

Audit of Nevada's Pesticide Complaint Program

U.S. Environmental Protection Agency, Region 9

San Francisco, CA

Final Report

May 15, 2026

I. Executive Summary

EPA Region 9 (R9) conducted an in-depth audit of the Nevada Department of Agriculture (NDA) pesticide complaint program to:

- A. Determine if the state's complaint tracking system is adequate when reviewed against the criteria laid out in the FIFRA State Primacy Enforcement Responsibilities: Final Interpretive Rule; and
- B. Evaluate whether follow-up investigations are being done timely and efficiently.

This audit was part of a larger concurrent effort to look at the pesticide complaint programs in all states within R9, which includes California, Arizona, Nevada, and Hawaii.

R9 made assessments of the adequacy of the state's complaint tracking system by evaluating NDA's response to five questions. NDA's responses can be found in section **V. Evaluation**, part A. Any questions or concerns identified in the review of NDA's response to the audit questions were addressed as follow-up questions sent to NDA's program manager. The follow-up questions asked by R9 and responses from NDA can also be found in section **V**.

R9 made its evaluation of whether NDA's complaint follow-up investigations are timely and efficient by selecting ten complaint investigation files at random for an in-depth review. While reviewing the investigation files, R9 used a set of benchmark questions to help guide the analysis in a consistent manner. The responses can be found in section **V**, part B.

For each complaint file reviewed, EPA Region 9's Enforcement and Compliance Assurance Division (ECAD) staff did the following:

- a. Reviewed the entire investigation report to assess the thoroughness and adequacy of the investigation.
- b. Assessed the timeliness of initiating and completing the investigation.
- c. Assessed the state's adherence to its own Standard Operating Procedures for complaint follow-up.
- d. Reviewed follow-up communication with the complainant and applicator as appropriate.
- e. Communicated with NDA during the review process to ensure all information provided was complete and to ask follow-up questions as necessary.

Findings and recommendations made by R9 can be found in section **VII. Findings and Recommendations**. NDA responded quickly to pesticide complaints, followed up on all leads, interviewed all witnesses involved when possible, and collected samples, as

necessary, when possible. In section **VII**, R9 also identified one potential area for improvement.

NDA did not have any comments or concerns after reviewing the draft report.

II. Introduction

The U.S. Environmental Protection Agency, Region 9 (EPA), conducted an audit of Nevada's pesticide complaint program. The state lead pesticide agency in Nevada is the Nevada Department of Agriculture (NDA). This audit was part of a larger concurrent effort to look at the pesticide complaint programs in all states within EPA Region 9, which includes California, Arizona, Nevada, and Hawaii. Separate reports were written for each state within EPA Region 9.

III. Background

The [2022-2025 FIFRA Cooperative Agreement Guidance](#) requires state grantees, under Activity 01.00.03, to "Respond to pesticide inquiries, concerns, tips, and complaints from the public."

The [FIFRA State Primacy Enforcement Responsibilities: Final Interpretive Rule](#) (January 5, 1983) (hereafter referred to as the "Final Interpretive Rule"), which clarifies requirements for states to obtain and maintain primacy, along with oversight responsibilities by the EPA under FIFRA Sections 26 and 27, says that states must show that they have adopted "*adequate procedures*" for implementing/enforcing their regulatory authority (Final Interpretive Rule, 48 Fed. Reg. 408). One of the procedures is "*processing complaints*", where states "*must implement a system for quickly processing and reacting to complaints or other information indicating a violation*" (Final Interpretive Rule, 48 Fed. Reg. 409). Table 1 describes the five criteria for an adequate referral system.

Table 1. An adequate pesticide complaint referral system should contain the following five criteria.

a. A method for funneling complaints to a central organizational unit for review.
b. A logging system to record the receipt of the complaint and to track the stages of the follow-up investigation.
c. A mechanism for referring the complaint to the appropriate investigative personnel.
d. A system for allowing a rapid determination of the status of the case.
e. A procedure for notifying citizens of the ultimate disposition of their complaints.

In addition, the Final Interpretive Rule requires the EPA to examine whether complaints have been processed "*quickly and efficiently*" (Final Interpretive Rule, 48 Fed. Reg. 410), without

defining the term “quickly”. For the purposes of this audit, we substituted the word “timely” in place of “quickly”.

IV. Audit Overview

The EPA initiated this audit to evaluate the state’s pesticide complaint tracking and follow-up investigation process. The audit consisted of two steps:

- A. Determining if the state’s complaint tracking system is adequate; and
- B. Evaluating how complaints are being processed and whether it’s being done timely and efficiently.

For step A, the EPA requested that the state provide responses to the following questions via email:

1. What is the system/process used to funnel complaints for further review? Who initially receives complaints for further review? Is there a specific organizational unit?
2. What is the system/process used to log complaints and to track the stages of the investigation?
3. What is the system/process used to refer complaints for further investigation?
4. What is the system/process used to determine the progress of the investigation or case? How long does it typically take to make this determination when asked for a status update?
5. What is the system/process for notifying the complaint submitter of the end result to their complaint?
6. Please provide a generalized example describing the complaint follow-up process from cradle to grave (i.e. initial receipt to investigation to case close out).

The responses to these questions are listed below in section “V. Evaluation”.

For step B, the EPA began by requesting that the state provide the following information:

1. Complaint response Standard Operating Procedure (SOP) documents.
2. A list of all pesticide use complaints (both agriculture and non-agriculture related) received during calendar year 2023 (January 1, 2023 – December 31, 2023).

The state submitted three documents. The first was the “NDA Inspection Manual”. The second SOP document was “Sampling Guidelines_2018”. The third was an “InvestigationLog” spreadsheet as the list of complaints received in calendar year 2023. It contained a list of fifteen entries.

EPA requested files for all entries unless there was no investigation for us to review. We asked that the state notate those not investigated and the reason why (not enough information, uncooperative complainant, etc.) EPA received twelve files from the log and one additional that was not listed on the log. Ten files were randomly chosen for review. Table 2 lists the 10 complaint files reviewed, incident date, and source of the complaint.

Table 2. Complaint files reviewed.

Name of Potential Violator	Date Received	Source of Complaint
Chewy	10/10/2023	Community
Luke 10:19 Pest Control	6/8/2023	Competitor
Grillo Landscape Solution	7/27/2023	Resident
First Response	6/13/2023	Resident
Kellogg Pest Control	9/13/2023	Resident
Noble Tree Service	3/24/2023	Resident
Morris Ag Air	8/14/2023	Resident
Neighbor (Name withheld as PII)	6/5/2023	Resident
Reno Green	10/19/2023	Community
Unknown Landscape Company	4/19/2023	Resident

IV.a. Complaint File Review Process

EPA staff conducted a thorough review of all provided documents for each complaint. Reviewers answered the following questions for each complaint:

- When was the complaint received?
- How was the complaint received (e.g. phone call, email, tip website)?
- Who was the source of the complaint (e.g. citizen, private company, government agency, non-profit, healthcare provider)?
- Was any language interpretation needed to receive the complaint? If so, what language(s)?
- What was alleged in the complaint (summarize)?
- When did the investigation begin? If not investigated, why not?
- How long did it take to initiate the investigation after becoming aware of the complaint?

- When did the investigation end?
- How long did it take to complete the investigation after initiation?
- How did the State (or County Agricultural Commissioner in California) follow up?
- Was sampling conducted if warranted? If so, what kind of sampling?
- Were interviews conducted with the relevant parties (e.g. complainants, applicators, workers, property owners, employers, residents, etc.)?
- Was any language interpretation needed to conduct the interview? If so, what language(s)?
- Were relevant photos taken?
- Were relevant records collected?
- Did the investigation follow the State's procedures (SOP) for following up on complaints?
- What was the outcome of the investigation?
- What was the enforcement response if violations were identified?
- Did the incident meet the State's current criteria as a "high level episode"? If so, was the incident reported to the EPA Region 9?
- Does the EPA reviewer have any concerns with the investigation?

IV.b. Audit Participants

EPA Region 9

- Julie Jordan, Nevada Liaison, Immediate Office, ECAD
- Matt Salazar, Manager, Toxics Office, ECAD
- Tim Hyles, Inspector/ CA Liaison, Toxics Office, ECAD
- Amy Miller, Director, ECAD

NDA

- Bret Allen, Environmental Scientist IV

IV.c. Key Dates and Milestones

Table 3 lists key dates and milestones in this audit.

Table 3. Key dates and milestones.

Date	Milestone
January 14, 2025	EPA hosted a kickoff meeting with NDA.
January 21, 2025	EPA sent a written request for the complaint response SOPs and list of complaints for calendar year 2023. The EPA also requested a written response to questions to help determine if the complaint tracking system is “adequate”.
January 30, 2025	NDA shared the SOPs and list of complaints for calendar year 2023.
February 6, 2025	EPA requested all (15) of the complaint files for 2023 including investigation and enforcement documents.
February 6, 2025	NDA shared the necessary complaint investigation and enforcement files with EPA and submitted the written response to questions designed to determine if the complaint tracking system is “adequate”.
March 3, 2025	EPA initiated review of ten of the complaint investigation case files and enforcement responses.
March 6, 2025	EPA finished the review of complaint investigation case files and enforcement responses.
February 6, 2025, to March 6, 2025	EPA corresponded with NDA to ask clarifying questions.
February 3, 2026	EPA produced a draft report detailing its findings and recommendations. This initiated a 30-day review and comment period by NDA.
March 3, 2026	NDA was consulted and had no comments.
April 1, 2026	EPA incorporated feedback and produced the final report.

V. Evaluation

A. Determining if the state’s complaint tracking system is adequate

NDA provided the following responses to the EPA’s questions, which were designed to determine if the state’s complaint tracking system is adequate as required under the Final Interpretive Rule (48 Fed. Reg. 409). NDA’s responses are listed verbatim. The EPA’s evaluation immediately follows each NDA response.

- 1. *What is the system/process used to funnel complaints for further review? Who initially receives complaints for further review? Is there a specific organizational unit?***

Response from NDA

As we receive complaints, they are logged into a spreadsheet. Any one of NDA's pesticide program inspectors can receive a complaint; they then route to me for delegation. Prior to investigating, they inform the Program Manager.

EPA Evaluation

This satisfies the criteria for having "*a method for funneling complaints to a central organizational unit for review*" (48 Fed. Reg. 409). The Program Manager serves as the central organizational unit for funneling complaints.

- 2. *What is the system/process used to log complaints and to track the stages of the investigation?***

Response from NDA

A spreadsheet that is located on our internal SharePoint.

EPA Evaluation

This satisfies the criteria for having "*a logging system to record the receipt of the complaint and to track the stages of the follow-up investigation*" (48 Fed. Reg. 409).

- 3. *What is the system/process used to refer complaints for further investigation?***

Response from NDA

If a verified complaint form is submitted, then an investigation is initiated.

EPA Evaluation

This satisfies the criteria for having "*a mechanism for referring the complaint to the appropriate investigative personnel*" (48 Fed. Reg. 409). An inspector is assigned to investigate the complaint.

- 4. *What is the system/process used to determine the progress of the investigation or case? How long does it typically take to make this determination when asked for a status update?***

Response from NDA

Inspector checks in with program manager and vice versa. Sometimes, the length of chemistry analysis (if samples are taken) extend the timeline. All investigations are different. If the amount and quality of evidence provided by the complainant is thorough and complete, the investigation process can be just a few weeks. On the other hand, if the

complaint is vague and samples must be taken, the process can take 1-2 months. If my Administrator or EPA asks for an update on a particular complaint investigation, I would coordinate with the chemistry laboratory and the inspector (if a few days had passed without myself receiving an update). This wouldn't take too long; I would make it a priority and have an answer that same day or next business day at the latest.

EPA Evaluation

This satisfies the criteria for having “*a system for allowing a rapid determination of the status of the case*” (48 Fed. Reg. 409). Timing is determined by the complexity of the given complaint and whether sampling is necessary.

5. *What is the system/process for notifying the complaint submitter of the end result to their complaint?*

Response from NDA

The inspector submits the narrative to the program manager for review. The inspector then sends just the narrative to the complainant and respondent. If either party would like additional information, they can submit a record request using the following link: https://agri.nv.gov/Outreach/Public_Records/.

EPA Evaluation

This satisfies the criteria for having “*a procedure for notifying citizens of the ultimate disposition of their complaints*” (48 Fed. Reg. 409). NDA communicates findings through both the inspectors and through a public records request system.

6. *Please provide a generalized example describing the complaint follow-up process from cradle to grave (i.e. initial receipt to investigation to case close out).*

Response from NDA

A potential complaint can go to any one of our inspectors in Sparks or Las Vegas (this just depends on if the complainant knows to reach out to NDA, which individual they found first on our website, or if they contacted a different agency who then reached out to us). That inspector then asks the complaint to fill out a verified complaint form. The inspector informs me of the complaint, and I delegate it out. As the investigation progresses, I assist with questions, sample guidance, or anything else that might emerge. I then review the narrative, and the inspector sends that to the complainant and the respondent. Depending on the outcome, I then draft an enforcement letter and work with the inspector on details and loop in the NDA Administrator if a fine is involved (looping in the Administrator if a fine is involved is a new policy...since October 2024).

B. Evaluating how complaints are being processed and whether they're being done timely and efficiently

This section summarizes the EPA's evaluation as reviewers answered a consistent set of questions for each complaint. The questions are first listed, followed by the summarized evaluation. The EPA's overall evaluation of the timeliness and efficiency of the investigations can be found below in section "VII. Findings and Recommendations".

When was the complaint received? When did the investigation begin? How long did it take to initiate the investigation after becoming aware of the complaint? When did the investigation end? How long did it take to complete the investigation after initiation?

Refer to Appendix 1, columns C, E-H for the full responses recorded by the EPA reviewer. The EPA used the date when an investigation report was prepared or submitted as the investigation completion date.

The average duration between when a complaint was received and when the investigation began was between 1.2 days with a median duration of 0 days. Most investigations (six) were started on the same day the complaint was received. The First Response and Grillo investigations took the longest to begin the investigation at 5 days each. The average length of an investigation from start to finish was 19.3 days with a median duration of 17.5 days. All investigations were completed within 44 days.

How was the complaint received (e.g. phone call, email, tip website)? Who was the source of the complaint (e.g. citizen, private company, government agency, non-profit, healthcare provider)?

Refer to Appendix 1, columns D and I, for the full responses recorded by the EPA reviewer.

Most of the complaints (five) were first received via verified complaint form, three via email, and two via phone call.

Was any language interpretation needed to receive the complaint? If so, what language(s)?

Language interpretation was not needed to receive any of the reviewed complaints.

What was alleged in the complaint (summarize)?

Refer to Appendix 1, column J, for the full responses recorded by the EPA reviewer.

How did the state follow-up?

Refer to Appendix 1, column K, for the full responses recorded by the EPA reviewer.

Was sampling conducted if warranted? If so, what kind of sampling?

Yes, sampling was conducted when appropriate. It consisted of documentary, soil and foliage samples depending upon the alleged activity.

Were interviews conducted with the relevant parties (e.g. complainants, applicators, workers, property owners, employers, residents, etc.)?

Interviews were conducted with all relevant parties whenever the complainant, or person involved in the alleged pesticide exposure incident, could be reached.

Was any language interpretation needed to conduct the interview? If so, what language(s)?

It does not appear that language interpretation was necessary during any of the interviews.

Were relevant photos taken?

Yes, photos were taken when appropriate.

Were relevant records collected?

Refer to Appendix 1, column L, for the full responses recorded by the EPA reviewer.

Did the investigation follow the State's procedures (SOP) for following-up on complaints?

The state's Standard Operating Procedures appeared to have been followed for all reviewed complaints.

What was the outcome of the investigation?

Refer to Appendix 1, column M, for the full responses recorded by the EPA reviewer.

What was the enforcement response if violations were identified?

Refer to Appendix 1, column N, for the full responses recorded by the EPA reviewers.

Did the incident meet the State's current criteria as a "high level episode"? If so, was the incident reported to the EPA Region 9?

None of the reviewed complaints appeared to meet the state's criteria as a high-level episode based on the information in the investigation reports.

Does the EPA reviewer have any concerns with the investigation?

There were no concerns with how the investigations were conducted.

VI. Follow-Up Questions

1. *Did Noble Tree Service ever respond?*

Response from NDA: They paid their fine on 12/22/23 (signed settlement agreement is attached (looks like it did not make it in the SharePoint file).

2. *What happened with (name withheld as PII)? It seemed like you were planning to do additional sampling.*

Response from NDA: Audrey asked the complainant if she wanted gradient sampling done toward the house and (name withheld as PII) said no. It was then verbally communicated to her that we were open to further testing upon request; we did not hear from her.

VII. Findings and Recommendations

This section details the EPA Region 9's overall findings and recommendations for the two main steps:

- A. Determining if the state's complaint tracking system is adequate; and
- B. Evaluating how complaints are being processed and whether they're being done timely and efficiently.

In addition, an "Other Findings" subsection was added to address the lack of clarity for the resolution to two matters.

Findings for steps A and B could be categorized into two performance levels:

Meets or Exceeds Expectations: No concerns were identified. Performance met or exceeded expectations.

Area for Improvement: Concerns were identified. A recommendation follows whenever an Area of Improvement is identified.

A. Determining if the state's complaint tracking system is adequate

Finding A – Meets or Exceeds Expectations

The state's complaint tracking system is adequate and meets the five criteria specified in the Final Interpretive Rule (48 Fed. Reg. 409) for an adequate referral system. The five criteria can be viewed above in Table 1.

B. Evaluating how complaints are being processed and whether they are being done in a timely and efficient manner

Finding B – Meets or Exceeds Expectations

Overall, the investigations were conducted in a timely and efficient manner. Most investigations started on the day received, while two investigations took five days until initiation.

All reviewed investigations were completed within 44 days, with the average investigation taking approximately 19 days to complete. This is a justifiable time frame considering the amount of time it often takes to conduct a thorough investigation and to write up the resulting findings.

Investigations were thorough and staff followed up on all reviewed complaints. Staff appeared to have followed the state's Standard Operating Procedure (SOP) for all reviewed complaint investigations. Inspectors interviewed all relevant parties and collected or reviewed relevant records.

Inspectors made adequate attempts to contact the people involved in the incidents before closing the investigation. There is little that can be done if an individual chooses not to respond or cooperate with an investigation.

Violations and enforcement responses were clearly identified for the complaints where violations were identified.

C. EPA Recommendations

The EPA reviewer could not easily determine the ultimate resolution for two of the cases.

It is recommended that all documents, including proof of penalty payment, be placed in the case file.

A	B	C	D	E	F	G	H	I	J	K	L	M	N
#	Name of Potential Violator	Date Received	Source of Complaint	Date Investigation Started	Days to Start Investigation After Received	Date Investigation Completed	Days to Complete Investigation After Starting	Method of Receipt	Brief Description of Complaint	Description of Complaint Follow-Up	Records Collected	Outcome of Investigation	Enforcement Response or Follow-up
1	Chewy	10/10/2023	Community	10/11/2023	1	11/2/2023	22	Form submitted	Complainant alleged that bird poison was improperly used at a company warehouse.	Conducted a site visit including photos and interviews; and a records review.	Photos and application records.	Could not prove a violation.	N/A
2	Luke 10:19 Pest Control	6/8/2023	Competitor	6/8/2023	0	6/15/2023	7	E-mail	Possible pesticide misapplication to control bees.	Conducted a site visit and took photos.	Photos.	Violation of NAC 555.440	License restriction/or requirement to earn continuing education credits
3	Grillo Landscape Solution	7/27/2023	Resident	8/1/2023	5	8/24/2023	23	Form submitted	Complainant alleged that applicator was responsible for death of tree on property.	Conducted interview, site visit and records review	Photos and application records.	Could not prove a violation due to too much time passing since application (samples would not be viable).	N/A
4	First Response	6/23/2023	Resident	6/28/2023	5	8/3/2023	37	Form submitted	Alleged unlicensed pest control services.	Reviewed license status.	N/A	Violations of NRS 555 were documented.	Settlement with penalty.
5	Kellogg Pest Control	9/13/2023	Resident	9/13/2023	0	9/25/2023	12	Form submitted	Complainant alleged that applicator was applying while people were present indoors contrary to label directions.	Conducted interviews and a records review.	Application records.	Could not prove a violation.	N/A
6	Noble Tree Service	3/24/2023	Resident	3/24/2023	0	4/11/2023	13	E-mail	Complainant submitted evidence that tree service allegedly drifted onto them and intentionally sprayed them with pesticides.	Conducted interview and collected documentary samples.	Videos.	Violations of NRS 555.280, NAC 555.530, NAC 555.440.1.	Settlement with penalty.
7	Morris Ag Air	8/14/2023	Resident	8/15/2023	1	9/12/2023	27	E-mail	Applicator allegedly drifted onto an NDA inspector.	Conducted interviews, site visit and records review.	Photos and application records.	Violations of NAC 555.440.1 and 555.440.4 were documented.	Settlement with penalty.
8	Neighbor	6/5/2023	Resident	6/5/2023	0	6/13/2023	8	Form submitted	Complainant alleged that neighbor sprayed and exposed them to Round Up along shared fence line.	Conducted interviews, site visit with foliage and soil samples collected.	N/A	Complainant non-responsive for further sampling.	N/A
9	Reno Green	10/19/2023	Community	10/19/2023	0	10/19/2023	0	Phone call	Applications were allegedly conducted at homeowner properties without their knowledge.	Interviewed company.	N/A	Could not prove a violation.	Compliance assistance was provided.
10	Unknown Landscape Company	4/19/2023	Resident	4/19/2023	0	6/2/2023	44	Phone call	Alleged application and drift by an unknown applicator in a residential area.	Conducted site visit, collected leaf, soil and swab samples, interviews.	Photos.	Could not prove a violation.	N/A