

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R091-01

Effective October 12, 2001

NOTICE OF ADOPTION

On August 30, 2001, the Nevada Board of Agriculture adopted regulations assigned LCB file number R91-01 which pertain to chapter 554 of the Nevada Administrative Code. A copy of the regulations as adopted is attached hereto.

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

AUTHORITY: §§1-6, NRS 554.020 and 554.030.

Section 1. Chapter 554 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this regulation.

Sec. 2. *A quarantine is hereby established against the organism that causes lethal yellowing of palm, the planthopper that is its natural carrier (*Myndus crudus*), and the hosts of the organism and the carrier.*

Sec. 3. *The following areas are under quarantine:*

- 1. The counties of Broward, Collier, Dade, Hendry, Lee, Martin, Monroe and Palm Beach in the State of Florida; and*
- 2. The counties of Cameron, Hidalgo and Willacy in the State of Texas.*

Sec. 4. *The following commodities are subject to the quarantine:*

- 1. Ruffle palm (*Aiphanes lindeniana*).*

2. *Seashore palm (Allagoptera arenaria).*
3. *Broomsedge (Andropogon virginicus).*
4. *Formosa palm or sugar palm (Arenga engleri).*
5. *Arikury palm (Arikuryroba schizophylla, Syagrus schizophylla).*
6. *Palmyra palm (Borassus flabellifer).*
7. *Cluster fishtail palm (Caryota mitis).*
8. *Giant fishtail palm (Caryota rumphiana).*
9. *A certain palm (Chelyocarpus chuco).*
10. *Cabada palm (Chrysalidocarpus cabadae, Dypsis cabadae).*
11. *Coconut palm (Cocos nucifera).*
12. *Buri palm (Corypha elata).*
13. *Bermuda grass (Cynodon dactylon).*
14. *Sedges (Cyperus spp.).*
15. *Princess palm (Dictyosperma album).*
16. *Centipede grass (Eremochloa ophiuroides).*
17. *Puerto Rican gaussia (Gaussia attenuata).*
18. *Belmore sentry palm (Howea belmoreana).*
19. *Spindle palm (Hyophorbe verschaffeltii (Mascarena v.)).*
20. *Latan palm (Latania sp.).*
21. *Chinese fan palm (Livistona chinensis).*
22. *Javanese fan palm (Livistona rotundifolia).*
23. *Mazari palm (Nannorrhops ritchiana).*
24. *Triangle palm (Neodypsis decaryi, Dypsis decaryi).*

25. *Paragrass (Panicum purpurascens).*
26. *A certain grass (Panicum bartowense).*
27. *Screw pine (Pandanus utilis).*
28. *Bahia grass (Paspalum notatum).*
29. *Canary Island date palm (Phoenix canariensis).*
30. *Date palm (Phoenix dactylifera).*
31. *Senegal date palm (Phoenix reclinata).*
32. *Cliff date palm (Phoenix rupicola).*
33. *Wild date palm (Phoenix sylvestris).*
34. *Peicherdia (Pritchardia spp.).*
35. *Hildebrandt's palm (Ravenea hildebrandtii).*
36. *Foxtail (Setaria spp.).*
37. *St. Augustine grass (Stenotaphrum secundatum).*
38. *Windmill palm (Trachycarpus fortunei).*
39. *Christmas palm (Veitchia spp.).*
40. *Any other commodity that the state quarantine officer or his representative determines*

is a host of:

- (a) *The organism that causes lethal yellowing of palm; or*
- (b) *The planthopper that is its natural carrier (Myndus crudus).*

Sec. 5. *The entry into this state of a commodity specified in section 4 of this regulation, including any part thereof that is capable of propagation, except seed, is prohibited if grown in or shipped from an area under quarantine.*

Sec. 6. *A commodity that enters this state in violation of the quarantine imposed pursuant to sections 2 to 5, inclusive, of this regulation must be immediately shipped to a destination located outside of this state or destroyed by burning or any other manner approved by the department. If a commodity is shipped or destroyed pursuant to this section, the owner of the commodity or his agent is liable for the cost of the shipment or destruction.*

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INFORMATIONAL STATEMENT

1. A public workshop was held on August 22, 2001, in Reno, Nevada, at the Nevada Department of Agriculture office, 350 Capitol Hill Avenue.
2. A public hearing was held on August 22, 2001, in Reno, Nevada, at the Nevada Department of Agriculture office, 350 Capitol Hill Avenue.

Notice of workshop and notice of hearing was posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada county libraries. The notice of workshop and hearing was posted on the Department's web site. Copies could be requested from the Nevada Department of Agriculture by writing to 350 Capitol Hill Avenue, Reno, Nevada, 89502, calling (775) 688-1180, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. All persons who have requested to be notified of amendments were notified by fax or e-mail.

3. Workshop held August 22, 2001 – Reno
Number attended: 1
Number testified: 1
No written statements were submitted: 0

Summary of comments:

The horticulturist from the Reno Cooperative Extension Service supported the need for this quarantine.

4. Hearing held August 22, 2001 – Reno
Number attending: 0
Number testifying: 0
Number of written statements submitted: 0

5. Comments were solicited from business and the public by posting in public locations and through direct fax and e-mail notices as outlined in #1 above. A copy of the comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, (775) 688-1180.

The Nevada Board of Agriculture adopted the amendments without changes.

6. The economic effects of the adopted amendments on the business which it is to regulate include:

- a. Adverse effects:
Hosts are prohibited entry into Nevada from infested areas, but could be sold in the infested area.
 - b. Beneficial effects:
Plant dealers in Nevada would be assured of receiving disease free stock.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for immediate and long-term.
7. Economic effects of the proposed amendments on the public include:
- a. Adverse effects:
None
 - b. Beneficial effects:
The quarantines prevent the entry of this disease into Nevada. The entry and establishment of this disease would cause economic loss to commercial and privately grown palm trees and other host plants.
 - c. Immediate and long-term economic effects:
The adverse and beneficial effects are the same for the immediate and long-term.
8. Economic cost to the agency for the enforcement of the regulation:
There will not be any additional cost to the agency to enforce the amendments adopted.
9. There are no other state or federal agency regulations which the adopted amendments overlap or duplicate.
10. The amendments adopted do not include any provisions more stringent than any federal regulation with the same activity.
11. This regulation does not establish or increase any fees.