

**ADOPTED REGULATION OF THE  
STATE QUARANTINE OFFICER**

**LCB File No. R089-11**

Effective December 30, 2011

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

AUTHORITY: §1, NRS 554.020, 554.030 and 587.360; §2, NRS 554.020.

A REGULATION relating to agriculture; providing for the imposition of a fee for certain inspections of commercial productions of onions and garlic; repealing provisions imposing a quarantine on onions and garlic in the Kings River Valley; and providing other matters properly relating thereto.

**Section 1.** NAC 554.930 is hereby amended to read as follows:

554.930 1. The ~~[Director]~~ *State Quarantine Officer or his or her designee* will inspect onions or garlic or the planting areas for those plants during any time of the year which may be appropriate to determine the presence of any stem and bulb nematode or any white rot fungus.

2. *For each inspection of a commercial production conducted pursuant to subsection 1, the State Quarantine Officer will, in accordance with NRS 587.360, impose a fee of:*

*(a) Fourteen dollars per acre for a field planted with any vegetative seed specified by the State Quarantine Officer; and*

*(b) Five dollars per acre for a field planted with any true seed specified by the State Quarantine Officer.*

3. Garlic bulbs grown in Nevada may be replanted if they have been inspected by the ~~[Director]~~ *State Quarantine Officer or his or her designee* during the growing season and found apparently free from stem and bulb nematode and white rot.

~~3.1~~ 4. All machinery and all bins and other equipment which have been used in handling, digging, planting, cultivating, harvesting or fertilizing an Allium crop must be free of any dirt, garlic, onions and other residue of the Allium species before being brought into Nevada.

**Sec. 2.** NAC 554.906, 554.907 and 554.908 are hereby repealed.

---

---

**TEXT OF REPEALED SECTIONS**

---

---

**554.906 Establishment of quarantine. (NRS 554.020, 554.030)** To prevent the introduction of stem and bulb nematode (*Ditylenchus dipsaci*) and white rot fungus (*Sclerotium cepivorum*) and their hosts and possible carriers into the Kings River Valley of this State, the State Quarantine Officer hereby establishes a quarantine of the area that is bordered on:

1. The north by Township 46N;
2. The south by Township 43N;
3. The east by Range 34E; and
4. The west by Range 33E.

**554.907 Permit to plant or cultivate garlic plant or bulb onion in quarantined area. (NRS 554.020, 554.030)**

1. A person shall not plant or cultivate a garlic plant or any part thereof or a bulb onion in the area quarantined pursuant to NAC 554.906 unless the person receives a permit from the Department.

2. The Department will not issue a permit pursuant to this section unless:

(a) An application is made to the Department on a form provided by the Department; and

(b) The application is accompanied by a certificate verifying that the garlic plant or any part thereof or bulb onion is apparently free of stem and bulb nematode and white rot fungus. The certificate may be issued by an agricultural officer of this State or a county of this State.

**554.908 Conditions for bringing equipment used to transport garlic plant or bulb onion into quarantined area; inspection and removal of equipment. (NRS 554.020, 554.030)**

1. A person shall not bring into the area quarantined pursuant to NAC 554.906 any machinery, box, truck or other equipment used to transport garlic plants or any part thereof or bulb onions which has been used outside of the area quarantined unless:

(a) The machinery, box, truck or other equipment has been washed, at a location outside of the area quarantined, with water to remove all soil and debris; and

(b) The Department is notified pursuant to subsection 2 before the machinery, box, truck or other equipment is brought into the area quarantined.

2. A person may notify the Department as required pursuant to paragraph (b) of subsection 1:

(a) By contacting the Department at (775) 623-6502; or

(b) By writing to the State Department of Agriculture, 350 Capitol Hill Avenue, Reno, Nevada 89502.

3. The Department may:

(a) Inspect any machinery, box, truck or other equipment brought into the area quarantined pursuant to NAC 554.906; and

(b) Remove any machinery, box, truck or other equipment brought into the area quarantined pursuant to NAC 554.906 if any soil or debris is found in or on the machinery, box, truck or other equipment.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R089-11**

The State Quarantine Officer adopted regulations assigned LCB File No. R089-11 which pertain to chapter 554 of the Nevada Administrative Code.

**INFORMATIONAL STATEMENT**

NEVADA DEPARTMENT OF AGRICULTURE  
INFORMATIONAL STATEMENT  
LCB File Number: R089-11  
NAC 554.930 and 554 906-910  
December 9, 2011

1. A description of how public comment was solicited, a summary of public response, and an explanation of how other interested persons may obtain a copy of the summary;
  - a) Copies of the proposed regulations, notices of workshop and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the subject of allium inspection fees as well as any persons who had specifically requested such notice. These documents were also made available at the website of the Nevada Department of Agriculture (NDOA) [www.agri.state.nv.us](http://www.agri.state.nv.us), mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture 405 South 21 <sup>st</sup> Street Sparks, NV 89431-5566	Nevada Department of Agriculture 2150 Frazer Avenue Sparks, NV 89431
Nevada Department of Agriculture 2300 McLeod Street Las Vegas, NV 89104-4314	Nevada Department of Agriculture 4780 E. Idaho Street Elko, NV 89801-4672
  - b) There was no public response; industry response is in item 4.
  - c) Interested persons may obtain a copy of the summary by contacting:

Nevada Department of Agriculture Attn: Dawn Rafferty, Plant Industry Division 405 South 21 <sup>st</sup> Street Sparks, NV 89431
---
2. A statement indicating the number of persons who attended each meeting or workshop, testified at each hearing, and submitted written statements regarding the proposed regulation;

Workshop: November 9, 2011

Number in attendance: 2  
Hearing: December 5, 2011  
Number in attendance: 3  
Number testifying: 1  
Written statements submitted: 3

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary

- a) Comments were solicited from affected businesses in the same manner as they were solicited from the public.
- b) Response from businesses was initially against the increase. Staff conducted conversations with affected businesses regarding distance between rows (“beds”) during inspections and per acre fees charged. A modification was made to the fees which is acceptable to industry.
- c) Interested persons may obtain a copy of the summary by contacting:  
Nevada Department of Agriculture  
Attn: Dawn Rafferty, Plant Industry Division  
405 South 21st Street  
Sparks, NV 89431

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The permanent regulation was adopted on December 6, 2011 with approval from the Board of Agriculture. Changes were made to address industry concerns heard during the workshop; a greater distance during inspection was deemed acceptable with a lower per acre inspection fee than was originally requested.

5. The estimated economic effect of the regulation on businesses which it is to regulate and on the public.

There will be an increase in the cost to individuals and companies participating in the Allium quarantine inspection program. The additional fees generated will allow the quarantine inspection program to continue as requested by industry. There will be no adverse effect on the public. Local economies may benefit from the sustained value of commodities produced.

The immediate and long term effects of the proposed changes are similar.

6. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for the enforcement of this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

There are no other state or government agency regulations that the proposed amendments duplicate.

8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of those provisions.

N/A

9. If the regulation establishes a new fee or increases an existing fee, a statement indicating the total annual amount the agency expects to collect and the manner in which the money will be used.

This is an increase to an existing fee. The additional fees generated will allow the quarantine inspection program to continue as requested by industry. It is estimated that the agency will collect approximately \$21,000 although this number is highly subject to substantial shifts in acreage.