

LCB File No. R147-03

**PROPOSED REGULATION OF THE STATE
DEPARTMENT OF AGRICULTURE**

(This proposed regulation was previously adopted as LCB File No. T026-03)

Proposed amendments to NAC 555.2585, 555.270, 555.400, 555.410, 555.427, 555.428, 555.430, 555. 555, 165, 555.167, and 555.620 to 555.700

Authority: NRS 555.290 / NRS 555.320 / NRS 555.351 through NRS 555.359 / NRS 555.400

NAC 555.2585 “Wood-destroying fungi” defined. “Wood-destroying fungi” means fungi which infest and decompose cellulose. The term does not include molds that affect the surface of cellulosic components, or which are found on other surfaces of a structure.

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

1. The director may issue the following types of licenses to applicants who have the 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) Except as otherwise provided in subsection 3, a general license authorizing the holder to perform pest control work in a specific category or categories.

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

(I) Host;

(II) Site;

(III) Pest; or

(IV) Pesticide.

(c) For the purpose of this section, a certification (licensed commercial) issued to any Primary Principal, who, while holding a valid custom pest control license authorizing the holder to perform pest control work in a specific category or categories as described in NAC 555.280, shall be considered synonymous with commercial certifications for applicators of restricted-use pesticides as prescribed by the U.S. Environmental Protection Agency.

2. An operator will be issued a license only in those categories where he has a qualified primary principal.

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

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

- (a) Obtain a restricted license for that purpose;
- (b) Provide the department with proof of insurance coverage for the application of fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards; and
- (c) Maintain the insurance coverage after receiving such a license for the period during which he holds the license.

NAC 555.400 General requirements 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 pest control for which he is licensed. All other applicators must be under the immediate supervision of a primary principal, principal or operator who is qualified and currently licensed in the appropriate category.
2. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.
3. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.
4. Keep pest control equipment, when in use, in good condition.
5. Except as otherwise provided in NAC 555.510, when measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.
6. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.
7. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the crop, animal, ornamental, soil or pest is being treated.
8. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.
9. Provide storage for all undiluted pesticide material in a locked facility. 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.

10. Except as otherwise provided in NAC 555.425, all service vehicles used in custom pest control shall contain:

- (a) Protective clothing and equipment suitable for the pesticides on or in the service vehicle.***
- (b) Absorbent materials capable of absorbing and containing spills and leaks of at least one gallon and equipment to collect and store contaminated absorbent materials.***
- (c) Potable water of a sufficient quantity for washing of hands, face or body after contact with pesticides.***

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) If the person is licensed in the aerial or agricultural ground field:
 - (1) The date of the treatment.
 - (2) The full name of the person for whom and the county where the treatment was conducted.
 - (3) The full name of the pilot or applicator doing the treating.

- (4) The crop or site treated.
 - (5) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.
 - (6) The brand name or generic name of the pesticide that was applied, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied.
 - (7) The purpose for which the crop or site was treated.
 - (8) The time the treatment was started and the time the treatment was finished.
 - (9) The temperature at the start and finish of the treatment.
 - (10) The wind velocity and wind direction at the start and finish of the treatment.
 - (b) If the person is licensed in the urban and structural field:
 - (1) The date of the treatment.
 - (2) The address where the treatment was conducted.
 - (3) The full name of the applicator.
 - (4) The site treated, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure.
 - (5) The brand name or generic name of the pesticide that was applied and the registration number assigned to the pesticide by the Environmental Protection Agency.
 - (6) The total amount of any diluted pesticide and the concentration of the pesticide that was applied.
 - (7) If the treatment is conducted in the categories of ornamental and turf, *right of way, aquatic*, or fumigation:
 - (I) The temperature at the start and finish of the treatment.
 - (II) The wind velocity and direction at the start and finish of the treatment.
 - (III) The area of any turf or ground treated.
 - (IV) The area or volume fumigated.
 - (8) If the treatment is conducted in the category of structural pest control and the treatment is a preconstruction treatment, a copy of the *Housing and Urban Development* -National Pest Control Association Form ~~99b~~ *99-B (form HUD-NPCA-99-B)* entitled “New Construction Subterranean Termite Soil Treatment Record” or:
 - (I) If a vertical application of a termiticide other than a preconstruction treatment that is applied directly to wood, the depth of the application of the treatment as measured from the soil to the top of the footing and the total linear footage of the footing;
 - (II) If a horizontal application of a termiticide is applied, the total number of square feet treated; and
 - (III) The information provided on the tag for preconstruction treatment as required by paragraphs (b) to (i), inclusive, of subsection 1 of NAC 555.428.
- The *Housing and Urban Development* -National Pest Control Association Form ~~99b~~ *99-B (form HUD-NPCA-99-B)* is available from CBS Forms by mail at 10109 Tiburon Drive, Florence, Kentucky 41042, from CBS Forms by telephone at (800) 324-7676 or from CBS Forms at the Internet address <http://www.cbsforms.com/>. A pack of 100 forms may be obtained from CBS Forms, for the price of \$39.95, plus \$7 for shipping and handling, *or may be downloaded from HUDCLIPS at the Internet address <http://www.hudclips.org/sub_nonhud/cgi/pdfforms/npca99b.pdf>*.
- 2. Report immediately to the director:
 - (a) Any emergency dumps of pesticides by aircraft, and accidents of aircraft loaded with

pesticides or ground equipment involving the spillage of pesticides; or

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

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 for each month in which such operations occurred. The report must:

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

(b) If the person is licensed in the aerial or agricultural ground field:

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

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

5. Submit to the director any reports or records he requests.

NAC 555.427 Preconstruction treatment: Application of termiticide.

1. A licensee who performs a preconstruction treatment to soil:

(a) Shall, unless otherwise authorized by the director, apply the termiticide only to the sites and in the specific quantities and dosages provided on the label of the termiticide.

(b) Shall apply the termiticide in a manner that establishes a horizontal barrier before the pouring of each concrete slab that will be under the roof of the structure which will be constructed.

(c) Shall apply the termiticide in a manner that establishes a vertical barrier in each critical area that is identified by the label of the termiticide and visible at the time of the preconstruction treatment.

(d) Shall, within 30 days after grading and any other disturbance of the soil that is related to construction has been completed, apply the termiticide in a manner that establishes a vertical barrier at the exterior of:

(1) The walls of the foundation for a structure that is being constructed using a raised foundation; or

(2) The concrete slab for foundations that are constructed on the ground.

(e) May, if it is in accordance with the label of the termiticide, apply a termiticide using a higher concentration of the termiticide in a reduced volume if the licensee determines that the absorption of the termiticide by the soil necessitates a reduced volume of the termiticide.

2. A licensee who performs a preconstruction treatment directly to wood shall, unless otherwise authorized by the director, apply the termiticide only to the sites and in the specific quantities and dosages provided on the label of the termiticide.

3. Before performing a preconstruction treatment to the soil, over the soil, or to wood, a licensee must submit to the Department a Protection of Completed Work clause signed by the company's Primary Principal. The Protection of Completed Work clause must include at least the following information:

(a) The name and telephone number of the pest control business that will be performing the preconstruction treatment;

(b) The name and address of the builder or contractor;

(c) Location or address of the site or sites to be pretreated;

(d) The expected start date, completion date and number of units to be pretreated at the described site;

(e) A description of the type of termiticide pretreatment to be performed;

(f) A description of where the preconstruction treatment tag or tags will be affixed ;

(g) Printed name and signature of the pest control company representative, and date.

4. The information required to be included on the Protection of Completed Work clause pursuant to subsection 3 must be legible and an accurate and truthful representation of the preconstruction treatments to be performed at the indicated site or location.

5. A copy of each Protection of Completed Work clause must be filed with the district or subdistrict office of the department before the pretreatment application is performed

NAC 555.428 Preconstruction treatment: Tag.

1. The department shall supply a tag for preconstruction treatment to a licensee who performs preconstruction treatment *at a cost of one dollar (\$1.00) set by the department. One hundred (100) percent of the proceeds from pretreatment tag sales must be used by the department for the regulation of the pretreatment industry.* A licensee who performs a preconstruction treatment shall complete a tag pursuant to this section. The tag must include at least the following information:

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

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

(c) The trade name of the termiticide that was applied;

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

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

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

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

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

(i) If the licensee must leave the site before completing the preconstruction treatment, a statement indicating that the preconstruction treatment is incomplete.

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

3. Each tag for preconstruction treatment must be:

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

(b) Except as otherwise provided in subsections 4 and 5, prominently displayed:

(1) On the pipes for plumbing;

(2) On a board that is located at the site of the construction and includes the permit or records of inspection of the contractor of the structure under construction; or

(3) Any other location approved by the director.

4. If the licensee performed a preconstruction treatment to soil and the soil adjacent to the exterior of the foundation was not treated during the initial treatment, after its treatment, the portion of the tag containing the information relating to the final treatment must be placed in the electrical box of the structure and must include the following information:

- (a) The name of the pest control business that performed the preconstruction treatment;
 - (b) The date that the final treatment was applied;
 - (c) The trade name of the termiticide that was applied;
 - (d) The number of gallons of the diluted termiticide that was applied; and
 - (e) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied;
5. If the contractor of the structure under construction on which the preconstruction treatment is being performed requests a tag for preconstruction treatment, the licensee shall:
- (a) Prepare a duplicate tag;
 - (b) Print the word “DUPLICATE” in capital letters on the tag; and
 - (c) Post the tag on the site in the location requested by the contractor or deliver the tag to the contractor.

NAC 555.430 Inspection or application of pesticide for wood-destroying pests: Report; tag; restriction on application.

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 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 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 pest control business performing the inspection or the application of a pesticide, and the date of the inspection or application.
 - (b) The number assigned to the escrow or mortgage by the Federal Housing Administration or Veterans’ Administration, if applicable and obtainable.
 - (c) The street address, city and zip code where the property is located.
 - (d) The name of the person who requested the inspection or the application of a pesticide.
 - (e) The name of the person to whom the original of the report is being sent.
 - (f) The name and address of the owner of the property.
 - (g) The name and address of the buyer or other interested person, if applicable and obtainable.
 - (h) 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. The term does not include:

(I) A paling of a fence which is made of wood and which is less than 3 inches above the soil level and in contact with the inspected structure through otherwise acceptable structural elements; or

(II) Lattice which is made of wood and which is less than 3 inches above the soil level if the lattice is physically attached to the inspected structure.

(III) An attachment to the inspected structure which is made of wood or cellulose and which is less than 3 inches above the soil level if the attachment is separated from the inspected structure by a flashing which is made of metal.

(IV) A deck which is made of wood and which is less than 3 inches above the soil and in contact with the inspected structure if the deck is separated from the inspected structure by a flashing which is made of metal and the report includes a statement indicating that the deck was excluded from the inspection or application.

(V) Skirting which is installed on a manufactured home and which is less than 3 inches above the soil and in contact with the inspected structure if the skirting is designed by the manufacturer for contact with the ground, is separated from the inspected structure by a flashing which is made of metal or is supported 3 inches or more above the soil level by pressure-treated wood.

(2) “Faulty grade” means a condition in which:

(I) A floor joist or stringer is less than 12 inches above the soil level;

(II) The top of the foundation is less than 3 inches above the adjacent soil level; or

(III) The drainage is such that there is visible evidence of exposure of surface water on the structure.

(3) “Insufficient ventilation” means less than 1 square foot of ventilation per 300 square feet of crawlspace, less than 1 square foot for every 1500 square feet of ground area covered by a vapor barrier, or less than ~~two~~ **four** areas permitting cross ventilation (i.e., two areas on ***the foundation that are*** opposite ***two areas on the opposing*** side~~s~~ of the foundation).

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

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

(l) 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.

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

(1) The location of any inaccessible area or subarea and any area or subarea not inspected;

(2) Any portion of the structure normally visible which cannot be inspected without mechanically altering the structure, including, without limitation, subflooring or a rim joist that is concealed by insulation; or

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

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

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

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

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

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

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

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

(b) A statement 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.

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

7. As used in this section, "pressure-treated wood" means wood or wood products that:

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

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

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

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

8. Mold, when found on the surface of a cellulosic component, or ~~which are found on~~ other surfaces of a structure, is not to be reported as a wood destroying pest.

NAC 555.510 Fumigation procedures.

1. Fumigation may be performed only under the ~~direct and personal supervision~~ ***supervision as defined by NAC 555.600.13*** of a person who is:

(a) A ***non-licensed commercial or private*** certified applicator; ~~and~~ ***or***

(b) Licensed pursuant to subparagraph (4) of paragraph (c) of subsection 2 of NAC 555.280 to perform pest control using lethal fumigants.

2. Except as otherwise provided in subsection 3, the person exercising ~~direct and personal~~ supervision over the fumigation shall ensure that:

(a) Before the commencement of fumigation, warning signs are posted in plainly visible locations on or in the immediate vicinity of all entrances to the area under fumigation and are not removed until:

(1) The fumigation and ventilation have been completed;

(2) Except as otherwise provided in paragraph (c), the premises have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as

safe for reentry; and

(3) He determines the premises are safe for reentry.

(b) Ventilation is conducted with due regard for the public safety.

(c) If the label of the fumigant does not list a level of concentration of the fumigant in the air that the manufacturer has determined is safe for reentry, and the fumigant used is:

(1) Methyl bromide, chloropicrin or sulfuryl fluoride, the concentration of the fumigant in the air is 3 parts per million or less before he determines that the premises are safe for reentry;

(2) Aluminum phosphide or magnesium phosphide, the concentration of the fumigant in the air is 5 parts per million or less before he determines that the premises are safe for reentry; and

(3) Any fumigant other than those fumigants listed in subparagraph (1) or (2), he obtains from the manufacturer information concerning the level of concentration of fumigant in the air that the manufacturer has determined is safe for reentry and the level of concentration of fumigant in the air is the level determined to be safe by the manufacturer or less before he determines that the premises are safe for reentry.

(d) Warning signs are printed in red on a white background and include:

(1) The following statement, written in English and Spanish, in letters not less than 2 inches in height:

DANGER/ PELIGRO
AREA UNDER FUMIGATION/ AREA BAJO FUMIGACION
DO NOT ENTER/ NO ENTRE

(2) A skull and crossbones symbol that is not less than 1 inch in height;

(3) The name of the fumigant in use, the date and time the fumigant was injected; and

(4) The name, address and telephone number of the licensee performing the fumigation.

(e) The area to be fumigated is vacated by all occupants before the commencement of fumigation and all entrances to the area are 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 he declares the area to be safe for reentry.

(f) Before the commencement of fumigation, the space to be fumigated is 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.

(g) An adequate warning agent is used with all fumigants which lack such an agent if a warning agent is appropriate for use on the structure or other item being treated.

(h) At least one licensee and one person under the supervision of that licensee is present during:

(1) The release of the fumigant; and

(2) The ventilation process until the warning signs are removed from the premises.

(i) When conditions involving abnormal hazards exist, he takes such safety precautions in addition to those prescribed by this section as are reasonably necessary to protect the public health and safety.

3. If the requirements for SUPERVISION, use and warnings listed on the label of the fumigant are more stringent than the requirements set forth in subsection 2, the person exercising ~~direct and personal~~ supervision over the fumigation shall ensure that the requirements listed on the label of the fumigant are satisfied.

4. In addition to the requirements set forth in subsection 2 or 3, the person exercising ~~direct and personal~~ supervision over the fumigation of a structure that is used for human habitation or for business if employees or other persons occupy the structure shall ensure that:

(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, are 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 are kept well ventilated and warning signs as prescribed in paragraph (d) of subsection 2, are kept posted at all entrances to these rooms, units or apartments during the time of the fumigation and thereafter until the premises:

(1) Are safely ventilated; and

(2) Have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry. Except as otherwise provided in this paragraph, such testing must be completed with a device which is specified on the label of the fumigant and which is calibrated to measure the smallest unit in which the concentration of the fumigant in the air is required to be measured. If the label of the fumigant does not specify the device to be used for such testing, a device that is calibrated in increments of 1 part per million must be used.

(c) A rooming or apartment house designed for four families or less is entirely vacated and closed against entry and occupancy while fumigation is being performed and thereafter until the premises:

(1) Are safely ventilated; and

(2) Have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry. Except as otherwise provided in this paragraph, such testing must be completed with a device which is specified on the label of the fumigant and which is calibrated to measure the smallest unit in which the concentration of the fumigant in the air is required to be measured. If the label of the fumigant does not specify the device to be used for such testing, a device that is calibrated in increments of 1 part per million must be used.

5. The person exercising ~~direct and personal~~ supervision over the fumigation shall ensure that:

(a) Each employee of the pest control business who is performing fumigation has been instructed in the use and administration of first aid and in the use and care of the safety equipment recommended by the department or the manufacturer of the fumigant; and

(b) The following items are on the premises being fumigated and are in good working order:

(1) A first-aid kit, that includes directions for artificial resuscitation;

(2) At least two gas masks or other respiratory protective devices that have been approved by the National Institute of Occupational Safety and Health and the Mine Safety and Health Administration;

(3) A testing device that satisfies the requirements set forth in subsection 4 to measure the concentration of the fumigant in the air during the fumigation process or the ventilation process;

(4) A complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant; and

(5) For each type of fumigant being used, the antidote, if any, as prescribed by the

manufacturer of the fumigant and the instructions for administering the antidote as prescribed by the manufacturer of the fumigant.

~~[6. As used in this section, “direct and personal supervision” means guidance and instruction by a person described in subsection 1 who:~~

~~—(a) Is physically present at the premises being fumigated; and~~

~~—(b) Is available to give immediate assistance to each person who is performing the fumigation.]~~

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:

LICENSEES	FIRST OFFENCE	SECOND OFFENSE
11. For a violation of NAC 555.400, if the violation is for:		
<i>j) Failing to maintain on service vehicle:</i>		
(1) <i>Protective clothing.</i>	\$100	\$150
(2) <i>Absorbent material and equipment for containing contaminated absorbent material</i>	\$100	\$150
(3) <i>A sufficient amount of potable water for washing hands, face or body.....</i>	\$100	\$150
12. No changes		
13. No changes		
14. No. changes		
15. For a violation of NAC 555.427, if the violation is for:		
(a) Failing to apply the termiticide only to sites or in the specific quantities or dosages listed on the label of the termiticide, unless authorized by the Director	\$500 TO \$1,000	\$1,001 to \$5,000
(b) Failing, as part of preconstruction treatment to soil, to apply the termiticide in a manner that establishes a vertical barrier at the exterior of the concrete slab, as appropriate, within 30 days after grading and any other disturbance of the soil has been completed	\$301 to \$1,000	\$1,001 to \$5,000
<i>(c) Failing to submit a Protection of Completed Work clause to the department before beginning work on a pretreatment project...</i>	\$301 to \$1,000	\$1,001 to \$5,000
<i>(d) Failing to include each item of</i>	\$ 25	\$ 50

*information required on the
Protection of Completed Work
clause.....*

(per item not included)

(per item not included)

16. For a violation of NAC 555.248, if the violation is for:

(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment

\$301 to \$1,000

\$1001 to \$5,000

1. “Browsing” means the consumption of leaf and twig growth of shrubs, woody vines and trees by an animal.

2. “Competent” means properly qualified to perform functions associated with pesticide application, the degree of capability required being directly related to the nature of the activity and the associated responsibility.

3. “Container” means any package, can, bottle, bag, barrel, drum, tank or other containing device, excluding spray applicator tanks, used to enclose a pesticide or waste related to pesticide.

4. “Control” means to prevent, destroy, repel or mitigate any undesirable organism.

5. “Ectoparasite” means any organism that occurs externally on, or whose life cycle involves development within, an organism of another species (host) and derives its nutriment from it.

6. “Food handling establishment” means a place other than a private residence in which exposed food is held, processed, prepared or served.

7. “Forage” means any herbaceous plant or plant part normally grazed on by, or fed to, animals.

8. “Forest” means any concentration of trees and related vegetation in a nonurban area sparsely inhabited by and infrequently used by humans, characterized by natural terrain and drainage patterns.

9. “Fumigation” ~~[means the application of a substance having a vapor pressure greater than 5 millimeters of mercury at 25° centigrade, that is intended to control any living organism.]~~ *has the same meaning as used in NAC 555.251.*

10. “Grain” means any of the grasses that produce cereals which are used for food.

11. “Grazing” means the partial defoliation of forage growth by animal consumption.

12. “Habitat” means that specific locality where an organism exists.

13. ~~“Immediate~~ supervision” means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a *certified licensed commercial, certified non-licensed commercial, or private* applicator who is responsible for the actions of that person ~~[and who is physically present at the pest control site]~~ *unless the label of the restricted use pesticide requires the physical presence of a certified applicator.*

~~[14. “Inactive certificate” means any certificate issued by the director that has not been renewed on or before January 16 of each year.]~~

~~[5]~~ 14. “Microorganism” means any animal or plant that is so small as to be invisible or obscure except through a microscope.

~~[6]~~ 15. “Mollusk” means any of the phylum of soft-bodied animals usually partially or wholly enclosed within a calcium carbonate shell and having a muscular “foot” for locomotion.

~~[7]~~ 16. “Nonvascular plant” means a plant without flowers, roots, stems or leaves.

~~{18}~~ 17. “Operational site” means that location belonging to a person where an integral function of the business is performed, and includes person’s land, structures and any other environs and equipment.

~~{19}~~ 18. “Pasture” means any fenced area of domesticated forage on which animals are grazed.

~~{20}~~ 19. “Plant disease” means any exhibition of some malfunction or abnormality in a plant’s development or growth caused by a microorganism as, for example, fungi, bacteria, viruses, mycoplasmas and nematodes.

~~{21}~~ 20. “Predator” means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.

~~{22}~~ 21. “Range” means any land with native vegetation (climax or natural potential) that is predominantly grasses, grasslike plants, forbs or shrubs suitable for grazing or browsing.

~~{23}~~ 22. “Row crop” means any fiber crop, melon crop, vegetable crop or similar crop that is grown in continual lines.

~~{24}~~ 23. “Seed crop” means any plant that is grown for the purpose of utilizing the propagative portion of the plant.

~~{25}~~ 24. “Vertebrate” means any animal of the subphylum Vertebrata of the phylum Chordata, which has an enlarged brain enclosed in a cranium, or brain case, a segmented vertebral column which supports the body, a head, neck, trunk and usually a tail present.

~~{26}~~ 25. “Wildlife” means all living things that are neither human, domesticated nor pests, including, but not limited to, mammals, birds and aquatic life.

~~{27}~~ 26. “Wood-destroying pest” means any organism which infests or infects and destroys cellulose.

27. “Licensed commercial applicators as used in NAC 555.250 to NAC 555.700 means any Primary Principal or Principal who has met the requirements for NAC 555.270 who applies general and restricted-use pesticides as a part of their custom pest control activities for the purposes of providing pest control on the property of another for a fee.

28. “Non-licensed commercial applicator” as used in NAC 555.600 to NAC 555.700 means any un-licensed certified individual, as defined by NRS 555.2618 and NRS 555.2619 who, in the principal course of such individual’s employment, uses, or supervises the use of a restricted-use pesticide; for the purpose of providing pest control. The term includes custodians; general maintenance personnel; sanitation personnel; Federal, State and local government personnel or any political subdivisions thereof; individuals who use restricted-use pesticides around their home, boats, nurseries, greenhouses or other commercial properties. The term does not include private applicators as defined in section NRS 555.2681 or NAC 555.600(29).

29. “Private applicator” as used in NAC 555.600 to NAC 555.700 means a certified applicator, as defined by NRS 555.2618 & NRS.2681. The term includes, but not limited to, farmer; rancher; sod farmer; or others who produce food or fiber for market.

30. “Physical presence” means on the premises where the application of the restricted use pesticide is being used or applied.

NAC 555.610 Exceptions. The provisions of NAC 555.600 to 555.700, inclusive, as appropriate do not apply to any person applying or supervising the application of any pesticide classified for general use, *except those general use products classified as State restricted-use as specified in NAC 586.*

NAC 555.615 Licensed commercial applicator: Categories. The categories of commercial applicators are:

1. Those fields and categories which are established as the categories for licensed pest control personnel as described in NAC 555.280.

NAC 555.617 Licensed commercial applicator: Standards. A licensed commercial applicator must show that he possesses a practical knowledge of pest problems and pest control practices associated with licensed commercial pest control operations as required by NAC 555.250 to 555.530 inclusive, unless the context otherwise requires as stated in NAC 555.600 to NAC 555.700 inclusive.

NAC 555.620 Non-licensed commercial applicators: Categories. The categories of *non-licensed* commercial applicators are:

1. Agricultural pest control, which includes:

(a) Animal: The control of insects, including ectoparasites, on or around animals, including but not limited to beef cattle, dairy cattle, swine, sheep, horses, goats and poultry, and to places on or in which animals are confined.

(b) Plant: The control of any pest on or around any agricultural crop, including but not limited to the production of forage, grain, pasture, seed, row crops and fruit crops, as well as rangeland, idle cropland and noncropland associated with the production of agricultural crops, or on any other agricultural crop consumed or used by man or animals.

2. Aquatic pest control: The control of any pest in standing or running water, excluding mosquito control and public health pest control.

3. Forest pest control: The control of any pest in forests, forest nurseries, *rangeland* and forest seed producing areas.

4. Fumigation pest control: The control of any pest by fumigation with poisonous and lethal gases in any habitat, including but not limited to structures and soil.

5. Industrial, institutional, structural and health related pest control, which includes:

(a) Industrial pest control: The control of any pest, including those that are health related, but excluding wood-destroying pests, in, on or around an industrial complex, including but not limited to grain elevators, offices, casinos, motels, stores, operational sites of food handling establishments, warehouses or stored products, and excluding ornamental and turf pest control and aquatic pest control.

(b) Institutional pest control: The control of any pest, including those that are health related but excluding wood-destroying pests, in, on or around an institutional complex, including but not limited to homes, hospitals, schools and similar institutes especially where children, the physically unfit and germicidal work would be involved, and shall also include any inanimate objects used in the maintenance of institutional operations, including but not limited to garbage cans, wood piles and sidewalks, and excluding ornamental and turf pest control and aquatic pest control.

(c) Structural pest control: The control of any wood-destroying pest in, on or around any structure, including but not limited to homes, storage sheds and warehouses.

6. Mosquito control: The control of mosquitoes in any habitat, including but not limited to reservoirs, lakes, rivers and cropland.

7. Ornamental and turf pest control: The control of any pest in the maintenance and production of ornamentals and turf, including but not limited to ornamental trees, shrubs, flowers, home fruit

trees and home vegetable gardens.

8. Predatory pest control / *M-44*: The control of any predator in any habitat, including but not limited to rangeland, forests and cropland.

9. Public health pest control: The control of any pest having medical and public health importance by state, federal or other governmental employees.

10. ~~Regulatory pest control: The control of any regulated pest by state, federal or other governmental employees.~~ *Wood preservatives: The use of wood preserving chemicals for the control of wood-destroying organisms.*

11. Right-of-way pest control: The control of any pest in the maintenance of rights of way, including but not limited to public roads, electric power lines, pipelines and railway rights of way.

12. Seed treatment: The treating of seeds to control insects, fungi, bacteria and other microorganisms.

13. Greenhouse and nursery pest control: The control of any pest in the maintenance and production of greenhouse or nursery stock.

14. Sewer line root control: The control of roots in the maintenance of sewers.

15. Chemigation: The application of pesticides designated for injection into irrigation water.

NAC 555.630 *Non-licensed commercial applicators: Standards.* Standards of competency for *non-licensed* commercial applicators are:

1. Agricultural pest control:

(a) Animal: An applicator who applies a pesticide directly to animals must demonstrate a practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential, where host animals will be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.

(b) Plant: An applicator must demonstrate a practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, preharvest intervals, phytotoxicity and potential for environmental contamination, nontarget injury and community problems resulting from the use of restricted use pesticides in agricultural areas.

2. Aquatic pest control: An applicator must demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations and faulty application of restricted use pesticides used in this category. He must demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, he must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects and other organisms which may be present in aquatic environments. An applicator must demonstrate practical knowledge of the principles of limited area application.

3. Forest pest control: An applicator must demonstrate practical knowledge of the type of forests, forest nurseries, and seed production in the state and the pests involved. He must possess a practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge of the relative biotic agents and their vulnerability to the pesticides to be applied is required. The applicator must demonstrate practical knowledge of control methods which minimize the possibility of

secondary problems, such as unintended effects on wildlife and natural aquatic habitat. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

4. Fumigation pest control: An applicator must demonstrate practical knowledge of pesticide problems associated with the use of poisonous and lethal gases including cognizance of potential phytotoxicity to animate host and residual accumulation of fumigants, practical knowledge of fumigant confinement and circulation procedures, injection procedures, dosage calculations, leakage and concentration testing procedures and ventilation.

5. Industrial, institutional, structural and health related pest control: An applicator must demonstrate a practical knowledge of the wide variety of pests encountered in this category, including their life cycles, types of formulations appropriate for their control and methods of application that avoid contamination of food, damage contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women and elderly people is frequently a potential problem, an applicator must demonstrate a practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure of human beings in the various situations encountered in this category. An applicator must also demonstrate practical knowledge of the environmental conditions particularly related to this activity.

6. Mosquito pest control: An applicator must demonstrate practical knowledge of mosquito pests including identification and life cycle, reproducing habitats and vector capabilities. Further, he must have practical knowledge concerning the potential effects of pesticides on plants, birds, fish and other organisms in aquatic environments, and methods of application that avoid unacceptable contamination of the habitat and exposure to people and animal life.

7. Ornamental and turf pest control: An applicator must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. An applicator in this category must demonstrate practical knowledge of application methods which minimize or prevent hazards to human beings, pets and other domestic animals.

8. Predatory pest control / *M-44*: An applicator must demonstrate a practical knowledge of animal damage and control procedures including identification of predatory mammals, conditions conducive to animal damage, secondary poisoning and protection of nontarget species, and knowledge of special laws and regulations governing the use of poisons to control predators on private and public lands.

9. Public health pest control: An applicator must demonstrate practical knowledge of vector disease transmission as it relates to and influences application programs. The wide variety of pests involved must be known and recognized, and their appropriate life cycles and habitats must be understood as a basis for control strategy. An applicator must have practical knowledge of the various pest environments ranging from streams to those conditions found in buildings. He must also have practical knowledge of the importance and employment of such nonchemical control methods as sanitation, waste disposal and drainage.

10. ~~Regulatory pest control: An applicator must demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential effect on the environment by restricted use pesticides when used in suppression and eradication programs. He must demonstrate knowledge of the factors influencing introduction, spread and population dynamics of relevant pests. His knowledge must extend beyond that required by his~~

~~immediate duties, because it is frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.]~~ *Wood preservatives: An applicator must demonstrate practical knowledge of: environments where chemical preservatives are used; concerns associated with their use, and the characteristics of various wood preservatives.*

11. Right-of-way pest control: An applicator must demonstrate practical knowledge of the wide variety of environments which rights of way may traverse, including waterways. He must demonstrate practical knowledge of problems on runoff, drift, and excessive foliage destruction and ability to recognize target organisms. He must also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the result of their application activities in the adjacent areas and communities.

12. Seed treatment: An applicator must demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers and surface active agents which influence pesticide binding and may affect germination. He must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

13. Greenhouse and nursery pest control: An applicator must demonstrate a practical knowledge of nursery and greenhouse: pesticides, plants, plant pests and the adverse effects associated with pesticide use in nurseries and greenhouses.

14. Sewer line pest control: An applicator must demonstrate a practical knowledge of: herbicide characteristics and the environmental effects, precautions and concerns associated with sewer line root control.

15. Chemigation: An applicator must demonstrate practical knowledge of: pesticides, safety procedures, environmental concerns, and the injection methods and equipment associated with the application of pesticides through chemigation systems.

NAC 555.640 Private applicators: Categories. The categories of private applicators are:

1. Agricultural pest control:

(a) Animal:

(1) Dairy animal pest control: The control of any pest in, on or around dairy animals, including, but not limited to, goats and dairy cattle, and also includes places on or in which dairy animals are confined, including, but not limited to, barns and corrals.

(2) Meat animal pest control: The control of insects, including ectoparasites, in, on or around meat animals, including, but not limited to, horses, beef cattle, swine and sheep, and also includes places on or in which meat animals are confined, including, but not limited to, barns and corrals.

(3) Poultry pest control: The control of any pest in, on or around poultry, including, but not limited to, chickens, turkeys and ducks, and includes places on or in which poultry is confined, including, but not limited to, coops and pens.

(b) Plant:

(1) Forage, grain, pasture and range pest control: The control of any pest in, on or around the production of forage, grain, pasture and range.

(2) Row crop pest control: The control of any pest in, on or around row crops.

(3) Seed crop pest control: The control of any pest in, on or around seed crops.

(c) Speciality crops:

(1) ~~[(Apiary)]~~ **Industrial** pest control: The *term shall also include the* control of any pest, excluding predators, in, on or around apiaries, *industrial farmsteads, including, but not limited to, grain silos, equipment buildings, barns, warehouses, and other buildings associated with farm operations.* ~~[and the control of any pest, excluding predators, in, on or around apiary operational sites, including, but not limited to, extracting houses and comb storage warehouses.]~~

(2) ~~[(Aquaculture)]~~ **Aquatic** pest control: The control of any pest, excluding predators, in standing or running water involved in aquaculture, including, but not limited to, catfish farms.

(3) Greenhouse *and nursery* pest control: The control of any pest, excluding predators, in, on or around *nurseries or* greenhouses and the control of any pest, excluding predators, in, on or around nursery *and greenhouse* operational sites, including, but not limited to, equipment storage areas.

~~[(4) Nursery pest control: The control of any pest, excluding predators, in, on or around nurseries, excluding greenhouses, and the control of any pest, excluding predators, in, on or around nursery operational sites, including, but not limited to, equipment storage areas.]~~

~~[(5)]~~(4) **Ornamental and turf** ~~[(Turf)]~~ pest control: The control of any pest, excluding predators, in the production of turf and the control of any pest, excluding predators, in, on or around turf production operational sites, including, but not limited to, equipment storage areas.

2. Forest pest control: The control of any pest, excluding predators, in or on forests/*rangelands*, and the control of any pest, excluding predators, in, on or around forest/*rangeland* operational sites, including, but not limited to, equipment storage areas.

3. ~~[(Predator pest control: The control of any predator in any habitat, including, but not limited to, nurseries, apiaries, greenhouses, farms and ranches.)]~~ **Chemigation: An applicator must demonstrate practical knowledge of: pesticides, safety procedures, environmental precautions, injection methods and equipment associated with the application of pesticides through irrigation systems.**

4. **Fumigation: An applicator must demonstrate practical knowledge of poisonous and lethal gases and procedures, safety and environmental concerns associated with their use.**

NAC 555.650 Private applicators: Standards. A private applicator must show that he possesses a practical knowledge of the pest problems and pest control practices associated with his agricultural operations—proper storage, use, handling and disposal of the pesticides and containers, and his related legal responsibility. This practical knowledge includes ability to:

1. Recognize common pests to be controlled and damage caused by them.
2. Read and understand the label and labeling information including the common name of pesticides to be applied, pests to be controlled, timing and methods of application, safety precautions, any preharvest or reentry restrictions, and any specific disposal procedures.
3. Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.
4. Recognize local environmental situations that must be considered during application to avoid contamination.
5. Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

NAC 555.655 Certificates: Types, amendments and renewals *for non-licensed commercial and private applicators.*

1. The following types of certificates may be issued:
 - (a) A general certificate authorizing the application or supervision of the application of restricted use pesticides for the category for which issued.
 - (b) A limited certificate authorizing the application or supervision of the application of restricted-use pesticides, on a specific host, for a specific pest, or performing specific application procedures.
 - (c) A single use certificate authorizing the application or supervision of the application of a single restricted use pesticide on a one-time basis, for an emergency measure. A single use certificate shall be limited to one per person per calendar year.
2. Every person to whom a certificate is issued shall within ~~[5]~~ **15** ~~[working]~~ days notify the director of any change of any information shown on the application.
3. A certified applicator may apply to the director for amendment of his certificate to include additional categories and upon successful examination, may have his certificate so amended.
~~[4. Any certified applicator whose certificate has not been active during the preceding calendar year shall demonstrate his competency for a certificate through examinations currently in use.]~~
- ~~[5.]~~ **4.** A certificate is neither assignable nor transferable.

NAC 555.660 Examinations: Application; subjects *for non-licensed commercial and private applicators.*

1. A request to be examined *may* ~~[must]~~ be *required by the examining officer in order to determine qualification of competency* ~~[made]~~ by filing an application for an examination with the department.
2. The ~~[application]~~ *applicant* must *give the department* ~~[be received]~~ 5 working days' notice of the date on which he ~~[before the time the applicant]~~ wishes to ~~[be examined]~~ *take the examination*, unless the examining officer has waived the time period. The examining officer shall establish the examination date.
3. All applicants for a certification must qualify through examination.
4. Each applicant must pass a written examination to show that he possesses adequate knowledge concerning the proper use and application of restricted use pesticides and the dangers involved, and precautions to be taken in connection with their application in the following subject areas:
 - (a) Label and labeling comprehension;
 - (b) Safety;
 - (c) Environmental consequences of pesticide use and misuse;
 - (d) Pests;
 - (e) Pesticides;
 - (f) Equipment;
 - (g) Application techniques;
 - (h) Federal laws and regulations;
 - (i) State laws and regulations; and
 - (j) Any subject the director deems necessary to ensure the proper use and application of restricted use pesticides.

NAC 555.670 Examinations: General and specific; written, oral and practical; passing score; requalification *for non-licensed commercial and private applicators.*

1. The examination will consist of a general examination which will be required of each

applicant and a specific examination for each category in which the applicant has requested to be examined.

2. The director may require the applicant to meet special qualifications of competency which relate to the special needs of a given locality regarding the use or application of a specific restricted-use pesticide. The special qualifications of competency may include written examinations as required by the director.

3. In addition to the written examination, the applicant for a certificate for private applicator may be given an oral examination. The examining officer may add to or subtract from the score on the written test a maximum of 5 grade points based on the oral examination.

4. A private applicator may request an oral examination in lieu of a written examination. If the examining officer determines that the request is justified, he may give the applicant an oral examination. No grade points may be added to or subtracted from an applicant's score on the oral examination.

5. Any applicant may be required to perform a practical demonstration at a time and in a manner specified by the examining officer, to show his ability to apply or supervise the application of restricted use pesticides.

6. The passing score for each examination is 60 percent.

7. Any applicant who fails to pass the general examination or any specific examination may be retested upon expiration of a waiting period of 5 working days, unless the examining officer waives the waiting period.

8. Every person to whom a certificate has been issued by the director must requalify by examination every 4 years unless the director determines that a shorter interval is justified because of a change in the technology of pesticides.

NAC 555.680 Application for *non-licensed commercial and private applicator* certification: Contents.

1. An application for a certificate to apply or supervise the application of restricted use pesticides is supplied by the director and may show the following:

(a) The applicant's legal name, home mailing address, home street address if different from home mailing address and home telephone number.

(b) The assumed name under which the applicant does business if applicable, business mailing address, business street address and business telephone number.

(c) The applicant's employer, employer's mailing address, employer's business address and employer's telephone number.

(d) The type of certificate, whether *non-licensed* commercial or private, that the applicant is applying for.

(e) A listing and description of certificates held in other states.

(f) The address where equipment and pesticides are stored.

(g) Any category in which the applicant wishes to be certified.

2. The qualification for certification, is proof of passing the examination.

NAC 555.690 Testing fee for *non-licensed commercial and private applicators*. The director will collect a testing fee of ~~[\$10]~~**\$25.00** for each examination period or reexamination period, before the applicant is examined.

NAC 555.700 Application of restricted-use pesticides for *non-licensed commercial and*

private applicators. (NRS 555.390, 555.400) Except as otherwise provided in this chapter or as specifically authorized in writing by the director, any certified applicator applying or supervising the application of restricted-use pesticides shall in addition to the provisions of subsections 2 to 9, inclusive, of NAC 555.400.

1. Keep and maintain a record of each property treated for 2 years, showing the following:
 - (a) Date of treatment;
 - (b) **Full name** ~~{Name}~~ of certified applicator applying or supervising the application of the restricted use pesticide;
 - (c) Address of property treated;
 - (d) Brand name or generic name and Environmental Protection Agency registration number of the pesticide applied;
 - (e) Use information:
 - (1) Item *or site* treated;
 - ~~{(2) Number of units treated;~~
 - ~~—{(3) Purpose for which the pesticide was applied;}~~ and
 - ~~{(4)}~~**(2)** Amount of ~~{un}~~ diluted material used **and the concentration of the pesticide that was applied** or the **amount of undiluted material used** ~~{strength of the diluted material used}~~; and
 - (f) In addition to the requirements of paragraphs (a) to (e), inclusive, if the treatment is conducted in the **non-licensed** commercial categories agricultural pest control-plant, forest pest control, ornamental and turf pest control, right-of-way pest control, mosquito control, **chemigation, greenhouse and nursery pest control, fumigation** or in the private categories agricultural pest control-plant, **ornamental and** turf pest control, forest pest control, **chemigation, greenhouse and nursery pest control**, the following must be shown:
 - (1) Temperature at the start and finish of treatment.
 - (2) Wind velocity and direction at the start and finish of treatment.
 - (3) Number of units treated, area of surface treated, or volume fumigated.**
 - (4) The purpose for which the pesticide was applied.**
 - (5) The time the treatment was started and the time the treatment was finished.**
2. Report immediately to the director any emergency dump of a pesticide by an aircraft, any accident of a pesticide loaded aircraft or ground equipment involving the spillage of a pesticide, or the accidental spillage of a pesticide at any site of operations of pesticides.
3. Report to the director within 48 hours any case of apparent pesticide poisoning requiring medical treatment.
4. Have contact with any applicator under his direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.
5. Assume responsibility for the fumigation procedures contained in NAC 555.510.