

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R080-99

August 10, 1999

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

AUTHORITY: §§1-21, NRS 554.020 and 554.030.

Section 1. Chapter 554 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

Sec. 2. *As used in NAC 554.170 to 554.220, inclusive, and sections 2 to 14, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Bulk density” means the dry weight in pounds of 1 cubic yard of potting medium.*

Sec. 4. *“Dip treatment” means a method of treating a plant for the Japanese beetle by submerging the entire root ball of the plant or all growing media of the container or other material for retaining the roots of the plant into a pesticide solution approved by the director until the root ball or growing media are completely saturated.*

Sec. 5. *“Drench treatment” means a method of treating a plant for the Japanese beetle by wetting the entire surface of the potting media with a pesticide solution approved by the director.*

Sec. 6. *“Media incorporation treatment” means a method of treating a plant for the Japanese beetle by potting the plant in a potting medium into which granules of a pesticide have been mixed.*

Sec. 7. *“Methyl bromide fumigation treatment” means a method of treating a plant for the Japanese beetle by exposing the plant at normal atmospheric pressure to the smoke or fumes of methyl bromide.*

Sec. 8. 1. *To be used in a method of treatment for the Japanese beetle approved by the director pursuant to NAC 554.200, a pesticide must be:*

(a) Registered in the state in which the treatment is applied; and

(b) Used in accordance with all:

(1) Instructions on the label of the product; and

(2) Standards applicable in the state in which the treatment is applied for the protection of the worker applying the treatment.

2. This section does not affect, supersede or modify any instructions approved by the Environmental Protection Agency for the application of the pesticide.

Sec. 9. 1. *The director will approve a dip treatment:*

(a) For nursery stock with a root ball that is not greater than 12 inches in diameter, does not contain clay and is:

(1) Balled and covered in burlap;

(2) Potted; or

(3) Enclosed in a container;

(b) If the active ingredient of the pesticide solution used in the dip treatment is chlorpyrifos at a concentration of 64 ounces of active ingredient per 100 gallons of water;

- (c) If the plant is treated with not less than 32 ounces of the active ingredient;*
- (d) If the period of submersion is not less than 2 minutes; and*
- (e) If, upon removal from the solution, the treated plant is drained in a manner that does not harm the environment.*

2. Pesticide solutions with an active ingredient of chlorpyrifos that may be used in a dip treatment include, without limitation:

- (a) Dursban 4E; and*
- (b) Dursban TNP.*

Sec. 10. 1. The director will approve a drench treatment:

(a) For nursery stock that is enclosed in a container or, except as otherwise provided in this section, is potted;

(b) If the active ingredient of the pesticide solution used in the drench treatment is:

(1) Imidacloprid at a concentration of 0.5 grams of active ingredient per 1 gallon of water and the solution is applied immediately preceding June 1 or the date of the flight season of the adult Japanese beetle established by the phytosanitary official of the state in which the plant originated; or

(2) Bifenthrin at a concentration of 20 ounces of active ingredient per 100 gallons of water and the solution is applied in a ratio of approximately 8 ounces of pesticide solution for every 6 inches or portion thereof of the diameter of the container or pot;

- (c) If the potting medium is sterile and free from soil; and*
- (d) If the container or pot is clean.*

2. A plant treated by a drench treatment must be retreated if:

(a) During the flight season of the adult Japanese beetle, the plant is not shipped into this state within 16 weeks after the initial treatment; or

(b) The plant is exposed to a second flight season of the adult Japanese beetle.

3. A plant potted in the field may not be treated with a drench treatment.

4. Pesticide solutions that may be used in a drench treatment include, without limitation:

(a) For imidacloprid, Marathon 60 WP.

(b) For bifenthrin, 9 Talstar Nursery Flowable 7.9%.

Sec. 11. 1. The director will approve a media incorporation treatment if:

(a) Except as otherwise provided in this section, the treated plant is potted;

(b) The active ingredient of the pesticide solution used in the media incorporation

treatment is:

(1) Imidacloprid at a ratio of 5 pounds of active ingredient per 1 cubic yard of potting medium;

(2) Bifenthrin at a ratio of 25 parts per million of active ingredient, or one-third of 1 pound of active ingredient per 1 cubic yard of potting medium, based on a bulk density of 200; or

(3) Tefluthrin at a ratio of 25 parts per million of active ingredient per 1 cubic yard of potting medium, based on a bulk density of 400;

(c) The granules of the pesticide are incorporated into the potting medium before the plant is potted;

(d) The plant is potted not less than 30 days before shipment into this state;

(e) The plant is free of the Japanese beetle at the time of potting;

(f) The potting medium and pot are clean; and

(g) The plant has been exposed to only one flight season of the adult Japanese beetle after treatment. A plant exposed to a second flight season of the adult Japanese beetle must be:

(1) Repotted in accordance with the requirements of this section; or

(2) Treated using a drench treatment approved by the director.

2. A plant potted in the field may not be treated with a media incorporation treatment.

3. Pesticides that may be used in a media incorporation treatment include, without limitation:

(a) For imidacloprid, Marathon 1G;

(b) For bifenthrin:

(1) Talstar Nursery Granular; and

(2) Talstar T&O Granular 2.5G; and

(c) For tefluthrin, Fireban 1.5G.

Sec. 12. *The director will approve a methyl bromide fumigation treatment:*

1. For nursery stock that is enclosed within a chamber or tarpaulin; and

2. If the methyl bromide used in the treatment is used in accordance with the instructions on the label and in a manner which avoids injury to the treated plant.

Sec. 13. *The director will, pursuant to paragraph (a) of subsection 1 of NAC 554.200, approve for entry into this state a host or possible carrier of the Japanese beetle that was grown in:*

1. A greenhouse if:

(a) The greenhouse was constructed to prevent the entry of adult Japanese beetles;

(b) The greenhouse has been inspected and found to be free from Japanese beetles in any stage of life; and

(c) The plants and soil have been inspected, found to be free from Japanese beetles in any stage of life and protected from infestation while being stored, packed and shipped;

2. An area not under quarantine against the Japanese beetle and was transported into an area under quarantine if the host or possible carrier was transported in a closed conveyance or closed container and at all times thereafter was protected from becoming infested with the Japanese beetle; or

3. A county that, before the arrival of the shipment of the host or possible carrier into this state, was on the list of counties maintained by the director pursuant to section 14 of this regulation.

Sec. 14. *1. The director will maintain a list of counties in areas under quarantine against the Japanese beetle that are not infested with the Japanese beetle. A county may be placed or maintained on the list if the director finds that:*

(a) An annual survey for the presence of the Japanese beetle is made in the county; and

(b) The results of the survey indicate that the county is not infested with the Japanese beetle.

2. An agricultural official in another state may request that a county be placed on the list by submitting a written request to the director that:

(a) Includes the most recent annual survey; and

(b) Indicates the manner in which the survey was conducted, including, without limitation:

(1) The area surveyed;

(2) The personnel who conducted the survey; and

(3) If the county has ever been previously infested with the Japanese beetle, the date of the last infestation.

3. An agricultural official in another state may request that a county be maintained on the list by submitting a written request to the director annually in the form required by subsection 2. If such a request is not received by the director, the director will remove the county from the list.

4. If a heavy infestation of Japanese beetles occurs in a county that is adjacent to a county which wishes to be placed or maintained on the list, the director may refuse to place or maintain the noninfested county on the list.

5. Before placing or maintaining a county on the list, the director will submit the written request received pursuant to subsection 2 or 3 to the bureau of plant industry of the department for its evaluation.

Sec. 15. NAC 554.180 is hereby amended to read as follows:

554.180 The area under quarantine against the Japanese beetle consists of:

1. The states of Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia and West Virginia;
2. The counties of Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coosa, De Kalb, Etowah, ~~Franklin,~~ Jackson, Jefferson, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Randolph, Shelby, St. Clair, Talladega, Tallapoosa, Tuscaloosa and Winston in Alabama;
3. The counties of Johnson, Sedgwick, Shawnee and Wyandotte in Kansas;
4. The counties of Carver, Dakota, Hennepin, *Ramsey* and Scott in Minnesota;

5. The counties of Franklin, Jefferson, Saint Louis , ~~[and]~~ Stone , *Warren and Washington* and the City of St. Louis in Missouri;

6. ~~[The county of Lancaster in Nebraska;~~

~~—7.—~~ The counties of Dane, Door, Fond du Lac, Jefferson, Kenosha, Milwaukee, *Ozaukee*, Racine, Rock, Sheboygan, Waukesha and Wood in Wisconsin;

~~[8.—]~~ 7. The District of Columbia;

~~[9.—]~~ 8. The counties of Haldimand-Norfolk, Hamilton-Wentworth and Niagra in the Province of Ontario, Canada; *and*

~~[10.—]~~ 9. The regional municipalities of Brome-Missiquoi, Champlain, Le Bas-Richelieu, Le Haut-Richelieu and Rousillon in the Province of Quebec, Canada . ~~[-;and~~

~~—11.— The Anderson Air Force Base in Guam.]~~

Sec. 16. NAC 554.190 is hereby amended to read as follows:

554.190 The hosts and possible carriers of the Japanese beetle are:

1. Soil, humus, compost ~~[and manure,]~~ , *manure and all growing media*, except when packaged commercially;

2. Grass sod;

3. All plants with roots, except bareroot plants which are free from soil ~~[;]~~ *in amounts that could conceal the larvae or pupae of the Japanese beetle;*

4. Bulbs, corms, tubers, and rhizomes of ornamental plants ; ~~[and plant crowns or roots for propagation, except when they are free from soil;]~~ and

5. Any other plant, part of a plant, article or means of conveyance determined by a state quarantine officer as presenting the hazard of spreading live Japanese beetles because of infestation or exposure to infestation.

Sec. 17. NAC 554.200 is hereby amended to read as follows:

554.200 ~~{The hosts and possible carriers}~~

1. A host or possible carrier of the Japanese beetle ~~[, when originating in any area under quarantine, are prohibited from entering Nevada unless:~~

~~—1. A certificate issued by an authorized state or agricultural regulatory official at the point of origin accompanies the hosts or possible carriers, stating that the commodity, shipment or means of conveyance was fumigated with methyl bromide or otherwise treated or grown in accordance with methods or procedures approved by the administrator.~~

~~—2. The host or possible carrier is a house plant grown indoors or in a glass house and passes an inspection by a deputy state quarantine officer or is certified at the point of origin as having been grown in such a manner or treated in a manner approved by the administrator.~~

~~—3. The host or possible carrier is enclosed in a container, or is balled and covered in burlap, and is accompanied by a certificate issued by an authorized state or agricultural regulatory official at the point of origin stating that the material is treated with not less than 32 ounces of active ingredient of chlorpyrifos per 100 gallons of water and, if balled, the root ball is less than 1 foot in diameter and does not consist of soil containing clay.~~

~~—4. The host or possible carrier is shipped in a mixture of growing media which does not have a predominance of mineral soil, and is accompanied by a certificate issued by an authorized state or agricultural regulatory official at the point of origin stating that the material is treated with isofenphos at a rate of 3.7 fluid ounces per 100 gallons of water and applied as a drench at the rate of 1 gallon of solution per 1.6 cubic foot of growing media.] *may enter this state from an area under quarantine against the Japanese beetle if it is accompanied by a certificate*~~

issued by an authorized agricultural official of its state of origin certifying that the host or possible carrier was:

(a) Grown in accordance with methods and procedures approved by the director pursuant to section 13 of this regulation; or

(b) Treated for the Japanese beetle before shipment into this state in accordance with a method of treatment approved by the director pursuant to section 9, 10, 11 or 12 of this regulation. The host or possible carrier must also be accompanied by a certificate issued by an authorized phytosanitary official of its state of origin:

(1) Certifying that the treatment was performed:

(I) Under the direct supervision of a state phytosanitary official; or

(II) Under a federal compliance agreement that requires the treatment to be monitored by a state phytosanitary official; and

*(2) Includes a declaration that the plants covered by the certificate have been treated to control *Popillia japonica* according to the criteria for shipment to category 1 states as provided in the United States Domestic Japanese Beetle Harmonization Plan.*

2. A copy of a certificate issued by a state phytosanitary official for the purposes of paragraph (b) of subsection 1 must be provided to the department before the shipment's entry into the state. The copy may be provided:

(a) By facsimile machine at (775) 688-1178; or

(b) By electronic mail at rgronow@govmail.state.nv.us.

Sec. 18. NAC 554.210 is hereby amended to read as follows:

554.210 The ~~{administrator}~~ *director* may issue permits allowing hosts and possible carriers to enter the state subject to the conditions and provisions which he prescribes.

Sec. 19. NAC 554.220 is hereby amended to read as follows:

554.220 The provisions of NAC 554.170 to 554.210, inclusive, *and sections 2 to 14, inclusive, of this regulation* do not apply to soil samples which are being moved pursuant to a federal compliance agreement.

Sec. 20. NAC 554.610 is hereby amended to read as follows:

554.610 Connecticut, Delaware, *Idaho*, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington, West Virginia, ~~Wisconsin and the County of Umatilla,~~ *and* Oregon are infested areas.

Sec. 21. NAC 554.630 is hereby amended to read as follows:

554.630 1. Commodities which are covered by the quarantine are prohibited from entering this state from the area under quarantine unless each lot or shipment is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural inspection official of the state of origin.

2. The certificate must state that:

(a) The restricted articles accompanied thereby have been produced in and shipped from a *growing site or growing area that has been trapped for European pine shoot moth by the authorized agricultural official of the* noninfested state ~~for district,~~ *county or parish and found to be free of European pine shoot moth;* or

(b) The restricted articles accompanied thereby have been treated under official supervision before shipment in a manner prescribed by NAC 554.650 to 554.690, inclusive.

3. No certificate is required for pine trees, branches or twigs which are cut for ornamental purposes from October 20 to December 31 of any year.