

NAC 557 Workshop
Meeting Minutes
Wednesday June 23, 2021



Remote Meeting Location:

- **Location: Web-ex meeting:**

<https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture.my/j.php?MTID=med729d15ab92cf1b26f1255010b0ee81>

Meeting Number: 182 266 5208

Meeting Password: RSm5bKra2p6 (77652572 from phones and video systems)

Join by Phone: 1-408-418-9388

Phone Access Code: 182 266 5208

Phone Access Password: 77652572

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- **MEETING NOTICE AND AGENDA**
- **Notice of Workshop**

LOCATION: Nevada Department of Agriculture
405 S 21st Street
Sparks, NV 89431

Web-ex meeting:

<https://nevadadepartmentofagriculture.my.webex.com/nevadadepartmentofagriculture.my/j.php?MTID=med729d15ab92cf1b26f1255010b0ee81Meeting>

DATE AND TIME: Wednesday, June 23, 2021 at 10:00am

The purpose of the workshop is to receive comments from all interested persons regarding the permanent adoption of temporary regulations LCB T001-21 that pertain to chapter 557, of the Nevada Administrative Code. The proposed permanent adoption of temporary regulations LCB T001-21 has been designated as File No. R011-21 by the Nevada Legislative Counsel Bureau.

LCB Draft of Proposed Regulation R011-21 NAC 557 revisions are in response to the Agriculture Improvement Act of 2018 and corresponding Final Rules. In order for the Nevada Department of Agriculture (NDA) to be approved by USDA to have primary regulatory oversight, adherence to the Final Rules must be demonstrated. The revisions 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 amendment can be found on the Nevada Department of Agriculture website at www.agri.nv.gov or by contacting awhitenack@agri.nv.gov.

Persons wishing to comment upon the regulation draft of the Nevada Department of Agriculture may attend virtually to the workshop or may address their comments, 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>.

A copy of all materials relating to the workshop may be obtained 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.

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

I. Call to Order

II. 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.

III. Overview of Chapter 557 regulation revisions

IV. 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.

V. 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. If you are interested in receiving a copy of the recording contact Allen Whitenack at 775-353-3670.

**NAC 557 Workshop Meeting Minutes
June 23, 2021**

I. CALL TO ORDER

Meeting called to order at 10:01 am

Attendees as identified during workshop

NDA Attendees: Ashley Jeppson, Plant Industry Administrator; Alexa Johnson, Agriculturist IV Plant Industry; Audrey Blondfield, Agriculturist II Plant Industry; Leycha Ortiz-Carlo, Agriculturist II Plant Industry; Allen Whitenack, Administrative Assistant III Plant Industry

Members of the Public

Number of Attendees 4

Adrienne Snow, Alex Tancheck, Chris Rusby, Leanna (no last name provided)

Introduction

Ashley Jeppson, Plant Industry Administrator provided workshop introduction of agenda and noted the new register document as it is now moving to permanent regulation.

Highlighted error regarding NAC 241 which was listed as NAC 287 on Public Notice Agenda.

II. PUBLIC COMMENT

No public comment provided.

III. REGULATION CHANGE OVERVIEW

Ashley Jeppson, Plant Industry Administrator presented changes to NAC as referenced in orange and green text, representing changes to the adopted temporary regulations LCB File T001-21. Most notably removing the requirement of background checks on all key participants. Amended text will now only require 1 key participant or applicant to provide a background check. Also noted in section 11, disposition now also allows for remediation as permitted under the referenced Code of Federal Regulations (CFR).

In section 11 subpart 3, Ms. Jeppson noted the language “. If the practice meets the minimum federal requirements sampling procedures will include taking a random representative sample of flower material from throughout the plant.” had been struck from the draft, as the sampling requirements are detailed in the referenced CFR and the stricken language would not meet minimum requirements as it does not specify the top 5-8 inches of the flowering part of the plant.

In section 13, remediation was added to the language where disposal is referenced.

Ms. Jeppson also noted that the Nevada State Plan has been submitted to the USDA and approved. The plan is available on the USDA website, and will be released from the NDA soon. Ms. Jeppson also noted that comments and suggestions to the state plan from participants is encouraged.

IV. PUBLIC COMMENT

Leanna (no last name given)(public):

Expressed concern with the wording of 5 to 8 inches. Commented that it should not be a range, but either 5 or 8 inches. She also asked who would be taking the samples, and if the individuals are trained and certified.

Ashley Jeppson (NDA) response:

The sampling criteria is established by USDA which allows for 5 to 8 inches. The sampling protocol is detailed in the approved state plan. She also noted that per federal requirements sampling must be performed by trained inspectors and only Nevada Department of Agriculture staff would be taking samples. NDA staff are trained prior to performing inspections and must abide by the established Standard Operating Procedure (SOP).

Chris Rusby (public):

Asked if sampling will be done from the top 1/3 of the plant(s)

Audrey Blondfield (NDA) response:

Samples must be taken from the top portion of the plant per the state plan.

Chris Rusby (public):

Discussed that the previous USDA guidance allowed for sampling to occur from the top third of the plant as did other state plans and was under the impression this would be the NDA’s sampling procedure.

Ashley Jeppson (NDA) response:

The NDA will review the USDA document regarding sampling guidelines and ensure that the state plan is in alignment with USDA guidelines.

Audrey Blondfield (NDA) response:

Ms. Blondfield recited the state plan regarding sampling procedures which quoted CFR sampling requirements.

Ashley Jeppson (NDA) response:

Ms. Jeppson noted that the CFR reference of cutting from the main stem was what led NDA to the conclusion that sampling from the top third of the plant would not be permissible, however that the NDA will contact the USDA for clarification regarding sampling procedures.

Leanna (no last name given) (public):

Inquired if the USDA had reviewed and approved the Nevada State Plan regarding hemp.

Ashley Jeppson (NDA):

Ms. Jeppson stated that the state plan was extensively reviewed and had been approved by the USDA. Ms. Jeppson also reiterated that the plan was available on the USDA website and will be released from NDA shortly. The department's goals are to meet minimum federal standards and to not make it more challenging for growers.

V. ADJOURN

Meeting adjourned by Ashley Jeppson at 10:21am

Public comment and response received via email:

Chris Rusby (public):

Mr. Rusby noted that it appeared that the USDA had changed the sampling guideline previously posted on the USDA website. Mr. Rusby stated that the new version does not have the same language regarding taking samples from the "top 1/3 of the plant". Mr. Rusby referenced multiple states whose approved plans had varying sampling guidelines in reference to location where samples should be taken from the plant. Mr. Rusby encouraged the NDA to be as favorable to the farmer as possible when it comes to taking samples. He encouraged less rigidity when collecting samples as it could possibly lead to conflict.

Ashley Jeppson (NDA) response:

Ms. Jeppson replied to Mr. Rusby that USDA had provided clarification in alignment with his findings on other state plans and that the department's sampling method would align with this flexibility. She referenced an email that received from the USDA regarding sampling guidelines which is quoted below.

Response from USDA 6/23/21:

It does not always have to be from the top of the main center stalk. Both the Final Rule (p5601) and our published Sampling Guidance extend the areas of the plant where compliance sampling may be done.

“All samples must be collected from the flowering tops of the plant by cutting the top five to eight inches from the “main stem” (that includes the leaves and flowers), “terminal bud” (that occurs at the end of a stem), ”or “central cola” (cut stem that could develop into a bud) of the flowering top of the plant.”

If you look at our Guidance Document on sampling there are some pictures of where you can take a compliance sample besides just the top of the main stem. (top of p8)

<https://www.ams.usda.gov/sites/default/files/media/SamplingGuidelinesforHemp.pdf>