

PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No. Temp NDA R-i

DIVISION OF FOOD AND NUTRITION

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Department of Agriculture, 405 South 21st Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 583 of Nevada Administrative Code. A workshop has been set for Thursday, September 10, 2015, 10am-11am at:

Nevada Department of Agriculture
405 South 21st Street
Sparks, Nevada, 89431

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations: Implement the regulations necessary to license Craft Food operations.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Donnell Barton
Administrator Food and Nutrition Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431
(775) 353-3625
dbarton@agri.nv.gov

A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445

State Capitol Building
Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV
Dennis Belcourt – AG's Office
LCB website: www.leg.state.nv.us
Nevada Public Notice website: www.notice.nv.gov
Nevada Department of Agriculture Website: www.agri.nv.gov

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

(Revised LCB File # here if Appropriate)

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

- The provisions of SB 441 (2015) and these proposed regulations create a Craft Food Industry that does not presently exist. This is a voluntary business enterprise with minimal costs to provide safety training. Information was available on the website of the Department of Agriculture, www.agri.nv.gov and posted at the following locations:

Department of Agriculture

405 S. 21st Street

Sparks, NV 89431

Department of Agriculture

2300 McLeod Street

Las Vegas, NV 89104

Department of Agriculture

4780 E. Idaho Street

Elko, NV 89801

- 2. The manner in which the analyses was conducted.**

- No analyses was conducted because these regulations do not apply to any existing small businesses.

- 3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:**

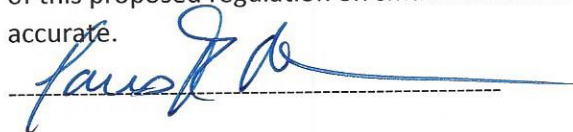
- These regulations should have a positive economic impact. While there is a fee to train, test and register, becoming a registered Craft Food Producer allows the registrant to sell acidified foods for a profit.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

- Does not apply.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**
 - It is estimated that it will cost the Department \$110.00 per registrant. We anticipate fewer than 100 registrants.
6. **If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
 - SB 441 creates a 3 year registration. We anticipate the annual revenue to approximate \$45.00 per registrant for about 100 registrants. The money will be used to offset the Department's costs to train, test and register applicants and to approve recipes.
7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**
 - Does not apply.
8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**
 - These regulations create a Craft Food Industry that does not presently exist. Participation is voluntary and should generate a profit for those who choose to participate.

I certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.



James R. Barbee

Director

Nevada Department of Agriculture

Statutory Authority - SB 441

Regulatory Authority - Department

NAC 583.--- Approved pH Meters

The Department shall maintain and publish a list of pH measuring devices suitable for use in the production of acidified foods.

NAC 583.--- Requirements for Approved Recipes for Acidified Foods

1. No recipe may be used unless it has been previously approved by the Department.
2. The Department shall maintain a list of approved recipes and recipes which are included in publications approved by the Department.
3. The following requirements apply to all approved recipes:
 1. The form of the item to be pickled cannot be altered except to make it smaller. A whole cucumber can be sliced, but a recipe for pickle spears cannot be used on whole cucumbers.
 2. The required water bath canning time, adjusted for altitude, cannot be shortened.
 3. Only purchased vinegar with 5% acidity or more is approved for use in any recipes.
 4. The vinegar to water ratio cannot be altered except to increase the vinegar.
 5. One or two items such as a garlic clove or a pepper may be added so long as the primary ingredient to be pickled is not significantly changed.
 6. The total amount of spices in a recipe may be reduced, but only increased by an amount equal to 50% of the total amount specified in the recipe. IE a total of 2 teaspoons can be increased to a total of 3 teaspoons.
 7. The ratio of spices may be altered within the limitations specified in subsection 6.
 8. Any other alteration of an approved recipe requires approval pursuant to section 4.
4. The Department may also approve recipes submitted by individuals if;
 - a. The recipe is submitted in writing, and;
 - b. It will be produced pursuant to the requirements of NRS 583, and;
 - c. A letter from a certified Process Authority approving the recipe is included with the approval request.
5. Recipes submitted by individuals will be considered to be proprietary information except as otherwise provided in law.

NAC 583.--- Labeling In addition to any other labeling required by statute, a craft food label must include the statement, "Refrigerate after opening".

NAC 583.--- Fees

1. The Department may charge a fee, set by the Director, but not to exceed;
 - a. For training \$50.00
 - b. For testing \$30.00
 - c. For registration \$50.00
 - d. For renewal \$30.00
2. The Department may charge, pursuant to NRS 588, a fee set by the Director, but not to exceed;
 - a. For an investigation \$60.00 an hour
 - b. For mileage The current federal government standard mileage rate for transportation expenses.