

Proposed Regulation Changes to NAC Chapter 555

Section 1. Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as section 2 to 3, inclusive, of this regulation.

Sec. 2. 1. *Each non-private applicator, pursuant to NRS 555.2618 subsection 1, or uncertified employee shall:*

(a) Create and maintain for at least 2 years an accurate and legible record of each property treated. The record must contain:

- (1) The date of each treatment;*
- (2) The address or equivalent location or operational site where the treatment was conducted;*
- (3) The full name of the non-private applicator or uncertified person;*
- (4) The site or area treated or, in the case of a spot treatment, the term “spot treatment” must be noted, followed by a description of the treatment area and each spot treated;*
- (5) The brand name or generic name of the pesticide that was applied and the registration number of the pesticide assigned to the pesticide by the Environmental Protection Agency;*
- (6) The total amount of any diluted pesticide and the concentration of the pesticide that was applied, or the rate per unit and units treated with a concentrated pesticide;*
- (7) The temperature at the start and finish of the treatment;*
- (8) The wind velocity and direction at the start and finish of the treatment;*
- (9) The area of turf or ground treated;*
- (10) The purpose for which the pesticide was applied; and*
- (11) If applicable, 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 accidental spillage at any site 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.

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

(d) Submit to the Director any reports or records he or she requests.

2. *An employer of a non-private applicator shall pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.*

3. *As used in this section, “spot treatment” has the meaning ascribed to it in NAC 555.410.*

Sec. 3. *Upon receiving a validated complaint or other credible information, the Director shall review, and where appropriate, suspend or revoke any authorized commercial applicator’s license or non-private or private applicator’s certification based on any of the grounds listed in*

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a State certification plan, a criminal conviction under section 14(b) of FIFRA, a final order imposing civil penalties under section 14(a) FIFRA, or conclusion of a State enforcement action for violations of State laws or regulations relevant to the State certification plan.

Sec. 4. NAC 555.250 is hereby amended to read as follows:

As used in NAC 555.250 to 555.530, inclusive, *and sections 2 to 3, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.2502 to 555.258, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NAC 555.280 is hereby amended to read as follows:

Establishment of fields and categories for licensing of *commercial and authorized commercial applicators* ~~pest control personnel~~.

1. The following fields are established for the licensing of *commercial and authorized 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 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.]~~ 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~~ *commercial and authorized commercial applicators* under the fields of licensing:

(a) Aerial: The application of pesticides applied by fixed or rotary wing aircraft.

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

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

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(b) Agricultural ground:

(1) Agriculture plant pests—The application of insecticides, miticides, acaricides fungicides, bactericides, ~~and~~ nematicides, *and rodenticides in production of agricultural commodities, including but not limited to grains, vegetables, small fruits, fruit trees, peanuts, tree nuts, tobacco, cotton, feed and forage crops including grasslands and non-crop agricultural lands. This category excludes fumigation.*

(2) Weeds—The application of herbicides, plant regulators, desiccants and defoliant *in production of agricultural commodities, including but not limited to grains, vegetables, small fruits, fruit trees, peanuts, tree nuts, tobacco, cotton, feed and forage crops including grasslands and non-crop agricultural lands. This category excludes fumigation.*

~~(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) (3) Soil fumigation—The use of various substances, including, without limitation, fumigants for~~ The control of any *soil* pests *when that is* present in the soil *through the use of fumigants.* ~~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. *This category excludes 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 excludes 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 excludes fumigation.*

(4) *Non-soil* ~~f~~Fumigation—The *control of any pest by fumigation with use of* poisonous and lethal *gases fumigants in anything other than soil.*

(5) Aquatic—The control of insect pests, weeds and vertebrate pests in *aquatic areas standing or running water that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.* *This category excludes 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 *excludes fumigation and 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—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 ~~for 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 ~~f:~~

~~—(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. 6. NAC 555.340 is hereby amended to read as follows:

1. Each applicant for a license as a **commercial applicator** ~~principal, consultant, demonstration and research specialist or operator~~ must pass written examinations to demonstrate his or her **knowledge of general-use pesticides and their proficiency in reading, writing and speaking English.**

(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. *Each applicant for a license as an authorized commercial applicator must pass written examinations to demonstrate his or her knowledge of general-use and restricted-use pesticides and their proficiency in reading, writing and speaking English. Each applicant must demonstrate knowledge pursuant to 40 C.F.R. 171.103.a-c, and the following categorical competency standards:*

(a) Aerial: Applicants must demonstrate practical knowledge of the pest problems and pest control practices associated with performing aerial application of pesticides pursuant to 40 CFR 171.103.d.15.

(b) Agricultural Ground

(1) Agricultural plant pests - An applicator must demonstrate practical knowledge of crops, grass lands, and non-crop agricultural lands and the specific pests of those 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. The required knowledge includes pre-harvest, restricted entry intervals, phytotoxicity, potential for environmental contamination such as soil and water problems, non-target injury, and other problems resulting from the use restricted-use pesticides in agricultural areas. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures.

(2) Weeds – An applicator must demonstrate practical knowledge of crops, grass lands, and non-crop agricultural lands and the specific weeds of those 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. The required knowledge includes pre-harvest, restricted entry intervals, phytotoxicity, potential for environmental contamination such as soil and water problems, non-target injury, and other problems resulting from the use restricted-use pesticides in agricultural areas. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures.

(3) Soil Fumigation – An applicator must demonstrate practical knowledge of pest problems and pest control practices associated with performing soil fumigant applications pursuant to 40 CFR 171.103.d.13.

(c) Urban and Structural:

(1) Limited landscape – An applicator must demonstrate practical knowledge of pesticide problems associated with the maintenance of ornamental trees, shrubs, plantings and turf, including cognizance of potential phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods that will minimize or prevent hazards to humans, pets, and other domestic animals.

(2) Industrial and institutional – An applicator must demonstrate a practical knowledge of industrial and institutional pests, including their life cycles, biology and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of institutional and industrial pests, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts of outdoor applications.

(3) Structural – An applicator must demonstrate a practical knowledge of structural pests, including their life cycles, biology and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of structural pests, and methods of application that avoid contamination of food, minimize damage to and contamination of areas treated, minimize acute and chronic exposure of people and pets, and minimize environmental impacts of outdoor applications.

(4) Non-soil fumigation – An applicator must demonstrate practical knowledge of pest problems and pest control practices associated with performing non-soil fumigant applications pursuant to 40 CFR 171.103.d.14.

(5) Aquatic – An applicator must demonstrate practical knowledge of the characteristics of various aquatic use situations, the potential for adverse effects on non-target plants, fish, birds, beneficial insects and other organisms in the immediate aquatic environment and downstream, and the principles of limited area application.

(6) Weeds – An applicator must demonstrate practical knowledge of the wide variety of environments which weeds may be present, their biology and life cycles, and methods of control. He or she must demonstrate practical knowledge of problems on runoff, drift, techniques to minimize no-target exposure, and excessive foliage destruction and the ability to recognize target organisms. The applicator must also demonstrate practical knowledge also includes the potential for phytotoxicity due to a wide variety of plants to be controlled, and for persistence beyond the intended period of pest control.

3. 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, ~~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. 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.

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4. 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. 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. 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. 7. NAC 555.350 is hereby amended to read as follows:

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.

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

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

(n) If the application is for a license in the urban and structural field ~~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 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 any employee of the applicant who is subject to the provisions of NAC 555.372 has satisfied the requirements for continuing education set forth in that section.

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 for 1 year. Each application to renew the business license must be submitted on a form prescribed by the Director pursuant to subsection 1 and must be accompanied by the licensing fee set forth in NAC 555.397.

Sec. 8. NAC 555.374 is hereby amended to read as follows:

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. ~~;~~

(1) Quantity, content, and quality must be sufficient to ensure that the applicator continues to demonstrate the level of competency outlined in NRS 555.351 for commercial applicators or NRS 555.355 for private and non-private applicators.

(b) A description of the method of presentation;

(c) A curriculum vitae or other biographical statement of the instructor;

(d) 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) Any other information required in the application for accreditation.

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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 *commercial, authorized commercial, licensee, non-private primary 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 *commercial, authorized commercial, licensee, non-private nonprimary principal commercial applicator* or private applicator;
 - (g) The signature of the commercial, *authorized commercial, licensee, non-private, nonprimary principal commercial applicator* or private applicator; and
 - (h) A statement prepared by the sponsor of the course indicating that:
 - (1) The *commercial applicator or authorized commercial applicator licensee* presented to the sponsor the *commercial applicator's or authorized commercial applicator's 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 *non-private 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 *non-private 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;

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- (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 **commercial licensee, non-private 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.

Sec. 9. NAC 555.380 is hereby amended to read as the follows:

- 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 the provisions of subsection 1 an aerial operator ~~shall~~:
 - (a) ***Who applies pesticides via manned aircraft shall:***
 - (1) ***Present proof of holding a current commercial or airline transport pilot certificate, and***
 - (2) ***Present proof of holding a valid agricultural aircraft operator's certificate issued by the Federal Aviation Administration (FAA) pursuant to 14 C.F.R. § 137***
 - (b) ***Who applies pesticides via an unmanned aerial vehicle shall:***
 - (1) ***hold a remote pilot airman certificate with appropriate Unmanned Aerial System (UAS) rating issued by the FAA, or***
 - (2) ***be under the immediate supervision of a person who does hold a remote pilot certificate (remote pilot in command) and appropriate UAS rating.***

Sec. 10. NAC 555.397 is hereby amended to read as follows:

- 1. An applicant for a **commercial** license must pay to the Director, as applicable:
 - (a) For ***an initial examination [or reexamination,], 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 ~~[\$25 for each category of pest control in which the applicant wishes to be examined;]~~ **\$50;**

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- (b) For ~~licensure of a pest control~~ *reexamination of an examination set forth in paragraph (a), a testing fee of \$50 for each reexamination.*
- (c) For a business ~~license~~ *license, an annual* licensing fee of \$250;
- ~~(e)~~ (d) For licensure of a principal, *demonstration and research specialist* or operator ~~an annual licensing fee of \$75.~~
- (e) For licensure of an agent, a licensing fee of ~~[\$350.]~~ \$50.
2. *The Director will charge a fee of \$375 to reinstate a business license that has expired. The reinstatement of an expired business license pursuant to this subsection does not exempt the holder of the license from any penalty imposed pursuant to NAC 555.530 for engaging in pest control without a license.*
3. The Director will charge a fee of ~~[\$25]~~ \$50 to issue a duplicate license to replace a license that has been lost, mutilated or destroyed.

Sec. 11. NAC 555.410 is hereby amended to read as follows:

Each person subject to the provisions of NAC 555.400 shall:

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

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

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

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

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

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

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

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

(7) In the case of a treatment:

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

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

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

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

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

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

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

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- (2) The address where the treatment, recommendation or identification was conducted.
- (3) The full name of the applicator ~~or consultant~~.
- (4) The site treated or for which a recommendation or identification was made, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure. In the case of a spot treatment, the term “spot treatment” must be followed by a description of the treatment area and the spot or spots treated.
- (5) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended and the registration number assigned to the pesticide by the Environmental Protection Agency.
- (6) In the case of a treatment, the total amount of any diluted pesticide and the concentration of the pesticide that was applied.
- (7) If a treatment is conducted in the categories of limited landscape, weeds, aquatic or fumigation:
 - (I) The temperature at the start and finish of the treatment.
 - (II) The wind velocity and direction at the start and finish of the treatment.
 - (III) The area of any turf or ground treated.
 - (IV) The purpose for which the pesticide was applied.
 - (V) The area or volume fumigated.
 - (VI) The times at which fumigation started and finished.
- (8) If a treatment is conducted in the category of structural pest control and the treatment is a preconstruction treatment, a copy of the Housing and Urban Development-National Pest Management Association Form 99-B entitled “New Construction Subterranean Termite Service Record.” The Housing and Urban Development-National Pest Management Association Form 99-B is available from CBS Forms by mail at 11652 Agarwood Drive, Walton, Kentucky 41094, by telephone at (800) 324-7676 or at the Internet address <http://www.cbsforms.com/>, for the price of \$19.95 for a pack of 50 forms, plus shipping and handling, or from the United States Department of Housing and Urban Development, free of charge, at the Internet address ~~<http://portal.hud.gov/>~~.

~~*(e) 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 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. 12. NAC 555.430 is hereby amended to read as follows:

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.

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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.

Sec. 13. NAC 555.445 is hereby amended to read as follows:

1. A complete label *or immediate electronic access to the complete label* must be carried in the vehicle for each pesticide in the vehicle.

Sec. 14. NAC 555.460 is hereby amended to read as follows:

A licensee *or an unlicensed employee under the supervision of a licensed applicator* engaged in the application of pesticides known to be harmful to persons or animals other than bees, shall:

1. Give notice to the owner of any animals known to be on the property to be treated or on property where the material appears likely to drift in harmful amounts within a reasonable time before treatment to enable the owner to protect the animals.

2. Exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.

3. In applying materials harmful to fish, exercise reasonable precautions to avoid contaminating the water containing the fish.

4. Place rodenticides in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station that is marked on the outside of the bait station with the following information:

(a) The name, address and telephone number of the pest control business that performed the pest control;

(b) The name of the rodenticide;

(c) The registration number assigned to the rodenticide by the Environmental Protection Agency;

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

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

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

Sec. 15. NAC 555.470 is hereby amended to read as follows:

1. Except as otherwise provided in subsection 2, any licensee *or unlicensed employee under the supervision of a licensed applicator* 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 *or unlicensed employee* current information regarding the location of the apiary.

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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 *or unlicensed employee* 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.

Sec. 16. NAC 555.510 is hereby amended to read as follows:

1. Fumigation may be performed only under the supervision of a person who is *an authorized commercial, non-private or private applicator* ~~certified~~ pursuant to NAC 555.340~~600~~ ~~to~~ *and 555.600 to* 555.700, inclusive.
2. The person exercising supervision over the fumigation shall 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 category of fumigation pursuant to subparagraph (4) of paragraph (c) *or subparagraph (4) of paragraph (b)* ~~or subparagraph (10) of paragraph (d)~~ of subsection 2 of NAC 555.280 ~~or~~ hold a ~~nonprimary principal commercial~~ *non-private* applicator certification in the *categories* of fumigation pest control as set forth in NAC 555.620 or hold a private applicator certification in the *categories* of fumigation as set forth in NAC 555.640.
3. Except as otherwise provided in subsection 4, at least one *authorized commercial applicator* ~~licensee~~ and one person under the supervision of that *authorized commercial applicator* ~~licensee~~ shall 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 *authorized commercial applicator* ~~licensee~~ who is present during the introduction of the fumigant.
5. The person 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

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(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.

Sec. 17. NAC 555.530 is hereby amended to read as follows:

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

CERTIFIED AND UNCERTIFIED PERSONS	COMMERCIAL NON-PRIVATE APPLICATION	PRIVATE APPLICATION
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Sec. 18. NAC 555.600 is hereby amended to read as follows:

As used in NAC 555.600 to 555.700, inclusive, 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. “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. “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. “Control” means to prevent, destroy, repel or mitigate any undesirable organism.
5. “Direct supervision” means that a person who is certified in the use of a restricted-use pesticide is responsible for and provides guidance to a person applying the restricted-use pesticide who is not certified in the use of the restricted-use pesticide. The physical presence of the person who is certified in the use of the restricted-use pesticide at the site of application is not required unless the label on the pesticide requires the presence of such a person.
6. “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. “Food handling establishment” means a place other than a private residence in which exposed food is held, processed, prepared or served.
8. “Forage” means any herbaceous plant or plant part normally grazed on by, or fed to, animals.
9. “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.

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10. “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. “Grain” means any of the grasses that produce cereals which are used for food.
12. “Grazing” means the partial defoliation of forage growth by animal consumption.
13. “Habitat” means that specific locality where an organism exists.
14. “Licensed primary principal *authorized* 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.~~
- ~~1817.~~ “Nonvascular plant” means a plant without flowers, roots, stems or leaves.
- ~~1918.~~ “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.
- ~~2019.~~ “Pasture” means any fenced area of domesticated forage on which animals are grazed.

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~~2120.~~ “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.

~~2221.~~ “Predator” means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.

~~2322.~~ “Private applicator” has the meaning ascribed to it in NRS 555.2681.

~~2423.~~ “Range” means any land with native vegetation (climax or natural potential) that is predominantly grasses, grass-like plants, forbs or shrubs suitable for grazing or browsing.

~~2524.~~ “Row crop” means any fiber crop, melon crop, vegetable crop or similar crop that is grown in continual lines.

~~2625.~~ “Seed crop” means any plant that is grown for the purpose of utilizing the propagative portion of the plant.

~~2726.~~ “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.

~~2827.~~ “Wildlife” means all living things that are neither human, domesticated nor pests, including, but not limited to, mammals, birds and aquatic life.

~~2928.~~ “Wood-destroying pest” means any organism which infests or infects and destroys cellulose.

Sec. 19. NAC 555.610 is hereby amended to read as follows:

1. The provisions of [NAC 555.600](#) to [555.700](#), inclusive, as appropriate, do not apply to any person applying or supervising the application of any pesticide classified for general use *except for applicators pursuant NRS 555.2618, subsection 1.*

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 Insecticide Fungicide Rodenticide Act (FIFRA) Environmental Pesticide Control Act of 1972*, 7 U.S.C. §§ 136 et seq.

[Dep’t of Agriculture Reg., 55.51, eff. 1-17-77] — (NAC A by R147-03, 1-22-2004)

Sec. 20. NAC 555.613 is hereby repealed:

~~Fields of licensed primary principal commercial and governmental agency applicators; categories of licensed primary principal commercial applicators. (NRS 555.400)~~

~~—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.~~

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~~—(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 nematocides.~~

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

~~—(b) Agricultural ground:~~

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

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

~~—(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.~~

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- ~~—— (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~~

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~~production of agricultural crops, excluding the control of wildlife pests in, on or around industrial complexes, institutional complexes or dwelling units or predatory pest control.~~

~~—— (10) Fumigation pest control:~~

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

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

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

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

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

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

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

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

~~— 4. As used in this section:~~

~~— (a) “Pesticide classified for general use” has the meaning ascribed to it in NAC 555.610.~~

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

Sec 21. NAC 555.617 is hereby repealed:

~~— Certification of licensed primary principal commercial applicators; certification in category of fumigation. (NRS 555.355, 555.357, 555.400)~~

~~— 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.~~

Sec. 22. NAC 555.620 is hereby amended to read as follows:

~~Nonprimary principal commercial~~ **Non-private** applicators: Categories. (NRS 555.400)

The categories of ~~nonprimary principal commercial~~ **Non-private** applicators are:

1. Agricultural pest control, which includes:

(a) Animal: ***The control of any pest in, on or around agricultural animals, including, but not limited to, goats and cattle, and also including places on or in which agricultural animals are confined, including, but not limited to, barns and corrals. This category excludes fumigation and predatory control.*** ~~The control of insects, including ectoparasites, on or around animals, including, but not limited to, beef cattle, dairy cattle, swine, sheep, horses, goats and poultry, and to places on or in which animals are confined.~~

(b) Plant: ***The control of any pests in production of agricultural commodities, including but not limited to, grains, vegetables, small fruits, fruit trees, peanuts, tree nuts, tobacco, cotton, feed and forage crops including grasslands and non-crop agricultural lands. This category excludes fumigation.*** ~~The control of any pest on or around any agricultural crop, including, but not limited to, the production of forage, grain, pasture, seed, row crops and fruit crops, as well as rangeland, idle cropland and noncropland associated with the production of agricultural crops, or on any other agricultural crop consumed or used by humans or animals, and excluding fumigation pest control.~~

2. Aquatic pest control: The control of any pest in standing or running water, excluding ~~mosquito control and~~ public health pest control ***and fumigation pest control.***

~~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 excludes fumigation.***

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

~~—(a) Commodity Non-soil fumigation: ***The control of any pest by fumigation with poisonous and lethal gases in anything but soil.*** 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.~~

~~(e)6.- Soil fumigation: The control of any soil pest when present in the soil *through the use of fumigants.* 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) Industrial, *institutional, and structural* pest control: *The control of any pest, in, on or around the following, without limitation: Food handling establishments, packing houses, and food-processing facilities; human dwellings, institutions, such as schools, hospitals, and prisons; and industrial establishments including manufacturing facilities, warehouses, grain elevators, and any other structures and adjacent areas, public or private, for the protection of stored, or manufactured products. This category excludes fumigation.* The control of any pest, including those that are health related but excluding wood-destroying pests, in, on or around an industrial complex, including, but not limited to, 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.~~ **8.** Ornamental and turf pest control: The control of any pest in the maintenance and production of ornamental *plants* and turf. *This category excludes fumigation. ,including, but not limited to, ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens, and This category excludes*ing fumigation pest control.

~~10.~~ **9.** Predatory pest control/M-44: The control of any predator *using sodium cyanide or sodium fluoroacetate* in any habitat, including, but not limited to, rangeland, forests and cropland.

~~101.~~ **101.** Public health pest control: The control of any pest having medical and public health importance by state, federal or other governmental employees. *This category excludes fumigation.*

~~11.~~ **2.** Right-of-way pest control: The control of any pest in the maintenance of rights-of-way, including, but not limited to, public roads, electric power lines, pipelines and railway rights-of-way. *This category excludes fumigation.*

~~12.~~ **3.** Seed treatment: The treating of seeds *and in seed treatment facilities* to control insects, fungi, bacteria and other microorganisms, and excluding 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 23. NAC 555.630 is hereby amended to read as follows:

Non-~~private primary principal commercial~~ applicators: Standards. (NRS 555.355, 555.400) **1.** *Each applicant for a certification as a non-private applicator, pursuant NRS 555.2618 subsection 1, must pass written examinations to demonstrate his or her knowledge of general-use pesticides and their proficiency in reading, writing, and speaking English.*

- a. Label and labeling comprehension*
- b. Environmental consequences of pesticide use and misuse*
- c. Pests*
- d. Pesticides*
- e. Equipment*
- f. Application techniques*
- g. Laws and regulations*
- h. Safety*

2. *Each applicant for non-private certification, who uses restricted use pesticides, must pass a written exam to demonstrate that he or she possesses adequate knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved, and precautions to be taken in connection with their application in the core competency standards, pursuant to 40 CFR 171.103.a-c, and the following categorical standards: Standards of competency for nonprimary principal commercial applicators are:*

(1) Agricultural pest control:

- i. Animal: An applicator who applies a pesticide directly to animals must demonstrate a practical knowledge of such animals and their associated pests. ~~A practical~~ *The required knowledge includes is also required concerning* specific pesticide toxicity and residue

potential, ~~and the 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.

ii. Plant: *An applicator must demonstrate practical knowledge of crops, grass lands, and non-crop agricultural lands and the specific pests of those areas on which they may be using 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. The required knowledge includes pre-harvest intervals, restricted entry intervals, phytotoxicity, potential for environmental contamination such as soil and water problems, non-target injury, and other problems resulting from the use of pesticides in agricultural areas. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures.* ~~An applicator must demonstrate a practical knowledge of crops grown and the specific pests of those crops 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, non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.~~

(2) Aquatic pest control: *An applicator must demonstrate practical knowledge of the characteristics of various aquatic use situations, the potential for adverse effects on non-target plants, fish, birds, beneficial insects and other organisms in the immediate aquatic environment and downstream, and the principals of limited area application.* ~~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 adverse effects on non-target 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) Forest pest control: *An applicator must demonstrate practical knowledge of the type of forests, forest nurseries and seed production in the State and the pests involved. The required knowledge includes the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications, the relevant organisms causing harm and their vulnerability to the pesticides to be applied, how to determine when pesticide use is proper, selection of application method and proper use of application equipment to minimize non-target exposures, and appropriate responses*

to meteorological factors and adjacent land use. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants to be protected, for drift, for persistence beyond the intended period of pest control, and for non-target exposures. 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.

~~(4)~~⁽⁵⁾ *Non-soil fumigation pest control: An applicator must demonstrate practical knowledge of pest problems and pest control practices with non-soil fumigant applications pursuant to 40 CFR 171.103.d.14. 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.*

~~(5)~~⁽⁶⁾ *Soil fumigation pest control: An applicator must demonstrate practical knowledge of pest problems and pest control in soil fumigant applications pursuant to 40 CFR 171.103.d.13.*

~~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.~~

~~(6)~~⁽⁷⁾ *Industrial, institutional, and structural and health-related pest control: An applicator must demonstrate a practical knowledge of industrial, institutional, and structural pests, including recognizing those pests and signs of their presence, their habitats, their life cycles, biology, and behavior as it may be relevant to problem identification and control. Applicators must demonstrate practical knowledge of types of formulations appropriate for control of industrial, institutional, and structural pests and methods of application that avoid contamination of food, minimize acute and chronic exposure of people and pets, and minimize environmental impacts of outdoor application. 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.~~

~~(7)(9) 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; . *The required knowledge includes including* cognizance of potential phytotoxicity due to a wide variety of plants *to be protected, material, for* drift, *for and* persistence beyond the intended period of pest control , *and for non-target exposures. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of application methods that will minimize or prevent hazards to humans, pets, and other domestic animals. 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.*~~

~~(8)(10) Predatory pest control/M-44: An applicator must demonstrate a practical knowledge of *pest problems and pest control practices in sodium cyanide and sodium fluoroacetate applications pursuant to 40 CFR 171.103.d.11 and 40 CFR 171.103.d.12, respectively.* animal damage and control procedures, including identification, biology and behavior 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.~~

~~(9)(11) Public health pest control: An applicator must demonstrate practical knowledge of *pests that are important vectors of disease, including recognizing the pests and signs of their presence, their habitats, their life cycles, biology and behavior as it may be relevant to problem identification and control. The required knowledge also includes how to minimize damage to and contamination of areas treated, acute and chronic exposures of people, and non-target exposures.* 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.~~

~~(10)(12) 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 *pest recognition, techniques to minimize non-target exposure, runoff, drift and excessive foliage destruction. The required knowledge also includes the potential for phytotoxicity due to a wide variety of plants and pests to be controlled, and for persistence beyond the intended period of pest control.* 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.~~

~~(11)(13) Seed treatment: An applicator must demonstrate practical knowledge *including recognizing types of seeds to be treated, the effects of carriers and surface active agents on pesticide binding and germination, the hazards associated with handling, sorting and mixing, and misuse of treated seed, the importance of proper application techniques to avoid harm to non-target organisms, and the proper disposal of unused treated seeds.* 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.~~

Sec. 24. NAC 555.640 is hereby amended to read as follows:

~~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: The control of any pest in, on or around the production of agricultural crops. This category excludes fumigation.~~

~~(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.~~

~~(e) Specialty crops:~~

~~—2.— (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 1. Non-soil fumigation: The control of any pest *through the use of fumigants in anything but soil.* 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.~~

~~(e) 4.2. Soil fumigation: The control of any soil pest when present in the soil *through the use of fumigants.* at the time of treatment, including, but not limited to, plant parasitic nematodes, soil borne disease causing organisms, weeds, and insects.~~

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Sec. 25. NAC 555.650 is hereby amended to read as follows:

Private applicator: *Competency Standards. (NRS 555.355, 555.400) Persons seeking certification as private applicators must demonstrate practical knowledge of the principles and practices of pest control associated with the production of agricultural commodities and effective use of restricted use pesticides pursuant to 40 CFR 171.105.a,g, and the specific competency standards for the following categories:*

~~A private applicator 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.~~

- a. Soil Fumigation – An applicator must demonstrate practical knowledge of pest problems and pest control practices with soil fumigant applications pursuant to 40 CFR 171.105.d.*
- b. Non-soil fumigation – An applicator must demonstrate practical knowledge of pest problems and pest control practices with non-soil fumigant applications pursuant 40 CFR 171.105.e.*

Sec. 26. NAC 555.655 is hereby amended to read as follows:

Certificates for ~~nonprimary principal commercial~~ *non-private* applicators and private applicators: ~~Types;~~ changes of information; amendments; terms. (NRS 555.357, 555.400)

- ~~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.~~

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~~—(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.~~

~~1 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.

~~2 3.~~ A certified 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.

~~34.~~ A certificate is neither assignable nor transferable.

Sec. 27. NAC 555.660 is hereby amended to read as follows:

Examinations for certification of ~~nonprimary principal commercial~~ **non-private** applicators and private applicators: Application; subjects. (NRS 555.355, 555.400)

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 knowledge concerning the proper use and application of restricted-use pesticides and the dangers involved, and precautions to be taken in connection with their application **in the following subject areas; pursuant to NAC 555.630 and NAC 555.650.**

~~—(a) Label and labeling comprehension;~~

~~—(b) Safety;~~

~~—(c) Environmental consequences of pesticide use and misuse;~~

~~—(d) Pests;~~

~~—(e) Pesticides;~~

~~—(f) Equipment;~~

~~—(g) Application techniques;~~

~~—(h) Federal laws and regulations;~~

~~—(i) State laws and regulations; and~~

~~—(j) Any subject the Director deems necessary to ensure the proper use and application of restricted use pesticides.~~

Sec. 28. NAC 555.670 is hereby amended to read as follows:

Examinations for certification of ~~nonprimary principal commercial~~ **non-private** applicators and private applicators: General and specific; written, ~~oral~~ and practical; passing score; retesting; use of unauthorized aid. (NRS 555.355, 555.400, 561.105)

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

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

2. The Director may require the applicant to meet special qualifications of competency which relate to the special needs of a given locality regarding the use or application of a specific 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.~~

~~5.3.~~ Any applicant may be required to perform a practical demonstration, at a time and in a manner specified by the examining officer, to show his or her ability to apply or supervise the application of 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. 29. NAC 555.680 is hereby amended to read as follows:

Applications for certification of ~~nonprimary principal commercial~~ *non-private* applicators and private applicators: Contents; proof of passing examination. (NRS 555.353, 555.400)

1. An application for a certificate issued pursuant to NAC 555.655 to apply or supervise the application of restricted-use pesticides is supplied by the Director and may show the following:

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

(b) The 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~~ *non-private* or private, that the applicant is applying for.

(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.

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2. The qualification for certification pursuant to NAC 555.655 is *18 years of age and* proof of passing the examination.

Sec. 30. NAC 555.685 is hereby amended to read as follows:

Renewal of certification of ~~nonprimary principal commercial~~*non-private* applicators and private applicators: Examination; continuing education; application. (NRS 555.355, 555.357, 555.400, 561.105)

1. A ~~nonprimary principal commercial~~*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~~*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~~*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~~*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~~*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 five 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~~*non-private* applicator or private applicator successfully completed the course.

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4. A ~~nonprimary principal commercial~~ *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. 31. NAC 555.690 is hereby amended to read as follows:

Fees for issuance of certificates to ~~nonprimary principal commercial~~ *non-private* applicators and private applicators. (NRS 555.355, 555.400, 561.105)

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. 32. NAC 555.700 is hereby amended to read as follows:

Application of restricted-use pesticides by licensed ~~primary principal~~ *authorized* commercial applicators, ~~nonprimary principal commercial~~ *non-private* applicators and private applicators. (NRS 555.390, 555.400) 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~~ *non-private* applicator or private applicator applying or supervising the application of restricted-use pesticides shall, in addition to 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 for 2 years, showing the following:
 - (a) ~~Date of treatment;~~ *The name and address of the person for whom the restricted use pesticide was applied;*
 - (b) ~~First and last name of the nonprimary principal commercial applicator or private applicator applying or supervising the application of the restricted use pesticide;~~ *The location of the restricted use pesticide application;*
 - (c) ~~Address of property treated;~~ *The size of the treated area;*
 - (d) ~~Brand name or generic name and Environmental Protection Agency registration number of the pesticide applied;~~ *The crop, commodity, stored product, or site to which the restricted use pesticide was applied, 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;*
 - (e) ~~Use information;~~ *The time and date of the restricted use pesticide application;*
 - (f) *The brand or product name if the restricted use pesticide applied;*
 - (g) *The EPA registration number of the restricted use pesticide applied;*
 - (h) *The total amount of concentrated and diluted restricted use pesticide applied per location per application;*

(i) The name and license or certification number of the authorized commercial applicator, non-private or private applicator that made or supervised the application, and if applicable, the name of the noncertified applicator(s) that made the application under direct supervision of the non-private or private applicator, and;

~~—— (1) The item or site treated 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) The amount of diluted material used and the concentration of the pesticide that was applied or the amount of undiluted material used; and~~

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