	FT	A	GP	Palmer	2A	18 B	12.0		47,316	0	0	19,712	67,028

Justification:
This is one of two positions (necessary for implementation of SB 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.

Funding Detail:

1004	General Fund Receipts	50.00%	33,514
1156	Receipt Supported Services	50.00%	33,514
	Total Funding:	100.00%	67,028

Component Summary:

Total New Positions: 3

Fund	Description	Fund Percent	Fund Amount
1004	General Fund Receipts	27.85%	33,514

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 SB 27

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

Component Summary:

Total New Positions: 3

Fund	Description	Fund Percent	Fund Amount
1156	Receipt Supported Services	72.15%	86,837
	Total Funding:	100.00%	120,351

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.

BASIC INFORMATION ABOUT PESTICIDES

What is a Pesticide?

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

Does Government Registration Mean Pesticides Are Safe?

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

Are Pesticides Hazardous to Our Health?

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

Do Pesticides Pose Special Hazards to Children?

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

Do Pesticides Contaminate Our Rivers, Streams, and Wells?

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

~ from the office of Senator Ellis

ALASKA STATE LEGISLATURE

Senate Rules Committee

Senate Judiciary Committee

Department of Military and Veterans Affairs Budget Subcommittee

SENATOR JOHNNY ELLIS
MINORITY LEADER

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Senate Bill 27

"An Act relating to pesticide use."

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

SB 27 makes the commercial use of pesticides in public areas -- such as schools, parks, and municipal buildings -- known to the public. This bill creates a mechanism to study the suspected link of pesticides exposure to increasing cancer rates, immune system disorders, reproductive health problems, respiratory illnesses, and allergies.

This bill specifically:

- Charges pesticide manufacturers a $150 registration fee per label.
  Alaska is the only state that does not receive such a fee.
- Establishes a $25 per annum registration fee for certified pesticide applicators.
  The Department provides training and licensure, but does not have the authority to charge a fee.
- Requires notice be given of commercial pesticide spraying.
  Allow individuals to minimize their exposure to pesticides near their home and work.
- Requires Certified Pesticide Applicators to report pesticide use to DEC.
  They are currently required to collect the information, but not required to report.
- Mandates DEC establish a pesticide tracking system readily available to the public.
  Information can be cross- referenced with other databases like the Cancer Registry.
- Establishes a seven-member Pesticide Advisory Board to research ways to limit public exposure to pesticides.
  This is a volunteer board, which will incur minimal expenses to the State.

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

SPONSOR STATEMENT

Why is Senate Bill 27 needed?

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

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

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

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

5. In 2001, there were 4571 pesticide labels (individual pesticide products) registered for sale and use in the state of Alaska. (in 2004 there are about 5500)

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

What will Senate Bill 27 mandate?

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

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

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

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

How will the information collected by used?

1. Effective public policy relies on good science and good data. Pesticide use information will help public officials protect water quality, public health, and subsistence foods.

2. Because pesticides are designed to be toxic chemicals that kill living organisms and are widely used in our communities, the public has a right to know about the pesticides used around us.

Who Supports tracking pesticide use?

1. There is broad support for pesticide use reporting, including support from the medical community, public health officials, researchers, subsistence food users, parents, teachers, organic farmers, and environmental health advocates.

Supporting Articles and Reports

DEC *NEWS RELEASE*

Alaska Department of Environmental Conservation
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October 26, 2001

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

New regulations for pesticide use by all Alaska schools signed.

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

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

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

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

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

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

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

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

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

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

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

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

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

For more information contact:
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Polly Carr, NWF's AYEA, 258-4805.

ACAT

Alaska Community Action on Toxics

Bill seeks to track use of pesticides in public

By DAN JOLING
The Associated Press

JUNEAU — Parents would be able to monitor pesticide use in schools, parks and other public places under legislation proposed by an Anchorage lawmaker.

At a luncheon hosted by Alaska Community Action on Toxics to explain the bill, Rep. Sharon Cissna said Alaskans don't know how much pesticide is being used and where it's being used in the state. She also said not enough is known about links between pesticide exposure and disease.

"Those things made me feel really strongly that we need to take a step," said Cissna, D-Anchorage.

The bill is a small step, she said. House Bill 356 would require certified pesticide applicators to report pesticide use to the Department of Environmental Conservation. Applicators are required to collect the information now but not required to report it, Cissna said.

The bill requires DEC to establish a pesticide tracking system readily available to the public and to integrate pesticide tracking with other data bases such as the cancer registry to see if there is a correlation between pesticide use and disease.

Cissna said the program would be paid for by charging pesticide manufactures a $150 registration fee for every type of pesticide used in the state. Alaska is the only state that does not require such a fee. Pesticide applicators would pay a $25 annual registration fee.

The bill also would set up a nine-member Pesticide Advisory Board to research ways to limit public exposure to pesticides.

The bill would not track pesticides in households.

As a member of the House's Democratic minority, Cissna may have difficulty pushing the bill through the Legislature. The bill was referred to three committees in the House and had not been scheduled for a hearing as of Tuesday.

Michelle Wilson of Angoon, a spokeswoman for Alaska Community Action on Toxics, said pesticides cover everything from insect sprays to herbicides. In public buildings, they often are used to control silverfish or spiders. Homeowners often use pesticides and herbicides in their gardens.

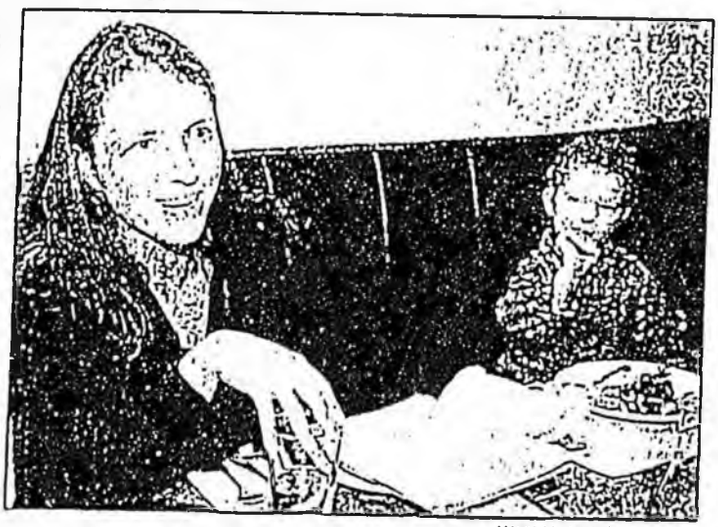
Susan Schrader of Alaska Conservation Voters said protecting children from prolonged exposure to pesticides is as important as providing good schools. Pesticides are potentially damaging to their immune, nervous and reproductive systems, she said. Senior citizens and nursing and pregnant women also are susceptible.

She said Alaskans are exposed to pesticides when they visit ferries, schools or Pioneers' Homes, and Cissna's bill would allow Alaskans to judge their exposure.

"This basically is a right-to-know bill," Schrader said.

Wilson said the Anchorage School Board is close to adopting a "least toxic" approach to controlling pests that calls for using pesticides as a last resort. She said the district often used pesticides as its first choice before embracing the new policy.

"It's the most progressive pest management policy in the country," Wilson said.



Michelle Wilson of Alaska Community Action on Toxics discusses public awareness of pesticide use as her son Elijah Wilson Nordhoff, 2, snacks on organic fruit Tuesday at the Cafe Myriad in Juneau. Rep. Sharon Cissna, D-Anchorage, sponsored the luncheon to talk about a bill that would set up a tracking system for use and sales of pesticides in Alaska.

Wednesday, February 23, 2000 Anchorage Daily News

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Alaska Community Action on Toxics

ANCHORAGE DAILY NEWS
THURSDAY, February 24, 2000 ☆

School Board cuts pesticide use

By PETER PORCO
Daily News reporter

The Anchorage School Board on Wednesday night agreed to restrict the use of pesticides in local schools. The new policy allows pesticides to be used only when bugs threaten health or safety.

The unanimous vote — the second on the issue in two weeks — was a victory for a group of students, teachers, parents and activists who convinced school district administrators that routine spraying posed a health risk and was unnecessary.

"I really believe this policy is precedent-setting, not only for the state but for the country," Pam Miller, program director for Alaska Community Action on Toxics.

"Specifically it says that pesticides will be used only as a last resort."

Under the district's previous plan, the exteriors of all schools were sprayed at least once a year with carbaryl, a federally regulated pesticide. Carbaryl can be toxic when ingested in large quantities but is considered safe when used properly, according to the state Department of Environmental Conservation.

The district's carbaryl spraying occurred usually in August, without notice to parents and school staff.

The new plan calls for notification of students, parents and staff whenever a building is to be treated with a pesticide. But the plan calls for nonpesticide control measures — caulking cracks in walls and floors and keeping facilities as clean as possible, for example — to be tried first.

Pesticides may be used "only if pests present a health and safety hazard, not for aesthetic or nuisance purposes," the plan states.

Superintendent Bob Christal commended Alaska Community Action on Toxics, which spearhead the drive to reform the district's pest management plan. After meeting with group members and other activists last summer, Christal ordered a review of the district's pest-management policies and suspended the annual spraying of carbaryl.

The organization reviewed a draft of the plan and made recommendations, said Stanley Syta, the district's director of operations.

"This has been a collaborative effort," Syta said last week at the board's hearing on the policy. "Central to the plan is notification" for those using the buildings.

The plan establishes a new position of pest management technician, whose salary will be about $40,000 a year, officials said. The district will save about $20,000 if it doesn't spray.

The use of pesticides in schools has been brought to the attention of the Legislature. State Rep. Sharon Cissna, D-Anchorage, has introduced a bill that would enable parents and others to monitor the use of pesticides in public places.

On a national level, the General Accounting Office, the investigative arm of Congress, tried unsuccessfully to determine the amount of pesticides used in the nation's schools, the degree to which children are exposed to them, and how their health might be affected, according to the National School Boards Association.

Several U.S. senators are trying to pass bills that would make schools notify the community before they use pesticides and to have schools adopt the least-toxic approach, the association said.

"I really believe this policy is precedent-setting, not only for the state but for the country."

— Pam Miller, Alaska Community Action on Toxic

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Alaska Community Action on Toxics

chorage Daily News

FRIDAY, AUGUST 20, 1999 • www.adn.com

FINAL EDITION

Lead Story
Front Page
Anchorage Daily News

Schools cancel spraying

District reviews pest-control efforts

By PETER PORCO
Daily News reporter

In response to the concerns of parents, teachers and activists, the Anchorage School District said Thursday it was canceling its annual August insecticide spraying on all city schools.

The district is also reconsidering its entire pest-management program, Superintendent Bob Christal said. That includes studying the adoption of a "least toxic" approach, which favors other means of controlling insects, spiders and rodents, keeping pesticides as a last resort.

"That would be trying to combat pests by getting at the root of the problem, so you make sure food sources and their favorite habitat are eliminated," said Stanley Syta, the district's operations director.

Michelle Wilson of Alaska Community Action on Toxics said she was thrilled with the decision. The citizens group had urged the district to review its pest-management practices and notify building occupants and students' parents when pesticides are to be used.

The district's first comprehensive review

Please see Back Page, SPRAYING

SPRAYING: District cancels annual pesticide application

Continued from Page A-1

of pest control in its schools began last month. Officials will consult experts in and out of state, and hope to have a policy in place about the end of October, Christal said.

In the meantime, the district will inspect the inside and outside of every school before the school year starts Aug. 31, Christal said, and pesticides will be applied if a pest emergency warrants.

Officials will also "make every effort to notify the school community, including students, parents and staff, in advance of any pesticide application," he said.

Christal has formed a working group to study the problem and recommend pest-control practices, he said. The group consists of Syta as well as the district's risk manager, its directors of food service and student nutrition and a school principal. Its report is due Oct. 15.

Wilson said the group should also include a student and teacher, a physician and a member of her group.

"We can give comments to the working group, but we want to play a more active role," she said.

Syta said the district could not involve a lot of people and still complete the process on time. The public will have a chance to comment on the plan, he said.

Pest control is necessary because schools are also places where children eat and food is prepared, Christal said.

For many years the district has had the chemical carbaryl sprayed annually around the outsides of all public schools to kill spiders and insects. The spraying occurs mostly in August near the beginning of the school year.

"We do this when the kids are not around" in the summer and during holiday breaks, said Everett Walton, an owner of American Pest Management, the district's contractor.

Carbaryl has been approved by the federal Environmental Protection Agency. It can be toxic when ingested in large quantities but is considered safe when used properly, said Rosemarie Lombardi, pesticide specialist for the state Department of Environmental Conservation.

Carbaryl is commonly used to combat spruce bark beetles in Southcentral Alaska. The solution sprayed around schools — on the walls below ground-floor windows and on the ground within four feet of the wall — is one-fourth the strength used to protect trees, Walton said.

An EPA official in Anchorage said carbaryl has been used for many years. It belongs to a different class of pesticides than two others that the EPA banned with much fanfare earlier this month because of their potential effects on children.

"Nothing has shown up yet with carbaryl," said Rick Albright of the EPA's Alaska operations office. "But there's no guarantee nothing will show up."

Karl Arne, an EPA pesticide specialist in Seattle, recommended against using carbaryl or any other pesticide if other pest-control options are available, saying the agency supports the broad approach known as integrated pest management.

"Pesticides are an easy solution to a lot of pest problems, but they may cause problems," Arne said. Questions arise regarding the toxicity of chronic exposure to carbaryl and other substances, he said.

The "least-toxic" approach, which Wilson's community action group and others recommended in a meeting with Christal last month, will be considered, Christal wrote to Wilson in a letter Wednesday.

Reporter Peter Porco can be reached at pporco@adn.com and at 257-4582.

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ACAT

Alaska Community Action on Toxics

ANCHORAGE DAILY NEWS

THURSDAY, March 18, 1999 ☆

Herbicide creates hubbub

Railroad revives controversy with plan to spray tracks

By ROBERT KOWALSKI
Daily News Juneau Bureau

JUNEAU — In a move that already is generating controversy, the Alaska Railroad is planning to spray toxic chemicals this summer to rid vegetation from 86 miles of its tracks in areas stretching from the Kenai Peninsula to Fairbanks.

The railroad last week asked the state Department of Environmental Conservation to approve a permit so it can spray the herbicide glyphosate along the rail bed and rights of way in six locations.

There is a long history of opposition to such proposals in the state. Herbicide spraying plans by the railroad in 1988 and by the state Department of Transportation in 1994 faced such a huge public outcry that they were withdrawn or blocked. The last time herbicide spraying was used in the state was in 1984, when a federal judge ordered the railroad to stop.

The railroad has decided now that other methods of weed control, including burning, steam spraying and hand cutting, aren't effective. Vegetation weakens the rail bed and creates hazards for railyard workers and train engineers.

"We have an acute safety problem. ... We need to do something," Alaska Railroad spokesman Ernie Piper said Wednesday. "Some of this stuff is chest high."

If the railroad's plan is approved, it would change Alaska's status as a herbicide-free state on transportation systems. No state agency uses toxic chemicals for vegetation control in Alaska now, said Rosemary Lombardi, an environmental specialist with the DEC's pesticide program.

Less than a week after the railroad applied for a permit, it already is facing objections.

"It's distressing to see the railroad once again propose to use these toxic chemicals on a large scale in Alaska's environment," said Kay Brown, executive director of the Alaska Conservation Alliance. "I wish the railroad

Please see Page C-3, GLYPHOSATE

Use of herbicide by Alaska Railroad 'will lift lid off boiling pot'

Continued from Page C-1

would reconsider."

"It's lifting the lid off of a boiling pot," said Sen. Kim Elton, a Juneau Democrat who remembers the last time the state proposed chemical spraying. "I think this is a significant public-policy issue."

Piper said the railroad has begun an information campaign to demonstrate the benefits of chemical spraying and what it believes is the benign nature of the herbicide it wants to use.

Last week the railroad hand-delivered letters about the plan from its president, former Gov. Bill Sheffield, to numerous state legislators, including those whose districts lie along the railbelt.

The DEC has scheduled five public hearings around the state beginning next week.

"The thing that's critical in any kind of effort is to be totally transparent," said Piper. "We're confident of its safety. ... We don't view this as a tradeoff between the environment and economy."

Elton thinks the railroad is smart to start informing the public of its plans now.

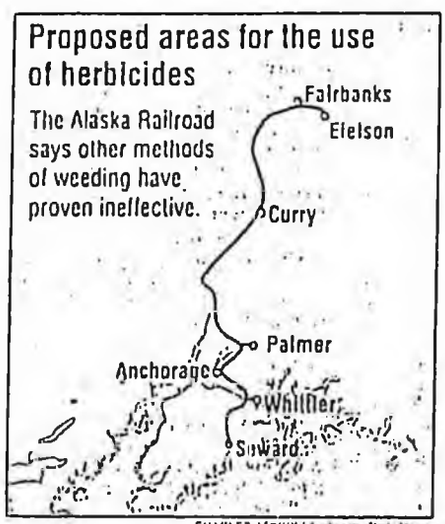
The railroad plans to spray a glyphosate chemical known as Roundup, which is commercially produced and is available in hardware stores and gardening shops nationally.

The chemical would be sprayed to kill weeds in rail yards in Anchorage, Fairbanks, Whittier and Seward, and along stretches of track in Palmer, Elelson, at the Fairbanks airport rail spurs and the siding in the Curry area north of Talkeetna.

The railroad intends to apply a total of 150 gallons of the chemical over a total area of 160 acres, starting in June, Piper said.

The railroad has earmarked $300,000 for glyphosate spraying this year out of a $1.4 million budget for vegetation control along its 525 miles of tracks, Piper said.

The railroad spent $1 million since 1990 studying ways to clear brush from rail beds before deciding chemicals were necessary, Sheffield said in his letter to lawmakers.



CHARLES ATKINS / Anchorage Daily News

One advantage of a herbicide is that it kills root systems, Piper said. The railroad chose its locations for spraying because they aren't heavily used by the public, he said.

"The yards were the most practical places to do it," Piper said. "People aren't picking berries in there."

Glyphosate, Piper said, is a benign substance that clings to soil where it is applied and doesn't readily spread into groundwater.

The last time the railroad proposed using chemicals to control vegetation, in 1988, it was blocked by an order from Gov. Steve Cowper. The railroad had planned to use chemicals other than glyphosate at the time.

But glyphosate has faced opposition in Alaska before.

In 1994, the state Department of Transportation received DEC approval to spray another commercial herbicide that contains glyphosate, Rodeo, to clear brush along 90 miles of roadways in eight Southeast Alaska communities.

The department canceled that plan after hundreds of Southeast residents and environmental groups protested.

And some environmental groups believe glyphosate poses environmental hazards that are serious enough to call the railroad's plan into question.

"They're trying to claim that the herbicide glyphosate ... is benign," said Pam Miller, of the group Alaska Community Action on Toxics. "I think that's an outright lie."

The Northwest Coalition for Alternatives to Pesticides, an Oregon group, studied glyphosate and concluded in a 1998 report that the chemical and substances it is mixed with can have toxic effects on plants, animals and people.

There also is evidence that it causes genetic damage, said Caroline Cox, editor of the Journal of Pesticide Reform, which the group publishes.

"That presents a scary thought for using it along a large number of miles of Alaska Railroad," she said.

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GLYPHOSATE

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ACAT
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Anchorage Daily News

Saturday, October 9, 1999

Alaskans need treaty to fight toxic chemicals

By PAMELA K. MILLER

COMPASS

Whether transported from thousands of miles away or leaking from the many military and industrial contaminated sites in Alaska, persistent chemicals such as PCBs, pesticides and dioxins present a significant public health issue.

The north is a hemispheric sink for many toxic chemicals. Pollutants suchas polychlorinated biphenyls (PCBs), pesticides and other industrial chemicals are transported northward by wind and ocean currents and are trapped by the cold air. These chemicals accumulate in the fat tissues of polar bears, fish, whales and humans. Compared with countries such as Canada, the United States has not been responsible in implementing a northern contaminants assessment program that would help us to understand the health impacts of pollutants in foods. Although far from a complete picture, the scientific evidence of damage is disturbing.

Recent studies have shown that chemicals such as PCBs and DDT are carried into Interior Alaska lakes in the bodies of spawning salmon that deposit contaminated roe. Other studies confirm high levels of DDT and PCBs in the bodies of killer whales in the Gulf of Alaska and DDT in eagles from the western Aleutians. Whether transported from thousands of miles away or leaking from the many military and industrial contaminated sites in Alaska, persistent chemicals such as PCBs, pesticides and dioxins present a significant public health issue.

From Sept. 6-11, delegates from 120 countries met in Geneva to negotiate a treaty to reduce or eliminate some of the world's most toxic chemicals, a class known as persistent organic pollutants (POPs). These chemicals present potent threats to humans and wildlife on a global basis because they can travel thousands of miles, accumulate in the food chain, and may persist in the environment for centuries. POPs now reside within the bodies of every living organism on earth. Exposure to POPs can cause birth defects, certain cancers, immune system disorders and reproductive problems. They may also reduce our ability to fight disease and diminish the intelligence of children.

In response to concerns from people around the world, the United Nations Environment Programme took the lead in facilitating international efforts to control POPs on a global basis. UNEP called for international action to reduce or eliminate POPs, including the development of a legally binding treaty before 2001. Twelve pesticides and industrial chemicals have been identified by the UNEP that require urgent action because they are potent threats to environmental and human health on a global basis.

Heila Watt-Cloutier, president of the Inuit Circumpolar Conference Canada, told delegates that the breast milk of Inuit women contains concentrations of certain POPs that are five to 10 times higher than women in southern Canada. Faith Gemmill, representing the Gwich'in Nations, stated, "As indigenous peoples, we are greatly concerned when we realize evidence which suggests that women, infants, and children are very vulnerable to POPs. This threatens the very existence of our peoples and cultures. The multigenerational impacts threaten our hope of healthy, thriving and productive future generations."

Physicians for Social Responsibility facilitated participation of 180 public interest organizations at the negotiations in Geneva from 40 countries. These public interest groups are part of the International POPs Elimination Network. IPEN focuses on achieving a global treaty to phase out and eliminate POPs. We were there to encourage delegates to act swiftly to implement a strong global treaty. We were there to remind the delegates that this is not an abstract issue for us, but one that affects the safety of our water and food, our health and the health of our children.

As David Prince of Mossville, La., a primarily African-American community near large plastics manufacturing plants, noted at the conference, "We wanted the delegates here to know that laws, policies, and industry practices in the U.S. are not currently protecting us. Because of the many illnesses that are now occurring in Mossville and other parts of the U.S. and around the world, we hold out the great hope that all governments attending here will adopt a treaty to eliminate the production of all POPs, including dioxins." We now know that toxic releases from chemical plants in Mossville or pesticide spraying in Mexico may affect us here in the north. POPs respect no political boundaries.

People in Alaska have an historic opportunity to encourage the United States to enact a strong treaty that will eliminate major sources of toxic pollution that affect our health. Alaska senators will have a particularly important role in ratifying the treaty. For more information or to get involved, please call Alaska Community Action on Toxics at 222-7714.

Biologist Pamela K. Miller is the program director for Alaska Community Action on Toxics, based in Anchorage.

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Pesticides found in Aleutian Island eagle eggs

By John Roach
Saturday, October 02, 1999

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

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

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

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

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

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

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

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

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

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

READER FORUM

Don't wait for a crisis

Parents and state and federal officials need to move to protect children from health problems because of pesticides

Upon arriving in Portland recently, I was dismayed to read an opinion piece by Dr. Allan Felsot (Sept. 21) concluding that "there is no health crisis due to pesticide use." While this may be a fair statement, I think most readers would agree that we don't need to wait for a "crisis" before acting to protect the health of our children.

As a physician, I believe that preventing health problems is as much a part of my job as treating them. I believe all physicians have a responsibility to work toward reducing children's exposure to pesticides and other toxic chemicals.

Every day, scientists learn more about the health threats posed by pesticides, especially those that affect our children's health. Based on the current state of the science, it appears that some pesticide-related health problems are much more significant for the fetus and infant (as compared to an adult) because of the rapid growth and development of certain organ systems early in life. Injury to the developing child's immune, hormone and nervous systems is of special concern. It is now well established that relatively low-level exposures to toxic chemicals, occurring at critical ages of development, can cause permanent damage to these systems. The results of such injuries may range from poor school performance and behavior to alteration of the reproductive organs.

Children also differ in their exposure to toxic chemicals in their environments. For example, children behave like children. Few adults place their toys in their mouths. Few adults spend most of their free time crawling around on the floor. Few adults spend most of their free time outdoors playing in the dirt. In addition, children have much greater skin surface in relation to their weight than adults, and often wear fewer clothes.

Children eat differently. They drink far more fluids. They are far more prone to binge eating of a single food. They breathe differently. Children at one year of age breathe 50 percent more air each minute relative to their weight than do adults.

Because of these differences, children's potential exposure is greater, thereby putting children at greater risk of pesticide-related illness. Obviously, avoiding exposure to these chemicals is prudent. Unfortunately, it is also often difficult. Pesticides are more widely used in our communities and in our own homes than most of us realize. Children may be exposed to these poisonous chemicals in the food they eat, when they are at school, around pets treated for fleas, and on playgrounds and fields. In agricultural communities, children have even greater potential for exposure from contaminated well water or directly from their parents' work clothes.

Health experts still can't say exactly which pesticides cause which health problems, in part because we don't know what children are being exposed to in the real world. Researchers need reliable information to understand whether pesticide exposure is linked with childhood diseases such as cancer, learning disabilities, or hormone system injuries. Good science relies on good data. Right now, Oregon has no system for tracking pesticide use to allow it to answer some basic, yet specific, questions about children's exposure.

With a pesticide tracking system, health researchers won't have to make assumptions about pesticide use and exposure. As Felsot asserts, lumping all pesticides together obscures the real trends. On this count, I couldn't agree more. Pesticide use data would allow researchers to better identify risks associated with specific types of pesticides, as opposed to making generalizations about pesticides as a whole.

Clearly, the time has come for us to take steps at both the state and federal levels that prevent adverse health effects to children from toxic chemicals in the environment. At the federal level, the Environmental Protection Agency must protect children from pesticide residues on food by implementing the federal Food Quality Protection Act as Congress intended. As a member of EPA's advisory committee working on implementation of this law, I can say that we are still not sufficiently protecting infants and children from pesticide risks.

On a personal level, parents should heed these warnings and avoid exposure to pesticides in the home and garden. At the state level, simply collecting better information on which pesticides our children are being exposed to is crucial for understanding the health impacts of these chemicals and preventing exposure. Ignorance is not bliss when it comes to pesticides and children. We simply need strong policies, reliable information and sound research, so that we can prevent a "crisis" because of pesticide use.

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Alaska Science Forum

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Unwanted Traveler Settles in Alaska Trees
Article #1259

by Ned Rozell

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

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

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

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

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

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

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

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

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

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

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

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Pesticides and Human Health

by Glen Andersen, M.S.
NCSL Environmental Health Project

Pesticides play a vital role in ensuring the quality of the United States food supply—but the potential for pesticides to cause human and environmental harm has required the creation of numerous regulations. Pesticide use affects a large number of people the United States: the Environmental Protection Agency (EPA) estimates that approximately 100,000 pesticide poisonings occur annually. Pesticides have been detected in a large number of the nation's water bodies, including those that provide drinking water[1]. Congress, through the Food Quality Protection Act, has required the EPA to review and revise all pesticide residue limits to ensure that they adequately protect children. This review, which will impact the use of the most harmful pesticides, is an effort to ensure that regulations keep pace with the complex and changing science that determines pesticide safety. State laws that regulate pesticide use will need modification to account for federal rules and scientific advancement.

Contents

Overview

The importance of pesticides in world agriculture should not be understated, as their introduction in the 1940s began a trend marked by crop yields that continually increased in size and quality. This "Green Revolution," which relied heavily on chemical pesticides and fertilizers, led to healthier populations by providing an increasingly varied food supply, controlling food borne disease, and reducing malnutrition. Agricultural dependence on pesticides has steadily increased since their introduction—each year more than 2 million metric tons of pesticide products are used to control pests and diseases.

Although the use of pesticides to produce healthier and more abundant crops has been beneficial for human health, some aspects of pesticide use still trouble scientists, lawmakers and the public. Problems with pesticides were not widely known until the publication of the book *Silent Spring* by researcher Rachel Carson in 1962. Her book presented a detailed study of ecosystem damage

caused by the indiscriminate use of pesticides. Later work by other researchers supported Carson's book, and suggested negative effects for humans as well. Due to mounting evidence against hazardous pesticides, the federal government banned DDT and chlordane.

Sources of Exposure

Food

The U.S. Environmental Protection Agency defines a pesticide as "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest. Pests can be insects, mice and other animals, weeds, fungi, or microorganisms like bacteria and viruses."

Many modern pesticides are designed to break down into non-toxic substances with the passage of time. Pesticides are most potent just after application, but should break down to relatively safe levels by the time treated food reaches the table. If the pesticide has not had the required amount of time to break down, is applied too liberally, or a more persistent pesticide is used, some pesticide residue may still be in food at the time of consumption.

The U.S. Food and Drug Administration's Pesticide Program found that 60 percent of the fruits and 37 percent of the vegetables that were sampled in 1995 contained detectable pesticide residues. Approximately 2 percent of these fruit and vegetable samples contained residue amounts that exceeded maximum residue limits set by the EPA. The EPA sets the maximum residue limit (MRL) to be the maximum level of residue legally permitted in or on a crop in commerce. This level is set to insure that there are no adverse effects to the consumer over a lifetime of dietary exposure.

Under the 1996 the Food Quality Protection Act, many of the current MRLs are likely to change, largely since the new act requires that levels be reduced by 90 percent if uncertainty about effects on children exists. The EPA must review all pesticides and their health effects using current methodology, taking into account exposure to pregnant women and developing children, while also including exposures from other sources. Using this new data, EPA must set residue limits accordingly by the year 2000.

Water

Pesticides enter water resources in a variety of ways, including:

- Runoff from field application;
- Direct entry from spray operations;
- Sewage dumping;
- Settling from the atmosphere;
- Leaching from waste dumps;
- Leaching from field application through soils into groundwater.

The amount each of these methods of entry contributes varies, depending upon the environment and nature of the source. However, runoff and leaching tend to be the main pesticide pathways to water.

Groundwater, which supplies drinking water to approximately 50 percent of the U.S. population, was until recently thought to be safe from chemical pollution. However, researchers are detecting a greater variety of pesticides in a growing number of groundwater resources across the United States. In 1988, the EPA documented the presence of 46 pesticides in groundwater from 26 states. A 1990 study found one or more pesticides in 10.4 percent of community water systems. Contamination of these important water resources may threaten human health, since the millions of Americans who rely on groundwater use it without pre-treatment. Residues that reach groundwater may linger for long periods of time, or eventually find their way to surface waters by emerging through springs and lake bottoms. In 1986, EPA testing found pesticide residues in half of the 2,000 wells they tested in Iowa. Groundwater contamination can have long-lasting effects, since the cold temperatures and a lack of organic substances impede the decomposition of pesticide compounds.

In 1998, the U.S. Geological Survey finished the largest pesticides and water study ever conducted. Within the study regions, they found that 95 percent of streams and 50 percent of wells near agricultural and urban areas contain one or more pesticides. Although most did not violate current safe drinking water standards, these standards are valid only for exposure to individual pesticides, not to the mixtures of different pesticides that are present in most contaminated sources. For most of the streams tested—half of which supply drinking water—pesticide levels exceeded EPA's guidelines for aquatic life.

Air

Workers can be exposed to pesticides through direct skin contact or inhalation during application. Such exposure also may occur when safety periods between application and harvest are ignored or when pesticides are overused or used improperly. Pesticides from aerial spraying may also drift into neighboring areas and expose residents.

In 1995, an international study conducted by the World Health Organization estimated that approximately 3 million cases of pesticide poisonings occur annually, including 220,000 pesticide-related deaths, mainly among those who use and apply pesticides.

The most common type of pesticide poisoning results from ingestion, inhalation, or skin absorbtion of relatively large amounts of pesticides. This type of acute poisoning is most common among agricultural workers. While much is known about the toxic effects of pesticides at these higher levels, uncertainty about long term low level exposures—similar to what one could experience through food and water consumption—remains.

Health Effects

The nature of a pesticide is to kill or otherwise adversely affect the target pest, be it fungus, insect, weed or rodent. Although efforts are made to design the pesticide in such a way that it

affects only the target organism, pesticides do cause harm to non-target organisms. Toxic effects range from acute (poisoning occurring through single or a few exposures) to chronic (occurring through long-term exposure). In humans, pesticides can affect the nervous, reproductive and endocrine systems, and may cause cancer. Laboratory studies conducted on animals also have linked chronic exposure of pesticides to birth defects, tumor development and cancers. The EPA's has classified approximately 165 chemical pesticides as known, probable or possible human carcinogens.

The U.S. Environmental Protection Agency estimates that approximately 100,000 pesticide poisonings occur annually.

New research suggests that some pesticides may disrupt the body's endocrine system—the set of glands, hormones and target cells that help control growth, development, reproduction and behavior. Endocrine disruptors interfere with this system, causing biological dysfunction. Some endocrine disruptors mimic hormones that occur naturally in the body, fooling the body into a response. Other endocrine-disrupting chemicals can inhibit or stimulate the body's production of hormones. Such disruption is known to cause birth defects in wildlife and laboratory test animals, and is suspected of causing cancer and birth defects in humans. Much is yet to be learned about the effects of pesticides on the human endocrine system, and research in this area is ongoing.

Children, in particular, are susceptible to pesticides for various reasons—they are still developing, have faster metabolisms and are involved in play activities that increase their exposure. A child's small size and quick metabolism means that he or she consumes more fresh produce, breathes more air, and drinks more water than adults relative to his or her body weight. They also play on the ground, swim in lakes and rivers and mouth toys and other objects, all of which lead to increased pesticide exposure. Additionally, a child's growing body is more sensitive to chemical exposures because development is taking place in the brain, nervous system and many other areas. Some studies have shown that children of parents who use pesticides occupationally or in the household are three to nine times more likely develop leukemia. (1, 2)

Determining the levels at which a pesticide causes harm is a complex, scientifically demanding task. Pioneering biomonitoring efforts by the Centers for Disease Control and Prevention have helped reduce the uncertainty involved in estimating human risk involved in pesticide and other chemical exposures. Biomonitoring involves the direct measurement of a toxic substance in blood or urine to assess exposure, and will help to determine which of the thousands of known chemical compounds cause birth defects, cancer and other diseases.

Approaches for Managing Pesticide Use

Reducing the human health threat of pesticides is possible through combined efforts in different areas, such as improved risk assessment and toxicity testing, better education and training for users of pesticides, and integration of farming practices that require fewer pesticides. Ways

to reduce the potential hazards of pesticide use could involve the following:

- Crop rotation helps mitigate weed, disease and pest problems, increases soil nitrogen, and reduces the need for fertilizers. Monoculture—the practice of repeatedly growing one type of crop, such as corn, in the same field year after year—is a common practice throughout the United States. This practice promotes pest problems and depletion of soil nutrients.
- Natural predators and parasites can be used to control pests. Pesticides often destroy predators while the pest gradually grows more tolerant to the pesticide, requiring that increasing amounts of the pesticide be applied.
- Soil and water conserving tillage reduces runoff and helps maintain soil quality.
- Integrated pest management is encouraged by the EPA and U.S. Department of Agriculture. This approach to pest control uses the tactics mentioned above—such as crop rotation, biological controls, resistant varieties of plants, pheromones to attract beneficial insects, efficiently timed spraying—and other methods. Integrated pest management can be more economical because it minimizes the use of costly chemicals.
- The majority of children's pesticide exposure comes from home, lawn, and garden application—reducing this exposure requires a more prudent and controlled use of pesticides in private and public areas. (3)

Pesticides and International Trade

In 1996, the United States exported 687 million pounds of pesticides, mostly to developing countries. Workers in developing nations such as Mexico often lack proper training and handle pesticides without masks or protective clothing. In the highly agricultural Culiacan Valley of Mexico, nearly 3,000 field workers are hospitalized for pesticide poisoning each year.

Ten million pounds of 1996 U.S. pesticide exports were pesticides that were banned or forbidden for use in the United States due to their hazardous nature. In addition, testing of produce imported into the United States has uncovered traces of banned pesticides. Chlordane and lindane, extremely hazardous pesticides that are banned for food use in the United States, have appeared in canola seed imports from Canada and carrot imports from Mexico. Adding to the safety uncertainties of imported produce is the decline in the testing of imported produce since the implementation of the North American Free Trade Agreement.

To address this growing problem, 95 countries have signed the Prior Informed Consent Convention. The convention contains provisions for the exchange of information among parties about potentially hazardous chemicals that may be exported and imported. This convention requires that 1) all chemicals designated for occupational use must be accompanied by an international safety data sheet; and 2) all chemicals that are banned or severely restricted domestically must have labeling that provides information with regard to risks and hazards to

human health and the environment. The convention has been signed by the president, but has yet to be ratified by the Senate.

Several attempts have been made to address the problem in the United States through "Circle of Poison" legislation. These bills, none of which have passed, were designed to stop companies from exporting banned and unregistered pesticides, as well as to introduce tougher testing standards to keep these pesticide residues from showing up in consumers' food.

Federal Policy

The United States has a complex set of chemical safety statutes and regulations that are administered by a number of federal agencies. The principal statutes are described briefly below.

Toxic Substances and Control Act (TSCA)—Regulates industrial chemicals, including heavy metals. Identifies and controls industrial chemical hazards that are toxic to human health and the environment. Administered by the U.S. Environmental Protection Agency.

Federal Insecticide, Fungicide and Rodenticide Act (FIFRA)—Also administered by the EPA, requires the agency to register all pesticides sold in the United States. FIFRA makes it a violation to use a pesticide in a manner inconsistent with its label, including the specified uses. FIFRA was revised and strengthened substantially by the Food Quality Protection Act in August 1996.

Federal Food, Drug and Cosmetic Act (FFDCA)—Regulates the establishment of pesticide tolerances (maximum residue levels). FFDCA was revised and strengthened substantially by the Food Quality Protection Act in August 1996. Administered by the EPA and the Food and Drug Administration.

Food Quality Protection Act (FQPA)—Amends both FIFRA and FFDCA to make a more consistent, protective regulatory system that is supported by sound science. It mandates a single, health-based standard for all pesticides in all foods and provides special protection for infants and small children.

Emergency Planning and Community Right-to-Know Act (EPCRA)—Requires local emergency planning for responses to industrial chemical or pesticide accidents; requires industries to notify their communities and states of releases; provides information from companies about possible industrial chemical or pesticide hazards in the facility's community; and mandates a national inventory of toxic chemical releases (Toxics Release Inventory [TRI]). Administered by the EPA.

Clean Air Act (CAA)—Establishes criteria and standards for regulating toxic air pollutants to safeguard public health and the environment. Administered by the EPA.

Clean Water Act (CWA)—Establishes criteria and standards for pollutants—including some

pesticides—in surface water bodies to protect against chronic ecosystem effects. Administered by the EPA.

Safe Drinking Water Act (SDWA)—Establishes enforceable maximum contaminant levels (MCLs) for pesticides and health advisories. Major revisions strengthening SDWA were enacted in August 1996. Administered by the EPA.

Resource Conservation and Recovery Act (RCRA)—Requires appropriate handling and disposal of hazardous waste. Administered by the EPA.

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)—Covers incidents with hazardous materials and mandates the EPA Superfund program to clean up the highest priority sites contaminated by chemicals. The Agency for Toxic Substances and Disease Registry (ATSDR) evaluates data on the release of hazardous substances to assess effects on public health, initiates toxicological research, establishes and maintains registries for persons exposed to hazardous substances, and provides response to emergency release of substances.

Hazardous Materials Transportation Act (HMTA)—Ensures the safe and environmentally sound transportation of hazardous materials by all modes of transportation through a comprehensive, risk-based national program. Administered by the U.S. Department of Transportation (DOT).

Federal Hazardous Substances Act (FHSA) Consumer Product Safety Act (CPSA) and Poison Prevention Packaging Act (PPPA)—Regulates the safety of consumer products, including chemical safety. (Consumer Product Safety Commission)

Occupational Safety and Health Act (OSHA)—Regulates toxic chemicals related to occupational safety. Administered by the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH).

Notes

1. "Pesticides in Surface and Ground Water of the United States: Summary of Results of the National Water Quality Assessment Program" U.S. Geological Survey, (1998)

2. J.D. Buckley, L.L. Robison, R. Swotinsky, D.H. Garabrant, M. LeBeau, P. Manchester, M.E. Nesbit, L. Odom, J.M. Peters, W.G. Woods, and G.D. Hammond, "Occupational Exposures of Parents of Children with Acute Nonlymphocytic Leukemia: A Report from the Children's Cancer Study Group," *Cancer Research* 49, (1989): 4030-4037.

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Children's Health and the Environment

by Glen Andersen, M.S.
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Children tend to be more vulnerable to substances in the environment because they breathe more air, drink more fluids and eat more food in proportion to their body weight than adults. Exposures that would not harm an adult can cause permanent damage to a child's developing body. The U.S. Environmental Protection Agency is presently revising pesticide residue limits insure sure they provide a margin of safety for children as well as adults. States may be required to update environmental standards to comply with federal regulations. Currently, most state and federal regulations are based on adults, only recently has legislation been introduced to take children's special vulnerabilities into account.

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Overview

Traces of man-made synthetic compounds can be found throughout the world, even in the plants and animals of our planet's most remote regions. With more than 70,000 chemicals in use in the United States and 2,000 new compounds being introduced every year, the average citizen is likely to be exposed to a large cocktail of chemical substances. These compounds are present in food, water and air, and little is known about many of their effects on children's health. A child's environment also contains particles and chemicals that result from incineration, smelting, transportation and other industrial processes.

Although state and federal regulatory agencies attempt to set standards that protect the public's health—including children, pregnant women, and the elderly—most standards are based on data collected from adult humans or adult animals. As differences between the adult and child response to environmental hazards become more apparent, government agencies are realizing that testing and standard setting should accommodate the sensitivities of developing children.

Why are children more susceptible?

Children's quick development and growth make them more vulnerable to environmental pollutants. The complex processes of cell division, development of the nervous system and hormonal activity can easily be disrupted by toxic exposure, particularly in the case of the fetus. The resulting abnormal growth and development can lead to permanent immunological disorders, brain disorders, cancer and birth defects. The cause of most birth defects is unknown and may be due to unidentified environmental exposures. In addition, the immune systems of the very young, being less well developed than those of adults, make them less resistant to environmental risks. (1)

A child's faster metabolism and small size subjects them to higher exposures than adults. Also, because children breathe, eat and drink more than adults relative to their body mass, they will ingest more pollutants per pound of body weight. Children's diets, which often include proportionally larger amounts of fruits and vegetables, also contribute to increased pesticides exposure.

An additional risk factor involves activities that engage the typical child. Children tend to play on the ground, amplifying chemical exposure through the inhalation of ground-level contaminants and hand-to-mouth behavior. These behaviors dramatically increase exposure in the case of lead, and in all likelihood, pesticides.

Developing organs and other physiological differences often cause children to absorb a higher percentage of the toxics to which they are exposed. A child's liver and kidneys may not be as efficient as an adult's when it comes to removing toxic substances, while differences in skin and the gastrointestinal tract also can increase absorption. Due to physiological differences, children absorb nearly five times more of the lead they ingest than adults.

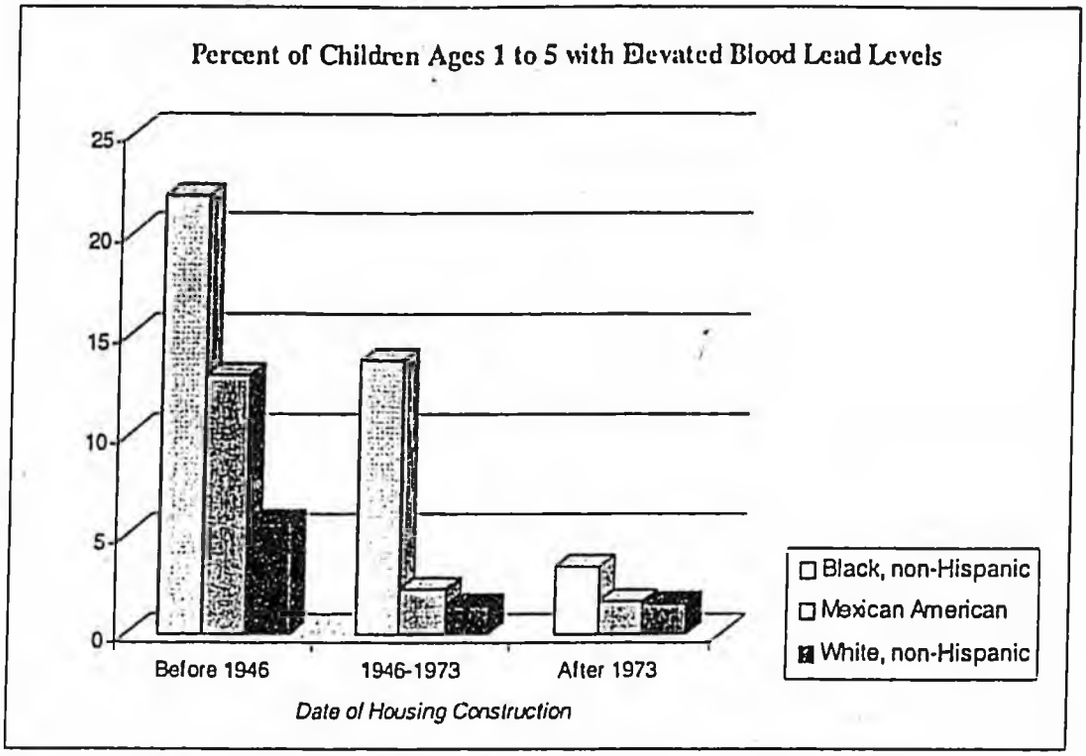
Which Children are Most Affected?

Children of poverty and of color are most likely to suffer from exposure to environmental hazards (see figure 1). Two of the most common hazards—poor indoor air quality and lead-based paint—are common in low-income neighborhoods and are associated with poorly maintained housing. Hazardous waste dumps and industrial sites are more likely to be in low-income neighborhoods than in middle- and upper-class neighborhoods. Additionally, lack of access to health care compounds the treatment of environmentally related health problems such as asthma and lead poisoning.

Toxic Elements

Lead Lead is a leading example of an environmental hazard that disproportionately affects children. Commonly caused by deteriorating lead paint in pre-1978 housing, lead poisoning in

Figure 1.

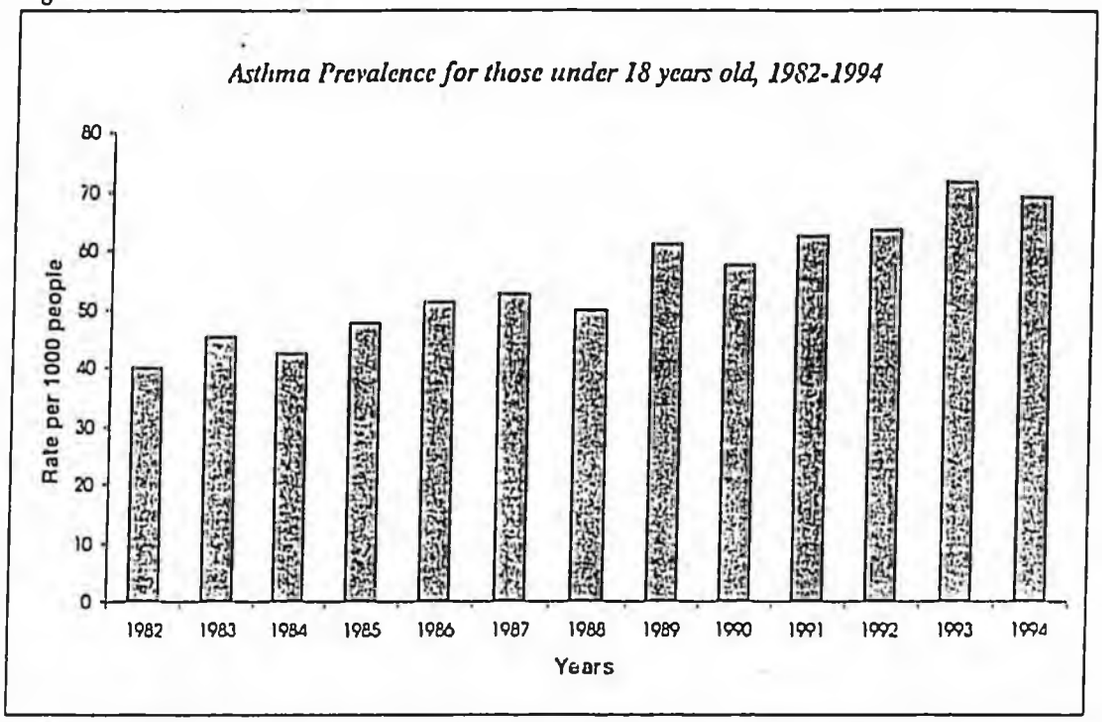


Source: *National health Interview Survey*, National Center for Health Statistics, 1982-1994.

young children can cause learning disabilities, behavioral problems, I.Q. deficits and nervous system disorders. Results of research conducted by the Centers for Disease Control and Prevention (CDC) in 1994 found that approximately 900,000 children suffer from lead poisoning and the potential for permanent health effects. Great strides in reducing lead poisoning have been made during the last 25 years, including the phasing out of leaded gasoline, the elimination of lead-based paint for household use, and the elimination of lead solder in plumbing and food cans. Although these measures have helped to reduce the average levels of lead in children and adults by 80 percent since the 1970s, lead poisoning remains a problem for children who live in older housing and near mining and industrial sites.

Poor Indoor Air Quality Research indicates that indoor air pollution is a potential environmental hazard in many homes and schools. Poor ventilation, lack of upkeep, leaky roofs and use of indoor chemicals such as solvents and pesticides all are associated with poor indoor air quality. One of the most visible results of poor indoor air quality is the rising rate of asthma. Common air pollutants such as cigarette smoke can bring on asthma attacks and increase their severity. Asthma deaths in children and youths increased by more than 100% between 1980 and 1993 (see figure 2), and asthma-related illness is the number one cause of hospital admissions among the nation's children.

Figure 2.



Source: *Trends in Asthma Morbidity and Mortality*, American Lung Association, November 1998.

Poor Outdoor Air Quality According to the U.S. Environmental Protection Agency (EPA), nearly 25 percent of the nation's children live in areas that do not meet national air quality standards. Research shows that particulate matter, ground-level ozone and sulfur dioxide have harmful effects on lung function and the upper respiratory tract. Children are particularly sensitive to these particles, and many studies indicate that lost school days, restricted activity and reduced lung function correspond to increases in air pollutants.

Pesticides Children are exposed to pesticides through household use, eating produce and drinking water that contains pesticide residue. Because children consume significantly more produce and play on the ground where pesticide residues may linger, they can receive higher doses of many different pesticides. Studies have shown that children of parents who use pesticides occupationally or in the household are three to nine times more likely develop leukemia. (2,3) The U.S. Geological Survey recently finished the largest pesticide and water study to date. Within the study regions, it found that 95 percent of streams and 50 percent of wells near agricultural and urban areas contain one or more pesticides. Although most did not violate current safe drinking water standards, these standards are valid only for exposure to individual pesticides, not to mixtures of various pesticides that are present in most contaminated sources. For most of the streams tested, half of which supply drinking water, pesticide levels exceeded aquatic-life guidelines as defined by the U.S. Environmental Protection Agency.

Solvents Some studies have linked occupational solvent exposure of pregnant women to birth defects in their children. Solvents—chemicals that dissolve or disperse other substances—are present in gasoline, paints, paint thinners, glues and many other products. (4,5,6)

Poor Water Quality Children swim in our lakes and streams, and eat freshwater fish. Swimming in polluted freshwater or coastal areas can cause respiratory, gastrointestinal, eye and ear symptoms, and fever. This pollution usually is the result of sewage dumping, industrial effluent and agricultural runoff. Thousands of rivers, lakes and streams across the nation have signs posted that warn pregnant women, children and other sensitive individuals to avoid eating fish caught in these water bodies due to contamination. The EPA states that from January to September 1994, 1,500 fish advisories were posted; 73 percent of these postings were related to mercury contamination, the rest were related to PCBs, pesticides, and other toxics.

Endocrine Disruptors Chemicals such as DDT, PCB and others found in common pesticides are known to disrupt the endocrine systems (the body's chemical communication network) of wildlife and laboratory animals. Humans also may be at risk. Endocrine disruptors can interfere with the hormonal activity in the body during sensitive stages of prenatal development, creating a potential for birth defects and abnormal growth and development in children. They also may promote the development of reproductive cancers. The EPA, CDC and other organizations currently are developing tests and conducting research to find out more about endocrine disrupting chemicals in our environment.

Mercury Mercury may damage the nervous system and cause severe mental retardation and cerebral palsy in newborns of mothers who consume too much mercury-contaminated fish, which occurred on a large scale in Minimata, Japan. The EPA states that from January to September 1994, 1,075 fish advisories were posted due to mercury contamination; more than 40 states have issued mercury fish consumption advisories for at least one of their water bodies. Mercury is a pollutant that can persist in the environment for hundreds of years. The largest sources of mercury pollution are waste incinerators and power plants. When pregnant mothers ingest too much mercury-contaminated fish, it can result in permanent brain damage and cerebral palsy in their newborns.

To better understand the effects of these toxic chemicals, the CDC uses biomonitoring to accurately assess chemical exposures. Biomonitoring uses blood or urine samples to measure toxic substances in the body. These techniques are leading to a better understanding of the environmental exposures that lead to disease.

Federal Policy

Action on children's environmental health has slowly increased in recent years, growing in momentum since the Federal Executive Order of 1997, titled "Protection of Children from

Environmental Health Risks and Safety Risks." This order charges agencies to consider special environmental risks to children in their activities. The EPA created the Office of Children's Health Protection (OCHP) in 1997 to support this order and is cooperating with other agencies to establish federally funded research centers that are devoted to protecting children from environmental health threats.

Food Quality Protection Act (FQPA)—Amends both the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA) to make a more consistent, protective regulatory system that is supported by sound science. It mandates a single health-based standard for all pesticides in foods and provides special protection for infants and small children. It also takes into account the possible additive or multiplicative effects of different pesticides from all sources of exposure. To make up for the lack of children's toxicity data, the FQPA requires the EPA to use an additional, tenfold (10X) safety factor in setting tolerance levels, unless "reliable data" for children's toxicity and exposure exists to prove that this unnecessary .

Chemical Right to Know—The EPA intends to promulgate a Children's Health Test Rule under section 4 of the Toxic Substances Control Act (TSCA). This rule will require the testing of chemicals to which children are likely to be exposed, but lack sufficient toxicity da a for risk assessment. Manufacturers, importers and processors of the selected chemicals can be required to conduct the tests.

New Clean Air Standards—In July 1997 the EPA issued stricter ozone and particulate matter air quality standards, taking into account children's susceptibility to air pollution. The more stringent standards aim to reduce the effects of outdoor air pollution on asthma and other illnesses.

Asthma Initiative—On January 28, 1999, the administration announced a comprehensive, national $68 million initiative aimed at combating childhood asthma. This program will invest in research to determine the environmental causes of asthma and to develop new strategies to reduce asthma. It also provides funds to states and providers to help them implement effective disease management strategies to lower hospitalizations, emergency room visits and deaths from asthma.

Residential Lead-Based Paint Reduction Act—Enacted in 1992, this law directs the EPA, the U.S. Department of Housing and Urban Development (HUD), and the Occupational Safety and Health Administration (OSHA) to develop lead hazard reduction programs. As a result of this act, states are given the option of developing their own lead programs or having the EPA run a program for the state. As of February 1999, 38 states had enacted legislation to create lead programs.

State Policy

Legislative activity on children's environmental health issues has consisted mainly of bills targeting specific hazards, such as lead poisoning or parental notification before school pesticide use. State legislation that targets children's special vulnerabilities to general environmental hazards did not appear until 1998. Local data—lead notwithstanding—does not exist in relation to children's environmental health. Data that can help guide decisions at the state and local levels still is needed.

Michigan House Bill 4550, introduced in April 1999, proposes the creation of the Office of Children's Health Protection within the Department of Environmental Quality. The goal of this department is to protect children's health while taking into account the special vulnerability of children to pollution in their environment. The bill requires that the office review proposed environmental legislation, statutes and rules, and subsequently make recommendations to ensure children have adequate health protection. The bill also requires the office to coordinate research and public education programs to make parents aware of children's environmental health risks.

California has introduced similar but less comprehensive legislation relating to children's environmental health concerns. Senate Bill 25, introduced in December 1998, requires review of the state's air quality standards to determine if they adequately protect the health of children and infants, and provides for revisions if standards are deemed inadequate. A second California bill, Assembly Bill 1207, introduced February 1999, seeks to protect children at schools and daycare centers from environmental hazards such as radon, asbestos, indoor air pollution and toxic pesticides.

New Jersey introduced Assembly Bill 2069, the "Children's Environmental Health and Safety Rights Act," in May 1998. The bill creates an advisory council on children's environmental health to ensure that risk assessments upon which standards, regulations, and guidance are based adequately consider child-specific susceptibilities. The council also must seek out research on children-specific environmental vulnerabilities and make sure that recommendations include these concerns. The state education department and the departments of environmental conservation and health will revise standards and regulations to reflect the findings of the council.

New York Assembly Bill 2068, the "Children's Environmental Health and Safety Bill of Rights," was introduced January 20, 1999. This bill requires that the departments of Environmental Protection and Health and Senior Services review standards, regulations and guidelines that are intended to protect the environmental health and safety of children, taking into account a child's special environmental susceptibilities. The departments will evaluate risk assessments upon which standards are based and establish procedures to insure that future risk assessments take into account children's sensitivity to environmental hazards. Additionally, the department

should develop new comprehensive policies to address cumulative and simultaneous exposures of children to environmental hazards.

Notes

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3. R.A. Lowengart, J.M. Peters, C. Cicioni, J. Buckley, L. Bernstein, S. Preston-Martin, and E. Rappaport, "Childhood Leukemia and Parents' Occupation and Home Exposures," *Journal of National Cancer Institute* 79, (1987): Pages 39-46.

4. K.I. McMartin , M Chu, E Kopecky; TR Einarson, and G Koren, "Pregnancy outcome following maternal organic solvent exposure: a meta- analysis of epidemiologic studies," *American Journal of Industrial Medicine* 34, no. 3 (Sep., 1998): 288-92.

5. S. Khattak, "Pregnancy Outcome following Gestational Exposure to Organic Solvents: a Prospective Controlled Study," *Journal of the American Medical Association* 281, no. 12 (Mar 24-31, 1999): 1106-9.

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National Conference of State Legislatures
ENVIRONMENTAL HEALTH SERIES

May 2000
No. 4

Asthma: A Growing Epidemic

By Glen Andersen

Overview

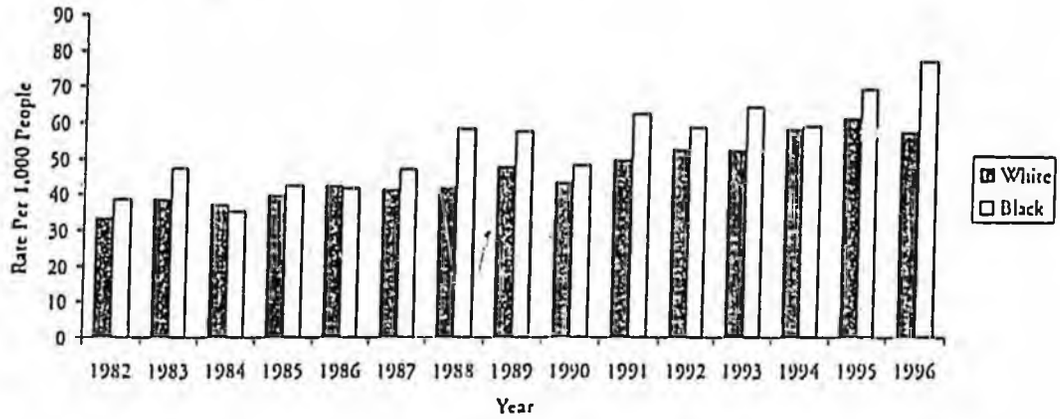
Rates for asthma have steadily increased over the past 20 years in all age groups. Children under age 5 have been the hardest hit, experiencing a two and one-half fold increase.[1] Despite advances in medical treatment, asthma deaths nave nearly doubled since 1980 and now total more than 5,000 per year. The economic costs are high as well—an estimated $11.3 billion was spent on asthma treatment and hospitalization during 1988.[2] To date, little is known about the factors that cause individuals to develop asthma, and most states lack comprehensive asthma programs to effectively track and monitor the epidemic.

Contents

Defining Asthma

More than 5 percent of Americans have asthma, a chronic disease that inflames of the airways and lungs, causing shortness of breath, wheezing, and—in extreme cases—death. Asthmatics' respiratory systems tend to respond to a specific set of irritants and allergens, such as cigarette smoke, dustmites and air pollution. The airways constrict upon exposure to even very small amounts of these substances, reducing airflow and making it difficult to breathe; this reaction is reversible and varies between individuals and exposures. Breathing during an asthma attack is often compared to breathing through a straw, demonstrating how small the airways can become. Exercise, colds, food additives, and stress can also

Figure 1. Asthma Prevalence Under Age 45



Source: National Center For Health Statistics, *National Health Interview Survey 1996.*

5.7 percent of the U.S. population has asthma.

precipitate asthma attacks. Asthma can not be cured, but can be controlled with medical treatment and environmental intervention.

The medical community has long been aware that asthma can be triggered by allergens, but is still uncertain why some people develop asthma and others do not. Although it is thought that certain genetic components increase the likelihood of developing asthma, most researchers believe that the interaction of environment with genetic predisposition is important in its development. Some scientists believe that ongoing exposure to allergens very early in life may lead to a sensitization of the airways and, ultimately, asthma.[3] Supporting this contention is the January 2000 asthma report from the Institute of Medicine of the National Academies of Science, which states that—based on the scientific literature available—there is sufficient evidence of a causal relationship between exposure to house dustmite allergen and the development of asthma in susceptible children. The report also concludes that there is an association between exposure to tobacco smoke and the development of asthma in younger children.

A growing number of studies show that air pollution also influences asthma. Research has found that common air pollutants—particulates (very small pollutant particles that can reach the lungs), nitrogen oxides and ozone—exacerbate asthma. The American Lung Association found that children with asthma are 40 percent more likely to suffer asthma attacks on high pollution days than on days that do not violate pollution standards. Children are more susceptible than adults to air pollution, since they spend more time outside engaged in vigorous activity. Higher activity levels and longer duration of exposure, combined with a higher breathing rate relative to body weight, result in higher pollutant

exposures for children. Air pollution that may cause negligible breathing difficulties in an adult may seriously impair a child's ability to breathe because of higher exposures and smaller airways. Unfortunately, more than 132 million Americans (nearly half of the U.S. population) live in areas where air pollutants reach unhealthy levels as measured by the Environmental Protection Agency's Air Quality Index.

There is no cure, and no certainty as to what causes asthma.

Why are asthma rates rising?

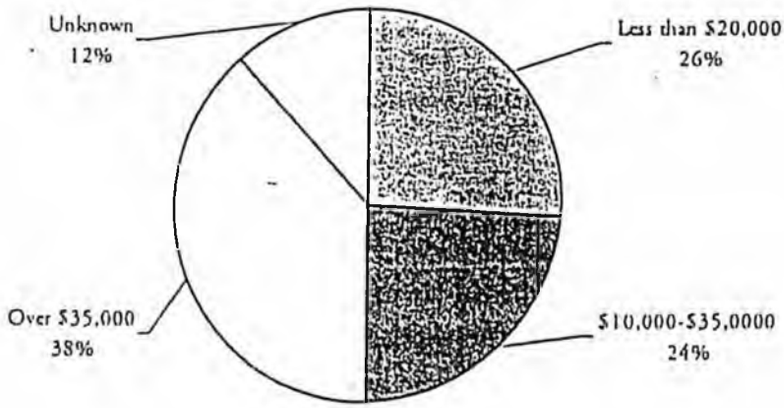
Although conclusive evidence is lacking, the suspected causes of the asthma epidemic are manifold. While genetics is likely to play a role in asthma development, genetic traits change far too slowly to account for the recent increase in asthma cases. Improved recognition and diagnosis of asthma may also play a small role, although research indicates that this change alone cannot explain the recent upward trend.[4]

Given the current state of research, no one is certain what changes could explain the epidemic. Researchers do have suspicions, however: children are spending more time indoors, increasing their exposure to certain allergens and indoor air pollutants, and they are exercising less. More research on asthma's relationship to environmental exposure and genetics will be needed for scientists to determine its cause and remedy.

Asthma Prevalence and Costs

More than 5 percent of the people in the United States have asthma; its prevalence has steadily climbed since the 1980s, rising 75 percent in the general population and 160 percent in children under age 5. Asthma is the most common chronic disease in children and the primary cause of missed school days, responsible for more than 10 million per year.

Figure 2. Asthma Distribution by Family Income



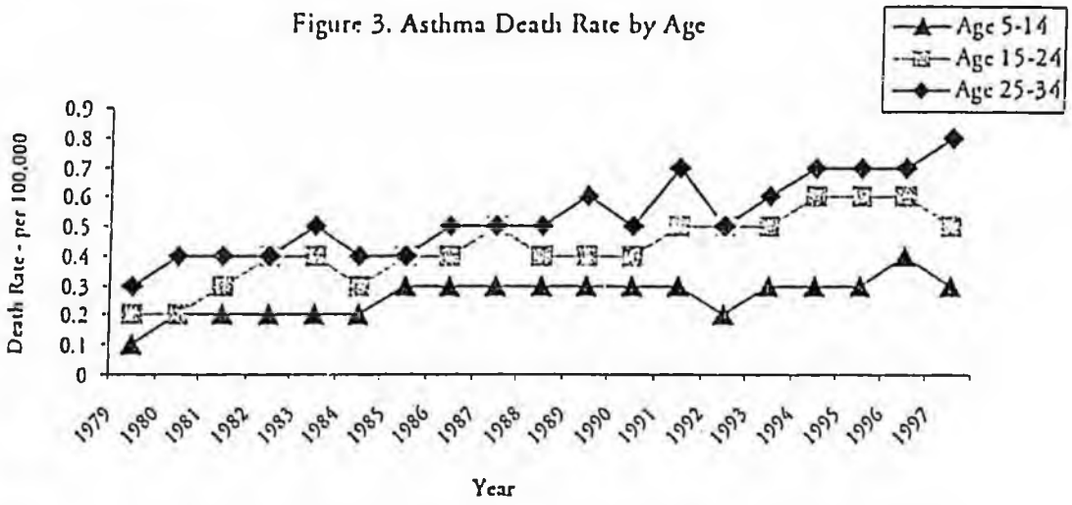
Source: National Center For Health Statistics, *National Health Interview Survey 1996.*

Each year, half a million people in the United States require hospitalization asthma, while over 5,000 die. Hospital visits for asthma have increased to nearly 2 million per year, making asthma the primary cause of emergency room visits.[5] The significant increase in asthma in poor areas—where medical care and follow-up are lacking—means that asthma symptoms are more likely to result in full-blown attacks that lead to costly trips to the emergency room.

Asthma causes 500,000 hospitalizations and nearly 2 million emergency room visits per year.

Although asthma affects people at all socioeconomic levels, poor and minority populations tend to experience a greater burden when measured by the chances of dying or being hospitalized for the disease. The reasons for this disparity, while not fully understood, probably include nutrition, a lack of preventive care, and exposure to higher levels of indoor and outdoor air pollution. A May 2000 report by the Pew Environmental Health Commission projects that if asthma continues to spread unchecked, by the year 2020 it will strike 1 in 14 Americans and 1 in 5 U.S. families.

Figure 3. Asthma Death Rate by Age



Source: National Center For Health Statistics, *Annual Summary of Vital Statistics, 1979-1997.*

Battling the Asthma Epidemic

Although great uncertainty remains about what causes the initial onset of asthma, researchers have gained a good deal of knowledge about asthma treatment. Besides having access to a number of new and more effective asthma medicines, more is known about the exposures that exacerbate asthma and how they can be eliminated or reduced in the asthmatic's environment. Research indicates that carpet removal, frequent cleaning with a special fine-particle filter vacuum cleaner, use of bedding covers that prevent dustmite buildup and

elimination of tobacco smoke are some of the many actions that can be taken to relieve asthma symptoms. Despite this knowledge, there is little evidence that these treatment strategies are being implemented.

Federal Activity

In January 1999, the President's Task Force on Environmental Health Risks and Safety Risks to Children released a report outlining what it considered to be the most effective strategies for fighting childhood asthma. The report acknowledges that asthma is a growing epidemic and that there is "no national system to collect data from states specifically on asthma."

It recommended the following:

1. Focus research on the environmental factors that cause or exacerbate asthma;
2. Implement public health programs that use current scientific knowledge to reduce environmental factors that worsen asthma symptoms;
3. Establish a coordinated, systematic and integrated nationwide asthma surveillance system that includes health outcomes and risk factors at state, regional and local levels and;
4. Identify and eliminate the unequal burden of asthma among the poor and ethnic and racial minorities.

Costs of treating asthma were estimated to be $11.3 billion in 1998.

The administration slated $68 million to address some of these recommendations, with a focus on implementing school-based asthma programs, developing disease management strategies to target low-income children and creating a national public information campaign.

The U.S. Department of Health and Human Services (HHS) outlines its approach to asthma in Healthy People 2010, a document designed to focus the nation's prevention goals. Healthy People 2010 suggests that the focus be on reducing the affect of asthma through education, outreach, and further research for those who already have the disease. The document adds that states need to track asthma and the factors that trigger asthmatic episodes. HHS released its Action Against Asthma strategy in April 2000.

State Activity

In a report released May 2000 by an organization called Health Track, researchers used Centers for Disease Control and Prevention data to determine that most states have no ongoing asthma monitoring program. The study found that 30 states have no timely information that describes asthma within their borders and that only seven states have

"ready access" to statistics on emergency care for asthma. It also found that among the 23 states that track asthma, there is uncertainty as to the adequacy of their tracking efforts.

State legislative activity on asthma tends to fall into three main categories: bills designed to create state asthma programs, bills that deal with asthma medication use in schools, and bills that focus on improving insurance coverage for asthma.

Asthma rates have nearly doubled during the last 20 years.

When House Bill 1012 was signed in March 2000, Virginia became the first state to pass a law that requires the development of a comprehensive, statewide asthma strategy. The law requires the commissioner of the Department of Health to create an asthma plan that includes disease surveillance, public and professional education, and public and private partnerships with health care providers, local school divisions and community coalitions. It also requires identification of best practices for use in public health and clinical interventions. Funding for the program is designated to be from "such funds as may be appropriated" and from grants.

California, New York and North Carolina have introduced bills aimed at developing statewide asthma management and control programs. Other states have introduced legislation that would provide for the development of task forces to study asthma in the states and schools, and for asthma education.

In August 1999, Illinois enacted legislation requiring that the Department of Public Health work in conjunction with state and community-based asthma programs to develop and administer an informational program about asthma and its treatment. The program is targeted at high-risk population groups.

Twelve states passed legislation allowing students to carry and use asthma inhalers on school grounds. These bills were introduced in response to a number of school no-drug policies that required that asthma sufferer's medication be locked in the nurse's or principal's offices.

Nine states have enacted legislation to improve health care access and coverage for asthma sufferers.

NOTES

1. Surveillance for Asthma - United States, 1960-1995, *Morbidity and Mortality Weekly Report,* 47, no. SS-1 (Atlanta Georgia, 1998).

2. National Heart, Lung, and Blood Institute Data Fact Sheet - Asthma Statistics, National Institutes of Health (1999).

3. Elaine Friebele "The Attack of Asthma," *Environmental Health Perspectives* 104, no. 1 (January 1996).

4. Kevin B. Wess and Diane K. Wagener, "Changing Patterns of Asthma Mortality," *Journal of the American Medical Association,* 264, no. 13 (October 3, 1990).

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5. Vital Health Statistics, Ambulatory Care Visits to Physician Offices, Hospital Outpatient Department and Emergency Departments, National Center for Health Statistics 13, no. 134 (1998).

Subject: [Fwd: SB 27 Additional Documents]
Date: Wed, 25 Feb 2004 08:58:12 -0900
From: Senator Con Bunde <senator_con_bunde@legis.state.ak.us>
To: Jane Alberts <Jane_Alberts@Legis.state.ak.us>

Subject: SB 27 Additional Documents
Date: Tue, 24 Feb 2004 15:50:56 -0900
From: "Ken(neth J) Perry" <Mail@Paratex-PP.com>
To: "AK Senate, Con Bunde" <Senator_Con_Bunde@legis.state.ak.us>,
"AK Senate, Ralph Seekins" <Senator_Ralph_Seekins@legis.state.ak.us>,
"AK Senate, Gary Stevens" <Senator_Gary_Stevens@legis.state.ak.us>,
"AK Senate, Bettye Davis" <Senator_Bettye_Davis@legis.state.ak.us>,
"AK Senate, Hollis French" <Senator_Hollis_French@legis.state.ak.us>

Honorable Senators and members of the Senate Labor and Commerce Committee:

Enclosed herein are two documents that may further assist you in considering our objection to SB27. "April 24 Comments Amended" is a copy of my comments to the House L&C Committee in April of 2002 in regard to HB66 (SB27's "father"). I have inserted in bold red the corresponding locations in SB27 being referenced. In addition there is an HTML copy of a news article regarding similar legislation they passed and then could not fund.

If time constraints allow, you may want to review these two documents as well before the Thursday Hearing. If that hearing goes like the 2002 House committee hearing, you will be presented with a large number of anecdotal stories about pesticides and pesticide applications. Most will have little relation to the bill before you but will attempt to stir emotions with words like "children" and "cancer" sprinkled heavily within. Please be careful to discern what is Germaine and what is not. I would expect the completely unrelated, but currently hot topic of aerial spraying will also come up. Whatever your viewpoint on the ADEC decision last year in that regard, it would be unfair and unfitting to punish our industry for something we are not even involved in.

Kenneth J (Ken) Perry General Manager

Mail@Paratex-PP.com

PARATEX Pied Piper Pest Control (est. 1965)<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

2440 E 88th Ave., Ste. A (907) 344-2538

Anchorage, AK 99507 (Fax) 344-9111

ICQ, MSN, AIM, Yahoo available on Request

April 24 Comments Amended.doc	**Name:** April 24 Comments Amended.doc **Type:** WINWORD File (application/msword) **Encoding:** base64 **Download Status:** Not downloaded with message

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Prepared Comments for Wednesday April 24, 2002 L&C Committee Hearing

Honorable members of The Committee, staff and guests thank you for the opportunity to address you once again. For the audio record, I am Ken Perry, part owner and General Manager of PARATEX Pied Piper Pest Control of Alaska and a member representing our industry trade group the National Pest Management Association of Dunn Loring, VA. I have reviewed the amended (version O) proposed House Bill kindly sent to me by Representative Cissna. I am frankly at a loss to see any changes that address the concerns raised by myself and others in correspondence to the members or at the January 24 hearing before this committee. While some language has been changed in an effort to appear conciliatory, in actual fact it has no real merit.

In order of appearance in the document, I direct your attention to:

(1) First to Page 2 Line 18. (**SB27 Line 17**) The addition of the one-quarter mile concession addresses a concern raised in regard to the lack of necessity to notify neighbors so far removed from the application site as to be unaffected by the service. Since ADEC and MOA already have clear regulations on maximum wind speeds for such applications, the potential for drift is extremely light, and that to only a 30 to 50 foot radius in the worst case scenario. The true disdain the proponents of this bill have for our industry is shown in their sarcastic allowance of one-quarter of a mile. If we extrapolate this 1320-foot minimum to a typical square lot configuration, we would not have to post a property at the rear property line ***IF*** the lot is at least 40 acres in size and ***IF*** we apply the pesticide along the front property line only. I guarantee you that no one in *our* industry can afford that size of property; I will resist the temptation to poll the committee. ☺

(2) Second, Page 4 Line 20. (**SB27 Line 15**) Inserting the new subsection (d) here does not really address our concerns as to the unfair and unscientific nature of this reporting program. Our industry is certainly not being allowed the privilege to decline as the users and sellers of over the counter pesticides are, even if ADEC decides it ***wants*** to do such a survey. And still left out of the equation are the agricultural and governmental users of pesticides.

(3) Third, Page 4 Line 27 & 28. (**SB27 Lines 22 & 23**) It did not go unnoticed that the drafters of this bill have further singled out our industry for punitive legislation. Not only are we the only group being forced into this reporting scheme, but by replacing "**person**" here with "**licensed custom, commercial, or contract pesticide applicators**", we now become the only

ones who can be punished for non-compliance. This provides further cause for persons to work illegally in this field, something ADEC has been unable or unwilling to pursue for some time.

(4) Fourth, the addition to Page 5 Line 3 (**SB27 Page 4 Line 29**) of the new sentence "**The department shall aggregate the data released under this section so that the anonymity of specific pesticide applicators and their clients is protected.**" (As well as the removal of the word "**unnecessarily**" from Page 3 Line 1.) We thank the committee and the sponsor for recognizing our concerns about privacy. However, this language simply cannot secure this vital issue. Perhaps the sponsor and her lobbyists are unaware, or perhaps have not considered, that under State regulation there is no longer any privacy attributable to documents or records obtained by State agencies. The only way that anonymity can be achieved is for the "right to know" laws to be changed, something I seriously doubt can be done. Simply put, once the information specified in **46.03.325(c)** is received by ADEC, it can be requested by any party for any reason. As an example, an anti-pesticide group can request and receive the data and then publish it in the newspaper with names and addresses, post protestors outside a business or residence who may have decided to use a pesticide, or even sell it to a competitor as a mailing list.

The reality of this danger was driven home to me just a short time ago. A week or two after our January 24 hearing, Representative Cissna graciously offered to sit with my wife and I over lunch and discuss this legislation. Her first action was to present to me two copies of confidential service reports issued by my competitors at American Pest Management. On each report was the name address and phone number of the customer, the service date and sanitation report, AND the chemicals and amounts applied to each site. However, while this might be considered unethical by some, it was not illegal. That is because the documents were properly requested from another governmental agency with similar rules of right-to-know -- the Anchorage School District.

I would like to mention something else that came out of my meeting with this bill's sponsor. During our discussion I once again questioned the need for this legislative action. "Is there a problem with pesticide contamination in Alaska's waters?" I asked The response was "Absolutely, yes!" I asked if she could provide me with the documentation and she promised to do so. I received it last week along with this new bill draft. I would urge the members of this committee to request this document from her and review it for yourselves. It is an EPA sponsored study of pesticides in Cook Inlet. (**Human Exposure Evaluation of Chemical Contaminants in Seafoods Collected in the Vicinity of Tyonek, Seldovia, Port Graham and Nanwalek in Cook Inlet, Alaska**) The only pesticide traces found were chemicals of which only a couple was possibly used in Alaska, the rest being termite and agricultural pesticides. Also, all but one have not been used in the US for 15 to 30 years, but are still used by many other countries in the world, including the Pacific rim. Additionally, the trace amounts found were located, with only 4 minor incidences, not in the stationary plants and invertebrates which spend their entire lives in and near Alaska shores and deltas, but in the migratory fish who spend the bulk of their lives in the open ocean. Further, to find even these trace amounts, they had to measure not in Parts Per Million, where danger levels for humans are usually assessed, not in Parts Per Billion, but in **Parts Per Trillion**! As one astute observer stated "This bill is a solution looking for a problem!"

I would like to respectfully conclude by reminding the honorable members of this committee of the events we observed in the US Senate just one week ago. Despite the best efforts of Senator Murkowski, with his charts and pictures, to prove the fallacy of the objections being thrown at the issue by the environmental extremists, and the passionate yet forceful argumentation of Senator Stevens, these outside special interest groups, with no real stake in our environment or economy, succeeded in preventing Alaskans like myself from conducting their business in a safe and profitable manner. I do not come to you with such eloquence of speech, or charts and graphs, but as a fellow Alaskan concerned about being victimized by these same groups. I would urge you to take this opportunity to send a resounding message to these extremists, as represented by the outside funded groups who are pushing House Bill 66, that we will not be bullied by their fear-mongering junk science. You can do this, not by ignoring this bill, letting it die or sending it back for another draft, but voting with firm conviction to eliminate it from further consideration.

My comments are now concluded.

(Kenneth J Perry)

Pesticide law's funding on hold

The reporting system's start-up money likely will run out this week, says state official.

LAURENCE M. CRUZ
Statesman Journal
February 15

Six weeks after it took effect, Oregon's landmark pesticide-use reporting system could run out of money and could be suspended next week.

In the special legislative session that ended Monday, lawmakers failed to allocate $1.4 million earmarked last year to develop the Pesticide Use Reporting Act.

"The development right now is on hold, which is of concern to us," said Chris Dearth, a spokesman for Gov. John Kitzhaber, who supports the program.

A temporary pesticide reporting system has been operating since Jan. 15, said Lisa Hanson, assistant director of the Oregon Department of Agriculture, which administers the program.

But this week, most of the start-up funding that was provided by the 2001 Legislature will be exhausted, she said.

The 2001 Legislature allocated $2.7 million to develop and implement the program during the 2001-03 biennium. It directed that $1.4 million of that amount be held by the Emergency Board, a group of lawmakers that makes spending decisions between legislative sessions.

The E-Board delayed allocating any of the money when it met in July and again in November.

Hanson said the temporary system and efforts to educate pesticide users about the program will be maintained in a limited way even with an interruption in funding. But the Agriculture Department needs at least $538,000 to put in place a permanent program, which will include electronic reporting and analysis of pesticide use data.

A coalition of conservation groups is slamming the Legislature's inaction.

"This is a very clear mandate from the public to put this in place and there was also strong legislative support for it," said Aimee Code, right-to-know coordinator with the Northwest Coalition for Alternatives to Pesticides. "It's very frustrating."

Matt Blevins, legislative affairs director with the Oregon Environmental Council, said the money was being held hostage.

"It's not a matter of they're spending the money somewhere else," he said. "They're holding onto the money until they can change the rules to their liking or get rid of the program."

Rep. Bill Witt, R-Portland, said he raised the issue of funding for the program with Rep. Susan Morgan, R-Myrtle Creek, during the special session. But he said he was assured that the program was not affected by proposed cuts in the party's budget.

"I think there's some folks in the lobby who are trying to delay the implementation of the system and I think they have some folks in the Legislature who are listening to them," Witt said.

Morgan, a top budget negotiator, did not return calls seeking comment.

Witt and Blevins say Oregonians for Food and Shelter, the powerful pesticide lobby group, is behind the funding block.

Terry Witt, the group's executive director, said concerns about confidentiality are "still a festering issue within the grower community" but that he supports funding the program.

To learn more

The Pesticide Use Reporting System requires people in urban and rural areas to report annually the pesticides they use. The data will be available mainly to researchers at accredited research institutions. The 1999 Legislature overwhelmingly passed the law 88-2.

Meanwhile, efforts to bypass the Legislature and take the issue directly to the voters already are under way.

Brad Witt, secretary treasurer of the Oregon AFL-CIO, said that group already has registered three initiatives with the Secretary of State's office.

The initiatives would enact more stringent pesticide use reporting requirements, provide for funding and be administered by the Oregon Department of Environmental Quality.

"We feel that DEQ would give this a higher level of attention than it's been receiving with the Department of Agriculture to date," Brad Witt said.

Laurence M. Cruz can be reached at (503) 399-6716.

OTHER ARTICLES FROM FEBRUARY 18

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Letters of Support

4031 Woronzof Drive
Anchorage, AK 99517

February 24, 2004

Senator Bunde
Chairman, Labor and Commerce Committee
Alaska State Legislature
Juneau, Alaska 99801

RE: Testimony on Senate Bill 27, "An Act Relating to Pesticide Use"

Dear Senator Bunde,

Thank you and members of the Committee for taking the time to read my testimony. I strongly support Senate Bill 27 and urge you and the Labor and Commerce Committee to support this bill and move it forward. I believe this is a very important bill for Alaskans and for the State of Alaska, with a number of benefits resulting if this bill is passed.

The two main benefits that I see for this bill are:

1. This bill will provide money for the State of Alaska at this time of financial crisis.

2. This bill will protect our fishing industry, along with the natural resources upon which many Alaskans – both Native and non-Native – depend for their livelihood and well-being.

In response to questions and concerns that have arisen regarding this bill, I present the following summaries:

- This bill is not burdensome to applicators since they are already required to track all of the information themselves, and we are only asking them to send the information to ADEC so that it can be stored in a database for future use.

- This bill is revenue positive – not only will it actually pay for itself, but will also make extra money for the State. The registration fees and CPA licensure fees will completely fund the development of the tracking system.

- This bill will charge pesticide manufacturers a $150 registration fee per label. This is a nominal fee to manufacturers since one label is often used in the selling of hundreds and even thousands of containers of any one particular pesticide. In addition, Alaska is the only state that does not receive such a fee.

- The bill establishes a nominal $25 per annum registration fee for certified pesticide applicators. The Department provides training and licensure, but does not have the authority to charge a fee.

- Recent pesticide rulings in Washington state about pesticides around salmon streams highlight the possible negative impacts of pesticide use on the fishing industry. The fishing industry in Alaska is a very important, sustainable industry for the state and many of its residents.

While I was serving in the U.S. Air Force, and especially prior to and during the Gulf War in 1990-1991, we spent a lot of time preparing for the possibility of encountering chemical weapons in the Middle East. I learned that the effects of pesticides, herbicides, and fungicides are basically the same as those toxic chemical weapons that we feared would be encountered during our war with Iraq. If exposed to these chemicals, they affect the central nervous, cardiovascular, and respiratory systems in frightening ways, often resulting in permanent damage, physical injury, pain, suffering and even death. It was very unsettling to learn that the so-called "common" pesticides, herbicides, and fungicides were simply watered down versions of toxic chemical and nerve agents. As these chemicals concentrate in the living tissues of plants, birds, fish, and even humans, their effects can be very destructive to that living being. The potential for long-term damage to the health of our ecosystems and to Alaskans is significant and needs to be addressed. This bill is an important step in addressing these possible, and from the numerous documents and studies I have read, known health risks. More importantly, people have a right to know.

We owe it to the people to address this issue now. How can we continue to spray pesticides in our public areas – schools, parks, and municipal parks – without the public knowing what they are being exposed to? Parents are concerned, especially as studies continue to show strong correlation between a number of pesticides and health problems such as immune system, endocrine system, and developmental disorders. The possibilities for negative financial impacts to the fishing industry and to people are tremendous if their health is harmed. And, if the health of people is adversely affected, the costs for health care for these people will be astronomical, not to mention the possible associated lawsuits.

I urge you and the members of the Committee to do what is right and appropriate for Alaskans. Please support Senate Bill 27! Thank you again for your time.

If I can be of assistance, please feel free to contact me during the day at my work phone at (907) 222-4219, or my home phone at (907) 245-1967.

Respectfully,

Christopher M. Riggio

Christopher M. Riggio, PE
President, Riggio Engineering
Persian Gulf War Veteran, Decorated
Vice President, Alaska Earth Institute
Adjunct Professor, University of Alaska, Anchorage

Subject: SB27-Please distribute to all members
Date: Wed, 25 Feb 2004 12:08:22 EST
From: Backlagoon@aol.com
To: Jane_Alberts@legis.state.ak.us
CC: Geran_Tarr@legis.state.ak.us

February 25, 2004

Dear Senator Bunde:

As a resident of Alaska, I support SB27, the Pesticide Right-to-Know Bill. People have a right to be informed about harmful health hazards and this bill will enable greater public awareness for avoidance by choice. Pesticides are designed to kill and the risks to human health are real.

" I support public notice of what is being sprayed, where and when. A person will be able to make an educated choice to avoid health hazards from pesticide application.
" I support a tracking system that would enable the DEC to monitor and quantify how much pesticides are being used. If any problems arise with a particular pesticide, the advantage is for the applicators to be tracked and notified.
" I support the public-right-to-know tracking system. The public will be able to make educated decisions about pesticides applied in the state. They can easily access the information on the Internet and make a decision as to whether they wish to avoid an area near pesticide application.
" I support the registration cost of $150.00 per pesticide, as Alaska does not have a fee and it would bring in substantial revenue.
" I support the creation of a pesticide advisory board that would advise and work with DEC to make pesticide use in the state of Alaska as safe as possible.

Thank you for your interest in passing this legislation out of your committee so that Alaskans can be as informed and safe as possible.

Sincerely,
Anissa Berry-Frick
PO Box 8118
Port Alexander, AK 99836
907-568-2210

Subject: SB 27
Date: Tue, 24 Feb 2004 20:34:45 -0900
From: Nancy Tankersley Fair <fairwinds@gci.net>
To: Con Bunde <Senator_Con_Bunde@legis.state.ak.us>
CC: Jane_Alberts@legis.state.ak.us

Con - I strongly support this bill, and think that grocery stores who spray our food should be included too. Please ensure its passage.

Thank you.

Nancy Tankersley Fair
4741 E. 112th Avenue
Anchorage, AK 99516

Subject: SB 27
Date: Tue, 24 Feb 2004 22:50:41 -0900
From: Jim Levine and Sue Post <jlevine@alaska.net>
To: Jane_Alberts@legis.state.ak.us

Hi Jane,
I am emailing you in hopes that you can forward this to Senator Stevens, and all other members of the Senate Labor & Commerce Committee-if not, please email me back and I will figure out how to do that!
thanks!
Sue Post

Dear Senator Stevens,
I am one of your constituents from Homer and am writing to ask your support on SB 27. I feel this is a very important issue, and that the state would be making a serious mistake by not passing this. It is absolutely ludicrous that companies are allowed to pollute, ie: use pesticides, but it is especially ridiculous that up to now they are not charged any fees, nor allowed to make that public information, especially when so many people here in Alaska (and elsewhere) depend on fish, meat and plants to survive.
Why is it that we are the only state who does not charge registration fees? Have you ever read the book (or seen the movie) A Civil Action, or read the book: Having Faith, by Sandra Steingraber? These books show how costly pesticides and other pollutants are to the public in the long run. The number of health risks associated with pesticides are huge, and although I would rather not see them used at all, if they are going to be used I definitely feel that the companies producing these products should be required to be more responsible about them, including to be responsible for some of the costs in the long run.
Our water, seafood and wildlife are critical to our survival, and to the survival of future generations. By no means should anyone be allowed to use pesticides (or any pollutants!) without making it be known to the public. These pollutants do not simply just disappear once applied-they linger for decades, in the ground, in the water, in human cells, and the risks they pose are high. The public has the right to know when, where and WHY these pesticides are being used.
Thank you in advance for your attention to this important bill, and I do strongly urge you to pass this.
Sincerely,
Susan Post
PO Box 1075
Homer, AK 99603

(907) 235-7496

OPINIONS

For our kids' sake, cut pesticide use

COMPASS: Points of view from the community

By DR. ADAM GROVE

(Published: December 27, 2003)

Alaska Department of Environmental Conservation Commissioner Ballard's recent decision to permit aerial spraying of pesticides and herbicides in Alaska leaves me dumbfounded. As a doctor, I am acutely aware that these agents are toxic to living organisms and their aerial application necessarily increases animal and human exposure. It is naive and irresponsible to believe chemicals that will kill alder trees and carpenter ants won't have toxic effects on animals and people.

I see a lot of children in my practice -- children with learning disabilities, attention deficit disorders, autism and other developmental disorders. In each case, environmental toxicity is never far from my mind because children are so much more susceptible to toxins like pesticides. Adults tend to overlook the fact that children bear the brunt of our use of pesticides and herbicides. Children are closer to the ground where these toxins are applied, and they play in and even eat the dirt where toxic residues can remain for years. In addition, children by body weight are exposed to more toxins because they eat four times more food than adults, drink up to seven times more water and breathe two-three times more air. And their young bodies are less capable of eliminating these toxins. Also, because of children's rapid growth, they are especially susceptible to the endocrine mimicking effects of pesticides and herbicides, which can result in abnormal growth and cancers. Furthermore, exposure at a young age implies a greater chance of developing disease later in life.

I also see an even more insidious effect of environmental toxins on children -- escalating infertility, which prevents their very conception. Pesticides have been linked to increased sterility in women, decreased sperm counts in men (40 percent in the last 50 years), the doubling of male genital birth defects and increased miscarriages.

As critics point out, it is difficult to find a smoking gun when it comes to the effects of pesticides and herbicides on children. I believe this is because we are not looking very hard. Nearly all toxin studies are focused on protection of adults and fail to use exposure levels applicable to children. Pesticides are studied in isolation but are always applied with so-called "inert" adjuvants, which are not required to be disclosed and which are themselves perhaps more dangerous than the active ingredients. In laboratories little consideration is given to interactions with the elements of nature, which can actually cause a toxic substance to become more toxic, spread well beyond the intended application area or persist for many years.

However, because children have lived a relatively short life compared with adults, and as a group tend not to drink, smoke or do other things that predispose them to cancer or developmental and learning disorders, we can safely say that most of these diseases are due to environmental causes. The argument that genes are responsible for the increase in childhood disease does not exonerate pesticides and other toxins because the very genes our children inherit from us and their later expression are affected by exposure to persistent toxins.

No doubt the rationale for the use of aerial spraying in Alaska includes reducing the cost of extracting natural resources. However, monetary savings gained by use of pesticides are clearly an illusion. A 2002 Mount Sinai School of Medicine study estimated the cost of disease resulting from exposing children to environmental toxins like pesticides at nearly $55 million per year or 2.8 percent of all U.S. annual health care costs. These numbers do not include the effects on adults or the environment itself. We must also consider the enormous emotional and social costs of the learning disabled or deformed children and infertile couples that result from pesticide use.

Pesticides are extremely dangerous to our environment, our wildlife and to ourselves. Children are particularly injured by their use. While we cannot protect our children from everything, we have the responsibility to do what we can. State and local officials must reduce, rather than increase, our exposure to toxic pesticides and chemicals.

Subject: [Fwd: aerial pesticide spraying]
Date: Mon, 24 Nov 2003 12:25:50 -0900
From: Johnny Ellis <Senator_Johnny_Ellis@legis.state.ak.us>
Organization: Alaska State Legislature
To: Geran Tarr <Geran_Tarr@legis.state.ak.us>

--
Senator Johnny Ellis, D-Anchorage
Senate Minority Leader

January to May:
State Capitol
Juneau, AK 99801
(907) 465-3704
(907) 465-2529 fax
Senator_Johnny_Ellis@Legis.state.ak.us
Visit our website!
http://www.akdemocrats.org/

Subject: aerial pesticide spraying
Date: Sat, 22 Nov 2003 19:05:54 -0900
From: Neil McArthur <mca@xyz.net>
To: Senator Gary Stevens <senator_gary_stevens@legis.state.ak.us>,
Representative Paul Seaton <Representative_Paul_Seaton@legis.state.ak.us>
CC: <senator_johnny_ellis@legis.state.ak.us>, <representative_sharon_cissna@legis.state.ak.us>

Hon. Sen Stevens & Rep. Seaton:

Many months ago I tried to comment on proposed aerial pesticide spraying regulations, and my efforts were brushed off by the agency apparently because my views are outside the range of options they were willing to consider.

I believe such pesticide use is probably ill advised in all cases, and that if any benefit results from aerial spraying its likely to be of short duration. In the long run we should never apply biocides broadly. The brush targeted by forestry companies is mostly alder, which forms root nodules with the actinomycete, *Frankia alni* to fix atmospheric nitrogen, thereby supplying major portions of long term soil fertility.

35 foot buffers along streams are a ludicrous concept -- no place is outside the watershed.

Anyway, please support Johnny Ellis's SB 233, also SB 27, and Sharon Cissna's HB 314.

Thanks, Neil McArthur

Organizations That Support Pesticide Use Tracking Bill SB 27

February 11, 2004

Alaska Action Center

Alaska Center for the Environment

Alaska Chronic Fatigue and Multiple Chemical Sensitivity Support Group

Alaska Community Action on Toxics

Alaska Conservation Alliance

Alaska Injured Workers Alliance

Alaska Public Interest Research Group

American Lung Association of Alaska

Arctic Organics

Brain Injury Association of Alaska

Ocean Conservancy (formerly Center for Marine Conservation)

Cook Inlet Keeper

Kachemak Bay Conservation Society

Mental Health Association of Alaska

National Wildlife Federation of Alaska

Native American Fish and Wildlife Society

Northern Alaska Environmental Center

February 25, 2004

I am writing in support of Senate Bill 27, a Pesticide Right to Know piece of legislation.

Working in the building sector, I am well aware of the "toxic soup" we all live in. Pesticide registration and tracking is one area where at risk Alaskans can track the use of known toxins. Every other state in the Union has determined it is in their citizens best interest to be protected and to charge for the registration of pesticides. Alaska should follow suit with passage of this bill, and HB314.

With registration fees covering the costs of administering this program, I would assume the primary resistance to this bill is from the pesticide manufacture, distribution and application market. The $150 per year registration fee and the $25 applicator's registration fee seems very reasonable in light of the potential risk to Alaska's citizens and the other "fees" recently levied by this Republican administration.

As more people develop allergies and immune system disorders, we must have the ability to research the impact of toxins on our health. This bill will provide the information system for that research in Alaska. People with allergies have the right to know when and where specific toxins are being used in order to avoid contact and potential life threatening reactions. Two members of my immediate family have allergies or immune system dysfunction, so this issue hits pretty close to home.

Thank you for considering my testimony against the testimony of the pesticide business sector.

Cathy G. Kerr
5701 Ridgeview Drive
Anchorage, AK 99516