

MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON HUMAN RESOURCES AND FACILITIES

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
May 18, 1981

The Senate Committee on Human Resources and Facilities was called to order by Chairman Joe Neal at 8:37 a.m., Monday, May 18, 1981 in Room 323 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Joe Neal, Chairman
Senator James N. Kosinski, Vice Chairman
Senator Richard E. Blakemore
Senator Wilbur Faiss
Senator Virgil M. Getto
Senator James H. Bilbray

GUEST LEGISLATORS:

Assemblyman Joseph E. Dini, Jr.
Assemblyman John M. Polish

STAFF MEMBERS PRESENT:

Fred Welden, Senior Research Analyst
Connie S. Richards, Committee Secretary

ASSEMBLY BILL NUMBER 462

Mr. Ted Sanders, Superintendent of Public Instruction, Department of Education said Assembly Bill No. 462 will, if passed, continue the commission on professional standards, which was established in the 1979 legislative session, for two more years. There is one minor change in Assembly Bill No. 462 from the 1979 legislation which required the commission meet monthly. The experience over the biennium has been that it would be helpful to the commission if they were able to set their own agenda and on occasion to meet less frequently than once per month as the commission does use a subcommittee structure.

Mr. Sanders explained that the commission has, during the biennium, cleared up and provided advice to the state board of education relative to recertification of teachers and has devoted substantial effort to preparing certification rec-

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ommendations in the areas of special education and vocational education. The commission cost the state just over \$8,000 per year. That amount was included in the budget request and thus there is no direct fiscal impact.

Ms. Joyce Woodhouse, President, Nevada State Education Association spoke in support of Assembly Bill No. 462. She said the commission is one in which all members of the education community are working together to try to improve the quality of the profession; it is a concept the association is very much in favor of.

Senator Kosinski asked what changes were made in the first reprint of the bill, from the original.

Mr. Sanders replied that the only change made in the first reprint is to continue to allow the governor to make commission appointments (the superintendents had requested they choose commissioners themselves).

Senator Kosinski asked whether there is contemplation of the commission being on-going, or if these two years will complete any studies being made.

Ms. Woodhouse responded that she believes it should be on-going because standards for certification and recertification, in the teaching profession, need to be reviewed continually because society changes create a need for the profession to be kept "up-to-date".

Mr. Sanders remarked that the commission should be continued for at least a five year period in order for them to work completely through the current body of certification regulations. He added that it is his personal opinion that it would be beneficial if the commission were an on-going body.

Senator Getto asked why the sunset provision in the bill is set to take place after only two years.

Mr. Sanders said the bill was taken from the language used in 1979. This does give the legislature opportunity to exercise oversight of the commission at each legislative session.

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ASSEMBLY BILL NUMBER 147

Assemblyman Joseph E. Dini spoke in support of Assembly Bill No. 147. He said the need for the bill is due to the degradation of the Pyramid, Walker, and Lahonton Lakes. He provided an Environmental Protection Agency report for Region V, the Great Lakes Basin. This report is titled "Detergent Phosphate Ban" and is on file in the secretary's office.

Assemblyman John M. Polish spoke in support of Assembly Bill No. 147. He said there are many products on the market today that are free of phosphates and immediately biodegradable. He cited Shacklee Products as one of those that he himself has been associated with and said they are effective and do not cause further degradation of the nation's waters.

Mr. Lewis Dodgion, Administrator, State Division of Environmental Protection spoke in support of Assembly Bill No. 147. He told the committee the bill would give counties the option to control the effluent in addition to chemical or mechanical removal of phosphates at a treatment plant. A ban on phosphate detergents would reduce phosphate levels immediately by 25 to 35 percent which varies due to the industrial use in a particular area.

Senator Kosinski asked Mr. Dodgion whether he has any data to substantiate his position on the reduction of phosphates into the water systems.

Mr. Dodgion replied that there are numerous studies and a great deal of literature available on the subject. He said the agency currently has a contract with the United States Geological Survey (USGS) to do a loading study on the nutrient loading problems on Lake Lahonton. The study will be completed by October of this year. The Desert Research Institute is currently conducting a study in conjunction with USGS. A study by Ott Water Engineering has just been completed on the Carson River. This study was contracted with the EPA through the use of EPA funds.

Senator Kosinski asked Mr. Dodgion whether the Ott study substantiates a phosphate water problem in the Carson River.

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Mr. Dodgion replied that it does.

Senator Kosinski asked Mr. Dodgion whether discharge would be brought into compliance in Carson City if phosphates were banned there.

Mr. Dodgion replied that it would not. He said the best reduction he would expect if a ban were placed on phosphates in Carson City, would be a reduction of 35 percent. In order to be in compliance with water quality standards, in excess of 90 percent of phosphorous would have to be removed.

Senator Kosinski asked what contribution to the problem agricultural phosphates make.

Mr. Dodgion replied that about 35 percent are from such sources in Lake Lahonton.

Senator Faiss commented that the phosphate problem has been with us for many years. He asked whether detergent companies are gradually reducing the amount of phosphates in their soap.

Mr. Dodgion said in the late 1960's, early 1970's, the average level of phosphorous, phosphates in detergents was in excess of 12 percent, this number has been reduced to about 6 percent.

Mr. Fred Welden, Senior Research Analyst told the committee that most experts agree that the chemical element associated with the algae blooms in Lahonton Lake has been phosphorous, though there are other factors involved as well, including shallow water, temperature, etc.

Statistics gained from sampling water from the Carson River to Lake Lahonton show that in the upstream flowing portions, the concentrations of phosphorous are significantly lower than recommendations made by the EPA. The concentrations below the Carson City Treatment Plant at New Empire are greatly above those recommended standards for phosphorous. The concentration at Weeks (point tested nearest Lake Lahonton) have dropped significantly, but are still twice the recommended levels for water entering a lake. The recommendations made by the U. S. EPA are 0.3 parts per million for phosphorous concentration in flowing streams, and 0.15 for streams that enter lakes. The estimated phosphorous concentration in Lahonton Reservoir

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based on a limited sampling shows that the level is around 0.65 parts per million. The recommended level from the EPA for a lake is 0.075. If the sampling is accurate, the amount of phosphorous in the lake is 8 times the recommendation.

Senator Faiss noted Reno has a phosphorous removal process at their sewage processing plant. He asked what type of process Carson City has.

Mr. Welden replied that Carson has a secondary treatment plant that does not have tertiary treatment for phosphorous.

Mr. George Vargas, Representative, Soap and Detergent Association of the United States spoke in opposition to Assembly Bill No. 147. He said the bill has been changed completely from the version presented in the Assembly and due to the short time, left them unprepared. He told the committee he had spoken with representatives of the fish and game department relative to the dying off of fish in the Lahonton Reservoir last summer. He presented a statement from Robert Sumner, Fishery Staff Specialist, Nevada Department of Wildlife relative to the loss of fish at Lahonton Reservoir (see Exhibit C).

Mr. Vargas presented a statement made by Ms. Donna Downer, Dean, School of Home Economics, University of Nevada, Reno. This statement is listed as Exhibit D.

A letter was presented to the committee in support of Assembly Bill No. 147 from the Desert Research Institute. This letter is Exhibit E.

Mr. Pete Kelly, Representative, Nevada Retail Association spoke in opposition to Assembly Bill No. 147. He presented information relative to consumer demand and preference for products containing phosphates. (See Exhibit F.)

There being no further business, the meeting adjourned at 10:00 a.m.

Respectfully submitted:

APPROVED BY:



Connie S. Richards, Committee Secretary



Senator Joe Neal, Chairman

DATE: May 23, 1981

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SENATE AGENDA

COMMITTEE MEETINGS

EXHIBIT A

Committee on Human Resources and Facilities , Room 323 . .

Day Monday , Date May 18 , Time 8:30 a.m.

A. B. No. 147--Prohibits manufacture, sale or use of
detergents which contain phosphates.

A. B. No. 462--Extends commission on professional standards
in education.

EXHIBIT C

Statement of Robert Sumner, Fishery Staff Specialist,
Nevada Department of Wildlife, March 2, 1981

This began in July when we were notified that fish were dying at Lahontan Reservoir. This continued to occur into August and some of our field personnel were monitoring the general mortality of the fish involved. According to their reports, the fish losses were substantial and it was principally carp that were involved and it was continuing. On Friday, August 22nd, I personally visited the reservoir and confirmed the earlier reports. Ninety-eight percent of all the fish that seemed dead, or dying, were carp.

There were some fish in shallow water and in stressed conditions, giving further evidence that the fish loss was continuing. This mortality was occurring throughout the lake. In noting the conditions of the water at the lake, it was evident that blue-green algae was extremely abundant. On August 26th, another person and myself went to Lahontan and seined fish from three sectors of the lake. They were principally carp, however, some game fish were involved. These fish were kept alive and transported the following day to the California Department of Fish and Game - Fish Disease Laboratory in Rancho Cordova. Mr. John Moden, of the California Department of Fish and Game, a pathologist, examined the fish and concluded, from overwhelming evidence, the primary cause of mortality was a common fish disease - a bacteria called Columnaris.

In discussing the nature of the mortality, it was admitted the fish could readily be under stress which would have caused this disease to be so prevalent. There were notable examples given of the same disease occurring at fish hatcheries, usually after stress brought on the disease outbreak. Common causes of stress in fish include lack of adequate oxygen, temperature deviations from normal and sub-lethal or chronic, toxic conditions due to the presence of gases or other uncommon constituents in water.

Therefore, it was concluded that the primary cause of mortality was the fish disease. However, without additional testing of the lake waters it was undetermined what could have been the factors causing stress.

EXHIBIT C

Mr. Sumner indicated to me that immediately after the major die-off of this fish mortality occurred, fishing for game fish improved markedly in the lake. He does not know if a specific correlation can be made of this fact, but their department found it most interesting.

He also indicated that phosphates, by themselves, are not toxic. However, phosphates are one of the components that are found in the blue-green algae.

Carol

3-2-81

SENATE

EXHIBIT D

TO: Members of the Committee on Commerce

I am Donna Beth Downer, Dean of the School of Home Economics at the University of Nevada, Reno. As a home economist, a homemaker, and a citizen of Nevada, I am here today to offer my support for your concern for the resources of our state -- both human and physical.

I am a westerner by birth and a Nevadan by choice. Nevada is a beautiful state, and I join all others who do not want to see its beauty and its resources destroyed by man's thoughtless activities. However, other states have shared similar problems and resorted to measures similar to what is being proposed here. I thought you might be interested in how such measures could affect the human resources -- the families of Nevada.

The concern for the impact of phosphates on the lakes and streams of our country had its origins in the accelerated eutrophication of these waterways. Eutrophication is the fertilization of bodies of water through the accumulation of nourishing chemical elements. This process is a very natural one and only becomes cause for concern when it is speeded up by man's activities. Waste products -- human wastes, kitchen sewage, industrial wastes, and agricultural surface run-off -- contribute the nutrients which hasten the growth of algae and other aquatic weeds. This leads to unsightly appearance of water bodies, offensive odors, and a decline in fish and flora which are oxygen dependent.

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EXHIBIT D

Phosphates, the naturally occurring form of phosphorus, are one of the essential nutrients which contribute to the increased fertilization -- but research now shows that carbon and nitrogen are also needed. It has been suggested that several other elements may also have significant roles in the sustenance of algae. Further, studies conducted at Purdue and Cornell Universities indicate that phosphate detergent bans have resulted in no perceptible improvement in lake water quality.

Doing laundry seems like a relatively simple process. You put dirty clothes in hot water, add detergent, and start the machine. However, simple it may appear, it is a complex interactive process that is taking place and the crux or heart is the detergent. Phosphates are a principal ingredient in detergents. They and the surfactant, or surface active agent, ^{aid} in getting clothes cleaner by tying up the calcium and ~~M~~agnesium salts which contribute to water hardness. They also aid in emulsifying grease and oil, prevent the re-depositing of soil on the fabric, and prevent the depositing of hardness precipitates on fabrics and machine parts.

There are substitutes available. Chiefly sodium compounds, the substitutes have not performed with the same degree of efficiency and consequently have contributed to general dissatisfaction with laundering results as well as more specific problems.

EXHIBIT D

What might the consumer expect if a ban on phosphate detergents is enacted? From research studies and experiences elsewhere, we can anticipate:

- 1) Less satisfaction with the results of the laundry process, specifically a return of the old "tattle-tale gray" that worried your mother! Whites and pastels gray, bright colors seem to fade, as limestone, or the hardness minerals, are deposited on fabric surfaces.
- 2) Impairment of permanent press and flame retardant finishes.
- 3) Reduced wear life of clothes - estimated to be as much as 15-20% -- because the deposit makes clothes more susceptible to abrasion.
- 4) Increased skin irritations and allergic reactions -- from the same cause.
- 5) A subjective feeling of harshness or stiffness in the clothes.

To compensate, consumers will use more bleaches, water softeners, large amounts of detergent -- adding to consumer costs for this very necessary household maintenance task.

EXHIBIT D

In addition, the limestone or carbonate deposits do encrust the machinery, so consumers can expect reduced life expectancy and more service calls for the equipment. The increased costs to the consumer have been estimated to approximate \$11 per year.

On a more personal note, I lived in Indiana for 15 consecutive months where a ban on phosphate detergents has been in effect since the early 70's. I know there were many unhappy homemakers who were calling the Cooperative Extension personnel in the counties and at Purdue University asking for help. The measures I mentioned above were suggested. But those living close to other states were doing something else: jumping in their car and going across the state line to buy the product they knew and wanted. It seems to me this action would be very possible in Nevada -- Truckee, South Lake Tahoe, are not that distant from us here in the Reno-Carson area. I ask the question -- are our laws really supposed to make us hypocrites?

Thank you for the opportunity to share this information with you.

* * * * *

April 1981

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DESERT RESEARCH INSTITUTE
University of Nevada System

RECEIVED

EXHIBIT E

7010 El Rancho Drive
Sparks, Nevada
(702) 673-7365

Mailing Address: P.O. Box 60220
Reno, Nevada 89506

APR 16 1981

April 14, 1981

**ENVIRONMENTAL
PROTECTION**

The Honorable Dr. Robert E. Robinson
Chairman, Commerce Committee
The Nevada State Legislature
Carson City, Nevada 89701

Dear Assemblyman Robinson:

I appreciate having the opportunity of appearing before your committee last week in support of AB-147.

In that regard, I would like to add some comments that I believe are pertinent to your consideration of that bill as follows.

You should be aware of the fact that the Soap and Detergent Association has used every means possible to preclude legislation similar to AB-147 in every part of the country where it has been proposed. As was the case Thursday, they form a team, mostly PR people, to present their opposition. In spite of the arguments presented, the IJC has recommended that the existing ban in the Great Lakes area be maintained and furthermore, that it be extended to Pennsylvania and Ohio who have not imposed a ban because of the political pressure from the Soap and Detergent industry located in their states. I have attached the January 1981 statement of the IJC concerning the ban for your perusal.

The question of the effects of phosphates on septic tanks arose during the presentation and I believe that the answer should be clarified. Owners of septic tanks are advised not to use detergents with phosphate inasmuch as they cause problems within the tanks. In fact, many septic tank owners seek out non-phosphate detergents. Mr. Mark Franchi of Franchi's Septic Service, Verdi, Nevada will substantiate the adverse effects of phosphates with his own field experience.

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April 14, 1981

You indicated that you had a letter questioning the effects of sodium ion on soils. First, even soap contains sodium as it is made by saponifying fats. So the change in sodium would not be significant by changing the detergent builder. Sodium ion may have an adverse effect on soil systems because of its ability to change the permeability of some soils. However, the quantities we are talking about are not significant in this regard.

With regards to the toxicity of the algal bloom, our biologists do not agree with Robert Sumner, who was quoted by the Soap and Detergent Association representatives. I have enclosed a copy of a letter reporting the incident to the Center for Disease Control written by the Bioresources Center.

Finally, you will recall that the Soap and Detergent Association submitted a sheet of paper entitled "Removal of Phosphate from Rivers by Natural, In-Stream Processes" and implied that there was no problem in the Carson River because the soluble orthophosphate (SOP) was removed in the river similarly to those unreferenced investigations quoted.

Their statement is totally misleading, inasmuch as the apparent disappearance of the SOP measured in the Carson River and elsewhere is due to assimilation by the biota and/or adsorption on sediments. Obviously, both the sediments and the biota will ultimately reside in Lake Lahontan, thus exacerbating the algal problems in the lake.

In short, I am in complete support of AB-147, knowing that it will help to preserve Nevada's precious waterways and at the same time, save Nevada homeowners money.

Sincerely,



Peter A. Krenkel

PAK/ams

Enclosures (2):

Letter to Charles E. Haley, M.D.

Excerpt from IJC January 1981 report

cc: The Honorable Joseph Dini

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EXHIBIT E

December 31, 1980

Charles E. Haley, M.D.
Enteric Diseases Branch
Bacterial Diseases Division
Bureau of Epidemiology
Center for Disease Control
Atlanta, Georgia 30333

Dear Dr. Haley:

I apologize for taking such a long time in responding to your request for information concerning the problems on Lahontan Reservoir this past summer. In relation to your major concern of human illness I'm afraid you've already made your most productive contact with the Nevada Division of State Health and Mr. Darrell Rasner.

The algae which became toxic on the reservoir during July and August of this past summer was a blue-green variety called *Aphanizomenon flos-aquae*, which reached an extremely high population of 900,000 cells/ml during the "blooms" peak. This particular species and others within the same group have been implicated in the death of livestock, waterfowl, dogs and fish. Thousands of carp died on the reservoir during the algal bloom and their stomachs were full of the organism.

In the process of determining the potential toxicity of the algae I consulted with Dr. Wayne Charmichael, an aquatic toxicologist at Wright State University, Dayton Ohio, a leading authority on algal toxins. I have enclosed a copy of his results. In addition to his tests, I conducted a similar mouse bioassay and fish toxicity tests. The mouse bioassay had generally the same results as those obtained by Charmichael, but the fish (rainbow trout) showed a significantly lower tolerance level.

The Nevada Department of Wildlife fish pathologist found that the dead and dying carp were heavily infected with *Columnaris* bacteria. However, I believe this bacterial infestation was acquired by the fish after they were initially weakened by the toxic reaction of the algae.

If you have any further questions concerning any related aspects to the algal bloom, please give me a call.

Sincerely,

James J. Cooper
Research Associate

JJC/rla
ENCLOSURE

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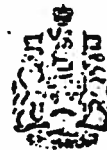
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EXHIBIT E

SUPPLEMENTAL REPORT

UNDER THE REFERENCE ON
POLLUTION IN THE GREAT LAKES SYSTEM
FROM LAND USE ACTIVITIES

ON PHOSPHORUS MANAGEMENT STRATEGIES



INTERNATIONAL JOINT COMMISSION

JANUARY 30, 1981

EXHIBIT E

The Commission notes that PLUARG was not able to explore the full range of possible strategies for phosphorus control. Other strategies may well prove to be reasonable and practicable approaches for achieving the target loads. Specific measures which could be considered include point source effluent limitations between 0.5 and 1.0 mg/L, as well as other combinations of point and non-point source controls.

Annex 3 of the 1978 Agreement calls for a reduction of phosphorus in household detergents to 0.5 percent (by weight) where necessary to meet the target loads or to meet local conditions, whichever are more stringent. The Commission continues to recommend that the detergent phosphorus limitation be retained in those jurisdictions now having one, and that it be extended to those portions of Ohio and Pennsylvania lying within the Great Lakes Basin. The Commission makes this recommendation for several reasons.

Several jurisdictions in the Basin with a detergent phosphate limitation have reported substantial reductions in influent phosphorus concentrations to municipal wastewater treatment plants. The jurisdictions have attributed these reductions to the detergent phosphate limitation. Lower influent concentrations reduce the amount of phosphorus to be removed at municipal wastewater treatment plants in order to meet effluent standards, and also reduce associated sludge production. The Commission believes that every effort should be made to reduce phosphorus effluent concentrations and that by reducing influent concentrations, the detergent phosphate limitation is valuable. A number of municipal wastewater treatment plants currently not meeting their effluent requirements, and not expected to do so in the immediate future, are located in Ohio and Pennsylvania, which do not have a detergent phosphate limitation.

EXHIBIT E

The detergent phosphate limitation also reduces phosphorus inputs to the Lakes from combined sewer overflows, and those resulting from municipal wastewater treatment plant breakdowns. It also reduces phosphorus inputs from the non-sewered population in the Basin, especially from malfunctioning septic tank systems or septic systems located in unsuitable soils. Further, since the phosphorus in detergent formulations is principally in the biologically available form, the water quality impacts of reducing this portion of the phosphorus load should be relatively greater than those predicted on the basis of the quantity of total phosphorus, not all of which is readily available for use by aquatic plants. This latter aspect is discussed further in the next section.

The Commission's Science Advisory Board has reported that there are substitutes for phosphorus in detergent formulations which appear to be safe from the environmental and health points of view. The Commission is aware of the position of the soap and detergent industry that it is more cost effective, when all the direct and indirect costs are considered, to remove phosphorus at municipal wastewater treatment plants. The total costs cited by the industry include those for increased use of clothes brighteners and softeners, increased hot water and energy use, and increased wear and tear on clothes and machines. One of the concerns of the Commission with this analysis is that it does not consider the full range of possible phosphate substitutes on the cost-effectiveness of chemical treatment versus detergent phosphate limitations.

The Commission believes that any governmental re-evaluation of the efficacy of detergent phosphate limitations should await the completion and the consistent, reliable operation of the necessary point and non-point control programs to meet the target loads.



NEVADA RETAIL ASSOCIATION

POST OFFICE BOX 722, CARSON CITY, NEVADA 89701 • 882-1943

EXHIBIT F

Statement on May 18, 1981 by Nevada Retail Association in opposition to AB 147.

SUBJECT: Phosphate-containing Detergents

I. CONSUMER DEMAND/PREFERENCE

Approximately 85% of detergent sales are contributed by those brands which contain phosphates.

In the early 1970's, there were many no-phosphate detergents introduced, with heavy advertising and emphasis on their no-phosphate formulations. Initial sales were good, however repeat purchases fell off to the point that most of these brands are no longer on the market. Those brands remaining no longer emphasize "no phosphates" on their packaging.

Some brands currently containing phosphates:

- TIDE
- CHEER
- BOLD
- AJAX
- COLD POWER
- DASH
- ALL
- FRESH START
- GAIN
- WHITE KING 'D'

These two brands alone comprise approx. 45% of sales.

All automatic dish-washing detergents currently on the shelves would be banned, the best known and most widely used being Cascade.

Items that are currently stocked that do not contain phosphates are:

A. Granular Detergents

- PUREX POWDERED DETERGENT
- SUN POWDERED DETERGENT
- PRIVATE LABEL DETERGENTS (eg: Bonnie Hubbard)
- GENERIC DETERGENTS

B. Liquid Laundry Detergents

- WISK
- ERA

DYNAMO
ALL
PRIVATE LABELS (eg: Bonnie Hubbard)

The liquids comprise approximately 10% of sales and the granulars about 5%. 4c 7c

In areas where bans are currently in effect, figures of 5% - 10% are quoted as "bootleg" detergent use. With our proximity to California, we will stand to lose some sales to purchases in California, particularly in the Carson City, Douglas County area because of the number of people who work in the Tahoe area.

Most washing machine manufacturers recommend phosphate detergents because of maintenance problems created by no-phosphate detergents.

II. DISTRIBUTION

Most Nevada supermarket chains and many small independents are supplied from out-of-state warehouses and wholesalers. Eg:

ALBERTSON'S
ALPHA-BETA
LUCKY'S
MAYFAIR
RALEY'S
SAFEWAY
SMITH'S
THRIFTY-MART

All are principally supported by out-of-state warehouses.

These warehouses and wholesalers are located in Boise, Sacramento, Oakland, Salt Lake and Los Angeles areas.

Out-of-state warehouses would be required to handle duplications of phosphate and no-phosphate brands, resulting in additional inventories, use of warehouse space and additional handling cost. The possibility of shipping errors would also increase which would add to costs for returns and credit.

Some large out-of-state wholesalers may be reluctant to add the needed items to supply smaller independent retailers in Nevada. If all needed items were not available, the result could be lost sales for the retailer.