



Nevada Department of Agriculture

Nursery Alert



ARE YOU DOING WEED CONTROL ILLEGALLY?

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Recently the Nevada Department of Agriculture (NDOA) contacted several landscape maintenance companies to inquire about their pre-emergent herbicide application practices. The NDOA discovered that many of the companies offered to perform pre-emergent herbicide applications regardless of whether they had a Nevada pest control license or how big the job was. Nevada's custom pest control laws do allow for an "incidental" amount of "pest control" work by unlicensed companies, but only in accordance with specific limitations.

To understand the pest control laws, one must understand how they relate. NRS 555.2665 classifies weeds as "pests", and their commercial control or prevention is classified as "pest control" per NRS 555.2667. Therefore, the commercial control or prevention of weeds, insects, fungi, etc., are practices which require a Nevada pest control license per NRS 555.280. HOWEVER, there are some exceptions to this law when it comes to landscape maintenance. Nevada's pest control regulations do allow for an "incidental" amount of weed control and other forms of pest control to be done by non-licensed gardeners and landscape maintainers. This license exemption is only possible if the landscape maintenance entity does not violate any of the three specific criteria presented below:

1. NO ADVERTISEMENT OR SOLICITATION TO PERFORM WEED CONTROL OR OTHER TYPES OF PEST CONTROL. The NDOA is constantly on the lookout for unlicensed companies or individuals who place pest control ads in the yellow pages, on fliers, business cards, on websites, post pest control services on Craigslist, etc. Such ads by unlicensed entities are "serious violations" of NRS 555.280, and can result in a minimum fine of \$500.00. Therefore advertising or soliciting to perform weed control or other forms of pest control by unlicensed entities is strictly prohibited.

2. NO USE OF "POWER EQUIPMENT" TO APPLY HERBICIDES OR OTHER TYPES OF PESTICIDES. Simply stated, the use of any motorized equipment to apply a herbicide, insecticide, fungicide or other pesticide, can only be done by a licensed pest control professional. However, landscape maintainers who do not hold a Nevada pest control license can use hand powered pump up sprayers, or hand powered spreaders or push spreaders to apply granular pesticides. No pest control license is necessary to apply fertilizers. There are no restrictions on fertilizer applications unless the fertilizer mix contains an insecticide, fungicide, or herbicide such as weed & feed that is being applied with power equipment.

3. A PESTICIDE APPLICATION MUST BE A PART OF A MAINTENANCE SERVICE FOR WHICH CHARGES CAN NOT EXCEED 20% OF THE CHARGES FOR THE ENTIRE MAINTENANCE SERVICE. In other words, in addition to the points presented above, any time a charge is made for a pesticide application, the charge must be part of an overall maintenance service and must not exceed 20% of service charges.

During the NDOA's initial contact with the unlicensed landscape companies it was determined that criteria #3 was the most violated of the three points listed above *because the pre-emergent application they were offering was not 20% or less of an existing maintenance service.*

As a final note, some of the companies contacted believed that since they were using over the counter herbicides they were exempt from the issue of whether or not they needed a pest control license. Their belief was incorrect. ***It is the service that matters, not where the product was purchased.***

If you have any questions about Nevada's pest control license laws or would like to find out about acquiring a Nevada pest control license contact Lee Lawrence at the Nevada Department of Agriculture (775) 353-3671