



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 9. DEPARTMENT OF AGRICULTURE
AGRICULTURAL COUNCILS AND COMMISSIONS

[R15-176]

PREAMBLE

- 1. Article, Part or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
3. The effective date of the rule and the agency's reason it selected the effective date:
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

The Leafy Greens Food Safety Committee administers and enforces the Arizona Leafy Green Products Shipper Marketing Agreement. This marketing agreement requires shippers of leafy green vegetables who are signatories to the agreement to follow best practices with respect to the handling of those products in order to enhance food safety and prevent the outbreak of illnesses stemming from the consumption of leafy green vegetables. This exempt rule making amends the definition of "LGMA" or "Marketing Agreement" by incorporating the latest version of the agreement that was approved August 25, 2015 pursuant to statutory requirements.

The marketing agreement sets out that signatories may use the Leafy Greens Food Safety Committee's collective service mark as long as they are in compliance with the best practices. This exempt rule making amends the definition of best practices by incorporating the latest version of the Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens. The Committee updates the best practices to keep up with new information and improvements related to food safety practices. These Guidelines were updated by the Committee at a public meeting held on August 25, 2015. The amendments to the Guidelines clarified the requirements for water used for hand washing.



- 7. **A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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
- 8. **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
- 9. **The summary of the economic, small business, and consumer impact, if applicable:**  
Not applicable
- 10. **A description of the changes between the proposed rule, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**  
Not applicable
- 11. **An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**  
No comments were received.
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**  
The head of the Leafy Greens Food Safety Committee is not appointed by the Governor, so Executive Order 2015-01 does not apply to this rule making. The Committee provided 15 days advance notice of the August 25, 2015 meeting at which this rule change was adopted and allowed for public testimony at that meeting in compliance with A.R.S. § 3-414(C)(11). At the meeting, Shelly Tunis spoke in support of the rulemaking on behalf of the Yuma Fresh Vegetable Association.
  - 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 does not require a permit.
  - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**  
Federal law is not applicable to the subject of the rule.
  - 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
- 13. **A list of any incorporated by reference material and its location in the rule:**  
The Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens: Version 9 – Arizona dated August 25, 2015 is incorporated by reference in R3-9-601.
- 14. **Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**  
No
- 15. **The full text of the rule follows:**

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ARTICLE 6. LEAFY GREEN MARKETING COMMITTEE

Section  
R3-9-601. Definitions

ARTICLE 6. LEAFY GREENS FOOD SAFETY COMMITTEE

**R3-9-601. Definitions**

“Act” means A.R.S. Title 3, Chapter 3, Article 1.

“Auditor” or “Inspector” means a state or federal agricultural regulatory agency or their designee(s), or a private entity contracted by the Committee to perform inspections authorized by the Act.

“Best practices” means the “Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens: Version 7 9 - Arizona” dated August 1, 2013 25, 2015. This document is incorporated by reference, does not include any later amendments or editions, and is available for review online at <http://www.arizona-leafygreens.org/members/resources/> <http://www.arizona-leafygreens.org/#!guidelines/c221s> and at the Arizona Department of Agriculture.



ture, 1688 W. Adams St., Phoenix, Arizona 85007.

“Committee” means the Leafy Greens Food Safety Committee established pursuant to the Marketing Agreement.

“LGMA” or “Marketing Agreement” means the Arizona Leafy Green Products Shipper Marketing Agreement, as amended effective October 1, ~~2014~~ 2015, that was approved pursuant to the Act. This document is incorporated by reference, does not include any later amendments or editions, and is available for review online at <http://www.azlgma.gov/members/resources.asp> and at the Arizona Department of Agriculture, 1688 W. Adams, Phoenix, Arizona 85007.

“SOP” means standard operating procedure.