

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R100-18

July 3, 2018

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

AUTHORITY: §§1-3, NRS 554.020 and 544.030.

A REGULATION relating to agriculture; revising provisions relating to quarantines against the Colorado potato beetle and late blight; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law confers broad authority upon the State Quarantine Officer to proclaim and enforce a quarantine against any state, territory or district relating to the importation into or transportation through this State of certain agricultural commodities. (NRS 554.020)

Existing regulations establish a quarantine against certain agricultural commodities which may be carriers of the Colorado potato beetle. (NAC 554.700) Those commodities are prohibited from entering this State from an area that is infested with the Colorado potato beetle unless certain conditions are met. (NAC 554.730) The quarantined commodities include plants and cuttings of tomato, which the regulations identify by the tomato’s former scientific name, *Lycopersicon esculentum*. (NAC 554.720) **Section 1** of this regulation adopts instead the tomato’s current scientific name, *Solanum lycopersicum*.

Existing regulations establish a quarantine against certain agricultural commodities which may be carriers of late blight. (NAC 554.755) Those commodities are prohibited from entering this State from an area that is infested with late blight unless certain conditions are met. (NAC 554.769) The quarantined commodities include the tomato plant, although not tomato seeds. (NAC 554.765) Existing regulations describe the tomato plant only by its current scientific name, *Solanum lycopersicum*. **Sections 2 and 3** of this regulation make technical changes to that description.

Section 1. NAC 554.720 is hereby amended to read as follows:

554.720 The following commodities are designated as restricted:

1. Plants and cuttings of tomato ~~[(*Lycopersicon esculentum*);]~~ (*Solanum lycopersicum*);

2. Egg plant (*Solanum melongena*);
3. Pepper (*Capsicum frutescens*);
4. Irish potato (*Solanum tuberosum*); and
5. Any soil in association with or attached to any such tubers, plants or cuttings.

Sec. 2. NAC 554.765 is hereby amended to read as follows:

554.765 The following commodities are under quarantine:

1. Any seed potato or potato plant; and
2. Any *tomato* plant ~~{of the genus}~~ (*Solanum lycopersicum* ~~{}~~), except tomato seeds.

Sec. 3. NAC 554.769 is hereby amended to read as follows:

554.769 1. Any commodity specified in NAC 554.765 is prohibited from entering this State from an infested area unless the commodity is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural officer of the state of origin.

2. If the commodity is a seed potato or potato plant, the certificate must state that the seed potato or potato plant:

- (a) Was produced and certified as a certified seed potato in the state or county of origin; and
- (b) Was inspected in storage and at the point of shipping, and late blight was not found in the

lot.

3. If the commodity is a *tomato* plant ~~{of the genus}~~ (*Solanum lycopersicum* ~~{}~~), the certificate must state that the plant:

- (a) Was grown in a nursery or greenhouse;
- (b) Was inspected at that nursery or greenhouse and was found to be free of late blight;
- (c) Before shipment, was treated with a registered fungicide that is labeled for the control of late blight; and

(d) Was inspected at the point of shipment and found to be free of late blight.