



Testimony of Michelle Wilson, Alaska Community Action on Toxics

Senate Bill 27—Pesticide Use Tracking Bill

Hearing of the Senate Labor and Commerce Committee

February 26, 2004

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

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

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

Revenue Generating Legislation

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

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

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

Support Right-to-Know

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

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

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

that was passed unanimously by the Anchorage School Board, February 14, 2000. Post-application of pesticides is when risk of exposure is highest from ventilation and residue. The Notification section of the Anchorage School District Policy reads as follows:

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

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

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

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

Concern for the Health of Salmon and Traditional Foods

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

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

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

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

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

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

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

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

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

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

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

Pesticide Advisory Board

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

Summary

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

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

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

Alaska Community Action on Toxics is a statewide non-profit serving Alaska's communities.
"We believe everyone has the right to clean air, clean water, and toxic-free food."
505 W. Northern Lights Blvd., Suite 205 Anchorage, AK 99503 (907) 222-7714