

LCB File No. R053-06

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

**Notice of Workshop and Hearings
OF INTENT TO ADOPT REGULATIONS**

Details of the workshops and hearings appear below:

WORKSHOPS AND HEARINGS

Times: Workshops 9:00 a.m. Hearings 10:00 a.m.

Date: Friday, April 21, 2006

**Locations: Nevada Department of Agriculture Office, Reno
350 Capitol Hill Avenue
Reno NV 89502**

**Nevada Department of Agriculture Office, Las Vegas
2300 McLeod
Las Vegas NV 89104**

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.

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

1. Adverse effect: None
2. Beneficial effects: Ability to offer resistant elm species to consumer
3. Immediate and long term effect: Same.

Economic effects of the proposed amendments on the public:

1. Adverse effects: None
2. Beneficial effects: Ability to obtain resistant elm species
3. Immediate and long-term effects: Same

There will be no additional costs to the Department for enforcement of the amendments.

This regulation does not overlap or duplicate any other state, local or federal regulation.

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 Street
Elko, NV 89801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas – Clark County Library 833 Las Vegas Blvd North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415-1390
Goldfield Public Library Forth & Crook Street Goldfield, NV 89013-0430	Tonopah Public Library 171 Central Street Tonopah, NV 89049-0449	Pershing County Library 1125 Central Avenue Lovelock, NV 89419-0781
Storey County Library 95 South R Street Virginia City, NV 89440-0014	Washoe County Library 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301

Battle Mountain Branch Library Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library 1625 Library Lane Minden, NV 89423-0337
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	

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 Ed Foster at the Nevada Department of Agriculture, (775) 688-1182 Ext. 272 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. R053-06

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

PROPOSED AMENDMENT TO NAC 554

Need and Purpose of the proposed amendments: Eliminate the Dutch Elm Disease Phloem Necrosis Quarantine due to the presence of Dutch Elm Disease (DED) in Nevada and the availability of resistant elm species. Phloem necrosis is not regulated in other states and DED is only regulated within Oregon by an intrastate quarantine.

The proposed amendments follow. The proposed changes are in *bold italics*. The text to be deleted is ~~crossed out~~.

~~[NAC 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 (Ceratoecystis ulmi) or phloem necrosis virus (Morsus ulmi).]~~

~~[NAC 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.]~~

~~[NAC 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.]~~

~~[NAC 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.]~~

~~**[NAC 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.]~~

~~**[NAC 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.]~~

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 question two (2) is answered with a **YES**, then a small business impact statement is required prior to conducting a public workshop(s) 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, pertaining to Dutch Elm Disease Quarantine

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).