

**ADOPTED REGULATION OF THE  
STATE QUARANTINE OFFICER**

**LCB File No. R053-06**

Effective June 28, 2006

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

AUTHORITY: §1, NRS 554.020 and 554.030.

A REGULATION relating to quarantines; eliminating the quarantine of Dutch elm disease; and providing other matters properly relating thereto.

**Section 1.** NAC 554.110, 554.120, 554.130, 554.140, 554.150 and 554.160 are hereby repealed.

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**TEXT OF REPEALED SECTIONS**

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**554.110 Establishment of quarantine.** The Director hereby establishes a quarantine upon certain commodities which have originated in infected areas and may be carriers of Dutch elm disease (*Ceratocystis ulmi*) or phloem necrosis virus (*Morsus ulmi*).

**554.120 Infested areas. (NRS 554.020)** The following areas are infested with:

1. Both Dutch elm disease and phloem necrosis virus: Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Mississippi, Missouri, Nebraska, New Jersey,

New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia and West Virginia.

2. Only Dutch elm disease:

(a) In California, the counties of Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

(b) Colorado, Connecticut, Delaware, Idaho, Maine, Maryland, Michigan, Minnesota, Montana, New Hampshire, North Dakota, Oregon, Rhode Island, South Carolina, South Dakota, Texas, Vermont, Washington, Wisconsin, Wyoming and the District of Columbia.

**554.130 Restricted commodities.** The following commodities are subject to restrictions as hosts or possible carriers of:

1. Dutch elm disease: The plants and all parts thereof, except seed of elm (*Ulmus* spp.) and of the related genera *Zelkova* and *Planera*, including:

(a) Trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings and scions;

(b) Logs or cordwood; and

(c) Lumber, crates, boxes, barrels, packing cases and other containers manufactured in whole or in part from such trees unless free from bark.

2. Phloem necrosis virus of elm: All species of elm (*Ulmus* spp.) plants and all parts thereof which are for or capable of propagation, except seed.

**554.140 Prohibition against entry of certain commodities into Nevada. (NRS 554.020)**

Entry into Nevada is prohibited for the following commodities, whether or not they are moved directly from an infested or infected area or are diverted or reconsigned from another area:

1. Any commodity described in NAC 554.130 which originated or was grown in or was shipped from an area listed in subsection 1 or 2 of NAC 554.120 as being infected with Dutch elm disease; and

2. Any commodity described in subsection 2 of NAC 554.130 which originated or was grown in or was shipped from an area listed in subsection 1 of NAC 554.120 as being infected with phloem necrosis virus.

**554.150 Certificate of origin.**

1. Commodities which are not prohibited from entering Nevada by NAC 554.140 may be admitted if each lot or shipment is accompanied by a certificate of origin issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodities were shipped.

2. The certificate of origin must show the kind and amount of the commodities it covers and must contain:

(a) In the case of elm (*Ulmus* spp.) plants and parts thereof and restricted articles derived from elm trees, a statement that those commodities are products of the state from which shipped or another state within which neither Dutch elm disease nor phloem necrosis is known to occur and setting forth the name of the state where produced.

(b) In the case of plants of the genera *Zelkova* and *Planera* and parts of such plants and restricted articles derived from such plants, a statement that those commodities are products of the state from which shipped or another state within which Dutch elm disease is not known to occur and setting forth the name of the state where produced.

**554.160 Exempted Commodities.** The Director will exempt a restricted commodity from the requirements of NAC 554.110 to 554.150, inclusive, if, because of the nature of its growth or

production or its manufactured or processed condition, he considers it innocuous as a carrier of infection.

**NOTICE OF ADOPTION OF PROPOSED REGULATION**  
**LCB File No. R053-06**

The State Quarantine Officer adopted regulations assigned LCB File No. R053-06 which pertain to chapter 554 of the Nevada Administrative Code on May 26, 2006.

**Notice date:** 3/31/2006  
**Hearing date:** 4/21/2006

**Date of adoption by agency:** 5/26/2006  
**Filing date:** 6/28/2006

**INFORMATIONAL STATEMENT**

INFORMATIONAL STATEMENT (NRS 233B.066) regarding workshops and hearings held to adopt regulations changing repealing the quarantine on Dutch Elm NAC 554.110, 554.120, 554.130, 554.140, 554.150, & 554.160, and updating the quarantine on Japanese beetle adding New Mexico, NAC554.020, & 554.030.

1. A public workshop was held on April 21, 2006 for both Dutch Elm & Japanese beetle regulation changes in Reno, Nevada at the Nevada Department of Agriculture, 350 Capitol Hill Avenue, teleconferenced to Las Vegas, Nevada, Nevada Department of Agriculture, 2300 McLeod.
2. A public hearing was held on April 21, 2006 for both Dutch Elm & Japanese beetle regulation changes in Reno, Nevada at the Nevada Department of Agriculture, 350 Capitol Hill Avenue, teleconferenced to Las Vegas, Nevada, Nevada Department of Agriculture, 2300 McLeod.

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. Copies could be requested from the Nevada Department of Agriculture, Division of Plant Industry by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling 775-688-1182, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. Notification was sent to all persons requesting to be notified of the amendment on April 10, 2006.

3. Workshop held April 21, 2006 Reno & Las Vegas **Dutch Elm**  
Number Attended: 0  
Number Testified: 0  
Number of Written Statements: 2 (attached)

Summary of comments or written statements: No comments given. Written statements were from Craig Meckley, ASLA, & Fleming Nursery, Sandy, Oregon. Both written statements were in favor of repealing the quarantine on Dutch Elm.

4. Workshop held April 21, 2006 Reno & Las Vegas **Japanese beetle**  
Number Attended: 0  
Number Testified: 0  
Number of Written Statements: 0

Summary of comments: No comments given.

5. Hearing held April 21, 2006 Reno & Las Vegas **Dutch Elm**

Number Attended: 0

Number Testified: 0

Number of written statements: 0

Summary of comments: No comments given.

6. Hearing held April 21, 2006 Reno & Las Vegas **Japanese beetle**

Number attended: 0

Number testifying: 0

Number of written comments: 0

Summary of comments: No comments given.

7. Comments were solicited from businesses and the public, by posting in public locations and through direct mail and email notices as outlined in #2 above. A copy of comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, 775-688-1180, ext 272.

8. The Nevada Department of Agriculture adopted the amendments as outlined in documents LCB File # RO53-06 for Dutch Elm & LCB File # RO54-06 for Japanese beetle.

9. The economic effects of both proposed amendments on the businesses that it is to regulate include:

a. Adverse effects: none

b. Beneficial effects: none

c. Immediate and long-term economic effects: none

10. The economic effects of the proposed amendments on the public include:

a. Adverse effects: none

b. Beneficial effects: none

c. Immediate and long-term economic effects: none

11. 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 when adopted.

12. There is no other state or federal agency regulations that the adopted amendments overlap or duplicate.

13. The proposed amendments do not include any provisions more stringent than any federal regulation with the same activity.