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2300 McLeod Street  
Las Vegas NV 89104-4314  
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Elko Office:  
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Fax (775) 738-2639

## DEPARTMENT OF AGRICULTURE

405 South 21<sup>st</sup> 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 Meeting for the Amendment of Regulations of the Nevada Department of Agriculture

The Nevada Department of Agriculture and Board of Agriculture will hold a public meeting on Thursday, December 5, 2013 at 9:00 AM at the Department of Employment, Training and Rehabilitation office, main conference room, 2800 E. St. Louis Avenue, Las Vegas, Nevada 89104. Video conferencing will be available at the following locations:

Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431

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

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

The purpose of this meeting is to recommend to the Board of Agriculture to adopt the manganese additive modifications for NAC 590 as specified in the revised LCB File # R189-12. Comments from the public are welcomed. Note that a previous hearing was conducted November 4, 2013.

**Statement of Need:** This proposed change was prompted by the 2013 Legislature requiring the State Board of Agriculture adopt regulations that require a warning label to be affixed to any pump which dispenses any motor vehicle fuel to which any manganese or manganese compound has been added; requiring a person who sells motor vehicle fuel that contains manganese or any manganese compound to provide certain documentation to the purchaser of that fuel; and providing other matters properly relating thereto.

The methods used by the agency in determining the impact on a small business prepared pursuant to subsection 3 of [NRS 233B.0608](#) (prior to workshop): the Department examined the terms of the proposed regulation, which implement a legislatively imposed requirement of posting a warning sticker on fuel pumps, and calculated the direct impact on small businesses and small business formation based on the cost of the label to small business (the stickers will be provided free of charge by the Department) and the potential cost of having to place said stickers on the pumps (de minimus)..

This proposed regulation change will be permanent; the revised text of this proposed change is attached and may be accessed on the Department of Agriculture's web site.

The estimated economic effect on business is:

#### Adverse

Potential cost impact adding additional language on motor fuel transfer documentation.

Potential cost impact to analyze motor fuel in service station underground storage tanks after the six month delivery period.

**Beneficial**

May reduce business motor fuel price per gallon.

The estimated economic effect on the public is:

**Adverse**

Unknown.

**Beneficial**

May reduce public motor fuel price per gallon.

The Department of Agriculture, Division of Consumer Equitability, reached out to both the public and industries. The Workshop and Hearing was communicated to the public in accordance with NRS 241. Additionally, the Division reached out to the national car industry, national fueling industry, local marketers association, Nevada retail association, Reno/Sparks chamber of commerce and the Las Vegas Chamber of Commerce.

The Department of Agriculture, Division of Consumer Equitability, conducted one Workshop and one Hearing regarding SB 433's manganese NAC 590 revision. The Workshop was conducted October 2, 2013 and the Hearing was conducted November 4, 2013. Impacts to businesses, both large and small, were requested at those public meetings.

The estimated cost to the agency for implementing and supporting this regulation modification is approximately \$2,500 for labels per the first year. The Division of Consumer Equitability will make available the labels – hence the cost.

The proposed regulation does not overlap or duplicate other state or local governmental agencies, and, it does not overlap or duplicate federal regulations. This regulation is an implementation of an express requirement of Nevada state law, found in SB 433 (2013).

This regulation is not required pursuant to federal law.

The regulation implements a Nevada statutory requirement for the labeling of manganese in fuel that is currently not found in federal law.

Interested persons may present their views on the proposed regulation, December 5, 2013, 9:00 AM at:

Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431

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

Department of Employment, Training and Rehabilitation  
Main Conference Room  
2800 St. Louis Avenue  
Las Vegas, Nevada 89104

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 proposed regulation does not establish any new fee; no existing fee regarding the manganese fuel additive exists.

Persons wishing to comment upon the proposed action of the Department of Agriculture may appear at the scheduled public meeting or may address their comments, data, views, or arguments, in written form to Dave Jones, Department of Agriculture, 2150 Frazer Avenue, Sparks, Nevada 89431. If mailed, written submissions must be received by December 3, 2013; written documents may be hand delivered to the meeting at the Department of Employment, Training and Rehabilitation, Main Conference Room, Attention: Dave Jones, 2800 St Louis Avenue, Las Vegas, Nevada 89104. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Department of Agriculture and Board of Agriculture may proceed immediately to act upon any written submissions.

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

Nevada Department of Agriculture  
405 South 21<sup>st</sup> 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

Additionally, copies will be available 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 can also be found on the Nevada Department of Agriculture website at [www.agri.nv.gov](http://www.agri.nv.gov). Should a person require copies will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

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:

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 <sup>th</sup> Streets Goldfield, NV 89013	Eureka Branch Library P.O. Box 293 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 <sup>th</sup> 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 <sup>st</sup> 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

<b>Storey County Public Library</b> <b>95 South R Street</b> <b>Virginia City, NV 89440</b>	<b>Washoe County Library</b> <b>301 South Center Street</b> <b>Reno, NV 89501</b>	<b>White Pine County Library</b> <b>950 Campton Street</b> <b>Ely, NV 89301</b>
<b>Lander County Library</b> <b>625 South Broad Street</b> <b>Battle Mountain, NV 89820</b>	<b>Carson City Library</b> <b>900 N. Roop Street</b> <b>Carson City, NV 89702</b>	<b>Douglas County Library</b> <b>1625 Library Lane</b> <b>Minden, NV 89423</b>
<b>State Library</b> <b>100 North Stewart Street</b> <b>Carson City, NV 89701-4285</b>	<b>Smith Valley Library</b> <b>22 Day Lane</b> <b>Smith, NV 89430</b>	<b>Las Vegas Review Journal</b> <b>Ed Vogel/Capital Bureau</b> <b>102 N. Curry Street</b> <b>Carson City, NV 89703</b>



**David M. Jones**  
**Administrator**  
**Division of Consumer Equitability**

# MEETING NOTICE

## BOARD OF AGRICULTURE

**LOCATION:** Nevada Department of Employment, Training and Rehabilitation  
**(DETR)**  
2800 E. St. Louis Ave.  
Las Vegas, NV 89104  
702-486-7923

*Video-Conference to:* Nevada Department of Agriculture  
4780 Idaho St.  
Elko, NV 89801-4672  
775-738-8067  
775-738-2639

*Video-Conference to:* Nevada Department of Agriculture  
405 S. 21<sup>st</sup> St.  
Sparks, NV 89431-5557  
775-353-3601  
775-353-3661

**DATE AND TIME:** December 5, 2013 9:00 AM



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J.R. Barbee, Director

REVISED PROPOSED REGULATION OF  
THE STATE BOARD OF AGRICULTURE

LCB File No. R189-12

October 16, 2013

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

AUTHORITY: §§1 and 2, NRS 590.070 and 590.131.

A REGULATION relating to motor vehicle fuel; revising the requirements for posting the octane rating number of motor vehicle fuel; requiring a person who sells at retail motor vehicle fuel which contains manganese or a compound containing manganese to post on the pump or other device for dispensing the fuel a label indicating that the fuel contains manganese; specifying the form and contents of the label; setting forth when such a label must be affixed; and providing other matters properly relating thereto.

**Section 1.** NAC 590.063 is hereby amended to read as follows:

590.063 1. The octane rating number of the [~~gasoline~~] *motor vehicle fuel* from the proof of transfer must be posted on the pump or other device for dispensing the [~~gasoline~~] *motor vehicle fuel*.

2. The octane rating number of the product that is in the pump or other device for dispensing [~~gasoline~~] *motor vehicle fuel* must not be lower than the octane rating that is posted on the pump or device.

3. *In addition to the requirements set forth in subsections 1 and 2, any person who sells motor vehicle fuel at retail shall, if the motor vehicle fuel contains manganese or any*

*compound containing manganese, including, without limitation, MMT, post on the pump or other device for dispensing the motor vehicle fuel a label which:*

- (a) Meets the requirements of subsections 4 and 6;*
- (b) Is affixed during any period required by subsection 5; and*
- (c) Includes the following language:*

*WARNING: Read label before dispensing fuel.*

*Motor vehicle fuel contains manganese, manganese compound or MMT.*

*Recommend vehicle operator consult owner's manual before using this motor fuel.*

*4. The label required pursuant to subsection 3 must:*

- (a) Be legible and conspicuous;*
- (b) Be at least as large as 4 inches wide by 4 inches long;*
- (c) Consist of black ink on a background that is white; and*
- (d) Be written in at least 12-point font.*

*5. The label required pursuant to subsection 3 must be affixed to the applicable pump or other device for dispensing motor vehicle fuel in the manner described in subsection 6:*

*(a) At the time motor vehicle fuel containing manganese or any compound containing manganese, including, without limitation, MMT, is loaded into or otherwise placed in a storage tank from which the pump or other device for dispensing motor vehicle fuel draws its supply of fuel, and before the pump or other device for dispensing motor vehicle fuel may be used to dispense such fuel;*

*(b) For 6 months immediately after the time specified in paragraph (a); and*

*(c) For an additional 6 months immediately after any subsequent instance in which motor vehicle fuel containing manganese or any compound containing manganese, including, without limitation, MMT, is loaded into or otherwise placed in a storage tank from which the pump or other device for dispensing motor vehicle fuel draws its supply of fuel.*

*6. The label required pursuant to subsection 3 must, during any period specified in subsection 5, be affixed:*

*(a) To the exterior of each side of the pump or other device for dispensing motor vehicle fuel from which a consumer may dispense the fuel; and*

*(b) In a manner that is conspicuous and readily observable by the consumer.*

*7. The labels described in subsections 3 to 6, inclusive, may be obtained free of charge from the Division of Consumer Equitability of the State Department of Agriculture, 2150 Frazer Avenue, Sparks, Nevada 89431.*

*8. As used in this section, "MMT" means methylcyclopentadienyl manganese tricarbonyl.*

**Sec. 2.** This regulation becomes effective on January 1, 2014.

## Digest for Revised Proposed Regulation R\_189-12

Under existing law, the State Board of Agriculture is required to adopt specifications for motor vehicle fuel and enforce the specifications for motor vehicle fuel so adopted. (NRS 590.070) Existing law also directs the Board to adopt regulations to warn consumers concerning motor vehicle fuel that contains manganese or a manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl, which is commonly referred to as MMT. (NRS 590.131)

This regulation: (1) revises the requirements for posting the octane rating number of motor vehicle fuel; (2) requires a person who sells at retail motor vehicle fuel which contains manganese or a compound containing manganese to post on the pump or other device for dispensing the fuel a label indicating that the fuel contains manganese; (3) prescribes the required form and content of the label indicating that the fuel contains manganese; and (4) sets forth when such a label must be affixed to the pump or other device.

# MEETING – HEARING - NOTICE AND AGENDA

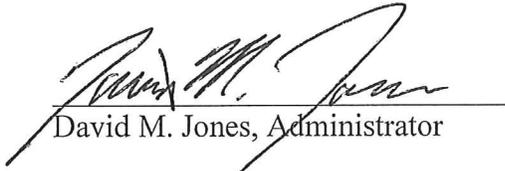
## BOARD OF AGRICULTURE Division of Consumer Equitability

**LOCATION:** Nevada Department of Agriculture  
405 S. 21<sup>st</sup> Street  
Sparks, NV 89431  
775-353-3601

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

*Video-Conference to:* Nevada Department of Agriculture  
4780 E. Idaho Street  
Elko, NV 89801  
775-738-8076

**DATE AND TIME:** November 4, 2013 – 9:00am



David M. Jones, Administrator

Below is an agenda of all items to be considered. **Action may be taken on items preceded by an asterisk (\*).** Items on the agenda may be taken out of the order presented, items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time at the discretion of the Chairperson.

### AGENDA

1. **Open meeting-call meeting to order by David Jones**
  - A. Introduction of staff and guests
2. **Public Comment**

**3. Administrator's Update (for information)**

- A. Revised LCB File No. R189-12.
- B. Sequence of Events.

**4. Public Comment**

**5. Adjournment**

\* Denotes items on which Board may take action. \*\* Denotes possible closed session.

Unless noted as an action item, discussion of any item raised during a report or public comment is limited to that necessary for clarification or necessary to decide whether to place the item on a future agenda.

Public comment may be limited to three minutes per person at the discretion of the chairperson.

All times are approximate. The Chairman reserves the right to take items in a different order to accomplish business in the most efficient manner.

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. 21<sup>st</sup> Street, Sparks, NV 89431 or contact Jodi Protopappas 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. 21<sup>st</sup> Street, Sparks, NV, 89431 or Dept. of Agriculture website at [www.agri.state.nv.us](http://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. 21<sup>st</sup> 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

## **Notice of Hearing to Solicit Input on Proposed Regulation**

The Nevada Department of Agriculture (Address: 405 South 21<sup>st</sup> Street, Sparks, NV 89431; Phone: (775) 353-3601) is proposing the Amendment of regulations pertaining to *chapter 590* of the Nevada Administrative Code. A Hearing has been set for 9:00 AM, November 4, 2013, at the Nevada Department of Agriculture (Address: 405 South 21<sup>st</sup> Street, Sparks) large conference room.

The purpose of the Hearing is to solicit industry and public input from interested persons on the following topic: SB 433 requirements regarding manganese fuel additive.

This Hearing will be conducted in accordance with the Nevada Open Meeting Law (NRS 241.020).

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

**Dave Jones**  
**Administrator of the Division of Consumer Equitability**  
**Nevada Department of Agriculture**  
**2150 Frazer Avenue**  
**Sparks, NV 89431**  
**(775) 353-3782**

A reasonable fee for copying may be charged.

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

**Nevada Department of Agriculture**  
**2150 Frazer Avenue**  
**Sparks, NV 89431**  
**ATTN: Dave Jones**  
**(775) 353-3782**  
**djones@agri.nv.gov**

Written submissions must be received by the Nevada Department of Agriculture on or before October 28, 2013. 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 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 will be available at the Department of Agriculture offices in Sparks, Las Vegas, Sparks and Elko during the hours of 8:00 a.m. until 5:00 p.m. Monday through Friday:

Nevada Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89431

Nevada Department of Agriculture  
2300 McLeod  
Las Vegas, NV 89104

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

Nevada Department of Agriculture  
2150 Frazer Street  
Sparks, NV 89431

This Notice of Hearing 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 list of public libraries and other locations, for inspection and copying by members of the public during business hours. 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.

Churchill County Library 553 South Main 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 <sup>th</sup> Streets Goldfield, NV 89013	Eureka Branch Library P.O. Box 293 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 <sup>th</sup> Street Winnemucca, NV 89445
Lincoln County Library 63 Main Street Pioche, NV 89043	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Public Library 110 1 <sup>st</sup> Street Hawthorne, NV 89415
Nevada Farm Bureau Federation 2165 Green Vista Drive, Suite 205 Sparks, NV 89431	Tonopah Public Library P.O. Box 449 Tonopah, NV 89049	Pershing County Library P.O. Box 781 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 North 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
Churchill County Library 553 South Main 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

Date: August 28, 2013