

December 9, 2020 Board Report

Director's Office



Industry/External

- Continue to work with government affairs and federal delegation to obtain funding for Nevada's food and agriculture sector.
- Chaired Food Security Council meeting
- Attended the virtual Tri-National Agricultural Accord conference
- Attend annual NASDA conference

Partner Coordination

- Attended the Sagebrush Ecosystem Council Meeting
- Presented at the Nevada Cattlemen's annual meeting

Executive

- Presented the proposed budget to the Governor's Finance Office
- Participated in the Governor's Cabinet calls

Bill Draft Requests (BDR)

- Consumer Equitability (CE)
 - AB31
 - Expanding definition for "additives" to include motor vehicle and burner fuels as substances to which additives are added
 - Updating the definition for "alternative fuel" to include additional fuel types not previously included and to further clarify the definition of some fuels currently included in "alternative fuel"
 - Defining Diesel Exhaust Fluid (DEF); adding new sections granting the State Board of Agriculture the authority to adopt specification standards for DEF and authority for enforcement thereof
 - Changing the authority to adopt standards for aviation fuel from the State Sealer of Consumer Equitability to the State Board of Agriculture for the purpose of consistency in authority to adopt fuel standards; granting authority to the State Board of Agriculture to enforce the adopted standards for aviation fuel
 - Granting authority to the State Board of Agriculture to adopt standards for petroleum heating products other than liquefied petroleum gas and natural gas
 - Removing text from NRS 590.100 §6, which currently gives authority to the State Sealer of Consumer Equitability in conflict with authority given to the Board of Agriculture in NRS 590.070
 - Establishing new section that addresses the disposition of fuel that does not meet adopted specifications
 - AB75
 - Adding definitions for Field Reference Standards and Transfer Standards; providing authority for the State Sealer of Consumer

- Equitability to adopt regulations pertaining to Field Reference and Transfer Standards.
 - Clarifying that the rebuttable presumption created in NRS 581.395 pertains to commercial business practices
 - Removing the duty to adopt requirements for the open dating of food. This subject matter area is more appropriately regulated by health/food safety regulators than by weights & measures regulators.
 - Creating a rebuttable presumption that any Field Reference Standard that is within the possession of a Registered Service Agent is used for the purposes of installing, adjusting, repairing and/or calibrating commercial weighing and measuring equipment and is subject to the regulations pertaining to certification and proper
- Plant Industry
 - SB63
 - Creating deadline for hemp applications to be submitted by July 1 of each year to allow for staff to be available for time sensitive crop sampling (August-November). Also establishes enforcement action for falsifying information.
 - AB34
 - Modifying language involving weed-free certification programs to reflect NAISMA standards, including “propagative parts” language in noxious weeds statutes. Also modifying license and certification requirements to reflect new federal requirements through the establishment of “commercial applicator license,” “non-private,” and “private” applicator certifications.
 - AB74
 - Updates RUP record-keeping requirements to reflect changes in federal law. This included modernizing Nevada seed law to align with the federal seed act.
- Animal Industry
 - SB34
 - Updates the statues regarding Agricultural Police Officers and brand inspectors
- Administration
 - SB54
 - Updates the qualifications for the Board of Agriculture members SB65
 - Changes the name of Consumer Equitability to the Division of Measurement Standards.
 - Changes the name of the Plant Industry Division to the Plant Health and Compliance Program.

- These name changes better encompass the duties and services the divisions provide.
- Updates qualifications for State Veterinarian

Nevada Administrative Code (NAC)

- Consumer Equitability
 - NAC 590
 - Hearing to be held 12/9/20
 - Updates the address of the NDA offices in Sparks and Las Vegas
 - Updates the title for the adopted standard specification for diesel fuel
 - Updates the purchase prices for the (from ASTM International) for adopted specifications
 - Establishes descriptors for each blend of gasoline
 - Establishes new section adopting the most recent standards of viscosity grade classifications and specifications for engine oil performance and engine service classification
 - Establishes a new section for standards of diesel fuel labeled “premier,” “premium,” “super” and “supreme”
 - NAC 581 and 582
 - Workshop took place on 12/8/20. Hearing to be scheduled January 2021.
 - Updates the address of the NDA Sparks office and adds information for accessing the National Institute of Standards of Technology (NIST) handbooks
 - Adds additional tests, inspections and services in which certain fees for re-inspection or a special trip for inspection or testing may be charged
 - Adds section detailing NDA to be notified within 10 days ownership or location change of commercial weighing and measuring equipment
 - Authorizes a waiver of inspection from NDA of a weighing or measuring device that has been repaired or adjusted when provided sufficient evidence
 - Revises fee schedule for annual licensing of commercial weighing and measuring equipment
 - Eliminates requirement that a public weighmaster must file a faithful performance bond
 - Establishes a fee for late renewal of a public weighmaster license and established a period of validity
- Plant Industry
 - NAC 555
 - Completing small business impact statement to schedule workshop
 - Revisions include a fee for plant pathology and entomology identifications
 - NAC 552
 - Drafting survey for small business impact survey

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- Revisions include registration requirements for apiaries
- NAC 554
 - Drafting survey for small business impact survey
 - Fee increase for hourly inspection rates and phytosanitary certificates to recover program costs
- NAC 557
 - Three regulation change workshops were held, and an adoption hearing is anticipated for January 2021. Once regulations are adopted that reflect USDA requested additions and federal requirements as detailed in the Interim Final Rules, a state plan will be submitted in order to meet the requirements of the 2018 Farm Bill and to have primary regulatory oversight of hemp in Nevada.
- Animal Industry
 - NAC 441A
 - Completing small business impact statement to schedule workshop
 - Revises language to include frozen samples for testing
 - NAC 564
 - Completing small business impact statement to schedule workshop
 - Revisions reflect the increase in fees for brand inspection in accordance with the business plan submitted for the Livestock Inspection Program
 - NAC 565
 - Completing small business impact statement to schedule workshop
 - Clarifying that agricultural police officers are sworn law enforcement
 - Clarifying that all brand inspections are to be done in-person
 - Clarifying brand inspections and their duties
 - NAC 571
 - Completing small business impact statement to schedule workshop
 - Clarifying age brucellosis vaccines are received
 - Adding renewal and training requirements to perform routine testing for trichomonosis
 - NAC 573
 - Completing small business impact statement to schedule workshop
 - Adding the language “Annual Sale of Livestock” per NRS 573
 - Implementing fee for “Annual Sale of Livestock”
 - Increasing license fee for public livestock auctions
 - NAC 577
 - Completing small business impact statement to schedule workshop
 - Implementing regulations and language to carry out the provisions of NRS 577
 - NAC 583
 - Workshop held 12/3/20. Currently reviewing feedback and updating language.

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- Implementing regulations and language for custom meat and poultry slaughter and mobile processing units
- NAC 584
 - Completing small business impact statement to schedule workshop
 - Reflecting increase in fee for brand inspections
 - Solidifying abolishment of the Dairy Commission in accordance with 2017 Assembly Bill 33

COVID-19

- Director's Office
 - Continued to work with agencies, committees and community organizations to respond to circumstances around COVID-19, but also plan for response efforts in over the next 2-5 years.
- Consumer Equitability
 - The Sparks and Las Vegas laboratories are currently fully operational. All metrology receiving activities are conducted outdoors and customer standards are subject to a 36-hour quarantine period prior to certification services.
- Plant Industry
 - With the rise in Covid-19 cases, indoor inspections have been limited to “essential only” to include complaint response, investigation, and/or of critical nature.
 - Export inspectors are still providing services, however due to the high volume of people present in the packing areas, additional PPE has been secured. Applicants have been informed that adherence to state requirements are mandatory to receive services.
 - Pesticide applicator licenses and certification testing have been temporarily reduced from six testers to four testers at a time with sanitation processes in-between testers.
- Food and Nutrition
 - School Nutrition
 - All scheduled Administrative and Procurement Reviews are being conducted virtually.
 - Child and Adult Care Food Program
 - Childcare centers are not at the capacity they were prior to COVID, so fewer meals are being served. Many childcare centers have, however, added more school aged children who needed a place to complete distance learning while their parents were at work.
 - Scheduled Administrative and Procurement Reviews (AR, PR) for school year 20-21 are being completed remotely via a desk audit and use of virtual technology such as videos and pictures in place of onsite observation due to COVID-19 restrictions.
- Animal Industry
 - The Elko Biologist position will remain on hold due to budget reductions caused by COVID-19. Due to this vacancy, the Elko laboratory will also remain closed

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for the time being. In discussions to use the Elko laboratory as a short term COVID testing laboratory to address a backlog in tests in Northeastern Nevada.

CARES

- A CARES Act request for applications *Inventory and Distribution of Nevada Agricultural Produce and Products* was released to address COVID-19 food inventorying and distribution challenges. Ten projects met the program requirements and were selected for funding in the amount of \$1,159,058.
- A CARES Act request for applications Nevada Agriculture Adaptability and Recovery and Program was released to aid operations that have had to adapt employee and food safety measures and diversify their offerings to meet consumer needs. Eligible candidates include producers, agriculture businesses, farmers markets and food hubs, agriculture product processors, in addition to wineries, breweries, and distilleries that source a minimum of 51% of Nevada grown products. Examples of eligible activities include personal protection equipment, employee housing, crop buy-outs, improved distribution, and land labor costs. Approximately \$320,452 has been issued to eligible applicants.