

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R154-17

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

Pursuant to Ab 32 of the 2017 legislative session, these regulations address the licensing of government employees engaging in pest control; provide for the licensing of golf course and sports complex personnel engaging in pest control; adjusts certain fees and fines on the pest control industry; reduces labeling requirements for dilute pesticide containers during transport and storage; and provides clarification language regarding restricted use pesticide (RUP) certification renewals.

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

Public response was solicited at each public meeting and accepted in-person, over the phone, or via email.

Comment received during public meetings were from industry which is addressed under question 5 of this document.

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

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

Nevada Department of Agriculture
2150 Frazer Avenue
Sparks, NV 89431

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

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

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

Nevada Department of Agriculture
Attn: Allen Whitenack
405 South 21st Street
Sparks, NV 89431

3. The number of persons who:

(a) Attended each hearing:

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

Workshop date: Friday, December 8, 2017
Number in attendance: 21
Number testifying:
Written statements submitted:

Hearing date: Wednesday, August 29, 2018
Number in attendance: 19
Number testifying:
Written statements submitted:

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

1. Lynn Hettrick-now retired information not available

2. Jennifer Ott
775-353-3729
405 S 21st St, Sparks NV 89431
jott@agri.nv.gov
Nevada Department of Agriculture

3. Charles Moses-now retired information not available

4. Scott Cichowlaz-now retired no other information available
702-622-1315
Scott9@cox.net

5. Jay Steele- now retired no other information available
702-457-0428
Jay-steele@juno.com

6. Kathleen Bednarz
702-668-4545
2300 St. Louis Ave, Las Vegas NV 89104
kbednarz@agri.nv.gov
702-668-4590

- 7. Jeff Begouch-no other information available
702-782-9833**
- 8. Willard Whipple-no other information available
w.whipple@goaptive.com**
- 9. Russell Hedland-no other information available
rusty@369bugs.com**
- 10. Joey Toth-no other information available
pres@nevadapma.org**
- 11. Cal Henrie-no other information available
702-528-4411**
- 12. Don Darilek-no other information available
702-338-7500**
- 13. Dwight Blauden-no other information available
702-541-0460**
- 14. Kevin Kasmier-no other information available
Kevin@flatlinerspestcontrol.com**
- 15. Olin S. Taylor-no other information available
olinstaylor@hotmail.com**
- 16. Susan Suter
702-668-4588
2300 St. Louis Ave, Las Vegas NV 89104
702-668-4590
ssuter@agri.nv.gov**
- 17. Curt Deuder-no other information available
702-293-8979**
- 18. Misty Goodroad-no other information available
702-858-4920**
- 19. Jack Tipton-no other information available
775-753-6382**
- 20. Otis Tipton-no other information available
775-753-6382**

- 21. Chris Ashby-no other information available
chris@tmpestcontrol.com**
- 22. Andrew Burress-no other information available
andrew@naturapc.com**
- 23. Bret Allen
775-353-3715
405 S 21st St, Sparks NV 89431
775-353-3670
ballen@agri.nv.gov
Department of Agriculture**
- 24. Ron Balsamo-no longer with the NDA no further information available
Department of Agriculture**
- 25. Chris Bramlry-no other information available
chrisb@clarkcounty.nv.gov**
- 26. Carl Rusty Carlson-no other information available
Rusty.carlson@cleanwaterteam.com**
- 27. Richard Norek-no other information available
435-233-0302**
- 28. Warren Hardy-no other information available
whardy@gmail.com**
- 29. Allen Praunte-no other information available
702-604-3226**
- 30. Gail Borton-no other information available
702-898-7677**
- 31. Randy Shapy-no other information available
702-716-9315**
- 32. Michael Holly-no other information available
Mike.holly@univor.com**
- 33. Brian Wakahwhin-no other information available
702-368-2847**

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

During the workshop, industry requested clarification on several points including language regarding sports complexes and labeling requirements. There was discussion regarding the revised labeling rules for containers and comment was heard on the perceived hardship of labeling those devices. NDA made changes to language based on feedback from the public and industry.

During the adoption hearing, public comment was received on the device labeling requirements. Service containers are required to be labeled presently under NAC 555.445, however “service container” was not well defined and this required a 5 point label for the transport of diluted pesticides. These proposed regulations simplify the requirements for application devices to only identify the pesticide. However, some industry members reported that any labeling requirement would be burdensome to their business. There were other issues heard regarding the fiscal and legal responsibility of principals (company owners or managers) versus the fiscal and legal responsibility of operators (employees). However, this responsibility was not part of the NAC changes presented so no changes were made. The NDA, prior to the adoption hearing, made significant effort to meet with industry members and industry groups regarding the legal issue. Through ongoing conversations with the industry, we have been able to determine that opposition to revising pesticide container label regulations was in the minority and that numerous businesses were already following the labeling regulations (since it is required in a neighboring state and under NAC 555.445) or felt that it did not create additional burden to the company. Several companies reported implementing labeling procedures in order to ensure proper pesticides were being applied and that the incorrect container/device was not inadvertently used. The NAC changes were presented to the Board of Agriculture on September 5, 2018 and made the unanimous decision to support the adoption of the NAC changes as approved by the Director.

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

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6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

Changes were made after the workshop based on industry input and questions regarding the wording of the regulations. No changes were made after the adoption hearing as time and effort were spent on receiving feedback from the industry and taking into consider how the NAC changes would improve the overall health and safety of the industry, environment and public.

7. The estimated immediate and long-term economic effect of the regulation on the business which it is to regulate and on the public, whether beneficial or adverse.

(a) Estimated economic effect on the businesses which they are to regulate.

The estimated immediate and long-term effect of the regulation on businesses is expected to be minimal. The infrastructure is already in place to implement these revisions. Direct economic effects are as follows: Resulting from the passage of AB-32 in the 2017 legislative session, government employees conducting pest control will have to obtain a pest control license or be supervised by a licensed government employee pursuant to the restrictions outlined in AB-32. Many government employees currently conducting pest control already have restricted use pesticide (RUP) certification. The fees for licensing will be the same as for RUP certification so the new structure will have limited impact. Fees will continue to be nominal. Government licensing fees and duration are equivalent to restricted use pesticide certification fees (\$50), required every four years. Only government agencies that did not provide training previously to their employees prior to this regulation will see a modest increase when their employees must test and become licensed. The changes in labeling requirements for service containers and application devices should be beneficial to the applicators by increasing compliance assurance to state regulations, and to the public and environment by reducing potential misapplication of product. Concern has been expressed by some members of the industry that the labeling requirement will be burdensome to the operators, however the Department of Agriculture has not received evidence that shows a financial burden to the industry. In addition, numerous pest control companies have already established labeling procedures for their service containers and application devices in the interest of public and environmental safety and have reported minimal costs are needed in adding re-usable labels to the containers.

Immediate effects of government licensing will result in an increase in expenditures related to the testing and licensing process for those that previously did not hold an RUP license. The long-term effect will be government workers who use pesticides as part of their employment obligations will be better trained which will benefit themselves, their department, the public and the environment. There should be no substantial immediate or long-term effects of restructuring the commercial license fees. The proposed labeling requirements, both near and long-term should benefit workers through improved understanding of appropriate safety measures for each product. Further, proposed labeling requirements will impact public and environment health through increasing formulation compliance and reducing the potential for detrimental misapplications of products.

The agent license fee is being reduced from \$350 to \$200 which is anticipated to offset revenue received by NDA experienced through the government license fee.

(b) Estimated economic effect on the public which they are to regulate.

There is no expected change in economic impact of the public; both short-term and long-term. Improved public and environmental safety is anticipated.

8. The estimated cost to the agency for enforcement of the proposed regulation:

The estimated cost to the Department is expected to be minimal. The infrastructure is already in place to implement these revisions.

9. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The proposed regulations do not duplicate or overlap with federal regulations.

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

The proposed revisions do not duplicate or conflict with federal regulations.

11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The expected revenue due to the increase of fees is expected estimated to be:

Government Applicators: \$25,000 assuming 500 new government workers apply which would be generated every 4 years. This will likely be offset revenue due to the reduction in agent license fees from \$350 to \$200 per license.

Relicense Fees: \$2,500

The new fees will be used to fund the Pest Control Operator program salaries and travel time for inspectors to complete the inspection process.

Jennifer Ott
Director
Nevada Department of Agriculture