

● CUSTOM PESTICIDE APPLICATION LAW

STATUTORY CITATION: Nev. Rev. Stat. §§ 555.2605 – 555.470

RELATED REGULATIONS: Nev. Admin. Code §§ 555.250 – 555.700

GENERAL SUMMARY: Chapter 555 of the state statutes contains provisions which regulate the custom application of pesticides in Nevada, in part by requiring the licensing of individuals engaged in pest control operations and the certification of users of restricted-use pesticides. The state agriculture department is authorized to adopt related regulatory provisions consistent with statutory intent.

SPECIFIC TERMS AND CONDITIONS

LICENSING — In general, no one may engage in pest control activities in Nevada without a license to do so issued by the state. Among other qualifications, an applicant for a pest control license must have at least 2 years' practical pest control experience, or an equivalent combination of education and experience. Issuance of a license is also contingent on the applicant's presentation of proof of bonding or public liability and property damage insurance in an amount not less than \$50,000. In addition, drift insurance may be required whenever the applicant intends or expects to employ pesticides that are hazardous to humans, livestock, crops or wildlife.

CERTIFICATION — Aside from the licensing requirement, anyone who intends to use or supervise the use of a restricted-use pesticide must first obtain a certificate from the state authorizing such activity. Certification is conditioned on a finding by the state enforcement agency that the applicant has adequate knowledge concerning the proper use and application of such materials, and of the hazards involved and precautions to be taken in connection with their use.

RECORDKEEPING — Persons who, for hire, apply pesticides to cropland using ground equipment or apply pesticides by aircraft are required to keep a record of each property treated. The record must include the date of treatment, the start and end times, the name of the person for whom the pesticide was applied, the county where the treatment took place, the crop involved, the number of units treated, the material and dosage applied, the purpose for applying pesticides, the temperature and wind velocity at the start and end of treatment, and the name of the applicator or pilot.

PROHIBITED ACTS — Among other grounds for suspension, modification or revocation of licensing and certification, it is unlawful for pesticide applicators in the state (1) to operate faulty or unsafe equipment, (2) to apply pesticides in a faulty, careless or negligent manner, (3) to engage in pesticide control activities not authorized under the class of license or certificate held, or in violation of its restrictions, (4) to continue to operate when the required insurance or bonding has expired or been canceled, (5) to fail or neglect to keep required records or make required reports, or (6) to apply a pesticide product in a manner inconsistent with its labeling or contrary to other restrictions imposed by the state agency.

EXEMPTION OF FARMER-OWNERS — Except with respect to the use of restricted-use products, the licensing and other requirements of the pesticide application laws do not apply to any farmer-owner of ground equipment applying pesticides on his or her own property, or on adjacent property for the accommodation of neighbors for agricultural purposes, as long as the farmer-owner does not regularly engage in pesticide application for hire or offer such services to the general public.

SPECIAL NOTES OR ADVISORIES

EFFECT OF FEDERAL RULE CHANGES ON STATE APPLICATOR CERTIFICATION REQUIREMENTS — Effective March 6, 2017, amendments to the U.S. Environmental Protection Agency's regulations governing the certification of pesticide applicators (*see entry, U.S. — Pesticides & Agricultural Chemicals — General Application Standards*) may require state pesticide regulatory agencies to strengthen their requirements for the certification of commercial and private applicators of restricted-use pesticides. In general, existing state rules approved by EPA before the effective date of the new federal regulations will remain in effect until March 6, 2020. If, however, the state agency submits an amended certification plan before that date, the existing state rules will remain in effect until EPA has reviewed and responded to the plan, but generally no longer than two more years.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Plant Industry Division, Nevada Department of Agriculture, Sparks, Nevada 89431 (775-353-3729)*. The Department is responsible for the licensing and certification of pesticide applicators in the state, and for assuring their compliance with the standards and duties imposed by these provisions. Inspectors from the Department may enter any public or private property at reasonable times for the purpose of inspecting, auditing, sampling or monitoring any aircraft, ground equipment, records, storage areas, pesticides, pesticide application operations, disposal operations, or other activities subject to regulation by the Department. On receipt of a verified complaint, the Department may investigate any loss or damage resulting from the application of any pesticide by a licensed pest control operator, generally provided that the complaint is filed within 60 days from the time the loss or damage becomes known to the complainant. In addition to suspension or revocation of the applicant's license or certificate, violators are subject to criminal charges.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None.*