

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R032-01

Effective January 17, 2002

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

AUTHORITY: §§1-15, 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 12, inclusive, of this regulation.

Sec. 2. 1. *Each trap used for the European pine shoot moth must be prepared using the pheromone “Trans-9-DoDecenyl Acetate” in accordance with any instructions provided for the trap. Such a trap must be used for each four acres of land containing pine stock. Not less than two of those traps must be used regardless of the size of the area trapped. Each trap must be maintained in operating condition from May 15 to July 31, inclusive, of each year.*

2. Each plan for trapping the European pine shoot moth must be carried out under the supervision of the agricultural agency of the state of origin. Each trap must be read by an entomologist who:

(a) Is employed or approved by that agricultural agency; and

(b) Has knowledge of the adult stage of the European pine shoot moth.

Sec. 3. *A quarantine is hereby established upon any commodity specified in section 6 of this regulation that originates in an infested area specified in section 4 of this regulation and may be a carrier of the mint stem borer (*Pseudobaris nigrina*).*

Sec. 4. *The following areas are infested with the mint stem borer:*

- 1. The states of Alabama, Connecticut, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina and Virginia; and*
- 2. The counties of Ada, Canyon, Elmore, Gem, Owyhee, Payette and Washington in Idaho and the county of Malheur in Oregon.*

Sec. 5. *The following areas are restricted:*

- 1. Any state or county not specified in section 4 of this regulation, other than Alaska or Hawaii; and*
- 2. The District of Columbia.*

Sec. 6. *The following commodities are under quarantine:*

- 1. Any stock used to plant mint, including, without limitation, any root, stolon, rhizome or cutting of peppermint (*Mentha piperita*), spearmint (*Mentha spicata*) or any other species of the genus *Mentha*; and*
- 2. Any soil that is associated with or attached to any stock specified in subsection 1.*

Sec. 7. *1. The entry into this state of a commodity specified in section 6 of this regulation that originates in an infested area is prohibited.*

2. A commodity specified in section 6 of this regulation is prohibited from entering this state from a restricted area unless the commodity is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural inspection officer of the state of origin certifying that:

- (a) The planting stock was inspected;*
- (b) The field from which the planting stock originated was inspected during the growing season for the planting stock and before any mint hay was cut from the field; and*

(c) The planting stock and field were found to be free of the mint stem borer.

*Sec. 8. A quarantine is hereby established upon any commodity specified in section 10 of this regulation that originates in an infested area specified in section 9 of this regulation and may be a carrier of late blight (*Phytophthora infestans*).*

Sec. 9. Each state, district and territory of the United States is an infested area.

Sec. 10. The following commodities are under quarantine:

- 1. Any seed potato or potato plant; and*
- 2. Any plant of the genus *lycopersicon*, except tomato seeds.*

Sec. 11. 1. Any commodity specified in section 10 of this regulation is prohibited from entering this state from an infested area unless the commodity is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural officer of the state of origin.

2. If the commodity is a seed potato or potato plant, the certificate must state that the seed potato or potato plant:

(a) Was produced and certified as a certified seed potato in the state or county of origin; and

(b) Was inspected in storage and at the point of shipping, and late blight was not found in the lot.

*3. If the commodity is a plant of the genus *lycopersicon*, the certificate must state that the plant:*

(a) Was grown in a nursery or greenhouse;

(b) Was inspected at that nursery or greenhouse and was found to be free of late blight;

(c) Before shipment, was treated with a registered fungicide that is labeled for the control of late blight; and

(d) Was inspected at the point of shipment and found to be free of late blight.

Sec. 12. *Any commodity specified in section 10 of this regulation that is found to be infested with late blight or shipped to a destination in this state in violation of the quarantine imposed pursuant to sections 8 to 12, inclusive, of this regulation must be immediately shipped to a destination located outside of this state or destroyed or treated in a manner approved by the department. If any commodity is shipped, destroyed or treated pursuant to this section, the owner of the commodity or his agent is liable for the cost of the shipment, destruction or treatment.*

Sec. 13. 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 *Alabama, Arkansas*, Connecticut, Delaware, Georgia, Illinois, Indiana, *Kansas*, Kentucky, Maine, Maryland, Massachusetts, Michigan, *Minnesota, Missouri*, New Hampshire, New Jersey, New York, North Carolina, Ohio, *Oklahoma*, Pennsylvania, Rhode Island, South Carolina, Tennessee, *Texas*, Vermont, Virginia , ~~[and]~~ West Virginia ~~;~~ *and Wisconsin;*

2. The ~~[counties of Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, Coosa, De Kalb, Etowah, 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, Stone, Warren and Washington and the City of St. Louis in Missouri;~~

~~—6. The counties of Dane, Door, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Sheboygan, Waukesha and Wood in Wisconsin;~~

~~—7. The] District of Columbia;~~

~~[8. The counties of Haldimand-Norfolk, Hamilton-Wentworth and Niagra in the Province]~~

and

3. The provinces of Ontario [~~Canada;~~ and

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

Sec. 14. NAC 554.610 is hereby amended to read as follows:

554.610 *The states of* Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, *Kansas*, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, *Oregon*, Pennsylvania, Rhode Island, *Tennessee, Vermont*, Washington, West Virginia and [~~Oregon]~~ *Wisconsin* are infested areas.

Sec. 15. 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]~~ *commodities originate in a noninfested state, county or parish and are free of European pine shoot moth;*

(b) The restricted commodities originate in 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 by the authorized agricultural official of the ~~[noninfested]~~ infested state, county or parish in accordance with section 2 of this regulation and found to be free of European pine shoot moth;
or

~~[(b)]~~ *(c) The restricted ~~[articles accompanied thereby]~~ commodities have been treated under official supervision before shipment in a manner prescribed by NAC 554.650 to 554.690, inclusive ~~[-~~*

~~—3.—No], or in a manner approved by the director.~~

3. A certificate is not required for pine trees, branches or twigs which are cut for ornamental purposes from October 20 to December 31 of any year.

**ADOPTED REGULATION OF THE
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NOTICE OF ADOPTION

On August 30, 2001, the Nevada Board of Agriculture adopted regulations assigned LCB file number R021-01 which pertain to chapter 554 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

INFORMATIONAL STATEMENT

1. A public workshop was held on October 10, 2001, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.
2. A public hearing was held on October 10, 2001, in Reno, Nevada, at the Nevada Department of Agriculture Office, 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada, 89502, calling (775) 688-1180, contacting all other Department 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 fax or e-mail.

3. Workshop held October 10, 2001 – Reno

Number attended:	0
Number testified:	0
No written statements were submitted:	0

Summary of comments: None.

4. Hearing held October 10, 2001 – Reno

Number attending:	0
Number testifying:	0
Number of written statements submitted:	0

5. Comments were solicited from business and the public by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The Nevada Board of Agriculture adopted the amendments without changes.

6. The economic effects of the adopted amendments on the business which it is to regulate include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
Plant dealers in Nevada would be assured of receiving pest free stock.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.
7. Economic effects of the proposed amendments on the public include:
 - a. Adverse effects:
None
 - b. Beneficial effects:
The quarantines prevent the entry of these pests into Nevada. The entry and establishment of this disease would cause economic loss to commercial and privately grown host plants.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for the immediate and long-term.
8. 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.
9. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.
10. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.
11. This regulation does not establish or increase any fees.