

Division Overview

- **Pending matters of significance**

- As the winter of 2022-23 has come to an end, the diesel fuel dispenser filter clogging issue that has affected Northern Nevada during cold weather periods has been resolved. This past winter, the NDA received no reports of diesel filter clogging once Kinder-Morgan changed over to a new drag reducing agent (DRA) in the SFPP pipeline.
- The division update given at the December 2022 Board meeting noted increased numbers of consumer complaints regarding advertising and accuracy of motor vehicle fuel prices. In response to a request from the Nevada Petroleum Marketers and Convenience Store Association, the NDA chose to defer enforcement action for unintentional violations of NRS 590.160 through 590.330 until January 1, 2024.

This issue has since expanded during the first half of 2023. Measurement Standards inspectors have noted instances where NRS 590 statutes have not kept up with modern modes of signage and advertising. A review of the relevant sections of NRS 590 show that the language is largely unchanged since being enacted in 1951, and a further review of signage and advertising statutes and regulations in states across the country show Nevada's to be among the most specific.

After discussion with the Director, enforcement deferral will be extended for the foreseeable future, and a Bill Draft Request (BDR) will be prepared updating, clarifying, and streamlining the language concerning advertising within NRS 590 Sections .160 through .330. Division staff and industry stakeholders will be included in discussions about the production of this BDR.

- The December 2022 division update also spoke about new standards for commercial electric vehicle fueling systems effective January 1, 2023. As stated in that update, Director Ott, acting in her capacity as State Sealer of Measurement Standards, issued a letter granting an exemption from the relevant sections of NIST Handbook 44 from enforcement throughout calendar year 2023. The letter also exempted electric vehicle supply equipment used for a commercial purpose from the licensing requirement in NAC 581.275, and service agencies and servicepersons service electric vehicle supply equipment from the requirements of NAC 581.300 through NAC 581.400.
 - The division has since purchased and received an electric vehicle supply equipment (EVSE) test measure, in order to begin evaluating the process of certifying charging stations. This will allow the NDA to understand the effects of enforcement of these standards on the electric vehicle fueling system industry to determine if modifications to the standards are necessary to maintain good commercial practices in Nevada, as well as time for the industry to consider the potential changes. The division has already identified some challenges to successfully launching a program of testing charging units.

- The NDA will continue to monitor proposals under consideration by the NCWM to further amend Section 3.40 of NIST Handbook 44 and will provide industry with notice when administrative rulemaking process for the adoption of electric vehicle fueling systems regulations in Nevada begins.
 - Livestock scale inspections are scheduled and will begin out of the Sparks office in early June. Because of staffing challenges in the Elko office, inspections out of that office will be delayed by a month, although in certain cases, upon request, inspections will be done earlier. It is anticipated that some participation by inspectors from the Las Vegas office will be required, but we are hopeful that this will be voluntary and will not disrupt the day-to-day operation of that office.
- **Division staffing**
 - The Las Vegas office is fully staffed, and all but one member of the team has advanced past the probationary period. One other employee is in the process of being progressed from an Inspector I to an Inspector II grade.
 - The Sparks office is in the process of filling open positions, of which there are currently two full-time and one seasonal. A vacant Inspector II position has been underfilled at the Inspector I grade, and that employee began on May 30th. Similarly, the seasonal position has been filled, with that individual also starting on May 30th. The only open position is that of Chemist V, supervisor of the Petroleum Technology program. That position has been posted and was scheduled to close on May 26th. It is hoped that interviews will be held and that this position will be offered and accepted by a candidate in the near future. Two members of the team are still in their probationary period; one ends later in June and the other in October.
 - The Elko office has suffered the loss of both full-time employees and is in the process of being restaffed. The Inspector III retired as of December 30, 2022. We are still seeking a replacement, either at the Inspector III level or an underfill as an Inspector II, and after recent interviews we are optimistic that this position may be filled. The Inspector II is retiring as of June 9, 2023, and interviews have been scheduled for that position as well. There is the intention that a seasonal be hired also, but that has not occurred yet.
 - **Administrative Rulemaking**
 - **R038-21 (NAC 590 – Board of Agriculture):** Provides for regulations governing the sale of gasoline containing more than 10 percent ethanol (E15).
 - A hearing for adoption by the Board of Agriculture was held on December 14, 2022. The approved file was heard by the Legislative Commission on December 28, 2022, and filed with the Secretary of State on December 29, 2022.

June 9, 2023 Board Report

Division of Measurement Standards

- **R070-22 (NAC 581 – State Sealer):** Makes various changes to the regulations governing weights and measures, which were outlined in some detail in the December 2022 Division Report.
 - The Small Business Impact statement has been submitted to the Director for review and comment. It is anticipated that a workshop for this regulation file will be held in the second half of calendar year 2023.

Program Updates

- **Metrology – As of May 22, 2023**
 - FY23 total items calibrated: 2,353
- **Petroleum Technology – As of May 22, 2023**
 - FY23 total fuel samples tested: 2,908
 - FY23 fuel sample failures: 109
 - FY23 fuel quality consumer complaints: 16
 - FY23 fuel price accuracy consumer complaints: 13
- **Weights and Measures – As of May 10, 2023**
 - FY23 devices inspected: 37,268
 - FY23 package and price verification inspection hours: 309.00
 - FY23 repair orders issued: 881
 - FY23 stop-use orders issued: 326
 - FY23 weights and measures consumer complaints: 58