

## **LCB FILE No. R032-01**

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

(This proposed regulation was previously included in LCB File Nos. T015-00, T016-00, T017-00, T018-00 & T030-01)

#### **NOTICE OF INTENT TO ADOPT REGULATIONS**

Proposed amendments to NAC 554 pertaining to the exterior quarantines against Japanese beetle, European pine shoot moth, mint stem borer and late blight.

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.

Mint stem borer is a destructive pest of mint crops. Mint stem borer does not exist in Nevada. A quarantine is needed to prevent the entry and establishment of this pest in Nevada.

Late blight is a destructive disease of potatoes and tomatoes, a quarantine is needed to prevent this disease from entering and establishing in Nevada.

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

1. Adverse effects:

None.

2. Beneficial effects:

The 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:

There 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: October 9, 2001

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

Nevada Department of Agriculture

350 Capitol Hill Avenue  
Reno, NV 89502

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.

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.

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Paul Iverson, Director

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Date

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

## **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.

DATE: October 9, 2001

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

**LCB FILE No. R032-01**

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

**PROPOSED AMENDMENT TO NAC 554 PERTAINING TO EXTERIOR  
QUARANTINE AGAINST MINT STEM BORER**

Authority: NRS 554.020

Chapter 554 is hereby amended by adding thereto the provisions set forth as sections 1 to 5, inclusive, of this regulation.

Section 1. Establishment of Quarantine. The director hereby establishes a quarantine upon certain commodities which have originated in infested areas and may be carriers of the mint stem borer (Pseudobaris nigrinia).

Sec. 2. Infested areas. The following areas are considered infested with mint stem borer:

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

Sec. 3. Restricted areas. The following areas are considered restricted:

1. All states and counties of the United States and not included in Sec. 2 except Alaska and Hawaii, and
2. The District of Colombia.

Sec. 4. Commodities covered by quarantine.

1. Mint planting stock including, but not limited to, all roots, stolons, rhizomes and cuttings of peppermint (Mentha piperita), spearmint (Mentha spicata) or any other species of the genus Mentha; and
2. Any soil in association with, or attached to, any such plants, rhizomes and cuttings.

Sec. 5. Conditions for entry of commodities covered by quarantine.

1. The entry of covered commodities from the infested area is prohibited.
2. Certificate for entry.

Commodities covered by this quarantine are prohibited from entering this state from restricted areas unless the 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, certifying that:

- (1) The planting stock was inspected
- (2) The field from which stock originated was inspected during the growing season before the cutting of the mint hay; and
- (3) The field and the mint planting stock was found to be free of mint stem borer.

**PROPOSED AMENDMENT TO NAC 554 PERTAINING TO AN EXTERIOR  
QUARANTINE AGAINST POTATO LATE BLIGHT**

Authority: NRS 554.020

Chapter 554 is hereby amended by adding thereto the provisions set forth as sections 1 to 5, inclusive, of this regulation.

Section 1. Establishment of Quarantine. The director hereby establishes a quarantine upon certain commodities which have originated in infected areas and may be carriers of potato late blight (Phytophthora infestans).

Sec. 2. Infested areas. All states, districts and territories of the United States.

Sec. 3. Commodities covered by quarantine. Certified seed potatoes and seed potatoes including seed for home gardens; potato plants and tomato plants including all varieties of *Lycopersicon spp.*, *Except tomato seeds*.

Sec. 4. Certificate for entry.

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

2. The certificate must state:

(1) The seed potatoes or potato plants:

- (1) were produced as certified seed potatoes in the state or county of origin and are certified, and
- (2) were inspected in storage and no late blight was found in the lot, and
- (3) were inspected at the shipping point and no late blight was found.

(2) The tomato plants:

- (1) were grown in a nursery or greenhouse, inspected and found free of late blight, and
- (2) were inspected at the shipping point and no late blight was found, and
- (3) were treated prior to shipment with a registered fungicide labeled for late blight disease control.

Sec. 5. Disposition of violations.

All shipments of covered commodities arriving in Nevada in violation of this quarantine or found infested with potato late blight, shall be immediately shipped out of state or destroyed by burning or other method approved by the Department. All costs for shipment out of state, destruction or treatments shall be performed at the expense of the owner, or duly authorized agent.

**PROPOSED AMENDMENTS TO NAC 554.180 PERTAINING TO THE AREAS UNDER  
QUARANTINE AGAINST JAPANESE BEETLE.**

Authority: NRS 554.020

NAC 554.180 Areas under quarantine. (NRS 554.020, 554.030) 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 *Autauga*, Blount, Calhoun, Chambers, Cherokee, Clay, Cleburne, *Colbert*, Coosa, De Kalb, Etowah, *Fayette*, Jackson, Jefferson, Lee, Limestone, Macon, Madison, Marion, Marshall, Morgan, Randolph, Shelby, St. Clair, Talladega, Tallapoosa, Tuscaloosa and Winston in Alabama;
3. *The counties of Benton and Washington in Arkansas;*
- ~~3~~4. *The counties of Dubuque and Lyn in Indiana;*
- ~~4~~5. The counties of Johnson, Sedgwick, Shawnee and Wyandotte in Kansas;
- ~~4~~6. The counties of Carver, Dakota, Hennepin, Ramsey ~~and~~, Scott *and Washington* in Minnesota;
- ~~5~~7. The counties of *Christian*, Franklin, Jefferson, Saint Louis, Stone, Warren and Washington, and the City of St. Louis in Missouri;
8. *The county of Kay in Oklahoma;*
9. *The counties of Benton, Decatur and Perry in Tennessee;*
10. *The counties of Collin, Dallas, Harris, Tarrant and Zandt in Texas;*
- ~~6~~11. The counties of Dane, Door, Fond du Lac, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Sheboygan, Waukesha and Wood in Wisconsin;
- ~~7~~12. The District of Columbia;
- ~~8~~13. The counties of Haldimand, Norfolk, Hamilton, Wentworth and Niagra in the Province of Ontario, Canada; and

~~19~~ 14. The regional municipalities of Brome, Missiquoi, Champlain, Le Bas, Richelieu, Le Haut, Richelieu and Rousillon in the Province of Quebec, Canada.

#1. NAC 571.040(3)

This allows the chief livestock health official to modify specific animal import regulations when, in his judgment, the overall intent of the regulation is not compromised.

The proposal is to add another specific exemption available for his consideration by adding the option of waiving the requirement for Brucellosis vaccination under certain circumstances.

There are presently three possibilities for exempting livestock from import requirements under #571.040(3a,b,&c). The addition of #571.040(3d) would recognize the Brucellosis free status of other western states, which do not currently require calfhood vaccination, while expanding the market for Nevada seasonal pastures. It would read as follows:

*(d) Cattle from the calfhood Brucellosis vaccination requirement that are imported for seasonal grazing purposes from an area designated as Brucellosis free by the USDA. These animals must test negative to Brucellosis within 30 days prior to entry. In addition, they may not change ownership nor commingle with other cattle except for movement directly to slaughter, while in Nevada.*

The risk of this class of livestock introducing Brucellosis into Nevada is minimal because they originate in a free area, are tested negative before being shipped in, cannot change ownership while here, and must leave the state at a designated time.

#2. NAC571.045

This regulation was originally adopted to accommodate Nevada ranchers controlling properties on both sides of the state boundary line in their normal ranching operation. It allows movement of livestock across state lines without meeting the requirements for health certificates and entry permits. It is titled “Grazing permit for cattle or bison” and is commonly called a pasture-to-pasture permit. In recent years livestock operators from other states not owning property in

Nevada have been using the pasture-to-pasture permit for seasonal grazing purposes. The proposal is to tighten up this permit process by identifying those native Nevada cattle moving across state lines in the course of normal ranching operations as being exempt from entry permits and health certification, and placing the seasonal grazers from other states in a “commuter” category subject to import regulations.

The wording of NAC 571.045 would be changed to read as follows:

***Grazing permit for cattle or bison.***

***1. An owner of cattle or bison who has his principal base of operation in Nevada and owner or controls property in an adjoining state may apply for a permit to move native livestock between these premises without obtaining an entry permit and certificate of veterinary inspection for each movement. Native livestock are defined as animals bearing a registered Nevada brand.***

***2. An owner of cattle or bison who has his principal base of operation in another state may apply for a commuter permit to move livestock into Nevada for grazing purposes in variance with animal health import regulations under such conditions as the Administrator may specify.***

***a) The commuter permit must be approved by the chief animal health official of each state in which the livestock graze.***

***b) The commuter permit is valid for one grazing season only and must not exceed twelve calendar months in duration.***

#3. NAC 571.355

This regulation, “Vaccination of female cattle before change of ownership” was enacted when Brucellosis was a problem in Nevada. It allows no flexibility to accommodate changes of ownership for other than breeding purposes. The rule also prohibits the sale of vaccination-age eligible heifers that are not vaccinated. The status of the Brucellosis situation has changed in the

United States. There are now only six infected herds in the country, and the entire western area is bangs free other than in the greater Yellowstone Elk & Bison herds. This regulation needs to be modified to allow the sale of vaccination eligible calves, animals destined for finish feeding, or neutered females headed for grass prior to finishing.

The wording of NAC 571.355 is proposed to be changed to read as follows:

*Vaccination of female cattle or bison before change of ownership*  
*Female cattle or bison more than twelve (12) months of age must be vaccinated against Brucellosis before any change of ownership occurs in Nevada unless:*

- 1. identified in an approved manner as spayed females,*
- 2. sold directly or through an approved salesyard for slaughter,*
- 3. sold and immediately transported to a destination out of state,*
- 4. consigned to a finish feedlot registered with the Department of Agriculture; these animals shall only be moved from the feedlot directly to slaughter.*

#4. NAC 571.095, Transportation of livestock.

This regulation requires that a person who is transporting livestock in Nevada shall carry health certificates for the livestock. It exempts, (a) livestock being transported only within Nevada, (b) livestock entering the state if the driver has in his possession a grazing or commuter permit issued by the Bureau Chief, and (c) animals coming into Nevada only for slaughter. It does not exempt livestock being transported through Nevada originating in another state and destined to another state. This has in the past, resulted in Nevada livestock inspectors issuing citations to persons transiting Nevada with livestock when, in fact, no violation of regulations occurred.

Rule 571.090 states “livestock may be transported through the state without restriction if no part of the shipment is diverted within this state or unloaded for feed and rest for not more than 48 hours.” In addition, not all states require health certificates on all classes of livestock being imported into their state.”

To avoid future confusion and misunderstanding, it is proposed that a fourth exemption be added to NAC#571.095

NAC 571.095.3 (d)

*(d) Livestock being transported through Nevada where the state of destination has no requirement for a health certificate.*

The above changes were endorsed by the affected Industries and approved by the Board of Agriculture at its February 2000 meeting in Reno. The additional following changes are necessitated by new & emerging animal disease threats.

Changes in Michigan and Mexico's tuberculosis status necessitate the change in NAC 571.040 (2d) and NAC 571.040 (3c) to include all classes of cattle rather than limiting them to "Dairy" cattle. The wording in each would be changed to read as follows.

#5 NAC 571.040 (2d) *All cattle and bison that are 12 months of age or older, unless exempted by NAC 571.040 (3), must react negatively to a test for tuberculosis within 30 days prior to entry and must be retested after arrival at 90-120 days and again at 180-210 days.*

#6 NAC 571.040 (3c) *All cattle and Bison from the requirement of testing for tuberculosis if the cattle or bison originate from a State that is recognized as free of tuberculosis by the United States Department of Agriculture.*

The addition of a restriction on importing sexually intact cattle from Mexico into Nevada is now needed because the U.S.D.A. is permitting this class of livestock entry into the United States under the terms of N.A.F.T.A. These animals do not meet Nevada's' animal health standards for entry. Intact Mexican-origin cattle have never been allowed into the state. The new regulation would read as follows:

#7 NAC 571.040 (4) *All sexually intact Mexican- origin cattle are denied entry into the state of Nevada except under such conditions as the Chief Livestock Health Officer may specify.*

#8 NAC 576.200

This regulation lists the prerequisites for importing alternative livestock into Nevada. The proposal is to require an additional statement on the certificate of veterinary inspection noting the absence of Chronic Wasting Disease in the herd of origin. The reason this is necessary stems from the emergence of this condition in Rocky Mountain Elk as a serious disease entity since NAC 576 was enacted. The addition of NAC 576.200(7) would read as follows.

NAC 576.200(7). *If the alternative livestock are Rocky Mountain elk (Cervus elaphus nelsoni), each animal is certified by an accredited veterinarian to originate from a herd participating in an official Chronic Wasting Disease monitoring program and that no Chronic Wasting Disease has been diagnosed in that herd for the preceding five years. If an official ante mortem test for Chronic Wasting Disease becomes available the Administrator may wave this requirement if the animals are negative to an official test.*

**PROPOSED 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.

**PROPOSED REGULATION OF THE  
STATE 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) an NAC 554.180(Japanese Beetle).

**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:
  - a. Was a small business impact statement prepared and was it available at the public workshop?
  - b. 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.

**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.