

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R026-15

Effective December 21, 2016

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

AUTHORITY: §§1-6, NRS 554.020 and 554.030.

A REGULATION relating to agriculture; revising certain references to the address of the State Department of Agriculture; revising provisions relating to the quarantine against potato late blight; clarifying provisions relating to white rot fungus; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law confers broad authority upon the State Quarantine Officer to proclaim and enforce a quarantine against any state, territory or district relating to the importation into or transportation through this State of certain infected agricultural commodities. (NRS 554.020) Any quarantine issued by the State Quarantine Officer may: (1) consist of a complete embargo against the quarantined agricultural commodity; or (2) provide for the importation into or transportation through this State of the quarantined agricultural commodity in accordance with regulations adopted by the State Quarantine Officer. (NRS 554.030) Pursuant to that authority, the State Quarantine Officer has adopted regulations which: (1) adopt by reference certain domestic quarantine notices set forth in the Code of Federal Regulations and specify that a copy of those provisions may be obtained free of charge from the State Department of Agriculture at the former address of the Department; and (2) prohibit the entry of certain restricted commodities into this State from an infested area unless the shipment or lot containing the restricted commodity is accompanied by a signed certificate which is mailed to the Department at that address. (NAC 554.055, 554.730) **Sections 1 and 2** of this regulation revise the address of the Department set forth in those provisions.

Existing regulations establish a quarantine against commodities which may carry potato late blight and specify that any seed potato or potato plant and any plant of the genus *Lycopersicon*, except tomato seeds, are commodities subject to the quarantine. (NAC 554.765) **Sections 3 and 4** of this regulation delete the reference in those provisions to any “plant of the genus *Lycopersicon*” and replace it with a reference to “any plant of the genus *Solanum lycopersicum*.”

Existing regulations establish a quarantine against white rot disease fungus (*Sclerotium cepivorum*) and require any quarantined commodities to be accompanied by a certificate of origin signed by the authorized official of the state of origin. (NAC 554.910, 554.920) **Sections 5**

and 6 of this regulation amend those provisions to make consistent use of the term “white rot fungus.”

Section 1. NAC 554.055 is hereby amended to read as follows:

554.055 1. The State Quarantine Officer hereby adopts by reference the provisions of each domestic quarantine notice set forth in Part 301 of Title 7 of the Code of Federal Regulations, as those provisions existed on January 1, 2001, and any subsequent amendment to those provisions that is approved by the State Quarantine Officer pursuant to subsection 2. A copy of those provisions and any approved amendment to those provisions may be obtained free of charge from the State Department of Agriculture, ~~{350 Capitol Hill Avenue, Reno,}~~ *405 South 21st Street, Sparks,* Nevada ~~{89502.}~~ *89431.*

2. Each amendment to a domestic quarantine notice specified in subsection 1 shall be deemed approved by the State Quarantine Officer unless the amendment is disapproved within 60 days after the amendment becomes effective. The State Quarantine Officer will review each amendment to a domestic quarantine notice specified in subsection 1 that is adopted after January 1, 2001, to determine its suitability for this State. If the State Quarantine Officer determines that such an amendment:

(a) Is suitable for this State, the State Quarantine Officer will:

(1) File one copy of the amendment with the Secretary of State and the State Library , ~~{and}~~ Archives *and Public Records* Administrator; and

(2) Make at least one copy of the amendment available for public inspection with the regulations of the Department; or

(b) Is unsuitable for this State, the State Quarantine Officer will:

(1) File with the Secretary of State and the State Library, ~~and~~ Archives *and Public Records* Administrator, together with a copy of the amendment, a written notice indicating that the amendment is disapproved; and

(2) Make at least one copy of the written notice and amendment available for public inspection with the regulations of the Department.

Sec. 2. NAC 554.730 is hereby amended to read as follows:

554.730 1. Except as otherwise provided in subsection 2, no restricted commodity may enter this State from an infested area unless the shipment or lot containing it is accompanied by a certificate signed by an authorized inspector of the state, district or territory in which the commodity was produced and a copy of the certificate is mailed to the State Department of Agriculture, ~~{350 Capitol Hill Avenue, Reno,}~~ *405 South 21st Street, Sparks,* Nevada ~~{89502,}~~ *89431,* affirming that all restricted commodities contained in the lot or shipment were grown in and shipped from a geographic locality free from the Colorado potato beetle.

2. Irish potato tubers may enter this State from any point in an infested area if, before entry, the tubers:

(a) Have been washed, screened or otherwise freed of any soil and any host plants or cuttings thereof; and

(b) Are in new or recleaned sacks or in other clean containers.

Sec. 3. NAC 554.765 is hereby amended to read as follows:

554.765 The following commodities are under quarantine:

1. Any seed potato or potato plant; and

2. Any plant of the genus ~~{Lycopersicon,}~~ *Solanum lycopersicum,* except tomato seeds.

Sec. 4. NAC 554.769 is hereby amended to read as follows:

554.769 1. Any commodity specified in NAC 554.765 is prohibited from entering this State from an infested area unless the commodity is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural officer of the state of origin.

2. If the commodity is a seed potato or potato plant, the certificate must state that the seed potato or potato plant:

(a) Was produced and certified as a certified seed potato in the state or county of origin; and
(b) Was inspected in storage and at the point of shipping, and late blight was not found in the lot.

3. If the commodity is a plant of the genus ~~Lycopersicon~~, *Solanum lycopersicum*, the certificate must state that the plant:

(a) Was grown in a nursery or greenhouse;
(b) Was inspected at that nursery or greenhouse and was found to be free of late blight;
(c) Before shipment, was treated with a registered fungicide that is labeled for the control of late blight; and
(d) Was inspected at the point of shipment and found to be free of late blight.

Sec. 5. NAC 554.910 is hereby amended to read as follows:

554.910 1. A quarantine is hereby established against stem and bulb nematode (*Ditylenchus dipsaci*) and ~~the~~ white rot ~~disease~~ fungus (*Sclerotium cepivorum*) and their hosts and possible carriers.

2. All states of the United States and the District of Columbia are subject to the quarantine.

3. The quarantine applies to propagative bulbs, cloves, sets or seedlings of garlic, onion and other *Allium* species to be used for commercial production.

Sec. 6. NAC 554.920 is hereby amended to read as follows:

554.920 1. Except as otherwise provided in subsection 2, each shipment of the quarantined commodities must be accompanied by a certificate of origin signed by an authorized official of the state of origin. The certificate of origin must contain declarations that:

(a) The planting stock was grown in an area not known to be infested with stem and bulb nematode or with white rot ~~†disease;†~~ *fungus*;

(b) The crop was inspected during the growing season and was found apparently free from stem and bulb nematode and white rot ~~††~~ *fungus*; and

(c) The seed-garlic was presoaked in hot water with or without formalin at 100 degrees Fahrenheit, plus or minus 2 degrees Fahrenheit, for 30 minutes followed immediately by a 20-minute soaking at 120 degrees Fahrenheit, plus or minus 2 degrees Fahrenheit, in a solution of the same composition, but variations of this treatment may be substituted with prior approval of the Director.

2. If stock for the commercial propagation of garlic or onions is accompanied by a certificate issued under a state or federally supervised program which has been specifically designed to prevent infection of such stock by stem and bulb nematode or white rot fungus, the stock may be brought into Nevada or a control area within this State without meeting the requirements of subsection 1.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R026-15

1. **A clear and concise explanation of the need for the adopted regulation.**
Update of regulation to reflect an address change for the department and clarification of a scientific name change of the genus name of tomato from *Lycopersicon* to *Solanum lycopersicum*.

2. **Description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary.**

Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of Pesticide Registration Fees, as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDA) www.agri.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431-5566

Nevada Department of Agriculture
2150 Frazer Avenue
Sparks, NV 89431

Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104-4314

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801-4672

Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture
Attn: Ruth Tietjen
405 South 21st Street
Sparks, NV 89431
(775) 353-3670

3. **The number of persons who:**
(a) **Attended each hearing:** 0
(b) **Testified at each hearing:** 0
(c) **Submitted written comments:** 0

Workshop date: 8/10/2015

Number in attendance: 0

Number testifying: 0
Written statements submitted: 0

Hearing date: 9/21/2015
Number in attendance: 0
Number testifying: 0
Written statements submitted: 0

4. **For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:**
 - (a) **Name; N/A**
 - (b) **Telephone number;**
 - (c) **Business address;**
 - (d) **Business telephone number;**
 - (e) **Electronic mail address; and**
 - (f) **Name of entity or organization represented.**
5. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation of how other interested persons may obtain a copy of the summary.**

Comment was solicited as described in question # 2. No comments were submitted. Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture Attn: Ruth Tietjen
405 South 21st Street
Sparks, NV 89431
6. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No comments or suggestions were submitted therefore there was no need to edit the proposed language.
7. **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
 - (a) Estimated economic effect on the businesses which they are to regulate.
None, this amendment is only a clarification in in genus name and an address change.
 - (b) Estimated economic effect on the public which they are to regulate.
None, this amendment is only a clarification in in genus name and an address change.
8. **The estimated cost to the agency for enforcement of the proposed regulation:**

None

9. **A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
None
10. **If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**
None
11. **If the 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.**
None