

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R007-07

August 7, 2007

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

AUTHORITY: §§1-3, NRS 554.020 and 554.030.

A REGULATION relating to agriculture; revising provisions governing the quarantines concerning the European corn borer and Japanese beetle; eliminating the quarantine concerning the European pine shoot moth; and providing other matters properly relating thereto.

Section 1. NAC 554.200 is hereby amended to read as follows:

554.200 1. A host or possible carrier of the Japanese beetle may enter this State from an area under quarantine against the Japanese beetle if it is accompanied by a certificate issued by an authorized agricultural official of its state of origin certifying that the host or possible carrier was:

(a) Grown in accordance with methods and procedures approved by the Director pursuant to NAC 554.211; or

(b) Treated for the Japanese beetle before shipment into this State in accordance with a method of treatment approved by the Director pursuant to NAC 554.212, 554.213, 554.214 or 554.215. The host or possible carrier must also be accompanied by a certificate issued by an authorized phytosanitary official of its state of origin:

(1) Certifying that the treatment was performed:

(I) Under the direct supervision of a state phytosanitary official; or

(II) Under a federal compliance agreement that requires the treatment to be monitored by a state phytosanitary official; and

(2) ~~Includes~~ **Including** a declaration that the plants covered by the certificate have been treated to control *Popillia japonica* according to the criteria for shipment to category 1 states as provided in the United States Domestic Japanese Beetle Harmonization Plan.

2. A copy of a certificate issued by a state phytosanitary official for the purposes of paragraph (b) of subsection 1 must be provided to the Department before the shipment's entry into the State. The copy may be provided:

(a) By facsimile machine at (775) 688-1178; or

(b) By electronic mail at ~~mailto:rgronow@govmail.state.nv.us~~ ndoa@agri.state.nv.us.

Sec. 2. NAC 554.250 is hereby amended to read as follows:

554.250 All states and districts of the United States except Alaska, Arizona, *California*, Hawaii, Idaho, ~~Nevada~~, New Mexico, Oregon, Utah and Washington are under quarantine.

Sec. 3. NAC 554.590, 554.600, 554.610, 554.620, 554.630, 554.640, 554.645, 554.650, 554.660, 554.670, 554.680 and 554.690 are hereby repealed.

TEXT OF REPEALED SECTIONS

554.590 Establishment of quarantine. (NRS 554.020, 554.030) 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.

554.600 Areas under quarantine. (NRS 554.020, 554.030) All states and districts of the United States, except Alaska and Hawaii, are under quarantine.

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

554.620 Commodities covered by quarantine. (NRS 554.020, 554.030) 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.

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 area 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 originate in a noninfested state, county or parish and are free of European pine shoot moth;

(b) The restricted commodities originate in 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 by the

authorized agricultural official of the infested state, county or parish in accordance with NAC 554.645 and found to be free of European pine shoot moth; or

(c) The restricted commodities 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. A certificate is not required for pine trees, branches or twigs which are cut for ornamental purposes from October 20 to December 31 of any year.

554.640 Special permits. (NRS 554.020, 554.030) The Director may issue special permits to the State Forester Firewarden 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 conditions which are satisfactory to the Director so as to preclude infestation or exposure to infestation by the European pine shoot moth.

554.645 Use of traps. (NRS 554.020, 554.030)

1. Each trap used for the European pine shoot moth must be prepared using the pheromone “Trans-9-DoDecenyl Acetate” in accordance with any instructions provided for the trap. Such a trap must be used for each 4 acres of land containing pine stock. Not less than two of those traps must be used regardless of the size of the area trapped. Each trap must be maintained in operating condition from May 15 to July 31, inclusive, of each year.

2. Each plan for trapping the European pine shoot moth must be carried out under the supervision of the agricultural agency of the state of origin. Each trap must be read by an entomologist who:

(a) Is employed or approved by that agricultural agency; and

(b) Has knowledge of the adult stage of the European pine shoot moth.

554.650 Requirements for fumigation chamber. (NRS 554.020, 554.030)

1. All methyl bromide fumigation of pine stock must be performed in a chamber or gastight enclosure approved by the proper plant quarantine official of the authorized agricultural inspection agency as being properly constructed, equipped and operated to assure 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 gastight enclosures used for the fumigation of pine stock with methyl bromide must be tested at regular intervals, at least annually, by the certifying agency.

554.660 Arrangement of commodities in fumigation chamber. (NRS 554.020, 554.030)

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.

554.670 Volatilizers. (NRS 554.020, 554.030)

1. Gas used in fumigation must be volatilized.

2. A volatilizer must consist of 25 feet of 1/4-inch or 3/8-inch coiled, copper tubing immersed in a container of hot water maintained at a minimum temperature of 180 degrees Fahrenheit.

3. The volatilizer must be in the introduction system between the methyl bromide dispenser and the chamber.

554.680 Schedule of fumigation. (NRS 554.020, 554.030)

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:

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

Temperatures above 65 degrees Fahrenheit may result in injury to stock.

554.690 Contents of certificates. (NRS 554.020, 554.030) 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.