

PESTICIDE PERMITS: NOTICE OF PROPOSED CHANGES ON PESTICIDE
CERTIFICATION, PERMIT MODIFICATION, AND GENERAL PERMITS FOR PESTICIDE
APPLICATION
IN THE REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION

The Alaska Department of Environmental Conservation (ADEC) proposes to adopt regulation changes in Title 18, Chapter 90 of the Alaska Administrative Code, dealing with pesticide certification, permit modification, and general permits to apply pesticides, including the following:

- (1) Amend 18 AAC 90.300 to require a certified applicator to apply pesticides at a licensed child care facility.
- (2) Amend 18 AAC 90.310 by removing oral examination as an option for renewal certification procedures.
- (3) Amend 18 AAC 90.515, 90.520, and 90.530 to clarify that these sections do not apply to applicants for general permit coverage.
- (4) Amend 18 AAC 90.540 to allow for a permittee to request changes to a permit, and associated public notice requirements under certain circumstances when modification of a permit is requested.
- (5) Add a new section, 18 AAC 90.545, to grant the department the ability to issue general permits for pesticide applications.
- (6) Add a new section, 18 AAC 90.550, to set standards to apply for coverage under a general permit to apply pesticides.
- (7) Add a new section, 18 AAC 90.555, to establish criteria for the department to suspend or revoke coverage under a general permit.
- (8) Amend 18 AAC 90.990 to include a definition for licensed child care facility.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Rebecca Colvin, ADEC Division of Environmental Health at 555 Cordova St. Anchorage, AK 99501. Additionally, the ADEC will accept comments by facsimile at 907-269-7510 and by email at rebecca.colvin@alaska.gov. The comments must be received not later than 5:00pm on Tuesday, November 27, 2018.

You may submit written questions relevant to the proposed action to Karin Hendrickson at karin.hendrickson@alaska.gov or at 1700 E. Bogard Rd, Bldg. B, Ste. 103, Wasilla, AK 99654. The questions must be received at least 10 days before the end of the public comment period.

The ADEC will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and at <http://dec.alaska.gov/eh/pest/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Theresa Zimmerman at theresa.zimmerman@alaska.gov or at 907-465-6171 not later than Friday, November 19, 2018, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Rebecca Colvin by email at rebecca.colvin@alaska.gov or online at <http://dec.alaska.gov/eh/pest/>.


After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments are public records and are subject to public inspection.

Statutory authority: AS 46.03.020, AS 46.03.320, AS 46.03.330

Statutes being implemented, interpreted, or made specific: AS 46.03.320, AS 46.03.330, AS 41.17.100

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: October 23, 2018



Larry Hartig, Commissioner
Department of Environmental Conservation

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Pesticide Program General Permit Coverage
3. Citation of regulation (may be grouped): 18 AAC 90
4. Department of Law file number, if any: 2018200343

5. Reason for the proposed action:

- ☐ Compliance with federal law or action (identify): _____
- ☐ Compliance with new or changed state statute
- ☐ Compliance with federal or state court decision (identify): _____
- ☒ Development of program standards
- ☐ Other (identify): _____

6. Appropriation/Allocation: Environmental Health/Pesticide Program

7. Estimated annual cost to comply with the proposed action to:

A private person: No additional costs to comply. The introduction of a new General Permit (GP) option allows for greater flexibility for permit modifications for similar projects under specific conditions. This would affect entities with pesticide projects that qualify for a GP. This GP option has the potential to reduce the time and cost of permitting, especially for project facilitators targeting invasive species, such as the Alaska Soil and Water Conservation Districts. For an entity applying for a GP under 19 AAC 90.550 like an Individual Permit (IP) they must issue a public notice prior to application. However, where an IP requires two consecutive notices a GP requires one public notice. Meaning that for projects that are eligible for a GP this new option would result in a direct savings estimated at \$100 to \$400 per permit.

Another state agency: No additional costs to comply. Potential savings as noted above could accrue to state agencies that undergo these types of projects. Specifically, the implementation of this GP option would affect the Alaska Department of Natural Resources, Alaska Invasive Plant Program and the Alaska Department of Fish and Game, Invasive Species Program. This new option will allow for expedited implementation of permitting for certain invasive species eradication projects.

A municipality: No identifiable costs to comply. As noted above, a potential savings could accrue to municipalities and local governments that undergo projects eligible for a GP.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>2019</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Rebecca Colvin
Title: Program Coordinator
Address: 555 Cordova St.; Anchorage, AK 99501
Telephone: 907-269-7808
E-mail address: rebecca.colvin@alaska.gov

10. The origin of the proposed action:

__X__ Staff of state agency
 Federal government
 General public
 Petition for regulation change
 Other (identify): _____

11. Date: October 23, 2018 Prepared by: _____
Name (printed): Robert J. Blankenburg
Title (printed): Program Manager
Telephone: 907-269-7581 _____