

ASSEMBLY BILL NO. 74—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to pesticides.  
(BDR 51-265)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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

AN ACT relating to pesticides; revising requirements relating to the maintenance of certain records of restricted-use pesticides; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The United States Environmental Protection Agency delegates the primary responsibility of implementing the Certification of Pesticide Applicators Rules to states through State certification plans. (7 U.S.C. § 136i) Existing federal regulations impose certain recordkeeping requirements on restricted-use pesticide dealers. (40 C.F.R. § 171.303) The Nevada Pesticides Act requires registered sellers of restricted-use pesticides to maintain records of all sales for 2 years and to submit a monthly report to the Director of the State Department of Agriculture specifying the restricted-use pesticides sold during the previous month. (NRS 586.406) Restricted-use pesticides are defined in existing law as any pesticides that: (1) the Director of the State Department of Agriculture has determined to be injurious or detrimental to certain animals, crops, land or public health and safety; or (2) have been classified for restricted use by or under the supervision of a certified applicator in accordance with federal law. (NRS 586.205) This bill requires registered sellers to maintain records for 2 years of each distribution of restricted-use pesticides, in addition to the sales, and revises the requirements for monthly reports of sales to the Director to also include distributions of restricted-use pesticides. Additionally, this bill requires that the records of sales and distributions be made in accordance with the federal recordkeeping requirements for State certification plans.



THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 586.406 is hereby amended to read as follows:

586.406 1. It is 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 pesticide classified for restricted use pursuant to NRS 586.237 or the Federal Environmental Pesticide Control Act, 7 U.S.C. §§ 136 et seq., unless the person is registered with the Director.

2. Each person applying for registration must provide a statement including:

(a) The name and address of the person registering; and

(b) The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted-use pesticide.

3. All registrations expire on December 31 and are renewable annually.

4. Each person registering shall pay:

(a) An annual registration fee established by regulation of the State Board of Agriculture; and

(b) A penalty fee of \$5 if the person's previous registration has expired by the failure to reregister on or before February 1, unless the person's registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted-use pesticides during the year the registration was not in effect.

5. Each person who is registered shall maintain for 2 years a record of ~~[all sales]~~ *each sale and distribution* of restricted-use pesticides ~~[showing:~~

~~—(a) The date of sale or delivery;~~

~~—(b) The name and address of the person to whom sold or delivered;~~

~~—(c) The brand name of the pesticide product;~~

~~—(d) The amount of pesticide product sold or delivered;~~

~~—(e) The certification number of the certified applicator who is applying or supervising the application of the pesticide if the purchaser of the pesticide is not certified to apply the pesticide; and~~

~~—(f) Such other information as may be required by the Director.]~~  
*in accordance with the requirements for State certification plans set forth in 40 C.F.R. § 171.303(b)(7)(vii).*

6. Each person registered pursuant to this section shall, on or before the 15th day of each month, file a report with the Director specifying the restricted-use pesticides sold *or distributed* during the previous month. The Director shall provide the form for the report.



- 1 The form must be filed regardless of whether the person sold *or*
- 2 *distributed* any pesticides during the previous month.
- 3 **Sec. 2.** This act becomes effective upon passage and approval.



