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STATE OF NEVADA  
**DEPARTMENT OF AGRICULTURE**  
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[agri.nv.gov](http://agri.nv.gov)

## LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS 233B.066

### INFORMATIONAL STATEMENT

#### Permanent Adoption of Regulation for Nevada Administrative Code 552.095 LCB File No. R024-22

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

As hive complaints are received or an abandoned or diseased hive is found, the Nevada Department of Agriculture (NDA) is unable to notify the hive owner, especially in cases when the owner of the land in which the hive is located is not the beekeeper or aware a hive has been placed on their property. The proposed regulations would require signage to be placed next to a hive that lists the owner's contact information, allowing the NDA to contact the hive owner if there is a compliance issue, such as evidence of diseased, abandoned, poor health or Africanized colonies. In addition, contact information would provide the NDA the opportunity to provide education to hive and landowners to mitigate future issues. If the NDA is unable to contact a hive owner to respond to a compliance issue, the hive will be disposed of to protect nearby hives per NRS 552.160.

##### **2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.**

Public comment was solicited through digital surveys, a public workshop and adoption hearing. A digital survey was opened on July 28, 2021 and closed on August 11, 2021. On July 28, 2021, the survey was posted to the NDA's website at [www.agri.nv.gov/survey](http://www.agri.nv.gov/survey). The survey was sent to licensed honey businesses and beekeepers on record with the NDA. A search was also conducted to supplement the contact list to include businesses and beekeeper organizations in Nevada. In total, the email went out to 128 contacts.

An additional email was sent to all agriculture businesses and contacts registered through the NDA MailChimp account. In total, this email went out to 7,244 contacts. An error was experienced when the survey was issued, so the survey was reopened and communication was sent to those impacted from August 27, 2021 to September 7, 2021, resulting in 6 additional responses.

A link to all active surveys, including NAC 552, was shared on social media and through the NDA Director's July newsletter on July 30, 2021. In addition, the survey was shared by the Nevada Farm Bureau through their newsletters on July 30, 2021 and August 6, 2021. The survey was also posted to the Mason Valley Beekeepers' social media on July 31, 2021.

In total, the survey received 80 responses with a 70% survey completion rate. 30 responses were received through email, while 50 responses were received through social media, website postings, and other survey promotions.

A workshop was held on February 16, 2022 to further solicit public comment and feedback was applied to the signage content requirement. An adoption hearing was held via Webex on May 31, 2022. A recording of the workshop and hearing and any other meeting related documents can be found at [https://agri.nv.gov/Plant/Workshop\\_and\\_Hearing\\_Meetings/Division\\_of\\_Plant\\_Health\\_and\\_Compliance\\_Workshops\\_and\\_Hearings/](https://agri.nv.gov/Plant/Workshop_and_Hearing_Meetings/Division_of_Plant_Health_and_Compliance_Workshops_and_Hearings/) or by contacting Ashley Jeppson at 775-353-3729 or [ajeppson@agri.nv.gov](mailto:ajeppson@agri.nv.gov).

A copy of the summary of public responses to the proposed regulation may be obtained from the NDA by contacting Ashley Jeppson at (775) 353-3729 or [ajeppson@agri.nv.gov](mailto:ajeppson@agri.nv.gov).

**3. The number persons who (a) Attended each hearing, (b) Testified at each hearing, (c) Submitted to the agency written comments.**

- Workshop held on February 16, 2022
  - Number in attendance: 12
  - Number testifying: 8
  - Written statements submitted: 2
  
- Hearing held on May 31, 2022
  - Number in attendance: 7
  - Number testifying: 2
  - Written statements submitted: 0

**4. A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency.**

| <b>Workshop February 16, 2022</b>   | <b>Adoption Hearing May 31, 2022</b>  |
|---|---|
| Ashley Jeppson<br>NDA<br>(775) 353-3729<br><a href="mailto:ajeppson@agri.nv.gov">ajeppson@agri.nv.gov</a> | Ashley Jeppson<br>NDA<br>(775) 353-3729<br><a href="mailto:ajeppson@agri.nv.gov">ajeppson@agri.nv.gov</a> |
| Jeff Knight<br>NDA<br>(775) 353-3767<br><a href="mailto:jknight@agri.nv.gov">jknight@agri.nv.gov</a>      | Jeff Knight<br>NDA<br>(775) 353-3767<br><a href="mailto:jknight@agri.nv.gov">jknight@agri.nv.gov</a>      |
| Meghan Brown<br>NDA<br>(775) 353-3604<br><a href="mailto:m.brown@agri.nv.gov">m.brown@agri.nv.gov</a>     | Meghan Brown<br>NDA<br>(775) 353-3604<br><a href="mailto:m.brown@agri.nv.gov">m.brown@agri.nv.gov</a>     |
| Amber Smyer<br>NDA  | Amber Smyer<br>NDA  |

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|--|--|
| (775) 353-3769<br><a href="mailto:asmyer@agri.nv.gov">asmyer@agri.nv.gov</a>   | (775) 353-3769<br><a href="mailto:asmyer@agri.nv.gov">asmyer@agri.nv.gov</a>   |
| Lindsey Chichester<br>University of Nevada, Reno<br>(775) 782-9968<br><a href="mailto:lichichester@unr.edu">lichichester@unr.edu</a> | Lindsey Chichester<br>University of Nevada, Reno<br>(775) 782-9968<br><a href="mailto:lichichester@unr.edu">lichichester@unr.edu</a> |
| Del Barber   | Del Barber   |
|  | Jon Zeh  |
| Kelly Clark<br>Beekeeper<br><a href="mailto:kkclark@charter.net">kkclark@charter.net</a>   |  |
| John Hamel<br>Beekeeper<br><a href="mailto:lemah_c_j@msn.com">lemah_c_j@msn.com</a>  |  |
| Al Sindlinger  |  |
| Stefan   |  |
| Debby Gilmore<br>Mason Valley Beekeepers Association   |  |
| Charlie Nash<br>Beekeeper  |  |
| Linda Groves   |  |

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

Industry feedback was solicited through digital surveys, a public workshop and adoption hearing. A digital survey was opened on July 28, 2021 and closed on August 11, 2021. On July 28, 2021, the survey was posted to the NDA’s website at [www.agri.nv.gov/survey](http://www.agri.nv.gov/survey). The survey was sent to licensed honey businesses and beekeepers on record with the NDA. A search was also conducted to supplement the contact list to include businesses and beekeeper organizations in Nevada. In total, the email went out to 128 contacts.

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#### Summary of Survey Responses:

- If enacted would the proposed changes to NAC 552 impact your ability to do business?
  - Yes – 27 respondents (38.57%)
  - No – 19 respondents (27.14%)
  - Maybe – 24 respondents (34.29%)
  
- Estimate the total annual impact the proposed changes to NAC 552 will have on your business.
  - Cost of the proposed changes to NAC 552 on small business was reported by respondents to be between \$81,119 and \$141,693. In total, 60% of small business respondents reported there would be less than \$1,000 in additional costs associated with the proposed changes to NAC 552. Information on how the estimates were determined was not provided by survey respondents.
  
- What level of negative impact will the proposed changes to NAC 552 have on your business?
  - No impact – 15 respondents (24.59%)
  - Insignificant impact – 3 respondents (4.92%)
  - Minor impact – 6 respondents (9.84%)
  - Moderate impact – 14 respondents (22.95%)
  - Major impact – 11 respondents (18.03%)
  - Severe impact – 12 respondents (19.67%)
  
- Additional responses included:
  - Don't add regulations
  - Do not add the neighbor notification proposed regulation
  - Have a digital means for reporting hive locations to allow for notifications
  - The proposed regulations are an education issue on both sides and more public information is particularly needed
  - Africanized bees are not an issue in the north
  - Stop creating challenges for beekeepers
  - Neighbors would then dictate whether hives are permitted
  - Disagreement that there are bee complaints being received necessitating neighbor notifications
  - Anaphylactic allergies are highly uncommon and neighbor notification is unnecessary
  - Hives would need to be moved to areas greater than 5 acres to circumvent the neighbor notification
  - Will result in increased cost of products or decreased supply
  - Lack of public knowledge on the need for pollinators
  - NDA doesn't support beekeepers, urban beekeeping, or the psychological benefits of beekeeping
  - No concerns with the proposed regs if the neighbor notifications are removed
  - Recognizes benefits in hives being labeled

- Bees are needed and the proposed regulations will prevent beekeeping
- This will impact food production and negatively impact pollinators
- Africanized honeybee quarantine in Southern Nevada may assist with addressing concerns
- Be sure the proposed regulations wouldn't result in neighbor disputes
- The proposed regulations should include funding to support inspection and research staff
- Hives will be stolen if locations are known
- Hobbyists shouldn't be regulated
- Allow for urban issues to be handled through the establishment of local government ordinances
- Suggested direct contact to discuss mutual solutions

Due to comments received, the requirement that adjacent neighbors be notified when hives are present on a property, if the hive owner's property is less than five acres, was removed from the draft regulation language prior to the workshop on February 16, 2022.

A copy of the summary of public responses to the proposed regulation may be obtained from the NDA by contacting Ashley Jeppson at (775) 353-3729 or [ajeppson@agri.nv.gov](mailto:ajeppson@agri.nv.gov).

**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.**

The proposed regulations underwent significant changes throughout the administrative rule-making process. The original proposed regulation language included a requirement that adjacent neighbors be notified when hives are present on a property if the hive owner's property is less than five acres. This requirement was removed from the proposed regulation prior to the workshop after survey responses were received. In addition, due to feedback received in the survey and during the workshop, the contact signage language was modified to at least require a phone number or email instead of a home or business address.

**7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include: (a) Both adverse and beneficial effects; and (b) Both immediate and long-term effects.**

(a) Adverse and beneficial effects

- Adverse effects:
  - Beekeepers will need to place signage next to hives. This will require minimal time commitment and the purchase of materials to construct signs. Cost estimates for signage or any other economic impact directly attributed to having to place signage were not provided to the NDA.
- Beneficial effects:
  - The NDA will be able to respond to hive health or abandonment complaints or field detections by contacting the owner. If the NDA is unable to contact a hive owner in response to a compliance issue, the hive will be disposed of to protect nearby hives. Contact with hive owners also allows the NDA to provide education to hive owners on maintaining healthy hives. Contact signage on hives would encourage notifications to beekeepers of any intended pesticide applications and allow them to coordinate with the applicator.

(b) Immediate and long-term effects

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- Immediate effects
  - Beekeepers would have to promptly place the required signage at all colony locations. This will require time and signage materials, which will vary beekeeper to beekeeper depending on the number of colonies they own.
- Long-term effects
  - Beekeepers will need to ensure that as colonies are moved, signage is also moved accordingly.

**8. The estimated cost to the agency for enforcement of the adopted regulation.**

Enforcement would be complaint-based or as part of other agriculture inspection services. No additional cost is anticipated.

**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.**

Not applicable.

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

The NDA assessed if neighbor notification requirements for beekeepers would help address the complaints received involving public safety, and based on the feedback received, the proposed neighbor notification language was removed.

Many neighboring states require the registration of all colony locations. The NDA will move forward with the proposed regulation requiring signage at hives to allow the NDA to contact the owner if there is a compliance issue. Currently, as complaints are received or an abandoned or diseased hive is found, the NDA is unable to notify the owner as the landowner is not always the beekeeper or aware a hive has been placed on their property. This will allow for the individual responsible for the hive to be contacted with compliance and education information.

While signage is not a federal requirement, the NDA is putting forth these regulations to more effectively implement NRS 552.160 to protect apiaries in Nevada from harmful pests.

**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.**

Not applicable.

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.

Jennifer Ott  
 Director  
 Nevada Department of Agriculture

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