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AB 193

**Revises Provisions Governing Commercial Fertilizers & Agricultural Materials
(BDR 51-567)**

Mr. Chairman, Committee Members—Don Henderson, Acting Director

The requested amendments in AB 193 make four changes to the current fertilizer law in Nevada. I'll present each of these provisions separately.

1. In the interests of homeland security, this bill would allow the director to track the sales of certain fertilizers that may also be used as explosives.

- Fertilizer may contain substances that can be used as explosives. We were asked for details of fertilizer sales by law enforcement officials after 9/11 but were only able to give information on total tonnage sales. Unlike dangerous pesticides and explosive grades, grades of material used in fertilizers are currently not tracked, but they may be refined and used in explosives.

- This amendment gives the Director authority to designate fertilizers as "restricted", require their registration with the Dept., and allow their sales to be tracked. The types of materials needing this tracking would be determined during workshops in concurrence with local, state and federal law enforcement and experts.

Line 5-2

- As currently worded, AB 193 requires that registered sellers report the sale of restricted fertilizers on a monthly basis to the Dept. The originally proposed reporting period (Section 7.6), has been deemed to be too onerous on reporters, especially those reporting no sales. It was thought better to determine this reporting period during workshops while developing regulations to carry out this statute. So we propose an amended version allowing the director to determine reporting requirements during the regulation development. (Amendment attached.) It is entirely possible that we might require that records just be maintained available for inspection per Section 7.

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Line 4-
24

- Although there is a fee provision in the bill, to cover costs, in practice we anticipate just adding a rider to existing restricted use pesticide dealer licenses and nursery licenses. This should cover most fertilizer sellers inside Nevada. There may be a few out of state dealers and others who may need to register.

Section 7

3/19/2003

E 1 of 2

ASSEMBLY NATURAL RES., AGRICULTURE & MINING
DATE: 3/19/03 ROOM: 3161 EXHIBIT E 1-2
SUBMITTED BY: Don Henderson

Fertilizers may be contaminated with materials such as heavy metals that can end up in the food supply. Current law allows regulation of nutrients but not contaminants. A provision is added in Section 5 of AB 193 that allows the director control of contaminants in fertilizer.

- Other western states (CA, WA, OR, ID, MT) have adopted standards to ensure that fertilizers and other agricultural minerals are not contaminated with excessive amounts of toxic heavy metals. (Unfortunately) we may have to follow suit. There is evidence that the metals can end up in the crops grown in contaminated areas.
- China recently attempted to sell fertilizer material in Washington containing over 10% cadmium. We would have no authority to ban such material. Some industrial zinc by-products have recently been found to contain dioxins. Industry is supportive as long as uniform standards are applied to give a level playing field.

3. Add a penalty fee for selling an unregistered or late registered fertilizer product in Nevada. Currently there is no penalty for selling products before registration, and hence no incentive for the prompt submission of required documentation. This has worked very well since we applied this practice to pesticides.

4. Simplify the process for registering a fertilizer or agricultural mineral for sale within Nevada. The requirement for duplicate applications is eliminated. The requirement for deposit of a sample of the product is eliminated.

Section 9.3

- There is no longer a need for duplicate applications. The original applications forms were returned to the registrant as registration certificates. This is no longer the necessary as certificates are generated electronically by the Department as needed. The requirement for a sample deposit is onerous on both the registrant and the Department. Shipping, storage and disposal costs will be eliminated or reduced considerably. Authority to sample analyze fertilizer products as deemed necessary exists in NRS 588.230.

With that overview Mr. Chairman, the Department would be happy to answer any questions the Committee might have concerning AB 193.....