

**ADOPTED REGULATION OF THE
DIRECTOR OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R127-23

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1, 7-11 and 17, NRS 555.400; §§ 2-6 and 14, NRS 555.2777 and 555.400; § 12, NRS 555.2777, 555.380 and 555.400; § 13, NRS 555.390 and 555.400; § 15, NRS 555.400 and 555.470; § 16, NRS 555.2777 and 586.237.

A REGULATION relating to pest control; defining the term “applicator trainee”; establishing the requirements for a certificate of registration as an applicator trainee; setting forth the qualifications for an applicator trainee; requiring an applicator who supervises an applicator trainee to provide certain training and information to the applicator trainee; making certain provisions which are applicable to licensees also applicable to applicator trainees; revising provisions governing continuing education; revising the schedule of administrative fines to include certain fines specific to an applicator trainee; exempting applicator trainees under the immediate supervision of certain licensees from prohibitions on the application or use of restricted-use pesticides; repealing certain definitions; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Director of the State Department of Agriculture to adopt regulations to carry out the provisions of existing law relating to the custom application of pesticides. (NRS 555.400, 555.2605-555.460) Existing law prohibits a natural person from engaging in, offering to engage in, advertising or soliciting to perform certain pest control activities without first obtaining a license as an applicator from the Director. (NRS 555.280, 555.285) Existing law requires the Director to adopt regulations to authorize a person to train as an applicator to engage in pest control for a period of not less than 90 days without holding a license as an applicator. (NRS 555.2777)

Section 2 of this regulation defines the term “applicator trainee.”

Section 3 of this regulation establishes: (1) the qualifications for a person to register as an applicator trainee with the Department; and (2) the categories and field of pest control in which such a person may register. **Section 4** of this regulation: (1) sets forth the application requirements for a certificate of registration as an applicator trainee; and (2) provides that a certificate of registration expires 90 days after the date of issuance.

Section 5 of this regulation requires an applicator who supervises an applicator trainee to: (1) provide certain training and training materials to the applicator trainee before the applicator trainee is allowed to perform pest control; and (2) keep records documenting the training

provided to the applicator trainee. **Section 6** of this regulation establishes certain other requirements for an applicator who supervises an applicator trainee.

Section 7 of this regulation applies the existing definitions in existing law and **section 2** that govern the custom application of pesticides to the provisions of **sections 3-6**.

Existing regulations exempt certain services and persons performing certain acts from the applicability of existing provisions governing the custom application of pesticides. (NAC 555.260) **Section 8** of this regulation provides that those same services and persons are also exempt from the applicability of the provisions of **sections 2-6**.

Existing regulations require a licensee of a pest control business to: (1) ensure that the license issued to the person is on his or her person or in his or her service vehicle while engaging in pest control; and (2) produce the license upon request by the Director or an agricultural police officer. Existing regulations also require the primary principal or location principal of a pest control business to notify the Director within 15 days after any change in the status or authority of any primary principal, location principal, principal, operator, demonstration and research specialist or agent. (NAC 555.290) **Section 9** of this regulation: (1) requires an applicator trainee to ensure that his or her certificate of registration is prominently displayed on his or her person; and (2) extends the notification duty to situations relating to a change in the status or authority of an applicator trainee.

Existing regulations provide that a person who attends a meeting of the Nevada Pest Control Association may receive continuing education credit for attending the meeting without obtaining accreditation approved by the Director. (NAC 555.374) **Section 10** of this regulation updates the name of the organization to the Nevada Pest Management Association.

Existing regulations require that every person licensed as a primary principal, principal, location principal, operator, demonstration and research specialist or agent return his or her license to the Department within 15 working days after: (1) he or she ceases engaging in pest control; or (2) his or her employment with a pest control business is terminated. Existing regulations further: (1) require a primary principal, principal, location principal, operator, demonstration and research specialist or agent of a pest control business to provide written notice to the Department of the date of termination of the employment of a primary principal, location principal, principal, operator, demonstration and research specialist or agent within 15 days after the date of termination; and (2) prohibit a former licensee from engaging in pest control. (NAC 555.385) **Section 11** of this regulation extends these requirements and prohibitions to an applicator trainee and, where applicable, his or her certificate of registration.

Existing regulations authorize a person engaged in the application of pesticides for hire to apply pesticides only in those categories of pest control for which he or she is licensed. (NAC 555.400) **Section 12** of this regulation extends this authorization to categories of pest control for which an applicator trainee is registered. **Section 12** further specifies that an applicator trainee may only apply: (1) a general-use pesticide while under the direct supervision of a licensed applicator; and (2) a restricted-use pesticide while under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with certain statutory provisions.

Existing regulations establish requirements for certain reports and records relating to the specific field in which a person is licensed. (NAC 555.410, 555.413) **Section 13** of this regulation extends these requirements to reports and records relating to the urban, rural and structural fields in which an applicator trainee is registered. **Section 13** also updates the price of certain forms that are required when a preconstruction treatment is conducted.

Existing regulations prohibit an unlicensed person who performs pest control under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist or operator from preparing, distributing, appearing on or signing certain documents. (NAC 555.415) **Section 14** of this regulation prohibits an unregistered person from taking such actions, such that if a person is not licensed or registered, he or she may not prepare, distribute, appear on or sign certain documents.

Existing regulations establish a schedule of administrative fines that may be imposed by the Director for violations of various provisions of the Nevada Revised Statutes or the Nevada Administrative Code applicable to pest control. (NAC 555.530) **Section 15** of this regulation revises the schedule to reflect certain administrative fines for violations relating to the pest control activities of an applicator trainee.

Existing regulations prohibit a person from applying or otherwise using a restricted-use pesticide except under certain circumstances. (NAC 586.018) **Section 16** of this regulation includes in these excepted circumstances an applicator trainee under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator.

Section 17 of this regulation repeals certain redundant definitions that are defined in the Nevada Revised Statutes for provisions relating to pest control and are therefore applicable to the corresponding provisions of the Nevada Administrative Code. (NRS 0.024, 555.2654, 555.2679; NAC 555.2545, 555.256)

Section 1. Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *“Applicator trainee” means a person, authorized pursuant to NRS 555.2777, to train as an applicator to engage in pest control for a period of not less than 90 days without holding a license as an applicator and who holds a certificate of registration issued by the Director pursuant to section 4 of this regulation.*

Sec. 3. 1. *To register as an applicator trainee, a person must:*

(a) Be at least 18 years of age;

(b) Be employed by a pest control business licensed in this State in a position in which he or she will engage in pest control under the direct or immediate supervision, as applicable, of a person who holds an active and valid license as an applicator issued pursuant to NRS 555.320; and

(c) Submit an application on a form prescribed by the Director for a certificate of registration as an applicator trainee in accordance with section 4 of this regulation.

2. A person may register as an applicator trainee only one time and only in one of the following categories in the field of urban, rural and structural pest control described in paragraph (c) of subsection 2 of NAC 555.280:

(a) Limited landscape;

(b) Industrial and institutional; or

(c) Weeds.

Sec. 4. 1. Each application for a certificate of registration as an applicator trainee must include, without limitation:

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

(b) The name of the pest control business in this State that employs the applicant;

(c) An endorsement by a primary principal, location principal or principal of the pest control business that employs the applicant with a statement that:

(1) A supervising applicator or pest control business is responsible and liable for all actions of the applicator trainee; and

(2) The supervising applicator shall ensure the applicator trainee receives all training and training material required by section 5 of this regulation before the applicator trainee engages in any pest control; and

(d) A statement indicating:

(1) The applicant has not previously been registered as an applicator trainee in this State;

(2) Whether the applicant holds an active license, certificate or registration to engage in pest control in another state and, if the applicant holds such a license, certificate or registration, a list of the categories of pest control in which the applicant is licensed, certified or registered; and

(3) The category of pest control in which the applicant wishes to engage as an applicator trainee.

2. The Director will review each application submitted pursuant to this section and issue a certificate of registration to an applicant who meets the qualifications set forth in section 3 of this regulation.

3. Every person to whom a certificate of registration as an applicator trainee is issued shall, within 15 working days after the issuance of the certificate, notify the Director of any change of the information shown on his or her application for the certificate.

4. A certificate of registration as an applicator trainee:

(a) Expires 90 days after the date of issuance; and

(b) Is not assignable or transferrable.

Sec. 5. *Each applicator who supervises an applicator trainee must:*

1. Before the applicator trainee is allowed to perform pest control:

(a) Ensure that the applicator trainee understands the requirements set forth in NAC 555.400;

(b) Ensure that the applicator trainee has received training within the immediately preceding 12 months in the safe operation of any equipment which the applicator trainee may use for mixing, loading, transferring or applying pesticides; and

(c) Provide the applicator trainee with training materials with all information that the applicator trainee needs to protect himself or herself, other people and the environment before, during and after applying a pesticide, which must include, without limitation:

(1) Potential hazards from toxicity and exposure that pesticides present to the applicator trainee and his or her family, including, without limitation, acute and chronic effects, delayed effects and sensitization.

(2) Routes through which pesticides can enter the body.

(3) Signs and symptoms of common types of pesticide poisoning.

(4) Emergency first aid for pesticide injuries or poisoning.

(5) Route and emergency decontamination procedures, including, without limitation, emergency eye flushing techniques. An applicator trainee must be instructed that, if pesticides are spilled or sprayed on the body, the applicator trainee must:

(I) Immediately wash or rinse off in the nearest clean water; and

(II) Subsequently wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible.

(6) How and when to obtain emergency medical care.

(7) That, after working with pesticides, the applicator trainee must:

(I) Wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet;

(II) Wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible;

(III) Remove work clothes and wash or shower before physical contact with children or family members;

(IV) Wash work clothes before wearing them again and wash them separately from other clothes; and

(V) Remove work boots or work shoes before entering the home.

(8) Potential hazards from pesticide residues on clothing.

(9) Potential hazards to children and pregnant women from pesticide exposure.

(10) How to report suspected pesticide use violations.

(11) The format and meaning of the information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including, without limitation, the location and meaning of the product statement, how to identify when the labeling requires the supervising applicator to immediately supervise the applicator trainee in applying the pesticide and the information on personal protective equipment.

(12) The necessity and appropriate use and removal of personal protective equipment.

(13) The safety requirements for handling, transporting, storing and disposing of pesticides, including, without limitation, the general procedures for spill cleanup of a pesticide.

(14) The environmental concerns relating to pesticides, including, without limitation, drift, runoff and wildlife hazards.

(15) The requirements for the supervising applicator set forth in section 6 of this regulation.

2. Maintain records documenting the training provided to the applicator trainee pursuant to the requirements of this section.

Sec. 6. *Each applicator who supervises an applicator trainee shall:*

1. Ensure that the applicator trainee performing pest control activities has:

(a) A means to immediately and directly communicate with the supervising applicator; and

(b) Access to the product labeling of all pesticides that will be carried or applied by the applicator trainee.

2. If the applicator trainee is applying restricted-use pesticides or if the product labeling of the pesticide used requires immediate supervision, be physically present at all times when the pesticide is being applied.

3. Provide the applicator trainee with:

(a) Clean personal protective equipment that is in proper operating condition as required by the label of the pesticide being applied;

(b) Appropriate equipment for mixing, loading, transferring or applying pesticides in proper condition as intended by the manufacturer; and

(c) Instructions for the application of each pesticide that will be applied by the applicator trainee that are specific to the site and the pesticide being applied, which must include, without limitation:

(1) Any product labeling instructions;

(2) Precautions;

(3) Any site or use specific requirements; and

(4) Information about how the risk of adverse effects may be increased or decreased by:

(I) The characteristics of the use of the site, such as the surface water or groundwater, endangered species or local population; and

(II) The condition of the application, such as the equipment, method of application or formulation.

↪ *These instructions must be provided in a manner that the applicator trainee can understand.*

Sec. 7. NAC 555.250 is hereby amended to read as follows:

555.250 As used in NAC 555.250 to 555.530, inclusive, *and sections 2 to 6, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.2503 to 555.258, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 8. NAC 555.260 is hereby amended to read as follows:

555.260 NAC 555.250 to 555.530, inclusive, *and sections 2 to 6, inclusive, of this regulation* do not apply to:

1. Services for domestic or industrial sanitation, which use sanitizers and disinfectants;
2. Services for the maintenance of swimming pools, which use algicides, bactericides or fungicides;
3. Any person who uses preservatives in the treatment of fabrics;
4. Veterinarians or persons in pet salons who treat animals;
5. A person who controls vertebrate pests by means other than the use of pesticides; or
6. A person who:
 - (a) Conducts inspections for; or
 - (b) Performs services for the control of,

↪ a mold or other fungus detrimental to human health.

Sec. 9. NAC 555.290 is hereby amended to read as follows:

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

2. Each ~~primary~~ :

(a) *Primary* principal, location principal, principal, operator, demonstration and research specialist or agent of a pest control business shall:

~~(a)~~ (1) 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)~~ (2) Produce the license upon request by the Director or an agricultural police officer appointed pursuant to subsection 2 of NRS 561.225 ~~+~~ ; and

(b) *Applicator trainee shall ensure that the certificate of registration issued to him or her by the Director is prominently displayed on his or her person while engaging in pest control.*

3. The primary 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, operator, demonstration and research specialist , ~~for~~ agent *or applicator trainee* of the pest control business or any change in the information given on the application for the business license for the pest control business.

4. A license is not assignable or transferable. If a change in ownership of a pest control business occurs, a new application and fee for a business license 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, demonstration and research specialist or agent must be paid by the employer. No additional fee is required for a designation as a primary principal or a location principal.

6. A principal 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 business license in a name that is:

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

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 demonstration and research specialist shall not:

(a) Provide a recommendation or any other advice to a person concerning the use of a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive; or

(b) Apply a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive, except for demonstration and research purposes.

11. The Director may refuse to issue a license to an applicant 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.

Sec. 10. NAC 555.374 is hereby amended to read as follows:

555.374 1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, at least 7 days before the first day of the course:

- (a) A detailed outline of the subject matter to be presented;
- (b) If the course is intended for applicators who are licensed or certified to apply or supervise the application of restricted-use pesticides, evidence that the number of hours for the course and the content and quality of the course ensure that the applicators continue to satisfy the applicable requirements of subsection 3 of NRS 555.351, NRS 555.355, NAC 555.630, 555.650 and 555.695;
- (c) A description of the method of presentation;
- (d) A curriculum vitae or other biographical statement of the instructor;
- (e) For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, a detailed description of the method or methods by which the sponsor intends to verify attendance by each licensee and the successful completion by each licensee of the examination required pursuant to subsection 2 of NAC 555.372; and
- (f) Any other information required in the application for accreditation.

2. To equal one unit of continuing education, the course for which the application is submitted must consist of at least 50 minutes of instruction and be directly related to:

- (a) The control or management of pests;

- (b) The classification or usage of pesticides;
- (c) The safe handling or dispensing of pesticides; or
- (d) A law or regulation concerning the use of pesticides.

3. The information required by subsection 1 must be submitted on an application prescribed by the Director.

4. The sponsor of a course accredited by the Director shall submit to the Department, within 30 days after the completion of the course, a list that includes:

- (a) The name of the course;
- (b) The course number assigned by the Director pursuant to NAC 555.375;
- (c) The number of units of continuing education that a person who successfully completes the course may receive;
- (d) The name of each person who attended the course;
- (e) The identification number assigned by the Department to the licensee wishing to receive credit for completing the course;
- (f) The name of the business or governmental agency that employs the licensee;
- (g) The signature of the licensee; and
- (h) A statement prepared by the sponsor of the course indicating that:
 - (1) The licensee presented to the sponsor the licensee's license or any other form of identification issued by a governmental agency that includes a photograph of the licensee; or
 - (2) For an Internet course, a course contained on a compact disc, a correspondence course or a video or other media presentation sponsored by the Cooperative Extension Service, each licensee listed attended the course or presentation and passed the examination required pursuant to subsection 2 of NAC 555.372.

5. The sponsor of a course shall maintain a record of the information set forth in subsection 4 for at least 4 years after the completion of the course. The records must be made available to the Director upon request.

6. Except as otherwise provided in subsection 7, courses of continuing education that may be accredited by the Director include, without limitation:

- (a) A seminar;
- (b) A meeting;
- (c) An adult education class;
- (d) A correspondence class;
- (e) An Internet class;
- (f) A college or university class;
- (g) A video or other media presentation; and
- (h) Any equivalent activity approved by the Director.

7. A person who attends a meeting of the Nevada Pest ~~Control~~ *Management* Association may receive credit for attending the meeting without obtaining approval for the meeting pursuant to this section.

8. A person who successfully completes a course of continuing education is not entitled to receive credit for attending the course unless, at the time the sponsor of the course recorded the attendance of the person at the course, the person presented to the sponsor the identification specified in paragraph (h) of subsection 4.

9. A licensee may not receive credit more than once in a calendar year for attending the same course with the same course number assigned by the Director pursuant to NAC 555.375.

10. As used in this section, “licensee” includes, without limitation, an authorized commercial applicator, certified non-private applicator, private applicator and any other person who is licensed or certified to apply or supervise the application of a restricted-use pesticide.

Sec. 11. NAC 555.385 is hereby amended to read as follows:

555.385 1. Except as otherwise provided in subsection 6, every person licensed as a primary principal, principal, location principal, operator, demonstration and research specialist or agent *, or registered as an applicator trainee,* shall return his or her license *or certificate of registration, as applicable,* 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, principal, location principal, operator, demonstration and research specialist ~~, *or*~~ agent *or applicator trainee* 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, principal, operator, demonstration and research specialist ~~, *or*~~ agent *or applicator trainee* from the pest control business within 15 days after the date on which that termination occurs.

3. A former licensee *or applicator trainee* 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, operator or demonstration and research specialist after the principal, operator or demonstration and research specialist 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 555.283, 555.340 or 555.695, as applicable, 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 and specific examinations given pursuant to NAC 555.283, 555.340 or 555.695, as applicable, 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 person licensed as a primary principal, principal, location principal, operator, demonstration and research specialist or agent 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.

Sec. 12. NAC 555.400 is hereby amended to read as follows:

555.400 Except as otherwise provided in NAC 555.250 to 555.530, inclusive, *and sections 2 to 6, inclusive, of this regulation* or as specifically authorized in writing by the Director, each person engaged in the application of pesticide for hire shall:

1. ~~Apply~~ *Except as otherwise provided in subsection 2, apply* pesticides only in those categories of pest control for which he or she is licensed ~~or registered, as applicable~~. All other applicators must be under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist or operator who is qualified and currently licensed in the appropriate category.

2. *Apply, as an applicator trainee:*

(a) General-use pesticides only while under the direct supervision of a licensed applicator; and

(b) Restricted-use pesticides only while under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with the provisions of NRS 555.351.

3. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.

~~3.1~~ 4. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.

~~14.1~~ 5. Keep pest control equipment, when in use, in good condition.

~~15.1~~ 6. 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.

~~16.1~~ 7. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.

~~17.1~~ 8. 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.

~~18.1~~ 9. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.

~~19.1~~ 10. 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. While being transported in a service vehicle, a service container must be secured in a manner to prevent spills or damage.

~~110.1~~ 11. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

Sec. 13. NAC 555.410 is hereby amended to read as follows:

555.410 In addition to complying with any applicable requirements of NAC 555.413, a person subject to the provisions of NAC 555.400 shall:

1. Keep accurate and legible records for 2 years of each property treated, showing:
 - (a) If the person is licensed in the aerial or agricultural ground field:

- (1) The date of the treatment for, recommendation concerning or identification of pests.
- (2) The full name of the person for whom and the county where the treatment, recommendation or identification was conducted.
- (3) The full name of the pilot or applicator doing the treating, recommending or identification.
- (4) The crop or site treated or for which the recommendation or identification was made.
In the case of a spot treatment, the term “spot treatment” must be noted, followed by a description of the treatment area and the spot or spots treated.
- (5) The number, name or site identification of the field.
- (6) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended, the registration number assigned to the pesticide by the United States Environmental Protection Agency and the dosage applied or recommended.
- (7) In the case of a treatment:
 - (I) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.
 - (II) The purpose for which the crop, site or spot was treated.
 - (III) The time the treatment was started and the time the treatment was finished.
 - (IV) The temperature at the start and finish of the treatment.
 - (V) The wind velocity and wind direction at the start and finish of the treatment.
- (b) If the person is licensed *or registered* in the urban, rural and structural field:
 - (1) The date of the treatment for, recommendation concerning or identification of pests.
 - (2) The address where the treatment, recommendation or identification was conducted.
 - (3) The full name of the applicator  *or applicator trainee, as applicable.*

(4) The site treated or for which a recommendation or identification was made, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure. In the case of a spot treatment, the term “spot treatment” must be followed by a description of the treatment area and the spot or spots treated.

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

(6) In the case of a treatment, the total amount of any diluted pesticide and the concentration of the pesticide that was applied.

(7) If a treatment is conducted in the categories of limited landscape, weeds, aquatic or fumigation:

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

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

(III) The area of any turf or ground treated.

(IV) The purpose for which the pesticide was applied.

(V) The area or volume fumigated.

(VI) The times at which fumigation started and finished.

(8) If a treatment is conducted in the category of structural pest control and the treatment is a preconstruction treatment, a copy of the Housing and Urban Development-National Pest Management Association Form 99-B entitled “New Construction Subterranean Termite Service Record.” The Housing and Urban Development-National Pest Management Association Form 99-B is available from CBS Forms by mail at 11652 Agarwood Drive, Walton, Kentucky 41094, by telephone at (800) 324-7676 or at the Internet address <http://www.cbsforms.com/>, for the

price of ~~(\$32.95)~~ \$35.95 for a pack of 100 forms, plus shipping and handling, or from the United States Department of Housing and Urban Development, free of charge, at the Internet address <https://www.hud.gov>.

2. Report by telephone within 24 hours to the Director or his or her designee:

(a) Any emergency dumps of pesticides by aircraft, and accidents of aircraft loaded with pesticides or ground equipment involving the spillage of pesticides; or

(b) The accidental spillage at sites of operations of more than 1 gallon of liquid or 4 pounds of dry weight of unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.

3. Report by telephone to the Director or his or her designee within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

4. If the person is licensed in the aerial or agricultural ground field, file with the Director on forms to be furnished by him or her a monthly report of all pest control operations, including those operations involving the use of restricted-use pesticides, for each month in which such operations occurred. The report must:

(a) Be filed on or before the 15th day of the following month; and

(b) Be filed for those periods during which no operations were conducted unless written notification is given to the Director declaring that operations have ceased.

5. Submit to the Director any reports or records he or she requests.

Sec. 14. NAC 555.415 is hereby amended to read as follows:

555.415 An unlicensed *or unregistered* person who performs pest control under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist 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 and research specialist 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.

Sec. 15. NAC 555.530 is hereby amended to read as follows:

555.530 In addition to any other penalty, the Director may assess a fine against a person according to the schedule set forth in this section. As used in this section, “authorized,” “authorization” or any variation of those terms means the authority of an authorized commercial applicator to use or supervise the use of a restricted-use pesticide as described in subsection 3 of NRS 555.351.

AUTHORIZED OR CERTIFIED PERSONS AND PERSONS WHO ARE NOT AUTHORIZED OR CERTIFIED	APPLICATION	
	OTHER THAN PRIVATE APPLICATION	PRIVATE APPLICATION
1. Except as otherwise provided in this section, for a violation of NRS 555.2605 to 555.460, inclusive	\$100 to \$1,000	\$100 to \$1,000
2. For a violation of NRS 555.351:		
(a) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(b) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000

AUTHORIZED OR CERTIFIED PERSONS AND PERSONS WHO ARE NOT AUTHORIZED OR CERTIFIED	APPLICATION	
	OTHER THAN PRIVATE APPLICATION	PRIVATE APPLICATION
3. For a violation of NRS 555.359, if the violation is for:		
(a) Knowingly applying ineffective or improper materials	\$300	\$50
(b) Applying materials in a manner which is inconsistent with labeling or other restrictions imposed by the Director:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(c) Operating faulty or unsafe equipment	\$100	\$50
(d) Applying pesticides in a faulty, careless or negligent manner:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(e) Aiding or abetting an unauthorized or uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive	\$100 to \$1,000	\$50 to \$300

AUTHORIZED OR CERTIFIED PERSONS AND PERSONS WHO ARE NOT AUTHORIZED OR CERTIFIED	APPLICATION	
	OTHER THAN PRIVATE APPLICATION	PRIVATE APPLICATION
(f) If authorized or certified, conspiring with an unauthorized or uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his or her license or certificate to be used by an unauthorized or uncertified person	\$1,001 to \$5,000	\$301 to \$1,000
(g) Fraudulently or deceptively procuring an authorization or certificate	\$1,001 to \$5,000	\$301 to \$1,000
(h) Falsifying records or reports	\$250 to \$500	\$100 to \$250
(i) Failing to give adequate instructions or directions to an unauthorized or uncertified person under his or her supervision:		
(1) If it is a nonserious violation	\$100 to \$500	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
4. For a violation of NAC 555.440, if the violation is for:		
(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		

AUTHORIZED OR CERTIFIED PERSONS AND PERSONS WHO ARE NOT AUTHORIZED OR CERTIFIED	APPLICATION	
	OTHER THAN PRIVATE APPLICATION	PRIVATE APPLICATION
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(b) Disposing of a pesticide or its empty container in a manner that presents a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace..	\$200 to \$500	\$100 to \$300
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation	\$100 to \$1,000 (per item not provided)	\$50 to \$300 (per item not provided)
(2) If it is a serious violation	\$1,001 to \$5,000 (per item not provided)	\$301 to \$1,000 (per item not provided)

AUTHORIZED OR CERTIFIED PERSONS AND PERSONS WHO ARE NOT AUTHORIZED OR CERTIFIED	APPLICATION	
	OTHER THAN PRIVATE APPLICATION	PRIVATE APPLICATION
(d) Failing to maintain the required safety equipment in good working order.....	\$100 to \$1,000 (per item not maintained)	\$50 to \$300 (per item not maintained)
(e) Not using materials, dosages, formulas, devices or methods of application, storage and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
5. For a violation of NAC 555.510, if the violation is for:		
(a) Fumigating without the supervision of a person who is an applicator licensed or certified to perform pest control using lethal fumigants:		
(1) If it is a nonserious violation	\$100 to \$1,000	\$50 to \$500

AUTHORIZED OR CERTIFIED PERSONS AND PERSONS WHO ARE NOT AUTHORIZED OR CERTIFIED	APPLICATION	
	OTHER THAN PRIVATE APPLICATION	PRIVATE APPLICATION
(2) If it is a serious violation	\$1,001 to \$5,000	\$501 to \$5,000
(b) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant and, if required, a copy of the fully developed site-specific fumigation management plan	\$100 to \$500 (per item not provided)	\$100 to \$300 (per item not provided)
(c) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....	\$50 to \$300	\$50 to \$300
6. For a violation of NAC 555.700 or 555.705, if the violation is for:		
(a) Failing to keep an accurate and legible record of each property treated for 2 years	\$100	\$50

AUTHORIZED OR CERTIFIED PERSONS AND PERSONS WHO ARE NOT AUTHORIZED OR CERTIFIED	APPLICATION	
	OTHER THAN PRIVATE APPLICATION	PRIVATE APPLICATION
(b) Failing to maintain required information for 2 years	\$100	\$50
(c) Failing to report within 24 hours any emergency dump or accidental spillage of a pesticide	\$100	\$50
(d) Failing to report to the Director or his or her designee within 48 hours any case of apparent pesticide poisoning requiring medical treatment	\$100	\$50
(e) Failing to have contact with an applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours	\$100	\$50
LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
7. Except as otherwise provided in this section, for a violation of a provision of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$500	\$301 to \$1,000
8. For a violation of NRS 555.280	\$500	\$1,000
9. For a violation of NRS 555.285	\$500	\$1,000
10. For failing to supervise adequately an applicator <i>or applicator trainee</i> who does not have a license issued by the Director.....	\$500	\$500
11. For a violation of NAC 555.290, if the violation is for:		
(a) Failing to carry the license issued to him or her by the Director while engaged in pest control or failing to produce the license upon request by the Director or an agricultural police officer.....	\$50	\$50

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, demonstration and research specialist, for agent or <i>applicator trainee or</i> of any change in the information given on the application for the license of the pest control business.....	\$100	\$100
(c) Failing to submit a new application and fee if a change in ownership occurs.....	\$500	\$500
12. Failing to obtain the permit required pursuant to NAC 555.300 or to provide accurate or complete information on an application for such a permit.....	\$50	\$50

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
13. For a violation of NAC 555.385, if the violation is for failing to provide written notice to the Department of the termination of the employment of a primary principal, principal, location principal, operator, demonstration and research specialist , for agent <i>or applicator trainee</i> from the pest control business within 15 days after the date on which that termination occurs	\$100	\$100
14. For a violation of NAC 555.400, if the violation is for: (a) Applying a pesticide in a category of pest control for which he or she is not licensed	\$500	\$1,000
(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials	\$100 to \$500	\$301 to \$1000
(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made: (1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(d) Failing to keep pest control equipment in good condition	\$25 to \$100	\$50 to \$301
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25 to \$100	\$50 to \$301
(f) Failing to maintain a uniform mixture	\$25 to \$100	\$50 to \$301
(g) Failing to confine in a substantial manner the material applied to the premises where the land, crop, livestock, ornamental, soil or pest which is being treated:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(h) Failing to clean thoroughly all equipment after use.....	\$50	\$50

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(i) Failing to store undiluted pesticides in a locked facility, failing to secure a service container to a service vehicle or failing to handle serviceperson's kits with extreme caution or leaving the kits where children or other unauthorized persons might remove the contents:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
15. For a violation of NAC 555.410 or 555.413, or if the violation is for:		
(a) Failing to keep an accurate and legible record of each property treated for 2 years	\$100 to \$500	\$501 to \$1,000
(b) Failing to record an item of information required for the record	\$25 to \$100	\$50 to \$301
(c) Failing to report to the Director his or her designee within 48 hours any cases of apparent pesticide poisoning which require medical treatment:		
(1) If it is a nonserious violation	\$100	\$100

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) If it is a serious violation	\$500	\$500
(d) Failing to file the required monthly report on or before the 15th day of the following month	\$100	\$100
16. For a violation of NAC 555.420, if the violation is for using a material for pest control which is not registered in this State as a pesticide, using any registered pesticide for a purpose other than the purpose for which the pesticide was registered or using a pesticide not registered with the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:		
(a) If it is a nonserious violation	\$100 to \$500	\$501 to \$1,000
(b) If it is a serious violation	\$500 to \$1,000	\$1,001 to \$5,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
17. For a violation of NRS 555.420, if the violation is for failing to respond to a request for an inspection or other activity specified in that section or to submit to such an inspection or activity	\$100 to \$1,000	\$100 to \$5,000
18. For a violation of NAC 555.415	\$100 to \$1,000	\$301 to \$1,000
19. For a violation of NAC 555.425, if the violation is for:		
(a) Failing to display prominently his or her permanent license number and the name of the business on all service vehicles of the business on both sides of such vehicles in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle	\$50	\$100
(b) Failing to equip a service vehicle used in the custom application of pesticides with:		
(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....	\$100	\$150

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....	\$100	\$150
(3) Equipment designed to store safely materials contaminated with pesticide.....	\$100	\$150
(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....	\$100	\$100
20. For a violation of NAC 555.427, if the violation is for:		
(a) Failing to submit the form entitled “Termiticide Pretreatment Notification Form”.....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the form entitled “Termiticide Pretreatment Notification Form”.....	\$25 to \$100 (per item not included)	\$50 to \$301 (per item not included)
(c) Failing to apply the termiticide only to sites or in the specific quantities or dosages listed on the label of the termiticide, unless otherwise authorized by the Director.....	\$500 to \$1,000	\$1,001 to \$5,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(d) Failing, as part of a preconstruction treatment to soil, to apply the termiticide in a manner that establishes a vertical barrier at the exterior of the walls of the foundation or the exterior of the concrete slab, as appropriate, within 30 days after grading and any other disturbance of the soil has been completed	\$301 to \$1,000	\$1,001 to \$5,000
21. For a violation of NAC 555.428, if the violation is for:		
(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the tag for preconstruction treatment	\$50 to \$100	\$100 to \$301
	(per item not included)	(per item not included)

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to affix securely a tag for preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide	\$301 to \$1,000	\$301 to \$1,000
22. For a violation of NAC 555.430, if the violation is for:		
(a) Failing to write and deliver the required report before starting work on a project or giving an oral or written opinion on a form supplied by the Department or on an electronic form approved by the Department.....	\$100	\$150
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made	\$100	\$150
(c) Failing to include each item of information required in a report.....	\$50 to \$500 (per item not included)	\$50 to \$1,000 (per item not included)
(d) Failing to keep a copy of each report for at least 3 years after preparation of the report	\$100 to \$500	\$501 to \$1,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(e) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only to sites or in the specific quantities or dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the Director:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
23. For a violation of NAC 555.440, if the violation is for:		
(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) Failing to store or dispose of a pesticide or its empty container according to directions on the label and in a manner that does not present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace ..	\$100 to \$301	\$301 to \$1,000
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
	(per item not provided)	(per item not provided)
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
	(per item not provided)	(per item not provided)
(d) Failing to keep the required safety equipment in good working order.....	\$50 to \$300	\$301 to \$1,000
	(per item not maintained)	(per item not maintained)

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(e) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(f) Failing to use an accurately calibrated metering device when dispensing a termiticide....		
	\$100 to \$301	\$301 to \$1,000
24. For a violation of NAC 555.445, if the violation is for:		
(a) Failing to attach abbreviated labels to a service container		
	\$50 to \$100	\$50 to \$301
(b) Failing to include each item of information required on an abbreviated label		
	\$50 to \$100	\$50 to \$301
(c) Failing to carry a complete label or a means of obtaining immediate electronic access to a complete label for each pesticide in the vehicle.....		
	\$50 to \$100	\$50 to \$301

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
25. For a violation of NAC 555.460, if the violation is for:		
(a) Failing to give notice within a reasonable time before treatment to an owner of any animals known to be on the property to be treated or on property where a material containing a harmful substance is likely to drift	\$100 to \$500	\$301 to \$1,000
(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain	\$100 to \$500	\$301 to \$1,000
(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100 to \$500	\$301 to \$1,000
(d) Failing to place an insecticide or a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station unless, in the case of insecticide bait, the insecticide bait is placed as indicated on the label:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
(e) Failing to mark the outside of a bait station with the required information:		
(1) If it is a nonserious violation	\$25 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
(f) Failing to remove bait stations placed on the property by the pest control business upon termination of the services of the pest control business:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
26. For a violation of NAC 555.470, if the violation is for:		
(a) Failing to give notice personally or by telephone or electronic mail to an apiarist within the required time	\$100 to \$500	\$301 to \$1,000
(b) Failing to give notice of his or her intent to apply specified pesticides to each apiarist within 2 miles of the field to be treated within the required time	\$100 to \$500	\$301 to \$1,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to provide each item of information required to be included in the notice.....	\$100 to \$500	\$301 to \$1,000
27. For a violation of NAC 555.510, if the violation is for:		
(a) Fumigating without the supervision of a person who is an applicator properly licensed or certified to perform pest control using lethal fumigants:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000
(b) Except as otherwise provided by NAC 555.510, failing to have at least one properly licensed or certified applicator and one person under the supervision of that applicator present during the release of the fumigant or the ventilation process:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation	\$501 to \$1,000	\$1,001 to \$5,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to have a complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant, and, if required, a copy of the fully developed site-specific fumigation management plan	\$50 to \$300 (per item not provided)	\$501 to \$1,000 (per item not provided)
(d) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....	\$50 to \$300	\$301 to \$1,000
PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
28. For a violation of:		
(a) NRS 555.280 or 555.285 by a person who does not hold a license issued by the Director.....	\$50 to \$1,000	\$1,001 to \$5,000

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
(b) NRS 555.351 by a person who does not hold a license as an authorized commercial applicator or certificate issued by the Director	\$50 to \$1,000	\$1,001 to \$5,000
(c) NAC 555.440 by a person who does not hold a license or certificate issued by the Director if the violation is for:		
(1) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		
(I) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(II) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
(2) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace	\$100 to \$301	\$301 to \$1,000

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
(3) Failing to provide employees with the required information, precautions and safety equipment:		
(I) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
	(per item not provided)	(per item not provided)
(II) If it is a serious violation	\$501 to \$5,000	\$1,001 to \$5,000
	(per item not provided)	(per item not provided)
(4) Failing to maintain the required safety equipment in good working order.....		
	\$50 to \$300	\$301 to \$1,000
	(per item not maintained)	(per item not maintained)
(5) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:		
(I) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
(II) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(6) Failing to use an accurately calibrated metering device when dispensing a termiticide...	\$100 to \$301	\$301 to \$1,000
<i>PERSONS WHO HOLD A CERTIFICATE OF REGISTRATION AS AN APPLICATOR TRAINEE AND PERSONS WHO DO NOT HOLD A CERTIFICATE OF REGISTRATION</i>	<i>FIRST OFFENSE</i>	<i>SUBSEQUENT OFFENSE</i>
<i>29. For engaging in pest control activities as an applicator trainee without holding a certificate of registration issued to him or her by the Director</i>	<i>\$500</i>	<i>\$1,000</i>
<i>30. For a violation of NAC 555.290, if the violation is for failing to carry and prominently display the certificate of registration issued to him or her by the Director while engaged in pest control</i>	<i>\$50</i>	<i>\$50</i>

Sec. 16. NAC 586.018 is hereby amended to read as follows:

586.018 A person shall not apply or otherwise use a restricted-use pesticide unless the person is:

1. An authorized commercial applicator, non-private applicator or private applicator with the appropriate license or certification to use the restricted-use pesticide; ~~for~~
2. A person under the direct supervision of an authorized commercial applicator, non-private applicator or private applicator who holds the appropriate license or certification to use the restricted-use pesticide and the person under the direct supervision meets the requirements of 40 C.F.R. § 171.201 ~~H~~; *or*

3. An applicator trainee under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with the provisions of NRS 555.351. As used in this subsection, “applicator trainee” has the meaning ascribed to it in section 2 of this regulation.

Sec. 17. NAC 555.2545 and 555.256 are hereby repealed.

TEXT OF REPEALED SECTIONS

555.2545 “Location principal” defined. (NRS 555.400) “Location principal” means the primary principal at a business location of a pest control business or a principal who has been designated by a primary principal as the person responsible for the daily supervision of the

category or categories of pest control performed at a business location of the pest control business.

555.256 “Principal” defined. (NRS 555.400) “Principal” has the meaning ascribed to it in NRS 555.2679.