

BRIAN SANDOVAL  
Governor

STATE OF NEVADA

JAMES R. BARBEE  
Director



Las Vegas Office:  
2300 McLeod Street  
Las Vegas NV 89104-4314  
(702) 668-4590  
Fax (702) 668-4567

Elko Office:  
4780 E. Idaho Street  
Elko NV 89801-4672  
(775) 738-8076  
Fax (775) 738-2639

**DEPARTMENT OF AGRICULTURE**

405 South 21<sup>st</sup> Street  
Sparks, Nevada 89431-5557  
Telephone (775) 353-3601 Fax (775) 353-3661  
Website: <http://www.agri.nv.gov>

**NOTICE OF PUBLIC MEETING**  
**WORKSHOP OF THE**  
**NEVADA DAIRY COMMISSION**

The Nevada State Dairy Commission will conduct a public meeting workshop on:

**DATE:** November 14, 2013  
**TIME:** 9:00 a.m.  
**PLACE:** Department of Agriculture  
405 South 21<sup>st</sup> Street  
Sparks, NV 89431

and  
Nevada Dairy Commission Office Las Vegas  
1830 E. Sahara Ave, Suite 112  
Las Vegas, NV 89104

The meeting will be conducted via video conference between the Sparks and Las Vegas offices. License applicants or persons wishing to attend the meeting may attend at either location.

This notice and agenda has been posted on or before 9:00 a.m. on the third working day before the meeting at the following locations:

Washoe County Library, (Downtown Reno), 301 S. Center St., Reno, NV 89501  
Washoe County Library, (Sparks), 1125 12<sup>th</sup> St., Sparks, NV 89431  
Washoe County Library, (Sierra View-Reno Town Mall), 4100 S. Virginia St., Reno, NV 89502  
Dept. of Agriculture, 405 South 21<sup>st</sup> Street, Sparks, NV 89431  
Attorney General's Office, 555 E. Washington Ave., Las Vegas, NV 89101  
Bradley Building, 2501 East Sahara, Las Vegas, NV 89104  
Las Vegas Library, 833 N. Las Vegas Blvd., Las Vegas, NV 89101  
Dairy Commission, 1830 East Sahara, Suite 112, Las Vegas, NV 89104

Below is an agenda of all items to be considered. **ACTION WILL BE TAKEN ON ITEMS PRECEDED BY AN ASTERISK (\*).** Items on the agenda may be taken out of the order presented, items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time at the discretion of the Chairperson.



## MEETING AGENDA

1. **Public Comments and Discussion:** A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. (NRS 241.020(2)(c)(3)). Please note that any comment or presentation should be limited to no more than 10 minutes.
  
- \*2. **FOR POSSIBLE ACTION – WORKSHOP TO SOLICIT PUBLIC COMMENTS ON PROPOSED REGULATION CHANGES:**  
  
The topic of discussion will be public comment on the proposed revisions to Chapter 584 of the Nevada Administrative Code as noticed in the attached Notice of Workshop dated October 11, 2013.
  
3. **Public Comments and Discussion:** A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action will be taken. (NRS 241.020(2)(c)(3)). Please note that any comment or presentation should be limited to no more than 10 minutes.

Full transcripts of proceedings of the meetings of the State Dairy Commission are available for review in the Dairy Commission offices in Sparks and Las Vegas.

Transcript copies may be purchased from Sunshine Litigation Services, 151 Country Estates Circle, Reno, NV 89511; Ph 775-323-3411; fax 775-323-2749.

We are pleased to make reasonable accommodations for members of the public who are physically handicapped and wish to attend the meeting. If special arrangements are necessary, please contact the Dairy Commission office in Sparks (775) 353-3615 or Las Vegas (702) 486-8212.

**Nevada State Dairy Commission  
Proposed Changes of NAC Chapter 584**

Blue italic is added or changed language, red strike out is deleted language

NAC 584.0103 Adoption by reference of standards of identity for certain dairy products.  
(~~NRS 584.067, 584.103, 584.135~~)

2. A copy of the publications which contain these parts may be obtained from the United States Government Printing Office free of charge on the Internet website <http://www.gpo.gov/fdsys>, ~~or by mail at P.O. Box 979050, St. Louis, Missouri 63197-9000,~~ for the following prices:

- ~~—(a) For Title 7, Parts 53-209, \$42;~~
- ~~—(b) For Title 21, Parts 100-169, \$55; and~~
- ~~—(c) For Title 21, Parts 170-199, \$56.~~

**MANUFACTURED DAIRY PRODUCTS**

1. The Commission hereby adopts by reference the following sections of *Milk for Manufacturing Purposes and Its Production and Processing: Recommended Requirements*, ~~September 2005~~ *July 2011*, published by the United States Department of Agriculture, and any subsequent revision of the publication that has been approved by the Executive Director for use in this State. Each revision of the publication shall be deemed approved by the Executive Director unless, after review and consultation with the Commission, the Executive Director files an objection to the revision with the Office of the Secretary of State within 60 days after the date of publication of the revision. The following sections are hereby adopted:

- (a) Subpart B - Definitions.
- (b) Subpart C - Quality Requirements for Milk for Manufacturing Purposes.
- (c) Subpart D - Farm Requirements for Milk for Manufacturing.
- (d) Subpart E - Requirements for Licensed Dairy Plants:

(1) Sec. E1. General Requirements.

*(2) Sec. E2. Supplemental requirements for plants manufacturing, processing and packaging instant nonfat dry milk, nonfat dry milk, dry whole milk, dry buttermilk, dry whey, and other dry milk products.*

~~(23)~~ Sec. E3. Supplemental requirements for plants manufacturing, processing and packaging butter and related products.

~~(34)~~ Sec. E4. Supplemental requirements for plants manufacturing and packaging cheese.

*(5). Sec.E5. Equipment and Utensils.*

~~(46)~~ Sec. E6. Supplemental requirements for plants manufacturing, processing and packaging pasteurized process cheese and related products.

*Updating information on obtaining publications.*

*Adopting the most recent USDA publication for Milk for Manufacturing Purposes.*

*Adopting previously omitted sections for dry milk condensed milk and equipment. Other sections renumbered.*



**Nevada State Dairy Commission  
Proposed Changes of NAC Chapter 584**

*Blue italic is added or changed language, red strike out is deleted language*

*(7) Sec E7. Supplemental requirements for plants manufacturing, processing and packaging pasteurized evaporated, condensed, or sterilized milk products.*

(e) Subpart F - Administrative Procedures.

2. Copies of this publication are available, ~~free of charge, from the United States Department of Agriculture, P.O. Box 96456, Washington, D.C. 20090-6456, or on the Internet at <http://www.ams.usda.gov/dairy.htm>~~ at <http://www.ams.usda.gov/AMSV1.0/getfile?dDocName=STELDEV3004791>

*Updating information on obtaining USDA publications.*

NAC 584.2091 Samples of certified raw milk and its products. ([NRS 584.067](#), [584.208](#))

2. Samples must be analyzed at an official laboratory *approved by the State Dairy Commission. All sampling procedures and laboratory examinations must substantially comply with the requirements set forth in:*

*Omitting outdated references to documents used to establish standard methods for the examination of dairy products and allowing the Dairy Commission to approve the methods.*

~~—(a) Standard Methods for the Examination of Dairy Products published by the American Public Health Association at 800 I Street, N.W., Washington, D.C. 20001-3710, available for a price of \$58.50 for members and \$85 for nonmembers; and~~

~~—(b) Official Methods of Analysis of AOAC INTERNATIONAL published by AOAC INTERNATIONAL at 481 North Frederick Avenue, Suite 500, Gaithersburg, Maryland 20877-2417, available for a price of \$660.~~

[Bd. of Health, Raw Milk Reg. §§ 4.1-4.2.2 & 5.2, eff. 1-7-82]—(NAC A by Dairy Comm'n by R151-01, 12-17-2001, eff. 1-1-2002; R082-11, 5-30-2012)

NAC 584.3001 Adoption by reference of certain federal publications. ([NRS 584.067](#))

1. The Commission hereby adopts by reference the following publications:

(a) *Grade "A" Pasteurized Milk Ordinance (Includes provisions from the Grade "A" Condensed and Dry Milk Products and Condensed and Dry Whey--Supplement I to the Grade "A" PMO), 2009 2011* Revision, except as otherwise noted in this section, and any subsequent revision of the publication that has been approved by the Executive Director for use in this State. Each revision of the publication shall be deemed approved by the Executive Director unless, after review and consultation with the Commission, the Executive Director files an objection to the revision with the Office of the Secretary of State within 60 days after the date of publication of the revision. The following items are deleted from the *Ordinance*:

*Adopting the most recent (2011) FDA publication of the Pasteurized Milk Ordinance.*

(1) The fourth paragraph of section 3.

(2) Section 15.

(3) Section 16.

(4) Section 17.

**Nevada State Dairy Commission  
Proposed Changes of NAC Chapter 584**

Blue italic is added or changed language, red strike out is deleted language

<p>(5) Appendix P.</p> <p><i>In the following section the Somatic Cell Counts are changed from: 750,000 per mL for an individual producer to 400,000 per mL (exclusive of goat milk) Individual producer milk not to exceed <del>750,000</del> 400,000 per mL.</i></p> <p>Section 7. Standards for Grade “A” Milk and Milk Products, Table 1.</p> <p><i>In the following section the Somatic Cell Counts are changed from:</i></p> <p>Enforcement Action as Applied to a Standard of <del>750,000</del> 400,000 per ML</p> <p><del>400,000</del> 350,000</p> <p><del>500,000</del> 300,000</p> <p><del>550,000</del> 350,000</p> <p><del>600,000</del> 350,000</p> <p><del>700,000</del> 250,000</p> <p><del>800,000</del> 450,000</p>	<p><i>Changing the somatic cell counts from 750,000 per mL to 400,000 per mL. For the dairymen in the state of Nevada to compete with the international market the somatic cell counts for each dairy must be compliant with international standards.</i></p>
<p><del>900,000</del> 550,000</p> <p><del>1,200,000</del> 900,000</p> <p>Appendix E. Examples of 3-out-of-5 Compliance Enforcement Procedures, Table 12.</p> <p>(b) <i>Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, <del>2009</del> 2011</i> Revision, and any subsequent revision of the publication that has been approved by the Executive Director for use in this State. Each revision of the publication shall be deemed approved by the Executive Director unless, after review and consultation with the Commission, the Executive Director files an objection to the revision with the Office of the Secretary of State within 60 days after the date of publication of the revision.</p> <p>(c) <i>Methods of Making Sanitation Ratings of Milk Shippers, <del>2009</del> 2011</i> Revision, and any subsequent revision of the publication that has been approved by the Executive Director for use in this State. Each revision of the publication shall be deemed approved by the Executive Director unless, after review and consultation with the Commission, the Executive Director files an objection to the revision with the Office of the Secretary of State within 60 days after the date of publication of the revision.</p> <p>NAC 584.5751 “Wholesale customer” defined. (<u>NRS 584.067, 584.547</u>) “Wholesale customer” means any customer of a processing distributor or a Peddler distributor, other than a</p>	<p><i>Adopting the most recent FDA publication of the Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments.</i></p> <p><i>Adopting the most recent FDA publication of the Methods of Making Sanitation Ratings of Milk Shippers.</i></p> <p><i>Removal of “home delivery” to clarify the definition.</i></p>

**Nevada State Dairy Commission  
Proposed Changes of NAC Chapter 584**

*Blue italic is added or changed language, red strike out is deleted language*

~~home delivery~~ *retail* customer.

NAC 584.5792 Report of distributor's monthly remittance. (NRS 584.067, 584.547)

1. Each distributor ~~subject to the stabilization and marketing plan set forth in NAC 584.5551 to 584.6712, inclusive,~~ shall submit to the Commission, on a form prescribed and furnished by the Commission, or on a facsimile of the form, a monthly remittance report showing the distributor's monthly distribution of fluid milk, fluid cream, butter and fresh dairy by-products.

NAC 584.6482 Establishment of minimum price for fluid milk and fluid cream to be paid to producer by distributor. (NRS 584.067, 584.547)

1. Except as otherwise provided in this subsection, the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Northern Nevada Marketing Area is the minimum price established for fluid milk and fluid cream set each month by the State of California Department of Food and Agriculture for the Northern California Marketing Area. If the minimum price for fluid milk and fluid cream established for the Northern California Marketing Area is revised, the Commission will review the revised price to determine whether it is acceptable. Unless the Commission, within 5 days after the price for the Northern California Marketing Area is revised, determines that the revised price is unacceptable, the revised price for the Northern California Marketing Area shall be deemed the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Northern Nevada Marketing Area. The minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Northern Nevada Marketing Area may be obtained at no cost:

(a) By mail, from the Nevada Department of Agriculture, Food & Nutrition Division, State Dairy Commission, 4600 Kietzke Lane, Building A, Suite 107, Reno, Nevada 89502 ~~405 S.21<sup>st</sup>. Street, Sparks, Nevada 89431;~~

(b) By telephone, at ~~(775) 688-1211~~ (775) 353-3758;

(c) By electronic mail, at dairycom@dairy.state.nv.us ~~fnd@agri.nv.gov~~; or

(d) On the Internet, at http://dairy.nv.gov.

2. Except as otherwise provided in this subsection, the minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Southern Nevada Marketing Area is the advanced pricing factors or the component prices set each month by the United States Department of Agriculture, as applicable, plus the class differential set by the Commission. The minimum price for fluid milk and fluid cream to be paid to a producer by a distributor located in the Southern Nevada Marketing Area may be obtained at no cost:

(a) By mail, from the Nevada Department of Agriculture, Food & Nutrition Division, State Dairy Commission, 1830 East Sahara Avenue, Suite 112 ~~2300 McLeod~~, Las Vegas, Nevada 89104;

(b) By telephone, at ~~(702) 486-8212~~ (702) 668-4585;

(c) By electronic mail, at dairycom@dairy.state.nv.us; or

*Cleanup of the wording.*

*New address.*

*New address.*

**Nevada State Dairy Commission  
Proposed Changes of NAC Chapter 584**

Blue italic is added or changed language, red strike out is deleted language

(d) On the Internet, at <http://dairy.nv.gov>.

(Added to NAC by Dairy Comm'n, eff. 8-26-96; A by R121-99, 9-27-99, eff. 10-1-99; R067-00, 6-2-2000; R150-01, 12-17-2001, eff. 1-1-2002; R017-07, 10-31-2007; R082-11, 5-30-2012)

NAC 584.6507 Minimum markup of butter, milk and fresh dairy by-products by retailers; reduction of markup. ([NRS 584.067](#), [584.547](#))

1. A retailer may apply to butter a minimum markup of 6 percent of the purchase price and may apply to milk and fresh dairy by-products a minimum markup of 10 percent of the purchase price. Retailers shall file statements of costs for butter and fresh dairy by-products in accordance with [NRS 584.583](#), unless they are using *a markup equal to or greater than the minimum* markup permitted by this subsection.

2. A retailer may reduce ~~the prescribed markup~~ *its price* to the extent necessary to meet a lawful competitive price *and is not subject to penalty* if it submits information to the Commission in the manner set forth for distributors in [NRS 584.584](#).

*Clarification of the section.*

*Added to agree with NRS.*

