

LCB File No. T031-01

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

(Effective March 6, 2001)

Nevada Department of Agriculture
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**ADOPTION OF A TEMPORARY AMENDMENTS TO NAC 555.250 TO 555.530
PERTAINING TO THE CUSTOM APPLICATION OF PESTICIDES.**

Authority: NRS 555.290

For any clarification on the amendments contact Lee Lawrence at (775) 688-1182 Ext 252

NAC 555.250 Definitions. (NRS 555.400) As used in NAC 555.250 to 555.530, inclusive, unless the context otherwise requires, the words and terms defined in NAC 555.2505 to 555.258, inclusive, have the meanings ascribed to them in those sections.

[Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; 10-17-86; 12-10-92; A by Div. of Agriculture, 1-6-95; A by Dep't of Agriculture by R081-99, 11-18-99)

NAC 555.2505 “Business location” defined. “Business location” means any area:

1. From which a person who is licensed to engage in pest control conducts the operations of pest control; and
2. Where the books and other records of the operations of pest control are maintained.
(Added to NAC by Dep't of Agriculture, eff. 12-10-92)

NAC 555.2507 “Cooperative extension service” defined. (NRS 555.400) “Cooperative extension service” means the agricultural extension department of the public service division of the University and Community College System of Nevada.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.2509 “Dosage” defined. “Dosage” means a specified amount of an undiluted pesticide applied to a given area, or the total amount of a diluted pesticide and the concentration applied.

NAC 555.251 “Fumigation and Fumigants” defined. “Fumigation” means the destruction of plant or animal life within an enclosed area by using a substance which has a vapor pressure of more than 5 millimeters of mercury at 25° centigrade[-], ***or any material which may be considered to be a fumigant or declared to be a fumigant by the director.***

1. The following is a list of common lethal fumigants

(a) Chloropicrin.

- (b) Methyl bromide.*
 - (c) Sulfur dioxide.*
 - (d) Propylene oxide.*
 - (e) Sulfuryl fluoride.*
 - (f) Aluminum phosphide.*
 - (g) Magnesium phosphide.*
 - (h) Dichloropropene*
- 2. The following may be considered fumigants, depending on their intended use:**
- (a) Liquid nitrogen.*
 - (b) Carbon dioxide.*
 - (c) Metam sodium.*

[Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

NAC 555.2515 “Identification number” defined. “Identification number” is the permanent individual license number issued to each licensed applicator in the state. This number will be placed on the permanent license card issued by the department.

NAC 555.252 “Immediate supervision” defined. “Immediate supervision” means supervision by a licensed applicator who is present and responsible for a person applying a pesticide for pest control.

[Dept of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

NAC 555.253 “Industrial complex” defined. “Industrial complex” means any area or site, other than an institutional complex, where a business activity occurs.

[Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

NAC 555.254 “Institutional complex” defined. “Institutional complex” means any *private residence or* organization which has a social or educational purpose such as a nursing home, hospital or school.

[Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

NAC 555.2543 “Incidental pest control” defined. “Incidental pest control” relating to NRS 555.277 means the limited application of pesticides, for landscape pests, in conjunction with projects involving the contractual relationship for the development or maintenance of a landscape as long as the application of the pesticide(s) is limited to less than 20% of the entire contractual service. When a commercial application of a pesticide(s) on a landscape is the only, or predominant maintenance service performed, the application is not considered incidental.

NAC 555.2547 “Nonserious violation” defined. “Nonserious violation” means any violation of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, other than a serious violation.

(Added to NAC by Div. of Agriculture, eff. 1-6-95)

NAC 555.255 “Operator” defined. “Operator” means a *licensed* person who applies a pesticide without the immediate supervision of a principal.

[Dep’t of Agriculture, part No. 55.30, eff. 6-1-59, 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

NAC 555.2552 “Ornamental” defined. “Ornamental” means shrubs, flowers, other plantings including the application of pesticides for olive fruit prevention, in and around habitations generally, but not necessarily located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings.

NAC 555.2553 "Pretreatment" defined. "Pretreatment" means the application of a termiticide for subterranean termite control prior to the establishment of a permanent slab, or prior to, or in conjunction with, the establishment of sub-flooring and supports for raised foundation construction. Pretreatment does not include termite baits, or screens. Other pretreatment methods may be approved by the director of the Department of Agriculture.

NAC 555.2555 “Primary principal” defined. “Primary principal” means a principal who *is the only principal for a company, or* has been designated by a licensee as the person responsible for the daily supervision of the *category or categories of* operation of each business location of the licensee within this state.

(Added to NAC by Dep’t of Agriculture, eff. 12-10-92)

NAC 555.256 “Principal” defined. “Principal” means an owner, officer, partner, member or technician who has qualified by examination in one or more pest control categories. ~~[who is designated to act on behalf of a licensed business organization, and who supervises the daily activities of the operators at a business location of the organization to ensure that pesticides are being used in a safe and proper manner.]~~ *An individual shall not be licensed as a principal for more than one company at any one time.*

[Dep’t of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82; 12-10-92)

NAC 555.2567 “Serious violation” defined. (NRS 555.400) “Serious violation” means:

1. 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; or

2. Conducting pest control without an appropriate license in violation of NRS 555.280.

(Added to NAC by Div. of Agriculture, eff. 1-6-95; A by Dep’t of Agriculture by R081-99, 11-18-99)

3. *Conducting termite pretreatment in violation of NAC 555.427.*

NAC 555.257 “[Structural] Industrial and institutional pest” defined. “[Structural] *Industrial and institutional* pest” means a pest, such as ~~[a rodent, insect or vermin]~~ an *insect or vertebrate pest*, which invades a household or other structure, except that the term does not include a wood-destroying pest.

[Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

NAC 555.2571 “Structural pest control” defined. *“Structural pest control” means the inspection for wood-destroying pests, or conditions conducive to the infestation by wood-destroying pests, or their control.*

NAC 555.2572 “Subsequent offense” defined. “Subsequent offense” means each repeated violation of a statute or regulation which occurs within 5 years or less from the date of the first violation.

(Added to NAC by Div. of Agriculture, eff. 1-6-95)

NAC 555.2575 “Tamper resistant” defined. *“Tamper resistant” means the use of commercial tamper resistant baiting devices, or stations in pest control, placed, permanently affixed, or so constructed that a child, pet, or domestic animal cannot obtain a toxic or harmful amount of the substance contained therein, without destroying the device.*

NAC 555.258 “Wood-destroying pest” defined. “Wood-destroying pest” means ~~[a pest,]~~ *pests* such as ~~[a fungus] fungi, [or termite] termites, or other insects~~ which infests and destroys cellulose.

[Dep't of Agriculture, part No. 55.30, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 2-5-82)

NAC 555.260 Exemptions. NAC 555.250 to 555.530, inclusive, 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 uses 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; or
5. A person who controls vertebrate pests by means other than the use of chemicals.

[Dep't of Agriculture, No. 55.31, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]—(NAC A 10-17-86)

Licensing

NAC 555.270 Types of licenses.

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

(a) A license authorizing the holder to conduct pest control from any business location in any category of pest control in which a *primary* principal of the business has been qualified by examination.

(b) For pest control personnel:

(1) 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 *specific* pest control ~~[work restricted to an inspection for wood-destroying pests or restricted to a specific:~~

- ~~(I) Host;~~
- ~~(II) Site;~~
- ~~(III) Pest; or~~
- ~~(IV) Pesticide].~~

2. An operator [~~or agent~~] will be issued a license only in those categories where he has a qualified *primary* principal.

3. *Except as described in paragraph (b) of subsection 1, a primary principal licensee shall not be issued a license only to perform termite pre-treatments in the structural category.*

4. *A restricted fumigation license is required for the control of rodents in underground burrow systems, with fumigants, located in non-crop land areas, crop areas, or orchards. Prior to the issuance of a restricted fumigation license, the applicant must provide, and after receiving the license must maintain, proof of insurance coverage for the application of fumigants to control rodents in underground burrow systems located in non-crop land areas, crop areas, or orchards.*

[Dep't of Agriculture, part No. 55.32, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; + part No. 55.33, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; 6-11-80]—(NAC A 2-5-82; 1-19-84; 12-10-92)

NAC 555.280 Fields and categories. (*CHANGES GO INTO EFFECT JANUARY 1, 2002*)

1. The following fields are established for the licensing of pest control personnel:

- (a) Aerial—The use of aircraft on standing or running water, rangeland or cropland.
- (b) Agricultural ground—The use of ground equipment on rangeland, cropland or animals.
- (c) Urban structural—The use of ground equipment in urban areas and in, on or around

structures.

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

(a) Aerial [~~or agricultural ground~~]:

- (1) Insecticides—The application of insecticides, miticides and acaricides.
- (2) Herbicides—The application of herbicides and plant growth regulators.
- (3) Desiccants and defoliants—The application of desiccants and defoliants.
- (4) Fungicides and bactericides—The application of fungicides, bactericides and

nematicides.

~~[(5) Rodenticides—The application of rodent baits.]~~

(b) [~~Urban and structural~~] *Agricultural ground:*

- (1) Insecticides—The application of insecticides, miticides and acaricides.*
- (2) Herbicides—The application of herbicides and plant growth regulators.*
- (3) Desiccants and defoliants—The application of desiccants and defoliants.*
- (4) Fungicides and bactericides—The application of fungicides, bactericides and*

nematicides.

(5) Rodenticides—The application of rodenticides or other vertebrate baits.

(c) Urban and structural:

(1) Ornamental, *tree* and turf—The control of insects, weeds, vertebrates, plant diseases *and the use of plant growth regulators* on ornamentals, *trees* and turf in urban areas, *including non-commercial fruit trees in urban settings.*

(2) Industrial and institutional—The control of insects and vertebrates in, on or around industrial and institutional complexes.

(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) ~~[Shade trees and fruit trees—The Control of insects and plant diseases on shade trees and fruit trees.]~~ *Aquatic — The control of insects, weeds and vertebrates in aquatic areas which is used or is intended for use in and around urban industrial and institutional settings.*

(6) *Right of Way — The control of weeds in the maintenance of rights-of- way (e.g. public roads, power lines, pipelines, railways, etc.).*

(7) *Wood Preservatives — Limited to the application of pesticides directly to structural components of wood or wood products which are not then a part of an existing structure normally habitable by persons, to prevent or control wood degradation by wood-destroying organisms which shall include fungi and bacteria.*

[Dep't of Agriculture, part No. 55.32, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82)

NAC 555.290 Licenses: Miscellaneous requirements and restrictions; amendment; inactive status.

1. *All principals and operators shall retain upon his/her person or in their service vehicle while conducting pest control, the license card issued by the director, and shall provide the license card upon demand.*

[4] 2. Every person licensed to engage in the business of pest control shall within ~~[5-working]~~ 15 days after the change, notify the director of any change in the status of authority of any ~~[person licensed]~~ licensee for that business ~~[as a principal, agent or operator]~~ or of any change in the information given on the application for a license.

[2] 3. A license is neither assignable nor 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.

[3] 4. A separate licensing fee for a principal~~[-agent]~~ or operator must be paid by the employer. No additional fee is required for a primary principal *designation*.

[4] 5. A principal~~[-]~~ or operator ~~[or agent]~~ may apply to the director for amendment of his license to include additional categories of pest control or have restrictions removed, and upon examination is entitled to have his license so amended without any additional licensing fee.

[5] 6. Any former ~~[licensee,]~~ principal~~[-]~~ or operator ~~[or agent]~~ whose license has not been active during the 2 years immediately preceding his application for a new license must demonstrate his qualifications for the license. The demonstration must include written or oral examinations, or both, currently in use to determine qualifications of any other applicants.

[6] 7. A licensee who cannot provide services in a particular category of pest control because he fails to meet the requirements for insurance for that category may apply to have his license for that category declared inactive. The license for that category may be reactivated at any time upon submission of proof of insurance to the director.

[7] 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 another licensee;
- (b) Likely to be confused with a governmental agency or trade association; or
- (c) Misleading.

[Dep't of Agriculture, part No. 55.32, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; + part No. 55.33, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; 6-11-80]—(NAC A 2-5-82; 10-17-86; 12-10-92)

NAC 555.300 Permits. A person licensed under these regulations may apply in writing to the director for a permit to make an *emergency* application ~~[at a site not covered by the fields and categories of pest control]~~ *for the protection of public health, property, or the environment*. The application must show:

1. Address of the site to be treated.
2. Anticipated date of treatment.
3. Name of the applicator who will be performing or immediately supervising the application.

4. Item to be treated.
5. Number of units to be treated.
6. Pesticide to be applied and rate at which it will be applied.
7. Purpose for which item is to be treated.
8. Any other items the director may require.

[Dep't of Agriculture, part No. 55.32 and part No. 55.33, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77]

NAC 555.320 Qualifications for examination.

1. All applicants must meet the following requirements before being examined and must file proof of meeting these requirements when submitting an application for a pest control examination:

- (a) Qualifications for examination as a principal:

- (1) Documentation of 2 years of experience in the application of pesticide or related pest control in the *initial* category or categories applied for; or

- (2) Documentation of 6 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.

- (b) Qualifications for examination as an operator ~~[or agent]~~:

- (1) Neither the experience in the application of pesticide nor the practical experience and education are required of an operator ~~[or agent]~~.

- (2) An operator ~~[or agent]~~ need not be of full legal age.

2. As used in paragraph (a) of subsection 1:

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

- (b) "Directly related pest control" courses include economic entomology, phytopathology and similar courses in the identification and control of pests through the use of pesticides.

- (c) Experience must be substantiated through work records, notarized statements *verified by work records, and/or* other documentation acceptable to the department.

- (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)

NAC 555.325 Broadening the scope of a principal operator license.

1. A person who holds a principal license may broaden the scope of their license by submitting a new application for examination, prescribed in NAC 555.330(2), and the application must show the following:

(a) Documentation that the applicant has received not less than 40 hours of continuing education directly related to each category in which the applicant applies. As a part of the documentation, an applicant must provide agendas in support of the continuing education received; or

(b) Documentation of 6 months of practical experience in the application of pesticide or related pest control in each category applied for and proof of not less than 9 hours of continuing education directly related to each category in which the applicant wishes to be licensed. As a part of the documentation, an applicant must provide agendas in support of the continuing education received; or

(c) Documentation of successful completion of pre-approved correspondence courses, or college / university courses which equal 3 college credit hours directly related to each category in which the applicant applies for and 9 hours of continuing education directly related to each category in which the applicant wishes to be licensed. Successful completion, as used in this paragraph, shall mean that the applicant receives a test score of 70 percent or better, or a "C" grade or better, at the completion of the course. As a part of the documentation an applicant must provide agendas in support of the continuing education received.

2. Each applicant must pass a written examination in each category which the applicant wishes to be licensed as prescribed in NAC 555.340.

3. Any applicant, upon successful completion of the requirements of subsections 1 and 2, may be required to perform a practical demonstration to show that the applicant has the ability to use, inspect, and/or apply pesticides correctly in the category(s) in which the applicant wishes to be licensed.

4. "Practical work experience" may be verified through work records, notarized statements verified by work records, and/or other documentation acceptable to the department.

5. As used in subsection 1 "continuing education" is defined as:

(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; or

(h) a program of self study or individualized instruction developed and accepted by the director.

NAC 555.330 Applications for examination.

1. Each person who wishes to be examined on pest control in order to obtain a license must complete an application and file it with the department.

2. If the applicant wishes to be licensed as a principal, he must request a date on which to take the examination, but his request may be made only after he has received notice from the department verifying his qualifications.

3. Each applicant must give the department 5 working days' notice of the date on which he wishes to take the examination unless the examining officer waives this requirement.

[Dep't of Agriculture, part No. 55.34, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82)

NAC 555.340 Examinations: Contents; retesting; letter of eligibility; *standards committee*. (NRS 555.290, 555.400)

1. Each applicant must pass a written examination to demonstrate his knowledge of:
 - (a) Operations for pest control;
 - (b) Pertinent laws and regulations;
 - (c) Safety in handling and dispensing pesticides;
 - (d) Pests;
 - (e) ~~[Operation and maintenance of equipment]~~ *Integrated Pest Management (IPM)*; and
 - (f) Recommended practices for controlling pests.
2. The examination consists of a general examination required for all applicants and a specific examination for each category of pest control in which the applicant has requested to be examined.
3. An applicant for a license as an ~~[agent or]~~ operator who receives a score on the written examination of 64 to ~~[68]~~ 69 percent, inclusive, may be given an ~~[oral]~~ *additional* examination by the examining officer. If the applicant receives a score of 70 percent or more on the ~~[oral]~~ *additional* examination, the examining officer shall increase the score on the written examination to the minimum passing score.
4. Any applicant may be required to perform a practical demonstration at a time and in a manner to be specified to show his ability properly to use and apply pesticides.
5. The passing score is 70 percent for each examination.
6. Applicants who fail to pass a section of the examination may be retested upon the expiration of the following minimum waiting periods:
 - (a) For an operator's license, 7 days.
 - (b) For a principal's license, 10 days.
7. Any applicant who uses an unauthorized aid during an examination ~~[may]~~ *will* be excluded from the remainder of the examination and ~~[may]~~ *will* not be allowed to take another examination for at least 6 months.
8. If an applicant passes the examination, a certified letter of eligibility to be licensed will be issued to him at his request. The letter remains valid for 2 calendar years, unless technological changes warrant issuance for a shorter period.

[Dep't of Agriculture, part No. 55.34, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82; 10-17-86; A by Div. of Agriculture by R127-97, 6-23-98; A by Dep't of Agriculture by R081-99, 11-18-99)

NAC 555.350 Applications for licensing: Pest control business.

1. Each application for a license must be made on a form supplied by the director.
2. Each application for a license for a pest control business must show the following:
 - (a) Name of the person applying for the license and the name under which the applicant intends to engage in the business of pest control together with the applicant's home or business street address and the street address of the pest control business.
 - (b) Name and mailing address of each partner, if a partnership.
 - (c) Name of each officer, state in which incorporated, date incorporated and name of each person holding or controlling 25 percent or more capital stock, if a corporation.

~~[(d) Active licenses in any other state held by the applicant and the categories of the licenses.]~~
[(e)(d) Business address, business telephone and facsimile number, mailing address, federal identification number, ~~[equipment location and pesticide storage location of the business while conducting operations in t his state.]~~

~~[(f)(e) If aircraft are to be used to perform pest control, a [Listing] listing and description of [pest control equipment] the aircraft and its “N” number.~~

[(g)(f) Name, home mailing address, home street address if different from home mailing address and home telephone number of each primary principal, principal~~[;]~~ or operator ~~[or agent]~~ employed by the applicant.

~~[(h)(g) Category of pest control in which applicant wishes to engage.~~

~~[(i)(h) Number of business locations.~~

~~[(j)(i) Address and telephone number of each business location.~~

~~[(k)(j) Name of the primary principal or the principal who supervises the daily activities of the operators ~~[or agents]~~ at each business location.~~

~~[(l)(k) Statement of the status of residency of and number of the Nevada driver’s license issued to each primary principal and principal.~~

(l) A statement that each licensee has satisfied the continuing education requirements as required by NAC 555.372.

(m) A statement prescribed by the welfare division of the Department of Human Resources pursuant to NRS 425.520.

(n) For applicants for urban structural licenses, an annual report of all pesticides used during the previous 12 months. The report must contain the pesticide brand name, EPA Registration Number and indicate all restricted use pesticides.

~~[(m)(o) For applicants for aerial licenses, number of hours of flight time engaged in pest control.~~

[Dep’t of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82; A by Bd. of Agriculture, 2-20-96)

NAC 555.360 Applications for licensing: Principals, *and* operators ~~[and agents]~~. Each application for a license to perform pest control work as a principal~~[;]~~ or operator ~~[or agent]~~ for a currently licensed pest control business must show the following:

1. Name, mailing address and home telephone number of the applicant.
2. Name of the current Nevada pest control business employing applicant as well as the Nevada pest control business that last employed the applicant.
3. Whether the applicant wishes to be licensed as a principal~~[;]~~ or operator ~~[or agent]~~.
4. Any active license in another state held by the applicant and categories of the license.
5. Any category of pest control in which the applicant wishes to engage.
6. Endorsement by a primary principal or principal of the pest control business employing the applicant.

[Dep’t of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A by Bd. of Agriculture, 2-20-96)

NAC 555.370 License in business of pest control: Qualifications. An applicant for a license to engage in the business of pest control must provide the department with:

1. Proof that a principal or 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, \$10,000;
 - (II) For aggregate bodily injury, \$20,000;
 - (III) For each occurrence of property damage, \$10,000; and
 - (IV) For aggregate property damage, \$20,000.
 - (2) For licensees using aircraft equipment:
 - (I) For each occurrence of bodily injury, \$25,000;
 - (II) For aggregate bodily injury, \$50,000;
 - (III) For each occurrence of property damage, \$25,000; and
 - (IV) For aggregate property damage, \$50,000.
 - (c) Provides that not less than 10 days before extending, restricting, canceling 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.
3. Evidence that the business has the necessary type or types of equipment to perform satisfactory work in the field and categories of pest control to be undertaken. The equipment must be capable of applying pesticides satisfactorily under normal working conditions.
4. A certificate of incorporation or a copy thereof, issued by the secretary of state, for the business if it is a corporation.

[Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]—(NAC A 1-19-84; 12-10-92)

NAC 555.372 Renewal of license. (NRS 555.320, 555.400)

1. Except as otherwise provided in subsection 3, a *principal or operator* [~~person licensed to engage in the business of pest control~~] may not renew his license unless he certifies that he 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, and at least one unit must be in a course regarding safety in handling and dispensing pesticides and the laws and regulations of this state governing the use of pesticides. A licensee designated as a principal may complete not more than three units of continuing education in business management.
2. To receive credit for the completion of a unit of continuing education, a [~~licensee~~] *principal or operator* must attend and successfully complete a course accredited by the director. If the course for which credit for continuing education is sought is the training for a certificate to use a restricted-use pesticide sponsored by the cooperative extension service, a [~~licensee~~] *principal or operator* must receive a passing grade on the certification examination.
3. The provisions of subsection 1 do not apply to a [~~licensee~~] *principal or operator* who:
 - (a) Obtained his license for the first time less than 12 months before the expiration of his license;
 - (b) Passes the general and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he is currently licensed on or after October 1 of the year in which his license expires; or

(c) Holds a license or certificate as a pest control advisor or certified crop advisor, or the equivalent as determined by the director, if he has, within the immediately preceding 12 months, completed at least one unit of continuing education in courses accredited by the director regarding safety in handling and dispensing pesticides and the laws and regulations of this state governing the use of pesticides.

4. For each course for which a [licensee] *principal or operator* claims one or more units of continuing education, he shall retain for at least 2 years:

(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] *principal or operator* successfully completed the course.

5. The department may inspect a document retained pursuant to subsection 4 by:

(a) Requiring the [licensee] *principal or operator* to submit a copy of the document to the department; or

(b) Inspecting the original document at the licensee's primary place of business.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.374 Continuing education: Duties of sponsor; acceptable types of course presentation. (NRS 555.400)

1. To obtain accreditation from the director for a course of continuing education, the sponsor of the course must submit to the department, before the first day of the course:

- (a) A detailed outline of the subject matter to be presented;
- (b) A description of the method of presentation;
- (c) The qualifications of the instructor; and
- (d) Any other information required in the application for accreditation.

2. The information required by subsection 1 must be submitted on an application prescribed by the director.

3. 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 of all persons who successfully completed the course.

4. 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; and
- (g) A video or other media presentation.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.375 Continuing education: Notification of accreditation by director. (NRS 555.400)

1. The director will, within 30 days after receipt of a completed application for accreditation of a course of continuing education, notify the sponsor of the course whether the course has been accredited or denied accreditation.

2. If the director approves a course for accreditation, the notice of accreditation will include the:

- (a) Course number assigned by the director; and
- (b) Number of units of continuing education for which the course is accredited. If a course is divided into sections, the notice will identify the number of units of continuing education allocated to each section.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.376 Continuing education: Sponsorship by department or cooperative extension service. (NRS 555.400)

1. The director will accredit a course of continuing education sponsored by the department if the department complies with NAC 555.374. Such a course may be in the form of:

- (a) A meeting;
- (b) Training for a certificate to use a restricted-use pesticide; or
- (c) A video, slide or other media presentation. The video, slide or other media presentation will be available for review, by appointment, at the offices of the department and of the cooperative extension service.

2. The director will accredit training for a certificate to use a restricted-use pesticide sponsored by the cooperative extension service upon compliance with NAC 555.374.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.377 Continuing education: Expiration or withdrawal of accreditation. (NRS 555.400)

1. The accreditation of a course of continuing education expires on the last day of the 12th month after the course is accredited unless the director:

- (a) Specifies an earlier date in the notice of accreditation; or
- (b) Withdraws accreditation upon a finding of sufficient cause. Sufficient cause exists if the course as conducted does not conform to the course as described in the information provided pursuant to NAC 555.374.

2. Before the director withdraws accreditation from a course, he will give the sponsor:

- (a) Notice in writing of his intention to withdraw accreditation and his reasons for taking this action; and
- (b) An opportunity to respond.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.380 Operators' [~~or agents~~^{and agents}] licenses: Qualifications.

1. Any operator [~~or agent~~] including an aerial operator, shall provide the department with:

- (a) Proof of having passed the applicable examination; and
- (b) Proof of employment by a pest control business licensed to conduct pest control operations in this state.

2. In addition to the provisions of subsection 1 an aerial operator shall:

- (a) Present proof of holding a current commercial or airline transport pilot certificate.
- (b) Present proof of holding a valid agricultural aircraft operator's certificate issued by the Federal Aviation Agency.

3. An applicant for a pilot-operator's license in lieu of the F.A.A. certificate may present a letter of certification, signed by the person designated by the holder of an F.A.A. certificate as required by part 137.19(c) Commercial Operator-Pilot C.P.R. attesting:

(a) That the applicant is properly rated for the aircraft to be used.

(b) That the applicant has had not less than 5 hours of familiarization flight time in the aircraft to be used.

(c) The applicant's knowledge of the procedure to be taken before starting operations including a survey of the area to be worked.

(d) The applicant's knowledge of each type of aircraft certified take-off weight or maximum weight established, whichever is greater.

(e) The applicant's knowledge of the performance and limitation capabilities of the aircraft to be used.

(f) The applicant's ability to handle properly each type of aircraft at maximum load capacity on short field and soft field take-offs, flareouts, swath runs, pull-ups and turnarounds and rapid deceleration (quick stop) for helicopters only.

[Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77]

NAC 555.385 Return of a principal or operator license card to engage in pest control, notice of termination, replacement licensing cards. ~~[Every person licensed to engage in pest control shall return to the department:]~~

1. **License cards:** *Every person licensed to engage in pest control shall return his/her license card to the Department of Agriculture within ~~[5-working]~~ 15 days, after he/she ceases engaging in pest control or after his/her employment is terminated.*

2. **Notice of termination:** *The primary principal or principal operator shall notify the Department of Agriculture in writing, ~~[license on any employee,]~~ within ~~[5-working]~~ 15 days of a licensee's termination ~~[after his employment is terminated]. [If a license cannot be recovered from the employee, the employer must file with the department a signed statement that he attempted to secure the employee's license.]~~*

3. *To replace a current license which is lost or misplaced, a license duplication fee of \$25.00 will be charged in addition to any applicable licensing fees.*

(Added to NAC by Dep't of Agriculture, eff. 10-17-86)

NAC 555.395 Principal or primary principal required for each business location; suspension of license for noncompliance.

~~[1. Every person licensed to engage in pest control after December 10, 1992, shall ensure that each of his business locations in this state has a principal or a primary principal who is licensed in the appropriate category or categories of pest control.]~~

~~[2] 1.~~ Every person licensed to engage in pest control ~~[on December 10, 1992,]~~ shall ~~[, by January 1, 1994,]~~ ensure that each of his business locations in this state has a principal or a primary principal who is licensed in the appropriate category or categories of pest control.

~~[3] 2.~~ ~~[Except as otherwise provided in subsection 2, the]~~ **The** director will suspend a license for pest control 30 days after the business ceases to have a ~~[principal or a]~~ primary principal at each business location and, after a hearing, the license will remain suspended until such time as the business has another principal or primary principal.

(Added to NAC by Dep't of Agriculture, eff. 10-17-86; A 12-10-92)

NAC 555.397 Fees for examination or reexamination, licensure of pest control business or licensure of operator; hardship fee reduction. (NRS 555.310)

1. Except as otherwise provided in subsection 2, an applicant for a license must pay to the director, as applicable:

(a) For examination or reexamination, a testing fee of \$25 for each category of pest control in which the applicant wishes to be examined;

(b) For licensure of a pest control business, a licensing fee of \$250; and

(c) For licensure of an operator, a fee of \$50.

2. An applicant for licensure may request a hardship fee reduction in licensing fees by submitting a written request for such a reduction to the director. The request must include the amount of income the applicant has received from the application of pest control for at least the immediately preceding 12 months or for the duration of the business of the applicant, whichever is shorter. The director may grant a hardship fee reduction if he determines that paying the fee described in subsection 1 would require the business of the applicant to cease operations or would prevent the business from beginning operations because of lack of money. If the director grants a hardship fee reduction, the fee for licensure of a pest control business is \$50 and the fee for licensure of an operator is \$15. The director may not grant a hardship fee reduction for a testing fee.

(Added to NAC by Bd. Of Agriculture by R053-00, eff. 6-15-2000)

Standards of Practice

NAC 555.400 General standards of practice. Except as otherwise provided in NAC 555.250 to 555.530, inclusive, 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 control for which he is licensed. All other applicators must be under the immediate supervision of an 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. Use materials, dosages, formulas, devices and methods of application only in accordance with the label directions of the product or device registered by the Environmental Protection Agency, registered by the State of Nevada or in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §§ 136 et seq.), as amended in 1988.

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

6. When measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.

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

8. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the crop, animal, ornamental, soil or pest is being treated.

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

10. Provide storage for all undiluted pesticide material in a locked facility. Servicemen's 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.

11. Every primary principal shall provide each of his/her employees with the information, precautions and safety equipment, in good working order, recommended by the manufacturer of the device or pesticide, the state industrial insurance system or the department.

[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; 12-10-92)

NAC 555.410 Required records and reports. Each person subject to the provisions of NAC 555.400 shall:

1. Keep a record for 2 years, of each property treated, showing:

(a) For aerial or agricultural ground licensees:

(1) The date of treatment.

(2) The **full** name of the person for whom and the county where treatment was conducted.

(3) The **full** name of the pilot or applicator doing the treating.

(4) The crop or ~~[item]~~ **site or sites** treated.

(5) The number of units treated (*e.g. acres, miles, etc.*).

(6) The ~~[material]~~ **brand name, or generic name; and the Environmental Protection Agency registration number of the pesticide** and *the* dosage applied.

(7) The purpose for which the crop or item was treated.

(8) The starting and finishing time of treatment.

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

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

(11) File with the director on forms to be furnished by him a monthly report of pest control operations. The report must be filed on or before the 15th day of the following month. Negative reports must be filed for those periods during which no operations were conducted unless written notification is given declaring that work has ceased.

(b) For urban-structural licensees:

(1) The date of treatment.

(2) The address where treatment was conducted.

(3) The **full** name of the applicator.

(4) The ~~[item]~~ **site or sites** treated (*e.g. kitchen, crawlspace, yard, etc.*).

(5) ~~[The number of units treated]~~ **The brand name and the Environmental Protection Agency registration number of the pesticide applied.**

(6) The total amount of **diluted** material and concentration applied.

~~[(7) The purpose for which the item was treated].~~

~~[(8)]~~ (7) If treatment is conducted in the categories of ornamental, **trees** and turf ~~[;]~~ **or** fumigation~~[, or shade trees and fruit trees]~~:

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

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

(III) The area or volume treated.

(8) If treatment is conducted in the category of structural pest control and the treatment is a soil pretreatment for termite control, a copy of the National Pest Control Association-99b form, or:

(I) The finish time.

(II) The soil depth to the top of the footing and total linear footage of the footing.

(III) For horizontal applications, the total number of square feet treated.

(9) If treatment is conducted in the category of structural pest control and the treatment is other than a soil pretreatment for termite control:

(I) The finish time.

(II) If wood treatments are applied to wood members as a preventative treatment, the total area treated, including the height of the treatment from the sill plate for all vertical treatments and the number of treatments (coats) applied.

2. Report immediately to the director any emergency dumps of pesticides by aircraft, and accidents of aircraft loaded with pesticides or ground equipment involving the spillage of pesticides, or the spillage at sites of operations of unmixed pesticides detrimental to people, wildlife, domestic animals or crops.

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

4. File with the director on forms to be furnished by him a monthly report of pest control operations *involving the use of Restricted Use Pesticides*. The report must be filed on or before the 15th day of the following month. ~~[Negative reports must be filed for those periods during which no operations were conducted unless written notification is given declaring that no work is to be done until a specified month and year when operations are expected to resume.]~~

5. Submit with a business license renewal application, on forms to be provided by the director, an annual report of all pesticides used during the previous 12 months. The report must contain the pesticide brand name, EPA Registration Number and indicate all Restricted Use Pesticides.

~~[5]~~ 6. Submit to the director any reports or records he requests.

[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 6-11-80]—(NAC A 2-5-82; 12-10-92)

NAC 555.420 Prohibited materials and uses of pesticides. Except for experimental purposes under the direction or supervision of qualified federal, state or county personnel or research workers employed by the manufacturer, where no charge is made to the grower or owner, a person engaged in the business of application of pesticides shall not use for pest control:

1. Any material not registered in this state as a pesticide.
2. Any registered pesticide for a purpose other than one for which it is registered.

[Dep't of Agriculture, part No. 55.37, eff. 8-1-74; A 1-17-77]

NAC 555.425 Markings required on vehicles of licensee. The name of the business and the number of the permanent license of each licensee which is a business must be prominently displayed on all service vehicles of that business, except unmarked vehicles not used principally in selling or soliciting services for pest control. The name of the business and the number of the license displayed on the vehicles must be:

1. The same as the name and number on the license issued by the department; and
2. Displayed in a prominent place on both sides of the vehicle in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle.

(Added to NAC by Dep't of Agriculture, eff. 10-17-86)

NAC 555.427 Preconstruction termite control treatments; tagging.

1. Soil applied termiticides as a drench or spray.

(a) Preconstruction termiticide applications shall be made by following the precautionary statements on the product label and only in the specific quantities, strengths, and dosages on the product label, unless otherwise prescribed by the director.

(1) Treatments using greater concentrations with reduced volume are permitted when soil absorption requires less volume of the termiticide, however, this reduced volume application must be permitted by the product label.

(b) Soil applied termiticides shall provide a continuous, unbroken, horizontal and/or vertical barrier as prescribed on the pesticide label.

(c) If the termiticide label recommends treatment of the final grade, and if it was not completely treated during the initial treatment phase, it will be necessary to return to the site after the final grade has been established to continue, or complete the treatment. The treatment shall be performed within 30 days of finished grade, or notification of completion of landscaping, or within 180 days from the date of completion of construction, whichever comes first.

2. Termiticides applied directly to wood as a pretreatment application, shall be made by following the precautionary statements on the product label and only in the specific quantities, strengths, and dosages on the product label, unless prescribed otherwise by the director.

3. Termite pretreatment tag information.

(a) Pretreatment tags shall be supplied by the department. The tags shall contain at least the following information:

(1) Name of the business.

(2) Address of the business.

(3) Telephone number of the business.

(4) Application date.

(5) Time application was finished.

(6) The trade name of the chemical used.

(7) The EPA Registration number assigned by the U.S. Environmental Protection Agency.

(8) Strength of chemical preparation used, written as a percent of active ingredient.

(9) Number of gallons of chemical mix applied.

(10) Printed full name of the licensed applicator.

(11) For treatment of wood, the height of treatment from the sill plate for all vertical treatments and the number of treatments (coats) applied.

(12) In the event that a pretreatment site is abandoned before a treatment is complete, the tag shall be marked "TREATMENT INCOMPLETE".

(b) The information written on the pretreatment tag shall be legible and an accurate representation of the treatment performed.

(c) Information described in subsection 4 (a) (4) through (17) shall be made a part of the company's treatment records.

4. Pretreatment tags shall be prominently placed for inspection and securely affixed at the site of each pretreatment project immediately after each termiticide application. The tag should be placed on plumbing trees, however, if plumbing trees are unavailable the tag may be placed upon the on-site contractor's permit or inspection board, or other site approved by the director; or,

(a) If the finished grade is treated after the structure has been completed, the tag shall be placed inside the structure's electrical box.

5. If a customer file tag is requested by the contractor, a duplicate tag marked "DUPLICATE" may be prepared and posted or delivered to the requestor.

NAC 555.430 Wood-destroying pests: Report of inspection or application of pesticide; filing and contents of report; affixation and contents of tag.

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 his designated agent, not later than 5 days after the inspection or the application. The report must be on a *numbered* form ~~[prescribed or approved]~~ *supplied* by the department.
2. A copy of each report must be filed with the district or subdistrict office of the department not later than ~~[5]~~ *15* days after the inspection or the application of a pesticide is made.
3. The report must contain:
 - (a) The name, license number and mailing address of the firm 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 Veterans' Administration, if applicable and obtainable.
 - (c) The street address and city 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) An identification of any area to which the application of a pesticide was made.
 - (i) The name, the registration number assigned by the Environmental Protection Agency and the total diluted amount and concentration of any pesticide that was applied.
 - (j) A statement of whether there is evidence of active or inactive infestations of termites, other wood-destroying insects or 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.
 - (k) A statement of whether there is 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. *Wood fence palings that are in contact with the earth and the inspected structure are not to be considered as an earth to wood contact or a condition conducive to infestation.*
 - (2) "Faulty grade" means a condition in which a floor joist or stringer is less than 12 inches above the soil level, the top of the foundation is less than 3 inches above the adjacent soil

level; *or there is visible evidence of surface water drainage toward the structure [or the drainage is such that] and* excessive moisture is evident on the [~~substructural timbers~~] *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, [~~or~~] *and* less than two areas permitting cross ventilation (i.e., two areas on opposite sides of the foundation).

(4) “Excessive moisture” means actual moisture on the [~~sub~~]structural timbers.

(5) “Cellulose debris” means any such debris *of a size that can be raked, or larger, and forms an [that in] aggregate of one half [~~comprises 3~~] (1/2) [square] cubic [feet] foot or more, or stumps and wood imbedded in footings and in contact with the earth.*

(l) Decorative wood lattice in contact with the earth and physically attached to the inspected structure is not to be considered as an earth to wood contact or a condition conducive to infestation.

(m) Chemically treated lumber (i.e. wolmanized® / pressure treated or approved by the American Lumber Standard Committee) that is designated for ground contact, which is in contact with the earth, but not directly in contact with the structural timbers separated by a non-cellulose barrier, and the treated lumber is guaranteed against structural damage by termites or fungal decay and cut surfaces show evidence of complete treatment, and only after inspection, is determined to be sound and free of infestation; is not to be considered cellulose debris, or a condition conducive to infestation.

~~[(+)]~~ *(n)* 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.

~~[(+)]~~ *(o)* 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; *such as sub-floors, or rim joists that are 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.

(n) The *full name and* signature of the inspector.

4. Except as otherwise provided in this subsection, 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 [~~approved~~] *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 [~~approved~~] *supplied* by the department to the structure in an area in which the tag is visible from the access area under a *kitchen* sink. If the inspection or application is performed at a structure with multiple units for occupancy, the person making the inspection or application shall 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.

(c) Post-construction applications of termiticide shall be made by following the precautionary statements on the product label and only in the specific quantities, strengths, and dosages stated on the product label, unless prescribed otherwise by the director.

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

- (a) The license number and name of the firm who performed the inspection or application.
 - (b) A statement whether an inspection or application was performed. If an application was performed, a statement of the name, amount and concentration of the pesticide applied.
 - (c) The date on which the inspection or application was performed.
- [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)

NAC 555.440 ~~[Restricted-use pesticides: Precautions.]~~ *Pesticide use precautions:*

- 1. Any licensee *or certified applicator engaged* in the application of pesticides, when using a method or device or any substance known to be harmful to human beings, animals (including bees), crops or property, shall exercise reasonable precautions to protect human beings, animals, crops and property from harm or damage.
- 2. A pesticide or its empty container must not be ~~[dumped]~~ *disposed of* or left unattended where it may present a hazard to any human being, 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. Any licensee *or certified applicator* engaged in the application of pesticides, when using a method or device or any substance known to be harmful to humans, shall provide his employees with the information, precautions and safety equipment recommended by the manufacturer of the device, ~~[or] material, [the state industrial insurance system]~~ or the department.
- 4. *Any licensee or certified applicator engaged in the application of a pesticide shall use materials, dosages, formulas, devices and methods of application and disposal only in accordance with the label directions of the product or device registered by the Environmental Protection Agency, registered by the State of Nevada or in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §§ 136 et seq.), as amended in 1988.*

[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]—(NAC A 2-5-82)

NAC 555.445 Labels of service containers: Contents.

- 1. All service 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 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 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) Name and percentage of the active ingredient.
 - (5) Precautionary (signal) word from the registered label.

2. Except for the service containers 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. [Dep't of Agriculture, part No. 55.37, eff. 8-1-74; A 6-11-80]—(NAC A 2-5-82; 10-17-86)

NAC 555.460 Protection of *humans and animals*; *rodenticides*. Any ~~licensed~~ *licensed to* person engaged in the application of pesticides ~~[, when using a material containing a substance]~~ known to be harmful to *humans and* 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. Rodenticides when left unattended in areas around children, pets or domestic animals shall be placed in an inaccessible area, or in a tamper resistant bait station or receptacle which is adequately marked with the following information:

(a) The name, address and telephone number of the company doing the service.

(b) Name of the pesticide or poison.

(c) Registration number assigned to the pesticide by the Environmental Protection Agency.

(d) Name and percentage of the active ingredient.

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

5. All rodenticide bait stations must be removed upon termination of the particular service.

[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]—(NAC A 2-5-82)

NAC 555.470 Protection of bees.

1. Except as otherwise provided in subsection 2, any licensee who intends to apply to agricultural 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 bees.

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

3. The notice required by this section must be given personally or by telephone to the apiarist.

4. 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. 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 apiaries. If an application is postponed after proper notice has been given, the licensee must repeat the notice at least 12 hours before the rescheduled application.

5. The notice required by this section must include:

- (a) The name of the person for whom the application is to be made;
- (b) The location and acreage of the land to be treated; and
- (c) The name of the pesticide to be applied.

[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; 5-2-78; 6-11-80]—(NAC A 2-5-82; 10-14-82; 10-17-86)

~~NAC 555.500 Hazardous and injurious pesticides: Warnings; applications.~~

~~—1. All persons engaged in the application of a pesticide which contains carbon bisulfide, chlorate compounds, petroleum oil, sulfur dust, or other flammable or explosive materials shall take reasonable precautions to prevent creating a fire during the application and to provide an adequate warning of such a hazard after the application.~~

~~—2. After any pesticide containing parathion, methyl parathion or EPN is applied at a rate per acre greater than 1 pound of actual parathion, methyl parathion or EPN, singly or in combination, a posted notice must be kept on the treated property for 2 weeks to provide adequate warning to persons who enter the property by the point or points of normal entry. The notice must be of such size that it is readable at a distance of 25 feet and must be substantially as follows:~~

~~WARNING: DO NOT ENTER THIS PROPERTY
TREATED WITH (PARATHION) (METHYL
PARATHION) (EPN) ON(date)....~~

~~ALL PERSONS WARNED TO STAY OUT FOR 2 WEEKS.~~

[Dep't of Agriculture, No. 55.35, eff. 8-1-74; A 7-1-69; 1-17-77; + part No. 55.38, eff. 6-1-59; A 6-11-80]—(NAC A 2-5-82)

NAC 555.510 Fumigation procedures.

1. Fumigation may be performed only under the direct and personal supervision of a person licensed to do pest control *and certified to use* [using] lethal fumigants. *For urban-structural fumigation, fumigants shall be used only in license category C4 (fumigation).*

2. *Label requirements for use and warnings shall be followed. If the label of the fumigant being used does not specify adequate or current use and warning* [The] requirements, *the following shall apply:* [for all applicators are as follows]

(a) Before the commencement of fumigation, warning signs must be posted in plainly visible locations on or in the immediate vicinity of all entrances to the area under fumigation and must not be removed until fumigation and ventilation have been completed and the premises *air concentrations of the fumigant are measured to be below the stated concentration level on the fumigant label, and are deemed* safe for reentry *by the licensed fumigator*. Ventilation must be conducted with due regard for the public safety. *If an air concentration level is not stated on the fumigant label, an air concentration level of 3 ppm or less for methyl bromide, chloropicrin, sulfuryl fluoride, and 0.5 or less ppm for Aluminum and magnesium phosphide will be used to clear the site or structure. For other fumigants not listed, the applicator, prior to using the fumigant, must contact the manufacturer and obtain an air concentration level that is deemed safe for reentry.*

(b) Warning signs must be printed in red on a white background and must contain the following statement in letters not less than 2 inches in height: "DANGER" *and "PELIGRO"* — *"Area under fumigation* [FUMIGATION], *"DO NOT ENTER / NO ENTRE."* The signs must also depict a skull and crossbones *symbol* not less than 1 inch in height, and must *state* [give] the

name of the fumigant *in use*, the date and time the fumigant was injected, and the name, address and telephone number of the licensee performing the fumigation. *The posting requirements described in this subsection do not supersede any label requirements for fumigation posting. Certain fumigants may have stricter posting requirements other than those described in this subsection.*

(c) The area to be fumigated must be vacated by all occupants before the commencement of fumigation and all entrances to the area must be locked, barricaded or otherwise secured against entry until the end of the exposure period, then opened for ventilation and relocked, barricaded, or otherwise secured against reentry until the person exercising direct and personal supervision over the fumigation declares the area to be safe for reentry.

(d) Before the commencement of fumigation, the space to be fumigated must be sealed in such a manner that tests taken before ventilation is begun will show that the required concentration of the fumigant released within the space has been retained therein in compliance with the manufacturer's recommendations.

(e) A licensee performing fumigation shall use an adequate warning agent with all fumigants which lack such an agent *provided the warning agent can be used on the commodity being treated*. When conditions involving abnormal hazards exist, the person exercising direct or personal supervision shall take such safety precautions in addition to those prescribed by this regulation as are reasonably necessary to protect the public health and safety.

(f) ~~[A licensee shall maintain a log of each fumigation job performed by him in this state. The log must be preserved for at least 2 years during which time it must be available during business hours for inspection by the director or his authorized representatives.]~~ *Two trained persons must be present during the introduction of the fumigant, and during ventilation (when the seal is broken, the lock is removed, or the tarps are removed). A licensed applicator is required to be present during the introduction of the fumigant and the entire ventilation period until the warning signs are removed from the fumigation location.*

(g) *The USDA Federal Treatment Manual and/or the California Department of Food and Agriculture Treatment Manual shall be used for all quarantine fumigation treatments.*

3. The following additional requirements apply to licensees fumigating structures for human habitation *or for structures in which there are multiple business operating in a single structure or building in which humans are employed*:

(a) During the process of fumigation, the room, *warehouse* or apartment being fumigated, together with all rooms, *units* and apartments on the same floor and those above, below and adjacent thereto, must be vacated by the occupants thereof.

(b) During the process of the fumigation, all rooms, *units*, apartments and hallways adjacent to the rooms, *units*, apartments or spaces undergoing fumigation must be kept well ventilated and warning signs as prescribed in paragraph (b) of subsection 2, must be kept posted at all entrances to these rooms, *units* or apartments during the time of the fumigation and thereafter until the premises are safely ventilated, *and is measured to [are free of all fumes] be below the required concentration stated on the fumigant label. The measurement must be made by using a clearing device specified on the fumigant's label, and the device shall be capable of measuring to the smallest units in which the material is being measured. For unspecified labels a device which is calibrated in increments of 1 ppm will be considered satisfactory.*

(c) A rooming or apartment house designed for four families or less must be entirely vacated and closed against entry and occupancy while fumigation is being performed and until it is safely

ventilated and measured *to be [free of all fumes] below the required concentration stated on the fumigant label. The measurement must be made by using a clearing device specified by the manufacturer for the fumigant being used.*

(4) Personal protective equipment and safety kit. All fumigation crews shall have with them, in good working order, and on site:

(a) A first aid kit, which includes directions for artificial resuscitation. The crew shall be instructed in the use and care of safety equipment and in first aid.

(b) At least two effective gas masks or other safety equipment approved by MSHA/NIOSH, for protection against the type of fumigant being used.

(c) Proper testing equipment capable of measuring the required concentration of the fumigant during the fumigation process and/or clearing for entry or re-occupying.

(d) A complete label and any supplemental labels, which include any statements of instructions published by the manufacturer of the fumigant being used.

(e) Antidotes, if any, and instructions for administering of the antidote for each type of fumigant used as prescribed by the manufacturer of the fumigant.

[Dep't of Agriculture, No. 55.39, eff. 8-1-74; A 1-17-77]—(NAC A 2-5-82)

~~[NAC 555.520 Rodenticides: Sodium fluoroacetate (Compound 1080) applications.~~

~~1. Sodium fluoroacetate (Compound 1080) may be possessed, dispensed or used only by licensed pest control personnel having special authorization from the director for its possession and use. Under no circumstances may sodium fluoroacetate be used for tracking powder.~~

~~2. Licensees having special authorization for possession and use of sodium fluoroacetate shall notify the director not less than 24 hours before dispensing or the use of sodium fluoroacetate giving the following information:~~

~~(a) Purpose for which poisoned bait is to be dispensed.~~

~~(b) Specific address of premises to be treated.~~

~~(c) Type of material to be used as bait.~~

~~3. When sodium fluoroacetate (Compound 1080) is used by a special licensed operator, the bait station or receptacle must be locked and adequately marked with the name of the poison in addition to the information generally required for other poisons.~~

~~4. Anticoagulants may be placed in open containers of sufficient size to minimize the possibility of excessive spillage, but in no case may any open container be placed where there is danger of food or drug contamination.~~

~~5. All rodenticides must be removed from readily accessible places upon termination of the particular service.~~

~~6. A rodenticide must not be used in such a manner as to be readily accessible to children, or pets.~~

~~7. When covered bait stations are used for all poisons, poison signs need not be posted if the bait station is adequately marked with the skull and crossbones, the word "POISON" and the name, address and telephone number of the licensee doing the service. If the building is vacated, posted and locked and in the care, custody and control of the licensee, it is considered the bait station.]~~

[Dep't of Agriculture, No. 55.40, eff. 8-1-74; + No. 55.37, eff. 7-1-69; A 1-17-77]

Administrative Complaints

NAC 555.524 Definitions. (NRS 555.400) As used in NAC 555.524 to 555.5275, inclusive, unless the context otherwise requires, the words and terms defined in NAC 555.5243 to 555.5255, inclusive, have the meanings ascribed to them in those sections.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.5243 “Administrative complaint” defined. (NRS 555.400) “Administrative complaint” means a formal notice in writing of a violation of a provision of NRS 555.2605 to 555.460, inclusive, or a regulation adopted pursuant thereto, prepared by the department after an investigation.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.5245 “Committee” defined. (NRS 555.400) “Committee” means a case review committee of the department appointed pursuant to NAC 555.5265.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.5247 “Enforcement action” defined. (NRS 555.400) “Enforcement action” means a remedy or penalty that is authorized by statute in order to punish, deter or correct a violation of any provision of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto. The term includes:

1. A fine imposed pursuant to the provisions of NAC 555.530;
2. A notice of warning;
3. An order to take appropriate action to correct a violation issued pursuant to paragraph (a) of subsection 2 of NRS 555.470;
4. A request to the district attorney of a county to initiate a criminal investigation or complaint against a person pursuant to paragraph (b) of subsection 2 of NRS 555.470; and
5. The suspension, revocation or modification of a license or certificate issued pursuant to chapter 555 of NRS.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.525 “Informal case review” defined. (NRS 555.400) “Informal case review” means the process by which a committee attempts to redress a violation of any provision of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, without a hearing.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.5253 “Informal disposition” defined. (NRS 555.400) “Informal disposition” means an action described in NAC 561.400.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.5255 “Notice of warning” defined. (NRS 555.400) “Notice of warning” means an enforcement action that imposes no immediate penalty for a violation of any provision of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, but notifies a person that the department will pursue a more stringent enforcement action for a subsequent violation.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.526 Contents; notification of options; notice of warning. (NRS 555.400)

1. If the department has reason to believe that a person has violated any provision of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, it will serve upon that person an administrative complaint that contains:

- (a) The name of the person alleged to have committed the violation;
- (b) A short and plain statement of the acts or omissions alleged to have been committed in violation of those provisions and the citation of the provisions allegedly violated; and
- (c) The enforcement action that the department intends to pursue.

2. At the time of serving an administrative complaint on a person, the department will notify him that he may:

- (a) Agree to an informal disposition;
- (b) Request an informal case review; or
- (c) Demand a hearing pursuant to NRS 555.470.

3. Except as otherwise provided in subsection 4, the department will notify the person named in the administrative complaint that if he does not exercise one of the options set forth in subsection 2, the department will proceed to a hearing on the violation pursuant to the provisions of NAC 561.300 to 561.580, inclusive.

4. *In lieu of a fine, the [The] department may issue a notice of warning for a first offense of a non-serious violation.* [~~will not proceed to a, but will issue a notice of warning if.~~

~~—(a) The administrative complaint is the first to allege a violation of any provision of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, by the person named in the administrative complaint; and~~

~~—(b) The violation alleged in the administrative complaint is a nonserious violation.]~~

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.5265 Informal case review by committee. (NRS 555.400)

1. If a person named in an administrative complaint requests an informal case review, the department will appoint a committee to conduct the review.

2. Except as otherwise provided in subsection 3, the committee will consist of the:

- (a) Assistant director of the department;
- (b) Administrator of the division of plant industry of the department; and
- (c) Regional manager of the region where the violation is alleged to have occurred.

3. If any person identified in subsection 2 is unable, for any reason, to serve on a committee, the director may appoint another employee of the department to the committee.

4. The committee shall consider any pertinent documents, exhibits, oral or written statements or other information, including mitigating circumstances, offered by the person named in the administrative complaint, his representative or the investigator who originated the administrative complaint.

5. After the committee has considered all the information offered pursuant to subsection 4, it shall:

- (a) Dismiss the administrative complaint in its entirety; or
- (b) Adopt, amend or replace the administrative complaint, including the statutes or regulations alleged to have been violated and the intended enforcement action, and:
 - (1) Issue a notice of warning to the person named in the complaint;
 - (2) Provide for an informal disposition of the complaint; or

(3) Recommend to the department that it commence a hearing on the administrative complaint pursuant to the provisions of NAC 561.300 to 561.580, inclusive.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.527 Actions by department upon committee decision. (NRS 555.400) After a committee has issued its decision, the department will:

1. Serve a copy of the decision on the person named in the administrative complaint; and
2. Unless the decision resulted in a dismissal or informal disposition of the administrative complaint or a notice of warning, notify the person that the department will commence a hearing on the administrative complaint pursuant to the provisions of NAC 561.300 to 561.580, inclusive, unless before a date stated in the notice, the person:

- (a) Enters into an informal disposition; or
 - (b) Demands a hearing pursuant to the provisions of NRS 555.470.
- (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.5275 Service of documents. (NRS 555.400) Any administrative complaint, decision, notice of warning or other document issued by the department or a committee pursuant to NAC 555.524 to 555.527, inclusive, may be served:

1. In person; or
 2. By certified or registered mail to the person's last known business address.
- (Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

Fines

NAC 555.530 Schedule of administrative fines. In addition to any other penalty, the director may assess a fine against a person according to the following schedule:

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
1. For a violation of NRS 555.351:		
(a) If it is a nonserious violation.....	\$50 to \$1,000	\$25 to \$300
(b) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
2. For a violation of NRS 555.359, if the violation is for:		
(a) Knowingly applying ineffective or improper materials.....	\$300	\$25
(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.....	\$50 to \$1,000	\$25 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
(c) Operating faulty or unsafe equipment.....	\$25	\$25
(d) Applying pesticides in a faulty, careless or negligent manner:		
(1) If it is a nonserious violation.....	\$50 to \$1,000	\$25 to \$300

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
(e) Aiding or abetting an uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive.....	\$100	\$50
(f) Conspiring with an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his certificate to be used by an uncertified person.....	\$1,001 to \$5,000	301 to \$1,000
(g) Fraudulently or deceptively procuring a 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 uncertified person under his direct supervision:		
(1) If it is a nonserious violation.....	\$50 to \$100	\$25 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
3. For a violation of NAC 555.440, if the violation is for:		
(a) Failing to exercise reasonable precautions when using a method or device or any substance known to be harmful to human beings, animals, crops or property:		
(1) If it is a nonserious violation.....	\$50 to \$1,000	\$25 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
(b) Dumping or leaving unattended a pesticide or its empty container where it may present a hazard to any human being, 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	\$100
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation.....	\$50 to \$1,000	\$25 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
4. For a violation of NAC 555.700, if the violation is for:		
(a) Failing to keep a record of each property treated for 2 years.....	\$100	\$50
(b) Failing to maintain required information for 2 years.....	\$50	\$25
(c) Failing to report immediately any emergency dump or accidental spillage of a pesticide.....	\$100	\$50
(d) Failing to report within 48 hours any case of		

apparent pesticide poisoning requiring medical treatment.....	\$100	\$50
(e) Failing to have contact with an applicator under his direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.....	\$50	\$25

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
5. For a violation of NRS 555.280.....	\$500	\$1,000
6. For a violation of NRS 555.285.....	\$500	\$1,000
7. For failing to supervise adequately an applicator who does not have a license issued by the director.....	\$100	\$100
8. For a violation of NAC 555.290, if the violation is for:		
<i>(a) Failing to carry the pest control license card while conducting pest control, or failing to provide the license card upon demand.....</i>	<i>\$25</i>	<i>\$25</i>
[(a)] <i>(b)</i> Failing to notify the director of the department of any change in the status of authority of any person licensed for that business as a principal agent or operator or of any change in the information given on the application for a license.....	[\$25] <i>100</i>	\$100
[(b)] <i>(c)</i> Failing to submit a new application and fee when a change in ownership occurs.....	\$25	\$25
9. 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.....	\$25	\$25
10. <i>For a violation of NAC 555.385, if the violation is for:</i>		
<i>(a) Failing to notify the Department of an employees termination within 15 working days.....</i>	<i>\$100</i>	<i>\$100</i>
<i>(b) Lost or misplaced license cards.....</i>	<i>\$25</i>	<i>\$25</i>
[(10)] <i>11.</i> For a violation of NAC 555.400, if the violation is for:		
(a) Applying a pesticide in a category of control for which he 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	\$100
(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

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(d) Not using materials, dosages, formulas, devices or methods of application in accordance with the label directions of the product or device:		
(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
(e) Failing to keep pest control equipment in good condition.....	\$25	\$25
(f) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25	\$25
(g) Failing to maintain a uniform mixture.....	\$25	\$25
(h) Failing to confine in a substantial manner the material applied to the premises where the crop, animal, 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
(i) Failing to clean thoroughly all equipment after use.....	\$25	\$25
(j) Failing to store undiluted pesticides in a locked facility or failing to handle servicemen's kits with extreme caution or leaving the kits where children or other unauthorized persons might use 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
<i>(k) Failing to provide safety equipment.....</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation.....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
[44] 12. For a violation of NAC 555.410, if the violation is for:		
(a) Failing to keep a record of each property treated for 2 years.....	<i>[\$25]100 to \$500</i>	<i>[\$25]501 to \$1,000</i>
(b) Failing to record an item of information required for the record.....	\$25	\$25
(c) Failing to report to the director within 48 hours any cases of apparent pesticide poisoning which require medical treatment:		
(1) If it is a nonserious violation.....	\$100	\$100
(2) If it is a serious violation.....	\$500	\$500
(d) Failing to file the required monthly reports on or before the 15th day of the following month.....	<i>[\$25]100</i>	<i>[\$50]100</i>
[42] 13. For a violation of NAC 555.425, if the violation is for using a material for pest control		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
which is not registered in this state as a pesticide....	\$100	\$100
[13] 14. For a violation of NAC 555.425, if the violation is for failing to display prominently his 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.....	\$25	\$25
15. For a violation of NAC 555.427, if the violation is for:		
(a) Not following precautionary statements of using specific quantities, strengths and dosages in accordance with the label directions of the product:.....	\$500 to \$1,000	\$1,001 to \$5,000
(b) Failing to post a pretreatment tag immediately after application	\$100	\$100
(c) Not conducting a final treatment after finished grade or other notification of completion of construction, or landscaping	\$301 to \$1000	\$1,001 to \$5,000
(d) Failing to accurately and legibly record the information representing the work accomplished at the pretreatment site on the pretreatment tag.....	\$301 to \$1000	\$1,001 to \$5,000
[14] 16. 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 [prescribed]supplied by the department.....	[\$25]100	[\$50]150
(b) Failing to file a report with the district or subdistrict within [5] 15 days after the inspection is made.....	\$100	\$150
(c) Failing to include each item of information required in a report (per item).....	[\$25] 50 to \$500	\$50 to \$1,000
(d) Not following precautionary statements of using specific quantities, strengths and dosages in accordance with the label directions of the product:		
(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
(e) Failing to affix a tag upon completion of an inspection or after a application of a pesticide.....	\$100	\$300
(f) Failing to record an item of information required on the tag (per item).....	\$25	\$50
[15] 17. For a violation of NAC 555.445, if the violation is for:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Failing to attach abbreviated labels to a service container.....	\$50	\$50
(b) Failing to include each item of information required on an abbreviated label.....	\$25	\$25
(c) Failing to carry a complete label for each pesticide in the vehicle.....	\$50	\$50
[16] 18. 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	\$100
(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.....	\$100	\$100
(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100	\$100
<i>(d) Failing to remove rodenticide bait stations from readily accessible places upon termination of service:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation.....</i>	<i>\$501 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
<i>(e) Using a rodenticide in a manner making it readily accessible to children or pets:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation.....</i>	<i>\$501 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
<i>(f) Failing to provide the required information and markings at bait stations:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation.....</i>	<i>\$501 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
[17] 19. For a violation of NAC 555.470, if the violation is for:		
(a) Failing to give notice personally or by telephone to an apiarist within the required time.....	\$100	\$100
(b) Failing to give notice of his intent to apply specified pesticides to each apiarist within 2 miles of the field to be treated within the required time....	\$100	\$100
(c) Failing to provide each item of information required to be included in the notice.....	\$25	\$25
[18. For a violation of NAC 555.500, if the violation is for:		
(a) Failing to take reasonable precautions and to		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
provide adequate warning to prevent creating a fire during and after application.....	\$100	\$100
— (b) Failing to post the required notice on the treated property for 2 weeks after the treatment	\$100	\$100]
[19] 20. For a violation of NAC 555.510, if the violation is for:		
(a) Fumigating without the direct and personal supervision of a person who is licensed <i>and certified</i> to do 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) Failing to post warning signs before and after fumigating:		
(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
(c) Erecting an improper warning sign:		
(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
(d) Failing to secure properly a fumigation site:		
(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
(e) Failing to seal properly the space to be fumigated:		
(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
(f) Failing to use an adequate warning agent when required.....		
	\$25	\$25
(g) [Failing to maintain a log of each fumigation job he performs in this state for at least 2 years.....	\$25	\$25]
<i>Failing to provide two trained persons while introducing the fumigant and during ventilation:</i>		
(1) <i>If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
(2) <i>If it is a serious violation.....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
(h) <i>Failing to have required personal protective equipment and safety kit while fumigating (per item):</i>		
(i) <i>Failing to have personal protective equipment in good working order (per item).....</i>	<i>\$50 to \$300</i>	<i>\$301 to \$1,000</i>
[(h)] (j) Failing to vacate the required area before fumigating:		
(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)] (k) Failing to keep the proper ventilation during the process of the fumigation:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) <i>If it is a serious violation.....</i>	<i>\$501 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
(l) <i>Failing to adequately ventilate and accurately measure the fumigant concentration before re-occupying or clearing the fumigated area:</i>		
(1) <i>If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
(2) <i>If it is a serious violation.....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
(m) <i>Failing to have or use a required clearing device specified by the manufacture of the fumigant in good working order when measuring air concentrations while fumigating:.....</i>	<i>\$50 to \$300</i>	<i>\$301 to \$1,000</i>
[20. For a violation of NAC 555.520, if the violation is for:		
— (a) Placing an anticoagulant in an open container where there is danger of food or drug contamination:		
 (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) Failing to remove rodenticides from readily accessible places upon termination of service:		
 (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
— (c) Using a rodenticide in a manner making it readily accessible to children or pets:		
 (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
— (d) Failing to provide the required information and markings at bait stations:		
 (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
(Added to NAC by Div. of Agriculture, eff. 1-6-95)		

LCB File No. T031-01

INFORMATIONAL STATEMENT

March 5 , 2001

Mary Bennett
Legislative Council Bureau
Capitol Complex
Carson City, NV 89701

RE: ADOPTION OF TEMPORARY AMENDMENTS TO NAC 555.250 to 555.530
PERTAINING TO PEST CONTROL APPLICATORS.

Dear Mary:

The following is the informational statement:

1. Public workshops were held on November 7, 2000, in Las Vegas, Nevada, at the Nevada Department of Agriculture office located at 2300 Mcleod, Las Vegas, Nevada, and on November 17, 2000, in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 capitol Hill Avenue, Reno, Nevada.

Public hearings were held on December 11, 2000, in Las Vegas, Nevada, at the Nevada Department of Agriculture office located at 2300 Mcleod, Las Vegas, Nevada, and on December 17, 2000, in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing were posted at all six Department offices, the Nevada State Library in Carson City, and all Nevada County Libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling (702) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada County Libraries. All persons who have requested to be notified of amendments were notified by mail.

2. Workshop held November 7, 2000-Las Vegas
11 people attended

Summary of verbal statements:

Two attendees were not in favor of a regulation that would require a five-year guarantee for termite pretreatment applications. This regulation would interfere with pretreatment contracts they have entered into with customers. The five-year guarantee proposal will be removed from the proposed amendments to avoid interfering with this new business.

All attendees were in agreement with the need to develop and enforce the proposed termite pretreatment and tagging regulations. All attendees supported fees for tags to support a new pretreatment inspector.

No written statements were submitted.

Workshop held November 17, 2000-Reno
0 people attended
No Verbal written statements were submitted

Hearing held December 11, 2000-Las Vegas
There were 6 business and no attendees

Summary of verbal comments:

One attendee was concerned about how operators currently licensed in one of the two proposed categories would need to be licensed when the categories are combined. It was explained that an operator currently licensed in one of the two categories would be restricted to that category when the two categories were combined.

There was a request to raise the insurance limits. This request was not a subject proposed for amendment. It was mentioned that aerial applicator's insurance coverage is proposed to be increased by Bill Draft Request number 372.

One attendee did not like the 20% "Incidental Pest Control" exemption to licensing and wanted the landscape exemption deleted from the regulation. It was explained that the landscape exemption was mandated by the Nevada Revised Statutes.

George Botta (Nevada Board of Agriculture member, representing the pest control industry) made an announcement was made that "pretreatment and tagging regulations" were on hold and will be discussed at a separate workshop and hearing.

There were some additional questions about tagging and a pretreatment program.

George Botta, after discussing the need for pretreatment and tagging enforcement, decided that the proposal should proceed to hearing.

Summary of written statements were submitted:

One E-mail was received. The E-mail was concerned with the use of rodenticides and fumigation covered by the proposed amendments. There was a misunderstanding about how the rule affects licensed applicators differently from certified private applicators. The difference was explained in a return E-mail.

3. Comments were solicited from business and the public through postings in public locations and through direct mail notices as outlined in #1 above. There was no oral or written comments submitted. A copy of the comments may be obtained by calling the Nevada Department of Agriculture office, (702) 688-1180.

The amendments were adopted without changes. No changes were requested and there was no opposition to adoption of these amendments.

4. The economic effects of the adopted amendments on the business that it is to regulate include:

- a. Adverse effects:

None

- b. Beneficial effects:

Businesses will have reduced record keeping requirements which are more easily understood as well as the applicable regulations.

- c. Immediate and long-term economic effects:

The adverse and beneficial effects are the same for immediate and long-term.

5. Economic effects of the proposed amendments on the public:

- a. Adverse effects:

None

- b. Beneficial effects:

The public will benefit by having a more professional and safer pest control industry.

- c. Immediate and long-term effects:

The adverse and beneficial effects are the same for the immediate and long-term.

6. Economic cost to the agency for the enforcement of the regulation:

There will not be any additional cost to the agency to enforce the amendments adopted.

7. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.

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

9. This regulation does not establish or increase any fees.

Sincerely,

Robert Gronowski, Administrator
Division of Plant Industry