General Knowledge: Pesticides and the Law

Pesticides And The Law Learning Objectives

After studying this section you should be able to:

✓ Describe terms and definitions in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA).
✓ Describe unlawful acts and penalties listed in FIFRA.
✓ Describe other laws and regulations (non-FIFRA) related to pesticides.
✓ Describe the EPA groundwater advisory statement.
✓ Discuss requirements of the Worker Protection Standard.
✓ Discuss provisions related to pesticides in Chapter 555 of the Nevada Revised Statutes.

Pesticides and the Law

Both federal and state laws govern the use and application of restricted-use pesticides. The federal law serves as an umbrella and the state law may be more restrictive, but not less. The following is an explanation of the federal law. The complete Nevada statutes and the administrative code can be accessed at http://nv.gov

I. Federal Law


A) Regulates the registration, manufacturing, transportation, distribution and use of pesticides.
B) FIFRA Section 1: The United States Environmental Protection agency (EPA) administers FIFRA.
C) FIFRA Section 2: Definitions:
A pesticide is any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest or any substance or mixture of substances used as a plant regulator, defoliant, or desiccant.

Pesticide labeling includes the printed material attached to the pesticide container and all supplemental pesticide information that may not be attached to the pesticide container. It is the law to read, understand and follow all pesticide labeling.

1) **Certified Applicator**: any individual who is authorized (trained and/or tested for competency in the safe and effective handling and use of these pesticides) to use or supervise the use of any pesticide, that is classified for restricted use.
   a) **Private Applicator**: a certified applicator who uses or supervises the use of any restricted-use pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer, (if applied without compensation) on another person’s property. (EXAMPLES: farmers, ranchers, floriculturists, orchardists).
   b) **Commercial Applicator**: a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.
2) **“Under the Direct Supervision of a Certified Applicator”**: unless otherwise prescribed by its labeling, a restricted-use pesticide may be applied by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.
3) **Person**: any individual, partnership, association, corporation, or any organized group of persons whether incorporated or not.
4) **Pest**:
   a) any insect, rodent, nematode, fungus, weed or
   b) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) that are considered pests.
5) **Pesticide**:
   a) any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any pest,
   b) or any substance or mixture of substances used as a plant regulator, defoliant, or desiccant; does not include “new animal drugs.”
6) **Label and Labeling**:
   a) **Label**: the written, printed, or graphic matter on, or attached to, the pesticide, container, device or wrapper.
   b) **Labeling**: all labels and all other printed or graphic matter accompanying the pesticide or device.
7) **To Use Any Registered Pesticide in a Manner Inconsistent with its Labeling**: means to use any pesticide in a manner not permitted by the labeling, provided that the term shall not include:
   a) Applying a pesticide at any dosage, concentration or frequency
less than that listed on the labeling.

b) Applying a pesticide against any target pest not on the labeling if the application is to a crop, animal, or site that is listed.

c) Use any equipment or method of application that is not prohibited by the labeling.

d) Mix a pesticide or pesticides with a fertilizer, if the labeling does not prohibit the mixture.

D) FIFRA Section 3: Registration of Pesticides

1) Requirement: No person in any state may distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and deliver to any person any pesticide that is not registered with the EPA.

a) All states must accept all EPA registered restricted-use pesticides.

b) A state may restrict any EPA registered general use pesticide.

2) General Use Pesticide: One (or some of its uses) that is less likely to harm humans or the environment when it is used according to label directions. (Appears immediately below the heading of “Directions for Use”).

3) Restricted-Use Pesticide: (or some of its uses) that could cause human injury or environmental damage, unless it is applied by competent “certified applicator” persons who have shown their ability to use these pesticides safely and effectively, (in a box on a prominent part of the front panel).

4) Classification of pesticides and their uses by the EPA is based upon “risk assessment“:

a) potential for poisoning humans
b) type of formulation
c) the way the pesticide is used
d) site of application
e) potential for environmental harm

5) EPA will assign each registered pesticide a registration number.
(EXAMPLE: Reg. No. 0125001).

E) FIFRA Section 5: Experimental Use Permits

1) Issued to accumulate the necessary information and data required to register a new pesticide.

2) Permit period shall not exceed one (1) year, and is not required for areas less than one acre.

3) A tolerance of exemption under the Federal Food, Drug and Cosmetic Act does not need to exist. EPA may establish a temporary tolerance level if the use of a pesticide may reasonably be expected to result in any residue on or in food or feed.

F) FIFRA Section 7: Registration of Establishments

General Use Pesticides (GUP) are those that are less likely to harm humans or the environment. They are available to everyone.

Restricted Use Pesticides (RUP) are those that could cause harm to humans or the environment if not applied properly. Applications of these pesticides must be done by a certified applicator or a licensed applicator.
Persons who are not certified pesticide applicators may not use restricted-use pesticides unless they are directly supervised by a certified applicator.

1) Requirement: No person shall “produce” any pesticide or active ingredient used in the production of a pesticide unless the establishment in that it is produced is registered with the EPA.

2) “Produce” means:
   a) to manufacture, prepare, compound, propagate, or process any pesticide or
   b) to repackage or otherwise change the container of any pesticide.

3) EPA shall assign each registered establishment an establishment number. (EXAMPLE: EPA Est. No. 0123-NV-01).

G) FIFRA Section 11: Certification of Restricted Use Pesticide Applicators

1) EPA requires each state to maintain a program for certification of restricted use pesticide applicators. The Nevada Department of Agriculture, in cooperation with the University of Nevada Cooperative Extension, conducts training and testing sessions for certification.

2) Certification requires training and/or testing for competency in the safe and effective handling and use of these pesticides. Persons who are not certified pesticide applicators may not use restricted-use pesticides unless they are directly supervised by a certified applicator.

H) FIFRA Section 12: Unlawful Acts

1) It shall be unlawful for any person in any state to distribute, sell, offer for sale, deliver, etc., to any person:
   a) any pesticide not registered by the EPA.
   b) any registered pesticide whose composition or claims differ from those made in connection with its registration.
   c) any pesticide that is “adulterated” or “misbranded” or any device that is misbranded.

   (1) “Adulterated”: meaning any pesticide whose strength or purity falls below the standard expressed on its labeling, or any substance that has been wholly or partly substituted for the pesticide, or any valuable constituent of the pesticide that has been wholly or partially left out.

   (2) “Misbranded”: a pesticide is misbranded if:
   a) labeling bears any statement, design, graphics, etc., relative thereto or to its ingredients that is false or misleading.
   b) the package, container, or wrapper does not conform to specific EPA standards.
   c) it imitates or is offered for sale under the name of another pesticide.
   d) its label does not bear an EPA Establishment Registration
2) It shall also be unlawful for any person:
   a) to detach, alter, deface, or destroy, in whole or in part, any labeling.
   b) to refuse to keep required records, or to refuse to allow the inspection of any records or establishment, or refuse to allow a designated employee of the EPA to take a sample pursuant to Sections 8 and 9.
   c) to advertise a restricted-use pesticide without giving the product’s classification.
   d) to make available for use, or to use, any restricted-use pesticide for purposes other than those registered except that it shall not be unlawful to sell a restricted-use pesticide to an uncertified person for application by a certified applicator.
   e) to use any registered pesticide in a manner inconsistent with its labeling, or any experimental use permit contrary to the provisions of such permit.
   f) to knowingly falsify any required application for registration, record, information, or report; or failure to file reports required by this Act.
   g) to add, or take, any substance from any pesticide to defeat the purpose of this Act.
   h) to use any pesticide in tests on human beings unless they:
      (1) are fully informed of the consequences and
      (2) freely volunteer to participate.

I) FIFRA Section 14: Penalties

1) Civil Penalties:
   a) Any registrant, commercial applicator, wholesaler, dealer, retailer, or other distributor who violates any provision of this Act may be assessed a civil penalty of not more than $5,000 for each offense.
   b) Any private applicator or other person not included in Paragraph (a), who violates any provision of this Act subsequent to receiving a written warning or a citation for a prior violation may be assessed a civil penalty of not more than $1,000 for each offense.
For more information on transporting pesticides:


Nevada Department of Transportation, http://www.nevadadot.com/

c) Any applicator not included under Paragraph (a), who holds or applies registered pesticides, or uses dilutions of registered pesticides, only to provide a service of controlling pests without delivering any unapplied pesticide to any person, and who violates any provision of this Act may be assessed a civil penalty of not more than $500 for the first offense nor more than $1,000 for each subsequent offense.

2) **Criminal Penalties** –
   a) Any registrant or producer who knowingly violates any provision of this Act shall be guilty of a misdemeanor and shall, on conviction, be fined not more than $50,000, or imprisoned for not more than one (1) year, or both.
   b) Any commercial applicator of a restricted use pesticide or any other person not described in paragraph (a) who distributes or sells pesticides or devices who knowingly violates any provision of this act shall be fined not more than $25,000 or imprisoned for not more than one (1) year, or both.
   c) Any private applicator or other person not included in Paragraph (a), who knowingly violates any provision of this Act, shall be guilty of a misdemeanor and shall, on conviction, be fined not more than $1,000 or imprisoned for not more than thirty (30) days, or both.

J) **FIFRA Section 18 – Exemptions of Federal Agencies**
   1) EPA may exempt any Federal or State agency from any provision of this Act, if it is determined that emergency conditions exist that require such exemption.
   2) This provision allows the sale and use of a product for a non-registered purpose for a specified period of time, when an emergency situation occurs.

K) **FIFRA Section 19 – Storage, Disposal and Transportation**
   1) The labeling of a pesticide contains requirements and procedures for the transportation, storage and disposal of pesticides. The EPA may also issue requirements for the design and disposal of pesticide containers, and the disposal of pesticide rinsate.
   2) Section 19f establishes standards for removal of pesticides from containers and container rinsing, establishes standards for container design, labeling, and refilling and establishes requirements for containment of stationary bulk containers and pesticide dispensing areas.
   3) EPA will provide advice and assistance to the Department of Transportation (DOT), in functions relating to the transportation of pesticides and hazardous wastes.
a) DOT regulates shipments of pesticides between states and within states. DOT regulations also require that for transportation of small quantities of many commonly used pesticides, training, markings on vehicles, and shipping documents are required. Contact the DOT regarding their specific laws and regulations.

L) FIFRA Section 24(c): Authority of States (Special Local Need – SLN).
    1) Allows a state, under certain conditions, to register additional uses for a federally registered pesticide.
    2) These registrations may involve adding (a) application sites; (b) pests; or (c) alternate control techniques to those listed on the federally registered label.
    3) Provisions:
       a) Registrant must provide supplemental labeling for each SLN registration.
       b) Applicator must have a copy of the SLN label in his possession in order to apply the pesticide for that purpose. (EXAMPLE: SLN-NV) registration only legal in the State or locale specified in the labeling.
       c) A tolerance or exemption under the Federal Food, Drug, and Cosmetic Act must exist that permits residues of the pesticide on the food or feed, before the SLN will be approved.

M) FIFRA Section 26: State Primary Enforcement Responsibility
    1) For the purposes of this act, a state shall have primary enforcement responsibility for pesticide use violations.

II. Other Laws and Regulations

A) Food Quality Protection Act of 1996 (FQPA): EPA regulates pesticides under two major federal statutes; 1) Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA registers pesticides for use in the United States and prescribes labeling and other regulatory requirements to prevent unreasonable adverse effects on health or the environment. 2) Under the Federal Food, Drug and Cosmetic Act (FFDCA), EPA establishes tolerances (maximum legally permissible levels) for pesticide residues in food. Tolerances are enforced by the Department of Health and Human Services/Food and Drug Administration (HHS/FDA) for most foods, U.S. Department of Agriculture/Food Safety and Inspection Service (USDA/FSIS) for meat, poultry, and some egg products and the U.S. Department of Agriculture/Office of Pest Management Policy. For over two decades, there have been efforts to update and resolve inconsistencies in these
two major pesticide statutes, but consensus on necessary reforms remained elusive. The 1996 FQPA law represents a major breakthrough, amending both major pesticide laws to establish a more consistent, protective regulatory scheme, grounded in sound science. It mandates a single, health-based standard for all pesticides in all foods; provides special protections for infants and children; expedites approval of safer pesticides; creates incentives for the development and maintenance of effective crop protection tools for American farmers; and requires periodic re-evaluations of pesticide registrations and tolerances to ensure that the scientific data supporting pesticide registrations will remain up-to-date in the future.

B) Aerial Application – regulated by the Federal Aviation Administration (FAA).
   1) FAA – judges the flying ability of pilots and the safety of their aircraft.

C) Title III of the Superfund and Reauthorization Act of 1986 (SARA):
   Emergency and Community Right-to-Know Act
   1) Subtitle A – stipulates procedures for emergency planning in states and localities.
   2) Subtitle B – builds a framework for community awareness concerning potential chemical hazards and outlines requirements for submission of material safety data sheets, chemical inventory forms, and toxic release forms.
   3) Subtitle C – trade secret protection, citizen petitions, and information availability.

D) Endangered Species Act (ESA)
   1) Sets up pesticide restrictions, beginning in 1991, for growers, applicators, and dealers designed to protect endangered plant and animal species.
   2) Developed to bring FIFRA into compliance with the Endangered Species Act.
   3) U.S. Fish and Wildlife Service (FWS) is the final authority for the interpretation of the ESA.
   4) The label on a pesticide product that affects an endangered species will identify the state and the counties in the state where endangered species prohibitions on the use may occur. The label will also direct the pesticide user to follow all the measures contained in the Endangered Species Bulletin for the county in which they are applying the product. To obtain the Bulletin, go to http://www.epa.gov/espp/bulletins.htm and click on Bulletins Live! or call 1-800-447-3813. The bulletins are provided only 6 months in advance and you must use the bulletin for the month in which you will apply the product.
a) Bulletins will include:
   (1) County map with identifiable boundaries
   (2) Affected pesticides listed by active ingredient
   (3) List of endangered species with ranges in that county
b) Users will be obligated to obtain and comply with bulletins for the county in which they operate.

E) Chemical Hazard Communication Standard part of the Occupational Safety and Health Act (OSHA) – workers right-to-know

1) Employer must inform employees of chemical hazards,
2) MSDS must be available,
3) Written training program must be implemented, and
4) Labeling must be attached to all chemical and service containers (not application devices).

F) EPA’s Office of Pesticide Programs –
1) Groundwater protection program
   a) EPA reviewed the registrations of some 600 pesticide active ingredients first registered before 1978, as well as all new pesticides coming onto the market to be used outdoors.
   b) Each one is being carefully examined for its potential to leach to groundwater, and is regulated accordingly. Reviews may result in:
   (1) Continued registration with up-to-date data requirements.
   (2) Newly required labeling through strict Registration Standards includes:
      (a) restricted-use classification
      (b) advisory label statement
      (c) geographical restrictions
      (d) required monitoring or other environmental fate data
   c) New labeling will contain the following EPA groundwater advisory statement: "________ is a chemical that can travel (seep or leach) through soil and can contaminate groundwater that may be used as drinking water. ________ has been found in groundwater as a result of agricultural use. Users are advised not to apply ________ where the water table (groundwater) is close to the surface and where the soils are very permeable; i.e., well drained soils such as loamy sands. Your agricultural agencies can provide further information on the type of soil in your area and the location of groundwater." EPA will require each state to develop a groundwater management plan to regulate use and protect groundwater aquifers from pesticide contamination.

ESA Bulletins are provided only six months in advance and you must use the bulletin for the county you are applying product in and the month you are applying the product.

EPA reviewed the registrations of some 600 pesticide active ingredients first registered before 1978, as well as all new pesticides coming onto the market to be used outdoors. Each one is being carefully examined for its potential to leach to groundwater, and is regulated accordingly.

The U.S. EPA requires each state to develop a groundwater management plan to regulate use and protect groundwater aquifers from pesticide contamination.
2) Worker Protection Program

a) EPA has revised its regulations governing worker protection from agricultural pesticides. The scope of standards includes agricultural, forest, nursery and greenhouse workers. This proposal expands requirements for training, warnings about applications, personal protective equipment and reentry restrictions and adds new provisions for decontamination, emergency medical duties, and training.

b) In 1992, EPA revised the worker protection standard (WPS) for agricultural pesticides. The WPS governs the use of pesticides used in the production of agricultural plants on farms, forests, nurseries, and in greenhouses. With few exceptions, if you are an employer of agricultural workers or pesticide handlers, the WPS requires you to take steps to reduce the risk of pesticide related illnesses.

An agricultural worker is anyone who is employed doing tasks such as harvesting, weeding, or watering, related to the production of agricultural plants. An agricultural handler is defined as anyone who is employed by an agricultural establishment to apply, mix, load, transfer, handle open containers of pesticide, act as a flagger, or assist in the maintenance of application equipment.

Not all pesticides are covered by the WPS. Only pesticide products that are used in the production of agricultural crops will reference the WPS. You will know that the product is covered by the WPS if you see the Agricultural Use Requirement statement under the “Directions for Use” section of the pesticide labeling. An example is shown in the box to on the next page.

There are two types of WPS provisions that you must comply with that appear on the label, those that are fully spelled out and those that are referred to but not thoroughly described on the label. Those requirements that are fully spelled out on the container include required personnel protective equipment (PPE), a statement permitting only protected pesticide handlers to be in the area during application, a product specific restricted entry interval (REI), and whether double notification (giving agricultural workers oral warnings and by posting entrances to treated areas) is required.
AGRICULTURAL USE REQUIREMENTS
Use this product only in accordance with its labeling and with the Worker Protection Standard, 40 CFR part 170. This Standard contains requirements for the protection of agricultural workers on farms, forests, nurseries, and greenhouses, and handlers of agricultural pesticides. It contains requirements for training, decontamination, notification, and emergency assistance. It also contains specific instructions and exceptions pertaining to the statements on the label about personal protective equipment (PPE), and restricted entry interval. The requirements in this box only apply to uses of this product that are covered by the Worker Protection Standard.

In addition to this, the WPS reference statement will appear on agricultural pesticide products that require employers to provide pesticide handlers and agricultural workers with all WPS protections. These protections include:

- pesticide safety training for agricultural workers and handlers
- providing a decontamination site for workers and handlers
- notification of handlers and workers about pesticide applications
- display and exchange of information; emergency assistance
- Personal Protective Equipment (PPE) (handlers only)

If it is necessary for you to meet the requirements of the WPS, you will need to obtain a copy of the WPS “How to Comply” Manual, http://www.epa.gov/agriculture/htc.html

The manual outlines specific information about the regulation and what you need to know to comply with the WPS.

III. Nevada Revised Statutes (NRS) Chapter 555

The use and application of restricted-use pesticides is governed by both federal and state laws. The federal law serves as an umbrella, determining the minimum regulations and standards. State laws can be more restrictive or stringent, but may not negate or reduce the federal law. For more information on federal law, see Chapter 2 in the National Pesticide Applicator Certification Core Manual. The following is an explanation of the Nevada State law, Nevada Revised Statutes (NRS) Chapter 555 (See www.leg.state.nv.us/NRS/NRS-555.html)

State pesticide laws can be more restrictive or stringent, but may not negate or reduce the federal law.

It is unlawful for any person to sell, distribute, transport or use a restricted-use pesticide in the state of Nevada that is not registered with the Nevada Department of Agriculture.
A) The purpose of the statute is to regulate, in the public interest, the application of pesticides. Although these restricted use pesticides are valuable for the control of pests, they may seriously injure man, animals and crops over wide areas, if not applied properly.

B) Licenses and certificates issued fall into two main categories, detailed in Table 1.

C) Penalties: suspension, modification, or revocation of license; grounds for automatic suspension.
   1) The Department of Agriculture may suspend, pending inquiry, for not longer than ten (10) days, and after opportunity for a hearing, may revoke, suspend, or modify any license or certificate if it is found that the applicator:
      a) is no longer qualified,
      b) applied known ineffective or improper materials or made any application in a faulty, careless or negligent manner,
      c) aided or abetted a person to evade the provisions of NRS 555,
      d) was intentionally guilty of fraud or deception in the procurement of a license or certificate,
      e) deliberately falsified any record or report, or
      f) violated any provisions of NRS 555 or regulations made there under.
   2) The Department of Agriculture may assess monetary penalties for any violation of the provisions outlined in NRS 555 or the regulation made there under.

All restricted-use pesticide dealers must keep and maintain for two (2) years a record of all sales of restricted-use pesticides.
Table 1. Types of licenses and certificates issued

<table>
<thead>
<tr>
<th></th>
<th>LICENSED-FOR HIRE</th>
<th>CERTIFIED-RUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEFINITION</td>
<td>Licensed: to apply pesticides for hire</td>
<td>Certified: to apply-RUP’s (restricted-use pesticides)</td>
</tr>
<tr>
<td>CREDENTIAL TYPES</td>
<td>Primary Principal*, Principal, Operator, Agent</td>
<td>Non-Primary Principal Commercial, Private *Primary Principal automatically certified by meeting license requirements</td>
</tr>
<tr>
<td>EDUCATION/EXPERIENCE</td>
<td>Principal: 2 years experience or 6 months experience plus 16 college credits in biological sciences. Operator, Agent: None</td>
<td>None</td>
</tr>
<tr>
<td>EXAMS</td>
<td>General test: 50 questions for Principal; 100 questions for Operator; Category tests: 50 questions each</td>
<td>General test: 50 questions, Category tests: 20 questions each</td>
</tr>
<tr>
<td>Passing Grade</td>
<td>70% for Principal</td>
<td>60%</td>
</tr>
<tr>
<td></td>
<td>65% for Operator and Agent</td>
<td></td>
</tr>
<tr>
<td>Fees</td>
<td>$25.00 per exam</td>
<td>$25.00 per exam session</td>
</tr>
<tr>
<td>LICENSE/CERTIFICATE</td>
<td>$250.00 per Business License, $50 each Primary Principal, Principal and Operator $350 per Agent</td>
<td>None</td>
</tr>
<tr>
<td>Period</td>
<td>Annual</td>
<td>None</td>
</tr>
<tr>
<td>Renewal</td>
<td>Annual, by December 31 of each year</td>
<td>Every 4 years</td>
</tr>
<tr>
<td>Retest Period</td>
<td>Principal: 10 days*; Operator: 7 days*; Agent: 7 days*</td>
<td>5 days*</td>
</tr>
<tr>
<td></td>
<td>*6 months if caught using an unauthorized testing aid.</td>
<td>*6 months if caught using an unauthorized testing aid</td>
</tr>
<tr>
<td>CONTINUING EDUCATION</td>
<td>6 total hours each year for Principals* and Operators. Agents, no continuing education needed, must retest each year. *1 of the 6 hours must include laws</td>
<td>12 total hours during a 4 year period, 2 of the 12 hours must be in laws</td>
</tr>
</tbody>
</table>
Table 1. Types of licenses and certificates issued

<table>
<thead>
<tr>
<th>INSURANCE</th>
<th>LICENSED-FOR HIRE</th>
<th>CERTIFIED-RUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground and Urban/Structural</td>
<td>$10,000 each occurrence; $20,000 aggregate (bodily injury), property damage and drift, etc.</td>
<td>None</td>
</tr>
<tr>
<td>Aerial</td>
<td>$100,000 each occurrence; $300,000 aggregate (bodily injury), property damage and drift, etc.</td>
<td>None</td>
</tr>
<tr>
<td>REPORT</td>
<td>Monthly pesticide usage report submitted each month for agricultural licensees; and licensees that apply restricted use pesticides. All pest control companies must submit annual pesticide usage report.</td>
<td>None</td>
</tr>
<tr>
<td>RECORDS</td>
<td>Keep and maintain for 2 years Wood-destroying Pest Inspection Reports kept for 5 years</td>
<td>Keep for 2 years (RUP)</td>
</tr>
</tbody>
</table>

Definitions:

**Agent:** A person licensed to only solicit business on behalf of a pest control company.

**Operator:** A person licensed to apply pesticides without the immediate supervision of a principal.

**Primary Principal:** The licensee responsible for the daily supervision of the pest control business.

**Principal:** Owner, officer partner, member or technician of a pest control business who has qualified by examination in one or more categories of pest control.

**RUP:** Restricted Use Pesticide
IV. Nevada Revised Statutes (NRS) Chapter 555: Pesticide Registration

A) Every pesticide that is distributed, sold, or offered for sale within this State, or delivered for transportation, or transported in intrastate commerce, shall be registered with the Department of Agriculture.
   1) annual renewal
   2) $100.00 per pesticide

B) It shall be unlawful for any person to distribute, sell, or offer for sale in this State any pesticide:
   1) not registered in the State
   2) unless it is in the registrants or manufacturers unbroken immediate container and there is affixed to such container the required information.

C) It shall be unlawful for any person to sell or offer to sell at the retail level, or distribute or deliver for transportation for delivery to the consumer or user, a restricted-use pesticide that is not registered with the Department of Agriculture.
   1) Restricted-use pesticide Dealer registrations expire on December 31, and are renewable annually at a fee of $25.00.
   2) All restricted-use pesticide dealers must keep and maintain for two years a record of all sales of restricted-use pesticides showing:
      a) date of sale or delivery
      b) name and address of person to whom the product is sold
      c) brand name of the pesticide
      d) amount of pesticide sold
      e) other information as may be required (e.g., Certification Number)

V. Nevada Administrative Code (NAC) Chapter 555: Certified Applicator Regulations

A) Provisions do not apply to any person applying or supervising the application of any pesticide classified for general use.

B) Establishes categories for the certification of applicators who apply restricted use pesticides.
   1) NON PRIMARY PRINCIPAL COMMERCIAL APPLICATORS. Standards for competency for non primary principal commercial applicators are:
      a) Agricultural Pest Control
(1) Animal: Applicators who apply a pesticide directly to animals must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity and residue potential when host animals will be used for food. Further, applicators must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress, and extent of treatment.

(2) Plant: Applicators must demonstrate a practical knowledge of crops grown and the specific pests of those crops on which they may be using restricted-use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, phytotoxicity and potential for environmental contamination, non target injury and community problems resulting from the use of restricted-use pesticides in agricultural areas.

b) Aquatic Pest Control: Applicators must demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations and faulty application of restricted-use pesticides used in this category. They must demonstrate practical knowledge of various water-use situations and the potential of downstream effects. Further, they must have practical knowledge concerning potential pesticide effects on plants, fish, birds, beneficial insects, and other organisms which may be present in aquatic environments. Applicators must demonstrate practical knowledge of the principles of limited-area application.

c) Chemigation: Applicators must demonstrate practical knowledge of pesticides, safety procedures, environmental concerns, and methods and equipment for the application of pesticides through chemigation systems.

d) Forest Pest Control: Applicators must demonstrate practical knowledge of the type of rangeland, forests, forest nurseries, and seed production in the State and the pests involved. They must possess a practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programming pesticide applications. A practical knowledge of the relative biotic agents and their vulnerability to pesticides to be applied is required. Applicators must demonstrate practical
knowledge of control methods which minimize the possibility of secondary problems, such as unintended effects on wildlife and natural aquatic habitat. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

e) **Fumigation Pest Control:** Applicators must demonstrate practical knowledge of pesticide problems associated with the use of poisonous and lethal gases, including cognizance of potential phytotoxicity to animate host and residual accumulation of fumigants, practical knowledge of fumigant confinement and circulation procedures, injection procedures, dosage calculations, leakage and concentration testing procedures, and ventilation.

f) **Greenhouse and Nursery Pest Control:** Applicators must demonstrate practical knowledge of pesticides, plants, plant pests and the adverse effects associated with pesticide use in a greenhouse and nursery.

g) **Industrial, Institutional, Structural and Health-Related Pest Control:** Applicators must demonstrate a practical knowledge of the wide variety of pests encountered in this category, including their life cycles, types of formulations appropriate for their control, and methods of application that avoid contamination of food, damage contamination of habitat, and exposure of people and pets. Since human exposure, including babies, children, pregnant women, and elderly people is frequently a potential problem, an applicator must demonstrate a practical knowledge of the specific factors which may lead to a hazardous condition including continuous exposure of human beings in the various situations encountered in this category. Applicators must also demonstrate practical knowledge of the environmental conditions particularly related to this activity.

h) **Mosquito Pest Control:** Applicators must demonstrate practical knowledge of mosquito pests, including identification and life cycle, reproducing habitats and vector capabilities. Further, they must have practical knowledge concerning the potential effects of pesticides on plants, birds, fish, and other organisms in aquatic environments, and methods of application that avoid unacceptable contamination of the habitat and exposure to people and animal life.

i) **Ornamental and Turf Pest Control:** Applicators must demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental
The ornamental and turf pest control category is for applicators who apply pesticides in parks, golf courses or other similar settings.

The right-of-way pest control category is for applicators who apply pesticides along roads, railroads or utility rights-of-way.

trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift and persistence beyond the intended period of pest control. Applicators in this category must demonstrate practical knowledge of application methods which minimize or prevent hazards to human beings, pets, and other domestic animals.

j) Predatory Pest Control/M-44: Applicators must demonstrate a practical knowledge of animal damage and control procedures, including identification of predatory mammals, conditions conducive to animal damage, secondary poisoning and protection of non target species, and knowledge of special laws and regulations governing the use of poisons to control predators on private and public lands.

k) Public Health Pest Control: Applicators must demonstrate practical knowledge of vector diseases transmission as it relates to and influences application programs. The wide variety of pests involved must be known and recognized, and their appropriate life cycles and habitats must be understood as a basis for control strategy. An applicator must have practical knowledge of the various pest environments ranging from streams to those conditions found in buildings. They must also have practical knowledge of the importance and employment of such non chemical control methods as sanitation, waste disposal, and drainage.

l) Right-of-Way Pest Control: Applicators must demonstrate practical knowledge of the wide variety of environments which rights-of-way may traverse, including waterways. They must demonstrate practical knowledge of problems on runoff, drift and excessive foliage destruction, and the ability to recognize target organisms. They must also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the result of their application activities in the adjacent areas and communities.

m) Seed Treatment: Applicators must demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting, and mixing and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused
treated seeds.

n) **Sewer Line Root Control:** Applicators must demonstrate a practical knowledge of the characteristics of herbicides and the environmental effects, precautions and concerns associated with sewer line root control.

o) **Wood Preservatives:** Applicators must demonstrate a practical knowledge of the environments in which chemical preservatives are used, the concerns associated with the use of chemical preservatives and characteristics of various wood preservatives.

2) **PRIVATE APPLICATORS.** The categories of private applicators are:

a) **Agricultural Pest Control**
   
   (1) **Animal**
   
   (a) **Dairy animal pest control:** The control of any pest in, on, or around dairy animals, including, but not limited to, goats and dairy cattle, and also including places on or in which dairy animals are confined, including, but not limited to, barns and corrals.
   
   (b) **Meat animal pest control:** The control of insects, including ectoparasites, in, on, or around meat animals, including, but not limited to, horses, beef cattle, swine and, sheep and also including places on or in which meat animals are confined, including, but not limited to, barns and corrals.

   (2) **Plant**
   
   (a) **Forage, grain, pasture and range pest control.** The control of any pest in, on, or around the production of forage, grain, pasture and range.
   
   (b) **Row crop pest control.** The control of any pest in, on, or around row crops.
   
   (c) **Seed crop pest control.** The control of any pest in, on, or around seed crops.

   (3) **Specialty Crops**
   
   (a) **Aquatic pest control.** The control of any pest, excluding predators, in standing or running water involved in aquaculture, including, but not limited to, catfish farms.
   
   (b) **Greenhouse and nursery pest control.** The control of any pest, excluding predators, in, on, or around greenhouses and nurseries and the control of any pest, excluding predators, in, on, or around greenhouse or nursery operational sites, including, but not limited to, equipment.
storage areas.

(c) Industrial farm pest control. The control of any pest, excluding predators, in, on, or around apiaries and industrial farmsteads, including, but not limited to, grain silos, equipment buildings, barns, warehouses and any other building associated with a farm operation.

(d) Ornamental and turf pest control. The control of any pest, excluding predators, in the production of turf and the control of any pest, excluding predators, in, on, or around turf production operational sites, including, but not limited to, equipment storage areas.

3) Chemigation: The control of any pest through the application of pesticides by injection of the pesticides into irrigation water.

4) Forest and Rangeland Pest Control: The control of any pest, excluding predators, in or on forests and rangelands, and the control of any pest, excluding predators, in, on, or around forest or rangeland operational sites, including but not limited to, equipment storage areas.

5) Fumigation: The control of any pest by fumigation with poisonous and lethal gases in any habitat, including, but not limited to, structures and soil.

NEVADA LAW MUST BE AS RESTRICTIVE OR MORE SO THAN THE FEDERAL LAW