

ASSEMBLY AGRICULTURE COMMITTEE MINUTES
FEBRUARY 22, 1977
4:00 p.m.

MEMBERS PRESENT: Chairman Hickey
Mr. Price
Mr. Jacobsen
Mr. Polish
Mr. Serpa
Mr. Rhoads

MEMBERS ABSENT: Mr. Jeffrey

GUESTS: Mr. Gallaway, State Department of Agriculture
Mr. Martinelli, Regional Coordinator, Department of Agriculture

Chairman Hickey called the meeting of the Agriculture Committee to order. The purpose of the meeting was to hear AB 218, AB 233 and AB 58

AB 218, Makes technical amendments to definitions concerning pesticides and applicators.

Harry Gallaway, State Department of Agriculture, stated that the department supported this bill. It is merely a housekeeping bill which changes the term "competent" to "qualified". He explained that the term "competent" is what was used in federal legislation. In 1975 when this was first enacted the Department chose the word "competent" to make it compatible with federal law. Apparently the Legislative Counsel Bureau feels that qualified is a better term to use.

Mr. Rhoads inquired whether there is a difference between individual and person. Mr. Gallaway replied that the term person is used throughout Nevada statutes. Mr. Price stated that they had been informed by the Legislative Counsel Bureau that person as defined in the statutes means corporations, companies, etc.

Mr. Hickey stated that this bill would be a good one for the consent calendar.

AB 233, Deletes obsolete reference to salary of Executive Director of State Department of Agriculture.

Mr. Gallaway also spoke in behalf of this bill. He stated that this was another housekeeping bill. This bill would remove the reference to Executive Director's salary which is handled by other legislation. It is merely a bill cleaning up the statutes.

AB 58, Increases registration, tonnage and inspection fees for certain agricultural and other commodities.

Mr. Gallaway stated that he had some further information to present to this committee at its request. He gave a brief background on this legislation. In 1971 Legislature with the eminency of the Environmental Pesticide Control Act of the feds they could see they had the need for additional staff in order to handle these requirements that would be required in order to comply with the federal act. They asked for additional man in 1971 and the administration removed. The industry came forth and asked them to raise the pesticide inspection fees and these fees were increased. However, in 1971-1977 the salary costs have risen 30% and this fund no longer has money available due to these increases in salary. Therefore they are asking for these increases. They have discussed this with the administration and their budget reflects the increases that these fees will bring about. Mr. Gallaway then presented a comparison of the Nevada with the surrounding states as requested by Mr. Hickey. This is attached to these minutes as Exhibit A and herewith made a part of this record.

Mr. Gallaway stated that in 1963 the original fertilizer act required a flat \$25 per brand. This was inequitable because one company was paying this amount for brand and grade and maybe the next company was paying this amount for 20 grades under a single brand name. It was then changed to \$10 for each brand and grade and there are approximately 650 brands and grades registered in the State of Nevada at this time.

Mr. Jacobsen stated that he was still concerned about the fact the Governor had said no new taxes and yet this is a new tax in a form. Mr. Gallaway stated that they have thoroughly clued in the Administration on this fund and that they must have something in order to keep the fund from running into a deficit which it cannot do. They also have conferred with the industry and they are in full support of this.

Mr. Jacobsen then inquired whether most wholesalers handle more than one brand. Mr. Gallaway stated that yes they do and they have about 2800 pesticide products registered.

Mr. Serpa stated that he felt that the rancher is going to end up paying this added fee and this will ultimately be passed on to the consumer. Mr. Gallaway stated that this was actually spread clear across the whole product.

Mr. Hickey asked if the fees from other states are included in the sale of fertilizers in our state. Mr. Gallaway stated that this was included in their overall manufacturing cost and passed on wherever they market their product. They do not break out individually to a state.

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Mr. Hickey then inquired what would happen if this increase is not approved. Mr. Gallaway stated he would have to make some cuts before this year is out. Either in some lab services or some other place. By October or November this fund will have about a \$2,000 deficit. He will have to cut out that much program capabilities of the department.

Mr. Jacobsen then asked how many phony products have they found. Mr. Gallaway stated that he did not have a total amount but they find about 3 per year on their limited capabilities for sampling.

Mr. Jacobsen went on to asked what happened in the case where they find a off grade product. Mr. Gallaway stated that it was taken off sale. He added they have made prosecution for improper labeling.

Mr. Hickey asked about licensing of dealers. Mr. Gallaway stated that they do not license the dealer establishments. He added that they do have legislation on the books at the present time that they can require a dealer who handles a restricted use pesticide will have to register and pay a \$10 fee. This will come about when the EPA does a classification of pesticides.

He further added that they have not gotten into the field of licensing of Pest Control Advisors and that they feel this is premature. Salesmen and equipment also are not included or licensed.

Mr. Serpa asked what percentage of the pesticides are sold directly to the rancher. Mr. Gallaway stated that probably 25% of the pesticides applied are brought through a applicator but most are brought through their own distributor and then the rancher has an applicator apply it.

Mr. Serpa stated that he still felt that the rancher would have the recourse of going back to distributor if pesticide or fertilizer were defective. It would be up to the distributor to police their own industry. Mr. Gallaway stated that when comes to the fertilizer there is a basic requirement on the deficiency whereby the penalty is assessed at three times the value of the deficiency. Each year they assess penalties from a few hundreds of dollars to thousands of dollars. They are not testing 100% of the fertilizers just random inspections. They like to sample these at the farm level.

Mr. Gallaway then presented a short presentation on the puncture vine problem in Nevada. He stated that they did have a active program directed toward taking care of a state responsibility. This is the state right of ways in connection with control of noxious weeds. They do this cooperation of the highway department.

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He went on to say that the real problem is that they just have more weeds than they can get around to. It is actually a money problem. They have the program. Prior to 1969 they were very active. They were budgeted about \$70,000/year for weed and insect control. They were spending between \$50-55,000 on weeds alone each year. In 1969 this appropriation was cut from the budget and so they were removed from any weed work for two years. It was reinstated in 1971 at the \$40,000 level. This year there is approximately \$46,000 that will go to the weed and insect control program in this state. This is less than 50% effective than what it was in 1969. They are not holding their own with the weed infestations. An amount double this would put them in the position of being able to adequately work with the problem. They have only three pieces of equipment to operate state-wide. In connection with the highway, the highway department buys the chemical and this department applies as the highway personnel are not schooled in its application.

Mr. Hickey asked about what the schools do with this type of problem. Mr. Gallaway stated that they usually have a cooperative agreement with the schools as it is not feasible for the school districts to have their own equipment. The secondary road systems are a real problem.

Mr. Gallaway stated that there is also biological control. In the 1960s the federal government developed an insect that would attack puncture vine. They have obtained some but they are not hardy enough to survive in the northern part of the state, however they do survive in the south. They are now attempting to develop a hardier species.

As there was no further business to conduct, Mr. Hickey adjourned the meeting.

Respectfully submitted,



Sandra Gagnier
Assembly Attache

REGISTRATION FERTILIZER FEE

ARIZONA \$15.00 per brand
 CALIFORNIA \$50.00 - Fee applies to any number of products
 IDAHO \$25.00 per brand (not grades)
 NEVADA \$10.00
 OREGON \$25.00
 UTAH \$25.00 for each brand or grade, plus \$25.00 for
 each registrant

REGISTRATION PESTICIDE FEE

ARIZONA \$25.00 per label
 CALIFORNIA \$40.00 per label
 IDAHO \$10.00 per label
 NEVADA \$20.00 each for first five; \$10.00 each thereafter
 OREGON \$40.00 each for first three, \$10.00 each thereafter
 UTAH \$5.00 for each label; maximum \$50.00

PESTICIDE USE

	Applicators	Dealers	Pest Control Advisors	Salesmen	Application Equipment
CALIFORNIA	\$50.00	\$50.00 plus \$20.00/Branch	\$25.00	\$25.00	
IDAHO	\$10.00	\$10.00	\$10.00		\$10.00 eac piece
NEVADA	\$25.00				
OREGON	\$10.00				\$2.00 each