

ADOPTED REGULATION OF THE STATE

DEPARTMENT OF AGRICULTURE

LCB File No. R001-03

Effective September 24, 2003

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

AUTHORITY: §1, NRS 555.290 and 555.400; §§2 and 3, NRS 555.400.

Section 1. NAC 555.350 is hereby amended to read as follows:

FIRST
PARALLEL
SECTION

555.350 1. Each application for a license must be made on a form provided by the Director.

2. Each application for a license for a pest control business must include, without limitation:

(a) The name of the person applying for the license, the name under which the applicant intends to engage in the business of pest control, the street address of the residence of the applicant and the street address of the pest control business.

(b) The name and mailing address of the residence of each partner, if the applicant is a partnership.

(c) The name of each officer, the state in which the corporation was incorporated, the date on which the corporation was incorporated and the name of each person holding or controlling 25 percent or more of the capital stock of the corporation, if the applicant is a corporation.

(d) The street address, telephone number, facsimile number, electronic mail address, if any, federal identification number of the pest control business and, if the mailing address is different from the street address, the mailing address of the business.

(e) If the pest control business uses aircraft in the application of pesticides, a list that includes a description of each aircraft and the identification number assigned to the aircraft by the Federal Aviation Administration.

(f) The name, telephone number of the residence, mailing address of the residence and, if the street address is different from the mailing address of the residence, the street address of the residence of each primary principal, principal and operator employed by the applicant.

(g) The category of pest control in which the applicant wishes to engage.

(h) The number of business locations in which the pest control business will operate.

(i) The address and telephone number of each such business location.

(j) The name of the primary principal who supervises the daily activities of the operators at each business location.

(k) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal and principal employed by the applicant.

(l) A statement certifying that each primary principal, principal and operator employed by the applicant has satisfied the requirements for continuing education set forth in NAC 555.372.

(m) In accordance with NRS 555.325, the statement prescribed by the Welfare Division of the Department of Human Resources pursuant to NRS 425.520.

(n) If the application is for a license in the urban structural field, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include:

(1) The brand name of each pesticide that was applied;

(2) The registration number assigned to the pesticide by the Environmental Protection Agency; and

(3) A statement indicating whether the pesticide that was applied is a restricted-use pesticide.

(o) If the application is for a license in the aerial field, the number of hours of flight time that the applicant spent engaged in pest control.

3. In addition to the name of the pest control business required to be included in the application pursuant to paragraph (a) of subsection 2, the applicant shall include in the application at least two alternative names for the pest control business.

Sec. 2. NAC 555.372 is hereby amended to read as follows:

555.372 1. Except as otherwise provided in subsection 3, a ~~principal or operator~~ ***person who is 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]~~ ***At least one unit of continuing education*** must be in a course regarding safety in handling and dispensing pesticides , and ~~[the]~~ ***at least one unit of continuing education must be in a course relating to*** laws and regulations ~~[of this state]~~ governing the use of pesticides. A ***licensee who is a*** principal ~~[who completes three or]~~ ***may not receive credit for completing more than three*** units of continuing education in business management . ~~[may not count more than three of those units of continuing education toward the requirements for continuing education set forth in this subsection.]~~ ***Each licensee must, at least once during each 2-year period, complete a course in continuing education that is conducted by an instructor in person.***

2. To receive credit for the completion of a unit of continuing education, a ~~principal or operator~~ ***licensee*** must attend and successfully complete a course accredited by the Director. ***A***

licensee may not receive credit for repeating a course during any 2-year period. 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 ~~[principal or operator]~~ *licensee* must receive a passing grade on the certification examination. *If the course for which credit for continuing education is sought is a video or other media presentation sponsored by the Cooperative Extension Service, a licensee must receive a passing grade on an examination conducted upon completion of the presentation.*

3. The provisions of subsection 1 do not apply to a ~~[principal or operator]~~ *licensee* who:

(a) Obtained his license for the first time less than 12 months ~~[before]~~ *immediately preceding* 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 adviser or certified crop adviser, or the equivalent as determined by the Director, if he has, within the immediately preceding 12 months ~~[, completed]~~ :

(1) *Completed* at least one unit of continuing education in courses accredited by the Director regarding safety in handling and dispensing pesticides ; and ~~[the]~~

(2) *Completed at least one unit of continuing education in a course relating to* laws and regulations ~~[of this state]~~ governing the use of pesticides ~~[,]~~ ; *or*

(d) *Is an operator and has become a principal during the 12 months immediately preceding the expiration of his license by passing the general examination and at least one examination for a category of pest control given pursuant to NAC 555.340.*

4. For each course for which a ~~{principal or operator}~~ *licensee* 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 ~~{principal or operator}~~ *licensee* successfully completed the course.

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

- (a) Requiring the ~~{principal or operator}~~ *licensee* to submit a copy of the document to the Department; or
- (b) Inspecting the original document at the primary place of business of the ~~{pest control business employing the principal or operator.}~~ *licensee*.

Sec. 3. NAC 555.374 is hereby amended to read as follows:

555.374 1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, *at least 1 day* 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}~~ *A curriculum vitae or other biographical statement* of the instructor;
- and
- (d) Any other information required in the application for accreditation.

2. *To equal one unit of continuing education, the course for which the application is submitted must consist of at least 50 minutes of instruction.*

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

~~[3.]~~ 4. The sponsor of a course accredited by the Director shall submit to the Department, within 30 days after the completion of the course, a list of all persons who successfully completed the course.

~~[4.—Courses]~~

5. *Except as otherwise provided in subsection 6, 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 ~~[.]~~; *and*
- (h) *Any equivalent activity approved by the Director.*

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

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R001-03

On August 20, 2003, the State Board of Agriculture adopted regulations assigned LCB file number R001-03, which pertain to NAC 555.237, 555.350 and 555.374.

Notice date: 6/24/2003
Hearing date: 8/6/2003

Date of adoption by agency: 8/20/2003
Filing date: 9/24/2003

INFORMATIONAL STATEMENT

1. A public workshop was held on August 6, 2003, in Reno, Nevada, at:
The Nevada Department of Agriculture Office
350 Capitol Hill Avenue.
Reno, NV 89502

2. A public hearing was held on August 6, 2003, in Reno, Nevada, at:
The Nevada Department of Agriculture Office
350 Capitol Hill Avenue.
Reno, NV 89502

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada, 89502, calling (775) 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 fax or e-mail.

3. Workshop held August 6, 2003 – Reno
Number attended: 0
Number testified: 0
No written statements were submitted: 0
Summary of comments: None.

4. Hearing held August 6, 2003 – Reno
Number attending: 0
Number testifying: 0
Number of written statements submitted: 0

5. Comments were solicited from business and the public by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The Nevada Board of Agriculture adopted the amendments without changes.

6. The economic effects of the adopted amendments on the business which it is to regulate include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
These changes will improve the Department's continuing education program AND THE APPLICATORS WILL BENEFIT FROM THESE IMPROVEMENTS.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.

7. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
Better trained and educated pest control applicators will insure safe and adequate pest control for the public.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for the immediate and long-term.

8. 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.

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

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

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