

LCB File No. R156-07

**PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

**NOTICE OF WORKSHOP AND HEARINGS
OF INTENT TO ADOPT REGULATIONS**

Details of the workshops and hearings appear below:

WORKSHOPS AND HEARINGS

Workshop: Thursday, November 1, 2007 at 1:30pm

Hearing: To Be Announced

**Locations: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno NV 89502**

**Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
Las Vegas NV 89104**

Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All oral and written testimony will be in the record of the hearing.

Additional proposed amendments follow this notice.

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effect: None
2. Beneficial effects: Businesses will have another option besides testing to become recertified every 4 years.
3. Immediate and long term effect: Beneficial effects same as #2 above.

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: None
3. Immediate and long-term effects: None

There will be no additional costs to the Department for enforcement of the amendments.

This regulation does not overlap or duplicate any other state, local or federal regulation.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

Nevada Department of Agriculture
1550 S. Wells Avenue
Reno, NV 89502

Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Department of Agriculture
1351 Elm Street
Elko, NV 89801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas – Clark County Library 833 Las Vegas Blvd North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415-1390
Goldfield Public Library Forth & Crook Street Goldfield, NV 89013-0430	Tonopah Public Library 171 Central Street Tonopah, NV 89049-0449	Pershing County Library 1125 Central Avenue Lovelock, NV 89419-0781
Storey County Library 95 South R Street Virginia City, NV 89440-0014	Washoe County Library 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301

Battle Mountain Branch Library Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library 1625 Library Lane Minden, NV 89423-0337
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Ed Foster at the Nevada Department of Agriculture, (775) 688-1182 Ext. 272 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency’s reasons for adoption.

Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

**NEVADA DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSES PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered **No**, then a small business impact statement is not required. If question one (1) or question two (2) is answered with a **YES**, then a small business impact statement is required prior to conducting a public workshop(s) by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 555, pertaining to commercial and private applicators who apply restricted-use pesticides.

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No.

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

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The proposed changes are in *bold italics*. The text to be deleted is ~~crossed-out~~.

Authority: NRS 555.355 and NRS 555.400

A REGULATION relating to nonprimary principal commercial and private applicators who apply restricted-use pesticides will be required to obtain continuing education credits as a condition of their restricted-use pesticide certification renewal; and providing other matters properly relating thereto.

NAC 555.670 Examinations for certification of nonprimary principal commercial and private applicators: General and specific; written, oral and practical; passing score; requalification- ; *Requirements for Continuing Education; Continuing Education renewal period.* **1 through 8 remain the same.**

9. A nonprimary principal commercial and private applicator may not renew his restricted use pesticide certificate unless within the preceding 4 year certification period has completed at least 12 units of continuing education in courses accredited by the Department of which 2 units must include laws and regulations; or, retakes and receives a passing grade on the certification general and at least one category exam;

(a) The renewal period will be from October 1 through December 31 of the expiration year;

(b) All acquired continuing education units will be valid up to one year after the expiration of the applicators RUP certification.

10. Any continuing education units obtained exceeding the required units shall not be carried over into the succeeding renewal period.

11. A nonprimary principal commercial or private applicator may receive credit for the completion of a course of continuing education offered in another state if:

(a) The course is approved for continuing education by the appropriate agency of the state; and

(b) Upon completion of the course, the nonprimary principal commercial or private applicator obtains the required information per NAC 555.677(4) as proof of the education received.

12. For each course for which a nonprimary principal commercial or private applicator claims one or more units of continuing education, he may request from the sponsor of the course:

(a) A certificate of completion issued by the sponsor of the course providing information contained in NAC 555.677 (4); or

(b) Another document or record that in the judgment of the Director adequately establishes that the licensee successfully completed the course.

NAC 555.677 Records of Continuing Education.

- 1. The instructor or sponsoring organization shall, in addition to NAC 555.374, maintain a record of the RUP certificate holders who have successfully completed continuing education for four years from the completion date of the course or program.***
- 2. Each RUP certificate holder specified in NAC 555.670 shall maintain a record for four years of all continuing education approval pursuant to NAC 555.675 which he acquired during each RUP certification period.***
- 3. The records specified in (1) shall comply with the requirements set forth in NAC 555.374.***
- 4. Except as provided in (5), the records specified in (2) shall be completed on a form entitled "Continuing Education Record Renewal Summary" and contain, at a minimum, the following:***
 - (a) The RUP certificate holder's name;***
 - (b) RUP certification number of the RUP certificate holder's name;***
 - (c) The title and location of the instruction;***
 - (d) Name of instructor or sponsoring organization, units or hours credited; and***
 - (e) The program course number assigned by the Director.***
- 5. Certificates of completion or program completion or written statements containing all the information specified in (4), issued by the instructor or sponsoring organization, shall be sufficient to constitute the records specified in (1) or (2).***
- 6. The records specified in (1) shall be submitted to the director upon request.***

NAC 555.690 ~~[Testing]~~ Fee for *initial certification or recertification* of nonprimary principal commercial and private applicators. (NRS 555.355, 555.400) The Director will collect a ~~[testing]~~ fee of \$25 for each *initial certification* examination period, *recertification, or* reexamination period for the issuance of a certificate pursuant to NAC 555.655, before the applicant is examined.