

## APPENDIX 2 – N A C, CHAPTER 555

### NEVADA ADMINISTRATIVE CODE, CHAPTER 555

WEB SITE: [www.leg.state.nv.us/nac/nac%2D555.html](http://www.leg.state.nv.us/nac/nac%2D555.html)

**NAC 555.005 Definitions.** As used in this chapter, unless the context otherwise requires:

1. “Department” means the State Department of Agriculture.
2. “Director” means the Director of the Department. (Supplied in codification)

#### **NAC 555.010: CLASSIFICATION OF WEEDS**

#### **NAC 555.035 – 095: WEED CONTROL DISTRICTS**

#### **NAC 555.100 – 235: REGULATION OF NURSERIES AND NURSERY STOCK**

#### **NAC 555-250 – 700: CUSTOM APPLICATION OF PESTICIDES**

##### **General Provisions**

**NAC 555.250 Definitions.** ([NRS 555.400](#)) As used in [NAC 555.250](#) to [555.530](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 555.2502](#) to [555.258](#), inclusive, have the meanings ascribed to them in those sections. [Dep’t of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; 10-17-86; 12-10-92; A by Div. of Agriculture, 1-6-95; A by Dep’t of Agriculture by R081-99, 11-18-99; R033-01, 5-1-2002; R147-03, 1-22-2004; R052-06, 6-28-2006)

**NAC 555.2502 “Agent” defined.** ([NRS 555.400](#)) “Agent” has the meaning ascribed to it in [NRS 555.261](#). (Added to NAC by Dep’t of Agriculture by R052-06, eff. 6-28-2006)

**NAC 555.2503 “Bait station” defined.** ([NRS 555.400](#)) “Bait station” means a box or other receptacle that:

1. Contains a rodenticide in a liquid or solid form;
2. Protects the rodenticide from moisture and dust; and
3. Provides a place for rodents or other vertebrate pests to feed on the rodenticide. (Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.2505 “Business location” defined.** ([NRS 555.400](#)) “Business location” means any area:

1. From which a person who is licensed to engage in pest control conducts the operations of pest control; and
2. Where the books and other records of the operations of pest control are maintained. (Added to NAC by Dep’t of Agriculture, eff. 12-10-92)

**NAC 555.2507 “Cooperative Extension Service” defined.** ([NRS 555.400](#)) “Cooperative Extension Service” means the Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education. (Added to NAC by Dep’t of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.2508 “Device” defined.** ([NRS 555.400](#)) “Device” has the meaning ascribed to it in 7 U.S.C. § 136 (h). (Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.25085 “Dosage” defined.** ([NRS 555.400](#)) “Dosage” means:

1. If a pesticide applied to a given area is not diluted, the total undiluted amount of the pesticide that was applied to the given area; or
2. If a pesticide applied to a given area is diluted:
  - (a) The total diluted amount of the pesticide that was applied to the given area; and
  - (b) The concentration of the pesticide that was applied to the given area. (Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.2509 “Dwelling unit” defined.** ([NRS 555.400](#)) “Dwelling unit” has the meaning ascribed to it in [NRS 118A.080](#). (Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.251 “Fumigation” defined.** ([NRS 555.400](#))

1. “Fumigation” means the destruction of plant or animal life within an enclosed area by using:
  - (a) A substance which has a vapor pressure of more than 5 millimeters of mercury at 25° centigrade; or
  - (b) Any other substance that the Director determines is a fumigant, including, without limitation:
    - (1) Chloropicrin;
    - (2) Methyl bromide;
    - (3) Sulfur dioxide;
    - (4) Propylene oxide;
    - (5) Sulfuryl fluoride;
    - (6) Aluminum phosphide;
    - (7) Magnesium phosphide; and
    - (8) Dichloropropene.

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2. The term may include any of the following substances if the intended use of the substance is to destroy plant or animal life within an enclosed area:

- (a) Liquid nitrogen;
- (b) Carbon dioxide; or
- (c) Metam sodium. [Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

**NAC 555.252 “Immediate supervision” defined.** (NRS 555.400) “Immediate supervision” means supervision by a licensed applicator who is present and responsible for a person applying a pesticide for pest control. [Dept of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

**NAC 555.253 “Industrial complex” defined.** (NRS 555.400) “Industrial complex” means any area or site, other than an institutional complex or dwelling unit, where a business activity occurs. [Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

**NAC 555.2535 “Industrial or institutional pest” defined.** (NRS 555.400) “Industrial or institutional pest” means a pest, including, without limitation, an insect or vertebrate pest, that invades an industrial complex, institutional complex, dwelling unit or any other structure. The term does not include a wood-destroying pest. (Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.254 “Institutional complex” defined.** (NRS 555.400) “Institutional complex” means any organization which has a social or educational purpose such as a nursing home, hospital or school. [Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

**NAC 555.2547 “Nonserious violation” defined.** (NRS 555.400) “Nonserious violation” means any violation of [NRS 555.2605](#) to [555.460](#), inclusive, or any regulation adopted pursuant thereto, other than a serious violation. (Added to NAC by Div. of Agriculture, eff. 1-6-95)

**NAC 555.255 “Operator” defined.** (NRS 555.400) “Operator” means a person who:

1. Is licensed pursuant to [NAC 555.360](#); and
2. Applies a pesticide without the immediate supervision of a principal. [Dep't of Agriculture, part No. 55.30, eff. 6-1-59, 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

**NAC 555.2552 “Ornamental” defined.** (NRS 555.400) “Ornamental” means a shrub, flower, tree or other plant that is cultivated for aesthetic purposes, including, without limitation, olive trees and other fruit trees that are not used for commercial purposes. (Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.2554 “Preconstruction treatment” defined.** (NRS 555.400)

1. “Preconstruction treatment” means the horizontal application of a termiticide, the vertical application of a termiticide, or a combination thereof, which is made to protect a structure from subterranean termites and which is made:
  - (a) To the soil before the concrete slab on which the structure will be constructed is poured;
  - (b) To the soil before or in conjunction with the installation of subflooring and supports for a structure that is constructed using a raised foundation;
  - (c) As a treatment to the wooden elements of the structure; or
  - (d) By any other method approved by the Director.
2. The term does not include bait treated with termiticide or a screen installed over the soil to protect a structure from subterranean termites. (Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.2555 “Primary principal” defined.** (NRS 555.400) “Primary principal” means a principal who:

1. Is the only principal for a pest control business; or
2. Has been designated by a pest control business licensed pursuant to [NAC 555.370](#) as the person responsible for the daily supervision of the category or categories of pest control performed by each business location of the pest control business within this State. (Added to NAC by Dep't of Agriculture, eff. 12-10-92; A by R033-01, 5-1-2002)

**NAC 555.256 “Principal” defined.** (NRS 555.400) “Principal” means an owner, officer, partner, member or technician of a pest control business who has qualified by examination in one or more of the categories of pest control set forth in [NAC 555.280](#). [Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; 12-10-92; R033-01, 5-1-2002)

**NAC 555.2563 “Rodenticide” defined.** (NRS 555.400) “Rodenticide” has the meaning ascribed to it in [NRS 586.210](#). (Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002)

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**NAC 555.2567 “Serious violation” defined.** ([NRS 555.400](#)) “Serious violation” means:

1. 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. Conducting pest control without an appropriate license in violation of [NRS 555.280](#);
3. Performing preconstruction treatment in violation of [NAC 555.427](#); or
4. Failing to complete, affix, post or deliver a tag or duplicate tag in violation of [NAC 555.428](#). (Added to NAC by Div. of Agriculture, eff. 1-6-95; A by Dep’t of Agriculture by R081-99, 11-18-99; R033-01, 5-1-2002)

**NAC 555.257 “Structural pest control” defined.** ([NRS 555.400](#)) “Structural pest control” means:

1. The control of wood-destroying pests; or
2. An inspection for wood-destroying pests or conditions conducive to infestation by wood-destroying pests. [Dep’t of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

**NAC 555.2572 “Subsequent offense” defined.** ([NRS 555.400](#)) “Subsequent offense” means each repeated violation of a statute or regulation which occurs within 5 years or less from the date of the first violation. (Added to NAC by Div. of Agriculture, eff. 1-6-95)

**NAC 555.2575 “Tamper-resistant bait station” defined.** ([NRS 555.400](#)) “Tamper-resistant bait station” means a bait station that is designed to protect children or pets or other domestic animals from the pesticide contained in the bait station to the extent that:

1. The child or pet or other domestic animal is unable to remove a toxic amount of the pesticide contained in the bait station; or
2. The child or pet or other domestic animal is able to remove a toxic amount of the pesticide contained in the bait station only if the child or pet or other domestic animal is able to destroy the bait station. (Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.2577 “Wood-destroying fungi” defined.** ([NRS 555.400](#)) “Wood-destroying fungi” means fungi that infest and destroy cellulose as that infestation and destruction relates to structural damage. The term does not include:

1. A mold located only on the surface of a structure; or
2. A mold that only causes a human health concern. (Added to NAC by Dep’t of Agriculture by R147-03, eff. 1-22-2004)

**NAC 555.258 “Wood-destroying pest” defined.** ([NRS 555.400](#)) “Wood-destroying pest” means a pest, including, without limitation, a fungus or termite or another insect which infests and destroys cellulose as that infestation and destruction relates to structural damage. The term does not include such a pest which infests and destroys cellulose as that infestation and destruction relates to an adverse effect only on human health or other human health concerns. [Dep’t of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

**NAC 555.259 Exemption of gardeners: “Incidental” interpreted.** ([NRS 555.277](#), [555.400](#)) As used in [NRS 555.277](#), the Director will interpret the term “incidental” to mean the application of a pesticide, using hand-powered equipment, to a lawn or to an ornamental as part of the performance of a contract for the development or maintenance of a landscape if:

1. The application of the pesticide comprises not more than 20 percent of the services performed pursuant to the contract; and
2. The person using the hand-powered equipment does not publicly hold himself out as being in the business of applying pesticides. (Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.260 Miscellaneous exemptions.** ([NRS 555.400](#)) [NAC 555.250](#) to [555.530](#), inclusive, do not apply to:

1. Services for domestic or industrial sanitation, which use sanitizers and disinfectants;
2. Services for the maintenance of swimming pools, which uses algicides, bactericides or fungicides;
3. Any person who uses preservatives in the treatment of fabrics;
4. Veterinarians or persons in pet salons who treat animals;
5. A person who controls vertebrate pests by means other than the use of chemicals; or
6. A person who:
  - (a) Conducts inspections for; or
  - (b) Performs services for the control of, a mold or other fungus detrimental to human health. [Dep’t of Agriculture, No. 55.31, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 10-17-86; R033-01, 5-1-2002)

### **Licensing**

**NAC 555.270 Types of licenses; restrictions on issuance; prerequisites to perform certain pest control work with fumigants.** ([NRS 555.400](#))

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1. The Director may issue the following types of licenses to applicants who have the appropriate qualifications:
  - (a) A license authorizing the holder to conduct pest control from any business location in any category of pest control in which a primary principal of the business 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; (III) Pest; or
      - (II) Site; (IV) Pesticide.
2. An operator or agent will be issued a license only in those categories where he has a qualified primary principal.
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 holds the license. [Dep't of Agriculture, part No. 55.32, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; + part No. 55.33, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; 6-11-80]—(NAC A 2-5-82; 1-19-84; 12-10-92; R033-01, 5-1-2002; R052-06, 6-28-2006)

### **NAC 555.280 Fields and categories. (NRS 555.400)**

1. The following fields are established for the licensing of pest control personnel:
  - (a) Aerial—The use of aircraft on standing or running water, rangeland or cropland.
  - (b) Agricultural ground—The use of ground equipment on rangeland, cropland or animals.
  - (c) Urban structural—The use of ground equipment in urban areas and in, on or around structures.
2. The following categories are established for the licensing of pest control personnel under the fields of licensing:
  - (a) Aerial:
    - (1) Insecticides—The application of insecticides, miticides and acaricides.
    - (2) Herbicides—The application of herbicides and plant regulators.
    - (3) Desiccants and defoliant—The application of desiccants and defoliant.
    - (4) Fungicides and bactericides—The application of fungicides, bactericides and nematocides.
  - (b) Agricultural ground:
    - (1) Insecticides—The application of insecticides, miticides and acaricides.
    - (2) Herbicides—The application of herbicides and plant regulators.
    - (3) Desiccants and defoliant—The application of desiccants and defoliant.
    - (4) Fungicides and bactericides—The application of fungicides, bactericides and nematocides.
    - (5) Rodenticides—The application of rodenticides.
  - (c) Urban and structural:
    - (1) Ornamental and turf—The control of insects, weeds, vertebrates 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 insects and vertebrates 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 insects, weeds and vertebrates in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.
    - (6) Right-of-way—The control of weeds in the maintenance of rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way.
    - (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

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organism, including, without limitation, a fungus or bacterium. [Dep't of Agriculture, part No. 55.32, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82; R033-01, 5-1-2002)

### **NAC 555.290 Miscellaneous requirements and restrictions; amendment, inactivation and denial of license. (NRS 555.400)**

1. A person may not be employed, or retained as an independent contractor, in the position of a principal or primary principal for more than one pest control business at any time.
2. Each primary principal, principal, operator or agent of a pest control business shall:
  - (a) Ensure that the license issued to him by the Director is on his person or in his service vehicle while he is engaged 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 of a pest control business shall, within 15 days after the change, notify the Director of any change in the status of authority of any primary principal, principal, operator 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 or agent must be paid by the employer. No additional fee is required for a designation as a primary principal.
6. A principal or operator may apply to the Director for amendment of his 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 his license so amended without any additional licensing fee.
7. Any former licensee whose license has not been active during the 2 years immediately preceding his application for a new license must demonstrate his qualifications for the license. The demonstration must include written or oral examinations, or both, currently in use to determine the qualifications of any other applicants.
8. A licensee who cannot provide services in a particular category of pest control because he fails to meet the requirements for insurance for that category may apply to have his license for that category declared inactive. The license for that category may be reactivated at any time upon submission of proof of insurance to the Director.
9. 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.
10. An agent shall not apply any pesticide or provide a recommendation or any other advice to a person concerning the use of a pesticide.
11. The Director may refuse to issue a license to an applicant to perform pest control work if, at the time the applicant submits his 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. [Dep't of Agriculture, part No. 55.32, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; + part No. 55.33, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; 6-11-80]—(NAC A 2-5-82; 10-17-86; 12-10-92; R033-01, 5-1-2002; R052-06, 6-28-2006)

**NAC 555.300 Permit to perform emergency application. (NRS 555.400)** A person licensed pursuant to [NAC 555.250](#) to [555.530](#), inclusive, 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.

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9. Proof that the applicant has insurance for public liability and property damage that satisfies the requirements set forth
10. Any other information the Director may require. [Dep't of Agriculture, part No. 55.32 and part No. 55.33, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A by R033-01, 5-1-2002)

### **NAC 555.320 Qualifications for examination. ([NRS 555.300](#), [555.400](#))**

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 or agent is not required to have reached the age of majority nor is he 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 practical experience and education required of a principal pursuant to paragraph (b) of subsection 1.
3. As used in this section:
  - (a) "Credit hours in biological sciences" includes 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 economic entomology, phytopathology and similar courses concerning the identification and control of pests through the use of pesticides.
  - (c) "Practical experience" means 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 an agent.
  - (d) "Related pest control" experience includes technical field representative work, termite inspection for private or governmental entities or acting as a consultant on the staff of an area or regional consulting firm. Other experience may be evaluated. [Dep't of Agriculture, part No. 55.34, eff. 8-1-74; A 1-17-77]—(NAC A 12-10-92; R033-01, 5-1-2002; R052-06, 6-28-2006)

### **NAC 555.325 Qualifications for amendment of license to include additional categories of pest control. ([NRS 555.400](#))**

1. In lieu of meeting the requirements set forth in subsection 1 of [NAC 555.320](#), a principal who applies to the Director for amendment of his license to include additional categories of pest control pursuant to subsection 6 of [NAC 555.290](#), may include in his application for a pest control examination 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 his 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.

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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. (Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

### **NAC 555.330 Filing of application for examination; request for date of examination. ([NRS 555.400](#))**

1. Each person who wishes to be examined on pest control to obtain a license, amend a license to include additional categories of pest control or have restrictions removed from a license must complete an application and file it with the Department.
2. An applicant who wishes to be licensed as a principal, to amend his license to include additional categories of pest control or to have restrictions removed from his license must request a date on which to take the examination, but his request may be made only after he has received notice from the Department verifying his qualifications.
3. Each applicant must give the Department 5 working days’ notice of the date on which he wishes to take the examination unless the examining officer waives this requirement. [Dep’t of Agriculture, part No. 55.34, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

### **NAC 555.340 Examinations: Contents; passing score; retesting; exclusion. ([NRS 555.300](#), [555.400](#))**

1. Each applicant for a license as a principal or operator must pass a written examination to demonstrate his knowledge of:
  - (a) Operations for pest control;
  - (b) Pertinent laws and regulations;
  - (c) Safety in handling and dispensing pesticides;
  - (d) Pests;
  - (e) An integrated approach to pest management; and
  - (f) Recommended practices for controlling pests.
2. The examination for:
  - (a) Each principal or operator consists of a general examination required for all applicants and a specific examination for each category of pest control in which the applicant has requested to be examined.
  - (b) Each agent consists of an examination based upon a presentation.
3. The Director may require an applicant to pass a practical examination that demonstrates his 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 or agent.
5. An applicant who fails to receive a passing score on a section of the examination may be retested upon the expiration of the following minimum waiting periods:
  - (a) If he applied for an operator’s license, 7 days.
  - (b) If he applied for a principal’s license, 10 days.
6. Any applicant who uses an unauthorized aid during 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. [Dep’t of Agriculture, part No. 55.34, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82; 10-17-86; A by Div. of Agriculture by R127-97, 6-23-98; A by Dep’t of Agriculture by R081-99, 11-18-99; R033-01, 5-1-2002; R052-06, 6-28-2006)

### **NAC 555.350 Application for license: Form; pest control business. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] ([NRS 555.290](#), [555.400](#))**

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 and mailing address of the residence of each partner, if the applicant is a partnership.
  - (c) The name of each officer, the state in which the corporation was incorporated, the date on which the corporation was incorporated and the name of each person holding or controlling 25 percent or more of the capital stock of the corporation, if the applicant is a corporation.

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- (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) 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.
  - (f) The name, 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, principal, operator and agent employed by the applicant.
  - (g) The category of pest control in which the applicant wishes to engage.
  - (h) The number of business locations in which the pest control business will operate.
  - (i) The address and telephone number of each such business location.
  - (j) The name of the primary principal who supervises the daily activities of the operators at each business location.
  - (k) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal and principal employed by the applicant.
  - (l) A statement certifying that each primary principal, principal and operator employed by the applicant has satisfied the requirements for continuing education set forth in [NAC 555.372](#).
  - (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 structural field, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include:
    - (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. [Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82; A by Bd. of Agriculture, 2-20-96; A by Dep't of Agriculture by R033-01, 5-1-2002; R001-03, 9-24-2003; R052-06, 6-28-2006)
- NAC 555.350 Application for license: Form; pest control business.** [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] ([NRS 555.290](#), [555.400](#))
- 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 and mailing address of the residence of each partner, if the applicant is a partnership.
    - (c) The name of each officer, the state in which the corporation was incorporated, the date on which the corporation was incorporated and the name of each person holding or controlling 25 percent or more of the capital stock of the corporation, 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) 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.
    - (f) The name, 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, principal, operator and agent employed by the applicant.
    - (g) The category of pest control in which the applicant wishes to engage.
    - (h) The number of business locations in which the pest control business will operate.
    - (i) The address and telephone number of each such business location.
    - (j) The name of the primary principal who supervises the daily activities of the operators at each business location.

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- (k) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal and principal employed by the applicant.
- (l) A statement certifying that each primary principal, principal and operator employed by the applicant has satisfied the requirements for continuing education set forth in [NAC 555.372](#).
- (m) If the application is for a license in the urban structural field, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include:
  - (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. [Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82; A by Bd. of Agriculture, 2-20-96; A by Dep't of Agriculture by R033-01, 5-1-2002; R001-03, 9-24-2003; R052-06, 6-28-2006, effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

### **REVISER'S NOTE.**

The regulation of the Department of Agriculture filed with the Secretary of State on May 1, 2002 (LCB File No. R033-01), which amended this section, contains the following provision not included in NAC:

“1. \* \* \*

2. \* \* \*

3. Section 34 of this regulation [[NAC 555.350](#)] 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 procedure 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.”

### **NAC 555.360 Application for license: Primary principal, principal, operator or agent.** ([NRS 555.290](#), [555.400](#))

Each application for a license to perform pest control work as a primary principal, principal, operator or agent for a currently licensed pest control business must include, without limitation:

1. The name of the applicant and the mailing address and telephone number of the residence of the applicant.
2. 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.
3. A statement indicating:
  - (a) Whether the applicant wishes to be licensed as a primary principal, principal, operator or agent;
  - (b) Whether the applicant holds an active license in another state and, if he 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
  - (c) Each category of pest control in which the applicant wishes to engage.
4. An endorsement by a primary principal or principal of the pest control business employing the applicant. [Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A by Bd. of Agriculture, 2-20-96; A by Dep't of Agriculture by R033-01, 5-1-2002; R052-06, 6-28-2006)

**NAC 555.370 License in business of pest control: Qualifications.** ([NRS 555.290](#), [555.330](#), [555.400](#)) An applicant for a license to engage in the business of pest control must provide the Department with:

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 that the applicant has insurance for public liability and property damage which:
  - (a) 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) Provides the following minimum amounts of coverage:
    - (1) For licensees using ground equipment:

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- (I) For each occurrence of bodily injury, \$10,000;
- (II) For aggregate bodily injury, \$20,000;
- (III) For each occurrence of property damage, \$10,000; and
- (IV) For aggregate property damage, \$20,000.

(2) For licensees using aircraft equipment:

- (I) For each occurrence of bodily injury, \$100,000;
- (II) For aggregate bodily injury, \$300,000; and
- (III) For each occurrence of property damage, \$100,000.

(c) 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.

3. Evidence that the business has the necessary type or types of equipment to perform satisfactory work in the field and categories of pest control to be undertaken. The equipment must be capable of applying pesticides satisfactorily under normal working conditions.

4. A certificate of incorporation or a copy thereof, issued by the Secretary of State, for the business if it is a corporation. [Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A 1-19-84; 12-10-92; R033-01, 5-1-2002)

**NAC 555.371 Renewal of license for pest control business: Annual report.** (NRS 555.390, 555.400) In addition to the information required by [NAC 555.350](#), each application for the renewal of a license for a pest control business must include an annual report of all the pesticides applied by the pest control business during the immediately preceding 12 months. The report must be on a form provided by the Director and 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. (Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002)

**NAC 555.372 Renewal of license for person engaged in pest control business: Requirements for continuing education.** (NRS 555.320, 555.400)

1. Except as otherwise provided in subsection 3, a person who is licensed to engage in the business of pest control may not renew his license unless he certifies that he 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 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 passing grade on an examination conducted upon completion of the course or presentation.

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

- (a) Obtained his license for the first time less than 12 months immediately preceding the expiration of his license;
- (b) Passes the general and specific examinations given pursuant to [NAC 555.340](#) in each category of pest control in which he 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 his license by passing the general examination and at least one examination for a category of pest control given pursuant to [NAC 555.340](#);
- (e) Passes a written or oral examination specified in subsection 7 of [NAC 555.290](#); or
- (f) 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:

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- (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 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. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99; A by R033-01, 5-1-2002; R001-03, 9-24-2003; R052-06, 6-28-2006)

### **NAC 555.374 Continuing education: Prerequisites for accreditation and receipt of credit; duties of sponsor; acceptable activities. (NRS 555.400)**

1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, at least 1 day before the first day of the course:
  - (a) A detailed outline of the subject matter to be presented;
  - (b) A description of the method of presentation;
  - (c) A curriculum vitae or other biographical statement of the instructor; and
  - (d) Any other information required in the application for accreditation.
2. To equal one unit of continuing education, the course for which the application is submitted must consist of at least 50 minutes of instruction and be directly related to:
  - (a) The control or management of pests;
  - (b) The classification or usage of pesticides;
  - (c) The safe handling or dispensing of pesticides; or
  - (d) A law or regulation concerning the use of pesticides.
3. The information required by subsection 1 must be submitted on an application prescribed by the Director.
4. The sponsor of a course accredited by the Director shall submit to the Department, within 30 days after the completion of the course, a list that includes:
  - (a) The name of the course;
  - (b) The course number assigned by the Director pursuant to [NAC 555.375](#);
  - (c) The number of units of continuing education that a person who successfully completes the course may receive;
  - (d) The name of each person who attended the course;
  - (e) The identification number assigned by the Department to the licensee wishing to receive credit for completing the course;
  - (f) The name of the pest control business that employs the licensee;
  - (g) The signature of the licensee; and
  - (h) A statement prepared by the sponsor of the course indicating that the licensee presented to the sponsor the licensee's license as a primary principal, principal, operator or agent or any other form of identification issued by a governmental agency that includes a photograph of the licensee.
5. Except as otherwise provided in subsection 6, courses of continuing education that may be accredited by the Director include, without limitation:
  - (a) A seminar;
  - (b) A meeting;
  - (c) An adult education class;
  - (d) A correspondence class;
  - (e) An Internet class;
  - (f) A college or university class;
  - (g) A video or other media presentation; and
  - (h) Any equivalent activity approved by the Director.
6. A person who attends a meeting of the Nevada Pest Control Association may receive credit for attending the meeting without obtaining approval for the meeting pursuant to this section.
7. A person who successfully completes a course of continuing education is not entitled to receive credit for attending the course unless, at the time the sponsor of the course recorded the attendance of the person at the course, the person presented to the sponsor the identification specified in paragraph (h) of subsection 4. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99; A by R001-03, 9-24-2003; R052-06, 6-28-2006)

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### **NAC 555.375 Continuing education: Notification of accreditation by Director. ([NRS 555.400](#))**

1. The Director will, within 30 days after receipt of a completed application for accreditation of a course of continuing education, notify the sponsor of the course whether the course has been accredited or denied accreditation.
2. If the Director approves a course for accreditation, the notice of accreditation will include the:
  - (a) Course number assigned by the Director; and
  - (b) Number of units of continuing education for which the course is accredited. If a course is divided into sections, the notice will identify the number of units of continuing education allocated to each section. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

### **NAC 555.376 Continuing education: Sponsorship by Department or Cooperative Extension Service. ([NRS 555.400](#))**

1. The Director will accredit a course of continuing education sponsored by the Department if the Department complies with [NAC 555.374](#). Such a course may be in the form of:
  - (a) A meeting;
  - (b) Training for a certificate to use a restricted-use pesticide; or
  - (c) A video, slide or other media presentation. The video, slide or other media presentation will be available for review, by appointment, at the offices of the Department and of the Cooperative Extension Service.
2. The Director will accredit training for a certificate to use a restricted-use pesticide sponsored by the Cooperative Extension Service upon compliance with [NAC 555.374](#). (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

### **NAC 555.377 Continuing education: Expiration, withdrawal, suspension or modification of accreditation. ([NRS 555.400](#))**

1. The accreditation of an in-house course of continuing education expires on the last day of the 36th month after the course is accredited. The accreditation of any other course of continuing education expires on the last day of the 12th month after the course is accredited. A course of continuing education remains accredited for the applicable period unless the Director:
  - (a) Specifies a different date in the notice of accreditation; or
  - (b) Withdraws accreditation upon a finding of sufficient cause. Sufficient cause exists if the course as conducted does not conform to the course as described in the information provided pursuant to [NAC 555.374](#).
2. If a sponsor of an accredited course of continuing education fails to submit to the Department a list of all persons who successfully completed the course pursuant to [NAC 555.374](#), the Director may withdraw, suspend or modify the accreditation of the course.
3. Before the Director withdraws, suspends or modifies the accreditation of a course, he will give the sponsor:
  - (a) Notice in writing of his intention to withdraw, suspend or modify the accreditation and his reasons for taking that action; and
  - (b) An opportunity to respond. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99; A by R052-06, 6-28-2006)

### **NAC 555.380 Operator's license: Qualifications. ([NRS 555.400](#))**

1. Any operator, including an aerial operator, shall provide the Department with:
  - (a) Proof of having passed the applicable examination; and
  - (b) Proof of employment by a pest control business licensed to conduct pest control operations in this State.
2. In addition to the provisions of subsection 1 an aerial operator shall:
  - (a) Present proof of holding a current commercial or airline transport pilot certificate.
  - (b) Present proof of holding a valid agricultural aircraft operator's certificate issued by the Federal Aviation Administration pursuant to 14 C.F.R. § 137.19. [Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A by R033-01, 5-1-2002)

### **NAC 555.385 Return of license to engage in pest control; notification of termination of employment. ([NRS 555.400](#))**

1. Every person licensed to engage in pest control shall return his license to the Department within 15 working days after:
  - (a) He ceases engaging in pest control; or
  - (b) His employment with a pest control business is terminated.
2. A primary principal, principal, operator or agent of a pest control business shall provide written notice to the Department of the termination of the employment of a primary principal, principal, operator or agent from the pest

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control business within 15 days after the date on which that termination occurs. (Added to NAC by Dep't of Agriculture, eff. 10-17-86; A by R033-01, 5-1-2002; R052-06, 6-28-2006)

**NAC 555.395 Primary principal required for each business location; suspension of license for noncompliance.** ([NRS 555.3507](#), [555.400](#))

1. Every person licensed to engage in pest control shall ensure that each of his business locations in this State has a primary principal who is licensed in the appropriate category or categories of pest control.
2. The Director will suspend a license for pest control 30 days after the pest control business ceases to have a primary principal at each business location. The license will remain suspended until the pest control business obtains a primary principal for each business location. (Added to NAC by Dep't of Agriculture, eff. 10-17-86; A 12-10-92; R033-01, 5-1-2002; R052-06, 6-28-2006)

**NAC 555.397 Fees.** ([NRS 555.310](#), [555.400](#))

1. Except as otherwise provided in subsection 3, an applicant for a license must pay to the Director, as applicable:
  - (a) For examination or reexamination, a testing fee of \$25 for each category of pest control in which the applicant wishes to be examined;
  - (b) For licensure of a pest control business, a licensing fee of \$250; and
  - (c) For licensure of an operator, a licensing fee of \$50.
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.
3. An applicant for licensure may request a hardship fee reduction in licensing fees by submitting a written request for such a reduction to the Director. The request must include the amount of income the applicant has received from the application of pest control for at least the immediately preceding 12 months or for the duration of the business of the applicant, whichever is shorter. The Director may grant a hardship fee reduction if he determines that paying the fee described in subsection 1 would require the business of the applicant to cease operations or would prevent the business from beginning operations because of lack of money. If the Director grants a hardship fee reduction, the fee for licensure of a pest control business is \$50 and the fee for licensure of an operator is \$15. The Director may not grant a hardship fee reduction for a testing fee. (Added to NAC by Bd. of Agriculture by R053-00, eff. 6-15-2000; A by Dep't of Agriculture by R033-01, 5-1-2002)

### **Standards of Practice**

**NAC 555.400 General requirements.** ([NRS 555.380](#), [555.400](#)) Except as otherwise provided in [NAC 555.250](#) to [555.530](#), inclusive, 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 is licensed. All other applicators must be under the immediate supervision of a primary principal, principal 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 crop, animal, 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. Servicemen's 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. [Dep't of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82; 12-10-92; R033-01, 5-1-2002)

**NAC 555.410 Required records and reports.** ([NRS 555.390](#), [555.400](#)) Each person subject to the provisions of [NAC 555.400](#) shall:

1. Keep a record for 2 years of each property treated, showing:
  - (a) If the person is licensed in the aerial or agricultural ground field:

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- (1) The date of the treatment.
  - (2) The full name of the person for whom and the county where the treatment was conducted.
  - (3) The full name of the pilot or applicator doing the treating.
  - (4) The crop or site treated.
  - (5) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.
  - (6) The brand name or generic name of the pesticide that was applied, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied.
  - (7) The purpose for which the crop or site was treated.
  - (8) The time the treatment was started and the time the treatment was finished.
  - (9) The temperature at the start and finish of the treatment.
  - (10) 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.
    - (2) The address where the treatment was conducted.
    - (3) The full name of the applicator.
    - (4) The site treated, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure.
    - (5) The brand name or generic name of the pesticide that was applied and the registration number assigned to the pesticide by the Environmental Protection Agency.
    - (6) The total amount of any diluted pesticide and the concentration of the pesticide that was applied.
    - (7) If the treatment is conducted in the categories of ornamental and turf, right-of-way, 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 area or volume fumigated.
    - (8) If the 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 Control Association Form 99-B entitled "New Construction Subterranean Termite Soil Treatment Record" or:
      - (I) If a vertical application of a termiticide other than a preconstruction treatment that is applied directly to wood, the depth of the application of the treatment as measured from the soil to the top of the footing and the total linear footage of the footing;
      - (II) If a horizontal application of a termiticide is applied, the total number of square feet treated; and
      - (III) The information provided on the tag for preconstruction treatment as required by paragraphs (b) to (i), inclusive, of subsection 1 of [NAC 555.428](#). The Housing and Urban Development-National Pest Control Association Form 99-B is available from CBS Forms by mail at 10109 Tiburon Drive, Florence, Kentucky 41042, from CBS Forms by telephone at (800) 324-7676, from CBS Forms at the Internet address <http://www.cbsforms.com/> or from the United States Department of Housing and Urban Development Client Information and Policy System, free of charge, at the Internet address [http://www.hudclips.org/sub\\_nonhud/html/pdfforms/99b.pdf](http://www.hudclips.org/sub_nonhud/html/pdfforms/99b.pdf). A pack of 100 forms may be obtained from CBS Forms for the price of \$28, plus shipping and handling.
2. Keep a copy of each report prepared pursuant to [NAC 555.430](#) for 5 years after completing the report.
  3. Report immediately to the Director:
    - (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 spillage at sites of operations of unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.
  4. Report to the Director within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.
  5. File with the Director on forms to be furnished by him a monthly report of pest control 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) If the person is licensed in the aerial or agricultural ground field:
      - (1) Include all pest control operations, including those operations involving the use of restricted-use pesticides; and
      - (2) Be filed for those periods during which no operations were conducted unless written notification is given to the Director declaring that operations have ceased.

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6. Submit to the Director any reports or records he requests. [Dep't of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 6-11-80]—(NAC A 2-5-82; 12-10-92; R033-01, 5-1-2002; R147-03, 1-22-2004; R052-06, 6-28-2006)

**NAC 555.415 Restrictions on authority of unlicensed persons.** ([NRS 555.400](#)) An unlicensed person who applies pesticides under the immediate supervision of a primary principal, principal or operator pursuant to [NAC 555.400](#) shall not prepare, distribute or sign on his behalf or on behalf of the primary principal, principal or operator:

1. Any invoice, estimate or bid for pest control;
2. Any report prepared pursuant to [NAC 555.430](#); or
3. Any contract or other agreement for pest control. (Added to NAC by Dep't of Agriculture by R052-06, eff. 6-28-2006)

**NAC 555.420 Prohibited materials and uses of pesticides.** ([NRS 555.380](#), [555.400](#)) Except for experimental purposes under the direction or supervision of qualified federal, state or county personnel or research workers employed by the manufacturer, where no charge is made to the grower or owner, a person engaged in the business of application of pesticides shall not use for pest control:

1. Any material not registered in this State as a pesticide.
2. Any registered pesticide for a purpose other than one for which it is registered. [Dep't of Agriculture, part No. 55.37, eff. 8-1-74; A 1-17-77]

**NAC 555.425 Markings and equipment required on service vehicles of licensee.** ([NRS 555.400](#))

1. The name of the business and the number of the permanent license of each licensee which is a business must be prominently displayed on all service vehicles of that business, except unmarked vehicles not used principally in selling or soliciting services for pest control. The name of the business and the number of the license displayed on the vehicles must be:

- (a) The same as the name and number on the license issued by the Department; and
  - (b) Displayed in a prominent place on both sides of the vehicle in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle.
2. Each service vehicle that is used in the custom application of pesticides must be equipped with:
- (a) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle;
  - (b) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled;
  - (c) Equipment designed to store safely materials contaminated with pesticide; and
  - (d) A sufficient quantity of potable water to wash skin exposed to pesticide. (Added to NAC by Dep't of Agriculture, eff. 10-17-86; A by R147-03, 1-22-2004)

**NAC 555.427 Preconstruction treatment: Submission of form before performance; application of termiticide.** ([NRS 555.380](#), [555.400](#))

1. Before performing a preconstruction treatment, a licensee must submit an accurate, complete and legible form entitled "Termiticide Pretreatment Notification Form" to the district or subdistrict office of the Department responsible for the region in which the preconstruction treatment will be performed.

2. The form submitted pursuant to subsection 1 must include:

- (a) The name and telephone number of the pest control business that will be performing the preconstruction treatment;
- (b) The name and address of the person for whom the preconstruction treatment will be performed;
- (c) The location or address and zip code of the site at which the preconstruction treatment will be performed;
- (d) The expected starting date and completion date of the preconstruction treatment;
- (e) The number of sites on which the preconstruction treatment will be performed;
- (f) A description of the type of preconstruction treatment that will be performed;
- (g) A description of the location where the preconstruction tags will be affixed; and
- (h) The date on which the form is completed.

3. A licensee who performs a preconstruction treatment to soil:

- (a) Shall, unless otherwise authorized by the Director, apply the termiticide only to the sites and in the specific quantities and dosages provided on the label of the termiticide.
- (b) Shall apply the termiticide in a manner that establishes a horizontal barrier before the pouring of each concrete slab that will be under the roof of the structure which will be constructed.
- (c) Shall apply the termiticide in a manner that establishes a vertical barrier in each critical area that is identified by the label of the termiticide and visible at the time of the preconstruction treatment.

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(d) Shall, within 30 days after grading and any other disturbance of the soil that is related to construction has been completed, apply the termiticide in a manner that establishes a vertical barrier at the exterior of:

- (1) The walls of the foundation for a structure that is being constructed using a raised foundation; or
- (2) The concrete slab for foundations that are constructed on the ground.

(e) May, if it is in accordance with the label of the termiticide, apply a termiticide using a higher concentration of the termiticide in a reduced volume if the licensee determines that the absorption of the termiticide by the soil necessitates a reduced volume of the termiticide.

4. A licensee who performs a preconstruction treatment directly to wood shall, unless otherwise authorized by the Director, apply the termiticide only to the sites and in the specific quantities and dosages provided on the label of the termiticide. (Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002; A by R147-03, 1-22-2004; R052-06, 6-28-2006)

### **NAC 555.428 Preconstruction treatment: Tag. ([NRS 555.400](#))**

1. The Department shall supply a tag for preconstruction treatment to a licensee who performs preconstruction treatment. A licensee who performs a preconstruction treatment shall complete a tag pursuant to this section. 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 trade name 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;
- (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;
- (i) If the licensee must leave the site before completing the preconstruction treatment, a statement indicating that the preconstruction treatment is incomplete.

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 4 and 5, prominently displayed:
  - (1) On the pipes for plumbing;
  - (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, the portion of the tag containing the information relating to the final 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 date that the final treatment was applied;
- (c) The trade name of the termiticide that was applied;
- (d) The number of gallons of the diluted termiticide that was applied; and
- (e) 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. (Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002)

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### **NAC 555.430 Inspection or application of pesticide for wood-destroying pests: Report; tag; restriction on application. ([NRS 555.380](#), [555.390](#), [555.400](#))**

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 his designated agent, not later than 5 days after the inspection or the application. The report must be on a numbered form supplied by the Department.
2. A copy of each report must be filed 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.
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) An identification of any area to which the application of a pesticide was made.
  - (i) The name, the registration number assigned by the Environmental Protection Agency and the total diluted amount and concentration of any pesticide that was applied.
  - (j) A statement of whether there is 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.
  - (k) A statement of whether there is 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.

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(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.

(l) 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.

(m) 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.

(n) The full name and signature of the inspector.

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. 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. 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. [Dep’t of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82; 1-19-84; 11-7-84; 12-10-92; A by Div. of Agriculture, 11-12-93; A by Bd. of Agriculture, 8-9-94; A by Dep’t of Agriculture by R033-01, 5-1-2002; R147-03, 1-22-2004)

### **NAC 555.440 Precautionary requirements. ([NRS 555.380](#), [555.400](#))**

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 disposed of or left unattended where it may 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 employees with the information, precautions and safety equipment recommended by the Department or the manufacturer of the pesticide; and

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

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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. [Dep't of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

### **NAC 555.445 Labels for service containers. (NRS 555.400)**

1. All service containers of operators 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 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 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) Precautionary (signal) word from the registered label.

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

3. A complete label must be carried in the vehicle for each pesticide in the vehicle. [Dep't of Agriculture, part No. 55.37, eff. 8-1-74; A 6-11-80]—(NAC A 2-5-82; 10-17-86)

### **NAC 555.460 Protection of persons and animals. (NRS 555.400)** 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. [Dep't of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002)

### **NAC 555.470 Protection of bees. (NRS 555.400)**

1. Except as otherwise provided in subsection 2, any licensee who intends to apply to agricultural 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 bees.

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

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

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4. Except as otherwise provided in this subsection, the notice 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 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. [Dep't of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77; 5-2-78; 6-11-80]—(NAC A 2-5-82; 10-14-82; 10-17-86)

### **NAC 555.510 Fumigation procedures.** ([NRS 555.380](#), [555.400](#))

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

3. Except as otherwise provided in subsection 4, the person exercising supervision over the fumigation shall ensure that:

- (a) Before the commencement of fumigation, warning signs are posted in plainly visible locations on or in the immediate vicinity of all entrances to the area under fumigation and are not removed until:
  - (1) The fumigation and ventilation have been completed;
  - (2) Except as otherwise provided in paragraph (c), the premises have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry; and
  - (3) He determines the premises are safe for reentry.

(b) Ventilation is conducted with due regard for the public safety.

(c) If the label of the fumigant does not list a level of concentration of the fumigant in the air that the manufacturer has determined is safe for reentry, and the fumigant used is:

- (1) Methyl bromide, chloropicrin or sulfuryl fluoride, the concentration of the fumigant in the air is 3 parts per million or less before he determines that the premises are safe for reentry;
- (2) Aluminum phosphide or magnesium phosphide, the concentration of the fumigant in the air is 5 parts per million or less before he determines that the premises are safe for reentry; and
- (3) Any fumigant other than those fumigants listed in subparagraph (1) or (2), he obtains from the manufacturer information concerning the level of concentration of fumigant in the air that the manufacturer has determined is safe for reentry and the level of concentration of fumigant in the air is the level determined to be safe by the manufacturer or less before he determines that the premises are safe for reentry.

(d) Warning signs are printed in red on a white background and include:

- (1) The following statement, written in English and Spanish, in letters not less than 2 inches in height:

DANGER/ PELIGRO

AREA UNDER FUMIGATION/ AREA BAJO FUMIGACION

DO NOT ENTER/ NO ENTRE

- (2) A skull and crossbones symbol that is not less than 1 inch in height;
- (3) The name of the fumigant in use, the date and time the fumigant was injected; and
- (4) The name, address and telephone number of the licensee performing the fumigation.

(e) The area to be fumigated is vacated by all occupants before the commencement of fumigation and all entrances to the area are locked, barricaded or otherwise secured against entry until the end of the exposure period, then opened for ventilation and relocked, barricaded or otherwise secured against reentry until he declares the area to be safe for reentry.

(f) Before the commencement of fumigation, the space to be fumigated is sealed in such a manner that tests taken before ventilation is begun will show that the required concentration of the fumigant released within the space has been retained therein in compliance with the manufacturer's recommendations.

(g) An adequate warning agent is used with all fumigants which lack such an agent if a warning agent is appropriate for use on the structure or other item being treated.

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- (h) At least one licensee and one person under the supervision of that licensee is present during:
  - (1) The release of the fumigant; and
  - (2) The ventilation process until the warning signs are removed from the premises.
- (i) When conditions involving abnormal hazards exist, he takes such safety precautions in addition to those prescribed by this section as are reasonably necessary to protect the public health and safety.
- 4. If the requirements for use and warnings listed on the label of the fumigant are more stringent than the requirements set forth in subsection 3, the person exercising supervision over the fumigation shall ensure that the requirements listed on the label of the fumigant are satisfied.
- 5. In addition to the requirements set forth in subsection 3 or 4, the person exercising supervision over the fumigation of a structure that is used for human habitation or for business if employees or other persons occupy the structure shall ensure that:
  - (a) During the process of fumigation, the room, warehouse or apartment being fumigated, together with all rooms, units and apartments on the same floor and those above, below and adjacent thereto, are vacated by the occupants thereof.
  - (b) During the process of the fumigation, all rooms, units, apartments and hallways adjacent to the rooms, units, apartments or spaces undergoing fumigation are kept well ventilated and warning signs as prescribed in paragraph (d) of subsection 3 are kept posted at all entrances to these rooms, units or apartments during the time of the fumigation and thereafter until the premises:
    - (1) Are safely ventilated; and
    - (2) Have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry. Except as otherwise provided in this paragraph, such testing must be completed with a device which is specified on the label of the fumigant and which is calibrated to measure the smallest unit in which the concentration of the fumigant in the air is required to be measured. If the label of the fumigant does not specify the device to be used for such testing, a device that is calibrated in increments of 1 part per million must be used.
  - (c) A rooming or apartment house designed for four families or less is entirely vacated and closed against entry and occupancy while fumigation is being performed and thereafter until the premises:
    - (1) Are safely ventilated; and
    - (2) Have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry. Except as otherwise provided in this paragraph, such testing must be completed with a device which is specified on the label of the fumigant and which is calibrated to measure the smallest unit in which the concentration of the fumigant in the air is required to be measured. If the label of the fumigant does not specify the device to be used for such testing, a device that is calibrated in increments of 1 part per million must be used.
- 6. The person exercising supervision over the fumigation shall ensure that:
  - (a) Each employee of the pest control business who is performing fumigation has been instructed in the use and administration of first aid and in the use and care of the safety equipment recommended by the Department or the manufacturer of the fumigant; and
  - (b) The following items are on the premises being fumigated and are in good working order:
    - (1) A first-aid kit that includes directions for artificial resuscitation;
    - (2) At least two gas masks or other respiratory protective devices that have been approved by the National Institute of Occupational Safety and Health and the Mine Safety and Health Administration;
    - (3) A testing device that satisfies the requirements set forth in subsection 5 to measure the concentration of the fumigant in the air during the fumigation process or the ventilation process;
    - (4) 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
    - (5) 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. [Dep't of Agriculture, No. 55.39, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82; R033-01, 5-1-2002; R147-03, 1-22-2004)

### **Administrative Complaints**

**NAC 555.524 Definitions.** ([NRS 555.400](#)) As used in [NAC 555.524](#) to [555.5275](#), inclusive, unless the context otherwise requires, the words and terms defined in [NAC 555.5243](#) to [555.5255](#), inclusive, have the meanings ascribed to them in those sections. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.5243 “Administrative complaint” defined.** ([NRS 555.400](#)) “Administrative complaint” means a formal notice in writing of a violation of a provision of [NRS 555.2605](#) to [555.460](#), inclusive, or a regulation adopted pursuant

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thereto, prepared by the Department after an investigation. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.5245 “Committee” defined.** ([NRS 555.400](#)) “Committee” means a case review committee of the Department appointed pursuant to [NAC 555.5265](#). (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.5247 “Enforcement action” defined.** ([NRS 555.400](#)) “Enforcement action” means a remedy or penalty that is authorized by statute in order to punish, deter or correct a violation of any provision of [NRS 555.2605](#) to [555.460](#), inclusive, or any regulation adopted pursuant thereto. The term includes:

1. A fine imposed pursuant to the provisions of [NAC 555.530](#);
2. A notice of warning;
3. An order to take appropriate action to correct a violation issued pursuant to paragraph (a) of subsection 2 of [NRS 555.470](#);
4. A request to the district attorney of a county to initiate a criminal investigation or complaint against a person pursuant to paragraph (b) of subsection 2 of [NRS 555.470](#); and
5. The suspension, revocation or modification of a license or certificate issued pursuant to [chapter 555](#) of NRS. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.525 “Informal case review” defined.** ([NRS 555.400](#)) “Informal case review” means the process by which a committee attempts to redress a violation of any provision of [NRS 555.2605](#) to [555.460](#), inclusive, or any regulation adopted pursuant thereto, without a hearing. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.5253 “Informal disposition” defined.** ([NRS 555.400](#)) “Informal disposition” means an action described in [NAC 561.400](#). (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.5255 “Notice of warning” defined.** ([NRS 555.400](#)) “Notice of warning” means an enforcement action that imposes no immediate penalty for a violation of any provision of [NRS 555.2605](#) to [555.460](#), inclusive, or any regulation adopted pursuant thereto, but notifies a person that the Department will pursue a more stringent enforcement action for a subsequent violation. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.526 Contents; notification of options; notice of warning in lieu of serving complaint.** ([NRS 555.400](#))

1. Except as otherwise provided in subsection 4, if the Department has reason to believe that a person has violated any provision of [NRS 555.2605](#) to [555.460](#), inclusive, or any regulation adopted pursuant thereto, it will serve upon that person an administrative complaint that contains:
  - (a) The name of the person alleged to have committed the violation;
  - (b) A short and plain statement of the acts or omissions alleged to have been committed in violation of those provisions and the citation of the provisions allegedly violated; and
  - (c) The enforcement action that the Department intends to pursue.
2. At the time of serving an administrative complaint on a person, the Department will notify him that he may:
  - (a) Agree to an informal disposition;
  - (b) Request an informal case review; or
  - (c) Demand a hearing pursuant to [NRS 555.470](#).
3. The Department will notify the person named in the administrative complaint that if he does not exercise one of the options set forth in subsection 2, the Department will proceed to a hearing on the violation pursuant to the provisions of [NAC 561.300](#) to [561.580](#), inclusive.
4. In lieu of serving an administrative complaint pursuant to subsection 1, the Director may issue a notice of warning if the violation that the Department believes the person has committed is the first offense of a nonserious violation. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99; A by R033-01, 5-1-2002)

**NAC 555.5265 Informal case review by committee.** ([NRS 555.400](#))

1. If a person named in an administrative complaint requests an informal case review, the Department will appoint a committee to conduct the review.
2. Except as otherwise provided in subsection 3, the committee will consist of the:
  - (a) Assistant Director of the Department;
  - (b) Administrator of the Division of Plant Industry of the Department; and
  - (c) Regional manager of the region where the violation is alleged to have occurred.
3. If any person identified in subsection 2 is unable, for any reason, to serve on a committee, the Director may appoint another employee of the Department to the committee.

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4. The committee shall consider any pertinent documents, exhibits, oral or written statements or other information, including mitigating circumstances, offered by the person named in the administrative complaint, his representative or the investigator who originated the administrative complaint.
5. After the committee has considered all the information offered pursuant to subsection 4, it shall:
  - (a) Dismiss the administrative complaint in its entirety; or
  - (b) Adopt, amend or replace the administrative complaint, including the statutes or regulations alleged to have been violated and the intended enforcement action, and:
    - (1) Issue a notice of warning to the person named in the complaint;
    - (2) Provide for an informal disposition of the complaint; or
    - (3) Recommend to the Department that it commence a hearing on the administrative complaint pursuant to the provisions of [NAC 561.300](#) to [561.580](#), inclusive. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.527 Actions by Department upon committee decision.** ([NRS 555.400](#)) After a committee has issued its decision, the Department will:

1. Serve a copy of the decision on the person named in the administrative complaint; and
2. Unless the decision resulted in a dismissal or informal disposition of the administrative complaint or a notice of warning, notify the person that the Department will commence a hearing on the administrative complaint pursuant to the provisions of [NAC 561.300](#) to [561.580](#), inclusive, unless before a date stated in the notice, the person:
  - (a) Enters into an informal disposition; or
  - (b) Demands a hearing pursuant to the provisions of [NRS 555.470](#). (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

**NAC 555.5275 Service of documents.** ([NRS 555.400](#)) Any administrative complaint, decision, notice of warning or other document issued by the Department or a committee pursuant to [NAC 555.524](#) to [555.527](#), inclusive, may be served:

1. In person; or
2. By certified or registered mail to the person's last known business address. (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

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### Fines

**NAC 555.530 Schedule of administrative fines.** ([NRS 555.400](#), [555.470](#)) 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. For a violation of <a href="#">NRS 555.351</a> :		
(a) If it is a nonserious violation.....	\$50 to \$1,000	\$25 to \$300
(b) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
2. For a violation of <a href="#">NRS 555.359</a> , if the violation is for:		
(a) Knowingly applying ineffective or improper materials.....	\$300	\$25
(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.....	\$50 to \$1,000	\$25 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
(c) Operating faulty or unsafe equipment.....	\$25	\$25
(d) Applying pesticides in a faulty, careless or negligent manner:		
(1) If it is a nonserious violation.....	\$50 to \$1,000	\$25 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 <a href="#">NRS 555.351</a> to <a href="#">555.357</a> , inclusive.....	\$100	\$50
(f) Conspiring with an uncertified person to evade the provisions of <a href="#">NRS 555.351</a> to <a href="#">555.357</a> , inclusive, or allowing his 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 supervision:		
(1) If it is a nonserious violation.....	\$50 to \$100	\$25 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
3. For a violation of <a href="#">NAC 555.440</a> , 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 \$1,000	\$25 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
(b) Disposing of or leaving unattended a pesticide or its empty container where it may 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.....	\$200	\$100
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation.....	\$50 to \$1,000 (per item not provided)	\$25 to \$300 (per item not provided)
(2) If it is a serious violation.....	\$1,001 to \$5,000 (per item not provided)	\$301 to \$1,000 (per item not provided)
(d) Failing to maintain the required safety equipment in good working order.....	\$50 to \$1,000 (per item not maintained)	\$25 to \$300 (per item not maintained)

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<b>CERTIFICATION</b>	<b>COMMERCIAL APPLICATOR</b>	<b>PRIVATE APPLICATOR</b>
<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> <p style="padding-left: 20px;">(1) If it is a nonserious violation.....</p> <p style="padding-left: 20px;">(2) If it is a serious violation.....</p> <p>4. For a violation of <a href="#">NAC 555.700</a>, if the violation is for:</p> <p style="padding-left: 20px;">(a) Failing to keep a record of each property treated for 2 years.....</p> <p style="padding-left: 20px;">(b) Failing to maintain required information for 2 years.....</p> <p style="padding-left: 20px;">(c) Failing to report immediately any emergency dump or accidental spillage of a pesticide.....</p> <p style="padding-left: 20px;">(d) Failing to report within 48 hours any case of apparent pesticide poisoning requiring medical treatment.....</p> <p style="padding-left: 20px;">(e) Failing to have contact with an applicator under his direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.....</p>	<p>\$50 to \$1,000</p> <p>\$1,001 to \$5,000</p> <p>\$100</p> <p>\$50</p> <p>\$100</p> <p>\$100</p> <p>\$50</p>	<p>\$25 to \$300</p> <p>\$301 to \$1,000</p> <p>\$50</p> <p>\$25</p> <p>\$50</p> <p>\$50</p> <p>\$25</p>
	<b>FIRST OFFENSE</b>	<b>SUBSEQUENT OFFENSE</b>
<p>5. Except as otherwise provided in this section, for a violation of a provision of <a href="#">NRS 555.2605</a> to <a href="#">555.460</a>, inclusive.....</p> <p>6. For a violation of <a href="#">NRS 555.280</a>.....</p> <p>7. For a violation of <a href="#">NRS 555.285</a>.....</p> <p>8. For failing to supervise adequately an applicator who does not have a license issued by the Director.....</p> <p>9. For a violation of <a href="#">NAC 555.290</a>, if the violation is for:</p> <p style="padding-left: 20px;">(a) Failing to carry the license issued to him by the Director while he is engaged in pest control or failing to produce the license upon request by the Director or a designated field agent or inspector.....</p> <p style="padding-left: 20px;">(b) Failing to notify the Director of any change in the status of authority of any primary principal, principal, operator or agent or of any change in the information given on the application for the license of the pest control business.....</p> <p style="padding-left: 20px;">(c) Failing to submit a new application and fee if a change in ownership occurs.....</p> <p>10. Failing to obtain the permit required pursuant to <a href="#">NAC 555.300</a> or to provide accurate or complete information on an application for such a permit.....</p> <p>11. For a violation of <a href="#">NAC 555.385</a>, if the violation is for failing to provide written notice to the Department of the termination of the employment of a primary principal, principal, operator or agent from the pest control business within 15 days after the date on which that termination occurs.....</p> <p>12. For a violation of <a href="#">NAC 555.400</a>, if the violation is for:</p> <p style="padding-left: 20px;">(a) Applying a pesticide in a category of pest control for which he is not licensed.....</p> <p style="padding-left: 20px;">(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials.....</p> <p style="padding-left: 20px;">(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made:</p> <p style="padding-left: 40px;">(1) If it is a nonserious violation.....</p> <p style="padding-left: 40px;">(2) If it is a serious violation.....</p>	<p>\$100 to \$500</p> <p>\$500</p> <p>\$500</p> <p>\$500</p> <p>\$25</p> <p>\$100</p> <p>\$25</p> <p>\$25</p> <p>\$100</p> <p>\$500</p> <p>\$100</p> <p>\$50 to \$500</p> <p>\$501 to \$5,000</p>	<p>\$301 to \$1,000</p> <p>\$1,000</p> <p>\$1,000</p> <p>\$500</p> <p>\$25</p> <p>\$100</p> <p>\$25</p> <p>\$25</p> <p>\$100</p> <p>\$1,000</p> <p>\$100</p> <p>\$301 to \$1,000</p> <p>\$1,001 to \$5,000</p>

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<b>LICENSEES</b>	<b>FIRST OFFENSE</b>	<b>SUBSEQUENT OFFENSE</b>
(d) Failing to keep pest control equipment in good condition.....	\$25	\$25
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25	\$25
(f) Failing to maintain a uniform mixture.....	\$25	\$25
(g) Failing to confine in a substantial manner the material applied to the premises where the crop, animal, ornamental, soil or pest which is being treated:		
(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
(h) Failing to clean thoroughly all equipment after use.....	\$25	\$25
(i) Failing to store undiluted pesticides in a locked facility or failing to handle servicemen’s kits with extreme caution or leaving the kits where children or other unauthorized persons might remove the contents:		
(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
13. For a violation of <a href="#">NAC 555.410</a> , if the violation is for:		
(a) Failing to keep a 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	\$25
(c) Failing to keep a copy of each report prepared pursuant to <a href="#">NAC 555.430</a> for 5 years after the report is completed.....	\$100 to \$500	\$501 to \$1,000
(d) Failing to report to the Director 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
(e) Failing to file the required monthly report on or before the 15th day of the following month.....	\$100	\$100
14. For a violation of <a href="#">NAC 555.420</a> , if the violation is for using a material for pest control which is not registered in this State as a pesticide....	\$100	\$100
15. For a violation of <a href="#">NRS 555.420</a> , 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
16. For a violation of <a href="#">NAC 555.415</a> .....	\$100 to \$1,000	\$301 to \$1,000
17. For a violation of <a href="#">NAC 555.425</a> , if the violation is for:		
(a) Failing to display prominently his 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	\$50
(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
(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
18. For a violation of <a href="#">NAC 555.427</a> , if the violation is for:		
(a) Failing to submit the form entitled “Termiticide Pretreatment Notification Form”.....	\$301 to \$1,000	\$1,001 to \$5,000

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<b>LICENSEES</b>	<b>FIRST OFFENSE</b>	<b>SUBSEQUENT OFFENSE</b>
(b) Failing to include each item of information required on the form entitled “Termiticide Pretreatment Notification Form”.....	\$25 (per item not included)	\$50 (per item not included)
(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
19. For a violation of <a href="#">NAC 555.428</a> , 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 \$25 (per item not included)	\$1,001 to \$5,000 \$50 (per item not included)
(b) Failing to include each item of information required on the tag for preconstruction treatment....	(per item not included)	(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
20. For a violation of <a href="#">NAC 555.430</a> , 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.....	\$100	\$150
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made.....	\$100 \$50 to \$500	\$150 \$50 to \$1,000
(c) Failing to include each item of information required in a report.....	(per item not included)	(per item not included)
(d) Failing to affix or deliver a tag as required upon completion of an inspection or after an application of a pesticide...	\$100 \$25	\$300 \$50
(e) Failing to record each item of information required on the tag.....	(per item not included)	(per item not included)
(f) 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:		
(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
21. For a violation of <a href="#">NAC 555.440</a> , 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 of or leaving unattended a pesticide or its empty container where it may 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	\$100
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation.....	\$50 to \$500 (per item not provided)	\$301 to \$1,000 (per item not provided)

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<b>LICENSEES</b>	<b>FIRST OFFENSE</b>	<b>SUBSEQUENT OFFENSE</b>
(2) If it is a serous violation.....	\$501 to \$5,000 (per item not provided)	\$1,001 to \$5,000 (per item not provided)
(d) Failing to keep the required safety equipment in good working order.....	\$50 to \$300 (per item not maintained)	\$301 to \$1,000 (per item not maintained)
(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.:		
(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
22. For a violation of <a href="#">NAC 555.445</a> , if the violation is for:		
(a) Failing to attach abbreviated labels to a service container.....	\$50	\$50
(b) Failing to include each item of information required on an abbreviated label.....	\$25	\$25
(c) Failing to carry a complete label for each pesticide in the vehicle.....	\$50	\$50
23. For a violation of <a href="#">NAC 555.460</a> , if the violation is for:		
(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	\$100
(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.....	\$100	\$100
(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100	\$100
(d) Failing to place a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station:		
(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
(e) Failing to mark the outside of a bait station with the required information:		
(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
(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:		
(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
24. For a violation of <a href="#">NAC 555.470</a> , if the violation is for:		
(a) Failing to give notice personally or by telephone to an apiarist within the required time.....	\$100	\$100
(b) Failing to give notice of his intent to apply specified pesticides to each apiarist within 2 miles of the field to be treated within the required time.....	\$100	\$100
(c) Failing to provide each item of information required to be included in the notice.....	\$25	\$25
25. For a violation of <a href="#">NAC 555.510</a> , 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) of subsection 2 of <a href="#">NAC 555.280</a> 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

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<b>LICENSEES</b>	<b>FIRST OFFENSE</b>	<b>SUBSEQUENT OFFENSE</b>
(b) Failing to post warning signs before fumigating or removing the warning signs before ventilation is complete, the premises have been tested and the determination that the premises are safe for reentry has been made:		
(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
(c) Posting an improper warning sign:		
(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
(d) Failing to secure properly a fumigation site:		
(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
(e) Failing to seal properly the space to be fumigated:		
(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
(f) Failing to use an adequate warning agent when required.....	\$25	\$25
(g) 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
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(h) Failing to vacate the required area before fumigating:		
(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
(i) Failing to keep the proper ventilation during the process of the fumigation:		
(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
(j) Failing to complete the ventilation process, including testing the concentration of fumigant in the air before determining the premises are safe for reentry:		
(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
(k) Failing to use the required device to test the concentration of the fumigant in the air for the purpose of reentry into premises that have been fumigated.....	\$50 to \$300	\$301 to \$1,000
(l) Failing to have the required first-aid kit, respiratory protective devices or testing device on the premises while fumigating.....	\$50 to \$300	\$301 to \$1,000
(m) Failing to maintain the required first-aid kit, respiratory protective devices or testing device in good working order.....	(per item not provided)	(per item not provided)
	\$50 to \$300	\$301 to \$1,000
	(per item not maintained)	(per item not maintained)

(Added to NAC by Div. of Agriculture, eff. 1-6-95; A by Dep't of Agriculture by R033-01, 5-1-2002; R147-03, 1-22-2004; R052-06, 6-28-2006)

## **APPENDIX 2 – N A C, CHAPTER 555**

### **CERTIFIED APPLICATORS**

**NAC 555.600 Definitions.** ([NRS 555.400](#)) As used in [NAC 555.600](#) to [555.700](#), inclusive, unless the context otherwise requires:

1. “Browsing” means the consumption of leaf and twig growth of shrubs, woody vines and trees by an animal.
2. “Competent” means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.
3. “Container” means any package, can, bottle, bag, barrel, drum, tank or other containing device, excluding spray applicator tanks, used to enclose a pesticide or waste related to pesticide.
4. “Control” means to prevent, destroy, repel or mitigate any undesirable organism.
5. “Direct supervision” means that a person who is certified in the use of a restricted-use pesticide is responsible for and provides guidance to a person applying the restricted-use pesticide who is not certified in the use of the restricted-use pesticide. The physical presence of the person who is certified in the use of the restricted-use pesticide at the site of application is not required unless the label on the pesticide requires the presence of such a person.
6. “Ectoparasite” means any organism that occurs externally on, or whose life cycle involves development within, an organism of another species (host) and derives its nutriment from it.
7. “Food handling establishment” means a place other than a private residence in which exposed food is held, processed, prepared or served.
8. “Forage” means any herbaceous plant or plant part normally grazed on by, or fed to, animals.
9. “Forest” means any concentration of trees and related vegetation in a nonurban area sparsely inhabited by and infrequently used by humans, characterized by natural terrain and drainage patterns.
10. “Fumigation”:
  - (a) Means the destruction of plant or animal life within an enclosed area by using:
    - (1) A substance which has a vapor pressure of more than 5 millimeters of mercury at 25° centigrade; or
    - (2) Any other substance that the Director determines is a fumigant, including, without limitation:

(I) Chloropicrin;	(V) Sulfuryl fluoride;
(II) Methyl bromide;	(VI) Aluminum phosphide;
(III) Sulfur dioxide;	(VII) Magnesium phosphide; and
(IV) Propylene oxide;	(VIII) Dichloropropene.
  - (b) May include any of the following substances if the intended use of the substance is to destroy plant or animal life within an enclosed area:

(1) Liquid nitrogen;	(3) Metam sodium.
(2) Carbon dioxide; or	
11. “Grain” means any of the grasses that produce cereals which are used for food.
12. “Grazing” means the partial defoliation of forage growth by animal consumption.
13. “Habitat” means that specific locality where an organism exists.
14. “Licensed primary principal commercial applicator” means a person who:
  - (a) Is designated the primary principal of a business of pest control pursuant to [NAC 555.395](#); and
  - (b) Is authorized to use or supervise the use of a restricted-use pesticide as a part of a business of pest control.
15. “Microorganism” means any animal or plant that is so small as to be invisible or obscure except through a microscope.
16. “Mollusk” means any of the phylum of soft-bodied animals usually partially or wholly enclosed within a calcium carbonate shell and having a muscular “foot” for locomotion.
17. “Nonprimary principal commercial applicator” means a person who:
  - (a) Except as a part of a business of pest control, applies or supervises the application of a restricted-use pesticide; and
  - (b) Does not qualify as a private applicator.
18. “Nonvascular plant” means a plant without flowers, roots, stems or leaves.
19. “Operational site” means that location belonging to a person where an integral function of the business is performed, and includes the person’s land, structures and any other environs and equipment.
20. “Pasture” means any fenced area of domesticated forage on which animals are grazed.
21. “Plant disease” means any exhibition of some malfunction or abnormality in a plant’s development or growth caused by a microorganism as, for example, fungi, bacteria, viruses, mycoplasmas and nematodes.
22. “Predator” means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.

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23. “Private applicator” has the meaning ascribed to it in [NRS 555.2681](#).
24. “Range” means any land with native vegetation (climax or natural potential) that is predominantly grasses, grasslike plants, forbs or shrubs suitable for grazing or browsing.
25. “Row crop” means any fiber crop, melon crop, vegetable crop or similar crop that is grown in continual lines.
26. “Seed crop” means any plant that is grown for the purpose of utilizing the propagative portion of the plant.
27. “Vertebrate” means any animal of the subphylum Vertebrata of the phylum Chordata, which has an enlarged brain enclosed in a cranium, or brain case, a segmented vertebral column which supports the body, a head, neck, trunk and usually a tail present.
28. “Wildlife” means all living things that are neither human, domesticated nor pests, including, but not limited to, mammals, birds and aquatic life.
29. “Wood-destroying pest” means any organism which infests or infects and destroys cellulose. [Dep’t of Agriculture Reg., 55.50, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004)

### **NAC 555.610 Exceptions. ([NRS 555.400](#))**

1. The provisions of [NAC 555.600](#) to [555.700](#), inclusive, as appropriate, do not apply to any person applying or supervising the application of any pesticide classified for general use.
2. As used in this section, “pesticide classified for general use” means a pesticide that has not been classified as a restricted-use pesticide:
  - (a) By the Director; or
  - (b) In accordance with the Federal Environmental Pesticide Control Act of 1972, 7 U.S.C. §§ 136 et seq. [Dep’t of Agriculture Reg., 55.51, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004)

### **NAC 555.613 Licensed primary principal commercial applicators: Fields; categories. ([NRS 555.400](#))**

1. The fields of licensed primary principal commercial applicators are:
  - (a) Aerial—The use of aircraft on standing or running water, rangeland or cropland.
  - (b) Agricultural ground—The use of ground equipment on rangeland, cropland or animals.
  - (c) Urban structural—The use of ground equipment in urban areas and in, on or around structures.
2. The categories of licensed primary principal commercial applicators are:
  - (a) Aerial:
    - (1) Insecticides—The application of insecticides, miticides and acaricides.
    - (2) Herbicides—The application of herbicides and plant regulators.
    - (3) Desiccants and defoliants—The application of desiccants and defoliants.
    - (4) Fungicides and bactericides—The application of fungicides, bactericides and nematicides.
  - (b) Agricultural ground:
    - (1) Insecticides—The application of insecticides, miticides and acaricides.
    - (2) Herbicides—The application of herbicides and plant regulators.
    - (3) Desiccants and defoliants—The application of desiccants and defoliants.
    - (4) Fungicides and bactericides—The application of fungicides, bactericides and nematicides.
    - (5) Rodenticides—The application of rodenticides.
  - (c) Urban and structural:
    - (1) Ornamental and turf—The control of insects, weeds, vertebrates 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 insects and vertebrates 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 insects, weeds and vertebrates in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.
    - (6) Right-of-way—The control of weeds in the maintenance of rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way.
    - (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. (Added to NAC by Dep’t of Agriculture by R147-03, eff. 1-22-2004)

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### **NAC 555.617 Certification of licensed primary principal commercial applicators; certification in category of fumigation. (NRS 555.355, 555.357, 555.400)**

1. The Director will deem a licensed primary principal commercial applicator who has been issued a license in a field or category of pest control that is set forth in [NAC 555.280](#) to have been issued a certificate in the same field or category as set forth in [NAC 555.613](#).
2. The Director will issue to a licensed primary principal commercial applicator who is deemed to be certified pursuant to subsection 1 a certificate authorizing the application or supervision of the application of restricted-use pesticides for the fields or categories for which the primary principal commercial applicator is deemed to be certified.
3. The Director will deem any person who is licensed in the category of fumigation as set forth in [NAC 555.280](#) to be certified in the category of fumigation and will issue to the person a certificate authorizing the application or supervision of the application of a fumigant. (Added to NAC by Dep't of Agriculture by R147-03, eff. 1-22-2004; A by R052-06, 6-28-2006)

### **NAC 555.620 Nonprimary principal commercial applicators: Categories. (NRS 555.400)** The categories of nonprimary principal commercial applicators are:

1. Agricultural pest control, which includes:
  - (a) Animal: The control of insects, including ectoparasites, on or around animals, including, but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats and poultry, and to places on or in which animals are confined.
  - (b) Plant: The control of any pest on or around any agricultural crop, including, but not limited to, the production of forage, grain, pasture, seed, row crops and fruit crops, as well as rangeland, idle cropland and noncropland associated with the production of agricultural crops, or on any other agricultural crop consumed or used by man or animals.
2. Aquatic pest control: The control of any pest in standing or running water, excluding mosquito control and public health pest control.
3. Chemigation: The control of any pest through the application of pesticides by injection of the pesticides into irrigation water.
4. Forest pest control: The control of any pest in rangeland, forests, forest nurseries and forest seed-producing areas.
5. Fumigation pest control: The control of any pest by fumigation with poisonous and lethal gases in any habitat, including, but not limited to, structures and soil.
6. Greenhouse and nursery pest control: The control of any pest in the maintenance or production of greenhouse or nursery stock.
7. Industrial, institutional, structural and health-related pest control, which includes:
  - (a) Industrial pest control: The control of any pest, including those that are health-related but excluding wood-destroying pests, in, on or around an industrial complex, including, but not limited to, grain elevators, offices, casinos, motels, stores, operational sites of food handling establishments, warehouses or stored products, and excluding ornamental and turf pest control and aquatic pest control.
  - (b) Institutional pest control: The control of any pest, including those that are health-related but excluding wood-destroying pests, in, on or around an institutional complex, including, but not limited to, homes, hospitals, schools and similar institutes, especially where children, the physically unfit and germicidal work would be involved, and also including any inanimate objects used in the maintenance of institutional operations, including, but not limited to, garbage cans, wood piles and sidewalks, and excluding ornamental and turf pest control and aquatic pest control.
  - (c) Structural pest control: The control of any wood-destroying pest in, on or around any structure, including, but not limited to, homes, storage sheds and warehouses.
8. Mosquito control: The control of mosquitoes in any habitat, including, but not limited to, reservoirs, lakes, rivers and cropland.
9. Ornamental and turf pest control: The control of any pest in the maintenance and production of ornamentals and turf, including, but not limited to, ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens.
10. Predatory pest control/M-44: The control of any predator in any habitat, including, but not limited to, rangeland, forests and cropland.
11. Public health pest control: The control of any pest having medical and public health importance by state, federal or other governmental employees.
12. Right-of-way pest control: The control of any pest in the maintenance of rights-of-way, including, but not limited to, public roads, electric power lines, pipelines and railway rights-of-way.
13. Seed treatment: The treating of seeds to control insects, fungi, bacteria and other microorganisms.
14. Sewer line root control: The control of plant roots in the maintenance of sewers.

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15. Wood preservative: The control of wood-destroying pests through the use of chemicals that preserve wood. [Dep't of Agriculture Reg., 55.52, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004)

**NAC 555.630 Nonprimary principal commercial applicators: Standards.** ([NRS 555.355](#), [555.400](#)) Standards of competency for nonprimary principal commercial applicators are:

1. Agricultural pest control:

(a) Animal: An applicator who applies a pesticide directly to animals must demonstrate a practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential when host animals will be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.

(b) Plant: An applicator must demonstrate a practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted-use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, preharvest intervals, phytotoxicity and potential for environmental contamination, nontarget injury and community problems resulting from the use of restricted-use pesticides in agricultural areas.

2. Aquatic pest control: An applicator must demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations and faulty application of restricted-use pesticides used in this category. He must demonstrate practical knowledge of various water-use situations and the potential of downstream effects. Further, he must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. An applicator must demonstrate practical knowledge of the principles of limited-area application.

3. Chemigation: An applicator must demonstrate practical knowledge of pesticides, safety procedures, environmental concerns, and methods and equipment for the application of pesticides through chemigation systems.

4. Forest pest control: An applicator must demonstrate practical knowledge of the type of rangeland, forests, forest nurseries and seed production in the State and the pests involved. He must possess a practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge of the relative biotic agents and their vulnerability to the pesticides to be applied is required. The applicator must demonstrate practical knowledge of control methods which minimize the possibility of secondary problems, such as unintended effects on wildlife and natural aquatic habitat. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

5. Fumigation pest control: An applicator must demonstrate practical knowledge of pesticide problems associated with the use of poisonous and lethal gases, including cognizance of potential phytotoxicity to animate host and residual accumulation of fumigants, practical knowledge of fumigant confinement and circulation procedures, injection procedures, dosage calculations, leakage and concentration testing procedures and ventilation.

6. Greenhouse and nursery pest control: An applicator must demonstrate practical knowledge of pesticides, plants, plant pests and the adverse effects associated with pesticide use in a greenhouse and nursery.

7. Industrial, institutional, structural and health-related pest control: An applicator must demonstrate a practical knowledge of the wide variety of pests encountered in this category, including their life cycles, types of formulations appropriate for their control and methods of application that avoid contamination of food, damage contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women and elderly people is frequently a potential problem, an applicator must demonstrate a practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure of human beings in the various situations encountered in this category. An applicator must also demonstrate practical knowledge of the environmental conditions particularly related to this activity.

8. Mosquito pest control: An applicator must demonstrate practical knowledge of mosquito pests, including identification and life cycle, reproducing habitats and vector capabilities. Further, he must have practical knowledge concerning the potential effects of pesticides on plants, birds, fish and other organisms in aquatic environments, and methods of application that avoid unacceptable contamination of the habitat and exposure to people and animal life.

9. Ornamental and turf pest control: An applicator must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift and persistence beyond the intended period of pest control. An applicator in this category must demonstrate practical knowledge of application methods which minimize or prevent hazards to human beings, pets and other domestic animals.

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10. Predatory pest control/M-44: An applicator must demonstrate a practical knowledge of animal damage and control procedures, including identification of predatory mammals, conditions conducive to animal damage, secondary poisoning and protection of nontarget species, and knowledge of special laws and regulations governing the use of poisons to control predators on private and public lands.

11. Public health pest control: An applicator must demonstrate practical knowledge of vector disease transmission as it relates to and influences application programs. The wide variety of pests involved must be known and recognized, and their appropriate life cycles and habitats must be understood as a basis for control strategy. An applicator must have practical knowledge of the various pest environments ranging from streams to those conditions found in buildings. He must also have practical knowledge of the importance and employment of such nonchemical control methods as sanitation, waste disposal and drainage.

12. Right-of-way pest control: An applicator must demonstrate practical knowledge of the wide variety of environments which rights-of-way may traverse, including waterways. He must demonstrate practical knowledge of problems on runoff, drift and excessive foliage destruction and the ability to recognize target organisms. He must also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the result of their application activities in the adjacent areas and communities.

13. Seed treatment: An applicator must demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers and surface active agents which influence pesticide binding and may affect germination. He must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

14. Sewer line root control: An applicator must demonstrate a practical knowledge of the characteristics of herbicides and the environmental effects, precautions and concerns associated with sewer line root control.

15. Wood preservatives: An applicator must demonstrate a practical knowledge of the environments in which chemical preservatives are used, the concerns associated with the use of chemical preservatives and the characteristics of various wood preservatives. [Dep't of Agriculture Reg., 55.52, eff. 1-17-77]—(NAC A by R147-03, eff. 1-22-2004)

**NAC 555.640 Private applicators: Categories.** ([NRS 555.400](#)) The categories of private applicators are:

1. Agricultural pest control:

(a) Animal:

(1) Dairy animal pest control: The control of any pest in, on or around dairy animals, including, but not limited to, goats and dairy cattle, and also including places on or in which dairy animals are confined, including, but not limited to, barns and corrals.

(2) Meat animal pest control: The control of insects, including ectoparasites, in, on or around meat animals, including, but not limited to, horses, beef cattle, swine and sheep, and also including places on or in which meat animals are confined, including, but not limited to, barns and corrals.

(3) Poultry pest control: The control of any pest in, on or around poultry, including, but not limited to, chickens, turkeys and ducks, and including places on or in which poultry is confined, including, but not limited to, coops and pens.

(b) Plant:

(1) Forage, grain, pasture and range pest control: The control of any pest in, on or around the production of forage, grain, pasture and range.

(2) Row crop pest control: The control of any pest in, on or around row crops.

(3) Seed crop pest control: The control of any pest in, on or around seed crops.

(c) Speciality crops:

(1) Aquatic pest control: The control of any pest, excluding predators, in standing or running water involved in aquaculture, including, but not limited to, catfish farms.

(2) Greenhouse and nursery pest control: The control of any pest, excluding predators, in, on or around greenhouses and nurseries and the control of any pest, excluding predators, in, on or around greenhouse or nursery operational sites, including, but not limited to, equipment storage areas.

(3) Industrial farm pest control: The control of any pest, excluding predators, in, on or around apiaries and industrial farmsteads, including, but not limited to, grain silos, equipment buildings, barns, warehouses and any other building associated with a farm operation.

(4) Ornamental and turf pest control: The control of any pest, excluding predators, in the production of turf and the control of any pest, excluding predators, in, on or around turf production operational sites, including, but not limited to, equipment storage areas.

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2. Chemigation: The control of any pest through the application of pesticides by injection of the pesticides into irrigation water.

3. Forest and rangeland pest control: The control of any pest, excluding predators, in or on forests and rangelands, and the control of any pest, excluding predators, in, on or around forest or rangeland operational sites, including, but not limited to, equipment storage areas.

4. Fumigation: The control of any pest by fumigation with poisonous and lethal gases in any habitat, including, but not limited to, structures and soil. [Dep't of Agriculture Reg., 55.52, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004)

**NAC 555.650 Private applicators: Standards.** ([NRS 555.355](#), [555.400](#)) A private applicator must show that he possesses a practical knowledge of the pest problems and pest control practices associated with his agricultural operations—proper storage, use, handling and disposal of the pesticides and containers, and his related legal responsibility. This practical knowledge includes ability to:

1. Recognize common pests to be controlled and damage caused by them.

2. Read and understand the label and labeling information including the common name of pesticides to be applied, pests to be controlled, timing and methods of application, safety precautions, any preharvest or reentry restrictions, and any specific disposal procedures.

3. Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.

4. Recognize local environmental situations that must be considered during application to avoid contamination.

5. Recognize poisoning symptoms and procedures to follow in case of a pesticide accident. [Dep't of Agriculture Reg., 55.52, eff. 1-17-77]

**NAC 555.655 Certificates for nonprimary principal commercial and private applicators: Types; changes of information; amendments; terms.** ([NRS 555.357](#), [555.400](#))

1. The following types of certificates may be issued to a nonprimary principal commercial applicator or private applicator:

(a) A general certificate authorizing the application or supervision of the application of restricted-use pesticides for the category for which issued.

(b) A limited certificate authorizing the application or supervision of the application of restricted-use pesticides, on a specific host, for a specific pest, or performing specific application procedures.

(c) A single-use certificate authorizing the application or supervision of the application of a single restricted-use pesticide on a one-time basis, for an emergency measure. A single-use certificate must be limited to one per person per calendar year.

2. Every person to whom a certificate is issued shall, within 15 working days, notify the Director of any change of any information shown on the application.

3. A certified applicator may apply to the Director for amendment of his certificate to include additional categories and, upon successful examination, may have his certificate so amended.

4. A certificate is neither assignable nor transferable. [Dep't of Agriculture, part No. 55.33, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004)

**NAC 555.660 Examinations for certification of nonprimary principal commercial and private applicators: Application; subjects.** ([NRS 555.355](#), [555.400](#))

1. A request to be examined for the issuance of a certificate pursuant to [NAC 555.655](#) may be made by filing an application for an examination with the Department.

2. The applicant must provide to the Department 5 working days' notice before the time the applicant wishes to take the examination, unless the examining officer has waived the time period. The examining officer shall establish the examination date.

3. All applicants for certification must qualify for the issuance of a certificate through examination.

4. Each applicant must pass a written examination to show that he possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved, and precautions to be taken in connection with their application in the following subject areas:

(a) Label and labeling comprehension;

(b) Safety;

(c) Environmental consequences of pesticide use and misuse;

(d) Pests;

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- (e) Pesticides;
- (f) Equipment;
- (g) Application techniques;
- (h) Federal laws and regulations;
- (i) State laws and regulations; and
- (j) Any subject the Director deems necessary to ensure the proper use and application of restricted-use pesticides. [Dep't of Agriculture, part No. 55.54, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004)

### **NAC 555.670 Examinations for certification of nonprimary principal commercial and private applicators: General and specific; written, oral and practical; passing score; requalification. (NRS 555.355, 555.400)**

1. The examination for the issuance of a certificate pursuant to [NAC 555.655](#) will consist of a general examination which will be required of each applicant and a specific examination for each category in which the applicant has requested to be examined.
2. The Director may require the applicant to meet special qualifications of competency which relate to the special needs of a given locality regarding the use or application of a specific restricted-use pesticide. The special qualifications of competency may include written examinations as required by the Director.
3. In addition to the written examination, the applicant for a certificate for private applicator may be given an oral examination. The examining officer may add to or subtract from the score on the written test a maximum of 5 grade points based on the oral examination.
4. A private applicator may request an oral examination in lieu of a written examination. If the examining officer determines that the request is justified, he may give the applicant an oral examination. No grade points may be added to or subtracted from an applicant's score on the oral examination.
5. Any applicant may be required to perform a practical demonstration, at a time and in a manner specified by the examining officer, to show his ability to apply or supervise the application of restricted-use pesticides.
6. The passing score for each examination is 60 percent.
7. Any applicant who fails to pass the general examination or any specific examination may be retested upon expiration of a waiting period of 5 working days, unless the examining officer waives the waiting period.
8. Every person to whom a certificate has been issued by the Director must requalify by examination every 4 years, unless the Director determines that a shorter interval is justified because of a change in the technology of pesticides. [Dep't of Agriculture, part No. 55.54, eff. 1-17-77]—(NAC A 4-27-84; R147-03, 1-22-2004)

### **NAC 555.680 Applications for certification of nonprimary principal commercial and private applicators: Contents; proof of passing examination. (NRS 555.353, 555.400)**

1. An application for a certificate issued pursuant to [NAC 555.655](#) to apply or supervise the application of restricted-use pesticides is supplied by the Director and may show the following:
  - (a) The applicant's legal name, home mailing address, home street address, if different from home mailing address, and home telephone number.
  - (b) The assumed name under which the applicant does business, if applicable, business mailing address, business street address and business telephone number.
  - (c) The applicant's employer, employer's mailing address, employer's business address and employer's telephone number.
  - (d) The type of certificate, whether nonprimary principal commercial or private, that the applicant is applying for.
  - (e) A listing and description of certificates held in other states.
  - (f) The address where equipment and pesticides are stored.
  - (g) Any category in which the applicant wishes to be certified.
2. The qualification for certification pursuant to [NAC 555.655](#) is proof of passing the examination. [Dep't of Agriculture, No. 55.55, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004)

**NAC 555.690 Testing fee for certification of nonprimary principal commercial and private applicators. (NRS 555.355, 555.400)** The Director will collect a testing fee of \$25 for each examination period or reexamination period for the issuance of a certificate pursuant to [NAC 555.655](#), before the applicant is examined. [Dep't of Agriculture, No. 55.56, eff. 1-17-77]—(NAC A 4-27-84; A by Div. of Agriculture, 11-18-93; A by Dep't of Agriculture by R147-03, 1-22-2004)

**NAC 555.700 Application of restricted-use pesticides by nonprimary principal commercial and private applicators. (NRS 555.390, 555.400)** Except as otherwise provided in this chapter or as specifically authorized in writing by the Director, any nonprimary principal commercial applicator or private applicator applying or supervising the

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application of restricted-use pesticides shall, in addition to the provisions of subsections 2 to 9, inclusive, of [NAC 555.400](#):

1. Keep and maintain a record of each property treated for 2 years, showing the following:
  - (a) Date of treatment;
  - (b) First and last name of the nonprimary principal commercial applicator or private applicator applying or supervising the application of the restricted-use pesticide;
  - (c) Address of property treated;
  - (d) Brand name or generic name and Environmental Protection Agency registration number of the pesticide applied;
  - (e) Use information:
    - (1) Item or site treated; and
    - (2) Amount of diluted material used and the concentration of the pesticide that was applied or the amount of undiluted material used; and
  - (f) In addition to the requirements of paragraphs (a) to (e), inclusive, if the treatment is conducted in the nonprimary principal commercial categories agricultural pest control plant, chemigation, greenhouse and nursery pest control, forest pest control, fumigation, ornamental and turf pest control, right-of-way pest control or mosquito control, or in the private categories agricultural pest control plant, chemigation, greenhouse and nursery pest control, forest pest control or ornamental and turf pest control:
    - (1) Temperature at the start and finish of treatment.
    - (2) Wind velocity and direction at the start and finish of treatment.
    - (3) Number of units treated, area of surface treated or volume fumigated.
    - (4) The purpose for which the pesticide was applied.
    - (5) The time the treatment was started and the time the treatment was finished.
2. Report immediately to the Director any emergency dump of a pesticide by an aircraft, any accident of a pesticide-loaded aircraft or ground equipment involving the spillage of a pesticide, or the accidental spillage of a pesticide at any site of operations of pesticides.
3. Report to the Director within 48 hours any case of apparent pesticide poisoning requiring medical treatment.
4. Have contact with any applicator under his direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.
5. Assume responsibility for the fumigation procedures contained in [NAC 555.510](#). [Dep't of Agriculture, No. 55.57, eff. 1-17-77]—(NAC A by R033-01, 5-1-2002; R147-03, 1-22-2004)

### **NAC 555.800 – 810: RODENT CONTROL DISTRICTS**