

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS—NRS555
Informational Statement
LCB File No. R006-17

1. A clear and concise explanation of the need for the adopted regulation.

Unlicensed individuals claiming to be consultants, are selling pesticides and related services in Nevada. This regulation requires licensing for consultants; in section 2, for safety reasons, service containers used for the transportation of undiluted pesticide material must be secured to prevent spills or damage; the regulation clarifies the fields and categories established for the licensing of pest control personnel; individuals are using products as termiticides which are not registered with the EPA, this regulation requires EPA registration and labeling for a product to be used as a termiticide; existing law provides no penalty for pesticide violations committed by an unlicensed person. This regulation revises the fines that the Director of the State Department of Agriculture may assess against those persons; the regulation also clarifies the provisions governing the categories of licensed primary principal commercial applicators.

2. Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of Pesticide Registration Fees, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) www.agri.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431-5566

Nevada Department of Agriculture
2150 Frazer Avenue
Sparks, NV 89431

Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104-4314

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801-4672

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Megan Zich
(775) 353-3670
405 South 21st Street
Sparks, NV 89431

3. The number of persons who:

- (a) Attended each hearing:**
- (b) Testified at each hearing:**
- (c) Submitted written comments:**

Workshop date: October 17, 2016
Number in attendance: 12
Number testifying: 0
Written statements submitted: 1

Hearing date: December 1, 2016
Number in attendance: 15
Number testifying: 0
Written statements submitted: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
- (a) Name;**
 - (b) Telephone number;**
 - (c) Business address;**
 - (d) Business telephone number;**
 - (e) Electronic mail address; and**
 - (f) Name of entity or organization represented.**

Lynn Hettrick
Lhettrick@agri.nv.gov

Robert Little
Rlittle3232@yahoo.com

Charles Moses
cmoses@agri.nv.gov

Brett Allen
Bret.allen@agri.nv.gov

Sean Gephart
sgephart@agri.nv.gov

Ron Balsamo
Rbalsamo@agri.nv.gov

Suzanne Suter
ssuter@agri.nv.gov

Scott Chichowlaz
Scottc@agri.nv.gov

Jay Steele
jay@agri.nv.gov

Clay Thellon
Claythelen@newpestokothas.com

Joey Toth
pres@nevadapma.org

Brenda Rhodes

Otis Tipton
tipton@frontiernet.net

Matt Melarkey
Matt.melarkey@epsagu.com

Nate Weber
Nate.weber@epsagu.com

Israel Meza Contreras
Israelmz79@aol.com

Heather Lackey
Creaturecatcher@aol.com

Lonnie Tucker
ltucker@orkin.com

Jimmy Stephenson
jimmy@jspestcontrol.com

Brian Nakagumn
nhblasvegas@yahoo.com

Charles Aluniem
Whatsbuggingyou@live.com

Chris Bramley
Chris@clarkcountynv.gov

- 5. A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Licenses and other parties known to be interested in pesticide regulations were notified of the workshops via mail or email. Businesses were supportive with minor changes that were incorporated into the proposed regulations.

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Lynn Hettrick, Administrator, Plant Industry Division
405 South 21st Street
Sparks, NV 89431

- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
The Department held informal workshops as well as the formal workshop. The regulations were changed several times to accommodate the needs of industry and the public.
- 7. The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
 - (a) Estimated economic effect on the businesses which they are to regulate.**
The proposed regulation will have little impact on businesses. However, consultants who recommend and or sell pesticides are now required to be licensed.
 - (b) Estimated economic effect on the public which they are to regulate.**
The proposed regulations will improve public safety and will little economic impact on the public.
- 8. The estimated cost to the agency for enforcement of the proposed regulation:**
There is no cost to the Agency.
- 9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
The proposed regulations do not duplicate the regulations of other governmental agencies or the State
- 10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
The regulations are primarily clarifications and are not more stringent than federal regulations.

- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used. The proposed regulations add a license for Consultants. Those fees could generate up to \$1000 a year which will be used to cover the cost of implementing the testing and licensing procedure.**

I certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.

Jim Barbee
Director
Nevada Department of Agriculture