

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

**LCB File No. R087-15**

Effective December 21, 2015

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

AUTHORITY: §1, Section 194 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636; §2, NRS 588.210, as amended by section 196 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636.

A REGULATION relating to fertilizer; adopting by reference certain fertilizer control rules; revising certain provisions governing the payment of fees and reporting requirements for the sale of certain fertilizers and agricultural minerals; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Director of the State Department of Agriculture to adopt by reference the fertilizer control rules and standards of the Association of American Plant Food Control Officials (AAPFCO) or its successor organization. (Section 194 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636) **Section 1** of this regulation adopts the relevant publication from the AAPFCO, and provides for the Director to review each subsequent edition to ensure its suitability for use in this State.

Existing law requires the registrant of each brand of commercial fertilizer or agricultural minerals to pay certain fees to the Department for each ton sold and to report to the Department the total tonnage sold, unless the responsibility for reporting and payment of fees has been assigned to another person by a contract. (NRS 588.210, as amended by section 196 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636) **Section 2** of this regulation makes a conforming change regarding the responsibility for such reporting and payment of fees.

**Section 1.** Chapter 588 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. The Director hereby adopts by reference Official Publication No. 68, 2015 edition, of the Association of American Plant Food Control Officials, and any subsequent edition issued by the Association of American Plant Food Control Officials, or its successor organization,*

*which has been approved by the Director. Each new edition of this publication shall be deemed approved by the Director unless the edition is disapproved by the Director within 60 days after the date of publication by the Association of American Plant Food Control Officials or its successor organization.*

*2. The Director will review each subsequent edition of the Official Publication to ensure its suitability for use in this State. The most recent edition of the publication that has been approved by the Director will be available for inspection at the main office of the Department, or may be purchased for the price of \$60 by mail from the Association of American Plant Food Control Officials, No. 1 Natural Resources Drive, Little Rock, Arkansas, 72205.*

**Sec. 2.** NAC 588.010 is hereby amended to read as follows:

588.010 ~~{The}~~

*1. Except as otherwise provided in subsection 2, the* registrant is responsible for tonnage fees and reports. ~~{If the registrant does not have authority over distribution or sales of the registered brand or brands, he or she shall notify the Department in writing of the person responsible for reporting tonnages and payment of fees.}~~

*2. A registrant who has entered into a contract pursuant to subsection 4 of NRS 588.210, as amended by section 196 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3636, which assigns the responsibility for reporting the total tonnage and the payment of fees is not responsible for such reports and fees.*

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066**  
**Informational Statement**  
**LCB File No. R087-15**

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

The agency is adopting this regulation to put the national fertilizer standards we already use into the NAC.

**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 fertilizer standards, 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](http://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.**

- Estimated economic effect on the businesses which they are to regulate.
- Estimated economic effect on the public which they are to regulate.

Adopting this regulation has no economic impact on the businesses registered in Nevada. 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.