

LCB FILE No. T015-00

**PROPOSED TEMPORARY REGULATION OF THE
STATE QUARANTINE OFFICER**

NOTICE OF INTENT TO ADOPT REGULATIONS

THE NEVADA DEPARTMENT OF AGRICULTURE

Proposed temporary amendments to NAC 554.180 pertaining to the areas under quarantine against Japanese beetle and 554.600 to 554.690 pertaining to an exterior quarantine against European pine shoot moth.

Need and purpose of the proposed amendments

New areas have become infested with Japanese beetle and need to be included to the areas under quarantine.

New areas infested with European pine shoot moth need to be added to the areas under quarantine. Trapping and treatments have been added as certification methods. These certification methods allow the covered commodities to enter Nevada if certified as meeting either the trapping or treatment requirements.

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

1. Adverse effects:

None.

2. Beneficial effects:

Both quarantines contain certification methods which will allow uninfested commodities to enter Nevada.

3. Immediate and long-term effects:

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

Economic effects of the proposed amendments on the public:

1. Adverse effects:

None

2. Beneficial effects:

The quarantines prevent the entry of these pests into Nevada. The entry and establishment of these pests would cause economic loss to commercial crops and privately grown plants.

3. Immediate and long-term effects:
None

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

Their will be no additional cost to the agency for enforcement of the amendments.

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 do not contain any new fees or increase any existing fees.

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

DATE: November 9, 2000

TIME: 10:00 a.m.

PLACE: Nevada Department of Agriculture Office- Reno
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 testimony presented at the hearing. All variable and written testimony will be in the record of the hearing.

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.

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

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

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

**Nevada Department of Agriculture
Eyer H Boies Building
Elko, NV 809801**

**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, (775)-688-1182 Ext. 239 as soon as possible.**

NRS 233B.064 Permanent regulations not to be adopted 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 adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

Paul Iverson, Director

Date

NOTICE OF WORKSHOP

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

1. NAC 554.020 to 554.690 pertaining to the exterior quarantine against European Pine Shoot Moth.
2. NAC 554 pertaining to an exterior quarantine against Mint Stem Borer.
3. NAC 554 pertaining to an exterior quarantine against Potato Late Blight.
4. NAC 554.180 pertaining to the areas under quarantine against Japanese Beetle.
5. NAC 587.340 pertaining to inspection and certification fees.

DATE: October 18, 2000

TIME: 9:00 a.m.

Place: Nevada Department of Agriculture- Reno Office
350 Capitol Hill Avenue
Reno, NV 89502-2923

For clarification on the proposed amendments contact Robert Gronowski 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 county libraries. The Department of Agriculture offices in Reno, Sparks, Elko or Winnemucca during the hours of 8:00 a.m. to 5:00 p.m., Monday to Friday

**NEVADA DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a frame work pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshop by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 554.020 to 554.690 (European Pine Shoot Moth), NAC 554(Mint Stem Borer), NAC 554(Potato Late Blight), NAC 554.180(Japanese Beetle), and NAC 587.340 (Inspection and certification fees).

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? No

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

3. If **YES** to either of questions 1 & 2, the following action must be taken:
 1. Was a small business impact statement prepared and was it available at the public workshop?
 2. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

Small Business Impact Form- Part 1

SMALL BUSINESS IMPACT STATEMENT

Small Business Impact Form- Part 2
(NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
 - a. Both adverse and beneficial effects
 - b. Both direct and indirect effects
3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
 - a. Simplification of the proposed regulation.
 - b. Establishment of different standards of compliance for a small business.
 - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent, and why it is necessary.

Nevada Department of Agriculture
350 Capitol Hill avenue
Reno, Nevada 89502
(775)688-1180

**PROPOSED TEMPORARY EXTERIOR AMENDMENTS TO NAC 554.020 TO 554.690
PERTAINING TO THE EXTERIOR QUARANTINE AGAINST EUROPEAN PINE
SHOOT MOTH**

Authority: NRS 554.020

NAC 554.020 Establishment of quarantine: The Director of the Nevada Department of Agriculture, under his authority as the State Quarantine Officer, hereby establishes a quarantine to prevent the introduction into Nevada of the European pine shoot moth, (*Rhyacionia buoliana*). The Director hereby establishes a quarantine upon certain commodities which have originated in infested areas and may be carriers of the pest.

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

NAC 554.610 Infested areas. (NRS 554.020, 554.030) Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Washington, West Virginia, ~~and~~ Oregon, *Kansas, Tennessee, Vermont, and Wisconsin* are infested areas.

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.

NAC 554.630 Certificate for entry. (NRS 554.020, 554.030)

1. Commodities which are covered by the quarantine are prohibited from entering this state from the areas 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 *commodities* ~~articles accompanied thereby have been produced in and shipped from a growing sight or growing area that has been trapped for European pine shoot moth by the authorized agricultural official of the noninfested state, county or parish and found free of European pine shoot moth; or~~ *originate from a non-infested state, county, or parish and are apparently free of European pine shoot moth; or*

(b) The restricted ~~[articles]~~ *commodities* accompanied thereby have been treated under official supervision before] *originate* in ~~[and shipped from a growing site or growing area]~~ *an infested state, county or parish and are shipped from a growing site or growing area that has been trapped for European pine shoot moth in accordance with NAC 554.645 by the authorized agricultural official of the [non]infested state, county or parish and found to be free of European pine shoot moth; or*

(c) *The restricted commodities accompanied thereby have been treated under official supervision before shipment in a manner prescribed by NAC 554.650 to 554.690, inclusive or in a manner approved by the director.*

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 A by St. Quarantine Officer by R080 99, 10 26 99)

NAC 554.640 Special permits. The director may issue special permits to the state forester, fire warden 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 condition which are satisfactory to the director so as to preclude infestation or exposure to infestation by the European pine shoot moth.

NAC 554.645

Trapping Procedures. The pheromone of the European pine shoot moth has been determined to be “Trans-9-DoDecenyl Acetate.”“Trans-9-DoDecenyl Acetate” should be used according to instructions received with your order to prepare traps.

The trapping plan shall require one properly prepared pheromone trap for each four acres of plantation of pine trees, or nursery property containing pine stock. In no instance shall less than two traps be employed regardless of how small the area is to be trapped. The traps shall be maintained during the entire period of May 15 to July 31 each year.

Trapping plans shall be carried out under the supervision of the recognized state agricultural agency at origin and the traps shall be read by a state, or state approved, entomologist that is familiar with the adult stage of the European pine shoot moth.

Treatment Procedures

NAC 554.650 Requirements for fumigation chamber.

1. All methyl bromide fumigation of pine stock must be performed in a chamber or gas tight enclosure approved by the proper plant quarantine official of the authorized agricultural inspection agency as being properly constructed, equipped and operated to ~~[assure]~~ *ensure* 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 gas tight enclosures used for the fumigation of pine stock with methyl bromide must be tested at regular intervals, at least annually, by the certifying agency.

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.

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)	Period of Treatment	
	Hours	Minutes
45° to 49°	3	28
50° to 54°	3	8
55° to 59°	2	52
60° to 64°	2	38
65° to 69°	2	22
70° to 74°	2	9

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

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.

For any clarification on these amendments contact John O'Brien at (775)688-1182 Ext. 241