

ADOPTED REGULATION OF THE STATE

DEPARTMENT OF AGRICULTURE

LCB File No. R045-03

Effective September 24, 2003

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

AUTHORITY: §§1-4, NRS 586.401.

Section 1. Chapter 586 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A restricted-use pesticide must only be distributed or sold by a person registered to sell restricted-use pesticides.*

2. A person registered to sell restricted-use pesticides shall only distribute or sell a restricted-use pesticide to:

(a) A certified applicator with the appropriate certification to use or supervise the use of the type and quantity of the restricted-use pesticide; or

(b) The authorized representative of a certified applicator with the appropriate certification to use or supervise the use of the type and quantity of the restricted-use pesticide.

Sec. 3. *A person shall not apply or otherwise use a restricted-use pesticide unless he is:*

1. A certified applicator with the appropriate certification to use the restricted-use pesticide; or

2. A person under the direct supervision of a certified applicator who holds the appropriate certification to use the restricted-use pesticide.

Sec. 4. NAC 586.005 is hereby amended to read as follows:

586.005 As used in this chapter, unless the context otherwise requires:

1. “Department” means the State Department of Agriculture.
2. “Director” means the Director of the Department.
3. *“Restricted-use pesticide” has the meaning ascribed to it in NRS 586.205. The term includes any pesticide that contains any amount of strychnine or a salt of strychnine.*

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R045-03

On August 20, 2003, the Nevada Board of Agriculture adopted a permanent regulation assigned LCB file number R045-03 which pertain to chapter 586 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

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

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

INFORMATIONAL STATEMENT

1. Public workshops were held August 8, 2003, at:
The Nevada Department of Agriculture Office
350 Capitol Hill Avenue
Reno, Nevada 89502

2. Public hearings were held August 8, 2003, at:
The Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno, Nevada 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 of workshop and hearing was posted on the Department's website. The notice and hearing were also published in the Las Vegas-Journal Capital Bureau. Copies could be requested from:

The Nevada Department of Agriculture by writing to:
350 Capitol Hill Avenue
Reno, Nevada, 89502

or by 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 mail, fax or e-mail.

3. Workshop held August 8 – Reno
Number attended: 2
Number testified: 0
No written statements were submitted: 0
Summary of comments: None

4. Hearing held August 8 – Reno
Number attended: 2
Number testified: 0
No written statements were submitted: 0

Summary of Comments: None

5. Comments were solicited from business and the public by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. 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:
There will be minimum effects of sales loss due to restricting strychnine. There are alternative products that can be sold to the general public.
 - b. Beneficial effects:
None
 - 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:
Strychnine will no longer be available for sale to non-certified persons, which will assist in preventing its use to kill dogs and exposing the public to this potent poison.
 - 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 not establish or increase any fees.