
MEETING MINUTES

**Of the Nevada Administrative Code (NAC) Chapter 587 Workshop of the
Nevada Department of Agriculture (NDA)**

LCB File No. R099-20

The Nevada Department of Agriculture (NDA) held a public meeting on October 26, 2021 beginning at 10:00 am at the following location(s):

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 89445
Phone: (775) 738-8076

Phone and/or video conference via:

Webex for all interested parties
Meeting Number: 2555 882 7665
Access code: YjpNMWB3P25 (95766923 from phones and video systems)

Persons in attendance:

- Ashley Jeppson, Administrator, NDA Division of Plant Health and Compliance (Plant)
- Allen Whitenack, Administrative Assistant III, NDA Division of Plant Health and Compliance
- Alexa Johnson, Crops Programs Coordinator Agriculturist IV, NDA Division of Plant Health and Compliance

- Ciara Ressel, Public Information Officer 2, NDA Administration Division
- Meghan Brown, Deputy Administrator, NDA Division of Plant Health and Compliance
- Russell Wilhelm, Seed Program Manager Agriculturist II, NDA Division of Plant Health and Compliance
- Sheryl Hunnewell, Export Program Agriculturist II, NDA Division of Plant Health and Compliance
- Jessica Gardner, Public Attendee
- Bobbie Jo, Public Attendee

I. Call to Order:

The meeting was called to order at 10:03am by Plant Administrator Ashley Jeppson. Administrator Jeppson noted that the workshop was being held via WebEx and that the workshop/hearing had been properly noticed and was being recorded as required by Nevada Open Meeting Law.

Administrator Jeppson stated that this public meeting was being held to review the proposed language and seek public feedback on proposed changes to NAC Chapter 587 regarding various inspection and program fee changes. A review of the agenda and instructions to participants connecting virtually or via phone as to how to engage in the meeting using the online platform was provided. It was requested that all persons identify themselves by name and any affiliation for the record when providing comment.

II. Public Comment (1st period):

Administrator Jeppson asked if anyone from the public sought to make a comment on the proposed regulations.

No public comments were received.

III. Review and Discussion of Proposed Regulations

Administrator Jeppson outlined the Nevada Administrative Code Chapters 587 for proposed amendment. Ms. Jeppson discussed the need for the changes to the department's fee schedules to allow for adequate coverage of administrative costs incurred. Ms. Jeppson stressed that several programs, particularly involving export had not been generating the revenue needed to cover program costs. In addition, inspectors must meet federal program requirements in performing services and the fee structure currently was not covering the necessary time to complete these expectations and to cover federal fees associated with programs. Ms. Jeppson discussed the department's current process of cross training inspectors to assist with adequate coverage of stakeholder inspection needs and to reduce administrative costs along with costs to the public. Ms. Jeppson noted that any public comment can be sent to Allen Whitenack for consideration.

Ms. Jeppson shared her screen and began discussing the proposed changes to NAC 587. Ms. Jeppson noted that changes made in red are proposed removals from NAC 587 and changes made in blue are proposed additions. Ms. Jeppson noted that if fees for the inspection and certification of potatoes would exceed \$3000.00 with any single company, that said company would need to obtain a surety bond or another form of security that is satisfactory to the

Director. The original amount required for such bond is currently \$2000.00. Ms. Jeppson indicated that with the increase in fee rates, it was determined that this threshold should also be increased to better fit the needs of industry. Ms. Jeppson discussed NAC 587 Section 1 Subsection 2 and the change in hourly rate from \$40.00/hr to \$60.00/hr pertaining to grading and certification. Ms. Jeppson stated that \$60.00/hr inspection fees are consistent across the Division. Ms. Jeppson also stated that these costs were in line with other states across the nation. Ms. Jeppson discussed NAC 587 Section 1 Subsection 3 and the fee changes from \$50.00 to \$60.00 for the inspection of forage for the presence of noxious weeds. Ms. Jeppson discussed NAC 587 Section 1 Subsection 5 and the fee changes for phytosanitary certificates from \$7.00 to \$10.00 per acre. Ms. Jeppson discussed NAC 587 Section 1 Subsection 6 and the fee change from \$25.00 to \$40.00 per state phytosanitary and free sale certificates. Ms. Jeppson also mentioned that this fee change will also apply to federal phytosanitary certificates. Ms. Jeppson noted that these are official documents that are closely monitored, time intensive for industry, and require a significant amount of drafting and engagement with the requestor. The previous fee structure was not covering these costs. Ms. Jeppson discussed Section 3 Subsection 1 and the change to the certification fee from \$25.00 to \$30.00 with a minimum charge of \$40.00 per application.

Ms. Jeppson discussed the definition changes to seed Wholesalers and seed Retailers and the annual fees charged. Ms. Jeppson discussed the annual fee of \$75.00 for seed Retailers and \$750.00 fee for seed Wholesalers. The intent for these fees is to allow NDA staff to complete lab analysis to confirm germination, purity and noxious weed contaminations that could be present within those seeds. Ms. Jeppson discussed the methods used by Russell Wilhelm to assess seed registration programs across the country to determine a fair and equitable fee schedule for seed analysis. This included information on a 2019 study from North Dakota on retail seed that found 11% of the samples (roughly 1,000 samples taken) were non-compliant (i.e., had germination and purity issues in addition to noxious weeds), Ms. Jeppson discussed engagement with state nurseries and the Board of Agriculture nursery representative on how best to execute this program, disseminate lab analysis information, and trends across the state should this addition proceed. Per feedback from the nursery industry, the NDA would strategize on the seed brand and/or species to ensure retailers and wholesalers are being provided with analyses that will allow them to make informed business decisions. Ms. Jeppson discussed the definitions of seed retailers and seed wholesalers.

IV. Public Comment (2nd period):

Administrator Ashley Jeppson asked if anyone from the public sought to make a comment on the proposed regulations.

No public comment received

V. Adjourn

Administrator Ashley Jeppson thanked the workshop/hearing attendees for their participation and adjourned the public meeting at 10:23am.