

**REVISED PROPOSED REGULATION OF THE
STATE BOARD OF AGRICULTURE**

LCB File No. R190-97

December 24, 1997

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

AUTHORITY: §§ 1-72, NRS 587.830

Section 1. Chapter 587 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 71, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 71, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 41, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Agricultural product” means an animal or vegetable product certified pursuant to this chapter or the federal act.*

Sec. 4. *“Animal product” includes dairy products, meat, wool, mohair and other livestock products, poultry and poultry products, apiary products and aquacultural products.*

Sec. 5. *“Botanical pesticide” means a pesticide derived from one or more plant materials.*

Sec. 6. *“Certified organic farm” means a farm, or portion of a farm, or other site where agricultural products or livestock are produced, that is certified by the division or an approved organic certifying agent as utilizing a system of organic farming as described in this chapter.*

Sec. 7. *“Commingled” means mixed or interspersed with other food or fiber that may or may not be distinguishable from the original food or fiber.*

Sec. 8. *“Contaminated” means, as applied to organic food or fiber, unfit for use because of the presence of an unacceptable level of one or more prohibited materials.*

Sec. 9. *“Dairy animal” means an animal or animals raised for milk or milk products.*

Sec. 10. *“Drift” means the movement of one or more prohibited materials by air, water or soil from the intended target that results in residues of prohibited materials on organic or transition-to-organic food in excess of 5 percent of the tolerance level established by the United States Environmental Protection Agency.*

Sec. 11. *“Farm” means all agricultural land that is leased, owned or otherwise held by and under the management of a certified producer or applicant for certification.*

Sec. 12. *“Farm plan” means all documents relevant to the current, future and previous 3 years’ management of an organic farm, including without limitation, written plans to rotate crops, build humus and stabilize soil nutrients.*

Sec. 13. *“Federal act” means the Organic Foods Production Act of 1990, 7 U.S.C. §§ 6501 et seq., as amended.*

Sec. 14. *“Feed” means edible materials for consumption by livestock, including concentrates, such as grains, and roughage, such as hay, silage and material in a pasture. The term includes all agricultural commodities, including material in a pasture, that are ingested or intended for ingestion by livestock for nutritional purposes.*

Sec. 15. *“Feed additive” means a substance or combination of substances, such as minerals, amino acids and vitamins, that are added to feed in microquantities to fulfill a specific need.*

Sec. 16. *“Field” means a clearly demarcated, contiguous tract of agricultural land leased, owned or otherwise held by and under the management of a certified producer or applicant for certification.*

Sec. 17. *“Greenhouse” means a fully or partially enclosed structure that is used for the propagation, cultivation or protection of food or fiber. The term includes weather shelters and hot or cold frames.*

Sec. 18. *“Handler” means a person who processes, packages, stores, transports or sells animal or vegetable products. The term does not include a final retailer who does no processing of animal or vegetable products.*

Sec. 19. *“Handling plan” means a system designed to eliminate the potential of contamination of organic food and fiber from prohibited materials and the commingling of nonorganic and transition-to-organic and organic food or fiber.*

Sec. 20. *“Ingredient information panel” means the statement of ingredients contained in a product that appears on the principal display panel or information panel and lists the ingredients in descending order of predominance in the product.*

Sec. 21. *“Labeling” includes all written, printed and organic matter which is placed upon any product or any of the containers or wrappers of a product or which accompanies such a product or is used in the advertisement of such a product.*

Sec. 22. *“Livestock” means cattle, sheep, goats, swine, poultry and equine animals used for food or fiber, fish used for food, wild or domesticated game, or other nonplant life.*

Sec. 23. *“Material-use reports” means records required by the division regarding the use of materials listed as “allowed” or “allowed with restrictions,” which have been used for the production or handling of certified organic food or fiber.*

Sec. 24. *“National list” means the list of materials categorized as allowed or prohibited for use in organic crop production and as processing ingredients and aids and handling materials as provided under the federal act.*

Sec. 25. *“New applicant” means any person or organization applying for organic or transition-to-organic certification for the first time or after the previous certification status has been expired for 1 year or more.*

Sec. 26. *“Organic pasture” or “organic range” means ground which is covered with vegetation suitable for grazing and which has been managed in accordance with the standards for organic crop production for at least 36 months.*

Sec. 27. *“Organically produced” means an agricultural product that is produced and handled in accordance with the provisions of this chapter.*

Sec. 28. *“Person” includes individuals, partnerships, corporations, associations, governmental subdivisions, and public and private organizations.*

Sec. 29. *“Pesticide” means a material or mixture of materials intended:*

- 1. To prevent, destroy, repel or mitigate any pest; or*
- 2. To be used as a plant regulator, defoliant or desiccant.*

Sec. 30. *“Poultry” means domestic birds produced for meat, eggs or other poultry products.*

Sec. 31. *“Principal display panel” means the part of a label which is most likely to be seen by a retail customer and which bears the declaration of net quantity of the contents and a statement of identity.*

Sec. 32. *“Processing” means baking, churning, cutting, dehydrating, drying, eviscerating, extracting, fermenting, freezing, grinding, heating, mixing, preserving, separating or otherwise manufacturing and includes enclosing food in a container.*

Sec. 33. *“Producer” means a person who engages in the business of growing or producing an animal or vegetable product.*

Sec. 34. *“Prohibited material” means a material that is disallowed in organic food production or handling.*

Sec. 35. *“Propagation materials” means plant materials, including seeds, transplants, cuttings, layerings, bulbs, tubers, slips, crowns, offsets, grafts, buddings and root stocks, and other plant parts used to propagate plants.*

Sec. 36. *“Remedy” means anything that relieves or cures a disease.*

Sec. 37. *“Renewal applicant” means a person who was granted organic or transition-to-organic certification in the previous year.*

Sec. 38. *“Site” means a specified field, orchard, block, pasture, paddock, garden, circle, plot or other designated area.*

Sec. 39. *“Slaughter stock” means an animal that is raised for meat or other products.*

Sec. 40. *“Synthetic” means a material that is formulated or manufactured by a chemical process or by a process which chemically changes a substance extracted from naturally occurring plant, animal or mineral sources, except that the term does not include materials created by naturally occurring biological processes.*

Sec. 41. *“Vendor” means a person, other than a handler or producer, who sells, labels, markets or advertises agricultural products as “organic” to a customer or another vendor.*

Sec. 42. *1. A person shall not:*

(a) Make a claim or imply in the advertising, selling or labeling of an organic agricultural product that the product is “organic,” “certified organic” or “transition-to-organic,” unless it conforms to the requirements of this chapter and the federal act.

(b) Affix a label to, or otherwise provide market information concerning, an agricultural product if the label or market information implies, directly or indirectly, that the product is produced and handled using organic methods, except in accordance with this chapter.

2. A producer shall not sell to a vendor or handler a product with the representation that the product is an “organic” or “transition-to-organic” product unless before the sale the producer provides the vendor or handler with the approved organic or transition-to-organic certificate verifying that the producer has grown, raised or produced the product in conformance with this chapter. Producers, handlers and vendors shall, upon request, provide the division with all records pertaining to the sale or distribution of “organic,” “certified organic” and “transition-to-organic” products which verify that the product or products have been produced and handled in accordance with this chapter.

3. Food, feed or fiber that is produced out-of-state and sold as organic in this state must be certified by the division or an organic certifying agent approved by the division.

4. A person shall not advertise or sell an agricultural product as “organic,” “certified organic” or “transition-to-organic” before an on-site inspection has been made by the division and organic producer certification has been granted for that crop year.

Sec. 43. *1. The division shall certify producers and handlers of organic agricultural products in this state.*

2. *A producer or handler shall not label, market, advertise or represent as “organic” or “transition-to-organic” any food or fiber that is sold, kept, offered or exposed for sale unless that producer or handler is:*

(a) Certified by the division pursuant to this chapter; or

(b) An out-of-state producer or handler who has a current certification from an organic certifying agent recognized by the division.

3. *The division shall maintain and make available to the public a current listing of recognized organic certifying agents who meet all the requirements of this chapter.*

4. *Producers and handlers must be certified on an annual basis as prescribed by the division.*

5. *To obtain certification, a producer or handler of organic agricultural products must submit a completed application on a form provided by the division and the required fees to the division on or before March 1 of the calendar year to which the application applies.*

6. *Each application must include such supporting documentation as the division determines necessary for each certifying agent applying for registration and each farm, field, handling facility and other location to be evaluated for certification.*

7. *Food, feed or fiber harvested within 90 days after receipt of an application for new certification by the division or a certifying agent for new certification must not be certified as “organic” or “transition-to-organic.”*

8. *Upon request of the division, the organic certification advisory council may review and make recommendations on any application or registration pursuant to this chapter.*

Sec. 44. *1. The division shall require:*

(a) An initial inspection of each applicant's farm, facility or site at a time when normal production or sales activity can be observed; and

(b) At least one on-site inspection per year for annual renewal of certification for each farm, facility or other location for which certification has been granted.

2. The division may conduct:

(a) An additional on-site inspection of each certified producer before or during harvest of an annual crop that will be processed;

(b) Unannounced inspections in cases of suspected violations of this chapter; and

(c) Inspections regarding complaints.

3. An inspection may include a survey of required records, an examination of crops and fields, the taking of samples for analysis and any other actions deemed necessary by the division.

4. A person with cause to believe that a provision of this chapter has been violated may file a written complaint with the division setting forth the facts of the alleged violation.

5. The division shall:

(a) Investigate written complaints related to certified organic food or fiber; and

(b) Maintain records of all complaints, investigations and remedial actions for 10 years after the completion of the investigation.

Sec. 45. *1. A person may apply to the division for registration as an organic certifying agent. The application must be submitted on a form provided by the division and include all certifying policies and procedures and an annual fee in the amount prescribed by the division.*

2. The division shall issue a certificate of registration as an organic certifying agent if the division determines that the:

(a) Certification standards of the applicant are equivalent to the certification standards of the division; and

(b) Policies and procedures of the applicant are in compliance with the provisions of this chapter, chapter 587 of NRS, the federal act and any applicable orders of the division.

3. Each person for whom a certificate of registration as an organic certifying agent has been issued pursuant to this chapter shall provide a copy of all application, certification and inspection documents to the division within 30 days after application, certification or inspection of a certified producer or handler.

Sec. 46. *The division shall use the following logos as certification seals:*

1. The Nevada Division of Agriculture Organic Certification Seal must include the phrase “Nevada Division of Agriculture Certified Organic” and must be in substantially the following form:

2. *The Nevada Division of Agriculture Transitional Seal must include the phrase “Nevada Division of Agriculture Transition-to-Organic” and must be in substantially the following form:*

Sec. 47. *1. The Nevada Division of Agriculture Organic Certification Seal or the Nevada Division of Agriculture Transitional Seal, as prescribed by the administrator, may be placed on all:*

- (a) Containers of organic agricultural products that are certified by the division;*
- (b) Bulk displays which advertise organic agricultural products that are certified by the division for sale; and*
- (c) Processed organic foods which contain 95 percent or more by volume of organically-grown ingredients that are certified by the division.*

2. The authorization to imprint facsimile seals granted by subsection 1 is subject to review by the administrator on an annual basis, or more frequently, if determined necessary by the administrator.

3. A person shall not change the Nevada Division of Agriculture Organic Certification Seal or the Nevada Division of Agriculture Transitional Seal from the form prescribed in section 46 of this regulation except for increases or decreases in size and changes in color.

Sec. 48. 1. The certification of a producer or handler of organic agricultural products issued by the division expires on March 31 of the year following the calendar year in which the certification was issued.

2. Except as otherwise provided in subsection 3, the division shall charge a nonrefundable fee as follows for each initial or renewal application submitted to the division pursuant to this chapter:

(a) Producers	\$100
(b) Handlers	100
(c) Organic certifying agents	100
(d) Transition-to-organic producer or handler	100

3. A person who produces and handles only his own organic agricultural products must only be required to pay one certification fee of \$100.

4. In addition to the fees prescribed in subsections 2 and 3, each applicant for new certification or registration shall pay an additional fee for new applicants of \$35.

5. Each certification fee includes the fee for an on-site inspection before certification and an on-site inspection during the production season.

6. An application for the renewal of a certification or registration that is received by the division after the expiration date of March 31 must be considered late. A late application for renewal must be accompanied by a late fee of \$50 in addition to the fee or fees otherwise prescribed by this section.

7. *The division shall consider an application to renew a certification or registration that has been expired for more than 1 year as an application for new certification or registration for the purposes of this section.*

Sec. 49. *1. Except as otherwise provided in subsection 2, in addition to all other fees prescribed by the division, the division shall charge the following additional fees for the addition of fields, sites or areas to be certified and for any other additional inspections:*

*(a) For each hour of inspection, calculated from the inspector's assigned office,
per hour\$20.00*

(b) For mileage, per mile40

(c) For the per diem of the inspector, the amounts currently allowed by law for state employees, under the conditions set by the division.

2. The division shall prorate the fees prescribed by subsection 1 among the persons whose property is inspected in the same area for all inspections that can be completed during the same trip of the inspector, as determined by the division.

3. The administrator may also charge a reasonable fee to cover the costs of the reproduction and mailing of application forms.

Sec. 50. *1. All producers of organic agricultural products must be certified by the division before any product is sold as "organic" or "transition-to-organic."*

2. The division shall certify a producer of organic agricultural products if:

(a) Inspection of the producer by the division showed no use of prohibited practices as determined pursuant to this chapter and the federal act;

(b) The division finds that the recordkeeping practices of the producer meet the requirements of this chapter;

(c) All programs for soil building, programs for organic pest management and buffer zones required by this chapter were established on each site;

(d) The analysis of all samples taken by the division showed that no prohibited materials had been used and there was no drift of other contaminants; and

(e) The division determines that prohibited materials have not been used for:

(1) At least 36 months before the harvest of organic agricultural products; or

(2) At least 12 months before the harvest of transition-to-organic agricultural products.

3. An agricultural product from a field or site that meets all the criteria for certification except the requirement that the product be free of prohibited materials for 36 months before harvest may be labeled and sold under the transition-to-organic seal if the product meets the following minimum standards:

(a) In the case of perennial crops, no synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic materials have been applied to the field or site in which the product is grown for the 12 months immediately preceding the appearance of flower buds and throughout the remainder of the growing season.

(b) In the case of annual and biennial crops, no synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other prohibited materials have been applied to the field or site in which the product is grown for the period from 12 months before seed planting or transplanting through the remainder of the growing and harvest season for the particular product.

4. Producers of organic agricultural products and transition-to-organic agricultural products who make application to the division for certification must be assigned a grower identification number by the division. Except as otherwise provided in subsection 5, all sales

from the producer to the first handler, vendor or consumer must include the grower identification number on the invoice or other sales document.

5. A producer selling certified organic agricultural products directly to consumers at a farmer's market or through a facility on the farm, where no invoices are exchanged, shall conspicuously post in the sales or distribution area the certification document and grower identification number issued to the producer by the division.

6. If a farm, site or field does not remain continuously certified, it must be recertified pursuant to the requirements for new certification before it is used to produce organic agricultural products.

7. An applicant for certification as a producer of organic agricultural products must complete an application on a form prescribed by the division that includes:

(a) A 3-year history of all crops or agricultural products produced;

(b) A 3-year history of all materials added to or used in the production, including pesticides and fertilizers; and

(c) Any additional supporting documentation required by the division.

8. An applicant for initial certification or renewal of certification as a producer of organic agricultural products must submit to the division a detailed farm plan including:

(a) A 3-year rotation and cover cropping plan to stabilize nutrients in the soil for each field to be certified; and

(b) A 1-year, field-by-field plan for crop production, soil and plant fertility plan, and pest-management plan.

9. Each application for certification as a producer of organic agricultural products must include a notarized affidavit on a form provided by the division attesting to the truth of all

information furnished to the division and an agreement to comply with the provisions of this chapter.

Sec. 51. *1. A producer of both organic agricultural products and other agricultural products on the same farm shall keep separate records for each of these two categories of products and make such records available at all times for inspection by the division.*

2. A producer of the same crop or agricultural product grown both organically and nonorganically on the same farm must demonstrate to the satisfaction of the division that physical facilities and management procedures are in place to prevent commingling. In the absence of such proof, no food or fiber of that type from that farm may be certified and the producer shall not sell the food or fiber as an organic product or a transition-to-organic product. The division shall also apply these criteria to situations in which an uncertified crop is produced by the same producer on another farm unit or is purchased for resale.

3. A field may be certified as organic by the division if there has been no use of prohibited materials, including without limitation, synthetic fertilizers, pesticides, hormones, antibiotics, growth stimulants, arsenicals or other synthetic materials during the year of production and for at least 36 months preceding harvest.

4. In cases of a farm, field or site, the area to be certified must have distinct, defined boundaries and buffer zones separating land being operated through the use of organic methods from land that is not being operated through the use of such methods.

5. Machinery and equipment must be in such condition as to avoid contamination of soil or crops from hydraulic fluid, fuel, oil or other contaminants.

6. The division shall not certify land that has no previous history as cultivated cropland, orchard or improved pasture if that land is being converted to organic for the sole purpose of

replacing land that has been abandoned because of chemical contamination or depleted fertility resulting from previous farm-management practices.

7. An applicant shall present the results of soil fertility tests for each field or each greenhouse unit with in-ground growing beds to be certified initially and every third year thereafter using testing methods as prescribed by the administrator.

Sec. 52. *1. Each producer who sells an agricultural product that is identified as organic or transition-to-organic shall keep accurate records of:*

(a) The field or greenhouse number, as specified in farm maps, to which any material was applied;

(b) Any material applied to the plants, soil or water where the crop is being produced, including the:

(1) Type of material applied;

(2) Manufacturer of the material;

(3) Date and rate of application; and

(4) Method and type of equipment used; and

(c) Harvests and sales for all organic and transition-to-organic agricultural products produced and sold by the producer.

2. Each producer shall maintain auditable records for a minimum of 5 years after the date on which the record was created.

3. The division may deny or suspend the certification of a producer for intentionally falsifying or refusing to supply adequate records until the division is provided with adequate records.

Sec. 53. *1. Each organic producer shall use a variety of resources for information regarding organic production in addition to the following requirements:*

(a) Fertility must be fostered primarily by managing organic content of the soil through the proper tillage, crop rotation and manuring.

(b) Soil management must conform to recognized organic practices and principles of soil conservation.

(c) Each producer shall rotate all crops according to a written rotation plan except:

(1) Perennial crops;

(2) Crops in permaculture systems;

(3) Crops grown in containers; and

(4) Crops grown on a nonrotating basis in accordance with accepted regional practices for maintaining balanced fertility management with other allowed practices.

2. A rotation plan may include alternation of sod or forage and row crops, nitrogen-fixing crops, green manure crops, cover and nurse crops, deep-rooting crops, alternation of heavy and light feeders, or plants with allelopathic or mineral-accumulating properties.

3. Raw manure may be applied to green manure crops, perennial crops or crops not grown for human consumption. Raw manure may be applied to crops for human consumption if the crop is harvested not less than 60 days after the most recent application of manure. Raw manure may not be applied to any crop in a way that significantly contributes to water contamination by nitrates or bacteria. Use of manure composted either by aerobic digestion (high heat) or controlled fermentation (low heat) is recommended. Liquid manure slurry may be used if the slurry is aerated from a source that adds carbon to the slurry.

4. *In implementing an annual or overall 3-year farm plan, a producer shall utilize green manure crops, nitrogen-fixing or cover crops, composted materials, nitrogen-fixing microorganisms and other allowed materials for supplying plants with nitrates at low concentrations.*

5. *In implementing a temporary measure in an annual farm plan, a producer may utilize materials listed as “allowed with restrictions,” if that use is justified by an analysis of soil and plant nutrients.*

Sec. 54. 1. *An irrigation-management plan must conform to recognized organic practices and water conservation principles.*

2. *A weed-management plan may include:*

(a) *Timely mechanical or hand cultivation, crop rotations, smother crops, mulching with organic materials, intercropping plant species such as legumes or green manure crops, practices that prevent introduction of weed seeds into fields, such as mowing borders, cleaning equipment and use of weed-free materials, electrical, steam or flame weeding equipment, biodynamic preparations and mowing or grazing; and*

(b) *Approved herbicidal soaps and oils, if applied to nonfood plants, and synthetic or biodegradable plastic used for covering soil surfaces, row covers and solarization, if such materials are removed at the end of each growing or harvest season and not introduced into soil, compost or mulch, and mulches made of recycled newspapers.*

3. *A disease-management plan may include:*

(a) *Production schedules, crop selection, location and sizing of plantings, and soil-management practices to prevent diseases;*

(b) Preventative management, such as planting resistant varieties and rootstocks, timing plantings to avoid cycles of pest emergence, intercropping, crop rotations and avoidance of excessive fertilization;

(c) For greenhouse management, the management of ventilation, humidity and temperature to reduce the incidence of disease;

(d) Materials listed as “allowed with restrictions,” if justified for immediate disease control; and

(e) The application of approved natural fruit waxes if the shipping containers indicate the type of natural fruit wax that was applied to the enclosed certified products.

4. An insect-management plan may include:

(a) Planned production schedules, crop selection, location and sizing of plantings, and soil-management practices to prevent insect infestations;

(b) Preventative management such as planting resistant varieties, timing plantings to avoid cycles of pest emergence, intercropping, crop rotations and avoidance of excessive fertilization;

(c) Mechanical or electrical controls, sticky traps, repellent crops and apparatus, vacuuming, water jets, physical barriers and traps, and sound;

(d) Pheromones used in traps, including use in monitoring pest occurrence, emergence, life cycles and mating disruptives;

(e) Pheromone traps or bait sticks containing prohibited materials, if these materials do not contact certified crops and are not added to soil or water;

(f) Biological controls, release of natural predators and parasites and manipulation of the habitat, crops planted for insectories, supplemental food, and hosts of natural predators and parasites;

(g) Other biological controls, including entomopathic protozoa, nematodes, algae or other biological controls;

(h) Microbial diseases, including viral, bacterial and entomopathic fungal diseases such as Bacillus thuringiensis (Bt), Bacillus spp., Beauveria spp., Nosema spp. and Nuclear Polyhedrosis Virus (NPV); and

(i) Materials listed as “allowed with restrictions,” if justified for immediate insect control measures.

5. A management plan for the control of rodents, gophers, deer and other varmints may include use for control or as a repellent:

(a) Live traps, physical barriers, sound, electrical devices, shooting or materials listed as “allowed” in the material list published by the division; and

(b) Materials listed as “allowed with restrictions” in the material list published by the division if justified for immediate reduction of crop loss because of the abnormal occurrence of these pests.

6. A management plan for the use of growth regulators, growth promoters, activators and inoculants may include:

(a) Natural enzymes, herbal preparations, biodynamic preparations, rhizobial inoculants, free-living nitrogen-fixing microbial cultures, blue-green algae, cellulolytic bacteria, natural rooting hormones, adjuvants or wetting agents for foliar applications and materials listed as “allowed” in the material list published by the division; and

(b) Materials listed as “allowed with restrictions” in the material list published by the division or the national list, if justified as a temporary measure in the production of food or fiber.

Sec. 55. *1. A producer shall only use propagation materials that are certified as organically produced unless the producer provides verification that they were produced with accepted organic practices and materials allowed pursuant to this chapter.*

2. Seeds used for producing organic edible sprouts must be 100 percent certified organically produced. Sprouts produced from noncertified organic seeds must not be certified under this chapter.

3. A producer shall use untreated seeds for food, feed or fiber unless seeds treated with synthetic fungicide are the only seeds available for certain crop varieties. Seeds treated with prohibited fungicides may be used if the producer can demonstrate through written documentation that untreated seeds are unavailable.

4. The use of prohibited materials on or in seed is prohibited unless the use of the prohibited material is required under local, state or federal quarantine requirements.

5. A producer may use acid-delinted seed for organically produced or transition-to-organic cotton.

6. Annuals must be grown organically from seed through harvest. Annual transplants must be organically grown to meet the standards for organic crop production.

7. The division may consider nonorganically grown perennial transplants to be “organic” after they have been grown under organic practices for 1 year.

8. Crops produced from propagation materials, other than seeds treated with synthetic fungicide or acid-delinted cotton seeds, that have been produced or treated with prohibited materials may not be sold as:

(a) Transition-to-organic within the first 12 months after planting or transplanting.

(b) Organic within the first 36 months after planting or transplanting.

9. *A producer may use commercial soil mixes that contain materials listed as “allowed” in the material list published by the division.*

10. *As used in this section, the term “seed” includes strawberry crowns and potatoes.*

Sec. 56. 1. *Except as otherwise provided in subsection 2, greenhouse production must comply with all provisions of this chapter.*

2. *The division may allow the certification of products grown in benches or containers which are not operated as in-ground or permanent soil systems if the producer demonstrates to the satisfaction of the division that the previous use of prohibited materials will not contaminate or compromise the integrity of the greenhouse structure, production system or crops and transplants.*

3. *Plants and soil must not be in direct contact with wood that is used for greenhouse structures, benches or raised beds if the wood has been treated with prohibited materials.*

4. *Both organic and nonorganic production sites may coexist in a greenhouse operation if the following requirements are met :*

(a) *An impermeable wall must separate all organic and nonorganic production units;*

(b) *The construction and use of ventilation systems and irrigation systems must ensure that prohibited materials do not contaminate organic production units from nonorganic units;*

(c) *Prohibited materials applied during the mixing of potting soils for use in nonorganic production must not contaminate and must not be commingled with materials or soil mixes used for the propagation or production of organic crops or transplants;*

(d) *Adequate facilities and methods must be used for the storage and handling of organic crops and transplants for shipping or display and must ensure the correct identification of organic products and the prevention of commingling;*

(e) Separate records must be maintained for nonorganic and organic crops regarding materials used for the production of the crops and transplants and the volume or numbers of the crops or transplants produced or sold; and

(f) Greenhouse units must be conspicuously labeled as being in organic production, and in the case of mixed operations, the containers used for organic crops and transplants must be clearly labeled and distinguishable from those used for nonorganic units.

5. The division may allow the certification of food and fiber produced in hydroponic mediums not containing soil if all applicable requirements of this section for greenhouse production have been met.

Sec. 57. *1. All animal products marketed and labeled as organic must be produced by producers certified by the division. A producer of organic animal products seeking certification as an organic food producer may apply for certification pursuant to this chapter.*

2. Meat produced from bovine animals must meet the following requirements:

(a) Animals must be raised on 100 percent organically grown feed from birth to slaughter;

(b) Breeder livestock must be fed 100 percent organically grown feed during the time that the slaughter animal is nursing if the slaughter animal is nursing during the 12 months before slaughter;

(c) The producer shall not administer synthetic internal parasiticides, hormones or antibiotics from birth to slaughter;

(d) Animals must have fresh air, daylight, shade and when available, access to pasture or range that is certified pursuant to this chapter; and

(e) Animals may be kept in a feedlot for up to 12 months before slaughter if the animals have access to fresh air, shade and daylight and are fed 100 percent organically grown feed.

3. *Meat produced from swine, lamb, sheep and goats must meet the following requirements:*

(a) Animals must be raised on 100 percent organically grown feed from birth to slaughter;

(b) During the time that the slaughter animal is being nursed, the mother must be fed 100 percent organically grown feed;

(c) During the time that the slaughter animal is being nursed, the mother must not be administered hormones, antibiotics or synthetic internal parasiticides;

(d) Animals must not be administered synthetic internal parasiticides, hormones or antibiotics from birth to slaughter;

(e) Animals must have fresh air, shade, daylight and whenever possible, access to pasture or range that is certified pursuant to this chapter; and

(f) Animals may be kept in a feedlot for up to 90 days before slaughter if the animals have access to fresh air, shade and daylight and are fed 100 percent organic feed.

4. *Organic poultry products must meet the following criteria:*

(a) Birds must be raised on 100 percent organically grown feed from hatching to slaughter;

(b) Birds must be provided with shade and dusting wallows, and laying birds must also be provided with nest boxes and perches;

(c) Synthetic internal parasiticides, hormones and antibiotics must not be administered to the birds from hatching to slaughter; and

(d) Birds must be raised uncaged in either:

(1) A moveable-pen management system that is moved on a daily basis and provides access to organic pasture and range; or

(2) A living space that provides a minimum of 4 square feet of living space per bird, including both inside and outside areas, and access to the outside areas. Inside areas must

provide a minimum of 1 1/2 square feet per bird and be sufficient to avoid stress such as cannibalism, nervousness and self-destructive behaviors such as feather picking, self-mutilation and limb harrowing. Outside areas must provide a minimum of 1 1/2 square feet per bird. These minimum living space requirements have been calculated for the size of an adult chicken with a mature body weight of 5 pounds. Requirements for other poultry animals must be calculated proportionately according to the size of the species.

5. Organic animal products produced from dairy animals must meet the following requirements:

(a) Except as otherwise provided in subsection 8, dairy animals must be raised on 100 percent organic feed or pasture for at least 1 year before organic milk production begins;

(b) Synthetic internal parasiticides and hormones must not be administered to dairy animals for the year immediately preceding organic milk production; and

(c) Antibiotics must not be administered to dairy animals for the 90 days immediately preceding organic milk production.

6. Organic aquaculture stock and products must meet the following requirements:

(a) Eggs, fingerlings and hatchlings may be purchased from any source.

(b) Meat and eggs sold as organically produced must be maintained in accordance with designated 100 percent organic feed and health care standards as provided in this chapter from the time the stock is brought onto a farm or field unit certified as transition-to-organic or organic.

7. Fiber animal livestock may be purchased from any source. Fiber animal livestock must be raised pursuant to the provisions of this chapter from the time the livestock is brought onto a farm or field unit certified as transition-to-organic or organic. Fiber animal livestock must be

fed 100 percent certified organically produced feeds and feed supplements for not less than the year immediately preceding the removal from the animal of fiber labeled as organically produced. Fiber animal livestock must not be used as breeder or slaughter livestock unless it meets the requirements for breeder or slaughter livestock produced pursuant to this chapter.

8. In situations of an organic feed shortage that results from emergency conditions such as weather conditions, road closures or crop failures, the organic livestock producer may feed nonorganic feed to livestock for a limited period if the organic feed shortage is temporary and unforeseeable because of emergency conditions beyond the control of the producer and:

(a) The organic livestock producer makes every reasonable effort, and maintains a record of such efforts, to locate organically grown feed in the following order of preference:

(1) Certified organic feed;

(2) Noncertified organic feed;

(3) Feed from farms under organic management for less than 3 years but more than 1 year;

(4) Feed from farms under organic management for 1 year or less; and

(5) Conventional feed;

(b) The organic livestock producer notifies the division and submits the organic feed supplier record to the division at least 24 hours before using the nonorganic feed;

(c) The division verifies the emergency conditions;

(d) The division reviews the situation to determine a maximum period during which second year transition-to-organic feed, first year transition-to-organic feed or nonorganic feed may be used;

(e) The livestock producer shall not represent egg and dairy products as organic animal products during the period those animals are fed nonorganic feed plus an extended time following that period which is equal to the period that nonorganic feed was fed to those animals; and

(f) The livestock producer shall not represent meat products as organic animal products if produced during the period the animal was fed nonorganic feed plus an extended time of 90 days following the period during which the animal was fed nonorganic feed. Meat products produced during any such period must not be commingled with organic meat products.

Sec. 58. *1. The following list of feed additives are approved for adding to organic feed:*

(a) Amino acids to fulfill nutritional requirements;

(b) Salt;

(c) Minerals;

(d) Vitamins;

(e) Nonorganic molasses;

(f) Mineral oil;

(g) Enzymes; and

(h) Fish meal and fish by-products.

2. The following additives are prohibited for adding to organic feed:

(a) Synthetic additives not included in subsection 1; and

(b) Animal by-products, including bloodmeal and bonemeal except for fish meal and fish by-products.

3. The following practices are prohibited in organic feeding:

(a) Refeeding of manure; and

(b) Feeding of plastic.

Sec. 59. *1. An organic livestock producer shall provide the following living conditions for animals raised for organic meat, dairy and egg production:*

(a) The animals must be provided with access to fresh air, daylight and shade; and

(b) Each animal must have enough room to get up, lie down, turn around, groom and stretch its limbs.

2. An organic livestock producer shall not participate in or allow practices for animals produced under his control that are contrary to humane treatment, good sanitation practices and good animal health.

Sec. 60. *1. Each organic livestock producer shall have an ongoing organic disease and pest-management program which includes an integrated approach to disease and pest management that stresses preventative control.*

2. The division may restrict producers from using the terms “organic” or “organically produced” if the producer does not have adequate organic disease and pest-management programs.

3. A proper herd health program must include strategies for disease prevention, parasite control and disease treatment.

4. Producers of organic animal products shall market only healthy animals and animal products produced from healthy animals and shall not deny necessary treatment to an animal for the purpose of enabling it or products made from it to be labeled or sold as organic.

5. Approved materials and practices for the management of diseases and pests are:

(a) Approved botanical pesticides for the control of external parasites and for the management of flies, only if labeled for such use;

- (b) Natural materials used in homeopathic, naturopathic and herbal remedies;*
- (c) Tamed iodine, alcohol or hydrogen peroxide, or any combination thereof, as a disinfectant;*
- (d) Vaccinations against endemic disease;*
- (e) Sodium hypochlorite (bleach), for use on machinery and facilities; and*
- (f) Equipment for steam sterilization.*

Sec. 61. *1. All organic livestock except poultry must be ear-tagged, branded or individually marked in a manner that plainly indicates their organic status. Poultry may be identified by flock.*

2. Each organic livestock producer shall maintain, for 2 years after the sale of an organic animal product, the following records, including information for the period beginning with the birth or purchase of the animal and ending with the sale of the organic animal products or slaughter of the organic livestock:

- (a) A list of all materials for disease and pest management that have been administered to the animals, including dates administered, material type, dosages and sources;*
- (b) A list of all feed that was purchased by the producer for the animals, including the dates of purchase, types, quantities, sources and a copy of the organic certificates for the feed;*
- (c) A list which includes the weight of each animal at the time of slaughter and the weight of the animal products rendered from the animal that was slaughtered; and*
- (d) Sales records for all organic animal products sold, including dates, quantities and weights.*

3. Receipts for livestock and materials must be kept to insure a complete audit trail.

4. *Inadequate recordkeeping may constitute cause for the division to prohibit labeling or marketing of animal products as “organic” or “organically produced.”*

Sec. 62. *1. Each handler of food or fiber produced in this state that is sold as organic or transition-to-organic must be certified by the division. A handler shall not sell any organic product until he has registered with the division and paid the appropriate fee.*

2. A handler shall not use or add any prohibited material during the production, composition, processing, manufacturing, packaging, transporting or storage of an organic agricultural product.

3. Each handler shall conspicuously display his certificate issued by the division or an organic certifying agent to process or handle organic or transition-to-organic food or fiber.

4. A handler applying for certification or renewal of certification shall submit a completed application to the division with an organic processing or handling plan that includes:

(a) A description of physical facilities and management procedures to prevent commingling among nonorganic, transition-to-organic and organic food or fiber and to prevent contamination from prohibited materials used in the processing or handling of organic or transition-to-organic food or fiber;

(b) A description of the processing or distribution operation, processing and handling procedures, and the types of organic food or fiber processed or distributed; and

(c) A schematic flowchart indicating critical control points and showing the movement of organic food or fiber during processing or handling and all equipment, machinery and storage areas used, including:

(1) A description of the system of internal recordkeeping that documents the movement of each specified lot of organic food or fiber through each step of the processing or distribution operation;

(2) Sanitizers, boiler chemicals and prohibited materials used in handling;

(3) Transportation and storage; and

(4) Pest control, including a description of the pest problems encountered in the processing or handling operation, pest monitoring techniques used and a description of all pest control methods and materials used.

Sec. 63. *1. A handler shall not:*

(a) Represent as organic or transition-to-organic any food or fiber that is known to contain or has been in contact with prohibited materials or has been commingled during storage, handling, processing, packing and transportation;

(b) Use any packaging materials that contain or have been in contact with prohibited materials;

(c) Add any sulfites, nitrates or nitrites to a product; or

(d) Use in or on certified products, water that does not meet all the requirements of the Safe Drinking Water Act, 42 U.S.C. § 300f et.seq.

2. Each ingredient labeled as organic in a processed product must be from a certified organic source. A processed product sold as organic or with organic ingredients may include:

(a) Ingredients that are not agricultural products, such as salt, yeasts or other microbial cultures or fermentation systems which are approved under this chapter;

(b) Natural preservatives, coloring agents or other additives, such as natural ascorbic acid or citric acid; and

(c) Other ingredients or processing aids listed as “allowed” in the materials list published by the division.

3. The following percentage of ingredients is required:

(a) A processed product must not be labeled as “organic” on the principal display panel unless it contains at least 95 percent certified organically produced ingredients by weight, excluding water and salt from the calculation, and does not contain any prohibited ingredients or additives.

(b) A processed product that contains at least 50 percent certified organic ingredients by weight, excluding water and salt from the calculation, may include the applicable certification on the principal display panel, but only for the limited purpose of identifying the organically produced ingredients.

(c) A processed product that contains less than 50 percent certified organic ingredients by weight, excluding water and salt from the calculation, may state the applicable certification in the ingredient information panel, including the percentage of each ingredient certified.

4. Each handler shall maintain auditable records for not less than 5 years including:

(a) Records of all organic and transition-to-organic products and ingredients, including dates of purchases, sales, billings, receipts, invoices and volumes of products purchased and sold; and

(b) Proof of certification of all products or ingredients labeled as organic or transition-to-organic and a record of the applicable certifying agent.

5. The division may deny or suspend the certification of a producer for intentionally falsifying or refusing to supply adequate records until the division is provided with adequate records.

Sec. 64. *1. Processed food or fiber products which contain organically produced ingredients that are certified by the division, processed pursuant to this chapter and contain no prohibited ingredients may include the term “organic” and the Nevada Division of Agriculture Organic Certification Seal on the principal display panel.*

2. Processed food or fiber products which contain organically produced ingredients that are certified by the division, but include additional ingredients, additives or processing aids, may use the term “organic” in the statement of ingredients to modify the name of the ingredient that is organically produced and may include the Nevada Division of Agriculture Organic Certification Seal in an area on the packaging other than the principal display panel. Each certified organic ingredient and its total percentage by weight of the product must be listed in the information panel and be identified as “organic.”

3. Processed food or fiber products produced pursuant to this chapter as transition-to-organic, but which include additional ingredients, additives or processing aids, may use the term “transitional organic” in the statement of ingredients to modify the name of the ingredient that is organically produced and may include the Nevada Division of Agriculture Transitional Seal in an area on the packaging other than the principal display panel. Each certified transition-to-organic ingredient and its total percentage by weight of the product must be listed in the information panel and be identified as “transition-to-organic.”

4. Processed food or fiber products that meet the requirements of this chapter and are additionally certified by a private certifying agent pursuant to this chapter may include on the principal display or information panel pursuant to this chapter and the federal act:

(a) The Nevada Division of Agriculture Organic Certification Seal;

(b) The name of the applicable organic certifying agent;

(c) A statement indicating that the product was “processed to Nevada Organic Standards”;

or

(d) Any combination of paragraphs (a), (b) and (c).

5. The identity of the certifying agent must be listed by the manufacturer on the packaging or the label.

6. The name and address of the producer or handler must be on the organic product label.

7. The division, or an organic certifying agent, shall not certify drugs or drug ingredients under this chapter.

8. A person shall not use a Nevada Division of Agriculture Certified Organically Produced or Transitional-Organic Certification Pending Seal in connection with, or represent as certified by the division or an organic certifying agent, any product or any ingredient of a product which is regulated as a drug or which has been determined by a state or federal agency of competent jurisdiction to be subject to regulation as a drug.

9. A person shall not use a seal of the division or represent any product or ingredient as certified by the division or an organic certifying agent in an advertisement that makes medicinal claims, including without limitation, a printed or broadcast advertisement, flier, point-of-purchase material, signage or other printed material.

Sec. 65. *1. The administrator, in consultation with the advisory council for organic agricultural products, shall adopt a list of specific materials that are allowed, allowed with restrictions or prohibited for use in the production and handling of organic agricultural products in this state.*

2. For the purposes of this chapter, materials for crop production, processing and handling are classified as follows:

(a) Allowed, including materials allowed for production, processing or handling. The permission to use these materials applies statewide.

(b) Allowed with restrictions, including materials that may be used upon a demonstrated need, if the use will be discontinued over time or upon a showing that no alternative materials are available. These materials may vary according to regional production practices, specific processing or handling needs.

(c) Prohibited, including materials that must not be used for production, processing or handling. This prohibition applies statewide.

3. The division shall publish a materials list that categorizes materials as “allowed,” “allowed with restrictions,” or “prohibited.”

4. Unless properly registered, pesticides requiring registration with the responsible state and federal agencies, including the United States Environmental Protection Agency and the division, must not be used.

5. Manufacturers of materials, other than those listed by name in the materials list published by the division, for production, processing or handling of certified food or fiber may submit information on the ingredients, manufacturing processes and other supporting documents, as required by the division for categorization as “allowed,” “allowed with restrictions” or “prohibited.” If a manufacturer submits information for review, the information provided must include:

(a) Registration information or a letter of exemption from the applicable registration agent, such as the United States Environmental Protection Agency or the division, and a current approved label;

(b) A description of the purpose of the product;

(c) Directions for application;

(d) Each active ingredient contained in the material, its source and percentage by weight of the material;

(e) Each inert ingredient, its source, percentage by weight of the material and classification of tolerance by the United States Environmental Protection Agency pursuant to subpart D of section 180.1001 of the Code of Federal Regulations;

(f) A description of the manufacturing processes, both physical and chemical;

(g) A description of toxicity, hazards and classification, and material safety data sheets; and

(h) Any additional documentation required by the division.

6. Materials contained on the prohibited materials list published by the division:

(a) Must not be used for production and handling of organic or transition-to-organic food or fiber.

(b) Must be handled and stored separately from materials listed as “allowed” or “allowed with restrictions” for organic production or handling.

Sec. 66. *1. In cases where organic agricultural products that are being grown, raised or produced pursuant to the provisions of this chapter, including feed crops and pasturage for livestock, are exposed to the drift or misapplication of a pesticide, the certified producer shall notify the division within 48 hours after the drift or misapplication occurred.*

2. If the pesticide residue level exceeds the residue level allowed under subsection 3, the agricultural product must not be sold as “organically produced” or “transition-to-organic certification pending.”

3. Subsequent agricultural products grown in a field exposed to pesticide drift or misapplication, including feed crops and pasturage for livestock, may not be sold as

“organically produced” or “transition-to-organic certification pending” unless approved by the division after additional pesticide residue testing is conducted.

4. An agricultural product that is being grown, raised or produced pursuant to the provisions of this chapter and contains residues of material not on the allowed materials list published by the division in excess of 5 percent of the tolerance level established by the United States Environmental Protection Agency, or where there is no such tolerance level, 5 percent of the action level established by the United States Food and Drug Administration, may not be labeled, sold or represented as organic.

5. A producer shall comply with all emergency spray and pest-management programs required or authorized by the division. Whenever possible, the division shall specify pest-management practices allowed pursuant to this chapter. Any such application must be documented in the material-use reports of the producer.

6. A producer may take appropriate action against noxious weeds pursuant to the provisions of chapter 555 of NRS with spot applications of prohibited materials in noncrop areas and buffer zones. Any such application must be documented in the material-use report of the producer.

Sec. 67. *1. All laboratory tests and analysis procedures and methods used for verification purposes for the purposes of this chapter must be recognized and accepted or specified by the division. The cost of all tests required pursuant to subsections 2 to 6, inclusive, must be borne by the division.*

2. Periodically, samples may be composited by the division for residue testing of agricultural products that have been produced on certified organic farms and handled through

certified organic handling operations to determine whether such products contain specified pesticides or other nonorganic residue or natural toxins.

3. When determined necessary by the division, an initial pesticide residue test of soil, water and crop samples for each new applicant for certification and for each applicant for renewal of certification may be required.

4. The division may require testing of an organic agricultural product when a reasonable cause exists to suspect that it may have been contaminated with a prohibited material.

5. The division may require testing of farms, fields, production, processing or handling equipment which the division determines may be in contact with organic food or fiber that may be contaminated with a prohibited material.

6. The division may require testing of soil samples when it suspects that prohibited or restricted materials are present.

Sec. 68. *1. Except as otherwise provided in subsection 2, the division shall maintain documentation relating to certification for not less than 10 years after the date on which the record is made or received by the division.*

2. The division shall maintain copies of notices sent to persons certified by or registered with the division, minutes of meetings, correspondence and administrative memoranda as the division determines necessary.

3. The division may conduct or provide for audits of all records to verify that certified products meet organic standards certified under this chapter or by an organic certifying agent.

The audits must include, where appropriate:

(a) A company inventory audit which lists the percent of accuracy in labeling, the amount bought and sold per product, the producer or destination and the number of vendors and amount of product per vendor; or

(b) A farm audit which lists the amounts sold per product, date and destination, and the area and location planted of each product with dates of harvest.

4. The division shall keep confidential any business-related information obtained pursuant to this chapter concerning an entity certified under this chapter or an applicant for such certification, and such information must not be made available for public inspection and copying.

5. Applications for certification under this chapter and laboratory analyses pertaining to that certification must be made available for public inspection and copying during the normal hours of operation of the building in which the records are stored.

Sec. 69. *1. The division may deny, suspend or revoke the certification of a producer or handler or the registration issued to an organic certifying agent pursuant to this chapter if the division determines that the person:*

(a) Submitted an application or verification documents that contain insufficient information upon which to make a determination;

(b) Provided verification documents that demonstrate noncompliance with any provision of this chapter;

(c) Made a false representation that was material to an initial or renewal application for certification;

(d) Violated or refused to comply with the provisions of this chapter, chapter 587 of NRS or an order issued by the division;

(e) Has previously had a certification or registration revoked under this chapter;

(f) Failed to provide records as required by this chapter; or

(g) Refused to allow an inspection or audit by the division.

2. The division may issue a written order to stop the sale of an item of food, feed or fiber by a person in control of the item if the organic agricultural product is:

(a) Being sold in violation of this chapter or the federal act; or

(b) Labeled, advertised or otherwise represented as organic in violation of this chapter or the federal act.

3. An item for which an order is written pursuant to subsection 2 must not be sold until the division determines that the sale, labeling or advertising of the item is in compliance with this chapter and the federal act.

4. A producer or handler who has received a stop order or notice that his certification may be suspended or revoked may apply for a hearing pursuant to subsection 2 of NRS 561.295.

Sec. 70. *1. A person commits an offense if the person:*

(a) Violates a provision of this chapter; or

(b) Fails to comply with a notice, order or rule of the division adopted pursuant to this chapter or chapter 587 of NRS.

2. In addition to any other penalty, the administrator may assess a civil fine against a person who commits an offense, including without limitation:

(a) Selling or handling organic agricultural products without a valid certification:

(1) Uncertified with no prior certification:

First violation: \$50 to \$200

Second violation: \$250 to \$1500

<i>Subsequent violations:</i>	<i>\$500 to \$3000</i>
<i>(2) Expired certification:</i>	
<i>First violation:</i>	<i>\$50 to \$200</i>
<i>Second violation:</i>	<i>\$300 to \$1500</i>
<i>Subsequent violation:</i>	<i>\$500 to \$3000</i>
<i>(3) Suspended certification:</i>	
<i>First violation:</i>	<i>\$200</i>
<i>Second violation:</i>	<i>\$500 to \$1500</i>
<i>Subsequent violation:</i>	<i>\$1500 to \$3000</i>
<i>(b) Misrepresentation of food, feed or fiber as organic:</i>	
<i>(1) Marketing or advertising nonorganic as organic:</i>	
<i>First violation:</i>	<i>\$200</i>
<i>Second violation:</i>	<i>\$300 to \$1500</i>
<i>Subsequent violation:</i>	<i>\$500 to \$3000</i>
<i>(2) Commingling organic with nonorganic:</i>	
<i>First violation:</i>	<i>\$50 to \$200</i>
<i>Second violation:</i>	<i>\$250 to \$1500</i>
<i>Subsequent violation:</i>	<i>\$500 to \$3000</i>
<i>(3) Contamination from prohibited materials:</i>	
<i>First violation:</i>	<i>\$125 to \$200</i>
<i>Second violation:</i>	<i>\$250 to \$1500</i>
<i>Subsequent violation:</i>	<i>\$500 to \$3000</i>
<i>(c) Miscellaneous offenses:</i>	

(1) Mislabeling of processed or packaged organic products:

<i>First violation:</i>	<i>\$125 to \$200</i>
<i>Second violation:</i>	<i>\$250 to \$1500</i>
<i>Subsequent violation:</i>	<i>\$500 to \$3000</i>

(2) Violation of a stop sale order:

<i>First violation:</i>	<i>\$200</i>
<i>Second violation:</i>	<i>\$1500</i>
<i>Subsequent violation:</i>	<i>\$500 to \$3000</i>

(3) Refusal to allow an inspection or audit:

<i>First violation:</i>	<i>\$200</i>
<i>Second violation:</i>	<i>\$1500</i>
<i>Subsequent violation:</i>	<i>\$500 to \$3000</i>

3. In addition to the civil fines set forth in subsection 2, for subsequent violations the division may suspend the certification of the person who committed the offense for a period prescribed by the administrator.

4. A person who is cited for a violation of this chapter or chapter 587 of NRS or whose certification has been revoked may apply for a hearing pursuant to subsection 2 of NRS 561.295.

Sec. 71. *1. Except as otherwise provided in subsection 2, each member of the advisory council for organic agricultural products is entitled to receive compensation at the rate of \$10 per hour necessarily spent on the business of the council including time spent traveling.*

2. The total compensation paid pursuant to subsection 1 must not exceed \$80 per day.