

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

LCB FILE NO. R048-21I

**The following document is the initial draft regulation proposed
by the agency submitted on 09/29/2021**

On January 4, 2017, the U.S. Environmental Protection Agency (EPA) published final revisions to the Certification of Pesticide Applicators rule (40 CFR Part 171) in the Federal Register. NDA recently made changes to Chapter 586 of the Nevada Revised Statute (NRS) in order to meet the requirements of that new rule. These revisions can be found in Assembly Bill (AB) 74: <https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7327/Overview#>.

Due to the changes in NRS 586, NDA is proposing changes to certain sections of Chapter 586 of the Nevada Administrative Code.

Proposed Regulation Changes to NAC Chapter 586

Following is the language of the revisions currently being proposed to NAC Chapter 586. Language proposed to be deleted from the regulations are shown in **red strikethrough** and proposed additions are in **bold blue italics**.

Section 1. Chapter 586 of NAC is hereby amended to read as follows:

Sec. 2. NAC 586.017 is hereby amended to read as follows:

1. A restricted-use pesticide must only be distributed or sold by a person registered to sell restricted-use pesticides.
2. A person registered to sell restricted-use pesticides shall only distribute or sell a restricted-use pesticide to:
 - (a) ***An authorized commercial, non-private, or private certified*** applicator with the appropriate ***license or*** certification to use or supervise the use of the type and quantity of the restricted-use pesticide; or
 - (b) The authorized representative of a certified applicator with the appropriate certification to use or supervise the use of the type and quantity of the restricted-use pesticide.
3. ***Each person who is registered shall maintain for 2 years a record of all restricted-use pesticide sales pursuant to NRS 586.406.***

Sec. 3. NAC 586.018 is hereby amended to read as follows:

A person shall not apply or otherwise use a restricted-use pesticide unless the person is:

1. ***An authorized commercial, non-private, or private certified*** applicator with the appropriate ***license or*** certification to use the restricted-use pesticide; or
2. A person under the direct supervision of an ***authorized commercial, non-private or private certified*** applicator who holds the appropriate ***license or*** certification to use the restricted-use pesticide ***and ensures the person under their direct supervision meets the requirements of 40 CFR § 171.201.***