



ARIZONA STATE SENATE
Fifty-First Legislature, First Regular Session

FACT SHEET FOR S.B. 1469

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 population. The EPA classified rotenone as a restricted use pesticide due to its acute inhalation, oral and aquatic toxicity. Antimycin A was first registered as a fish toxicant in 1960. The chemical can be applied at high concentrations to achieve a complete kill or, in aquaculture only, at lower concentrations to achieve a selective kill.

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) has used rotenone as a fish removal tool in 22 waters.

Non-federal activities that 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 until conducting and submitting a full impact analysis of any risks posed to the environment and downstream potable water supplies and livestock water resources.

FACT SHEET

S.B. 1469

Page 2

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 that are contiguous with the treatment area defined in the impact analysis.
4. Requires AGFD to publish notice in two publications in a daily or weekly newspaper of general circulation within the area of application.
5. Instructs AGFD to conduct soil and water analyses before applying rotenone or antimycin A to establish baseline levels.
6. Requires, after application, continuous monitoring of downstream levels in soil, potable water supplies and livestock water resources until pre-treatment baseline levels are achieved.
7. Excludes applications that meet both of the following requirements:
 - a) occur to a reservoir or to a water body for the 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) are authorized under a federally issued ITP.
8. Becomes effective on the general effective date.

Prepared by Senate Research

February 19, 2013

SLL/YP/ly