

**PROPOSED REGULATION OF THE
NEVADA DEPARTMENT OF AGRICULTURE**

LCB File No. [REDACTED]

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 557, of Nevada Administrative Code. A workshop has been set for; Wednesday, January 18, 2017, 8:00 am, at:

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:

“Industrial Hemp Pesticide List /Application Fee clarification”

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

Ruth Tietjen
Plant Industry Division
Nevada Department of Agriculture
405 South 21st Street
Sparks, NV 89431
(775) 353-3670
rtietjen@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

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JIM BARBEE
Director



Sparks Office:
2150 Frazer Avenue
Sparks NV 89431-5566
(775) 688-1166
Fax (775) 688-2533

Elko Office:
4780 E. Idaho Street
Elko NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

Las Vegas Office:
2300 E. St Louis Avenue
Las Vegas NV 89104-4314
(702) 668-4590
Fax (702) 668-4567

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: Robert Little, Plant Industry Division Administrator – 775-353-3729
rlittle@agri.nv.gov Fax Number 775-353-3661

SUBJECT: Posting of Agenda for Workshop Scheduled for; Wednesday, January 18, 2017, 8:00 am.

DATE: December 20, 2016

I have attached a copy of the agenda for the Nevada Department of Agriculture Workshop that will be held on; Wednesday, January 18, 2017, 8:00 am.

Please post the agenda for NAC 557 before 9:00am on January 3, 2017, 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: _____

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: Wednesday January 18, 2017, 8:00 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 557; a regulation relating to Industrial Hemp - Pesticide List /Application Amendment Fee Clarification 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 Jerri Conrad 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 557: Industrial Hemp Research And Development Program Proposed Amendments

Black Text = Current Regulation

Red-Text = Proposed Removed Language

Blue Text = Proposed New Language

Revised 12/20/2016

Statutory Authority - SB 305

Sec. 8. The Department shall assess the following fees:

1. For the submission of an application pursuant to section 5 of this regulation, a nonrefundable application fee of \$500.
2. *To amend an application previously submitted pursuant to section 5 of this regulation, a nonrefundable amendment fee of \$500. The other fees due pursuant to this section will be adjusted to reflect any changes in the certified and registered site.*
3. For a certified and registered site used for growing and cultivating industrial hemp outdoors, a fee of \$5 per acre or portion thereof.
4. For a certified and registered site used for growing or cultivating industrial hemp indoors, a fee of 33 cents per 1,000 square feet, or portion thereof.
5. For inspecting a site used for growing or cultivating industrial hemp:
 - (a) A fee of not more than \$50 per hour for each hour an inspector spends conducting the inspection, including the time spent traveling to and from the site; and
 - (b) The mileage allowance established by the State Board of Examiners for state officers and employees pursuant to subsection 3 of NRS 281.160 for the inspector's travel to and from the site.
6. For sampling and analyzing industrial hemp pursuant to this chapter, a fee in the amount of the actual costs of the Department for the sampling and analysis, as approximated by the Department.

NAC 557. Pesticides Not Legally Prohibited from Use on Industrial Hemp

1. *The Department of Agriculture will evaluate pesticide active ingredients for possible inclusion on a list of pesticide ingredients that are not legally prohibited from use on industrial hemp. Products using the active ingredients included on the list must be registered for use in Nevada and must be EPA labeled appropriately for outdoor/indoor use.*
2. *The Department will evaluate products recommended by;*
 - a. *The Department staff; or,*
 - b. *The Independent Laboratory Advisory Committee; or,*
 - c. *A pesticide manufacturer; or,*
 - d. *An industrial hemp establishment or a representative thereof.*

3. *The Department will determine if a pesticide can be included on a not legally prohibited use list based on;*
 - a. *The provisions in NRS 586.010 to 586.420; and,*
 - b. *The Environmental Protection Agency approved label on the product.*
4. *Pursuant to the provisions of NRS 561.153, the Department will charge the following fees;*
 - a. *For evaluating a product requested to be added to the list, \$75.00 per hour*
 - b. *For verifying that a product is correctly labeled for use in a facility licensed pursuant to NRS 453A, \$75.00 per hour*
 - c. *To participate in a SLN 24C application, \$300.00*

BRIAN SANDOVAL
Governor

STATE OF NEVADA

JAMES R. BARBEE
Director



Las Vegas Office:
2300 E. St. Louis Ave.
Las Vegas NV 89104-4211
(702) 668-4590
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4780 E. Idaho Street
Elko NV 89801-4672
(775) 738-8076
Fax (775) 738-2639

DEPARTMENT OF AGRICULTURE

405 South 21st Street
Sparks, Nevada 89431-5557
Telephone (775) 353-3601 Fax (775) 353-3661
Website: <http://www.agri.nv.gov>

Workshop for Proposed Regulation Amendments to Nevada Administrative Code Chapter 557– Industrial Hemp - Pesticide List /Application Amendment Fee Clarification

Date: Wednesday, January 18, 2017

Time: 8:00 am

Location: Video conference between the Nevada Department of Agriculture's Sparks, Las Vegas and Elko offices (addresses listed above)

This workshop has been properly noticed as required by the Nevada Open Meeting Law. The workshop is being recorded and all attendees are required to sign in and those who wish to speak are asked to identify themselves for the record. All participants are encouraged to engage in discussion; therefor there is no formal public comment period.

Agenda:

- I. Welcome & Introductions
- II. Overview of Specific Amendments
- III. Open Discussion Pertaining to Proposed Amendment(s)
- IV. Adjourn

SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY

NRS 233B.0608

(Revised LCB File# here if appropriate)

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.
 - Some participants in the existing Hemp Research trials have requested a hemp seed certification program. There are no existing small businesses that will be impacted by these regulations. Information is available on the website of the Department of Agriculture, www.agri.nv.gov and posted at the following locations:

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

Department of Agriculture
2300 St Louis Avenue
Las Vegas, NV 89104

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

2. The manner in which the analyses was conducted.
 - No analyses was conducted because these regulations do not apply to any existing small businesses and changes are by request.
3. The estimated economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation:
 - These regulations should have a positive economic impact. It is hoped that the potential to produce
 - certified seed will enhance the profitability of growing and processing Hemp in Nevada.
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.
 - The agency did not consider a way to reduce the impact because the impact is positive and
 - is proposed by request.

5. The estimated cost to the agency for enforcement of the proposed regulation.
 - The estimated cost is minimal and will depend on the number and size of the applications.
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.
 - The proposed new fees are estimated to generate \$4500.00 the money will be used to offset personnel costs, mileage and laboratory costs.
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.
 - This regulation is not more stringent and is not duplicative of other regulations.
8. The reasons for the conclusion of the agency regarding the impact of a regulation on small businesses.

The agency has concluded that these regulations will permit the certification of Hemp seed in Nevada. Producers of certified Hemp seed will benefit economically from the production of certified seed.

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 is accurate.



James R. Barbee

Deputy Director

Director

Nevada Department of Agriculture