

**LCB File No. R031-06**

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

**NOTICE OF WORKSHOP**

A workshop will be held on proposed of NAC 587.414 Section 1.d, NAC 587.428 Section 3.f pertaining to the Potato Certification Program.

DATE: Tuesday, April 4th

TIME: 1:00pm

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

For clarification on the proposed amendments contact Gary W. Cross at (775) 688-1182, ext. 244.

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

**NOTICE OF INTENT TO ADOPT REGULATIONS**

Proposed amendment of NAC 587.414 Section 1. d , NAC 587.428 Section 3. f  
Pertaining to the Potato certification program.

Need and purpose of the proposed amendments: To be in compliance with the National Seed Potato Certification program.

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

1. Adverse effects: none.
2. Beneficial effects: This enables the export of Nevada potatoes to Canada and perhaps other countries.

3. Immediate and long term effects: Same

Economic effects of the proposed amendments on the public:

1. Adverse effects: None

2. Beneficial effects: None

3. Immediate and long-term effects: Same

Economic cost to the agency for enforcement of the proposed amendments: None

Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate: National seed potato standards for export. This enables Nevada standards to conform to the National standards which enable export to Canada and other countries.

Fees: none

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

DATE: Tuesday, April 4<sup>th</sup> 2006

TIME: 2:00 pm

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 oral 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  
1351 Elm St.  
Eyer H Boies Building  
Elko, NV 89801

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 Gary W. Cross at the Nevada Department of Agriculture, (775)688-1182 Ext. 244 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.

**LCB File No. R031-06**

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

US Seed Potato Certification Program:

Request to go to workshop and hearing to add language to be in compliance with the US Seed Potato Certification Program.

Workshop and hearing notices will be sent to required locations and to Nevada Potato Seed Producers. This would put Nevada in certification compliance with all potato seed producing states.

**NAC 587.414 Eligibility: Diseases and other factors making planting ineligible; corrective measures.** (NRS 587.077, 587.083)

1. A planting is not eligible to produce certified seed potatoes if any of the following diseases have been proven to exist in the field or in potatoes grown in the field:

- (a) Root-knot nematode.
- (b) Corky ring spot.
- (c) Rhizomania.

*(d) Golden nematode management plan and potato necrotic virus management plan. Plans may include surveys, records of inspections, etc.*

2. A field is not eligible to produce certified seed potatoes if any of the following potatoes were grown in the field during the previous growing season:

- (a) Noncertified potatoes.
- (b) Potatoes proven to be infected with bacterial ring rot.

3. For a planting to be eligible to produce certified seed potatoes, if noncertified potatoes or potatoes proven to be infected with bacterial ring rot were grown in the field, the grower must farm the field with a crop other than potatoes immediately following the growing season during which the noncertified or infected potatoes were grown.

4. For a planting to be eligible to produce certified seed potatoes, the grower must:

- (a) Rogue all diseased and off-type plants during the growing season;
- (b) Remove from the planting and destroy all rogued plants, seed pieces, new tubers and off-type plants; and
- (c) Not rogue plants infected with bacterial ring rot.

(Added to NAC by Dep't of Agriculture by R036-01, eff. 10-17-2001)

**NAC 587.428 Inspection of planting; frequency; conditions preventing adequate inspection; standards for disease tolerance levels.** (NRS 587.077, 587.083)

1. The Department may inspect a planting at any time.

2. The Department will make at least two field inspections during the growing stage of the planting. The Department may make additional inspections, but not for the purpose of allowing a grower to rogue a planting that will not pass inspection.

3. The Department may disqualify a planting from certification if any condition prevents adequate inspection of the planting. Such conditions include, without limitation:

- (a) Excessive weed growth.

- (b) Disease.
- (c) Weather.
- (d) Chemical damage.
- (e) Another environmental condition.

*(f) Golden nematode management plan and potato necrotic virus management plan. Plans may include surveys, records of inspections, etc.*

## SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework 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 587.414 Section 1. d , 587428 Section 3. f

### 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 ? No
  - 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

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 None
  - b. Both direct and indirect effects Same

3. The description of the methods that the agency considered to reduce the impact of the proposed fee
  - a. Simplification of the proposed regulation. N/A
  - b. Establishment of different standards of compliance for a small business. N/A
  - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee. N/A
  
4. The estimated cost to the agency for enforcement of the proposed regulation. None
  
5. If this regulation provides for a new fee or increases an existing fee. None
  
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. N/A