

LCB File No. R052-06

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

**(Note that Section 16, NAC 555.397, has been removed
from this regulation and is now R096-06)**

**Notice of Workshop and Hearings
OF INTENT TO ADOPT REGULATIONS**

Details of the workshops and hearings appear below:

WORKSHOPS AND HEARINGS

Times: Workshops 10:30 a.m. Hearings 1:30 p.m.

Date: Thursday, April 20, 2006.

**Location: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno NV 89502**

Times: Workshops 10:00 a.m. Hearings 2:00 p.m.

Date: Tuesday, April 25, 2006

**Location: Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
Las Vegas NV 89104**

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

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

1. Adverse effect: None

2. Beneficial effects: Increased opportunities for licensing; ensure consumer and environmental protection; standardize continuing education requirements; improve record keeping requirements for wood-destroying pest inspection reports; adjust penalty standards to reflect changes.
3. Immediate and long term effect: Same.

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: Beneficial effects: Increased opportunities for licensing; ensure consumer and environmental protection; standardize continuing education requirements; improve record keeping requirements for wood-destroying pest inspection reports; adjust penalty standards to reflect changes.
3. Immediate and long-term effects: Same

There will be no additional costs to the Department for enforcement of the amendments.

This regulation does not overlap or duplicate any other state, local or federal regulation.

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
1351 Elm Street
Elko, NV 89801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

<p>Churchill County Library 553 South Maine Street Fallon, NV 89406</p>	<p>Las Vegas – Clark County Library 833 Las Vegas Blvd North Las Vegas, NV 89101</p>	<p>Elko County Library 720 Court Street Elko, NV 89801</p>
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Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415-1390
Goldfield Public Library Forth & Crook Street Goldfield, NV 89013-0430	Tonopah Public Library 171 Central Street Tonopah, NV 89049-0449	Pershing County Library 1125 Central Avenue Lovelock, NV 89419-0781
Storey County Library 95 South R Street Virginia City, NV 89440-0014	Washoe County Library 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301
Battle Mountain Branch Library Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library 1625 Library Lane Minden, NV 89423-0337
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	

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 Ed Foster at the Nevada Department of Agriculture, (775) 688-1182 Ext. 272 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.

LCB File No. R052-06

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

PROPOSED AMENDMENT TO NAC 555

Need and Purpose of the proposed amendments: (a) To provide additional licensing opportunities for Nevada’s custom pest control industry by reestablishing the “agent” license class, and eliminating the oral examination option, but reducing the minimum passing score; (b) Additional regulations to ensure public and environmental health and safety by including enforcement responsibilities to include all of NRS and NAC Chapters 555; and by requiring that only licensees sign invoices, wood-destroying pest inspection reports, contracts, etc. (c) Revise and simplify continuing education requirements to be consistent with those of surrounding states; (d) Retention time of wood-destroying pest inspection reports to be increased from 2 years to 5 years; (e) Violation penalties added or revised.

The proposed amendments follow. The proposed changes are in *bold italics*. The text to be deleted is ~~ferossed-out~~.

NAC 555.250 Definitions. (NRS 555.400) As used in NAC 555.250 to 555.530, inclusive, unless the context otherwise requires, the words and terms defined in NAC 555.2503 to 555.258, inclusive, have the meanings ascribed to them in those sections.

NAC 555.2503 “Bait station” defined. (NRS 555.400) “Bait station” means a box or other receptacle that:

1. Contains a rodenticide in a liquid or solid form;
2. Protects the rodenticide from moisture and dust; and
3. Provides a place for rodents or other vertebrate pests to feed on the rodenticide.

NAC 555.2505 “Business location” defined. (NRS 555.400) “Business location” means any area:

1. From which a person who is licensed to engage in pest control conducts the operations of pest control; and
2. Where the books and other records of the operations of pest control are maintained.

NAC 555.2507 “Cooperative Extension Service” defined. (NRS 555.400) “Cooperative Extension Service” means the Agricultural Extension Department of the Public Service Division of the University and Community College System of Nevada.

NAC 555.270 Types of licenses; restrictions on issuance; prerequisites to perform certain pest control work with fumigants. (NRS 555.400)

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.

NAC 555.290 Miscellaneous requirements and restrictions; amendment and inactive status of license. (NRS 555.400)

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 the license issued to him by the Director 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 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 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 *licensee* ~~{principal or operator}~~ 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 cannot apply pesticides or give recommendations about their use.

11. The Director may refuse to issue a pest control license if outstanding fines or other unsettled regulatory matters are pending against the applicant.

NAC 555.320 Qualifications for examination. (NRS 555.300, 555.400)

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.

(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.

3. Experience as an agent shall not be considered toward qualifying for a principal exam.

NAC 555.340 Examinations: Contents; passing score; retesting; exclusion; letter of eligibility. (NRS 555.300, 555.400)

1. Each applicant *for a principal or operator license* 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 *principals and operators* 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. *The examination for agents consists of a general and category examination based on a video presentation.*

~~{3. An applicant for a license as an operator or agent 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.}~~

~~3~~**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.

~~4~~**5**. The passing score is 70 percent for each *principal* examination *and 65 percent for each operator examination.*

~~5~~**6**. 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 *or agent’s* license, 7 days.
- (b) If he applied for a principal’s license, 10 days.

~~6~~**7**. 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.}~~

NAC 555.350 Application for license: Form; pest control business. (NRS 555.290, 555.400) ~~{Effective until 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 *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 the Department of Human Resources 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.

NAC 555.360 Application for license: Primary principal, principal ~~or~~, operator *or agent*. (NRS 555.290, 555.400) Each application for a license to perform pest control ~~work as a~~

~~primary principal, principal or operator~~ 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 ~~or~~, 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.

NAC 555.372 Renewal of license for person engaged in pest control business: Requirements for continuing education. ([NRS 555.320](#), [555.400](#))

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]~~ A principal or primary principal:

(a) *Shall* ~~may~~ not receive credit for completing more than three units of continuing education in business management.

(b) *Must accrue at least one unit of continuing education in a course relating to laws and regulations governing the use of pesticides*

~~[Each licensee must, at least once during each 2-year period, complete a course in continuing education that is conducted by an instructor in person.]~~

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 *internet based, CD based, a correspondence course, or* 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) *Has re-examined per NAC 555.290(7).*

4. Nevada pest control applicators may obtain continuing education units in any state of the union and receive equivalent continuing education credit toward the renewal of their Nevada pest control license, as long as:

(1) The continuing education course must be approved for pesticide continuing education by the host state regulatory agency.

(2) The course provider or attendee must submit to the Nevada Department of Agriculture, Continuing Education Section, the following upon completion of the course:

(a) An agenda or outline of the course which includes the date of the course, topics discussed, times, and speakers;

(b) A copy of the host states approval letter (or form) and the number of continuing education units approved for the course by the approving state, or equivalent indicating accreditation by the host regulatory agency;

(c) A list of Nevada pest control applicators who attended the course (attendance sheet) and request Nevada continuing education credit; and

(d) The results of any examinations (if given or required by the host regulatory agency).

(f) is licensed solely as an agent.

5. [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.

6. [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.

NAC 555.374 Continuing education: Duties of sponsor; activities acceptable for credit.
(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, 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 pest control, pest management, pesticide usage, pesticide classification, safety in handling and dispensing of pesticides or pesticide laws and regulations.*

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 who successfully completed the course. *The following information is required:*

- (a) Title of the course, program or activity;*
- (b) The course number of the accredited program;*
- (c) The number of continuing education units each attendee is receiving for the course, program or activity;*
- (d) The name of each attendee;*
- (e) The identification number, assigned by the Department, of the licensee wishing to receive credit for the approved course, program or activity;*
- (f) The pest control company for which the licensee is employed;*
- (g) The signature of the licensee who wishes to receive credit for attending the course, program or activity; and*
- (h) A statement by the course provider that each licensee, wishing to receive credit for the course, presented his/her own valid Nevada Pest Control License or other government issued photo identification at the time attendance was recorded. No credit will be awarded to individuals who fail to present government issued photo identification.*

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.

NAC 555.375 Continuing education: Notification of accreditation by Director. ([NRS 555.400](#))

1. The Director will, within 30 days after receipt of a completed application for accreditation of a course of continuing education, notify the sponsor of the course whether the course has been accredited or denied accreditation.

2. If the Director approves a course for accreditation, the notice of accreditation will include the:

- (a) Course number assigned by the Director; and
- (b) Number of units of continuing education for which the course is accredited. If a course is divided into sections, the notice will identify the number of units of continuing education allocated to each section.

NAC 555.376 Continuing education: Sponsorship by Department or Cooperative Extension Service. (NRS 555.400)

1. The Director will accredit a course of continuing education sponsored by the Department if the Department complies with [NAC 555.374](#). Such a course may be in the form of:

- (a) A meeting;
- (b) Training for a certificate to use a restricted-use pesticide; or
- (c) A video, slide or other media presentation. The video, slide or other media presentation will be available for review, by appointment, at the offices of the Department and of the Cooperative Extension Service.

2. The Director will accredit training for a certificate to use a restricted-use pesticide sponsored by the Cooperative Extension Service upon compliance with [NAC 555.374](#).

NAC 555.377 Continuing education: Expiration or withdrawal of accreditation. (NRS 555.400)

1. The accreditation of ~~[a]~~ *an in house* course of continuing education expires on the last day of the 36th month ~~[or]~~ *all other courses shall expire on the* 12th month after the course is accredited 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 course provider fails to submit to the Department of Agriculture, within 30 days after the completion of the course, a complete list of all licensees who successfully completed the course outlined in NAC 555.374(4), the Director may withdraw, suspend or modify the course.*

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

- (a) Notice in writing of his intention to withdraw accreditation and his reasons for taking this action; and
- (b) An opportunity to respond.

NAC 555.385 Return of license to engage in pest control; notification of termination of employment. (NRS 555.400)

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 ~~[or an]~~, operator 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.

NAC 555.395 Primary principal required for each business location; suspension of license for noncompliance. (NRS 555.3507, 555.400)

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 license will remain suspended until such time as the pest control business obtains a primary principal for each business location.

NAC 555.397 Fees. (NRS 555.310, 555.400)—**MOVED TO R096-06**

1. Except as otherwise provided in subsection 3, an applicant for a license must pay to the Director, as applicable:

(a) For examination or reexamination, a testing fee of \$25 for each category of pest control in which the applicant wishes to be examined;

(b) For licensure of a pest control business, a licensing fee of \$250; and

(c) For licensure of an operator *or principal*, a licensing fee of \$50~~[-];~~

(d) For licensure of an agent, a license fee of \$350.

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

3. An applicant for licensure may request a hardship fee reduction in licensing fees by submitting a written request for such a reduction to the Director. The request must include the amount of income the applicant has received from the application of pest control for at least the immediately preceding 12 months or for the duration of the business of the applicant, whichever is shorter. The Director may grant a hardship fee reduction if he determines that paying the fee described in subsection 1 would require the business of the applicant to cease operations or would prevent the business from beginning operations because of lack of money. If the Director grants a hardship fee reduction, the fee for licensure of a pest control business is \$50 and the fee for licensure of an operator is \$15. The Director may not grant a hardship fee reduction for a testing fee.

Standards of Practice

NAC 555.400 General requirements. (NRS 555.380, 555.400) Except as otherwise provided in NAC 555.250 to 555.530, inclusive, or as specifically authorized in writing by the Director, each person engaged in the application of pesticide for hire shall:

1. Apply pesticides only in those categories of pest control for which he is licensed. All other applicators must be under the immediate supervision of a primary principal, principal or operator who is qualified and currently licensed in the appropriate category.

2. Use only methods and equipment which are capable of performing the functions necessary to ensure the proper application of materials.

3. Operate only where climatic, pest and crop conditions are proper for controlling the pest for which the application is being made.

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

5. Except as otherwise provided in NAC 555.510, when measuring concentrated materials, use only devices which are accurately calibrated to the smallest unit in which the material is being weighed or measured.

6. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.

7. Perform all pest control work in a good and workmanlike manner, substantially confining the material applied to the premises where the crop, animal, ornamental, soil or pest is being treated.

8. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.

9. Provide storage for all undiluted pesticide material in a locked facility. Servicemen's kits, which contain insecticides, poison baits or concentrates must be handled with extreme caution and must not be left where children or other unauthorized persons might remove the contents.

NAC 555.410 Required records and reports. (NRS 555.390, 555.400) 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) A copy of each wood-destroying pest inspection report shall be maintained for 5 years from the date the report was completed.

(9) ~~(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 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 shipping and handling.

2. 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. Report to the Director within 48 hours any cases of apparent pesticide poisoning requiring medical treatment.

4. 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. Submit to the Director any reports or records he requests.

NAC 555.4??? Perform inspection. (NRS 555.400, NRS 555.420) The Director may inspect business records, vehicle and pesticide storage or disposal locations to determine compliance as set fourth in NAC 555.250 to NAC 555.700, inclusive.

NAC 555.4???Limitation of unlicensed applicator. (NRS 555.400) No unlicensed applicator may sign or print his/her name on any pest control service invoice, wood-destroying pest

inspection report form, contract to perform pest control service document, or otherwise represent himself/herself to the public a licensee without a license issued by the Director.

NAC 555.420 Prohibited materials and uses of pesticides. (NRS 555.380, 555.400)

Except for experimental purposes under the direction or supervision of qualified federal, state or county personnel or research workers employed by the manufacturer, where no charge is made to the grower or owner, a person engaged in the business of application of pesticides shall not use for pest control:

1. Any material not registered in this State as a pesticide.
2. Any registered pesticide for a purpose other than one for which it is registered.

NAC 555.427 Preconstruction treatment: Submission of form before performance; application of termiticide. (NRS 555.380, 555.400)

1. Before performing a preconstruction treatment, a licensee must submit an accurate, complete and legible form entitled [~~“Protection of Completed Work”~~] **“Termiticide Application”** 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 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;

(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.

(Added to NAC by Dep't of Agriculture by R033-01, eff. 5-1-2002; A by R147-03, 1-22-2004)

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
5. For a violation of NRS 555.280.....	\$500	\$1,000
6. For a violation of NRS 555.285.....	\$500	\$1,000
7. <i>For violation of NRS 555.2605 to NRS 555.460 inclusive:</i>	<i>\$100 to \$500</i>	<i>\$301-\$1,000</i>
8. [7] For failing to supervise adequately an applicator who does not have a license issued by the Director.....	\$500	\$500
9. [8] 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 [or] , operator <i>or agent</i> or of any change in the information given on the application for the license of the pest control business.....	\$100	\$100
(c) Failing to submit a new application and fee if a change in ownership occurs.....	\$25	\$25
10. [9] 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
11. [10] 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 or operator] <i>licensee</i> from the pest control business within 15 days after the date on which that termination occurs.....	\$100	\$100
12. [11] For a violation of NAC 555.400, if the violation is for:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Applying a pesticide in a category of pest control for which he is not licensed.....	\$500	\$1,000
(b) Using a method or equipment for applying a pesticide which is not capable of properly applying materials.....	\$100	\$100
(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
(e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials.....	\$25	\$25
(f) Failing to maintain a uniform mixture.....	\$25	\$25
(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
(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
13. 12 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
(b) Failing to record an item of information required for the record.....	\$25	\$25
(c) 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
(2) If it is a serious violation.....	\$500	\$500

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(d) Failing to file the required monthly report on or before the 15th day of the following month.....	\$100	\$100
14. For a violation of NAC 555.4??, if the violation is for failing to respond to a request for inspection or refusing to submit to inspection:	\$100-\$,1000	\$100-\$5,000
15. For a violation of NAC 555.4??, if the violation is for an unlicensed person representing themselves as a licensee:	\$100-\$500	\$301 to \$1,000
16. H3 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
17. H4 For a violation of NAC 555.425, if the violation is for:		
(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.....	\$25	\$50
(b) Failing to equip a service vehicle used in the custom application of pesticides with:		
(1) Clothing and equipment designed to provide protection against any pesticide carried on or in the vehicle.....	\$100	\$150
(2) Absorbent material capable of absorbing and containing more than 1 gallon of pesticide that has been spilled.....	\$100	\$150
(3) Equipment designed to store safely materials contaminated with pesticide.....	\$100	\$150
(4) A sufficient quantity of potable water to wash skin exposed to pesticide.....	\$100	\$100
18. H5 For a violation of NAC 555.427, if the violation is for:		
(a) Failing to submit the form entitled “Protection of Completed Work”.....	\$301 to \$1,000	\$1,001 to \$5,000
(b) Failing to include each item of information required on the form entitled “Protection of Completed Work”.....	\$25 (per item not included)	\$50 (per item not included)

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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.....	\$500 to \$1,000	\$1,001 to \$5,000
(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.....	\$301 to \$1,000	\$1,001 to \$5,000
19. H6 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 (per item not included)	\$50 (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
20. H7 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
(b) Failing to file a report with the district or subdistrict within 15 days after the inspection is made.....	\$100	\$150
(c) Failing to include each item of information required in a report.....	\$50 to \$500 (per item not included)	\$50 to \$1,000 (per item not included)
(d) Failing to affix or deliver a tag as required upon completion of an inspection or after an application of a pesticide.....	\$100	\$300
(e) Failing to record each item of information required on the tag.....	\$25 (per item not included)	\$50 (per item not included)

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(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:		
(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
21. 18 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
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
(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	\$100	\$100
(c) Failing to provide employees with the required information, precautions and safety equipment:		
(1) If it is a nonserious violation.....	\$50 to \$500 (per item not provided)	\$301 to \$1,000 (per item not provided)
(2) If it is a serious violation.....	\$501 to \$5,000 (per item not provided)	\$1,001 to \$5,000 (per item not provided)
(d) Failing to keep the required safety equipment in good working order.....	\$50 to \$300 (per item not maintained)	\$301 to \$1,000 (per item not maintained)
(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 \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$5,000	\$1,001 to \$5,000
22. 19 For a violation of NAC 555.445, if the violation is for:		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(a) Failing to attach abbreviated labels to a service container.....	\$50	\$50
(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
23. 20 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
(b) Failing to exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.....	\$100	\$100
(c) Failing to exercise reasonable precaution to avoid contaminating water containing fish.....	\$100	\$100
(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
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(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
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
(f) Failing to remove bait stations placed on the property by the pest control business upon termination of the services of the pest control business:		
(1) If it is a nonserious violation.....	\$50 to \$500	\$301 to \$1,000
(2) If it is a serious violation.....	\$501 to \$1,000	\$1,001 to \$5,000
24. 21 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
(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

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(c) Failing to provide each item of information required to be included in the notice.....	\$25	\$25
25. [22] 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:		
(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
(j) Failing to complete the ventilation process, including testing the concentration of fumigant in the air before determining the premises are safe for reentry:		
(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
(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.....	\$50 to \$300	\$301 to \$1,000
(l) Failing to have the required first-aid kit, respiratory protective devices or testing device on the premises while fumigating.....	\$50 to \$300 (per item not provided)	\$301 to \$1,000 (per item not provided)
(m) Failing to maintain the required first-aid kit, respiratory protective devices or testing device in good working order.....	\$50 to \$300 (per item not maintained)	\$301 to \$1,000 (per item not maintained)

NAC 555.617 Licensed primary principal commercial applicators: Certification. (NRS 555.355, 555.357, 555.400)

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. A primary principal may, by endorsement, 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.

SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework 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 question two (2) is answered with a **YES**, then a small business impact statement is required prior to conducting a public workshop(s) 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: NAC 555, pertaining to Custom Pest Control

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).