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## **AB 75—PROPOSED ORGANIC LAW CHANGES (BDR 566)**

- Mr. Chairman, Committee Members—Don Henderson, NDA
- With me to help introduce AB 75 is Peggy McKie who oversees the Dept.'s nursery inspection & licensing program and assists with the administration of Organic Certification program.
- AB 75 updates the Dept.'s existing Organic certification program and brings this state program in compliance with the corresponding Federal regulations that were just promulgated and adopted in 2002.
- To help you understand the scope and purpose of this program, we have submitted to a packet to you which includes:
  - A brochure on the NV Certified Organic program;
  - A current certification fee schedule; and,
  - A copy of the first newsletter for this program—We hope to be able to put this bulletin out on a quarterly basis in the future.
- By way of background—Congress passed the 1990 Organic Foods Production Act which allowed the formal designation and certification of foods that were grown organically.
- At that time there were several NV producers who were interested in getting their produce certified as organic. By the mid 1990's it was becoming apparent that the federal regulations were still several years away from being adopted. Many local producers and handlers were requesting a local certification program to allow their products to compete on an equal basis with those produced and certified in other states.
- In response, the department, with the help of many local producers, developed a state program to present to the 1997 legislature for approval.
- Under the existing state program there are currently 29 producers and handlers registered representing a variety of products and services from many areas of the state.
- Upon adoption of the federal regulations for the National Organic Program last year, USDA must accredit all certifiers, both private and public. Once accredited, each certifier must follow the USDA regulations and procedures for the operation of their program. The original Nevada law contained provisions that are not allowed under the federal program and the purpose for the requested changes are to bring the Nevada program into compliance the recently adopted federal program.

**A brief overview for important bill sections in AB 75 includes:**

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- **Sections 1 – 4** Removes definitions of terms from state statutes that duplicated or otherwise conflict with the federal rules.
- **Section 5** (Line 2-8) Makes it optional rather than mandatory to provide a state organic certification program.  
     Certifiers must be accredited by USDA, there are many expenses involved and if income could not support the program the department may opt for no state program-private certifiers could provide the service but at an increased cost to participants mostly due to remoteness of production areas in Nevada
- **Section 6** (Line 2-17) Purpose of the Advisory Council – role changed to include more educational and promotional activities relating to organic products rather than advice to the department on certification procedures.  
     Since our procedures are nearly 100% dictated by the federal program, there is little need to advise the department on program changes
- **Section 7** (Line 2-40) Changes the requirement for the advisory council from holding quarterly meetings to at least one meeting per year.  
     The council does not receive funding for meeting expenses and since members live in all parts of the state, the meetings are big expense for members-also with the reduced role in advising the department, the need for more frequent meeting is reduced
- **Section 8** (Line 3-17) Allows for the creation of standards for the registration of organic producers and handlers and collect fees for maintaining the program.  
     This program would not be part of the certification process for producers and handlers but would be a regulatory program that may be initiated at some point to help monitor organic products in the marketplace and for ensuring compliance with the federal rules by exempted producers and handlers who are required to adhere to the these rules but not be certified
- **Section 9** (Line 4-1) Penalties for violations were removed.  
     Penalties are not allowed under the federal rules, noncompliance issues are provided for in the federal rules by suspension or revocation of certification which includes an appeal process
- A final question that may come to your mind is—Will the department remained involved with organic certification now that it has become a federally regulated program?

- o The answer to this question is yes. The department is now accredited by USDA to offer certification services for producers and handlers in Nevada. Private certifiers can certify crops in Nevada but costs to the participants are typically higher due to the distances from which they must travel to perform inspections. There are currently no private certifiers based in Nevada.

With that brief background and introduction, Mr. Chairman, we be happy to address any questions you may have concerning AB 75.