

**ADOPTED REGULATION OF THE DIRECTOR
OF THE STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R070-13

Effective October 23, 2013

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

AUTHORITY: §1, NRS 586.270.

A REGULATION relating to pesticides; increasing the amount of the annual fee to register a pesticide; and providing other matters properly relating thereto.

Section 1. NAC 586.011 is hereby amended to read as follows:

586.011 1. Each registrant must pay an annual registration fee of ~~[\$100]~~ *\$125* for each pesticide registered.

2. The Director will deposit, in a separate account, \$15 of each annual registration fee collected pursuant to subsection 1. The money in the account will be used to:

- (a) Monitor and dispose of pesticides;
- (b) Protect groundwater and surface water from contamination by pesticides; and
- (c) Eradicate and control noxious weeds.

NOTICE OF ADOPTION OF REGULATION

The Nevada Department of Agriculture adopted regulations assigned LCB File No. R070-13 which pertain to chapter 586 of the Nevada Administrative Code on October 17, 2013. A copy of the regulations as adopted is attached hereto.

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS--NRS 233B.066 Informational Statement LCB File No. R070-13

1. A clear and concise explanation of the need for the adopted regulation.

The fee increase is needed to continue working efficiently and effectively by supporting administration, education, training, laboratory operations, investigation and enforcement and other pesticide programmatic related activities. Revenue from this fee increase will also provide additional funding to the state noxious weed program as legislatively approved.

2. 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.

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 Pesticide Registration 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 (NDA) www.agri.nv.gov, mailed to all county libraries in Nevada and posted at the following locations:

Nevada Department of Agriculture
405 South 21st 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

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

3. The number of persons who:

(a) Attended each hearing:

(b) Testified at each hearing:

(c) Submitted written comments:

Workshop: February 19, 2013

Number in attendance: 2 (NDA Staff)

Number testifying: 0
Written statements submitted: 4

Hearing: October 17, 2013
Number in attendance: 2 (NDA Staff)
Number testifying: 0
Written statements submitted: 2

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information if provided to the agency conducting the hearing:

- (a) Name;**
- (b) Telephone number;**
- (c) Business address;**
- (d) Business telephone number;**
- (e) Electronic mail address; and**
- (f) Name of entity or organization represented.**

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The Scotts Company LLC

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.

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

Written responses from industry for workshop were not in favor of the fee increase citing concerns that the increase was too great and expression concern regarding the use of the fee increase for purposes of supporting the effort to avoid sage grouse from being listed.

The Director has worked with those parties who submitted written responses and reduced the initial fee increase request, modifying the stated uses as well as providing the industry with a document outlining the contribution of other state and private organization in the state relative to the effort to prevent sage grouse from being listed. These changes were communicated via email to those interested parties.

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

6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

N/A

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

(a) Estimated economic effect on the businesses which they are to regulate.

(b) Estimated economic effect on the public which they are to regulate.

The estimated economic effect on the business these fees regulate is minimal at an additional \$25 per product per year for registration. As examples, if company A registers 15 products, the requested fee would increase their annual registration fee by \$375; if company B registers one product, its annual fee would increase by \$25. The average national annual pesticide registration fee in 2013 is approximately \$280 per product; with this fee increase, Nevada is still less than half the national average. In addition, only two other western states have lower registration fees, Arizona and New Mexico at \$100 per product.

There is no estimated or calculated economic effect on the public for this fee increase, however as invasive plant species infestation is one of the top two causes for the possible listing of sage grouse as an endangered species, these funds will help the NDA continue its charge to regulate noxious and invasive plant species. There would be a significant economic impact on the public if the sage grouse is listed.

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 governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or overlap 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

10. If the regulation includes provisions that are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.

N/A

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

Fee Increase: Current fee for pesticide product registration in Nevada: \$100 per product

Fee Increase Proposal: \$125 per product

Estimated additional revenue in FY14: \$268,925

The fee increase is needed to continue working efficiently and effectively by supporting administration, education, training, laboratory operations, investigation and enforcement and other pesticide programmatic related activities. Revenue from this fee increase will also provide additional funding to the state noxious weed program as legislatively appropriate.

<u>State</u>	<u>Pesticide registration fee</u>
Arizona	\$100
California	\$750
Idaho	\$160
Oregon	\$160
Utah	\$170
Nevada	\$100 \$125 proposed

An additional \$25 per year per product is a minimal increase; Nevada remains the second lowest pesticide registration fee of all surrounding states. The fees will increase the cost to businesses, but will not cause an active business to go out of business.

I certify that to the best of my knowledge or belief a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement is accurate.

/s/
Jim Barbee
Director
Nevada Department of Agriculture