



ARIZONA STATE SENATE
Fiftieth Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1453

applying aquatic poisons

Purpose

Prohibits the Arizona Game and Fish Department from using rotenone or antimycin A unless an impact analysis is conducted and approved by the Arizona Game and Fish Commission.

Background

Fishery managers rely on a variety of tools to test and control fish populations. Aquatic poisons used to kill fish, or *piscicides*, are a commonly employed tool. The U.S. Environmental Protection Agency (EPA) and the states register or license piscicides for use. The EPA is authorized to register piscicides pursuant to the Federal Insecticide, Fungicide and Rodenticide Act. Rotenone is registered for use by the EPA in the U.S. and it is one of the most commonly used chemicals to kill aquatic life.

Since 1947, fishery managers have been using rotenone, which is applied directly to the water (either in a liquid or wettable powder form), in order to control fish populations. The EPA classified rotenone as a restricted use pesticide due to its acute inhalation, oral and aquatic toxicity.

In recent years, there has been an increase in public concern regarding the human health risks associated with the use of and exposure to rotenone and similar chemicals. Since 1990, the Arizona Game and Fish Department (AGFD) have used rotenone as a fish removal tool in 22 waters.

Non-Federal activities which result in the "take" of endangered or threatened wildlife require an Incidental Take Permit (ITP) under Section 10 of the Endangered Species Act. To receive an ITP the permittee must implement a habitat conservation plan to minimize and mitigate the effects the activity may have on endangered wildlife.

The fiscal impact to the state General Fund is unknown.

Provisions

1. Prohibits AGFD from using rotenone or antimycin A prior to conducting and submitting a full impact analysis of any risks posed to the environment and downstream potable water supplies and livestock water sources.

2. Requires the Arizona Game and Fish Commission to issue written approval or disapproval of the analysis.
3. Requires AGFD to provide at least 10 days advance written notice to all owners, lessees and permittees of real property, including federal and state public lands, contiguous with the treatment area defined in the impact analysis.
4. Requires AGFD to provide notice in two publications of a daily or weekly newspaper in general circulation within the general area of application.
5. Instructs AGFD to conduct soil and water analyses before applying rotenone and antimycin A to establish baseline levels.
6. Requires, after application, continuous monitoring of downstream levels in soil, potable water supplies and livestock water sources until pre-treatment baseline levels are achieved.
7. Excludes applications which meet both of the following:
 - a) Occur to a reservoir or to a water body for purposes of operating a reservoir or delivering water from a reservoir with a capacity of at least 10,000 acre feet, or to the Colorado River below and including Lake Mead; and
 - b) Authorized under a federally issued ITP.
8. Becomes effective on the general effective date.

Amendments adopted by Committee of the Whole

1. Modifies the general notice requirements.
2. Excludes applications which meet both of the following:
 - a. Occur to a reservoir or to a water body for purposes of operating a reservoir or delivering water from a reservoir with a capacity of at least 10,000 acre feet, or to the Colorado River below and including Lake Mead; and
 - b. Authorized under a federally issued ITP.

Senate Action

WLRD	2/15/12	DP	4-2-0
3 rd Read	2/28/12		21-9-0

Prepared by Senate Research
April 18, 2012
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