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DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431

MEMORANDUM

TO: Nevada Department of Agriculture Offices
State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office

FROM: Lynn Hettrick, Plant Industry Division Administrator – 775-353-3729
Mzich@agri.nv.gov Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Workshop Scheduled for: Tuesday, October 17, 2017 at 1:30 PM

DATE: September 25, 2017

I have attached a copy of the agenda for the Nevada Department of Agriculture Workshop that will be held on; Wednesday, Tuesday, September 25, 2017.

Please post the agenda for NAC 557 (R-065-17) before 9:00am on October 1, 2017 per *open meeting law* and return this memo to my attention, signed with the date of posting, as I need this for our files.

We appreciate your assistance in this posting.

Thank you.

Distribution: State Capitol Building
State Library and Archives
Dennis Belcourt – AG's Office
Sparks Office – Nevada Department of Agriculture
Las Vegas Office – Nevada Department of Agriculture
Elko Office – Nevada Department of Agriculture
Consumer Equitability – Department of Agriculture

OFFICE: _____

SIGNATURE: _____

DATE & TIME OF POST: _____

MEETING NOTICE AND AGENDA

Public Hearing
Notice of Workshop

LOCATION: Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
Phone: 775-353-3601

Video-conference to: Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104
Phone 702-668-4590

DATE AND TIME: Tuesday, October 17, 2017 at 1:30 PM

Public comment will be taken on the intent to adopt a regulation. The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 557; a regulation relating to the application fee and speaks to pesticide.

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, please notify The Dept. of Agriculture in writing at 405 S. 21st Street, Sparks, NV 89431 or contact Jerri Conrad at 775-353-3619.

Copies of both the State of Nevada Board of Agriculture Agenda with supporting documentation and Open Meeting Minutes are available, at no charge, for inspection at the Dept. of Agriculture 405 S. 21st Street, Sparks, NV, 89431 or Dept. of Agriculture website at <http://agri.nv.gov/>. For additional information contact Jerri Conrad at 775-353-3619.

Notice of this meeting was posted on or before 9:00 a.m. on the third working day before the meeting at the following locations: Nevada Department of Agriculture, 405 S. 21st Street, Sparks, NV 89431, Nevada Department of Agriculture, 2150 Frazer Ave., Sparks, NV 89431, Nevada Department of Agriculture, 4780 E. Idaho Street, Elko, NV 89801, Nevada Department of Agriculture, 2300 E. St Louis Avenue, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City

**PROPOSED REGULATION OF THE
NEVADA DEPARTMENT OF AGRICULTURE**

LCB File No. R065-17

DIVISION OF PLANT INDUSTRY

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Department of Agriculture, 405 South 21st Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 557, of Nevada Administrative Code. A workshop has been set for; Tuesday, October 17, 2017 at 1:30 PM.

Nevada Department of Agriculture
405 South 21st Street
Sparks, Nevada, 89431

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

“A regulation to amend the application fee and speaks to pesticide.”

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting:

Megan Zich
Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431
PHONE (775) 353-3670
Mzich@agri.nv.gov

A reasonable fee for copying may be charged.

This Notice of Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency's mailing list for administrative regulations and posted at the following locations:

Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431

Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445

State Capitol Building
Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV
Dennis Belcourt – AG's Office
LCB website: www.leg.state.nv.us
Nevada Public Notice website: www.notice.nv.gov
Nevada Department of Agriculture Website: www.agri.nv.gov

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

LCB File No. R065-17

September 18, 2017

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

AUTHORITY: §1, NRS 557.080, as amended by section 23 of Senate Bill No. 396, chapter 259, Statutes of Nevada 2017, at page 1348; NRS 561.105 and 561.153.

A REGULATION relating to industrial hemp; requiring the State Department of Agriculture to create and publish a list of pesticides that are allowed for use on industrial hemp as part of an agricultural pilot program; authorizing the submission of a request to the Department for an evaluation of a pesticide; requiring the Department to charge and collect certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Agriculture to adopt regulations establishing an agricultural pilot program to study the growth, cultivation or marketing of industrial hemp. (NRS 557.080) Existing law also requires each site used for growing or cultivating industrial hemp in this State to be certified by and registered with the State Department of Agriculture. (NRS 557.070) This regulation requires the Department to: (1) create and publish a list of pesticides that are allowed for use on industrial hemp as part of an agricultural pilot program; and (2) evaluate each active ingredient used in a pesticide to determine whether to include the pesticide on the list. If the Department includes a pesticide on the list, any person who uses the pesticide on industrial hemp is required to ensure that the pesticide is registered for use in this State and is appropriately labeled by the United States Environmental Protection Agency. A request for an evaluation of a pesticide may be submitted to the Department by certain persons and manufacturers. Finally, this regulation requires the Department to charge and collect fees for: (1) evaluating a pesticide; (2) verifying the labeling on a pesticide; and (3) submission to the Department of an application to register an additional use of a pesticide under certain federal laws.

Section 1. Chapter 557 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Department will create and publish a list of pesticides that are allowed for use on industrial hemp as part of an agricultural pilot program. Upon submission of a request for an evaluation of a pesticide pursuant to subsection 2, the Department will evaluate each active ingredient used in the pesticide to determine whether to include the pesticide on the list. If the Department includes a pesticide on the list, any person who uses the pesticide on any industrial hemp shall, before using the pesticide, ensure that the pesticide:

(a) Is registered for use in this State; and

(b) Is appropriately labeled by the United States Environmental Protection Agency.

2. A request for an evaluation of a pesticide pursuant to subsection 1 may be submitted to the Department by:

(a) An employee of the Department;

(b) Any committee or other entity specified by the Department;

(c) Any manufacturer of a pesticide; or

(d) A grower, handler or producer.

3. The Department will determine whether a pesticide may be included on the list created and published pursuant to subsection 1 based upon:

(a) The provisions of NRS 586.010 to 586.4065, inclusive, and any other applicable law or regulation; and

(b) The label approved for the pesticide by the United States Environmental Protection Agency.

4. The Department will charge and collect the following fees:

- (a) For evaluating a pesticide pursuant to subsection 1.....\$75 per hour*
- (b) For verifying that a pesticide is appropriately labeled for use in a cultivation facility that is registered pursuant to chapter 453A of NRS..... \$75 per hour*
- (c) For submission to the Department of an application to register an additional use of a pesticide to meet a special local need pursuant to 7 U.S.C. § 136.....\$300*

5. As used in this section:

- (a) "Active ingredient" has the meaning ascribed to it in NRS 586.030.*
- (b) "Cultivation facility" has the meaning ascribed to it in NRS 453A.056, as amended by section 8 of Assembly Bill No. 422, chapter 540, Statutes of Nevada 2017, at page 3679.*
- (c) "Industrial hemp" has the meaning ascribed to it in NRS 557.040.*
- (d) "Pesticide" has the meaning ascribed to it in NRS 586.195.*

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

(Revised LCB File# R065-17)

- 1. A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

The NDA contacted every industrial hemp grower involved in a research trial that may be impacted by this clarification and everyone who has expressed interest in the program. The regulations are available on the website of the Department of Agriculture, www.argi.nv.gov and posted at the following locations.

NDA office Locations:

Department of Agriculture
405 S. 21st Street
Sparks, NV 89431

Department of Agriculture
2300 E. Saint Louis Ave.
Las Vegas, NV 89104

Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801

- 2. The manner in which the analyses was conducted.**

No analyses was conducted because these regulations allow for a list of pesticides legal for use on hemp; A benefit to growers.

- 3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:**

Does not apply directly to the development of a pesticide list. By state law, the use of any pesticide not included on the list would result in the destruction of the entire crop. The creation of the list minimizes that possibility.

- 4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

Does not apply. Inclusion on the list is determined by federal labeling criteria. Additionally, the impact is insignificant.

- 5. The estimated cost to the agency for enforcement of the proposed regulation.**

There will be minimal costs, which will be covered by the fees.

6. **If the proposed 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.**

This regulation will impose a new fee that has been calculated to cover the costs of administering the services. We estimate to collect \$300.00 per year for the inclusion of a pesticide list.

7. **If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

Does not apply; Not Duplicative.

8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

No impact on small businesses. These proposed regulation simply specify the criteria used to determine the pesticides that are not legally prohibited from the use of industrial hemp.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small businesses and that the information contained in this statement was prepared properly and is accurate.



James R. Barbee

Director

Nevada Department of Agriculture