

**REVISED PROPOSED REGULATION OF THE DIRECTOR
OF THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R077-21

November 4, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: § 1, NRS 555.2657, 555.351, 555.355, 555.359, 555.380 and 555.400; §§ 2, 8, 10, 18-21, 23, 35, 42, 43, 45, 47 and 55, NRS 555.400; §§ 3-6, 16, 32 and 36-39, NRS 555.380 and 555.400; §§ 7, 11, 14, 33, 41 and 53, NRS 555.390 and 555.400; § 9, NRS 555.2657 and 555.400; § 12, NRS 555.351, 555.355 and 555.400; § 13, NRS 555.351 and 555.400; § 15, NRS 555.359 and 555.400; § 17, NRS 555.010; §§ 22, 31 and 52, NRS 555.310 and 555.400; §§ 24 and 25, NRS 555.300 and 555.400; §§ 26, 29 and 30, NRS 555.290 and 555.400; § 27, NRS 555.345 and 555.400; §§ 28, 51 and 56, NRS 555.357 and 555.400; § 34, NRS 555.380, 555.390 and 555.400; § 40, NRS 555.400 and 555.470; §§ 44, 46, 48 and 49, NRS 555.355 and 555.400; § 50, NRS 555.353 and 555.400; § 54, NRS 561.153 and 561.315.

A REGULATION relating to pest control; defining certain terms relating to pest control; establishing and revising requirements for the licensing of pest control applicators and businesses in accordance with recent statutory amendments; requiring certain applicators to make and maintain records of the application of general-use pesticides and to report certain incidents involving such pesticides; adopting by reference certain provisions of the Code of Federal Regulations relating to applicators who apply or supervise the application of restricted-use pesticides; requiring certain applicators to demonstrate competency in categories of pest control in accordance with federal regulations; establishing additional grounds for the suspension, revocation or modification of certain pest control licenses and certificates; revising certain standards adopted by reference and relating to the Weed Free Certification Program; establishing and revising fields and categories of licensing for pest control applicators; removing provisions relating to pest control consultants; revising provisions relating to courses of continuing education for applicators; adopting provisions relating to pest control operators who apply pesticides by unmanned aerial vehicle; revising certain provisions relating to labels of pesticides carried in the service vehicle of an operator; revising provisions governing fumigation; revising the schedule of administrative fines that may be imposed by the Director of the State Department of Agriculture for a violation of provisions relating to pest control; deleting obsolete terms relating to operators who apply or supervise the application of restricted-use pesticides; establishing and revising categories for the certification of pest control operators to apply or supervise the application of such pesticides; revising requirements relating to records and reporting

involving restricted-use pesticides; establishing fees for certain diagnostic, identification and inspection services provided by the laboratory and employees of the Department; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides for the licensing and certification of pest control operators and businesses and regulates pest control operations under the authority of the Director of the State Department of Agriculture. (Chapter 555 of NRS; NAC 555.2605-555.470) The statutory provisions were substantially revised by Assembly Bill No. 34 of the 81st Legislative Session (A.B. 34). (Chapter 34, Statutes of Nevada 2021, at page 149) In general, this regulation revises provisions of the Nevada Administrative Code in accordance with A.B. 34.

With the adoption of A.B. 34, pest control operators are classified as: (1) commercial applicators (those who apply or supervise the application of general-use pesticides “for hire or for profit”); (2) authorized commercial applicators (who are licensed to use general-use pesticides and also authorized to apply or supervise the application of more hazardous “restricted-use” pesticides); (3) non-private applicators who are public employees (who must be licensed, or licensed and certified, to use general-use and restricted-use pesticides, respectively); (4) other non-private applicators who are not public employees and also do not qualify as private applicators; and (5) private applicators (who are certified to use restricted-use pesticides on property they own or rent or property owned or rented by their employers or neighbors, if their services are provided “without compensation”). (NRS 555.26157, 555.2619, 555.2657, 555.2681, 555.280, 555.285) Existing law requires any natural person or business entity that operates a pest control business for hire or for profit to obtain a business license. (NRS 555.2616, 555.280) Existing law also provides for the licensure or certification of various pest control operators employed by such a business, among whom are “principals,” “primary principals,” “location principals” and “pilots,” all of whom are required to be licensed, or licensed and certified as applicators, and all of whom appear to be properly classed as commercial or authorized commercial applicators. (NRS 555.2654, 555.2677, 555.2679, 555.280)

With that as background, **sections 2-11** of this regulation relate to general-use pesticides and some of the persons who apply or supervise the application of such pesticides. **Sections 2-7 and 16** of this regulation adopt or effectively relocate within the Nevada Administrative Code certain definitions relating to pest control. **Section 8** of this regulation establishes the qualifications for licensure as a commercial applicator, while **sections 9 and 10** of this regulation relate to the licensing of any person employed by a governmental agency who desires to be licensed as a non-private applicator. **Sections 11, 14, 33 and 53** of this regulation supplement or revise existing recordkeeping and reporting requirements relating to applications of general-use and restricted-use pesticides. (NAC 555.410, 555.700)

Existing federal regulations also establish minimum qualifications for the certification of pest control operators who apply or supervise the application of restricted-use pesticides. (40 C.F.R. §§ 171.103, 171.105) Under existing law, before a non-private applicator or private applicator may be certified by the Director to use such pesticides, the applicator must demonstrate that he or she complies with the requirements of the federal regulations. (NRS 555.355) Similarly, a licensed commercial applicator who desires authorization to use restricted-use pesticides must meet the standards set forth in 40 C.F.R. § 171.103. (NRS 555.351) **Section 12** of this regulation adopts these federal regulations by reference, and **sections 13, 44 and 46** of this regulation revise the qualification standards for authorized commercial applicators, certified

non-private applicators and private applicators to require these operators to pass a written examination to demonstrate their practical knowledge of the various areas of competency enumerated in the federal regulations.

Existing law enumerates various grounds for the denial, suspension, revocation or modification of a certificate. (NRS 555.359) **Section 15** of this regulation additionally authorizes the Director to suspend, revoke or modify the license of an authorized commercial applicator, or the certificate of a certified non-private applicator or private applicator, if the applicator is assessed a civil penalty or convicted of violating certain provisions of federal law relating to pesticides.

Sections 18-39 of this regulation revise existing provisions of the Nevada Administrative Code relating primarily to applicators of general-use pesticides, while **sections 40-53** of this regulation revise provisions involving applicators of restricted-use pesticides. Existing regulations establish “fields” and “categories” of licensing for pest control applicators, which demarcate the various areas of pest control work in which applicators may engage. (NAC 555.280, 555.620, 555.640) **Sections 21, 43 and 45** of this regulation revise these provisions to remove fields and categories that have been eliminated by A.B. 34 or have otherwise become obsolete.

Under existing law, pest control “consultants” are among the pest control operators who are required to be licensed as applicators, but consultants are prohibited from applying any pesticide. (NRS 555.280; NAC 555.290) **Sections 22-27, 30, 31 and 56** of this regulation eliminate the existing references to consultants in the Nevada Administrative Code, while also updating provisions relating to pest control business licenses. **Section 55** of this regulation provides that any consultant who is validly licensed as such on the effective date of this regulation retains that status after that date until his or her license expires or is revoked.

Existing regulations establish the qualifications for licensure as an aerial pest control operator. (NAC 555.380) **Section 29** of this regulation revises those provisions to provide for the licensing of an operator who applies pesticides through the use of an unmanned aerial vehicle.

Existing regulations require that a complete label be carried in a pest control operator’s vehicle for each pesticide in the vehicle. (NAC 555.445) As an alternative to a complete physical label, **section 35** of this regulation provides that a means of obtaining immediate electronic access to a complete label must be carried in the vehicle.

A pest control operator is required by existing regulations to take measures to prevent injury to nearby persons or animals, including bees, caused by the application of a pesticide. (NAC 555.460, 555.470) **Sections 36 and 37** of this regulation extend the applicability of these requirements to any unlicensed employee of a pest control licensee who is applying pesticides under the supervision of the licensee.

Section 38 of this regulation revises existing provisions relating to fumigation to require that fumigation be performed under the supervision of an authorized commercial applicator, certified non-private applicator or private applicator who is licensed or certified in the category of fumigation appropriate to the fumigation job. (NAC 555.510)

Existing regulations establish a schedule of administrative fines that may be imposed by the Director for violations of various provisions of statute and regulation applicable to pest control work. (NAC 555.530) **Section 40** of this regulation revises the schedule to reflect changes in terminology made by A.B. 34 and to add references to operational requirements newly added by this regulation.

Existing law authorizes the Director, by regulation, to establish and administer a program to certify agricultural products as being free from noxious weeds. (NRS 555.010) A.B. 34 revised this provision to add a reference to the propagative parts of noxious weeds, so that such a certification would also encompass the propagative parts of such weeds. (Section 2 of Assembly Bill No. 34, chapter 34, Statutes of Nevada 2021, at page 151) **Section 17** of this regulation revises the relevant provisions of the Nevada Administrative Code accordingly, and also updates certain standards of the North American Invasive Species Management Association that the Director has adopted by reference.

Existing law also authorizes the Director to fix fees for services provided by the Department's laboratory and for other services, products and publications of the Department. (NRS 561.153, 561.315) **Section 54** of this regulation establishes the fees to be charged: (1) by the Department's laboratory for certain diagnostic services; (2) for the identification of an insect by the Department; and (3) for any on-site inspection and diagnosis of a plant disease by an employee of the Department.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

Sec. 2. *“Certified non-private applicator” means a non-private applicator who is certified to apply or supervise the application of any restricted-use pesticide.*

Sec. 3. *“Crop grown for seed production” means any crop that is grown:*

1. To produce seed that is not intended for human consumption or as feed for animals;
and

2. With the sole intent of the seed being:

(a) Planted; or

(b) Processed to produce industrial or cosmetic oil that is not edible.

Sec. 4. *“Pesticide residue tolerance” means the allowable amount of the residue of a pesticide that is prescribed by the United States Environmental Protection Agency.*

Sec. 5. *“Seed conditioner” means a person who disposes of seed screening in compliance with state and federal statutes and regulations.*

Sec. 6. *“Seed screening” means all matter separated from seeds through the use of screens.*

Sec. 7. *“Spot treatment” means the application of a general-use pesticide to a spot or two or more contiguous spots, where:*

1. The total coverage of the treatment does not exceed one-tenth of the size of the total area that is potentially treatable; and

2. The size of each spot treated does not exceed 2 square feet for an indoor application, or 4 square feet for an outdoor application.

Sec. 8. *Each applicant for a license as a commercial applicator must:*

1. Complete and file with the Department an application for the license, identifying each field and category of pest control on which he or she wishes to be examined; and

2. Pass a written examination to demonstrate his or her:

(a) Practical knowledge of each field and category of pest control identified in the application; and

(b) His or her knowledge of general-use pesticides and the following subjects as they relate to such pesticides:

(1) Operations for pest control;

(2) An integrated approach to pest management;

(3) Pests;

(4) Recommended practices for controlling pests;

(5) The requirements of state and federal statutes and regulations relating to pesticides;

and

(6) Safety in the handling and application of pesticides.

Sec. 9. *A natural person who is employed by a city, county, state or other governmental agency and who desires to be licensed as a non-private applicator to apply or supervise the application of any general-use pesticide must:*

1. Complete and file with the Department an application for the license, identifying each category of pest control on which he or she wishes to be examined; and

2. Pass a written examination to demonstrate his or her:

(a) Practical knowledge of each category of pest control identified in the application; and

(b) Knowledge of general-use pesticides and the following subjects as they relate to such pesticides:

(1) Labeling and the comprehension of labels;

(2) The environmental consequences of the use and misuse of pesticides;

(3) Pests;

(4) Equipment used in the application of pesticides;

(5) Techniques for the application of pesticides;

(6) The requirements of state and federal statutes and regulations relating to pesticides;

and

(7) Safety in the handling and application of pesticides.

Sec. 10. *The categories for the licensing of non-private applicators described in subsection 1 of NRS 555.2657 are those set forth in NAC 555.620 for the certification of certified non-private applicators.*

Sec. 11. *1. In addition to complying with any applicable requirements of NAC 555.410, a non-private applicator who applies or supervises the application of a general-use pesticide shall:*

(a) For each such application, create and maintain an accurate and legible record of each property treated with a general-use pesticide. The record must be maintained for not less than 2 years after the date of the treatment and must include, without limitation:

- (1) The date of the treatment;*
- (2) The address, location or operational site at which the treatment is conducted;*
- (3) The full name of the non-private applicator and, if the pesticide is applied by an unlicensed person under the supervision of the non-private applicator, the full name of the unlicensed person;*
- (4) The purpose for which the pesticide is applied;*
- (5) A description of the site or area treated or, in the case of a spot treatment, the notation "spot treatment" and a description of each spot treated;*
- (6) The brand name or generic name of the pesticide applied and the registration number assigned to the pesticide by the United States Environmental Protection Agency;*
- (7) The total amount of any diluted pesticide applied and the concentration of that pesticide, or the rate per unit and the number of units treated with a concentrated pesticide;*
- (8) The ambient temperature at the start and finish of the treatment;*
- (9) The local wind velocity and direction at the start and finish of the treatment;*
- (10) The size of the area of ground treated; and*
- (11) If applicable, the size of the area or volume fumigated and the time at which each fumigation started and finished.*

(b) Report by telephone within 24 hours to the Director or his or her designee any:

(1) Accidental spillage of unmixed pesticide, at any site of operations, of more than 1 gallon of liquid or 4 pounds of dry weight if the pesticide is potentially detrimental to human beings, wildlife, domestic animals or crops; or

(2) Case of apparent pesticide poisoning requiring medical treatment.

2. A non-private applicator shall ensure compliance with the provisions of subsection 1 by any unlicensed person who engages in the application of a general-use pesticide under the supervision of the non-private applicator.

3. A non-private applicator, or the employer of the non-private applicator if the non-private applicator is an employee, shall pay the cost of any cleanup resulting from a spillage of pesticide occurring in the course of operations for pest control.

Sec. 12. *1. The Director hereby adopts by reference the provisions of 40 C.F.R. §§ 171.103 and 171.105, as adopted by the United States Environmental Protection Agency.*

2. The Director will periodically review the provisions adopted by reference in subsection 1 and determine within 30 days after the review whether any change made to those provisions is appropriate for application in this State.

3. The provisions adopted by reference in subsection 1 are available free of charge from the U.S. Government Publishing Office and the Office of the Federal Register of the National Archives and Records Administration:

(a) For 40 C.F.R. § 171.103, at the Internet address <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-B/section-171.103>.

(b) For 40 C.F.R. § 171.105, at the Internet address <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-B/section-171.105>.

Sec. 13. *The Director will issue a license as an authorized commercial applicator, authorizing the licensee to perform pest control work in a specific category or categories, to any commercial applicator who is authorized pursuant to this section and subsection 3 of NRS 555.351 to use or supervise the use of any restricted-use pesticide. To obtain the authorization, an applicant must pass a written examination to demonstrate his or her:*

1. Practical knowledge of the principles and practices of pest control and the effective use of general-use and restricted-use pesticides;

2. Practical knowledge in the core areas of competency set forth set forth in 40 C.F.R. § 171.103(c); and

3. Compliance with the specific standards of competency set forth in this subsection, as applicable to the following fields and categories of pest control:

(a) Aerial: The applicant must demonstrate practical knowledge of the pest problems and pest control practices associated with performing the aerial application of restricted-use pesticides. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(15).

(b) Agricultural ground:

(1) Agriculture plant pests—The applicant must demonstrate practical knowledge of crops, grasslands and noncrop agricultural lands and the specific pests of those areas on which the applicant may use restricted-use pesticides. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(1)(i).

(2) Weeds—The applicant must demonstrate practical knowledge of crops, grasslands and noncrop agricultural lands and the specific weeds of those areas on which the applicant

may use restricted-use pesticides. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(1)(i).

(3) Soil fumigation—The applicant must demonstrate practical knowledge of pest problems and pest control practices in soil fumigation applications. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(13).

(c) Urban, rural and structural:

(1) Limited landscape—The applicant must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings and turf. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(3).

(2) Industrial and institutional—The applicant must demonstrate practical knowledge of industrial and institutional pests. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(7).

(3) Structural—The applicant must demonstrate practical knowledge of structural pests. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(7).

(d) Nonsoil fumigation—The applicant must demonstrate practical knowledge of the pest problems and pest control practices associated with performing fumigation applications of restricted-use pesticides to sites other than soil. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(14).

(e) Aquatic—The applicant must demonstrate practical knowledge of the characteristics of various aquatic use situations, the potential for adverse effects on nontarget plants, fish, birds, beneficial insects and other organisms in the immediate aquatic environment and downstream and the principles of limited-area application.

(f) Weeds—The applicant must demonstrate practical knowledge of the wide variety of environments in which weeds may be present, the biology and life cycles of such environments and methods for the control of weeds. The required knowledge includes, without limitation, practical knowledge of runoff, drift, the recognition of target organisms, techniques to minimize the exposure of nontargets and the avoidance of excessive destruction of foliage. The required knowledge also includes, without limitation, practical knowledge of the potential for phytotoxicity and for persistence beyond the intended period of weed control.

Sec. 14. 1. *In addition to complying with any applicable requirements of NAC 555.700, a certified non-private applicator who applies or supervises the application of a restricted-use pesticide shall:*

(a) For each such application, create and maintain an accurate and legible record of each property treated with a restricted-use pesticide. The record must be maintained for not less than 2 years after the date of the treatment and must include, without limitation:

- (1) The date of the treatment;*
- (2) The address, location or operational site at which the treatment is conducted;*
- (3) The full name of the certified non-private applicator and, if the pesticide is applied by an unlicensed or uncertified person under the supervision of the certified non-private applicator, the full name of that person;*
- (4) The purpose for which the pesticide is applied;*

- (5) *A description of the site or area treated or, in the case of a spot treatment, the notation "spot treatment" and a description of each spot treated;*
- (6) *The brand name or generic name of the pesticide applied and the registration number assigned to the pesticide by the United States Environmental Protection Agency;*
- (7) *The total amount of any diluted pesticide applied and the concentration of that pesticide, or the rate per unit and the number of units treated with a concentrated pesticide;*
- (8) *The ambient temperature at the start and finish of the treatment;*
- (9) *The local wind velocity and direction at the start and finish of the treatment;*
- (10) *The size of the area of ground treated; and*
- (11) *If applicable, the size of the area or volume fumigated and the time at which each fumigation started and finished.*

(b) Report by telephone within 24 hours to the Director or his or her designee any:

- (1) Accidental spillage of unmixed pesticide, at any site of operations, of more than 1 gallon of liquid or 4 pounds of dry weight if the pesticide is potentially detrimental to human beings, wildlife, domestic animals or crops; or*
- (2) Case of apparent pesticide poisoning requiring medical treatment.*

2. A certified non-private applicator shall ensure compliance with the provisions of subsection 1 by any unlicensed or uncertified person who engages in the application of a restricted-use pesticide under the supervision of the certified non-private applicator.

3. A certified non-private applicator, or the employer of the certified non-private applicator if the certified non-private applicator is an employee, shall pay the cost of any cleanup resulting from a spillage of pesticide occurring in the course of operations for pest control.

Sec. 15. *In addition to the grounds for suspension, revocation or modification set forth in NRS 555.359, the Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, suspend, revoke or modify:*

1. The license granted to an authorized commercial applicator to use or supervise the use of a restricted-use pesticide pursuant to NRS 555.351 and section 13 of this regulation; or

2. The certificate issued to a certified non-private applicator or private applicator to use or supervise the use of a restricted-use pesticide pursuant to NRS 555.357,

↪ if the Director finds that the authorized commercial applicator, certified non-private applicator or private applicator has been assessed a civil penalty pursuant to 7 U.S.C. § 136l(a) or convicted of any criminal offense described in 7 U.S.C. § 136l(b).

Sec. 16. NAC 555.005 is hereby amended to read as follows:

555.005 As used in this chapter, unless the context otherwise requires:

1. ~~["Crop grown for seed production" means any crop that is grown:
—(a) To produce seed that is not intended for human consumption or as feed for animals; and
—(b) With the sole intent of the seed being:
——(1) Planted; or
——(2) Processed to produce industrial or cosmetic oil that is not edible.~~
- ~~2.]~~ "Department" means the State Department of Agriculture.
- ~~3.]~~ 2. "Director" means the Director of the Department.
- ~~4.]~~ "Drug or medicinal crop" means any plant that produces or from which is derived a drug or chemical substance that is used for pharmaceutical or medicinal purposes. The term does not include cannabis, as defined in NRS 678A.085, which is cultivated for the medical use of cannabis, as defined in NRS 678A.215.

~~5. “Pesticide residue tolerance” means the allowable amount of the residue of a pesticide that is prescribed by the United States Environmental Protection Agency.~~

~~6. “Seed conditioner” means a person who disposes of seed screening in compliance with state and federal laws and regulations.~~

~~7. “Seed screening” means all matter separated from seeds through the use of screens.]~~

Sec. 17. NAC 555.015 is hereby amended to read as follows:

555.015 1. A producer of agricultural products who wishes to have his or her agricultural products certified as being free from noxious weeds *and any propagative parts* may apply to the Department to participate in the Weed Free Certification Program which is hereby established pursuant to NRS 555.010. To participate in the Weed Free Certification Program, the producer must submit, in a form approved by the Department, evidence satisfactory to the Department that the producer meets the *applicable* standards adopted by reference in subsection 2.

2. The Director hereby adopts by reference the ~~[North American]~~ :

(a) Weed Free Forage Minimum Certification Standards, as revised on ~~[March 31, 2015, and the Gravel Pit Inspection Standards and Gravel Pit Inspection Form for the]~~ *April 16, 2020;*

(b) Weed Free Gravel ~~[Program]~~ *Minimum Certification Standards, as revised on October 5, 2020; and*

(c) *Minimum Certification Standards for Weed-Free Mulch, dated October 5, 2020,*
↪ issued by the *Board of Directors of the* North American Invasive Species Management Association or its successor organization, and any subsequent revisions which have been approved by the Director for use in this State. Each new revision shall be deemed approved by the Director unless the Director disapproves the revision within 60 days after the date of publication by the North American Invasive Species Management Association or its successor

organization. The Director will review each revision issued to ensure its suitability for use in this State.

3. The most recent revisions *of the standards adopted by reference in subsection 2* that have been approved by the Director will be available for inspection at the main office of the Department or may be obtained free of charge from the Internet website of the North American Invasive Species Management Association at ~~<http://www.naisma.org/weed-free-forage-and>~~ ~~<http://www.naisma.org/weed-free-gravel.>~~]:

(a) *For the Weed Free Forage Minimum Certification Standards*, <https://naisma.org/wp-content/uploads/2020/04/NAISMA-WFF-Minimum-Standards-Final4-16-20.pdf>.

(b) *For the Weed Free Gravel Minimum Certification Standards*, https://naisma.org/wp-content/uploads/2021/03/NAISMA_WF_Gravel_Minimum_Standards-Final-3.1.2021.docx.pdf.

(c) *For the Minimum Certification Standards for Weed-Free Mulch*, https://naisma.org/wp-content/uploads/2020/10/NAISMA_WFM_Minimum_Standards_Final_10.5.20.pdf.

Sec. 18. NAC 555.250 is hereby amended to read as follows:

555.250 As used in NAC 555.250 to 555.530, inclusive, *and sections 2 to 11, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.2502 to 555.258, inclusive, *and sections 2 to 7, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 19. NAC 555.260 is hereby amended to read as follows:

555.260 NAC 555.250 to 555.530, inclusive, *and sections 2 to 11, inclusive, of this regulation* do not apply to:

1. Services for domestic or industrial sanitation, which use sanitizers and disinfectants;
2. Services for the maintenance of swimming pools, which use algicides, bactericides or fungicides;
3. Any person who uses preservatives in the treatment of fabrics;
4. Veterinarians or persons in pet salons who treat animals;
5. A person who controls vertebrate pests by means other than the use of pesticides; or
6. A person who:
 - (a) Conducts inspections for; or
 - (b) Performs services for the control of,
 - ↳ a mold or other fungus detrimental to human health.

Sec. 20. NAC 555.270 is hereby amended to read as follows:

555.270 1. The Director may issue the following types of licenses to applicants who have the appropriate qualifications:

(a) Except as otherwise provided in subsection 2, a license *as a primary principal, location principal, principal, operator, demonstration and research specialist or agent*, authorizing the holder to conduct pest control in any category of pest control in which a primary principal of the business *with which the holder is employed* or a location principal for the specific business location has been qualified by examination.

(b) For ~~[pest control personnel:]~~ *a non-private applicator described in subsection 1 of NRS 555.2657, an authorized commercial applicator or a commercial applicator:*

(1) Except as otherwise provided in subsection 3, a general license authorizing the holder to perform pest control work in a specific category or categories.

(2) A restricted license authorizing the holder to perform only certain types of pest control work, including, without limitation, pest control work restricted to inspections for wood-destroying pests or restricted to a specific:

- (I) Host;
- (II) Site;
- (III) Pest; or
- (IV) Pesticide.

2. An operator, ~~consultant,~~ demonstration and research specialist or agent will be issued a license only in those categories where he or she has a qualified primary principal or a qualified location principal at the business location from which the operator, ~~consultant,~~ demonstration and research specialist or agent will be working.

3. The Director will not issue a general license authorizing a primary principal or operator to perform pest control work in the category of structural pest control if that work is limited to preconstruction treatment.

4. An applicant who wishes to perform pest control work with fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards must:

- (a) Obtain a restricted license for that purpose;
- (b) Provide the Department with proof of insurance coverage for the application of fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards; and
- (c) Maintain the insurance coverage after receiving such a license for the period during which he or she holds the license.

Sec. 21. NAC 555.280 is hereby amended to read as follows:

555.280 1. The following fields are established for the licensing of ~~pest control personnel;~~ *authorized commercial applicators and commercial applicators:*

(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, *rural* and structural—The use of ground equipment for the application of pesticides in urban *and rural* 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.~~

~~(e) Consultant—The use of pesticides and expert knowledge or special expertise in pest control for:~~

~~——(1) Soliciting sales of pesticides or pest control services;~~

~~——(2) Providing technical information on pesticides or pest control;~~

~~——(3) Providing pest identification;~~

~~——(4) Making recommendations for pesticides or other products used for pest control; or~~

~~——(5) Any combination of subparagraphs (1) to (4), inclusive;~~

~~↳ except that the field of consulting does not include a person who writes or otherwise prepares a plan for the conservation, preservation or reclamation of any property and whose activities~~

~~specified in this paragraph, or any combination of those activities, are wholly incidental to the writing or other preparation of the plan.]~~

2. The following categories are established for the licensing of ~~[pest control personnel]~~ *authorized commercial applicators and commercial applicators* under the fields of licensing:

(a) Aerial ~~[-~~

~~—(1) Agriculture plant pests—The application of insecticides, miticides, acaricides, fungicides, bactericides and nematicides.~~

~~—(2) Weeds—The application of herbicides, plant regulators, desiccants and defoliant.] —~~

The application of pesticides by fixed-wing or rotary-wing aircraft.

(b) Agricultural ground:

(1) Agriculture plant pests—The application of insecticides, miticides, acaricides, fungicides, bactericides, ~~[and]~~ nematicides ~~[-]~~ *and rodenticides on or around lands used in the production of agricultural commodities, including, without limitation, grains, vegetables, small fruits, fruit trees, peanuts, tree nuts, tobacco, cotton, feed and forage crops, and grasslands and noncrop agricultural lands associated with the production of agricultural commodities. This category does not include fumigation.*

(2) Weeds—The application of herbicides, plant regulators, desiccants and defoliant ~~[-~~

~~—(3) 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.~~

~~—(4)~~ *on or around lands used in the production of agricultural commodities, including, without limitation, grains, vegetables, small fruits, fruit trees, peanuts, tree nuts, tobacco, cotton, feed and forage crops, and grasslands and noncrop agricultural lands associated with the production of agricultural commodities. This category does not include fumigation.*

(3) Soil fumigation—The ~~[use of various substances, including, without limitation, fumigants for the]~~ control of any *soil* pest ~~[that is]~~ *when* present in the soil ~~[at the time of treatment, including, without limitation, plant parasitic nematodes, soil-borne pathogens, weeds and insects.]~~ *through the use of fumigants.*

(c) Urban, *rural* 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 *or rural* areas, including, without limitation, fruit trees in urban *or rural* areas if the fruit trees are not used for commercial purposes. *This category does not include fumigation.*

(2) Industrial and institutional—The control of insect pests and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units. *This category does not include fumigation.*

(3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests. *This category does not include fumigation.*

(4) ~~[Fumigation]~~ *Nonsoil fumigation*—The *control of any pest that is present in anything other than the soil through the* use of poisonous and lethal ~~[fumigants.]~~ *gases.*

(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.]~~ *standing or running water. This category does not include fumigation.*

(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 *fumigation or* 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.~~

~~—(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.~~

~~————(e) Consultant:~~

~~————(1) Agricultural—Consultant licensed for the field of aerial or agricultural ground pest control.~~

~~————(2) Urban—Consultant licensed for the field of urban and structural pest control.}]~~

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”~~, “*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. 22. NAC 555.290 is hereby amended to read as follows:

555.290 1. A person may not be employed or retained in the position of a principal, location principal or primary principal for more than one pest control business at any time.

2. Each primary principal, location principal, principal, operator, ~~[consultant,]~~ demonstration and research specialist or agent of a pest control business shall:

(a) Ensure that the license issued to him or her by the Director is on his or her person or in his or her service vehicle while engaging in pest control; and

(b) Produce the license upon request by the Director or ~~[a person designated by the Director as a field agent or inspector]~~ *an agricultural police officer appointed* pursuant to subsection 2 of NRS 561.225.

3. The primary principal or location principal of a pest control business shall, within 15 days after the change, 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 of the pest control business or any change in the information given on the application for the *business* license for the pest control business.

4. A license is not assignable or transferable. If a change in ownership *of a pest control business* occurs, a new application and fee *for a business license* must be submitted. No fee is required for a change in the name of the business if the application for the change is accompanied by a declaration under penalty of perjury that there is no change in ownership.

5. A separate licensing fee for a principal, operator, ~~consultant,~~ demonstration and research specialist or agent must be paid by the employer. No additional fee is required for a designation as a primary principal or a location principal.

6. A principal ~~consultant~~ or operator may apply to the Director for amendment of his or her license to include additional categories of pest control or have restrictions removed. Except as otherwise provided in NAC 555.325, upon examination, the principal or operator is entitled to have the license so amended without any additional licensing fee.

7. A licensee who cannot provide services in a particular category of pest control because he or she fails to meet the requirements for insurance for that category may apply to have a temporary hold placed on his or her license for that category. The temporary hold on the license for that category may be removed at any time upon submission of proof of insurance to the Director.

8. The Director may refuse to issue a *business* license ~~to a pest control business~~ in a name that is:

- (a) The same or similar to a name used by ~~another licensee;~~ *the holder of another business license;*
- (b) Likely to be confused with a governmental agency or trade association; or
- (c) Misleading.

9. An agent shall not apply any pesticide or provide a recommendation or any other advice to a person concerning the use of a pesticide.

10. ~~{A consultant shall not apply any pesticide.~~

~~—11.}~~ A demonstration and research specialist shall not:

(a) Provide a recommendation or any other advice to a person concerning the use of a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive; or

(b) Apply a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive, except for demonstration and research purposes.

~~{12.}~~ **11.** The Director may refuse to issue a license to an applicant ~~{to perform pest control work}~~ if, at the time the applicant submits the application:

(a) A fine imposed against the applicant pursuant to NAC 555.530 remains unpaid; or

(b) Any hearing or other matter that is within the jurisdiction of the Director is pending against the applicant.

Sec. 23. NAC 555.300 is hereby amended to read as follows:

555.300 A person licensed pursuant to NAC 555.250 to 555.530, inclusive, *and sections 2 to 11, inclusive, of this regulation* may apply in writing to the Director for a permit to perform an emergency application of a pesticide for the protection of public health, property or the environment. The application must include:

1. The address of the site to be treated.
2. The anticipated date of treatment.
3. The name of the applicator who will be performing or immediately supervising the application.

4. The crop or site to be treated.
5. The number of units to be treated, including, without limitation, the number of acres or miles or fraction thereof.
6. The pesticide to be applied and the rate at which it will be applied.
7. The purpose for which the crop or site is to be treated.
8. The brand name or generic name of the pesticide to be applied, the registration number assigned to the pesticide by the *United States* Environmental Protection Agency and the dosage to be applied.
9. Proof that the applicant has insurance for public liability and property damage that satisfies the requirements set forth in NAC 555.370.
10. Any other information the Director may require.

Sec. 24. NAC 555.320 is hereby amended to read as follows:

555.320 1. Except as otherwise provided in NRS 555.300 and NAC 555.325, an applicant who is applying for an examination as a principal must meet the requirements set forth in NRS 555.300.

2. An applicant who is applying for examination as an operator, ~~consultant,~~ demonstration and research specialist or agent must have reached the age of majority but is not required to have the practical experience and education required of a principal pursuant to NRS 555.300.

3. For the purposes of carrying out the provisions of NRS 555.300, the Department will construe the term:

(a) "Credit hours in biological sciences" to include courses in, but not limited to, biology, botany, entomology, zoology, agronomy, horticulture, biochemistry, nematology, phytopathology and courses similar or similarly derived.

(b) “Directly related to the ~~field~~ *categories* of pest control” courses to include economic entomology, phytopathology and similar courses concerning the identification and control of pests through the use of pesticides.

(c) “Practical experience” to mean experience that is substantiated by work records, notarized statements verified by work records or any other documentation acceptable to the Department. The term does not include any experience obtained by an applicant while engaged in activity as ~~a consultant or~~ an agent or after the applicant:

- (1) Ceases engaging in pest control;
- (2) Has his or her employment with a pest control business terminated; or
- (3) Has his or her license transferred to inactive status pursuant to NAC 555.385.

(d) “Related pest control” experience to include technical field representative work or termite inspection for private or governmental entities. Other experience may be evaluated.

Sec. 25. NAC 555.340 is hereby amended to read as follows:

555.340 1. ~~Each applicant for a license as a principal, consultant, demonstration and research specialist or operator must pass written examinations to demonstrate his or her:~~

~~—(a) Knowledge of:~~

~~—(1) Operations for pest control;~~

~~—(2) Pertinent laws and regulations;~~

~~—(3) Safety in handling and dispensing pesticides;~~

~~—(4) Pests;~~

~~—(5) An integrated approach to pest management; and~~

~~—(6) Recommended practices for controlling pests.~~

~~—(b) Proficiency in reading, writing and speaking English.~~

~~—2.1~~ The examination for:

(a) Each principal consists of a core examination, a separate examination on the laws and regulations of this State relating to pest control and a specific examination for each category of pest control in which the applicant has requested to be examined.

(b) Each operator ~~for consultant~~ consists of a core examination and a specific examination for each category of pest control in which the applicant has requested to be examined.

(c) Each agent consists of an examination based upon a presentation.

(d) Each demonstration and research specialist consists of a core examination and a separate examination on the laws and regulations of this State relating to pest control.

~~3.1~~ 2. The Director may require an applicant to pass a practical examination that demonstrates the ability properly to inspect or use and apply pesticides in any category of pest control for which the applicant applies.

~~4.1~~ 3. The passing score is 70 percent for each examination for a principal and 65 percent for each examination for an operator, ~~consultant,~~ demonstration and research specialist or agent.

~~5.1~~ 4. An applicant who fails to receive a passing score on a section of an examination may be retested upon the expiration of the following minimum waiting periods:

(a) If applying for an operator's ~~consultant's~~ or demonstration and research specialist's license, 7 days.

(b) If applying for a principal's license, 10 days.

~~6.1~~ 5. Any applicant who uses an unauthorized aid during an examination or who copies or removes any portion of an examination must be excluded from the remainder of the examination and must not be allowed to take another examination for at least 6 months.

Sec. 26. NAC 555.350 is hereby amended to read as follows:

- 555.350 1. Each application for a license must be made on a form provided by the Director.
2. Each application for a *business* 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, *rural* and structural field, ~~[or 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 *United States* 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 employee of the applicant who is subject to the requirements for continuing education set forth in NAC 555.372 has complied with those requirements.

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. A business license expires on December 31 of each year and may be renewed annually. Each application for the renewal of a business license must be made on a form prescribed by the Director and accompanied by the fee required by NAC 555.397.

Sec. 27. NAC 555.360 is hereby amended to read as follows:

555.360 1. 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.

2. 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.

Sec. 28. NAC 555.374 is hereby amended to read as follows:

555.374 1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, at least 7 days before the first day of the course:

(a) A detailed outline of the subject matter to be presented;

(b) *If the course is intended for applicators who are licensed or certified to apply or supervise the application of restricted-use pesticides, evidence that the number of hours for the course and the content and quality of the course ensure that the applicators continue to satisfy the applicable requirements of subsection 3 of NRS 555.351, NRS 555.355, NAC 555.630 and 555.650 and section 13 of this regulation;*

(c) A description of the method of presentation;

~~(e)~~ (d) A curriculum vitae or other biographical statement of the instructor;

~~(d)~~ (e) For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, a detailed description of the method or methods by which the sponsor intends to verify attendance by each licensee and the successful completion by each licensee of the examination required pursuant to subsection 2 of NAC 555.372; and

~~(e)~~ (f) Any other information required in the application for accreditation.

2. To equal one unit of continuing education, the course for which the application is submitted must consist of at least 50 minutes of instruction and be directly related to:

- (a) The control or management of pests;
- (b) The classification or usage of pesticides;
- (c) The safe handling or dispensing of pesticides; or
- (d) A law or regulation concerning the use of pesticides.

3. The information required by subsection 1 must be submitted on an application prescribed by the Director.

4. The sponsor of a course accredited by the Director shall submit to the Department, within 30 days after the completion of the course, a list that includes:

- (a) The name of the course;
- (b) The course number assigned by the Director pursuant to NAC 555.375;
- (c) The number of units of continuing education that a person who successfully completes the course may receive;
- (d) The name of each person who attended the course;

(e) The identification number assigned by the Department to the licensee ~~[-, nonprimary principal-commercial-applicator or private-applicator]~~ wishing to receive credit for completing the course;

(f) The name of the business or governmental agency that employs the licensee ; ~~[-, nonprimary principal-commercial-applicator or private-applicator;]~~

(g) The signature of the licensee ; ~~[-, nonprimary principal-commercial-applicator or private applicator;]~~ and

(h) A statement prepared by the sponsor of the course indicating that:

(1) The licensee presented to the sponsor the licensee's license ~~[as a primary principal, principal or operator]~~ or any other form of identification issued by a governmental agency that includes a photograph of the licensee;

(2) ~~[The nonprimary principal-commercial-applicator or private-applicator presented to the sponsor a form of identification issued by a governmental agency that includes a photograph of the nonprimary principal-commercial-applicator or private-applicator; or~~

~~—(3)]~~ For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, each licensee listed attended the course or presentation and passed the examination required pursuant to subsection 2 of NAC 555.372.

5. The sponsor of a course shall maintain a record of the information set forth in subsection 4 for at least 4 years after the completion of the course. The records must be made available to the Director upon request.

6. Except as otherwise provided in subsection 7, courses of continuing education that may be accredited by the Director include, without limitation:

- (a) A seminar;
- (b) A meeting;
- (c) An adult education class;
- (d) A correspondence class;
- (e) An Internet class;
- (f) A college or university class;
- (g) A video or other media presentation; and
- (h) Any equivalent activity approved by the Director.

7. A person who attends a meeting of the Nevada Pest Control Association may receive credit for attending the meeting without obtaining approval for the meeting pursuant to this section.

8. A person who successfully completes a course of continuing education is not entitled to receive credit for attending the course unless, at the time the sponsor of the course recorded the attendance of the person at the course, the person presented to the sponsor the identification specified in paragraph (h) of subsection 4.

9. A licensee ~~[, nonprimary principal commercial applicator or private applicator]~~ may not receive credit more than once in a calendar year for attending the same course with the same course number assigned by the Director pursuant to NAC 555.375.

10. As used in this section, "licensee" includes, without limitation, an authorized commercial applicator, certified non-private applicator, private applicator and any other person who is licensed or certified to apply or supervise the application of a restricted-use pesticide.

Sec. 29. NAC 555.380 is hereby amended to read as follows:

555.380 1. Any operator, including an aerial operator, shall provide the Department with:

(a) Proof of having passed the applicable examination; and

(b) Proof of employment by a pest control business licensed to conduct pest control

operations in this State.

2. In addition to *complying with* the provisions of subsection 1 , an aerial operator : ~~[shall:]~~

(a) *If he or she applies pesticides by aircraft, shall, except as otherwise provided in*

paragraph (b):

(1) Present proof of holding a current commercial or airline transport pilot certificate~~[:]~~;

and

~~[(b)]~~ (2) Present proof of holding a valid agricultural aircraft operator's certificate issued by the Federal Aviation Administration pursuant to 14 C.F.R. § 137.19.

(b) If he or she applies pesticides by unmanned aerial vehicle, as defined in NRS 493.020, must hold a remote pilot certificate with an appropriate unmanned aircraft system rating issued by the Federal Aviation Administration pursuant to 14 C.F.R. Part 107, Subpart C.

Sec. 30. NAC 555.385 is hereby amended to read as follows:

555.385 1. Except as otherwise provided in subsection 6, every person licensed ~~[to engage in pest control]~~ *as a primary principal, principal, location principal, operator, demonstration and research specialist or agent* 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 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 *and section 8 or 13 of this regulation, as applicable*, 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 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 *and section 8 or 13 of this regulation, as applicable*, 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~~ *person licensed as a primary principal, principal, location principal, operator, demonstration and research specialist or agent* 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.

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:

- (a) Complete at least six 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.

Sec. 31. NAC 555.397 is hereby amended to read as follows:

555.397 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,]~~ *a business license*, a licensing fee of \$250. The Director will charge a fee of \$375 for the renewal of ~~[the]~~ *any business* license ~~[of a pest control business]~~ that has expired. The renewal of an expired *business* 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 a principal, ~~consultant,~~ *agent*, demonstration and research specialist or operator, a licensing fee of \$50.

~~[(e) For licensure of an agent, a licensing fee of \$350.]~~

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

Sec. 32. NAC 555.400 is hereby amended to read as follows:

555.400 Except as otherwise provided in NAC 555.250 to 555.530, inclusive, *and sections 2 to 11, inclusive, of this regulation*, or as specifically authorized in writing by the Director, each person engaged in the application of pesticide for hire shall:

1. Apply pesticides only in those categories of pest control for which he or she is licensed. All other applicators must be under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist or operator who is qualified and currently licensed in the appropriate category.

2. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.

3. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.

4. Keep pest control equipment, when in use, in good condition.

5. Except as otherwise provided in NAC 555.510, when measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.

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

7. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the 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. While being transported in a service vehicle, a service container must be secured in a manner to prevent spills or damage.

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

Sec. 33. NAC 555.410 is hereby amended to read as follows:

555.410 ~~[Each]~~ *In addition to complying with any applicable requirements of section 11 of this regulation, a* 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 ~~[,]~~ *or* 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 *United States* 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 , *rural* 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 *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 categories of limited landscape, weeds, aquatic or fumigation:

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

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

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

(IV) The 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]~~ \$32.95 for a pack of ~~[50]~~ 100 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.] <https://www.hud.gov>.~~~~

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 nonecontiguous spots, the total coverage of which does not exceed one-tenth of the size of the total potentially 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. 34. NAC 555.430 is hereby amended to read as follows:

555.430 1. Each person who:

(a) Makes an inspection for wood-destroying pests;

(b) Gives any oral or written statement relating to such an inspection; or

(c) After the construction of a structure, makes an application of a pesticide to eradicate wood-destroying pests,

↳ shall write and deliver a report of the inspection or the application of a pesticide to the person requesting the inspection or application, or a designated agent thereof, not later than 5 days after the inspection or the application. The report must be on a numbered form supplied by the Department or an electronic form approved by the Department which includes a unique number obtained from the Department.

2. A person who prepares a report pursuant to subsection 1 must:

(a) File a legible copy of the report with the district or subdistrict office of the Department not later than 15 days after the inspection or the application of a pesticide is made; and

(b) Keep a copy of the report for at least 3 years after preparation of the report.

3. The report must contain:

(a) The name, license number and mailing address of the pest control business performing the inspection or the application of a pesticide and the date *and time* of the inspection or application.

(b) The number assigned to the escrow or mortgage by the Federal Housing Administration or the Department of Veterans Affairs, if applicable and obtainable.

(c) The street address, city and zip code where the property is located.

(d) The name of the person who requested the inspection or the application of a pesticide.

(e) The name of the person to whom the original of the report is being sent.

(f) The name and address of the owner of the property.

(g) The name and address of the buyer or other interested person, if applicable and obtainable.

(h) If an application of a pesticide was made:

- (1) The date of the treatment.
- (2) An identification of any area to which a pesticide was applied.
- (3) The pesticide name and the registration number assigned *to the pesticide* by the *United States* Environmental Protection Agency.

(i) A statement of whether there is or is not evidence of active or inactive infestations of termites, other wood-destroying insects or wood-destroying fungi. Mold must not be reported as wood-destroying fungi. As used in this paragraph:

- (1) “Active infestation” means the presence of living wood-destroying pests.
- (2) “Inactive infestation” means evidence of infestation by wood-destroying pests, without the presence of such pests.

(j) A statement of whether there is or is not any condition conducive to infestation, including contact of wood with the earth, a faulty grade, insufficient ventilation, excessive moisture or cellulose debris. As used in this paragraph:

(1) “Contact of wood with the earth” means any support or other structure of cellulose that is less than 3 inches above the soil level and in contact with the inspected structure, whether it is internal or external in relation to that structure. The term does not include:

(I) A paling of a fence which is made of wood and which is less than 3 inches above the soil level and in contact with the inspected structure through otherwise acceptable structural elements.

(II) Lattice which is made of wood and which is less than 3 inches above the soil level if the lattice is physically attached to the inspected structure.

(III) An attachment to the inspected structure which is made of wood or cellulose and which is less than 3 inches above the soil level if the attachment is separated from the inspected structure by a flashing which is made of metal.

(IV) A deck which is made of wood and which is less than 3 inches above the soil and in contact with the inspected structure if the deck is separated from the inspected structure by a flashing which is made of metal and the report includes a statement indicating that the deck was excluded from the inspection or application.

(V) Skirting which is installed on a manufactured home and which is less than 3 inches above the soil and in contact with the inspected structure if the skirting is designed by the manufacturer for contact with the ground, is separated from the inspected structure by a flashing which is made of metal or is supported 3 inches or more above the soil level by pressure-treated wood.

(2) “Faulty grade” means a condition in which:

(I) A floor joist or stringer is less than 12 inches above the soil level;

(II) The top of the foundation is less than 3 inches above the adjacent soil level; or

(III) The drainage is such that there is visible evidence of exposure of surface water on the structure.

(3) “Insufficient ventilation” means less than 1 square foot of ventilation per 300 square feet of crawlspace, less than 1 square foot for every 1500 square feet of ground area covered by a vapor barrier and less than four areas permitting ventilation. The term “insufficient ventilation” does not include a crawlspace which is:

(I) Mechanically ventilated; and

(II) Free of wood-destroying fungi and excessive moisture.

(4) “Excessive moisture” means actual moisture on the wood or wood products used in the structure.

(5) “Cellulose debris” means any such debris that is of a size that can be raked and in the aggregate comprises one-half cubic foot or more, or a stump or any other wood that is imbedded in a footing and constitutes a contact of wood with the earth. The term does not include pressure-treated wood that is used to support a manufactured home or the skirting of a manufactured home.

(k) A diagram or sketch of the foundation or part of the inspected structure indicating the location of any condition likely to lead to infestation or infection or any area showing infestation or infection.

(l) A diagram or explanation, or both, of the inspected structure or part of it showing:

(1) The location of any inaccessible area or subarea and any area or subarea not inspected;

(2) Any portion of the structure normally visible which cannot be inspected without mechanically altering the structure, including, without limitation, subflooring or a rim joist that is concealed by insulation; or

(3) Any area where normal conditions have been altered so an inspection is not possible, such as storage in a closet.

(m) The full name, license number and signature or, if an electronic form is used, a digital signature of the licensee performing the inspection and application of a pesticide if an application is performed. If an electronic form is used, the report must include the number obtained from the Department pursuant to subsection 1 and a digital signature of the licensee which complies with the applicable requirements of chapter 720 of NRS.

4. Unless otherwise authorized by the Director, each person who, after the construction of a structure, applies a termiticide or other pesticide to eradicate wood-destroying pests shall apply the termiticide or other pesticide only to the sites and in the specific quantities and dosages listed on the label of the termiticide or other pesticide.

5. As used in this section, “pressure-treated wood” means wood or wood products that:

- (a) Are pressure-treated or certified by the Board of Review of the American Lumber Standard Committee, Inc.;
- (b) Are designed by the manufacturer for contact with the ground;
- (c) Are guaranteed against structural damage by termites or fungal decay; or
- (d) Are described in paragraph (a), (b) or (c) and have surfaces which have been cut, if those surfaces have been treated with a preservative for wood and the wood or wood products have been inspected and determined to be free of infestation.

Sec. 35. NAC 555.445 is hereby amended to read as follows:

555.445 1. All service containers of operators working in the field of urban , *rural* and structural pest control must bear the following abbreviated labels, securely attached to the containers:

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

(b) For a service container used to store or transport diluted pesticide, the:

(1) Name, address and telephone number of the business.

(2) Name of the pesticide, preceded by the word “diluted.”

(3) Registration number assigned to the pesticide by the *United States* Environmental Protection Agency or the Department for the pesticide, preceded by the words “derived from.”

(4) Name and percentage of the active ingredient.

(5) Precautionary (signal) word from the registered label.

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

3. A complete label *or a means of obtaining immediate electronic access to a complete label* must be carried in the vehicle for each pesticide in the vehicle.

Sec. 36. NAC 555.460 is hereby amended to read as follows:

555.460 *1.* A licensee engaged in the application of pesticides known to be harmful to persons or animals other than bees, shall:

~~{1}~~ *(a)* 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}~~ *(b)* Exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.

~~{3}~~ *(c)* In applying materials harmful to fish, exercise reasonable precautions to avoid contaminating the water containing the fish.

~~4.~~ (d) 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)~~ (1) The name, address and telephone number of the pest control business that performed the pest control;

~~(b)~~ (2) The name of the rodenticide;

~~(e)~~ (3) The registration number assigned to the rodenticide by the *United States* Environmental Protection Agency;

~~(d)~~ (4) The name and percentage of the active ingredient of the rodenticide; and

~~(e)~~ (5) The precautionary word and symbol for the rodenticide that is used by the manufacturer of the rodenticide on the label of the rodenticide.

~~5.~~ (e) Upon termination of the services of the pest control business, remove any bait stations placed on the property by the pest control business.

~~6.~~ (f) Place insecticide baits in:

~~(a)~~ (1) An area that is inaccessible to children, pets and other domestic animals;

~~(b)~~ (2) A tamper-resistant bait container; or

~~(e)~~ (3) A place prescribed by the label.

2. The provisions of this section apply to any unlicensed employee of a licensee who engages in the activities described in this section under the supervision of the licensee.

Sec. 37. NAC 555.470 is hereby amended to read as follows:

555.470 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 licensee 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 licensee with the location of his or her apiaries. If an application is postponed after proper notice has been given, the licensee must repeat the notice at least 12 hours before the rescheduled application.

5. The notice required by this section must include:

- (a) The name of the person for whom the application is to be made;
- (b) The location and acreage of the land to be treated; and
- (c) The name of the pesticide to be applied.

6. The provisions of this section apply to any unlicensed employee of a licensee who engages in the activities described in this section under the supervision of the licensee. In such a case, the requirements of subsections 1 and 4 relating to notice apply only with respect to an apiarist who has given the unlicensed employee current information regarding the location of the apiary.

Sec. 38. NAC 555.510 is hereby amended to read as follows:

555.510 1. Fumigation may be performed only under the supervision of ~~[a person who is certified pursuant to NAC 555.600 to 555.700, inclusive.]~~ *a certified applicator as described in subsection 2.*

2. The ~~[person]~~ *certified applicator* exercising supervision over the fumigation ~~[shall]~~ *must* be:

(a) Physically present at the premises being fumigated;

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

(c) Licensed *as an authorized commercial applicator* in the *appropriate* category of fumigation ~~[pursuant to subparagraph (4) of paragraph (c) or subparagraph (10) of paragraph (d) of subsection 2 of]~~ *as set forth in* NAC 555.280, ~~[or]~~ hold a ~~[nonprimary principal commercial]~~ *certification as a non-private* applicator ~~[certification]~~ in the *appropriate* category of fumigation ~~[pest control]~~ as set forth in NAC 555.620 or hold a *certification as a* private applicator ~~[certification]~~ in the *appropriate* category of fumigation as set forth in NAC 555.640.

3. Except as otherwise provided in subsection 4, at least one ~~[licensee]~~ *certified applicator* and one person under the supervision of ~~[that licensee shall]~~ *the certified applicator must* be present:

(a) During the release of the fumigant; and

(b) Until the ventilation and aeration process is complete and the warning signs are removed from the premises.

4. Unless otherwise specified on its label, a fumigant in tablet or pellet form ~~[that is used in the custom application of pesticides]~~ must be applied by at least one ~~[licensee]~~ *certified applicator* who is present during the introduction of the fumigant.

5. The ~~person~~ *certified applicator* exercising supervision over the fumigation shall ensure that the following items are on the premises being fumigated and are in good working order:

(a) 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; and

(b) For each type of fumigant being used, the antidote, if any, as prescribed by the manufacturer of the fumigant and the instructions for administering the antidote as prescribed by the manufacturer of the fumigant.

6. As used in this section, “certified applicator” means an authorized commercial applicator, certified non-private applicator or private applicator who is licensed or certified as described in paragraph (c) of subsection 2.

Sec. 39. NAC 555.5201 is hereby amended to read as follows:

555.5201 1. For the purposes of registering, labeling, distributing and using a pesticide pursuant to NRS 555.2605 to 555.470, inclusive, and chapter 586 of NRS or any other applicable ~~law~~ *statute* or regulation, the Department will designate an area as a nonfood or nonfeed site if the following crops grown for seed production are grown in that area:

- (a) Alfalfa. *(Medicago sativa)*
- (b) Allium. *(Allium)*
- (c) Arugula. *(Eruca sativa)*
- (d) Beetroot. *(Beta vulgaris var. conditiva)*
- (e) Birdsfoot trefoil. *(Lotus corniculatus)*
- (f) Broccoli. *(Brassica oleracea var. italica)*

(g) Brussels sprout.	<i>(Brassica oleracea var. gemmifera)</i>
(h) Burdock.	<i>(Arctium)</i>
(i) Cabbage.	<i>(Brassica oleracea var. capitata)</i>
(j) Carrot.	<i>(Daucus carota subsp. sativus)</i>
(k) Cauliflower.	<i>(Brassica oleracea var. botrytis)</i>
(l) Celery.	<i>(Apium graveolens)</i>
(m) Chicory.	<i>(Cichorium intybus)</i>
(n) Clover.	<i>(Trifolium)</i>
(o) Collard greens.	<i>(Brassica oleracea var. acephala)</i>
(p) Coriander.	<i>(Coriandrum sativum)</i>
(q) Cucumber.	<i>(Cucumis sativus)</i>
(r) Dill.	<i>(Anethum graveolens)</i>
(s) Drug or medicinal crop.	
(t) Endive.	<i>(Cichorium endivia)</i>
(u) Herb used for culinary purposes.	
(v) Herb used as a dietary supplement.	
(w) Kale.	<i>(Brassica oleracea var. acephala)</i>
(x) Kohlrabi.	<i>(Brassica oleracea var. gongylodes)</i>
(y) Lettuce.	<i>(Lactuca sativa)</i>
(z) Meadowfoam.	<i>(Limnanthes alba)</i>
(aa) Mizuna.	<i>(Brassica juncea var. japonica)</i>
(bb) Mustard.	<i>(Brassica and Sinapis)</i>
(cc) Parsley.	<i>(Petroselinum crispum)</i>

(dd) Parsnip.	<i>(Pastinaca sativa)</i>
(ee) Radish, not including daikon.	<i>(Raphanus raphanistrum subsp. sativus)</i>
(ff) Rapeseed.	<i>(Brassica napus)</i>
(gg) Rutabaga.	<i>(Brassica napus var. napobrassica)</i>
(hh) Spinach.	<i>(Spinacia oleracea)</i>
(ii) Sugar Beet.	<i>(Beta vulgaris var. altissima)</i>
(jj) Summer Squash.	<i>(Cucurbita pepo)</i>
(kk) Swiss Chard.	<i>(Beta vulgaris subsp. vulgaris)</i>
(ll) Turnip.	<i>(Brassica rapa var. rapa)</i>
(mm) Vetch.	<i>(Vicia sativa)</i>
(nn) Winter Squash, not including pumpkins.	<i>(Cucurbita argyrosperma, Cucurbita maxima, Cucurbita moschata and Cucurbita pepo)</i>

2. Notwithstanding the provisions of 40 C.F.R. Part 180 and section 408 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 346a, if the requirements of NAC 555.5207 are satisfied, the Department will not require a pesticide residue tolerance to register a pesticide which has no established pesticide residue tolerance and which is applied to a nonfood or nonfeed site.

3. As used in this section, “drug or medicinal crop” means any plant that produces or from which is derived a drug or chemical substance that is used for pharmaceutical or medicinal purposes. The term does not include cannabis, as defined in NRS 678A.085, which is cultivated for the medical use of cannabis, as defined in NRS 678A.215.

Sec. 40. NAC 555.530 is hereby amended to read as follows:

555.530 In addition to any other penalty, the Director may assess a fine against a person according to the ~~following~~ schedule ~~set forth in this section~~. *As used in this section, “authorized,” “authorization” or any variation of those terms means the authority of an authorized commercial applicator to use or supervise the use of a restricted-use pesticide as described in subsection 3 of NRS 555.351.*

AUTHORIZED OR CERTIFIED PERSONS	COMMERCIAL	
AND	APPLICATION	
UNCERTIFIED PERSONS WHO ARE NOT	OTHER THAN	
AUTHORIZED OR CERTIFIED	PRIVATE	PRIVATE
	APPLICATION	APPLICATION

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

AUTHORIZED OR CERTIFIED PERSONS

~~COMMERCIAL~~

AND

APPLICATION

~~UNCERTIFIED~~ PERSONS **WHO ARE NOT**

OTHER THAN

AUTHORIZED OR CERTIFIED

PRIVATE

PRIVATE

APPLICATION

APPLICATION

(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 *unauthorized or* uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive

\$100 to \$1,000 \$50 to \$300

AUTHORIZED OR CERTIFIED PERSONS

~~COMMERCIAL~~

AND

APPLICATION

~~UNCERTIFIED~~ PERSONS **WHO ARE NOT**

OTHER THAN

AUTHORIZED OR CERTIFIED

PRIVATE

PRIVATE

APPLICATION

APPLICATION

(f) If **authorized or** certified, conspiring with an **unauthorized or** uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his or her **license or** certificate to be used by an **unauthorized or**

uncertified person \$1,001 to \$5,000 \$301 to \$1,000

(g) Fraudulently or deceptively procuring ~~an~~ **an authorization or** certificate

\$1,001 to \$5,000 \$301 to \$1,000

(h) Falsifying records or reports

\$250 to \$500 \$100 to \$250

(i) Failing to give adequate instructions or directions to an **unauthorized or** 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:

AUTHORIZED OR CERTIFIED PERSONS

~~**COMMERCIAL**~~

AND

APPLICATION

~~**UNCERTIFIED**~~ PERSONS **WHO ARE NOT**

OTHER THAN

AUTHORIZED OR CERTIFIED

PRIVATE

PRIVATE

APPLICATION

APPLICATION

(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

(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)

AUTHORIZED OR CERTIFIED PERSONS

~~COMMERCIAL~~

AND

APPLICATION

~~UNCERTIFIED~~ PERSONS **WHO ARE NOT**

OTHER THAN

AUTHORIZED OR CERTIFIED

PRIVATE

PRIVATE

APPLICATION

APPLICATION

(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

(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:

<i>AUTHORIZED OR</i> CERTIFIED <i>PERSONS</i>	COMMERCIAL	
AND	APPLICATION	
UNCERTIFIED PERSONS <i>WHO ARE NOT</i>	<i>OTHER THAN</i>	
<i>AUTHORIZED OR CERTIFIED</i>	<i>PRIVATE</i>	PRIVATE
	<i>APPLICATION</i>	APPLICATION

(a) Fumigating without the supervision of a person who is ~~an~~ *an applicator licensed or certified [applicator:] to perform pest control using lethal fumigants:*

(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)

AUTHORIZED OR CERTIFIED PERSONS

~~COMMERCIAL~~

AND

APPLICATION

~~UNCERTIFIED~~ PERSONS **WHO ARE NOT**

OTHER THAN

AUTHORIZED OR CERTIFIED

PRIVATE

PRIVATE

APPLICATION

APPLICATION

(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

6. For a violation of NAC 555.700 ~~§~~ or **section 14 of this regulation**, 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

AUTHORIZED OR CERTIFIED PERSONS	COMMERCIAL	
AND	APPLICATION	
UNCERTIFIED PERSONS WHO ARE NOT	OTHER THAN	
AUTHORIZED OR CERTIFIED	PRIVATE	PRIVATE
	APPLICATION	APPLICATION

(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
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LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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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 to \$1,000
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8. For a violation of NRS 555.280	\$500	\$1,000
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9. For a violation of NRS 555.285	\$500	\$1,000
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10. For failing to supervise adequately an applicator who does not have a license issued by the Director	\$500	\$500
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LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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11. For a violation of NAC 555.290, if the violation is for:

<p>(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 fa designated field agent or inspector <i>an agricultural police officer</i></p>	\$50	\$50
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<p>(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.....</p>	\$100	\$100
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<p>(c) Failing to submit a new application and fee if a change in ownership occurs.....</p>	\$500	\$500
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<p>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.....</p>	\$50	\$50
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LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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<p>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</p>	\$100	\$100
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<p>14. For a violation of NAC 555.400, if the violation is for:</p> <p>(a) Applying a pesticide in a category of pest control for which he or she is not licensed</p>	\$500	\$1,000
<p>(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials</p>	\$100 to \$500	\$301 to \$1000
<p>(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made:</p> <p>(1) If it is a nonserious violation</p> <p>(2) If it is a serious violation</p>	\$50 to \$500	\$301 to \$1,000
	\$501 to \$5,000	\$1,001 to \$5,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(d) Failing to keep pest control equipment in good condition	\$25 to \$100	\$50 to \$301
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25 to \$100	\$50 to \$301
(f) Failing to maintain a uniform mixture	\$25 to \$100	\$50 to \$301
(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 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(h) Failing to clean thoroughly all equipment after use.....	\$50	\$50

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(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 nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000

15. For a violation of NAC 555.410 ~~§~~ *or section 11 of this regulation*, 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 to \$1,000
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(b) Failing to record an item of information required for the record	\$25 to \$100	\$50 to \$301
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(c) Failing to report to the Director his or her designee within 48 hours any cases of apparent pesticide poisoning which require medical treatment:

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(1) If it is a nonserious violation	\$100	\$100
(2) If it is a serious violation	\$500	\$500
(d) Failing to file the required monthly report on or before the 15th day of the following month	\$100	\$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, using any registered pesticide for a purpose other than the purpose for which the pesticide was registered or using a pesticide not registered with the *United States* Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:

(a) If it is a nonserious violation	\$100 to \$500	\$501 to \$1,000
(b) If it is a serious violation	\$500 to \$1,000	\$1,001 to \$5,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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<p>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</p>	\$100 to \$1,000	\$100 to \$5,000
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<p>18. For a violation of NAC 555.415</p>	\$100 to \$1,000	\$301 to \$1,000
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<p>19. For a violation of NAC 555.425, if the violation is for:</p> <p>(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</p>	\$50	\$100
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<p>(b) Failing to equip a service vehicle used in the custom application of pesticides with:</p> <p>(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....</p>	\$100	\$150
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LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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<p>(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....</p>	<p>\$100</p>	<p>\$150</p>
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<p>(3) Equipment designed to store safely materials contaminated with pesticide.....</p>	<p>\$100</p>	<p>\$150</p>
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<p>(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....</p>	<p>\$100</p>	<p>\$100</p>
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20. For a violation of NAC 555.427, if the violation is for:

<p>(a) Failing to submit the form entitled “Termiticide Pretreatment Notification Form”.....</p>	<p>\$301 to \$1,000</p>	<p>\$1,001 to \$5,000</p>
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<p>(b) Failing to include each item of information required on the form entitled “Termiticide Pretreatment Notification Form”.....</p>	<p>\$25 to \$100 (per item not included)</p>	<p>\$50 to \$301 (per item not included)</p>
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<p>(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.....</p>	<p>\$500 to \$1,000</p>	<p>\$1,001 to \$5,000</p>
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LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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<p>(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</p>	\$301 to \$1,000	\$1,001 to \$5,000
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21. For a violation of NAC 555.428, if the violation is for:

<p>(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....</p>	\$301 to \$1,000	\$1,001 to \$5,000
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<p>(b) Failing to include each item of information required on the tag for preconstruction treatment</p>	<p>\$50 to \$100 (per item not included)</p>	<p>\$100 to \$301 (per item not included)</p>
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LICENSED AND	FIRST	SUBSEQUENT
UNLICENSED PERSONS	OFFENSE	OFFENSE

(c) Failing to affix securely a tag for preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide	\$301 to \$1,000	\$301 to \$1,000
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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 on an electronic form approved by the Department.....	\$100	\$150
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(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made	\$100	\$150
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(c) Failing to include each item of information required in a report.....	\$50 to \$500	\$50 to \$1,000
	(per item not included)	(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 to \$1,000
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LICENSED AND	FIRST	SUBSEQUENT
UNLICENSED PERSONS	OFFENSE	OFFENSE

(e) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only to sites or in the specific quantities or dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the Director:

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

23. 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	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000

LICENSED AND UNLICENSED PERSONS	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	\$301 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 to \$1,000
	(per item not provided)	(per item not provided)
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
	(per item not provided)	(per item not provided)
(d) Failing to keep the required safety equipment in good working order.....	\$50 to \$300	\$301 to \$1,000
	(per item not maintained)	(per item not maintained)

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(e) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:

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

(f) Failing to use an accurately calibrated metering device when dispensing a termiticide....	\$100 to \$301	\$301 to \$1,000
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24. For a violation of NAC 555.445, if the violation is for:

(a) Failing to attach abbreviated labels to a service container	\$50 to \$100	\$50 to \$301
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(b) Failing to include each item of information required on an abbreviated label	\$50 to \$100	\$50 to \$301
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(c) Failing to carry a complete label <i>or a means of obtaining immediate electronic access to a complete label</i> for each pesticide in the vehicle.....	\$50 to \$100	\$50 to \$301
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LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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25. For a violation of NAC 555.460, if the violation is for:

<p>(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.....</p>	<p>\$100 to \$500</p>	<p>\$301 to \$1,000</p>
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<p>(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.....</p>	<p>\$100 to \$500</p>	<p>\$301 to \$1,000</p>
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<p>(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....</p>	<p>\$100 to \$500</p>	<p>\$301 to \$1,000</p>
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(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:

<p>(1) If it is a nonserious violation</p>	<p>\$50 to \$500</p>	<p>\$301 to \$1,000</p>
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LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
<p>(e) Failing to mark the outside of a bait station with the required information:</p>		
(1) If it is a nonserious violation	\$25 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
<p>(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:</p>		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
<p>26. For a violation of NAC 555.470, if the violation is for:</p>		
<p>(a) Failing to give notice personally or by telephone or electronic mail to an apiarist within the required time</p>		
	\$100 to \$500	\$301 to \$1,000
<p>(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</p>		
	\$100 to \$500	\$301 to \$1,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
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<p>(c) Failing to provide each item of information required to be included in the notice.....</p>	<p>\$100 to \$500</p>	<p>\$301 to \$1,000</p>
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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) of subsection 2 of NAC 555.280 or subparagraph (10) of paragraph (d) of subsection 2 of NAC 555.280~~ *an applicator properly licensed or certified* to perform pest control using lethal fumigants:

<p>(1) If it is a nonserious violation</p>	<p>\$50 to \$500</p>	<p>\$301 to \$1,000</p>
<p>(2) If it is a serious violation</p>	<p>\$501 to \$1,000</p>	<p>\$1,001 to \$5,000</p>

LICENSED AND	FIRST	SUBSEQUENT
UNLICENSED PERSONS	OFFENSE	OFFENSE

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

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

(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	\$501 to \$1,000
(per item not provided)	(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 to \$1,000
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PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
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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 to \$5,000
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(b) NRS 555.351 by a person who does not hold a <i>license as an authorized commercial applicator or</i> certificate issued by the Director ...	\$50 to \$1,000	\$1,001 to \$5,000
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(c) NAC 555.440 by a person who does not hold a license or certificate issued by the Director if the violation is for:

(1) Failing to exercise reasonable precautions to protect persons, animals, crops or property:

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

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace	\$100 to \$301	\$301 to \$1,000
(3) Failing to provide employees with the required information, precautions and safety equipment:		
(I) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
	(per item not provided)	(per item not provided)
(II) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
	(per item not provided)	(per item not provided)
(4) Failing to maintain the required safety equipment in good working order	\$50 to \$300	\$301 to \$1,000
	(per item not maintained)	(per item not maintained)

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(5) 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.:

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

(6) Failing to use an accurately calibrated metering device when dispensing a termiticide ...	\$100 to \$301	\$301 to \$1,000
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Sec. 41. NAC 555.600 is hereby amended to read as follows:

555.600 As used in NAC 555.600 to 555.700, inclusive, *and sections 12 to 15, inclusive, of this regulation*, unless the context otherwise requires:

1. “Browsing” means the consumption of leaf and twig growth of shrubs, woody vines and trees by an animal.
2. *“Certified non-private applicator” means a non-private applicator who is certified to apply or supervise the application of any restricted-use pesticide.*
3. “Competent” means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.

~~[3.]~~ 4. “Container” means any package, can, bottle, bag, barrel, drum, tank or other containing device, excluding spray applicator tanks, used to enclose a pesticide or waste related to pesticide.

~~[4.]~~ 5. “Control” means to prevent, destroy, repel or mitigate any undesirable organism.

~~[5.]~~ 6. “Direct supervision” means that a person who is certified in the use of a restricted-use pesticide is responsible for and provides guidance to a person applying the restricted-use pesticide who is not certified in the use of the restricted-use pesticide. The physical presence of the person who is certified in the use of the restricted-use pesticide at the site of application is not required unless the label on the pesticide requires the presence of such a person.

~~[6.]~~ 7. “Ectoparasite” means any organism that occurs externally on, or whose life cycle involves development within, an organism of another species (host) and derives its nutriment from it.

~~[7.]~~ 8. “Food handling establishment” means a place other than a private residence in which exposed food is held, processed, prepared or served.

~~[8.]~~ 9. “Forage” means any herbaceous plant or plant part normally grazed on by, or fed to, animals.

~~[9.]~~ 10. “Forest” means any concentration of trees and related vegetation in a nonurban area sparsely inhabited by and infrequently used by humans, characterized by natural terrain and drainage patterns.

~~[10.]~~ 11. “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.

~~{11.}~~ 12. “Grain” means any of the grasses that produce cereals which are used for food.

~~{12.}~~ 13. “Grazing” means the partial defoliation of forage growth by animal consumption.

~~{13.}~~ 14. “Habitat” means that specific locality where an organism exists.

~~{14.} “Licensed primary principal commercial applicator” means a person who:~~

~~—(a) Is designated the primary principal of a business of pest control pursuant to NAC 555.395; and~~

~~—(b) Is authorized to use or supervise the use of a restricted-use pesticide as a part of a business of pest control.]~~

15. “Microorganism” means any animal or plant that is so small as to be invisible or obscure except through a microscope.

16. “Mollusk” means any of the phylum of soft-bodied animals usually partially or wholly enclosed within a calcium carbonate shell and having a muscular “foot” for locomotion.

17. ~~“Nonprimary principal commercial applicator” means a person who:~~
~~—(a) Except as a part of a business of pest control, applies or supervises the application of a restricted-use pesticide; and~~
~~—(b) Does not qualify as a private applicator.~~

~~18.]~~ “Nonvascular plant” means a plant without flowers, roots, stems or leaves.

~~19.]~~ 18. “Operational site” means that location belonging to a person where an integral function of the business is performed, and includes the person’s land, structures and any other environs and equipment.

~~20.]~~ 19. “Pasture” means any fenced area of domesticated forage on which animals are grazed.

~~21.]~~ 20. “Plant disease” means any exhibition of some malfunction or abnormality in a plant’s development or growth caused by a microorganism as, for example, fungi, bacteria, viruses, mycoplasmas and nematodes.

~~22.]~~ 21. “Predator” means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.

~~23.]~~ 22. “Private applicator” has the meaning ascribed to it in NRS 555.2681.

~~24.]~~ 23. “Range” means any land with native vegetation (climax or natural potential) that is predominantly grasses, grasslike plants, forbs or shrubs suitable for grazing or browsing.

~~[25.]~~ 24. “Row crop” means any fiber crop, melon crop, vegetable crop or similar crop that is grown in continual lines.

~~[26.]~~ 25. “Seed crop” means any plant that is grown for the purpose of utilizing the propagative portion of the plant.

~~[27.]~~ 26. *“Spot treatment” means the application of a general-use pesticide to a spot or two or more contiguous spots, where:*

(a) The total coverage of the treatment does not exceed one-tenth of the size of the total potentially treatable area; and

(b) The size of each spot treated does not exceed 2 square feet for an indoor application, or 4 square feet for an outdoor application.

27. “Vertebrate” means any animal of the subphylum Vertebrata of the phylum Chordata, which has an enlarged brain enclosed in a cranium, or brain case, a segmented vertebral column which supports the body, a head, neck, trunk and usually a tail present.

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

29. “Wood-destroying pest” means any organism which infests or infects and destroys cellulose.

Sec. 42. NAC 555.610 is hereby amended to read as follows:

555.610 1. The provisions of NAC 555.600 to 555.700, inclusive, *and sections 12 to 15, inclusive, of this regulation*, as appropriate, do not apply to any person applying or supervising the application of any pesticide classified for general use.

2. As used in this section, “pesticide classified for general use” means a pesticide that has not been classified as a restricted-use pesticide:

(a) By the Director; or

(b) In accordance with the Federal ~~[Environmental Pesticide Control]~~ *Insecticide, Fungicide, and Rodenticide* Act, ~~[of 1972,]~~ 7 U.S.C. §§ 136 et seq.

Sec. 43. NAC 555.620 is hereby amended to read as follows:

555.620 The *following* categories *are established for the certification* of ~~[nonprimary principal-commercial]~~ *certified non-private* applicators : ~~[are:]~~

1. Agricultural pest control, which includes:

(a) Animal: The control of ~~[insects, including ectoparasites,]~~ *any pest in*, on or around *agricultural* animals, including, ~~[but not limited to, beef]~~ *without limitation*, cattle ~~[, dairy cattle, swine, sheep, horses,]~~ *and* goats, ~~[and poultry,]~~ and to places on or in which *agricultural* animals are confined ~~[,]~~, *including, without limitation, barns and corrals. This category does not include fumigation or predatory pest control.*

(b) Plant: The control of any pest on or around ~~[any agricultural crop, including, but not limited to,]~~ *land used in* the production of ~~[forage, grain, pasture, seed, row crops and fruit crops,]~~ *agricultural commodities, including, without limitation, grains, vegetables, small fruits, fruit trees, peanuts, tree nuts, tobacco, cotton, feed and forage crops*, as well as ~~[rangeland, idle cropland and noncropland]~~ *grasslands and noncrop agricultural lands* associated with the production of agricultural ~~[crops, or on any other agricultural crop consumed or used by humans or animals, and excluding]~~ *commodities. This category does not include* fumigation . ~~[pest control.]~~

2. Aquatic pest control: The control of any pest in standing or running water . ~~[, excluding mosquito control and]~~ *This category does not include* public health pest control ~~[.]~~ *or fumigation.*

3. ~~[Chemigation: The control of any pest through the application of pesticides by injection of the pesticides into irrigation water, excluding fumigation pest control.~~

~~—4.] Forest pest control: The control of any pest in [rangeland,] forests, forest nurseries and forest seed-producing areas. *This category does not include fumigation.*~~

~~[5.— Fumigation pest control: The control of any pest by fumigation with poisonous and lethal gases which includes:~~

~~—(a) Commodity]~~

4. *Nonsoil* fumigation: The control of any pest ~~[which infests raw agricultural and processed commodities, animal feeds and commodity storage facilities where they are held or stored and are subject to infestations of insects, rats, mice, fungi and bacteria, including, but not limited to, grain elevators, rail cars, truck trailers, vans, shipholds, air and sea containers, other static sealable enclosures, food processing plants with raw or processed commodities, tarpaulin fumigations with raw or processed commodities, prepared bins with raw or processed commodities, warehouses or other areas where raw or processed commodities are stored, beehives and other beekeeping equipment, and excluding fumigation pest control.~~

~~—(b) Rodent burrow fumigation: Outdoor applications for the control of nonprotected or endangered burrowing rodents and moles, including, but not limited to, fumigants applied to underground burrow systems for the control of marmots, woodchucks, Norway rats, roof rats, house mice, ground squirrels, moles, voles, pocket gophers and chipmunks, and excluding fumigation pest control.~~

~~—(c)] *by fumigation with poisonous and lethal gases in anything other than soil.*~~

5. Soil fumigation: The control of any soil pest when present in the soil ~~[at the time of treatment, including, but not limited to, plant-parasitic nematodes, soil-borne disease-causing organisms, weeds and insects.~~

~~—(d) Structural fumigation: The control of any industrial or institutional pest, wood-destroying fungi or wood-destroying pest, as defined in NAC 555.2535, 555.2577 and 555.258, which is in, on or around any structure, including, but not limited to, homes, apartments, dwelling units, storage sheds, warehouses, offices, casinos, motels, stores, hospitals, schools and similar institutions, and excluding commodity fumigation, rodent burrow fumigation and soil fumigation.~~

~~—6.—Greenhouse and nursery pest control: The control of any pest in the maintenance or production of greenhouse or nursery stock, excluding fumigation pest control.~~

~~—7.—Industrial, institutional, structural and health-related pest control, which includes:~~

~~—(a)] *by the use of fumigants.*~~

6. Industrial , *institutional and structural* pest control: The control of any pest ~~[,including those that are health-related but excluding wood-destroying pests,]~~ in, on or around ~~[an]~~ *food handling establishments, packing houses, food processing facilities, human dwellings, institutional complexes, including, without limitation, schools, hospitals and prisons, and industrial [complex,] establishments, including, [but not limited to,] without limitation, manufacturing facilities, grain elevators, [offices, casinos, motels, stores, operational sites of food handling establishments,] warehouses [or stored products, and excluding ornamental and turf pest control, fumigation pest control and aquatic pest control.*

~~—(b) Institutional pest control: The control of any pest, including those that are health-related but excluding wood-destroying pests, in, on or around an institutional complex, including, but~~

~~not limited to, homes, hospitals, schools and similar institutes, especially where children, the physically unfit and germicidal work would be involved, and also including any inanimate objects used in the maintenance of institutional operations, including, but not limited to, garbage cans, wood piles and sidewalks, and excluding ornamental and turf pest control, fumigation pest control and aquatic pest control.~~

~~—(c) Structural pest control: The control of any wood-destroying pest in, on or around any structure, including, but not limited to, homes, storage sheds and warehouses, and excluding fumigation pest control.~~

~~—8. Mosquito control: The control of mosquitoes in any habitat, including, but not limited to, reservoirs, lakes, rivers and cropland.~~

~~—9.] and any other structures and areas, public or private, that are used for the protection of stored or manufactured products. This category does not include fumigation.~~

7. Ornamental and turf pest control: The control of any pest in the maintenance and production of ~~[ornamentals]~~ *ornamental plants* and turf. ~~[, including, but not limited to, ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens, and excluding]~~ *This category does not include* fumigation. ~~[pest control].~~

~~—10.]~~ 8. Predatory pest control/M-44: The control of any predator *by use of sodium cyanide or sodium fluoroacetate* in any habitat, including, ~~[but not limited to,]~~ *without limitation*, rangeland, forests and cropland.

~~[11.]~~ 9. Public health pest control: The control of any pest having medical and public health importance by state, federal or other governmental employees. *This category does not include fumigation.*

~~{12.}~~ 10. Right-of-way pest control: The control of any pest in the maintenance of rights-of-way, including, ~~{but not limited to,}~~ *without limitation*, public roads, electric power lines, pipelines and railway rights-of-way. *This category does not include fumigation.*

~~{13.}~~ 11. Seed treatment: The treating of seeds *in seed treatment facilities* to control insects, fungi, bacteria and other microorganisms. ~~{, and excluding}~~ *This category does not include* fumigation. ~~{pest control.}~~

~~—14.— Sewer line root control: The control of plant roots in the maintenance of sewers.~~

~~—15.— Wood preservative: The control of wood destroying pests through the use of chemicals that preserve wood.}~~

Sec. 44. NAC 555.630 is hereby amended to read as follows:

555.630 ~~{Standards of competency for nonprimary principal commercial applicators are:~~

~~—1.}~~ *A non-private applicator who applies for a certificate must pass a written examination to demonstrate that he or she possesses practical knowledge of:*

1. *The core areas of competency set forth in 40 C.F.R. § 171.103(c); and*

2. *The specific standards of competency set forth in 40 C.F.R. § 171.103(d), as applicable to the following categories of pest control:*

(a) Agricultural pest control:

~~{(a)}~~ (1) Animal: An applicator who applies a pesticide directly to animals must demonstrate a practical knowledge of such animals and their associated pests. ~~{A practical knowledge is also required concerning specific pesticide toxicity and residue potential when host animals will be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.}~~

~~—(b)]~~ *The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(1)(ii).*

(2) Plant: An applicator must demonstrate [a] practical knowledge of crops [grown], *grasslands and noncrop agricultural lands* and the specific pests of those [crops] *areas* on which they may be using restricted-use pesticides. The ~~[importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, preharvest intervals, phytotoxicity and potential for environmental contamination, nontarget injury and community problems resulting from the use of restricted use pesticides in agricultural areas.]~~ *required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(1)(i).*

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

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

~~—4.]~~ *in the areas of competency set forth in 40 C.F.R. § 171.103(d)(5).*

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

~~—5.—~~ ~~Fumigation]~~ *The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(2).*

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

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

~~—7.]~~ *the pest problems and pest control practices associated with performing fumigation applications of restricted-use pesticides to sites other than soil. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(14).*

(e) Soil fumigation pest control: An applicator must demonstrate practical knowledge of the pest problems and pest control practices associated with performing soil fumigation applications of restricted-use pesticides. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(13).

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

~~—8.— Mosquito pest control: An applicator must demonstrate practical knowledge of mosquito pests, including identification and life cycle, reproducing habitats and vector capabilities.~~

~~Further, he or she must have practical knowledge concerning the potential effects of pesticides on plants, birds, fish and other organisms in aquatic environments, and methods of application that avoid unacceptable contamination of the habitat and exposure to people and animal life.~~

—9.—] industrial, institutional and structural pests. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(7).

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

~~—10.]~~ *plants and turf. The required knowledge includes, without limitation, practical knowledge in the areas of competency set forth in 40 C.F.R. § 171.103(d)(3).*

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

~~—11.]~~ *the areas of competency set forth in 40 C.F.R. § 171.103(d)(11) and (12).*

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

~~—12.]~~ *the areas of competency set forth in 40 C.F.R. § 171.103(d)(8).*

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

~~—13.]~~ *areas of competency set forth in 40 C.F.R. § 171.103(d)(6).*

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

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

~~—15.—~~ Wood preservatives: An applicator must demonstrate a practical knowledge of the ~~environments in which chemical preservatives are used, the concerns associated with the use of chemical preservatives and the characteristics of various wood preservatives.]~~ *the areas of competency set forth in 40 C.F.R. § 171.103(d)(4).*

Sec. 45. NAC 555.640 is hereby amended to read as follows:

555.640 The *following* categories *are established for the certification* of private applicators

~~: [are:]~~

~~1. [Agricultural pest control:~~

~~—(a) Animal:~~

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

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

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

~~—(b) Plant:~~

~~——(1) Forage, grain, pasture and range pest control: The control of any pest in, on or around the production of forage, grain, pasture and range. This category excludes fumigation.~~

~~——(2) Row crop pest control: The control of any pest in, on or around row crops. This category excludes fumigation.~~

~~——(3) Seed crop pest control: The control of any pest in, on or around seed crops. This category excludes fumigation.~~

~~—(c) Speciality crops:~~

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

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

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

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

~~—2.— Chemigation: The control of any pest through the application of pesticides by injection of the pesticides into irrigation water. This category excludes fumigation.~~

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

~~—4.— Fumigation: The control of any pest by fumigation with poisonous and lethal gases which includes:~~

~~—(a) Commodity] *Nonsoil* fumigation: The control of any pest [which infests raw agricultural and processed commodities, animal feeds and commodity storage facilities where they are held~~

~~or stored and are subject to infestations of insects, rats, mice, fungi and bacteria. Sites for commodity fumigations include, but are not limited to, grain elevators, rail cars, truck trailers, vans, shipholds, air and sea containers, other static sealable enclosures, food processing plants with raw or processed commodities, tarpaulin fumigations with raw or processed commodities, prepared bins with raw or processed commodities, warehouses or other areas where raw or processed commodities are stored, beehives and other beekeeping equipment.~~

~~—(b) Rodent burrow fumigation: Outdoor applications for the control of nonprotected or endangered burrowing rodents and moles, including, but not limited to, fumigants applied to underground burrow systems for the control of marmots, woodchucks, Norway rats, roof rats, house mice, ground squirrels, moles, voles, pocket gophers and chipmunks, and excluding structural fumigation.~~

~~—(c) *when present in anything other than the soil through the use of fumigation.*~~

2. Soil fumigation: The control of any soil pest when present in the soil ~~[at the time of treatment, including, but not limited to, plant parasitic nematodes, soil borne disease causing organisms, weeds and insects.]~~ *through the use of fumigation.*

Sec. 46. NAC 555.650 is hereby amended to read as follows:

555.650 A private applicator *who applies for a certificate* must ~~[show that he or she possesses a practical knowledge of the pest problems and pest control practices associated with his or her agricultural operations—proper storage, use, handling and disposal of the pesticides and containers, and his or her related legal responsibility. This practical knowledge includes ability to:~~

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

- ~~—2.— Read and understand the label and labeling information including the common name of pesticides to be applied, pests to be controlled, timing and methods of application, safety precautions, any preharvest or reentry restrictions, and any specific disposal procedures.~~
- ~~—3.— Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.~~
- ~~—4.— Recognize local environmental situations that must be considered during application to avoid contamination.~~
- ~~—5.— Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.]~~

pass a written examination to demonstrate that he or she possesses practical knowledge of:

1. The principles and practices of pest control associated with the production of agricultural commodities and the effective use of restricted-use pesticides as set forth in 40 C.F.R. § 171.105(a); and

2. The specific standards set forth in this subsection, as applicable to each of the following categories of pest control:

(a) Soil fumigation: A private applicator must demonstrate practical knowledge of the pest problems and pest control practices associated with performing soil fumigant applications as set forth in 40 C.F.R. § 171.105(d).

(b) Nonsoil fumigation: A private applicator must demonstrate practical knowledge of the pest problems and pest control practices associated with performing fumigation applications to sites other than soil as set forth in 40 C.F.R. § 171.105(e).

Sec. 47. NAC 555.655 is hereby amended to read as follows:

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

- ~~—(a) A general certificate authorizing the application or supervision of the application of restricted use pesticides for the category for which issued.~~
- ~~—(b) A limited certificate authorizing the application or supervision of the application of restricted use pesticides, on a specific host, for a specific pest, or performing specific application procedures.~~
- ~~—(c) A single use certificate authorizing the application or supervision of the application of a single restricted use pesticide on a one time basis, for an emergency measure. A single use certificate must be limited to one per person per calendar year.~~

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

~~[3.]~~ 2. A certified *non-private applicator or private* applicator may apply to the Director for amendment of his or her certificate to include additional categories and, upon successful examination, may have the certificate so amended.

~~[4.]~~ 3. A certificate is ~~[neither]~~ *not* assignable ~~[nor]~~ *or* transferable.

Sec. 48. NAC 555.660 is hereby amended to read as follows:

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

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

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

4. Each applicant must pass a written examination to show that he or she possesses ~~[adequate]~~ *practical* knowledge ~~[concerning the]~~ *of:*

(a) *The* proper use and application of restricted-use pesticides ~~[and the]~~ ;

(b) *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;]~~ ; *and*

~~(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~~

~~restricted-use pesticides.]~~ *The core areas or general standards of competency and the specific standards of competency set forth in NAC 555.630 or 555.650, as applicable.*

Sec. 49. NAC 555.670 is hereby amended to read as follows:

555.670 1. The examination for the issuance or renewal of a certificate ~~[pursuant to NAC 555.655]~~ will consist of a general examination which will be required of each applicant and , *for*

a non-private applicator, a specific examination for each category *of pest control* in which the applicant has requested to be examined.

2. The Director may require the applicant to meet special qualifications of competency which relate to the special needs of a given locality regarding the use or application of a specific restricted-use pesticide. The special qualifications of competency may include written examinations as required by the Director.

~~3. [In addition to the written examination, the applicant for a certificate for private applicator may be given an oral examination. The examining officer may add to or subtract from the score on the written test a maximum of 5 grade points based on the oral examination.~~

~~—4.— A private applicator may request an oral examination in lieu of a written examination. If the examining officer determines that the request is justified, he or she may give the applicant an oral examination. No grade points may be added to or subtracted from an applicant's score on the oral examination.~~

~~—5.]~~ Any applicant may be required to perform a practical demonstration, at a time and in a manner specified by the examining officer, to show his or her ability to apply or supervise the application of restricted-use pesticides.

~~[6.]~~ 4. The passing score for each examination is ~~[60]~~ 70 percent.

~~[7.]~~ 5. Any applicant who fails to pass the general examination or any specific examination may be retested upon expiration of a waiting period of 5 working days, unless the examining officer waives the waiting period.

~~[8.]~~ 6. 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.

Sec. 50. NAC 555.680 is hereby amended to read as follows:

555.680 1. An application for a certificate ~~[issued pursuant to NAC 555.655]~~ to apply or supervise the application of restricted-use pesticides ~~[is]~~ *must be made on a form* supplied by the Director and ~~[may]~~ *must* show the following:

(a) The applicant's legal name, home mailing address, home street address, if different from home mailing address, and home telephone number.

(b) The assumed name under which the applicant does business, if applicable, business mailing address, business street address and business telephone number.

(c) The applicant's employer, employer's mailing address, employer's business address and employer's telephone number.

(d) ~~[The type of certificate, whether nonprimary principal commercial or private, that]~~ *A statement of whether* the applicant is applying for ~~[.]~~ *a certificate as a certified non-private applicator or a private applicator.*

(e) A listing and description of certificates held in other states.

(f) The address where equipment and pesticides are stored.

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

2. The ~~[qualification]~~ *qualifications* for certification ~~[pursuant to NAC 555.655 is proof]~~ *are that the applicant must be 18 years of age or older and present proof* of passing the examination.

Sec. 51. NAC 555.685 is hereby amended to read as follows:

555.685 1. A ~~[nonprimary principal commercial]~~ *certified non-private* 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}~~ *certified non-private* 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}~~ *certified non-private* 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]~~ *certified non-private* 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]~~ *certified non-private* 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 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]~~ *certified non-private* applicator or private applicator successfully completed the course.

4. A ~~[nonprimary principal commercial]~~ *certified non-private* applicator or private applicator who wishes to renew his or her certificate may ~~[not]~~ apply for renewal of the certificate ~~[before October 1 of the year in which]~~ *not more than 3 months before the expiration of the certificate . [expires.]*

Sec. 52. NAC 555.690 is hereby amended to read as follows:

555.690 1. The Director will collect a fee of \$50 for each examination period or renewal period for the issuance of a certificate ~~[pursuant to NAC 555.655,]~~ before the applicant is examined.

2. If a certificate 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 \$25 for issuing a duplicate certificate.

Sec. 53. NAC 555.700 is hereby amended to read as follows:

555.700 Except as otherwise provided in this chapter or as specifically authorized in writing by the Director, any ~~licensed primary principal~~ *authorized* commercial applicator, ~~nonprimary principal commercial~~ *certified non-private* applicator or private applicator applying or supervising the application of *a* restricted-use ~~pesticides~~ *pesticide* shall, in addition to *complying with any applicable provisions of section 14 of this regulation and* the provisions of ~~subsections 2 to 10, inclusive, of~~ NAC 555.400:

1. Keep and maintain an accurate and legible record of each property treated *with a restricted-use pesticide* for 2 years, showing ~~the following:~~ *for each application:*

(a) ~~Date of treatment;~~ *The name and address of the person for whom the pesticide is applied;*

(b) ~~First and last name of the nonprimary principal commercial applicator or private applicator applying or supervising the application of~~ *The address or location at which the restricted-use pesticide is applied;*

(c) ~~Address of property treated;~~ *The size of the treated area;*

(d) ~~Brand~~ *The brand or product name for generic name* and *registration number assigned to the pesticide by the United States Environmental Protection Agency ; registration number of the pesticide applied;*

(e) ~~Use information:~~

~~(1)~~ The ~~item~~ *crop, commodity, stored product* or site ~~treated~~ *to which the pesticide is applied* or, 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; ~~and~~

~~—(2)~~ (f) The *total* amount of *concentrated and* diluted ~~[material used and the concentration of the pesticide that was]~~ *pesticide* applied ~~[or the amount of undiluted material used; and~~

~~—(f)]~~ *at each location;*

(g) *The time and date of the application;*

(h) *The full name and, as applicable, the license number or certificate number of the authorized commercial applicator, certified non-private applicator or private applicator who made or supervised the application and, if the pesticide is applied under the supervision of any such applicator by a person who is not the holder of a certificate, the full name of that person; and*

(i) In addition to the requirements of paragraphs (a) to ~~[(e);~~ (h), inclusive, if the treatment is conducted in the ~~[nonprimary principal commercial]~~ *certified non-private* categories agricultural *plant* pest control , ~~[plant, chemigation, greenhouse and nursery pest control,]~~ aquatic pest control, forest pest control, *nonsoil fumigation, soil* fumigation , *public health* pest control, ornamental and turf pest control ~~[(;]~~ *or* right-of-way pest control , ~~[or mosquito control,]~~ or in the private categories ~~[agricultural pest control plant, chemigation, greenhouse and nursery pest control, aquatic pest control, forest pest control,]~~ *nonsoil or soil* fumigation : ~~[pest control or ornamental and turf pest control;]~~

- (1) Temperature at the start and finish of treatment.
- (2) Wind velocity and direction at the start and finish of treatment.
- (3) Number of units treated, area of surface treated or volume fumigated.
- (4) The purpose for which the pesticide was applied.
- (5) The time the treatment was started and the time the treatment was finished.

2. Report by telephone within 24 hours to the Director or his or her designee any emergency dump of a pesticide by an aircraft, any accident of a pesticide-loaded aircraft or ground equipment involving the spillage of a pesticide, or the accidental spillage of more than 1 gallon of liquid or 4 pounds of dry weight of a pesticide at any site of operations of pesticides.

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

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

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

~~[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 potentially 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. 54. Chapter 561 of NAC is hereby amended by adding thereto a new section to read as follows:

1. In any 12-month period, the first sample submitted by a person or group of persons to the Department’s laboratory for plant pathology or nematology services will be diagnosed free of charge. For each additional sample submitted for such services during that period, the Department will assess a fee of \$30 per sample.

2. Except as otherwise provided in this subsection, in any 12-month period, the first entomological sample submitted by a person or group of persons to the Department for identification will be identified through a standard microscopic examination free of charge.

For each additional sample submitted for identification during that period, the Department will assess a fee of \$30 per sample. The fee established by this subsection does not include any charge or fee assessed for services rendered by a person who is not an employee of the Department. As used in this subsection, “submitted” includes, without limitation, the transmission of any image of a sample by electronic means.

3. For any on-site inspection and diagnosis of a plant disease by an employee of the Department, the Department will assess a fee of \$60 per hour plus a fee for mileage, per mile traveled, in an amount equal to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax. The fees prescribed by this subsection are based upon the time and distance of the round trip between the office or other base of operations of the employee and the site of the inspection.

Sec. 55. This regulation, LCB File No. R077-21, is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code.

A person who, on the effective date of this regulation, is the holder of a valid license as a consultant issued pursuant to:

1. NRS 555.280; and
2. NAC 555.270, as that section existed before the effective date of this regulation,

↪ and who is otherwise qualified to hold such a license on that date, shall be deemed to hold a license as a consultant until his or her license as a consultant expires or is revoked, whichever occurs first.

Sec. 56. NAC 555.2506, 555.613 and 555.617 are hereby repealed.

TEXT OF REPEALED SECTIONS

555.2506 “Consultant” defined.

1. “Consultant” means a person who is licensed by the Department in the appropriate category and field pursuant to NAC 555.280 and solicits customers and prospective customers to provide:

- (a) Pest control or pest control services;
- (b) Technical information on pesticides or pest control;
- (c) Pest identification;
- (d) Recommendations for pesticides or other products used for pest control; or
- (e) Any combination of paragraphs (a) to (d), inclusive.

2. The term does not include:

- (a) A provider of continuing education;
- (b) A governmental agency;
- (c) A general merchandise store whose activities as a distributor of pesticides do not significantly influence a person’s purchasing decision and are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers in face-to-face transactions by direct sales or through an Internet website;

(d) A specialty store, including, without limitation, a hardware store, nursery, drugstore and grocery store, whose activities as a distributor of pesticides do not significantly influence a person's purchasing decision and are limited exclusively or almost exclusively to sales for personal use by an ultimate user, both in number of sales and volume of sales, either directly to walk-in customers in face-to-face transactions by direct sales or through an Internet website;

(e) A wholesale distributor of pesticides or pesticide manufacturer representative if accompanied by a licensed pesticide applicator at the time of soliciting an intended customer; or

(f) A wholesale distributor of pesticides or pesticide manufacturer representative providing technical information relating to pesticides or pest control at a conference or similar event.

555.613 Fields of licensed primary principal commercial and governmental agency applicators; categories of licensed primary principal commercial applicators.

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) Agricultural plant pests—The application of insecticides, miticides, acaricides, fungicides, bactericides and nematicides.

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

(b) Agricultural ground:

(1) Agricultural plant pests—The application of insecticides, miticides, acaricides, fungicides, bactericides and nematicides.

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

(3) 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.

(4) Soil fumigation—The use of various substances, including, without limitation, fumigants for 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.

(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.

(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.

555.617 Certification of licensed primary principal commercial applicators; certification in category of fumigation.

1. The Director will deem a licensed primary principal commercial applicator who has been issued a license in a field or category of pest control that is set forth in NAC 555.280 to have been issued a certificate in the same field or category as set forth in NAC 555.613.

2. The Director will issue to a licensed primary principal commercial applicator who is deemed to be certified pursuant to subsection 1 a certificate authorizing the application or supervision of the application of restricted-use pesticides for the fields or categories for which the primary principal commercial applicator is deemed to be certified.

3. The Director will deem any person who is licensed in the category of fumigation as set forth in NAC 555.280 to be certified in the category of fumigation and will issue to the person a certificate authorizing the application or supervision of the application of a fumigant.