

**ADOPTED REGULATION OF THE DIRECTOR OF
THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R083-15

Effective December 21, 2015

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

AUTHORITY: §1, NRS 555.010, as amended by section 23 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3586.

A REGULATION relating to noxious weeds; establishing a program to certify certain agricultural products as free from noxious weeds; adopting by reference certain standards for weed free forage and gravel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Director of the State Department of Agriculture to establish and administer a program to certify agricultural products as being free from noxious weeds. (NRS 555.010, as amended by section 23 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3586) This regulation establishes the Weed Free Certification Program and sets forth the application requirement for a producer of agricultural products who seeks to have those agricultural products certified as being free from noxious weeds as part of the Program. This regulation also adopts by reference the North American Weed Free Forage Minimum Certification Standards and the standards and inspection forms for the Weed Free Gravel Program issued by the North American Invasive Species Management Association for the purposes of the Weed Free Certification Program.

Section 1. Chapter 555 of NAC is hereby amended by adding thereto a new section to read as follows:

1. A producer of agricultural products who wishes to have his or her agricultural products certified as being free from noxious weeds may apply to the Department to participate in the Weed Free Certification Program which is hereby established pursuant to NRS 555.010, as amended by section 23 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at

page 3586. To participate in the Weed Free Certification Program, the producer must submit, in a form approved by the Department, evidence satisfactory to the Department that the producer meets the standards adopted by reference in subsection 2.

2. The Director hereby adopts by reference the North American Weed Free Forage Minimum Certification Standards, as revised on March 31, 2015, and the Gravel Pit Inspection Standards and Gravel Pit Inspection Form for the Weed Free Gravel Program issued by the North American Invasive Species Management Association or its successor organization, and any subsequent revisions which have been approved by the Director for use in this State. Each new revision shall be deemed approved by the Director unless the Director disapproves the revision within 60 days after the date of publication by the North American Invasive Species Management Association or its successor organization. The Director will review each revision issued to ensure its suitability for use in this State. The most recent revisions that have been approved by the Director will be available for inspection at the main office of the Department or may be obtained free of charge from the Internet website of the North American Invasive Species Management Association at <http://www.naisma.org/weed-free-forage> and <http://www.naisma.org/weed-free-gravel>.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066
Informational Statement
LCB File No. R083-15

1. A clear and concise explanation of the need for the adopted regulation.

The agency is adopting this regulation to demonstrate that we are using the nationally accepted protocols for certifying that various products are weed free. We already use these protocols and we are simply formally adopting them.

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 certified weed free programs, 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 McLeod Street
Las Vegas, NV 89104-4314

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

We received no written comments and no member of the public attended the workshop or hearing.

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

Nevada Department of Agriculture
Attn: Robert Little, Plant Industry Division
405 South 21st Street
Sparks, NV 89431

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

Workshop: September 9, 2015
Number in attendance: 2 (NDA Staff)

Number testifying: 0
Written statements submitted: 0

Hearing: November 23, 2015
Number in attendance: 1 (NDA Staff)
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:

No public attendance and did not receive testimony.

- (a) Name;
- (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.

Please question 2. There is no summary of comments because we did not receive testimony or written comments on this regulation.

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 changes were necessary.

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.
- (b) Estimated economic effect on the public which they are to regulate.

Adopting this regulation has no economic impact on the businesses using the voluntary weed free programs. The agency already utilizes these standards. We are simply formally adopting the nationally accepted standards.

8. The estimated cost to the agency for enforcement of the proposed regulation:
There is no additional cost to the agency for the enforcement of this regulation.

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.

There are no other state or government agency regulations that the proposed amendments duplicate

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A

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.

There are no new fees or fee increases in this regulation.