

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

LCB File No. R006-17

**NAC 555: CUSTOM APPLICATION OF PESTICIDES
Proposed Amendments**

~~Red Text~~ = Proposed Removed Language *Blue Text* = Proposed New Language

Sec. 2 of R093-15

1. ~~“Consultant” means a person who:~~
~~—(a) Is employed by a person who is subject to the provisions of chapter 586 of NRS; and~~
~~—(b) Publicly holds himself or herself out as being in the business of identifying pests or recommending pesticides for the purpose of detecting, preventing, controlling or exterminating pests.~~

A consultant is a person who is licensed as a consultant by the department in the appropriate field and categories and who goes to the intended customer’s location with the primary goal of soliciting:

- a. pest control or*
 - b. technical information on pesticides or pest control or*
 - c. pest identification or*
 - d. product or pest control recommendations or*
 - e. pest control services or*
 - f. any combination thereof*
2. The term does not include:
- a. a provider of continuing education~~{};~~ or*
 - b. governmental agencies; or*
 - c. a general merchandise store that retails pesticides at the business location, (Wal-mart, Target, Home Depot) directly to a residential consumer without significantly influencing a purchasing decision; or*
 - d. a specialty store that retails pesticides at the business location, (hardware, nursery, drugstore, grocery) directly to a residential consumer without significantly influencing a purchasing decision.*
 - e. a wholesale distributor of pesticides or pesticide manufacturer representative if accompanied by a licensed pesticide applicator*
 - f. a wholesale distributor of pesticides or pesticide manufacturer representative providing technical pesticide or pest control information at a conference or similar event.*

Sec. 4 of R093-15

“Termiticide” means a pesticide~~{};~~ *applied for the intended purpose of preventing, destroying, controlling, repelling, attracting or mitigating termites.*

~~1. That is registered with the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. § 136a;~~

~~—2. For which the brand is registered with the Director under the provisions of NRS 586.250 to 586.300, inclusive; and~~

~~—3. For which the label provides directions for use to control termites.]~~

NAC 555.280 Fields and categories.

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

(a) Aerial—The use of aircraft, including, without limitation, an unmanned aerial vehicle, for the application of pesticides on standing or running water, rangeland, agricultural crops, forest, idle cropland and noncropland associated with the production of agricultural crops.

(b) Agricultural ground—The use of ground equipment for the application of pesticides on livestock, rangeland, agricultural crops, idle cropland and noncropland associated with the production of agricultural crops.

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

(d) Governmental agency—The use of pesticides classified for general use by an employee of a federal, state or local governmental agency, including, without limitation, for highway maintenance, weed control or structural pest control.

(e) Consultant--A person who holds himself/herself as an authority on pest control practices including but not limited to, pesticide use, soliciting pest control services, making pesticide use recommendations, providing pest identification, or solicits or sales pesticides to and at the ultimate customer's location (office, field, ranch, site of application).

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

(a) Aerial:

(1) *Agriculture plant* ~~Hnseet~~ pests—The application of insecticides, miticides ~~and~~, acaricides, *fungicides, bactericides and nematocides*.

(2) Weeds—The application of herbicides, ~~and~~ plant regulators, ~~+~~

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

~~[(4) Fungi pests—The application of fungicides, bactericides and nematocides.]~~

(b) Agricultural ground:

(1) *Agriculture plant* ~~Hnseet~~ pests —The application of insecticides, miticides ~~and~~, acaricides, *fungicides, bactericides and nematocides*.

(2) Weeds—The application of herbicides, ~~and~~ plant regulators, ~~+~~

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

~~[(4) Fungi pests—The application of fungicides, bactericides and nematocides.]~~

~~(5)]~~ (3) Vertebrate pests — The application of various substances on agricultural ground for the control of vertebrate pests, including, without limitation, the use of fumigants for burrowing rodents. This category does not include the control of vertebrate pests in, on or around industrial complexes, institutional complexes, dwelling units or other structures designed for use by humans, or on ornamentals or turf in, on or around such structures.

(4) Soil fumigation—The control of any pest that is present in the soil at the time of treatment, including, without limitation, plant-parasitic nematodes, soil-borne pathogens, weeds and insects.

(c) Urban and structural:

(1) Limited landscape—The control of insect pests, vertebrate pests 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 insect pests and vertebrate pests 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 insect pests, weeds and vertebrate pests in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

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

(8) Cooling towers, biocides and water processes—The use of antimicrobials and biocides to control bacteria and other single-celled organisms in cooling water, wells and other water processing systems.

(d) Governmental agency:

(1) Agricultural plant—The control of any pest on or around any agricultural crop, including, without limitation, on or around land used for the production of forage, grain, pasture, seed, row and fruit crops and rangeland, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding fumigation pest control.

(2) Rangeland and forest—The control of any pest in rangeland, forest, forest nurseries and forest seed-producing areas, including, without limitation, site preparation, release work, insect control and reforestation projects.

(3) Ornamental, turf, nursery, greenhouse and interior landscape—The control of any pest in the maintenance and production of ornamental plants and turf or the maintenance of a nursery, greenhouse or interior landscape, including, without limitation, the production and maintenance of ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens, excluding fumigation pest control.

(4) Seed treatment—The treatment of seeds to control insects, fungi, bacteria and other microorganisms, excluding fumigation pest control.

(5) Aquatic and mosquito—The control of any pest, including, without limitation, insects, weeds and fish, associated with standing or running water, including, without limitation, reservoirs, lakes, rivers, aquatic cropland and wetland areas, excluding public health pest control.

(6) Right-of-way and weed—The control of any pest in the course of maintaining a right-of-way, including, without limitation, the treatment of roadsides, utilities, railroads, land on which crops are not planted, fence lines, structural perimeters and other similar areas.

(7) General pest control, industrial and institutional—The control of insect and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.

(8) Wood-destroying insects—The control of any wood-destroying insect, including, without limitation, termites, in, on or around any structure, including, without limitation, homes, storage sheds and warehouses, excluding fumigation pest control.

(9) Wildlife control—The application of various substances, including, without limitation, fumigants, for the control of wildlife pests on rangelands, forests, agricultural crops, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding the control of wildlife pests in, on or around industrial complexes, institutional complexes or dwelling units or predatory pest control.

(10) Fumigation pest control:

(I) Commodity fumigation—The control of any pest that infests raw agricultural or processed commodities, animal feeds and commodity storage facilities where such commodities are held or stored, including, without limitation, tarpaulin fumigation and fumigation of grain elevators, rail cars, truck trailers, vans, aquatic vessels, air and sea containers, other static sealable enclosures, food processing plants, prepared bins, warehouses, beehives and other beekeeping equipment.

(II) Rodent burrow fumigation—Outdoor fumigation for the control of rodents and moles, including, without limitation, marmots, woodchucks, rats, mice, ground squirrels, voles, pocket gophers and chipmunks.

(III) Soil fumigation—The control of any pest that is present in the soil at the time of treatment, including, without limitation, plant-parasitic nematodes, soil-borne pathogens, weeds and insects.

(11) Regulatory—The use or supervision of use by an employee of a state or federal governmental agency of pesticides to control pests designated by a federal or state agency as actionable, of quarantine concern or noxious weeds pursuant to a government program.

(12) Sewer line root control—The control of plant roots in the maintenance of sewers.

(13) Public health—The control of any pest having medical or public health importance.

(14) Predatory pest control—The control of any predator in any habitat, including, without limitation, by using an M-44 device.

(e) Consultant: - a person who provides technical information, solicits pest control services, makes recommendations for pesticide use, provides identification of pests, or solicits services or sales for any pesticides.

1. Agriculture – Pesticide consultant for the categories of licensing in the aerial and agricultural ground fields.

2. Urban – Pesticide consultant for the categories of licensing in the urban and structural field.

3. This section must not be construed to prohibit a person or governmental agency or any employee thereof who has obtained the proper license from applying pesticides in a manner not prohibited by law.

4. As used in this section:

(a) “Pesticide classified for general use” has the meaning ascribed to it in NAC 555.610.

(b) “Unmanned aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

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 or she is licensed. All other applicators must be under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist 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 land, crop, livestock, 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. Servicepersons' 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. *While being transported in a service vehicle, a [A] service container must be secured in a manner to prevent spills or damage [to the container when being transported by a service vehicle].*
10. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

NAC 555.410 Required records and reports. 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 or, in the case of a spot treatment, the term "spot treatment" must be noted, followed by a description of the treatment area and the spot or spots treated.
 - (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, site or spot 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. In the case of a spot treatment, the term “spot treatment” must be followed by a description of the treatment area and the spot or spots treated.

(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 limited landscape, weeds, 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://portal.hud.gov/>.

2. Report by telephone within 24 hours to the Director or his or her designee:

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

3. Report by telephone to the Director or his or her designee within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

4. 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.

5. Submit to the Director any reports or records he or she requests.

As used in this section, "spot treatment" means the application of pesticide to a spot or two or more noncontiguous spots, the total coverage of which does not exceed one-tenth of the size of the total ~~treatment~~ *potential treatable* area. The size of each individual spot for indoor applications must not exceed 2 square feet and for outdoor applications must not exceed 4 square feet.

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

1. Any material not registered in this State as a pesticide.

2. Any registered pesticide for a purpose other than one for which it is registered.

3. *As a termiticide, a pesticide*

(a) not registered with the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §136a, and

(b) not labelled with directions for use to control termites.

NAC 555.440 Precautionary requirements.

1. A ~~licensee or certified applicator~~ *person* engaged in the application of pesticides shall exercise reasonable precautions to protect persons, animals, crops and property from harm or damage.

2. A pesticide or its empty container must not be disposed of or left unattended where it may present a hazard to any person, animal, crop or property, or be disposed of in a manner likely to cause injury. A licensee or certified applicator shall ensure that all empty containers are removed from the operations work site or otherwise safeguarded.

3. A ~~licensee or certified applicator~~ *person* engaged in the application of pesticides shall:

(a) Provide his or her employees with the information, precautions and safety equipment required by the manufacturer of the pesticide or recommended by the Department; and

(b) Ensure that any safety equipment provided pursuant to paragraph (a) is in good working order.

4. A ~~licensee or certified applicator~~ *person* engaged in the application of pesticides shall use materials, dosages, formulas, devices and methods of application and disposal only in accordance with the directions on the label of the pesticide or device registered by the Environmental Protection Agency, registered by the Department or in accordance with the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.

5. A licensee who performs a preconstruction treatment to the soil using a liquid termiticide shall use, unless otherwise authorized by the Director:

(a) A flow metering device which is accurately calibrated to display the number of gallons of termiticide dispensed pursuant to NAC 555.410, 555.428 and 555.700; or

(b) A measuring device which is accurately calibrated by the equipment manufacturer to display the number of gallons of termiticide dispensed pursuant to NAC 555.410, 555.428 and 555.700.

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

CERTIFICATION / <i>UNCERTIFIED</i> <i>PERSONS</i>	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
1. Except as otherwise provided in this section, for a violation of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$1,000	\$100 to \$1,000
2. For a violation of NRS 555.351:		
(a) If it is a nonserious violation.....	\$100 to \$1,000	\$50 to \$300
(b) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
3. For a violation of NRS 555.359, if the violation is for:		
(a) Knowingly applying ineffective or improper materials.....	\$300	\$50
(b) Applying materials in a manner which is inconsistent with labeling or other restrictions imposed by the Director:		
(1) If it is a nonserious violation.....	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
(c) Operating faulty or unsafe equipment.....	\$100	\$50
(d) Applying pesticides in a faulty, careless or negligent manner:		
(1) If it is a nonserious violation.....	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$301 to \$1,000
(e) Aiding or abetting an uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive.....	\$100 to \$1,000	\$50 to \$300
(f) Conspiring with an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his or her certificate to be used by an uncertified person....	\$1,001 to \$5,000	\$301 to \$1,000
(g) Fraudulently or deceptively procuring a certificate.....	\$1,001 to \$5,000	\$301 to \$1,000
(h) Falsifying records or reports.....	\$250 to \$500	\$100 to \$250
(i) Failing to give adequate instructions or		

CERTIFICATION / *UNCERTIFIED*
PERSONS

COMMERCIAL
APPLICATOR

PRIVATE
APPLICATOR

directions to an uncertified person under his or her supervision:

- (1) If it is a nonserious violation.....
- (2) If it is a serious violation.....

\$100 to \$500
\$1,001 to \$5,000

\$50 to \$300
\$301 to \$1,000

4. For a violation of NAC 555.440, if the violation is for:

(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:

- (1) If it is a nonserious violation.....
- (2) If it is a serious violation.....

\$100 to \$1,000
\$1,001 to \$5,000

\$50 to \$300
\$301 to \$1,000

(b) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace.....

\$200 to \$500

\$100 to \$300

(c) Failing to provide employees with the required information, precautions and safety equipment:

- (1) If it is a nonserious violation.....
- (2) If it is a serious violation.....

\$100 to \$1,000
(per item not provided)
\$1,001 to \$5,000
(per item not provided)

\$50 to \$300
(per item not provided)
\$301 to \$1,000
(per item not provided)

(d) Failing to maintain the required safety equipment in good working order.....

\$100 to \$1,000
(per item not maintained)

\$50 to \$300
(per item not maintained)

(e) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:

- (1) If it is a nonserious violation.....
- (2) If it is a serious violation.....

\$100 to \$1,000
\$1,001 to \$5,000

\$50 to \$300
\$301 to \$1,000

5. For a violation of NAC 555.510, if the violation is for:

(a) Fumigating without the supervision of a person who is a certified applicator:

- (1) If it is a nonserious violation.....

\$100 to \$1,000

\$50 to \$500

CERTIFICATION / <i>UNCERTIFIED PERSONS</i>	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(2) If it is a serious violation.....	\$1,001 to \$5,000	\$501 to \$5,000
(b) Failing to have 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, if required, a copy of the fully developed site-specific fumigation management plan.....	\$100 to \$500 (per item not provided)	\$100 to \$300 (per item not provided)
(c) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....	\$50 to \$300	\$50 to \$300
6. For a violation of NAC 555.700, if the violation is for:		
(a) Failing to keep an accurate and legible record of each property treated for 2 years.....	\$100	\$50
(b) Failing to maintain required information for 2 years.....	\$100	\$50
(c) Failing to report within 24 hours any emergency dump or accidental spillage of a pesticide.....	\$100	\$50
(d) Failing to report to the Director or his or her designee within 48 hours any case of apparent pesticide poisoning requiring medical treatment.....	\$100	\$50
(e) Failing to have contact with an applicator under his or her direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.....	\$100	\$50
LICENSEES / <i>UNLICENSED PERSONS</i>	FIRST OFFENSE	SUBSEQUENT OFFENSE
7. Except as otherwise provided in this section, for a violation of a provision of NRS 555.2605 to 555.460, inclusive.....	\$100 to \$500	\$301 to \$1,000
8. For a violation of NRS 555.280.....	\$500	\$1,000
9. For a violation of NRS 555.285.....	\$500	\$1,000
10. For failing to supervise adequately an applicator who does not have a license issued by the Director.....	\$500	\$500

LICENSEES / *UNLICENSED PERSONS*

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

11. For a violation of NAC 555.290, if the violation is for:

(a) Failing to carry the license issued to him or her by the Director while engaged in pest control or failing to produce the license upon request by the Director or a designated field agent or inspector.....

~~+\$25~~ \$50

~~+\$25~~ \$50

(b) Failing to notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, *consultant, demonstration and research specialist* or agent or of any change in the information given on the application for the license of the pest.....

\$100

\$100

(c) Failing to submit a new application and fee if a change in ownership occurs.....

~~+\$25~~ \$500

~~+\$25~~ \$500

12. Failing to obtain the permit required pursuant to NAC 555.300 or to provide accurate or complete information on an application for such a permit.....

~~+\$25~~ \$50

~~+\$25~~ \$50

13. For a violation of NAC 555.385, if the violation is for failing to provide written notice to the Department of the termination of the employment of a primary principal, principal, *location principal,* operator, *consultant, demonstration and research specialist* or agent from the pest control business within 15 days after the date on which that termination occurs.....

\$100

\$100

14. For a violation of NAC 555.400, if the violation is for:

(a) Applying a pesticide in a category of pest control for which he or she is not licensed.....

\$500

\$1,000

(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials.....

\$100 to \$500

\$301 to \$1000

(c) Applying pesticides where climatic, pest or crop conditions are not proper for controlling the pest for which the application is made:

(1) If it is a nonserious violation.....

\$50 to \$500

\$301 to \$1,000

(2) If it is a serious violation.....

\$501 to \$5,000

\$1,001 to \$5,000

(d) Failing to keep pest control equipment in good condition.....

\$25 to \$100

\$50 to \$301

(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....

\$25 to \$100

\$50 to \$301

LICENSEES / <i>UNLICENSED PERSONS</i>	FIRST OFFENSE	SUBSEQUENT OFFENSE
(f) Failing to maintain a uniform mixture.....	\$25 <i>to</i> \$100	25 \$50 <i>to</i> \$301
(g) Failing to confine in a substantial manner the material applied to the premises where the land, crop, livestock, ornamental, soil or pest which is being treated:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(h) Failing to clean thoroughly all equipment after use.....	25 \$50	25 \$50
(i) Failing to store undiluted pesticides in a locked facility or failing to handle serviceperson's kits with extreme caution or leaving the kits where children or other unauthorized persons might remove the contents:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
<i>(j) Not securing a service container while being transported in a service vehicle.....</i>	<i>\$50 to \$100</i>	<i>\$101 to \$501</i>
15. For a violation of NAC 555.410, if the violation is for:		
(a) Failing to keep an accurate and legible record of each property treated for 2 years.....	\$100 to \$500	\$501 to \$1,000
(b) Failing to record an item of information required for the record.....	\$25 to \$100	\$50 to \$301
(c) Failing to report to the Director his or her designee within 48 hours any cases of apparent pesticide poisoning which require medical treatment:		
(1) If it is a nonserious violation.....	\$100	\$100
(2) If it is a serious violation.....	\$500	\$500
(d) Failing to file the required monthly report on or before the 15th day of the following month.....	\$100	\$100
16. For a violation of NAC 555.420, if the violation is for using a material for pest control which is not registered in this State as a pesticide, <i>using any registered pesticide for a purpose for other than it was registered, or using a pesticide not registered by the U.S. Environmental Protection Agency.</i>	- - - 100	- - - 100
(1) <i>If it is a nonserious violation.....</i>	<i>\$100 to \$500</i>	<i>\$501 to \$1,000</i>
(2) <i>If it is a serious violation.....</i>	<i>\$500 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
17. For a violation of NRS 555.420, if the violation is for failing to respond to a request for an	\$100 to \$1,000	\$100 to \$5,000

LICENSEES / *UNLICENSED PERSONS*

	FIRST OFFENSE	SUBSEQUENT OFFENSE
inspection or other activity specified in that section or to submit to such an inspection or activity.....		
18. For a violation of NAC 555.415.....	\$100 to \$1,000	\$301 to \$1,000
19. For a violation of NAC 555.425, if the violation is for:		
(a) Failing to display prominently his or her permanent license number and the name of the business on all service vehicles of the business on both sides of such vehicles in letters at least 2 inches in height and in a color which contrasts with the color of the vehicle.....	+\$25 \$50	\$100
(b) Failing to equip a service vehicle used in the custom application of pesticides with:		
(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....	\$100	\$150
(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....	\$100	\$150
(3) Equipment designed to store safely materials contaminated with pesticide.....	\$100	\$150
(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....	\$100	\$100
20. For a violation of NAC 555.427, if the violation is for:		
(a) Failing to submit the form entitled “Termiticide Pretreatment Notification Form”....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the form entitled “Termiticide Pretreatment Notification Form”.....	\$25 to \$100 (per item not included)	\$50 to \$301 (per item not included)
(c) Failing to apply the termiticide only to sites or in the specific quantities or dosages listed on the label of the termiticide, unless otherwise authorized by the Director.....	\$500 to \$1,000	\$1,001 to \$5,000
(d) Failing, as part of a preconstruction treatment to soil, to apply the termiticide in a manner that establishes a vertical barrier at the exterior of the walls of the foundation or 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

LICENSEES / *UNLICENSED PERSONS*

	FIRST OFFENSE	SUBSEQUENT OFFENSE
21. For a violation of NAC 555.428, 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	\$1,001 to \$5,000
(b) Failing to include each item of information required on the tag for preconstruction treatment....	\$50 to \$100 (per item not included)	\$100 to \$301 (per item not included)
(c) Failing to affix securely a tag for preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide.....	\$301 to \$1,000	\$301 to \$1,000
22. For a violation of NAC 555.430, if the violation is for:		
(a) Failing to write and deliver the required report before starting work on a project or giving an oral or written opinion on a form supplied by the Department or on an electronic form approved by the Department.....	\$100	\$150
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made.....	\$100	\$150
(c) Failing to include each item of information required in a report.....	\$50 to \$500 (per item not included)	\$50 to \$1,000 (per item not included)
(d) Failing to keep a copy of each report for at least 3 years after preparation of the report.....	\$100 to \$500	\$501 to \$1,000
(e) Failing to affix or deliver a tag as required upon completion of an inspection or after an application of a pesticide.....	\$100	\$300
(f) Failing to record each item of information required on the tag.....	\$25 to \$100 (per item not included)	\$100 to \$301 (per item not included)
(g) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only to sites or in the specific quantities or dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the Director:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
23. For a violation of NAC 555.440, if the		

LICENSEES / <i>UNLICENSED PERSONS</i>	FIRST OFFENSE	SUBSEQUENT OFFENSE
violation is for:		
(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(b) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace	\$100 to \$301	\$301 to \$1,000
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation.....	\$50 to \$500 (per item not provided)	\$301 to \$1,000 (per item not provided)
(2) If it is a serious violation.....	\$501 to \$5,000 (per item not provided)	\$1,001 to \$5,000 (per item not provided)
(d) Failing to keep the required safety equipment in good working order.....	\$50 to \$300 (per item not maintained)	\$301 to \$1,000 (per item not maintained)
(e) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(f) Failing to use an accurately calibrated metering device when dispensing a termiticide...	\$100 to \$301	\$301 to \$1,000
24. For a violation of NAC 555.445, if the violation is for:		
(a) Failing to attach abbreviated labels to a service container.....	\$50 to \$100	\$50 to \$301
(b) Failing to include each item of information required on an abbreviated label.....	\$50 to \$100	\$50 to \$301
(c) Failing to carry a complete label for each pesticide in the vehicle.....	\$50 to \$100	\$50 to \$301

LICENSEES / *UNLICENSED PERSONS*

	FIRST OFFENSE	SUBSEQUENT OFFENSE
25. For a violation of NAC 555.460, if the violation is for:		
(a) Failing to give notice within a reasonable time before treatment to an owner of any animals known to be on the property to be treated or on property where a material containing a harmful substance is likely to drift.....	\$100 to \$500	\$301 to \$1,000
(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.....	\$100 to \$500	\$301 to \$1,000
(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100 to \$500	\$301 to \$1,000
(d) Failing to place a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(e) Failing to mark the outside of a bait station with the required information:		
(1) If it is a nonserious violation.....	\$25 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(f) Failing to remove bait stations placed on the property by the pest control business upon termination of the services of the pest control business:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
26. For a violation of NAC 555.470, if the violation is for:		
(a) Failing to give notice personally or by telephone to an apiarist within the required time.	\$100 to \$500	\$301 to \$1,000
(b) Failing to give notice of his or her intent to apply specified pesticides to each apiarist within 2 miles of the field to be treated within the required time.....	\$100 to \$500	\$301 to \$1,000
(c) Failing to provide each item of information required to be included in the notice	\$100 to \$500	\$301 to \$1,000
27. For a violation of NAC 555.510, if the violation is for:		
(a) Fumigating without the supervision of a person who is a certified applicator and licensed pursuant to subparagraph (4) of paragraph (c) of subsection 2 of NAC 555.280 to perform pest		

LICENSEES / <i>UNLICENSED PERSONS</i>	FIRST OFFENSE	SUBSEQUENT OFFENSE
control using lethal fumigants:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(b) Except as otherwise provided by NAC 555.510, failing to have at least one licensee and one person under the supervision of that licensee present during the release of the fumigant or the ventilation process:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(c) Failing to have 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, if required, a copy of the fully developed site-specific fumigation management plan.....		
	\$50 to \$300 (per item not provided)	\$501 to \$1,000 (per item not provided)
(d) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....		
	\$50 to \$300	\$301 to \$1,000

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
28. For a violation of:		
(a) NRS 555.280 or 555.285 by a person who does not hold a license issued by the Director....	\$50 to \$1,000	\$1,001 to \$5,000
(b) NRS 555.351 by a person who does not hold a certificate issued by the Director.....	\$50 to \$1,000	\$1,001 to \$5,000
<i>(c) For a violation of NAC 555.440, by a person who does not hold a license or certificate issued by the Director if the violation is</i>		
	<i>\$50 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
<i>(1) Failing to exercise reasonable precautions to protect persons, animals, crops or property:</i>		
<i>(a) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(b) If it is a serious violation.....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
<i>(2) Disposing of or leaving unattended a pesticide or its empty container where it may present a hazard to any person, animal, crop or property or failing to dispose of the pesticide or</i>		
	<i>\$100 to \$301</i>	<i>\$301 to \$1,000</i>

container in a safe manner or failing to remove or otherwise safeguard empty containers from the workplace

(3) Failing to provide employees with the required information, precautions and safety equipment:

<i>(a) If it is a nonserious violation.....</i>	<i>\$50 to \$500 (per item not provided)</i>	<i>\$301 to \$1,000 (per item not provided)</i>
<i>(b) If it is a serious violation.....</i>	<i>\$501 to \$5,000 (per item not provided)</i>	<i>\$1,001 to \$5,000 (per item not provided)</i>

<i>(4) Failing to keep the required safety equipment in good working order.....</i>	<i>\$50 to \$300 (per item not maintained)</i>	<i>\$301 to \$1,000 (per item not maintained)</i>
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(5) Not using materials, dosages, formulas, devices or methods of application and disposal in accordance with the directions on the label of the pesticide or device or the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.:

<i>(a) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(b) If it is a serious violation.....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
<i>(6) Failing to use an accurately calibrated metering device when dispensing a termiticide...</i>	<i>\$100 to \$301</i>	<i>\$301 to \$1,000</i>

NAC 555.613 Licensed primary principal commercial applicators: Fields; categories.

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

(a) Aerial—The use of aircraft , including, without limitation, an unmanned aerial vehicle, for the application of pesticides on standing or running water, rangeland, agricultural crops, forest, idle cropland and noncropland associated with the production of agricultural crops.

(b) Agricultural ground—The use of ground equipment for the application of pesticides on livestock, rangeland, agricultural crops, idle cropland and noncropland associated with the production of agricultural crops.

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

(d) Governmental agency—The use of pesticides classified for general use by an employee of a federal, state or local governmental agency, including, without limitation, for highway maintenance, weed control or structural pest control.

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

(a) Aerial:

(1) *Agriculture plant* ~~{Insect}~~ pests—The application of insecticides, miticides ~~{and}~~, acaricides, *fungicides, bactericides and nematocides*.

(2) Weeds—The application of herbicides, ~~{and}~~ plant regulators, ~~{~~

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

~~{(4) Fungi pests—The application of fungicides, bactericides and nematocides.}~~

(b) Agricultural ground:

(1) *Agriculture plant* ~~{Insect}~~ pests —The application of insecticides, miticides ~~{and}~~, acaricides, *fungicides, bactericides and nematocides*.

(2) Weeds—The application of herbicides, ~~{and}~~ plant regulators, ~~{~~

~~(3) desiccants and defoliants—The application of}~~ desiccants and defoliants.

~~{(4) Fungi pests—The application of fungicides, bactericides and nematocides.}~~

~~(5)}~~ (3) Vertebrate pests — The application of various substances on agricultural ground for the control of vertebrate pests, including, without limitation, the use of fumigants for burrowing rodents. This category does not include the control of vertebrate pests in, on or around industrial complexes, institutional complexes, dwelling units or other structures designed for use by humans, or on ornamentals or turf in, on or around such structures.

(4) Soil fumigation—The control of any pest that is present in the soil at the time of treatment, including, without limitation, plant-parasitic nematodes, soil-borne pathogens, weeds and insects.

(c) Urban and structural:

(1) Limited landscape—The control of insect pests, vertebrate pests 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 insect pests and vertebrate pests 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 insect pests, weeds and vertebrate pests in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and dwelling units.

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

(8) Cooling towers, biocides and water processes—The use of antimicrobials and biocides to control bacteria and other single-celled organisms in cooling water, wells and other water processing systems.

(d) Governmental agency:

(1) Agricultural plant—The control of any pest on or around any agricultural crop, including, without limitation, on or around land used for the production of forage, grain, pasture, seed, row and fruit crops and rangeland, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding fumigation pest control.

(2) Rangeland and forest—The control of any pest in rangeland, forest, forest nurseries and forest seed-producing areas, including, without limitation, site preparation, release work, insect control and reforestation projects.

(3) Ornamental, turf, nursery, greenhouse and interior landscape—The control of any pest in the maintenance and production of ornamental plants and turf or the maintenance of a nursery, greenhouse or interior landscape, including, without limitation, the production and maintenance of ornamental trees, shrubs, flowers, home fruit trees and home vegetable gardens, excluding fumigation pest control.

(4) Seed treatment—The treatment of seeds to control insects, fungi, bacteria and other microorganisms, excluding fumigation pest control.

(5) Aquatic and mosquito—The control of any pest, including, without limitation, insects, weeds and fish, associated with standing or running water, including, without limitation, reservoirs, lakes, rivers, aquatic cropland and wetland areas, excluding public health pest control.

(6) Right-of-way and weed—The control of any pest in the course of maintaining a right-of-way, including, without limitation, the treatment of roadsides, utilities, railroads, land on which crops are not planted, fence lines, structural perimeters and other similar areas.

(7) General pest control, industrial and institutional—The control of insect and vertebrate pests in, on or around industrial complexes, institutional complexes and dwelling units.

(8) Wood-destroying insects—The control of any wood-destroying insect, including, without limitation, termites, in, on or around any structure, including, without limitation, homes, storage sheds and warehouses, excluding fumigation pest control.

(9) Wildlife control—The application of various substances, including, without limitation, fumigants, for the control of wildlife pests on rangelands, forests, agricultural crops, idle cropland and land on which crops are not planted that is associated with the production of agricultural crops, excluding the control of wildlife pests in, on or around industrial complexes, institutional complexes or dwelling units or predatory pest control.

(10) Fumigation pest control:

(I) Commodity fumigation—The control of any pest that infests raw agricultural or processed commodities, animal feeds and commodity storage facilities where such commodities are held or stored, including, without limitation, tarpaulin fumigation and fumigation of grain elevators, rail cars, truck trailers, vans, aquatic vessels, air and sea containers, other static sealable enclosures, food processing plants, prepared bins, warehouses, beehives and other beekeeping equipment.

(II) Rodent burrow fumigation—Outdoor fumigation for the control of rodents and moles, including, without limitation, marmots, woodchucks, rats, mice, ground squirrels, voles, pocket gophers and chipmunks.

(III) Soil fumigation—The control of any pest that is present in the soil at the time of treatment, including, without limitation, plant-parasitic nematodes, soil-borne pathogens, weeds and insects.

(11) Regulatory—The use or supervision of use by an employee of a state or federal governmental agency of pesticides to control pests designated by a federal or state agency as actionable, of quarantine concern or noxious weeds pursuant to a government program.

(12) Sewer line root control—The control of plant roots in the maintenance of sewers.

(13) Public health—The control of any pest having medical or public health importance.

(14) Predatory pest control—The control of any predator in any habitat, including, without limitation, by using an M-44 device.

3. This section must not be construed to prohibit a person or governmental agency or any employee thereof who has obtained the proper license from applying pesticides in a manner not prohibited by law.

4. As used in this section:

(a) “Pesticide classified for general use” has the meaning ascribed to it in NAC 555.610.

(b) “Unmanned aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

NAC 555.700 Application of restricted-use pesticides by licensed primary principal commercial applicators, nonprimary principal commercial applicators and private applicators. 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 10, 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) The item or site treated or, in the case of a spot treatment, the term “spot treatment” must be noted, followed by a description of the treatment area and the spot or spots treated; and

(2) The 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 by telephone within 24 hours to the Director or his or her designee 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 of liquid or 4 pounds of dry weight of a pesticide at any site of operations of pesticides.
 3. Report by telephone to the Director or his or her designee within 48 hours any case of apparent pesticide poisoning requiring medical treatment.
 4. 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.
 5. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

As used in this section, “spot treatment” means the application of pesticide to a spot or two or more noncontiguous spots, the total coverage of which does not exceed one-tenth of the size of the total ~~treatment~~ *potential treatable* area. The size of each individual spot for indoor applications must not exceed 2 square feet and for outdoor applications must not exceed 4 square feet.