

## September 8, 2021 Board Report

### Plant Industry Division

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#### Division Overview

- Pending matters of significance
  - Pesticide Compliance Program
    - During the 81st Legislative Session, Chapter 555 and 586 of the Nevada Revised Statute (NRS) were revised to meet new federal requirements (40 CFR Part 171) for competency standards for restricted use pest control applicators. Updates to Nevada Administrative Code (NAC) 555 and 586 are needed for licensing, certification, and record keeping reflecting the new requirements. A small business impact analysis has been conducted and a workshop will be scheduled in September 2021.
    - An Emergency Exemption Request Section 18 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) authorizes EPA to exempt state and federal agencies from provisions of FIFRA and allow unregistered uses of pesticides to address emergency conditions. Under such an exemption and if EPA determines that the emergency use will not cause unreasonable adverse effects to health or to the environment, EPA allows limited use of a pesticide in defined geographic areas for a finite time. The NDA has received Section-18 Covid-19 emergency-use requests that do not comply with the intent of a section-18 or the authorized label and circumvent Section 3 processes where the product undergoes trials and research prior to approval.
  - Entomology
    - A workshop was held in August 2021 on the proposed fee adoption for plant pathology and entomology samples in NAC 555, but members of the public or industry present did not attend. An additional workshop will be held in conjunction with NAC 555 pest control operator revisions in September 2021.
    - An Egyptian Locust (*Anacridium aegyptium*) was identified in Las Vegas as a first detection in North America. Establishment and potential implications of the detected species is still being assessed. Further surveys will be conducted this fall and winter.
    - Exotic pest surveys summaries are detailed below. No positive target species have been found.

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Activity	FY21 Totals
Grasshopper/Mormon Cricket stops	1053
Traps placed/surveyed	2712
Identification Specimens	92
Identification Emails	118
Identifications Text	49
Identification Phone	16
Education	483
Mormon Cricket Ground Treatments	51
Survey ID	77214
Collection processing	43059
General collection/collecting	5

**Program Updates**

- Noxious Weeds
  - Two Nevada producers have signed up for the new Weed Free Mulch Voluntary Program. The use of weed free materials in NDOT projects has been one of the contributors to voluntary program growth.
  - NDA and NDOT coordination continue. NDOT projects have special provisions written in their contracts involving weed management. Contract compliance inconsistencies across districts has impacted weed management, however, the two agencies are meeting to discuss solutions to ensure compliance.
- Plant Pathology
  - Federal Fiscal Year 2020 exotic plant disease surveys were concluded. The plant pathology laboratory collected 2,672 samples from various crops and tested for 22 high-risk plant pathogens, none of which were detected. Test results were uploaded to the USDA database as official survey data.
- Seed
  - *Allium* quarantine inspections were completed for the season. NDA inspectors have been performing garlic and onion field inspections since May. In total, 5,911 acres were inspected, 515 acres of which were certified seed production. White rot was identified in a single field, resulting in 47.00 acres of garlic production being rejected from seed certification and execution of quarantine protocols. Stem and bulb nematode was not detected from seed garlic crops.
  - Crop inspections for seed certification were completed for the season. In total, 2,657 acres were inspected for certification. Crop types included alfalfa, barley, oats, peas, potatoes, triticale, and wheat. A single 120-acre field of alfalfa was rejected due to lack of emergence. The crop will be evaluated and ultimately re-planted this upcoming fall.

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- “Source Identification” inspections for wildland collected seed are ongoing. These inspections confirm species present in a specific geographic area that can later be used for sourcing seed for restoration projects. Since May, 44 site inspections have been performed, all of which qualified for “Source ID” designation.
- A Small Business Impact assessment was completed for proposed seed retailer and wholesaler registration addition to NAC 587. This NAC revision is in response to concerns of commercial seeds containing noxious weeds, unviable seeds, or other invasive species. The proposed fee would allow for the analysis of randomly selected seeds and appropriate enforcement. According to a 2019 South Dakota seed compliance analysis, 11.5% of the 200 samples analyzed were not compliant and consisted of noxious weeds, varietal misidentification, and germination thresholds. Bordering states have established commercial seed registration and the proposed regulation will ensure that industry selling seed to Nevada is being held to the same standard. The NDA received extensive feedback on the proposed regulations and will continue to identify appropriate adjustments. A workshop is anticipated during Fall 2021.
- Crops
  - Nursery
    - There are currently 911 licensed nurseries which is consistent to 2020 program licensure
    - Program Staff have conducted:
    - 675 nursery inspections
    - An emergency response was initiated after a positive detection of Box Tree Moth (*Cydalima perspectalis*). Two shipments were traced to Nevada that were sourced from a location of concern. In cooperation with USDA, trace forwards to the shipment locations were completed with no detections in Nevada.
  - Hemp
    - The NDA received final USDA approval of the Nevada State Hemp Plan on May 28<sup>th</sup>, 2021. The Nevada State Plan addresses program requirements listed in the Final Rule for the U.S. Domestic Hemp Production Program.
    - In order to maintain Nevada State Plan approval after November of 2021, the temporary regulations [T001-21](#) that were adopted in January of 2021 must be adopted as permanent regulation, which is the objective of LCB file [R011-21](#). The temporary regulations [T001-21](#) were established to provide time, and authority for the NDA to establish an approved state plan that meets the requirements of the 2018 Agriculture Improvement Act. The NDA has scheduled an adoption hearing for LCB file [R011-21](#) on September 16, 2021.
  - Shipping Point and Marketplace
    - The NDA has received requests for Potato Shipping Point inspections in Northern and Southern Nevada. Licensed USDA Inspectors were brought in from Idaho to conduct these inspections since NDA staff are not licensed in

this commodity. The NDA has been working with USDA to receive training to conduct these inspections in the future. Current plans are being made to send two inspectors to Idaho in the fall to receive potato shipping point inspection training dependent on funding.

- The NDA conducted a USDA Terminal Market Inspection Survey to determine program and commodity demands that would provide terminal market inspections to verify that received commodities meet USDA grade and quality standards. This would help prevent shipments from being refused when they meet standards, while also ensuring the buyer is receiving the quality and grade of product they purchased. Thirty of the survey recipients completed the survey. The survey conclusions demonstrated that there is demand for USDA inspections services in Nevada, particularly for potatoes, tomatoes, grapes, citrus, avocados, onions, and melons. The NDA anticipates that having inspectors in-state will increase program participation as numerous companies indicated they do not participate when the travel costs for USDA inspectors from out-of-state becomes cost prohibitive.
  - Federal phytosanitary certificates are required for exporting specific agriculture commodities and have increased by 15% in Fiscal Year (FY) 21. In comparison, in FY21 781 certificates were processed versus 683 processed in FY20.
- Produce Safety
    - The NDA was awarded a \$1.5 million FDA grant to continue funding for the Produce Safety Education and Compliance Program from July 1, 2021 - July 2026. These funds will allow the NDA to continue and expand program activities in assisting Nevada producers in complying with the FDA Food Safety Modernization Act, Produce Safety Rule.
    - The NDA is partnering with the New Mexico Department of Agriculture, and FDA to present an 8-hour workshop (extended over 4 weeks) on the FDA Produce Safety Rule and safe use of Biological Soil Amendments of Animal Origin. This workshop is tentatively scheduled for January 6, 13, 20 and the 27 of 2022.