

LCB File No. R147-08

**PROPOSED REGULATION OF THE
STATE DEPARTMENT AGRICULTURE**

**NOTICE OF WORKSHOP AND HEARING
OF INTENT TO ADOPT REGULATIONS**

Workshop Notice: Thursday, July 10, 2008, 3:00 P.M.

Hearing Notice: Friday, July 11, 2008, 3:00 P.M.

**Locations: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno NV 89502**

**Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
Las Vegas NV 89104**

Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All oral and written testimony will be in the record of the hearing.

PROPOSED AMENDMENT TO NAC NAC 555.410.5

Need and Purpose of the proposed amendments: There is a need alleviate the reporting burden of monthly restricted use pesticide (RUP) usage for all licensed, non-agricultural pest control companies. These records are rarely reviewed when they are sent in. RUP records are routinely inspected at the licensee's place of business during regular inspections by field staff.

NAC 555.410 Required records and reports. (NRS 555.390, 555.400) Each person subject to the provisions of NAC 555.400 shall:

1. Keep a record 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.
 - (2) The full name of the person for whom and the county where the treatment was conducted.
 - (3) The full name of the pilot or applicator doing the treating.
 - (4) The crop or site treated.
 - (5) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.
 - (6) The brand name or generic name of the pesticide that was applied, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied.
 - (7) The purpose for which the crop or site was treated.

- (8) The time the treatment was started and the time the treatment was finished.
- (9) The temperature at the start and finish of the treatment.
- (10) The wind velocity and wind direction at the start and finish of the treatment.
- (11) File with the Director on forms to be furnished by him a monthly report of pesticide application 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.*
- (b) If the person is licensed in the urban and structural field:
 - (1) The date of the treatment.
 - (2) The address where the treatment was conducted.
 - (3) The full name of the applicator.
 - (4) The site treated, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure.
 - (5) The brand name or generic name of the pesticide that was applied and the registration number 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.
 - (7) If the treatment is conducted in the categories of ornamental and turf, right-of-way, 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 area or volume fumigated.
 - (8) If the 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 Control Association Form 99-B entitled "New Construction Subterranean Termite Soil Treatment Record" or:
 - (I) If a vertical application of a termiticide other than a preconstruction treatment that is applied directly to wood, the depth of the application of the treatment as measured from the soil to the top of the footing and the total linear footage of the footing;
 - (II) If a horizontal application of a termiticide is applied, the total number of square feet treated; and
 - (III) The information provided on the tag for preconstruction treatment as required by paragraphs (b) to (i), inclusive, of subsection 1 of NAC 555.428.
- ☐ The Housing and Urban Development-National Pest Control Association Form 99-B is available from CBS Forms by mail at 10109 Tiburon Drive, Florence, Kentucky 41042, from CBS Forms by telephone at (800) 324-7676, from CBS Forms at the Internet address <http://www.cbsforms.com/> or from the United States Department of Housing and Urban Development Client Information and Policy System, free of charge, at the Internet address http://www.hudclips.org/sub_nonhud/html/pdfforms/99b.pdf. A pack of 100 forms may be obtained from CBS Forms for the price of \$28, plus shipping and handling.
2. Keep a copy of each report prepared pursuant to NAC 555.430 for 5 years after completing the report.
3. Report immediately to the Director:

(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 spillage at sites of operations of unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.

4. Report to the Director within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

~~{5. File with the Director on forms to be furnished by him a monthly report of pest control 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) If the person is licensed in the aerial or agricultural ground field:~~

~~—(1) Include all pest control operations, including those operations involving the use of restricted use pesticides; and~~

~~—(2) 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 requests.

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effect: None
2. Beneficial effects: Relief of paperwork burden; reduction in monetary penalties to pest control companies for non-reporting.
3. Immediate and long term effect: Same

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long-term effects: None

There will be no additional costs to the Department for enforcement of the amendments. No

This regulation does not overlap or duplicate any other state, local or federal regulation. No

The proposed amendments do not include any provisions more stringent than any federal regulation with the same activity.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

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

Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas – Clark County Library 833 Las Vegas Boulevard North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library P.O. Box 293 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library P.O. Box 330 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library P.O. Box 1390 (First & A Street) Hawthorne, NV 89415-1390
Goldfield Public Library P.O. Box 430 (Forth & Crook Street) Goldfield, NV 89013-0430	Tonopah Public Library P.O. Box 449 171 Central Street Tonopah, NV 89049-0449	Pershing County Library P.O. Box 781 1125 Central Avenue Lovelock, NV 89419-0781
Storey County Library P.O. Box 14 95 South R Street Virginia City, NV 89440-0014	Washoe County Library P.O. Box 2151 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301
Battle Mountain Branch Library P.O. Box 141 Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library P.O. Box 337 1625 Library Lane Minden, NV 89423-0337
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	Las Vegas Review Journal Ed Vogel/Capital Bureau 102 N. Curry Street Carson City, NV 89703

Nevada Farm Bureau Federation 2165 Green Vista Drive, Suite 205 Sparks, NV 89431		
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NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Charles Moses at the Nevada Department of Agriculture, (775) 688-1182 Ext. (251) as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency's reasons for adoption.

Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

Tony Lesperance, Director

Date

NEVADA DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSES PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or question two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshop(s) by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 555.410.5

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).