

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

LCB File No. R051-00

Effective June 15, 2000

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

AUTHORITY: §§1-6, 8 and 9, NRS 555.243; §7, NRS 555.243 and 555.2485.

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

“Dangerously injurious pest” means a pest which:

- 1. Constitutes a significant threat to the agricultural, forest or horticultural interests of this state, to the public or to the general environmental quality of this state; and*
- 2. Is not known to exist in this state or has a limited existence in this state.*

Sec. 2. NAC 555.100 is hereby amended to read as follows:

555.100 As used in NAC 555.100 to 555.235, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 555.101 to 555.109, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 555.102 is hereby amended to read as follows:

555.102 “Commercially clean” means that common pests are under *effective* control and nursery stock offered for sale is in healthy condition.

Sec. 4. NAC 555.109 is hereby amended to read as follows:

555.109 “Under *effective* control” means the use of a program to control a common pest by using any available method , including, but not limited to, a program of sanitation and

application of proper pesticides ~~that~~ *that results in no more than a few of the type of pest being controlled existing on no more than a few plants in the block or lot of nursery stock.*

Sec. 5. NAC 555.110 is hereby amended to read as follows:

555.110 An out-of-state nursery making wholesale deliveries of nursery stock to a licensed retail nursery in this state is exempt from the nursery licensing requirements of NRS 555.236, if:

1. The out-of-state nursery possesses a valid nursery license issued under authority of the state having jurisdiction over the registered place of business; and
2. The out-of-state nursery notifies the director of the name and address of the consignee and the classification of all nursery stocks delivered by other than common carrier. The notice must be filed with the director within 72 hours after time of delivery. Notice may be given to the following offices:

State Department of Agriculture
Division of Plant Industry
350 Capitol Hill Avenue
Reno, NV ~~89510~~ *89502-2923*

State Department of Agriculture
Division of Plant Industry
Southern District Office
Mailroom Complex
Las Vegas, NV 89158

State Department of Agriculture

Division of Plant Industry

Eastern District Office

~~{E.H. Boise}~~ *Eyer H. Boies* Building

~~{P.O. Box 630}~~ *1351 Elm Street*

Elko, NV 89801

State Department of Agriculture

Division of Plant Industry

~~{P.O. Box 442}~~ *1200 East Winnemucca Boulevard*

Winnemucca, NV 89445

Sec. 6. NAC 555.120 is hereby amended to read as follows:

555.120 For the purposes of reporting classes of nursery stock, the following classifications must be used:

1. Deciduous trees/shade trees;
2. Evergreens;
3. Vines;
4. Small fruits;
5. Bulbs, corms, tubers;
6. Deciduous shrubs;
7. Roses;
8. Fruit trees; ~~{and}~~
9. Bedding stock ~~{,}~~; *and*

10. Sod.

Sec. 7. NAC 555.160 is hereby amended to read as follows:

555.160 1. Any person selling, delivering, offering for sale or growing nursery stock shall maintain the following standards of cleanliness for all nursery stock and for the premises on which any nursery stock is grown, held or offered for sale:

(a) All nurseries and nursery stock must be free of ~~[serious and economic]~~ *dangerously injurious* pests and commercially clean of common pests.

(b) Infestations or infections of pests that may develop in nurseries or on nursery stock are subject to the following minimum requirements:

(1) A ~~[serious]~~ *dangerously injurious* pest must be eradicated.

(2) ~~[An economic pest must be intensively controlled.]~~

~~—(3)]~~ A common pest must be under *effective* control.

2. A person who violates this section shall, after notice and hearing, for each violation pay an administrative fine in accordance with the following:

(a) For the first violation, \$50.

(b) For the second violation, \$100.

(c) For the third and any subsequent violation, \$200.

Sec. 8. NAC 555.180 is hereby amended to read as follows:

555.180 The director may determine the classification as ~~[among serious pest, economic pest,]~~ *between dangerously injurious pest* and common pest for all pest infestations found on nursery stock and publish a list of classifications for those pests . ~~[normally encountered.]~~

Sec. 9. NAC 555.105, 555.107 and 555.108 are hereby repealed.

TEXT OF REPEALED SECTIONS

555.105 “Economic pest” defined. “Economic pest” means a pest of economic importance not known to exist or of limited distribution in this state.

555.107 “Intensively controlled” defined. A pest is “intensively controlled” if it has been subjected to a treatment known to be 100 percent lethal to all stages of the pest or has been subject to control practices and reinspection will not reveal the presence of a live pest.

555.108 “Serious pest” defined. “Serious pest” means a pest subject to state quarantine or statewide programs for eradication or a pest of serious economic importance which is not known to exist in this state or is of limited distribution.

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NOTICE OF ADOPTION

On April 20, 2000 the Nevada Department of Agriculture adopted regulations assigned LCB file number R 051-00 which pertain to chapter 555.100 through 555.231, and 555.800 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

1. A public workshop was held on April 3, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Public hearings were held on April 3, 2000 in Reno, Nevada at the Nevada Department of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing were posted at all six department offices, the Nevada State Library in Carson City, 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 April 3-Reno
0 people attended
no written statements were submitted

Hearing held April 3-Reno
There were no business or public attendees
no written statements were submitted

3. Comments were solicited from businesses and the public by posting in public locations and through direct mail notices as outlined in #1 above. There were no oral or written comments submitted. A copy of the comments may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The amendments were adopted without any changes because there were no objections to the proposed amendments.

4. The economic effects of the adopted amendments on the business which it is to regulate:

1. Adverse effects:

None

2. Beneficial effects:

Diamond Valley Rodent Control will be able to control vertebrate pests.
Nurseries will benefit from the sale of stock free of dangerously injurious pests.

3. Immediate and long-term economic effects:

The adverse and beneficial effects are the same for immediate and long-term.

5. Economic effects of the adoption of the amendments on the Public:

1. Adverse effects:

None

2. Beneficial effects:

The public will benefit from the prevention of the entry and establishment of invasive species which cause severe economic, environmental and public health losses to occur.

3. 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 be no 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 with the same activity.

9. This regulation does not establish or increase any fees.

Sincerely,

Robert Gronowski, Administrator
Division of Plant Industry

BG:cc