

PROPOSED REGULATION OF THE DIRECTOR OF THE STATE DEPARTMENT OF AGRICULTURE

LCB File No. R093-15

Statutory Authority - NRS 555

Regulatory Authority - Department

NAC 555.2503 “Bait station” defined. (NRS 555.400) “Bait station” means a box or other receptacle that:

1. Contains a rodenticide *or insecticide* in a liquid or solid form;
2. Protects the rodenticide *or insecticide* from moisture and dust; and
3. Provides a place for rodents, ~~for~~ other vertebrate pests *or insects* to feed on the rodenticide *or insecticide*.

(Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002)

NAC 555.2567 “Serious violation” defined. (NRS 555.400) “Serious violation” means: A violation of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, which results in actual damage to the health of persons, wildlife, property or the environment.

NAC 555.--- “Consultant” defined. Consultant means a person who works for a pesticide dealer subject to NRS 586 and who publicly holds him or herself out as being in the business of performing pest identification, providing technical advice on pest control or making pesticide recommendations for the purpose of detecting, preventing, controlling or exterminating pests.

NAC 555.--- “Demonstration & research” defined. Demonstration & research means a research scientist, Extension agent, Extension specialist, an employee of federal or state government, an industry representative or other government associated professional publicly holding him or herself out as being in the business of conducting field research with unregistered experimental pesticides or demonstrations with registered pesticides (e.g., demonstration of pesticide use or application, experimental plots, etc.) for the purpose of detecting, preventing, controlling or exterminating pests.

NAC 555.--- “Primary container” defined. Primary container means a container that is used by an applicator to store or transport concentrated pesticide.

NAC 555.--- “Secondary container” defined. Secondary container means a container used by an applicator to transport and store use dilutions of a pesticide for eventual use by the applicator.

NAC 555.--- “Application device” defined. Application device means equipment, including but not limited to, handheld sprayers, truck mounted sprayer and towed equipment used during the course of applying pesticides.

NAC 555.--- Licensing consultants, or persons conducting demonstrations or research.

- 1. A person acting as a consultant must be licensed under a primary principal.*
- 2. A person applying pesticides in a demonstration or research project must be licensed under a primary principal unless he is working directly in conjunction with the manufacturer of the pesticide being used.*

NAC 555.--- Government Agency Principals. A government agency which has employees licensed as operators must name a person to act as the principal for the agency.

NAC 555.--- Licensing government agencies. (NRS 555.266, 555.273, 555.280) The employees of government agencies who, in the course of their duties, engage in pest control, are required to be licensed as operators.

NAC 555.--- Insurance requirements for government. Government agencies and political subdivisions must be insured pursuant to the appropriate statutes.

NAC 555.-- “Termiticide” defined. A pesticide product currently registered by the Nevada Department of Agriculture and the U.S. Environmental Protection Agency under Section 3 in accordance with the Federal Insecticide, Fungicide and Rodenticide Act, Section 7 U.S.C. §§ 136 et seq., whose label bears use directions for the control of wood destroying organisms.

NAC 555.280 Fields and categories. (NRS 555.400)

1. The following fields are established for the licensing of pest control personnel:
 - (a) Aerial—The use of aircraft *including unmanned aerial vehicle (UAV)* for the application of pesticides on standing or running water, rangeland, agricultural crops, forest, idle cropland and noncropland associated with the production of agricultural crops.
 - (b) Agricultural ground—The use of ground equipment for the application of pesticides on livestock, rangeland, agricultural crops, idle cropland and noncropland associated with the production of agricultural crops.
 - (c) Urban and structural—The use of ground equipment for the application of pesticides in urban areas and in, on or around structures.
 - (d) Public agency - An employee of a unit of a federal, state, county, or local government that performs pest control using general use pesticides (e.g., highway maintenance, weed control, structural pest control, etc.) as part of their job is classified as a public agency applicator.*
2. The following categories are established for the licensing of pest control personnel under the fields of licensing:
 - (a) Aerial:
 - (1) Insect pests—The application of insecticides, miticides and acaricides.
 - (2) Weeds—The application of herbicides and plant regulators.
 - (3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) Fungi pests—The application of fungicides, bactericides and nematocides.

(b) Agricultural ground:

(1) Insect pests—The application of insecticides, miticides and acaricides.

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

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) Fungi pests—The application of fungicides, bactericides and nematocides.

(5) 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.

(c) Urban and structural:

(1) Limited landscape—The control of insect pests, vertebrate pests and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.

(2) Industrial and institutional—The control of insect pests and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.

(3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests.

(4) Fumigation—The use of poisonous and lethal fumigants.

(5) Aquatic—The control of insect pests, weeds and vertebrate pests in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

(6) Weeds—The control of weeds in the maintenance of landscapes, turf and rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way. This category does not include the control of aquatic weeds.

(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

(8) Cooling towers, biocides, water processes: Use of antimicrobials and biocides to control bacteria and other such single cell organisms in cooling water, wells and other water process systems.

(d) Public agency:

(1) Agricultural plant: 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) Rangeland & forest: The control of any pest in rangeland, forest, forest nurseries and forest seed-producing areas (e.g., site preparation, release work, insect control and reforestation projects).

(3) Ornamental, turf, nursery, greenhouse, & interior landscape: The control of any pest in the maintenance and production of ornamentals, turf, nursery, greenhouses and interior landscapes. This includes the control of any pest in the maintenance or production of plants

in greenhouses, nurseries; maintenance of ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens. This category excludes fumigation pest control.

(4) Seed treatment: The treating of seeds to control insects, fungi, bacteria and other microorganisms, and excluding fumigation pest control.

(5) Aquatic and mosquito: The control of any pest (e.g., insects, weed and fish control in water, includes reservoirs, lakes, rivers, cropland and wetland areas) associated with standing or running water, excluding public health pest control.

(6) Right-Of-Way and weed: The control of any pest in the maintenance of rights-of-way, including, but not limited to, treatment of roadsides, utilities, railroads, non-croplands, fence lines, structural perimeters, or similar areas.

(7) General pest control, industrial & institutional: The control of insects (e.g., cockroaches, fleas, crickets, and other household pests found within or adjacent to a structure) and vertebrates (rodents found in and around a structure) in, on or around industrial complexes, institutional complexes and dwelling units.

(8) Wood destroying insects: The control of any wood-destroying pest (e.g., termites and other wood destroying insects) in, on or around any structure, including, but not limited to, homes, storage sheds and warehouses, and excluding fumigation pest control.

(9) Wildlife control – The application of various substances including fumigants for the control of wildlife pests (e.g., pest control involving birds, mammals, burrowing rodents, reptiles and other wildlife) on rangelands, forests, agricultural crops, idle cropland and noncroplands associated with the production of agricultural crops. This category does not include the control of wildlife pests in, on or around industrial complexes, institutional complexes and dwelling units or the use of M-44.

(10) Fumigation pest control:

(a) Commodity fumigation: The control of any pest which infests raw agricultural and processed commodities, animal feeds and commodity storage facilities where they are held or stored and are subject to infestations of insects, rats, mice, fungi and bacteria, including, but not limited to, grain elevators, rail cars, truck trailers, vans, aquatic vessels, 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.

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

(11) Regulatory: This category includes state, federal, or other governmental employees who use or supervise the use of general or restricted use pesticides in the control of regulated pests (enforcement of government mandated programs e.g., noxious weeds, gypsy moth).

(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 and public health importance by state, federal or other governmental employees.

(14) Predatory pest control/M-44: The control of any predator in any habitat, including, but not limited to, rangelands, forests, agricultural crops, idle cropland and noncroplands associated with the production of agricultural crops.

(15) Nothing in the above prohibits a properly licensed pest control operator from applying pesticides not prohibited by federal law.

NAC 555.290 Miscellaneous requirements and restrictions; amendment, inactivation and denial of license. (NRS 555.400)

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

2. Each primary principal, location principal, *government agency principal*, principal, operator, *consultant, demonstration & research*, or agent of a pest control business shall:

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

(b) Produce the license upon request by the Director or a person designated by the Director as a field agent or inspector pursuant to subsection 2 of NRS 561.225.

3. The primary principal, *government agency principal*, or location principal of a pest control business shall, within 15 days after the change, notify the Director of any change in the status or authority of any primary principal, location principal, principal, *government agency principal*, operator, *consultant, demonstration & research*, or agent of the pest control business or any change in the information given on the application for the license for the pest control business.

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

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

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

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

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

- (a) The same or similar to a name used by another licensee;
- (b) Likely to be confused with a governmental agency or trade association; or
- (c) Misleading.

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

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

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

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

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

10. *A consultant shall not apply any pesticide.*

11. A demonstration & research licensee shall not:

(a) Provide a recommendation or any other advice to a person concerning the use of a state registered pesticides pursuant to NRS 586.250; or

(b) Apply a state registered pesticides pursuant to NRS 586.250 for any other reason except for research & demonstrations.

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

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

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

NAC 555.320 Qualifications for examination. (NRS 555.300, 555.400)

1. Except as otherwise provided in NRS 555.300 and NAC 555.325, an applicant who is applying for an examination as a principal must meet the requirements set forth in NRS 555.300. ~~before being examined and must file proof of meeting the following requirements when submitting an application for a pest control examination:~~

~~—(a) Two years of practical experience in the application of pesticide or related pest control in the initial category or categories applied for; or~~

~~—(b) Six months of practical experience in the application of pesticide or related pest control in the initial category or categories applied for and proof of not less than 16 college credit hours in biological sciences of which not less than 8 hours must be in subjects directly related to the field of pest control in which the applicant wishes to be licensed.~~

2. An applicant who is applying for examination as an operator, *consultant, demonstration & research* or agent is ~~not~~ required to have reached the age of majority ~~nor is he~~. *He* or she *is not* required to have:

(a) The practical experience in the application of pesticide required of a principal pursuant to paragraph (a) of subsection 1; or

(b) The practical experience and education required of a principal pursuant to paragraph (b) of subsection 1.

3. As used in this section:

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

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

(c) “Practical experience” means experience that is substantiated by work records, notarized statements verified by work records or any other documentation acceptable to the Department.

The term does not include any experience obtained by an applicant while engaged in activity as *a consultant* or an agent or after the applicant:

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

(d) “Related pest control” experience includes technical field representative work, termite inspection for private or governmental entities or acting as a consultant on the staff of an area or regional consulting firm. Other experience may be evaluated.

[Dep’t of Agriculture, part No. 55.34, eff. 8-1-74; A 1-17-77]—(NAC A 12-10-92; R033-01, 5-1-2002; R052-06, 6-28-2006)

NAC 555.371 Renewal of license for pest control business: Annual report. (NRS 555.390, 555.400)

1. The renewal fee for any pest control business license which has lapsed must be the fee required by NAC 555.397 plus 50% for a pest control business license. The renewal of a lapsed license does not relieve the licensee of any penalty incurred by operating without a current license.

2. In addition to the information required by NAC 555.350, each application for the renewal of a license for a pest control business must include an annual report of all the pesticides applied by the pest control business during the immediately preceding 12 months. The report must be on a form provided by the Director and must include, without limitation:

- (a) The brand name of each pesticide that was applied;
- (b) The registration number assigned to the pesticide by the Environmental Protection Agency; and
- (c) A statement indicating whether the pesticide that was applied is a restricted-use pesticide.

NAC 555.397 Fees. (NRS 555.310, 555.400)

1. An applicant for a license must pay to the Director, as applicable:
 - (a) For *an initial core, laws and/or category(ies)* examination ~~for reexamination~~, a testing fee of ~~[\$25]~~ *\$50 will be charged* ~~for each category of pest control in which the applicant wishes to be examined~~;
 - (b) For *any reexamination of a core, laws or category examination, a testing fee of \$35 will be charged.*
 - (c) For licensure of a pest control business, a licensing fee of \$250;
 - (d) For licensure of a principal, *consultant, demonstration & research* or operator, a licensing fee of \$50; and
 - (e) For licensure of an agent, a licensing fee of \$350.
- 32. The Director will charge a fee of \$25 to issue a duplicate license to replace a license that has been lost, mutilated or destroyed.*

NAC 555.400 Except as otherwise provided in NAC 555.250 to 555.530, inclusive, [and sections 2, 3 and 4 of LCB File No. R033-14] or as specifically authorized in writing by the Director, each person engaged in the application of pesticide for hire shall:

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

2. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.
3. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.
4. Keep pest control equipment, when in use, in good condition.
5. Except as otherwise provided in NAC 555.510, when measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.
6. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.
7. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the land, crop, livestock, ornamental, soil or pest is being treated.
8. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.
9. Provide storage for all undiluted pesticide material in a locked facility. Servicepersons' kits, which contain insecticides, poison baits or concentrates must be handled with extreme caution and must not be left where children or other unauthorized persons might remove the contents.
Secondary containers used to store and transport dilute pesticides and application devices used as secondary containers must be fastened to the service vehicles.
10. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

555.410 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, *recommendation, or pest identification*.
 - (2) The full name of the person for whom and the county where the treatment, *recommendation or pest identification* was conducted.
 - (3) The full name of the pilot, ~~tor~~ applicator *or consultant* doing the treating, *recommendation, or pest identification*.
 - (4) The crop or site treated, *or for which the recommendation, or pest identification was made*, 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.
 - (5) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.
 - (6) The number, name or site identification of the field.
 - (7) 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*.
 - (8) The purpose for which the crop, site or spot was treated.
 - (9) The time the treatment was started and the time the treatment was finished.
 - (10) The temperature at the start and finish of the treatment.
 - (11) 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, *recommendation, or pest identification*.

- (2) The address where the treatment, *recommendation or pest identification* was conducted.
- (3) The full name of the applicator *or consultant*.
- (4) The site treated *or for which the recommendation, or pest 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) 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) 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 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 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 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/>.

(c) If the person is licensed in the public agency:

- (1) The date of the treatment, recommendation or pest identification.*
- (2) The address where the treatment, recommendation or pest identification was conducted.*
- (3) The full name of the applicator or consultant.*
- (4) The site treated, or for which the recommendation, or pest 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) 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) 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 agricultural plant, rangeland and forest, right-of way and weeds, aquatic and mosquito, fumigation, ornamental, turf, nursery, greenhouse, & interior landscape:*
 - (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.

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 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.

NAC 555.428

1. Each tag for preconstruction treatment must be on a form prescribed by the Department *which may not be duplicated*. A licensee who performs a preconstruction treatment shall complete a tag *after each treatment* pursuant to this section. The tag must include at least the following information:

(a) The name of the pest control business that performed the preconstruction treatment;

(b) The date that the preconstruction treatment was performed;

(c) The brand name and the registration number assigned by the Environmental Protection Agency of the termiticide that was applied;

(d) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied;

(e) The total number of gallons of the diluted termiticide that was applied;

(f) The printed full name of the licensee who performed the preconstruction treatment;

(g) A statement indicating whether the licensee performed a preconstruction treatment to soil, a preconstruction treatment to wood, or a combination thereof; and

(h) If the licensee performed a preconstruction treatment to soil, a statement indicating whether the licensee applied the termiticide vertically, horizontally or in both manners

2. The information required to be included on a tag for preconstruction treatment pursuant to subsection 1 must be legible and an accurate and truthful representation of the preconstruction treatment performed.

3. Each tag for preconstruction treatment must be:

(a) Affixed securely at the site of each preconstruction treatment immediately after each application of termiticide; and

- (b) Except as otherwise provided in subsections 4 and 5, prominently displayed:
- (1) On the pipes for plumbing *or other slab penetrations*;
 - (2) On a board that is located at the site of the construction and includes the permit or records of inspection of the contractor of the structure under construction; or
 - (3) Any other location approved by the Director.
4. If the licensee performed a preconstruction treatment to soil, ~~{and}~~ the soil adjacent to the exterior of the foundation, ~~{was not treated during the initial treatment, after its treatment, the}~~ *or the cellulose components of the structure, {portion of the tag} the tag* containing ~~{the}~~ *accurate* information relating to the ~~{final}~~ *type of* treatment must be placed in the electrical box of the structure and must include the following information:
- (a) The name of the pest control business that performed the preconstruction treatment;
 - (b) The full name of the licensee who performed the preconstruction treatment;
 - (c) The date that the ~~{final}~~ treatment was applied;
 - (d) The brand name and the registration number assigned by the Environmental Protection Agency of the termiticide that was applied;
 - (e) The number of gallons of the diluted termiticide that was applied; and
 - (f) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied.
- ~~{5. If the contractor of the structure under construction on which the preconstruction treatment is being performed requests a tag for preconstruction treatment, the licensee shall:~~
- ~~{(a) Prepare a duplicate tag;~~
 - ~~{(b) Print the word "DUPLICATE" in capital letters on the tag; and~~
 - ~~{(c) Post the tag on the site in the location requested by the contractor or deliver the tag to the contractor.}~~

NAC 555.430 Inspection or application of pesticide for wood-destroying pests: Report; tag; restriction on application. (NRS 555.380, 555.390, 555.400)

1. Each person who:
 - (a) Makes an inspection for wood-destroying pests;
 - (b) Gives any oral or written statement relating to such an inspection; or
 - (c) After the construction of a structure, makes an application of a pesticide to eradicate wood-destroying pests,

☐ shall write and deliver a report of the inspection or the application of a pesticide to the person requesting the inspection or application, or a designated agent thereof, not later than 5 days after the inspection or the application. The report must be on a numbered form supplied by the Department or an electronic form approved by the Department which includes a unique number obtained from the Department.
2. A person who prepares a report pursuant to subsection 1 must:
 - (a) File a legible copy of the report with the district or subdistrict office of the Department not later than 15 days after the inspection or the application of a pesticide is made; and
 - (b) Keep a copy of the report for at least 3 years after preparation of the report.
3. The report must contain:
 - (a) The name, license number and mailing address of the pest control business performing the inspection or the application of a pesticide and the date of the inspection or application.
 - (b) The number assigned to the escrow or mortgage by the Federal Housing Administration or the Department of Veterans Affairs, if applicable and obtainable.

- (c) The street address, city and zip code where the property is located.
- (d) The name of the person who requested the inspection or the application of a pesticide.
- (e) The name of the person to whom the original of the report is being sent.
- (f) The name and address of the owner of the property.
- (g) The name and address of the buyer or other interested person, if applicable and obtainable.
- (h) If an application of a pesticide was made:
 - (1) The date of the treatment.
 - (2) An identification of any area to which a pesticide was applied.
 - (3) The pesticide name and the registration number assigned by the Environmental Protection Agency.
- (i) A statement of whether there is or is not evidence of active or inactive infestations of termites, other wood-destroying insects or wood-destroying fungi. Mold must not be reported as wood-destroying fungi. As used in this paragraph:
 - (1) “Active infestation” means the presence of living wood-destroying pests.
 - (2) “Inactive infestation” means evidence of infestation by wood-destroying pests, without the presence of such pests.
- (j) A statement of whether there is or is not any condition conducive to infestation, including contact of wood with the earth, a faulty grade, insufficient ventilation, excessive moisture or cellulose debris. As used in this paragraph:
 - (1) “Contact of wood with the earth” means any support or other structure of cellulose that is less than 3 inches above the soil level and in contact with the inspected structure, whether it is internal or external in relation to that structure. The term does not include:
 - (I) A paling of a fence which is made of wood and which is less than 3 inches above the soil level and in contact with the inspected structure through otherwise acceptable structural elements.
 - (II) Lattice which is made of wood and which is less than 3 inches above the soil level if the lattice is physically attached to the inspected structure.
 - (III) An attachment to the inspected structure which is made of wood or cellulose and which is less than 3 inches above the soil level if the attachment is separated from the inspected structure by a flashing which is made of metal.
 - (IV) A deck which is made of wood and which is less than 3 inches above the soil and in contact with the inspected structure if the deck is separated from the inspected structure by a flashing which is made of metal and the report includes a statement indicating that the deck was excluded from the inspection or application.
 - (V) Skirting which is installed on a manufactured home and which is less than 3 inches above the soil and in contact with the inspected structure if the skirting is designed by the manufacturer for contact with the ground, is separated from the inspected structure by a flashing which is made of metal or is supported 3 inches or more above the soil level by pressure-treated wood.
 - (2) “Faulty grade” means a condition in which:
 - (I) A floor joist or stringer is less than 12 inches above the soil level;
 - (II) The top of the foundation is less than 3 inches above the adjacent soil level; or
 - (III) The drainage is such that there is visible evidence of exposure of surface water on the structure.

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

- (I) Mechanically ventilated; and
- (II) Free of wood-destroying fungi and excessive moisture.

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

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

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

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

- (1) The location of any inaccessible area or subarea and any area or subarea not inspected;
- (2) Any portion of the structure normally visible which cannot be inspected without mechanically altering the structure, including, without limitation, subflooring or a rim joist that is concealed by insulation; or

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

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

(n) An unmodified digital photograph of the front of the inspected structure with date and time stamp.

~~4. Upon completion of an inspection or the application of a pesticide, the person making the inspection or application shall:~~

~~—(a) If the structure has a crawlspace beneath it, affix a tag supplied by the Department to the structure in an area in which the tag is visible from the entrance to the crawlspace;~~

~~—(b) If the structure does not have a crawlspace beneath it, affix a tag supplied by the Department to the structure in an area in which the tag is visible from the access area under the kitchen sink; or~~

~~—(c) If the inspection or application is performed at a structure with multiple units for occupancy, deliver the tag to the office of the manager of the structure or to the owner of the structure if there is no office of the manager of the structure.~~

~~5. The tag affixed pursuant to subsection 4 must contain:~~

~~—(a) The license number and name of the pest control business that performed the inspection or application.~~

~~—(b) A statement indicating whether an inspection or application was performed. If an application was performed, the tag must contain a statement of the name, amount and concentration of the pesticide applied.~~

~~—(c) The date on which the inspection or application was performed.]~~

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

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

(a) Are pressure-treated or certified by the Board of Review of the American Lumber Standard Committee, Inc.;

(b) Are designed by the manufacturer for contact with the ground;

(c) Are guaranteed against structural damage by termites or fungal decay; or

(d) Are described in paragraph (a), (b) or (c) and have surfaces which have been cut, if those surfaces have been treated with a preservative for wood and the wood or wood products have been inspected and determined to be free of infestation.

[Dep’t of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82; 1-19-84; 11-7-84; 12-10-92; A by Div. of Agriculture, 11-12-93; A by Bd. of Agriculture, 8-9-94; A by Dep’t of Agriculture by R033-01, 5-1-2002; R147-03, 1-22-2004; R062-10, 1-13-2011)

NAC 555.440 Precautionary requirements. (NRS 555.380, 555.400)

1. A licensee or certified applicator engaged in the application of pesticides shall exercise reasonable precautions to protect persons, animals, crops and property from harm or damage.

2. A pesticide or its empty container ~~must not be disposed of or left unattended where it may present a~~ *must be stored and disposed of according to the directions on the label and in a manner that does not present a* hazard to any person, animal, crop or property, or be disposed of in a manner likely to cause injury. A licensee or certified applicator shall ensure that all empty containers are removed from the operations work site or otherwise safeguarded.

3. A licensee or certified applicator engaged in the application of pesticides shall:

(a) Provide his or her employees with the information, precautions and safety equipment required by the manufacturer of the pesticide or recommended by the Department; and

(b) Ensure that any safety equipment provided pursuant to paragraph (a) is in good working order.

4. A licensee or certified applicator engaged in the application of pesticides shall use materials, dosages, formulas, devices and methods of application and disposal only in accordance with the directions on the label of the pesticide or device registered by the Environmental Protection Agency, registered by the Department or in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.

5. A licensee who performs a preconstruction treatment to the soil using a liquid termiticide shall use, unless otherwise authorized by the Director:

(a) A flow metering device which is accurately calibrated to display the number of gallons of termiticide dispensed pursuant to NAC 555.410, 555.428 and 555.700; or

(b) A measuring device which is accurately calibrated by the equipment manufacturer to display the number of gallons of termiticide dispensed pursuant to NAC 555.410, 555.428 and 555.700.

NAC 555.445 Labels for ~~{service}~~ primary containers, secondary containers and application devices . (NRS 555.400)

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

(a) For ~~{a service container}~~ *primary containers* ~~{used to store or transport concentrated pesticide}~~, the:

- (1) Name, address and telephone number of the business.
- (2) Name of the pesticide.
- (3) Registration number assigned to the pesticide by the United States Environmental Protection Agency or by the Department.

(4) Name and percentage of the active ingredient.

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

(b) For a ~~{service}~~ *secondary* container ~~{used to store or transport diluted pesticide}~~, the:

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

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

~~{(3) Registration number assigned to the pesticide by the Environmental Protection Agency or the Department for the pesticide, preceded by the words "derived from."}~~

~~{(4)}~~ (3) Name and percentage of the active ingredient.

~~{(5)}~~ (4) Precautionary (signal) word from the registered label.

(c) *For application devices used to store or transport 1 gallon or more of diluted liquid pesticide the:*

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

2. Name of the pesticide, and

3. Name and percentage of the active ingredient.

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

3. A complete label must be carried in the vehicle for each pesticide in the vehicle.

NAC 555.460 Protection of persons and animals. (NRS 555.380, 555.400) A licensee 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.

6. Unless labeled otherwise, place insecticide baits in an area that is inaccessible to children, pets or other domestic animals or in a tamper-resistant bait station.

NAC 555.470 Protection of bees. (NRS 555.380, 555.400)

Except as otherwise provided in subsection 2, any licensee who intends to apply to *commercially grown*, agricultural/*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.

1. The notice is not required if the apiarist has not given the licensee current information regarding the location of the apiary.

2. The notice required by this section must be given personally ~~to or~~ by telephone *or by e-mail* to the apiarist.

3. Except as otherwise provided in this subsection, the notice must be given not more than 72 hours and not less than 24 hours before the application ~~to each apiarist having apiaries within 2 miles of the field to be treated if the apiarist has provided the licensee with the location of his or her apiaries. If an application is postponed after proper notice has been given, the licensee must repeat the notice at least 12 hours before the rescheduled application.~~ ~~Notice of an intent to apply the organophosphorous insecticide Parathion in microencapsulated formulations or carbamate insecticides (Sevin, carbaryl; Furadan, carbofuran) must be given at least 48 hours before the application~~ to each apiarist having apiaries within 2 miles of the field to be treated if the apiarist has provided the licensee with the location of his or her apiaries. If an application is postponed after proper notice has been given, the licensee must repeat the notice at least 12 hours before the rescheduled application.

4. The notice required by this section must include:

5. The name of the person for whom the application is to be made;

(a) The location and acreage of the land to be treated; and

(b) The name of the pesticide to be applied.

(c) The name of the pesticide to be applied.

NAC 555.600 Definitions. (NRS 555.400, 561.105) 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.

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 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” *and* “*government agency principal*” means a person who:

- (a) Except as a part of a business of pest control, applies or supervises the application of a restricted-use pesticide; and
- (b) Does not qualify as a private applicator.
18. “Nonvascular plant” means a plant without flowers, roots, stems or leaves.
19. “Operational site” means that location belonging to a person where an integral function of the business is performed, and includes the person’s land, structures and any other environs and equipment.
20. “Pasture” means any fenced area of domesticated forage on which animals are grazed.
21. “Plant disease” means any exhibition of some malfunction or abnormality in a plant’s development or growth caused by a microorganism as, for example, fungi, bacteria, viruses, mycoplasmas and nematodes.
22. “Predator” means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.
23. “Private applicator” has the meaning ascribed to it in NRS 555.2681.
24. “Range” means any land with native vegetation (climax or natural potential) that is predominantly grasses, grasslike plants, forbs or shrubs suitable for grazing or browsing.
25. “Row crop” means any fiber crop, melon crop, vegetable crop or similar crop that is grown in continual lines.
26. “Seed crop” means any plant that is grown for the purpose of utilizing the propagative portion of the plant.
27. “Vertebrate” means any animal of the subphylum Vertebrata of the phylum Chordata, which has an enlarged brain enclosed in a cranium, or brain case, a segmented vertebral column which supports the body, a head, neck, trunk and usually a tail present.
28. “Wildlife” means all living things that are neither human, domesticated nor pests, including, but not limited to, mammals, birds and aquatic life.
29. “Wood-destroying pest” means any organism which infests or infects and destroys cellulose.

NAC 555.613 Licensed primary principal commercial applicators *and government agency principal*: Fields; categories. (NRS 555.400)

1. The fields of licensed primary principal commercial applicators and *government agency principal* are:

(a) Aerial—The use of aircraft *including unmanned aerial vehicle (UAV)* for the application of pesticides on standing or running water, rangeland, agricultural crops, forest, idle cropland and noncropland associated with the production of agricultural crops.

(b) Agricultural ground—The use of ground equipment for the application of pesticides on livestock, rangeland, agricultural crops, idle cropland and noncropland associated with the production of agricultural crops.

(c) Urban and structural—The use of ground equipment for the application of pesticides in urban areas and in, on or around structures.

(d) Public agency - An employee of a unit of a federal, state, county, or local government that performs pest control using general use pesticides (e.g., highway maintenance, weed control, structural pest control, etc.) as part of their job is classified as a public agency applicator.

2. The following categories are established for the licensing of pest control personnel under the fields of licensing:

(a) Aerial:

- (1) Insect pests—The application of insecticides, miticides and acaricides.
- (2) Weeds—The application of herbicides and plant regulators.
- (3) Desiccants and defoliants—The application of desiccants and defoliants.
- (4) Fungi pests—The application of fungicides, bactericides and nematocides.

(b) Agricultural ground:

- (1) Insect pests—The application of insecticides, miticides and acaricides.
- (2) Weeds—The application of herbicides and plant regulators.
- (3) Desiccants and defoliants—The application of desiccants and defoliants.
- (4) Fungi pests—The application of fungicides, bactericides and nematocides.
- (5) 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.

(c) Urban and structural:

- (1) Limited landscape—The control of insect pests, vertebrate pests and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.
- (2) Industrial and institutional—The control of insect pests and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.
- (3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests.
- (4) Fumigation—The use of poisonous and lethal fumigants.
- (5) Aquatic—The control of insect pests, weeds and vertebrate pests in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.
- (6) Weeds—The control of weeds in the maintenance of landscapes, turf and rights-of-way, including, without limitation, public roads, power lines, pipelines and railway rights-of-way. This category does not include the control of aquatic weeds.
- (7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

(8) Cooling towers, biocides, water processes: Use of antimicrobials and biocides to control bacteria and other such single cell organisms in cooling water, wells and other water process systems.

(d) Public agency:

(1) Agricultural plant: 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) Rangeland & forest: The control of any pest in rangeland, forest, forest nurseries and forest seed-producing areas (e.g., site preparation, release work, insect control and reforestation projects).

(3) Ornamental, turf, nursery, greenhouse, & interior landscape: The control of any pest in the maintenance and production of ornamentals, turf, nursery, greenhouses and interior landscapes. This includes the control of any pest in the maintenance or production of plants in greenhouses, nurseries; maintenance of ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens. This category excludes fumigation pest control.

(4) Seed treatment: The treating of seeds to control insects, fungi, bacteria and other microorganisms, and excluding fumigation pest control.

(5) Aquatic and mosquito: The control of any pest (e.g., insects, weed and fish control in water, includes reservoirs, lakes, rivers, cropland and wetland areas) associated with standing or running water, excluding public health pest control.

(6) Right-Of-Way and weed: The control of any pest in the maintenance of rights-of-way, including, but not limited to, treatment of roadsides, utilities, railroads, non-croplands, fence lines, structural perimeters, or similar areas.

(7) General pest control, industrial & institutional: The control of insects (e.g., cockroaches, fleas, crickets, and other household pests found within or adjacent to a structure) and vertebrates (rodents found in and around a structure) in, on or around industrial complexes, institutional complexes and dwelling units.

(8) Wood destroying insects: The control of any wood-destroying pest (e.g., termites and other wood destroying insects) in, on or around any structure, including, but not limited to, homes, storage sheds and warehouses, and excluding fumigation pest control.

(9) Wildlife control – The application of various substances including fumigants for the control of wildlife pests (e.g., pest control involving birds, mammals, burrowing rodents, reptiles and other wildlife) on rangelands, forests, agricultural crops, idle cropland and noncroplands associated with the production of agricultural crops. This category does not include the control of wildlife pests in, on or around industrial complexes, institutional complexes and dwelling units or the use of M-44.

(10) Fumigation pest control:

(a) Commodity fumigation: The control of any pest which infests raw agricultural and processed commodities, animal feeds and commodity storage facilities where they are held or stored and are subject to infestations of insects, rats, mice, fungi and bacteria, including, but not limited to, grain elevators, rail cars, truck trailers, vans, aquatic vessels, 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.

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

(11) Regulatory: This category includes state, federal, or other governmental employees who use or supervise the use of general or restricted use pesticides in the control of regulated pests (enforcement of government mandated programs e.g., noxious weeds, gypsy moth).

(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 and public health importance by state, federal or other governmental employees.

(14) Predatory pest control/M-44: The control of any predator in any habitat, including, but not limited to, rangelands, forests, agricultural crops, idle cropland and noncroplands associated with the production of agricultural crops.

NAC 555.270 Types of licenses; restrictions on issuance; prerequisites to perform certain pest control work with fumigants. (NRS 555.400)

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

(a) Except as otherwise provided in subsection 2, a license authorizing the holder to conduct pest control in any category of pest control in which a primary principal *or government agency principal* of the business or a location principal for the specific business location has been qualified by examination.

(b) For pest control personnel:

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

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

(I) Host;

(II) Site;

(III) Pest; or

(IV) Pesticide.

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

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

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

(a) Obtain a restricted license for that purpose;

(b) Provide the Department with proof of insurance coverage for the application of fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards; and

(c) Maintain the insurance coverage after receiving such a license for the period during which he or she holds the license.

NAC 555.340 Examinations: Contents; passing score; retesting; exclusion. (NRS 555.300, 555.400)

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

(a) knowledge of:

(1) Operations for pest control;

- (2) Pertinent laws and regulations;
 - (3) Safety in handling and dispensing pesticides;
 - (4) Pests;
 - (5) An integrated approach to pest management; and
 - (6) Recommended practices for controlling pests.
- (b) Proficiency in reading, writing and speaking English.
2. 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 *or 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 & research consists of a core examination, and an 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.
4. The passing score is 70 percent for each examination for a principal and 65 percent for each examination for an operator 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 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.

NAC 555.350 Application for license: Form; pest control business. [Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] (NRS 555.290, 555.400)

- 1. Each application for a license must be made on a form provided by the Director.
- 2. Each application for a 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 state business license 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 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, *government agency principal* or location principal who supervises the daily activities of the principals, operators, *consultant, demonstration & research*, and agents at each business location.

(l) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal, *government agency 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 public 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.

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.

NAC 555.360 Application for license: Primary principal, *location principal, government agency principal*, principal, operator, *consultant, demonstration & research*, or agent. (NRS 555.290, 555.400)

1. Each application for a license to perform pest control work as a primary principal, *location principal, government agency principal*, principal, operator, *consultant, demonstration & research*, or agent for a currently licensed pest control business must include, without limitation:

(a) The name of the applicant and the mailing address and telephone number of the residence of the applicant.

(b) The name of the pest control business in this State that presently employs the applicant and the pest control business in this State that last employed the applicant.

(c) A statement indicating:

(1) Whether the applicant wishes to be licensed as a primary principal, *location principal*, *government agency principal*, principal, operator, *consultant, demonstration & research*, or agent;

(2) Whether the applicant holds an active license in another state and, if he or she holds such a license, a list indicating the categories of pest control that the applicant is authorized to engage in pursuant to that license; and

(3) Each category of pest control in which the applicant wishes to engage.

(d) An endorsement by a primary principal, *location principal*, *government agency principal*, or principal of the pest control business employing the applicant.

2. An applicant for a license as a primary principal will be notified by the Director whether or not the applicant is suitable for licensure as a primary principal based on a criminal history report conducted pursuant to NRS 555.345. After being notified by the Director of his or her suitability, the applicant must complete all other requirements for licensure and obtain a license as a primary principal in not more than 90 days. An applicant who has not obtained his or her license as a primary principal within 90 days after such notification must resubmit a complete set of fingerprints pursuant to NRS 555.345.

NAC 555.370 *Except as otherwise provided in Section* ~~NAC 555. Insurance requirements for government~~ *an* ~~An~~ applicant for a license to engage in the business of pest control must provide the Department with:

1. ~~Proof that a primary principal of the business is licensed in the category or categories in which the business will be conducted.~~

~~2~~ Proof that the applicant has insurance for public liability and property damage which:

(a) Covers each occurrence of damage to persons or to property from chemicals, chemical drift and equipment used in the operations of the business including any air operations and any use of ground equipment belonging to aerial applicators.

(b) Provides the following minimum amounts of coverage:

(1) For licensees using ground equipment:

(I) For each occurrence of bodily injury, \$50,000;

(II) For aggregate bodily injury, \$100,000;

(III) For each occurrence of property damage, \$50,000; and

(IV) For aggregate property damage, \$100,000.

(2) For licensees using aircraft equipment:

(I) For each occurrence of bodily injury, \$100,000;

(II) For aggregate bodily injury, \$300,000; and

(III) For each occurrence of property damage, \$100,000.

(c) Provides that not less than 10 days before extending, restricting, cancelling or changing the coverage as certified or paying any claim under the policy, the insurer will give written notice of that action to the Director.

NAC 555.372

1. Except as otherwise provided in subsection 3, a person who is licensed to engage in the business of pest control may not renew the license unless the person certifies that he or she has, within the immediately preceding 12 months, completed at least six units of continuing education in courses accredited by the Director. Each unit of continuing education must be completed in a

course that relates to pest control. A primary principal, *location principal, government agency principal*, or principal~~;~~

~~(a) Is not entitled to receive credit for completing more than three units of continuing education in business management.~~

~~(b) Must~~ *must* complete at least one unit of continuing education in a course relating to laws and regulations governing the use of pesticides.

2. To receive credit for the completion of a unit of continuing education, a licensee must attend and successfully complete a course accredited by the Director. If the course for which credit for continuing education is sought is:

(a) An Internet course;

(b) A course contained on a compact disc;

(c) A correspondence course; or

(d) A video or other media presentation sponsored by the Cooperative Extension Service, a licensee must receive a grade of at least 70 percent on an examination , conducted upon completion of the course or presentation, which must consist of not fewer than 10 questions covering each 50 minutes of instruction. A licensee who receives a grade of less than 70 percent on an examination may, not more than 30 days after being notified of his or her grade, take a different examination covering the same course or presentation which meets the requirements of this section. The licensee will receive credit for the completion of a unit of continuing education if he or she receives a grade of at least 70 percent on such a subsequent examination.

3. The provisions of subsection 1 do not apply to a licensee who:

(a) Obtained the license for the first time less than 12 months immediately preceding the expiration of the license;

(b) Passes the core and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she is currently licensed;

(c) Holds a license or certificate as a pest control adviser or certified crop adviser, or the equivalent as determined by the Director;

(d) Is an operator and has become licensed as a principal during the 12 months immediately preceding the expiration of the license by passing the core examination, *laws examination*, and at least one examination for a category of pest control given pursuant to NAC 555.340; or

(e) Is licensed solely as an agent.

4. A licensee 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 the state; and

(b) Upon completion of the course, the licensee or sponsor of 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 the 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 licensee 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.

5. For each course for which a licensee claims one or more units of continuing education, he or she may request from the sponsor of the course:

- (a) A certificate of completion issued by the sponsor of the course; or
- (b) Another document or record that in the judgment of the Director adequately establishes that the licensee successfully completed the course.

NAC 555.385

1. Except as otherwise provided in subsection 6, every person licensed to engage in pest control shall return his or her license to the Department within 15 working days after:

- (a) He or she ceases engaging in pest control; or
- (b) His or her employment with a pest control business is terminated.

2. A primary principal, *location principal, government agency principal*, principal, operator, *consultant, demonstration & research*, or agent of a pest control business shall provide written notice to the Department of the date of termination of the employment of a primary principal, *location principal, government agency principal*, principal, operator, *consultant, demonstration & research*, or agent from the pest control business within 15 days after the date on which that termination occurs.

3. A former licensee who ceases engaging in pest control or has his or her employment with a pest control business terminated shall not engage in pest control.

4. Except as otherwise provided in subsection 11, to regain a license as a principal, ~~for an~~ operator, *consultant, or demonstration & research* after the principal, ~~or~~ operator, *consultant, or demonstration & research* ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:

(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

- (1) Complete the application requirements of NAC 555.360;
- (2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and

(3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

(b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

- (1) Complete the application requirements of NAC 555.360;
- (2) Meet the applicable requirements of NAC 555.320 and pass the core and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she wishes to be licensed;
- (3) If applicable, meet the requirements of NAC 555.380; and
- (4) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

5. Except as otherwise provided in subsection 11, to regain a license as a primary principal after the principal ceases engaging in pest control or has his or her employment with a pest control business terminated, a former licensee must:

(a) If not more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:

- (1) Complete the application requirements of NAC 555.360;
- (2) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372; and
- (3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license.

- (b) If more than 2 years have elapsed since the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated:
- (1) Complete the application requirements of NAC 555.360;
 - (2) Meet the applicable requirements of NAC 555.320 and pass the core, *laws* and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he or she wishes to be licensed;
 - (3) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and
 - (4) Submit a set of fingerprints pursuant to NRS 555.345.
6. A licensee who ceases engaging in pest control or has his or her employment with a pest control business terminated may, in lieu of returning his or her license to the Department pursuant to subsection 1, have his or her license transferred to inactive status by submitting to the Director an application on a form prescribed by the Director. The application must include, without limitation:
- (a) The name and license number of the licensee;
 - (b) The physical address and, if different from the physical address, the mailing address of the licensee;
 - (c) The electronic mail address, if any, of the licensee;
 - (d) The telephone number, if any, of the licensee;
 - (e) The date of birth of the licensee;
 - (f) The social security number or employer identification number, if any, of the licensee; and
 - (g) A statement certifying that the information in the application is correct and that the licensee will not engage in pest control in any category while the license is on inactive status.
7. A licensee whose license is placed on inactive status pursuant to subsection 6 shall not engage in pest control during the time the license is on inactive status. The licensee shall provide written notice to the Department within 15 days after any change in the information given on the application for inactive status pursuant to subsection 6.
8. A license on inactive status expires on December 31. To renew a license on inactive status, the licensee must:
- (a) Complete at least six units of continuing education in courses which meet the requirements of NAC 555.372;
 - (b) Comply with all applicable requirements in chapter 555 of NRS for applicants for a license; and
 - (c) Pay the licensing fee pursuant to NAC 555.397.
9. The holder of a license on inactive status who fails to renew the license pursuant to subsection 8 shall return his or her license to the Department on or before the January 15 immediately succeeding the expiration of the license.
10. The holder of a license on inactive status who wishes to reactivate the license must:
- (a) Notify the Director on a form prescribed by the Director; and
 - (b) Complete the application required by NAC 555.360.
11. A former licensee who returns his or her license to the Department pursuant to subsection 1 may, within 2 years after the licensee ceased engaging in pest control or had his or her employment with a pest control business terminated, apply to the Director to have his or her former license placed on inactive status pursuant to subsection 6.

NAC 555.395

1. Every person licensed to engage in pest control shall ensure that:
 - (a) The pest control business has a primary principal *or government agency principal* who is licensed in the appropriate category or categories of pest control; and
 - (b) If the pest control business has more than one location, each of his or her business locations ~~in this State~~ has a primary principal, *government agency principal*, or a location principal who is licensed in the appropriate category or categories of pest control.
2. The Director will suspend the license of a pest control business 120 days after the pest control business ceases to have a primary principal *or government agency principal* who is licensed in the appropriate category or categories of pest control. The license will remain suspended until the pest control business obtains a primary principal *or government agency principal* who is licensed in the appropriate category or categories of pest control.
3. For a pest control business that has more than one business location, the Director will suspend the license of a business location of a pest control business 30 days after the business location ceases to have a primary principal, *government agency principal* or a location principal who is licensed in the appropriate category or categories of pest control. The license will remain suspended until the pest control business designates a primary principal or a location principal for that business location who is licensed in the appropriate category or categories.

NAC 555.415 An unlicensed person who performs pest control under the immediate supervision of a primary principal, *government agency principal*, location principal, principal, *demonstration & research*, or operator pursuant to NAC 555.400 shall not prepare, distribute, appear on or sign on his or her behalf or on behalf of the primary principal, location principal, principal, *demonstration & research*, or operator:

1. Any invoice, estimate or bid for pest control;
2. Any report prepared pursuant to NAC 555.410 or 555.430; or
3. Any contract or other agreement for pest control.