

# NAC 555.250-700 Pest Control Licensing Amendments LCB#R093-15



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# Why is the NDA requiring government entities to license to perform pest control?

- It has been in statute since the early 1970's that government entities are required to license, however the NDA has not enforced it.
- In many instances government entities are directly competing with private industry and need to be held to the same standards.
- It is an NDA charge to ensure that **persons** who perform **pest control** work **for hire** are proficient in the categories of work they conduct. They must also have working knowledge of the laws and regulations regarding this industry, proper PPE use, mixing requirements, environmental factors and concerns, etc.

**NRS 555.280 License required to engage in pest control.** A **person** shall not engage in **pest control** or serve as an agent, operator, pilot, primary principal or principal for that purpose within this State at any time without a license issued by the Director.

**NRS 555.266 “Person” defined.** “Person” includes a government, a governmental agency and a political subdivision of a government.

**NRS 555.2667 “Pest control” defined.** “Pest control” means publicly holding oneself out as being in the business of detecting, preventing, controlling or exterminating pests or otherwise engaging in, advertising or soliciting for:

1. The use **for hire** of pesticides or mechanical devices for the extermination, control or prevention of infestations of pests.

## Proposed Language:

**NAC 555.???** “For Hire” defined. For the purpose of carrying out the provisions of NRS 555.2605 to 555.470, inclusive, the Director will construe the term “for hire” to include any activity described in NRS 555.2667 for which a pest control business or government agency receives any form of compensation from another person, including, without limitation:

(1) A grant of money from a governmental entity; or

(2) Money paid from the proceeds of a voluntary tax that is paid by persons in exchange for an activity described in NRS 555.2667 being conducted on or relating to property owned or controlled by the persons who pay the tax.

# Who Does This Effect? Who Needs To Comply?

It depends on the funding source for which the pest control work is paid for.

If the pest control work the agency conducts is funded solely by general funds, tax revenue\*, or appropriations -- a license is not required.

If the pest control work the agency conducts is funded solely or supplemented by a grant, MOU, contract, interlocal agreement, etc. -- a license is required.

# Examples:

## Washoe Co. Health Vector Born – (mosquito abatement)

- All funding for work is from the county general fund - license not required\*

## NDOT – (noxious weeds or ROW line of sight work)

- Control work done on state funds – license not required
- Control work done on federal safety funds – license required

## Douglas Co. Weed Control (variety of work)

- Control work done on county funds (County roads/city parks)– license not required
- Control work done on MOU or interlocal (HWY 395/ State Parks)– license required
- Control work done on grant from BLM – license require

# Examples Continued...

## Eureka Conservation District

- Control work on state funded projects – license not required
- Control work conducted on grants – license require
  - License options for CD's
    - A member licenses
    - The CD works under the supervision of another agency who holds a license\*

## White River (CWMA)

- General pool between private landowners – license not required
- Grants funds used to hire private contractor – license not required\*
- Grant funds used on BLM or other control projects – license require
  - License options for CWMA's
    - A member can license
    - If a member is licensed work can be performed under that license\*

# Forms of Supervision:

**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.**



# Supervision Continued:

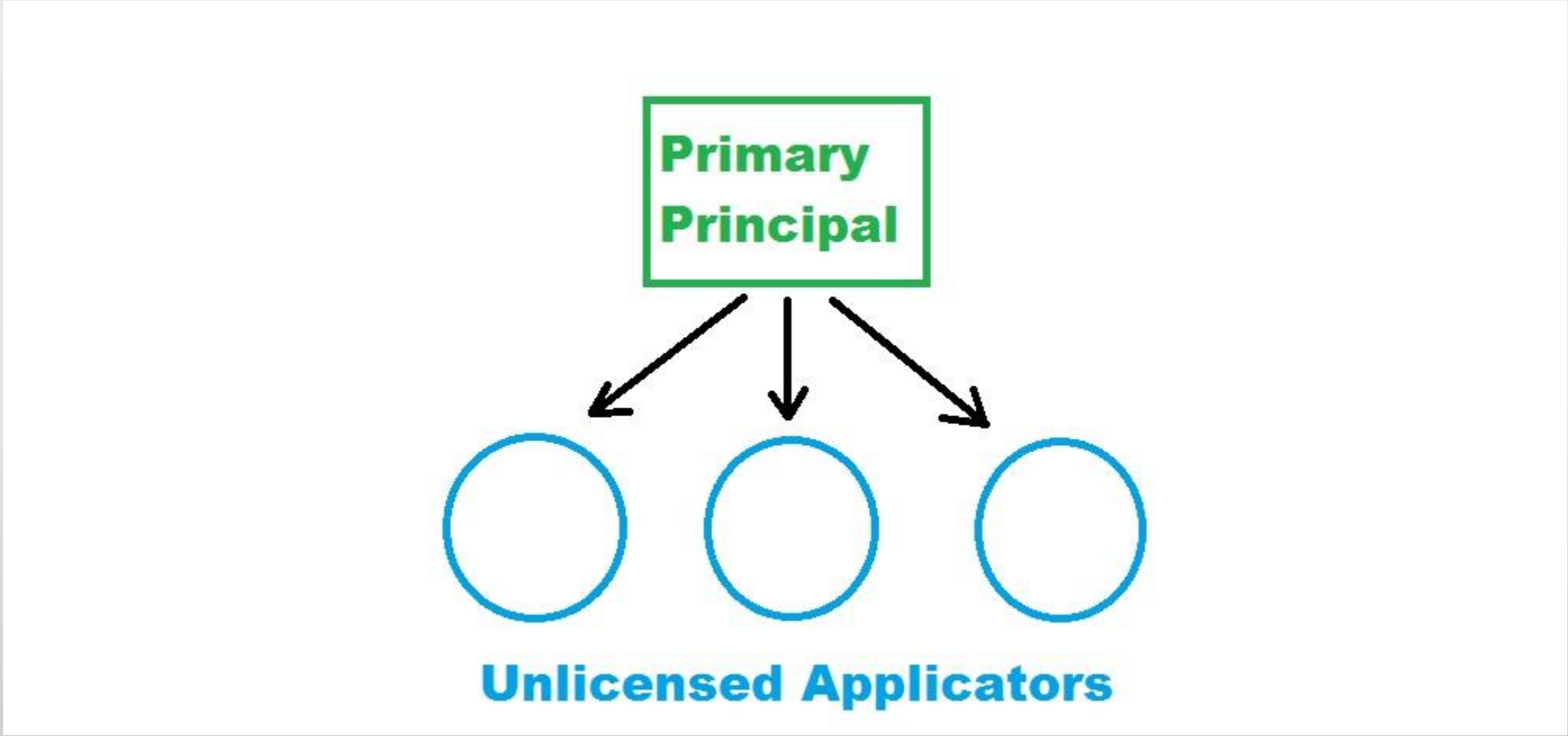
## NAC 555.600

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.**

## NAC 555.700

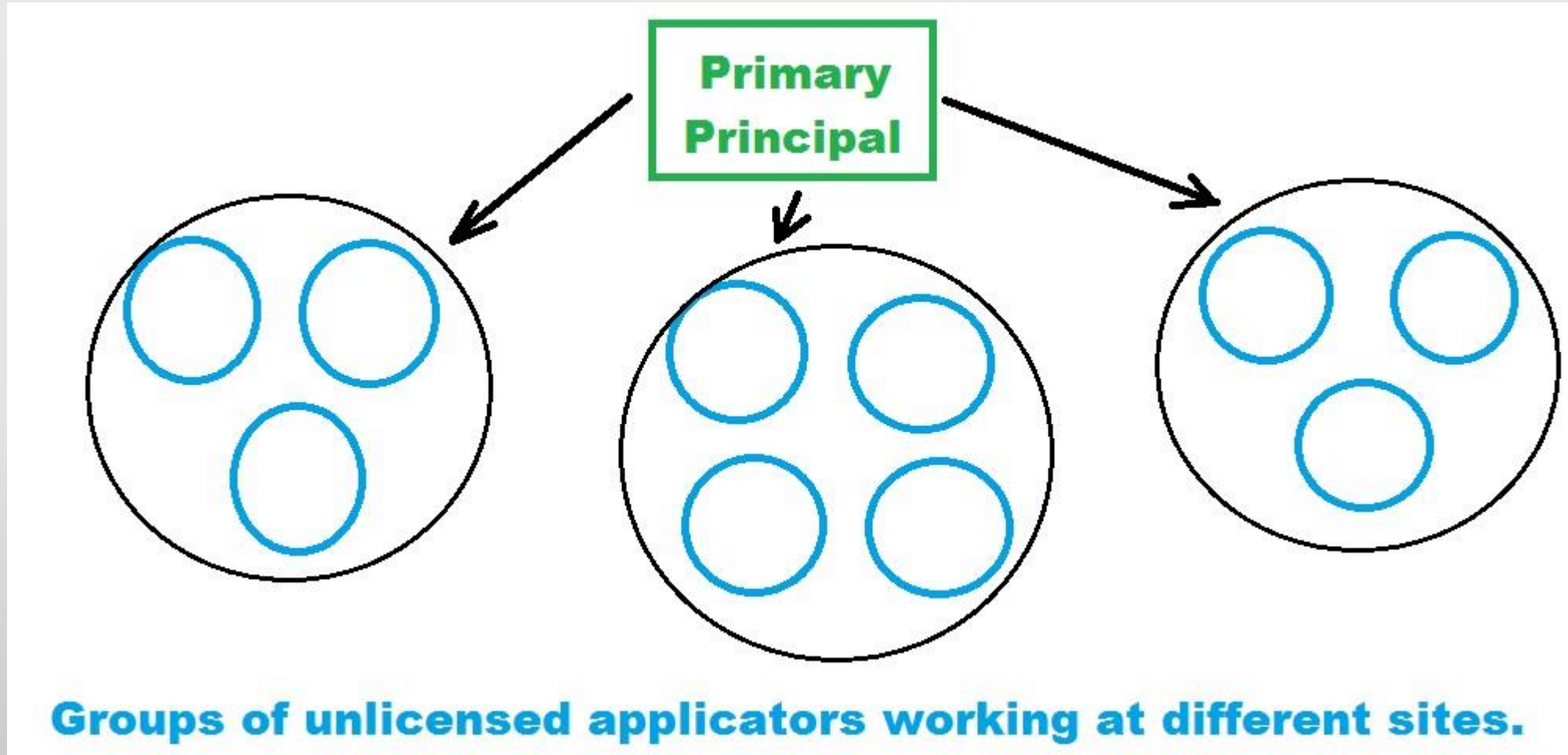
4. **Have contact with any applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.**

# Small Operation:



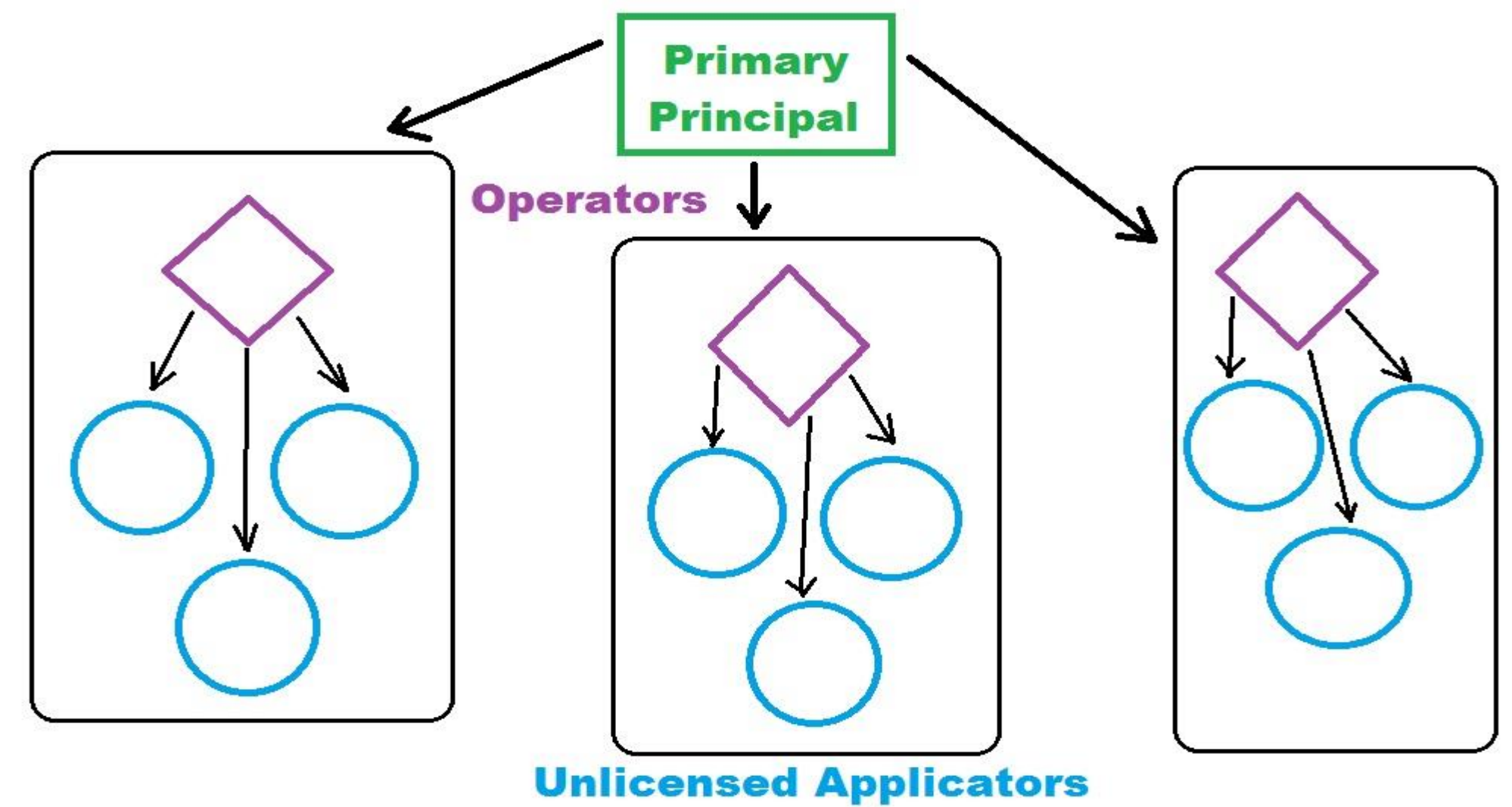
1 person required to license as primary principal, unlicensed applicators (seasonals/non-permanent employees) are under the direct supervision of the primary principal.

# Medium Operation (1):



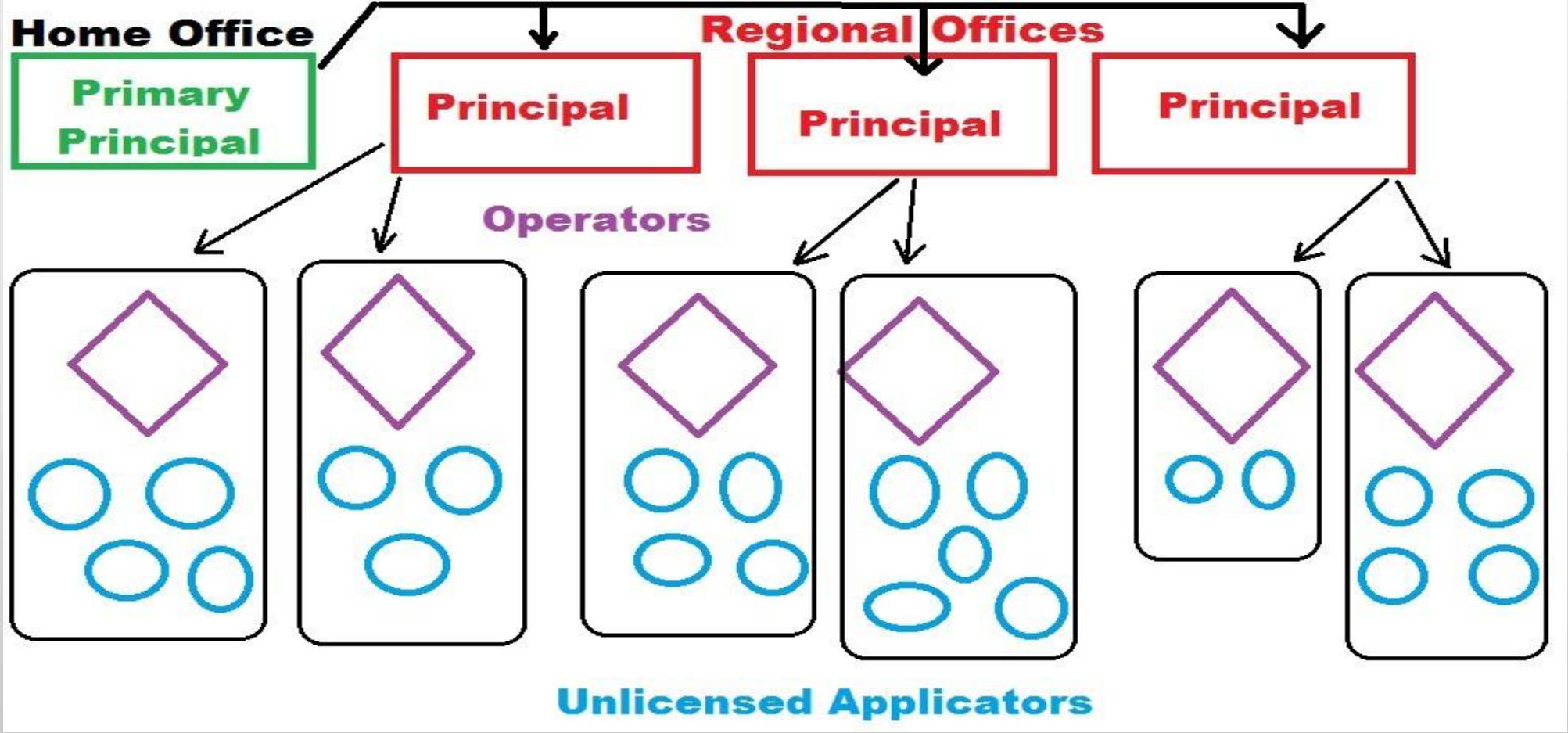
1 person required to license as primary principal, unlicensed applicators (seasonals/non-permanent employees) are under the direct supervision of the primary principal.

# Medium Operation (2):



4 persons required to license 1 primary principal and 3 operators, unlicensed applicators (seasonals/non-permanent employees) are under the direct supervision of the operators and operators are supervised by the primary principal.

# Large Operation:



10 persons required to license 1 primary principal, 3 principals and 6 operators, unlicensed applicators (seasonals/non-permanent employees) are under the direct supervision of the operators, operators are supervised by the principals and principals are supervised by the primary principal.

# Consultant & Research License:

**Section 3** of this regulation defines the term “consultant” to mean a person who: (1) works for a person who distributes or sells pesticides; and (2) holds himself or herself out as being in the business of providing certain advice concerning pest control.

**Section 4** of this regulation defines the term “demonstration and research specialist” to mean certain professionals who hold themselves out as being in the business of conducting field research using unregistered experimental pesticides or demonstrations using registered pesticides.



# Upcoming Dates:

- Compliance Required?
  - July 1, 2016
- Hearing for adoption of Regulations:
  - November 30, 2015 @ 1:00pm
  - UNCE offices in Las Vegas, Reno and Elko
- Written Comment for Hearing due date:
  - November 25, 2015 by 5pm

# Questions?

## Thank you!

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**NRS 555.330 Proof of insurance required of applicant for license; actions by injured persons; limitation of actions; investigations by Director.**

1. The Director shall require from each applicant for a pest control license proof of public liability and property damage insurance in an amount of:

(a) Except as otherwise provided in paragraph (b), not less than \$50,000.

(b) If the license would authorize the application of pesticides by aircraft:

(1) Not less than \$100,000 for bodily injury to or death of one person in any one accident;

(2) Subject to the limit for one person, not less than \$300,000 for bodily injury to or death of two or more persons in any one accident; and

(3) Not less than \$100,000 for each occurrence of damage to property in any one accident.

Ê The Director may accept a liability insurance policy or surety bond in the proper amount.

2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to humans, livestock, wildlife, crops or plantlife.

3. Any person injured by the breach of any such obligation is entitled to sue in his or her own name in any court of competent jurisdiction to recover the damages the person sustained by that breach, if each claim is made within 6 months after the alleged injury.

4. The Director on his or her own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he or she deems necessary, any loss or damage resulting from the application of any pesticide by a licensed pest control operator, primary principal or principal. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the person who filed the complaint.

**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:
      - (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.