

LCB File No. T009-02

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

Nevada Department of Agriculture
350 Capitol Hill Ave.
Reno, Nevada 89502
(775) 688-1180

NOTICE OF INTENT TO ADOPT TEMPORARY REGULATIONS

Proposed temporary amendment of NAC 555.372, 555.350 and 555.374 pertaining to Pest Control Applicators.

Need and purpose of the proposed amendments:

NAC 555.372 Renewal of license—

Sec. 1:

“...at least one course relating to..” “All licensees shall complete at least one live course within any two year period.

The changes to this section are intended to make it easier for pest control operators (PCO's) to acquire law and regulation continuing education units (CEU's), and to ensure that at least one live course is attended within any two year period. The attending of a live course will provide a better “educational experience” for those who use only videos, correspondence, or web sites to gain CEU's. Live courses provide opportunities for questions and information mixing. The attendance of one live course will not negatively impact the industry.

Sec. 2:

“The same course number shall not be repeated within any two year period.”

The same course, with the same number, is not to be repeated within any two year period. This is necessary to ensure that PCO's are not repeating the same videos, web site programs, etc., over and over. This will aid in ensuring that they will be exposed to, at least, some new information each year.

“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.”

An examination after each CEU video viewing will aid in keeping the attention of the PCO's during the video program. Without this requirement, PCO's would be able to ignore the information or sleep through the presentation.

Sec. 3:

(c) *“...at least one unit relating to...”*

The changes to this section will make it easier for PCO’s to acquire one hour of laws and regulations, if those regulations are not specific to Nevada. Out of state PCO’s will find it easier to acquire the law or regulation CEU’s

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

This change is intended to aid pest control companies in qualifying additional individuals as principals. This will assist in providing them with more time to study for the tests rather than attending CEU courses, and give companies the additional security of having more than one principal. (By law, pest control companies are required to retain at least one principal at each business location.)

NAC 555.374 Continuing education–

Sec. 1.

(c) *“...a vita/biographical sketch..”*

This change is more specific to what information is needed.

Sec. 2.

“...Minimum instruction (contact time) must be 50 minutes in length to equal one continuing education unit”

This definition explains the minimum course length needed for CEU accreditation.

Sec. 4.

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

“...; and

(h) Equivalent activities.”

This will make it easier for a member of the Nevada Pest Control Association to apply for accreditation, thereby encouraging the association to provide more continuing education opportunities.

“5. Course sponsors must notify the Department of Agriculture at least one (1) day prior to any Department of Agriculture approved activity, unless exception is granted by the Director.”

This addition is intended to encourage continuing education course sponsors to notify the Department for approval before the course is presented.

NAC 555.350 Application for licensing–

Sec. 3.

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

This addition will make company name approvals much easier by providing acceptance or denial of the requested name, and will provide the Department with the opportunity to assist in making changes and giving suggestions.

Economic effect of these proposed amendments on the businesses which it is to regulate:

1. Adverse effects:

None.

2. Beneficial effects:

These changes will improve the Department’s continuing education program and the applicators will benefit from these improvements.

3. Immediate and long term effects:

The beneficial and adverse effects are the same for the immediate and long- term economic effects.

Economic effects of the proposed amendments on the public:

1. Adverse effects:

None

2. Beneficial effects:

Better trained and educated pest control applicators will insure safe and adequate pest control for the public.

3. Immediate and long-term effects:

None

Economic cost to the agency for enforcement of the proposed amendments:

There will be no additional cost to the agency for enforcement of the amendments.

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

None.

Fees:

The proposed amendments do not contain any new fees or increase any existing fees.

The date, time, place, and manner in which interested parties may present their views on the proposed amendments:

DATE: October 31, 2002
TIME: 10:00 a.m.
PLACE: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 89502

Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
Las Vegas, NV 89401

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All variable and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

Nevada Department of Agriculture
1550 S. Wells Avenue
Reno, NV 89502

Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Department of Agriculture
Eyer H Boies Building
Elko, NV 809801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Robert Gronowski at the Nevada Department of Agriculture, (775)688-1182 Ext. 239 as soon as possible.

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency's reasons for adoption.

Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

Don Henderson, Acting Director

Date

NOTICE OF WORKSHOP

A workshop will be held on proposed of NAC 555.372, 555.350, 555.374 pertaining to Pest Control Applicators.

DATE: October 31, 2002

TIME: 9:00 a.m.

Place: Nevada Department of Agriculture, Reno Office
350 Capitol Hill Avenue
Reno, NV 89502-2923

Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
Las Vegas, NV 89401

For clarification on the proposed amendments contact Robert Gronowski at (775) 688-1182, ext. 239.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all county libraries. The Department of Agriculture offices in Reno, Sparks, Elko or Winnemucca during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday

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

**PROPOSED AMENDMENTS TO NAC 555.372, 555.350 AND 555.374
PERTINING TO THE CUSTOM APPLICATION OF PESTICIDES.**

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) [Effective on the date of the repeal of the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

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.

NEVADA DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”

The purpose of this Small Business Impact Form is to provide a frame work pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: of NAC 555.237, 555.350 and 555.374 pertaining to Pest Control Applicators.

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? No

2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **YES** to either of questions 1& 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop ?
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Easier for pest control operators to acquire law and regulation continuing education requirements.
 - b. Live courses provide a better “educational experience.
 - c. Live courses provide opportunities for questions and information mixing.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for 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.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.