

LCB File No. T009-02

ADOPTED TEMPORARY REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE

Filed with the Secretary of State on 1/17/2003

Authority: NRS 555.290 / NRS 555.320 / NRS 555.400

NAC 555.372 Renewal of license. (NRS 555.320, 555.400)

1. Except as otherwise provided in subsection 3, a person licensed to engage in the business of pest control may not renew his license unless he certifies that he has, within the immediately preceding 12 months, completed at least six units of continuing education in courses accredited by the director. Each unit of continuing education must be completed in a course that relates to pest control, and at least one unit must be in a course regarding safety in handling and dispensing pesticides and *at least one course relating to [the] laws and regulations [of this state] governing the use of pesticides.* A licensee designated as a principal may complete not more than three units of continuing education in business management. *All licensees shall complete at least one live course within any two year period.*

2. To receive credit for the completion of a unit of continuing education, a licensee must attend and successfully complete a course accredited by the director. *The same course number shall not be repeated within any two year period.* If the course for which credit for continuing education is sought is the training for a certificate to use a restricted-use pesticide sponsored by the cooperative extension service, a licensee must receive a passing grade on the certification examination. *If the course for which credit for continuing education is sought is a video or other media presentation sponsored by the cooperative extension service, a licensee must receive a passing grade on an examination at the completion of the video or other media presentation.*

3. The provisions of subsection 1 do not apply to a licensee who:

(a) Obtained his license for the first time less than 12 months before the expiration of his license;

(b) Passes the general and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he is currently licensed on or after October 1 of the year in which his license expires; or

(c) Holds a license or certificate as a pest control advisor or certified crop advisor, or the equivalent as determined by the director, if he has, within the immediately preceding 12 months, completed at least one unit of continuing education in courses accredited by the director regarding safety in handling and dispensing pesticides and *at least one unit relating to [the] laws and regulations [of this state] governing the use of pesticides.*

(d) An operator who upgrades to principal operator status by passing the general and at least one specific category examination within the calendar year .

4. For each course for which a licensee claims one or more units of continuing education, he shall retain for at least 2 years:

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

(b) Another document or record that in the judgment of the director adequately establishes that the licensee successfully completed the course.

5. The department may inspect a document retained pursuant to subsection 4 by:

(a) Requiring the licensee to submit a copy of the document to the department; or

(b) Inspecting the original document at the licensee's primary place of business.

(Added to NAC by Dep't of Agriculture by R081-99, eff. 11-18-99)

NAC 555.350 Application for license: Form; pest control business. (NRS 555.290, 555.400)

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

2. Each application for a license for a pest control business must include, without limitation:

(a) The name of the person applying for the license, the name under which the applicant intends to engage in the business of pest control, the street address of the residence of the applicant and the street address of the pest control business.

(b) The name and mailing address of the residence of each partner, if the applicant is a partnership.

(c) The name of each officer, the state in which the corporation was incorporated, the date on which the corporation was incorporated and the name of each person holding or controlling 25 percent or more of the capital stock of the corporation, if the applicant is a corporation.

(d) The street address, telephone number, facsimile number, electronic mail address, if any, federal identification number of the pest control business and, if the mailing address is different from the street address, the mailing address of the business.

(e) If the pest control business uses aircraft in the application of pesticides, a list that includes a description of each aircraft and the identification number assigned to the aircraft by the Federal Aviation Administration.

(f) The name, telephone number of the residence, mailing address of the residence and, if the street address is different from the mailing address of the residence, the street address of the residence of each primary principal, principal and operator employed by the applicant.

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

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

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

(j) The name of the primary principal who supervises the daily activities of the operators at each business location.

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

(l) A statement certifying that each primary principal, principal and operator employed by the applicant has satisfied the requirements for continuing education set forth in NAC 555.372.

(m) If the application is for a license in the urban structural field, a report of each pesticide that was applied within the immediately preceding 12 months. The report must include:

(1) The brand name of each pesticide that was applied;

(2) The registration number assigned to the pesticide by the Environmental Protection Agency; and

(3) A statement indicating whether the pesticide that was applied is a restricted-use pesticide.

(n) If the application is for a license in the aerial field, the number of hours of flight time that the applicant spent engaged in pest control.

3. To request approval for a pest control company name, an applicant must submitted on a form furnished by the department. The application shall contain at least two alternative names.

NAC 555.374 Continuing education: Duties of sponsor; acceptable types of course presentation. (NRS 555.400)

1. To obtain accreditation from the director for a course of continuing education, the sponsor of the course must submit to the department, before the first day of the course:

- (a) A detailed outline of the subject matter to be presented;
- (b) A description of the method of presentation;
- (c) ~~[The qualifications]~~ *a vita/biographical sketch* of the instructor; and
- (d) Any other information required in the application for accreditation.

2. The information required by subsection 1 must be submitted on an application prescribed by the director. *Minimum instruction (contact time) must be 50 minutes in length to equal one continuing education unit.*

3. The sponsor of a course accredited by the director shall submit to the department, within 30 days after the completion of the course, a list of all persons who successfully completed the course.

4. Courses of continuing education that may be accredited by the director include, without limitation:

- (a) A seminar;
- (b) A meeting;

(1) Nevada Pest Control Association meetings; Non pre-approved Nevada Pest Control Association meetings which meets the criteria specified in sections 1 through 3 of this regulation (NAC 555.374), will be granted credit on a pending approval basis.

- (c) An adult education class;
- (d) A correspondence class;
- (e) An Internet class;
- (f) A college or university class; ~~[and]~~
- (g) A video or other media presentation; ~~and[-]~~

(h) Equivalent activities.

5. Courses sponsors must notify the Department of Agriculture at least 1 day prior to any Department of Agriculture approved activity, unless exception is granted by the director.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION
LCB File No. T009-02**

INFORMATIONAL STATEMENT

1. A public workshop was held on October 31, 2002, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue and Nevada Department of Agriculture Office, Las Vegas 2300 McLeod Las Vegas, NV 89401.
2. A public hearing was held on October 31, 2002, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue and Nevada Department of Agriculture Office, Las Vegas 2300 McLeod Las Vegas, NV 89401.

Notice of workshop and notice of hearing were posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada, 89502, calling (775) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who have requested to be notified of amendments were notified by fax or e-mail.

3. Workshop held October 31, 2002 – Reno and Las Vegas

Number attended:	0
Number testified:	0
No written statements were submitted:	0

Summary of comments: None.

4. Hearing held October 31, 2002 – Reno and Las Vegas

Number attending:	0
Number testifying:	0
Number of written statements submitted:	0

5. Comments were solicited from business and the public by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The Nevada Board of Agriculture adopted the amendments without changes.

6. The economic effects of the adopted amendments on the business which it is to regulate include:

- a. Adverse effects:
None
 - b. Beneficial effects:
These changes will improve the Department's continuing education program and the applicators will benefit from these improvements.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.
7. Economic effects of the proposed amendments on the public include:
- a. Adverse effects:
None
 - b. Beneficial effects:
Better trained and educated pest control applicators will insure safe and adequate pest control for the public.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for the immediate and long-term.
8. Economic cost to the agency for the enforcement of the regulation:
There will not be any additional cost to the agency to enforce the amendments adopted.
9. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.
10. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.
11. This regulation does not establish or increase any fees.