

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

**LCB File No. R033-14**

... DATE ...

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

AUTHORITY: §§1, 2, 3, 4, 5, 6, 15, 19 and 22, NRS.400; §7, NRS 555.345 and NRS 555.400; §9, NRS 555.290, NRS 555.330 and NRS 555.400; §§8 and 10 NRS 555.300 and 555.400; §§11, 12 and 13, NRS 555.290 and NRS 555.400; §§14 and 21, NRS 555.400 and 561.105; §16, NRS 555.3507 and NRS 555.400; §17, NRS 555.310 and NRS 555.400; §§18 and 24, NRS 555.390 and NRS 555.400; §20, NRS 555.380, NRS 555.390 and NRS 555.400; §23, NRS 555.355, NRS 555.400 and NRS 561.105.

A REGULATION relating to pesticides; revising provisions governing the records and reports of certain persons engaged in the application of pesticides; revising provisions governing license types and categories; revising provisions governing pest control business locations; defining spot treatments for certain persons engaged in the application of pesticides; revising provisions governing the submission of wood-destroying pests inspection reports; revising preconstruction treatment tagging requirements, revising certain fees for persons engaged in the application of pesticides; revising insurance limits, revising continuing education requirements, making various other changes to provisions relating to the application of pesticides; and providing other matters properly relating thereto.

**Section. 1.** *NAC 555.2542 “Livestock” defined. (NRS 555.400) “Livestock” has the meaning ascribed to it in NRS 571.022.*

**Sec. 2.** *NAC 555.2545 “Location principal” defined. (NRS 555.400) “Location principal” is a principal as ascribed in NAC 555.256 who:*

- 1. Is the only principal at a pest control business location if the pest control company has more than 1 business location; or*
- 2. Has been designated by a primary principal of the pest control business licensed pursuant to NAC 555.370 as the person responsible for the daily supervision of the category or categories of pest control performed at that business location of the pest control business.*

**Sec. 3.** *NAC 555.2555 “Primary principal” defined. (NRS 555.400) “Primary principal” means a principal who:*

- 1. Is the only principal for a pest control business; or*
- 2. Has been designated by a pest control business licensed pursuant to NAC 555.370 as the person responsible for the ~~daily~~ supervision of the category or categories of pest control performed by ~~each business location of~~ the pest control business ~~within this State~~.*

*(Added to NAC by Dep’t of Agriculture, eff. 12-10-92; A by R033-01, 5-1-2002)*

- Sec. 4. NAC 555.2569 “Spot treatment” defined (NRS 555.400). “Spot treatment” means:**
- 1. For outdoor applications a “spot treatment” is defined as an area that is of a size that is no more than 2 feet by 2 feet, non-contiguous and is less than 1/10 of the total treatment area.**
  - 2. For indoor applications a “spot treatment” is defined as an application to limited areas on which insects are likely to occur, but which will not be in contact with food or utensils and will not ordinarily be contacted by people. These areas may occur on floors, walls, and bases or undersides of equipment. A spot treatment will not exceed 2 square feet, be non-contiguous and is less than 1/10 of the total treatment area.**

**Sec. 5. NAC 555.270 Types of licenses; restrictions on issuance; prerequisites to perform certain pest control work with fumigants. (NRS 555.400)**

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.

***(3) An Inactive license that reflects licensing, but which prohibits the license holder from doing any pest control services for compensation. These individuals are not associated with a pest control business.***

2. An operator or agent will be issued a license only in those categories where he or she has a qualified primary principal ***or location 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 or she holds the license.

[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; R033-01, 5-1-2002; R052-06, 6-28-2006)

**Sec. 6. NAC 555.280 Fields and categories. (NRS 555.400)**

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 *non-cropland, forests* or cropland.

(b) Agricultural ground—The use of ground equipment on rangeland, *non-cropland, forests, cropland* or ~~animals~~ *livestock*.

(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:

(1) Insecticides—The application of insecticides, miticides and acaricides.

(2) Herbicides—The application of herbicides and plant regulators.

(3) Desiccants and defoliant—The application of desiccants and defoliant.

(4) Fungicides and bactericides—The application of fungicides, bactericides and nematocides.

(b) Agricultural ground:

(1) Insecticides—The application of insecticides, miticides and acaricides.

(2) Herbicides—The application of herbicides and plant regulators.

(3) Desiccants and defoliant—The application of desiccants and defoliant.

(4) Fungicides and bactericides—The application of fungicides, bactericides and nematocides.

(5) ~~Rodenticides~~ *Vertebrates* —~~The application of rodenticides~~ *For the control of vertebrate pests (excluding “predator” pests as defined in NAC 555.600.22) , in, on, or around agricultural establishments (excluding, but not limited to, agricultural dwelling units, agricultural business office buildings, agricultural Industrial and Institutional complexes, warehouses, and ornamental and turf plantings), rangeland, forests, non-cropland and croplands. This category includes the use of fumigants for burrowing rodents.*

(c) Urban and structural:

(1) ~~Ornamental and turf~~ *Limited Landscape*—The control of insects, ~~weeds,~~ vertebrates and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.

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

(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) Aquatic—The control of insects, weeds and vertebrates in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

(6) ~~Right-of-way~~ *Weeds*—The control of weeds in the maintenance of *landscapes, turf, rights-of-way*, including, without limitation, public roads, power lines, pipelines and railway rights-of-way, *the term does not include aquatic weeds*.

(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

[Dep't of Agriculture, part No. 55.32, eff. 8-1-74; A 1-17-77; 6-11-80]—(NAC A 2-5-82; R033-01, 5-1-2002)

**Sec. 7. NAC 555.290 Miscellaneous requirements and restrictions; amendment, inactivation and denial of license; *submission of fingerprints* . (NRS 555.345; NRS 555.400)**

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

2. Each primary principal, *location principal*, principal, operator or agent of a pest control business shall:

(a) Ensure that the license issued to him or her by the Director is on his or her person or in his or her service vehicle while engaging in pest control; and

(b) Produce the license upon request by the Director or a person designated by the Director as a field agent or inspector pursuant to subsection 2 of NRS 561.225.

3. The primary principal or *location principal* of a pest control business shall, within 15 days after the change, notify the Director of any change in the status of authority of any primary principal, *location principal*, principal, operator or agent of the pest control business or any change in the information given on the application for the license for the pest control business.

4. A license is not assignable or 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.

5. A separate licensing fee for a principal, operator or agent must be paid by the employer. No additional fee is required for a designation as a primary principal.

6. A principal or operator may apply to the Director for amendment of his or her license to include additional categories of pest control or have restrictions removed. Except as otherwise provided in NAC 555.325, upon examination, the principal or operator is entitled to have the license so amended without any additional licensing fee.

7. *Except as otherwise provided in NAC 555.365, any* ~~Any~~ former licensee whose license has not been active during the 2 years immediately preceding his or her application for a new license must demonstrate his or her qualifications for the license. The demonstration must include written or oral examinations, or both, currently in use to determine the qualifications of any other applicants.

8. A licensee who cannot provide services in a particular category of pest control because he or she fails to meet the requirements for insurance for that category may apply to have his or her 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.

9. The Director may refuse to issue a license to a pest control business 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.

10. An agent shall not apply any pesticide or provide a recommendation or any other advice to a person concerning the use of a pesticide.

11. The Director may refuse to issue a license to an applicant to perform pest control work if, at the time the applicant submits the application:

- (a) A fine imposed against the applicant pursuant to NAC 555.530 remains unpaid; or
- (b) Any hearing or other matter that is within the jurisdiction of the Director is pending against the applicant.

***12. A primary principal applicant shall submit to a background check as a condition for licensing.***

***(a) Upon notification of clearance, a primary principal applicant must:***

- (1) be issued a primary principal license within 90 days of clearance, or***
- (2) if he or she fails to obtain a principal license within 90 days the applicant will be required to submit to another fingerprint and background check application.***

[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; R033-01, 5-1-2002; R052-06, 6-28-2006; R062-10, 1-13-2011)

### **Sec 8. NAC 555.320 Qualifications for examination. (NRS 555.300, 555.400)**

1. Except as otherwise provided in NRS 555.300 and NAC 555.325, an applicant who is applying for an examination as a principal must meet the requirements set forth in NRS 555.300 before being examined and must file proof of meeting the following requirements when submitting an application for a pest control examination:

(a) Two years of practical experience in the application of pesticide or related pest control in the initial category or categories applied for; or

(b) Six 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.

2. An applicant who is applying for examination as an operator or agent is not required to have reached the age of majority nor is he or she required to have:

(a) The practical experience in the application of pesticide required of a principal pursuant to paragraph (a) of subsection 1; or

(b) The practical experience and education required of a principal pursuant to paragraph (b) of subsection 1.

3. As used in this section:

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

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

(c) "Practical experience" means experience that is substantiated by work records, notarized statements verified by work records or any other documentation acceptable to the Department. The term does not include any experience obtained by an applicant while engaged in activity as an agent, ***or while a license is in inactive status.***

(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; R033-01, 5-1-2002; R052-06, 6-28-2006)

**Sec. 9. NAC 555.370 License in business of pest control: Qualifications. (NRS 555.290, 555.330, 555.400)** An applicant for a license to engage in the business of pest control must provide the Department with:

1. Proof that 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~~ **50,000**;
      - (II) For aggregate bodily injury, ~~20,000~~ **100,000**;
      - (III) For each occurrence of property damage, ~~10,000~~ **50,000**; and
      - (IV) For aggregate property damage, ~~20,000~~ **100,000**.
    - (2) For licensees using aircraft equipment:
      - (I) For each occurrence of bodily injury, \$100,000;
      - (II) For aggregate bodily injury, \$300,000; and
      - (III) For each occurrence of property damage, \$100,000.
  - (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; R033-01, 5-1-2002)

**Sec. 10. NAC 555.340 Examinations: Contents; passing score; retesting; exclusion. (NRS 555.300, 555.400)**

1. Each applicant for a license as a principal or operator must pass a written examination to demonstrate his or her knowledge of:
  - (a) Operations for pest control;
  - (b) Pertinent laws and regulations;
  - (c) Safety in handling and dispensing pesticides;
  - (d) Pests;
  - (e) An integrated approach to pest management; and
  - (f) Recommended practices for controlling pests.
  - (g) The English language, including reading, writing, and spelling.**
2. The examination for:



(a) Each principal ~~for operator~~ consists of a ~~general~~ *core* examination ~~required for all applicants~~, *a laws examination*, and a specific examination for each category of pest control in which the applicant has requested to be examined.

(b) *Each operator consists of a core examination, and a specific examination for each category of pest control in which the applicant has requested to be examined.*

(c) Each agent consists of an examination based upon a presentation.

3. The Director may require an applicant to pass a practical examination that demonstrates the ability properly to inspect or use and apply pesticides in any category of pest control for which the applicant applies.

4. The passing score is 70 percent for each examination for a principal and 65 percent for each examination for an operator or agent.

5. An applicant who fails to receive a passing score on a section of the examination may be retested upon the expiration of the following minimum waiting periods:

(a) If applying for an operator's license, 7 days.

(b) If applying for a principal's license, 10 days.

6. Any applicant who uses an unauthorized aid during an examination or who copies or removes any portion of an examination must be excluded from the remainder of the examination and must not be allowed to take another examination for at least 6 months.

[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; R033-01, 5-1-2002; R052-06, 6-28-2006; R062-10, 1-13-2011)

**Sec. 11. NAC 555.350 Application for license: Form; pest control business.** ~~Effective until the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.~~ (NRS 555.290, 555.400)

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~~ *A copy of the Charter and current list of officers*, 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, operator and agent 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 *or location principal* who supervises the daily activities of the *principals*, operators *and agents* at each business location *and cell phone number, if any*.

(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.~~ *In accordance with SB 21 of 2013, each primary principal, principal, operator, and agent must indicate their Social Security Number or Individual Employer Identification Number.*

(m) In accordance with NRS 555.325, the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services 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.

*(p) In accordance with SB 21 of 2013, indicate whether the pest control business has a State business license issued by the Nevada Secretary of State, if so, you are required to indicate the license number.*

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.

[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; A by Dep't of Agriculture by R033-01, 5-1-2002; R001-03, 9-24-2003; R052-06, 6-28-2006)

**Sec. 12. NAC 555.350 Application for license: Form; pest control business.** ~~Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.~~ (NRS 555.290, 555.400)

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}~~ *A certificate of incorporation and current list of officers or a copy thereof, issued by the Secretary of State, for the business*, 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, operator and agent 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 *or location principal* who supervises the daily activities of the *principals*, operators *and agents* at each business location *and cell phone number, if any*.

(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.}~~ *In accordance with SB 21 of 2013, each primary principal, principal, operator, and agent must indicate their Social Security Number or Individual Employer Identification Number.*

(m) 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.

(n) 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.

*(o) In accordance with SB 21 of 2013, indicate whether the pest control business has a State business license issued by the Nevada Secretary of State, if so, you are required to indicate the license number.*

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.

[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; A by Dep't of Agriculture by R033-01, 5-1-2002; R001-03, 9-24-2003; R052-06, 6-28-2006, effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings)

REVISER'S NOTE.

The regulation of the Department of Agriculture filed with the Secretary of State on May 1, 2002 (LCB File No. R033-01), which amended this section, contains the following provision not included in NAC:

“1. \* \* \*

2. \* \* \*

3. Section 34 of this regulation ~~[NAC 555.350]~~ becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children, are repealed by the Congress of the United States.”

**Sec. 13. *NAC 555.365 Application; Inactivating or Activating an a Primary principal, principal, or operator license in inactive status; re-instatement. (NRS 555.290, 555.400)***

***1. To place a valid, active primary principal, principal, or operator applicator license on inactive status, the licensee shall submit the following Information, without limitation on a form prescribed by the Director:***

***(a) The name of the applicant;***

***(b) Applicator license number;***

***(c) Physical address;***

***(d) Mailing address, if different from the physical address;***

***(e) Electronic mail address, if any;***

***(f) Date of birth;***

***(g) Employer Identification Number or Social Security number;***

***(h) Telephone number; and***

***(h) Dated signature of the licensee affirming that:***

***1. The information provided is true and correct; and***

***2. The licensee shall not perform pest control services in any category while the license is inactive.***

***3. An inactive license expires on December 31 of each year with no grace period.***

***4. To renew an inactive license, the licensee shall comply with the renewal provisions at NAC 555.372 (continuing education).***

***5. Pay the annual license maintenance fee as prescribed in NAC 555.397.***

***6. Any change in information given on the application for the inactive license must be reported to the Department, in writing, within 15 days of the change.***

*7. In accordance with NRS 555.325, the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520.*

*2. Any inactive license that has not been renewed by December 31 must demonstrate his or her qualifications for the license. The demonstration must include written examinations as prescribed in NAC 555.340.*

*3. To activate an inactive primary principal, principal, or operator applicator license, the licensee shall:*

*(a) Comply with the provisions at NAC 555.360.*

*(b) Pay the license fee as prescribed in NAC 555.397.*

**Sec 14. NAC 555.374 Continuing education: Prerequisites for accreditation and receipt of credit; duties of sponsor; acceptable activities. (NRS 555.400, NRS 561.105)**

1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, at least ~~7~~ 7 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) 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 and be directly related to:

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

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

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

- (a) The name of the course;
- (b) The course number assigned by the Director pursuant to NAC 555.375;
- (c) The number of units of continuing education that a person who successfully completes the course may receive;
- (d) The name of each person who attended the course;
- (e) The identification number assigned by the Department to the licensee, nonprimary principal commercial applicator or private applicator wishing to receive credit for completing the course;
- (f) The name of the business or governmental agency that employs the licensee, nonprimary principal commercial applicator or private applicator;
- (g) The signature of the licensee, nonprimary principal commercial applicator or private applicator; and
- (h) A statement prepared by the sponsor of the course indicating that:

(1) The licensee presented to the sponsor the licensee's license as a primary principal, principal or operator or any other form of identification issued by a governmental agency that includes a photograph of the licensee; or

(2) The nonprimary principal commercial applicator or private applicator presented to the sponsor a form of identification issued by a governmental agency that includes a photograph of the nonprimary principal commercial applicator or private applicator.

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

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

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

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

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

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

***10. Each activity approved in the correspondence, internet, or video or other media presentation type class of continuing education hours must include a written examination to be administered at the end of the class. Examinations administered at the end of the class must consist of ten questions per 50 minutes of contact instruction. A passing score of 70% or better will be required in order to obtain credit for the class. If the examination is failed, the licensee shall be allowed to be reexamined by taking a different examination within 30 days.***

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99; A by R001-03, 9-24-2003; R052-06, 6-28-2006; A by Bd. of Agriculture by R156-07, 1-30-2008; A by Dep't of Agriculture by R062-10, 1-13-2011)

#### **Sec. 15. 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)

**Sec. 16. NAC 555.395 Primary principal *or location principal* required for each business location; suspension of license for noncompliance. (NRS 555.3507, 555.400)**

1. Every person licensed to engage in pest control shall ensure that ~~each of his or her business locations in this State~~ *the pest control business* has a primary principal who is licensed in the appropriate category or categories of pest control.

2. *Every person licensed to engage in pest control shall ensure that each of his or her business locations has either a primary principal or location principal who is licensed in the appropriate category or categories of pest control at the business location.*

3. The Director will suspend a license for pest control ~~30~~ 120 days after the pest control business ceases to have a primary principal ~~at each business location~~. The license will remain suspended until the pest control business obtains a primary principal ~~for each business location~~.

4. *If the pest control business has more than 1 business location and the pest control business ceases to have a location principal who is licensed in the appropriate category or categories of pest control at that business location, the Director will suspend the pest control business location 30 days after the pest control business ceases to have a location principal who is licensed in the appropriate category or categories of pest control. The pest control business location will remain suspended until the pest control business obtains a location principal for that business location.*

(Added to NAC by Dep't of Agriculture, eff. 10-17-86; A 12-10-92; R033-01, 5-1-2002; R052-06, 6-28-2006)

**Sec. 17. NAC 555.397 Fees. (NRS 555.310, 555.400)**

1. ~~Except as otherwise provided in subsection 3, an~~ 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;

(c) For licensure of a principal (*primary principal, location principal or principal*) or operator, a licensing fee of \$50; ~~and~~

(d) For licensure of an agent, a licensing fee of \$350.

2. The Director will charge a fee of \$25 to issue a duplicate license to replace a license that has been lost, mutilated or destroyed.

3. *To inactivate a principal (primary principal, location principal or principal) or operator applicator license and place it in an inactive status, an annual license maintenance fee of \$100 will be charged.*

~~[An applicant for licensure of a pest control business or principal 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 or she 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 a principal 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; A by Dep't of Agriculture by R033-01, 5-1-2002; A by Bd. of Agriculture by R096-06, 5-31-2007)

**Sec. 18. NAC 555.410 Required records and reports. (NRS 555.390, 555.400)** Each person subject to the provisions of NAC 555.400 shall:

1. Keep accurate and legible records for 2 years of each property treated, showing:

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

(1) The date of the treatment.

(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.

*(I) For pesticide applications designated as "spot treatment" a description for the treatment site must follow the term spot treatment, without limitation, "spot treatment--treated for noxious weeds in Fields A and C" or "spot treatment along road to grain bins."*

(5) The number of units treated, including, without limitation, the number of acres or miles or fraction thereof.

(6) The number, name or site identification of the field.

(7) 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.

(8) The purpose for which the crop or site was treated.

(9) The time the treatment was started and the time the treatment was finished.

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

(11) 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.

*(I) For pesticide applications designated as "spot treatment" a description for the treatment site must follow the term spot treatment, without limitation, "spot treatment--treated for ants along front of garage" or "spot treatment for broadleaf weeds in front lawn."*

(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 purpose for which the pesticide was applied.
- (V) The area or volume fumigated.
- (VI) The times at which fumigation started and finished.

(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 Management Association Form 99-B entitled "New Construction Subterranean Termite Service Record." The Housing and Urban Development-National Pest Management Association Form 99-B is available from CBS Forms by mail at 11652 Agarwood Drive, Walton, Kentucky 41094, by telephone at (800) 324-7676 or at the Internet address <http://www.cbsforms.com/>, for the price of \$19.95 for a pack of 50 forms, plus shipping and handling, or from the United States Department of Housing and Urban Development, free of charge, at the Internet address <http://www.hud.gov/offices/adm/hudclips/forms/files/npma99b.pdf>.

2. Keep a copy of each report prepared pursuant to NAC 555.430 for ~~15~~ 3 years after completing the report.

3. Report ~~immediately~~ to the Director *within 24 hours by telephone*:

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

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

4. *Licensed commercial applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations.*

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

~~15~~ 6. If the person is licensed in the aerial or agricultural ground field, file with the Director on forms to be furnished by him or her a monthly report of all pest control operations, including those operations involving the use of restricted-use pesticides, for each month in which such operations occurred. The report must:

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

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

~~16~~ 7. Submit to the Director any reports or records he or she 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; R033-01, 5-1-2002; R147-03, 1-22-2004; R052-06, 6-28-2006; R147-08, 2-11-2009; R062-10, 1-13-2011)

## Sec. 19. NAC 555.428 Preconstruction treatment: Tag. (NRS 555.400)

1. *All preconstruction treatment tags must be on a form prescribed by the* ~~The~~ Department ~~shall supply a tag for preconstruction treatment to a licensee who performs preconstruction treatment~~. 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~~ brand name *and Environmental Protection Agency registration number* 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 ~~}; and~~
- ~~—(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 full name of the licensee who performed the preconstruction treatment;
- (c) The date that the final treatment was applied;
- (d) The ~~trade~~ brand name *and Environmental Protection Agency registration number* of the termiticide that was applied;
- (e) The number of gallons of the diluted termiticide that was applied; and
- (f) 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.

(Added to NAC by Dep’t of Agriculture by R033-01, eff. 5-1-2002; A by R062-10, 1-13-2011)

**Sec. 20. NAC 555.430 Inspection or application of pesticide for wood-destroying pests: Report; tag; restriction on application. (NRS 555.380, 555.390, 555.400)**

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 a designated agent thereof, not later than 5 days after the inspection or the application. ~~The report must be on a numbered form supplied.~~ *All reports must be in a manner prescribed by the Department. The terms "Report" or "report" as used in this section will mean a complete wood-destroying pests inspection report.*

*(1) A written report may be on a numbered form supplied by the Department; or*

*(2) An electronic version of the most current version of the Nevada wood-destroying pests inspection report, provided that all elements of the report are included and identical to the Departments supplied reports.*

*(I) If an electronic version of the report is used a report number must be obtained from the department and be prominently displayed in the upper right hand corner of each report. This number must be unique to the each report written.*

*(II) The fee for a report number is \$1.00 per number.*

2. A *legible* 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 the Department of Veterans Affairs, 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) If an application of a pesticide was made:

(1) The date of the treatment.

(2) An identification of any area to which a pesticide was applied.

(3) The pesticide name and the registration number assigned by the Environmental Protection Agency.

(i) A statement of whether there is or is not evidence of active or inactive infestations of termites, other wood-destroying insects or wood-destroying fungi. Mold must not be reported as 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.

(j) A statement of whether there is or is not 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.

(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 and less than four areas permitting ventilation. The term “insufficient ventilation” does not include a crawlspace which is:

(I) Mechanically ventilated; and

(II) Free of wood-destroying fungi and excessive moisture.

(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.

(k) 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.

(l) 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.

(m) The full name, license number and signature of the licensee performing the inspection and application of a pesticide if an application is performed.

*(1) Digital signatures must comply with the provisions set forth in NRS 720.160.*

*(n) If applicable, the report number obtained from the department.*

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 indicating whether an inspection or application was performed. If an application was performed, the tag must contain 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, Inc.;

(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.

[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; A by Dep’t of Agriculture by R033-01, 5-1-2002; R147-03, 1-22-2004; R062-10, 1-13-2011)

**Sec. 21. NAC 555.600 Definitions. (NRS 555.400, 561.105)** As used in NAC 555.600 to 555.700, inclusive, unless the context otherwise requires:

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. “Direct supervision” means that a person who is certified in the use of a restricted-use pesticide is responsible for and provides guidance to a person applying the restricted-use pesticide who is not certified in the use of the restricted-use pesticide. The physical presence of the person who is certified in the use of the restricted-use pesticide at the site of application is not required unless the label on the pesticide requires the presence of such a person.

6. “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.

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

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

9. “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.

10. “Fumigation”:

(a) Means the destruction of plant or animal life within an enclosed area by using:

(1) A substance which has a vapor pressure of more than 5 millimeters of mercury at 25° Centigrade; or

(2) Any other substance that the Director determines is a fumigant, including, without limitation:

(I) Chloropicrin;

(II) Methyl bromide;

(III) Sulfur dioxide;

(IV) Propylene oxide;

(V) Sulfuryl fluoride;

(VI) Aluminum phosphide;

(VII) Magnesium phosphide; and

(VIII) Dichloropropene.

(b) May include any of the following substances if the intended use of the substance is to destroy plant or animal life within an enclosed area:

(1) Liquid nitrogen;

(2) Carbon dioxide; or

(3) Metam sodium.

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

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

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

14. “Licensed primary principal commercial applicator” means a person who:

(a) Is designated the primary principal of a business of pest control pursuant to NAC 555.395; and



(b) Is authorized to use or supervise the use of a restricted-use pesticide as a part of a business of pest control.

15. “Microorganism” means any animal or plant that is so small as to be invisible or obscure except through a microscope.

16. “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.

17. “Nonprimary principal commercial applicator” means a person who:

(a) Except as a part of a business of pest control, applies or supervises the application of a restricted-use pesticide; and

(b) Does not qualify as a private applicator.

18. “Nonvascular plant” means a plant without flowers, roots, stems or leaves.

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

20. “Pasture” means any fenced area of domesticated forage on which animals are grazed.

21. ***“Spot Treatment” means:***

***(a) For outdoor applications a “spot treatment” is defined as an area that is of a size that is no more than 2 feet by 2 feet, non-contiguous and is less than 1/10 of the total treatment area.***

***(b) For indoor applications a “spot treatment” is defined as an application to limited areas on which insects are likely to occur, but which will not be in contact with food or utensils and will not ordinarily be contacted by people. These areas may occur on floors, walls, and bases or undersides of equipment. A spot treatment will not exceed 2 square feet, be non-contiguous and is less than 1/10 of the total treatment area.***

~~121~~ 22. “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.

~~122~~ 23. “Predator” means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.

~~123~~ 24. “Private applicator” has the meaning ascribed to it in NRS 555.2681.

~~124~~ 25. “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.

~~125~~ 26. “Row crop” means any fiber crop, melon crop, vegetable crop or similar crop that is grown in continual lines.

~~126~~ 27. “Seed crop” means any plant that is grown for the purpose of utilizing the propagative portion of the plant.

~~127~~ 28. “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.

~~128~~ 29. “Wildlife” means all living things that are neither human, domesticated nor pests, including, but not limited to, mammals, birds and aquatic life.

~~129~~ 30. “Wood-destroying pest” means any organism which infests or infects and destroys cellulose.

[Dep’t of Agriculture Reg., 55.50, eff. 1-17-77]—(NAC A by R147-03, 1-22-2004; A by Bd. of Agriculture by R156-07, 1-30-2008)

**Sec. 22. NAC 555.613 Licensed primary principal commercial applicators: Fields; categories. (NRS 555.400)**

1. The fields of licensed primary principal commercial applicators are:

(a) Aerial—The use of aircraft on standing or running water, rangeland *non-cropland, forests* or cropland.

(b) Agricultural ground—The use of ground equipment on rangeland, *non-cropland, forests, cropland* or ~~animals~~ *livestock*.

(c) Urban structural—The use of ground equipment in urban areas and in, on or around structures.

2. The categories of licensed primary principal commercial applicators are:

(a) Aerial:

(1) Insecticides—The application of insecticides, miticides and acaricides.

(2) Herbicides—The application of herbicides and plant regulators.

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) Fungicides and bactericides—The application of fungicides, bactericides and nematocides.

(b) Agricultural ground:

(1) Insecticides—The application of insecticides, miticides and acaricides.

(2) Herbicides—The application of herbicides and plant regulators.

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) Fungicides and bactericides—The application of fungicides, bactericides and nematocides.

(5) ~~Rodenticides~~ *Vertebrates* —~~The application of rodenticides~~ *For the control of vertebrate pests (excluding “predator” pests as defined in NAC 555.600.22) , in, on, or around agricultural establishments (excluding, but not limited to, agricultural dwelling units, agricultural business office buildings, agricultural Industrial and Institutional complexes, warehouses, and ornamental and turf plantings), rangeland, forests, non-cropland and croplands. This category includes the use of fumigants for burrowing rodents.*

(c) Urban and structural:

(1) ~~Ornamental and turf~~ *Limited Landscape* —The control of insects, ~~weeds,~~ vertebrates and plant diseases and the use of plant regulators on ornamentals and turf in urban areas, including, without limitation, fruit trees in urban areas if the fruit trees are not used for commercial purposes.

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

(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) Aquatic—The control of insects, weeds and vertebrates in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

(6) ) ~~Right-of-way~~ *Weeds* —The control of weeds in the maintenance of *landscapes, turf, rights-of-way*, including, without limitation, public roads, power lines, pipelines and railway rights-of-way, *the term does not include aquatic weeds*.

(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the

wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.

(Added to NAC by Dep't of Agriculture by R147-03, eff. 1-22-2004)

**Sec. 23. NAC 555.690 Fees for issuance of certificates to nonprimary principal commercial applicators and private applicators. (NRS 555.355, 555.400, 561.105)**

1. The Director will collect a fee of ~~+\$25~~ \$50 for each examination period or renewal period for the issuance of a certificate pursuant to NAC 555.655, before the applicant is examined.

2. If a certificate specified in subsection 1:

(a) Is lost, stolen, mutilated or destroyed; or

(b) Is determined by the Director to be undeliverable because the applicant provided an incomplete address or other incorrect information when applying for the certificate, the Director will collect a fee of \$25 for issuing a duplicate certificate.

[Dep't of Agriculture, No. 55.56, eff. 1-17-77]—(NAC A 4-27-84; A by Div. of Agriculture, 11-18-93; A by Dep't of Agriculture by R147-03, 1-22-2004; A by Bd. of Agriculture by R156-07, 1-30-2008; A by Dep't of Agriculture by R148-08, 2-11-2009)

**Sec. 24. NAC 555.700 Application of restricted-use pesticides by licensed primary principal commercial applicators, nonprimary principal commercial applicators 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 licensed primary principal commercial applicator, nonprimary principal commercial applicator or private 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 an accurate and legible record of each property treated for 2 years, showing the following:

(a) Date of treatment;

(b) First and last name of the nonprimary principal commercial applicator or private 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; and

(2) Amount of diluted material used and the concentration of the pesticide that was applied or the amount of undiluted material used; and

(f) In addition to the requirements of paragraphs (a) to (e), inclusive, if the treatment is conducted in the nonprimary principal commercial categories agricultural pest control plant, chemigation, greenhouse and nursery pest control, aquatic pest control, forest pest control, fumigation pest control, ornamental and turf pest control, right-of-way pest control or mosquito control, or in the private categories agricultural pest control plant, chemigation, greenhouse and nursery pest control, aquatic pest control, forest pest control, fumigation pest control or ornamental and turf pest control:

(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 *within 24 hours by telephone*, 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 more than 1 gallon liquid or 4 pounds dry weight* of a pesticide at any site of operations of pesticides.
  3. *Nonprimary principal commercial applicator or private applicators are responsible for the cost of cleanups resulting from pesticide spills in their operations.*
  4. Report to the Director within 48 hours any case of apparent pesticide poisoning requiring medical treatment.
  - ~~4.~~ 5. Have contact with any applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.
- [Dep't of Agriculture, No. 55.57, eff. 1-17-77]—(NAC A by R033-01, 5-1-2002; R147-03, 1-22-2004; R062-10, 1-13-2011)