

LCB File No. T030-01

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

(Effective March 6, 2001)

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

**ADOPTION OF TEMPORARY AMENDMENTS TO NAC 554.020 TO 554.690
PERTAINING TO THE EXTERIOR QUARANTINE AGAINST EUROPEAN PINE
SHOOT MOTH**

Authority: NRS 554.020

NAC 554.020 Establishment of quarantine: The Director of the Nevada Department of Agriculture, under his authority as the State Quarantine Officer, hereby establishes a quarantine to prevent the introduction into Nevada of the European pine shoot moth, (*Rhyacionia buoliana*). The Director hereby establishes a quarantine upon certain commodities which have originated in infested areas and may be carriers of the pest.

NAC 554.600 Areas under quarantine. All states and districts of the United States, except Alaska and Hawaii, are under quarantine.

NAC 554.610 Infested areas. (NRS 554.020, 554.030) Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington, West Virginia, ~~and~~ Oregon, *Kansas, Tennessee, Vermont, and Wisconsin* are infested areas.

NAC 554.620 Commodities covered by quarantine. The following commodities are subject to restrictions as hosts or possible carriers of the European pine shoot moth:

1. All species and varieties of pine (*Pinus* spp.) trees (with or without roots); and
2. Any branches or twigs of pine bearing terminal buds, needles or shoots.

NAC 554.630 Certificate for entry. (NRS 554.020, 554.030)

1. Commodities which are covered by the quarantine are prohibited from entering this state from the areas under quarantine unless each lot or shipment is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural inspection official of the state of origin.

2. The certificate must state that:

- (a) The restricted *commodities* ~~[articles—accompanied thereby have been produced in and shipped from a growing sight or growing area that has been trapped for European pine shoot moth by the authorized agricultural official of the noninfested state, county or parish and found~~

~~free of European pine shoot moth; or~~ *originate from a non-infested state, county, or parish and are apparently free of European pine shoot moth; or*

(b) The restricted ~~[articles] commodities accompanied thereby have been treated under official supervision before~~ *originate in ~~[and shipped from a growing site or growing area]~~ an infested state, county or parish and are shipped from a growing site or growing area that has been trapped for European pine shoot moth in accordance with NAC 554.645 by the authorized agricultural official of the ~~[non]~~infested state, county or parish and found to be free of European pine shoot moth; or*

(c) *The restricted commodities accompanied thereby have been treated under official supervision before shipment in a manner prescribed by NAC 554.650 to 554.690, inclusive or in a manner approved by the director.*

3. No certificate is required for pine trees, branches or twigs which are cut for ornamental purposes from October 20 to December 31 of any year.

[Dep't of Agriculture, No. 54.05 § (d) subsecs. (1) & (2), eff. 2 1 52; A 3 1 70]—(NAC A by St. Quarantine Officer by R080 99, 10 26 99)

NAC 554.640 Special permits. The director may issue special permits to the state forester, fire warden or the federal forest service authorizing the entry of seedling trees from the infested area without treatment for reforestation or scientific research if such trees have been grown in a greenhouse under official supervision or otherwise produced and subsequently handled under condition which are satisfactory to the director so as to preclude infestation or exposure to infestation by the European pine shoot moth.

NAC 554.645

Trapping Procedures. The pheromone of the European pine shoot moth has been determined to be “Trans-9-DoDecenyl Acetate.”“Trans-9-DoDecenyl Acetate” should be used according to instructions received with your order to prepare traps.

The trapping plan shall require one properly prepared pheromone trap for each four acres of plantation of pine trees, or nursery property containing pine stock. In no instance shall less than two traps be employed regardless of how small the area is to be trapped. The traps shall be maintained during the entire period of May 15 to July 31 each year.

Trapping plans shall be carried out under the supervision of the recognized state agricultural agency at origin and the traps shall be read by a state, or state approved, entomologist that is familiar with the adult stage of the European pine shoot moth.

Treatment Procedures

NAC 554.650 Requirements for fumigation chamber.

1. All methyl bromide fumigation of pine stock must be performed in a chamber or gas tight enclosure approved by the proper plant quarantine official of the authorized agricultural inspection agency as being properly constructed, equipped and operated to ~~[assure]~~ ***ensure*** the correct dosage, temperature control and uniform distribution of the fumigant.

2. After an initial introduction of 4 pounds per 1,000 cubic feet, the chamber must be capable of maintaining a gas concentration of not less than 51 ounces per 1,000 cubic feet at the termination of the recommended fumigation period.

3. All chambers and gas tight enclosures used for the fumigation of pine stock with methyl bromide must be tested at regular intervals, at least annually, by the certifying agency.

NAC 554.660 Arrangement of commodities in fumigation chamber.

1. Not over two-thirds of the chamber may be occupied by the commodity.
2. Free air space must be left between the top, bottom and sides of the chamber.
3. If a load is to be stacked, a minimum of 5 inches of air space must be provided between the layers. With the exception of baled stock, the space between the top of the material and the top of the chamber must be at least 12 inches. The space between the side of the material and the side of the chamber and between rows must be at least 6 inches. For baled stock, these minimum distances must be doubled.

NAC 554.680 Schedule of fumigation.

1. The treatment consists of methyl bromide fumigation under normal atmospheric pressure.
2. Methyl bromide must be applied at the rate of 4 pounds for each 1,000 cubic feet of space in the chamber for the following periods according to the temperature in the chamber:

Period of treatment.

Temperature in the chamber (°F)	Hours	Period of Treatment Minutes
45° to 49°	3	28
50° to 54°	3	8
55° to 59°	2	52
60° to 64°	2	38
65° to 69°	2	22
70° to 74°	2	9

Temperatures above 65°F may result in injury to stock.

NAC 554.690 Contents of certificates. Certificates must affirm that at least 4 pounds of methyl bromide was applied per 1,000 cubic feet of space in a chamber and must set forth the temperature in the chamber and the period of exposure.

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

ADOPTION OF A TEMPORARY AMENDMENT TO NAC 554 PERTAINING TO EXTERIOR QUARANTINE AGAINST MINT STEM BORER

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 infested areas and may be carriers of the mint stem borer (Pseudobaris nigrinia).

Sec. 2. Infested areas. The following areas are considered infested with mint stem borer:

1. The states of Alabama, Connecticut, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia and
2. The counties of Payette, Canyon, Ada, Gem, Washington, Owyhee, and Elmore in the state of Idaho and the county of Malheur in the state of Oregon.

Sec. 3. Restricted areas. The following areas are considered restricted:

1. All states and counties of the United States and not included in Sec. 2 except Alaska and Hawaii, and
2. The District of Columbia.

Sec. 4. Commodities covered by quarantine.

1. Mint planting stock including, but not limited to, all roots, stolons, rhizomes and cuttings of peppermint (Mentha piperita), spearmint (Mentha spicata) or any other species of the genus Mentha; and
2. Any soil in association with, or attached to, any such plants, rhizomes and cuttings.

Sec. 5. Conditions for entry of commodities covered by quarantine.

1. The entry of covered commodities from the infested area is prohibited.
2. Certificate for entry.

Commodities covered by this quarantine are prohibited from entering this state from restricted areas unless the lot or shipment is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural inspection official of the state of origin, certifying that:

- (1) The planting stock was inspected;
- (2) The field from which stock originated was inspected during the growing season before the cutting of the mint hay; and
- (3) The field and the mint planting stock was found to be free of mint stem borer.

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

ADOPTION OF A 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.

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

ADOPTION OF TEMPORARY AMENDMENTS TO NAC 554.180 PERTAINING TO THE AREAS UNDER QUARANTINE AGAINST JAPANESE BEETLE.

Authority: NRS 554.020

NAC 554.180 Areas under quarantine. (NRS 554.020, 554.030) The area under quarantine against the Japanese beetle consists of:

1. The states of Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia;
2. The counties of *Autauga*, Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, *Colbert*, Coosa, De Kalb, Etowah, *Fayette*, Jackson, Jefferson, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Randolph, Shelby, St. Clair, Talladega, Tallapoosa, Tuscaloosa and Winston in Alabama;
3. *The counties of Benton and Washington in Arkansas;*
- ~~3~~4. *The counties of Dubuque and Lyn in Indiana;*
- ~~4~~5. The counties of Johnson, Sedgwick, Shawnee and Wyandotte in Kansas;
- ~~4~~6. The counties of Carver, Dakota, Hennepin, Ramsey ~~[and]~~, Scott *and Washington* in Minnesota;
- ~~5~~7. The counties of *Christian*, Franklin, Jefferson, Saint Louis, Stone, Warren and Washington, and the City of St. Louis in Missouri;
8. *The county of Kay in Oklahoma;*
9. *The counties of Benton, Decatur and Perry in Tennessee;*
10. *The counties of Collin, Dallas, Harris, Tarrant and Zandt in Texas;*
- ~~6~~11. The counties of Dane, Door, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaquee, Racine, Rock, Sheboygan, Waukesha and Wood in Wisconsin;
- ~~7~~12. The District of Columbia;
- ~~8~~13. The counties of Haldimand, Norfolk, Hamilton, Wentworth and Niagra in the Province of Ontario, Canada; and
- ~~9~~14. The regional municipalities of Brome, Missiquoi, Champlain, Le Bas, Richelieu, Le Haut, Richelieu and Rousillon in the Province of Quebec, Canada.

LCB File No. T030-01

INFORMATIONAL STATEMENT

March 5, 2001

Mary Bennett
Legislative Council Bureau
Capitol Complex
Carson City, NV 89701

RE: ADOPTION OF TEMPORARY AMENDMENTS TO NAC 554.020 - PERTAINING TO A QUARANTINE AGAINST EUROPEAN PINE SHOOT MOTH, NAC 554 - A QUARANTINE AGAINST MINT STEM BORER, NAC 554 - A QUARANTINE AGAINST POTATO LATE BLIGHT, AND NAC 554.180 - A QUARANTINE AGAINST JAPANESE BEETLE.

Dear Mary:

The following is the informational statement:

1. A public workshop was held on October 20, 2000 in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

A public hearing was held on November 9, 2000, in Reno, Nevada, at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada County Libraries. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue Reno, Nevada 89502, calling (702) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada County Libraries. All persons who have requested to be notified of amendments were notified by mail.

2. Workshop held October, 20, 2000-Reno
0 people attended
No written statements were submitted

Hearing held November 9, 2000-Reno
There were no business or public attendees
No written statements were submitted

3. Comments were solicited from business and the public by posting in public locations and through direct mail notices as outlined in #1 above. There was no oral or written comments submitted. A copy of the comments may be obtained by calling the Nevada Department of Agriculture office, (702) 688-1180.

The amendments were adopted without changes. No changes were requested and there was no opposition to adoption of these amendments.

4. The economic effects of the adopted amendments on the business which it is to regulate include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
These quarantines provide for the entry of certified stock.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.
5. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
None
 - b. 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.
 - c. Immediate and long-term effects:
The adverse and beneficial effects are the same for the immediate and long-term.
6. Economic cost to the agency for the enforcement of the regulation:
There will not be any additional cost to the agency to enforce the amendments adopted.
7. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.
8. The amendments adopted do not include any provisions more stringent than any federal regulation which the same activity.
9. This regulation does not establish or increase any fees.

Sincerely,

Robert Gronowski, Administrator
Division of Plant Industry