

**From:** Dave Anderson [<mailto:DAnderson@treecarescience.com>]

**Sent:** Friday, August 28, 2015 11:02 AM

**To:** Nevada Dept. of Agriculture Pesticide list <[NDA\\_PESTICIDE@LISTSERV.STATE.NV.US](mailto:NDA_PESTICIDE@LISTSERV.STATE.NV.US)>

**Subject:** RE: Nevada Dept. of Agri - NAC 555 Workshop Announcement

I am writing to you in response to the amended regulations pertaining to chapter NAC 555

I am concerned about the requirement for researchers and consultants to obtain licenses. We conduct research trials throughout the country to test our products on various plant species. Requiring our research experts to obtain a license in every state they work in will create a burden. Our researchers currently have licenses in their home states. Requiring them to also obtain licenses in every state they work in will not be visible due to the time needed to take tests. In addition, it will be a cost burden. I am requesting that a research license requirement be dropped.

In addition, we offer a technical support line to our customers. Our technical support staff are experts that provide technical advice to clients throughout the country on how to identify pest problems, diagnose issues and recommend treatment solutions. As the language stands, our staff will need to obtain a license in NV eventhough they are based in and work from Minnesota. This does not make sense. If all states were to take this on as a requirement, we again would need a separate license for all states in the country. This is not going to work. A revision to this language is necessary.

Sincerely,

Dave Anderson

David Anderson  
Director, Product Development and Regulatory Affairs  
Rainbow Treecare Scientific Advancements  
11571 K-Tel Drive  
Minnetonka, MN 55343

Office: 952-252-0541

Email: [DAnderson@treecarescience.com](mailto:DAnderson@treecarescience.com)



I support [Saluting Branches](#) Arborists United for Veteran Remembrance



September 9, 2015

Mr. Robert Little  
Interim Administrator Plant Industry Division Nevada Department of Agriculture  
405 South 21st Street Sparks, NV 89431

Dear Mr. Little:

Thank you for the opportunity to provide input to the Nevada Department of Agriculture about its proposed amendments to the pesticide regulations in chapter NAC 555 of the Nevada Administrative Code.

We would like to comment specifically on paragraph three of the markup of NAC 555, which reads, “NAC 555.--- ‘Consultant’ defined. Consultant means a person publicly holding him or herself out as being in the business of performing pest identification, providing technical advice on pest control or making pesticide recommendations for the purpose of detecting, preventing, controlling or exterminating pests.”

We are concerned this definition of “consultant” could include pesticide product sales agents, and we suggest a change to the definition that would specifically exclude sales agents. Under the currently proposed definition, sales agents who are simply discussing pesticide product features, benefits, and label language may be included. If so, sales agents may be required to adhere to additional provisions in the proposed version of NAC 555 that were not intended to apply to them. In order to prevent this, we recommend you clarify that pesticide product sales agents are not considered consultants for the purposes of the NAC 555 regulations.

Thank you for reviewing our comments on the proposed regulations. Please contact us if you have any questions or need additional information.

Sincerely,

Aaron Hobbs President  
RISE, Responsible Industry for a Sound Environment 1156 15th Street, NW  
Suite 400  
Washington, DC 20005  
Phone: 202-872-3860

**From:** Dennis Candito [<mailto:DCandito@myadapco.com>]

**Sent:** Wednesday, August 26, 2015 2:37 PM **To:** Robert J. Little <[rlittle@agri.nv.gov](mailto:rlittle@agri.nv.gov)>

**Subject:** Proposed Regulations and Licensing

Dear Mr. Little,

I was directed to you by Scott Cichowlaz of the NDOA, in regards to proposed licensing changes under the NDOA regulations.

ADAPCO, my company, is a Licensed Pesticide Dealer by the NDOA, We are a distributor for Mosquito Control Products (pesticides) to government agencies responsible for mosquito abatement. I am the sales representative for CA, NV for my company, and reside in Sacramento, CA.

How will the proposed regulation changes affect or pertain to distributor and manufacturer sales representatives for pesticide manufactures and distribution companies ?

While we do not consult for hire, nor do pest identification, we do discuss the products, labeling, and how to use them with the mosquito control districts. This is true for both my company and the manufacturers, Our customers are licensed by the state of Nevada, and also trained in mosquito control.

I just thought I should ask what the intentions are of the regulations in regards to this. And what will be required of us in order to continue to conduct business in Nevada.

I appreciate your feedback on this. Best regards,

Dino

**Dennis Candito**

**Direct 877.875.6353 / Cell 916.747.7928 / Fax 866.330.9888**

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Toll Free: (800) 367-0659

**From:** Rob Holley [<mailto:rolley.dvcd@yahoo.com>]

**Sent:** Tuesday, September 22, 2015 2:38 PM **To:** Jamie Abbott <[jabbott@agri.nv.gov](mailto:jabbott@agri.nv.gov)>

**Subject:** Fw: Proposed Changes to NAC 555

FYI, forwarded the attached email to Tim Rubald and some others.

Thank you for all that you do in the battle against weeds. Thanks for the mapping, too. It's been a long uphill battle that some of us have been fighting for over 20 years! These NAC changes could really affect future efforts and lead to the statewide loss of successful past works. Our starthistle is a small example. I was shocked when I drove through a week or so ago. The rain was good for everything, including those weeds. I had taken a look at the starthistle the last few years and was able to kick a few plants out of the ground. That's all I could find, just a few plants. There was obviously some latent seed waiting for this year's rains. Without continued and consistent efforts, some of these weeds would take over the world!

Still haven't gotten any feedback from the fiscal staff on our failed grant app. No worries. We'll be ready next year.

Have a great week!

**Rob Holley**

**District Manager/Coordinator** Dayton Valley Conservation District Central Lyon County CWMA

PO Box 1807

Dayton, NV 89403

(775) 246-1999, office

(775) 720-1897, cell

[rolley.dvcd@yahoo.com](mailto:rolley.dvcd@yahoo.com)

On Tuesday, September 22, 2015 2:01 PM, Rob Holley <[rolley.dvcd@yahoo.com](mailto:rolley.dvcd@yahoo.com)> wrote:

Hello Tim,

Today I spoke with staff at NDA, who clarified the potential scope and ramifications of NDA's proposed changes to NAC Chapter 555. I've attached the mock up of the first set of revisions that NDA sent out in late August. I understand that another mock up will be prepared, with additional public comment, and that implementation may be early next summer. It is imperative that Conservation Districts express their concerns about these proposed changes.

In short, there is a distinct possibility that government agency personnel, staff of Cooperative Weed Management Areas (CWMA's), and Conservation Districts (CD's) will be required to obtain commercial applicators licenses in order to provide consultation/advice or to apply pesticides. NDA staff have indicated that their administration is currently considering wording to distinguish between commercial and government licenses. It is unclear where the ball will land, but there remains a possibility that government entities, CD's, and CWMA's will have to meet the same or similar requirements as do commercial "for-profit" applicators, including insurance requirements. This will pose a significant financial and administrative burden on the army of individuals who are currently in the field waging war on Nevada's noxious weeds.

Along with CD and CWMA personnel, even UNCE extension agents, whose job it has long been to provide

technical assistance, do not appear to be exempt from the requirements for "consultants" under the current draft.

These developments will affect insurance costs, training/admin costs, and grant eligibility. Undoubtedly they will also affect the production of agricultural commodities such as weed-free and conventional hay, grains, pasture/rangeland production, and ultimately livestock production through decreased available forage on private and public grazing lands. Much of the gains made by Nevada's weed warriors could eventually be lost.

Along with many others in public and non-profit service, I have been involved in weed management efforts for over twenty years and have seen CD's, CWMA's, and many government agencies work together to make tremendous gains against invasives. It is primarily the collective efforts of these groups that have given rise to the increased public awareness that currently exists. It is only through these groups that IPM principles are put into practice so that ecosystems benefit and ecologic diversity and resilience is increased. Private applicators simply do not have the same commitment to the land as those who live on it, derive their livelihood from it, and are charged and committed to be stewards of it! It is through CD's, CWMA's, government agencies, and untold thousands of landowners and volunteers that countless projects have been completed, without any commercial interest or gain, on thousands of acres of public and private lands across Nevada.

NDA appears to be attempting to regulate those government agencies that are actively competing with private industry. In doing so, however, it appears that they're casting a very broad net. A net that may effectively stymie the future of effective weed management on the majority of Nevada's public and private lands.

Please pass the word and express your concerns to NDA. Staff are open for input, and input is necessary if we're to see agency, CD and CWMA staff continue in their efforts. Direct any comments and correspondence to either Jamie Abbott, Agriculturalist, Plant Industry Division, [jabbott@agri.nv.gov](mailto:jabbott@agri.nv.gov) or Robert Little, Interim Plant Division Administrator, [rlittle@agri.nv.gov](mailto:rlittle@agri.nv.gov).

**Rob Holley**

**District Manager/Coordinator** Dayton Valley Conservation District Central Lyon County CWMA

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Dayton, NV 89403

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[rholley.dvcd@yahoo.com](mailto:rholley.dvcd@yahoo.com)

**From:** Neel, Todd A -FS [<mailto:toddaneel@fs.fed.us>]  
**Sent:** Monday, September 28, 2015 1:36 PM  
**To:** Robert J. Little <[rlittle@agri.nv.gov](mailto:rlittle@agri.nv.gov)>  
**Cc:** Robert Leavitt <[rlavitt@agri.nv.gov](mailto:rlavitt@agri.nv.gov)>; Glover, Brett -FS <[bglover@fs.fed.us](mailto:bglover@fs.fed.us)>  
**Subject:** Questions regarding proposed amendments to Chapter 555 of the Nevada Administrative Code Custom Application of Pesticides and Certified Applicators

Rob,

Thanks again for taking a few minutes to talk about the proposed changes to NAC 555, and for giving us the opportunity to participate in the process. As I mentioned, our intent is to make sure that we are able to comply with any proposed changes to NAC 555, and continue to be good neighbors and partners in the state of Nevada. Attached is the list of questions that I mentioned – any additional thoughts or clarification that you can offer would be greatly appreciated. I look forward to meeting you at the Medusahead Symposium in October.

Regards,

Todd



**Todd Neel Pesticide  
Specialist**

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**USFS Questions Regarding Proposed Amendments to Chapter 555 of the Nevada Administrative Code - Custom Application of Pesticides and Certified Applicators:**

**Request clarification on when a public agency employee needs to be certified** (Page 2, NAC 555.280 (d) Public Agency) **and under what circumstances an unlicensed person is allowed to apply pesticides under the immediate supervision of a primary principal or operator** (Page 38, NAC 555.415).

Does the new rule propose certification for all public agency employees that apply pesticides (i.e., “for hire”) (including general use and not only restricted use)? EPA’s proposed rule change only affects the application of restricted use pesticides.

**If (a) (above applies)** Does this need to be the employee’s primary duty, and how will this be handled for collateral duty employees (i.e., employees that participate in cooperative spray days or CWMA activities only a few times a year)? Will there be any provision to allow such employees to work under the supervision of a licensed applicator?

**Under what circumstances is an unlicensed person allowed to apply pesticides under the immediate supervision of a primary principal or operator** (Page 38, NAC 555.415, which references NAC 555.250 – NAC 555.530)?

**Request clarification on immediate supervision clause** (Page 10 NAC 555.400) (NAC 555.252 “Immediate Supervision” means supervision by a licensed applicator who is present and responsible for the person applying a pesticide...)

Does this include operators? (i.e. does an operator need immediate supervision by a principal?)

If “no” above, can an operator supervise an unlicensed individual, and under what circumstances (see question 1. c. above)

**Could “immediate supervision” –be modified to “immediate communication”** (i.e. radio, cell phone, etc. as in EPA plan).

**Determine what the “government agency principal,” is actually intended to be – a principal at each duty location, or one principal contact / license for the state?**

Would each district / ranger station / park / etc. represent a “business location” and subsequently be required to have to have at least one “government agency principal,” under which “operators” can be licensed (Page 29, NAC 555.340).

Operators would still have to pass the core exam (proctored) and a category exam, regardless of whether they apply RUPS. This is stricter than EPA’s proposed rule, which instead requires training for non-certified applicators (by a certified applicator) before applying RUPS, **or** passing the core exam. Would there be an opportunity to provide training to prospective operators locally (number of hours of training by a primary principal, virtual training, or specified information based on EPA core exam) for work under a single agency principle (certified applicator).

**Insurance requirements for government** (Page 32, NAC 555.?) – How will this be handled for government agencies, which are self-insuring?

**Clarify application experience requirements** (Page 8, NAC 555.320) – are the experience requirements set out in NAC 555.320 - 1 .(a) and (b) being removed or re-codified to another section? Would this section only affect the agency principal? It appears that NAC 555.320 - 2. (a) & (b) would allow operators, consultants, demonstration & research or agents to apply without the experience currently outlined in 555.320

**Clarify “Fields of licensing” required for Public Agency Applicators** (Page 4, NAC 555.280 (d) Public Agency) – would all public agency applicators be required to obtain Category 11. “Regulatory,” or only agency principal(s)? Does category 8. “Wood Destroying Insects” apply only to structural applications (applications for the prevention of bark beetle / mountain pine beetle / etc. appear to be covered under Rangeland and Forest, at least from the deployment of pheromones?) Which category would cover the protection of single trees in landscapes / campgrounds utilizing tree bole or canopy applications of insecticides? Would the state consider combining “Rangeland and Right-of-Way” categories, as opposed to the “Rangeland and Forest” if the Forest category will have a heavy emphasis on tree protection / Forest insect control? What is the difference between category 9 and category 10 (Wildlife control including fumigants vs. Fumigation including rodent burrows?).

**Clarify Labels for primary containers, secondary containers and application devices** (page 19, NAC 555.445.

The changes state that any secondary or application device used to store or transport diluted pesticide must be labeled. Would this then require any backpack sprayer with a spray mixture that is transported to have this labeling? Would this be required on all application devices smaller than 15 gallons?

**From:** Don O'Shaughnessy [<mailto:doctox@mac.com>]  
**Sent:** Tuesday, August 25, 2015 12:05 PM  
**To:** Jian Zhang <[JianZhang@agri.nv.gov](mailto:JianZhang@agri.nv.gov)>  
**Subject:** Re: Nevada Dept. of Agri - NAC 555 Workshop Announcement

I presume this is yet another state doubling fees?  
Don O'Shaughnessy, Ph.D., DABT, DABFM  
President, DOC Inc.  
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Cub Run KY 42729  
270-524-5633 cell 270-537-5139  
[doctox@mac.com](mailto:doctox@mac.com)  
[www.regtox.net](http://www.regtox.net)

**From:** Samuel B Sanders Jr [mailto:sam@humboldtwildlife.com]  
**Sent:** Monday, August 31, 2015 12:43 PM  
**To:** Robert J. Little <rlittle@agri.nv.gov>  
**Subject:** Re: written comments about the proposed regulations NAC 555

Little,

My apologies, did not intend to reply to PC North, I did not see that until this morning.

However, after additional consideration I have additional comments.

I do not believe government agencies should not be able to compete with private enterprise. I recommend you reduce any and all licensing categories to government agencies and "public agencies". Private companies can and should perform the services (or provide product) under the regulations that should be enforced by regulatory agencies. For example the NV Department of Agriculture should and does not produce livestock, nor should the Department engage in "wildlife control", "general pest control", "rodent burrow fumigation", ect..., ect...

Additionally some proposed license categories, such as "wildlife control" for "public agency" blur and diminish the authority of other state agencies, particularly NDOW. Likewise federal agencies like USDA - Wildlife Services through NDOA PARC would continue to undermine NDOW's authority in wildlife. Wildlife is a state resource and should be managed as such.

Respectfully submitted,

On Sat, Aug 29, 2015 at 2:49 PM, Samuel Sanders <[samuelsanders45@gmail.com](mailto:samuelsanders45@gmail.com)> wrote: To whom it may concern,

My comments are as follows:

All persons who apply pesticides for hire should be licensed, and accountable to the same laws and regulations. This includes government employees.

---

Under the additions to definitions "Demonstration and Research" should be more explicitly inclusive of private industry professionals. I recommend the following language

"Demonstration & research means a research scientist, Extension agent, Extension specialist, an employee of federal or state government, an industry representative or other **INDUSTRY** associated professional publicly ....."

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For NAC 555.280 (Fields and Categories)

Defining and separating out "public agency" from all applicators, would put a distinct competitive advantage of "public agency" over all other licensed pest control professionals, including private pest control companies.

I recommend making the law consistent across the board and removing "public agency" from the proposed changes. Furthermore, I would put in language to ensure the law remains consistent across the board to prevent any unfair competitive advantages, unfair business costs, and unfair profitability.

I recommend making any and all licensed professionals regulated the same, remove the "public agency" field. Have everyone able to get licensed under the same categories, pay the same fees, and be accountable under the same laws!!!!!!

---

The proposed changes and additions to NAC 555.280 greatly compound the unfair competitive advantage of government employees over private sector professionals and would hurt pest control companies across the state. It would also prevent future business opportunities in all the new proposed "Public Agency" categories.

The proposed changes to NAC 555.280 2(d) as written would directly and significantly impact my business negatively. I do not support giving specific categories to only "public agency". Categories should not be denied qualified professionals just because they are not a "public agency". If I could no longer perform "Wildlife Control", "general pest control, industrial & institutional", or "Rodent Burrow Fumigation" my business would go bankrupt. Many other industries and even government agencies would be financially hurt by not having private industry able to perform these proposed "public agency" categories.

Additionally by limiting categories to the "public agency" field, those services and needs through out Nevada would be greatly hindered. Businesses and business opportunities would be hindered. The "public agency" field should be removed and if the 14 additional categories and 3 additional sub categories are necessary they should be made available to any qualified professional!!! and all licensed people should be held accountable to the same regulations.

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For NAC 555.290

I recommend not adding government agency principle, for similar reasons as given above. It should just be principle.

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NAC 555.397 Fees. (NRS 555.310, 555.400)

I do not support the increased fee schedule. this is an undue cost to businesses state wide, while relinquishing costs to government agencies. Government agencies should only be supported through taxes, not increased licensing fees for private companies and reduced regulatory burden to themselves!!!!!!!!!!!!!!

Additionally I recommend the fees for government agencies, employees, and political subdivision be equal to or greater than the fees in this section. I recommend the following language:

"2. The fees for employees of a government, a governmental agency or political subdivisions must be **150%** of the fees in this section."

This would help reduce governmental competition with private industry.

Respectfully Submitted,

Sam Sanders

Humboldt Wildlife LLC  
[775-340-5949](tel:775-340-5949)  
[www.humboldtwildlife.com](http://www.humboldtwildlife.com)

**From:** Samuel B Sanders Jr [mailto:sam@humboldtwildlife.com]  
**Sent:** Monday, August 31, 2015 12:45 PM  
**To:** Robert J. Little <rlittle@agri.nv.gov>  
**Subject:** Re: written comments about the proposed regulations NAC 555

I should read it more carefully.... I meant to start out saying;

I believe government agencies should not be able to compete with private enterprise.

Sam Sanders

Humboldt Wildlife LLC PO  
Box 8431  
Spring Creek, NV 89815  
775-340-5949

[www.humboldtwildlife.com](http://www.humboldtwildlife.com)

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**From:** Rick Rupkey [mailto:[rrupkey@senske.com](mailto:rrupkey@senske.com)]

**Sent: Wednesday, August 26, 12 :53 AM**

**To: Robert Leavitt <[rleavitt@agri.nv.gov](mailto:rleavitt@agri.nv.gov)>**

**Subject: RE: Workshop Notice: Proposed amendments to Chapter 555 of the Nevada Administrative Code - Custom Application of Pesticides and Certified Applicators**

Do we have a definition of “service container” as it is currently understood?

One of the things the feedback is centering on is that some believe a “service container” is simply a secondary, temporary container, and others believe that a “service container” already includes application equipment such as a compressed air sprayer, power spray tank, etc.

The concept of limiting or specifically defining what must be labeled should be addressed somewhere....ie: a 1oz. Ant Café containing a liquid ant bait....does that require labeling? These items are literally too small to fit the required information on the package.

Also the concept of labeling every service container is seeming a bit onerous to some, it has been suggested that a limit be set for containers of diluted product or RTU product be set (excluding rodenticides) of 49 gallons, below which it would not be required.

Food for thought.

**Rick Rupkey | Branch Manager**

Senske Services | 3400 W Desert Inn #23 | Las Vegas, NV | 89102 Direct:

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**From:** [tipton@frontiernet.net](mailto:tipton@frontiernet.net) [<mailto:tipton@frontiernet.net>]

**Sent:** Thursday, September 03, 2015 4:55 PM

**To:** Robert J. Little <[rlittle@agri.nv.gov](mailto:rlittle@agri.nv.gov)>

**Subject:** Amendments to NAC 555

Nevada Department of Agriculture  
Robert Little;

First of all I would like to start out with my concerns in Elko, Nevada. When employees from Department of Agriculture were relocated out of Elko we were told we would not be forgotten. Elko has Close Circuit TV at Great Basin Collage, Elko County Commissioners Room, and County Extension. We would like an opportunity to be included without driving hundreds of miles.

I always like improvements to NAC 555 however after reading the changes it is difficult for me to comment, because I do not see any definition between (PUBLIC AGENCY) and (FOR HIRE). My question would be is a Public Agency for hire? Are they in competition with the private sector? If not, this needs to be made clear in NAC 555. If they are in competition the Business Impact Statement needs to be revised and we need more time for comment.

Sincerely,

Otis W. Tipton III  
Owner  
Tipton's Pest Control  
NV. LIC. 2178  
[tipton@frontiernet.net](mailto:tipton@frontiernet.net)  
775-753-6382

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Version: 2015.0.6125 / Virus Database: 4409/10569 - Release Date: 09/03/15

**From:** tipton@frontiernet.net [mailto:tipton@frontiernet.net]  
**Sent:** Thursday, September 10, 2015 4:23 PM  
**To:** Robert Leavitt <rleavitt@agri.nv.gov>  
**Subject:** Changes to NAC 555

Robert Leavitt  
Nevada Department of Agriculture

Dear Mr. Leavitt

As to the time limits on discussing changes to NAC 555 we would like to add the following comments.

(1) NAC 555.445 Needs to be noted that service trucks have most of the information, all that really needs to be placed on the secondary tank is the name of the pesticide and diluted % mixture (DUPLICATION of service truck signage)

(2) Primary Containers already have the information and the Company carrying the vessel on the signage on the service truck (DUPLICATION of service truck signage)

This will help condense NAC 555.

(3) We agree that any "Public Agency" that is in the Pest Control Business needs to pay what we pay for License, and Testing.

(4) It is also recommended that we commend the Department of Agriculture for the changes to "Public Agency"

Sincerely,

Tipton's Pest Control  
NV. Lic. 2178  
[tipton@fontiernet.net](mailto:tipton@fontiernet.net)  
775-753-6382

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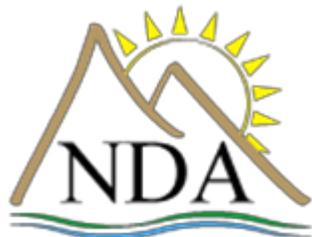
**From:** Jamie Abbott  
**Sent:** Monday, September 28, 2015 12:22 PM  
**To:** Robert J. Little <[rlittle@agri.nv.gov](mailto:rlittle@agri.nv.gov)>; Robert Leavitt <[rleavitt@agri.nv.gov](mailto:rleavitt@agri.nv.gov)>  
**Cc:** Lynn Hettrick <[lhattrick@agri.nv.gov](mailto:lhattrick@agri.nv.gov)>  
**Subject:** FW: Proposed Changes to NAC 555

Hi All,

See Courtney's, from Carson Water Subconservancy District, email below. I did see her last week and was able to answer some of her more general questions, but the following were from her that I wasn't sure and said I would be sure to pass on to you all:

- I'm wondering what the average financial burden would be on Conservation Districts or other government agencies to obtain commercial applicator licenses and potentially insurance.
- How will this impact tribes and/or has the NDA included tribes in these discussions?

I also did send her the link from LCB for the newer language and have encouraged CWSD to continue to discuss or provide more comment once they have reviewed that new language and/or at the hearing after we have word from LCB on approval. CWSD does not do treatments themselves, but they work with many smaller entities like CDs, tribes, CWMAs, cities, and counties to get controls done on weeds along the Carson River Watershed.



Nevada Department  
of Agriculture

**Jamie Abbott** (*Previously Jamie Greer*)  
Noxious Weeds Program Coordinator | Plant Industry Division | Nevada  
Department of Agriculture  
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**From:** Courtney Walker [<mailto:courtney@cwsd.org>]  
**Sent:** Wednesday, September 23, 2015 10:08 AM **To:**  
Jamie Abbott <[jabbott@agri.nv.gov](mailto:jabbott@agri.nv.gov)>  
**Subject:** FW: Proposed Changes to NAC 555

Hi Jamie,

I got forwarded an email from Rob Holley. Can you offer any insight to these proposed changes? What was the catalyst for this potential revision? I'm wondering what the average financial burden would be on Conservation Districts or other government agencies to obtain commercial applicator licenses and potentially insurance. Can you let me know if CWSD should be providing comments on these proposed changes?

Any insight you can offer would be helpful, I'm interested to know where you stand on this!

Courtney Walker  
Watershed Program Specialist  
Carson Water Subconservancy District  
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775.887.9005  
[www.cwsd.org](http://www.cwsd.org)  
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"Water links us to our neighbor in a way more profound and complex than any other." John Thorson



9/10/2015

Robert Leavitt

Plant Industry Division | Nevada Department of Agriculture

2300 McLeod, Las Vegas, NV 89104

Robert,

I am writing this letter on behalf of the Nevada Pest Management Association.

Please accept this as our attempt to formally express the opinions of the Association Membership with regards to the proposed rule changes the Department is considering.

Prior to writing this letter, the Association sent out to Membership a poll asking their opinions on the current rule changes.

Below is a summary of the sentiment expressed.

**Different Fees for Government/Public Agencies:**

This was universally opposed by Membership, it was variously described as unfair, placing undue burden on industry and private sector. Some felt they should stay the same and not be changed at all, others expressed a desire to expand testing times and dates.

There was support expressed for the elimination of the Gardener's Exclusion and the additional fees this would generate for the Department. Multiple respondents felt this was long overdue.

**Labeling of Service Containers / Application Devices:**

Respondents were very concerned that this was just an attempt to find other issues to fine companies. It was expressed that if there were a justifiable cause for this change now, like some new risk or some accident that this would have resolved, then it might be more reasonable. As it stands, this only represents more downside for the regulated and minimal upside for the regulators.

It was also suggested that a quantity minimum might be appropriate, as some application devices are too small to practically allow labeling, and others are ill suited for labels to be affixed to them. Perhaps with containers exceeding 5 lbs or 20 gallons of liquid might be more suitable for labeling, as these would propose a potential risk and need for identification in an emergency situation.

**Requirement of WDIR forms on all termite inspections, regardless of type.**

It was added, that termite inspections of bait stations or routine assessments of suspected termite activity should not require a report. These not for the Sale or Re-Finance of a home, and are subject to all other record keeping requirements if products are applied for the control of wood destroying organisms.

Requiring a formal report every time, dilutes the value of the report and does not provide either the consumer, the regulated firm or regulators with any useful protection or information.

### **Photographic Documentation of Termite Treatments**

This needs to be more clearly defined. Will operators need to keep actual pictures of the jobsite on hand, or will digital imagery be acceptable? What is the standard for time stamping these photos and storage?

As always I stand ready to discuss the particulars of these issues and desire strongly to work with the Department to further our mutual goals of consumer and environmental protection.

Rick Rupkey

President

Nevada Pest Management Association