

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

LCB File No. R052-06

§§ 1-9 and 11-21 effective June 28, 2006

§10 effective on date of repeal of federal law requiring each state to establish procedures for withholding, suspending and restricting professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings

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

AUTHORITY: §§1-6, 13-15, 18 and 21, NRS 555.400; §§7 and 8, NRS 555.300 and 555.400; §§9-11, NRS 555.290 and 555.400; §12, NRS 555.320 and 555.400; §16, NRS 555.3507 and 555.400; §17, NRS 555.390 and 555.400; §19, NRS 555.400 and 555.470; §20, NRS 555.355, 555.357 and 555.400.

A REGULATION relating to pesticides; prohibiting an unlicensed person who applies pesticides under the immediate supervision of a primary principal, principal or operator from engaging in certain activities; prohibiting an agent from applying a pesticide or providing a recommendation or other advice concerning the use of a pesticide; revising the requirements for examinations of principals, operators and agents; deleting certain provisions that authorize an applicant for a license as an operator to be given additional examination questions; revising the requirements for continuing education for a person to renew his license to engage in the business of pest control; authorizing a licensee to receive credit for completing a course of continuing education in another state under certain circumstances; requiring a course of continuing education to be directly related to certain subjects before it is eligible for accreditation; renaming the form that a licensee must complete before performing a preconstruction treatment; deleting the requirement that the form must include the printed name and signature of the primary principal for the pest control business conducting the preconstruction treatment; revising the administrative fines that the Director of the State Department of Agriculture may assess for certain violations relating to pesticides; and providing other matters properly relating thereto.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Agent” has the meaning ascribed to it in NRS 555.261.*

Sec. 3. *An unlicensed person who applies pesticides under the immediate supervision of a primary principal, principal or operator pursuant to NAC 555.400 shall not prepare, distribute or sign on his behalf or on behalf of the primary principal, principal or operator:*

- 1. Any invoice, estimate or bid for pest control;*
- 2. Any report prepared pursuant to NAC 555.430; or*
- 3. Any contract or other agreement for pest control.*

Sec. 4. 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 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.2503 to 555.258, inclusive, *and section 2 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 555.270 is hereby amended to read as follows:

555.270 1. The Director may issue the following types of licenses to applicants who have the appropriate qualifications:

(a) A license authorizing the holder to conduct pest control from any business location in any category of pest control in which a primary principal of the business has been qualified by examination.

(b) For pest control personnel:

(1) Except as otherwise provided in subsection 3, a general license authorizing the holder to perform pest control work in a specific category or categories.

(2) A restricted license authorizing the holder to perform only certain types of pest control work, including, without limitation, pest control work restricted to inspections for wood-destroying pests or restricted to a specific:

- (I) Host;
- (II) Site;
- (III) Pest; or
- (IV) Pesticide.

2. An operator *or agent* will be issued a license only in those categories where he has a qualified primary principal.

3. The Director will not issue a general license authorizing a primary principal or operator to perform pest control work in the category of structural pest control if that work is limited to preconstruction treatment.

4. An applicant who wishes to perform pest control work with fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards must:

- (a) Obtain a restricted license for that purpose;
- (b) Provide the Department with proof of insurance coverage for the application of fumigants to control rodents in underground burrow systems located in noncrop areas, crop areas or orchards; and
- (c) Maintain the insurance coverage after receiving such a license for the period during which he holds the license.

Sec. 6. NAC 555.290 is hereby amended to read as follows:

555.290 1. A person may not be employed, or retained as an independent contractor, in the position of a principal or primary principal for more than one pest control business at any time.

2. Each primary principal, principal, ~~or~~ operator *or agent* of a pest control business shall:
- (a) ~~Have~~ *Ensure that* the license issued to him by the Director *is* on his person or in his service vehicle while he is engaged in pest control; and

(b) Produce the license upon request by the Director or a person designated by the Director as a field agent or inspector pursuant to subsection 2 of NRS 561.225.

3. The primary principal of a pest control business shall, within 15 days after the change, notify the Director of any change in the status of authority of any primary principal, principal, ~~{or}~~ operator *or agent* of the pest control business or any change in the information given on the application for the license for the pest control business.

4. A license is ~~{neither assignable nor}~~ *not assignable or* transferable. If a change in ownership occurs, a new application and fee must be submitted. No fee is required for a change in the name of the business if the application for the change is accompanied by a declaration under penalty of perjury that there is no change in ownership.

5. A separate licensing fee for a principal, ~~{or}~~ operator *or agent* must be paid by the employer. No additional fee is required for a designation as a primary principal.

6. A principal or operator may apply to the Director for amendment of his license to include additional categories of pest control or have restrictions removed. Except as otherwise provided in NAC 555.325, upon examination, the principal or operator is entitled to have his license so amended without any additional licensing fee.

7. Any former ~~{principal or operator}~~ *licensee* whose license has not been active during the 2 years immediately preceding his application for a new license must demonstrate his qualifications for the license. The demonstration must include written or oral examinations, or both, currently in use to determine the qualifications of any other applicants.

8. A licensee who cannot provide services in a particular category of pest control because he fails to meet the requirements for insurance for that category may apply to have his license for

that category declared inactive. The license for that category may be reactivated at any time upon submission of proof of insurance to the Director.

9. The Director may refuse to issue a license to a pest control business in a name that is:

- (a) The same or similar to a name used by another licensee;
- (b) Likely to be confused with a governmental agency or trade association; or
- (c) Misleading.

10. An agent shall not apply any pesticide or provide a recommendation or any other advice to a person concerning the use of a pesticide.

11. The Director may refuse to issue a license to an applicant to perform pest control work if, at the time the applicant submits his application:

- (a) A fine imposed against the applicant pursuant to NAC 555.530 remains unpaid; or*
- (b) Any hearing or other matter that is within the jurisdiction of the Director is pending against the applicant.*

Sec. 7. NAC 555.320 is hereby amended to read as follows:

555.320 1. Except as otherwise provided in NRS 555.300 and NAC 555.325, an applicant who is applying for an examination as a principal must meet the requirements set forth in NRS 555.300 before being examined and must file proof of meeting the following requirements when submitting an application for a pest control examination:

- (a) Two years of practical experience in the application of pesticide or related pest control in the initial category or categories applied for; or
- (b) Six months of practical experience in the application of pesticide or related pest control in the initial category or categories applied for and proof of not less than 16 college credit hours in

biological sciences of which not less than 8 hours must be in subjects directly related to the field of pest control in which the applicant wishes to be licensed.

2. An applicant who is applying for examination as an operator *or agent* is not required to have reached the age of majority nor is he required to have:

(a) The practical experience in the application of pesticide required of a principal pursuant to paragraph (a) of subsection 1; or

(b) The practical experience and education required of a principal pursuant to paragraph (b) of subsection 1.

3. As used in this section:

(a) "Credit hours in biological sciences" includes courses in, but not limited to, biology, botany, entomology, zoology, agronomy, horticulture, biochemistry, nematology, phytopathology and courses similar or similarly derived.

(b) "Directly related to the field of pest control" courses include economic entomology, phytopathology and similar courses concerning the identification and control of pests through the use of pesticides.

(c) "Practical experience" means experience that is substantiated by work records, notarized statements verified by work records or any other documentation acceptable to the Department.

The term does not include any experience obtained by an applicant while engaged in activity as an agent.

(d) "Related pest control" experience includes technical field representative work, termite inspection for private or governmental entities or acting as a consultant on the staff of an area or regional consulting firm. Other experience may be evaluated.

Sec. 8. NAC 555.340 is hereby amended to read as follows:

555.340 1. Each applicant *for a license as a principal or operator* must pass a written examination to demonstrate his knowledge of:

- (a) Operations for pest control;
- (b) Pertinent laws and regulations;
- (c) Safety in handling and dispensing pesticides;
- (d) Pests;
- (e) An integrated approach to pest management; and
- (f) Recommended practices for controlling pests.

2. The examination *for*:

(a) *Each principal or operator* consists of a general examination required for all applicants and a specific examination for each category of pest control in which the applicant has requested to be examined.

(b) *Each agent consists of an examination based upon a presentation.*

~~3. [An applicant for a license as an operator who receives a score on the written examination of 64 to 69 percent, inclusive, may be given additional examination questions by the examining officer immediately after the examination is scored. If the applicant receives a score of 70 percent or more on the additional examination questions, the examining officer shall increase the score on the written examination to the minimum passing score.~~

~~4.]~~ The Director may require an applicant to pass a practical examination that demonstrates his ability properly to inspect or use and apply pesticides in any category of pest control for which the applicant applies.

~~5.]~~ 4. The passing score is 70 percent for each examination [-

~~6.]~~ *for a principal and 65 percent for each examination for an operator or agent.*

5. An applicant who fails to receive a passing score on a section of the examination ~~either initially or pursuant to subsection 3]~~ may be retested upon the expiration of the following minimum waiting periods:

- (a) If he applied for an operator's license, 7 days.
- (b) If he applied for a principal's license, 10 days.

~~[7.]~~ 6. Any applicant who uses an unauthorized aid during an examination must be excluded from the remainder of the examination and must not be allowed to take another examination for at least 6 months.

~~[8.— If an applicant passes the examination, a certified letter of eligibility to be licensed will be issued to him at his request. The letter remains valid for 2 calendar years, unless technological changes warrant issuance for a shorter period.]~~

Sec. 9. NAC 555.350 is hereby amended to read as follows:

FIRST
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 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 *and agent* 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) In accordance with NRS 555.325, the statement prescribed by the ~~[Welfare]~~ Division of *Welfare and Supportive Services of* the Department of *Health and* Human ~~[Resources]~~ *Services* pursuant to NRS 425.520.

(n) 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.

(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.

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.

Sec. 10. 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 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 *and agent* 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. 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.

Sec. 11. NAC 555.360 is hereby amended to read as follows:

555.360 Each application for a license to perform pest control work as a primary principal, principal, ~~for~~ operator *or agent* for a currently licensed pest control business must include, without limitation:

1. The name of the applicant and the mailing address and telephone number of the residence of the applicant.
2. The name of the pest control business in this State that presently employs the applicant and the pest control business in this State that last employed the applicant.
3. A statement indicating:
 - (a) Whether the applicant wishes to be licensed as a primary principal, principal ~~for operator~~, *operator or agent*;

(b) Whether the applicant holds an active license in another state and if he holds such a license, a list indicating the categories of pest control that the applicant is authorized to engage in pursuant to that license; and

(c) Each category of pest control in which the applicant wishes to engage.

4. An endorsement by a primary principal or principal of the pest control business employing the applicant.

Sec. 12. NAC 555.372 is hereby amended to read as follows:

555.372 1. Except as otherwise provided in subsection 3, a person who is 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. ~~[At least one unit of continuing education must be in a course regarding safety in handling and dispensing pesticides, and at least one unit of continuing education must be in a course relating to laws and regulations governing the use of pesticides. A licensee who is a principal may]~~ ***A primary principal or principal:***

(a) Is not entitled to receive credit for completing more than three units of continuing education in business management. ~~[Each licensee must,]~~

(b) Must complete at least ~~[once during each 2-year period, complete a course in]~~ ***one unit of*** continuing education ~~[that is conducted by an instructor in person.]~~ ***in a course relating to laws and regulations governing the use of pesticides.***

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. ~~[A licensee may not receive credit for repeating a course during any 2-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]~~

:

(a) An Internet course;

(b) A course contained on a compact disc;

(c) A correspondence course; or

(d) A video or other media presentation sponsored by the Cooperative Extension Service,

↪ a licensee must receive a passing grade on an examination conducted upon completion of the *course or* 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 immediately preceding 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;]~~

(c) Holds a license or certificate as a pest control adviser or certified crop adviser, or the equivalent as determined by the Director ; ~~[, if he has, within the immediately preceding 12 months:~~

~~——(1) Completed at least one unit of continuing education in courses accredited by the Director regarding safety in handling and dispensing pesticides; and~~

~~——(2) Completed at least one unit of continuing education in a course relating to laws and regulations governing the use of pesticides; or]~~

(d) Is an operator and has become *licensed as* a principal during the 12 months immediately preceding the expiration of his license by passing the general examination and at least one examination for a category of pest control given pursuant to NAC 555.340 ~~§~~;

(e) Passes a written or oral examination specified in subsection 7 of NAC 555.290; or

(f) Is licensed solely as an agent.

4. *A licensee 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 the state; and

(b) Upon completion of the course, the licensee or sponsor of 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 the 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 licensee 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.

5. For each course for which a licensee claims one or more units of continuing education, he ~~[shall retain for at least 2 years:]~~ *may request from the sponsor of the course:*

- (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 primary place of business of the licensee.]~~

Sec. 13. NAC 555.374 is hereby amended to read as follows:

555.374 1. To obtain accreditation from the Director for a course of continuing education, the sponsor of the course must submit to the Department, at least 1 day 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) A curriculum vitae or other biographical statement of the instructor; and
- (d) Any other information required in the application for accreditation.

2. To equal one unit of continuing education, the course for which the application is submitted must consist of at least 50 minutes of instruction ~~[]~~ *and be directly related to:*

- (a) The control or management of pests;*
- (b) The classification or usage of pesticides;*
- (c) The safe handling or dispensing of pesticides; or*
- (d) A law or regulation concerning the use of pesticides.*

3. The information required by subsection 1 must be submitted on an application prescribed by the Director.

4. 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]~~ *that includes:*

- (a) The name of the course;*
- (b) The course number assigned by the Director pursuant to NAC 555.375;*
- (c) The number of units of continuing education that a person who successfully ~~[completed]~~ completes the course may receive;*
- (d) The name of each person who attended the course;*
- (e) The identification number assigned by the Department to the licensee wishing to receive credit for completing the course;*
- (f) The name of the pest control business that employs the licensee;*
- (g) The signature of the licensee; and*
- (h) A statement prepared by the sponsor of the course indicating that the licensee presented to the sponsor the licensee's license as a primary principal, principal, operator or agent or any other form of identification issued by a governmental agency that includes a photograph of the licensee.*

5. Except as otherwise provided in subsection 6, courses of continuing education that may be accredited by the Director include, without limitation:

- (a) A seminar;
- (b) A meeting;
- (c) An adult education class;
- (d) A correspondence class;
- (e) An Internet class;
- (f) A college or university class;

- (g) A video or other media presentation; and
- (h) Any equivalent activity approved by the Director.

6. A person who attends a meeting of the Nevada Pest Control Association may receive credit for attending the meeting without obtaining approval for the meeting pursuant to this section.

7. A person who successfully completes a course of continuing education is not entitled to receive credit for attending the course unless, at the time the sponsor of the course recorded the attendance of the person at the course, the person presented to the sponsor the identification specified in paragraph (h) of subsection 4.

Sec. 14. NAC 555.377 is hereby amended to read as follows:

555.377 1. The accreditation of ~~[a]~~ *an in-house* course of continuing education expires on the last day of the ~~[12th]~~ *36th* month after the course is accredited. *The accreditation of any other course of continuing education expires on the last day of the 12th month after the course is accredited. A course of continuing education remains accredited for the applicable period* unless the Director:

- (a) Specifies ~~[an earlier]~~ *a different* date in the notice of accreditation; or
- (b) Withdraws accreditation upon a finding of sufficient cause. Sufficient cause exists if the course as conducted does not conform to the course as described in the information provided pursuant to NAC 555.374.

2. If a sponsor of an accredited course of continuing education fails to submit to the Department a list of all persons who successfully completed the course pursuant to NAC 555.374, the Director may withdraw, suspend or modify the accreditation of the course.

3. Before the Director withdraws , *suspends or modifies the* accreditation ~~from~~ of a course, he will give the sponsor:

(a) Notice in writing of his intention to withdraw , *suspend or modify the* accreditation and his reasons for taking ~~this~~ *that* action; and

(b) An opportunity to respond.

Sec. 15. NAC 555.385 is hereby amended to read as follows:

555.385 1. Every person licensed to engage in pest control shall return his license to the Department within 15 working days after:

(a) He ceases engaging in pest control; or

(b) His employment with a pest control business is terminated.

2. A primary principal, principal , ~~for an~~ operator *or agent* of a pest control business shall provide written notice to the Department of the termination of the employment of a primary principal, principal , ~~or~~ operator *or agent* from the pest control business within 15 days after the date on which that termination occurs.

Sec. 16. NAC 555.395 is hereby amended to read as follows:

555.395 1. Every person licensed to engage in pest control shall ensure that each of his business locations in this State has a primary principal who is licensed in the appropriate category or categories of pest control.

2. The Director will suspend a license for pest control 30 days after the pest control business ceases to have a primary principal at each business location . ~~and, after a hearing, the~~ *The* license will remain suspended until ~~such time as~~ the pest control business obtains a primary principal for each business location.

Sec. 17. 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 a record 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.

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

(3) The full name of the pilot or applicator doing the treating.

(4) The crop or site treated.

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

(6) The brand name or generic name of the pesticide that was applied, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied.

(7) The purpose for which the crop or site was treated.

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

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

(10) 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.

(2) The address where the treatment was conducted.

(3) The full name of the applicator.

(4) The site treated, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure.

(5) The brand name or generic name of the pesticide that was applied and the registration number 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.

(7) If the treatment is conducted in the categories of ornamental and turf, right-of-way, aquatic 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 area or volume fumigated.

(8) If the 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 Control Association Form 99-B entitled "New Construction Subterranean Termite Soil Treatment Record" or:

(I) If a vertical application of a termiticide other than a preconstruction treatment that is applied directly to wood, the depth of the application of the treatment as measured from the soil to the top of the footing and the total linear footage of the footing;

(II) If a horizontal application of a termiticide is applied, the total number of square feet treated; and

(III) The information provided on the tag for preconstruction treatment as required by paragraphs (b) to (i), inclusive, of subsection 1 of NAC 555.428.

↪ The Housing and Urban Development-National Pest Control Association Form 99-B is available from CBS Forms by mail at 10109 Tiburon Drive, Florence, Kentucky 41042, from

CBS Forms by telephone at 800.324.7676, from CBS Forms at the Internet address <<http://www.cbsforms.com/>> or from the United States Department of Housing and Urban Development Client Information and Policy System, *free of charge*, at the Internet address <http://www.hudclips.org/sub_nonhud/html/pdfforms/99b.pdf>. A pack of 100 forms may be obtained from CBS Forms, for the price of ~~[\$39.95, plus \$7 for]~~ *\$28, plus* shipping and handling.

2. *Keep a copy of each report prepared pursuant to NAC 555.430 for 5 years after completing the report.*

3. Report immediately to the Director:

(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 spillage at sites of operations of unmixed pesticides that are detrimental to persons, wildlife, domestic animals or crops.

~~[3.]~~ 4. Report to the Director within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

~~[4.]~~ 5. File with the Director on forms to be furnished by him a monthly report of pest control 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) If the person is licensed in the aerial or agricultural ground field:

(1) Include all pest control operations, including those operations involving the use of restricted-use pesticides; and

(2) 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.}~~ 6. Submit to the Director any reports or records he requests.

Sec. 18. NAC 555.427 is hereby amended to read as follows:

555.427 1. Before performing a preconstruction treatment, a licensee must submit an accurate, complete and legible form entitled ~~["Protection of Completed Work"]~~ ***"Termiticide Pretreatment Notification Form"*** to the district or subdistrict office of the Department responsible for the region in which the preconstruction treatment will be performed.

2. The form submitted pursuant to subsection 1 must include:

(a) The name and telephone number of the pest control business that will be performing the preconstruction treatment;

(b) The name and address of the person for whom the preconstruction treatment will be performed;

(c) The location or address ***and zip code*** of the site at which the preconstruction treatment will be performed;

(d) The expected starting date and completion date of the preconstruction treatment;

(e) The number of sites on which the preconstruction treatment will be performed;

(f) A description of the type of preconstruction treatment that will be performed;

(g) A description of the location where the preconstruction tags will be affixed; ***and***

(h) The date on which the form is completed . ~~{; and~~

~~—(i) The printed name and signature of the primary principal for the pest control business.]~~

3. A licensee who performs a preconstruction treatment to soil:

(a) Shall, unless otherwise authorized by the Director, apply the termiticide only to the sites and in the specific quantities and dosages provided on the label of the termiticide.

(b) Shall apply the termiticide in a manner that establishes a horizontal barrier before the pouring of each concrete slab that will be under the roof of the structure which will be constructed.

(c) Shall apply the termiticide in a manner that establishes a vertical barrier in each critical area that is identified by the label of the termiticide and visible at the time of the preconstruction treatment.

(d) Shall, within 30 days after grading and any other disturbance of the soil that is related to construction has been completed, apply the termiticide in a manner that establishes a vertical barrier at the exterior of:

(1) The walls of the foundation for a structure that is being constructed using a raised foundation; or

(2) The concrete slab for foundations that are constructed on the ground.

(e) May, if it is in accordance with the label of the termiticide, apply a termiticide using a higher concentration of the termiticide in a reduced volume if the licensee determines that the absorption of the termiticide by the soil necessitates a reduced volume of the termiticide.

4. A licensee who performs a preconstruction treatment directly to wood shall, unless otherwise authorized by the Director, apply the termiticide only to the sites and in the specific quantities and dosages provided on the label of the termiticide.

Sec. 19. 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:

CERTIFICATION

COMMERCIAL

PRIVATE

APPLICATOR

APPLICATOR

1. For a violation of NRS 555.351:

- | | | |
|---|--------------------|------------------|
| (a) If it is a nonserious violation | \$50 to \$1,000 | \$25 to \$300 |
| (b) If it is a serious violation | \$1,001 to \$5,000 | \$301 to \$1,000 |

2. For a violation of NRS 555.359, if the violation is for:

- | | | |
|--|-------|------|
| (a) Knowingly applying ineffective or improper materials | \$300 | \$25 |
|--|-------|------|

(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 | \$50 to \$1,000 | \$25 to \$300 |
| (2) If it is a serious violation | \$1,001 to \$5,000 | \$301 to \$1,000 |
| (c) Operating faulty or unsafe equipment | \$25 | \$25 |

(d) Applying pesticides in a faulty, careless or negligent manner:

- | | | |
|---|--------------------|------------------|
| (1) If it is a nonserious violation | \$50 to \$1,000 | \$25 to \$300 |
| (2) If it is a serious violation | \$1,001 to \$5,000 | \$301 to \$1,000 |

CERTIFICATION

COMMERCIAL

PRIVATE

APPLICATOR

APPLICATOR

(e) Aiding or abetting an uncertified person to avoid the provisions of NRS 555.351 to 555.357, inclusive \$100 \$50

(f) Conspiring with an uncertified person to evade the provisions of NRS 555.351 to 555.357, inclusive, or allowing his certificate to be used by an uncertified person..... \$1,001 to \$5,000 \$301 to \$1,000

(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 supervision:

(1) If it is a nonserious violation \$50 to \$100 \$25 to \$300

(2) If it is a serious violation \$1,001 to \$5,000 \$301 to \$1,000

3. 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 \$1,000 \$25 to \$300

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
(b) 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.....	\$200	\$100
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation	\$50 to \$1,000	\$25 to \$300
	(per item not provided)	(per item not provided)
(2) If it is a serious violation	\$1,001 to \$5,000	\$301 to \$1,000
	(per item not provided)	(per item not provided)
(d) Failing to maintain the required safety equipment in good working order.....	\$50 to \$1,000	\$25 to \$300
	(per item not maintained)	(per item not maintained)

CERTIFICATION

COMMERCIAL

PRIVATE

APPLICATOR

APPLICATOR

(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.:

- | | | |
|---|--------------------|------------------|
| (1) If it is a nonserious violation | \$50 to \$1,000 | \$25 to \$300 |
| (2) If it is a serious violation | \$1,001 to \$5,000 | \$301 to \$1,000 |

4. For a violation of NAC 555.700, if the violation is for:

- | | | |
|--|-------|------|
| (a) Failing to keep a record of each property treated for 2 years | \$100 | \$50 |
| (b) Failing to maintain required information for 2 years | \$50 | \$25 |
| (c) Failing to report immediately any emergency dump or accidental spillage of a pesticide | \$100 | \$50 |
| (d) Failing to report within 48 hours any case of apparent pesticide poisoning requiring medical treatment | \$100 | \$50 |

CERTIFICATION

COMMERCIAL

PRIVATE

APPLICATOR

APPLICATOR

(e) Failing to have contact with an applicator
under his direct supervision at least once every hour
at night and at least once every 2 hours during

daylight hours \$50

\$25

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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5. *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 to \$1,000*

6. For a violation of NRS 555.280 \$500 \$1,000

~~6.~~ 7. For a violation of NRS 555.285..... \$500 \$1,000

~~7.~~ 8. For failing to supervise adequately an applicator who does not have a license issued by the Director \$500 \$500

~~8.~~ 9. For a violation of NAC 555.290, if the violation is for:

(a) Failing to carry the license issued to him by the Director while he is engaged in pest control or failing to produce the license upon request by the Director or a designated field agent or inspector..... \$25 \$25

(b) Failing to notify the Director of any change in the status of authority of any primary principal, principal, ~~operator~~ operator or *agent or* of any change in the information given on the application for the license of the pest control business \$100 \$100

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(c) Failing to submit a new application and fee if a change in ownership occurs	\$25	\$25
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10. 10. 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	\$25	\$25
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10. 11. 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, operator <i>or agent</i> from the pest control business within 15 days after the date on which that termination occurs	\$100	\$100
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11. 12. 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 is not licensed	\$500	\$1,000
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(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials	\$100	\$100
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LICENSEES	FIRST	SUBSEQUENT
	OFFENSE	OFFENSE

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

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

(d) Failing to keep pest control equipment in good condition.....	\$25	\$25
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(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25	\$25
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(f) Failing to maintain a uniform mixture	\$25	\$25
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(g) Failing to confine in a substantial manner the material applied to the premises where the crop, animal, ornamental, soil or pest which is being treated:

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

(h) Failing to clean thoroughly all equipment after use	\$25	\$25
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LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(i) Failing to store undiluted pesticides in a locked facility or failing to handle servicemen’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	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000

~~12.~~ **13.** For a violation of NAC 555.410, if the violation is for:

(a) Failing to keep a record of each property treated for 2 years.....	\$100 to \$500	\$501 to \$1,000
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(b) Failing to record an item of information required for the record.....	\$25	\$25
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(c) Failing to <i>keep a copy of each report prepared pursuant to NAC 555.430 for 5 years after the report is completed</i>	<i>\$100 to \$500</i>	<i>\$501 to \$1,000</i>
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(d) *Failing to* report to the Director within 48 hours any cases of apparent pesticide poisoning which require medical treatment:

(1) If it is a nonserious violation	\$100	\$100
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LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) If it is a serious violation.....	\$500	\$500
[(d)] (e) Failing to file the required monthly report on or before the 15th day of the following month	\$100	\$100
[(13)] 14. 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.....	\$100	\$100
[(14)] 15. For a violation of <i>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.....</i>	<i>\$100 to \$1,000</i>	<i>\$100 to \$5,000</i>
16. For a violation of section 3 of this regulation.....	<i>\$100 to \$1,000</i>	<i>\$301 to \$1,000</i>
17. For a violation of NAC 555.425, if the violation is for:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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<p>(a) Failing to display prominently his 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</p>	\$25	\$50
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(b) Failing to equip a service vehicle used in the custom application of pesticides with:

<p>(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle</p>	\$100	\$150
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<p>(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled</p>	\$100	\$150
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<p>(3) Equipment designed to store safely materials contaminated with pesticide</p>	\$100	\$150
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<p>(4) A sufficient quantity of potable water to wash skin exposed to pesticide</p>	\$100	\$100
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~~15.7~~ **18.** For a violation of NAC 555.427, if the violation is for:

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(a) Failing to submit the form entitled [“Protection of Completed Work”] <i>“Termiticide Pretreatment Notification Form”</i></p>	\$301 to \$1,000	\$1,001 to \$5,000
<p>(b) Failing to include each item of information required on the form entitled [“Protection of Completed Work”] <i>“Termiticide Pretreatment Notification Form”</i></p>	\$25 (per item not included)	\$50 (per item not included)
<p>(c) Failing to apply the termiticide only to sites or in the specific quantities or dosages listed on the label of the termiticide, unless otherwise authorized by the Director</p>	\$500 to \$1,000	\$1,001 to \$5,000
<p>(d) Failing, as part of a preconstruction treatment to soil, to apply the termiticide 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</p>	\$301 to \$1,000	\$1,001 to \$5,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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~~[16.]~~ **19.** For a violation of NAC 555.428, if the violation is for:

(a) Falsifying or failing to record legibly and accurately the information required on the tag for preconstruction treatment.....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the tag for preconstruction treatment.....	\$25	\$50
	(per item not included)	(per item not included)
(c) Failing to affix securely a tag for preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide	\$301 to \$1,000	\$301 to \$1,000

~~[17.]~~ **20.** For a violation of NAC 555.430, if the violation is for:

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

<p>(d) Failing to affix or deliver a tag as required upon completion of an inspection or after an application of a pesticide.....</p>	\$100	\$300
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<p>(e) Failing to record each item of information required on the tag.....</p>	\$25	\$50
	(per item not included)	(per item not included)

(f) 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:

<p>(1) If it is a nonserious violation</p>	\$50 to \$500	\$301 to \$1,000
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LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
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~~18.1~~ **21.** 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 to \$1,000
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(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
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(b) 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	\$100
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(c) Failing to provide employees with the required information, precautions and safety equipment:

(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
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(per item not provided)	(per item not provided)
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LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>(2) If it is a serious violation.....</p> <p>(d) Failing to keep the required safety equipment in good working order.....</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>\$501 to \$5,000</p> <p>(per item not provided)</p> <p>\$50 to \$300</p> <p>(per item not maintained)</p> <p>\$50 to \$500</p> <p>\$501 to \$5,000</p> <p>\$50</p>	<p>\$1,001 to \$5,000</p> <p>(per item not provided)</p> <p>\$301 to \$1,000</p> <p>(per item not maintained)</p> <p>\$301 to \$1,000</p> <p>\$1,001 to \$5,000</p> <p>\$50</p>

~~19~~ 22. For a violation of NAC 555.445, if the

violation is for:

(a) Failing to attach abbreviated labels to a service
container..... \$50

\$50

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(b) Failing to include each item of information required on an abbreviated label	\$25	\$25
(c) Failing to carry a complete label for each pesticide in the vehicle	\$50	\$50

~~[20.]~~ 23. 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	\$100
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(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain	\$100	\$100
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(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish	\$100	\$100
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(d) Failing to place a rodenticide in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
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(e) Failing to mark the outside of a bait station

with the required information:

(1) If it is a nonserious violation	\$25 to \$500	\$301 to \$1,000
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(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
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(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 to \$1,000
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(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
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~~[21.]~~ 24. For a violation of NAC 555.470, if the

violation is for:

(a) Failing to give notice personally or by

telephone to an apiarist within the required time	\$100	\$100
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(b) Failing to give notice of his intent to apply

specified pesticides to each apiarist within 2 miles of

the field to be treated within the required time	\$100	\$100
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(c) Failing to provide each item of information

required to be included in the notice.....	\$25	\$25
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LICENSEES

FIRST

SUBSEQUENT

OFFENSE

OFFENSE

~~22.1~~ 25. 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 to perform pest control using lethal fumigants:

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

(b) Failing to post warning signs before fumigating or removing the warning signs before ventilation is complete, the premises have been tested and the determination that the premises are safe for reentry has been made:

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

(c) Posting an improper warning sign:

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

(d) Failing to secure properly a fumigation site:

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(e) Failing to seal properly the space to be fumigated:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(f) Failing to use an adequate warning agent when required		
	\$25	\$25
(g) 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 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(h) Failing to vacate the required area before fumigating:		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(i) Failing to keep the proper ventilation during the process of the fumigation:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
<p>(j) Failing to complete the ventilation process, including testing the concentration of fumigant in the air before determining the premises are safe for reentry:</p>		
(1) If it is a nonserious violation	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
<p>(k) Failing to use the required device to test the concentration of the fumigant in the air for the purpose of reentry into premises that have been fumigated</p>		
fumigated	\$50 to \$300	\$301 to \$1,000
<p>(l) Failing to have the required first-aid kit, respiratory protective devices or testing device on the premises while fumigating</p>		
premises while fumigating	\$50 to \$300	\$301 to \$1,000
	(per item not provided)	(per item not provided)

LICENSEES	FIRST	SUBSEQUENT
	OFFENSE	OFFENSE

(m) Failing to maintain the required first-aid kit, respiratory protective devices or testing device in good working order.....	\$50 to \$300	\$301 to \$1,000
	(per item not maintained)	(per item not maintained)

Sec. 20. NAC 555.617 is hereby amended to read as follows:

555.617 1. The Director will deem a licensed primary principal commercial applicator who has been issued a license in a field or category of pest control that is set forth in NAC 555.280 to have been issued a certificate in the same field or category as set forth in NAC 555.613.

2. The Director will issue to a licensed primary principal commercial applicator who is deemed to be certified pursuant to subsection 1 a certificate authorizing the application or supervision of the application of restricted-use pesticides for the fields or categories for which the primary principal commercial applicator is deemed to be certified.

3. The Director will deem any person who is licensed in the category of fumigation as set forth in NAC 555.280 to be certified in the category of fumigation and will issue to the person a certificate authorizing the application or supervision of the application of a fumigant.

Sec. 21. 1. This section and sections 1 to 9, inclusive, and 11 to 20, inclusive, of this regulation become effective on June 28, 2006.

2. Section 10 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.

3. Section 9 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.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R052-06

The Director of the State Department of Agriculture adopted regulations assigned LCB File No. R052-06 which pertain to chapter 555 of the Nevada Administrative Code on May 26, 2006.

Notice date: 3/21/2006

Date of adoption by agency: 5/26/2006

Hearing date: 4/20/2006 and 4/26/2006

Filing date: 6/28/2006

INFORMATIONAL STATEMENT

INFORMATIONAL STATEMENT (NRS 233B.066) regarding workshops and hearings held to adopt regulation changes to the Custom Application of Pesticides NAC 555.250, 555.270, 555.290, 555.320, 555.325, 555.340, 555.350, 555.360, 555.372, 555.374, 555.377, 555.385, 555.395, 555.410, 555.427, 555.530 and 555.617.

1. A public workshop & hearing was held on April 20, 2006 for the Custom Application of Pesticides regulation changes in Reno, Nevada at the Nevada Department of Agriculture, 350 Capitol Hill Avenue, teleconferenced to Las Vegas, Nevada, Nevada Department of Agriculture, 2300 McLeod.

2. A public workshop & hearing was held on April 25, 2006 for the Custom Application of Pesticides regulation changes in Las Vegas, Nevada at the Nevada Department of Agriculture, 2300 McLeod.

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. Copies could be requested from the Nevada Department of Agriculture, Division of Plant Industry by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling 775-688-1182, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. Notification was sent to all persons requesting to be notified of the amendment on April 10, 2006.

3. Workshop held April 20, 2006 Reno & Las Vegas **Custom Application of Pesticides**
Number Attended: 7
Number Testified: 7
Number of Written Statements: 0

Summary of comments or written statements: The proposed regulations were accepted and approved by those in attendance. No major changes or modifications were made. Minor changes were made to clarify the intent of the proposed regulations and to simplify their meaning. They are presented below:

Sec. 3.: Add or clarify that an "unlicensed" person is subject to immediate supervision. This addition will aid in linking and clarifying unlicensed applicators with immediate supervision. This connection is not clear in the existing regulations.

(Example: [A] An unlicensed person who applies pesticides under the immediate supervision of a primary...”)

Sec. 8.(2)(b): Remove “category examination” from agent test requirement. This change will give the Department the ability to formulate a broader test that will be more applicable to the agent license class. (Example: *Each agent consists of [~~a general~~] an examination [~~and a category examination~~] based upon a video presentation.*)

Sec. 8.(5)(a): Remove proposed test waiting period for agents. The proposed 7 day waiting period for agents defeats the purpose of the agent license class. (Example: If he applied for an operator’s license, [~~or agent’s license,~~] 7 days.)

Sec.12.(4)(5): Remove proposed requirement for other states to provide continuing education examination results. (Example: *(5) ~~The results of any examination taken by the licensee that was administered or required for the completion of the course by the appropriate agency of the state in which the course is offered.~~*)

Sec.12. (5): Remove the requirement for each licensee to maintain continuing education certificates for 2 years. Replace with language that will enable licensees to request their examination results from the course sponsor. (Example: 5. For each course for which a licensee claims one or more units of continuing education, he ~~shall~~ retain for at least 2 years may request from the course sponsor:

Sec. 12.(6)(a)(b): Remove this section to maintain consistency with the removal of Sec. 12. (5). (Example: ~~The Department may inspect a document retained pursuant to subsection 5 by:~~
~~(a) Requiring the licensee to submit a copy of the document to the Department; or~~
~~(b) Inspecting the original document at the primary place of business of the licensee.)~~

4. Workshop held April 25, 2006 Las Vegas **Custom Application of Pesticides**
Number Attended: 7
Number Testified: 6
Number of Written Statements: 1 (attached)
Summary of comments:

Sec.17.(1)(8)(III): Add a statement that the price for the National Pest Control Association Form-99-B is subject to change. This will aid in the use of the regulation if the price changes. (Example: “...\$28, plus shipping and handling. Prices are subject to change.”)

Sec.18. (1): Change the proposed name “Termiticide Application” to another more descriptive name. (Example: “Termiticide Pretreatment Notification Form”)

Sec.18. (2)(c): Add “zip code” to proposed “*Termiticide Preconstruction Notification Form*” (see above comments). This will better enable the Department to locate the application site. (Example: ©) The location or address and zip code of the site at which the preconstruction treatment will be performed.)

Sec.19.(18)(a)(b): To remain consistent with proposed changes in Sec. 18, change the proposed name “Termiticide Application” to “Termiticide Pretreatment Notification Form”.

Sec. 20.(3): Remove the entire proposed statement and replace with statement which allows for the automatic certification of all fumigation licensees. This change will aid in Nevada’s efforts to comply with federal restricted use pesticide regulations. (Example: ~~3. A licensed primary principal commercial applicator may, by endorsement on his certificate, authorize a principal or operator to act as a certified applicator to use or supervise the use of a restricted-use pesticide in the category for which the primary principal commercial applicator is licensed. A licensee in the fumigation category shall be automatically certified in the fumigation category.~~)

5. Hearing held April 20, 2006 Reno & Las Vegas **Custom Application of Pesticides**

Number Attended: 5

Number Testified: 0

Number of written statements: 0

Summary of comments: No comments given.

6. Hearing held April 25, 2006 Las Vegas **Custom Application of Pesticides**

Number attended: 5

Number testifying: 0

Number of written comments: 0

Summary of comments: No comments given.

7. Comments were solicited from businesses and the public, by posting in public locations and through direct mail and email notices as outlined in #2 above. A copy of comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, 775-688-1180, ext 272.

8. The Nevada Department of Agriculture adopted the amendments as outlined in documents LCB File # RO52-06 for Custom Application of Pesticides.

9. The economic effects of the proposed amendments on the businesses that it is to regulate include:

a. Adverse effects: none

b. Beneficial effects: Improve pest control licensing opportunities, improve continuing education requirements.

c. Immediate and long-term economic effects: none

10. The economic effects of the proposed amendments on the public include:
 - a. Adverse effects: none
 - b. Beneficial effects: none
 - c. Immediate and long-term economic effects: none

11. 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 when adopted.

12. There is no other state or federal agency regulations that the proposed amendments overlap or duplicate.

13. The proposed amendments do not include any provisions more stringent than any federal regulation with the same activity.