

**ADOPTED REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R031-06

Effective June 28, 2006

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

AUTHORITY: §§1-3, NRS 587.077 and 587.083.

A REGULATION relating to agriculture; making a planting of seed potatoes ineligible for use in the production of certified seed potatoes unless the State Department of Agriculture approves a certain plan for the planting; and providing other matters properly relating thereto.

Section 1. Chapter 587 of NAC is hereby amended by adding thereto a new section to read as follows::

“Golden nematodes” means the plant parasitic nematodes Heterodera rostochiensis.

Sec. 2. NAC 587.364 is hereby amended to read as follows:

587.364 As used in NAC 587.364 to 587.444, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 587.366 to 587.406, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 3. NAC 587.414 is hereby amended to read as follows:

587.414 1. A planting is not eligible to produce certified seed potatoes if any of the following diseases have been proven to exist in the field or in potatoes grown in the field:

- (a) Root-knot nematode.
- (b) Corky ring spot.
- (c) Rhizomania.

2. *In addition to the provisions of subsection 1, a planting is not eligible to produce certified seed potatoes unless, before the planting:*

(a) The person conducting the planting submits to the Department a plan for the management of golden nematodes and any necrotic viruses that affect potatoes; and

(b) The Department approves the plan.

3. *A plan submitted pursuant to subsection 2 may include, without limitation:*

(a) Any survey of the planting;

(b) Any record of inspection of the planting; and

(c) Any other information specified by the Department.

4. A field is not eligible to produce certified seed potatoes if any of the following potatoes were grown in the field during the previous growing season:

(a) Noncertified potatoes.

(b) Potatoes proven to be infected with bacterial ring rot.

~~[3.]~~ 5. For a planting to be eligible to produce certified seed potatoes, if noncertified potatoes or potatoes proven to be infected with bacterial ring rot were grown in the field, the grower must farm the field with a crop other than potatoes immediately following the growing season during which the noncertified or infected potatoes were grown.

~~[4.]~~ 6. For a planting to be eligible to produce certified seed potatoes, the grower must:

(a) Rogue all diseased and off-type plants during the growing season;

(b) Remove from the planting and destroy all rogued plants, seed pieces, new tubers and off-type plants; and

(c) Not rogue plants infected with bacterial ring rot.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R031-06**

The State Department of Agriculture adopted regulations assigned LCB File No. R031-06 which pertain to chapter 587 of the Nevada Administrative Code on May 26, 2006.

Notice date: 3/1/2006
Hearing date: 4//4/2006

Date of adoption by agency: May 26, 2006
Filing date: 6/28/2006

INFORMATIONAL STATEMENT

- 1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.**

Notices were mailed to all Nevada County Libraries and Nevada Department of Agriculture offices.

There were no responses from the public.

Interested persons may obtain a summary by contacting the Nevada Department of Agriculture 350 Capitol Hill Avenue Reno, Nevada 89502. (775) 688-1180.

- 2. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statement.**
- a. none
 - b. none
 - c. none

- 3. A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.**

Comment was solicited from affected businesses by sending letters to Nevada potato growers requesting comment and announcing the workshop and hearing. Notices were also posted at Nevada Department of Agriculture Offices.

There were no responses from affected businesses.

Interested persons may obtain a summary by contacting the Nevada Department of Agriculture 350 Capitol Hill Avenue Reno, Nevada 89502. (775) 688-1180.

- 4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

No changes or objections to the proposed regulation were submitted thus the regulation was adopted as proposed.

- 5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
- (a) Both adverse and beneficial effects;**
 - (b) Both immediate and long-term effects;**

Businesses. There were no adverse effects on businesses. The beneficial effect is the increased potential to export Nevada seed potatoes.

The immediate and long term effects on businesses are the same.

Public. There were no adverse or beneficial effects on the public.

The immediate and long term effects on the public are the same.

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

None.

- 7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

There are no other state or federal regulations that are overlapped or duplicated.

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

Not applicable.

- 9. If the 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.**

Not applicable – no fees involved.