

BRIAN SANDOVAL
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STATE OF NEVADA

JAMES R. BARBEE
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MEMORANDUM

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

FROM: William Striejewske, Senior Petroleum Chemist – 775-353-3792
wstriejewske@agri.nv.gov Fax Number 775-353-3798

SUBJECT: Posting of Agenda for Hearing on Notice of Intent to Act Upon a Regulation Scheduled for Monday,
November 30, 2015, 8:30 AM

DATE: 10/26/15

I have attached a copy of the agenda for the Nevada Department of Agriculture Hearing for Notice of Intent to Act Upon a Regulation that will be held on November 30, 2015.

Please post the agenda before 9:00am on October 29, 2015, 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 Intent to Act Upon a Regulation

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

Video-conference to: Nevada Department of Agriculture
2300 McLeod Street
Las Vegas, NV 89104
Phone: 702-668-4590

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801
Phone: 775-738-8076

DATE AND TIME: November 30, 2015 8:30 AM

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 590; *a regulation relating to engine products; and providing other matters properly relating thereto.*

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 www.agri.state.nv.us. 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 McLeod Street, 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. R107-15

DIVISION OF CONSUMER EQUITABILITY

NOTICE OF INTENT TO ACT UPON A REGULATION And NOTICE OF HEARING FOR THE ADOPTION OF REGULATIONS

The Nevada Department of Agriculture will hold a public hearing on Monday, November 30, 2015, 8:30 AM, at Agriculture Headquarters, 405 South 21st Street, Sparks, NV 89431; Phone: (775) 353-3601. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 590 of the Nevada Administrative Code. The proposal has been designated as File No. R107-15 by the Nevada Legislative Counsel Bureau.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The purpose is to solicit public comments from interested persons on the following proposed regulation: NAC 590; a *regulation relating to fluids; and providing other matters properly relating thereto.*

1. The need for and the purpose of the proposed regulation or amendment
The first section updates antifreeze specifications and standardizes language to the same form as fuel specifications. The second section updates language pertaining to aviation fuels.
2. Either the terms or the substance of the regulations to be adopted, amended or repealed, or a description of the subjects and issues involved.
Revising standards for antifreeze and aviation fuel.
3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:
 - a) Both adverse and beneficial effects; and
The updating of language will be invisible to business, having neither a beneficial or adverse effect.
 - b) Both immediate and long-term effects
The updating of language will be invisible to business, having no effects, either immediate or long-term.
4. The estimated cost to the agency for enforcement of the proposed regulation.
Does not apply.
5. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.
Does not apply.
6. If the regulation is required pursuant to federal law, a citation and description of the federal law.
Does not apply.
7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.
Does not apply.
8. Whether the proposed regulation establishes a new fee or increases an existing fee.
Does not apply.

A concerted effort was made to determine the impact of the proposed regulation on small businesses. Staff of the Bureau of Fuel Technology and administration division determined that there will be no impact on small businesses.

The LCB approved revision can be found on the Nevada Department of Agriculture website at www.agri.nv.gov.

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments, in written form, to the address below.

Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
ATTN: William S. Striejewske
(775) 353-3792
wstriejewske@agri.nv.gov

Written submissions must be received by the Nevada Department of Agriculture on or before November 28, 2015. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be amended will be available at:

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

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

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

And in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

NRS 233B.064(2) provides: Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

The Nevada State Library in Carson City, and all Nevada county libraries. The Department of Agriculture offices in Sparks, Las Vegas or Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Clark County Library, 833 Las Vegas Boulevard North, Las Vegas, NV 89101
Douglas County Library, 1625 Library Lane, Minden, NV 89423
Elko County Library, 720 Court Street, Elko, NV 89801
Esmeralda County Library, Corner of Crook & 4th Streets, Goldfield, NV 89013
Eureka Branch Library, 10190 Monroe Street, P.O. Box 293, Eureka, NV 89316
Humboldt County Library, 85 East 5th Street, Winnemucca, NV 89445
Lander County Library, 625 South Broad Street, Battle Mountain, NV 89820
Lincoln County Library, 63 Main Street, Pioche, NV 89043
Lyon County Library, 20 Nevin Way, Yerington, NV 89447
Mineral County Public Library, 110 1st Street, Hawthorne, NV 89415
Pershing County Library, 1125 Central Avenue, Lovelock, NV 89419
Storey County Public Library, 95 South R Street, Virginia City, NV 89440

Tonopah Public Library, 167 Central Street, Tonopah, NV 89049
Washoe County Library, 301 South Center Street, Reno, NV 89501
White Pine County Library, 950 Campton Street, Ely, NV 89301
Nevada State Legislature Website: www.leg.state.nv.us

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701-4747
Fax No.: (775) 684-6600

LEGISLATIVE COMMISSION (775) 684-6800
MICHAEL ROBERSON, *Senator, Chairman*
Rick Combs, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821
PAUL ANDERSON, *Assemblyman, Chairman*
Cindy Jones, *Fiscal Analyst*
Mark Krmptic, *Fiscal Analyst*



RICK COMBS, *Director*
(775) 684-6800

BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815
SUSAN E. SCHOLLEY, *Research Director* (775) 684-6825

October 19, 2015

William Striejewski, Ph.D.
Senior Program Chemist
Consumer Equitability Division
Nevada Department of Agriculture
2150 Frazier Avenue
Sparks, Nevada 89431

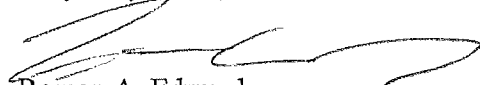
Re: LCB File No. R107-15

Dear Mr. Striejewski:

A proposed regulation of the State Sealer of Consumer Equitability has been examined pursuant to NRS 233B.063 and is returned in revised form.

We invite you to discuss with us any questions which you may have concerning this review. Please make reference to our file number in all further correspondence relating to this regulation.

Very truly yours,


Roman A. Edwards
Deputy Legislative Counsel

Brenda J. Erdoes
Legislative Counsel

RAE/slj
Enclosure

**PROPOSED REGULATION OF THE
STATE SEALER OF CONSUMER EQUITABILITY**

LCB File No. R107-15

October 19, 2015

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

AUTHORITY: §§1, 2 and 4, NRS 590.400; §3, NRS 590.073 and 590.100.

A REGULATION relating to fluids; revising standards for antifreeze and aviation fuel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires antifreeze sold in this State to be licensed by of the State Sealer of Consumer Equitability. (NRS 590.380, as amended by section 204 of Assembly Bill No. 77, chapter 526, Statutes of Nevada 2015, at page 3640) Existing regulations provide standards for antifreeze adopted by the State Sealer of Consumer Equitability. (NAC 590.010, 590.030) **Section 1** of this regulation revises the standards adopted for antifreeze. **Section 2** of this regulation updates information regarding the cost of acquiring and availability of the adopted standards. **Section 4** of this regulation repeals standards adopted for prediluted antifreeze made redundant by changes made in **section 1**.

Existing law authorizes the State Sealer of Consumer Equitability to adopt specification standards for aviation fuel sold or offered for sale in this State. (NRS 590.073) Existing regulations adopt by reference certain published standards for aviation fuel. (NAC 590.055) **Section 3** of this regulation revises the adopted standards to include separate standards for leaded aviation gasoline and turbine fuel, and updates information regarding the cost and availability of the adopted standards.

Section 1. NAC 590.010 is hereby amended to read as follows:

590.010 [~~Except as otherwise provided in NAC 590.030:~~]

1. The specifications for antifreeze based on ethylene glycol and the specifications for antifreeze based on propylene glycol, *including, without limitation, prediluted and*

concentrated antifreeze, contained in [~~Volume 15.05, "Engine Coolants," of the 2001 Annual Book of ASTM Standards, ASTM designation D3306-00a,~~] *the most recent version of ASTM D3306, "Standard Specification for Glycol Base Engine Coolant for Automobile and Light-Duty Service," set forth in Volume 15.05, "Engine Coolants and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents; Industrial and Specialty Chemicals," of the Annual Book of ASTM Standards published by ASTM International* are hereby adopted by reference.

~~[2. The chemical and physical properties of any antifreeze other than those classified in subsection 1 must be:~~

Water, mass %	5 max
Specific gravity 60°F/60°F	1.11 to 1.15
pH (33% by volume) 7.5 to 11	7.5 to 11
Equilibrium boiling point	300°F min
Freezing point, 50% by volume	34°F max
Foaming test	
Increase in volume at 5 minutes	150 ml max
Break time	5 sec max

~~3. In addition to the properties listed in subsection 2, any antifreeze other than those classified in subsection 1 must meet the following specifications for corrosion (loss of weight per specimen):~~

Copper	10 mg max
Solder	20 mg max
Brass	10 mg max
Steel	10 mg max
Cast iron	10 mg max
Aluminum	30 mg max

~~4.1~~ *Each new revision of that standard shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standard is available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$44.*

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Sec. 2. NAC 590.035 is hereby amended to read as follows:

590.035 Volume 15.05, "Engine Coolants ~~{,}~~" *and Related Fluids; Halogenated Organic Solvents and Fire Extinguishing Agents; Industrial and Specialty Chemicals,*" of the ~~{2001}~~ *Annual Book of ASTM Standards*, is available for inspection at the office of the State Department

of Agriculture, ~~{350 Capitol Hill Avenue, Reno, Nevada 89502.}~~ *Division of Consumer Equitability, 2150 Frazer Avenue, Sparks, Nevada 89431 and 2300 McLeod Street, Las Vegas, Nevada 89104.* The volume may be purchased at a cost of ~~[\$140]~~ \$226 from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania ~~{19428.}~~ *19428-2959, or at the Internet address <http://www.astm.org>.*

Sec. 3. NAC 590.055 is hereby amended to read as follows:

590.055 1. The State Sealer of Consumer Equitability hereby adopts by reference the *most recent* specifications for aviation fuel contained in Volume 05.01, "Petroleum Products and Lubricants (I)," of the ~~{2002}~~ *Annual Book of ASTM Standards*, ASTM designations D910 ~~{-00}~~, "*Standard Specification for Leaded Aviation Gasolines*," and D1655 ~~{-01}~~, "*Standard Specification for Aviation Turbine Fuels*." *Each new revision of these standards shall be deemed approved by the State Sealer of Consumer Equitability unless the revision is disapproved by the State Sealer of Consumer Equitability or his or her designee within 120 days after the date of publication of the revision by ASTM International. A copy of the standards are available for inspection pursuant to NAC 590.045 and may be purchased from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania, 19428-2959, or at the Internet address <http://www.astm.org>, for the price of \$52.80 for ASTM D910 and \$60 for ASTM D1655.*

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

Sec. 4. NAC 590.030 is hereby repealed.

TEXT OF REPEALED SECTION

590.030 Adoption by reference of standards for prediluted antifreeze. (NRS 590.400)

1. The minimum standards of chemical and physical properties for an antifreeze which:

(a) Is labeled as prediluted antifreeze; and

(b) Displays prominently on the front label the words "DO NOT ADD WATER,"

↳ contained in Volume 15.05, "Engine Coolants," of the 2001 Annual Book of ASTM Standards, ASTM designation D3306-00a, are hereby adopted by reference.

2. Any other test method may be used if the State Sealer of Consumer Equitability determines that another method produces results equivalent to the results of the specified method. A method approved by ASTM International that has not yet been published shall be deemed to meet the appropriate criteria.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

(LCB File R107-15)

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.**
 - There are two separate actions being proposed to amend NAC 590. Both of these proposed changes involve only the updating or removal of outdated language. The regulations were available on the website of the Department of Agriculture, www.agri.nv.gov and posted at the following locations:

Department of Agriculture

405 S. 21st Street

Sparks, NV 89431

Department of Agriculture

2300 McLeod Street

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 for the reasons stated above. Both of these proposed changes involve only the updating or removal of outdated language.
3. **The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:**
 - Does not apply.
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.
5. **The estimated cost to the agency for enforcement of the proposed regulation.**
 - Does not apply.
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.**
 - Does not apply.

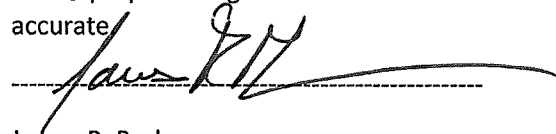
7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

- Does not apply.

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

- This regulation will affect only a small portion of the industry, and will be a one-time expense for those affected.

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 is accurate.

A handwritten signature in black ink, appearing to read "James R. Barbee", is written over a horizontal dashed line.

James R. Barbee

Director

Nevada Department of Agriculture