

LCB File No. T027-03

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

NOTICE OF INTENT TO ADOPT REGULATIONS

Proposed temporary amendment of NAC 586, pertaining to the listing of strychnine and its salts as a state restricted use pesticides for distribution by licensed pesticide dealers and for use by restricted use certified applicators only.

Need and purpose of the proposed amendments:

Formulations of strychnine are being misused by the public to kill dogs by placement in or on food. This illegal activity also exposes children to the poison.

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

1. Adverse effects:
There will be minimum effects of sales loss due to restricting strychnine. There are alternative products that can be sold to the general public.
2. Beneficial effects:
None.
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:

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1. Adverse effects:
None.
2. Beneficial effects:
Strychnine will no longer be available for sale to non-certified persons, which will assist in preventing its use to kill dogs and exposing the public to this potent poison.
3. Immediate and long-term effects:
The beneficial and adverse effects are the same for the immediate and long- term economic effects.

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:

Does not duplicate or overlap any state or federal regulations.

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: May 9, 2003

TIME: 4:00 p.m.

PLACE: Nevada Department of Agriculture Office, Las Vegas
2300 Mcleod
Las Vegas, NV 89104

DATE: May 12, 2003

TIME: 2:00 p.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.

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.

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

Purposed adoption of a temporary amendment to NAC 586 pertaining to the listing of Strychnine and its salts as State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only

Authority: NRS 586.401

NAC 586. State restricted use pesticides for distribution by licensed pesticide dealers and for use by certified applicators only.

Pesticides containing the following active ingredients are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their authorized agents. The certified applicator shall have a valid certification to use or purchase the kind and quantity of such pesticides sold or delivered. These pesticides shall be used and applied by a certified applicator(s) or persons under the direct supervision of a certified applicator(s), and only for those uses covered by the certified applicator's certification category(ies).

1. Any Environmental Protection agency restricted use pesticide not listed in this regulation.

2. Strychnine and its salts.

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 workshops 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 586 Pertaining to the listing of strychnine and its salts as state restricted use pesticides for distribution by licensed pesticide dealers and for use by restricted use certified applicators only.

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.