

September 9, 2020 Board Update

Division of Consumer Equitability



Division Overview

- Pending Matters of Significance
 - Regulation Updates
 - In accordance with direction received from the Board of Agriculture on June 3, 2020, the division submitted to the Legislative Counsel Bureau (LCB) initial draft regulations proposed to Nevada Administrative Code (NAC) Chapter 590. The proposed regulations under the authority of the State Board of Agriculture have been assigned LCB File Number R080-20.
 - The division submitted to LCB proposed regulations to NAC Chapter 581 and NAC Chapter 590 for regulations under the authority of the State Sealer of Consumer Equitability. Those proposed regulations have been assigned LCB File Numbers R079-20 and R081-20, respectively.
 - As of August 17, 2020, the division had received published drafts R080-20RP2 and R081-20P from LCB; R079-20P was still pending publication by LCB.
 - The division released a survey to assist NDA determine the economic impact of the regulations proposed in LCB File numbers R080-20RP2 and R081-20P. A Small Business Impact Statement for each regulation file will be completed in early September 2020 and the division expects to hold a workshop on the proposed regulations for NAC Chapter 590 in mid-October 2020.

Program Updates – as of August 10, 2020

- Metrology
 - FY20 total items calibrated: 2,908
- Petroleum Technology
 - FY20 total samples tested: 2,204
 - FY20 sample failures: 50
 - FY20 fuel quality consumer complaints: 14
- Weights and Measures
 - FY20 devices inspected: 26,718
 - FY20 package and price verification inspection hours: 103
 - FY20 repair orders issued: 605
 - FY20 stop-use orders issued: 202
 - FY20 consumer complaints received: 68

Industry Impact

- Industries served by the Division of Consumer Equitability were declared essential businesses under Governor Sisolak's *Declaration of Emergency Directive 003* issued March 20, 2020, including grocery stores, convenience stores, hardware stores, and gas

stations. Division activities related to investigation of consumer complaints and inspections necessary for the continuation of essential commerce were determined to be essential functions.

- Throughout the course of the COVID-19 Emergency, division personnel have continued to receive and respond to telephone, email, and mail correspondence from industry and the public.
- Division personnel who can perform their job duties from home are working remotely, though they may report to NDA's offices periodically to attend to matters that require their physical presence in the office.
- Following the issuance of Governor Sisolak's *Declaration of Emergency Directive 021 Phase Two Reopening Plan* on May 28, 2020, the division resumed performing certain field inspection activities that had been suspended under previous directives. These inspections are limited to activities that can be completed while maintaining compliance with social distancing and sanitation requirements. Indoor inspections at retail business locations are currently limited to investigation of consumer complaints and inspections that can be performed in areas of the business that are closed to the general public or completed during hours when the business is closed to the public.
- Fuel samples are being collected from retail motor vehicle fueling stations at the time fuel meters are inspected. Testing of samples collected is conducted in the division's petroleum laboratories on a routine basis, though laboratory hours have been adjusted to limit the total number of personnel present in NDA facilities at any given time.
- The Sparks and Las Vegas metrology laboratories are fully operational; all metrology receiving activities are conducted outdoors and customer standards are subject to a 36-hour quarantine period prior to the commencement of certification services.