

# Memorandum

**From:** Chad Kingsley, MD, MBA

**Date:** May 29, 2025

**Question:** Does NNPH have the authority to regulate hazmat issues?

**Short Answer:** Not definitively.

District Boards of Health created pursuant to NRS 439.370 (*i.e.*, DBOH) have responsibilities related to solid waste management and *specific* types of hazardous waste, such as waste tires (NRS 444.505) and asbestos (NAC 444.969). However, there appears to be no statutory mandate for these health districts or boards to regulate general hazardous waste. The primary responsibility for hazardous waste regulation lies with the State (Division of Environmental Protection and the Department of Conservation and Natural Resources) and other entities designated under NRS Chapter 459 and NAC Chapter 459.

Notably, while NRS 444.627 (pertaining to unlawful disposal of solid waste or sewage) designates NNPH as a “solid waste management authority” through NRS 444.495, “solid waste” under NRS Chapter 444 *specifically excludes* hazardous waste managed pursuant to [NRS 459.400](#) to [459.600](#), inclusive. NRS 444(2)(a).

Broadly, the State can “take any other action designed to reduce or eliminate the hazard” if it receives information that the handling, storage, transportation, treatment or disposal of any waste or hazardous substance may present an imminent and substantial hazard to human health, public safety or the environment. NRS 459.565(1)(e). This would suggest that the State *could* direct DBOH/NNPH to regulate hazardous waste; however, there isn’t any specifically enumerated power to delegate any duty to the local health district except in certain circumstances:

1. The State Division is mandated to enter into cooperative agreements with local agencies to provide inspection related to explosives under NRS 459.3819.
2. The [State Environmental] Commission, within 30 days after the designation of an emergency planning district, establish a local emergency planning committee for the emergency planning district and appoint the members ... and supervise and coordinate the committee’s activities. NAC 459.99131(3)-(4).

Finally, NRS 459.480 indicates that the State, which has authority over hazardous waste regulation, may delegate enforcement authority to “suitably qualified agencies of the political subdivisions of this State.” There isn’t any evidence that this delegation has occurred; NNPH is likely a special district rather than a political subdivision.

Sincerely,



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