

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

LCB File No. R079-08

Effective September 18, 2008

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

AUTHORITY: §1, NRS 555.243 and 555.2485.

A REGULATION relating to nursery stock; setting forth certain standards for the storage, display and sale of nursery stock; and providing other matters properly relating thereto.

Section 1. NAC 555.150 is hereby amended to read as follows:

555.150 1. Only sound, healthy nursery stock stored or displayed under conditions which will maintain its vigor may be offered for sale.

2. Any person who displays or stores nursery stock shall maintain the following standards:

(a) Nursery stock must be maintained in a manner that will protect its roots from excessive heat, drying or other adverse conditions.

(b) The root ball of balled nursery stock must be kept moist at all times and in a moisture-retaining material at a depth sufficient to cover 75 percent of the ball.

(c) Bare-root nursery stock must be kept under conditions of temperature, light and moisture that retard etiolated or other abnormal growth and maintain viability. Moisture must be supplied to the root system, and the roots must be covered with moisture-retaining material.

(d) Containerized stock and potted balled nursery stock enclosed in a container must be kept and displayed under growing conditions of temperature, light and moisture sufficient to maintain viability and vigor. The potting medium must cover all the roots of the stock.

(e) Packaged nursery stock must be stored and displayed under conditions of temperature and light that will retard etiolated growth or other abnormal growth, ensure adequate moisture and prevent damage to the root system from excessive heat or cold.

(f) Woody-stemmed deciduous stock must have a moist, green cambium in the stems and branches and include viable buds or normal growth. Etiolated growth from individual buds must not be more than 4 inches long.

(g) Balled nursery stock must have a moist, green cambium in the stems and branches, include viable buds or normal growth and possess healthy, viable roots. Root balls must ~~[be firm and secure]~~ :

(1) Encompass enough of the fibrous and feeding root system as necessary to ensure the full recovery of the stock; and ~~[meet]~~

(2) Meet or exceed the size specified in the *American Standard for Nursery Stock*, as adopted by reference pursuant to NAC 555.200.

(h) Nursery stock containers or root balls must be free from noxious weeds and commercially clean of common weeds.

(i) Nursery stock grown in a container must have a root system that is sufficiently well-developed to reach the sides of the container so that the root ball of the stock remains reasonably intact upon removing it from the container at the point of sale.

3. A person who displays, ~~[or]~~ stores *or offers for sale* nursery stock in violation of this section shall, after notice and hearing, for each violation pay an administrative fine in accordance with the following:

(a) For the first violation, \$100.

(b) For the second violation, \$300.

(c) For the third and any subsequent violation, \$500.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R079-08**

The Director of the State Department of Agriculture adopted regulations assigned LCB File No. R079-08 which pertain to chapter 555 of the Nevada Administrative Code.

Notice date: 6/11/2008
Hearing date: 7/11/2008

Date of adoption by agency:
Filing date:

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notices were posted at Department of Agriculture offices in Reno, Sparks, Winnemucca, Elko and Las Vegas. Notices were also directly emailed to industry members who have requested notification of such notices.

There was no response to the notice.

Summaries are available by contacting the nursery program manager Peggy McKie at 775.688.1182 x 243 or by email at pgmckie@agri.state.nv.us or Tisa Halt at 775.688.1182 x 240 or by email at thalt@agri.state.nv.us.

2. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statement.

- a) Attended the hearing: July 11, 2008: 1
- b) Testified at the hearing: July 11, 2008: 1
- c) Submitted to the agency written statement: No comments were submitted for the hearing.

3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.

A list of interested industry members is maintained by the Department. These businesses have requested to be notified of such proposed changes. Comment was solicited from affected businesses by sending to these businesses a copy of the Notice of Intent to Adopt Regulations.

One member of the public commented he did not have any concerns about the proposed changes to the regulations and was attending the workshop out of general interest. One member of the public submitted questions about the proposed amendments via phone prior to the workshop. He questioned if the intent of the proposed changes was to require all plants, even those being held back after transplanting to be fully rooted in the container. One member of the public attended the hearing to review the changes made as a result of

comments received during the workshop. There were no additional written comments submitted.

Summaries are available by contacting the nursery program manager Peggy McKie at 775.688.1182 x 243 or by email at pgmckie@agri.state.nv.us or Tisa Halt at 775.688.1182 x 241 or by email at thalt@agri.state.nv.us.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
Changes were made to the proposed regulation.
- 5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) Both adverse and beneficial effects;**
Adverse effects: None
Beneficial effects: None
 - (b) Both immediate and long-term effects;**
Immediate and long term effects: Same
- 6. The estimated cost to the agency for enforcement of the adopted regulation.**
There will be no additional costs to the Department to enforce the amendments.
- 7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
None.
- 8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
None.
- 9. If the regulation provides 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.**
None.