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DEPARTMENT OF AGRICULTURE

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PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF AGRICULTURE STATE SEALER OF MEASUREMENT STANDARDS

NOTICE OF INTENT TO ACT UPON A REGULATION AND HEARING AGENDA

Notice of Hearing for the Adoption of Permanent Regulations Nevada Administrative Code Chapter 581.

LCB File No. R070-22

The Nevada Department of Agriculture (NDA) will hold a public hearing at 1:00 p.m. on March 12, 2024. The purpose of the hearing is to receive comments from all interested persons regarding the amendment of regulations pertaining to chapter 581 of the Nevada Administrative Code (NAC).

Date: Tuesday, March 12, 2024
Time: 1:00 p.m. PST
Location: This meeting will be held in-person and virtually via Zoom

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

Nevada Department of Agriculture
4780 E. Idaho Street
Elko, NV 89445
Phone: (775) 738-8076

Remote Meeting Information*:

To join the meeting virtually, click on the URL and enter the meeting number and password when prompted:

<https://us02web.zoom.us/j/82490787163?pwd=c1JjSVhRc3dlTmoyNEFCQk02VXhEdz09>

Meeting Number: 824 9078 7163

Access code: 085907

To join by telephone, call the phone-in number and enter the access code when prompted.

Phone-in Access #: Dial by your location

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+1 669 900 9128 US (San Jose)

+1 564 217 2000 US

+1 646 558 8656 US (New York)

+1 646 931 3860 US

+1 689 278 1000 US

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 360 209 5623 US

+1 386 347 5053 US

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Meeting ID: 824 9078 7163

Access Code: 085907

INFORMATIONAL STATEMENTS

Pursuant to [NRS 233B.0603](#), the NDA is providing the following statements pertaining to the public hearing on proposed changes to Chapter 581 of NAC.

- **The need for and the purpose of the proposed regulation or amendment.**

Nevada Revised Statutes (NRS) 561.153 provides that the Director of the State Department of Agriculture may prescribe by regulation fees to cover costs of providing certain services, products or publications and may adopt such procedures as they deem appropriate for the billing and collection of such fees. NRS 581.030 establishes the Director of the State Department of Agriculture as ex officio State Sealer of Measurement Standards. NRS 581.050 provides that the State Sealer of Measurement Standards may adopt regulations necessary to carry out the provisions of NRS chapter 581. NRS 582.021 provides that the State Sealer of Measurement Standards shall adopt reasonable regulations for the enforcement of NRS chapter 582. NRS 581.075 provides that the State Sealer of Measurement Standards may establish a schedule of fees for any tests of weighing and measuring devices that the State Sealer of Measurement Standards determines to be necessary; and that the State Sealer of Measurement Standards may establish an annual license fee for all commercial weighing and

measuring equipment. The need for and the purpose of the proposed regulations and amendments is as follows:

Sec. 1. This Sec. adopts by reference sections of *National Conference of Weights and Measures Publication 14* and adds information for the address and internet website where a person may purchase these adopted sections.

Sec. 2 – 3. These Sec.s revise NAC 581.009 and NAC 581.030 where certain standards that have been adopted by reference can be obtained and how they may be purchased. These Sec.s update the address of the NDA office in Sparks, adds the addresses of the NDA offices in Las Vegas and Elko, and adds information for the address and internet website where a person may access *National Institute of Standards of Technology (NIST) Handbook 105-series* free of charge.

Sec. 3. Eliminates the adoption by reference in NAC 581.030 of the Uniform Open Dating Regulation, as set forth in the *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*.

Sec. 4. This Sec. revises NAC 581.210 to increase the fees for various inspections and tests of certain scale devices, linear devices and meter devices, specifically:

- Scale devices 500 pounds and under tested with a Class II, Echelon II weight kit;
- Standards of mass, volume or length, per hour, for certification of standards for use in testing a commercial device for a service agency or serviceperson registered in accordance with the provisions of NAC 581.330;
- Standards of mass, volume or length, per hour, for certification of standards for use by any person other than those registered in accordance with the provisions of NAC 581.330.

The increases in existing fees are proposed to bring the NDA Metrology Laboratory fee structure more in line with other state laboratories in the region.

Sec. 5. This Sec. revises NAC 581.220 to remove the authorization for the State Sealer of Measurement Standards to enter into an agreement about the fee charged for testing out of State standards. The language being removed is no longer necessary because of the revised language in Sec. 4.

Sec. 6. This Sec. revises NAC 581.230 to require weighing or measuring devices and certain accessories to be traceable to an active certificate of conformance. This change is a clarification of the regulatory language.

Sec. 6. This Sec. revises NAC 581.230 to authorize the use of types that are not traceable to an active certificate of compliance if the type was in use before January 2, 1995, and subsequently passes certain tests or the type does not have the evaluation procedures published in the *National Conference on Weights and Measures, Publication 14* or the type is a one-of-a-kind device without a National Type Evaluation Program (NTEP) pending inspection and performance. This Sec. defines “type” to mean a model of a particular system of measurement that positively identifies the design, defines a “participating laboratory” as a laboratory authorized to conduct certain type evaluations, and defines “one-of-a-kind device” as a device designed to meet unique demands which is not commercially available. This revision is necessary to allow for certification of devices without an NTEP certification, including Electric Vehicle Service Equipment (EVSE).

Sec. 7. This Sec. revises NAC 581.350 concerning standards that must be certified and the schedule for certification, specifically:

- Handheld or portable standards for measuring volume from 1 gallon up to 5 gallons requiring certification annually;

- Mounted standards for proving volume from 5 gallons up to 100 gallons, including changing the certification schedule from every 5 years to 2 years;
- Mounted standards for proving volume from 101 gallons up to 1000 gallons, adding a certification requirement of every 4 years.

These changes are proposed to bring the NDA Metrology Laboratory certification schedule more in line with other state laboratories in the region.

Sec. 8. This Sec. revises NAC 581.370 to eliminate the requirement that notification of repair or adjustment to a measuring device be made within 24 hours but maintains the requirement that a person who installs or makes repairs or adjustments to a weighing or measuring device submit written notification to the State Sealer of Measurement Standards within 5 days if the device is used for commercial purposes. This revision is being made to remove an onerous burden from registered service agents, while maintaining the necessary level of oversight.

Sec. 9. establishes the effective dates for this regulation. Sec.s 1, 2, 3, 5, 6, and 8 shall be effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State. Sec.s 4 and 7 become effective on the later of the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State, or July 1, 2023, whichever comes later.

- **If the regulation is a temporary one, either the text of the proposed rule or a description of the substance of the rule and the subjects and issues involved. If the regulation is a permanent one, a statement explaining how to obtain the approved or revised text of the proposed regulation prepared by the Legislative Counsel pursuant to NRS 233B.063.**

The proposed regulation is not temporary.

Text of the proposed regulation is attached to this notice and is available on the Nevada Legislature website: www.leg.state.nv.us/Register/2022Register/R070-22P.pdf, or by request of a digital or hard copy from ce@agri.nv.gov or 775-353-3782. Requests should specify LCB File No. R070-22.

- **The estimated economic effect of the regulation on the business which it is to regulate and on the public.**
 - Adverse economic effect on regulated business

Regulated businesses subject to the revisions proposed in this regulation may experience adverse economic effects for the cost of additional license fees for weighing and measuring devices not currently licensed as commercial weighing and measuring equipment and for the cost of agency staff time to facilitate inspection of these devices.

- Beneficial economic effect on regulated business

Some regulated businesses may experience beneficial economic effects from the proposed regulation. If that business uses a process that is not under the authority in NAC Chapter 581, an additional step to determine product weight may be necessary before a product may be sold. Authority granted by this regulation may serve to eliminate additional steps, improving efficiency and providing economic benefit to the business.

- Immediate economic effect on regulated business

Regulated businesses subject to the revisions proposed in this regulation may experience adverse economic effects when invoiced on July 1 for the upcoming fiscal year following adoption. Following adoption, businesses will be notified of the changes in NAC 581 and the potential impacts on their business.

Some regulated businesses may experience beneficial economic effects from the proposed regulation as explained above.

- Long-term economic effect on regulated business

There is not a long-term economic effect for regulated businesses subject to the revisions proposed in this regulation different from the immediate effects described above, neither adverse nor beneficial.

- Adverse economic effect on the public

The agency does not anticipate any adverse economic effect on the public from the proposed regulation.

- Beneficial economic effect on the public

The public may find beneficial economic effect, but it would likely be small and indirect. For those who own electric vehicles and charge them using publicly available devices, the authority to certify the calibration of EVSEs so that the cost to the public aligns with what is advertised, and their vehicles will not be harmed will provide benefit.

- Immediate economic effect on the public

Immediate economic benefit to the public would likely be small and indirect, as described above.

- Long-term economic effect on the public

Long term economic benefit to the public would likely be small and indirect, as described above.

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

The NDA anticipates limited increased costs to enforce the amended provisions of NAC 581. An EVSE test measure, used to certify an EV charging station, requires annual certification at a cost of approximately \$2,000. That cost would be multiplied by the number of test measures purchased as the number of charging stations statewide continues to increase. There may be additional costs to the agency in the form of employee time used for additional testing, fuel costs for travel to new devices for testing, and possible retesting, and the cost to purchase additional testing equipment as that becomes necessary. This cost is difficult to estimate at this point in the rulemaking process.

The agency does not anticipate that its ongoing costs to enforce the proposed revised provisions of NAC 581 and NAC 582 will increase as a result of the proposed regulations. The agency anticipates one-time costs of approximately \$1,500 to print and mail a notice of the revised regulations to all commercial weighing and measuring device owners following adoption of the regulation.

- **The methods used by the agency in determining the impact on a small business.**

A survey was conducted of small businesses that would potentially be affected by the regulation. The survey was available for completion online or in hard copy form. Notice of the survey was mailed via the United States Postal Service to 2,230 individual business that may be affected by the regulation changes. Twelve notices were returned as undeliverable. In addition, a notice and a link to the text of the proposed regulations were sent via email to 7,441 interested parties (of which 575 were opened, 157 clicked on a link in the email, 28 email addresses could not be delivered, and 1 person unsubscribed). The survey was open for response from November 10, 2022, through December 16, 2022. A total of 23 survey responses were received.

- **A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The proposed regulations do not duplicate federal, state or local standards.

- **If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The proposed regulation is not required pursuant to federal law.

- **If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The proposed regulations are not duplicative or more stringent than federal, state, or local standards.

- **Whether the proposed regulation establishes a new fee or increases an existing fee.**

The proposed regulation does not provide for a new fee, but it will increase the number of devices under the authority of the NDA and it also will make increases to several existing fees collected by the agency.

- Copies of this notice and proposed regulations will be mailed to members of the public upon request. Copies may also be requested or inspected by visiting the NDA offices located in Elko, Las Vegas or Sparks or the Nevada State Library and Archives at 100 Stewart Street, Carson City, NV 89701. A reasonable fee may be charged for copies or postage if it is deemed necessary. Requests for mailed copies may be directed to

Nevada Department of Agriculture
Division of Measurement Standards
405 South 21st Street
Sparks, NV 89431
Phone: (775) 353-3782; Email: ce@agri.nv.gov

- Notice of this meeting was sent to all persons on the Department's mailing list for administrative regulations and posted on or before 9 a.m. thirty days before the meeting at the following locations:
 - Nevada Department of Agriculture website at agri.nv.gov
 - Nevada Public Notice website at <https://notice.nv.gov/>

- Nevada Legislature Administrative Regulation Notices at <https://www.leg.state.nv.us/App/Notice/A/>
- Persons wishing to make oral comment upon the regulation draft of the Nevada Department of Agriculture may participate at the scheduled hearing. Persons wishing to submit written testimony or documentary evidence may submit the material by emailing ce@agri.nv.gov or via mail to the following address: Nevada Department of Agriculture, Attn: Division of Measurement Standards, 405 S. 21st St, Sparks, NV 89431. Written submissions must be received by the NDA before 5:00 p.m. on March 11, 2024.
- Reasonable efforts will be made for members of the public who have disabilities and require special accommodations for assistance at the meeting. Please contact the Department at (775) 353-3782 or ce@agri.nv.gov at least three (3) business days prior to the meeting.
- If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the NDA may proceed immediately to act upon any written submissions.
- Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

**ADOPTION HEARING AGENDA
NEVADA DEPARTMENT OF AGRICULTURE**

March 12, 2024

1:00 p.m. PST

Note: Items on the agenda may be taken out of the posted order, items may be combined for consideration, and items may be pulled or removed from the agenda.

I. Call to Order

II. Public Comment: In consideration of others who may wish to provide public comment, please avoid repetition, and limit your comment to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker. The agency is precluded from action on items raised during Public Comments that are not on the agenda.

III. For possible action: Discussion and Adoption of Proposed Permanent Regulations

a. Amendment of regulations that pertain to Chapter 581 of the Nevada Administrative Code.

IV. Public Comment: In consideration of others who may wish to provide public comment please avoid repetition and limit your comment to three minutes per person. Unused time may not be reserved by the speaker nor allocated to another speaker. The agency is precluded from action on items raised during Public Comments that are not on the agenda.

V. Adjourn

**PROPOSED REGULATION OF THE
STATE SEALER OF MEASUREMENT STANDARDS**

LCB File No. R070-22

June 27, 2022

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-3 and 6-9, NRS 581.050 and 581.067; § 4, NRS 581.050, 581.067 and 581.075; § 5, NRS 581.050, 581.065 and 581.067.

A REGULATION relating to measurement standards; adopting by reference certain publications; updating certain information relating to obtaining or purchasing certain standards adopted by reference; revising certain fees charged for inspections and testing of certain weighing or measuring devices; revising the calculation of certain fees charged for travel to and time spent inspecting and testing certain devices and commodities; revising requirements related to the certificate of compliance for certain weighing or measuring devices; revising the certification requirements and schedule for certain standards; revising the notification requirement for a person who installs or repairs certain devices; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Sealer of Measurement Standards to adopt regulations establishing primary and secondary standards for weights and measures for use in this State. (NRS 581.067) Existing regulations adopt by reference such primary and secondary standards. (NAC 581.009-581.050) **Section 1** of this regulation adopts by reference the *National Conference of Weights and Measures Publication 14*. **Sections 2 and 3** of this regulation revise where certain standards that have been adopted by reference can be obtained and how they may be purchased. **Section 3** also eliminates the adoption by reference of the Uniform Open Dating Regulation, as set forth in the *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*.

Existing law requires the State Sealer of Measurement Standards to conduct various inspections and tests. (NRS 581.067) Existing law also authorizes the State Sealer of Measurement Standards to establish a schedule of fees for any necessary tests of weighing and measuring devices and existing regulations establish such fees. (NRS 581.075; NAC 581.210, 581.220) **Section 4** of this regulation increases the fees for various inspections and tests of certain scale devices, linear devices and meter devices. Existing regulations authorize the State Sealer of Consumer Equitability to enter an agreement with the owner or operator of a standard or device to determine the fee charged for testing devices or standards not listed on the schedule of fees, testing standards from out of State or testing which requires special arrangements. (NAC 581.220) **Section 5** of this regulation removes the authorization for the State Sealer of

Measurement Standards to enter into an agreement about the fee charged for testing out of State standards.

Existing regulations require weighing or measuring devices and certain accessories to have a certificate of conformance. Existing regulations also authorize the use of certain types which have not been issued a certificate of conformance if the type was in use before January 2, 1995, and subsequently passes certain tests. (NAC 581.230) **Section 6** of this regulation requires weighing or measuring devices and certain accessories to be traceable to an active certificate of conformance. **Section 6** also authorizes the use of types that are not traceable to an active certificate of compliance if the type was in use before January 2, 1995, and subsequently passes certain tests or the type does not have the evaluation procedures published in the *National Conference on Weights and Measures, Publication 14* or the type is a one-of-a-kind device without a National Type Evaluation pending inspection and performance. **Section 6** defines “type” to mean a model of a particular system of measurement that positively identifies the design. **Section 6** also defines a “participating laboratory” as a laboratory authorized to conduct certain type evaluations and “one-of-a-kind device” as a device designed to meet unique demands which is not commercially available.

Existing regulations require the standards used by a service agency or serviceperson to be certified in accordance with a schedule. (NAC 581.350) **Section 7** of this regulation revises the standards that must be certified and the schedule for certification.

Existing regulations require a person who installs or makes repairs or adjustments to a weighing or measuring device to notify the State Sealer of Consumer Equitability of the installation or repair within 24 hours and submit a written notification to the State Sealer of Consumer Equitability within 5 days. (NAC 581.370) **Section 8** of this regulation eliminates the requirement that notification of repair or adjustment to a measuring device be made within 24 hours, but maintains the requirement that a person who installs or makes repairs or adjustments to a weighing or measuring device submit written notification to the State Sealer of Measurement Standards within 5 days if the device is used for commercial purposes.

Section 1. Chapter 581 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The State Sealer of Measurement Standards hereby adopts by reference:

(a) The “Administrative Policy”;

(b) The “Grain Moisture Meters, and Near-Infrared Grain Analyzers”;

(c) The “Measuring Devices”; and

(d) The “Weighing Devices,”

↪ as set forth in the [National Conference on Weights and Measures Publication 14, 2022](#)

edition, and any subsequent revision of that portion of the publication that has been approved

by the State Sealer of Measurement Standards for use in this State. Each revision of that portion of the publication shall be deemed approved by the State Sealer of Measurement Standards unless he or she disapproves of the revision within 60 days after the date of publication of the revision by the National Conference on Weights and Measures.

2. The State Sealer of Measurement Standards will review each revision to ensure its suitability for this State and file a copy of each revision he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent revision that has been approved by the State Sealer of Measurement Standards:

(a) Will be available for inspection at the main office of the Department, 405 South 21st Street, Sparks, Nevada 89431, or at one of the district offices located at 2300 E. St. Louis Avenue, Las Vegas, Nevada 89104 or 4780 East Idaho Street, Elko, Nevada 89801; or

(b) May be purchased by mail from the National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, Nebraska 68508, by telephone at (402) 434-4880 or at <https://www.ncwm.com/publications>, for the price of \$270.

Sec. 2. NAC 581.009 is hereby amended to read as follows:

581.009 1. The State Sealer of ~~{Consumer-Equitability}~~ *Measurement Standards* hereby adopts by reference the National Institute of Standards and Technology 105-Series Handbooks and Training Materials, as those publications existed on January 1, 2003, and any subsequent revision to those publications issued by the National Institute of Standards and Technology, which has been approved by the State Sealer of ~~{Consumer-Equitability}~~ *Measurement Standards* for use in this State. Each new revision shall be deemed approved by the State Sealer of ~~{Consumer-Equitability}~~ *Measurement Standards* unless he or she disapproves the revision

within 60 days after the date of publication by the National Institute of Standards and Technology.

2. The State Sealer of ~~{Consumer Equitability}~~ *Measurement Standards* will review each revision issued after January 1, 2003, to ensure its suitability for this State and file a copy of each revision he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent revision that has been approved by the State Sealer of ~~{Consumer Equitability}~~ *Measurement Standards*:

(a) Will be available for inspection at the *main* office of the ~~{Bureau of Weights and Measures, Division of Consumer Equitability}~~ *Department*, 405 South 21st Street, Sparks, Nevada 89431 ~~{, or}~~, *or at one of the district offices located at 2300 E. St. Louis Avenue, Las Vegas, Nevada 89104 or 4780 East Idaho Street, Elko, Nevada 89801;*

(b) *May be obtained free of charge from the National Institute of Standards and Technology Office of Weights and Measures, 100 Bureau Drive, Gaithersburg, Maryland 20899; or*

(c) May be accessed free of charge at ~~{<https://www.nist.gov/pml/weights-and-measures/publications/nist-handbooks/other-nist-handbooks/other-nist-handbooks-2>}~~ <https://www.nist.gov/pml/weights-and-measures/publications>.

Sec. 3. NAC 581.030 is hereby amended to read as follows:

581.030 1. The State Sealer of ~~{Consumer Equitability}~~ *Measurement Standards* hereby adopts by reference:

- (a) The “Examination Procedure for Price Verification”;
- (b) The “Uniform Packaging and Labeling Regulation”;
- (c) The “Uniform Regulation for the Method of Sale of Commodities”;

(d) The “Uniform Unit Pricing Regulation”;

(e) Sections 2 to 11, inclusive, of the “Uniform Regulation of Voluntary Registration of Servicepersons and Service Agencies for Commercial Weighing and Measuring Devices”; *and*

(f) ~~The “Uniform Open Dating Regulation”;~~ *and*

~~—(g)~~ The “Uniform Regulation for National Type Evaluation,”

↪ as set forth in the *National Institute of Standards and Technology Handbook 130: Uniform Laws and Regulations*, 2003 edition, and any subsequent revision of that portion of the publication that has been approved by the State Sealer of ~~Consumer Equitability~~ *Measurement Standards* for use in this State. Each revision of that portion of the publication shall be deemed approved by the State Sealer of ~~Consumer Equitability~~ *Measurement Standards* unless he or she disapproves of the revision within 60 days after the date of publication of the revision by the National Institute of Standards and Technology.

2. The State Sealer of ~~Consumer Equitability~~ *Measurement Standards* will review each revision to ensure its suitability for this State and file a copy of each revision he or she approves with the Secretary of State and the State Library, Archives and Public Records Administrator. The most recent revision that has been approved by the State Sealer of ~~Consumer Equitability~~ *Measurement Standards*:

(a) Will be available for inspection at the *main* office of the ~~Division of Consumer Equitability~~ *Department*, 405 South 21st Street, Sparks, Nevada 89431 ~~;~~, *or at one of the district offices located at 2300 E. St. Louis Avenue, Las Vegas, Nevada 89104 or 4780 East Idaho Street, Elko, Nevada 89801;*

(b) May be accessed free of charge at <https://www.nist.gov/pml/weights-and-measures/publications>; or

(c) May be purchased by mail from the National Conference on Weights and Measures, 1135 M Street, Suite 110, Lincoln, Nebraska 68508, or by telephone at (402) 434-4880, for the price of \$40.

3. A violation of any provision of that portion of the publication adopted by reference in subsection 1 shall be deemed a violation of this chapter.

Sec. 4. NAC 581.210 is hereby amended to read as follows:

581.210 1. The inspections, tests and services for which fees will be charged pursuant to this section include, without limitation:

(a) A reinspection or retest of:

(1) A device found to not be in compliance during an inspection or test conducted pursuant to subsection 2, 7, 10, 11, 12 or 22 of NRS 581.067 and for which a notice or order stating “repair,” “stop-use,” “hold,” “out of order” or some other such notice or order was issued by the State Sealer of ~~{Consumer Equitability;}~~ *Measurement Standards;*

(2) A packaged commodity found to not be in compliance during an inspection or test conducted pursuant to subsection 14 of NRS 581.067 and for which an order stating “hold” or “stop-use” or some other such order was issued by the State Sealer of ~~{Consumer Equitability;}~~ *Measurement Standards;*

(3) A commodity for which the method of sale was found to not be in compliance during an inspection or test conducted pursuant to subsection 15 of NRS 581.067 and for which an order stating “hold” or some other such order was issued by the State Sealer of ~~{Consumer Equitability; or}~~ *Measurement Standards;*

(4) A commodity for which the advertised price was found to not be in compliance during an inspection or test conducted pursuant to subsection 18 of NRS 581.067 and for which an order

stating “hold” or some other such order was issued by the State Sealer of ~~Consumer~~
~~Equitability.~~ *Measurement Standards; or*

(5) A point-of-sale system or cash register found to not be in compliance during a test conducted pursuant to subsection 19 of NRS 581.067.

↪ If, upon the arrival of the inspector during normal business hours, a reinspection or retest described in subparagraphs (1) to (5), inclusive, cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for the reinspection or retest remains due.

(b) A trip to inspect or test a device which was not available or ready for inspection or testing at the time:

(1) Of a routine inspection or test conducted on any commercial premises during normal business hours pursuant to subsection 11 of NRS 581.067; or

(2) Scheduled for a special trip to inspect or test a device.

(c) An inspection or test requested for a device if a special trip is required to perform the inspection or test. If, upon the arrival of the inspector, the inspection or test scheduled for the device cannot be performed for any reason which is not the fault of the Division or the inspector, any fee which would have been charged for that inspection or test remains due.

(d) A test requested for a noncommercial device.

(e) A calibration according to industrial standards of weights and measures.

(f) An adjustment of a commercial device immediately following a determination of noncompliance during a test conducted by the Division.

2. The fees for inspections and tests of devices conducted by the Division pursuant to this section are:

(a) For scale devices:	
500 pounds and under tested with a Class F, Echelon III weight kit	\$32
500 pounds and under tested with a Class II, Echelon II weight kit	45 60
Over 500 pounds through 2,000 pounds.....	90
Over 2,000 pounds through 5,000 pounds.....	240
Over 5,000 pounds through 30,000 pounds.....	420
Over 30,000 pounds.....	450
Hopper, 5,000 pounds and under.....	600
Hopper, over 5,000 pounds	750
(b) For linear devices	42
(c) For meter devices:	
Dispenser, hose, meter or octane grade tested with a 5-gallon prover	30
Dispenser tested with a prover larger than 5 gallons.....	222
Truck- or rack-mounted meter, rated to a maximum capacity of up to	
120 gallons per minute.....	222
Truck- or rack-mounted meter, rated to a maximum capacity of over	
120 gallons per minute.....	420
Nontemperature-compensated meter used to measure liquid	
petroleum gas.....	222
Temperature-compensated meter used to measure liquid petroleum	
gas	450
(d) For standards of mass, volume or length, per hour:	
For certification of standards for use in testing a commercial device	

for a service agency or serviceperson <i>registered in accordance</i>	75 95
<i>with the provisions of NAC 581.330</i>	
For certification of standards for use in testing a noncommercial device <i>by any person other than those registered in accordance</i>	
<i>with the provisions of NAC 581.330</i>	95 115
(e) For point-of-sale systems and cash registers not in compliance:	
For not more than five point-of-sale systems or cash registers	50
For six or more point-of-sale systems or cash registers	125
3. The fees for reinspecting or retesting a commercial device which has been repaired or adjusted following a determination of noncompliance pursuant to subsection 1 and for which no follow-up trip is required to perform the reinspection or retest are:	
(a) For scale devices:	
500 pounds and under tested with a Class F, Echelon III weight kit.....	\$16
500 pounds and under tested with a Class II, Echelon II weight kit	23
Over 500 pounds through 2,000 pounds.....	45
Over 2,000 pounds through 5,000 pounds.....	120
Over 5,000 pounds through 30,000 pounds.....	210
Over 30,000 pounds.....	250
Hopper, 5,000 pounds and under	300
Hopper, over 5,000 pounds.....	375
(b) For linear devices.....	21
(c) For meter devices:	
Dispenser, hose, meter or octane grade tested with a 5-gallon	15

prover	
Dispenser tested with a prover larger than 5 gallons	111
Truck- or rack-mounted meter, rated to a maximum capacity of up to 120 gallons per minute.....	111
Truck- or rack-mounted meter, rated to a maximum capacity of over 120 gallons per minute.....	210
Nontemperature-compensated meter used to measure liquid petroleum gas	111
Temperature-compensated meter used to measure liquid petroleum gas	225

4. The fee for each 15-minute time period, or portion thereof, required to witness an inspection or test of a device which is not conducted by the Division or the State Sealer of ~~Consumer Equitability~~ *Measurement Standards* is \$15.

5. The fee for each 15-minute time period, or portion thereof, required to conduct a reinspection or retest of labels, packaged commodities, advertised prices or commodity methods of sale is \$15.

6. Failure to pay a fee required pursuant to this section by the due date indicated on the bill, which must not be less than 30 days after the bill is issued by the Division, is a violation of this section and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 10 percent of the amount of the fee that is paid late.

7. As used in this section, “special trip” includes, without limitation, the inspection or testing of licensed commercial weighing and measuring devices at a time scheduled specifically for the convenience of the owner of such devices.

Sec. 5. NAC 581.220 is hereby amended to read as follows:

581.220 1. In addition to the fees prescribed in NAC 581.210, the following fees will be charged for an inspection or test conducted during a special trip except as otherwise provided in this section:

- (a) For each 15-minute period, or portion thereof, for inspecting or testing a device or commodity above the time normally required to perform that test.....\$15
- (b) For mileage, per mile for:
 - Pickup truck..... 1
 - Petroleum prover truck..... 3
 - Test truck for scale devices over 2,000 pounds.....4
- (c) For each 15-minute period, or portion thereof, of required travel of the inspector, in addition to the fees specified in paragraph (b).....15
- (d) For the per diem of the inspector, the amounts allowed by law for state employees, under conditions set by the Division.

2. The fees for mileage, travel and per diem will be prorated among persons requiring inspections or tests of devices or commodities in the same area if all the devices or commodities can be inspected or tested during the same trip.

3. Only the fee prescribed by NAC 581.210 for an inspection or test of a device or commodity will be charged if the inspection or test can be made during a scheduled trip for other inspections or tests in the vicinity.

4. The amount of charges for:

- (a) The testing of devices or standards not listed on the schedule of fees; *or*

(b) ~~{Testing of standards from out of State; or~~

~~—(c)}~~ Testing which requires special arrangements or conditions,

↪ will be determined by agreement between the State Sealer of ~~{Consumer Equitability}~~
Measurement Standards and the owner or operator of the device or standard to be tested.

5. Failure to pay a fee required pursuant to this section by the due date indicated on the bill for the fee, which must be not less than 30 days after the bill is issued by the Division, is a violation of this section and the Division will, in addition to any civil penalty that may be imposed pursuant to NAC 581.260, impose a late fee equal to 10 percent of the amount of the fee that is paid late.

6. As used in this section, “special trip” includes, without limitation, the inspection or testing of licensed commercial weighing and measuring devices at a time scheduled specifically for the convenience of the owner of such devices.

Sec. 6. NAC 581.230 is hereby amended to read as follows:

581.230 1. Except as otherwise provided in subsection 2, before use for a commercial or governmental purpose, a type of:

(a) Weighing or measuring device kept or used in:

(1) Proving the size, quantity, extent, area or measurement of quantities, things, produce or articles for distribution or consumption, which are purchased, offered or submitted for sale, hire or award;

(2) Computing a basic charge or payment for services rendered on the basis of weight and measure; or

(3) Determining weight or measure when a charge is made for the determination;

(b) Accessory attached to or used in connection with a commercial weighing or measuring device which is designed so that its operation affects the *metrological* accuracy of the device; and

(c) Weighing and measuring device in official use for law enforcement or the collection of statistical information by a governmental agency,

↪ must ~~have been issued a~~ *be traceable to an active* certificate of conformance. *If the device consists of separate and compatible main elements, each main element must be traceable to an active certificate of conformance.*

2. The State Sealer of ~~Consumer Equitability~~ *Measurement Standards* will authorize the use of a type which ~~has~~ *is* not ~~been issued a~~ *traceable to an active* certificate of conformance if the type:

(a) Was in use before January 2, 1995 , ~~it~~ and

~~(b) Subsequently~~ *subsequently* passes the applicable tests for tolerance ~~it~~ ;

(b) Does not have evaluation procedures published in the National Conference on Weights and Measures, Publication 14; or

(c) Is a one-of-a-kind device without a National Type Evaluation pending inspection and performance testing to satisfy that the device complies with the National Institute of Standards and Technology Handbook 44 and is capable of performing within such requirements for a reasonable period of time under normal conditions of use. Indicators and load cells in all one-of-a-kind device scale installations must have an active certificate of conformance as evidence that the system meets the applicable influence factor requirements as specified in the National Institute of Standards and Technology Handbook 44.

3. As used in this section:

(a) “Certificate of conformance” means a document issued *based upon testing* by a *participating laboratory which the certificate holder maintains in active status under* the National ~~Institute of Standards and Technology of the Technology Administration of the United States Department of Commerce,~~ *Type Evaluation Program of the National Conference on Weights and Measures*, which ~~guarantees~~ *constitutes evidence* that a weight, measure or weighing or measuring device meets the standards set forth in the *National Institute of Standards and Technology Handbook 44* ~~+~~ *and the test procedures contained in the National Conference on Weights and Measures Publication 14.*

(b) “One-of-a-kind device” means a device designed to meet unique demands for a specific installation and of a specific design which is not commercially available.

(c) “Participating Laboratory” means any laboratory that has been authorized to conduct a type evaluation under the *National Type Evaluation Program of the National Conference on Weights and Measures.*

(d) “Type” means a model of a particular system of measurement, instrument or element ~~for a field standard which~~ *that* positively identifies the design. *A specific type may vary in its measurement ranges, size, performance and operating characteristics as specified in the certificate of conformance.*

Sec. 7. NAC 581.350 is hereby amended to read as follows:

581.350 The standards used by a service agency or serviceperson to repair or adjust a weighing or measuring device must be certified by a laboratory that has been qualified by the National Institute of Standards and Technology to certify such standards or the State Sealer of ~~Consumer Equitability~~ *Measurement Standards* according to the following schedule:

Standards for measuring mass.....	Every 2 years
{Standards} <i>Handheld or portable standards</i> for measuring volume <i>from 1 gallon up to 5 gallons</i>	Annually
{Standards} <i>Mounted standards</i> for proving volume <i>from 5 gallons up to 100 gallons</i>	Every {5} 2 years
<i>Mounted standards for proving volume from 101 gallons up to 1000 gallons</i>	<i>Every 4 years</i>
Any other standards	As prescribed by the State Sealer of {Consumer Equitability} <i>Measurement Standards</i>

Sec. 8. NAC 581.370 is hereby amended to read as follows:

581.370 A person who installs or makes a repair or adjustment to a weighing or measuring device *used as commercial weighing or measuring equipment* shall ~~{~~:

~~—1. Within 24 hours after installing the device or making the repair or adjustment to the device, notify the State Sealer of Consumer Equitability by oral communication that the device has been installed or that the repair or adjustment has been made; and~~

~~—2. Within~~, *within* 5 days after installing the device or making the repair or adjustment to the device, submit to the State Sealer of ~~{Consumer Equitability}~~ *Measurement Standards* a written notification of the installation, repair or adjustment on a form prescribed by the State Sealer of ~~{Consumer Equitability}~~ *Measurement Standards*.

Sec. 9. 1. This section and sections 1, 2, 3, 5, 6 and 8 of this regulation become effective on the date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State pursuant to NRS 233B.070.

2. Sections 4 and 7 of this regulation become effective on the later of:

(a) The date on which this regulation is approved by the Legislative Commission and filed with the Secretary of State; or

(b) July 1, 2023.

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SMALL BUSINESS IMPACT STATEMENT AS REQUIRED BY NRS 223B.0608

LCB FILE No. R070-22 July 3, 2023

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.

Notice and text of the proposed regulations were mailed via the United States Postal Service to 2230 individual business that may be affected by the regulation changes. Twelve notices were returned as undeliverable. In addition, a notice and a link to the text of the proposed regulations were sent via email to 7,441 interested parties (of which 575 were opened, 157 clicked on a link in the email, 28 email addresses could not be delivered, and 1 person unsubscribed). The notice included the website address for an electronic survey and a request that the recipient participate in the survey to assist the Nevada Department of Agriculture (NDA) in determining the potential impacts of the proposed regulations on businesses in Nevada. An option was offered for recipients to request a hard copy of the survey be sent to them by mail or email, though the department did not receive any such requests. Notice of the proposed regulations and the survey link were posted to www.agri.nv.gov. The survey was open from November 10, 2022, through December 16, 2022.

A total of 23 responses were received, though not all respondents answered every survey question. 20 of those respondents answered 'Yes' to Question 1, which asked if the respondents business fell under the definition of a small business as defined by NRS 233B.0382 (a business with fewer than 150 employees). Persons interested in obtaining the survey results and summary may do so by contacting the NDA's Division of Measurement Standards at 775-353-3783 or ce@agri.nv.gov.

Summary of survey responses:

- There were 18 respondents to question 2, which asked whether the changes proposed in LCB R070-22 would impact their ability to do business, and responses were split, with 28% responding "Yes", 44% responding "No", and 28% responding "Maybe."
- There were 12 respondents to question 4, which asked for an estimate of the annual financial impact question (percentage does not total to 100 due to rounding). 8% of respondents indicated that there would be an annual financial impact of between \$10,001 and \$15,000, 8% of respondents indicated an annual financial impact of between \$5,001 and \$10,000, 8% of respondents indicated an annual financial impact of between \$1,001 and \$5,000, 25% of respondents indicated an annual financial impact of between \$100 and \$1,000, 8% of respondents indicated an annual financial impact of between \$1 and \$99, and 42% of respondents indicated that there would be no financial impact to their operations.

- There were 13 respondents to question 5, which asked the level of negative impact. 0% of the survey respondents stated the proposed changes will have a severe or major impact on their business, 46% stated that there would be a moderate impact, 8% stated that there would be a minor impact, 8% stated that there would be an insignificant impact, and 38% stated that there would be no impact.
- There were four respondents to question 7, which asked the respondent to identify the section of LCB R070-22 which would have the most financial impact on their business. Two respondents each cited Section 1 (which adopts by reference National Conference on Weights and Measures (NCWM) Publication 14) and Section 9 (which sets the effective dates if this file is approved by the Legislative Commission and filed with the Secretary of State). One respondent cited Section 2 (which revises where certain standards that have been adopted by reference can be obtained and how they may be purchased) and one respondent cited Section 4 (which increases the fees for various inspections and tests of certain scale devices, linear devices and meter devices).
- Survey questions 3, 6, 8, and 9 asked open-ended questions:
 - There were 10 respondents to question 3, which asked, “How would changes to NAC 581 in LCB R070-22P impact your ability to do business?” The responses included, “Referencing Proposed Nevada Legislative Counsel Bureau File # R070-22, Section 2, the copies should be available at no charge to RSAs and bonafide, licensed Nevada businesses at no additional charge or benefit to the National Conference on Weights and Measures. Nevada should follow other States’ lead in re-writing the publications to meet Nevada’s requirements. Section 4, clause 2 inspection fees, where increased, are acceptable and reasonable. I object to the new references to the National Conference on Weights and Measures, Publication 14, as NCWM is a for-profit organization that does not need or deserve to receive income from being referenced for mandatory use by a Nevada State Bureau and State RSAs and businesses. Publication 14 should be available for copy at no charge to RSAs and businesses with brick and mortar presence inside the State of Nevada,” “We have to do business daily,” “increases cost of doing business which affects my bottom line,” “We have so many annual fee’s (sic) and required testing, the cost is hard on a small business,” “Costly fees, the potential of costly future equipment upgrades to be in compliance, additional time and focus will be needed when inspections are conducted, time and effort preparing for inspections, potential out of compliance fines, etc.,” “no impact,” “Creates further limitations and concerns to our clients located in Nevada who may not hire our company to complete the calibration due to cost increases. It’s as though our organization is no longer acknowledged as a licensed servicer,” “It will not effect (sic) it,” “Eliminates communication for people to help certify scales, potentially (sic) would require a new traceable scale,” and “No perceived impact.”
 - There were 8 respondents to question 6, which asked, “Would you need to make operational changes to your business as a result of the financial impact of LCB R070-22? If so, what would those changes be?” The responses included, “Yes. Purchase a copy of NCWM Publication 14, review it for requirements and compliance, write SOPs to add, change, or write completely new procedures. Purchase new standards to comply with changes to NIST handbook 105, rewrite SOPs to comply with the new versions of NIST Handbook 105,” “Not sure of any changes at this point,” “any and all expenses affect my

ability to pay overhead,” “minor financial impact no changes needed,” “Expansion of our California service area and limit Nevada customers,” “no”, “Unsure at this time,” and “No.”

- There were 3 respondents to question 8, which asked, “How could the proposed section(s) in LCB R070-22 be adjusted to mitigate their level of negative financial impact?” The responses included, “See previous comments,” “the state of nevada (sic) should not be in the certify scales business. Leave that to the private sector. Sell all associated equipment and let go employes (sic),” and “I don't have any suggestions for this.”
- There were 3 respondents to question 9, which asked, “Please feel free to provide any feedback you would like us to consider in relation to the proposed changes to NAC 581.” The responses included, “See previous comments mostly relating to NCWM Publication 14 being incorporated as part of the revisions to NAC 581. If Nevada desires to use this verbiage, then hire a technical or legal writer to incorporate those concepts and ideas into a Nevada State authored document, and not from an organization that have (sic) been proven to constantly revise their publications annually during junkets to exotic locations, only to be financed by private industry forced to accept their frivolous additions and changes to their rules and publications,” “again leave it to the private sector,” and “One thing that has been annoying to us is that scale inspection stickers no longer include a date. Cattle buyers have complained about this.”

2. The manner in which the analysis was conducted.

A statistical analysis of the survey results was compiled and considered. Survey respondents were asked whether the proposed changes in R070-22 would impact their ability to do business, and how they would be impacted; the estimated amount of annual economic impact on their business and the level of impact, ranging from “no impact” to “severe impact,” that these changes would cause; and if these changes would require the business to make operational changes. Finally, participants were invited to offer suggestions on how negative financial impacts might be mitigated.

3. The estimated indirect and direct economic effect of the proposed regulation on the small businesses it is to regulate, including, without limitation.

- (1) Both adverse and beneficial effects; and**
- (2) Both direct and indirect effects.**

The following is a summary of the proposed regulatory changes and amendments in LCB File R070-22:

Section 1 adopts by reference NCWM Publication 14. Sections 2 and 3 revise where certain standards that have been adopted by reference can be obtained and how they may be purchased. Section 3 also eliminates the adoption by reference of the Uniform Open Dating Regulation, as set forth in National Institute of Standards and Technology (NIST) Handbook 130.

Section 4 increases the fees for various inspections and tests of certain scale devices, linear devices and meter devices. Existing regulations authorize the State Sealer of Measurement Standards to enter

an agreement with the owner or operator of a standard or device to determine the fee charged for testing devices or standards not listed on the schedule of fees, testing standards from out of State or testing which requires special arrangements. Section 5 of this regulation removes this authorization.

Section 6 requires weighing or measuring devices and certain accessories to be traceable to an active certificate of conformance. It also authorizes the use of types that are not traceable to an active certificate of compliance if the type was in use before January 2, 1995, and subsequently passes certain tests, or the type does not have the evaluation procedures published in NCWM Publication 14 or the type is a one-of-a-kind device without a National Type Evaluation Program (NTEP) pending inspection and performance. Section 6 defines “type” to mean a model of a particular system of measurement that positively identifies the design, defines a “participating laboratory” as a laboratory authorized to conduct certain type evaluations, and defines “one-of-a-kind device” as a device designed to meet unique demands which is not commercially available.

Section 7 of this regulation revises the standards that must be certified and the schedule for certification.

Section 8 of this regulation eliminates the requirement that notification of repair or adjustment to a measuring device be made within 24 hours but maintains the requirement that a person who installs or makes repairs or adjustments to a weighing or measuring device submit written notification to the State Sealer of Measurement Standards within 5 days if the device is used for commercial purposes.

Section 9 of this regulation revises the standards that must be certified and the schedule for certification.

Small businesses subject to the amendments and additions proposed in this regulation are estimated to experience direct economic effects for the cost of license fees for weighing and measuring devices not currently licensed as commercial weighing and measuring equipment and for the cost of staff time to facilitate the agency’s inspection of these devices. However, as regulations have not yet been promulgated for these devices (specifically, Electric vehicle supply equipment (EVSE)), it is very difficult at the present time to estimate the monetary amount of those effects. Many small businesses will see little to no economic effect, especially if they are not affected by the condition described in Section 6. Some small businesses subject to the regulation are estimated to experience direct economic effects up to \$500 and a few may experience direct economic effects up to \$1,000 because of fee increases for inspections and tests of certain devices. These direct economic impacts would be adverse as they would increase the operational costs of the small business.

Some small businesses may experience indirect beneficial economic effects. Currently, if that business uses a process that is not under the authority in NAC Chapter 581, a separate, additional step to determine product weight may be necessary before a product may be sold. New authority gained by amending NAC 581 may serve to eliminate the additional step, improving efficiency and providing

economic benefit to the business. The agency estimates that there will be no indirect adverse economic effect to small businesses.

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.

Because of the nature of the proposed regulations, there was little that could be done to reduce any impact on small businesses. Many of the proposed regulation changes allow for the NDA to inspect and certify devices that are currently not traceable to an active certificate of conformance. Most significantly, this includes devices that are considered ‘one-of-a-kind’ and as such do not have an NTEP pending inspection and performance evaluation. Currently, NDA does not have authority to inspect and certify these types of devices. An important example are EVSEs (also known as Electric Vehicle (EV) charging stations), which are rapidly increasing in number in Nevada. There is no single type of charger, and there is not yet an NTEP certification for EVSE. At the same time, it is important to guarantee that EVSE’s are held to the same standards in the marketplace as liquid fuels dispensers.

Adopting these regulation changes will have significant benefit to the consumer and may result in benefits and increased efficiencies for the regulated businesses. For example, if a manufacturer is producing a weighable product in a process that is not currently covered by the authority in NAC Chapter 581 the product must be weighed in a separate, additional step before being sold. These regulations could serve to eliminate the additional step, providing benefit to the business. Guaranteeing that an EVSE user is receiving the full charge that they are paying for is a second example.

As the NDA continues through the regulatory adoption process required under the Nevada Administrative Procedure Act, it will consider any other methods to reduce the impact on small businesses.

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

The NDA anticipates limited increased costs to enforce the amended provisions of NAC 581. An EVSE test measure, used to certify an EV charging station, requires annual certification at a cost of approximately \$2,000. That cost would be multiplied if more test measures are purchased as the number of charging stations statewide continues to increase. There may be additional costs to the agency in the form employee time used for additional testing, fuel costs for travel to new devices for testing, and possible retesting, and the cost to purchase additional testing equipment as that becomes necessary. This cost is difficult to estimate at this point in the rulemaking process.

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 regulation does not directly provide for a new fee, but it will both increase the number of devices under the authority of the NDA and it also will make increases to several existing fees collected by the agency.

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Regarding the additional devices to be certified, it is difficult to estimate how many more devices would now be included in annual inspections. As previously mentioned in this document, a prime reason for this regulatory action is the increasing number of EV charging stations in Nevada. The NDA has not adopted regulations for the testing of EV charging stations yet but has purchased an EVSE test measure and begun a study to assess the details of testing a charging station. This information will be used in the future, along with input from industry stakeholders, to produce fair and reasonable regulations and fees for these devices.

Regarding increases in existing fees, these are proposed to bring the NDA Metrology Laboratory fee structure and recertification schedule more in line with other state laboratories in the region. Based on the number of standards handled by the lab in FY2020 and FY2021 that will be affected by the fee increase, the additional amount collected is expected to be approximately \$7,500. This additional money will be used as part of the Division of Measurement Standards budget.

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.

The proposed regulations are not duplicative or more stringent than federal, state, or local standards.

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

The NDA concludes that the additional authority and updates will have a relatively minor impact, both financially and to the operation of small businesses that are already regulated under NAC Chapter 581. While a few respondents anticipated more significant impacts, 75% of respondents anticipated annual costs of no more than \$1,000 annually. However, the proposed regulations will bring additional businesses under the authority of NAC Chapter 581. The NDA expects that the effect on these newly regulated businesses to be relatively minor as well.

I certify to the best of my knowledge or belief, a concerted effort was made to determine the impact of this proposed regulation on small business, and that the information contained in this statement was prepared properly and is accurate.

Julian J (J.J.) Goicoechea,
DVM

Digitally signed by Julian J (J.J.) Goicoechea, DVM
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