



Nevada's New Pesticide Regulations

Factsheet 2015-11

New regulations governing Nevada's pest control industry were approved by the Board of Agriculture on June 04, 2014, the Legislative Commission on October 24, 2014, and then filed with the Secretary of State, going into effect immediately. This fact sheet answers questions pest control operators have asked the Nevada Department of Agriculture (NDA).

Did industry have a voice in drafting the new regulations?

Many proposed regulation changes were based on recommendations from industry. NDA hosted public workshops on the changes. Before the workshop and hearing, pest control businesses, operators, RUP certification holders, and the public were invited to give written comments on the changes. Attendees were invited to give verbal comments. The proposed changes were also reviewed by the pest control industry representative on the Board of Agriculture and the President of the Nevada Pest Control Association before going to the Board of Agriculture for approval.

Where do I find the new pest control regulations?

The new regulations will be placed on the Nevada Legislature website (www.leg.state.nv.us) in Chapter 555 (555.250 to 555.700).

What is a Location Principal? Does the Location Principal have to pass a test?

The Location Principal is the person at each pest control business location who is the responsible person between the business location and the NDA. A Location Principal is responsible for the day-to-day pest control operations of that business location. Each pest control business must also have a Primary Principal for each category of licensing. The Location Principal must pass the Principal's exams, but does not need to pass a background check like the Primary Principal.

If my business has an office in Las Vegas and a branch in Reno or Elko, do I need a Location Principal? Who selects the Location Principal?

The Primary Principal can be at any of the business locations and by default will be the Location Principal at that location in his/her licensed categories. A Location

Principal is needed at any other business location where there is no Primary Principal. Each pest control business will have only one Primary Principal per category of licensing.

I only spray for weeds. Do the new regulations affect me?

For companies and operators who do weed control for hire or who advertise for weed control in the Urban and Structural field, there is a new Weeds category, combining the weed portion of the old Ornamental and Turf category with the old Right of Way category. Except for the exemption described below, this new Weeds category is required for spraying weeds for hire in residential and commercial lawns and turf, highway and railroad rights-of-way, golf courses, airport rights-of-way, tank farms and other industrial sites, and all other commercial and industrial settings (except aquatic weeds which are in the Aquatic Pest category). Operators licensed in the old categories before December 31, 2014 will be grandfathered into the new Weeds category. Going forward, new operators who intend to do weed control will have to pass a Weeds category exam. (The "Farmer-Owner and Gardener Exemption" from pest control licensing [Nevada Revised Statutes 555.277] applies to farmer-owners and gardeners who meet specific criteria for doing pest control. This exemption is used by landscape companies to do weed control in residential and commercial settings.

What's left of the old Ornamental and Turf category? I've heard there is a new Study Manual; where do I find it?

The old Ornamental and Turf category minus the weed control component is now called the Limited Landscape

Contact

▶ ROBERT LEAVITT, Division of Plant Industry

☎ 702-668-4574

✉ rleavitt@agri.nv.gov

Nevada Department of Agriculture

2300 McLeod • Las Vegas, NV 89104

category. Operators licensed in this category can control insect pests, vertebrate pests, and plant diseases and use plant growth regulators on ornamentals, trees, and turf in urban areas, including fruit trees that are not used for commercial purposes. NDA recommends certain chapters from *Landscape Maintenance Pest Control* published by the University of California. It can be ordered here: <http://anrcatalog.ucdavis.edu/Details.aspx?itemNo=3493>.

What's a vertebrate category? Can I still do rodent control on farms and ranches for hire?

Yes, the vertebrate category under the Agricultural Ground field of licensing includes rodent pests and pest birds on farms, ranches, and rangeland, including fumigation for burrowing rodents at these sites. For rodent control in urban settings, the Industrial and Institutional is the appropriate category. If vertebrate pests are damaging ornamentals and turf, then Limited Landscape would be the appropriate category. Neither of these categories allow the use of fumigants in urban settings. A Fumigation (C4) license would be required for fumigating burrowing rodents in urban areas. Federal and state labels for fumigants for rodent control in burrows are enforced by NDA.

The Restricted Use Pesticide (RUP) Certification fee was doubled. Why? Have other fees also been raised?

The cost of administering the program has gone up since the fee was last raised more than 10 years ago. Although RUP Certification fees have been raised, the RUP Certificate is renewed once every four years, so the increase amounts to \$6.25 per year. All other fees remain the same.

Has the number of Continuing Education hours required to renew my license changed?

The Continuing Education requirement remains the same at six hours of NDA-approved Continuing Education.

What has changed in the regulations about the application of pyrethroid insecticides?

Regulations have not changed regarding pyrethroid insecticides; however, some federal and state registered labels have been updated limiting or prohibiting broadcast applications to "hardscape" sites such as driveways and sidewalks in order to minimize run-off into municipal water systems. NDA's enforces federal and state registered product labels.

Is NDA ready to accept electronic forms?

The new regulations give NDA the authority to accept electronic pest control forms, payments, and electronic signatures, which are anticipated in the future.

I see the term "spot treatments" on some pesticide labels. How big is a "spot"?

"Spot treatment" is defined in the new regulations as "the application of pesticide to a spot or two or more noncontiguous spots, the total coverage of which does not exceed one-tenth of the size of the total treatment area. The size of each individual spot for indoor applications must not exceed 2 square feet and for outdoor applications must not exceed 4 square feet." If the pesticide label allows for a "spot treatment" and the applicator performs a "spot treatment," then in your pest control treatment records, it is required that the term "spot treatment" be followed by a clear description of the spot-treated area.

I've decided to take some time off from pest control. Can I keep my pest control operator's license until I return?

You can apply for an "inactive license" under the new regulations. The inactive license is good indefinitely as long as continuing education, fees and paperwork requirements are met.

My business is constantly being undercut by unlicensed operators. What is NDA doing about this?

The new regulations strengthen NDA's authority over unlicensed operators by increasing the Director's authority to levy penalties against unlicensed operators.

My Primary Principal is retiring soon. Do I have to scramble to find a new one?

Except toward year's end, you have 120 days to have a new Primary Principal in place. The length of time was extended to allow time for background checks and other paperwork. This 120-day period does not apply if a business loses its Primary Principal before relicensing at the end of the year. All companies must have a Primary Principal to renew their business license.

Who is responsible for cleaning up pesticide spills? Me or the NDA?

The new regulations clarify that you are responsible from the moment you take possession of pesticides to application, disposal and clean up after spills.

Do I have to report pesticide spills, even small ones that are easy to clean up?

In the new regulations there are the following reporting requirements: 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.