

**ADOPTED REGULATION OF THE  
STATE QUARANTINE OFFICER**

**LCB File No. R019-13**

Effective March 28, 2014

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

AUTHORITY: §§1 and 2, NRS 561.153 and 587.360.

A REGULATION relating to agriculture; revising provisions concerning certain certifications relating to agricultural products and farm equipment; and providing other matters properly relating thereto.

**Section 1.** 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 inspection, grading or certification of other agricultural products:

(a) Are:

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

(2) The mileage allowance established by the State Board of Examiners for state officers and employees pursuant to subsection 3 of NRS 281.160 for the inspector's travel; and

(3) Any fee charged in accordance with the contract between the Department and the Federal Government; and

(b) Unless they are for a one-time or intermittent inspection, grading or certification, 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. In addition to any fees required pursuant to this section, the State Quarantine Officer will charge a fee of \$50 for the inspection of forage for the presence of noxious weeds.

4. 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.

5. If the State Quarantine Officer or his or her designee inspects agricultural products in the field for the purpose of issuing a phytosanitary certificate required by the government of a state or of a foreign country before those agricultural products may be exported to that state or country, the State Quarantine Officer will impose a fee of \$7 per acre for the inspection.

6. If the State Quarantine Officer or his or her designee issues a phytosanitary certificate, an export certificate for processed plant products, *a certificate of origin* or a free-sale certificate as required by the government of a state or of a foreign country before agricultural products *or farm equipment* may be exported to that state or 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;~~ *and*

~~(c)~~ Will impose any fee required to be collected and passed through to the United States Department of Agriculture.

7. As used in this section:

(a) *“Certificate of origin” means a certificate which certifies that the shipment of agricultural products or farm equipment, or any combination thereof, originated in the State of Nevada and that the agricultural products or farm equipment, or combination thereof, is free from infestation in accordance with NRS 561.147.*

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

~~(b)~~ (c) “Free-sale certificate” has the meaning ascribed to it in paragraph ~~(c)~~ (d) of subsection 4 of NAC 587.345.

~~(c)~~ (d) “Phytosanitary certificate” has the meaning ascribed to it in NRS 555.23575.

**Sec. 2.** NAC 587.345 is hereby amended to read as follows:

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

(a) A federal phytosanitary certificate.

- (b) A state phytosanitary certificate.
- (c) A free-sale certificate.
- (d) An export certificate for processed plant products.

***(e) A certificate of origin.***

2. If the State Quarantine Officer or his or her designee determines that an applicant for a federal phytosanitary certificate, state phytosanitary certificate, export certificate for processed plant products, ***certificate of origin*** 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 or her designee may revoke that certificate.

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

4. As used in this section:

(a) ***“Certificate of origin” means a certificate which certifies that the shipment of agricultural products or farm equipment, or any combination thereof, originated in the State of Nevada and that the agricultural products or farm equipment, or combination thereof, is free from infestation in accordance with NRS 561.147.***

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

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

~~(e)~~ (d) “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.

~~(d)~~ (e) “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.

INFORMATIONAL STATEMENT  
LCB File Number: R019-13  
NAC 587.340 & .345

1. A clear and concise explanation of why the regulation is needed: the department has been providing a service for completion of certificates of origin at no charge. In order to continue to provide this service, we are requesting the ability to charge a nominal fee in line with the charge for other similar certificates of \$25 per certificate to offset staff time.

2. 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 certificates of origin, 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.nv.gov](http://www.agri.nv.gov), 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
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Nevada Department of Agriculture 2300 McLeod Street Las Vegas, NV 89104-4314	Nevada Department of Agriculture 4780 E. Idaho Street Elko, NV 89801-4672
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b) 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

3. 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: date 1/28/14  
Number in attendance 1  
Hearing: date 2/11/14  
Number in attendance 0  
Number testifying 0  
Written statements submitted 0

4. There were no attendees at the hearing. There was one attendee at the workshop: Dennis Helwinkle, acting Nevada Farm Bureau director.

2165 Green Vista Dr., Ste. 205  
Sparks, NV 89431  
1-800-992-1106  
nvfarmbureau@nvfb.org

5. 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; emails were sent to businesses which have previously requested certificates of origin.

- b) 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

6. The regulation was adopted on March 4, 2014 with approval from the Board of Agriculture with no changes; this processes moved the addition of \$25 fee per certificate from a temporary regulation to a permanent regulation.

7. The estimated economic effect of the regulation on businesses which it is to regulate and on the public. Stated separately:

- a. Economic effect on businesses:

- i. Adverse or beneficial: a minimal increase to businesses of \$25/certificate
- ii. Immediate and long term effects; no anticipated adverse effects

- b. Economic effect on the public: no change

8. 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.

9. 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.

N/A

10. 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
11. 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.

The total annual amount the agency expects to collect is approximately \$1,911 which will be used to offset staff time to process certificates.