

PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No. R093-15

DIVISION OF PLANT INDUSTRY

NOTICE OF INTENT TO ACT UPON A REGULATION And NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS

The Nevada Department of Agriculture will hold a public hearing on Wednesday, January 20, 2016, 1:00 pm, at the University of Nevada Cooperative Extension locations in Reno, Elko and Las Vegas; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 555 of the Nevada Administrative Code. The proposal has been designated as File No. R093-15 by the Nevada Legislative Counsel Bureau.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 555; a *regulation relating to amend the pesticide regulations to protect the public and the environment; and providing other matters properly relating thereto.*

1. The need for and the purpose of the proposed regulation or amendment.
 - To amend the pesticide regulations to protect the public and the environment.
2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.
 - We have proposed a significant number of changes but we have concluded that these regulations will have little or no impact on small businesses because they have been written with offsetting provisions that effectively eliminate additional costs or effort by the pesticide operations
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public.
 - The regulations will impose little, if any, net economic impact on small businesses
4. The estimated cost to the agency for enforcement of the proposed regulation.
 - We do not anticipate any increased cost due to these regulations
5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
 - Does not apply
6. If the regulation is required pursuant to federal law, a citation and description of the federal law.
 - Does not apply
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
 - Does not apply
8. Whether the proposed regulation establishes a new fee or increases an existing fee.
 - While there is a small fee increase, we have eliminated revenue from Manual sales. We expect the net effect to be \$0.00 and are not planning on expendable net revenue.

A concerted effort was made to determine the impact of the proposed regulation on small businesses. Division Administrative staff determined that this regulation will have little or no impact on small businesses.

The LCB approved revision can be found on the Nevada Department of Agriculture website at www.agri.nv.gov.

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV 89104
ATTN: Robert Leavitt
(702) 668-4590
rleavitt@agri.nv.gov

Nevada Department of Agriculture
405 S 21st St
Sparks, NV 89431
ATTN: Robert Little
(775) 353-3729
rlittle@agri.nv.gov

Written submissions must be received by the Nevada Department of Agriculture on or before 5:00 pm on January 15, 2016. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445

And in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

NRS 233B.064(2) provides: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Sparks, Las Vegas or Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Douglas County Library, 1625 Library Lane, Minden, NV 89423
Esmeralda County Library, Corner of Crook & 4th Streets, Goldfield, NV 89013
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445
Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Lyon County Library, 20 Nevin Way, Yerington, NV 89447
Mineral County Public Library, 110 1st Street, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Storey County Public Library, 95 South R Street, Virginia City, NV 89440
Tonopah Public Library, 167 Central Street, Tonopah, NV 89049
White Pine County Library, 950 Campton Street, Ely, NV 89301
Nevada State Legislature Website: www.leg.state.nv.us

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JAMES R. BARBEE
Director

Las Vegas Office:
2300 McLeod Street
Las Vegas NV 89104-4314
(702) 668-4590
Fax (702) 668-456



Elko Office:
4780 E. Idaho Street
Elko NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

MEMORANDUM

TO: Nevada Department of Agriculture Offices
State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office

FROM: Robert Little, Division Administrator – 775-353-3729
rlittle@agri.nv.gov Fax Number 775-353-3638

SUBJECT: Posting of Agenda for Hearing on Notice of Intent to Act Upon a Regulation Scheduled for Wednesday, January 20, 2016 at 1:00 pm.

DATE: December 17, 2015

I have attached a copy of the agenda for the Nevada Department of Agriculture Hearing for Notice of Intent to Act Upon a Regulation that will be held on Wednesday, January 20, 2016 at 1:00 pm.

Please post the agenda before 9:00am on Friday, December 18, 2015, per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building
State Library and Archives
Dennis Belcourt – Attorney General's Office
Sparks Office – Nevada Department of Agriculture
Las Vegas Office – Nevada Department of Agriculture
Elko Office – Nevada Department of Agriculture
Consumer Equitability – Department of Agriculture

OFFICE: _____

SIGNATURE: _____

DATE & TIME OF POST: _____

MEETING NOTICE AND AGENDA

Public Hearing

Notice of Intent to Act Upon a Regulation

LOCATION: University of Nevada
 Cooperative Extension
 4955 Energy Way
 Reno, NV 89502
 (775) 784-4848

 University of Nevada
 Cooperative Extension
 701 Walnut Street
 Elko, NV 89801
 (775) 738-7291

 University of Nevada
 Cooperative Extension
 8050 Paradise Road, Ste. 100
 Las Vegas, NV 89123
 (702) 222-3130

DATE AND TIME: Wednesday, January 20, 2016 at 1:00 pm

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: *NAC 555; a regulation relating to amend the pesticide regulations to protect the public and the environment; and providing other matters properly relating thereto.*

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify The Dept. of Agriculture in writing at 405 S. 21st Street, Sparks, NV 89431 or contact Jerri Conrad at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21st Street, Sparks, NV, 89431 or Dept. of Agriculture website at www.agri.state.nv.us. For additional information contact Jerri Conrad at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21st Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 McLeod Street, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City.

**REVISED PROPOSED REGULATION OF THE DIRECTOR OF
THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R093-15

December 16, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1-15, 17, 22, 24, 29, 30, 33, 38 and 39, NRS 555.400; §§16 and 18, NRS 555.300 and 555.400; §§19, 20 and 21, NRS 555.290 and 555.400; §23, NRS 555.320 and 555.400; §25, NRS 555.3507 and 555.400; §26, NRS 555.310, as amended by section 42 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3591, and NRS 555.400; §§27, 32 and 34-36, NRS 555.380 and 555.400; §28, NRS 555.390 and 555.400; §31, NRS 555.380, 555.390 and 555.400; §37, NRS 555.400 and 555.470.

A REGULATION relating to pesticides; revising requirements relating to the storage, transportation and disposal of pesticides; providing for the licensure and regulation of consultants and demonstration and research specialists; providing for the regulation of any activity conducted for hire for the purpose of detecting, preventing, controlling or exterminating pests; establishing a field for the licensure of governmental agency applicators of pesticides; revising requirements relating to the placement of insecticide baits; revising the list of violations that constitute serious violations; replacing duplicative language concerning continuing education; removing a requirement that an applicant for a license to engage in the business of pest control provide proof of an appropriately licensed primary principal; requiring a location principal to comply with certain requirements; requiring certain locations of a pest control business that are outside of this State to have an appropriately licensed primary principal or location principal; revising and establishing certain fees; revising certain requirements concerning documentation of certain types of pest control; revising requirements concerning the notice of intent to apply pesticides harmful to bees; imposing certain civil penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the State Department of Agriculture to adopt regulations to carry out statutory provisions concerning the use of pesticides. (NRS 555.400) Existing regulations prescribe the storage and disposal requirements for pesticides, including

labeling requirements for containers in which pesticides are stored. (NAC 555.400, 555.445) **Section 2** of this regulation defines the term “application device” to mean equipment used during the course of applying pesticides. **Section 5** of this regulation defines the term “primary container” to mean a container used by an applicator to store or transport concentrated pesticide. **Section 6** of this regulation defines the term “secondary container” to mean a container that is used by an applicator to transport and store use dilutions of pesticide for eventual use by the applicator. **Section 27** of this regulation requires a secondary container or an application device used as a secondary container to be securely fastened to a service vehicle while being used to transport a pesticide. **Section 32** of this regulation requires a pesticide or its empty container to be stored and disposed of according to the directions on the label. **Section 33** of this regulation amends existing requirements concerning the labeling of service containers to prescribe requirements for labeling a primary container, secondary container or application device.

Existing law requires a person who engages in pest control or serves as an agent, operator, pilot, primary principal or principal for that purpose to obtain a license from the Director. (NRS 555.280) **Section 3** of this regulation defines the term “consultant” to mean a person who: (1) works for a person who distributes or sells pesticides; and (2) holds himself or herself out as being in the business of providing certain advice concerning pest control. **Section 4** of this regulation defines the term “demonstration and research specialist” to mean certain professionals who hold themselves out as being in the business of conducting field research using unregistered experimental pesticides or demonstrations using registered pesticides. **Sections 12, 14, 16, 18-21, 24, 26-29 and 37** of this regulation make certain provisions concerning licensing of pest control personnel and engaging in pest control applicable to consultants and demonstration and research specialists. **Section 14** also prohibits: (1) a consultant from applying pesticide; and (2) a demonstration and research specialist from providing advice concerning the use of registered pesticides or applying registered pesticides. **Section 15** of this regulation makes a conforming change. **Section 16** provides that a consultant or demonstration and research specialist is not required to have the education and experience required of a principal.

Existing regulations establish requirements concerning the application of termiticide as part of preconstruction or postconstruction treatment. (NAC 555.2554, 555.427, 555.428, 555.430, 555.440) **Section 7** of this regulation defines the term “termiticide” to mean a pesticide that is registered with the United States Environmental Protection Agency and the State Department of Agriculture and for which the label provides directions for use to control termites.

Existing law defines the term “pest control” to include only activities engaged in as a business or for hire. (NRS 555.2667) **Section 8** of this regulation provides that the Director will construe the term “business” to include any activity performed for hire, including such activity when performed by a governmental agency. **Section 9** of this regulation provides that the Director will construe the term “for hire” to exclude any activity: (1) that is performed by a governmental agency at the request of another governmental agency; and (2) for which the requesting governmental agency did not issue a request for proposals. **Sections 13 and 38** of this

regulation: (1) create a governmental agency field for the licensing of pest control personnel and certification to apply restricted use pesticides; and (2) establish categories within that field. **Sections 13 and 38** also create a category within the field of urban and structural pest control to control bacteria and other single-celled organisms in water processing systems. **Section 28** of this regulation establishes requirements concerning recordkeeping for persons licensed in the field of governmental agency pest control and revises such requirements applicable to pest control personnel licensed in other fields. **Section 36** of this regulation makes a conforming change.

Existing regulations: (1) define the term “bait station” to mean a box or receptacle that contains a rodenticide that is protected from moisture and dust and accessible to pests; and (2) require a rodenticide to be placed in an area inaccessible to children or domestic animals or in a tamper-resistant bait station. (NAC 555.2503, 555.460) **Section 10** of this regulation amends the definition of the term “bait station” to provide that a bait station may also contain insecticide. **Section 34** of this regulation requires insecticide baits to be placed similarly to rodenticides, and **section 37** imposes certain fines for the failure to do so.

Existing regulations define the term “serious violation” to mean: (1) a violation that results in actual damage to the health of persons, wildlife, property or the environment; (2) certain violations concerning preconstruction treatment; and (3) failing to complete, affix, post or deliver a duplicate tag where required. (NAC 555.2567, as amended by LCB File No. R033-14) Existing regulations establish enhanced fines for serious violations. (NAC 555.530) **Section 11** of this regulation amends the definition of the term “serious violation” to provide that only a violation that results in actual damage to the health of persons, wildlife, property or the environment constitutes a serious violation.

Existing law requires an applicant for a license to engage in pest control to possess certain experience or a combination of certain experience and education. (NRS 555.300) **Sections 16 and 17** of this regulation replace duplicative language concerning this experience and education with a reference to the applicable provision of law. **Section 22** of this regulation removes a requirement that an applicant for a license to engage in the business of pest control provide the Department with proof that a primary principal of the business is appropriately licensed.

Existing regulations define the term “location principal” to mean the primary principal at a location of a pest control business or a principal who has been designated by a primary principal to supervise the categories of pest control performed at a location of a pest control business. (Section 3 of LCB File No. R033-14) **Sections 21, 23, 24 and 37** of this regulation clarify that certain requirements concerning continuing licensure of other types of principal also apply to a location principal. Existing regulations require each location of a pest control business in this State to have a primary principal or location principal that is appropriately licensed. (NAC 555.395) **Section 25** of this regulation instead requires each location of a pest control business

from which personnel engage in pest control in this State to have such a primary principal or location principal.

Existing regulations prescribe certain fees for the examination and reexamination of an applicant for a license to engage in pest control. (NAC 555.397) **Section 26** of this regulation revises the amount of the fee for an initial examination and clarifies that such fees apply to an initial core examination, an initial examination on laws and regulations and an initial examination concerning a category of pest control. **Section 26** also increases the fee for the renewal of an expired license and clarifies that renewing an expired license does not exempt the holder from penalties for engaging in pest control without a license.

Existing regulations require a licensee who performs a preconstruction treatment to complete a tag that contains certain information and allows the duplication of such a tag under certain circumstances. (NAC 555.428) **Section 30** of this regulation prohibits the duplication of such a tag and revises certain other requirements concerning the use of such tags.

Section 31 of this regulation revises requirements concerning documentation of certain treatments to eradicate wood-destroying pests. **Section 35** of this regulation revises provisions concerning notice that a licensee who intends to apply a pesticide harmful to bees is required to provide to an apiarist who has an apiary nearby.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this regulation.

Sec. 2. *“Application device” means equipment, including, without limitation, handheld sprayers, truck-mounted sprayers and towed equipment, used during the course of applying pesticides.*

Sec. 3. *“Consultant” means a person who:*

- 1. Works for a person who distributes or sells pesticides and who is subject to the provisions of chapter 586 of NRS; and*
- 2. Publicly holds himself or herself out as being in the business of identifying pests, providing technical advice concerning pest control or recommending pesticides for the purpose of detecting, preventing, controlling or exterminating pests.*

Sec. 4. *“Demonstration and research specialist” means a research scientist, extension agent, extension specialist, employee of a federal or state governmental agency, an industry representative or other person who publicly holds himself or herself out as being in the business of conducting field research for experimental purposes using pesticides not registered in this State or demonstrations using registered pesticides for the purpose of detecting, preventing, controlling or exterminating pests.*

Sec. 5. *“Primary container” means a container that is used by an applicator to store or transport concentrated pesticide.*

Sec. 6. *“Secondary container” means a container that is used by an applicator to transport or store use dilutions of pesticide for eventual use by the applicator.*

Sec. 7. *“Termiticide” means a pesticide:*

1. *That is registered with the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136a;*

2. *For which the brand is registered with the Director under the provisions of NRS 586.250 to 586.300, inclusive; and*

3. *For which the label provides directions for use to control termites.*

Sec. 8. *For the purpose of carrying out the provisions of NRS 555.2605 to 555.470, inclusive, the Director will construe the term “business” to include any activity performed for hire, including, without limitation, such work performed by a governmental agency.*

Sec. 9. *For the purpose of carrying out the provisions of NRS 555.2605 to 555.470, inclusive, the Director will construe the term “for hire” to exclude any activity that is:*

1. *Performed by a governmental activity at the request of another governmental agency;*
and

2. *For which the requesting governmental agency did not issue a request for proposals.*

Sec. 10. NAC 555.2503 is hereby amended to read as follows:

555.2503 “Bait station” means a box or other receptacle that:

1. Contains a rodenticide *or insecticide* in a liquid or solid form;
2. Protects the rodenticide *or insecticide* from moisture and dust; and
3. Provides a place for ~~[rodents or other vertebrate]~~ pests to feed on the rodenticide ~~[.]~~ *or*

insecticide.

Sec. 11. NAC 555.2567 is hereby amended to read as follows:

555.2567 “Serious violation” means ~~⌋~~:

~~—1. A] a violation of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, which results in actual damage to the health of persons, wildlife, property or the environment. ⌋~~

~~—2. Performing preconstruction treatment in violation of NAC 555.427; or~~

~~—3. Failing to complete, affix, post or deliver a tag or duplicate tag in violation of NAC 555.428.]~~

Sec. 12. NAC 555.270 is hereby amended to read as follows:

555.270 1. The Director may issue the following types of licenses to applicants who have the appropriate qualifications:

(a) Except as otherwise provided in subsection 2, a license authorizing the holder to conduct pest control in any category of pest control in which a primary principal of the business or a location principal for the specific business location has been qualified by examination.

(b) For pest control personnel:

(1) Except as otherwise provided in subsection 3, a general license authorizing the holder to perform pest control work in a specific category or categories.

(2) A restricted license authorizing the holder to perform only certain types of pest control work, including, without limitation, pest control work restricted to inspections for wood-destroying pests or restricted to a specific:

(I) Host;

(II) Site;

(III) Pest; or

(IV) Pesticide.

2. An operator, *consultant, demonstration and research specialist* or agent will be issued a license only in those categories where he or she has a qualified primary principal or a qualified location principal at the business location from which the operator, *consultant, demonstration and research specialist* or agent will be working.

3. The Director will not issue a general license authorizing a primary principal or operator to perform pest control work in the category of structural pest control if that work is limited to preconstruction treatment.

4. An applicant who wishes to perform pest control work with fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards must:

- (a) Obtain a restricted license for that purpose;
- (b) Provide the Department with proof of insurance coverage for the application of fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards; and
- (c) Maintain the insurance coverage after receiving such a license for the period during which he or she holds the license.

Sec. 13. NAC 555.280 is hereby amended to read as follows:

555.280 1. The following fields are established for the licensing of pest control personnel:

(a) Aerial—The use of aircraft, *including, without limitation, an unmanned aerial vehicle*, for the application of pesticides on standing or running water, rangeland, agricultural crops, forest, idle cropland and noncropland associated with the production of agricultural crops.

(b) Agricultural ground—The use of ground equipment for the application of pesticides on livestock, rangeland, agricultural crops, idle cropland and noncropland associated with the production of agricultural crops.

(c) Urban and structural—The use of ground equipment for the application of pesticides in urban areas and in, on or around structures.

(d) Governmental agency—The use of pesticides classified for general use by an employee of a federal, state or local governmental agency, including, without limitation, for highway maintenance, weed control or structural pest control.

2. The following categories are established for the licensing of pest control personnel under the fields of licensing:

(a) Aerial:

- (1) Insect pests—The application of insecticides, miticides and acaricides.
- (2) Weeds—The application of herbicides and plant regulators.
- (3) Desiccants and defoliant—The application of desiccants and defoliant.
- (4) Fungi pests—The application of fungicides, bactericides and nematicides.

(b) Agricultural ground:

- (1) Insect pests—The application of insecticides, miticides and acaricides.
- (2) Weeds—The application of herbicides and plant regulators.
- (3) Desiccants and defoliant—The application of desiccants and defoliant.
- (4) Fungi pests—The application of fungicides, bactericides and nematicides.
- (5) Vertebrate pests ~~{ }~~ — The application of various substances on agricultural ground

for the control of vertebrate pests, including, without limitation, the use of fumigants for burrowing rodents. This category does not include the control of vertebrate pests in, on or around industrial complexes, institutional complexes, dwelling units or other structures designed for use by humans, or on ornamentals or turf in, on or around such structures.

(c) Urban and structural:

(1) Limited landscape—The control of insect pests, vertebrate pests and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.

(2) Industrial and institutional—The control of insect pests and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.

(3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests.

(4) Fumigation—The use of poisonous and lethal fumigants.

(5) Aquatic—The control of insect pests, weeds and vertebrate pests in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

(6) Weeds—The control of weeds in the maintenance of landscapes, turf and rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way. This category does not include the control of aquatic weeds.

(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

(8) Cooling towers, biocides and water processes—The use of antimicrobials and biocides to control bacteria and other single-celled organisms in cooling water, wells and other water processing systems.

(d) Governmental agency:

(1) Agricultural plant—The control of any pest on or around any agricultural crop, including, without limitation, on or around land used for the production of forage, grain, pasture, seed, row and fruit crops and rangeland, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding fumigation pest control.

(2) Rangeland and forest—The control of any pest in rangeland, forest, forest nurseries and forest seed-producing areas, including, without limitation, site preparation, release work, insect control and reforestation projects.

(3) Ornamental, turf, nursery, greenhouse and interior landscape—The control of any pest in the maintenance and production of ornamental plants and turf or the maintenance of a nursery, greenhouse or interior landscape, including, without limitation, the production and maintenance of ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens, excluding fumigation pest control.

(4) Seed treatment—The treatment of seeds to control insects, fungi, bacteria and other microorganisms, excluding fumigation pest control.

(5) Aquatic and mosquito—The control of any pest, including, without limitation, insects, weeds and fish, associated with standing or running water, including, without limitation, reservoirs, lakes, rivers, aquatic cropland and wetland areas, excluding public health pest control.

(6) Right-of-way and weed—The control of any pest in the course of maintaining a right-of-way, including, without limitation, the treatment of roadsides, utilities, railroads, land on which crops are not planted, fence lines, structural perimeters and other similar areas.

(7) General pest control, industrial and institutional—The control of insect and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.

(8) Wood-destroying insects—The control of any wood-destroying insect, including, without limitation, termites, in, on or around any structure, including, without limitation, homes, storage sheds and warehouses, excluding fumigation pest control.

(9) Wildlife control—The application of various substances, including, without limitation, fumigants, for the control of wildlife pests on rangelands, forests, agricultural crops, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding the control of wildlife pests in, on or around industrial complexes, institutional complexes or dwelling units or predatory pest control.

(10) Fumigation pest control:

(I) Commodity fumigation—The control of any pest that infests raw agricultural or processed commodities, animal feeds and commodity storage facilities where such commodities are held or stored, including, without limitation, tarpaulin fumigation and fumigation of grain elevators, rail cars, truck trailers, vans, aquatic vessels, air and sea containers, other static sealable enclosures, food processing plants, prepared bins, warehouses, beehives and other beekeeping equipment.

(II) Rodent burrow fumigation—Outdoor fumigation for the control of rodents and moles, including, without limitation, marmots, woodchucks, rats, mice, ground squirrels, voles, pocket gophers and chipmunks.

(III) Soil fumigation—The control of any pest that is present in the soil at the time of treatment, including, without limitation, plant-parasitic nematodes, soil-borne pathogens, weeds and insects.

(11) Regulatory—The use or supervision of use by an employee of a state or federal governmental agency of pesticides to control pests designated by a federal or state agency as actionable, of quarantine concern or noxious weeds pursuant to a government program.

(12) Sewer line root control—The control of plant roots in the maintenance of sewers.

(13) Public health—The control of any pest having medical or public health importance.

(14) Predatory pest control—The control of any predator in any habitat, including, without limitation, by using an M-44 device.

3. This section must not be construed to prohibit a person or governmental agency or any employee thereof who has obtained the proper license from applying pesticides in a manner not prohibited by law.

4. As used in this section:

(a) “Pesticide classified for general use” has the meaning ascribed to it in NAC 555.610.

(b) “Unmanned aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 14. NAC 555.290 is hereby amended to read as follows:

555.290 1. A person may not be employed or retained in the position of a principal, location principal or primary principal for more than one pest control business at any time.

2. Each primary principal, location principal, principal, operator, *consultant, demonstration and research specialist* or agent of a pest control business shall:

(a) Ensure that the license issued to him or her by the Director is on his or her person or in his or her service vehicle while engaging in pest control; and

(b) Produce the license upon request by the Director or a person designated by the Director as a field agent or inspector pursuant to subsection 2 of NRS 561.225.

3. The primary principal or location principal of a pest control business shall, within 15 days after the change, notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, *consultant, demonstration and research specialist* or agent of the pest control business or any change in the information given on the application for the license for the pest control business.

4. A license is not assignable or transferable. If a change in ownership occurs, a new application and fee must be submitted. No fee is required for a change in the name of the business if the application for the change is accompanied by a declaration under penalty of perjury that there is no change in ownership.

5. A separate licensing fee for a principal, operator, *consultant, demonstration and research specialist* or agent must be paid by the employer. No additional fee is required for a designation as a primary principal or a location principal.

6. A principal, *consultant* or operator may apply to the Director for amendment of his or her license to include additional categories of pest control or have restrictions removed. Except as otherwise provided in NAC 555.325, upon examination, the principal or operator is entitled to have the license so amended without any additional licensing fee.

7. A licensee who cannot provide services in a particular category of pest control because he or she fails to meet the requirements for insurance for that category may apply to have a temporary hold placed on his or her license for that category. The temporary hold on the license

for that category may be removed at any time upon submission of proof of insurance to the Director.

8. The Director may refuse to issue a license to a pest control business in a name that is:

- (a) The same or similar to a name used by another licensee;
- (b) Likely to be confused with a governmental agency or trade association; or
- (c) Misleading.

9. An agent shall not apply any pesticide or provide a recommendation or any other advice to a person concerning the use of a pesticide.

10. *A consultant shall not apply any pesticide.*

11. *A demonstration and research specialist shall not:*

(a) Provide a recommendation or any other advice to a person concerning the use of a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive; or

(b) Apply a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive, except for demonstration and research purposes.

12. The Director may refuse to issue a license to an applicant to perform pest control work if, at the time the applicant submits the application:

- (a) A fine imposed against the applicant pursuant to NAC 555.530 remains unpaid; or
- (b) Any hearing or other matter that is within the jurisdiction of the Director is pending

against the applicant.

Sec. 15. NAC 555.300 is hereby amended to read as follows:

555.300 A person licensed pursuant to NAC 555.250 to 555.530, inclusive, *and sections 2 to 9, inclusive, of this regulation* may apply in writing to the Director for a permit to perform an emergency application of a pesticide for the protection of public health, property or the environment. The application must include:

1. The address of the site to be treated.
2. The anticipated date of treatment.
3. The name of the applicator who will be performing or immediately supervising the application.
4. The crop or site to be treated.
5. The number of units to be treated, including, without limitation, the number of acres or miles or fraction thereof.
6. The pesticide to be applied and the rate at which it will be applied.
7. The purpose for which the crop or site is to be treated.
8. The brand name or generic name of the pesticide to be applied, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage to be applied.
9. Proof that the applicant has insurance for public liability and property damage that satisfies the requirements set forth in ~~subsection 2 of~~ NAC 555.370.
10. Any other information the Director may require.

Sec. 16. NAC 555.320 is hereby amended to read as follows:

555.320 1. Except as otherwise provided in NRS 555.300 and NAC 555.325, an applicant who is applying for an examination as a principal must meet the requirements set forth in NRS

555.300 . ~~{before being examined and must file proof of meeting the following requirements when submitting an application for a pest control examination:~~

~~—(a) Two years of practical experience in the application of pesticide or related pest control in the initial category or categories applied for; or~~

~~—(b) Six months of practical experience in the application of pesticide or related pest control in the initial category or categories applied for and proof of not less than 16 college credit hours in biological sciences of which not less than 8 hours must be in subjects directly related to the field of pest control in which the applicant wishes to be licensed.}~~

2. An applicant who is applying for examination as an operator , *consultant, demonstration and research specialist* or agent ~~{is not required to}~~ **must** have reached the age of majority ~~{nor}~~ **but** is ~~{he or she}~~ **not** required to have ~~{:~~

~~(a) The practical experience in the application of pesticide required of a principal pursuant to paragraph (a) of subsection 1; or~~

~~—(b) The} *the* practical experience and education required of a principal pursuant to {paragraph (b) of subsection 1.} **NRS 555.300.**~~

3. ~~{As used in this section:}~~ **For the purposes of carrying out the provisions of NRS 555.300, the Department will construe the term:**

(a) “Credit hours in biological sciences” ~~{includes}~~ **to include** courses in, but not limited to, biology, botany, entomology, zoology, agronomy, horticulture, biochemistry, nematology, phytopathology and courses similar or similarly derived.

(b) “Directly related to the field of pest control” courses ~~include~~ **to include** economic entomology, phytopathology and similar courses concerning the identification and control of pests through the use of pesticides.

(c) “Practical experience” ~~means~~ **to mean** experience that is substantiated by work records, notarized statements verified by work records or any other documentation acceptable to the Department. The term does not include any experience obtained by an applicant while engaged in activity as **a consultant or** an agent or after the applicant:

- (1) Ceases engaging in pest control;
- (2) Has his or her employment with a pest control business terminated; or
- (3) Has his or her license transferred to inactive status pursuant to NAC 555.385.

(d) “Related pest control” experience ~~includes~~ **to include** technical field representative work ~~or~~ termite inspection for private or governmental entities. ~~for acting as a consultant on the staff of an area or regional consulting firm.~~ Other experience may be evaluated.

Sec. 17. NAC 555.325 is hereby amended to read as follows:

555.325 1. ~~In lieu of meeting the requirements set forth in subsection 1 of NAC 555.320,~~
~~a~~ A principal who applies to the Director for amendment of his or her license to include additional categories of pest control pursuant to subsection 6 of NAC 555.290 ~~or~~ may include in the application for a pest control examination ***proof of meeting the requirements of subsection 3 of NRS 555.300 with regard to each additional category of pest control for which the principal applies or*** proof of meeting the following requirements for each additional category of pest control for which the principal applies:

(a) Documentation of completion of at least 40 units of continuing education in courses that are accredited by the Director pursuant to NAC 555.374 and directly related to the category of pest control for which the principal applies; or

(b) Documentation of completion of at least 9 units of continuing education in courses that are accredited by the Director pursuant to NAC 555.374 and directly related to the category of pest control for which the principal applies and documentation of:

(1) Six or more months of practical experience in the application of pesticide or related pest control in the category of pest control for which the principal applies; or

(2) Successful completion of 3 or more college credit hours received from:

(I) A course taken at an accredited college or university that is directly related to the category of pest control for which the principal applies;

(II) A correspondence course which was approved by the Director and which is directly related to the category of pest control for which the principal applies; or

(III) Any combination of the courses described in sub-subparagraphs (I) and (II).

2. The Director may require a principal to pass a practical examination that demonstrates the ability to inspect a structure for the presence of pests or use and apply pesticides in any category of pest control for which the principal applies.

3. The documentation of completion of units of continuing education submitted pursuant to subsection 1 must include the certificate of completion issued by the sponsor of the course.

4. The practical experience required by subsection 1 must be substantiated by work records, notarized statements, if the principal can verify those statements with work records, or any other documentation acceptable to the Department.

5. As used in this section, “successful completion” means that the principal received a final grade of at least 70 percent.

Sec. 18. NAC 555.340 is hereby amended to read as follows:

555.340 1. Each applicant for a license as a principal , *consultant, demonstration and research specialist* or operator must pass written examinations to demonstrate his or her:

(a) Knowledge of:

- (1) Operations for pest control;
- (2) Pertinent laws and regulations;
- (3) Safety in handling and dispensing pesticides;
- (4) Pests;
- (5) An integrated approach to pest management; and
- (6) Recommended practices for controlling pests.

(b) Proficiency in reading, writing and speaking English.

2. The examination for:

(a) Each principal consists of a core examination, a separate examination on the laws and regulations of this State relating to pest control and a specific examination for each category of pest control in which the applicant has requested to be examined.

(b) Each operator *or consultant* consists of a core examination and a specific examination for each category of pest control in which the applicant has requested to be examined.

(c) Each agent consists of an examination based upon a presentation.

(d) Each demonstration and research specialist consists of a core examination and a separate examination on the laws and regulations of this State relating to pest control.

3. The Director may require an applicant to pass a practical examination that demonstrates the ability properly to inspect or use and apply pesticides in any category of pest control for which the applicant applies.

4. The passing score is 70 percent for each examination for a principal and 65 percent for each examination for an operator , *consultant, demonstration and research specialist* or agent.

5. An applicant who fails to receive a passing score on a section of an examination may be retested upon the expiration of the following minimum waiting periods:

(a) If applying for an operator's , *consultant's or demonstration and research specialist's* license, 7 days.

(b) If applying for a principal's license, 10 days.

6. Any applicant who uses an unauthorized aid during an examination or who copies or removes any portion of an examination must be excluded from the remainder of the examination and must not be allowed to take another examination for at least 6 months.

Sec. 19. NAC 555.350 is hereby amended to read as follows:

FIRST
PARALLEL
SECTION

555.350 1. Each application for a license must be made on a form provided by the Director.

2. Each application for a license for a pest control business must include, without limitation:

(a) The name of the person applying for the license, the name under which the applicant intends to engage in the business of pest control, the street address of the residence of the applicant and the street address of the pest control business.

(b) The name of each partner, if the applicant is a partnership.

(c) A copy of the current certificate of incorporation and list of officers that has been filed with the Secretary of State pursuant to title 7 of NRS, if the applicant is a corporation.

(d) The street address, telephone number, facsimile number, electronic mail address, if any, federal identification number of the pest control business and, if the mailing address is different from the street address, the mailing address of the business.

(e) The ~~{state}~~ business ~~{license}~~ *identification* number assigned to the pest control business by the Secretary of State, if any.

(f) If the pest control business uses aircraft in the application of pesticides, a list that includes a description of each aircraft and the identification number assigned to the aircraft by the Federal Aviation Administration.

(g) The name, social security number, employer identification number, if applicable, telephone number of the residence, mailing address of the residence and, if the street address is different from the mailing address of the residence, the street address of the residence of each primary principal, location principal, principal, operator , *consultant, demonstration and research specialist* and agent employed by the applicant.

(h) The category of pest control in which the applicant wishes to engage.

(i) The number of business locations in which the pest control business will operate.

(j) The address and telephone number of each such business location.

(k) The name and cellular telephone number, if any, of the primary principal or location principal who supervises the daily activities of the principals, operators , *consultants, demonstration and research specialists* and agents at each business location.

(l) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal, location principal and principal employed by the applicant.

(m) In accordance with NRS 555.325, the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.

(n) If the application is for a license in the urban and structural field ~~{}~~ *or governmental agency field*, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include ~~{}~~, *without limitation:*

(1) The brand name of each pesticide that was applied;

(2) The registration number assigned to the pesticide by the Environmental Protection Agency; and

(3) A statement indicating whether the pesticide that was applied is a restricted-use pesticide.

(o) If the application is for a license in the aerial field, the number of hours of flight time that the applicant spent engaged in pest control.

3. In addition to the name of the pest control business required to be included in the application pursuant to paragraph (a) of subsection 2, the applicant shall include in the application at least two alternative names for the pest control business.

Sec. 20. NAC 555.350 is hereby amended to read as follows:

555.350 1. Each application for a license must be made on a form provided by the Director.

SECOND
PARALLEL
SECTION

2. Each application for a license for a pest control business must include, without limitation:
- (a) The name of the person applying for the license, the name under which the applicant intends to engage in the business of pest control, the street address of the residence of the applicant and the street address of the pest control business.
 - (b) The name of each partner, if the applicant is a partnership.
 - (c) A copy of the current certificate of incorporation and list of officers that has been filed with the Secretary of State pursuant to title 7 of NRS, if the applicant is a corporation.
 - (d) The street address, telephone number, facsimile number, electronic mail address, if any, federal identification number of the pest control business and, if the mailing address is different from the street address, the mailing address of the business.
 - (e) The ~~{state}~~ business ~~{license}~~ **identification** number assigned to the pest control business by the Secretary of State, if any.
 - (f) If the pest control business uses aircraft in the application of pesticides, a list that includes a description of each aircraft and the identification number assigned to the aircraft by the Federal Aviation Administration.
 - (g) The name, social security number, employer identification number, if applicable, telephone number of the residence, mailing address of the residence and, if the street address is different from the mailing address of the residence, the street address of the residence of each primary principal, location principal, principal, operator, *consultant, demonstration and research specialist* and agent employed by the applicant.
 - (h) The category of pest control in which the applicant wishes to engage.
 - (i) The number of business locations in which the pest control business will operate.

- (j) The address and telephone number of each such business location.
- (k) The name and cellular telephone number, if any, of the primary principal or location principal who supervises the daily activities of the principals, operators, *consultants, demonstration and research specialists* and agents at each business location.
- (l) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal, location principal and principal employed by the applicant.
- (m) If the application is for a license in the urban and structural field ~~or~~ *or governmental agency field*, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include ~~the following~~, *without limitation*:
 - (1) The brand name of each pesticide that was applied;
 - (2) The registration number assigned to the pesticide by the Environmental Protection Agency; and
 - (3) A statement indicating whether the pesticide that was applied is a restricted-use pesticide.
- (n) If the application is for a license in the aerial field, the number of hours of flight time that the applicant spent engaged in pest control.

3. In addition to the name of the pest control business required to be included in the application pursuant to paragraph (a) of subsection 2, the applicant shall include in the application at least two alternative names for the pest control business.

Sec. 21. NAC 555.360 is hereby amended to read as follows:

555.360 1. Each application for a license to perform pest control work as a primary principal, *location principal*, principal, operator, *consultant, demonstration and research specialist* or agent for a currently licensed pest control business must include, without limitation:

(a) The name of the applicant and the mailing address and telephone number of the residence of the applicant.

(b) The name of the pest control business in this State that presently employs the applicant and the pest control business in this State that last employed the applicant.

(c) A statement indicating:

(1) Whether the applicant wishes to be licensed as a primary principal, *location principal*, principal, operator, *consultant, demonstration and research specialist* or agent;

(2) Whether the applicant holds an active license in another state and, if he or she holds such a license, a list indicating the categories of pest control that the applicant is authorized to engage in pursuant to that license; and

(3) Each category of pest control in which the applicant wishes to engage.

(d) An endorsement by a primary principal, *location principal* or principal of the pest control business employing the applicant.

2. An applicant for a license as a primary principal will be notified by the Director whether or not the applicant is suitable for licensure as a primary principal based on a criminal history report conducted pursuant to NRS 555.345. After being notified by the Director of his or her suitability, the applicant must complete all other requirements for licensure and obtain a license as a primary principal in not more than 90 days. An applicant who has not obtained his or her

license as a primary principal within 90 days after such notification must resubmit a complete set of fingerprints pursuant to NRS 555.345.

Sec. 22. NAC 555.370 is hereby amended to read as follows:

555.370 An applicant for a license to engage in the business of pest control must provide the Department with ~~1~~:

~~1. Proof that a primary principal of the business is licensed in the category or categories in which the business will be conducted.~~

~~2. Proof~~ *proof* that the applicant has insurance for public liability and property damage which:

~~(a)~~ *1.* Covers each occurrence of damage to persons or to property from chemicals, chemical drift and equipment used in the operations of the business including any air operations and any use of ground equipment belonging to aerial applicators.

~~(b)~~ *2.* Provides the following minimum amounts of coverage:

~~(1)~~ *(a)* For licensees using ground equipment:

~~(I)~~ *(1)* For each occurrence of bodily injury, \$50,000;

~~(II)~~ *(2)* For aggregate bodily injury, \$100,000;

~~(III)~~ *(3)* For each occurrence of property damage, \$50,000; and

~~(IV)~~ *(4)* For aggregate property damage, \$100,000.

~~(2)~~ *(b)* For licensees using aircraft equipment:

~~(I)~~ *(1)* For each occurrence of bodily injury, \$100,000;

~~(II)~~ *(2)* For aggregate bodily injury, \$300,000; and

~~(III)~~ *(3)* For each occurrence of property damage, \$100,000.

~~{(e)}~~ 3. Provides that not less than 10 days before extending, restricting, cancelling or changing the coverage as certified or paying any claim under the policy, the insurer will give written notice of that action to the Director.

Sec. 23. NAC 555.372 is hereby amended to read as follows:

555.372 1. Except as otherwise provided in subsection 3, a person who is licensed to engage in the business of pest control may not renew the license unless the person certifies that he or she has, within the immediately preceding 12 months, completed at least six units of continuing education in courses accredited by the Director. Each unit of continuing education must be completed in a course that relates to pest control. A primary principal, *location principal* or principal:

(a) Is not entitled to receive credit for completing more than three units of continuing education in business management.

(b) Must complete at least one unit of continuing education in a course relating to laws and regulations governing the use of pesticides.

2. To receive credit for the completion of a unit of continuing education, a licensee must attend and successfully complete a course accredited by the Director. If the course for which credit for continuing education is sought is:

(a) An Internet course;

(b) A course contained on a compact disc;

(c) A correspondence course; or

(d) A video or other media presentation sponsored by the Cooperative Extension Service,

↳ a licensee must receive a grade of at least 70 percent on an examination, conducted upon completion of the course or presentation, which must consist of not fewer than 10 questions covering each 50 minutes of instruction. A licensee who receives a grade of less than 70 percent on an examination may, not more than 30 days after being notified of his or her grade, take a different examination covering the same course or presentation which meets the requirements of this section. The licensee will receive credit for the completion of a unit of continuing education if he or she receives a grade of at least 70 percent on such a subsequent examination.

3. The provisions of subsection 1 do not apply to a licensee who:

(a) Obtained the license for the first time less than 12 months immediately preceding the expiration of the license;

(b) Passes the core and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she is currently licensed;

(c) Holds a license or certificate as a pest control adviser or certified crop adviser, or the equivalent as determined by the Director;

(d) Is an operator and has become licensed as a principal during the 12 months immediately preceding the expiration of the license by passing the core examination and at least one examination for a category of pest control given pursuant to NAC 555.340; or

(e) Is licensed solely as an agent.

4. A licensee may receive credit for the completion of a course of continuing education offered in another state if:

(a) The course is approved for continuing education by the appropriate agency of the state;
and

(b) Upon completion of the course, the licensee or sponsor of the course submits to the Department:

(1) An agenda or outline for the course setting forth:

(I) The location, date and time of the course;

(II) The topics discussed during the course; and

(III) The name of each speaker at the course;

(2) A copy of a letter or other form indicating that the appropriate agency of the state has approved the course for continuing education and the number of units of continuing education approved for the course;

(3) The name of each licensee from this State who attended the course as indicated by the attendance sheet for the course; and

(4) A request to receive credit for attending the course.

5. For each course for which a licensee claims one or more units of continuing education, he or she may request from the sponsor of the course:

(a) A certificate of completion issued by the sponsor of the course; or

(b) Another document or record that in the judgment of the Director adequately establishes that the licensee successfully completed the course.

Sec. 24. NAC 555.385 is hereby amended to read as follows:

555.385 1. Except as otherwise provided in subsection 6, every person licensed to engage in pest control shall return his or her license to the Department within 15 working days after:

(a) He or she ceases engaging in pest control; or

(b) His or her employment with a pest control business is terminated.

2. A primary principal, principal, *location principal*, operator, *consultant, demonstration and research specialist* or agent of a pest control business shall provide written notice to the Department of the date of termination of the employment of a primary principal, *location principal*, principal, operator, *consultant, demonstration and research specialist* or agent from the pest control business within 15 days after the date on which that termination occurs.

3. A former licensee who ceases engaging in pest control or has his or her employment with a pest control business terminated shall not engage in pest control.

4. Except as otherwise provided in subsection 11, to regain a license as a principal, ~~operator~~, *consultant or demonstration and research specialist* after the principal, ~~operator~~, *consultant or demonstration and research specialist* ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:

(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

(1) Complete the application requirements of NAC 555.360;

(2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and

(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

(b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

(1) Complete the application requirements of NAC 555.360;

(2) Meet the applicable requirements of NAC 555.320 and pass the core and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she wishes to be licensed;

(3) If applicable, meet the requirements of NAC 555.380; and

(4) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

5. Except as otherwise provided in subsection 11, to regain a license as a primary principal after the principal ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:

(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

(1) Complete the application requirements of NAC 555.360;

(2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and

(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

(b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

(1) Complete the application requirements of NAC 555.360;

(2) Meet the applicable requirements of NAC 555.320 and pass the core and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she wishes to be licensed;

(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and

(4) Submit a set of fingerprints pursuant to NRS 555.345.

6. A licensee who ceases engaging in pest control or has his or her employment with a pest control business terminated may, in lieu of returning his or her license to the Department pursuant to subsection 1, have his or her license transferred to inactive status by submitting to the Director an application on a form prescribed by the Director. The application must include, without limitation:

(a) The name and license number of the licensee;

(b) The physical address and, if different from the physical address, the mailing address of the licensee;

(c) The electronic mail address, if any, of the licensee;

(d) The telephone number, if any, of the licensee;

(e) The date of birth of the licensee;

(f) The social security number or employer identification number, if any, of the licensee; and

(g) A statement certifying that the information in the application is correct and that the licensee will not engage in pest control in any category while the license is on inactive status.

7. A licensee whose license is placed on inactive status pursuant to subsection 6 shall not engage in pest control during the time the license is on inactive status. The licensee shall provide written notice to the Department within 15 days after any change in the information given on the application for inactive status pursuant to subsection 6.

8. A license on inactive status expires on December 31. To renew a license on inactive status, the licensee must:

(a) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372;

(b) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and

(c) Pay the licensing fee pursuant to NAC 555.397.

9. The holder of a license on inactive status who fails to renew the license pursuant to subsection 8 shall return his or her license to the Department on or before the January 15 immediately succeeding the expiration of the license.

10. The holder of a license on inactive status who wishes to reactivate the license must:

(a) Notify the Director on a form prescribed by the Director; and

(b) Complete the application required by NAC 555.360.

11. A former licensee who returns his or her license to the Department pursuant to subsection 1 may, within 2 years after the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated, apply to the Director to have his or her former license placed on inactive status pursuant to subsection 6.

Sec. 25. NAC 555.395 is hereby amended to read as follows:

555.395 1. Every person licensed to engage in pest control shall ensure that:

(a) The pest control business has a primary principal who is licensed in the appropriate category or categories of pest control; and

(b) If the pest control business has more than one location, each of his or her business locations *in or outside this State from which personnel engage in pest control* in this State has a primary principal or a location principal who is licensed in the appropriate category or categories of pest control.

2. The Director will suspend the license of a pest control business 120 days after the pest control business ceases to have a primary principal who is licensed in the appropriate category or categories of pest control. The license will remain suspended until the pest control business obtains a primary principal who is licensed in the appropriate category or categories of pest control.

3. For a pest control business that has more than one business location, the Director will suspend the license of a business location of a pest control business 30 days after the business location ceases to have a primary principal or a location principal who is licensed in the appropriate category or categories of pest control. The license will remain suspended until the pest control business designates a primary principal or a location principal for that business location who is licensed in the appropriate category or categories.

Sec. 26. NAC 555.397 is hereby amended to read as follows:

555.397 1. An applicant for a license must pay to the Director, as applicable:

(a) For *an initial core examination* ~~{or}~~, *an initial examination on the laws and regulations of this State relating to pest control or an initial examination concerning a category of pest control, a testing fee of \$50.*

(b) For reexamination ~~of~~ of an examination described in paragraph (a), a testing fee of ~~[\$25]~~ \$35 for each ~~category of pest control in which~~ examination that the applicant wishes to ~~be examined;~~

~~(b)~~ take.

(c) For licensure of a pest control business, a licensing fee of \$250. ~~†~~

~~(c)~~ The Director will charge a fee of \$375 for the renewal of the license of a pest control business that has expired. The renewal of an expired license does not exempt the licensee from any penalty imposed pursuant to NAC 555.530 for engaging in pest control without a license.

(d) For licensure of a principal , consultant, demonstration and research specialist or operator, a licensing fee of \$50. ~~†and~~

~~(d)~~ (e) For licensure of an agent, a licensing fee of \$350.

2. The Director will charge a fee of \$25 to issue a duplicate license to replace a license that has been lost, mutilated or destroyed.

Sec. 27. NAC 555.400 is hereby amended to read as follows:

555.400 Except as otherwise provided in NAC 555.250 to 555.530, inclusive, **and sections 2 to 9, inclusive, of this regulation** and sections 2, 3 and 4 of LCB File No. 033-14, or as specifically authorized in writing by the Director, each person engaged in the application of pesticide for hire shall:

1. Apply pesticides only in those categories of pest control for which he or she is licensed. All other applicators must be under the immediate supervision of a primary principal, location principal, principal , **demonstration and research specialist** or operator who is qualified and currently licensed in the appropriate category.

2. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.
3. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.
4. Keep pest control equipment, when in use, in good condition.
5. Except as otherwise provided in NAC 555.510, when measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.
6. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.
7. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the land, crop, livestock, ornamental, soil or pest is being treated.
8. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.
9. Provide storage for all undiluted pesticide material in a locked facility. Servicepersons' kits, which contain insecticides, poison baits or concentrates must be handled with extreme caution and must not be left where children or other unauthorized persons might remove the contents. *While being transported, a secondary container or an application device used as a secondary container must be securely fastened to the service vehicle in which the container or device is being transported.*

10. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

Sec. 28. NAC 555.410 is hereby amended to read as follows:

555.410 Each person subject to the provisions of NAC 555.400 shall:

1. Keep accurate and legible records for 2 years of each property treated, showing:

(a) If the person is licensed in the aerial or agricultural ground field:

(1) The date of the treatment ~~{ }~~ *for, recommendation concerning or identification of pests.*

(2) The full name of the person for whom and the county where the treatment, *recommendation or identification* was conducted.

(3) The full name of the pilot, ~~{ }~~ applicator *or consultant* doing the treating ~~{ }~~, *recommending or identification.*

(4) The crop or site treated or ~~{ }~~ *in for which the recommendation or identification was made. In* the case of a spot treatment, the term "spot treatment" must be noted, followed by a description of the treatment area and the spot or spots treated.

~~(5) {The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.~~

~~(6) {The number, name or site identification of the field.~~

~~{(7) The}~~

(6) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied { } or recommended, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied { }

~~(8)~~ *or recommended.*

(7) *In the case of a treatment:*

(I) *The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.*

(II) The purpose for which the crop, site or spot was treated.

~~(9)~~ (III) The time the treatment was started and the time the treatment was finished.

~~(10)~~ (IV) The temperature at the start and finish of the treatment.

~~(11)~~ (V) The wind velocity and wind direction at the start and finish of the treatment.

(b) If the person is licensed in the urban and structural field:

(1) The date of the treatment ~~for~~ *for, recommendation concerning or identification of pests.*

(2) The address where the treatment, *recommendation or identification* was conducted.

(3) The full name of the applicator ~~or~~ *or consultant.*

(4) The site treated ~~for~~ *for which a recommendation or identification was made,* including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure. In the case of a spot treatment, the term “spot treatment” must be followed by a description of the treatment area and the spot or spots treated.

(5) ~~The~~ *In the case of a treatment or recommendation, the* brand name or generic name of the pesticide that was applied *or recommended* and the registration number assigned to the pesticide by the Environmental Protection Agency.

(6) ~~The~~ *In the case of a treatment, the* total amount of any diluted pesticide and the concentration of the pesticide that was applied.

(7) If ~~the~~ a treatment is conducted in the categories of limited landscape, weeds, aquatic or fumigation:

- (I) The temperature at the start and finish of the treatment.
- (II) The wind velocity and direction at the start and finish of the treatment.
- (III) The area of any turf or ground treated.
- (IV) The purpose for which the pesticide was applied.
- (V) The area or volume fumigated.
- (VI) The times at which fumigation started and finished.

(8) If ~~the~~ a treatment is conducted in the category of structural pest control and the treatment is a preconstruction treatment, a copy of the Housing and Urban Development-National Pest Management Association Form 99-B entitled "New Construction Subterranean Termite Service Record." The Housing and Urban Development-National Pest Management Association Form 99-B is available from CBS Forms by mail at 11652 Agarwood Drive, Walton, Kentucky 41094, by telephone at (800) 324-7676 or at the Internet address <http://www.cbsforms.com/>, for the price of \$19.95 for a pack of 50 forms, plus shipping and handling, or from the United States Department of Housing and Urban Development, free of charge, at the Internet address <http://portal.hud.gov/>.

(c) If the person is licensed in the governmental agency field:

- (1) The date of the treatment for, recommendation concerning or identification of pests.*
- (2) The address where the treatment, recommendation or identification was conducted.*
- (3) The full name of the applicator or consultant.*

(4) The site treated or for which a recommendation or identification was made, including, without limitation, the kitchen, the crawlspace beneath the structure and the yard or area surrounding the structure, and, in the case of a spot treatment, the term "spot treatment" must be followed by a description of the treatment area and the spot or spots treated.

(5) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended and the registration number assigned to the pesticide by the United States Environmental Protection Agency.

(6) In the case of a treatment, the total amount of any diluted pesticide and the concentration of the pesticide that was applied.

(7) If a treatment is conducted in the category of agricultural plant, rangeland and forest, ornamental, turf, nursery, greenhouse and interior landscape, aquatic and mosquito, right-of-way and weed or fumigation pest control:

(I) The temperature at the start and finish of the treatment.

(II) The wind velocity and direction at the start and finish of the treatment.

(III) The area of any turf or ground treated.

(IV) The purpose for which the pesticide was applied.

(V) The area or volume fumigated.

(VI) The times at which fumigation started and finished.

2. Report by telephone within 24 hours to the Director or his or her designee:

(a) Any emergency dumps of pesticides by aircraft, and accidents of aircraft loaded with pesticides or ground equipment involving the spillage of pesticides; or

(b) The accidental spillage at sites of operations of more than 1 gallon of liquid or 4 pounds of dry weight of unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.

3. Report by telephone to the Director or his or her designee within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

4. If the person is licensed in the aerial or agricultural ground field, file with the Director on forms to be furnished by him or her a monthly report of all pest control operations, including those operations involving the use of restricted-use pesticides, for each month in which such operations occurred. The report must:

(a) Be filed on or before the 15th day of the following month; and

(b) Be filed for those periods during which no operations were conducted unless written notification is given to the Director declaring that operations have ceased.

5. Submit to the Director any reports or records he or she requests.

↪ As used in this section, "spot treatment" means the application of pesticide to a spot or two or more noncontiguous spots, the total coverage of which does not exceed one-tenth of the size of the total treatment area. The size of each individual spot for indoor applications must not exceed 2 square feet and for outdoor applications must not exceed 4 square feet.

Sec. 29. NAC 555.415 is hereby amended to read as follows:

555.415 An unlicensed person who performs pest control under the immediate supervision of a primary principal, location principal, principal, *demonstration and research specialist* or operator pursuant to NAC 555.400 shall not prepare, distribute, appear on or sign on his or her

behalf or on behalf of the primary principal, location principal, principal , *demonstration and research specialist* or operator:

1. Any invoice, estimate or bid for pest control;
2. Any report prepared pursuant to NAC 555.410 or 555.430; or
3. Any contract or other agreement for pest control.

Sec. 30. NAC 555.428 is hereby amended to read as follows:

555.428 1. Each tag for preconstruction treatment must be on a form prescribed by the Department. A licensee who performs a preconstruction treatment shall complete a tag pursuant to this section ~~+~~ *after each treatment. A tag may not be duplicated.* The tag must include at least the following information:

- (a) The name of the pest control business that performed the preconstruction treatment;
- (b) The date that the preconstruction treatment was performed;
- (c) The brand name and the registration number assigned by the Environmental Protection Agency of the termiticide that was applied;
- (d) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied;
- (e) The total number of gallons of the diluted termiticide that was applied;
- (f) The printed full name of the licensee who performed the preconstruction treatment;
- (g) A statement indicating whether the licensee performed a preconstruction treatment to soil, a preconstruction treatment to wood, or a combination thereof; and
- (h) If the licensee performed a preconstruction treatment to soil, a statement indicating whether the licensee applied the termiticide vertically, horizontally or in both manners.

2. The information required to be included on a tag for preconstruction treatment pursuant to subsection 1 must be legible and an accurate and truthful representation of the preconstruction treatment performed.

3. Each tag for preconstruction treatment must be:

(a) Affixed securely at the site of each preconstruction treatment immediately after each application of termiticide; and

(b) Except as otherwise provided in ~~{subsections}~~ **subsection 4**, ~~{and 5,}~~ prominently displayed:

(1) On the pipes for plumbing ~~{}~~ **or other penetrations of a slab;**

(2) On a board that is located at the site of the construction and includes the permit or records of inspection of the contractor of the structure under construction; or

(3) Any other location approved by the Director.

4. If the licensee performed a preconstruction treatment to soil, ~~{and}~~ the soil adjacent to the exterior of the foundation ~~{was not treated during the initial treatment, after its treatment,}~~ **or the ~~{portion}~~ cellulose components of the structure, a** tag containing ~~{the}~~ **accurate** information relating to the ~~{final}~~ **type of** treatment must be placed in the electrical box of the structure and must include the following information:

(a) The name of the pest control business that performed the preconstruction treatment;

(b) The full name of the licensee who performed the preconstruction treatment;

(c) The date that the ~~{final}~~ treatment was applied;

(d) The brand name and the registration number assigned by the Environmental Protection Agency of the termiticide that was applied;

- (e) The number of gallons of the diluted termiticide that was applied; and
- (f) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied.

~~{5. If the contractor of the structure under construction on which the preconstruction treatment is being performed requests a tag for preconstruction treatment, the licensee shall:~~

- ~~—(a) Prepare a duplicate tag;~~
- ~~—(b) Print the word “DUPLICATE” in capital letters on the tag; and~~
- ~~—(c) Post the tag on the site in the location requested by the contractor or deliver the tag to the contractor.}~~

Sec. 31. NAC 555.430 is hereby amended to read as follows:

555.430 1. Each person who:

- (a) Makes an inspection for wood-destroying pests;
- (b) Gives any oral or written statement relating to such an inspection; or
- (c) After the construction of a structure, makes an application of a pesticide to eradicate wood-destroying pests,

↪ shall write and deliver a report of the inspection or the application of a pesticide to the person requesting the inspection or application, or a designated agent thereof, not later than 5 days after the inspection or the application. The report must be on a numbered form supplied by the Department or an electronic form approved by the Department which includes a unique number obtained from the Department.

2. A person who prepares a report pursuant to subsection 1 must:

(a) File a legible copy of the report with the district or subdistrict office of the Department not later than 15 days after the inspection or the application of a pesticide is made; and

(b) Keep a copy of the report for at least 3 years after preparation of the report.

3. The report must contain:

(a) The name, license number and mailing address of the pest control business performing the inspection or the application of a pesticide and the date of the inspection or application.

(b) The number assigned to the escrow or mortgage by the Federal Housing Administration or the Department of Veterans Affairs, if applicable and obtainable.

(c) The street address, city and zip code where the property is located.

(d) The name of the person who requested the inspection or the application of a pesticide.

(e) The name of the person to whom the original of the report is being sent.

(f) The name and address of the owner of the property.

(g) The name and address of the buyer or other interested person, if applicable and obtainable.

(h) If an application of a pesticide was made:

(1) The date of the treatment.

(2) An identification of any area to which a pesticide was applied.

(3) The pesticide name and the registration number assigned by the Environmental Protection Agency.

(i) A statement of whether there is or is not evidence of active or inactive infestations of termites, other wood-destroying insects or wood-destroying fungi. Mold must not be reported as wood-destroying fungi. As used in this paragraph:

(1) "Active infestation" means the presence of living wood-destroying pests.

(2) "Inactive infestation" means evidence of infestation by wood-destroying pests, without the presence of such pests.

(j) A statement of whether there is or is not any condition conducive to infestation, including contact of wood with the earth, a faulty grade, insufficient ventilation, excessive moisture or cellulose debris. As used in this paragraph:

(1) "Contact of wood with the earth" means any support or other structure of cellulose that is less than 3 inches above the soil level and in contact with the inspected structure, whether it is internal or external in relation to that structure. The term does not include:

(I) A paling of a fence which is made of wood and which is less than 3 inches above the soil level and in contact with the inspected structure through otherwise acceptable structural elements.

(II) Lattice which is made of wood and which is less than 3 inches above the soil level if the lattice is physically attached to the inspected structure.

(III) An attachment to the inspected structure which is made of wood or cellulose and which is less than 3 inches above the soil level if the attachment is separated from the inspected structure by a flashing which is made of metal.

(IV) A deck which is made of wood and which is less than 3 inches above the soil and in contact with the inspected structure if the deck is separated from the inspected structure by a flashing which is made of metal and the report includes a statement indicating that the deck was excluded from the inspection or application.

(V) Skirting which is installed on a manufactured home and which is less than 3 inches above the soil and in contact with the inspected structure if the skirting is designed by the manufacturer for contact with the ground, is separated from the inspected structure by a flashing which is made of metal or is supported 3 inches or more above the soil level by pressure-treated wood.

(2) "Faulty grade" means a condition in which:

(I) A floor joist or stringer is less than 12 inches above the soil level;

(II) The top of the foundation is less than 3 inches above the adjacent soil level; or

(III) The drainage is such that there is visible evidence of exposure of surface water on the structure.

(3) "Insufficient ventilation" means less than 1 square foot of ventilation per 300 square feet of crawlspace, less than 1 square foot for every 1500 square feet of ground area covered by a vapor barrier and less than four areas permitting ventilation. The term "insufficient ventilation" does not include a crawlspace which is:

(I) Mechanically ventilated; and

(II) Free of wood-destroying fungi and excessive moisture.

(4) "Excessive moisture" means actual moisture on the wood or wood products used in the structure.

(5) "Cellulose debris" means any such debris that is of a size that can be raked and in the aggregate comprises one-half cubic foot or more, or a stump or any other wood that is imbedded in a footing and constitutes a contact of wood with the earth. The term does not include pressure-

treated wood that is used to support a manufactured home or the skirting of a manufactured home.

(k) A diagram or sketch of the foundation or part of the inspected structure indicating the location of any condition likely to lead to infestation or infection or any area showing infestation or infection.

(l) A diagram or explanation, or both, of the inspected structure or part of it showing:

(1) The location of any inaccessible area or subarea and any area or subarea not inspected;

(2) Any portion of the structure normally visible which cannot be inspected without mechanically altering the structure, including, without limitation, subflooring or a rim joist that is concealed by insulation; or

(3) Any area where normal conditions have been altered so an inspection is not possible, such as storage in a closet.

(m) The full name, license number and signature or, if an electronic form is used, a digital signature of the licensee performing the inspection and application of a pesticide if an application is performed. If an electronic form is used, the report must include the number obtained from the Department pursuant to subsection 1 and a digital signature of the licensee which complies with the applicable requirements of chapter 720 of NRS.

~~{4. Upon completion of an inspection or the application of a pesticide, the person making the inspection or application shall:~~

~~—(a) If the structure has a crawlspace beneath it, affix a tag supplied by the Department to the structure in an area in which the tag is visible from the entrance to the crawlspace;~~

~~—(b) If the structure does not have a crawlspace beneath it, affix a tag supplied by the Department to the structure in an area in which the tag is visible from the access area under the kitchen sink; or~~

~~—(c) If the inspection or application is performed at a structure with multiple units for occupancy, deliver the tag to the office of the manager of the structure or to the owner of the structure if there is no office of the manager of the structure.~~

~~—5. The tag affixed pursuant to subsection 4 must contain:~~

~~—(a) The license number and name of the pest control business that performed the inspection or application.~~

~~—(b) A statement indicating whether an inspection or application was performed. If an application was performed, the tag must contain a statement of the name, amount and concentration of the pesticide applied.~~

~~—(c) The date on which the inspection or application was performed.~~

~~—6.} (n) *An unmodified digital photograph, with a date and time stamp, of the front of the structure that was inspected or to which pesticide was applied.*~~

4. Unless otherwise authorized by the Director, each person who, after the construction of a structure, applies a termiticide or other pesticide to eradicate wood-destroying pests shall apply the termiticide or other pesticide only to the sites and in the specific quantities and dosages listed on the label of the termiticide or other pesticide.

~~{7.}~~ 5. As used in this section, “pressure-treated wood” means wood or wood products that:

(a) Are pressure-treated or certified by the Board of Review of the American Lumber Standard Committee, Inc.;

- (b) Are designed by the manufacturer for contact with the ground;
- (c) Are guaranteed against structural damage by termites or fungal decay; or
- (d) Are described in paragraph (a), (b) or (c) and have surfaces which have been cut, if those surfaces have been treated with a preservative for wood and the wood or wood products have been inspected and determined to be free of infestation.

Sec. 32. NAC 555.440 is hereby amended to read as follows:

555.440 1. A licensee or certified applicator engaged in the application of pesticides shall exercise reasonable precautions to protect persons, animals, crops and property from harm or damage.

2. A pesticide or its empty container must ~~not~~ be *stored and* disposed of ~~for left~~ ~~unattended where it may~~ *according to the directions on the label and in a manner that does not* present a hazard to any person, animal, crop or property, or be disposed of in a manner likely to cause injury. A licensee or certified applicator shall ensure that all empty containers are removed from the operations work site or otherwise safeguarded.

3. A licensee or certified applicator engaged in the application of pesticides shall:

(a) Provide his or her employees with the information, precautions and safety equipment required by the manufacturer of the pesticide or recommended by the Department; and

(b) Ensure that any safety equipment provided pursuant to paragraph (a) is in good working order.

4. A licensee or certified applicator engaged in the application of pesticides shall use materials, dosages, formulas, devices and methods of application and disposal only in accordance with the directions on the label of the pesticide or device registered by the

Environmental Protection Agency, registered by the Department or in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.

5. A licensee who performs a preconstruction treatment to the soil using a liquid termiticide shall use, unless otherwise authorized by the Director:

(a) A flow metering device which is accurately calibrated to display the number of gallons of termiticide dispensed pursuant to NAC 555.410, 555.428 and 555.700; or

(b) A measuring device which is accurately calibrated by the equipment manufacturer to display the number of gallons of termiticide dispensed pursuant to NAC 555.410, 555.428 and 555.700.

Sec. 33. NAC 555.445 is hereby amended to read as follows:

555.445 1. All ~~{service}~~ containers of ~~{operators}~~ *a licensee* working in the field of urban and structural pest control must bear the following abbreviated labels, securely attached to the containers:

(a) For a ~~{service}~~ *primary* container , ~~{used to store or transport concentrated pesticide,}~~ the:

(1) Name, address and telephone number of the business.

(2) Name of the pesticide.

(3) Registration number assigned to the pesticide by the United States Environmental Protection Agency or by the Department.

(4) Name and percentage of the active ingredient.

(5) Precautionary (signal) word and symbol from the registered label.

(b) For a ~~{service}~~ *secondary* container , ~~{used to store or transport diluted pesticide,}~~ the:

(1) Name, address and telephone number of the business.

(2) Name of the pesticide, preceded by the word “diluted.”

(3) ~~{Registration number assigned to the pesticide by the Environmental Protection Agency or the Department for the pesticide, preceded by the words “derived from.”}~~

~~—(4)}~~ Name and percentage of the active ingredient.

~~{(5)}~~ (4) Precautionary (signal) word from the registered label.

2. *An application device used by a licensee working in the field of urban and structural pest control to store or transport 1 gallon or more of diluted liquid pesticide must bear an abbreviated label, securely attached to the application device, containing the:*

(a) *Name, address and telephone number of the business;*

(b) *Name of the pesticide; and*

(c) *Name and percentage of the active ingredient.*

3. Except for the ~~{service}~~ containers described in subsection 1 and ~~{the equipment for application,}~~ *application devices*, all containers in which undiluted pesticide is stored must bear the original label, which must be conspicuous and clearly legible.

~~{3.}~~ 4. A complete label must be carried in the vehicle for each pesticide in the vehicle.

Sec. 34. NAC 555.460 is hereby amended to read as follows:

555.460 A licensee engaged in the application of pesticides known to be harmful to persons or animals other than bees, shall:

1. Give notice to the owner of any animals known to be on the property to be treated or on property where the material appears likely to drift in harmful amounts within a reasonable time before treatment to enable the owner to protect the animals.

2. Exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.
3. In applying materials harmful to fish, exercise reasonable precautions to avoid contaminating the water containing the fish.
4. Place rodenticides in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station that is marked on the outside of the bait station with the following information:
 - (a) The name, address and telephone number of the pest control business that performed the pest control;
 - (b) The name of the rodenticide;
 - (c) The registration number assigned to the rodenticide by the Environmental Protection Agency;
 - (d) The name and percentage of the active ingredient of the rodenticide; and
 - (e) The precautionary word and symbol for the rodenticide that is used by the manufacturer of the rodenticide on the label of the rodenticide.
5. Upon termination of the services of the pest control business, remove any bait stations placed on the property by the pest control business.
6. *Place insecticide baits in:*
 - (a) *An area that is inaccessible to children, pets and other domestic animals;*
 - (b) *A tamper-resistant bait container; or*
 - (c) *A place prescribed by the label.*

Sec. 35. NAC 555.470 is hereby amended to read as follows:

555.470 1. Except as otherwise provided in subsection 2, any licensee who intends to apply to *commercially grown* agricultural *or horticultural* crops any pesticide known to be harmful to bees shall give notice of that intent to any apiarist having bees on the land to be treated or on adjacent land, so that the apiarist will be able to protect his or her bees.

2. The notice is not required if the apiarist has not given the licensee current information regarding the location of the apiary.

3. The notice required by this section must be given personally or by telephone *or electronic mail* to the apiarist.

4. ~~[Except as otherwise provided in this subsection, the]~~ *The notice required by this section* must be given not more than 72 hours and not less than 24 hours before the application ~~[. Notice of an intent to apply the organophosphorous insecticide Parathion in microencapsulated formulations or carbamate insecticides (Sevin, carbaryl; Furadan, carbofuran) must be given at least 48 hours before the application]~~ to each apiarist having apiaries within 2 miles of the field to be treated if the apiarist has provided the licensee with the location of his or her apiaries. If an application is postponed after proper notice has been given, the licensee must repeat the notice at least 12 hours before the rescheduled application.

5. The notice required by this section must include:

- (a) The name of the person for whom the application is to be made;
- (b) The location and acreage of the land to be treated; and
- (c) The name of the pesticide to be applied.

Sec. 36. NAC 555.510 is hereby amended to read as follows:

555.510 1. Fumigation may be performed only under the supervision of a person who is certified pursuant to NAC 555.600 to 555.700, inclusive.

2. The person exercising supervision over the fumigation shall be:

(a) Physically present at the premises being fumigated;

(b) Available to provide immediate guidance and instruction to each person performing the fumigation; and

(c) Licensed in the category of fumigation pursuant to subparagraph (4) of paragraph (c) *or subparagraph (10) of paragraph (d)* of subsection 2 of NAC 555.280 or hold a nonprimary principal commercial applicator certification in the category of fumigation pest control as set forth in NAC 555.620 or hold a private applicator certification in the category of fumigation as set forth in NAC 555.640.

3. Except as otherwise provided in subsection 4, at least one licensee and one person under the supervision of that licensee shall be present:

(a) During the release of the fumigant; and

(b) Until the ventilation and aeration process is complete and the warning signs are removed from the premises.

4. Unless otherwise specified on its label, a fumigant in tablet or pellet form that is used in the custom application of pesticides must be applied by at least one licensee who is present during the introduction of the fumigant.

5. The person exercising supervision over the fumigation shall ensure that the following items are on the premises being fumigated and are in good working order:

(a) A complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant, and, if required, a copy of the fully developed site-specific fumigation management plan; and

(b) For each type of fumigant being used, the antidote, if any, as prescribed by the manufacturer of the fumigant and the instructions for administering the antidote as prescribed by the manufacturer of the fumigant.

Sec. 37. NAC 555.530 is hereby amended to read as follows:

555.530 In addition to any other penalty, the Director may assess a fine against a person according to the following schedule:

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
1. Except as otherwise provided in this section, for a violation of NRS 555.2605 to 555.460, inclusive	\$100 to \$1,000	\$100 to \$1,000
2. For a violation of NRS 555.351:		
(a) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(b) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
3. For a violation of NRS 555.359, if the violation is for:		
(a) Knowingly applying ineffective or improper materials	\$300	\$50
(b) Applying materials in a manner which is inconsistent with labeling or other restrictions imposed by the Director:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(c) Operating faulty or unsafe equipment	\$100	\$50
(d) Applying pesticides in a faulty, careless or negligent manner:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(e) Aiding or abetting an uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive	\$100 to \$1,000	\$50 to \$300

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(f) Conspiring with an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his or her certificate to be used by an uncertified person	\$1,001 to \$5,000	\$301 to \$1,000
(g) Fraudulently or deceptively procuring a certificate	\$1,001 to \$5,000	\$301 to \$1,000
(h) Falsifying records or reports	\$250 to \$500	\$100 to \$250
(i) Failing to give adequate instructions or directions to an uncertified person under his or her supervision:		
(1) If it is a nonserious violation	\$100 to \$500	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
4. For a violation of NAC 555.440, if the violation is for:		
(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
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(b) Disposing of ~~for leaving unattended~~ a pesticide or its empty container ~~where it may present~~ *in a manner that presents* a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace.

\$200 to \$500

\$100 to \$300

(c) Failing to provide employees with the required information, precautions and safety equipment:

(1) If it is a nonserious violation

\$100 to \$1,000

\$50 to \$300

(per item not provided)

(per item not provided)

(2) If it is a serious violation

\$1,001 to \$5,000

\$301 to \$1,000

(per item not provided)

(per item not provided)

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(d) Failing to maintain the required safety equipment in good working order.....	\$100 to \$1,000 (per item not maintained)	\$50 to \$300 (per item not maintained)
<p>(e) Not using materials, dosages, formulas, devices or methods of application , <i>storage</i> and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:</p>		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
<p>5. For a violation of NAC 555.510, if the violation is for:</p>		
<p>(a) Fumigating without the supervision of a person who is a certified applicator:</p>		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$500
(2) If it is a serious violation	\$1,001 to \$5,000	\$501 to \$5,000

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
<p>(b) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant and, if required, a copy of the fully developed site-specific fumigation management plan</p>	<p>\$100 to \$500 (per item not provided)</p>	<p>\$100 to \$300 (per item not provided)</p>
<p>(c) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....</p>	<p>\$50 to \$300</p>	<p>\$50 to \$300</p>
<p>6. For a violation of NAC 555.700, if the violation is for:</p>		
<p>(a) Failing to keep an accurate and legible record of each property treated for 2 years</p>	<p>\$100</p>	<p>\$50</p>
<p>(b) Failing to maintain required information for 2 years</p>	<p>\$100</p>	<p>\$50</p>

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(c) Failing to report within 24 hours any emergency dump or accidental spillage of a pesticide	\$100	\$50
(d) Failing to report to the Director or his or her designee within 48 hours any case of apparent pesticide poisoning requiring medical treatment	\$100	\$50
(e) Failing to have contact with an applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours	\$100	\$50

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
7. Except as otherwise provided in this section, for a violation of a provision of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$500	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
8. For a violation of NRS 555.280.....	\$500	\$1,000
9. For a violation of NRS 555.285.....	\$500	\$1,000
10. For failing to supervise adequately an applicator who does not have a license issued by the Director	\$500	\$500
11. For a violation of NAC 555.290, if the violation is for:		
(a) Failing to carry the license issued to him or her by the Director while engaged in pest control or failing to produce the license upon request by the Director or a designated field agent or inspector.....	\$25	\$25
(b) Failing to notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator , <i>consultant, demonstration and research specialist</i> or agent or of any change in the information given on the application for the license of the pest control business.....	\$100	\$100

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to submit a new application and fee if a change in ownership occurs.....	\$25	\$25
12. Failing to obtain the permit required pursuant to NAC 555.300 or to provide accurate or complete information on an application for such a permit.....	\$25	\$25
13. For a violation of NAC 555.385, if the violation is for failing to provide written notice to the Department of the termination of the employment of a primary principal, principal, <i>location principal</i> , operator, <i>consultant</i> , <i>demonstration and research specialist</i> or agent from the pest control business within 15 days after the date on which that termination occurs...	\$100	\$100
14. For a violation of NAC 555.400, if the violation is for:		
(a) Applying a pesticide in a category of pest control for which he or she is not licensed	\$500	\$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials	\$100 to \$500	\$301 to \$1000
(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(d) Failing to keep pest control equipment in good condition	\$25 to \$100	\$50 to \$301
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25 to \$100	\$50 to \$301
(f) Failing to maintain a uniform mixture	\$25	\$25

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(g) Failing to confine in a substantial manner the material applied to the premises where the land, crop, livestock, ornamental, soil or pest which is being treated:</p>		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
<p>(h) Failing to clean thoroughly all equipment after use.....</p>		
	\$25	\$25
<p>(i) Failing to store undiluted pesticides in a locked facility , <i>failing to secure a secondary container to a service vehicle</i> or failing to handle serviceperson’s kits with extreme caution or leaving the kits where children or other unauthorized persons might remove the contents:</p>		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
<p>15. For a violation of NAC 555.410, if the violation is for:</p>		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Failing to keep an accurate and legible record of each property treated for 2 years	\$100 to \$500	\$501 to \$1,000
(b) Failing to record an item of information required for the record	\$25 to \$100	\$50 to \$301
(c) Failing to report to the Director or his or her designee within 48 hours any cases of apparent pesticide poisoning which require medical treatment:		
(1) If it is a nonserious violation	\$100	\$100
(2) If it is a serious violation	\$500	\$500
(d) Failing to file the required monthly report on or before the 15th day of the following month	\$100	\$100
16. For a violation of NAC 555.420, if the violation is for using a material for pest control which is not registered in this State as a pesticide	\$100	\$100

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
17. For a violation of NRS 555.420, if the violation is for failing to respond to a request for an inspection or other activity specified in that section or to submit to such an inspection or activity	\$100 to \$1,000	\$100 to \$5,000
18. For a violation of NAC 555.415	\$100 to \$1,000	\$301 to \$1,000
19. For a violation of NAC 555.425, if the violation is for:		
(a) Failing to display prominently his or her permanent license number and the name of the business on all service vehicles of the business on both sides of such vehicles in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle	\$25	\$100
(b) Failing to equip a service vehicle used in the custom application of pesticides with:		
(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....	\$100	\$150

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....	\$100	\$150
(3) Equipment designed to store safely materials contaminated with pesticide.....	\$100	\$150
(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....	\$100	\$100
20. For a violation of NAC 555.427, if the violation is for:		
(a) Failing to submit the form entitled "Termicide Pretreatment Notification Form"....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the form entitled "Termicide Pretreatment Notification Form"....	\$25 to \$100 (per item not included)	\$50 to \$301 (per item not included)

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to apply the termiticide only to sites or in the specific quantities or dosages listed on the label of the termiticide, unless otherwise authorized by the Director.....	\$500 to \$1,000	\$1,001 to \$5,000
(d) Failing, as part of a preconstruction treatment to soil, to apply the termiticide in a manner that establishes a vertical barrier at the exterior of the walls of the foundation or the exterior of the concrete slab, as appropriate, within 30 days after grading and any other disturbance of the soil has been completed	\$301 to \$1,000	\$1,001 to \$5,000
21. For a violation of NAC 555.428, if the violation is for:		
(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....	\$301 to \$1,000	\$1,001 to \$5,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to include each item of information required on the tag for preconstruction treatment	\$50 to \$100 (per item not included)	\$100 to \$301 (per item not included)
(c) Failing to affix securely a tag for preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide	\$301 to \$1,000	\$301 to \$1,000
22. For a violation of NAC 555.430, if the violation is for:		
(a) Failing to write and deliver the required report before starting work on a project or giving an oral or written opinion on a form supplied by the Department or an electronic form approved by the Department.....	\$100	\$150
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made	\$100	\$150

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to include each item of information required in a report.....	\$50 to \$500 (per item not included)	\$50 to \$1,000 (per item not included)
(d) Failing to keep a copy of each report for at least 3 years after preparation of the report	\$100 to \$500	\$501 to \$1,000
(e) Failing to affix or deliver a tag as required upon completion of an inspection or after an application of a pesticide	\$100	\$300
(f) Failing to record each item of information required on the tag	\$25 to \$100 (per item not included)	\$100 to \$301 (per item not included)
(g) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only to sites or in the specific quantities or dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the Director:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
23. For a violation of NAC 555.440, if the violation is for:		
(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(b) {Disposing} Failing to store or dispose of {for leaving unattended} a pesticide or its empty container {where it may} according to directions on the label and in a manner that does not present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace.....		
	\$100 to \$301	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(c) Failing to provide employees with the required information, precautions and safety equipment:</p>		
(1) If it is a nonserious violation	\$50 to \$500 (per item not provided)	\$301 to \$1,000 (per item not provided)
(2) If it is a serious violation	\$501 to \$5,000 (per item not provided)	\$1,001 to \$5,000 (per item not provided)
<p>(d) Failing to keep the required safety equipment in good working order.....</p>		
	\$50 to \$300 (per item not maintained)	\$301 to \$1,000 (per item not maintained)
<p>(e) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:</p>		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(f) Failing to use an accurately calibrated metering device when dispensing a termiticide...	\$100 to \$301	\$301 to \$1,000
24. For a violation of NAC 555.445, if the violation is for:		
(a) Failing to attach abbreviated labels to a service container <i>or application device</i>	\$50 to \$100	\$50 to \$301
(b) Failing to include each item of information required on an abbreviated label	\$50 to \$100	\$50 to \$301
(c) Failing to carry a complete label for each pesticide in the vehicle.....	\$50 to \$100	\$50 to \$301
25. For a violation of NAC 555.460, if the violation is for:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Failing to give notice within a reasonable time before treatment to an owner of any animals known to be on the property to be treated or on property where a material containing a harmful substance is likely to drift	\$100 to \$500	\$301 to \$1,000
(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain	\$100 to \$500	\$301 to \$1,000
(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100 to \$500	\$301 to \$1,000
(d) Failing to place <i>an insecticide or a</i> rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station [-] <i>unless, in the case of insecticide bait, the insecticide bait is placed as indicated on the label:</i>		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(e) Failing to mark the outside of a bait station with the required information:</p>		
(1) If it is a nonserious violation	\$25 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
<p>(f) Failing to remove bait stations placed on the property by the pest control business upon termination of the services of the pest control business:</p>		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
<p>26. For a violation of NAC 555.470, if the violation is for:</p>		
<p>(a) Failing to give notice personally or by telephone to an apiarist within the required time</p>		
	\$100 to \$500	\$301 to \$1,000
<p>(b) Failing to give notice of his or her intent to apply specified pesticides to each apiarist within 2 miles of the field to be treated within the required time</p>		
	\$100 to \$500	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to provide each item of information required to be included in the notice.....	\$100 to \$500	\$301 to \$1,000
27. For a violation of NAC 555.510, if the violation is for:		
(a) Fumigating without the supervision of a person who is a certified applicator and licensed pursuant to subparagraph (4) of paragraph (c) <i>or</i> <i>subparagraph (10) of paragraph (d)</i> of subsection 2 of NAC 555.280 to perform pest control using lethal fumigants:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
(b) Except as otherwise provided by NAC 555.510, failing to have at least one licensee and one person under the supervision of that licensee present during the release of the fumigant or the ventilation process:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
(c) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant, and, if required, a copy of the fully developed site-specific fumigation management plan	\$50 to \$300 (per item not provided)	\$501 to \$1,000 (per item not provided)
(d) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....	\$50 to \$300	\$301 to \$1,000
PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
28. For a violation of:		
(a) NRS 555.280 or 555.285 by a person who does not hold a license issued by the Director	\$50 to \$1,000	\$1,001 to \$5,000

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) NRS 555.351 by a person who does not hold a certificate issued by the Director	\$50 to \$1,000	\$1,001 to \$5,000

Sec. 38. NAC 555.613 is hereby amended to read as follows:

555.613 1. The fields of licensed primary principal commercial *and governmental agency* applicators are:

(a) Aerial—The use of aircraft , *including, without limitation, an unmanned aerial vehicle,* for the application of pesticides on standing or running water, rangeland, agricultural crops, forest, idle cropland and noncropland associated with the production of agricultural crops.

(b) Agricultural ground—The use of ground equipment for the application of pesticides on livestock, rangeland, agricultural crops, idle cropland and noncropland associated with the production of agricultural crops.

(c) Urban and structural—The use of ground equipment for the application of pesticides in urban areas and in, on or around structures.

(d) Governmental agency—The use of pesticides by an employee of a federal, state or local governmental agency, including, without limitation, for highway maintenance, weed control or structural pest control.

2. The categories of licensed primary principal commercial applicators are:

(a) Aerial:

(1) Insect pests—The application of insecticides, miticides and acaricides.

(2) Weeds—The application of herbicides and plant regulators.

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) Fungi pests—The application of fungicides, bactericides and nematicides.

(b) Agricultural ground:

(1) Insect pests—The application of insecticides, miticides and acaricides.

(2) Weeds—The application of herbicides and plant regulators.

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) Fungi pests—The application of fungicides, bactericides and nematicides.

(5) Vertebrate pests—The application of various substances on agricultural ground for the control of vertebrate pests, including, without limitation, the use of fumigants for burrowing rodents. This category does not include the control of vertebrate pests in, on or around industrial complexes, institutional complexes, dwelling units or other structures designed for use by humans, or on ornamentals or turf in, on or around such structures.

(c) Urban and structural:

(1) Limited landscape—The control of insect pests, vertebrate pests and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.

(2) Industrial and institutional—The control of insect pests and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.

(3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests.

(4) Fumigation—The use of poisonous and lethal fumigants.

(5) Aquatic—The control of insect pests, weeds and vertebrate pests in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

(6) Weeds—The control of weeds in the maintenance of landscapes, turf and rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way. This category does not include the control of aquatic weeds.

(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

(8) Cooling towers, biocides and water processes—The use of antimicrobials and biocides to control bacteria and other single-celled organisms in cooling water, wells and other water processing systems.

(d) Governmental agency:

(1) Agricultural plant—The control of any pest on or around any agricultural crop, including, without limitation, on or around land used for the production of forage, grain, pasture, seed, row and fruit crops and rangeland, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding fumigation pest control.

(2) Rangeland and forest—The control of any pest in rangeland, forest, forest nurseries and forest seed-producing areas, including, without limitation, site preparation, release work, insect control and reforestation projects.

(3) *Ornamental, turf, nursery, greenhouse and interior landscape—The control of any pest in the maintenance and production of ornamental plants and turf or the maintenance of a nursery, greenhouse or interior landscape, including, without limitation, the production and maintenance of ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens, excluding fumigation pest control.*

(4) *Seed treatment—treatment of seeds to control insects, fungi, bacteria and other microorganisms, excluding fumigation pest control.*

(5) *Aquatic and mosquito—The control of any pest, including, without limitation, insects, weeds and fish, associated with standing or running water, including, without limitation, reservoirs, lakes, rivers, aquatic cropland and wetland areas, excluding public health pest control.*

(6) *Right-of-way and weed—The control of any pest in the course of maintaining a right-of-way, including, without limitation, the treatment of roadsides, utilities, railroads, land on which crops are not planted, fence lines, structural perimeters and similar areas.*

(7) *General pest control, industrial and institutional—The control of insect and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.*

(8) *Wood-destroying insects—The control of any wood-destroying insect, including, without limitation, termites, in, on or around any structure, including, without limitation, homes, storage sheds and warehouses, excluding fumigation pest control.*

(9) *Wildlife control—The application of various substances, including, without limitation, fumigants, for the control of wildlife pests on rangelands, forests, agricultural*

crops, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding the control of wildlife pests in, on or around industrial complexes, institutional complexes or dwelling units or predatory pest control.

(10) Fumigation pest control:

(I) Commodity fumigation—The control of any pest that infests raw agricultural or processed commodities, animal feeds and commodity storage facilities where such commodities are held or stored, including, without limitation, tarpaulin fumigation and fumigation of grain elevators, rail cars, truck trailers, vans, aquatic vessels, air and sea containers, other static sealable enclosures, food processing plants, prepared bins, warehouses, beehives and other beekeeping equipment.

(II) Rodent burrow fumigation—Outdoor fumigation for the control of rodents and moles, including, without limitation, marmots, woodchucks, rats, mice, ground squirrels, voles, pocket gophers and chipmunks.

(III) Soil fumigation—The control of any pest that is present in the soil at the time of treatment, including, without limitation, plant-parasitic nematodes, soil-borne pathogens, weeds and insects.

(11) Regulatory—The use or supervision of use by an employee of a state or federal governmental agency of pesticides to control pests designated by a federal or state agency as actionable, of quarantine concern or noxious weeds pursuant to a government program.

(12) Sewer line root control—The control of plant roots in the maintenance of sewers.

(13) Public health—The control of any pest having medical or public health importance.

(14) Predatory pest control—The control of any predator in any habitat, including, without limitation, by using an M-44 device.

3. This section must not be construed to prohibit a person or governmental agency or any employee thereof who has obtained the proper license from applying pesticides in a manner not prohibited by law.

4. As used in this section:

(a) “Pesticide classified for general use” has the meaning ascribed to it in NAC 555.610.

(b) “Unmanned aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 39. 1. This section and sections 1 to 19, inclusive, and 21 to 38, inclusive, of this regulation become effective on the date on which this regulation is filed with the Secretary of State.

2. Section 20 of this regulation becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

3. Section 19 of this regulation expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority

to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

↪ are repealed by the Congress of the United States.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

Revised LCB File# R093-15
NAC 555

1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.
 - The provisions of the proposed regulations have been vetted through representatives of the pesticide industry. The Department received questions and suggestions. The regulations were available on the website of the Department of Agriculture, www.agri.nv.gov and posted at the following locations:

Department of Agriculture

405 S. 21st Street

Sparks, NV 89431

Department of Agriculture

2300 Mcleod Street

Las Vegas, NV 89104

Department of Agriculture

4780 E. Idaho Street

Elko, NV 89801

2. The manner in which the analyses was conducted.
 - We analyzed the questions and responses and adjusted the proposed regulations accordingly.
3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:
 - The regulations will impose little, if any, net economic impact on small businesses.
4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.
 - We reduced the impact by providing better services and accessibility to manuals, ETC., we have eliminated provisions that were an economic burden and we have added categories that offer expanded business opportunities.
5. The estimated cost to the agency for enforcement of the proposed regulation.
 - We do not anticipate any increased cost due to these regulations.

6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
 - While there is a small fee increase, we have eliminated revenue from manual sales. We expect the net effect to be \$0.00 and are not planning on expendable net revenue.
7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.
 - Does not apply.
8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.
 - We have concluded that these regulations will have little or no impact on small businesses because they have been written with offsetting provisions that effectively eliminate additional costs or effort by the pesticide operations. We have vetted the provisions with industry representatives.

I certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.



James R. Barbee

Director

Nevada Department of Agriculture