

LCB File No. T044-99

ADOPTED TEMPORARY REGULATION
OF THE DIVISION OF AGRICULTURE OF
THE DEPARTMENT OF BUSINESS AND INDUSTRY
(Effective May 21, 1999)

Authority: NRS 554.020

EXTERIOR QUARANTINE ON EUROPEAN PINE SHOOT MOTH

NAC 554.590 Establishment of quarantine. To prevent the introduction into Nevada of the European pine shoot moth, (*Rhyacionia buoliana*), the administrator hereby establishes a quarantine upon certain commodities which have originated in infested areas and may be carriers of the pest.

[Dep't of Agriculture, No. 54.05 § (a), eff. 2-1-52; A 3-1-70]

NAC 554.600 Areas under quarantine. All states and districts of the United States, except Alaska and Hawaii, are under quarantine.

[Dep't of Agriculture, No. 54.05 § (b), eff. 2-1-52; A 3-1-70]

NAC 554.610 Infested areas. 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.

[Dep't of Agriculture, No. 54.05 § (b) subsec. (b-1), eff. 2-1-52; A 3-1-70]

NAC 554.620 Commodities covered by quarantine. The following commodities are subject to restrictions as hosts or possible carriers of the European pine shoot moth:

1. All species and varieties of pine (*Pinus spp.*) trees (with or without roots); and
2. Any branches or twigs of pine bearing terminal buds, needles or shoots.

[Dep't of Agriculture, No. 54.05 § (c), eff. 2-1-52; A 3-1-70]

NAC 554.630 Certificate for entry.

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 which has been trapped for European pine shoot moth by the authorized agriculture official of the noninfested state, county [district] 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.

[Dep't of Agriculture, No. 54.05 § (d) subsecs. (1) & (2), eff. 2-1-52; A 3-1-70]

NAC 554.640 Special permits. The administrator may issue special permits to the state forester firewarden or the federal forest service authorizing the entry of seedling trees from the infested area without treatment for reforestation or scientific research if such trees have been grown in a greenhouse under official supervision or otherwise produced and subsequently handled under conditions which are satisfactory to the administrator so as to preclude infestation or exposure to infestation by the European pine shoot moth.

[Dep't of Agriculture, No. 54.05 § (d) subsec. (3), eff. 2-1-52; A 3-1-70]

Treatment Procedures

NAC 554.650 Requirements for fumigation chamber.

1. All methyl bromide fumigation of pine stock must be performed in a chamber or gastight enclosure approved by the proper plant quarantine official of the authorized agricultural inspection agency as being properly constructed, equipped and operated to assure the correct dosage, temperature control and uniform distribution of the fumigant.

2. After an initial introduction of 4 pounds per 1,000 cubic feet, the chamber must be capable of maintaining a gas concentration of not less than 51 ounces per 1,000 cubic feet at the termination of the recommended fumigation period.

3. All chambers and gastight enclosures used for the fumigation of pine stock with methyl bromide must be tested at regular intervals, at least annually, by the certifying agency.

[Dep't of Agriculture, part No. 54.05-1, eff. 8-1-62]

NAC 554.660 Arrangement of commodities in fumigation chamber.

1. Not over two-thirds of the chamber may be occupied by the commodity.
2. Free air space must be left between the top, bottom and sides of the chamber.
3. If a load is to be stacked, a minimum of 5 inches of air space must be provided between the layers. With the exception of baled stock, the space between the top of the material and the top of the chamber must be at least 12 inches. The space between the side of the material and the side of the chamber and between rows must be at least 6 inches. For baled stock, these minimum distances must be doubled.

[Dep't of Agriculture, part No. 54.05-1, eff. 8-1-62]

NAC 554.670 Volatilizers.

1. Gas used in fumigation must be volatilized.
2. A volatilizer must consist of 25 feet of 1/4-inch or 3/8-inch coiled, copper tubing immersed in a container of hot water maintained at a minimum temperature of 180°F.
3. The volatilizer must be in the introduction system between the methyl bromide dispenser and the chamber.

[Dep't of Agriculture, part No. 54.05-1, eff. 8-1-62]

NAC 554.680 Schedule of fumigation.

1. The treatment consists of methyl bromide fumigation under normal atmospheric pressure.
2. Methyl bromide must be applied at the rate of 4 pounds for each 1,000 cubic feet of space in the chamber for the following periods according to the temperature in the chamber:

Period of treatment

Temperature in the chamber (°F) Hours Minutes

45 - 49 3 28

50 - 54 3 8

55 - 59 2 52

60 - 64 2 38

65 - 69 2 22

70 - 74 2 9

Temperatures above 65°F may result in injury to stock.

[Dep't of Agriculture, part No. 54.05-1, eff. 8-1-62]

NAC 554.690 Contents of certificates. Certificates must affirm that at least 4 pounds of methyl bromide was applied per 1,000 cubic feet of space in a chamber and must set forth the temperature in the chamber and the period of exposure.

NOTE: For any clarification of these amendments, please contact Robert Gronowski at (775) 688-1182 Ext 239

**ADOPTED TEMPORARY REGULATION
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INFORMATIONAL STATEMENT

The following statement is submitted for adopted temporary amendments to Nevada Administrative Code (NAC) 554.590-554.690

1. A public workshop was held on March 15, 1999 in Reno, Nevada at the Nevada Division of Agriculture office located at 350 Capitol Hill Avenue.

A public workshop was held on March 29, 1999 in Reno, Nevada at the Nevada Division of Agriculture office located at 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing were posted at all six Division offices, the Nevada State Library in Carson City, and all Nevada County Libraries. Copies could be requested from the Nevada Division of Agriculture by writing to 350 Capitol Hill Avenue Reno, Nevada 89502, calling (702) 688-1180, contacting all other Division offices, the Nevada State Library in Carson City, and all Nevada County Libraries. All persons who have requested to be notified of amendments were notified by mail.

2. Workshop held March 15, 1999-Reno
0 people attended
no written statements were submitted

Hearing held March 19, 1999-Reno
There were no business or public attendees
no written statements were submitted

3. Comments were solicited from business and the public by posting in public locations and thru direct mail notices as outlined in #1 above. There was no oral or written comments submitted. A copy of the comments may be obtained by calling the Nevada Division of Agriculture office, (702) 688-1180.
4. Due to no objections received, the amendments were adopted without change by the Nevada Board of Agriculture on May 14, 1999.
5. The economic effects of the adopted amendments on the business which it is to regulate;

Adverse effects:

Treatment or trapping to determine uninfested status will increase the cost of shipping plants from infested areas.

Beneficial effects:

Nurseries who want to ship plants from the infested areas to Nevada will be able to treat or have them certified. Based on trapping and continue to ship them to Nevada.

Immediate and long term economic effects:

The economic effects are both immediate and long term.

The economic effects of the adoption of the amendments on the public:

Adverse effects:

None

Beneficial effects:

The public will benefit from the prevention of the entry of this pest which if it became established would cause severe economic and environmental losses to occur.

Immediate and long term effects:

The economic effects are both immediate and long term.

6. Economic cost to the agency for the enforcement of the regulation:

There will not be any additional cost to the agency to enforce the amendments adopted.

7. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.

8. The amendments adopted do not include any provisions more stringent than any federal regulation which the same activity.

9. This regulation does not establish or increase any fees.