

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R004-03

Effective September 24, 2003

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

AUTHORITY: §1-2, NRS 587.360.

Section 1. Chapter 587 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The State Quarantine Officer or his designee may issue:

(a) A federal phytosanitary certificate.

(b) A state phytosanitary certificate.

(c) A free-sale certificate.

2. If the State Quarantine Officer or his designee determines that an applicant for a federal phytosanitary certificate, state phytosanitary certificate or free-sale certificate issued pursuant to subsection 1 provided inaccurate information in conjunction with the application for that certificate, the State Quarantine Officer or his designee may revoke that certificate.

3. In addition to any other applicable fees, the State Quarantine Officer or his designee will impose a fee of \$25 for the issuance of a federal phytosanitary certificate, state phytosanitary certificate or free-sale certificate that replaces a certificate revoked pursuant to subsection 2.

4. As used in this section:

(a) “Federal phytosanitary certificate” means a phytosanitary certificate issued pursuant to federal law.

(b) “Free-sale certificate” means a certificate that certifies that the plants or plant products being exported are the same type of plants or plant products freely marketed and for sale in the State of Nevada.

(c) “State phytosanitary certificate” means a phytosanitary certificate that documents the origin and, if required, the inspection of plants and unprocessed or unmanufactured plant products that do not qualify for a federal phytosanitary certificate.

Sec. 2. NAC 587.340 is hereby amended to read as follows:

587.340 1. The fees for the inspection and certification of potatoes at their point of shipping will be determined by agreement between the State Quarantine Officer and the processor of the potatoes. If those fees will exceed \$2,000 in a 30-day period, the processor of the potatoes must provide to the Department a surety bond or another form of security that is satisfactory to the Director to guarantee the payment of the fees for the 30-day period immediately succeeding the date the security is provided. The fees will not be less than:

(a) The actual cost of providing the inspection and certification services; and

(b) The fee charged in accordance with the contract between the Department and the Federal Government for certifying that the potatoes comply with the standards and conditions established by the Federal Government.

2. The fees for the inspection and certification of onions at their point of shipping:

(a) Are:

(1) Twenty dollars for each hour the inspector spends conducting the inspection and certification, including the time spent traveling to and from the location where the inspection and certification are conducted;

(2) Forty cents a mile for the inspector's travel; and

(3) The fee charged in accordance with the contract between the Department and the Federal Government for certifying that the onions comply with the standards and conditions established by the Federal Government; and

(b) Must be secured by providing to the Department a surety bond or another form of security that is satisfactory to the Director to guarantee the payment of the fees for the 90-day period immediately succeeding the date the security is provided.

3. The fees for the inspection and certification of hay are:

(a) If the inspection and certification are performed by an inspector who is a full-time agent or employee of the Department:

(1) Twenty dollars for each hour the inspector spends conducting the inspection and certification, including the time spent traveling to and from the location where the inspection and certification are conducted; and

(2) Forty cents a mile for the inspector's travel; or

(b) If the inspection is performed by an inspector who is a part-time agent or employee of the Department:

(1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and

(2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.

FLUSH In addition to the fees required by paragraph (a) or (b), the State Quarantine Officer will charge a fee of \$50 for the inspection of forage.

4. The fees for the inspection and certification of poultry or eggs at their point of shipping are:

(a) If the poultry or eggs are certified as meeting state standards and conditions, \$20 per hour;

or

(b) If the poultry or eggs are certified as meeting federal standards and conditions, the fee charged in accordance with the contract between the Department and the Federal Government for certifying that the poultry or eggs comply with the standards and conditions established by the Federal Government.

5. The fee for an inspection of fruit or vegetables regarding their condition is \$20 per hour, plus 40 cents a mile for the inspector's travel.

6. *The fees for the inspection and certification of any other agricultural product are:*

(a) If the inspection and certification are performed by an inspector who is a full-time agent or employee of the Department:

(1) Twenty dollars for each hour the inspector spends conducting the inspection and certification, including the time spent traveling to and from the location where the inspection and certification are conducted; and

(2) Forty cents a mile for the inspector's travel; or

(b) If the inspection and certification are performed by an inspector who is a part-time agent or employee of the Department:

(1) An amount equal to the hourly salary and benefits paid to the inspector for the number of hours that the inspector spent conducting the inspection and certification; and

(2) The travel expenses provided for state employees generally for the inspector while conducting the inspection and certification.

7. Special arrangements, including arrangements for fees, must be made with the State Quarantine Officer for the inspection of agricultural products for processing. The fees for such an inspection must be secured by providing to the Department a surety bond or another form of security that is satisfactory to the Director to guarantee the payment of the fees for the 90-day period immediately succeeding the date the security is provided.

~~7.7~~ 8. If the State Quarantine Officer or his designee, pursuant to a contract between the Department and the Federal Government, inspects agricultural products in the field for the purpose of issuing a phytosanitary certificate required by the government of a foreign country before those agricultural products may be exported to that country, the State Quarantine Officer will impose a fee of \$4 per acre for the inspection.

~~8.8~~ 9. If the State Quarantine Officer or his designee, pursuant to a contract between the Department and the Federal Government, issues an export certificate for processed plant products as required by the government of a foreign country before agricultural products that have been processed or manufactured may be exported to that country, the State Quarantine Officer:

(a) Will impose a fee of \$25 if the shipment of agricultural products is made for commercial purposes; and

(b) Will not impose a fee if the shipment of agricultural products is made for noncommercial purposes.

~~9.9~~ 10. As used in this section:

- (a) “Export certificate for processed plant products” has the meaning ascribed to it in 7 C.F.R. § 353.1.
- (b) “Phyosanitary certificate” has the meaning ascribed to it in 7 C.F.R. § 353.1.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R004-03

On August 20, 2003, the State Board of Agriculture adopted regulations assigned LCB File No. R004-03, 587.360 of the Nevada Administrative Code. A copy of the regulations which pertain to chapter as adopted is attached hereto.

Notice date: 6/24/2003
Hearing date: 8/7/2003

Date of adoption by agency: 8/20/2003
Filing date: 9/24/2003

INFORMATIONAL STATEMENT

1. A public workshop was held on August 7, 2003, in Reno, Nevada, at:
The Nevada Department of Agriculture Office
350 Capitol Hill Avenue.
Reno, NV 89502

2. A public hearing was held on August 7, 2003, in Reno, Nevada, at:
The Nevada Department of Agriculture Office
350 Capitol Hill Avenue.
Reno, NV 89502

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. The notice was also sent to all companies that request certification by the Department. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada, 89502, calling (775) 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 fax or e-mail.

3. Workshop held August 7, 2003– Reno

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| Number attended: | 0 |
| Number testified: | 0 |
| No written statements were submitted: | 0 |

Summary of comments: None.

4. Hearing held August 7 , 2003 – Reno

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| Number attending: | 0 |
| Number testifying: | 0 |
| Number of written statements submitted: | 0 |

5. Comments were solicited from business and the public by posting in public locations and the notice of workshop and hearing was also sent to all companies that request certification by the Department. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The Nevada Board of Agriculture adopted the amendments without changes.

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

- a. Adverse effects:
A fee for reissuing a certificate voided due to inaccurate information provided by the applicant will be charged
- b. Beneficial effects:
Applicants that provide accurate information on the application for a certificate avoid the reissue fee and the risk of rejection of their shipment due to inaccurate information on the certificate.
- c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.

7. Economic effects of the proposed amendments on the public include:

- a. Adverse effects:
None
- b. Beneficial effects:
None
- c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for the immediate and long-term.

8. 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.

9. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.

10. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.

11. This regulation does establish or increase any fees.

Approximately \$2,000 in fees will be collected annually and will be used to pay for supplies and postage used to issue certificates.