

● STATE ENVIRONMENTAL CONSERVATION LAWS (*PESTICIDE CONTROL*)

STATUTORY CITATION: Alaska Stat. § 46.03.320

RELATED REGULATIONS: Alaska Admin. Code Title 18, §§ 90.010 – 90.990

GENERAL SUMMARY: In order to help conserve, improve and protect the state's environment and natural resources, the state environmental conservation laws establish broad control over the registration, labeling, sale, transportation, handling and use of pesticides. In general, no one may apply any pesticide product in a manner which may endanger the health, welfare or property of another person, or which is likely to pollute the state's air, soil or water. Under statutory rulemaking authority, the state environmental conservation department has adopted standards of particular relevance to agricultural workers, as outlined below.

SPECIFIC TERMS AND CONDITIONS

CERTIFICATION OF APPLICATORS — No person may use a restricted-use pesticide unless the person is certified as a commercial or private applicator, or is under the direct supervision of such an applicator. To qualify for commercial certification, the applicant must attend an approved training session or complete an approved course, and must pass a state-administered written or oral examination covering such topics as pesticide labeling, pesticide hazards and safety, pesticide application equipment and techniques, and pesticide-related laws and regulations. Applicants for certification as a private applicator must pass a similar test, or, as an alternative, must successfully complete an approved training course.

INSURANCE — No one may engage in the commercial or contract spraying or application of an insecticide, herbicide or rodenticide without having liability insurance, in an amount not less than \$500,000 per individual for bodily injury and not less than \$300,000 per incident for property damage.

APPLICATOR RECORDKEEPING — Certified commercial and private agricultural applicators must make a record of each application of restricted-use pesticides. The record must include the product's name and registration number, the date of application, the location of the application, the amount used, the applicator's name and certification number, the crop the product was used on, and related data. Commercial, custom and contract applicators of general-use pesticides are subject to similar recordkeeping requirements.

DRIFT CONTROL — It is illegal to apply a pesticide in a manner that results in pesticide drift. Pesticides may not be applied when the wind speed exceeds (1) the maximum wind speed specified on the product label, or (2) seven miles per hour if there is no maximum speed specified on the label.

PESTICIDE STORAGE AND DISPOSAL — Pesticide applicators must comply with detailed regulatory requirements governing the storage and disposal of pesticides and pesticide containers.

SPECIAL NOTES OR ADVISORIES

EFFECT OF FEDERAL RULE CHANGES ON STATE APPLICATOR CERTIFICATION REQUIREMENTS — Effective March 6, 2017, amendments to the U.S. Environmental Protection Agency's regulations governing the certification of pesticide applicators (*see entry, U.S. — Pesticides & Agricultural Chemicals — General Application Standards*) may require state pesticide regulatory agencies to strengthen their requirements for the certification of commercial and private applicators of restricted-use pesticides. In general, existing state rules approved by EPA before the effective date of the new federal regulations will remain in effect until March 6, 2020. If, however, the state agency submits an amended certification plan before that date, the existing state rules will remain in effect until EPA has reviewed and responded to the plan, but generally no longer than two more years.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Pesticide Control Program, Division of Environmental Health, Department of Environmental Conservation, Wasilla, Alaska 99654 (800-478-2577)*. Representatives of the Department may, at reasonable times and with the consent of the owner or occupier, enter premises to investigate actual or suspected violations of the pesticide rules established under state law. This agency is empowered to issue compliance orders and to pursue civil action in the state courts against violators who fail to comply with such orders.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*