

December 14, 2022, Board Report

Division of Plant Health and Compliance



Division Overview

- Pending matters of significance
 - The Nevada Department of Agriculture (NDA) will hold a public hearing on December 8, 2022, for proposed changes to Nevada Administrative Code (NAC) 555 and 586. Proposed changes include a proposed fee for plant pathogen and insect identification. Proposed changes for pest control applicators are being made in response to new federal requirements and legislation adopted during the 81st Nevada Legislative Session through Assembly Bills (AB) 74 and 34.
 - One of the proposed NAC 555 changes includes an update to the utilization of unmanned aerial vehicles (UAV) for pesticide applications. Prior to these revisions, pesticide applicators wanting to apply pesticides with UAVs, would be required to earn a commercial or transport pilot's license, in addition to a pest control license to perform pesticide work for hire. The NDA revised this requirement to allow the applicator to acquire a remote pilot airman certificate with appropriate Unmanned Aerial System rating issued by the FAA, rather than a commercial or transport license. A commercial or transport license is still required for pilots flying fixed-wing aircrafts or helicopters. A Nevada pest control license is still required for both scenarios if the work is being done for hire.
- Partnership activities
 - U.S. Forest Service
 - Invasive Plant Cost Share Sub-Grants in the amount of \$22,435.50 were awarded to two sub-awardees, allowing Conservation Districts, Weed Districts and Cooperative Weed Management Areas to address noxious weed issues.
 - Bipartisan Infrastructure Law (BIL) – Forest Health-Invasive Species.
 - The NDA was awarded \$30,000 in grant funding to address noxious weeds issues in Nevada. Funding will be used for personnel, outreach and subawards.
 - Shared Stewardship
 - the NDA Noxious weed staff continue to attend and support shared stewardship meetings including coordination with the following
 - Elko/Spring Creek Group
 - Sierra Front/Carson/Walker Group
 - Paradise Valley Group
 - Nevada Department of Transportation (NDOT)
 - NDOT provides funding for an NDA position to review, approve and enforce noxious weeds management plans on NDOT project sites. This quarter's accomplishments include
 - Staff Training
 - 23 Weed Mitigation Plans Reviewed
 - 17 Weed Mitigation Plans Accepted

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- 7 NDOT project sites inspected

Program Updates

- Plant Pathology
 - *Sclerotinia sclerotiorum*, also known as white mold pathogen, a notorious soilborne fungal pathogen causing cottony soft rot disease on many crops, was detected in a seed lot. This fungus is a well-known pathogen in the United States, but this was the first time it was detected in Nevada. This disease will be monitored further during the crop field inspection season as it can be problematic to production.
- Seed Program
 - In the fall of 2022, a Request for Applications (RFA) was made available for producers to apply for seed from the Foundation Seed Program that will be used to support the growth of native seed production in Nevada for site restoration and market diversification. Two successful applicants were selected in November to receive seed for planting. The program plans to purchase more seed species in January of 2023 and future program opportunity announcements will be issued for fall and spring planting. Seed species purchased for dissemination to producers included sulphur-flower buckwheat (*Eriogonum umbellatum*), yellow beeplant (*Cleome lutea*), sandberg bluegrass (*Poa secunda*) and indian ricegrass (*Achnatherum hymenoides*).
 - Over 3,000 potato tubers were planted in NDA's greenhouse this winter, initiating the final process for 2022 seed potato certification. Tubers will be grown out and evaluated for the presence of latent viruses. Detection of certain viruses can result in the rejection of certification to prevent the spread of the viruses and to provide buyer assurance.
 - 2022 saw an increase in Source Identification Inspections with 114 sites inspected as of October 2022 compared to 90 inspections completed through October 2021. This program allows for plant species to be verified at different ecological sites, allowing for seed collection that is used for land restoration at locations that are ecologically similar.
- Entomology
 - Outreach was provided on pests of particular concern to Nevada crops and public safety at five different events, reaching approximately 1,500 people. In addition, 1,728 traps have been placed to date, to survey for pests. Approximately 4,800 insects have been identified in FY 2022 through survey work.
- Pest Control Operator
 - The NDA is currently cooperating with Ag Container Recycling Council (ACRC), Interstate Ag Plastics (IAP) and state pesticide users to implement a convenient and effective container recycling program. There have been delays in container pick-up from the contractor, impacting industry with large volumes of containers and the NDA is working to resolve this issue. The program continues to see increased growth.

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- Chemistry
 - The NDA chemistry laboratory has successfully renewed its Drug Enforcement Agency (DEA) license for handling marijuana, a Schedule One substance. This will allow the lab to remain active to receive hemp and occasional marijuana samples, as third-party labs detect product fails.
 - The NDA hemp program is working towards obtaining International Organization for Standardization standards (ISO) 17025 accreditation, a third-party verification program on lab proficiency, and is implementing recommendations provided through a State Fiscal Year (SFY) 22 third-party assessment. The next step in the process will be to undergo a mock audit through an ISO 17025 accreditor.
 - The chemistry lab is working on establishing and refining methods for heavy metal detection. Once this process is completed a plan will be established on the frequency and scope of heavy metal analyses services provided by the NDA.
- Noxious Weeds
 - The noxious weed program is utilizing Early Detection and Distribution Mapping System (EDDMapS) as an early detection tool and has developed an internal procedure to follow up on reports of Early Detection and Rapid Response (EDRR) listed species. A crucial step in this process is following up with property owners and land management agencies to develop management plans to report EDRR species.
 - The NDA developed an internal procedure for reviewing iNaturalist reports, a public pest report application that is a helpful tool for agencies to use in flagging potential harmful pest detections. This procedure includes a schedule for checking and verifying reports along with local partner coordination. In SFY23, 56 EDDMapS reports have been submitted by NDA staff and 2,471 EDDMapS reports have been verified by NDA staff. This number is anticipated to increase with the incorporation of the iNaturalist report verifications, assisting in education and state treatment efforts on species of particular concern.
 - Western Weed Action Plan (WWAP)
 - The NDA is working with other state weed coordinators, including Wyoming, Utah, Montana, and Idaho to revisit the WWAP and develop a questionnaire for partners to complete and report on activities related to the WWAP. The WWAP was developed with the Western Weed Coordinating Committee to address the threat of invasive plants to the sagebrush biome. The survey will collect information on funding, policy and regulation, coordination/collaboration/data sharing and research. Survey results will be presented at the annual Western Weed Coordinating Committee.
 - Regulatory Actions included the issuing of 53 regulatory letters.
 - Yellow Starthistle in Washoe County. Management plans have been required of property owners and county.

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- Poison and western water hemlock in Elko County. Educational outreach letters were sent to property owners. Elko County was notified of infestations.
- Jointed Goatgrass City of Reno. Management action was required.
- Weed Free Certification
 - This is a public service provided to allow for products to be certified weed free with the objective of expanding market opportunities for industry and mitigating the spread of noxious weeds in the state. The following inspection totals have been performed this quarter
 - 31 Gravel inspections
 - 18 Forage inspections
 - 2 Mulch inspections
- Crops
 - As of July 1, 2022, through October 31, 2022, 150 federal and state phytosanitary certificates were issued allowing for the export of 30 million pounds of varying commodities, including hay, coffee, lumber, spices, teas, mushroom spawn, and onions. 248 state and federal phytosanitary certificates totaling 38,162,403 pounds were issued during the same time in SFY22.
 - Other items certified for export, that are not measured by weight, but by count totaled 10,255 and included nursery stock, farm equipment and some teas.
 - As of September 6, 2022, through October 31, 2022, 1.9 million pounds of onions have been certified with 132 certificates issued. This is a significant decline from SFY22 during the same time, which reports 244 certificates issued for 3.2 million pounds of onions. The significant decrease is likely due to an increased demand in domestic shipments, harvest delays resulting in inspections beginning two weeks later than normal and industry challenges in securing shipping containers.
 - Hemp
 - As of November 7, 2022, the NDA has conducted a total of 20 hemp sample inspections and 6 site compliance inspections. The 2022 hemp inspection season yielded 71 hemp samples, of which 3 (4.2%) samples exceeded the acceptable THC threshold. This is an improvement over last season when 15% of samples were noncompliant.
 - Through coordination with the Farm Service Agency (FSA), the NDA received a list from FSA that included the filing status and reported growing status of Nevada's hemp growers. This is a federal requirement where producer compliance has been an ongoing problem. To assist producers with meeting this requirement, the NDA requested that FSA provide a training on accessing their reporting system and walk producers

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through the process. This was held virtually and made available to all hemp growers.

- The following data reflects hemp samples collected by the NDA and tested for federal compliance, above compliance, and approved crop disposals of non-compliant crops between January 1, 2019, and November 7, 2022.

2022 Samples Tested, Non-Compliant Samples, and Disposals

| State of Nevada Statistics | Samples |
|-----------------------------------|----------------|
| 2019 Total Samples Collected = | 430 |
| 2019 Non-Compliant Samples = | 56 |
| Approved Crop Disposals = | 25 |
| 2020 Total Samples Collected = | 305 |
| 2020 Non-Compliant Samples = | 24 |
| 2020 Approved Crop Disposals = | 13 |
| 2021 Total Samples Collected = | 104 |
| 2021 Non-Compliant Samples = | 16 |
| 2021 Approved Crop Disposals = | 8 |
| 2021 Approved Crop Remediation = | 0 |
| 2022 Total Samples Collected = | 71 |
| 2022 Non-Compliant Samples = | 3 |
| 2022 Approved Crop Disposals = | 1 |
| 2022 Approved Crop Remediation = | 0 |

- The following data reflects the number of negligent violations and non-compliances from 2021 to 2022 by the NDA. The data also reflect the status of each violation. Negligent violations have a USDA mandated two-year follow-up period where the violator operates on a Corrective Action Plan (CAP) and the NDA conducts compliance inspections. Non-compliance violations can be resolved more promptly and do not always require the NDA follow up.

2022 Hemp Grower Negligent Violations and Non-Compliances

| State of Nevada Statistics | Violations | Active Violations |
|-----------------------------------|-------------------|--------------------------|
| 2021 Negligent Violations | 5 | 4 |
| 2021 Non-Compliance Letters | 18 | 0 |
| 2022 Negligent Violations | 0 | 4 |
| 2022 Non-Compliance Letters | 1 | 1 |

- Produce
 - Staff have started a new food safety training program called Food Safety Fridays. Each month staff will address a produce safety rule and compliance area, covering seven areas. Two half-day sessions will be offered for producers who want to take the training all at once to identify common pathways for food safety risks and operation and specific measures that can be implemented to mitigate risk. Invitations have been sent out to all Producer Certificate Holders and other Industry Stakeholders with specific instructions on how to enroll in the courses to promote on going food safety.
- Nursery
 - There are currently 955 licensed nurseries as of September 30, 2022, which is comparable to previous years.
 - Violation of Federal Asian Citrus Psyllid (ACP) Quarantine.
 - A total of 54 citrus trees originating in California were sent to 4 different retail locations in the Las Vegas area. Citrus trees were not shipped under a limited permit program, and after consultation with USDA PPQ and the California Department of Food and Agriculture (CDFA) the trees were determined to be in violation of the ACP Quarantine rule. All quarantine stock was destroyed.
 - Cooperative Agreement Activity
 - Renewed three California Department of Food and Agriculture (CDFA) OIP Turf agreements with Nevada Turf growers. These agreements ensure turf produced by growers meets quarantine compliance and can enter California.