

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

[M13-50]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

SP 13-01 Application of A.R.S. §§ 3-561 to 3-563

2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:

Issue Date: March 11, 2013

3. Summary of the contents of the substantive policy statement:

This substantive policy statement serves to inform the general public and other government agencies of the Department's current opinion of A.R.S. §§ 3-561 to 3-563, which relates to the sale of food products by producers. The Department has received a number of inquiries about the application of these statutes from both members of the public and representatives of government entities, primarily due to the increase in popularity of Farmer's Markets and the fact that these statutes are codified with the statutes governing the Department's powers. Notably, the Department has no authority to enforce these three statutes, so this substantive policy statement only provides advisory guidance.

These three statutes only apply to "producers" as that term is defined in A.R.S. § 3-561. Food products offered for sale by producers remain subject to inspection. No tax, license, fee or penalty can be imposed on producers by cities and counties for selling the producers' covered food products, with the exception of penalties for violations of inspection laws. Citizens and local government officials who need assistance may wish to seek out legal advice. The Department does not have any enforcement authority over these three statutes.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 3-561 to 3-563

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new policy statement

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Ed Foster

Address: 1688 W. Adams St.
Phoenix, AZ 85007

Telephone: (602) 542-0945

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:

The substantive policy statement is available online at <http://www.azda.gov/mastercontent/policystatements.aspx> or from the person listed in item #6. There is no cost for a copy of the substantive policy statement, except the individual requesting a copy will need to pay for any applicable postage costs.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF AGRICULTURE

[M13-51]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

SP 13-02 Tuberculosis Testing of Bull Calves

Notices of Substantive Policy Statements

2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:

Issue Date: March 4, 2013

3. Summary of the contents of the substantive policy statement:

The Department considers bull calves, three months old or younger, shipped directly to an Arizona licensed feedlot that are castrated within 48 hours of arrival to be exempt from the tuberculosis testing requirement in A.A.C. R3-2-612(G).

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.A.C. R3-2-612(G)

5. A statement as to whether the substantive policy statement is a new statement or a revision:

This is a new policy statement

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Dr. Perry Durham

Address: 1688 W. Adams St.
Phoenix, AZ 85007

Telephone: (602) 542-4293

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:

The substantive policy statement is available online at <http://www.azda.gov/mastercontent/policystatements.aspx> or from the person listed in item #6. There is no cost for a copy of the substantive policy statement, except the individual requesting a copy will need to pay for any applicable postage costs.