

NAC 557 Workshop
Meeting Minutes
Wednesday, November 4th, 2020



Remote Meeting Location: **Nevada Department of Agriculture**
405 South 21st Street
Sparks, NV 89431
775-353-3601
Location: Web-ex meeting:
<https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture.my/j.php?MTID=m18ea4774974c42718525d57dbd31aef0>
Meeting Number: 126 951 2320
Meeting Password: nxTr9iyiQ75 (69879494 from phones and video systems)
Join by Phone: 1-408-418-9388
Phone Access Code: 126 951 2320
Phone Access Password: 69879494

Public notice

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

Web-ex meeting: <https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture.my/j.php?MTID=m18ea4774974c42718525d57dbd31aef0>

DATE AND TIME: Wednesday, November 4, 2020 at 9:30AM

The purpose of the workshop is to receive comments from all interested persons regarding the Amendment of regulations that pertain to chapter 557, of the Nevada Administrative Code. The proposal has been designated as File No. R145-20 by the Nevada Legislative Counsel Bureau.

NAC 557 revisions are in response to the [Agriculture Improvement Act of 2018](#) and corresponding [Interim Final Rules](#). In order for the Nevada Department of Agriculture

(NDA) to be approved by USDA to have primary regulatory oversight, adherence to the [Interim Final Rules](#) must be demonstrated. The revisions also include a proposed fee increase needed to support program administration and meet federal requirements. This includes the following: establishing provisions relating to the registration of growers and producers; setting forth certain reporting requirements for registrants; establishing provisions relating to the sampling and testing of hemp; setting forth certain requirements for the disposal of noncompliant crops; establishing provisions relating to persons who commit certain violations relating to the regulation of hemp; establishing fees for registration as a grower, handler or producer; imposing civil penalties; repealing certain obsolete provisions; and providing other matters properly relating thereto.

The proposed regulation changes can be found on the Nevada Department of Agriculture website at www.agri.nv.gov.

Persons wishing to comment upon the regulation draft of the Nevada Department of Agriculture may appear at the scheduled workshop or may address their comments, data, views, or arguments, in written form, to the address below.

Nevada Department of Agriculture
405 S. 21st Street
Sparks, NV 89431
ATTN: Allen Whitenack
(775) 353-3670
awhitenack@agri.nv.gov

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>.

COVID-19 Notice:

ALL PERSONS WISHING TO ATTEND THE MEETING MUST ATTEND VIA WEBEX OR TELEPHONICALLY.

- The open meeting law (Nevada Revised Statutes Chapter 241) requires public bodies to conduct their meetings with at least one physical location.
- Under an emergency directive issued March 22, 2020, the physical location requirement has been suspended.

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

Allen Whitenack
Plant Industry Division
Nevada Department of Agriculture

405 South 21st Street
Sparks, NV 89431
775-353-3670
awhitenack@agri.nv.gov

A reasonable fee for copying may be charged.

Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Please call 775-353-3670.

Notice of this meeting was posted on or before 9:30 a.m. fifteen days before the meeting at the following locations: the Nevada Department of Agriculture website at agri.nv.gov or www.notice.nv.gov. Copies of the agenda, supporting documentation and meeting minutes are available, at no charge, at the Nevada Department of Agriculture website at agri.nv.gov or www.notice.nv.gov or by contacting Allen Whitenack at (775) 353-3670 or awhitenack@agri.nv.gov.

NOTICE OF WORKSHOP TO SOLICIT COMMENTS ON PROPOSED REGULATION

Notice of Workshop to Solicit Comments on Proposed Regulation

Agenda

November 4, 2020

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Nevada Department of Agriculture

405 South 21st Street
Sparks, NV 89431
775-353-3601

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Note: Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda

- I. **Public Comment:** In consideration of others who may wish to provide public comment please avoid repetition and limit your comment to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker.
- II. **Overview of Chapter 557 regulation revisions**
- III. **Public Comment:** In consideration of others who may wish to provide public comment please avoid repetition and limit your comment to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker.
- IV. **Adjourn**

A copy of materials relating to the meeting and proposed regulations are available online at:

http://agri.nv.gov/Plant/Workshop_and_Hearing_Meetings/Workshops_and_Hearings/ or by contacting Allen Whitenack at awhitenack@agri.nv.gov. Written comment can be sent to 405 south 21st Street, Sparks NV 89431 or emailed to awhitenack@agri.nv.gov.

This meeting was recorded, however the video and audio are significantly delayed. If interested in receiving a copy of the recording contact 775-353-3601.

NAC 557 Workshop Meeting Minutes November 4, 2020

1. Call to Order

Meeting called to order 9:30 a.m.

Attendees as identified during workshop

NDA Attendees: Ashley Jeppson, Plant Industry Administrator; Alexa Johnson, Agriculturist IV; Audrey Blondfield, Agriculturist II; Shayda Sanjideh, Agriculturist I; Allen Whitenack, Administrative Assistant.

Members of the Public (**complete list of attendees provided upon request 775-353-3601**)

Number of Attendees: 19

Public comment provided by: Will Adler; Progressive Magazine; Joe Frey, Western State Hemp; Robert Daniell, Hemp Sun Farms

Introduction

Ashley Jeppson, Plant Industry Administrator provided workshop introduction of agenda. The purpose of the workshop is to solicit comments from interested persons on R-145-20 changes to NAC Chapter 557 pertaining to the Nevada Hemp Program.

Public Comment

Public participation item 1: Public comment provided by Will Adler. Mr. Adler gave thanks to the Nevada Department of Agriculture (NDA) for the workshop and indicated NDA was moving in the right direction with the proposed regulations and timeline. He expressed support in removing the requirement for third party labs to report THC analysis to NDA and thanked the department for their assistance with addressing lab reporting challenges.

Public participation item 2: Public comment provided by Leana Carey; Progressive Magazine which included the following:

- Concern if there is any information that is classified in the grower applications.
- Asked for clarification if there is any mechanism or a way to review falsification of information in the process of reviewing the applications.
- Inquired who will review the applications for any falsifications and how the NDA will determine the background information to be classified.

Ashley Jeppson, NDA PI Administrator provided the following responses.

- Ms. Jeppson explained that if there is a falsified legal landowner approval document, that would apply as a falsified document. It could be a number of circumstances, but the NDA would evaluate each situation on an isolated basis before labeling something as falsified.
- Ms. Jeppson asked that if there are any concerns or people in the industry have any concern to communicate with NDA to address these concerns involving back-ground or falsified information.
- Ms. Jeppson explained that the Department of Agriculture review the applications and would assess whether a document was falsified based on the information provided.

Public participation item 3: Public comment provided by Joe Frey, Western States Hemp. Mr. Frey provided public comment on the following:

- Appreciation towards NDA for coordinating a third public workshop and for the changes provided in the wording of the regulation. He indicated the regulations appeared nearly there in terms of completion, with the consideration of potentially one more workshop.
- Concern with the testing and sampling procedures as described in federal requirements.
- Support of the changes in removing third-party lab reporting to the department, as reflected in the proposed draft.

Public participation item 4: Public comment provided by Robert Daniell via text chat option. Mr. Daniell provided comment on the following:

- Inquired how NDA detects and removes people from operations that circumvent getting a license.

- Suggested clarification be provided in the regulations where it mentions “State laws” where it is referring to “Nevada State Laws” and that when it mentions “Department” it is referring to “Nevada Department of Agriculture” and not USDA.
- Inquired if there is going to be a fee for transferring a certification.
- Inquired about sampling of processed hemp products by the NDA.
- Inquired if there is going to be a required inspection for Handlers who process biomass prior to the processing of said biomass
- Inquired as to how the NDA addresses imported biomass from other states.

Ashley Jeppson, NDA Plant Industry Administrator provided the following responses to comments/questions provided:

- Ms. Jeppson explained that criminal behavior and “bad actors” are the reason why USDA added Key Participants to the requirements. She explained that the NDA is also relying on the background reports from the industry. She urged that if anyone has information about possible problems within the industry to please inform the NDA. Open communication between Key Participants and the NDA will assist the department in ensuring proper protocols are being followed and follow up inspections are being carried out.
- Ms. Jeppson explained that there is a fee of \$150 for transferring a certificate.
- Ms. Jeppson explained that during the 2019 Legislation, Senate Bill 209 went through and was to require labeling of Hemp products with the THC and CBD contents. At this moment, the regulations only require the NDA to do crop samples, therefore samples of hemp processed products can still be done by third party laboratories.
- Ms. Jeppson explained that the NDA intent is to be able to inspect Handlers more, primarily to confirm the information provided in the application.
- Ms. Jeppson explained that there is an expectation from NDA that the Handlers verify their producer sources to be held by the same requirements.

Audrey Blondfield, NDA Agriculturist II added the following response for public comment #1 from Robert Daniell:

- Ms. Blondfield explained that every complaint that the NDA receives is recorded and investigated to ensure compliance.

Public participation item 5: Public comment provided by Hemp Sun Farms.

- Inquired if the NDA is going to add actual testing procedures into legislation to help growers pretest their plants to be better prepared for state testing.

Ashley Jeppson, NDA PI Administrator provided the following responses.

- Ms. Jeppson explained that the NDA inserted the language from federal law into the proposed regulations. The NDA does not want to box a specific method because there can be a more favorable method in the future. Ms. Jeppson explained that the NDA is happy to share the Standard Operating Procedure (SOP) for testing and sampling procedures. She explained that NDA is transparent and willing to share the SOP to help growers to ensure that their third-party laboratory testing method reflects NDA’s testing method.

Public participation: Joe Frey, Western States Hemp stated that the department willingly shares SOPs. NDA had been very efficient in sharing sampling and testing SOPs with industry.

II. Regulation change overview: Ms. Jeppson provided an overview of the draft regulation and highlighted major changes from the last workshop and objectives for the department to meet minimum federal requirements.

III. Public Comment

Ms. Jeppson expressed appreciation for workshop attendance and for all the comments made.

IV. Adjourn

Meeting adjourned by Ashley Jeppson at 10:23 a.m.