

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JIM BARBEE
Director



Sparks Office:
2150 Frazer Avenue
Sparks NV 89431-5566
(775) 688-1166
Fax (775) 688-2533

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

Las Vegas Office:
2300 E. St Louis Avenue
Las Vegas NV 89104-4314
(702) 668-4590
Fax (702) 668-4567

DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431

MEMORANDUM

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

FROM: Lynn Hettrick, Division Administrator – 775-353-3729
Lhettrick@agri.nv.gov Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Workshop Scheduled for: Friday, December 8, 2017 at 8:30AM

DATE: November 14, 2017

I have attached a copy of the agenda for the Nevada Department of Agriculture Workshop that will be held on; Friday, December 8, 2017 at 8:30AM.

Please post the agenda for NAC 555 before 9:00am on **November 17, 2017**, per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

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

OFFICE: _____

SIGNATURE: _____

DATE & TIME OF POST: _____

MEETING NOTICE AND AGENDA

Public Hearing
Notice of Workshop

LOCATION: Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
Phone: 775-353-3601

Video-conference to: Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104
Phone 702-668-4590

DATE AND TIME: Friday, December 8, 2017 at 8:30AM

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 555; a regulation relating to NAC revisions due to the 2017 passage of AB-32. The modification to the Continuing Education Units (C.E.U.) Program. As well as, labeling of service containers/application devices; labeling requirements and providing other matters properly relating thereto.

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

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

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

PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No.

DIVISION OF PLANT INDUSTRY

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Department of Agriculture, 405 South 21st Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 555, of Nevada Administrative Code. A workshop has been set for; Friday, December 8, 2017 at 8:30AM.

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

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

The Nevada Administrative Code 555 relating to NAC revisions due to the 2017 passage of AB-32. The modification to the Continuing Education Units (C.E.U.) Program. As well as, labeling of service containers/application devices; labeling requirements.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Megan Zich
Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431
PHONE 775-353-3670
Mzich@agri.nv.gov

A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

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

Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104

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

Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV
Dennis Belcourt – AG's Office

LCB website: www.leg.state.nv.us

Nevada Public Notice website: www.notice.nv.gov

Nevada Department of Agriculture Website: www.agri.nv.gov

NAC Revisions Document Distribution Draft 10172017

Proposed new administrative code and revision to existing code is in green.

Proposed deletion of existing code is ~~purple with lines~~.

Sec. 1 Definitions. (NRS 555.400, 561.105, AB 32 (2017)) As used in Sec. 1 to Sec. 17, inclusive, unless the context otherwise requires:

1. "Agricultural crop," for the purpose of this section, means an unprocessed product of farms, ranches, nurseries and forests (except livestock, poultry and fish). Agricultural crops include fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, corn and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turf grown commercially for sod.

2. "Aquatic habitat" means bodies of water, such as lakes, reservoirs, rivers, perennial and intermittent streams, wetlands, or ponds, sloughs, and estuaries.

3. "Applied to the soil" or "applied to the ground" means the labeling of a pesticide product includes terminology such as:

- (a) Soil fumigant;
- (b) Soil applied;
- (c) Soil treatment product;
- (d) Can be used as a soil drench;
- (e) Application to soil;
- (f) Inject into the soil;
- (g) Incorporate in top (x) inches of soil; pre-plant incorporation;
- (h) Use on soil for control of soil-borne diseases;
- (i) Surface application; band treatment, surface blend;
- (j) Side dressing both/one side of row and cultivate into soil;
- (k) Should be mixed uniformly into top (x) inches of soil;
- (l) Pre-emergent to the soil for weed control;
- (m) Broadcast to the soil;
- (n) Apply in seed furrow.

4. "Competent" or "competency" 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.

5. "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.

6. "Control" means to prevent, destroy, repel or mitigate any undesirable organism.

7. "Conflict with labeling" means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated, unless such reduction is expressly prohibited;
- (b) A decrease in the concentration of the mixture applied, unless such reduction is

- expressly prohibited;*
- (c) Application at a frequency less than specified;*
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against the unnamed target pest is not expressly prohibited;*
- (e) Employing a method of application not expressly prohibited, provided other directions are followed;*
- (f) Mixing with another pesticide or with a fertilizer, unless such mixing is expressly prohibited.*
8. *"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.*
9. *"Employee" means any person who, for any kind of compensation, performs work, services, or activities covered by this division.*
10. *"Examination" means written examination.*
11. *"Field" means any area (including enclosed space) upon which one or more agricultural plant commodities (including forest and nursery products) are grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.*
12. *"Food handling establishment" means a place other than a private residence in which exposed food is held, processed, prepared or served.*
13. *"Forage" means any plant or plant part normally consumed by animals.*
14. *"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.*
- 15.. *"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;*
- (II) Methyl bromide;*
- (III) Sulfur dioxide;*
- (IV) Propylene oxide;*
- (V) Sulfuryl fluoride;*
- (VI) Aluminum phosphide;*
- (VII) Magnesium phosphide; and*
- (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;*
- (2) Carbon dioxide; or*
- (3) Metam sodium.*
16. *"Grain" means any cereals which are used for food.*
17. *"Habitat" means that specific locality where an organism exists.*

18. *"Industrial use" means use for or in a manufacturing, mining or chemical process; or use in the operation of factories, processing plants, and similar sites.*

19. *"Institutional use" means use within the confines of, or on property necessary for the operation of, buildings such as hospitals, schools, libraries, auditoriums and office complexes.*

20. *"Microorganism" means any animal or plant that is so small as to be invisible or obscure except through a microscope.*

21. *"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.*

22. *"Nonvascular plant" means a plant without flowers, roots, stems or leaves.*

23. *"Nursery" means any operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that will be used in their entirety in another location.*

24. *"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.*

25. *"Pasture" means any area of forage on which animals are grazed.*

26. *"Personal protective equipment" (PPE) means apparel and devices worn to minimize human body contact with pesticides or pesticide residues that must be provided by an employer and are separate from, or in addition to, work clothing. PPE may include, chemical resistant suits, chemical resistant gloves, chemical resistant footwear, respiratory protection devices, chemical resistant aprons, chemical resistant headgear, protective eyewear, or a coverall (one- or two-piece garment).*

27. *"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.*

28. *"Predator" means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.*

29. *"Range" or "rangeland" means any land with native vegetation (climax or natural potential) that is predominantly grasses, grass like plants, forbs or shrubs suitable for grazing or browsing.*

30. *"Supervision" means that a governmental applicator who is licensed in the use of general and restricted-use pesticides is responsible for and provides training and guidance to an unlicensed employee (meaning as ascribed by AB-32 Section 8, 2017) applying the general-use pesticide who is not licensed in the use of a general-use pesticide or certified in the use of the restricted-use pesticide. The physical presence of the person who is licensed as a government applicator at the site of an application of a general-use pesticide is not required unless the label on the pesticide requires the presence of such a person.*

31. *"Use" means any pesticide related activity including*

(a) *Pre-application activities, including;*

(1) *Arranging for the application;*

(2) *Mixing or loading; and*

(3) *Making necessary preparations for the application, including responsibilities related to notification, handler training, decontamination facilities, use and care of personal protective equipment, medical monitoring and assistance, and heat stress management;*

(b) *Application of the pesticide;*

(c) *Post-application activities, including;*

(1) Control of the treated area to reduce exposure, including responsibilities for restricted entry intervals, warnings, decontamination facilities, medical assistance, and fieldworker training;

(2) Management of the treated area, crop, or crop by-products, including responsibilities for preharvest intervals and plant back restrictions;

(3) Transportation, storage, and disposal of excess pesticides, spray mix, equipment wash water, and pesticide containers; and

(4) Cleaning of application equipment and other pesticide containing materials.

(d) Use does not include:

(1) Activities where involvement is only incidental to other tasks such as emergency responders providing incident management, commercial transportation of pesticide related waste for disposal or recycling, or a waste disposal or recycling facility accepting or handling these wastes; or

(2) Manufacturing, formulating, or packaging (including bulk repackaging) by a registered pesticide producing establishment.

32. *“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.*

33. *“Wildlife” means all living things that are neither human, domesticated nor pests, including, but not limited to, mammals, birds and aquatic life.*

Sec. 2 Government applicators: Categories. (NRS 555.400, AB 32 (2017))

1. The categories of government applicators are:

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

(1) Aquatic habitat— The control of insects, microorganisms, and mollusks, including aquatic snails, associated with standing or running water, including, without limitation, reservoirs, lakes, rivers, aquatic cropland and wetland areas.

(2) Terrestrial habitat— The control of insects, mites, microorganisms, snails, slugs and arachnids in areas including, but not limited to, agricultural crops, forest environments, right-of-ways, ornamental and turf, residences, public buildings and grounds, commercial buildings and grounds, disposal sites, animal feed lots and farmsteads, including buildings and transportation equipment, food handling establishments, excluding fumigation pest control

(b) Weeds—The application of herbicides, plant regulators, desiccants and defoliants.

(1) Aquatic habitat – The control of aquatic weed pests in water areas including, but not limited to, canals, rivers, streams, lakes, ponds, marshes and pipe lines, irrigation district water delivery systems where the pesticide is applied directly into the water or enters the water due to the application of the pesticide. Pests include, but are not limited to, moss, algae, cattails, pond weeds and other emerged and submersed aquatic weeds.

(2) Terrestrial habitat—The control of weeds and ectoparasites, except with fumigants, including cut-stump, plant desiccation and defoliation, in all agricultural crops, fields, forest environments, former agricultural lands, non-croplands, rights-of-way, industrial sites including, but not limited to, airports, industrial parks, and large parking areas, ornamental and turf situations, which includes, but is not limited to, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots and open non-crop waste areas.

(c) *Fungi pests*—The application of fungicides, bactericides and nematicides - , The control, except with soil fumigants, fungus, moss, nonvascular plants, diseases, microorganisms, and nematodes in ornamentals, turf and rights-of-way areas, including, but not limited to, golf courses, parks, schools, lawns, yards, gardens, greenhouses, agricultural crops, fields, forest environments, residences, public buildings, commercial buildings, hospitals, food handling establishments, and rest homes.

(d) *Vertebrate pests*—The application of various substances and rodenticides, except fumigants, intended to control of predators or vertebrate pests.

(1) *Aquatic habitat* – The application of various substances in aquatic sites for the control of fish, wildlife pests and vertebrate pests in aquatic sites.

(2) *Terrestrial habitat*– The application of various substances on agricultural ground, fields, in, on or around industrial complexes, institutional complexes, food handling establishments, and dwelling units for the control of wildlife pests and vertebrate pests.

(e) *Fumigation pest control*:

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

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

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

Sec 3. Examinations for licensure of government applicators: Application; subjects. (NRS 555.355, 555.400, AB 32 (2017))

1. A request to be examined for the issuance of a license pursuant to Sec. 4 may be made by filing an application for an examination with the Department.

2. The applicant must provide to the Department 7 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. Except as provided by Section 5.9., all applicants for licensure must qualify for the issuance of a license through examination.

4. Each applicant must pass an examination to show that he or she possesses adequate knowledge concerning the proper use and application of 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;
- (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 pesticides.*

Sec. 4 Licenses for government applicators: Types; changes of information; amendments; terms. (NRS 555.357, 555.400 AB 32 (2017))

1. The following types of licenses may be issued to a government applicator:

(a) A license authorizing the application or supervision of the application of pesticides by unlicensed employees for the category for which issued.

(b) A limited license authorizing the application or supervision of the application of general-use pesticides by unlicensed employees, on a specific host, for a specific pest, or performing specific application procedures.

(c) A single-use license authorizing the application or supervision of the application by unlicensed employees of a single general-use pesticide on a one-time basis, for an emergency measure.

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

3. A licensed government applicator may apply to the Director for amendment of his or her license to include additional categories and, upon successful examination, may have the license so amended.

4. A government license is neither assignable nor transferable.

Sec 5. Examinations for licensure of government applicators: General and specific; written and practical; passing score; retesting; use of unauthorized aid. (NRS 555.355, 555.400, 561.105, AB 32 (2017))

1. Except as provided in subsection 9 of this section, the examination for the issuance of a license pursuant to Sec. 4 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 pesticide. The special qualifications of competency may include additional examinations as required by the Director.

3. 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 or her ability to apply or supervise the application of general-use pesticides by unlicensed employees.

6. The passing score for each examination is 70 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 7 days, unless the examining officer waives the waiting period.

8. Any applicant who uses an unauthorized aid during an examination:

(a) Must be excluded from the remainder of the examination; and

(b) Must not be allowed to take another examination for at least 6 months.

9. Upon adoption of this regulation and up to 3 months after, a current government applicator who possesses a valid, unexpired, nonprimary principal commercial applicators

certification issued pursuant to NAC 555.655 may surrender their nonprimary principal commercial applicators certification, fill out an application, and request an equivalent government applicator license. Expiration date will remain the same; all other requirements in Sec 1 to Sec 15 will apply. There will be no fee charged for the equivalent license.

Sec. 6 Applications for licensing government applicators: Contents; proof of passing examination. (NRS 555.353, 555.400, AB 32 (2017))

1. An application for a license issued pursuant to Sec. 4 to apply or supervise the application of general-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 government agency for which the applicant intends to work, government agency mailing address, physical street address and business telephone number.

(c) The type of license that the applicant is applying for.

(e) A listing and description of other licenses or certifications held in other states.

(g) Any category in which the applicant wishes to be licensed.

(h) 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.

(i) date of birth of the applicant.

(j) Social Security number of the applicant

2. The qualification for certification pursuant to Sec. 4 is proof of passing the examination.

Sec 7. Renewal of licensure of government applicators: Continuing education; application. (NRS 555.355, 555.357, 555.400, 561.105, AB 32 (2017))

1. A government applicator may renew a licensee issued pursuant to Sec. 4 if he or she provides proof satisfactory to the Director that he or she has completed at least 12 units of continuing education in courses approved by the Director within the 4 years immediately preceding the expiration of the certificate. At least 2 units of continuing education must be completed in a course relating to laws and regulations governing the use of pesticides.

2. A government applicator 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 that state; and

(b) Upon completion of the course, the sponsor of the course or a government applicator who completed the course submits to the Department:

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

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

(II) The topics discussed during the course; and

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

(2) A copy of a letter or other form indicating that the appropriate agency of that 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 government applicator 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.

3. For each course for which government applicator claims one or more units of continuing education, he or she must receive from the sponsor of the course:

- (a) A certificate of completion issued by the sponsor of the course; or
- (b) Any other document or record that in the judgment of the Director establishes that the government applicator successfully completed the course.

4. A government applicator who wishes to renew his or her license may not apply for renewal of the license no sooner than 3 months before the expiration of the license.

Sec. 8 Fees: (NRS 555.355, 555.400, 561.105, AB 32 (2017))

1. The Director will collect a fee of \$50 for each examination period or reexamination period and for the issuance of an initial license pursuant to Sec. 4, before the applicant is examined.

2. The Director will collect a fee of \$50 for the renewal of a license pursuant to Sec. 4 and Sec 6,

2. If a license specified in subsection 1:

- (a) Is lost, stolen, mutilated or destroyed; or
- (b) Is determined by the Director to be undeliverable because the applicant provided an incomplete address or other incorrect information when applying for the certificate, the Director will collect a fee of \$50 for issuing a duplicate license.

Sec 9. General requirements. (NRS 555.380, 555.400, AB 32 (2017))

Except as otherwise provided in Sec 1 to Sec 15, inclusive, or as specifically authorized in writing by the Director, each government applicator or unlicensed employee under the supervision of a government applicator engaged in the application of pesticide shall:

1. Apply pesticides only in those categories of pest control for which he or she is licensed. All other applicators must be under the supervision of a government applicator that 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. When measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.

6. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.

7. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the land, crop, livestock, ornamental, soil or pest is being treated.

8. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.

9. Provide storage for all undiluted pesticide material in a locked facility. Servicepersons' kits, which contain insecticides, poison baits or concentrates must be handled with extreme caution and must not be left where children or other unauthorized persons might remove the contents.

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

Sec 10. Restrictions on authority of unlicensed employees. (NRS 555.400, AB 32 (2017))

- 1. An unlicensed employee who performs pest control pursuant to Sec. 8 shall not apply any restricted-use pesticide without a certificate issued as per NAC 555.655 or Sec 4 of this chapter unless under direct supervision of a government licensed applicator.*
- 2. Basic pesticide training for unlicensed employees.*
 - a. Prior to applying any pesticide, an unlicensed employee must have a working knowledge, and exhibit a minimum working competency about working with pesticides. The following information must be covered at a minimum:*
 - (I) Proper use of application equipment;*
 - (II) Hazards that may be involved in applying pesticides;*
 - (III) Instructions for mixing pesticides used in particular circumstances;*
 - (IV) Personal Protective Equipment (PPE), protective clothing & safety equipment required during the handling & application of pesticides;*
 - (V) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of equipment;*
 - (VI) Applicable State/Federal pesticide laws & regulations;*
 - (VII) Understand /correctly interpret label and labeling information;*
 - (VIII) Understand principles of Integrated Pest Management.*
 - b. The government agency certificate holder is responsible for ensuring the training is completed and documented prior to the unlicensed employee applies any pesticide.*
 - c. A record of basic pesticide training must be kept for 2 years at the government agency certificate holders main location or at the location of record for the unlicensed employee. The Director or his designee may inspect the training records during normal business hours to ensure compliance.*
 - d. The training record must include, at a minimum the following information:*
 - (I) the date of the training,*
 - (II) method of instruction (live, CD, Internet, etc.),*
 - (III) full name of the unlicensed employee,*
 - (IV) government agency providing the training,*
 - (V) instructors signature,*
 - (VI) unlicensed employee signature.*
 - e. EPA's Agricultural Worker Protection Standard (WPS) for pesticide handlers training (most current year presentation required)) is deemed to meet the requirements of sub section 2.a. of this section (video <https://vimeo.com/215241678>, other training resources can be found at <https://www.extension.iastate.edu/psep/WorkerProtect.html>)*

Sec 11. Prohibited materials and uses of pesticides. (NRS 555.380, 555.400, AB 32 (2017))

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 government licensee or unlicensed employee engaged in the application of pesticides for the government agency 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.*

Sec. 12 Precautionary requirements. (NRS 555.380, 555.400, AB 32 (2017))

1. A government applicator or unlicensed employee under the supervision of a government 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 government applicator or unlicensed employee under the supervision of a government applicator shall ensure that all empty containers are removed from the operations work site or otherwise safeguarded.

3. A government applicator engaged in the application of pesticides shall:

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

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

4. A government applicator or unlicensed employee under the supervision of a government applicator engaged in the application of pesticides shall not use a pesticide in a way it will conflict with labeling.

Sec 13. Labels for service containers. (NRS 555.400, AB 32 (2017))

1. All service containers of government applicator or unlicensed employee under the supervision of a government applicator must bear the following abbreviated labels, securely attached to the containers:

(a) The name and address of the governmental agency responsible for the container.

(b) The identity of the pesticide in the container.

(c) The word "DANGER", "WARNING", OR "CAUTION" in accordance with the label on the original container.

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.

4. As used in this section, measuring vessels and application equipment are not considered to be service containers while they are in use. However, they are and must be labeled as a service container if they are used to store or hold pesticides for a prolonged period or to transport pesticide down a public road to another site.

Sec. 14 Protection of persons and animals. (NRS 555.380, 555.400, AB 32 (2017)) A government applicator or unlicensed employee under the supervision of a government applicator 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 governmental agency that is performing the pest control treatment;*

(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.*

Sec 15. Protection of bees. (NRS 555.380, 555.400, AB 32 (2017))

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

2. *The notice is not required if the apiarist has not given the government agency or the government applicator or unlicensed employee under the supervision of a government applicator current information regarding the location of the apiary.*

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

4. *The notice required by this section must be given not more than 72 hours and not less than 24 hours before the application to each apiarist having apiaries within 2 miles of the field to be treated if the apiarist has provided the government agency or the government applicator or unlicensed employee under the supervision of a government applicator with the location of his or her apiaries. If an application is postponed after proper notice has been given, the government agency or the government applicator or unlicensed employee under the supervision of a government applicator must repeat the notice at least 12 hours before the rescheduled application.*

5. *The notice required by this section must include:*

(a) *The name of the person for whom the application is to be made;*

(b) *The location and acreage of the land to be treated; and*

(c) *The name of the pesticide to be applied.*

Sec 16. Application for government agency certificate: Form. (NRS 555.290, 555.400, AB 32 (2017))

1. *Each application for a government agency certificate must be made on a form provided by the Director.*

2. *Each application for a government agency certificate must include, without limitation:*

(a) *The name of the person applying for the certificate, the name of the government agency, the street and mailing address of the a government agency.*

(b) *The telephone number, facsimile number, electronic mail address, if any,*

(c) *The number of physical locations in which the government agency will operate.*

- (j) *The address and telephone number of each such location.*
- (k) *The name and cellular telephone number, if any, of the employee who supervises the daily activities of the government applicator or unlicensed employee under the supervision of a government applicators at each location.*

Sec. 17 (NRS 555.390, 555.400, , AB 32 (2017))

Each person subject to the provisions of Sec 11 shall:

1. Keep and maintain an accurate and legible record of each property treated for 2 years, showing the following:

- (a) The date of the treatments.*
- (b) The address, or equivalent location, or operational site where the treatment was conducted.*
- (c) The full name of the applicator.*
- (d) The site treated or area, and, in the case of a spot treatment, the term "spot treatment" must be followed by a description of the treatment area and the spot or spots treated.*
- (e) The brand name or generic name of the pesticide that was applied and the registration number assigned to the pesticide by the United States Environmental Protection Agency.*
- (f) The total amount of any diluted pesticide and the concentration of the pesticide that was applied, or rate per unit and units treated with a concentrated pesticide.*
- (g) The temperature at the start and finish of the treatment.*
- (h) The wind velocity and direction at the start and finish of the treatment.*
- (i) The area of any pesticide applied to the soil or turf.*
- (j) The purpose for which the pesticide was applied.*
- (k) If applicable, the area or volume fumigated, and the times at which fumigation started and finished.*

2. Report by telephone within 24 hours to the Director or his or her designee the accidental spillage at sites of operations of more than 1 gallon of liquid or 4 pounds of dry weight of unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.

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

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

5. The governmental agency shall pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

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

~~*[Sec. 5. of R093-15 For the purpose of carrying out the provisions of NRS 555.2605 to 555.470, inclusive, the Director will construe the term "business" to include any activity performed for hire, including, without limitation, such work performed by a governmental agency.*~~

~~*Sec. 6. of R093-15 For the purpose of carrying out the provisions of NRS 555.2605 to 555.470, inclusive, the Director will construe the term "for hire" to exclude any activity that is:*~~

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

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

Sec. 10. of R093-15

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

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

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

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

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

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

(a) Aerial:

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

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

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

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

(b) Agricultural ground:

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

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

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

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

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

(c) Urban and structural:

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

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

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

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

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

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

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

~~[(8) [Cooling towers, biocides and water processes—The use of antimicrobials and biocides to control bacteria and other single-celled organisms in cooling water, wells and other water processing systems. Golf course and sports complex - The application of pesticides to control of insect pests, weeds, fungi, diseases and vertebrate pests in terrestrial and aquatic areas that are used or are intended for use on golf courses or other sports turf complex.~~

~~—(d) Governmental agency~~

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

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

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

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

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

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

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

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

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

~~(10) Fumigation pest control:~~

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

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

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

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

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

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

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

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

4. As used in this section:

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

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

Sec. 16. of R093-15

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 of each partner, if the applicant is a partnership.

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

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

(e) The business identification number assigned to the pest control business by the Secretary of State, if any.

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) A statement certifying that each licensee subject to NAC 555.372 employed by the applicant has satisfied the requirements for pesticide continuing education as set forth in NAC 555.372.

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.

4. The Director shall issue pest control business licenses for one year and shall expire December 31 of each year.

5. An application to renew a business license shall be made on a form prescribed by the Director and shall be accompanied by the required renewal fee specified in NAC 555.397.

NAC 555.360 Application for license: Primary principal, principal, operator or agent; criminal history report for primary principal. (NRS 555.290, 555.400)

1. *The Director shall issue individual pest control licenses for two years; provided, however, a license may be issued for less than two years based on when the applicant enters the two-year cycle described below.*

(a) The term of the license is determined by the Director as follows:

(1) Each license with a last name beginning with A through L shall expire December 31 of the following even numbered year.

(2) Each license or certificate with a last name beginning with M through Z shall expire December 31 of the following odd numbered year.

(b) The issuance of a two-year individual pest control license in no way affects any annual pest control business license renewal or change in license status fee.

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

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

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

(c) A statement indicating:

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

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

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

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

(e) A statement certifying that each licensee subject to NAC 555.372 employed by the applicant has satisfied the requirements for pesticide continuing education as set forth in NAC 555.372.

~~[2-]~~ 3. An applicant for a license as a primary principal will be notified by the Director whether or not the applicant is suitable for licensure as a primary principal based on a criminal history report conducted pursuant to [NRS 555.345](#). After being notified by the Director of his or her suitability, the applicant must complete all other requirements for licensure and obtain a license as a primary principal in not more than 90 days. An applicant who has not obtained his or her license as a primary principal within 90 days after such notification must resubmit a complete set of fingerprints pursuant to [NRS 555.345](#).

[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; R033-14, 10-24-2014)

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 the license unless the person certifies that he or she has,

within the immediately preceding ~~[12]~~ 24 months, completed at least ~~[six]~~ 12 units of continuing education in courses accredited by the Director. Each unit of continuing education must be completed in a course that relates to pest control. A primary principal, location principal or principal:

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

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

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

(a) An Internet course;

(b) A course contained on a compact disc;

(c) A correspondence course; or

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

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

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

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

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

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

(e) Is licensed solely as an agent.

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

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

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

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

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

(II) The topics discussed during the course; and

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

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

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

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

5. For each course for which a licensee claims one or more units of continuing education, he or she ~~[may request from the sponsor of the course]~~ *shall retain for at least three years:*

(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; R033-14, 10-24-2014)

NAC 555.385 Return of license to engage in pest control; notification of termination of employment; requirements to regain license; transfer of license to inactive status; renewal of inactive license. ([NRS 555.400](#))

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

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

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

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

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

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

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

(1) Complete the application requirements of [NAC 555.360](#);

(2) Complete at least ~~six~~ 12 units of continuing education in courses which meet the requirements of [NAC 555.372](#); and

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

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

(1) Complete the application requirements of [NAC 555.360](#);

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

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

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

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

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

(1) Complete the application requirements of [NAC 555.360](#);

(2) Complete at least ~~six~~ 12 units of continuing education in courses which meet the requirements of [NAC 555.372](#); and

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

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

(1) Complete the application requirements of [NAC 555.360](#);

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

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

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

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

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

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

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

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

(e) The date of birth of the licensee;

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

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

(h) A statement certifying that each licensee subject to NAC 555.372 employed by the applicant has satisfied the requirements for pesticide continuing education as set forth in NAC 555.372.

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

8. ~~[A license on inactive status expires on December 31. To renew a license on inactive status, the licensee must:]~~ *The Director shall issue individual inactive pest control license for two years; provided, however, a license may be issued for less than two years based on when the applicant enters the two-year cycle described below.*

(a) The term of the inactive license is determined by the Director as follows:

(1) Each license with a last name beginning with A through L shall expire December 31 of the following even numbered year.

(2) *Each license or certificate with a last name beginning with M through Z shall expire December 31 of the following odd numbered year.*

(b) *The issuance of a two-year individual pest control license in no way affects any annual pest control business license renewal or change in license status fee.*

~~[(a)]~~ (b) To renew a license on inactive status, the licensee must Complete at least ~~[six]~~ 12 units of continuing education in courses which meet the requirements of [NAC 555.372](#);

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

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

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

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

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

(b) Complete the application required by [NAC 555.360](#).

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

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

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

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

(b) For reexamination of an examination described in paragraph (a), a testing fee of \$35 for each examination that the applicant wishes to take.

(c) For licensure of a pest control business, *an annual* licensing fee of \$250. The Director will charge a fee of \$375 for the renewal of the license of ~~fe~~ *an annual* pest control business that has expired. The renewal of an expired license does not exempt the licensee from any penalty imposed pursuant to NAC 555.530 for engaging in pest control without a license.

(d) For licensure of *an individual* principal, consultant, demonstration and research specialist or operator, a licensing fee *as follows*: ~~[of \$50]~~

(1) if the license expires in 364 days or less, a licensing fee of \$60; or

(2) if the license expires in 365 days or more, a licensing fee of \$120.

(e) *annual individual license renewal with business and change in license, a licensing fee of \$25.*

(f) For licensure of an agent, a licensing fee of ~~\$350~~ \$200.

(g) *Inactive pest control license, a licensing fee as follows:*

(1) if the license expires in 364 days or less, a licensing fee of \$60; or

(2) if the license expires in 365 days or more, a licensing fee of \$120.

(h) *For licensure of a government employee, a licensing fee of \$50, to expire 4 years from the date of licensure.*

2. The Director will charge a fee of ~~[\$25]~~ \$50 to issue a duplicate license to replace a license that has been lost, mutilated or destroyed.

(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; A by Bd. of Agriculture by R096-06, 5-31-2007; A by Dep't of Agriculture by R033-14, 10-24-2014)

Sec. 25. of R093-15

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

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

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

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

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

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

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

(5) The number, name or site identification of the field.

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

(7) In the case of a treatment:

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

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

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

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

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

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

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

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

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

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

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

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

(7) If a treatment is conducted in the categories of limited landscape, weeds, aquatic, *golf course or sports turf* or fumigation:

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

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

- (III) The area of any turf or ground treated.
- (IV) The purpose for which the pesticide was applied.
- (V) The area or volume fumigated.
- (VI) The times at which fumigation started and finished.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(V) The area or volume fumigated.~~

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

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

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

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

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

4. If the person is licensed in the aerial or agricultural ground field, file with the Director on forms to be furnished by him or her a monthly report of all pest control operations, including those

operations involving the use of restricted-use pesticides, for each month in which such operations occurred. The report must:

- (a) Be filed on or before the 15th day of the following month; and
- (b) Be filed for those periods during which no operations were conducted unless written notification is given to the Director declaring that operations have ceased.

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

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

"Application device" means equipment, including, without limitation, handheld sprayers, truck-mounted sprayers and towed equipment, used during the course of applying pesticides.

"Service container" means a container that is not the original pesticide container that is filled with a state registered pesticide to store or transport concentrated pesticides.

NAC 555.445

1. All ~~service primary & secondary~~ containers of ~~[operators]~~ **a licensee** working in the field of urban and structural pest control must bear the following abbreviated labels, securely attached to the containers:

~~-(a) For a service primary container, [used to store or transport concentrated pesticide] the:~~

- ~~(1) Name, address and telephone number of the business.~~
- ~~(2) Name of the pesticide.~~
- ~~(3) Registration number assigned to the pesticide by the United States Environmental Protection Agency or by the Department.~~
- ~~(4) Name and percentage of the active ingredient.~~
- ~~(5) Precautionary (signal) word and symbol from the registered label.~~

~~[(b) For a service 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. ***An application device used by a licensee working in the field of urban and structural pest control to store or transport diluted liquid pesticide must bear a label identifying the pesticide.***

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

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

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

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
1. Except as otherwise provided in this section, for a violation of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$1,000	\$100 to \$1,000
2. For a violation of NRS 555.351:		
(a) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(b) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
3. For a violation of NRS 555.359, if the violation is for:		
(a) Knowingly applying ineffective or improper materials.....	\$300	\$50

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(b) Applying materials in a manner which is inconsistent with labeling or other restrictions imposed by the Director:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(c) Operating faulty or unsafe equipment	\$100	\$50
(d) Applying pesticides in a faulty, careless or negligent manner:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(e) Aiding or abetting an uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive		
	\$100 to \$1,000	\$50 to \$300
(f) Conspiring with an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his or her certificate to be used by an uncertified person		
	\$1,001 to \$5,000	\$301 to \$1,000
(g) Fraudulently or deceptively procuring a certificate		
	\$1,001 to \$5,000	\$301 to \$1,000
(h) Falsifying records or reports		
	\$250 to \$500	\$100 to \$250

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(i) Failing to give adequate instructions or directions to an uncertified person under his or her supervision:		
(1) If it is a nonserious violation	\$100 to \$500	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
4. For a violation of NAC 555.440, if the violation is for:		
(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(b) Disposing of a pesticide or its empty container in a manner that presents a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace .	\$200 to \$500	\$100 to \$300

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
	(per item not provided)	(per item not provided)
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
	(per item not provided)	(per item not provided)
(d) Failing to maintain the required safety equipment in good working order.....		
	\$100 to \$1,000	\$50 to \$300
	(per item not maintained)	(per item not maintained)
(e) Not using materials, dosages, formulas, devices or methods of application, storage 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	\$100 to \$1,000	\$50 to \$300

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
5. For a violation of NAC 555.510, if the violation is for:		
(a) Fumigating without the supervision of a person who is a certified applicator:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$500
(2) If it is a serious violation	\$1,001 to \$5,000	\$501 to \$5,000
(b) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant and, if required, a copy of the fully developed site-specific fumigation management plan		
	\$100 to \$500	\$100 to \$300
	(per item not provided)	(per item not provided)
(c) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....		
	\$50 to \$300	\$50 to \$300

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
6. For a violation of NAC 555.700, if the violation is for:		
(a) Failing to keep an accurate and legible record of each property treated for 2 years	\$100	\$50
(b) Failing to maintain required information for 2 years	\$100	\$50
(c) Failing to report within 24 hours any emergency dump or accidental spillage of a pesticide	\$100	\$50
(d) Failing to report to the Director or his or her designee within 48 hours any case of apparent pesticide poisoning requiring medical treatment	\$100	\$50
(e) Failing to have contact with an applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours	\$100	\$50

	FIRST	SUBSEQUENT
LICENSEES	OFFENSE	OFFENSE

Government
 applicators
 are subject to
 these
 provisions as
 outlined in
 Sections 1-17
 herein.

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
7. Except as otherwise provided in this section, for a violation of a provision of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$500	\$301 \$300 to \$1,000
8. For a violation of NRS 555.280	\$500	\$1,000
9. For a violation of NRS 555.285	\$500	\$1,000
10. For failing to supervise adequately an applicator who does not have a license issued by the Director	\$500 \$250	\$500
11. For a violation of NAC 555.290, if the violation is for:		
(a) Failing to carry the license issued to him or her by the Director while engaged in pest control or failing to produce the license upon request by the Director or a designated field agent or inspector.....	\$25 \$50	\$25 \$50

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, consultant, demonstration and research specialist or agent or of any change in the information given on the application for the license of the pest control business.....	\$100	\$100 \$250
(c) Failing to submit a new application and fee if a change in ownership occurs.....	\$25 \$500	\$25 \$500
12. Failing to obtain the permit required pursuant to NAC 555.300 or to provide accurate or complete information on an application for such a permit.....	\$25 \$50	\$25 \$50
13. For a violation of NAC 555.385, if the violation is for failing to provide written notice to the Department of the termination of the employment of a primary principal, principal, location principal, operator, consultant, demonstration and research specialist or agent from the pest control business within 15 days after the date on which that termination occurs...	\$100	\$100 \$250

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
14. For a violation of NAC 555.400, if the violation is for:		
(a) Applying a pesticide in a category of pest control for which he or she is not licensed	\$500	\$1,000
(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials	\$100 to \$500	\$301 \$300 to \$1000
(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 \$300 to \$1,000
(2) If it is a serious violation	\$501 \$500 to \$5,000	\$1,001 \$1000 to \$5,000
(d) Failing to keep pest control equipment in good condition	\$25 \$50 to \$100	\$50 \$100 to \$301 \$250
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25 to \$100 \$50	\$50 to \$301 \$250
(f) Failing to maintain a uniform mixture	\$25 \$50	\$25 \$50

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(g) Failing to confine in a substantial manner the material applied to the premises where the land, crop, livestock, ornamental, soil or pest which is being treated:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 300 to \$1,000
(2) If it is a serious violation \$5,000	\$501 500 to \$5,000	\$1,001 1000 to \$5,000
(h) Failing to clean thoroughly all equipment after use.....	\$25 \$50	\$25 \$50
(i) Failing to store undiluted pesticides in a locked facility, failing to secure a service container to a service vehicle or failing to handle serviceperson's kits with extreme caution or leaving the kits where children or other unauthorized persons might remove the contents:		
(1) If it is a non-serious violation	\$50 to \$500	\$301 \$300 to \$1,000
(2) If it is a serious violation	\$501 \$500 to \$5,000	\$1,001 \$1000 to \$5,000

15. For a violation of NAC 555.410, if the
violation is for:

(a) Failing to keep an accurate and legible

record of each property treated for 2 years	\$100 to \$500	\$501 \$300 to \$1,000
---	----------------	-----------------------------------

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to record an item of information required for the record	\$25 to \$100 \$50	\$50 to \$301 \$300
(c) Failing to report to the Director or his or her designee within 48 hours any cases of apparent pesticide poisoning which require medical treatment:		
(1) If it is a nonserious violation	\$100	\$100 \$250
(2) If it is a serious violation	\$500 to \$1000	\$500 \$1000 to \$5000
(d) Failing to file the required monthly report on or before the 15th day of the following month	\$100 \$50	\$100
16. For a violation of NAC 555.420, if the violation is for using a material for pest control which is not registered in this State as a pesticide	\$100	\$100 \$250
17. For a violation of NRS 555.420, if the violation is for failing to respond to a request for an inspection or other activity specified in that section or to submit to such an inspection or activity	\$100 to \$1,000	\$100 \$500 to \$5,000
18. For a violation of NAC 555.415	\$100 to \$1,000	\$301 \$300 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
19. For a violation of NAC 555.425, if the violation is for:		
(a) Failing to display prominently his or her permanent license number and the name of the business on all service vehicles of the business on both sides of such vehicles in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle	\$25 -\$50	\$100
(b) Failing to equip a service vehicle used in the custom application of pesticides with:		
(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....	\$100	\$150 \$250
(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....	\$100	\$150 \$250
(3) Equipment designed to store safely materials contaminated with pesticide.....	\$100	\$150 \$250
(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....	\$100 \$50	\$100

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
20. For a violation of NAC 555.427, if the violation is for:		
(a) Failing to submit the form entitled "Termiticide Pretreatment Notification Form"....	\$301 \$300 to \$1,000	\$1,001 \$1000 to \$5,000
(b) Failing to include each item of information required on the form entitled "Termiticide Pretreatment Notification Form"....	\$25 \$50 to \$100 (per item not included)	\$50 to \$301 \$300 (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 \$1000 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 \$500 to \$1,000	\$1,001 \$1000 to \$5,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
21. For a violation of NAC 555.428, if the violation is for:		
(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....	\$301 \$300 to \$1,000	\$1,001 \$1000 to \$5,000
(b) Failing to include each item of information required on the tag for preconstruction treatment	\$50 to \$100 (per item not included)	\$100 to \$301 \$250 (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 \$100 to \$1,000	\$301 \$300 to \$1,000

22. For a violation of NAC 555.430, if the violation is for:

(a) Failing to write and deliver the required report before starting work on a project or giving an oral or written opinion on a form supplied by the Department or an electronic form approved

by the Department.....

\$100

~~\$150~~-\$250

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made	\$100	\$150 \$250
(c) Failing to include each item of information required in a report.....	\$50 to \$500 (per item not included)	\$50 \$100 to \$1,000 (per item not included)
(d) Failing to keep a copy of each report for at least 3 years after preparation of the report	\$100 to \$500	\$501 \$500 to \$1,000
(e) Failing to affix or deliver a tag as required upon completion of an inspection or after an application of a pesticide	\$100	\$300
—(f) Failing to record each item of information required on the tag	\$25 to \$100 (per item not included)	\$100 to \$301 (per item not included)

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(g) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only to sites or in the specific quantities or dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the Director:</p> <p>(1) If it is a nonserious violation</p> <p>(2) If it is a serious violation</p> <p>23. For a violation of NAC 555.440, if the violation is for:</p> <p>(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:</p> <p>(1) If it is a nonserious violation</p> <p>(2) If it is a serious violation</p>	<p>\$50 to \$500</p> <p>\$501 \$500 to \$5,000</p> <p>\$50 to \$500</p> <p>\$501 \$500 to \$5,000</p>	<p>\$301 \$500 to \$1,000</p> <p>\$1,001 \$1000 to \$5,000</p> <p>\$301 \$300 to \$1,000</p> <p>\$1,001 \$1000 to \$5,000</p>

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to store or dispose of a pesticide or its empty container according to directions on the label and in a manner that does not present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace.....	\$100 to \$301 \$500	\$301 \$300 to \$1,000
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 \$300 to
	(per item not provided)	\$1,000 (per item not provided)
(2) If it is a serious violation	\$501 \$500 to \$5,000	\$1,001 \$1000 to \$5,000
	(per item not provided)	(per item not provided)

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(d) Failing to keep the required safety equipment in good working order.....	\$50 to \$300 \$500 (per item not maintained)	\$301 \$300 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 \$300 to
\$1,000 (2) If it is a serious violation	\$501 \$500 to \$5,000	\$1,001 \$1000 to \$5,000
(f) Failing to use an accurately calibrated metering device when dispensing a termiticide... \$1,000	\$100 to \$301 \$500	\$301 \$300 to
24. For a violation of NAC 555.445, if the violation is for:		
(a) Failing to attach abbreviated labels to a service container or label an application device during transport or storage	\$50 to \$100	\$50 \$100 to \$301 \$250

(b) Failing to include each item of
information required on an abbreviated label \$50 to ~~\$100~~ ~~\$50~~ \$100 to ~~\$301~~ \$250

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to carry a complete label for each pesticide in the vehicle.....	\$50 to \$100	\$50 \$100 to \$301 -\$300

25. For a violation of NAC 555.460, 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 to \$500	\$301 \$300 to \$1,000
---	----------------	-----------------------------------

(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain	\$100 to \$500	\$301 \$300 to \$1,000
--	----------------	-----------------------------------

(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100 to \$500	\$301 \$300 to \$1,000
---	----------------	-----------------------------------

(d) Failing to place an insecticide or a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station unless, in the case of insecticide bait, the insecticide bait is

placed as indicated on the label:

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation	\$50 to \$500	\$301 \$300 to \$1,000
(2) If it is a serious violation \$5,000	\$501 \$500 to \$1,000	\$1,001 \$1000 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 \$50 to \$500	\$301 \$300 to \$1,000
(2) If it is a serious violation	\$501 \$500 to \$1,000	\$1,001 \$1000 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 \$300 to \$1,000
(2) If it is a serious violation	\$501 \$500 to \$1,000	\$1,001 \$1000 to \$5,000

26. For a violation of NAC 555.470, if the violation is for:

(a) Failing to give notice personally or by telephone to an apiarist within the required time	\$100 to \$500	\$301 \$300 to \$1,000
---	----------------	-----------------------------------

(b) Failing to give notice of his or her intent

to apply specified pesticides to each apiarist

within 2 miles of the field to be treated within

the required time

\$100 to \$500

~~\$301~~ \$300 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to provide each item of information required to be included in the notice.....	\$100 to \$500	\$301 \$300 to \$1,000

27. For a violation of NAC 555.510, if the violation is for:

(a) Fumigating without the supervision of a person who is a certified applicator and licensed pursuant to subparagraph (4) of paragraph (c) or subparagraph (10) of paragraph (d) of subsection 2 of NAC 555.280 to perform pest control using lethal fumigants:

(1) If it is a nonserious violation	\$50 to \$500	\$301 \$300 to \$1,000
(2) If it is a serious violation	\$501 \$500 to \$1,000	\$1,001 \$1000 to \$5,000

(b) Except as otherwise provided by NAC 555.510, failing to have at least one licensee and one person under the supervision of that licensee present during the release of the fumigant or the ventilation process:

(1) If it is a nonserious violation	\$50 to \$500	\$301 \$300 to \$1,000
(2) If it is a serious violation	\$501 \$500 to \$1,000	\$1,001 \$1000 to \$5,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant, and, if required, a copy of the fully developed site-specific fumigation management plan	\$50 to \$300 (per item not provided)	\$501 \$500 to \$1,000 (per item not provided)
(d) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....	\$50 to \$300	\$301 \$300 to \$1,000

PERSONS WHO DO NOT HOLD A
LICENSE OR CERTIFICATE

FIRST OFFENSE	SUBSEQUENT OFFENSE
------------------	-----------------------

28. For a violation of:

(a) NRS 555.280 or 555.285 by a person who

does not hold a license issued by the Director....	\$50 to \$1,000	\$1,001
\$1000 to \$5,000		

(b) NRS 555.351 by a person who does not

hold a certificate issued by the Director	\$50 to \$1,000	\$1,001	\$1000 to \$5,000
---	-----------------	--------------------	------------------------------

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

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

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

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

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

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

(a) Aerial:

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

(b) Agricultural ground:

- (1) Insect pests—The application of insecticides, miticides and acaricides.
- (2) Weeds—The application of herbicides and plant regulators.
- (3) Desiccants and defoliants—The application of desiccants and defoliants.
- (4) Fungi pests—The application of fungicides, bactericides and nematocides.
- (5) Vertebrate pests—The application of various substances on agricultural ground for the control of vertebrate pests, including, without limitation, the use of fumigants for burrowing rodents. This category does not include the control of vertebrate pests in, on or around industrial complexes, institutional complexes, dwelling units or other structures designed for use by humans, or on ornamentals or turf in, on or around such structures.

(c) Urban and structural:

- (1) Limited landscape—The control of insect pests, vertebrate pests and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including,

without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.

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

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

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

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

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

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

(8) ~~[Cooling towers, biocides and water processes—The use of antimicrobials and biocides to control bacteria and other single-celled organisms in cooling water, wells and other water processing systems.]~~ *Golf course and sports complex - The application of pesticides to control of insect pests, weeds, fungi, diseases and vertebrate pests in terrestrial and aquatic areas that are used or are intended for use on golf courses or other sports turf complex.*

~~[(d) Governmental agency]~~

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

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

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

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

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

~~(6) Right of way and weed—The control of any pest in the course of maintaining a right of way, including, without limitation, the treatment of roadsides,~~

~~utilities, railroads, land on which crops are not planted, fence lines, structural perimeters and similar areas.~~

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

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

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

~~(10) Fumigation pest control:~~

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

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

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

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

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

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

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

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

4. As used in this section:

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

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

NAC 555.685 Renewal of certification of nonprimary principal commercial applicators and private applicators: Examination; continuing education; application. ([NRS 555.355](#), [555.357](#), [555.400](#), [561.105](#))

1. A nonprimary principal commercial applicator or private applicator may renew a certificate issued pursuant to [NAC 555.655](#) if:

(a) Within the 3 months immediately preceding the expiration of the certificate, he or she obtains a passing score on the examinations described in [NAC 555.670](#); or

(b) He or she provides proof satisfactory to the Director that he or she has completed at least 12 units of continuing education in courses approved by the Director within the 4 years immediately preceding the expiration of the certificate. At least 2 units of continuing education must be completed in a course relating to laws and regulations governing the use of pesticides.

2. A nonprimary principal commercial applicator or private applicator 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 that state; and

(b) Upon completion of the course, the sponsor of the course or a nonprimary principal commercial applicator or private applicator who completed the course submits to the Department:

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

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

(II) The topics discussed during the course; and

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

(2) A copy of a letter or other form indicating that the appropriate agency of that 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 nonprimary principal commercial applicator or private applicator 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.

3. For each course for which a nonprimary principal commercial applicator or private applicator claims one or more units of continuing education, he or she ~~may request from the sponsor of the course~~ shall retain for at least 5 years:

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

(b) Any other document or record that in the judgment of the Director establishes that the nonprimary principal commercial applicator or private applicator successfully completed the course.

4. A nonprimary principal commercial applicator or private applicator who wishes to renew his or her certificate may not apply for renewal of the certificate ~~before October 1~~ starting no sooner than three months prior to the expiration date of the ~~year in which the~~ certificate ~~expires~~.

(Added to NAC by Bd. of Agriculture by R156-07, eff. 1-30-2008)

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

NAC555 (Revised LCB File#)

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

A draft of the proposed NAC regulations was sent to interested government agencies and all licensed pest control companies. Comments and concerns have been requested and incorporated into the document. A notice of Workshop was posted on the "meetings and events" calendar on the NDA website and the workshop open to the general public has been provided to solicit comments.

NDA office Locations:

Department of Agriculture
405 S. 21st Street
Sparks, NV 89431

Department of Agriculture
2300 E. Saint Louis Ave.
Las Vegas, NV 89104

Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801

- 2. The manner in which the analyses was conducted.**

Comments and suggestions via email and phone have been received and evaluated by PCO staff and PI administration. A field survey was conducted this year with over 100 samples collected and 70 pest control companies evaluated during routine inspections. Proposed regulations for commercial operators are in response to the results of this work.

- 3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:**

The estimated cost to industry and government agencies is expected to be immaterial. Proposed labeling requirements of service containers will be less onerous than the provisions currently in code.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

Proposed legislation primarily impacts government agencies and employees. The department solicited comments from government entities and the pest control industry and incorporated concerns into the document.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

The estimated cost to the Department is expected to be minimal. The infrastructure is already in

place to implement these revisions.

- 6. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

It is expected that the total amount of money received will be revenue neutral. Many government employees utilizing pest control measures already are federally certified. The proposed fee structure for government licensing will be the same as for certification. The proposed nominal increase in commercial applicator fees will be offset by substantially reducing the cost of the annual agent fees.


- 7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

The proposed revisions do not duplicate or conflict with federal regulations.

- 8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The proposed regulations are largely directed towards the implementation of AB-32 (2017) which is concerned with the licensing of government employees who perform pest control activities. For commercial operations (non-government) we have conducted a survey during routine pest control vehicle inspections that indicate the proposed regulatory revisions are necessary to ensure the health and safety of pesticide applicators, the general public, and the environment. The proposed revisions are a result of input from the industry as well as discussions within the Department.

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


James R. Barbee

Director

Nevada Department of Agriculture