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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: Jennifer Ott, Division Administrator – 775-353-3729
jott@agri.nv.gov Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Workshop Scheduled for: Thursday, May 10, 2018 at 9:00 AM

DATE: Friday, April 13, 2018

I have attached a copy of the agenda for the Nevada Department of Agriculture Workshop that will be held on; Thursday, May 10, 2018 at 9:00 AM

Please post the agenda for NAC 554 before 9:00am on Monday, April 23, 2018, 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 554, of Nevada Administrative Code. A workshop has been set for; Thursday, May 10, 2018 at 9:00 AM.

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:

A regulation relating to the tomato plant. The genus name for tomato and related species has been changed from *Lycopersicon* to *Solanum* by plant taxonomists based on new phylogeny studies. The genus name of *Lycopersicon* used for the tomato plant in NAC 554 no longer defines a tomato plant, and therefore it needs to be changed to *Solanum*.

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

Megan Zich
Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431
PHONE 775-353-3670
Mzich@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

DATE AND TIME: Thursday, May 10, 2018 at 9:00 AM

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 554; a regulation relating to the tomato plant. The genus name for tomato and related species has been changed from *Lycopersicon* to *Solanum* by plant taxonomists based on new phylogeny studies. The genus name of *Lycopersicon* used for the tomato plant in NAC 554 no longer defines a tomato plant, and therefore it needs to be changed to *Solanum* 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 the Executive Assistant 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 554 – Tomato Scientific Name

Plant Industry Division

Justification

The genus name for tomato and related species has been changed from *Lycopersicon* to *Solanum* by plant taxonomists based on new phylogeny studies. The genus name of *Lycopersicon* used for the tomato plant in NAC 554 no longer defines a tomato plant, and therefore it needs to be changed to *Solanum*.

Proposed Changes (highlighted)

NAC 554.765 Commodities covered by quarantine. (NRS 554.020, 554.030)

The following commodities are under quarantine:

1. Any seed potato or potato plant; and
2. Any plant of the genus *Lycopersicon*, except tomato seeds.
Solanum,

NAC 554.769 Certification of commodities covered by quarantine entering Nevada. (NRS 554.020, 554.030)

1. Any commodity specified in NAC 554.765 is prohibited from entering this State from an infested area unless the commodity is accompanied by a certificate signed by or bearing a facsimile signature of the authorized agricultural officer of the state of origin.
2. If the commodity is a seed potato or potato plant, the certificate must state that the seed potato or potato plant:
 - (a) Was produced and certified as a certified seed potato in the state or county of origin; and
 - (b) Was inspected in storage and at the point of shipping, and late blight was not found in the lot.
3. If the commodity is a plant of the genus *Lycopersicon*, the certificate must state that the plant:
Solanum,
 - (a) Was grown in a nursery or greenhouse;
 - (b) Was inspected at that nursery or greenhouse and was found to be free of late blight;
 - (c) Before shipment, was treated with a registered fungicide that is labeled for the control of late blight; and
 - (d) Was inspected at the point of shipment and found to be free of late blight.

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

(Revised LCB File#)

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.

No comment was solicited. The Department of Agriculture determined that this was unnecessary to solicit comment as this NAC proposed change merely updates naming conventions (scientific naming) and does affect the purpose of the NAC.

NDA office Locations:

Department of Agriculture
405 S. 21st Street
Sparks, NV 89431

Department of Agriculture
2300 E. Saint Louis Ave.
Las Vegas, NV 89104

Department of Agriculture
4780 E. Idaho Street
Elko, NV 89801

2. The manner in which the analyses was conducted.

Due to updates in scientific publications where the taxonomy of the tomato plant has changed over many years, the Department felt this update was necessary to reflect current scientific taxonomy.

3. The estimated direct and indirect, immediate and long-term, and the beneficial or adverse economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:

There will be no direct, indirect, immediate, long-term beneficial or adverse economic effects to this proposed change. It is merely a name update.

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.

Taking into consideration the Department of Agriculture's knowledge of the industry, we understand that this name change will have no effect on small businesses.

5. The estimated cost to the agency for enforcement of the proposed regulation.

There will be no change in cost. The regulations will be applied as usual.

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.**

No fee change.

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.**

There are no duplications or an increase in stringent provisions.

8. **The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.**

The conclusion was reached because of our knowledge of the industry and scientific naming standards and history.

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

Director

Nevada Department of Agriculture

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608(1)

Determination of Necessity

(Revised LCB File#)

1. Background

The Department of Agriculture is revising Nevada Administrative Code, Chapter 554, to bring taxonomic language up to date. The code covers language on quarantined commodities. Over the years the scientific name of the tomato plant has changed so we must revise language to properly cover the currently accepted scientific name. The change will not affect business practice, fees, movement of goods or regulatory authority/action.

2. Description of solicitation showing a concerted effort. NRS233B.0608(1)

Because the regulations on the quarantine of tomatoes is not changing, there will be no impact on small business. We are updating the name to reflect naming conventions.

3. Does this regulation impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? NRS 233B.0608(1)

- No
 Yes

4. How was that conclusion reached? NRS 233B.0608(3)

Taking into consideration the Department of Agriculture's knowledge of the industry, we understand that this name change will have no effect on small businesses.

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. (NRS 233B.0608 (3))



James R. Barbee

Director

Nevada Department of Agriculture

