

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

**LCB File No. R033-01**

October 25, 2001

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

AUTHORITY: §§1-32, 36, 38-40, 45, 46-48, 51 and 52, NRS 555.400; §§33, 34 and 35, NRS 555.290 and 555.400; §37, NRS 555.320 and 555.400; §41, NRS 555.310 and 555.400; §42, NRS 555.380 and 555.400; §43, 44 and 50, NRS 555.390 and 555.400; §49, NRS 555.400 and 555.470.

**Section 1.** Chapter 555 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

**Sec. 2.** *“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.*

**Sec. 3.** *“Device” has the meaning ascribed to it in 7 U.S.C. § 136 (h).*

**Sec. 4.** *“Dosage” means:*

- 1. If a pesticide applied to a given area is not diluted, the total undiluted amount of the pesticide that was applied to the given area; or*
- 2. If a pesticide applied to a given area is diluted:*
  - (a) The total diluted amount of the pesticide that was applied to the given area; and*
  - (b) The concentration of the pesticide that was applied to the given area.*

**Sec. 5. 1.** *“Industrial or institutional pest” means a pest, including, without limitation, an insect or vertebrate pest, that invades an industrial complex, institutional complex, private residence or any other structure.*

*2. The term does not include a wood-destroying pest.*

**Sec. 6.** *“Ornamental” means a shrub, flower, tree or other plant that is cultivated for aesthetic purposes, including, without limitation, olive trees and other fruit trees that are not used for commercial purposes.*

**Sec. 7. 1.** *“Preconstruction treatment” means the application of a termiticide which is made to protect a structure from subterranean termites and which is made:*

*(a) Before the concrete slab on which the structure will be constructed is poured;*

*(b) Before or in conjunction with the installation of subflooring and supports for a structure that is constructed using a raised foundation; or*

*(c) By any other method approved by the director.*

*2. The term does not include bait treated with termiticide or a screen installed over the soil to protect a structure from subterranean termites.*

**Sec. 8.** *“Rodenticide” has the meaning ascribed to it in NRS 586.210.*

**Sec. 9.** *“Tamper-resistant bait station” means a bait station that is commercially manufactured to protect children or pets or other domestic animals from the rodenticide contained in the bait station to the extent that the rodenticide is accessible to a child or pet or other domestic animal only if the child or pet or other domestic animal is able to destroy the bait station.*

**Sec. 10.** *As used in NRS 555.277, the director will interpret the term “incidental” to mean the application of a pesticide to a lawn or to an ornamental as part of the performance*

*of a contract for the development or maintenance of a landscape if the application of the pesticide comprises not more than 20 percent of the services performed pursuant to the contract.*

**Sec. 11.** *The director hereby adopts by reference “NCPA Form 99b, New Construction Subterranean Termite Soil Treatment Record,” as published by the National Pest Control Association. A pack of 100 forms is available from CBS Forms, for the price of \$39.95, plus \$7 for shipping and handling:*

- 1. By mail, at 10109 Tiburon Drive, Florence, Kentucky 41042;*
- 2. By telephone, at (800) 324-7676; or*
- 3. At the Internet address <<http://www.cbsforms.com>>.*

**Sec. 12.** *1. If a principal applies to the director for amendment of his license pursuant to subsection 6 of NAC 555.290, the application for such an amendment must include for each additional category of pest control for which the principal applies:*

*(a) Documentation of completion of at least 40 units of continuing education in courses that are accredited by the director pursuant to NAC 555.374 and directly related to the category of pest control for which the principal applies; or*

*(b) Documentation of completion of at least 9 units of continuing education in courses that are accredited by the director pursuant to NAC 555.374 and directly related to the category of pest control for which the principal applies and documentation of:*

*(1) Six or more months of practical experience in the application of pesticide or related pest control; or*

*(2) Successful completion of 3 or more college credit hours received from:*

*(I) A course taken at an accredited college or university that is directly related to the category of pest control for which the principal applies;*

*(II) A correspondence course which was approved by the director and which is directly related to the category of pest control for which the principal applies; or*

*(III) Any combination of the courses described in sub-subparagraphs (I) and (II).*

*2. The director may require a principal to pass a practical examination that demonstrates his ability to inspect a structure for the presence of pests or use and apply pesticides in any category of pest control for which the principal applies.*

*3. The documentation of completion of units of continuing education submitted pursuant to subsection 1 must include the certificate of completion issued by the sponsor of the course.*

*4. The practical experience required by subsection 1 must be substantiated by work records, notarized statements, if the principal can verify those statements with work records, or any other documentation acceptable to the department.*

*5. As used in this section, “successful completion” means that the principal received a final grade of at least 70 percent.*

**Sec. 13. 1. A licensee who performs a preconstruction treatment to soil:**

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

*(b) Shall apply the termiticide in a manner that provides a continuous horizontal or vertical barrier, or both, between the soil and the structure as prescribed on the label of the termiticide.*

*(c) Shall, if the label of the termiticide recommends treatment of the finished grade, and if it was not completely treated during the initial treatment phase, return to the premises of the*

*structure to complete the preconstruction treatment after the finished grade is completed. This treatment must be applied within:*

*(1) Thirty days after the finished grade is completed;*

*(2) Thirty days after the landscaping of the property surrounding the structure is completed; or*

*(3) One hundred and eighty days after the date that the construction of the structure is completed,*

*whichever occurs earlier.*

*(d) 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 amount if the licensee determines that the absorption of the termiticide by the soil necessitates a reduced amount of the termiticide.*

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

**Sec. 14. 1.** *The department shall provide a tag for preconstruction treatment to a licensee who performs preconstruction treatment. A licensee who performs a preconstruction treatment shall complete a tag pursuant to this section. The tag must include at least the following information:*

*(a) The name of the pest control business that performed the preconstruction treatment;*

*(b) The address of the pest control business that performed the preconstruction treatment;*

*(c) The telephone number of the of the pest control business that performed the preconstruction treatment;*

*(d) The date that the preconstruction treatment was performed;*

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- (e) The time that the preconstruction treatment was completed;*
- (f) The trade name of the termiticide that was applied;*
- (g) The registration number assigned to the termiticide by the Environmental Protection Agency;*
- (h) If the termiticide was diluted, the concentration of the diluted termiticide that was applied, written as a percentage of the active ingredient of the diluted termiticide that was applied;*
- (i) The total number of gallons of the diluted termiticide that was applied;*
- (j) The printed full name of the licensee who performed the preconstruction treatment;*
- (k) If the preconstruction treatment consists of a vertical application of a termiticide that is applied directly to wood, the height of the treatment as measured from the sill plate upward to the location where the treatment ended and the number of treatments applied; and*
- (l) If the licensee leaves the site after beginning a preconstruction treatment and before completing the preconstruction treatment, the phrase “TREATMENT INCOMPLETE” printed in capital letters.*

*2. The information required to be included on a tag for preconstruction treatment pursuant to subsection 1 must be legible and an accurate representation of the preconstruction treatment performed.*

*3. Each tag for preconstruction treatment must be:*

*(a) Affixed securely at the site of each preconstruction treatment immediately after each application of termiticide; and*

*(b) Except as otherwise provided in subsections 4 and 5, prominently displayed:*

*(1) On the pipes for plumbing;*

*(2) On a board that is located at the site of the construction and includes the permit or records of inspection of the contractor of the structure under construction; or*

*(3) Any other location approved by the director.*

*4. If the finished grade of the site is treated after the structure has been completed, the tag for preconstruction treatment must be placed inside the electrical box of the structure.*

*5. If the contractor of the structure under construction on which the preconstruction treatment is being performed requests a tag for preconstruction treatment, the licensee shall:*

*(a) Prepare a duplicate tag;*

*(b) Print the word "DUPLICATE" in capital letters on the tag; and*

*(c) Post the tag on the site in the location requested by the contractor or deliver the tag to the contractor.*

**Sec. 15.** *In addition to the information required by NAC 555.350, each application for the renewal of a license for a pest control business must include an annual report of all the pesticides applied by the pest control business during the immediately preceding 12 months.*

*The report must be on a form provided by the director and must include, without limitation:*

*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.*

**Sec. 16.** 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 to 15, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC

555.2505 to 555.258, inclusive, *and sections 2 to 9, inclusive, of this regulation* have the meanings ascribed to them in those sections.

**Sec. 17.** NAC 555.251 is hereby amended to read as follows:

555.251 **1.** “Fumigation” means the destruction of plant or animal life within an enclosed area by using ~~it~~:

(a) A substance which has a vapor pressure of more than 5 millimeters of mercury at 25° centigrade ~~it~~; *or*

(b) *Any other substance that the director determines is a fumigant, including, without limitation:*

- (1) *Chloropicrin;*
- (2) *Methyl bromide;*
- (3) *Sulfur dioxide;*
- (4) *Propylene oxide;*
- (5) *Sulfuryl fluoride;*
- (6) *Aluminum phosphide;*
- (7) *Magnesium phosphide; and*
- (8) *Dichloropropene.*

*2. The term may include any of the following substances if the intended use of the substance is to destroy plant or animal life within an enclosed area:*

- (a) *Liquid nitrogen;*
- (b) *Carbon dioxide; or*
- (c) *Metam sodium.*

**Sec. 18.** NAC 555.253 is hereby amended to read as follows:



555.253 “Industrial complex” means any area or site, other than an institutional complex ~~[,]~~ *or private residence*, where a business activity occurs.

**Sec. 19.** NAC 555.254 is hereby amended to read as follows:

555.254 “Institutional complex” means any ~~[organization]~~ *structure in* which *an organization that* has a social or educational purpose ~~[such as]~~ *is located, including, without limitation*, a nursing home, hospital or school.

**Sec. 20.** NAC 555.255 is hereby amended to read as follows:

555.255 “Operator” means a person who ~~[applies]~~ :

- 1. Is licensed pursuant to NAC 555.360; and*
- 2. Applies* a pesticide without the immediate supervision of a principal.

**Sec. 21.** NAC 555.2555 is hereby amended to read as follows:

555.2555 “Primary principal” means a principal who ~~[has]~~ :

- 1. Is the only principal for a pest control business; or*
- 2. Has* been designated by a ~~[licensee]~~ *pest control business licensed pursuant to NAC 555.370* as the person responsible for the daily supervision of the ~~[operation of]~~ *category or categories of pest control performed by* each business location of the ~~[licensee]~~ *pest control business* within this state.

**Sec. 22.** NAC 555.256 is hereby amended to read as follows:

555.256 “Principal” means an owner, officer, partner, member or technician *of a pest control business* who has qualified by examination in one or more ~~[pest control categories, who is designated to act on behalf of a licensed business organization, and who supervises the daily activities of the operators at a business location of the organization to ensure that pesticides are~~

~~being used in a safe and proper manner.] of the categories of pest control set forth in NAC 555.280.~~

**Sec. 23.** NAC 555.2567 is hereby amended to read as follows:

555.2567 “Serious violation” means:

1. A violation of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, which results in actual damage to the health of persons, wildlife, property or the environment; ~~[or]~~
2. Conducting pest control without an appropriate license in violation of NRS 555.280 ~~[.]~~ ;
3. *Performing preconstruction treatment in violation of section 13 of this regulation; or*
4. *Failing to complete, affix, post or deliver a tag or duplicate tag in violation of section 14 of this regulation.*

**Sec. 24.** NAC 555.257 is hereby amended to read as follows:

555.257 “Structural ~~[pest]~~ means a pest, such as a rodent, insect or vermin, which invades a household or other structure, except that the term does not include a wood-destroying pest.” *pest control” means:*

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1. *The control of wood-destroying pests; or*
2. *An inspection for wood-destroying pests or conditions conducive to infestation by wood-destroying pests.*

**Sec. 25.** NAC 555.258 is hereby amended to read as follows:

555.258 “Wood-destroying pest” means a pest, ~~[such as]~~ *including, without limitation,* a fungus or termite ~~[.]~~ *or another insect* which infests and destroys cellulose.

**Sec. 26.** 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) ~~[A]~~ *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 ~~[an inspection]~~ *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 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. 27.** NAC 555.280 is hereby amended to read as follows:

555.280 1. The following fields are established for the licensing of pest control personnel:

(a) Aerial—The use of aircraft on standing or running water, rangeland or cropland.

(b) Agricultural ground—The use of ground equipment on rangeland, cropland or animals.

(c) Urban structural—The use of ground equipment in urban areas and in, on or around structures.

2. The following categories are established for the licensing of pest control personnel under the fields of licensing:

(a) Aerial : ~~[or agricultural ground:]~~

(1) Insecticides—The application of insecticides, miticides and acaricides.

(2) Herbicides—The application of herbicides and plant ~~[growth]~~ regulators.

(3) Desiccants and defoliants—The application of desiccants and defoliants.

(4) Fungicides and bactericides—The application of fungicides, bactericides and nematicides.

~~[(5) Rodenticides—The application of rodent baits.]~~

*(b) Agricultural ground:*

*(1) Insecticides—The application of insecticides, miticides and acaricides.*

*(2) Herbicides—The application of herbicides and plant regulators.*

*(3) Desiccants and defoliants—The application of desiccants and defoliants.*

*(4) Fungicides and bactericides—The application of fungicides, bactericides and nematocides.*

*(5) Rodenticides—The application of rodenticides.*

(c) Urban and structural:

(1) Ornamental and turf—The control of insects, weeds, vertebrates and plant diseases *and the use of plant regulators* on ornamentals and turf in urban areas.

(2) Industrial and institutional—The control of insects and vertebrates in, on or around industrial ~~[and]~~ *complexes*, institutional complexes ~~[.]~~ *and private residences.*

(3) Structural—The control of wood-destroying pests, inspection for wood-destroying pests and inspection for conditions conducive to infestations of wood-destroying pests.

(4) Fumigation—The use of poisonous and lethal fumigants.

(5) ~~[Shade trees and fruit trees—The control of insects and plant diseases on shade trees and fruit trees.]~~ *Aquatic—The control of insects, weeds and vertebrates in aquatic areas that are used or are intended for use in and around industrial complexes, institutional complexes and private residences.*

*(6) Right of way—The control of weeds in the maintenance of rights of way, including, without limitation, public roads, power lines, pipelines and railway rights of way.*

*(7) Preservation of wood—The application of pesticides directly to wood or wood products that are not a part of a habitable structure to prevent or control the degradation of the wood or wood product by a wood-destroying organism, including, without limitation, a fungus or bacterium.*

Sec. 28. NAC 555.290 is hereby amended to read as follows:

555.290 1. ~~Every person licensed to engage in the business of~~ *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 of a pest control business shall:*

(a) *Have the license issued to him by the director on his person or in his 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 ~~5 working~~ 15 days after the change, notify the director of any change in the status of authority of any ~~person licensed for that business as a principal, agent~~ primary principal, principal or operator of the pest control business or ~~of~~ any change in the information given on the application for ~~a license.~~ ~~2.] 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.

~~3.] 5.~~ A separate licensing fee for a principal ~~, agent~~ or operator must be paid by the employer. No additional fee is required for a *designation as a* primary principal.

~~4.] 6.~~ A principal ~~, operator or agent~~ *or operator* may apply to the director for amendment of his license to include additional categories of pest control or have restrictions removed. ~~f~~ ~~and~~ *Except as otherwise provided in section 12 of this regulation,* upon examination, *the*

*principal or operator* is entitled to have his license so amended without any additional licensing fee.

~~[5.]~~ 7. Any former ~~[licensee, principal, operator or agent]~~ *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.

~~[6.]~~ 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.

~~[7.]~~ 9. The director may refuse to issue a ~~[business]~~ 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.

**Sec. 29.** NAC 555.300 is hereby amended to read as follows:

555.300 A person licensed ~~[under these regulations]~~ *pursuant to NAC 555.250 to 555.530, inclusive, and sections 2 to 15, inclusive, of this regulation,* may apply in writing to the director for a permit to ~~[make]~~ *perform* an *emergency* application ~~[at a site not covered by the fields and categories of pest control.]~~ *of a pesticide for the protection of public health, property or the environment.* The application must ~~[show:~~

~~—1.—Address]~~ *include:*

1. *The address* of the site to be treated.
2. ~~[Anticipated]~~ *The anticipated* date of treatment.
3. ~~[Name]~~ *The name* of the applicator who will be performing or immediately supervising the application.
4. ~~[Item]~~ *The crop or site* to be treated.
5. ~~[Number]~~ *The number* of units to be treated ~~[~~
- ~~6. Pesticide], including, without limitation, the number of acres or miles or fraction thereof.~~
6. *The pesticide* to be applied and *the* rate at which it will be applied.
7. ~~[Purpose]~~ *The purpose* for which ~~[item]~~ *the crop or site* is to be treated.
8. *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.*
9. Any other ~~[items]~~ *information* the director may require.

**Sec. 30.** NAC 555.320 is hereby amended to read as follows:

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

(a) ~~[Qualifications for examination as a principal:~~

~~—(1) Documentation of 2]~~ *Two* years of experience in the application of pesticide or related pest control in the *initial* category or categories applied for; or

~~[(2) Documentation of 6]~~



(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.

~~[(b) Qualifications]~~

2. *An applicant who is applying* for examination as an operator ~~[or agent:~~

~~—(1) Neither the]~~ *is not required to have reached the age of majority nor is he is required to have:*

(a) *The* experience in the application of pesticide ~~[nor the]~~ *required of a principal pursuant to subsection 1; or*

(b) *The* practical experience and education ~~[are]~~ required of ~~[an operator or agent.~~

~~—(2) An operator or agent need not be of full legal age.~~

~~—2.] a principal pursuant to subsection 1.~~

3. As used in ~~[paragraph (a) of subsection 1:]~~ *this section:*

(a) “Credit hours in biological sciences” ~~[include]~~ *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 ~~[in]~~ *concerning* the identification and control of pests through the use of pesticides.

(c) ~~[Experience must be substantiated through]~~ *“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.

**Sec. 31.** NAC 555.330 is hereby amended to read as follows:

555.330 1. Each person who wishes to be examined on pest control ~~[in order]~~ to obtain a license, *amend a license to include additional categories of pest control or have restrictions removed from a license* must complete an application and file it with the department.

2. ~~[If the]~~ *An* applicant *who* wishes to be licensed as a principal, ~~[he]~~ *to amend his license to include additional categories of pest control or to have restrictions removed from his license* must request a date on which to take the examination, but his request may be made only after he has received notice from the department verifying his qualifications.

3. Each applicant must give the department 5 working days’ notice of the date on which he wishes to take the examination unless the examining officer waives this requirement.

**Sec. 32.** NAC 555.340 is hereby amended to read as follows:

555.340 1. Each applicant 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) ~~[Operation and maintenance of equipment;]~~ *An integrated approach to pest management;* and
- (f) Recommended practices for controlling pests.

2. The examination 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.

3. An applicant for a license as an ~~agent or~~ operator who receives a score on the written examination of 64 to ~~68~~ **69** percent, inclusive, may be given ~~an oral~~ **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 ~~oral examination,~~ **additional examination questions**, the examining officer shall increase the score on the written examination to the minimum passing score.

4. ~~Any applicant may be required to perform~~ **The director may require an applicant to pass** a practical ~~demonstration at a time and in a manner to be specified to show~~ **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. The passing score is 70 percent for each examination.

6. ~~Applicants who fail to pass~~ **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) ~~For~~ **If he applied for** an operator's license, 7 days.

(b) ~~For~~ **If he applied for** a principal's license, 10 days.

7. Any applicant who uses an unauthorized aid during an examination ~~may~~ **must** be excluded from the remainder of the examination and ~~may~~ **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. 33.** NAC 555.350 is hereby amended to read as follows:

555.350 1. Each application for a license must be made on a form ~~{supplied}~~ *provided* by the director.

2. Each application for a license for a pest control business must ~~{show the following:~~  
~~—(a) Name}~~ *include, without limitation:*

(a) *The name* of the person applying for the license, ~~{and}~~ the name under which the applicant intends to engage in the business of pest control ~~{together with the applicant's home or business}~~, *the* street address *of the residence of the applicant* and the street address of the pest control business.

(b) ~~{Name}~~ *The name* and mailing address *of the residence* of each partner, if *the applicant is* a partnership.

(c) ~~{Name}~~ *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) ~~{Active licenses in any other state held by the applicant and the categories of the licenses:~~  
~~—(e) Business address, business telephone and}~~ *The street address, telephone number,* facsimile number, ~~{mailing address,}~~ federal identification number ~~{, equipment location and pesticide storage location of the business while conducting operations in this state.~~

~~—(f) Listing and~~ 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 ~~[pest control equipment]~~.

~~—(g) Name, home~~ 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 ~~[, home]~~ of the residence and, if the street address ~~[if]~~ is different from ~~[home]~~ the mailing address ~~[and home telephone number]~~ of the residence, the street address of the residence of each primary principal, principal ~~[, operator or agent]~~ and operator employed by the applicant.

~~[(h) Category]~~

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

~~[(i) Number]~~

(h) The number of business locations ~~[,]~~

~~—(j) Address]~~ in which the pest control business will operate.

(i) The address and telephone number of each such business location.

~~[(k) Name]~~

(j) The name of the primary principal ~~[or the principal]~~ who supervises the daily activities of the operators ~~[or agents]~~ at each business location.

~~[(l) Statement of]~~

(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 ~~[,]~~

~~—(m) For applicants]~~ 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 ~~[licenses,]~~ field, the number of hours of flight time that the applicant spent engaged in pest control.*

SECOND  
PARALLEL  
SECTION

**Sec. 34.** NAC 555.350 is hereby amended to read as follows:

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, federal identification number of the pest control business and, if the mailing address is different from the street address, the mailing address of the business.

(e) If the pest control business uses aircraft in the application of pesticides, a list that includes a description of each aircraft and the identification number assigned to the aircraft by the Federal Aviation Administration.

(f) The name, telephone number of the residence, mailing address of the residence and, if the street address is different from the mailing address of the residence, the street address of the residence of each primary principal, principal and operator employed by the applicant.

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

(h) The number of business locations in which the pest control business will operate.

(i) The address and telephone number of each such business location.

(j) The name of the primary principal who supervises the daily activities of the operators at each business location.

(k) A statement that includes the status of residency of and the number of the Nevada driver's license issued to each primary principal and principal employed by the applicant.

(l) A statement certifying that each primary principal, principal and operator employed by the applicant has satisfied the requirements for continuing education set forth in NAC 555.372.

(m) ~~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)}~~ (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.

**Sec. 35.** 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 or* operator ~~{or agent}~~ for a currently licensed pest control business must ~~{show the following:~~

~~—1.— Name,} *include, without limitation:*~~

1. *The name of the applicant and the* mailing address and ~~{home}~~ telephone number *of the residence* of the applicant.

2. ~~{Name}~~ *The name* of the ~~{current Nevada}~~ pest control business ~~{employing applicant as well as the Nevada}~~ *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:~~

~~—4.— Any} ;~~



*(b) Whether the applicant holds an active license in another state ~~held by the applicant~~ and if he holds such a license, a list indicating the categories of ~~the license~~ ~~5. Any~~ 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.*

~~6. Endorsement~~

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

**Sec. 36.** NAC 555.370 is hereby amended to read as follows:

555.370 An applicant for a license to engage in the business of pest control must provide the department with:

1. Proof that ~~a principal or~~ a primary principal of the business is licensed in the category or categories in which the business will be conducted.

2. Proof that the applicant has insurance for public liability and property damage which:

(a) Covers each occurrence of damage to persons or to property from chemicals, chemical drift and equipment used in the operations of the business including any air operations and any use of ground equipment belonging to aerial applicators.

(b) Provides the following minimum amounts of coverage:

(1) For licensees using ground equipment:

(I) For each occurrence of bodily injury, \$10,000;

(II) For aggregate bodily injury, \$20,000;

(III) For each occurrence of property damage, \$10,000; and

(IV) For aggregate property damage, \$20,000.

(2) For licensees using aircraft equipment:

(I) For each occurrence of bodily injury, ~~[\$25,000;]~~ **\$100,000;**

(II) For aggregate bodily injury, ~~[\$50,000;]~~ **\$300,000; and**

(III) For each occurrence of property damage, ~~[\$25,000; and~~

~~(IV) For aggregate property damage, \$50,000.]~~ **\$100,000.**

(c) Provides that not less than 10 days before extending, restricting, canceling or changing the coverage as certified or paying any claim under the policy, the insurer will give written notice of that action to the director.

3. Evidence that the business has the necessary type or types of equipment to perform satisfactory work in the field and categories of pest control to be undertaken. The equipment must be capable of applying pesticides satisfactorily under normal working conditions.

4. A certificate of incorporation or a copy thereof, issued by the secretary of state, for the business if it is a corporation.

**Sec. 37.** NAC 555.372 is hereby amended to read as follows:

555.372 1. Except as otherwise provided in subsection 3, a ~~[person licensed to engage in the business of pest control]~~ **principal or operator** may not renew his license unless he certifies that he has, within the immediately preceding 12 months, completed at least six units of continuing education in courses accredited by the director. Each unit of continuing education must be completed in a course that relates to pest control, and at least one unit must be in a course regarding safety in handling and dispensing pesticides and the laws and regulations of this state governing the use of pesticides. A ~~[licensee designated as a principal may complete not more than]~~ **principal who completes** three **or more** units of continuing education in business

management [.] *may not count more than three of those units of continuing education toward the requirements for continuing education set forth in this subsection.*

2. To receive credit for the completion of a unit of continuing education, a [licensee] *principal or operator* must attend and successfully complete a course accredited by the director. 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] *principal or operator* must receive a passing grade on the certification examination.

3. The provisions of subsection 1 do not apply to a [licensee] *principal or operator* who:

(a) Obtained his license for the first time less than 12 months before the expiration of his license;

(b) Passes the general and specific examinations given pursuant to NAC 555.340 in each category of pest control in which he is currently licensed on or after October 1 of the year in which his license expires; or

(c) Holds a license or certificate as a pest control advisor or certified crop advisor, or the equivalent as determined by the director, if he has, within the immediately preceding 12 months, completed at least one unit of continuing education in courses accredited by the director regarding safety in handling and dispensing pesticides and the laws and regulations of this state governing the use of pesticides.

4. For each course for which a [licensee] *principal or operator* 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] *principal or operator* successfully completed the course.

5. The department may inspect a document retained pursuant to subsection 4 by:

(a) Requiring the ~~[licensee]~~ *principal or operator* to submit a copy of the document to the department; or

(b) Inspecting the original document at the ~~[licensee's]~~ primary place of business ~~[.]~~ *of the pest control business employing the principal or operator.*

**Sec. 38.** NAC 555.380 is hereby amended to read as follows:

555.380 1. Any operator , ~~[or agent]~~ including an aerial operator, shall provide the department with:

(a) Proof of having passed the applicable examination; and

(b) Proof of employment by a pest control business licensed to conduct pest control operations in this state.

2. In addition to the provisions of subsection 1 an aerial operator shall:

(a) Present proof of holding a current commercial or airline transport pilot certificate.

(b) Present proof of holding a valid agricultural aircraft operator's certificate issued by the Federal Aviation ~~[Agency].~~

~~—3.— An applicant for a pilot operator's license in lieu of the F.A.A. certificate may present a letter of certification, signed by the person designated by the holder of an F.A.A. certificate as required by part 137.19(c) Commercial Operator Pilot C.P.R. attesting:~~

~~—(a) That the applicant is properly rated for the aircraft to be used.~~

~~—(b) That the applicant has had not less than 5 hours of familiarization flight time in the aircraft to be used.~~

~~—(c) The applicant's knowledge of the procedure to be taken before starting operations including a survey of the area to be worked.~~

~~—(d) The applicant’s knowledge of each type of aircraft certified take-off weight or maximum weight established, whichever is greater.~~

~~—(e) The applicant’s knowledge of the performance and limitation capabilities of the aircraft to be used.~~

~~—(f) The applicant’s ability to handle properly each type of aircraft at maximum load capacity on short field and soft field take-offs, flareouts, swath runs, pull-ups and turnarounds and rapid deceleration (quick stop) for helicopters only.]~~ *Administration pursuant to 14 C.F.R. § 137.19.*

**Sec. 39.** 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 ~~[-~~:

~~—1. His license, within 5] *within 15* working days after [he] :~~

~~(a) He ceases engaging in pest control [-~~

~~—2. The license on any employee, within 5 working days after his] ; or~~

~~(b) His employment *with a pest control business* is terminated. [If a license cannot be recovered from the employee, the employer must file with the department a signed statement that he attempted to secure the employee’s license.]~~

*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 from the pest control business within 15 days after the date on which that termination occurs.*

**Sec. 40.** NAC 555.395 is hereby amended to read as follows:

555.395 1. ~~Every person licensed to engage in pest control after December 10, 1992, shall ensure that each of his business locations in this state has a principal or a primary principal who is licensed in the appropriate category or categories of pest control.~~

~~—2.]~~ Every person licensed to engage in pest control ~~[on December 10, 1992, shall, by January 1, 1994,]~~ *shall* ensure that each of his business locations in this state has ~~[a principal or]~~ a primary principal who is licensed in the appropriate category or categories of pest control.

~~[3.—Except as otherwise provided in subsection 2, the]~~

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

**Sec. 41.** NAC 555.397 is hereby amended to read as follows:

555.397 1. Except as otherwise provided in subsection ~~[2,]~~ 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, a licensing fee of \$50.

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.

**Sec. 42.** NAC 555.400 is hereby amended to read as follows:

555.400 Except as otherwise provided in NAC 555.250 to 555.530, inclusive, *and sections 2 to 15, inclusive, of this regulation*, 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 ~~{an}~~ *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. ~~{Use materials, dosages, formulas, devices and methods of application only in accordance with the label directions of the product or device registered by the Environmental Protection Agency, registered by the State of Nevada or in accordance with the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §§ 136 et seq.), as amended in 1988.~~
- ~~—5.~~ Keep pest control equipment, when in use, in good condition.

~~{6. When}~~

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.

~~{7.}~~ 6. Maintain a uniform mixture at all times, both in operating rigs and service rigs, when using a mixture of materials.

~~{8.}~~ 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.

~~{9.}~~ 8. Thoroughly clean all equipment after use to prevent residues which may be injurious to crops, plants or livestock.

~~{10.}~~ 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.

**Sec. 43.** 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) ~~{For}~~ *If the person is licensed in the* aerial or agricultural ground ~~{licensees:}~~ *field:*
    - (1) The date of treatment.
    - (2) The *full* name of the person for whom and the county where treatment was conducted.
    - (3) The *full* name of the pilot or applicator doing the treating.
    - (4) The crop or ~~{item}~~ *site* treated.



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

(6) The ~~[material]~~ *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 ~~[item]~~ *site* was treated.

(8) The ~~[starting and finishing time of treatment.]~~ *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) ~~[For urban structural licensees:]~~ *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 ~~[item treated.]~~

~~(5) The number of units treated.]~~ *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 ~~[material]~~ *a diluted pesticide* and *the* concentration of *the pesticide that was* applied.

(7) ~~[The purpose for which the item was treated.]~~

~~(8)~~ If treatment is conducted in the categories of ornamental and turf, *or* fumigation ~~[, or shade trees and fruit trees:]~~ :

- (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 Form 99b as adopted by reference pursuant to section 11 of this regulation 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 (d) to (l), inclusive, of subsection 1 of section 14 of this regulation.*

2. Report immediately to the director ~~[any]~~ :

*(a) Any* emergency dumps of pesticides by aircraft, and accidents of aircraft loaded with pesticides or ground equipment involving the spillage of pesticides ~~[, or the]~~ ; *or*

*(b) The* spillage at sites of operations of unmixed pesticides *that are* detrimental to ~~[people.]~~ *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~~ *Except as otherwise provided in subsection 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 be filed on or before the 15th day of the following month. ~~Negative reports must be~~

5. *If the person is licensed in the aerial or agricultural ground field, the monthly report filed pursuant to subsection 4 must:*

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

(b) *Be* filed for those periods during which no operations were conducted unless written notification is given *to the director* declaring that ~~no work is to be done until a specified month and year when operations are expected to resume.~~

~~5.] operations have ceased.~~

6. Submit to the director any reports or records he requests.

**Sec. 44.** NAC 555.430 is hereby amended to read as follows:

555.430 1. Each person who:

(a) Makes an inspection for wood-destroying pests;

(b) Gives any oral or written statement relating to such an inspection; or

(c) After the construction of a structure, makes an application of a pesticide to eradicate wood-destroying pests,

FLUSH shall write and deliver a report of the inspection or the application of a pesticide to the person requesting the inspection or application, or his designated agent, not later than 5 days after the inspection or the application. The report must be on a *numbered* form ~~prescribed or approved~~ *provided* by the department.

2. A copy of each report must be filed with the district or subdistrict office of the department not later than ~~5~~ 15 days after the inspection or the application of a pesticide is made.

3. The report must contain:

(a) The name, license number and mailing address of the ~~firm~~ *pest control business* performing the inspection or the application of a pesticide, and the date of the inspection or application.

(b) The number assigned to the escrow or mortgage by the Federal Housing Administration or Veterans' Administration, if applicable and obtainable.

(c) The street address and city where the property is located.

(d) The name of the person who requested the inspection or the application of a pesticide.

(e) The name of the person to whom the original of the report is being sent.

(f) The name and address of the owner of the property.

(g) The name and address of the buyer or other interested person, if applicable and obtainable.

(h) An identification of any area to which the application of a pesticide was made.

(i) The name, the registration number assigned by the Environmental Protection Agency and the total diluted amount and concentration of any pesticide that was applied.

(j) A statement of whether there is evidence of active or inactive infestations of termites, other wood-destroying insects or wood-destroying fungi. As used in this paragraph:

(1) "Active infestation" means the presence of living wood-destroying pests.

(2) "Inactive infestation" means evidence of infestation by wood-destroying pests, without the presence of such pests.

(k) A statement of whether there is any condition conducive to infestation, including contact of wood with the earth, a faulty grade, insufficient ventilation, excessive moisture or cellulose debris. As used in this paragraph:

(1) “Contact of wood with the earth” means any support or other structure of cellulose that is less than 3 inches above the soil level and in contact with the inspected structure, whether it is internal or external in relation to that structure. *The term does not include:*

*(I) A paling of a fence which is made of wood and which is less than 3 inches above the soil level and in contact with the inspected structure; or*

*(II) Lattice which is made of wood and which is less than 3 inches above the soil level if the lattice is physically attached to the inspected structure.*

(2) “Faulty grade” means a condition in which a floor joist or stringer is less than 12 inches above the soil level, the top of the foundation is less than 3 inches above the adjacent soil level, or ~~[the drainage is such that]~~ *there is visible evidence of drainage of surface water toward the structure and* excessive moisture is evident. ~~[on the substructural timbers.]~~

(3) “Insufficient ventilation” means less than 1 square foot of ventilation per 300 square feet of crawlspace, less than 1 square foot for every 1500 square feet of ground area covered by a vapor barrier, or less than two areas permitting cross ventilation (i.e., two areas on opposite sides of the foundation).

(4) “Excessive moisture” means actual moisture on the ~~[substructural]~~ *structural* timbers.

(5) “Cellulose debris” means any such debris that *is of a size that can be raked and in the aggregate comprises* ~~[3 square feet.]~~ *one-half cubic foot or more, or a stump or any other wood that is imbedded in a footing and constitutes a contact of wood with the earth. The term does not include wood that is in contact with the earth if that wood:*

*(I) Is pressure-treated or certified by the Board of Review of the American Lumber Standard Committee;*

*(II) Is designated for contact with the ground;*

*(III) Is separated from the inspected structure by a noncellulosic barrier;*

*(IV) Is guaranteed against structural damage by termites or fungal decay;*

*(V) Has surfaces which have been cut and which indicate that the treatment was complete; and*

*(VI) Has been inspected and determined to be free of infestation.*

(l) A diagram or sketch of the foundation or part of the inspected structure indicating the location of any condition likely to lead to infestation or infection or any area showing infestation or infection.

(m) A diagram or explanation, or both, of the inspected structure or part of it, showing:

(1) The location of any inaccessible area or subarea and any area or subarea not inspected;

(2) Any portion of the structure normally visible which cannot be inspected without mechanically altering the structure ~~[; or]~~, *including, without limitation, subflooring or a rim joist that is concealed by insulation; or*

(3) Any area where normal conditions have been altered so an inspection is not possible, such as storage in a closet.

(n) The *full name and* signature of the inspector.

4. ~~[Except as otherwise provided in this subsection, upon]~~ *Upon* completion of an inspection or the application of a pesticide, the person making the inspection or application shall:

(a) If the structure has a crawlspace beneath it, affix a tag ~~approved~~ *provided* by the department to the structure in an area in which the tag is visible from the entrance to the crawlspace ; ~~;~~

(b) If the structure does not have a crawlspace beneath it, affix a tag ~~approved~~ *provided* by the department to the structure in an area in which the tag is visible from the access area under ~~a sink.~~ *the kitchen sink; or*

(c) If the inspection or application is performed at a structure with multiple units for occupancy, ~~the person making the inspection or application shall~~ deliver the tag to the office of the manager of the structure or to the owner of the structure if there is no office of the manager of the structure.

5. The tag affixed pursuant to subsection 4 must contain:

(a) The license number and name of the ~~firm who~~ *pest control business that* performed the inspection or application.

(b) A statement whether an inspection or application was performed. If an application was performed, a statement of the name, amount and concentration of the pesticide applied.

(c) The date on which the inspection or application was performed.

*6. Unless otherwise authorized by the director, each person who, after the construction of a structure, applies a termiticide or other pesticide to eradicate wood-destroying pests, shall apply the termiticide or other pesticide only in the specific quantities and dosages listed on the label of the termiticide or other pesticide.*

**Sec. 45.** NAC 555.440 is hereby amended to read as follows:

555.440 1. ~~Any~~ *A* licensee *or certified applicator* engaged in the application of pesticides ~~[, when using a method or device or any substance known to be harmful to human~~

~~beings, animals (including bees), crops or property,]~~ shall exercise reasonable precautions to protect ~~[human beings,]~~ *persons*, animals, crops and property from harm or damage.

2. A pesticide or its empty container must not be ~~[dumped]~~ *disposed of* or left unattended where it may present a hazard to any ~~[human being,]~~ *person*, animal, crop or property, or be disposed of in a manner likely to cause injury. A licensee *or certified applicator* shall ensure that all empty containers are removed from the operations work site or otherwise safeguarded.

3. ~~[Any]~~ A licensee *or certified applicator* engaged in the application of pesticides ~~[, when using a method or device or any substance known to be harmful to humans, shall provide]~~ *shall:*

(a) *Provide* his employees with the information, precautions and safety equipment recommended by the *department or the* manufacturer of the ~~[device or material, the state industrial insurance system or the department.]~~ *pesticide; and*

(b) *Ensure that any safety equipment provided pursuant to paragraph (a) is in good working order.*

4. *A licensee or certified applicator engaged in the application of pesticides shall use materials, dosages, formulas, devices and methods of application and disposal only in accordance with the directions on the label of the pesticide or device registered by the Environmental Protection Agency, registered by the department or in accordance with the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.*

**Sec. 46.** NAC 555.460 is hereby amended to read as follows:

555.460 ~~[Any licensed person]~~ A licensee engaged in the application of pesticides ~~[, when using a material containing a substance]~~ known to be harmful to *persons or* animals other than bees, shall:



1. Give notice to the owner of any animals known to be on the property to be treated or on property where the material appears likely to drift in harmful amounts within a reasonable time before treatment to enable the owner to protect the animals.

2. Exercise reasonable precautions to prevent access of animals to areas where harmful residues remain.

3. In applying materials harmful to fish, exercise reasonable precautions to avoid contaminating the water containing the fish.

*4. Place rodenticides in an area that is inaccessible to children or pets or other domestic animals or in a tamper-resistant bait station that is marked on the outside of the bait station with the following information:*

*(a) The name, address and telephone number of the pest control business that performed the pest control;*

*(b) The name of the rodenticide;*

*(c) The registration number assigned to the rodenticide by the Environmental Protection Agency;*

*(d) The name and percentage of the active ingredient of the rodenticide; and*

*(e) The precautionary word and symbol for the rodenticide that is used by the manufacturer of the rodenticide on the label of the rodenticide.*

*5. Upon termination of the services of the pest control business, remove any bait stations placed on the property by the pest control business.*

**Sec. 47.** NAC 555.510 is hereby amended to read as follows:

555.510 1. Fumigation may be performed only under the direct and personal supervision of a person ~~licensed to do~~ *who is:*

(a) *A certified applicator; and*

(b) *Licensed pursuant to subparagraph (4) of paragraph (c) of subsection 2 of NAC*

*555.280 to perform* pest control using lethal fumigants.

2. ~~["The requirements for all applicators are as follows:"]~~ *Except as otherwise provided in subsection 3, the person exercising direct and personal supervision over the fumigation shall ensure that:*

(a) Before the commencement of fumigation, warning signs ~~["must be"]~~ *are* posted in plainly visible locations on or in the immediate vicinity of all entrances to the area under fumigation and ~~["must not be"]~~ *are not* removed until ~~["fumigation"]~~ :

(1) *The fumigation* and ventilation have been completed ~~["and"]~~ ;

(2) *Except as otherwise provided in paragraph (c), the premises have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry; and*

(3) *He determines the premises* are safe for reentry.

(b) Ventilation ~~["must be"]~~ *is* conducted with due regard for the public safety.

~~["(b)"]~~ (c) *If the label of the fumigant does not list a level of concentration of the fumigant in the air that the manufacturer has determined is safe for reentry, and the fumigant used is:*

(1) *Methyl bromide, chloropicrin or sulfuryl fluoride, the concentration of the fumigant in the air is 3 parts per million or less before he determines that the premises are safe for reentry;*

(2) *Aluminum phosphide or magnesium phosphide, the concentration of the fumigant in the air is 5 parts per million or less before he determines that the premises are safe for reentry; and*

(3) *Any fumigant other than those fumigants listed in subparagraph (1) or (2), he obtains from the manufacturer information concerning the level of concentration of fumigant in the air that the manufacturer has determined is safe for reentry and the level of concentration of fumigant in the air is the level determined to be safe by the manufacturer or less before he determines that the premises are safe for reentry.*

(d) Warning signs ~~[must be]~~ *are* printed in red on a white background and ~~[must contain the]~~ *include:*

(1) *The following statement, written in English and Spanish, in letters not less than 2 inches in height: [~~“DANGER—FUMIGATION.”~~ The signs must also depict a]*

*DANGER*

*AREA UNDER FUMIGATION*

*DO NOT ENTER*

(2) *A skull and crossbones symbol that is not less than 1 inch in height [~~, and must give the]~~;*

(3) *The name of the fumigant [~~,]~~ in use, the date and time the fumigant was injected [~~, and the]~~; and*

(4) *The name, address and telephone number of the licensee performing the fumigation.*

~~[(e)]~~ (e) *The area to be fumigated [must be] is vacated by all occupants before the commencement of fumigation and all entrances to the area [must be] are locked, barricaded or otherwise secured against entry until the end of the exposure period, then opened for ventilation and relocked, barricaded, or otherwise secured against reentry until [the person exercising direct and personal supervision over the fumigation] he declares the area to be safe for reentry.*

~~[(d)]~~ (f) Before the commencement of fumigation, the space to be fumigated ~~[must be]~~ *is* sealed in such a manner that tests taken before ventilation is begun will show that the required concentration of the fumigant released within the space has been retained therein in compliance with the manufacturer's recommendations.

~~[(e) A licensee performing fumigation shall use an]~~

(g) *An* adequate warning agent *is used* with all fumigants which lack such an agent ~~[.]~~ *if a warning agent is appropriate for use on the structure or other item being treated.*

(h) *At least one licensee and one person under the supervision of that licensee is present during:*

*(1) The release of the fumigant; and*

*(2) The ventilation process until the warning signs are removed from the premises.*

(i) When conditions involving abnormal hazards exist, ~~[the person exercising direct or personal supervision shall take]~~ *he takes* such safety precautions in addition to those prescribed by this ~~[regulation]~~ *section* as are reasonably necessary to protect the public health and safety.

~~[(f) A licensee shall maintain a log of each fumigation job performed by him in this state. The log must be preserved for at least 2 years during which time it must be available during business hours for inspection by the director or his authorized representatives.~~

~~—3.—The following additional requirements apply to licensees fumigating structures]~~

*3. If the requirements for use and warnings listed on the label of the fumigant are more stringent than the requirements set forth in subsection 2, the person exercising direct and personal supervision over the fumigation shall ensure that the requirements listed on the label of the fumigant are satisfied.*

*4. In addition to the requirements set forth in subsection 2 or 3, the person exercising direct and personal supervision over the fumigation of a structure that is used for human habitation ~~[:]~~ or for business if employees or other persons occupy the structure shall ensure that:*

(a) During the process of fumigation, the room, *warehouse* or apartment being fumigated, together with all rooms, *units* and apartments on the same floor and those above, below and adjacent thereto, ~~must be~~ *are* vacated by the occupants thereof.

(b) During the process of the fumigation, all rooms, *units*, apartments and hallways adjacent to the rooms, *units*, apartments or spaces undergoing fumigation ~~must be~~ *are* kept well ventilated and warning signs as prescribed in paragraph ~~(b)~~ *(d)* of subsection 2, ~~must be~~ *are* kept posted at all entrances to these rooms, *units* or apartments during the time of the fumigation and thereafter until the premises ~~are~~ :

*(1) Are* safely ventilated ~~and are free of all fumes.~~ ; *and*

*(2) Have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry. Except as otherwise provided in this paragraph, such testing must be completed with a device which is specified on the label of the fumigant and which is calibrated to measure the smallest unit in which the concentration of the fumigant in the air is required to be measured. If the label of the fumigant does not specify the device to be used for such testing, a device that is calibrated in increments of 1 part per million must be used.*

(c) A rooming or apartment house designed for four families or less ~~must be~~ *is* entirely vacated and closed against entry and occupancy while fumigation is being performed and *thereafter* until ~~it is~~ *the premises:*

*(1) Are safely ventilated ~~[and free of all fumes.]~~; and*

*(2) Have been tested and the concentration of the fumigant in the air is less than the level listed on the label of the fumigant as safe for reentry. Except as otherwise provided in this paragraph, such testing must be completed with a device which is specified on the label of the fumigant and which is calibrated to measure the smallest unit in which the concentration of the fumigant in the air is required to be measured. If the label of the fumigant does not specify the device to be used for such testing, a device that is calibrated in increments of 1 part per million must be used.*

*5. The person exercising direct and personal supervision over the fumigation shall ensure that:*

*(a) Each employee of the pest control business who is performing fumigation has been instructed in the use and administration of first aid and in the use and care of the safety equipment recommended by the department or the manufacturer of the fumigant; and*

*(b) The following items are on the premises being fumigated and are in good working order:*

*(1) A first-aid kit, that includes directions for artificial resuscitation;*

*(2) At least two gas masks or other respiratory protective devices that have been approved by the National Institute of Occupational Safety and Health and the Mine Safety and Health Administration;*

*(3) A testing device that satisfies the requirements set forth in subsection 4 to measure the concentration of the fumigant in the air during the fumigation process or the ventilation process;*

*(4) A complete label and any supplemental labels from the fumigant being used, including, without limitation, any instructions for the use of the fumigant published by the manufacturer of the fumigant; and*

*(5) For each type of fumigant being used, the antidote, if any, as prescribed by the manufacturer of the fumigant and the instructions for administering the antidote as prescribed by the manufacturer of the fumigant.*

*6. As used in this section, “direct and personal supervision” means guidance and instruction by a person described in subsection 1 who:*

*(a) Is physically present at the premises being fumigated; and*

*(b) Is available to give immediate assistance to each person who is performing the fumigation.*

**Sec. 48.** NAC 555.526 is hereby amended to read as follows:

555.526 1. ~~HF~~ *Except as otherwise provided in subsection 4, if* the department has reason to believe that a person has violated any provision of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, it will serve upon that person an administrative complaint that contains:

(a) The name of the person alleged to have committed the violation;

(b) A short and plain statement of the acts or omissions alleged to have been committed in violation of those provisions and the citation of the provisions allegedly violated; and

(c) The enforcement action that the department intends to pursue.

2. At the time of serving an administrative complaint on a person, the department will notify him that he may:

(a) Agree to an informal disposition;

- (b) Request an informal case review; or
- (c) Demand a hearing pursuant to NRS 555.470.

3. ~~[Except as otherwise provided in subsection 4, the]~~ *The* department will notify the person named in the administrative complaint that if he does not exercise one of the options set forth in subsection 2, the department will proceed to a hearing on the violation pursuant to the provisions of NAC 561.300 to 561.580, inclusive.

4. ~~[The department will not proceed to a hearing, but will issue a notice of warning if:~~  
~~—(a) The administrative complaint is the first to allege a violation of any provision of NRS 555.2605 to 555.460, inclusive, or any regulation adopted pursuant thereto, by the person named in the administrative complaint; and~~  
~~—(b) The violation alleged in the administrative complaint is]~~ *In lieu of serving an administrative complaint pursuant to subsection 1, the director may issue a notice of warning if the violation that the department believes the person has committed is the first offense of a nonserious violation.*

**Sec. 49.** 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



CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
(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
(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		

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
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 direct 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 <del>[when using a method or device or any substance known to be harmful to human beings,]</del> <i>to protect persons,</i> 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) <del>Dumping</del> <i>Disposing of</i> or leaving unattended a pesticide or its empty container where it may present a hazard to any <del>human being,</del> <i>person</i> , 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 <i>(per item not provided)</i>	\$25 to \$300 <i>(per item not provided)</i>
(2) If it is a serious violation .....	\$1,001 to \$5,000 <i>(per item not provided)</i>	\$301 to \$1,000 <i>(per item not provided)</i>

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
<i>(d) Failing to maintain the required safety equipment in good working order.....</i>	<i>\$50 to \$1,000 (per item not maintained)</i>	<i>\$25 to \$300 (per item not maintained)</i>
<i>(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.:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$1,000</i>	<i>\$25 to \$300</i>
<i>(2) If it is a serious violation .....</i>	<i>\$1,001 to 5,000</i>	<i>\$301 to \$1,000</i>
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		

CERTIFICATION	COMMERCIAL APPLICATOR	PRIVATE APPLICATOR
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
(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
5. For a violation of NRS 555.280 .....	\$500	\$1,000
6. For a violation of NRS 555.285 .....	\$500	\$1,000
7. For failing to supervise adequately an applicator who does not have a license issued by the director .....	\$100	\$100

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<p>8. For a violation of NAC 555.290, if the violation is for:</p>		
<p>(a) <i>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 .....</i></p>	<p><i>\$25</i></p>	<p><i>\$25</i></p>
<p>(b) Failing to notify the director <del>[of the department]</del> of any change in the status of authority of any <del>[person licensed for that business as a principal agent]</del> <i>primary principal, principal</i> or operator or of any change in the information given on the application for <del>[a]</del> <i>the license of the pest control business .....</i></p>	<p><del>[\$25]</del> <i>\$100</i></p>	<p>\$100</p>
<p><del>[(b)]</del> (c) Failing to submit a new application and fee <del>[when]</del> <i>if</i> a change in ownership occurs .....</p>	<p>\$25</p>	<p>\$25</p>
<p>9. Failing to obtain the permit required</p>		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
pursuant to NAC 555.300 or to provide accurate or complete information on an application for such a permit.....	\$25	\$25
10. <i>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 from the pest control business within 15 days after the date on which that termination occurs.....</i>	<i>\$100</i>	<i>\$100</i>
11. For a violation of NAC 555.400, if the violation is for:		
(a) Applying a pesticide in a category of <i>pest</i> 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		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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
<del>(d) Not using materials, dosages, formulas, devices or methods of application in accordance with the label directions of the product or device:</del>		
<del>(1) If it is a nonserious violation .....</del>	<del>\$50 to \$500</del>	<del>\$301 to \$1,000</del>
<del>(2) If it is a serious violation .....</del>	<del>\$501 to \$5,000</del>	<del>\$1,001 to \$5,000</del>
<del>(e) Failing to keep pest control equipment in good condition .....</del>	<del>\$25</del>	<del>\$25</del>
<del>(f) (e) Not using devices which are accurately calibrated to the smallest possible unit when measuring concentrated materials .....</del>	<del>\$25</del>	<del>\$25</del>
<del>(g) (f) Failing to maintain a uniform mixture .....</del>	<del>\$25</del>	<del>\$25</del>
<del>(h) (g) Failing to confine in a substantial manner the material applied to the premises</del>		



LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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
<del>[(h)]</del> <b>(h)</b> Failing to clean thoroughly all equipment after use.....	\$25	\$25
<del>[(i)]</del> <b>(i)</b> 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 <del>[use]</del> <b>remove</b> 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
<del>[(11)]</del> <b>12.</b> 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.....	<del>[\$25]</del> <b>\$100 to \$500</b>	<del>[\$25]</del> <b>\$501 to \$1,000</b>
(b) Failing to record an item of		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
information required for the record.....	\$25	\$25
<p>(c) Failing to report to the director within 48 hours any cases of apparent pesticide poisoning which require medical treatment:</p> <p>(1) If it is a nonserious violation .....</p> <p>(2) If it is a serious violation .....</p>		
	\$100	\$100
	\$500	\$500
(d) Failing to file the required monthly report on or before the 15th day of the following month.....	<del>[\$25]</del> \$100	<del>[\$50]</del> \$100
<del>12.] 13.</del> For a violation of NAC <del>555.425,]</del> 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
<del>13.] 14.</del> For a violation of NAC 555.425, if the violation is for 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		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
and in a color which contrasts with the color of the vehicle.....	\$25	\$25
 <b><del>[14.]</del> 15. For a violation of section 13 of this regulation, if the violation is for:</b>		
<b><i>(a) Failing to apply the termiticide only in the specific quantities and dosages listed on the label of the termiticide, unless otherwise authorized by the director .....</i></b>		
	<b><i>\$500 to \$1,000</i></b>	<b><i>\$1,001 to \$5,000</i></b>
<b><i>(b) Failing to complete the preconstruction treatment after the finished grade is completed if the label of the termiticide recommends treatment of the finished grade.....</i></b>		
	<b><i>\$301 to \$1,000</i></b>	<b><i>\$1,001 to \$5,000</i></b>
 <b>16. For a violation of section 14 of this regulation, if the violation is for:</b>		
<b><i>(a) Failing to record legibly and accurately the information required on the tag for preconstruction treatment.....</i></b>		
	<b><i>\$301 to \$1,000</i></b>	<b><i>\$1,001 to \$5,000</i></b>
<b><i>(b) Failing to affix securely a tag for</i></b>		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<i>preconstruction treatment at the site of the preconstruction treatment immediately after an application of termiticide .....</i>	<i>\$100</i>	<i>\$100</i>
<p>17. For a violation of NAC 555.430, if the violation is for:</p> <p>(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 <del>prescribed</del> <i>provided</i> by the department .....</p>	<del>[\$25]</del> <i>\$100</i>	<del>[\$50]</del> <i>\$150</i>
<p>(b) Failing to file a report with the district or subdistrict within <del>5</del> <i>15</i> days after the inspection is made.....</p>	\$100	\$150
<p>(c) Failing to include each item of information required in a report.....</p>	<del>[\$25]</del> <i>\$50 to \$500</i>	<i>\$50 to \$1,000</i>
	<i>(per item not included)</i>	<i>(per item not included)</i>
<p><i>(d) Failing to affix or deliver a tag as required upon completion of an inspection or</i></p>		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<i>after an application of a pesticide.....</i>	<i>\$100</i>	<i>\$300</i>
<i>(e) Failing to record each item of information required on the tag .....</i>	<i>\$25</i>	<i>\$50</i>
	<i>(per item not included)</i>	<i>(per item not included)</i>
<i>(f) Failing to apply a termiticide or other pesticide to eradicate wood-destroying pests only in the specific quantities and dosages listed on the label of the termiticide or other pesticide, unless otherwise authorized by the director:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation .....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
<i>18. For a violation of NAC 555.440, if the violation is for:</i>		
<i>(a) Failing to exercise reasonable precautions to protect persons, animals, crops or property:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
(2) <i>If it is a serious violation .....</i>	<i>\$501 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
(b) <i>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 .....</i>	<i>\$100</i>	<i>\$100</i>
(c) <i>Failing to provide employees with the required information, precautions and safety equipment:</i>		
(1) <i>If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
	<i>(per item not provided)</i>	<i>(per item not provided )</i>
(2) <i>If it is a serious violation .....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
	<i>(per item not provided)</i>	<i>(per item not provided)</i>
(d) <i>Failing to keep the required safety equipment in good working order .....</i>	<i>\$50 to \$300</i>	<i>\$301 to \$1,000</i>

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
	<i>(per item not maintained)</i>	<i>(per item not maintained)</i>
 <i>(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.:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation .....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>

~~15.~~ **19.** For a violation of NAC 555.445, if the violation is for:

(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

~~16.~~ **20.** For a violation of NAC 555.460,

LICENSEES

FIRST  
OFFENSE

SUBSEQUENT  
OFFENSE

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

~~17~~ (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*



LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<i>(e) Failing to mark the outside of a bait station with the required information:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation .....</i>	<i>\$501 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
<i>(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:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation .....</i>	<i>\$501 to \$1,000</i>	<i>\$1,001 to \$5,000</i>
<b>21.</b> 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
<del>[18. For a violation of NAC 555.500, if the violation is for:</del>		
<del>—(a) Failing to take reasonable precautions and to provide adequate warning to prevent creating a fire during and after application.....</del>	<del>\$100</del>	<del>\$100</del>
<del>—(b) Failing to post the required notice on the treated property for 2 weeks after the treatment.....</del>	<del>\$100</del>	<del>\$100</del>
<del>—19.] 22. For a violation of NAC 555.510, if the violation is for:</del>		
(a) Fumigating without the direct and personal supervision of a person who is <i>a certified applicator and</i> licensed <del>[to do]</del> <i>pursuant to subparagraph (4) of paragraph (c) of subsection 2 of NAC 555.280 to perform</i> pest control using lethal fumigants:		

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
(b) Failing to post warning signs before <del>[and after fumigating :]</del> <i>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:</i>		
(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) <del>[Erecting]</del> <i>Posting</i> 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		

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
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) <del>Failing to maintain a log of each fumigation job he performs in this state for at least 2 years.....</del>	<del>\$25</del>	<del>\$25</del>
<del>—(h)] 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:</del>		
<del>(1) If it is a nonserious violation.....</del>	<del>\$50 to \$500</del>	<del>\$301 to \$1,000</del>
<del>(2) If it is a serious violation .....</del>	<del>\$501 to \$5,000</del>	<del>\$1,001 to \$5,000</del>
(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		

LICENSEES

FIRST  
OFFENSE

SUBSEQUENT  
OFFENSE

during the process of the fumigation:

- |   |                  |                    |
|---|------------------|--------------------|
| (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 |

~~[20. For a violation of NAC 555.520, if the violation is for:~~

~~—(a) Placing an anticoagulant in an open container where there is danger of food or drug contamination:~~

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

~~—(b) Failing to remove rodenticides from readily accessible places upon termination of service:~~

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

~~—(c) Using a rodenticide in a manner making it readily accessible to children or pets:~~

- |  |                          |                             |
|--|--------------------------|-----------------------------|
| <del>(1) If it is a nonserious violation .....</del> | <del>\$50 to \$500</del> | <del>\$301 to \$1,000</del> |
|--|--------------------------|-----------------------------|

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
<del>(2) If it is a serious violation .....</del>	<del>\$501 to \$1,000</del>	<del>\$1,001 to \$5,000</del>
<del>(d) Failing to provide the required information and markings at bait stations:</del>		
<del>(1) If it is a nonserious violation .....</del>	<del>\$50 to \$500</del>	<del>\$301 to \$1,000</del>
<del>(2) If it is a serious violation .....</del>	<del>\$501 to \$1,000</del>	<del>\$1,001 to \$5,000</del>
<i>(j) Failing to complete the ventilation process including testing the concentration of fumigant in the air before determining the premises are safe for reentry:</i>		
<i>(1) If it is a nonserious violation.....</i>	<i>\$50 to \$500</i>	<i>\$301 to \$1,000</i>
<i>(2) If it is a serious violation .....</i>	<i>\$501 to \$5,000</i>	<i>\$1,001 to \$5,000</i>
<i>(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.....</i>	<i>\$50 to \$300</i>	<i>\$301 to \$1,000</i>
<i>(l) Failing to have the required first-aid kit, respiratory protective devices or testing device on the premises while fumigating .....</i>	<i>\$50 to \$300</i>	<i>\$301 to \$1,000</i>
	<i>(per item not</i>	<i>(per item not</i>

LICENSEES	FIRST OFFENSE	SUBSEQUENT OFFENSE
	<i>provided)</i>	<i>provided)</i>
<i>(m) Failing to maintain the required first-aid kit, respiratory protective devices or testing device in good working order.....</i>	<i>\$50 to \$300 (per item not maintained)</i>	<i>\$301 to \$1,000 (per item not maintained)</i>

**Sec. 50.** NAC 555.700 is hereby amended to read as follows:

555.700 Except as otherwise provided in this chapter or as specifically authorized in writing by the director, any certified applicator applying or supervising the application of restricted - use pesticides shall in addition to the provisions of subsections 2 to ~~10~~ 9, inclusive, of NAC 555.400:

1. Keep and maintain a record of each property treated for 2 years, showing the following:
  - (a) Date of treatment;
  - (b) Name of certified applicator applying or supervising the application of the restricted use pesticide;
  - (c) Address of property treated;
  - (d) Brand name or generic name and Environmental Protection Agency ~~[(E.P.A.)]~~ registration number of the pesticide applied;
  - (e) Use information:

- (1) Item treated;
- (2) Number of units treated;
- (3) Purpose for which the pesticide was applied; and
- (4) Amount of undiluted material used or the strength of the diluted material used; and

(f) In addition to the requirements of paragraphs (a) to (e), inclusive, ~~when~~ *if* the treatment is conducted in the commercial categories agricultural pest control-plant, forest pest control, ornamental and turf pest control, right-of-way pest control, mosquito control, or in the private categories agricultural pest control-plant, turf pest control, forest pest control, the following must be shown:

- (1) Temperature at the start and finish of treatment.
- (2) Wind velocity and direction at the start and finish of treatment.
2. Report immediately to the director any emergency dump of a pesticide by an aircraft, any accident of a pesticide loaded aircraft or ground equipment involving the spillage of a pesticide, or the accidental spillage of a pesticide at any site of operations of pesticides.
3. Report to the director within 48 hours any case of apparent pesticide poisoning requiring medical treatment.
4. Have contact with any applicator under his direct supervision at least once every hour at night and at least once every 2 hours during daylight hours.
5. Assume responsibility for the fumigation procedures contained in NAC 555.510. ~~and cause the precautions contained in NAC 555.440 to be observed.]~~

**Sec. 51.** NAC 555.500 and 555.520 are hereby repealed.

**Sec. 52.** 1. This section and sections 1 to 26, inclusive, 28 to 33, inclusive, and 35 to 51, inclusive, of this regulation become effective upon filing with the secretary of state.



2. Section 27 and of this regulation becomes effective on January 1, 2002, or upon filing with the secretary of state, whichever occurs later.

3. Section 34 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 procedure 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.

FLUSH

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### TEXT OF REPEALED SECTIONS

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#### **555.500 Hazardous and injurious pesticides: Warnings; applications.**

1. All persons engaged in the application of a pesticide which contains carbon bisulfide, chlorate compounds, petroleum oil, sulfur dust, or other flammable or explosive materials shall take reasonable precautions to prevent creating a fire during the application and to provide an adequate warning of such a hazard after the application.

2. After any pesticide containing parathion, methyl parathion or EPN is applied at a rate per acre greater than 1 pound of actual parathion, methyl parathion or EPN, singly or in combination,

a posted notice must be kept on the treated property for 2 weeks to provide adequate warning to persons who enter the property by the point or points of normal entry. The notice must be of such size that it is readable at a distance of 25 feet and must be substantially as follows:

WARNING: DO NOT ENTER THIS PROPERTY

TREATED WITH (PARATHION) (METHYL

PARATHION) (EPN) ON ....(date)....

ALL PERSONS WARNED TO STAY OUT FOR 2 WEEKS.

**555.520 Rodenticides: Sodium fluoroacetate (Compound 1080) applications.**

1. Sodium fluoroacetate (Compound 1080) may be possessed, dispensed or used only by licensed pest control personnel having special authorization from the director for its possession and use. Under no circumstances may sodium fluoroacetate be used for tracking powder.

2. Licensees having special authorization for possession and use of sodium fluoroacetate shall notify the director not less than 24 hours before dispensing or the use of sodium fluoroacetate giving the following information:

(a) Purpose for which poisoned bait is to be dispensed.

(b) Specific address of premises to be treated.

(c) Type of material to be used as bait.

3. When sodium fluoroacetate (Compound 1080) is used by a special licensed operator, the bait station or receptacle must be locked and adequately marked with the name of the poison in addition to the information generally required for other poisons.

4. Anticoagulants may be placed in open containers of sufficient size to minimize the possibility of excessive spillage but in no case may any open container be placed where there is danger of food or drug contamination.

5. All rodenticides must be removed from readily accessible places upon termination of the particular service.

6. A rodenticide must not be used in such a manner as to be readily accessible to children or pets.

7. When covered bait stations are used for all poisons, poison signs need not be posted if the bait station is adequately marked with the skull and crossbones, the word "POISON" and the name, address and telephone number of the licensee doing the service. If the building is vacated, posted and locked and in the care, custody and control of the licensee, it is considered the bait station.