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## DEPARTMENT OF AGRICULTURE

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October 27, 2014

TO: All Nevada Pest Control Operators, Principals, Primary Principals and Businesses and Restricted Use Pesticide Certification holders

RE: New Pest Control Regulations

Dear Sir or Madam;

On October 24<sup>th</sup>, the Legislative Commission approved a series of changes to the Nevada Administrative Code (NAC) for the Custom Application of Pesticides and for the Restricted Use Pesticide (RUP) Certification programs. These approved changes were then filed with the Secretary of State and are now in effect. The changes were previously approved by the State Board of Agriculture at its June 04 meeting. Industry and public input was incorporated in the changes after a workshop held April 17 and a public hearing held May 21.

I would like to take a moment of your time in this letter to highlight some of the changes to the code for both Custom Application of Pesticides and RUP Certifications. The full text of the regulations can be found on the internet at the URL below:

Go to ([https://www.leg.state.nv.us/register/indexes/2014\\_NAC\\_REGISTER\\_KEYWORD.htm](https://www.leg.state.nv.us/register/indexes/2014_NAC_REGISTER_KEYWORD.htm))  
Then click on LCB No. R033-14A (Revises provisions relating to pest control 10/24/14)

The regulations pertaining to Custom Application of Pesticides are found from NAC 555.250 to 555.5275 and those pertaining to Certified Applicators are found in NAC 555.600 to 555.700. Administrative penalties applicable to both programs can be found in NAC 555.530.

One of the biggest changes in the new regulations is the requirement for a *Location Principal* at each site of business. A Location Principal is a Principal with the responsibility for the day to day business at a pest control site of business. Each site must have its own Location Principal. The individual with statewide responsibility for the day to day operations of the business in the state continues to be the Primary Principal. Unlike the Primary Principal, the Location Principal does not require fingerprinting or a background check. When the NDA has the need to communicate with a pest control business it will communicate to the Primary Principal for statewide issues and to the Location Principal for local issues.

Another big change is the addition of an *Inactive License*. This is for the pest control operator (or principal or primary principal) who stops working in the industry for whatever reason but wishes to

continue their license in an inactive state should they decide to return in the future. This Inactive License requires 1) notification to NDA of the desire to make one's license inactive and 2) the completion of the annual requirement for Continuing Education hours for each year that the license remains inactive. If the Continuing Education requirement is fulfilled annually, the license can remain inactive indefinitely. Otherwise, simply stopping to work in the industry for two years would require the license to be revoked, and to return to work in the industry would require the individual to be re-tested.

In the new regulations, there is a reorganization and renaming of some of the license categories. For instance, the license category for the application of insecticides, miticides and acaricides is now named *Insect Pests* rather than insecticides (because the goal is control insect pests not to control insecticides). Following the same logic, there is now a category named *Weeds* and another named *Fungi Pests*. The new *Weeds* category combines the weed control sections that used to be a part of Ornamental and Tree category with the weed control that used to be the Right-of-Way category. The insect pest and fungi pest sections that were in the old Ornamental and Tree category now stand alone as the new *Limited Landscape* category. And the category that used to be named Rodenticides is now named *Vertebrate Pests*. NDA believes the new names better describe what pest control professionals do, and the new categories better fit actual field practice. (NDA is grandfathering anyone licensed in the old C1 and C6 into the new *Weeds* category. New applicants will have to pass the new *Weeds* exam.)

In order to clarify the term *spot treatment* that is appearing on more and more on pesticide labels intended for urban and structural use, the new regulations specifically define *spot treatment*. This new definition is consistent with the intent of pesticide labels, and is consistent with other states. A clear definition will give better guidance to pest control operators in the field, and to regulatory authorities like NDA. In the new regulations, a *spot treatment* is defined as follows:

*“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.”*

Also, in the record keeping requirements, the term *spot* or *spot treatment* must be followed by a description of the treatment area.

The new regulations also clarify who is responsible for cleaning up pesticide spills and clarifies the reporting requirements. The person or business who makes the spill is responsible for cleaning it up in a manner that protects human health and the environment, and is also responsible for transporting the waste and disposing of it responsibly and legally. The new regulations also clarify reporting requirements for spills.

Looking toward the future, the new regulations give NDA the express authority to accept electronic signatures and defines procedures to do this. There is also a reduction in record keeping requirements for the termite Wood Destroying Pest Inspection Reports from 5 to 3 years.

The new regulations also give the Director of the NDA clear authority to levy administrative fines against persons who perform Custom Application of Pesticides without a license or who perform Wood Destroying Pest Inspections without a license or who use Restricted Use Pesticides without a certification. The Director has always had authority but the new regulations strengthen this authority. The new administrative fines are \$50 to \$1000 for first offense and \$1001 to \$5000 for subsequent

offenses. This was done primarily to protect the public from unlicensed and untrained applicators, but also to protect the industry's reputation of high quality service.

The new regulations also raise the fee for the RUP Certification from \$25 to \$50, paid once every four years. This works out to an increased cost of \$6.25 per year and was done to cover increased costs in administrating the program. This small fee increase should help guarantee the health of this program for years to come.

In summary, the new regulations should help protect the public, preserve the environment, promote the industry, and move the NDA into the future. If you any questions or concerns in regards to the new regulations affecting the Custom Application of Pesticides, please call me, Robert Leavitt, at 702-668-4574. For questions or concerns about the RUP Certification program, please contact Charles Moses at 775-353-3716.

Sincerely,

J Robert C. Leavitt  
Pest Control Operator Licensing and Enforcement Program Manager