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DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431

MEMORANDUM

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

FROM: Lynn Hettrick, Plant Industry Division Administrator – 775-353-3729
rtietjen@agri.nv.gov Fax Number 775-353-3638

SUBJECT: Posting of Agenda for Workshop Scheduled for: Wednesday, August 16, 2017, 1:30 pm,

DATE: July 18, 2017

I have attached a copy of the agenda for the Nevada Department of Agriculture Workshop that will be held on Wednesday, August 16, 2017, 1:30 pm.

Please post the agenda for NAC 557 before 9:00 am, on August 1, 2017, 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: _____

PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE

LCB File No. _____

DIVISION OF PLANT INDUSTRY

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

The Nevada Department of Agriculture, 405 South 21st Street, Sparks, Nevada, 89431, is proposing the Amendment of regulations pertaining to chapter NAC 557 of Nevada Administrative Code. A workshop has been set for Wednesday, August 16, 2017, 1:30 pm, at:

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

The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

"Chapter 557 amendment to incorporate an application amendment fee for significant changes made to an approved application."

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

Ruth Tietjen
Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431
(775) 353-3670
rtietjen@agri.nv.gov

A reasonable fee for copying may be charged.

This Notice of Workshop 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 locations:

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

Nevada Department of Agriculture
2300 E. St Louis Avenue
Las Vegas, NV 89104

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

State Capitol Building
Nevada State Library and Archives, 100 N. Stewart Street, Carson City, NV
Dennis Belcourt – AG's Office
LCB website: www.leg.state.nv.us
Nevada Public Notice website: www.notice.nv.gov
Nevada Department of Agriculture Website: www.agri.nv.gov

MEETING NOTICE AND AGENDA

Public Hearing
Notice of Workshop

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

Video-conference to: Nevada Department of Agriculture
2300 E. St Louis Avenue
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: Wednesday, August 16, 2017, 2:00 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 587, a regulation relating to The general standards for certification of seed as adopted by the Department and NAC 587.931 to 587.937, inclusive, govern the standards for the certification of industrial hemp seed 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 <http://agri.nv.gov/>. 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 E. St Louis Avenue, Las Vegas, NV 89104, State of Nevada Capital Building, Carson City NV, State Library and Archives, Carson City

NAC 557: Industrial Hemp Research And Development Program Proposed Amendments

Black Text = Current Regulation

~~Red Text~~ = Proposed Removed Language

Blue Text = Proposed New Language

Revised 12/20/2016

Statutory Authority - SB 305

Sec. 8. The Department shall assess the following fees:

1. For the submission of an application pursuant to section 5 of this regulation, a nonrefundable application fee of \$500.
2. *To amend an application previously submitted pursuant to section 5 of this regulation, a nonrefundable amendment fee of \$500. The other fees due pursuant to this section will be adjusted to reflect any changes in the certified and registered site.*
3. For a certified and registered site used for growing and cultivating industrial hemp outdoors, a fee of \$5 per acre or portion thereof.
4. For a certified and registered site used for growing or cultivating industrial hemp indoors, a fee of 33 cents per 1,000 square feet, or portion thereof.
5. For inspecting a site used for growing or cultivating industrial hemp:
 - (a) A fee of not more than \$50 per hour for each hour an inspector spends conducting the inspection, including the time spent traveling to and from the site; and
 - (b) The mileage allowance established by the State Board of Examiners for state officers and employees pursuant to subsection 3 of NRS 281.160 for the inspector's travel to and from the site.
6. For sampling and analyzing industrial hemp pursuant to this chapter, a fee in the amount of the actual costs of the Department for the sampling and analysis, as approximated by the Department.

NAC 557. Pesticides Not Legally Prohibited from Use on Industrial Hemp

1. *The Department of Agriculture will evaluate pesticide active ingredients for possible inclusion on a list of pesticide ingredients that are not legally prohibited from use on industrial hemp. Products using the active ingredients included on the list must be registered for use in Nevada and must be EPA labeled appropriately for outdoor/indoor use.*
2. *The Department will evaluate products recommended by;*
 - a. *The Department staff; or,*
 - b. *The Independent Laboratory Advisory Committee; or,*
 - c. *A pesticide manufacturer; or,*
 - d. *An industrial hemp establishment or a representative thereof.*

3. *The Department will determine if a pesticide can be included on a not legally prohibited use list based on;*
 - a. *The provisions in NRS 586.010 to 586.420; and,*
 - b. *The Environmental Protection Agency approved label on the product.*
4. *Pursuant to the provisions of NRS 561.153, the Department will charge the following fees;*
 - a. *For evaluating a product requested to be added to the list, \$75.00 per hour*
 - b. *For verifying that a product is correctly labeled for use in a facility licensed pursuant to NRS 453A, \$75.00 per hour*
 - c. *To participate in a SLN 24C application, \$300.00*

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

Revised LCB File# R???

NAC 557

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.**
 - The NDA contacted every industrial hemp grower involved in a research trial that may be impacted by this clarification and everyone who has expressed interest in the program. The regulations are available on the website of the Department of Agriculture, www.agri.nv.gov and posted at the following locations:

Department of Agriculture 405 S. 21 st Street Sparks, NV 89431	Department of Agriculture 2300 St Louis Avenue Las Vegas, NV 89104
Department of Agriculture 4780 E Idaho Street Elko, NV 89801	
2. **The manner in which the analysis was conducted.**
 - No analyses was conducted because these regulations do not apply to small businesses and the introduction of an amendment fee is merely a clarification of the application process if a grower wishes to amend the original research project.
3. **The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:**
 - Does not apply directly to the development of a pesticide list, but will have an impact if the original application to cultivate is modified, at the grower's request. By state law, the use of any pesticide not included on the list would result in the destruction of the entire crop. The creation of a list minimizes that possibility.
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. Inclusion on the list is determined by federal labeling criteria. Additionally, the impact is insignificant and the amendment fee is to cover the agencies cost to issue a permit.

5. **The estimated cost to the agency for enforcement of the proposed regulation.**
 - This proposed regulation will have a resultant minimal impact, it is a service to the industry.
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.**
 - This regulation will impose a new fee that has been calculated to cover the costs of administering the service. We estimate to collect \$300.00 per year for the inclusion of a pesticide list. The proposed application amendment fee will generate \$0-\$2,500 with the possibility that fees may be returned to the individual grower.
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.**
 - No impact on small businesses. These proposed regulation simply specify the criteria used to determine the pesticides that are not legally prohibited from use on industrial hemp. Application amendment regulations simply clarify the application process and will only apply at the request of the grower.

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 was prepared properly and is accurate.


James R. Barbee

Deputy Director

Director

Nevada Department of Agriculture

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JAMES R. BARBEE
Director

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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>

Workshop for Proposed Regulation Amendments to Nevada Administrative Code Chapter 557 – Industrial Hemp

Date: August 16, 2017
Time: 1:30 pm (PST)
Location: Video conference between the Nevada Department of Agriculture's Sparks, Las Vegas and Elko offices (addresses listed above)

This workshop has been properly noticed as required by the Nevada Open Meeting Law. The workshop is being recorded and all attendees are required to sign in and those who wish to speak are asked to identify themselves for the record. All participants are encouraged to engage in discussion; therefor there is no formal public comment period.

Agenda:

- I. Welcome & Introductions
- II. Overview of Specific Amendments
- III. Open Discussion Pertaining to Proposed Amendment(s)
- IV. Adjourn