

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

LCB FILE NO. R127-23I

**The following document is the initial draft regulation proposed
by the agency submitted on 11/29/2023**

Justification:

On July 1, 2023, Senate Bill No. 159 (Revises provisions relating to pest control) was adopted into Nevada Revised Statute (NRS). As a result, the Department is required to revise Chapter 555 of the Nevada Administrative Code (NAC) with language to authorize a person to train as an applicator to engage in pest control activities.

Proposed Changes to NAC Chapter 555

Section 1. Registered Trainee Defined

“Registered Trainee” means a natural person who is employed by a currently licensed pest control business and does not hold a license as an applicator and has registered with the Department pursuant to NAC 555.

NAC 555.290 Miscellaneous requirements and restrictions; amendment of, temporary hold on and denial of license. (NRS 555.400)

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

2. A person may only register as a trainee one time and in one category.

3. A person may only register as a trainee in the Limited Landscape, Industrial/Institutional, and Weeds categories of the Urban/Structural field of pest control.

4. A registered trainee may not apply restricted-use pesticides unless under the immediate supervision of a licensed operator, principal, location principal, or primary principal

5. Each registered trainee of a pest control business shall ensure that the registration card issued to him or her by the Director is clearly displayed and visible on his or her person while engaging in pest control

6 Each primary principal, location principal, principal, operator, consultant, demonstration and research specialist, agent of a pest control business shall:

(a) Ensure that the license issued to him or her by the Director is on his or her person or in his or her service vehicle while engaging 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.

7. The primary principal or location principal of a pest control business shall, within 15 days after the change, notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, consultant, demonstration and research specialist 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.

8. A license is 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.

9. A separate fee for a principal, operator, consultant, demonstration and research specialist, agent or registered trainee must be paid by the employer. No additional fee is required for a designation as a primary principal or a location principal.

10. A principal, consultant or operator may apply to the Director for amendment of his or her 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 the license so amended without any additional licensing fee.

11. A licensee who cannot provide services in a particular category of pest control because he or she fails to meet the requirements for insurance for that category may apply to have a temporary hold placed on his or her license for that category. The temporary hold on the license for that category may be removed at any time upon submission of proof of insurance to the Director.

12. 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.

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

14. A consultant shall not apply any pesticide.

15. A demonstration and research specialist shall not:

(a) Provide a recommendation or any other advice to a person concerning the use of a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive; or

(b) Apply a pesticide for which the brand has been registered pursuant to the provisions of NRS 586.250 to 586.300, inclusive, except for demonstration and research purposes.

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

[Dep't of Agriculture, part No. 55.32, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; + part No. 55.33, eff. 6-1-59; A 7-1-69; 8-1-74; 1-17-77; 6-11-80] — (NAC A 2-5-82; 10-17-86; 12-10-92; R033-01, 5-1-2002; R052-06, 6-28-2006; R062-10, 1-13-2011; R033-14, 10-24-2014; R093-15, 3-10-2016)

NAC 555.365 Application for registration: Registered Trainee

1. Each application to perform pest control work as a registered trainee for a currently licensed pest control business must include, without limitation:

(a) The name of the applicant and the mailing address and telephone number of the residence of the applicant.

(b) The name of the pest control business in this State that presently employs the applicant

(c) A statement indicating:

(1) The applicant has not previously been registered as a trainee in this State

(2) Whether the applicant holds an active license in another state and, if he or she 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

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

(4) That the applicant has been trained pursuant to NAC 555.NEW

(d) An endorsement by a primary principal, location principal or principal of the pest control business employing the applicant that states that the supervising applicator or pest control business is responsible and liable for all actions of the applicator trainee.

[Dep't of Agriculture, part No. 55.35, eff. 8-1-74; A 1-17-77] — (NAC A by Bd. of Agriculture, 2-20-96; A by Dep't of Agriculture by R033-01, 5-1-2002; R052-06, 6-28-2006; R033-14, 10-24-2014; R093-15, 3-10-2016)

NAC 555.397 Fees. (NRS 555.310, 555.400)

1. An applicant for a license or registration must pay to the Director, as applicable:

(a) For an initial core examination, an initial examination on the laws and regulations of this State relating to pest control or an initial examination concerning a category of pest control, a testing fee of \$50.

(b) For reexamination of an examination described in paragraph (a), a testing fee of \$35 for each examination that the applicant wishes to take.

(c) For licensure of a pest control business, a licensing fee of \$250. The Director will charge a fee of \$375 for the renewal of the license of a pest control business that has expired. The renewal of an expired license does not exempt the licensee from any penalty imposed pursuant to NAC 555.530 for engaging in pest control without a license.

(d) For licensure of a principal, consultant, demonstration and research specialist or operator, a licensing fee of \$50.

(e) For licensure of an agent, a licensing fee of \$350.

(f) For registration of a trainee, a registration fee of \$50.

2. The Director will charge a fee of \$25 to issue a **duplicate** license or registration card to replace a license or registration card that has been lost, mutilated or destroyed.
(Added to NAC by Bd. of Agriculture by R053-00, eff. 6-15-2000; A by Dep't of Agriculture by R033-01, 5-1-2002; A by Bd. of Agriculture by R096-06, 5-31-2007; A by Dep't of Agriculture by R033-14, 10-24-2014; R093-15, 3-10-2016)

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 or she is licensed or registered as a trainee. All other applicators must be under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist 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 land, crop, livestock, 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. Servicepersons' 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. While being transported in a service vehicle, a service container must be secured in a manner to prevent spills or damage.

10. Pay for the cost of any cleanup resulting from pesticides spilled in the course of operations for pest control.

[Dep't of Agriculture, part No. 55.34, eff. 6-1-59; A 7-1-69; 5-22-72; + part No. 55.37, eff. 8-1-74; A 1-17-77; 6-11-80] — (NAC A 2-5-82; 12-10-92; R033-01, 5-1-2002; R033-14, 10-24-2014; R093-15, 3-10-2016; R006-17, 12-19-2017)

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 accurate and legible records for 2 years of each property treated, showing:

(a) If the person is licensed or registered as a trainee, in the aerial or agricultural ground field:

(1) The date of the treatment for, recommendation concerning or identification of pests.

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

(3) The full name of the pilot, applicator or consultant doing the treating, recommending or identification.

(4) The crop or site treated or for which the recommendation or identification was made. In the case of a spot treatment, the term “spot treatment” must be noted, followed by a description of the treatment area and the spot or spots treated.

(5) The number, name or site identification of the field.

(6) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended, the registration number assigned to the pesticide by the Environmental Protection Agency and the dosage applied or recommended.

(7) In the case of a treatment:

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

(II) The purpose for which the crop, site or spot was treated.

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

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

(V) The wind velocity and wind direction at the start and finish of the treatment.

(b) If the person is licensed or registered as a trainee, in the urban and structural field:

(1) The date of the treatment for, recommendation concerning or identification of pests.

(2) The address where the treatment, recommendation or identification was conducted.

(3) The full name of the applicator or consultant.

(4) The site treated or for which a recommendation or identification was made, including, without limitation, the kitchen, the crawlspace beneath the structure, and the yard or area surrounding the structure. In the case of a spot treatment, the term “spot treatment” must be followed by a description of the treatment area and the spot or spots treated.

(5) In the case of a treatment or recommendation, the brand name or generic name of the pesticide that was applied or recommended and the registration number assigned to the pesticide by the Environmental Protection Agency.

(6) In the case of a treatment, the total amount of any diluted pesticide and the concentration of the pesticide that was applied.

(7) If a treatment is conducted in the categories of limited landscape, weeds, 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 purpose for which the pesticide was applied.

(V) The area or volume fumigated.

(VI) The times at which fumigation started and finished.

(8) If a 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 Management Association Form 99-B entitled "New Construction Subterranean Termite Service Record." The Housing and Urban Development-National Pest Management Association Form 99-B is available from CBS Forms by mail at 11652 Agarwood Drive, Walton, Kentucky 41094, by telephone at (800) 324-7676 or at the Internet address <http://www.cbsforms.com/>, for the price of \$19.95 for a pack of 50 forms, plus shipping and handling, or from the United States Department of Housing and Urban Development, free of charge, at the Internet address <http://portal.hud.gov/>.

NAC 555.415 Restrictions on authority of unlicensed persons. ([NRS 555.400](#))

a) An unlicensed person who performs pest control under the immediate supervision of a primary principal, location principal, principal, demonstration and research specialist or operator pursuant to [NAC 555.400](#) shall not prepare, distribute, appear on or sign on his or her behalf or on behalf of the primary principal, location principal, principal, demonstration and research specialist or operator:

1. Any invoice, estimate or bid for pest control;
2. Any report prepared pursuant to [NAC 555.410](#) or [555.430](#); or
3. Any contract or other agreement for pest control.

b) A registered trainee who performs pest control under the **direct** supervision of a primary principal, location principal, principal, demonstration and research specialist or operator pursuant to [NAC 555.400](#) shall not prepare, distribute, appear on or sign on his or her behalf or on behalf of the primary principal, location principal, principal, demonstration and research specialist or operator: Any report prepared pursuant to [NAC 555.430](#)

NAC 555.530 Schedule of administrative fines. (NRS 555.400, 555.470) In addition to any other penalty, the Director may assess a fine against a person according to the following schedule:

[...]

11. For a violation of NAC 555.290, if the violation is for:

(a) Failing to carry the license issued to him or her by the Director while engaged in pest control or failing to produce the license upon request by the Director or a designated field agent or inspector.....	\$50	\$50
(b) Failing to clearly display on his or her person the registration card issued to him or her by the Director while engaged in pest control.....	\$50	\$50
(c) Failing to notify the Director of any change in the status or authority of any primary principal, location principal, principal, operator, consultant, demonstration and research specialist or agent or of any change in the information given on the application for the license of the pest control business.....	\$100	\$100
(d) Failing to submit a new application and fee if a change in ownership occurs.....	\$500	\$500

Requirement for direct supervision of registered trainees

1. The supervising applicator must ensure that each registered trainee performing pest control under his or her direct supervision meets all of the following requirements before performing pest control:
 - a. The registered trainee has been instructed within the last 12 months in the safe operation of any equipment he or she will use for mixing, loading, transferring, or applying pesticides.
 - b. The registered trainee has satisfied the qualification requirements under paragraph (5) of this section
 - c. (iii) The registered trainee has met the age of majority
 - d. Understands General Standards of Practice and Vehicle and Use requirements
2. The supervising applicator must provide to each registered trainee before use of a pesticide instructions specific to the site and pesticide used. These instructions must include labeling directions, precautions, and requirements applicable to the specific use and site, and how the characteristics of the use

- site (e.g., surface and ground water, endangered species, local population) and the conditions of application (e.g., equipment, method of application, formulation) might increase or decrease the risk of adverse effects. The supervising applicator must provide this information in a manner that the noncertified applicator can understand.
3. The supervising applicator must ensure that a means to immediately communicate with the supervising applicator is available to each registered trainee performing pest control under his or her direct supervision.
 4. The supervising applicator must be physically present at the site of the use being supervised when required by the product labeling.

(5) The registered trainee training materials must include the information that registered trainees need in order to protect themselves, other people, and the environment before, during, and after making a pesticide application. The training materials must include, at a minimum, the following:

- (1) Potential hazards from toxicity and exposure that pesticides present to noncertified applicators and their families, including acute and chronic effects, delayed effects, and sensitization.
- (2) Routes through which pesticides can enter the body.
- (3) Signs and symptoms of common types of pesticide poisoning.
- (4) Emergency first aid for pesticide injuries or poisonings.
- (5) Routine and emergency decontamination procedures, including emergency eye flushing techniques. Registered trainees must be instructed that if pesticides are spilled or sprayed on the body, to immediately wash or to rinse off in the nearest clean water. Registered trainees must also be instructed to wash or shower with soap and water, shampoo hair, and change into clean clothes as soon as possible.
- (6) How and when to obtain emergency medical care.
- (7) After working with pesticides, wash hands before eating, drinking, using chewing gum or tobacco, or using the toilet.
- (8) Wash or shower with soap and water, shampoo hair and change into clean clothes as soon as possible after working with pesticides.
- (9) Potential hazards from pesticide residues on clothing.
- (10) Wash work clothes before wearing them again and wash them separately from other clothes.
- (11) Do not take pesticides or pesticide containers used at work to your home.
- (12) Potential hazards to children and pregnant women from pesticide exposure.

(13) After working with pesticides, remove work boots or shoes before entering your home, and remove work clothes and wash or shower before physical contact with children or family members.

(14) How to report suspected pesticide use violations

(15) Format and meaning of information contained on pesticide labels and in labeling applicable to the safe use of the pesticide, including the location and meaning of the restricted use product statement, how to identify when the labeling requires the certified applicator to be physically present during the use of the pesticide, and information on personal protective equipment.

(16) Need for, and appropriate use and removal of, personal protective equipment.

(17) How to recognize, prevent, and provide first aid treatment for heat-related illness.

(18) Safety requirements for handling, transporting, storing, and disposing of pesticides, including general procedures for spill cleanup.

(19) Environmental concerns such as drift, runoff, and wildlife hazards.

(20) That it is the supervising applicator's responsibility to provide to each registered trainee:

(a) Access to labeling for all products carried or used by the registered trainee

(b) Instructions specific to the site and pesticide used

(c) Clean personal protective equipment in proper operating condition as required by each pesticide label carried or used by the registered trainee

(d) Appropriate equipment used for mixing, loading, transferring, or applying pesticides in proper condition as intended by the manufacturer

(e) A means to immediately communicate with the supervising applicator is available to each registered trainee performing pest control under his or her direct supervision.