

**Chapter 587 of NAC**

**PROPOSED TEMPORARY REGULATION OF  
THE STATE QUARANTINE OFFICER**

**LCB File No. T005-13**

**Notice of Workshop to Solicit Comments on Proposed Regulation**

The Nevada Department of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 587 of Nevada Administrative Code. A workshop has been set for Friday, February 22, 2013 at 10 am at:

Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, Nevada, 89431

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

**NAC 587.340 Fees for inspection, grading and certification; security for payment of fees  
NAC 587.345 Federal phytosanitary, state phytosanitary, and free-sale certificates and  
export certificate for processed plant products: Issuance; revocation; fee.**

The Department currently charges \$25 for processing other certificates including phytosanitary and free sale certificates. This regulation proposes adding the certificate of origin to NAC 587.340 and 345 to impose a \$25 processing fee.

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Dawn Rafferty  
Administrator Plant Industry Division  
Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89434  
(775) 353-3769  
rafferty@agri.nv.gov

A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Nevada Department  
of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89434

Nevada Department  
of Agriculture  
2300 McLeod  
Las Vegas, NV  
89104

Nevada Department  
of Agriculture  
4780 E. Idaho Street  
Elko, NV 89801

Nevada Department  
of Agriculture  
4780 E. Idaho Street  
Elko, NV 89801

#### NEVADA COUNTY PUBLIC LIBRARIES

Carson City Library  
900 North Roop Street  
Carson City, Nevada 89702

Churchill County Library  
553 South Main Street  
Fallon, Nevada 89406

Clark County District Library  
833 Las Vegas Boulevard North  
Las Vegas, Nevada 89101

Douglas County Library  
1625 Library Lane  
Minden, Nevada 89423

Elko County Library  
720 Court Street  
Elko, Nevada 89801

Esmeralda County Library  
Corner of Crook & 4th Streets  
Goldfield, Nevada 89013

Humboldt County Library  
85 East 5th Street  
Winnemucca, Nevada 89445

Lander County Library  
625 South Broad Street  
Battle Mountain, Nevada 89820

Lincoln County Library  
63 Main Street  
Pioche, Nevada 89043

Lyon County Library  
20 Nevin Way  
Yerington, Nevada 89447

Mineral County Public Library  
110 1st Street  
Hawthorne, Nevada 89415

Pershing County Library  
1125 Central Avenue  
Lovelock, Nevada 89419

Storey County Public Library  
95 South R Street  
Virginia City, Nevada 89440

Tonopah Public Library  
167 Central Street  
Tonopah, Nevada 89049

Washoe County Library  
301 South Center Street  
Reno, Nevada 89501

White Pine County Library  
950 Campton Street  
Ely, Nevada 89301

## Chapter 587 of NAC

# PROPOSED TEMPORARY REGULATION OF THE STATE QUARANTINE OFFICER

## LCB File No. T005-13

NAC 587.340 Fees for inspection, grading and certification; security for payment of fees. (NRS 587.360)

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 \$4 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 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;

~~[(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 that verifies the agricultural commodities or farm equipment originate from Nevada.*

~~[(a)] (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) of subsection 4 of NAC 587.345.

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

NAC 587.345 Federal phytosanitary, state phytosanitary, *certificate of origin*, and free-sale certificates and export certificate for processed plant products: Issuance; revocation; fee. (NRS 587.360)

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 that verifies the agricultural commodities or farm equipment in a shipment originate from Nevada.*

~~[(a)] (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.

~~(e)~~ (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.