

LCB File No. R082-99

**PROPOSED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

NEVADA DEPARTMENT OF AGRICULTURE
350 CAPITOL HILL AVE.
RENO, NEVADA 89502-2923
(775) 688-1180

NOTICE OF WORKSHOP

A workshop will be held on proposed amendments to the following Nevada Administrative Codes:

- 1. PROPOSED AMENDMENTS TO NAC 586.010 PERTAINING TO THE ANNUAL PESTICIDE REGISTRATION FEE**
- 2. PROPOSED AMENDMENTS TO NAC 586 PERTAINING TO THE RESTRICTED PESTICIDES REGISTRATION OF SELLER FEE.**
- 3. PROPOSED AMENDMENTS TO NAC 588 PERTAINING TO FEES FOR FERTILIZER REGISTRATION, AGRICULTURAL MINERAL REGISTRATION AND AGRICULTURAL MINERAL REGISTRATION, SALE AND DISTRIBUTION FEE.**
- 4. PROPOSED AMENDMENTS TO NAC 590 PERTAINING TO ANTIFREEZE PERMIT FEE.**

DATE: July 23, 1999

TIME: 1:00 p.m.

PLACE: Reno Office
Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, Nevada

For clarification on the proposed amendments, or to obtain a copy of the proposed amendments, contact Robert Grownowski at (775) 688-1182 ext. 239.

Addresses at which the text of the proposed regulations may be inspected and copied:

The Nevada State Library in Carson City, and all Nevada County libraries. The Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas, or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday.

DATE: August 26, 1999

TIME: 1:00 P.M.

PLACE: Nevada Department of Agriculture
Eyer H. Boies Building
1351 Elm St.
Elko, NV 89801

Yerington Public Library
20 Nevin Way
Yerington, NV 89447

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any verbal testimony presented in the record of the hearing.

Address at which the text of the proposed regulations may be inspected and copied:

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**Nevada Department of Agriculture
350 Capitol Hill Ave.
Reno, NV 89502**

**Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431**

**Nevada Department of Agriculture
1550 S. Wells Ave.
Reno, NV 89502**

**Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445**

**Nevada Department of Agriculture
Eyer H. Boies Building
1351 Elm St.
Elko, NV 89801**

**Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104**

NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Robert Gronowski at the Nevada Department of Agriculture, 688-1182 ext. 239 as soon as possible.

NOTICE AND INTENT TO ADOPT REGULATIONS

The Nevada Department of Agriculture

PROPOSED AMENDMENTS TO:

1. **NAC 586.010 PERTAINING TO THE ANNUAL PESTICIDE REGISTRATION FEE.**
2. **NAC 586 PERTAINING TO THE RESTRICTED PESTICIDES REGISTRATION OF SELLER FEE.**
3. **NAC 588 PERTAINING TO FEES FOR FERTILIZER REGISTRATION, AGRICULTURAL MINERAL REGISTRATION AND AGRICULTURAL MINERAL REGISTRATION, SALE AND DISTRIBUTION FEE.**
4. **NAC 590 PERTAINING TO ANTIFREEZE PERMIT FEE**

Need and purpose of the proposed amendments:

1. Fee increases are necessary to pay the new administrative cost allocation and a new chemist II position for pesticide and fertilizer analyses.
2. Fees need to be established by regulation due to a change in the statutes.

Economic effect of the proposed amendments on the business which it is to regulate:

1. Adverse effects:
An increase in fee will have to be paid to register products. The new fee will be less than changed in other states and will not cause adverse effects.
2. Beneficial effects:
None.
3. Immediate and long term economic effects:
The adverse and beneficial economic are the same for immediate and long term economic effects.

Economic effects of the proposed amendments on the public:

1. Adverse effects:
None
2. Beneficial effects:
Analyses of these products ensures that they meet the stated label guarantee and will be effective and safe if used properly.
3. Immediate and long term:

The adverse and beneficial effects are the same for the immediate and long term economic effects.

Economic cost to the agency for the enforcement of the proposed amendments:

There will be no additional costs to the agency for the enforcement.

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:

There are no other state, local, or federal government regulations that these amendments overlap or duplicate.

Fees:

The proposed amendments increase existing fees for registering pesticides, fertilizers and agricultural minerals and restricted use pesticide seller registration.

The total income from the increased fees will be \$511,070 and will be used to pay the expenses of the budget.

The date, time, place, and manner in which interested parties may present their views on the proposed amendments:

DATE: August 9, 1999

TIME: 1:00 p.m.

PLACE: Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, Nevada 89502

Manner: Written comments and testimony may be submitted prior to the hearing date and will be included with any verbal testimony presented in the record of the hearing.

Address at which the text of the proposed regulations may be inspected and copied:

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NRS 233B.064 Permanent regulations not to be adopted until text approved or revised by the Legislative Counsel; agency's reasons for adoption.

2. Upon adoption of any regulation, the agency, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reasons for overruling the consideration urged against adoption.

Paul Iverson /s/
Paul Iverson, Director

7-6-99
Date

NEVADA DEPARTMENT OF AGRICULTURE
350 CAPITOL HILL AVE.
RENO, NV 89502
(775)688-1180

PROPOSED ADOPTION OF AMENDMENTS TO NAC 586.010 PERTAINING TO THE ANNUAL PESTICIDE REGISTRATION FEE.

AUTHORITY: NRS 586.270

586.011 Annual registration fee: Amount of fee for each pesticide registered; separate deposit of portion of fee.

1. Each registrant shall pay an annual registration fee of \$~~40~~ **60** for each pesticide registered.
2. The administrator will deposit in a separate account for the disposal of pesticides, \$5 of each annual registration fee collected pursuant to subsection 1, *up to a maximum of \$35,000 annually*.

NOTE: For any clarification of these amendments, please contact Chris Mason at (775) 688-1182 Ext.247.

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PROPOSED AMENDMENT TO NRS 586 PERTAINING TO RESTRICTED-USE PESTICIDES: REGISTRATION OF SELLER.

Authority: NRS 586.406

Chapter 586 of NAC is hereby amended by adding there to the provisions set forth as sections 1 to 3, inclusive, of this regulation.

Section 1. *It is unlawful for any person to sell or offer to sell at the retail level or distribute or deliver for transportation for delivery to the consumer or user a pesticide classified for restricted use pursuant to NRS 586.401 or the Federal Environmental Pesticide Control Act [7 U.S.C. §§ 136 et seq.] without first being registered with the administrator.*

Sec. 2. *Each person applying for registration must provide a statement including:*

- 1. The name and address of the person registering; and*
- 2. The name and address of any person who, on behalf of the person registering, sells, offers to sell, distributes or delivers for transportation a restricted-use pesticide.*
- 3. All registrations expire on December 31 and are renewable annually.*

Sec. 3. *Each person registering shall pay:*

- 1. An annual registration fee of \$25.*
- 2. A penalty fee of \$5 if the registration has expired by the failure to re-register on or before February 1, unless his registration is accompanied by a signed statement that no person named on the registration statement has sold or distributed any restricted-use pesticides during the period of the year during which the registration was not in effect.*

NOTE: For any clarification of these amendments, please contact Chris Mason at (775) 688-1182 Ext.247.

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PROPOSED AMENDMENTS TO NAC 588 PERTAINING TO FEES FOR FERTILIZER AND MINERAL REGISTRATION AND SALE AND DISTRIBUTION FEES.

Authority: NRS 588.170 and NRS 588.210

Chapter 588 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 and 2 of this regulation.

Section 1. *Annual registration fee for each fertilizer or agricultural mineral combined brand and grade.*

1. Each registrant shall pay an annual registration fee of \$40 for each fertilizer or agricultural mineral combined brand and grade.

Section 2 *Annual fee for the sale or distribution of fertilizer or agricultural mineral.*

1. There must be paid to the Division for all commercial fertilizers offered for sale, sold or distributed in this state a fee at the rate of 25 cents on every ton sold, but sales to manufacturers or exchanges between them are exempt.

2. There must be paid to the Division for all agricultural minerals offered for sale, sold or distributed in this state a fee of 25 cents per ton on every ton if sold in packages, or 5 cents per ton on every ton sold if sold in bulk, but sales to manufacturers or exchanges between them are exempt.

3. Annual sales or distribution of fertilizers of less than 20 tons are exempt from paying the fees.

4. Annual sales or distribution of agricultural minerals of less than 20 tons if sold in packages and 100 tons if sold in bulk are exempt from paying the fees.

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PROPOSED AMENDMENTS TO NAC 590 PERTAINING TO THE SALE OR HOLDING WITH INTENT TO SALE ANTIFREEZE WITH OUT PERMIT PROHIBITED; APPLICATION FOR PERMIT; SAMPLE; FEE; ISSUANCE OF CANCELLATION OF PERMIT.

Authority: NRS 590.380

Chapter 590 of NAC is hereby amended by adding thereto the provisions set forth as sections 1 to 3, inclusive, of this regulation.

Section 1. *Before any antifreeze may be sold, displayed for sale or held with intent to sell within this state, a sample thereof must be inspected annually by the state sealer of weights and measures.*

Section 2. *Upon application of the manufacturer, packer, seller or distributor and the payment of a fee of \$50 for each brand of antifreeze submitted, the state sealer of weights and measures shall inspect the antifreeze submitted. If the antifreeze is not adulterated or misbranded, if it meets the standards of the state sealer of weights and measures, and if it is not in violation of NRS 590.340 to 590.450, inclusive, the state sealer of weights and measures shall give the applicant a written permit authorizing its sale in this state for the fiscal year in which the inspection fee is paid.*

Section 3. *If the state sealer of weights and measures at a later date finds that the product to be sold, displayed for sale or held with intent to sell has been materially altered or adulterated, a change has been made in the name, brand or trade-mark under which the antifreeze is sold, or it violates the provisions of NRS 590.340 to 590.450, inclusive, he shall notify the applicant and the permit must be canceled forthwith.*

NOTE: For any clarification of these amendments, please contact Chris Mason at (775) 688-1182 Ext.247.