

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JAMES R. BARBEE
Director



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2300 McLeod Street
Las Vegas NV 89104-4314
(702) 668-4590
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4780 E. Idaho Street
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DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
Website: <http://www.agri.nv.gov>

NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Amendment of Regulations of the Nevada Department of Agriculture

The Nevada Department of Agriculture (NDA) will hold a public hearing on Wednesday, May 21, 2014, at 1:00 PM at Las Vegas NDA Office, 2300 McLeod Street, Las Vegas, NV 89014 (702) 668-4590. The purpose of the hearing is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 555 of the Nevada Administrative Code.

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 555.2542 to NAC 555.700; a regulation relating to pesticides; making several administrative changes to streamline the program and increase the fee for the Restricted Use Pesticide Certificate; and providing other matters properly relating thereto, as described below:*

NAC 555.2542 to 555.700 Custom Application of Pesticides and Certified Applicators

- 1) *NAC 555.2452: the addition and definition of a Location Principal*
- 2) *NAC 555.2569: the addition and definition of Spot treatment*
- 3) *NAC 555.280: a restructuring of the categories to better fit commercial practice, changing Rodenticides to Vertebrates control, changing Ornamental and Turf to Limited Landscape, and changing Right of Way to Weeds*
- 4) *NAC 555.365: the addition and definition of an Inactive License and associated requirements and fees,*
- 5) *NAC 555.430: the addition of authority for an electronic version of the Wood Destroying Pest Inspection Report*
- 6) *NAC 555.690: an increase in the fee for the Restricted Use Pesticide Certificate from \$25 to \$50 for this four year certificate*
- 7) *Clean up current NAC provisions.*

The purpose of or need for the regulation is to streamline the operations of the Pest Control Operator Licensing and Enforcement Program in order to better regulate the commercial pest control industry and increase fees for the Restricted Use Pesticide (RUP) Certificate to better recover the costs of administrating the RUP program.

The estimated economic effect of the regulation on businesses which it is to regulate and on the public are as follows:

a) Adverse Effects: There is no adverse effect on the public.

b) Beneficial effects: The public will benefit from clearer lines of responsibility resulting in better regulation of the pest control industry by adding the Location Principal; better regulation of pesticide applications by defining the term Spot Treatment; better service by restructuring the pest control categories; smoother operation of the pest control operator regulatory program by adopting an Inactive License status; faster process time for Wood Destroying Pest Inspection Reports, facilitating home sales; and continued operation of the Restricted Use Pesticide Certification program by increasing the certification fee.

There is no significant impact on small businesses from this regulation change. The Department determined that the regulation lacks a direct and significant burden or restriction on formation of small businesses by virtue of the small increase in the fee (\$25 every four years), and the fact the individuals are certified, not businesses (though some businesses do need the certified individuals to conduct certain pest control operations).

There will be no additional cost to the Nevada Department of Agriculture for enforcement of the proposed regulation.

The proposed regulation will not overlap or duplicate any regulations set by federal, state or local governmental agencies.

The proposed regulation is not required by federal law.

The proposed regulation does not include any provisions more stringent than a federal regulation that regulates the same activity.

The proposed regulation increases the fee for the Restricted Use Pesticide Certificate from \$25 every four years to \$50 every four years.

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
Dr. Robert Leavitt
2300 McLeod Street
Las Vegas, NV 89104
Fax: 702-668-4567
e-mail: rleavitt@agri.nv.gov**

Written submissions must be received by the Nevada Department of Agriculture on or before May 21, 2014 at 1:00 PM. 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

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

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 and Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday.

Churchill County Library 553 South Maine Street Fallon, NV 89406	Clark County District Library 833 Las Vegas Boulevard North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library Corner of Crook & 4 th Streets Goldfield, NV 89013	Eureka Branch Library P.O. Box 293 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library 63 Main Street Pioche, NV 89043	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library 110 1 st Street Hawthorne, NV 89415
Nevada Farm Bureau Federation 2165 Green Vista Drive, Suite 205 Sparks, NV 89431	Tonopah Public Library 167 Central Street Tonopah, NV 89049	Pershing County Library 1125 Central Avenue Lovelock, NV 89419
Storey County Public Library 95 South R Street Virginia City, NV 89440	Washoe County Library 301 South Center Street Reno, NV 89501	White Pine County Library 950 Campton Street Ely, NV 89301
Lander County Library 625 South Broad Street Battle Mountain, NV 89820	Carson City Library 900 N. Roop Street Carson City, NV 89702	Douglas County Library 1625 Library Lane Minden, NV 89423
State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	Las Vegas Review Journal Ed Vogel/Capital Bureau 102 N. Curry Street Carson City, NV 89703

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MEMORANDUM

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

FROM: Dawn Rafferty, Plant Industry Division Administrator – 775-353-3669
rafferty@agri.nv.gov Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Hearing for Notice of Intent to Act Upon a Regulation Scheduled for Wednesday, May 21, 2014, 1 PM

DATE: April 04, 2014

I have attached a copy of the agenda for the Nevada Department of Agriculture for Notice of Intent to Act Upon a Regulation that will be held on Wednesday, May 21, 2014 at 1 PM.

Please post the agenda before 9:00am on Friday, May 16, 2014, 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 Hearing

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

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

DATE AND TIME: Wednesday, May 21, 2014, at 1 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 555.2542 to NAC 555.700; a regulation relating to pesticides; making several administrative changes to streamline the program and increase the fee for the Restricted Use Pesticide Certificate,; and providing other matters properly relating thereto, as described below:*

NAC 555.2542 to 555.700 Custom Application of Pesticides and Certified Applicators

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- 5) *NAC 555.430: the addition of authority for an electronic version of the Wood Destroying Pest Inspection Report*
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- 7) *Clean up current NAC provisions.*

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 Gina Breslow 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 Gina Breslow 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