

# **PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE**

**LCB File No. Temp NDA R-g**

**DIVISION OF ANIMAL INDUSTRY**

## **NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION**

The Nevada Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 587 of Nevada Administrative Code. A workshop has been set for Thursday, September 10, 2015, 3pm-4pm at:

Nevada Department of Agriculture  
405 South 21<sup>st</sup> 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: Adopt the American Association of Feed Control Officials model bill for the implementation of the Food Safety Modernization Act.

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

Flint Wright  
Administrator Animal Industry Division  
Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89431  
(775) 353-3708  
[fwwright@agri.nv.gov](mailto:fwwright@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 21<sup>st</sup> 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](http://www.leg.state.nv.us)  
Nevada Public Notice website: [www.notice.nv.gov](http://www.notice.nv.gov)  
Nevada Department of Agriculture Website: [www.agri.nv.gov](http://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.**

- Nevada does not register feed manufacturers at this time. Using the NAIC we found seven businesses which identified themselves as being feed manufacturers. We sent them a multipage survey regarding the potential impact of implementing the regulations. Only one recipient responded as requested. That business indicated there would be no negative impact. The regulations were available on the website of the Department of Agriculture, [www.agri.nv.gov](http://www.agri.nv.gov) and posted at the following locations:

Department of Agriculture

405 S. 21<sup>st</sup> 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.**
  - The sole respondent indicated no impact.
- 3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:**
  - Minimal or none.
- 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. This program is required by federal law.
- 5. The estimated cost to the agency for enforcement of the proposed regulation.**
  - We estimate that the cost for an inspector, equipment and expenses will be less than \$100,000.00 per year.

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.**
  - We estimate the fees to generate less than \$100,000.00 annually.
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.**
  - The provisions are mandated by federal law. The FDA looked to the states to implement the Food Safety Modernization Act. We will be enforcing the federal provisions.
8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**
  - We conclude that the impact of these provisions will be minimal. Most businesses already employ many of the safety and "critical point" techniques at this time. The new standards will require formalized planning, record keeping and recall procedures. Setting up a business to comply with the requirements may impose a small burden, but the on-going process should have minimal impact. Most businesses in Nevada will be exempt under the federal provisions.

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

Section 28

Pursuant to section 28 (1) (a), each manufacturer, each distributor and each guarantor who distributes, sells or offers for sale any commercial feed in this state must obtain a license.

Section 29 A license application must include:

1. Any information deemed necessary by the Department.
2. A declaration regarding who is responsible for reporting and fees.
3. A nonrefundable application fee of \$75.00.
4. A late fee of \$20.00 if an annual renewal is submitted after December 31 of each year.

Section 34

Section 1, A report must be filed each quarter regardless of whether the licensee manufactured, distributed or guaranteed any commercial feeds during the reporting period.

Section 34 (2) (b), The per ton fee for commercial feed, manufactured, distributed or guaranteed in this state shall be 15 cents.

Section 34 (3), 1. A licensee must report the total tonnage manufactured, distributed or guaranteed and pay the appropriate fees unless:

- a. the responsibility for reporting and the payment of the fees has been assigned to another person by a contract entered into pursuant to this subsection; or
  - b. The reporting and fees have been submitted timely by another.
2. A contract must:
- (a) Include the license numbers of the parties;
  - (b) Identify each party by name, address, telephone number and title, if applicable;
  - (c) Identify the specific product covered by the contract;
  - (d) Include an effective date and expiration date, not beginning or ending during a reporting period and not exceeding 3 years in duration; and
  - (e) Be signed by each party or his or her authorized agent.
6. A person who violates any provision of this section is subject to a civil penalty pursuant to section 43 of this act..

Section 37,

1. The Department may conduct inspections or audits at the request of a licensee.
2. The licensee shall pay an hourly fee for drive time and inspection time or audit time, not to exceed;
  - a. For an audit, \$75.00 per hour per auditor;
  - b. For an inspection, \$60.00 per hour per inspector.
3. Mileage to be charged at the current IRS mileage reimbursement rate.