

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

LCB File No. R154-17

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

AUTHORITY: §§1, 2, 4, 7, 9-13, 16-18, 23, 28, 30 and 31, NRS 555.400; §§3 and 5, NRS 555.2774 and 555.400; §§6 and 14, NRS 555.2773 and 555.400; §8, NRS 555.2774, 555.2775 and 555.400; §§15 and 22, NRS 555.390 and 555.400; §§19 and 20, NRS 555.290, 555.320 and 555.400; §21, NRS 555.310 and 555.400; §§24-26, NRS 555.380 and 555.400; §27, NRS 555.400 and 555.470; §29, NRS 555.357, 555.390 and 555.400.

A REGULATION relating to pesticides; setting forth the categories for the licensing of government applicators; setting forth certain requirements for the examination of an applicant for the issuance of a license as a government applicator; authorizing the Director of the State Department of Agriculture to issue certain types of licenses to a government applicator; setting forth the information which must be included in an application for a license as a government applicator; setting forth the circumstances under which a government applicator may renew his or her license; requiring the Director to charge and collect certain fees; setting forth certain duties of each government applicator and unlicensed employee while engaged in the application of pesticides; prohibiting an unlicensed employee who engages in pest control from applying restricted-use pesticides under certain circumstances; requiring all service containers and certain other containers to bear certain labels; setting forth certain requirements for each application for a governmental agency certificate; requiring certain government applicators and unlicensed employees to create, maintain and submit certain records and reports to the Director concerning treatments using a pesticide; revising the fields for the licensing of pest control personnel; revising the information which must be included in an application for a business license; setting forth the date of expiration of a business license; increasing certain fees that an applicant for a license must pay to the Director; revising certain fines that the Director may assess against a person; revising the authorized fields of a licensed primary principal commercial applicator; deleting a governmental agency from those fields; revising the urban and structural category of a licensed primary principal applicator; repealing certain definitions relating to pesticides; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the State Department of Agriculture to adopt regulations governing: (1) the custom application of pesticides for the control of insects, pests and noxious weeds; (2) the qualifications of and other relevant matters concerning an applicant for a governmental agency certificate, business license or license as an applicator or government applicator; (3) the application of a restricted-use pesticide by the holder of a license as a government applicator; (4) the period during which a business license, license as an applicator or certificate to make application of a restricted-use pesticide is valid; and (5) the maintenance of records and submission of reports by a licensee. (NRS 555.2773, 555.2275, 555.290, 555.320, 555.357, 555.390, 555.400) Existing law also requires the Director to collect a fee from each applicant for: (1) an examination or reexamination; and (2) a business license, governmental agency certificate or license as an applicator or government applicator. (NRS 555.2774, 555.310)

Sections 2-13, 24 and 25 of this regulation set forth the requirements for: (1) the licensing of government applicators; and (2) a government applicator or unlicensed employee under the supervision of a government applicator to engage in certain activities relating to pesticides. **Section 14** of this regulation sets forth the information which must be included in an application for a governmental agency certificate. **Section 15** of this regulation requires each government applicator or unlicensed employee who is subject to certain provisions to create and maintain for at least 2 years an accurate and legible record of each property treated. **Section 16** of this regulation expands the defined terms used in chapter 555 of NAC governing pesticides. **Sections 18 and 28** of this regulation: (1) repeal certain amendments that were previously adopted concerning the fields of licensing for a governmental agency and the categories for the licensing of pest control personnel; and (2) add certain provisions governing golf courses and sports complexes to those categories. **Sections 19 and 20** of this regulation require each application for a business license to include a statement that certain licensees employed by the applicant have satisfied certain requirements for continuing education. **Sections 19 and 20** also specify that a business license expires on December 31 of each year and may be renewed annually for 1 year. **Section 21** of this regulation sets forth the fees that an applicant for a license must pay for an initial examination, a reexamination and the licensure of a pest control business and other persons. **Section 21** also sets forth the fee that the Director of the Department will charge to reinstate a business license. **Section 22** of this regulation repeals certain amendments that were previously adopted concerning the records that a person who is licensed in the governmental agency field must maintain for each property treated. **Section 23** of this regulation revises the requirements for labeling all service containers and application devices of a licensee working in the field of urban and structural pest control. **Section 27** of this regulation revises the fines that the Director of the Department may assess for certain violations. **Section 29** of this regulation: (1) requires a nonprimary principal commercial applicator or a private applicator to retain certain records relating to continuing education for at least 5 years; and (2) authorizes such an applicator to renew his or her certificate to apply restricted-use pesticides not more than 3 months before the expiration of the certificate. **Sections 17, 26 and 30** make conforming changes.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

Sec. 2. 1. *The following categories are established for the licensing of government applicators:*

(a) Invertebrate pests—The application of insecticides, miticides, molluscicides and acaricides.

(b) Vertebrate pests—The application of rodenticides and other substances, other than fumigants, that are intended to control predators or vertebrate pests.

(c) Weeds—The application of herbicides, plant regulators, desiccants and defoliants.

(d) Plant diseases—The application of fungicides, bactericides and nematocides, other than soil fumigants, for the purpose of controlling fungus, moss, nonvascular plants, diseases, microorganisms and nematodes in ornamental areas, turf and rights-of-way, including, without limitation, golf courses, parks, schools, lawns, yards, gardens, greenhouses, agricultural crops, fields, forest environments, residences, public buildings, commercial buildings, hospitals, food handling establishments and rest homes.

(e) Fumigation pest control.

2. *The following subcategories are established for the categories of licensing set forth in subsection 1:*

(a) Invertebrate pests:

(1) Aquatic habitat—The control of insects, mites, microorganisms and mollusks, including aquatic snails, that are associated with standing or running water, including, without limitation, any reservoir, lake, river, aquatic cropland and wetland area.

(2) Terrestrial habitat—The control of insects, mites, microorganisms, snails, slugs and arachnids, excluding the use of fumigation pest control, in any area, including, without limitation, agricultural crops, forests, rights-of-way, ornamental and turf areas, residences,

public buildings and grounds, commercial buildings and grounds, disposal sites, animal feed lots and farmsteads, including, without limitation, buildings and transportation equipment and food handling establishments, excluding through the use of fumigation pest control.

(b) Vertebrate pests:

(1) Aquatic habitat—The application of various substances in aquatic habitats for the control of fish, wildlife and vertebrate pests in aquatic habitats.

(2) Terrestrial habitat—The application of various substances on agricultural ground and fields and in, on or around industrial complexes, institutional complexes, food handling establishments and dwelling units for the control of wildlife and vertebrate pests.

(c) Weeds:

(1) Aquatic habitat—The control of aquatic weed pests in water areas, including, without limitation, canals, rivers, streams, lakes, ponds, marshes, pipe lines and irrigation district water delivery systems in which the pesticide is applied directly into the water or enters the water because of the application of the pesticide. Such pests include, without limitation, moss, algae, cattails, pond weeds and other emersed or submersed aquatic weeds.

(2) Terrestrial habitat—The control of weeds and ectoparasites, except with the use of fumigants, including cut-stump, plant desiccation and defoliation, in all agricultural crops, fields, forest environments, former agricultural lands, noncroplands, rights-of-way and industrial complexes, including, without limitation, airports, industrial parks and large parking areas, ornamental and turf locations, including, without limitation, golf courses, parks, schools, lawns, yards, gardens, hospitals, vacant lots and open, noncrop waste areas.

(d) Fumigation pest control:

(1) Commodity fumigation—The control of any pest that infests raw agricultural or processed commodities or animal feeds and commodity storage facilities where such commodities are held or stored, including, without limitation, with the use of tarpaulin fumigation and the 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 and beehives and other beekeeping equipment.

(2) 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.

(3) 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.

Sec. 3. 1. *An applicant for licensure as a government applicator must qualify for the issuance of a license through examination as provided in this section and section 5 of this regulation.*

2. A request to be examined for the issuance of a license as a government applicator may be made by filing an application for an examination with the Department.

3. The applicant must provide notice to the Department not less than 7 days before the date on which the applicant wishes to take the examination, unless the examining officer has waived the time period for such notice. The examining officer shall establish the examination date.

4. Each applicant must pass a general examination to show that he or she possesses adequate knowledge concerning the proper use and application of pesticides and the risks

involved and precautions to be taken in connection with their application. The general examination must include the following subject areas:

- (a) Label and labeling comprehension;*
- (b) Safety;*
- (c) Environmental consequences of pesticide use and misuse;*
- (d) Pests;*
- (e) Pesticides;*
- (f) Equipment;*
- (g) Application techniques;*
- (h) Federal laws and regulations;*
- (i) State laws and regulations; and*
- (j) Any other subject the Director requires to ensure the proper use and application of pesticides.*

Sec. 4. 1. *The Director may issue the following types of licenses to a government applicator:*

- (a) A license authorizing the application or the supervision of the application of pesticides by an unlicensed employee for the category for which the license is issued.*
- (b) A limited license authorizing the application or supervision of the application of general-use pesticides by an unlicensed employee on a specific host, for a specific pest or performing a specific application procedure.*
- (c) A single-use license authorizing the application or supervision of the application by an unlicensed employee of a single general-use pesticide, on a one-time basis, for an emergency measure.*

2. *Each government applicator to whom the Director issues a license pursuant to this section:*

(a) Shall, within 15 working days after the change occurs, notify the Director of any change of any information shown on the application for the license.

(b) May apply to the Director for an amendment to his or her license to include one or more additional categories and, upon successful examination, may have the license amended accordingly.

3. *A license issued pursuant to this section is not assignable or transferrable.*

Sec. 5. 1. *The examination for the issuance of a license as a government applicator will consist of a general examination which will be required of each applicant pursuant to section 3 of this regulation and a specific examination for each category in which the applicant has requested to be examined.*

2. *The Director may require the applicant to meet special qualifications of competency which relate to the needs of a given locality regarding the use or application of a pesticide.*

3. *Any applicant may be required to perform a practical demonstration, at a time and in a manner specified by the examining officer, to show his or her ability to apply or supervise the application of general-use pesticides by an unlicensed employee.*

4. *The passing score for each examination is 70 percent.*

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

6. *Any applicant who uses an unauthorized aid during an examination:*

(a) Must be excluded from the remainder of the examination; and

(b) Must not be allowed to take another examination for at least 6 months.

Sec. 6. In addition to any information or material required by statute, a form for an application for a license as a government applicator to apply or supervise the application of a general-use pesticide will be furnished by the Director and must include:

1. The applicant's legal name, home mailing address, home street address, if different from the home mailing address, and home telephone number.

2. The governmental agency for whom the applicant intends to work and the mailing address, physical street address and business telephone number of the agency.

3. The type of license for which the applicant is applying.

4. A listing and description of any other license or certificate held in another state by the applicant.

5. Any category in which the applicant wishes to be licensed.

6. The date of birth of the applicant.

Sec. 7. 1. A government applicator may renew his or her license as a government applicator if he or she provides proof satisfactory to the Director that he or she has successfully completed at least 12 units of continuing education in courses approved by the Director within the 4 years immediately preceding the expiration of the license. At least two units of continuing education must be completed in a course relating to laws and regulations governing the use of pesticides.

2. A government applicator may receive credit for the completion of a course of continuing education offered in another state if:

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

(b) Upon completion of the course, the sponsor of the course or the government applicator submits to the Department:

(1) An agenda or outline for the course setting forth:

(I) The location, date and time of the course;

(II) The topics discussed during the course; and

(III) The name of each speaker at the course;

(2) A copy of a letter or other form indicating that the appropriate agency of that state has approved the course for continuing education and the number of units of continuing education approved for the course;

(3) The name of the government applicator as indicated by the attendance sheet for the course; and

(4) A request to receive credit for attending the course.

3. For each course for which the government applicator claims one or more units of continuing education, he or she must receive from the sponsor of the course:

(a) A certificate of completion issued by the sponsor of the course; or

(b) Any other document or record that in the judgment of the Director establishes that the government applicator successfully completed the course.

4. A government applicator who wishes to renew his or her license may not apply for renewal of the license more than 3 months before the expiration of the license.

Sec. 8. 1. *The Director will charge and collect a fee of \$50 for each examination or reexamination. If an applicant fails an examination or reexamination, the applicant must pay the fee for each examination or reexamination before the issuance of an initial license as a government applicator is issued to the applicant.*

2. The Director will charge and collect a fee of \$50 for the renewal of a license as a government applicator.

3. If a license as a government applicator:

(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 license,

↳ the Director will collect a fee of \$50 for issuing a duplicate license.

Sec. 9. Except as otherwise provided in this chapter or as specifically authorized in writing by the Director, each government applicator or unlicensed employee under the supervision of a government applicator engaged in the application of pesticides shall:

1. Apply pesticides only in those categories of pest control for which the government applicator is licensed.

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 appropriate for controlling the pest for which the application is made.

4. Keep pest control equipment, when in use, in good condition.

5. 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 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 harmful 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 may remove the contents.*

10. *Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.*

Sec. 10. 1. *An unlicensed employee who engages in pest control shall not apply any restricted-use pesticide without a certificate issued pursuant to NAC 555.655 unless under the direct supervision of a licensed government applicator.*

2. *Before applying any pesticide, an unlicensed employee must have a working knowledge and exhibit minimum competency in the use and application of pesticides. A governmental agency employing an unlicensed employee shall ensure that the unlicensed employee receives training in the following areas before the unlicensed employee applies any pesticides:*

(a) *The proper use of equipment used in applying pesticides, including, without limitation, personal protective equipment, safety equipment and protective clothing used in handling and applying pesticides;*

(b) *Any hazards involved in applying pesticides;*

(c) *Instructions for mixing pesticides used in particular circumstances;*

(d) General precautions which must be followed in the disposal of containers and the cleaning and decontamination of equipment;

(e) Applicable state and federal laws and regulations relating to using and applying pesticides;

(f) Instruction in understanding and correctly interpreting labels and the information included on labels; and

(g) Instruction in the principles of integrated pest management.

3. A governmental agency employing an unlicensed employee shall prepare and maintain for at least 2 years a record of any training received by the unlicensed employee pursuant to this section. The record must be kept at the main location of the governmental agency or at the location of record for the unlicensed employee. The Director or his or her designee may inspect any record maintained pursuant to this subsection during normal business hours to ensure compliance.

4. The record required by subsection 3 must include:

(a) The date of the training;

(b) A statement indicating the method of instruction;

(c) The full name of the unlicensed employee;

(d) The name of the person or governmental agency that provided the training;

(e) The signature of each instructor that provided the training; and

(f) The signature of the unlicensed employee.

5. The following training materials are deemed acceptable for the purpose of complying with the provisions of subsection 2:

(a) Any training materials approved by the Environmental Protection Agency for use during the current year as set forth at <https://vimeo.com/215241678>.

(b) Any training materials created by the Pesticide Educational Resources Collaborative, available at <http://www.pesticideresources.org>.

Sec. 11. 1. *Except as otherwise provided in subsection 3, a government applicator or unlicensed employee engaged in the application of pesticides shall not:*

(a) Use any material which is not registered in this State as a pesticide.

(b) Use any registered pesticide for a purpose other than the purpose for which it is registered.

2. *A government applicator or unlicensed employee under the supervision of a government applicator engaged in the application of pesticides shall not use a pesticide in a manner inconsistent with its label.*

3. *The provisions of subsection 1 do not apply to the application of a pesticide for experimental purposes under the supervision of a government applicator or researcher employed by the manufacturer of the pesticide.*

Sec. 12. 1. *A government applicator or unlicensed employee under the supervision of a government applicator 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 government applicator or unlicensed employee under the supervision of a government applicator shall ensure that all empty containers are removed from the work site or otherwise safeguarded.*

3. *A government applicator engaged in the application of pesticides shall:*

(a) Provide each employee of the government applicator with the information, precautions, personal protective equipment and other safety equipment required by the manufacturer of the pesticide or recommended by the Department.

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

Sec. 13. 1. *All service containers of a government applicator or unlicensed employee under the supervision of a government applicator must bear the following abbreviated labels, securely attached to the containers:*

(a) The name and address of the governmental agency responsible for the container;

(b) The identity of the pesticide in the container; and

(c) The word “DANGER,” “WARNING” or “CAUTION” in accordance with the label on the original container for the pesticide.

2. *Except as otherwise provided in subsection 1, all containers in which an undiluted pesticide is stored must bear the original label, which must be conspicuous and clearly legible.*

3. *A government applicator who uses a vehicle while engaged in the application of pesticides must have a complete label or immediate access to a complete label in the vehicle for each pesticide carried in the vehicle.*

4. *For the purposes of this section, a measuring vessel or application equipment is not considered a service container during any period in which the vessel or equipment is in use, except that the vessel or equipment must be labeled as a service container pursuant to this section if the vessel or equipment is used to store or hold a pesticide for a prolonged period or to transport a pesticide on a public road to another site.*

Sec. 14. *Each application for a governmental agency certificate must be made on a form provided by the Director and must include:*

1. The name of the governmental agency, the name of the person making the application on behalf of the governmental agency and the street and mailing address of the governmental agency;

2. The telephone number, facsimile number and electronic mail address, if any, of the governmental agency;

3. Each physical location at which the governmental agency usually operates and the address and telephone number, if any, of each location; and

4. The name and cellular telephone number, if any, of each government applicator who supervises an employee of the governmental agency in conducting pest control.

Sec. 15. *1. Each government applicator or unlicensed employee shall:*

(a) Create and maintain for at least 2 years an accurate and legible record of each property treated. The record must contain:

(1) The date of each treatment;

(2) The address or equivalent location or operational site where the treatment was conducted;

(3) The full name of the government applicator or unlicensed person;

(4) The site or area 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 each spot treated;

(5) The brand name or generic name of the pesticide that was applied and the registration number of the pesticide 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, or the rate per unit and units treated with a concentrated pesticide;

(7) The temperature at the start and finish of the treatment;

(8) The wind velocity and direction at the start and finish of the treatment;

(9) The area of turf or ground treated;

(10) The purpose for which the pesticide was applied; and

(11) If applicable, the area or volume fumigated and the time at which each fumigation started and finished.

(b) Report by telephone within 24 hours to the Director or his or her designee any accidental spillage at any site 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.

(c) Report by telephone within 48 hours to the Director or his or her designee any case of apparent pesticide poisoning requiring medical treatment.

(d) Submit to the Director any reports or records he or she requests.

2. A governmental agency employing a government applicator shall pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

3. As used in this section, "spot treatment" has the meaning ascribed to it in NAC 555.410.

Sec. 16. NAC 555.005 is hereby amended to read as follows:

555.005 As used in this chapter, unless the context otherwise requires:

1. "Agricultural crop" means any unprocessed product of a farm, ranch, nursery or forest, including, without limitation, any:

- (a) Fruit;*
- (b) Vegetable;*
- (c) Wheat, barley, oats, rye, triticale, corn, sorghum or other grain;*
- (d) Bean, pea or other legume;*
- (e) Animal feed;*
- (f) Forage crop;*
- (g) Rangeland;*
- (h) Pasture;*
- (i) Seed crop;*
- (j) Fiber crop;*
- (k) Tree grown for lumber, Christmas tree or other wood product;*
- (l) Nursery stock grown commercially;*
- (m) Ornamental plant;*
- (n) Cut flower; and*
- (o) Turf grown commercially for sod.*

↪ *The term does not include any livestock, poultry or fish.*

2. *“Application device” means any equipment that is used during the course of applying a pesticide, including, without limitation, any handheld sprayer, truck-mounted sprayer and equipment that is towed.*

3. *“Aquatic habitat” means any body of water, including, without limitation, any estuary, lake, perennial or intermittent stream, pond, reservoir, river, slough and wetland.*

4. “Container” means any bag, barrel, bottle, can, drum, package, tank or other containing device that is used to enclose a pesticide or any waste related to a pesticide. The term does not include any tank used with a spray applicator.

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

6. “Crop grown for seed production” means any crop that is grown:

(a) To produce seed that is not intended for human consumption or as feed for animals;

(b) With the sole intent of the seed being:

(1) Planted; or

(2) Processed to produce industrial or cosmetic oil that is not edible.

~~12.1~~ **7. “Department” means the State Department of Agriculture.**

~~13.1~~ **8. “Director” means the Director of the Department.**

~~14.1~~ **9. “Drug or medicinal crop” means any plant that produces or from which is derived a drug or chemical substance that is used for pharmaceutical or medicinal purposes. The term does not include medical marijuana, as defined in NAC 372A.120.**

~~15.1~~ **10. “Ectoparasite” means any organism that occurs externally on, or whose life cycle involves development within, an organism of another species, commonly referred to as a host, and that derives its nutriment from the other organism.**

11. “Employee” means any person who, for any kind of compensation, performs any work, provides a service or engages in any activity which is subject to the provisions of NAC 555.250 to 555.530, inclusive, and sections 2 to 15, inclusive, of this regulation.

12. “Examination” means a written examination.

13. *“Field” means any enclosed space or other area in or upon which one or more forest products, nursery products or other agricultural commodities are grown for commercial or research production. The term does not include any range or rangeland.*
14. *“Food-handling establishment” means any place other than a private residence in which exposed food is held, prepared, processed or served.*
15. *“Forage” means any plant or part of a plant that is normally consumed by an animal.*
16. *“Forest” means any concentration of trees and related vegetation in a nonurban area sparsely inhabited by and infrequently used by humans and characterized by natural terrain and drainage patterns.*
17. *“Grain” means any cereal that is used for food.*
18. *“Habitat” means a specific locality where an organism exists.*
19. *“Microorganism” means an animal or plant that is so small as to be invisible or obscure except through a microscope.*
20. *“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.*
21. *“Nonvascular plant” means a plant without flowers, leaves, roots or stems.*
22. *“Nursery” means any operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that are used in their entirety in another location.*
23. *“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.*
24. *“Pasture” means any area of forage on which animals are grazed.*

25. *“Personal protective equipment” means any apparel or device provided by an employer to an employee that is worn, in addition to the employee’s work clothing, to minimize bodily contact with a pesticide or residue of a pesticide. The term includes, without limitation, any:*

- (a) Apron, footwear, glove or headgear that is resistant to chemicals;*
- (b) Device used for respiratory protection;*
- (c) Protective eyewear; and*
- (d) Coverall or other one-piece or two-piece garment.*

26. “Pesticide residue tolerance” means the allowable amount of the residue of a pesticide that is prescribed by the United States Environmental Protection Agency.

~~16.1~~ 27. *“Predator” means any animal of the class Mammalia of the subphylum Vertebrata that kills and consumes other animals.*

28. “Seed conditioner” means a person who disposes of seed screening in compliance with state and federal laws and regulations.

~~17.1~~ 29. “Seed screening” means all matter separated from seeds through the use of screens.

30. *“Use” means any activity relating to a pesticide, including, without limitation:*

(a) Any preapplication activity, including, without limitation:

- (1) Arranging the application;*
- (2) Mixing or loading; and*
- (3) Making any necessary preparations for the application of the pesticide, including, without limitation:*
 - (I) Complying with any requirements for notification;*
 - (II) Training of applicators, government applicators and other persons;*

- (III) Operating a facility for decontamination;*
- (IV) Using and caring for any personal protective equipment;*
- (V) Providing medical monitoring and assistance; and*
- (VI) Managing stress from heat.*

(b) Any application of the pesticide.

(c) Any post-application activity, including, without limitation:

(1) Controlling the treated area to reduce exposure to the pesticide, including:

- (I) Any responsibility for a restricted entry interval;*
- (II) Operating a decontamination facility;*
- (III) Providing training relating to the post-application activity; and*
- (IV) Providing medical monitoring and assistance;*

(2) Managing the treated area, crop or crop byproduct, including any responsibility for compliance with a pre-harvest interval and plant-back restriction; and

(3) Cleaning any application equipment and other materials containing the pesticide.

↳ The term does not include any incidental activity, such as managing an incident by an emergency responder, commercial transportation, disposal or recycling of any waste relating to a pesticide, accepting or handling the waste by a disposal or recycling facility and manufacturing, formulating or bulk packaging or other packaging by a registered establishment which produces a pesticide.

Sec. 17. NAC 555.250 is hereby amended to read as follows:

555.250 As used in NAC 555.250 to 555.530, inclusive, *and sections 2 to 15, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.2502 to 555.258, inclusive, have the meanings ascribed to them in those sections.

Sec. 18. NAC 555.280 is hereby amended to read as follows:

555.280 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.~~ Consultant—The use of pesticides and expert knowledge or special expertise in pest control for:

- (1) Soliciting sales of pesticides or pest control services;
- (2) Providing technical information on pesticides or pest control;
- (3) Providing pest identification;
- (4) Making recommendations for pesticides or other products used for pest control; or
- (5) Any combination of subparagraphs (1) to (4), inclusive,

↪ except that the field of consulting does not include a person who writes or otherwise prepares a plan for the conservation, preservation or reclamation of any property and whose activities specified in this paragraph, or any combination of those activities, are wholly incidental to the writing or other preparation of the plan.

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

(a) Aerial:

(1) Agriculture plant pests—The application of insecticides, miticides, acaricides, fungicides, bactericides and nematicides.

(2) Weeds—The application of herbicides, plant regulators, desiccants and defoliant.

(b) Agricultural ground:

(1) Agriculture plant pests—The application of insecticides, miticides, acaricides fungicides, bactericides and nematicides.

(2) Weeds—The application of herbicides, plant regulators, desiccants and defoliant.

(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 use of various substances, including, without limitation, fumigants for 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.] *Golf courses and sports complexes — The application of*~~

pesticides to control invertebrate pests, weeds, fungi, diseases and vertebrate pests in terrestrial and aquatic areas that are used or intended for use on a golf course or other sports complex having turf. The provisions of this subparagraph do not prohibit a pest control business licensed in another relevant category from engaging in pest control on a golf course or sports complex if the pest control business does not advertise or engage in pest control outside of the golf course or sports complex.

(d) Consultant:

(1) Agricultural—Consultant licensed for the field of aerial or agricultural ground pest control.

(2) Urban—Consultant licensed for the field of urban and structural pest control.

3. This section must not be construed to prohibit a person ~~for 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†, “unmanned~~ aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 19. NAC 555.350 is hereby amended to read as follows:

555.350 1. Each application for a license must be made on a form provided by the Director.

2. Each application for a *business* license ~~for a pest control business~~ must include ~~: †~~ ~~without limitation:†~~

FIRST
PARALLEL
SECTION

- (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 of each partner, if the applicant is a partnership.
- (c) A copy of the current certificate of incorporation and list of officers that has been filed with the Secretary of State pursuant to title 7 of NRS, 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) The business identification number assigned to the pest control business by the Secretary of State, if any.
- (f) 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.
- (g) The name, social security number, employer identification number, if applicable, 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, location principal, principal, operator, consultant, demonstration and research specialist and agent employed by the applicant.
- (h) The category of pest control in which the applicant wishes to engage.
- (i) The number of business locations in which the pest control business will operate.
- (j) The address and telephone number of each such business location.

(k) The name and cellular telephone number, if any, of the primary principal or location principal who supervises the daily activities of the principals, operators, consultants, demonstration and research specialists and agents at each business location.

(l) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal, location principal and principal employed by the applicant.

(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 and structural field , ~~for governmental agency field,~~ a report of each pesticide that was applied within the immediately preceding 12 months. The report must include : ~~[-without limitation:]~~

- (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) A statement certifying that any employee of the applicant who is subject to the provisions of NAC 555.372 has satisfied the requirements for continuing education set forth in that section.

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.

4. A business license expires on December 31 of each year and may be renewed annually for 1 year. Each application to renew the business license must be submitted on a form prescribed by the Director pursuant to subsection 1 and must be accompanied by the licensing fee set forth in NAC 555.397.

Sec. 20. NAC 555.350 is hereby amended to read as follows:

SECOND
PARALLEL
SECTION

555.350 1. Each application for a license must be made on a form provided by the Director.

2. Each application for a *business* 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 of each partner, if the applicant is a partnership.

(c) A copy of the current certificate of incorporation and list of officers that has been filed with the Secretary of State pursuant to title 7 of NRS, 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) The business identification number assigned to the pest control business by the Secretary of State, if any.

(f) 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.

(g) The name, social security number, employer identification number, if applicable, 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, location principal, principal, operator, consultant, demonstration and research specialist and agent employed by the applicant.

(h) The category of pest control in which the applicant wishes to engage.

(i) The number of business locations in which the pest control business will operate.

(j) The address and telephone number of each such business location.

(k) The name and cellular telephone number, if any, of the primary principal or location principal who supervises the daily activities of the principals, operators, consultants, demonstration and research specialists and agents at each business location.

(l) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal, location principal and principal employed by the applicant.

(m) If the application is for a license in the urban and structural field , ~~for governmental agency field,~~ a report of each pesticide that was applied within the immediately preceding 12 months. The report must include : ~~[-without limitation:]~~

(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) A statement certifying that any employee of the applicant who is subject to the provisions of NAC 555.372 has satisfied the requirements for continuing education set forth in that section.

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.

4. A business license expires on December 31 of each year and may be renewed annually for 1 year. Each application to renew the business license must be submitted on a form prescribed by the Director pursuant to subsection 1 and must be accompanied by the licensing fee set forth in NAC 555.397.

Sec. 21. NAC 555.397 is hereby amended to read as follows:

555.397 1. An applicant for a license must pay to the Director, as applicable:

(a) For *an initial* examination ~~for reexamination,~~ *an initial examination on the laws and regulations of this State relating to pest control or an initial examination concerning a category of pest control*, a testing fee of ~~for each category of pest control in which the applicant wishes to be examined;~~ *\$50;*

(b) For ~~licensure of a pest control~~ *reexamination of an examination set forth in paragraph (a)*, a testing fee of *\$50 for each reexamination;*

(c) *For a business* ~~for a~~ *license, an annual* licensing fee of \$250;

~~[(e)]~~ (d) For licensure of a principal , *consultant, demonstration and research specialist* or operator, ~~[(a)]~~ *an annual* licensing fee of ~~[\$50.]~~ \$75; and

~~[(d)]~~ (e) For licensure of an agent, a licensing fee of ~~[\$350.]~~ \$200.

2. *The Director will charge a fee of \$375 to reinstate a business license that has expired. The reinstatement of an expired business license pursuant to this subsection does not exempt the holder of the license from any penalty imposed pursuant to NAC 555.530 for engaging in pest control without a license.*

3. The Director will charge a fee of ~~[\$25]~~ \$50 to issue a duplicate license to replace a license that has been lost, mutilated or destroyed.

Sec. 22. NAC 555.410 is hereby amended to read as follows:

555.410 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 for, recommendation concerning or identification of pests.

(2) The full name of the person for whom and the county where the treatment, recommendation or identification was conducted.

(3) The full name of the pilot, applicator or consultant doing the treating, recommending or identification.

(4) The crop or site treated or for which the recommendation or identification was made. 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, name or site identification of the field.

(6) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied or recommended.

(7) In the case of a treatment:

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

(II) The purpose for which the crop, site or spot was treated.

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

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

(V) 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 for, recommendation concerning or identification of pests.

(2) The address where the treatment, recommendation or identification was conducted.

(3) The full name of the applicator or consultant.

(4) The site treated or for which a recommendation or identification was made, 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) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended and the registration number assigned to the pesticide by the Environmental Protection Agency.

(6) In the case of a treatment, the total amount of any diluted pesticide and the concentration of the pesticide that was applied.

(7) If a treatment is conducted in the categories of limited landscape, weeds, aquatic , *golf courses and sports complexes* 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 a 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/>.

~~(c) If the person is licensed in the governmental agency field:~~

- ~~—— (1) The date of the treatment for, recommendation concerning or identification of pests.~~
- ~~—— (2) The address where the treatment, recommendation or identification was conducted.~~
- ~~—— (3) The full name of the applicator or consultant.~~
- ~~—— (4) The site treated or for which a recommendation or identification was made, including, without limitation, the kitchen, the crawlspace beneath the structure and the yard or area~~

~~surrounding the structure, and, 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) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended and the registration number assigned to the pesticide by the United States Environmental Protection Agency.~~

~~— (6) In the case of a treatment, the total amount of any diluted pesticide and the concentration of the pesticide that was applied.~~

~~— (7) If a treatment is conducted in the category of agricultural plant, rangeland and forest, ornamental, turf, nursery, greenhouse and interior landscape, aquatic and mosquito, right-of-way and weed or fumigation pest control:~~

~~— (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.] <https://www.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 potentially 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.

Sec. 23. NAC 555.445 is hereby amended to read as follows:

555.445 1. All service containers of ~~{operators}~~ *a licensee* working in the field of urban and structural pest control must bear the following abbreviated labels, securely attached to the containers:

(a) ~~{For a service container used to store or transport concentrated pesticide, the:~~

~~—(1) Name,}~~ *The name*, address and telephone number of the business.

~~{(2) Name}~~

(b) *The name* of the pesticide.

~~{(3) Registration}~~

(c) *The registration* number assigned to the pesticide by the United States Environmental Protection Agency or by the Department.

~~[(4) Name]~~

(d) *The name* and percentage of the active ingredient.

~~[(5) Precautionary]~~

(e) *The precautionary* (signal) word and symbol from the registered label.

~~[(b) For a service container used to store or transport diluted pesticide, the:~~

~~— (1) Name, address and telephone number of the business.~~

~~— (2) Name of the pesticide, preceded by the word “diluted.”~~

~~— (3) Registration number assigned to the pesticide by the Environmental Protection Agency or the Department for the pesticide, preceded by the words “derived from.”~~

~~— (4) Name and percentage of the active ingredient.~~

~~— (5) Precautionary (signal) word from the registered label.]~~

2. *An application device used by a licensee working in the field of urban and structural pest control to store or transport diluted pesticide must bear a label identifying the pesticide.*

3. Except for the service containers described in subsection 1 and ~~[the equipment for]~~ *any* application ~~[,]~~ *devices*, all containers in which undiluted pesticide is stored must bear the original label, which must be conspicuous and clearly legible.

~~[3.—A]~~

4. *An applicator shall ensure that he or she has a complete label ~~[must be carried]~~ or immediate access to a complete label* in the vehicle for each pesticide *carried* in the vehicle.

5. *As used in this section, “service container” means any container that:*

(a) *Is not the original container for a pesticide; and*

(b) Is used to store or transport any other concentrated or diluted pesticide registered in this State.

Sec. 24. NAC 555.460 is hereby amended to read as follows:

555.460 A licensee *or an unlicensed employee under the supervision of a government applicator* engaged in the application of pesticides known to be harmful to persons or animals other than bees, shall:

1. Give notice to the owner of any animals known to be on the property to be treated or on property where the material appears likely to drift in harmful amounts within a reasonable time before treatment to enable the owner to protect the animals.

2. Exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.

3. In applying materials harmful to fish, exercise reasonable precautions to avoid contaminating the water containing the fish.

4. Place *insecticides and* rodenticides in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station that is marked on the outside of the bait station with the following information:

(a) The name, address and telephone number of the pest control business that performed the pest control;

(b) The name of the rodenticide;

(c) The registration number assigned to the rodenticide by the Environmental Protection Agency;

(d) The name and percentage of the active ingredient of the rodenticide; and

(e) The precautionary word and symbol for the rodenticide that is used by the manufacturer of the rodenticide on the label of the rodenticide.

5. Upon termination of the services of the pest control business, remove any bait stations placed on the property by the pest control business.

Sec. 25. NAC 555.470 is hereby amended to read as follows:

555.470 1. Except as otherwise provided in subsection 2, any licensee *or unlicensed employee under the supervision of a government applicator* who intends to apply to commercially grown agricultural or horticultural crops any pesticide known to be harmful to bees shall give notice of that intent to any apiarist having bees on the land to be treated or on adjacent land, so that the apiarist will be able to protect his or her bees.

2. The notice is not required if the apiarist has not given the licensee *or unlicensed employee* current information regarding the location of the apiary.

3. The notice required by this section must be given personally or by telephone or electronic mail to the apiarist.

4. The notice required by this section must be given not more than 72 hours and not less than 24 hours before the application to each apiarist having apiaries within 2 miles of the field to be treated if the apiarist has provided the licensee *or unlicensed employee* with the location of his or her apiaries. If an application is postponed after proper notice has been given, the licensee must repeat the notice at least 12 hours before the rescheduled application.

5. The notice required by this section must include:

(a) The name of the person for whom the application is to be made;

(b) The location and acreage of the land to be treated; and

(c) The name of the pesticide to be applied.

Sec. 26. NAC 555.510 is hereby amended to read as follows:

555.510 1. Fumigation may be performed only under the supervision of a person who is certified pursuant to NAC 555.600 to 555.700, inclusive.

2. The person exercising supervision over the fumigation shall be:

(a) Physically present at the premises being fumigated;

(b) Available to provide immediate guidance and instruction to each person performing the fumigation; and

(c) Licensed in the category of fumigation pursuant to subparagraph (4) of paragraph (c) ~~for subparagraph (10) of paragraph (d)~~ of subsection 2 of NAC 555.280 or *paragraph (e) of subsection 1 of section 2 of this regulation*, hold a nonprimary principal commercial applicator certification in the category of fumigation pest control as set forth in NAC 555.620 or hold a private applicator certification in the category of fumigation as set forth in NAC 555.640.

3. Except as otherwise provided in subsection 4, at least one licensee and one person under the supervision of that licensee shall be present:

(a) During the release of the fumigant; and

(b) Until the ventilation and aeration process is complete and the warning signs are removed from the premises.

4. Unless otherwise specified on its label, a fumigant in tablet or pellet form that is used in the custom application of pesticides must be applied by at least one licensee who is present during the introduction of the fumigant.

5. The person exercising supervision over the fumigation shall ensure that the following items are on the premises being fumigated and are in good working order:

(a) 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; and

(b) For each type of fumigant being used, the antidote, if any, as prescribed by the manufacturer of the fumigant and the instructions for administering the antidote as prescribed by the manufacturer of the fumigant.

Sec. 27. NAC 555.530 is hereby amended to read as follows:

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

CERTIFIED AND UNCERTIFIED PERSONS	COMMERCIAL APPLICATION	PRIVATE APPLICATION
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:		

CERTIFIED AND UNCERTIFIED PERSONS	COMMERCIAL APPLICATION	PRIVATE APPLICATION
(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) If certified, 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

CERTIFIED AND UNCERTIFIED PERSONS	COMMERCIAL APPLICATION	PRIVATE APPLICATION
(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 directions to an uncertified person under his or her supervision:		
(1) If it is a nonserious violation	\$100 to \$500	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$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	\$100 to \$1,000	\$50 to \$300
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(b) Disposing of a pesticide or its empty container in a manner that presents 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

CERTIFIED AND UNCERTIFIED PERSONS

COMMERCIAL
APPLICATION

PRIVATE
APPLICATION

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

(1) If it is a nonserious violation	\$100 to \$1,000 (per item not provided)	\$50 to \$300 (per item not provided)
(2) If it is a serious violation	\$1,001 to \$5,000 (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)
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(e) Not using materials, dosages, formulas, devices or methods of application, storage 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	\$100 to \$1,000	\$50 to \$300
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CERTIFIED AND UNCERTIFIED PERSONS	COMMERCIAL APPLICATION	PRIVATE APPLICATION
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(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
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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
(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	\$100 to \$300
(per item not provided)	(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
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CERTIFIED AND UNCERTIFIED PERSONS

COMMERCIAL
APPLICATION

PRIVATE
APPLICATION

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

LICENSED AND UNLICENSED PERSONS	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 \$300 to \$1,000
8. For a violation of NRS 555.280 as amended by section 23 of Assembly Bill No. 32, chapter 80, Statutes of Nevada 2017, at page 345	\$500	\$1,000
9. For a violation of NRS 555.285, as amended by section 24 of Assembly Bill No. 32, chapter 80, Statutes of Nevada 2017, at page 346	\$500	\$1,000
10. For failing to supervise adequately an applicator who does not have a license issued by the Director	500 \$250	\$500
11. For a violation of NAC 555.290, if the violation is for:		

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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.....	\$50	\$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 control business.....	\$100	\$100 \$250
(c) Failing to submit a new application and fee if a change in ownership occurs.....	\$500	\$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.....	\$50	\$50

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

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~~ \$250

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

~~300~~ \$300 to
\$1,000

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

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation	\$50 to \$500	300 \$300 to \$1,000
(2) If it is a serious violation	500 \$500 to \$5,000	1,000 \$1,000 to \$5,000
(d) Failing to keep pest control equipment in good condition	25 \$50 to \$100	50 \$100 to 300 \$300
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	25 to 100 \$50	\$50 to 300 \$250
(f) Failing to maintain a uniform mixture	25 to 100 \$50	\$50 to 300
(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	300 \$300 to \$1,000
(2) If it is a serious violation	500 \$500 to \$5,000	1,000 \$1,000 to \$5,000
(h) Failing to clean thoroughly all equipment after use.....	\$50	\$50

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(i) Failing to store undiluted pesticides in a locked facility, failing to secure a service container to a service vehicle 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	+\$300 \$300 to \$1,000
(2) If it is a serious violation	+\$500 \$500 to \$5,000	+\$1,000 \$1,000 to \$5,000

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	+\$500 \$300 to \$1,000
(b) Failing to record an item of information required for the record	+\$25 to \$100 \$50	\$50 to +\$300 \$300

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(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 \$250
(2) If it is a serious violation	\$500 <i>to \$1,000</i>	500 \$1,000 to \$5,000

(d) Failing to file the required monthly report on or before the 15th day of the following month.....

100 \$50	\$100
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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, using any registered pesticide for a purpose other than the purpose for which the pesticide was registered or using a pesticide not registered with the Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 et seq.

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) If it is a nonserious violation	\$100 to \$500	+\$50+ \$500 to \$1,000
(b) If it is a serious violation	\$500 to \$1,000	+\$1,00+ \$1,000 to \$5,000
17. For a violation of NRS 555.420, if the violation is for failing to respond to a request for an inspection or other activity specified in that section or to submit to such an inspection or activity	\$100 to \$1,000	+\$100+ \$500 to \$5,000
18. For a violation of NAC 555.415	\$100 to \$1,000	+\$30+ \$300 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	\$50	\$100

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(b) Failing to equip a service vehicle used in the custom application of pesticides with:</p>		
<p>(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....</p>	\$100	150 250
<p>(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....</p>	\$100	150 250
<p>(3) Equipment designed to store safely materials contaminated with pesticide.....</p>	\$100	150 250
<p>(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....</p>	100 50	\$100
<p>20. For a violation of NAC 555.427, if the violation is for:</p>		
<p>(a) Failing to submit the form entitled “Termiticide Pretreatment Notification Form”</p>	300 300 to \$1,000	1,000 1,000 to \$5,000

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(b) Failing to include each item of information required on the form entitled “Termiteicide Pretreatment Notification

Form”

~~25~~ \$50 to \$100

\$50 to ~~300~~ \$300

(per item not included)

(per item not included)

(c) Failing to apply the termiteicide only to sites or in the specific quantities or dosages listed on the label of the termiteicide, unless otherwise authorized by the Director

\$500 to \$1,000

~~1,000~~ \$1,000 to \$5,000

(d) Failing, as part of a preconstruction treatment to soil, to apply the termiteicide 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

~~300~~ \$500 to \$1,000

~~1,000~~ \$1,000 to \$5,000

21. For a violation of NAC 555.428, if the violation is for:

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....</p>	<p>301 \$300 to \$1,000</p>	<p>1,001 \$1,000 to \$5,000</p>
<p>(b) Failing to include each item of information required on the tag for preconstruction treatment</p>	<p>\$50 to \$100 (per item not included)</p>	<p>\$100 to 301 \$250 (per item not included)</p>
<p>(c) Failing to affix securely a tag for preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide</p>	<p>301 \$100 to \$1,000</p>	<p>301 \$300 to \$1,000</p>

22. For a violation of NAC 555.430, if the violation is for:

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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	150 250
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made.....	\$100	150 250
(c) Failing to include each item of information required in a report.....	\$50 to \$500 (per item not included)	50 100 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	50 500 to \$1,000

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(e) 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 \$500 to
\$1,000 |
| (2) If it is a serious violation | +\$501 \$500 to \$5,000 | +\$1,001 \$1,000 to
\$5,000 |

23. 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 | \$50 to \$500 | +\$301 \$300 to
\$1,000 |
| (2) If it is a serious violation | +\$501 \$500 to \$5,000 | +\$1,001 \$1,000 to
\$5,000 |

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(b) Failing to store or dispose of a pesticide or its empty container according to directions on the label and in a manner that does not 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 ~~300~~ **\$500** ~~300~~ **\$300** 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 ~~300~~ **\$300** to \$1,000
(per item not provided) (per item not provided)

(2) If it is a serious violation

~~500~~ **\$500** to \$5,000 ~~1,000~~ **\$1,000** to \$5,000
(per item not provided) (per item not provided)

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(d) Failing to keep the required safety equipment in good working order.....</p>	<p>\$50 to 300 \$500 (per item not maintained)</p>	<p>300 \$300 to \$1,000 (per item not maintained)</p>
<p>(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.:</p> <p>(1) If it is a nonserious violation</p> <p>(2) If it is a serious violation</p>	<p>\$50 to \$500</p> <p>\$500 to \$5,000</p>	<p>300 \$300 to \$1,000</p> <p>1,000 \$1,000 to \$5,000</p>
<p>(f) Failing to use an accurately calibrated metering device when dispensing a termiticide....</p>	<p>\$100 to 300 \$500</p>	<p>300 \$300 to \$1,000</p>

24. For a violation of NAC 555.445, if the violation is for:

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Failing to attach abbreviated labels to a service container <i>or label an application device during transport</i>	\$50 to \$100	to \$50 \$100 to \$300 \$250
(b) Failing to include each item of information required on an abbreviated label	\$50 to \$100	to \$50 \$100 to \$300 \$250
(c) Failing to carry <i>have</i> a complete label <i>or immediate access to a complete label</i> for each pesticide <i>carried</i> in the vehicle.....	\$50 to \$100	to \$50 \$100 to \$300 \$300
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	to \$300 \$300 to \$1,000

LICENSED AND UNLICENSED PERSONS	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain</p>	\$100 to \$500	+\$301 \$300 to \$1,000
<p>(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....</p>	\$100 to \$500	+\$301 \$300 to \$1,000
<p>(d) Failing to place an insecticide or a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station unless, in the case of insecticide bait, the insecticide bait is placed as indicated on the label:</p>		
<p>(1) If it is a nonserious violation</p>	\$50 to \$500	+\$301 \$300 to \$1,000
<p>(2) If it is a serious violation</p>	+\$501 \$500 to \$1,000	+\$1,001 \$1,000 to \$5,000
<p>(e) Failing to mark the outside of a bait station with the required information:</p>		
<p>(1) If it is a nonserious violation</p>	+\$251 \$50 to \$500	+\$301 \$300 to \$1,000

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(2) If it is a serious violation ~~501~~ \$500 to \$1,000 ~~1,001~~ \$1,000 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~~ \$300 to \$1,000

(2) If it is a serious violation ~~501~~ \$500 to \$1,000 ~~1,001~~ \$1,000 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 or electronic mail to an apiarist within the required time

\$100 to \$500 ~~301~~ \$300 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~~ \$300 to \$1,000

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(c) Failing to provide each item of information required to be included in the notice.....

\$100 to \$500

~~+\$304~~ **\$300** 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 or ~~subparagraph (10) of paragraph (d) of subsection 2 of NAC 555.280~~ **paragraph (e) of subsection 1 of section 2 of this regulation** to perform pest control using lethal fumigants:

(1) If it is a nonserious violation

\$50 to \$500

~~+\$304~~ **\$300** to
\$1,000

(2) If it is a serious violation

~~+\$504~~ **\$500** to \$1,000

~~+\$1,004~~ **\$1,000** to
\$5,000

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(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 \$300 to \$1,000 |
| (2) If it is a serious violation | +\$501 \$500 to \$1,000 | +\$1,001 \$1,000 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 | +\$501 \$500 to \$1,000 |
| (per item not provided) | (per item not provided) |

LICENSED AND UNLICENSED PERSONS

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

(d) Failing to have the antidote, if any, and instructions for administering it as prescribed by the manufacturer of the fumigant.....

\$50 to \$300

~~+\$304~~ **\$300** to
\$1,000

PERSONS WHO DO NOT HOLD A
LICENSE OR CERTIFICATE

FIRST
OFFENSE

SUBSEQUENT
OFFENSE

28. For a violation of:

(a) NRS **555.2772**, 555.280 or 555.285 by a person who does not hold a license issued by the Director

\$50 to \$1,000

~~+\$1,004~~ **\$1,000** to
\$5,000

(b) NRS 555.351 by a person who does not hold a certificate issued by the Director

\$50 to \$1,000

~~+\$1,004~~ **\$1,000** to
\$5,000

(c) NAC 555.440 by a person who does not hold a license or certificate issued by the Director if the violation is for:

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(1) Failing to exercise reasonable precautions to protect persons, animals, crops or property:

(I) If it is a nonserious violation	\$50 to \$500	+\$301 \$300 to \$1,000
(II) If it is a serious violation.....	+\$501 \$500 to \$1,000	+\$1,001 \$1,000 to \$5,000

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

\$100 to +\$301 \$300	+\$301 \$300 to \$1,000
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(3) Failing to provide employees with the required information, precautions and safety equipment:

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
(I) If it is a nonserious violation	\$50 to \$500 (per item not provided)	+\$304 \$300 to \$1,000 (per item not provided)
(II) If it is a serious violation.....	+\$504 \$500 to \$5,000 (per item not provided)	+\$1,004 \$1,000 to \$5,000 (per item not provided)
(4) Failing to maintain the required safety equipment in good working order.....	\$50 to \$300 (per item not maintained)	+\$304 \$300 to \$1,000 (per item not maintained)
(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.:		

PERSONS WHO DO NOT HOLD A LICENSE OR CERTIFICATE	FIRST OFFENSE	SUBSEQUENT OFFENSE
(I) If it is a nonserious violation	\$50 to \$500	300 \$300 to \$1,000
(II) If it is a serious violation.....	500 \$500 to \$5,000	1,000 \$1,000 to \$5,000
(6) Failing to use an accurately calibrated metering device when dispensing a termiticide	\$100 to 300 \$300	300 \$300 to \$1,000

Sec. 28. NAC 555.613 is hereby amended to read as follows:

555.613 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 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 categories of licensed primary principal commercial applicators are:

(a) Aerial:

(1) Agricultural plant pests—The application of insecticides, miticides, acaricides, fungicides, bactericides and nematicides.

(2) Weeds—The application of herbicides, plant regulators, desiccants and defoliants.

(b) Agricultural ground:

(1) Agricultural plant pests—The application of insecticides, miticides, acaricides, fungicides, bactericides and nematicides.

(2) Weeds—The application of herbicides, plant regulators, desiccants and defoliants.

(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 use of various substances, including, without limitation, fumigants for 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 — 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 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.~~ *Golf courses and sports complexes—The application of pesticides to control invertebrate pests, weeds, fungi, diseases and vertebrate pests in terrestrial and aquatic areas that are used or intended for use on a golf course or other sports complex having turf. The provisions of this subparagraph do not prohibit a pest control business licensed in another relevant category from engaging in pest control on a golf course or sports complex if the pest control business does not advertise or engage in pest control outside of the golf course or sports complex.*

3. This section must not be construed to prohibit a person ~~for 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†~~, “*unmanned* aerial vehicle” means a powered aircraft of any size without a human operator aboard the vehicle and that is operated remotely or autonomously.

Sec. 29. NAC 555.685 is hereby amended to read as follows:

555.685 1. A nonprimary principal commercial applicator or private applicator may renew a certificate issued pursuant to NAC 555.655 if:

(a) Within the 3 months immediately preceding the expiration of the certificate, he or she obtains a passing score on the examinations described in NAC 555.670; or

(b) He or she provides proof satisfactory to the Director that he or she has completed at least 12 units of continuing education in courses approved by the Director within the 4 years immediately preceding the expiration of the certificate. At least 2 units of continuing education must be completed in a course relating to laws and regulations governing the use of pesticides.

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

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

(b) Upon completion of the course, the sponsor of the course or a nonprimary principal commercial applicator or private applicator who completed the course submits to the Department:

(1) An agenda or outline for the course setting forth:

(I) The location, date and time of the course;

(II) The topics discussed during the course; and

(III) The name of each speaker at the course;

(2) A copy of a letter or other form indicating that the appropriate agency of that state has approved the course for continuing education and the number of units of continuing education approved for the course;

(3) The name of each nonprimary principal commercial applicator or private applicator from this State who attended the course as indicated by the attendance sheet for the course; and

(4) A request to receive credit for attending the course.

3. For each course for which a nonprimary principal commercial applicator or private applicator claims one or more units of continuing education, he or she ~~may request from the sponsor of the course;~~ *shall retain for at least 5 years:*

(a) A certificate of completion issued by the sponsor of the course; or

(b) Any other document or record that in the judgment of the Director establishes that the nonprimary principal commercial applicator or private applicator successfully completed the course.

4. A nonprimary principal commercial applicator or private applicator who wishes to renew his or her certificate may ~~not~~ apply for renewal of the certificate ~~before October 1 of the year in which~~ *not more than 3 months before the expiration of* the certificate. ~~expires.~~

Sec. 30. Sections 5 and 6 of LCB File No. R093-15 are hereby repealed.

Sec. 31. 1. This section and sections 1 to 19, inclusive, and 21 to 30, inclusive, of this regulation become effective upon filing with the Secretary of State pursuant to NRS 233B.067 or 233B.070.

2. Section 19 of this regulation expires by limitation 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 proceeding 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.

3. Section 20 of this regulation 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 proceeding 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.

TEXT OF REPEALED SECTIONS

Section 5 of LCB File No. R093-15:

Sec. 5. For the purpose of carrying out the provisions of NRS 555.2605 to 555.470, inclusive, the Director will construe the term “business” to include any activity performed for hire, including, without limitation, such work performed by a governmental agency.

Section 6 of LCB File No. R093-15.

Sec. 6. For the purpose of carrying out the provisions of NRS 555.2605 to 555.470, inclusive, the Director will construe the term “for hire” to exclude any activity that is:

1. Performed by a governmental activity at the request of another governmental agency; and
2. For which the requesting governmental agency did not issue a request for proposals.