

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE ENVIRONMENTAL SERVICES DIVISION

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1934.) The Governor's Office authorized the notice to proceed through the rulemaking process on April 12, 2013.

[R13-129]

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R3-3-207 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. § 3-107(A)(1)
Implementing statute: A.R.S. § 3-363
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
Notice of Rulemaking Docket Opening: 19 A.A.R. 1929, July 26, 2013 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
Name: Jack Peterson
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1688 W. Adams St.
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- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The primary purpose of this rulemaking is to ease the regulatory burden of the current educational requirements for becoming a pest control advisor (PCA) at the recommendation of the industry. The proposed educational requirements offer more options and flexibility for licensure, while still maintaining standards to ensure that licensees are sufficiently qualified. The requirements are eased in six ways. One, the requirement of 45 semester hours is being lowered to 42. Two, an applicant with a bachelor's degree no longer needs that degree to be in a specific subject matter. Three, there are separate options available to applicants holding a master's degree or doctorate degree. Four, those without any degree may be licensed as a PCA if they have taken certain coursework and have had sufficient work experience. Under the existing rule, a person without a degree cannot obtain a PCA license. Five, the minimum number of credits from each individual core area is being reduced. Six, certain non-traditional courses, work experience, and crop advisor certificates are recognized as counting toward the 42 semester hour requirement.

The rulemaking also makes the rule more clear, concise and understandable. It eliminates a moot effective date, rephrases the language on when CEU credits may be earned to make clear that CEUs for two-year licenses can be

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earned anytime during the license period and not only during the second year of the license, and makes other minor changes for clarity. The rulemaking also reduces the number of opportunities to retake the licensing exam in a 12-month period from three to two.

6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

The eased requirements for obtaining a PCA license will allow more qualified individuals to obtain licensure without a material impact on the Department. This rulemaking will place a small additional burden on the Department to train employees on the new qualification options, but this will not require any additional Department employees. No other agency or political subdivision will be affected by this rulemaking. The rulemaking will likely result in a very small increase in state revenue based on application fees of individuals who could not qualify as a PCA under the existing law. An increase in licensed PCAs resulting from this rulemaking will likely cause some existing business of current PCAs to shift to the new PCAs. The increase in numbers of PCAs will probably benefit those who hire PCAs by increasing their availability and potentially lowering costs due to increased competition. Notably, Arizona's existing requirements are more onerous than California's requirements. This rulemaking makes Arizona's requirements less onerous than California.

The rulemaking also reduces the amount of opportunities a person can retake the exam within a 12-month period by one. In FY2010, only approximately two people retook any pesticide licensing exam a third time in a year. This change places a burden on the very few people who would pass the exam on the third retake (4th time overall), but not sooner; they will now have to wait to retake the test that additional time. The change also slightly reduces the burden on the Department with respect to the number of tests it must administer.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

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10. The time, place, and nature of the proceedings to make, amend, repeal or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

A person may request an oral proceeding on the proposed rules by contacting the individual identified in item #4 within 30 days of publication of this notice.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Pursuant to A.R.S. § 3-104(F), the Department will discuss this rulemaking with the ADA Advisory Council prior to adopting the rule.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rule maintains the requirement for PCAs to be licensed. A general permit (i.e. license) is not used because the issuance of a general permit would result in additional regulatory requirements being placed on the applicant. Every person who desires PCA licensure must pass a core exam and a category specific exam, such as weed control or nematode control. There are seven categories of licensure. Under a general permit, an applicant would have to pass the core exam and all seven category specific tests whereas now a PCA license can be issued by passing one category specific exam.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

No

- c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

None

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

None

13. The full text of the rule follows:

TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE ENVIRONMENTAL SERVICES DIVISION

ARTICLE 2. PERMITS, LICENSES, AND CERTIFICATION

Section

R3-3-207. Agricultural Pest Control Advisor License; Examination; Fee; Renewal; Exemption

ARTICLE 2. PERMITS, LICENSES, AND CERTIFICATION

R3-3-207. Agricultural Pest Control Advisor License; Examination; Fee; Renewal; Exemption

- A. An individual shall not act as a PCA without a valid PCA ~~license~~, license issued by the Department. To advise in any of the categories listed in subsection (I), a PCA shall pass the specific examination associated with the category.
- B. An individual applying for a PCA license shall provide the following information on a form obtained from the Department:
- ~~The applicant's name, address, e-mail address, daytime telephone number, social security number, and signature of the applicant;~~
 - Date of the application;
 - ~~Address, e-mail address, if applicable, and daytime telephone number of the applicant;~~
 - ~~License renewal period;~~
 - ~~Name, physical address, mailing address, e-mail address, if applicable, and daytime telephone number of the applicant's employer, if applicable;~~
 - ~~List, by category, the Examinations that the applicant has passed by category; and~~
 - ~~Whether the applicant has had a similar license revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation resulting in the revocation, suspension, or denial.~~
- C. ~~Effective January 1, 2005,~~ A person applying for a PCA license, except a person who holds or has held a PCA license in this state within the previous five years shall ~~possess~~ meet one of the following five sets of qualifications:
- ~~A bachelor's degree (B.A. or B.S.) in the agricultural sciences, biological sciences, or pest management; or~~
 - ~~Forty five semester units (67.5 quarter units) of college level curricula as shown in the chart in subsection (D) and 24 months of technical experience.~~
- College degree.
 - Possess a bachelor's degree (B.A. or B.S.), master's degree or doctorate degree in any subject; and
 - Have completed 42 semester hours (63 quarter units) of college-level curricula as specified in subsection (D).
 - Master's degree in a biological science.
 - Possess a master's degree in a biological science;
 - Have 12 months of work experience related to a core area listed in subsection (D); and
 - Have a letter from the institution, a faculty member, or a supervisor where the person obtained the work experience certifying the time spent and describing the type of experience obtained by the person.
 - Doctorate degree in a biological science.
 - Possess a doctorate degree in a biological science; and either
 - Meet the qualifications in subsection (C)(2)(b) and (C)(2)(c); or
 - Have a letter of recommendation from the faculty member that supervised the dissertation or the division head of the discipline.
 - Other education with unlicensed experience.
 - Have completed 42 semester hours (63 quarter units) of college-level curricula as specified in subsection (D);
 - Have 24 months of work experience related to a core area listed in subsection (D); and
 - Have a letter from the institution, a faculty member, or a supervisor where the person obtained the work experience

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certifying the time spent and describing the type of experience obtained by the person.

5. Other education with licensed experience.

- a. Be currently licensed as a pest control advisor (PCA) or equivalent in another state; and
- b. Have completed 42 semester hours (63 quarter units) of college-level curricula as specified in subsection (D), except that each year of verifiable licensed experience under subsection (C)(5)(a) within the previous 5 years qualifies for two semester hours up to 10 hours. The semester hours based on licensed experience do not reduce the minimum hours required from each individual core area.
- c. The applicant shall provide proof of the equivalency of a license from another state.

D. The 42 semester hours (63 quarter units) of college-level curricula specified in subsections (C)(1) and (2) shall include at least 45 semester units (67.5 quarter units) as shown in the following table: subsection (C) shall come from the core areas shown in the following table, with at least the minimum indicated hours (or units) coming from each individual core area. A single course shall not count toward the minimum hours of more than one core area. At least one course from the pest management systems and methods core area shall emphasize integrated pest management principles.

Area of Study	Semester-Units	Quarter-Units
Physical and biological sciences, such as introduction to inorganic chemistry, organic chemistry, biochemistry, plant biology or botany, ecology, soils, irrigation, genetics, plant physiology, entomology, and zoology.	15	22.5
Crop health, such as vegetative management or weeds, plant pathology, entomology, plant nutrition or fertility, nematology, and vertebrate management.	12	18
Pest management systems and methods, with at least one course in pest management systems and one course in pest management methods. Pest management systems subjects include agricultural chemical applications, properties of pesticides, mode of action of agricultural chemicals, toxicology, environmental impact of pesticides, and biological control.	9	13.5
Production systems, such as environmental horticulture, horticulture, ornamental horticulture, forestry, agronomy, crop science, vegetable crops, animal science, or other production systems.	9	13.5
Total Units Required	45	67.5

Core Area	Examples of Subjects	Sem. Hours	Qtr. Units
Physical, biological, and earth sciences, and mathematics	Inorganic chemistry; organic chemistry; biochemistry; plant biology or botany; general ecology; biology; genetics; plant physiology; zoology; post-algebra mathematics	12	18
Crop health	Soils and irrigation; vegetation management or weed science; plant pathology; entomology; plant nutrition or fertility; nematology; vertebrate management	6	9

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<u>Pest management systems and methods</u>	<u>Applied courses in entomology, plant pathology, vegetation management or weed science, and other pest management disciplines; pesticides; pest control equipment systems; alternative cropping systems; sustainable or organic agricultural systems; biological control</u>	<u>3</u>	<u>4.5</u>
<u>Production systems</u>	<u>Horticulture; viticulture; forestry; agronomy; crop vegetable, fruit or animal sciences; other production systems (e.g., wildlife production, cattle production)</u>	<u>3</u>	<u>4.5</u>

E. Alternative curricula credits.

1. A current crop advisor certificate issued by the American Society of Agronomy qualifies for three semester hours in one of the following core areas: physical, biological and earth sciences and mathematics, crop health, or production systems.
2. Non-traditional courses such as a senior project, an internship, cooperative work experience, independent study, a dissertation or a thesis qualify for three semester hours in one of the core areas of crop health, pest management systems and methods, or production systems, as applicable.
3. For applicants with a bachelor's, master's, or doctorate degree, at least one year of full-time related work experience qualifies for three semester hours in one of the core areas of pest management systems and methods or production systems, as applicable.

~~E.F.~~ In addition to the information required by subsection (B), an applicant shall submit to the Associate Director Department:

1. An official transcript verifying the courses completed and the degrees granted to the applicant. ~~In addition, an applicant qualifying under subsection (C)(2) shall submit employment records, a statement from an employer, or other similar proof of technical experience to the Associate Director.~~
2. Documentation verifying alternative curricula relied on under subsection (E). Documentation of subsection (E)(2) and (E)(3) shall include a letter certifying completion and describing the activity from the institution, a faculty member or supervisor.
3. If applicable, the letter required for licensure under subsection (C).

~~F.4.~~ The applicant shall submit the completed application to the Department, accompanied by a \$50 fee.

G. A PCA license is not transferable, expires on December 31, and is:

1. Issued for up to one year as an initial license;
2. Renewed every one or two years, depending on the renewal period selected by the applicant; and
3. Renewed for all categories of license under subsection (I) for the same renewal period.

H. Renewal.

1. The continuing education requirement in subsection (H)(5) is not applicable to an individual who passes the examination prescribed in subsection (I) and who applies for a PCA license between October 1 and December 31 of the test year.
2. Upon renewal, a PCA license is valid for one or two years, depending on the renewal period selected by the applicant, provided the applicant meets the criteria prescribed under this subsection.
3. An applicant shall submit the completed application, accompanied by a \$50 fee for each licensing year or portion of the year during which the license is valid.
4. Renewal; expired license.
 - a. An applicant may renew an expired license without retaking the written examinations under subsection (I) ~~under the following conditions provided the applicant:~~
 - i. ~~The applicant~~ Complies with the CEU requirements in subsection (H)(5),
 - ii. ~~The applicant~~ Submits a completed application and fee within 30 days after the expiration date, and
 - iii. ~~The applicant~~ Does not provide any pest control-related service from the date the license expired until the date the renewal is effective.
 - b. All other applicants for renewal shall retake the applicable written examinations prescribed in subsection (I).
5. The Department shall not renew a PCA license unless, before the expiration of the current license, the ~~advisor licensee~~ completes 15 CEUs for each year of the renewal period or passes any applicable examination prescribed in subsection (I). ~~An advisor~~ The licensee shall complete CEU credit from January 1 through December 31 during the calendar years the current license is in effect. CEUs earned in a year that are in excess of the requirements do not carry forward for use in with future years renewals.

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- 6. To obtain credit, the applicant shall provide the Department with documentation of completion of the CEU course.
- I. Examinations.
 - 1. The Department shall administer examinations by appointment at every Environmental Services Division office. In addition to the core examination required in R3-3-202, an applicant shall demonstrate knowledge and understanding of integrated pest management in any of the following categories by scoring at least 75 percent on a written examination:
 - a. Weed control,
 - b. ~~Insect and mite~~ Invertebrate control,
 - c. Nematode control,
 - d. Plant pathogen control,
 - e. Vertebrate pest control,
 - f. Plant growth regulators, or
 - g. Defoliation.
 - 2. An individual who fails the examination may retake it no more than ~~three~~ two times in a 12-month period and shall not retake an examination until at least seven days have elapsed from the date of the last examination.
- J. Exemption. An individual operating in an official capacity for a college or university, providing recommendations in a not-for-profit capacity, or ~~who merely furnishes~~ furnishing information concerning general and labeling usage of a registered pesticide is not considered an authority or general advisor for the purposes of this Chapter.

NOTICE OF PROPOSED RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1934.) The Governor's Office authorized the notice to proceed through the rulemaking process on July 19, 2012.

[R13-130]

PREAMBLE

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|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R3-4-101 | Amend |
| R3-4-107 | Repeal |
| Table 1 | Amend |
| R3-4-201 | Re-number |
| R3-4-201 | New Section |
| R3-4-202 | Re-number |
| R3-4-204 | Amend |
| R3-4-218 | Amend |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 3-107(A)(1)
 Implementing statute: A.R.S. §§ 3-107(B)(5), 3-201.01(A)(2), 3-202, 3-204(G), 3-205(G) and 3-211
 - 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Docket Opening: 18 A.A.R. 1922, August 10, 2012
 - 4. The agency's contact persons who can answer questions about the rulemaking:**
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5. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered, including an explanation about the rulemaking:

The proposed rulemaking amends rule 101 by moving several definitions to new rule 201 because those terms only apply to Article 2 and not the entire Chapter. Three definitions are being removed because they are no longer needed. Also, in two instances the phrase "crop pest" is being changed to "plant pest" for clarity. Finally, a definition for "cotton stubble" is being added, a phrase which appears in statute but not any rule, and the definition for "stub cotton" is being simplified.

The proposed rulemaking repeals rule 107 because the Department is concerned it lacks specific statutory authority to enforce the rule.

The proposed rulemaking amends Table 1 by (i) removing unnecessary references to A.R.S. § 3-201.01, (ii) adding time frames for rule 204 and rule 228, (iii) removing time frames for citrus nursery stock pests and scale insect pests licenses because those rules do not provide for licenses, (iv) renaming and reordering the general nursery stock inspection time frames, (v) adding time frames for various special nursery stock inspections, and (vi) separating the time frame for ozonium root rot method of growing into new and renewal. The nursery inspection program under rule 301 is voluntary, so time frames are not actually required; however, the Department feels the time frames are helpful.

The proposed rulemaking creates new rule 201 for definitions of terms used in Article 2. New rule 201 will consist of definitions moved from rule 101 as well as entirely new definitions in order to clarify the rules in Article 2.

The proposed rulemaking renumbers existing rule 201 to rule 202 so that the new definitions rule appears first in the Article.

The proposed rulemaking amends rule 204 in ten respects. First, it updates the documents incorporated by reference to the 2013 version of USDA's Treatment Manual. Second, it changes the phrase "covered commodities" to "regulated commodities and appliances" for consistency with the other rules in the Article. For the same reason, the phrase "movement of covered commodities" is being changed to "restrictions." Third, references to the Director are being switched to the Associate Director. Fourth, the allowed treatment for cotton gin trash is being updated from the 1979 Treatment Manual to the current Treatment Manual. Fifth, subsection (F) pertaining to the advisory committee will be reduced to just the Cotton Growers Association, the Cotton Research and Protection Council, and anyone else necessary. The Department feels the expansive makeup of the current advisory committee is unnecessary and it is burdensome to get a quorum for a meeting. Sixth, it rephrases subsection (E)(4)(b) so that the cross-reference is not necessary and rephrases 30 days before the planting date to 15 days before the tillage deadline, which is actually the same date. Seventh, it rephrases the language in subsection (D) for clarity and consistency with the other rules and adds that a person may act in accordance with a compliance agreement and includes that boll weevil treatment, as well as pink bollworm treatment, will be done according to the USDA Treatment Manual. Eighth, it amends the title of the rule to distinguish it from rule 218, which relates to the same pests. Ninth, it clarifies in subsections (E)(2) and (E)(7) that the responsibility to remove stub, soca and volunteer cotton rests with the grower when the land is being leased; the new phrase in subsection (E)(7) matches the language in A.R.S. § 3-205(G). Tenth, it amends the cultural zones, extends some tillage deadlines, and adjusts planting dates to create a consistent 15-day host-free period and to reflect current practices.

The proposed rulemaking amends rule 218 in seven respects. First, it adds the pink bollworm as a pest and re-titles the rule accordingly. Second, it eliminates the definition of terms that are already defined in rule 201, clarifies two other definitions, and adds a definition for "pest." Third, it rephrases subsections (B) & (C) to make them consistent with the other rules in this Article. Fourth, it rephrases and reorders subsections (D) & (E) into subsection (D) to make them consistent with the other rules in this Article. For example, current subsections (D)(2)(a)(iv), (D)(2)(c), (E)(1) & (E)(3) will now be subsection (D)(2)(a) and current subsection (D)(2)(b) will now be subsection (D)(2)(c). Fifth, it updates the requirements in revised subsection (D). This includes dropping references to a special permit and a permit application in current subsections (D)(1) & (D)(3); updating the fumigation options for used cotton appliances and gin trash to the current USDA Treatment Manual, which is incorporated by reference in rule 201; reducing the treatment options for cottonseed to just those listed in the Treatment Manual and dropping current subsections (D)(2)(a)(i)-(iii); eliminating the listed fumigation treatment option for Spanish moss in subsection (E)(2) because the Appendix does not actually contain a fumigation treatment option for Spanish moss; and adding a way for importation of cotton plants and hibiscus. Sixth, it eliminates subsection (G), which will now be covered by rule 202(G). Sev-

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enth, it eliminates subsection (F) and the Appendix, which are no longer applicable. Rule 218 has not been updated for about 22 years and still refers to the old Agriculture and Horticulture Commission instead of the Department of Agriculture.

6. A reference to any study relevant to the rules that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable.

8. The preliminary summary of the economic, small business, and consumer impact:

Proposed rules 101 and 201 are definitions and do not have an economic impact by themselves. Repealed rule 107 was not used, so its repeal should have no impact.

The proposed changes to Table 1 add time frames for certain Department approvals. The time frames will provide certainty to the Department and to industry about how long the Department has to respond to a request for approval. The proposed changes also eliminate time frames for rules that don't have approvals tied to them, so there is no impact from those deletions.

Two of the proposed changes to rule 204 may have an economic impact. First, the rule updates the incorporation by reference of the USDA Treatment Manual to the March 2013 version. This updates the reference in subsection (C) by over 33 years and the reference in subsection (D)(2) by almost 15 years. For the treatment of gin trash referred to in subsection (C), the treatment method indicated in the current rule is not being used. The incorporated by reference material on file with the Department pertaining to subsection (D)(2) is substantially similar to options included in the latest version of the Treatment Manual, so in that case, the effect of updating is to make it easier for industry to obtain the relevant portion of the Manual. Second, there are some modifications to the tillage and planting dates. Specifically, growers in cultural zones A, C and E will now have an extra month to till their fields. This benefits growers by making it less likely that they will miss the deadline (and miss the opportunity for an assessment rebate from the Cotton Research and Protection Council) and by giving growers more time to grow their cotton crop. Also, under the current rule, growers who missed the tillage deadline could replant as soon as everyone else, potentially even the next day, but the proposed rule will require those delinquent growers to wait 15 days to replant, which is what people who timely comply have to do. For growers who are late on tilling their cotton crop and who choose to immediately follow one cotton crop with another cotton crop, there could be an economic impact from planting later than other growers.

Some of the proposed changes to rule 218 will have an economic impact. First, the proposed rulemaking amends current subsection (E), which will become subsection (D)(2)(a), by changing the treatment options for used cotton appliances and gin trash from those listed in the Appendix to those listed in the current USDA Treatment Manual and by removing fumigation as a treatment option for Spanish moss because neither the Appendix nor the Treatment Manual contains a fumigation treatment for Spanish moss. This updates the treatment procedures by about 23 years. The proposed rulemaking also amends current subsection (D)(2)(a), which will also become part of new subsection (D)(2)(a), by reducing the nearly 23 years old treatment options for cottonseed to just fumigation methods listed in the Treatment Manual. The current rule is so outdated that the current practice in the industry is already to follow USDA Treatment Manual, so for those companies already doing so, there will be no economic impact from this rule change. Second, the proposed rulemaking adds new subsection (D)(2)(b), which provides an entry option for treated cotton plants and hibiscus not formerly available under the rule. In fact, the Department's current practice is to allow entry of hibiscus anyway. The Department does not expect a significant change in the importation of treated cotton plants and hibiscus as a result of this rule change. Third, the proposed rulemaking eliminates the exemptions for entry in current subsection (F) for Spanish moss and potted hibiscus plants intended for private use when found pest free by a Department inspector because it is no longer practical for the Department to perform these inspections without operating port inspection stations. Now all Spanish moss and potted hibiscus plants will need to be treated before they can be imported. Fourth, the proposed rulemaking reduces the area quarantined for boll weevil from most of the United States to just parts of Texas, but also adds the pink bollworm as a regulated pest when the commodity or appliance comes from Texas, New Mexico or parts of California. However, the new pink bollworm requirement matches existing federal law, so this part of the rule change does not increase the cost for importers. For regulated commodities and appliances coming from most states (all except California, Texas, and New Mexico), there will no longer be a requirement to treat for boll weevil, thus saving the industry that cost.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

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Telephone: (602) 542-0955
Fax: (602) 542-1004
E-mail: bmcgrew@azda.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

A person may request an oral proceeding on the proposed rules by contacting the individual identified in item #4 within 30 days of publication of this notice.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

Pursuant to A.R.S. § 3-104(F), the Department will discuss this rulemaking with the ADA Advisory Council prior to adopting the rule. In addition, the Department developed the proposed amendments to rule 204 in consultation with the Advisory Committee described in subsection (F) of that rule.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Rules 204 and 218 refer to permits and other authorizations to import or move regulated commodities and appliances. The permits and authorizations all qualify as general permits except the "limited permit." A limited permit is a one-time authorization to move a regulated commodity or appliance to a specific place and under certain conditions. A limited permit is used where a person has not complied with the requirements of a general permit or a general permit would not sufficiently protect the State from the infestation or spread of regulated pests.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is applicable to the interstate movement of commodities and appliances from areas quarantined for pink bollworm and therefore would apply to commodities and appliances entering Arizona. Rule 218, which addresses this issue, is not more stringent than federal law.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and their location in the rules:

7 CFR 301.52 et seq. (Jan. 2013) at R3-4-218(D)(1).

USDA-APHIS-PPQ Treatment Manual, T301—Cotton and Cotton Products, revised March 2013. The Treatment Manual is incorporated by reference in rule 201 and is referred to in rules 204(C), 204(D)(4), and 218(D)(2)(a).

13. The full text of the rule follows:

TITLE 3. AGRICULTURE

**CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION**

ARTICLE 1. GENERAL PROVISIONS

Section
R3-4-101. Definitions
R3-4-107. ~~Experimental Purposes Repealed~~
Table 1. Time-frames (Calendar Days)

ARTICLE 2. QUARANTINE

Section
R3-4-201. Definitions
~~R3-4-201~~-R3-4-202. Transportation and Packaging
R3-4-204. ~~Pink Bollworm and the Cotton Boll Weevil Complex~~ and Pink Bollworm Pests: Interior Quarantine
R3-4-218. ~~Cotton Boll Weevil Pest~~ and Pink Bollworm Pests: Exterior Quarantine

ARTICLE 1. GENERAL PROVISIONS

R3-4-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-201, 3-231, 3-441, and 3-481, the following ~~terms~~ definitions apply to this Chapter:

1. ~~“Air plant (Epiphyte)” means a plant that grows on another plant or object but does not require the other plant or object as a source of nutrients.~~
2. “Appliance” means any box, tray, container, ladder, tent, vehicle, implement, or any article or thing that is or may be used in growing, harvesting, handling, packing, or transporting any agricultural commodity.
3. “Aquatic” means living or growing in or on water.
4. “Bulk container” means a container used solely for transporting a commodity in bulk quantities.
5. “Carrier” means any plant or thing that can transport or harbor a ~~crop plant~~ pest.
6. “Certificate” means an original document issued by the Department, the United States Department of Agriculture, or authorized officer of the state of origin, stating name, quantity, and nature of the regulated commodity, and the information required by a specific regulation.
7. “Commodity” means any plant, produce, soil, material, or thing that ~~is~~ may be subject to federal and state laws and rules.
8. ~~“Common carrier” means any person transporting a commodity for compensation or commercial purpose.~~
9. ~~“Consumer container” means a container that is produced or distributed for retail sale or for consumption by an individual.~~
10. “Container” means any box, crate, lug, chest, basket, carton, barrel, keg, drum, can, sack, or other receptacle for a commodity.
11. ~~“Cotton harvesting machine” means any machine used to pick or harvest raw cotton in a field.~~
12. “Cotton lint” means the remnant produced when cottonseed is processed in a gin.
13. “Cotton plant” means all parts of *Gossypium* spp. whether wild or domesticated, except manufactured cotton products.
14. “Cotton products” include seed cotton, cotton lint, cotton linters, motes, cotton waste, gin trash, cottonseed, and cotton hulls.
“Cotton stubble” means the basal part of a cotton plant that remains attached to the soil after harvest.
15. “Cotton waste” includes all waste products from the processing of cotton at gins and cottonseed-oil mills, in any form or under any trade designation.
16. “Defoliate” means to remove the leaves from a plant.
17. “Diseased” means an abnormal condition of a plant resulting from an infection.
18. ~~“Fumigate” means to apply a gaseous substance to a commodity in a closed area to eradicate a pest.~~
19. “Gin trash” means organic waste or materials resulting from ginning cotton.
20. “Head leaves” means all leaves that enfold the compact portion of a head of lettuce or cabbage.
21. “Host” means a plant on or in which a pest can live or reproduce, or both.
22. ~~“Hull” means the dry outer covering of a seed or nut.~~
23. “Husk” means the membranous outer envelope of many seeds and fruit, such as an ear of corn or a nut.
24. ~~“Infected” means any plant or other material on or in which a disease is found.~~
25. “Infested” means any plant or other material on or in which a pest is found.
26. “Inspector” means an employee of the Department or other governmental agency who enforces any law or rule of the Department.
27. “Label” means all tags and other written, printed, or graphic representations in any form, accompanying or pertaining to a plant or other commodity.
28. “Lot” means any one group of plants or things, whether or not containerized that is set apart or is separate from any other group.
29. *“Nursery” means real property or other premises on or in which nursery stock is propagated, grown, or cultivated or from which source nursery stock is offered for distribution or sale. (A.R.S. § 3-201(6))*
30. “Permit” means an official document authorizing the movement of a host plant and carrier.
31. “Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.
32. *“Plant” includes every kind of vegetation, wild or domesticated, and any part thereof, as well as seed, fruit or other natural product of such vegetation. (A.R.S. § 3-201(8))*
33. ~~“Private carrier” means any person transporting a commodity for a noncommercial purpose.~~
34. ~~“Quarantine holding area” means a site approved by the Department to hold plant material originating from an area infested with imported fire ants or nematode pests.~~
35. “Reshipment” means the shipment of a commodity after receipt from another shipping point.
36. “Sell” means to exchange for money or its equivalent including to offer, expose, or possess a commodity for sale or to

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- otherwise exchange, barter, or trade.
37. "Serious damage" means any injury or defect rising from any circumstance, natural or mechanical, that affects the appearance or the edible or shipping quality of a commodity, or lot.
38. "Soil" means any non-liquid combination of organic, or organic and inorganic material in which plants can grow.
39. ~~"Standard container" means a receptacle used to pack a specific commodity.~~
40. "Stub or soca cotton" means cotton stalks of a previous crop that begin to show signs of ~~growing by displaying buds, which swell or send out shoots of plant growth, either white or green growth.~~
41. "Subcontainer" means any container being used within another container.
42. "Transport" means moving an article from one point to another.
43. "Treatment" means an application of a substance as either a spray, mist, dust, granule, or fumigant; or a process in which a substance or procedure is used to control or eradicate a ~~crop plant~~ pest.
44. ~~"Warning Hold for Agricultural Inspection" means an official Department notice given to a common carrier or private carrier to place a commodity under quarantine.~~
45. "Vector" means an organism (usually an insect) that may carry a pathogen from one host plant to another.
46. "Vehicle" means an automotive device, such as a car, bus, truck, or private or recreational vehicle.
47. "Volunteer cotton" means a sprout from seed of a previous crop.
48. "Wrapper leaves" means all leaves that do not closely enfold the compact portion of the head of lettuce or cabbage.

R3-4-107. Experimental Purposes Repealed

Commodities covered by any regulation may be imported for experimental purposes by any authorized governmental or private organization under special permit from the Director.

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
QUARANTINE						
<u>Boll Weevil and Pink Bollworm</u>	<u>R3-4-204(D)</u>	<u>14</u>	<u>14</u>	<u>30</u>	<u>30</u>	<u>44</u>
<u>Small-Grain Crop Approval</u>	<u>R3-4-204(E)(4)(b)</u>	<u>14</u>	<u>14</u>	<u>30</u>	<u>30</u>	<u>44</u>
<u>Cotton Boll Weevil Pest and Pink Bollworm</u>	<u>A.R.S. § 3-201.01 R3-4-218</u>	14	14	30	30	44
Citrus Fruit Surface Pest	<u>A.R.S. § 3-201.01 R3-4-219</u>	14	14	60	30	74
Citrus Nursery Stock Pests	<u>A.R.S. § 3-201.01 R3-4-220</u>	14	14	30	30	44
<u>European Corn Borer</u>	<u>R3-4-228</u>	<u>14</u>	<u>14</u>	<u>30</u>	<u>30</u>	<u>44</u>
Lettuce Mosaic Pest	<u>A.R.S. § 3-201.01 R3-4-233</u>	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	<u>A.R.S. § 3-201.01 R3-4-244 R3-4-245</u>	14	14	30	30	44
Scale Insects Pests	<u>A.R.S. § 3-201.01 R3-4-226</u>	14	14	30	30	44
Plum Curculio and Apple Maggot	<u>A.R.S. § 3-201.01 R3-4-240</u>	14	14	60	30	74
Colored Cotton	<u>A.R.S. § 3-205.02 R3-4-501</u>	14	0	0	0	14
NURSERY						
<u>General Nursery Stock Inspection</u>	<u>R3-4-301(B)</u>	<u>30</u>	<u>14</u>	<u>1 yr</u>	<u>14</u>	<u>1 yr, 30 days</u>

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License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Special Nursery Stock Inspection: Ozonium Root Rot Inspection • Method of Growing New Renewal • Indicator Crop Planted on Applicant's Property • Indicator Crop Planted in Surrounding Area	A.R.S. § 3-201.01 A.R.S. § 3-217 R3-4-303 R3-4-301(C)	7 7 7 7	14 14 14 14	60 30 4 yrs 5 yrs	14 14 14 14	67 37 4 yrs, 7 days 5 yrs, 7 days
Other Certification-Inspections • Nursery Inspection	A.R.S. § 3-201.01 A.R.S. § 3-217	30	14	1 yr	14	1 yr, 30 days
Special Nursery Stock Inspection: Rose Mosaic	R3-4-301(C)	7	14	180	14	187
Special Nursery Stock Inspection: Garden Snail	R3-4-301(C)	7	14	30	14	37
Special Nursery Stock Inspection: Other	R3-4-301(C)	7	14	30	14	37
Phytosanitary Field Inspection	A.R.S. § 3-233(A)(7) R3-4-407	30	7	210	7	240
STANDARDIZATION						
Experimental Pack and Product for Fruit and Vegetables	A.R.S. § 3-487 R3-4-740	7	7	7	7	14
Experimental Pack and Product for Citrus Fruit	A.R.S. § 3-445 R3-4-814	7	7	7	7	14
Citrus Fruit Dealer, Packer, or Shipper License	A.R.S. § 3-449	14	14	14	14	28
Fruit and Vegetable Dealer, Packer, or Shipper License	A.R.S. § 3-492	14	14	14	14	28
SEED DEALERS AND LABELERS						
Seed Dealer	A.R.S. § 3-235 R3-4-408	14	14	14	14	28
Seed Labeler	A.R.S. § 3-235 R3-4-408	14	14	14	14	28

ARTICLE 2. QUARANTINE

R3-4-201. Definitions

The following definitions apply to this Article:

“Associate Director” means the Associate Director of the Plant Services Division.

“Common carrier” means any person transporting a commodity or appliance for compensation or commercial purpose.

“Compliance agreement” means a written agreement or permit between a person and the Department for the purpose of allowing the movement or production of a regulated commodity or appliance from a quarantined area of this state and containing demonstrated safeguarding measures to ensure compliance with the purposes of A.R.S. Title 3, Chapter 2, Article 1.

“Consumer container” means a container that is produced or distributed for retail sale or for consumption by an individual.

“Cotton harvesting machine” means any machine used to pick or harvest raw cotton in a field.

“Designated treatment area” means an area temporarily approved by the Department for the holding and treatment of a commodity or appliance for a pest in cases where a quarantine holding area does not exist.

“Epiphytically” means the function of a plant growing on another plant or object but that does not require the other plant or object as a source of nutrients.

“Fumigate” means to apply a gaseous substance to a commodity or appliance in a closed area to eradicate a pest.

“Hull” means the dry outer covering of a seed or nut.

“Infected” means any plant or other material on or in which a disease is found.

“Limited permit” means a permit issued by the Department to a common carrier or responsible party to transport a commodity or appliance that would otherwise be restricted.

“Master permit” means a permit issued by the Department to another state department of agriculture that gives that other state authority to certify, in accordance with the terms of the permit, that a regulated commodity or appliance may enter Arizona without a quarantine compliance certificate.

“Origin inspection agreement” means a permit issued by the Department to a person that specifies terms to ship or transport a regulated commodity or appliance into Arizona, which importation would otherwise be prohibited by this Article, and that the origin state department of agriculture agrees with.

“Package” means (i) any box, bag, or envelope used for the shipment of a commodity or appliance through postal and parcel services or (ii) individual packets of seeds for planting.

“Pest free” means apparently free from all regulated plant pests, as determined by an inspection.

“Phytosanitary certificate” means a certificate issued by a regulatory official for the purpose of certifying a commodity or appliance as pest free.

“Private carrier” means any person transporting a commodity or appliance for a noncommercial purpose.

“Quarantine compliance certificate” means a certificate issued by a plant regulatory official of the originating state that establishes that a commodity or appliance has been treated or inspected to comply with Arizona quarantine rules and orders and includes a certificate of inspection.

“Receiver” means any person or place of business listed on a bill of lading, manifest, or freight bill as a consignee or destination for a commodity or appliance.

“Regulated plant pest” means all live life stages of an arthropod, disease, plant, nematode, or snail that is regulated or considered under quarantine by a state or federal law, rule or order enforced by the Department.

“Responsible party” means a common carrier, person, or place of business that is legally responsible for the possession of a commodity or appliance.

“Treatment Manual” means the USDA-APHIS-PPQ Treatment Manual, T301—Cotton and Cotton Products, revised March 2013. The Treatment Manual is incorporated by reference, does not include any later amendments or editions, and is available from the Department and online at http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf.

~~R3-4-201~~, R3-4-202. Transportation and Packaging

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- C. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- D. No change.
 - 1. No change
 - 2. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - i. No change

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- ii. No change
- iii. No change
- c. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- E. No change
 - 1. No change
 - 2. No change
- F. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

R3-4-204. ~~Pink Bollworm and the Cotton Boll Weevil Complex and Pink Bollworm Pests: Interior Quarantine~~

- A. Definitions. ~~In addition to the definitions provided in A.R.S. § 3-201 and R3-4-101, the~~ The following terms apply to this Section:
- 1. "Crop remnant" means the stalks, leaves, bolls, lint, pods, and seeds of cotton;
 - 2. "Pests" means ~~the~~ any of the following:
 - a. Pink bollworm, *Pectinophora gossypiella* ~~(Saunders)~~, and the (Saunders); or
 - b. Boll weevil complex, *Anthonomus grandis* ~~Boheman~~ (Boheman) complex.
- B. ~~Covered~~ Regulated commodities ~~and appliances. The following commodities are host plants or carriers of the pests:~~
- 1. Cotton, all parts;
 - 2. Cotton gin trash;
 - 3. Used cotton harvesting machines; and
 - 4. Other materials, products, and equipment that are means of disseminating or proliferating the pests.
- C. ~~Processing cotton~~ Cotton gin trash. Any person operating an Arizona cotton gin shall daily destroy cotton gin trash by using a ~~disposal fan as method prescribed by the United States Department of Agriculture Domestic Program Manual, M301.52 Regulatory Procedures (III)(C)(4), revised December 1979 in the Treatment Manual. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.~~
- D. ~~Movement of covered commodities- Restrictions.~~
- 1. ~~No covered commodity produced or located within an area infested with the pests may be moved out of that area unless a permit is issued by the Director. A person shall not ship or transport a regulated commodity or appliance from an area infested with pests except pursuant to a limited permit issued by or compliance agreement with the Department.~~
 - 2. Any person intending to ~~move, transport, or allow the movement of~~ ship or transport a ~~covered~~ regulated commodity pursuant to a limited permit or compliance agreement shall provide the Department with the following information before the date of movement or shipment:
 - a. The quantity of the ~~covered~~ regulated commodity or appliance to be moved;
 - b. The location of the commodity or appliance;
 - c. The names and addresses of the consignee and consignor;
 - d. The method of shipment; and
 - e. The scheduled date of the shipment.
 - 2.3. The shipper shall attach all permits and compliance agreements to the manifest, waybill, or bill of lading which shall accompany the shipment.
 - 4. Permits and compliance agreements shall specify the manner of handling or treating ~~the host plant or a regulated~~

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commodity or appliance. Pink bollworm and boll weevil treatment ~~shall~~ must be under official supervision and applied as prescribed for cotton products in the USDA Treatment Manual, revised April 1998. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.

E. Cultural practices.

1. Arizona's cultural zones are:
 - a. Zone "A" -- Yuma County west of a line extended directly north and directly south of Avenue 58E.
 - b. Zone "B" -- Cochise County, Graham County, and Greenlee County.
 - c. Zone "C" -- Mohave County, ~~County~~ and La Paz County, except the Cibola Valley, and for the following: T6N, R11W, 12W, 13W; T5N, ~~R13W~~ R12W, 13W; T4N, R12W, 14W, 15W; T3N, R10W, 11W; and T2N, R11W.
 - d. Zone "D" -- Pima ~~County~~ and County; the following portions of Pinal County: T10S, R10E, ~~section 34, 35, and 36; sections 34-36;~~ T10S, R11E, section ~~34, 31;~~ T7S, ~~R16E, R16E;~~ T6S, ~~R16E, R16E;~~ T5S, ~~R15E, R15E;~~ T5S, R16E and T4S, ~~R14E, R14E;~~ and the following portions of the Aguilera area: T6N, R8W; T7N, R8W and T7N, R9W and T7N, R10W and R8W, 9W, 10W; T7N, R11W to the western boundary of section 35, 26, and 23 R11W, other than sections 24, 25 and 36; and T8N, R9W, sections 31-36.
 - e. ~~Zone "E" -- The following portions of La Paz County: Cibola Valley T1N, R23W and T1N, R24W and T1S, R23W and T1S, R24W.~~
 - f.e. Zone ~~"F"~~ "E" -- All portions of the state not included in zones "A", "B", "C", ~~"D", and "E."~~ and "D."
 2. No stub, soca, or volunteer cotton shall be grown in or allowed to grow in the state. The landowner or grower shall be responsible for eliminating stub, soca, or volunteer cotton.
 3. Tillage deadline. Except as provided in subsection (E)(4), a grower shall ensure that a crop remnant of a host plant remaining in the field after harvest is shredded and the land tilled to destroy the host plant and its root system so no stalks remain attached to the soil before the following dates or before planting another crop, whichever occurs earlier: Zone "A", ~~December~~ January 15; Zone "B", March 1; Zone "C", ~~January~~ February 15; Zone "D", March 1; Zone "E", ~~January~~ February 15; Zone "F", February 15.
 4. Rotational crop following cotton harvest.
 - a. If a grower elects to plant a small-grain crop following a cotton harvest, the grower may, after the host plant is shredded, irrigate and plant with wheat, barley, or oats (or other similar small-grain crops approved in writing by the Associate Director before planting) instead of tilling as prescribed in subsection (E)(3). The small-grain crop shall be planted before the following dates: Zone "A", December 30; Zone "B", March 1; Zone "C", January 30; Zone "D", March 1; Zone "E", January 31; Zone "F", February 15 tillage deadline for the zone.
 - b. The Associate Director shall approve ~~other~~ small-grain crops ~~not specifically listed in subsection (E)(4)(a); other than wheat, barley, and oats,~~ if the planting, growth, and harvest cycles of the small-grain crop prevents the maturation of stub, soca, or volunteer cotton. A grower shall submit a written request for approval of a small-grain crop, other than wheat, barley, or oats, at least ~~30~~ 15 days before the ~~planting date~~ tillage deadline for the zone. The written request shall include the scientific and common name of the proposed small-grain crop and the estimated date of harvest.
 - c. If a grower elects to plant a crop other than an approved small-grain crop following a cotton harvest, the requirements specified in subsection (E)(3) apply.
 5. Planting dates.
 - a. A grower who meets the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton ~~before the following dates: Zone "A", February 1; Zone "B", March 15; Zone "C", March 1; Zone "D", March 15; Zone "E", March 1; Zone "F", March 1~~ earlier than 15 days after the tillage deadline for the zone.
 - b. A grower who does not meet the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton ~~before the following dates: Zone "A", February 15; Zone "B", March 15; Zone "C", March 15; Zone "D", March 15; Zone "E", March 1; Zone "F", March 1~~ on a farm until 15 days after the grower ensures that all crop remnants of a host plant remaining in the fields after harvest are shredded and the land tilled to destroy the host plant and its root system so no stalks remain attached to the soil.
 6. Dry planting. Any grower who ~~uses the practice of dry planting may~~ meets the tillage deadline for the zone may dry plant cotton ~~10 days before the planting date~~ five days after the tillage deadline for that zone, but shall not water until ~~the planting date~~ 15 days after the tillage deadline for that zone.
 7. An inspector shall give written notice to any ~~landowner~~ owner or person in charge or control of the nuisance found in violation of subsection (E). The processes established in subsections (E)(3) and (E)(4) shall be repeated, as necessary, to destroy the pests.
- F. Advisory Committee.** The Director, ~~as necessary,~~ shall appoint an advisory committee ~~consisting composed of one repre-~~ sentative from each of the following organizations, and the committee shall the nominated representatives of the Arizona Cotton Growers Association and the Arizona Cotton Research and Protection Council and such other individuals as may

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~~be necessary to~~ make recommendations to the Department on amendments to this ~~Section~~: Section.

~~The Arizona Cotton Growers Association,
The Arizona Farm Bureau Federation,
The Arizona Crop Protection Association,
The Southwest Indian Agricultural Association,
The University of Arizona Experiment Station,
The University of Arizona Extension Service,
USDA Research,
USDA APHIS,
The Department of Agriculture, and
A grower from each of the six zones.~~

R3-4-218. Cotton Boll Weevil Pest and Pink Bollworm Pests: Exterior Quarantine

A. Definitions

1. "Cotton appliance" means a container used in handling cotton, including sacks, bags, tarps, boxes, crates, and machinery used in planting, harvesting and transporting cotton.
- ~~2.~~ "Cotton lint" means ~~the remnant produced when cottonseed is processed in a gin.~~
- ~~3.~~ "Cotton plant" means ~~all parts of Gossypium spp., whether wild or domesticated.~~
- ~~4.~~2. "Cottonseed" means a seed derived from cotton plants which is destined for propagation or other use.
- ~~5.~~3. "Fumigation certificate" means ~~a document for a prohibited product signed by a state or U.S.D.A. agricultural inspector, which~~ quarantine compliance certificate that specifies the fumigation chemical used, the treatment schedule, and the commodity treated.
- ~~6.~~ "Gin trash" means ~~organic waste or materials resulting from the ginning of cotton.~~
- ~~7.~~4. "Hibiscus" means all parts of *Hibiscus* spp.
- ~~5.~~ "Pest" means any of the following:
 - a. Boll weevil, *Anthonomus grandis* (Boheman); or
 - b. Pink bollworm, *Pectinophora gossypiella* (Saunders).
- ~~8.~~ "Prohibited products" means ~~any cotton product as defined in subsection (A).~~
- ~~9.~~6. "Spanish moss" means all parts of ~~*Tillandsia*~~ *Tillandsia usneoides*.

B. Quarantine Area under quarantine.

1. ~~A quarantine is established against the Cotton Boll Weevil, *Anthonomus grandis* Boheman.~~ Boll weevil. In the state of Texas, the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Brooks, Burleson, Burnett, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Cooke, Coryell, Dallas, Delta, Denton, De Witt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kinney, Kleberg, Lamar, Lampasas, La Salle, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Llano, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Mills, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Shelby, Smith, Somervell, Starr, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Wise, Wood, Zapata, and Zavala.
2. ~~The area under quarantine shall apply to cotton producing states, with the exception of California.~~ Pink bollworm. New Mexico, Texas, and the following counties of California: Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, San Bernardino, San Benito, San Diego, and Tulare.

C. Prohibited Products. ~~Except as provided in subsections (D), (E), and (F), the following cotton products shall be prohibited from entering Arizona.~~ Regulated commodities and appliances.

1. Gin trash,
2. Cotton lint,
3. Cottonseed,
4. Used cotton appliances ~~which that~~ have any cotton plants attached or contained ~~therein.~~ therein.
5. Cotton plants,
6. Spanish ~~Moss~~ moss, and
7. Hibiscus plants,

D. Special permits

1. ~~Individuals may apply to the Director of the Commission of Agriculture and Horticulture for a special permit for shipment of prohibited products into Arizona from the quarantine area. Applicants for the special permit shall submit a letter to the Commission which includes the following information.~~

- a. Quantity of prohibited product to be shipped into Arizona.
 - b. County and state of origin of prohibited product.
 - e. Shipper's Name, address, and phone number.
 - d. Carrier's name, address, and phone number.
 - e. Arizona destination receiver, address, and phone number.
 - f. Treatments or processing techniques at place of origin, including name of processor.
 - g. Final disposition of prohibited product in Arizona.
 - h. Calendar period during which shipments are to be made.
 - i. Method of shipment, i.e., truck, rail, etc.
 - j. Route by which prohibited product will be shipped.
2. Applicants may apply for a special permit for the following:
- a. Cottonseed which has been treated by one of the following methods:
 - i. Acid or flame process in a gin;
 - ii. Machine processed by grinding or pulverizing;
 - iii. Heat treatment as specified in attached Appendix; or
 - iv. Fumigation;

D. Restrictions. A person shall not ship or transport into Arizona from an area under quarantine:

1. For the pink bollworm, any regulated commodity or appliance that is not accompanied by a permit or certificate required by 7 CFR 301.52 et seq., revised January 1, 2013. This incorporation by reference does not include any later amendments or editions and is available from the Department and online at <http://www.gpo.gov/fdsys/>.
2. For the boll weevil,
 - a. Gin trash, cotton lint, cottonseed, or used cotton appliances that have any cotton plants attached or contained therein unless the commodity or appliance is accompanied by an original fumigation certificate attesting the commodity or appliance has been fumigated as prescribed in the Treatment Manual.
 - b. Cotton plants or hibiscus plants unless the commodity is accompanied by an original quarantine compliance certificate attesting the commodity was treated with a chemical to kill the pest and was visually inspected and found free of all live life stages of the pest within five days of shipment.
 - ~~b.c.~~ Spanish Moss which has been treated moss, unless the commodity is accompanied by an original quarantine compliance certificate attesting the commodity was treated by one of the following methods:
 - i. Commercial drying; or
 - ii. Chemical treatment using a pesticide which is registered and labeled for use on such commodities the commodity to kill boll weevil; all live life stages of the pest.
 - e. Cotton list which has been impact fan treated in a gin.
3. A special permit shall be issued by the Director upon a determination that the treatments or processing techniques specified in subsection (D)(2) which have been used on the prohibited products will prevent the entry of the Cotton Boll Weevil pest into Arizona. A transporter may not transport a prohibited product into Arizona without first receiving a special permit. Said special permit shall be presented on demand.

E. Certificate of Fumigation. The following products shall be allowed entry into Arizona if accompanied by a Certificate of Fumigation demonstrating compliance with fumigation procedures specified in the attached Appendix:

1. ~~Used cotton appliances which have cotton plants attached or contained therein.~~
2. ~~Spanish Moss.~~
3. ~~Gin trash.~~

F. Special Shipments. The following prohibited products shall be allowed entry into Arizona without a special permit or Certificate of Fumigation:

1. ~~Spanish Moss in quantities of less than one pound which is intended for private decorative use and which has been found free of pests by a Commission inspector.~~
2. ~~Potted Hibiscus plants, fewer than 12 in number, transported in private vehicles which have been found free of pests by a Commission inspector.~~

G. Violations. Products shipped into or moved within the state of Arizona in violation of this rule shall, at the option and expense of the owner or authorized agent, be sent out of the state or destroyed in accordance with A.R.S. §§ 3-207, 3-208, 3-209, and 3-210.

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Appendix to R3-4-218

A.—Cottonseed, sacked or packaged, Methyl Bromide fumigation, vacuum method. This method may be used for the treatment of small lots of cottonseed samples only. A sustained vacuum equivalent to 24.5 inches of mercury shall be maintained.

Type of Enclosure	Exposure Period Dosage Temperature (°F)	lbs/100 cu. ft.	Exposure Period
Chamber Vacuum	40° or above	4 lbs.	2 hours

B.—Cottonseed, sacked or packaged, by Methyl Bromide fumigation, atmosphere fumigation method.

Type of Enclosure	Average Load Temperature (°F)	Exposure Period Dosage		Circulation Period
		12 hours Lbs/1000 eu. ft.	24 hours Lbs/1000 eu. ft.	
Chamber or Tanks	60° or above	6	3	30 min.
	Below 60°	7	4	30 min.
Freight Cars and Vans	60° or above	-	7	30 min.
	Below 60°	-	8	60 min.
Tarpaulins	40° or above	7	5	60 min.
	Below 40°	8	6	120 min.

Limitations: The sacks or packages containing the prohibited product shall not be composed of a nonpermeable layer such as a polyethylene or cellophane film, wax paper or tar.

C.—Bulk cottonseed, cottonseed hulls, gin trash, and Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Average Load Temperature (F°)	Exposure Period Dosage		Circulation Period
		12 hours Lbs/1000 eu. ft.	24 hours Lbs/1000 eu. ft.	
Chamber or Tanks	60° or above	6	4	15 min.
	Below 60°	7	5	15 min.
Freight Cars and Vans	60° or above	-	7	15 min.
	Below 60°	-	8	30 min.
Tarpaulins	40° or above	7	5	15 min.
	Below 40°	8	6	30 min.

Limitations: When treating bulk commodities, the depth of the commodities shall be kept under five feet unless an approved forced circulation system is used to assure satisfactory distribution of fumigant.

D.—Bulk propagative cottonseed, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Exposure Period Dosage	Circulation Period
Plastic and neoprene coated nylon bags 2 1/2 feet x 6 feet	1-20 cc ampule 2-20 cc ampules	24 hours 12 hours

E.—Cotton appliances, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Average Load Temperature (°F)	Exposure Period Dosage			Circulation Period
		3 hours Lbs/1000 eu. ft.	4 hours Lbs/1000 eu. ft.	12 hours Lbs/100 eu. ft.	
Chamber or Tanks	40° or above	8	-	4	30 min.
	30°-39°	9	-	5	30 min.
	Below 30°	-	-	5	30 min.
Freight Cars and Vans	40° or above	8	-	4	30 min.
	30°-39°	9	-	5	30 min.
	Below 30°	-	9	5	30 min.
Tarpaulins	40° or above	8	-	4	30 min.
	30°-39°	9	-	5	30 min.
	Below 30°	-	9	5	30 min.

F.—Cotton sacks or small appliances, Methyl Bromide fumigation, atmospheric pressure method.

Type of Enclosure	Exposure Period Dosage	Circulation Period
Plastic and neoprene coated nylon bags 2 1/2 feet x 6 feet	1-20 cc ampule 1/2 loaded bag 2-20 cc ampules more than 1/2 loaded bag	3 hours 3 hours

G.—Bulk cottonseed, heat treatment method. Heat to core temperature of 150° F minimum and hold at that temp. for 30 seconds minimum.

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION

TITLE, REGISTRATION, AND DRIVER LICENSES

Editor's Note: The following Notice of Proposed Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1934.) The Governor's Office authorized the notice to proceed through the rulemaking process on November 16, 2010.

[R13-127]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**
R17-4-404 Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
Authorizing statute: A.R.S. §32-2352
Implementing statutes: A.R.S. Title 32, Chapter 23
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**
Notice of Rulemaking Docket Opening: 19 A.A.R. 1929, July 26, 2013 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**
Name: Holly B. Hunnicutt, Special Advisor to the Director
Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007
Telephone: (602) 712-4284
Fax: (602) 712-3232
E-mail: HHunnicutt@azdot.gov
Web site: Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/government_relations/adotrules.
- 5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
A.R.S. § 32-2352(C) authorizes the Director of the Arizona Department of Transportation (Director) to contract with a private entity to conduct inspections and administer the licensure process for professional driver training schools in accordance with rules adopted by the Director. Traffic survival schools are a type of professional driver training school. The Director has entered into a contract with a private entity to perform the statutorily prescribed functions. These amendments are necessary to facilitate the performance of the private entity's contract requirements.
- 6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
The agency did not review or rely on any study relevant to the rule.
- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**
Currently, the Department licenses 74 traffic survival schools and 143 traffic survival school instructors. In calendar year 2012, the Department assigned 66,913 individuals to traffic survival schools and 48,348 individuals completed traffic survival school courses.

The private entity contracted pursuant to A.R.S. § 32-2352(C) was selected through the state procurement process and has already fulfilled the terms of the contract by providing a revised course curriculum and training instructors on

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the curriculum; providing all enrollees with a student workbook for the traffic survival school course; handling traffic survival school related phone calls from assigned individuals, including individuals residing out-of-state; printing and mailing all traffic survival school assignments; allowing new schools to apply for licensure; allowing previously licensed traffic survival schools to expand their operations; and developing electronic course registration and course completion processes. This proposed rulemaking amends the rules relating to the licensure and administration of traffic survival schools to facilitate the performance of the private entity's contract requirements.

The Department will realize regular annual savings that include no longer having to print course completion forms, purchase office and operational supplies, and pay postage fees and archival fees. The Department will also achieve the annual efficiency of employee work hours saved because of manual processes that have been eliminated.

This rulemaking and the contracts it facilitates will benefit licensed traffic survival schools because the electronic registration process will allow the schools to verify that prospective enrollees are in fact required to attend traffic survival school. Without that process, licensed traffic survival schools previously had to turn individuals away from their courses if the individuals could not provide proof they were required to attend traffic survival school. Licensed traffic survival schools will also save time by no longer having to request, complete, mail and store paper forms for enrollees, and schools will save money by eliminating shipping and handling costs previously associated with processing the paper forms. Some licensed schools may have to purchase computers in order to use the electronic processes and teach the required curriculum.

9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:

Name: Holly B. Hunnicutt, Special Advisor to the Director
Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007
Telephone: (602) 712-4284
Fax: (602) 712-3232
E-mail: HHunnicutt@azdot.gov
Web site: Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.azdot.gov/government_relations/adotrules.

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

Written comments on the proposed rulemaking should be directed to the person listed under item 4. The Department has scheduled the following oral proceeding for public comments:

Date: September 5, 2013
Time: 10:00 a.m.
Location: 206 S. 17th Ave.
Phoenix, AZ 85007
Nature: Oral Proceeding/Public Hearing

All comments must be received by close of public record at 5:00 p.m. on September 5, 2013.

Pursuant to Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), ADOT does not discriminate on the basis of race, color, national origin, age, gender or disability. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-7761 or civilrightsoffice@azdot.gov (or designated coordinator). Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.

Personas que requieren asistencia o una adaptación razonable por habilidad limitada en inglés o discapacidad deben ponerse en contacto con la Oficina de Derechos Civiles de ADOT al (602) 712-7761 or civilrightsoffice@azdot.gov (or designated coordinator). Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el estado tiene la oportunidad de abordar el alojamiento.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general per-

mit is not used:

A traffic survival school license is a “general permit” since the activities and practices authorized by this class of license are the same for all licensed traffic survival schools.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rule is not more stringent than any applicable federal law.

c. Whether a person submitted an analysis to the agency that compares a rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted to the Department.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

This rulemaking incorporates no materials by reference.

13. The full text of the rule follows:

TITLE 17. TRANSPORTATION

**CHAPTER 4 DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

ARTICLE 4. DRIVER LICENSES

Section

R17-4-404. Driver Point Assessment; Traffic Survival Schools

ARTICLE 4. DRIVER LICENSES

R17-4-404. Driver Point Assessment; Traffic Survival Schools

- A.** Point assessment. The ~~Division~~ Department shall assign points to a driver, as prescribed under Table 1, Driver Point Valuation, for each violation resulting in a conviction or judgment.
- B.** Actions after point assessment. Under A.R.S. § 28-3306(A)(3), if a driver accumulates eight or more points in ~~the a~~ twelve-month period, the ~~Division~~ Department shall:
1. Order the driver to successfully complete the curriculum of a licensed traffic survival school; or
 2. Suspend the driver's Arizona driver license or driving privilege.
- C.** Traffic survival school order of assignment. The ~~Division~~ Department or the private entity contracted pursuant to A.R.S. § 32-2352(C) shall send a dated order of assignment to traffic survival school, as prescribed under A.R.S. § 28-3318, to a driver who accumulates 8 to 12 points in ~~the a~~ twelve-month period, and who did not ~~previously~~ complete a traffic survival school course in the previous twenty-four-month period.
1. The order of assignment shall:
 - a. Instruct the driver to submit any hearing request to the ~~Division~~ Department within 15 days after the date of the order of assignment; and
 - b. Instruct the driver that failure to successfully complete traffic survival school within 60 days after the date of the order of assignment will result in the ~~Division~~ Department issuing a six-month order of suspension.
 2. The ~~Division~~ Department shall record that a driver completed traffic survival school if:
 - a. A licensed traffic survival school reports that the driver successfully completed the curriculum; or
 - b. The driver presents to the ~~Division~~ Department an original certificate of completion issued by a licensed traffic survival school, within 30 days of issuance of the certificate.
- D.** Suspension for failure to complete traffic survival school. The ~~Division~~ Department or the private entity contracted pursuant A.R.S. § 32-2352(C) shall mail a driver a six-month order of suspension, as prescribed under A.R.S. § 28-3318, if the driver failed to establish completion of traffic survival school in accordance with subsection (C). The order of suspension shall:
1. Specify the period within which the driver may submit a hearing request to the ~~Division~~ Department; and
 2. Specify the effective date of the suspension.
- E.** Suspension for accumulation of excessive points. The ~~Division~~ Department shall mail an order of suspension as prescribed under A.R.S. § 28-3318 to a driver who accumulates an excessive amount of points. The order of suspension shall:
1. Specify the length of the suspension as follows:
 - a. ~~A three-month suspension for accumulation of 13 to 17 points in the twelve-month period;~~
 - b. a. A three-month suspension for accumulation of 8 to 12 points in ~~the a~~ twelve-month period ~~and if a~~ traffic sur-

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- vival school ~~course was~~ successfully completed in the ~~previous~~ twenty-four-month period;
- b. A three-month suspension for accumulation of 13 to 17 points in a twelve-month period;
 - c. A six-month suspension for accumulation of 18 to 23 points in ~~the a~~ twelve-month period; and
 - d. A 12-month suspension for accumulation of 24 or more points in ~~the a~~ thirty-six-month period;
2. Specify the period within which the driver may submit a hearing request to the ~~Division~~ Department; and
 3. Specify the effective date of the suspension.
- F. Licensed schools.
1. Under the provisions of A.R.S. § 28-3307, the ~~Division~~ Department shall assign an individual only to a traffic survival school licensed by the Director.
 2. ~~Governmental agencies, corporations, or other individuals conducting training and educational sessions designed to improve the safety and habits of drivers may, upon request, receive the approval of the Director when they offer the approved curriculum taught by qualified instructors.~~
 2. On enrollment of an individual in a traffic survival school course, a licensed traffic survival school shall collect the enrollee fee authorized pursuant to A.R.S. § 32-2352(C)(2). The licensed traffic survival school also shall collect the records fee prescribed by A.R.S. § 28-446, if applicable, before the individual attends the traffic survival school course. The licensed traffic survival school shall fully remit these fees to the private entity contracted pursuant to A.R.S. § 32-2352(C) within 48 hours after an individual completes the traffic survival school course. The amount of the enrollee fee charged by the private entity shall be negotiated by the Department and the private entity and shall be set forth in the contract.
 3. Immediately following each enrollee's satisfactory completion of a traffic survival school course a licensed traffic survival school, in a manner prescribed by the Department, shall electronically transmit proof of course completion to the Department for the enrollee and shall provide a record of that satisfactory completion to the enrollee.
 4. The private entity contracted pursuant to A.R.S. § 32-2352(C) may monitor the performance of any licensed traffic survival school and report results to the Department. The Department or the private entity contracted pursuant to A.R.S. § 32-2352(C) may conduct audits and inspections the Director deems necessary to determine a licensed traffic survival school's compliance with applicable statutes and rules.
- G. Approved curriculum. The Director shall approve, and may modify, in writing a uniform curriculum that the traffic survival school shall teach to individuals assigned to school. The curriculum ~~will~~ shall be selected and approved on the basis of effectiveness in improving the safety and habits of drivers. Each licensed traffic survival school must use all equipment required by the Department to present the uniform curriculum to individuals assigned to the school.
- H. Qualified instructors. Only those persons who meet the following qualifications ~~will~~ may be deemed qualified instructors and allowed to teach individuals assigned by the ~~Division~~ Department to approved schools:
1. An instructor shall be a high school graduate and shall have successfully completed an examination given for qualifications of instructors by the ~~Division~~ Department;
 2. An instructor shall complete a curriculum workshop approved by the Director. An instructor may be temporarily certified if the instructor successfully completes, as a student, a course using ~~Division~~ Department approved curriculum and agrees to attend the next available curriculum workshop for complete orientation; and
 3. An instructor shall be at least 21 years of age, have an acceptable personal driving record, be accepted for employment by an approved school, and be of good moral character.
- I. ~~Withdrawal of approval~~ Cancellation, suspension and revocation of licenses. ~~After conducting a hearing, the Director is authorized, after affording a party a hearing, to withdraw approval of any training and education may suspend, cancel or revoke a traffic survival school and is authorized to withdraw the approval of any or instructor when license if satisfactory evidence shows that a school or instructor, individually or collectively, has failed to maintain comply with the approved license standards set forth in applicable statutes or rules, or has given provided false or misleading information to the Division false information Department in their either the school's or instructor's application for approval licensure or in response to an audit or inspection conducted pursuant to subsection (F)(4).~~
- J. Conflict of interest. No full-time employee of the state of Arizona shall receive any direct pecuniary payments from registration fees paid by those who attend approved schools.