

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.

April 16, 2003

Christopher Mason; Ph.D., Nevada Department of Agriculture

Comments on AB193 to Senate Natural Resources Committee

The amendments make four changes to fertilizer law in Nevada.

- (i) In the interests of homeland security, allows 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' and allow of 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.

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 licences and nursery licences. This should cover most fertilizer sellers inside Nevada. There may be a few out of state dealers and others who might need to register.

- (ii) 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 section is added 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.

- (iii) 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.*

- (iv) 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..

Self evident housekeeping - 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.