

LCB FILE No. T017-00

**PROPOSED TEMPORARY REGULATION OF THE
STATE QUARANTINE OFFICER**

NOTICE OF INTENT TO ADOPT REGULATIONS

THE NEVADA DEPARTMENT OF AGRICULTURE

Proposed temporary amendments to NAC 554 pertaining to an exterior quarantine against mint stem borer, and NAC 554 pertaining to an exterior quarantine against potato late blight.

Need and purpose of the proposed amendments

These two quarantines were adopted by the director under his authority as State Quarantine Officer. The department now wants to adopt these quarantines as part of the Nevada Administrative Code.

Economic effect of these proposed amendments on the businesses which they are to regulate:

1. Adverse effects:
None.
2. Beneficial effects:
These quarantines provide for entry of certified stock.
3. Immediate and long-term effects:
The beneficial and adverse effects are the same for the immediate and long term economic effects.

Economic effects of the proposed amendments on the public:

1. Adverse effects:
None
2. Beneficial effects:
The quarantines prevent the entry of these pests into Nevada. The entry and establishment of these pests would cause economic loss to commercial and privately grown crops.
3. Immediate and long-term effects:
None

Economic cost to the agency for enforcement of the proposed amendments:

Their will be no additional cost to the agency for enforcement of the amendments.

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

There are no other state, local or federal government regulations that these amendments overlap or duplicate.

Fees:

The proposed amendments do not contain any new fees or increase any existing fees.

The date time, place and manner in which interested parties may present their views on the proposed amendments:

DATE: November 9, 2000

TIME: 9:00 a.m.

PLACE: Nevada Department of Agriculture Office- Reno
350 Capitol Hill Avenue
Reno, Nevada 89502

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All variable and written testimony will be in the record of the hearing.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

Nevada Department of Agriculture
1550 S. Wells Avenue
Reno, NV 89502

Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Department of Agriculture
Eyer H Boies Building
Elko, NV 809801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call **Robert Gronowski at the Nevada Department of Agriculture, (775)-688-1182 Ext. 239 as soon as possible.**

NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency’s reasons for adoption.

Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

Paul Iverson, Director

Date

NOTICE OF WORKSHOP

A workshop will be held on proposed temporary amendments to the following amendments to the Nevada Administrative Code:

1. NAC 554.020 to 554.690 pertaining to the exterior quarantine against European Pine Shoot Moth.
2. NAC 554 pertaining to an exterior quarantine against Mint Stem Borer.
3. NAC 554 pertaining to an exterior quarantine against Potato Late Blight.
4. NAC 554.180 pertaining to the areas under quarantine against Japanese Beetle.
5. NAC 587.340 pertaining to inspection and certification fees.

DATE: October 18, 2000

TIME: 9:00 a.m.

Place: Nevada Department of Agriculture- Reno Office
350 Capitol Hill Avenue
Reno, NV 89502-2923

For clarification on the proposed amendments contact Robert Gronowski at (775) 688-1182, ext. 239.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all county libraries. The Department of Agriculture offices in Reno, Sparks, Elko or Winnemucca during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday

**NEVADA DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a frame work pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshop by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 554.020 to 554.690 (European Pine Shoot Moth), NAC 554(Mint Stem Borer), NAC 554(Potato Late Blight), NAC 554.180(Japanese Beetle), and NAC 587.340 (Inspection and certification fees).

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **YES** to either of questions 1 & 2, the following action must be taken:
 1. Was a small business impact statement prepared and was it available at the public workshop?
 2. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Small Business Impact Form- Part 1

SMALL BUSINESS IMPACT STATEMENT

Small Business Impact Form- Part 2
(NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects
3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for 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.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent, and why it is necessary.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502
(775)688-1180

PROPOSED TEMPORARY AMENDMENT TO NAC 554 PERTAINING TO AN EXTERIOR QUARANTINE AGAINST POTATO LATE BLIGHT

Authority: NRS 554.020

Chapter 554 is hereby amended by adding thereto the provisions set forth as sections 1 to 5, inclusive, of this regulation.

Section 1. Establishment of Quarantine. The director hereby establishes a quarantine upon certain commodities which have originated in infected areas and may be carriers of potato late blight (Phytophthora infestans).

Sec. 2. Infested areas. All states, districts and territories of the United States.

Sec. 3. Commodities covered by quarantine. Certified seed potatoes and seed potatoes including seed for home gardens; potato plants and tomato plants including all varieties of *Lycopersicon spp.*, *Except tomato seeds*.

Sec. 4. Certificate for entry.

1. Commodities which are covered by this quarantine are prohibited from entering this state from the infested areas unless the lot or shipment is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural official of the state of origin.
2. The certificate must state:
 - (1) The seed potatoes or potato plants:
 - (1) were produced as certified seed potatoes in the state or county of origin and are certified, and
 - (2) were inspected in storage and no late blight was found in the lot, and
 - (3) were inspected at the shipping point and no late blight was found.
 - (2) The tomato plants:
 - (1) were grown in a nursery or greenhouse, inspected and found free of late blight, and
 - (2) were inspected at the shipping point and no late blight was found, and
 - (3) were treated prior to shipment with a registered fungicide labeled for late blight disease control.

Sec. 5. Disposition of violations.

All shipments of covered commodities arriving in Nevada in violation of this quarantine or found infested with potato late blight, shall be immediately shipped out of state or destroyed by burning or other method approved by the Department. All costs for shipment out of state, destruction or treatments shall be performed at the expense of the owner, or duly authorized agent.

For any clarification of these amendments contact: Robert Gronowski at 775-688-1182 Ext 239.