

**LCB File No. R091-01**

**PROPOSED REGULATION OF THE  
STATE DEPARTMENT OF AGRICULTURE**

**NOTICE OF INTENT TO ADOPT REGULATIONS  
THE NEVADA DEPARTMENT OF AGRICULTURE**

**Proposed amendment to NAC 554 pertaining to an exterior quarantine against lethal yellowing of palm disease.**

**Need and purpose of the proposed amendments:**

Lethal yellowing of a palm is not known to exist in Nevada. If this disease becomes established, it would cause death to susceptible species of palm in Nevada. Large economic losses would occur and quarantines would be placed against Nevada susceptible hosts by other states.

**Economic effect of these proposed amendments on the businesses which it is to regulate:**

1. Adverse effects:  
Hosts are prohibited entry into Nevada from infested areas, but could be sold in the infested area.
2. Beneficial effects:  
Plant dealers in Nevada would be assured of receiving disease free stock.
3. Immediate and long-term effects:  
The beneficial and adverse effects are the same for the immediate and long-term economic effects.

**Economic effects of the proposed amendments on the public:**

1. Adverse effects:  
None
2. 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 palm plants and privately grown palms.
3. Immediate and long-term effects:  
The beneficial and adverse effects are the same for the immediate and long-term economic effects.

**Economic cost to the agency for enforcement of the proposed amendments:**

There will be no additional cost to the agency for enforcement of the amendments.

**Description of any regulations of any other state, local or federal regulation that the proposed amendments overlap or duplicate:**

There are no other state, local or federal government agency regulations that these amendments overlap or duplicate.

**Fees:**

The proposed amendments do not contain any new fees or increase any existing fees.

**The date time, place and manner in which interested parties may present their views on the proposed amendments:**

**DATE:** August 22, 2000  
**TIME:** 10:00 a.m.  
**PLACE:** Nevada Department of Agriculture Office- Reno  
350 Capitol Hill Avenue  
Reno, Nevada 89502

**Manner:** Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All variable and written testimony will be in the record of the hearing.

**Addresses at which the text of the proposed regulations may be inspected and copied:**

The Nevada State Library in Carson City, and all Nevada county libraries, the Department of Agriculture offices in Reno, Sparks, Elko, Las Vegas or Winnemucca during the hours of 8:00 a.m. until 5:00 p.m., Monday through Friday.

**Nevada Department of Agriculture Nevada Department of Agriculture**  
**350 Capitol Hill Avenue 2150 Frazer Street**  
**Reno, NV 89502 Sparks, NV 89431**

**Nevada Department of Agriculture Nevada Department of Agriculture**  
**1550 S. Wells Avenue 1200 E. Winnemucca Blvd.**  
**Reno, NV 89502 Winnemucca, NV 89445**

**Nevada Department of Agriculture Nevada Department of Agriculture**  
**Eyer H Boies Building 2300 McLeod**  
**Elko, NV 809801 Las Vegas, NV 89104**

**NOTE:** We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Robert Gronowski at the Nevada Department of Agriculture, (775)-688-1182 Ext. 239 as soon as possible.

**NRS 233B.064 Permanent regulations not to be adopted or revised by the Legislative Counsel; agency's reasons for adoption.**

Upon adoption of any regulation, the agency, if requested to do so, by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

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**Paul Iverson, Director**

**Date**

**NOTICE OF WORKSHOP**

A workshop will be held on Proposed amendment to NAC 554 pertaining to an exterior quarantine against lethal yellowing of palm disease.

**Date:** August 22, 2001  
**Time:** 9:00 a.m.  
**Place:** Nevada Department of Agriculture- Reno Office  
350 Capitol Hill Avenue  
Reno, NV 89502-2923

**For clarification** on the proposed amendments contact Robert Gronowski at (775) 688-1182, ext. 239.

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2300 McLeod  
Las Vegas, NV 89104**

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NRS 233B.064 permanent regulation not to be adopted until text approved or revised by the Legislative Counsel; agency’s reason for adoption.

\_\_\_\_\_  
Paul Iverson, Director

\_\_\_\_\_  
Date

**NEVADA DEPARTMENT OF AGRICULTURE  
SMALL BUSINESS IMPACT DISCLOSURE PROCESS  
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

The purpose of this Small Business Impact Form is to provide a framework pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshop by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation: NAC 554.020 to 554.690 ( European Pine Shoot Moth), NAC 554(Mint Stem Borer), NAC 554(Potato Late Blight), NAC\_ 554.180(Japanese Beetle), and NAC 587.340 (inspection and certification fees).

**Small Business Impact Form- Part 1**

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? No
2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

**Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).**

3. If **YES** to either of questions 1 & 2, the following action must be taken:
  - a. Has a small business impact statement prepared and was it available at the public workshop?
  - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

**SMALL BUSINESS IMPACT STATEMENT**

**Small Business Impact Form- Part 2**

(NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.
2. The estimated economic effect of the proposed regulation on small business:
  - a. Both adverse and beneficial effects
  - b. Both direct and indirect effects

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.
  - a. Simplification of the proposed regulation.
  - b. Establishment of different standards of compliance for a small business.
  - c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.
4. The estimated cost to the agency for enforcement of the proposed regulation.
5. If this regulation provides for 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.
6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent, and why it is necessary.

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**PROPOSED REGULATION OF THE  
STATE DEPARTMENT OF AGRICULTURE**

Nevada Department of Agriculture  
350 Capitol Hill Avenue  
Reno, Nevada 89502  
(775) 688-1180

**PROPOSED ADOPTION OF AN AMENDMENT TO NAC 554 PERTAINING TO AN  
EXTERIOR QUARANTINE AGAINST LETHAL YELLOWING OF PALM**

**Authority: NRS 554.020**

Chapter 554 is hereby amended by adding thereto the provisions set forth as sections 1 to 5, inclusive, of this regulation.

**Section 1. Establishment of quarantine.** A quarantine is hereby established against a non-cultivable mollicute (formerly known as a **Mycoplasma-Like Organism, MLO**) that causes lethal yellowing of palm, and its natural carrier *Myndus crudus* (a planthopper), and hosts of both lethal yellowing of palm and the carrier.

**Section 2. Areas under quarantine.** The counties of Broward, Collier, Dade, Hendry, Lee, Martin, Monroe, and Palm Beach in the State of Florida and the counties of Cameron, Hidalgo, and Willacy in the State of Texas.

**Section 3. Commodities Covered by quarantine.** Susceptible species of palm, screw pine, *Myndus crudus* and hosts of *Myndus crudus* and all parts capable of propagation, except seed, are commodities covered. The following species of palm and screw pine are considered hosts of lethal yellowing of palm and the following grasses and sedges are considered to be the host of *Myndus crudus*:

<b>Scientific name</b>	<b>Common name</b>
1. <i>Aiphanes arenaria</i>	<i>None</i>
2. <i>Allagoptera arenaria</i>	Seashore palm
3. <i>Andropogon virginicus</i>	Broom sedge
4. <i>Arenga engleri</i>	Formosa palm or Sugar palm
5. <i>Arikuryroba schizophylla</i>	Arikury palm
6. <i>Borassus flabellifer</i>	Palmyra palm

7. <i>Caryota mitis</i>	cluster fishtail palm
8. <i>Caryota rumphiana</i>	Giant fishtail palm
9. <i>Chelyocarpus chuco</i>	None
10. <i>Chrysalidocarpus cabadae</i> (= <i>Dypsis cabadae</i> )	Cabada palm
11. <i>Cocos nucifera</i>	Coconut palm
12. <i>Corypha elata</i>	Buri palm
13. <i>Cynodon dactylon</i>	bermudagrass
14. <i>Cyperus</i> spp.	sedges
15. <i>Dictyosperma album</i>	Princess palm
16. <i>Eremochloa ophiuroides</i>	centipedegrass
17. <i>Gaussia attenuata</i>	Puerto Rican gaussia
18. <i>Howea belmoreana</i>	Belmore sentry palm
19. <i>Hyophorbe verschaffeltii</i> [Mascarena v.]	Spindle palm
20. <i>Latania</i> sp.	Latan palm
21. <i>Livistona chinensis</i>	Chinese fan palm
22. <i>Livistona rotundifolia</i>	None
23. <i>Nannorrhops ritchiana</i>	Mazari palm
24. <i>Panicum purpurascens</i>	Paragrass
25. <i>Panicum bartowense</i>	None
26. <i>Pandanus utilis</i>	screw pine
27. <i>Paspalum notatum</i>	Bahiagrass
28. <i>Neodypsis decaryi</i> (= <i>Dypsis decaryi</i> )	Triangle palm
29. <i>Phoenix canariensis</i>	Canary Island date palm
30. <i>Phoenix dactylifera</i>	date palm
31. <i>Phoenix reclinata</i>	Senegal date palm
32. <i>Phoenix rupicola</i>	cliff date palm



33. <i>Phoenix sylvestris</i>	wild date palm
34. <i>Pritchardia</i> spp.	peicherdia
35. <i>Ravenea hildebrandtii</i>	None
36. <i>Setaria</i> spp	foxtail
37. <i>Stenotaphrum secundatum</i>	St. Augustine grass
38. <i>Syagrus schizophylla</i>	None
39. <i>Trachycarpus fortunei</i>	windmill palm
40. <i>Veitchia</i> spp.	christmas palm

**Section 4. Restrictions.**

All lethal yellowing palm hosts, *Myndus crudus* , grass and sedge hosts of *Myndus crudus* are prohibited from entry into Nevada when grown in or shipped from the areas under quarantine.

**Section 5. Disposition of violations.**

All shipments of covered commodities arriving in Nevada in violation of this quarantine shall be immediately shipped out-of-state or destroyed by burning or other method approved by the Department. All costs for shipment out-of-state, destruction or treatments shall be performed at the expense of the owner, or duly authorized agent.