



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 promulgating the rules. Refer to item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

[R16-161]

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 An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

This rulemaking makes changes to the three rules listed above that are necessary to implement the statutory changes made by SB1344. In summation, the rulemaking modifies the exhibition swine rules and adds swine to the self-inspection program, removes information from the self-inspection certificate prohibited by SB1344, and establishes



a fee for the self-inspection books.

- 7. **A reference to any study relevant to the rules that the agency reviewed and either relied on or did not 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
- 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:**
Laws 2016, 2nd Reg. Sess., Ch. 160 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for one year after the effective date of the act. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.
- 10. **A description of any changes between the proposed rulemaking, 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:**
None 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 Department of Agriculture Advisory Council approved this rulemaking on June 14, 2015.
 - 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 rules do 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:**
Not applicable
 - 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:**
None
- 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 rules follows:**

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL

Section
R3-2-411. Exhibition Swine

ARTICLE 7. LIVESTOCK INSPECTION

Section
R3-2-702. Livestock Self-inspection
R3-2-703. Seasonal Self inspection Certificate



ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL

R3-2-411. Exhibition Swine

An exhibit official shall deny entry to any swine not individually identified by the following:

- 1. Imported swine:
 - a. The health certificate prescribed in R3-2-606 and individual permanent identification by a method prescribed in R3-2-606(A)(5)(c)(i), and
 - b. The import permit prescribed in R3-2-607.
- 2. Native Arizona swine. Individual permanent identification by a method prescribed in R3-2-606(A)(5)(c)(i).
- A. In addition to meeting the requirements in Article 6, all imported swine not moved directly to an exhibition in Arizona shall be inspected by a Department livestock officer or inspector within 30 days after entry.
- B. Exhibit officials shall deny entry to any swine not accompanied by the following documents:
 - 1. Imported swine moved directly to an exhibition. An official health certificate specified in R3-2-606 and an import permit specified in R3-2-607;
 - 2. Imported swine not moved directly to the exhibition. A Department issued certificate of inspection of exhibition swine containing the following:
 - a. The name, address, telephone number, and signature of the owner;
 - b. The name of the inspector and the date, time, and location of the inspection;
 - c. The individual identification of the swine, using an eartech, that conforms to the universal swine eartech system, and the premises identification number using a tattoo or producer furnished tamperproof eartag that conforms to the USDA National Premises Identification System.
 - 3. Native Arizona swine. A Department issued certificate of inspection of exhibition swine containing the following:
 - a. The name, address, telephone number, and signature of the owner;
 - b. The name of the inspector and the date, time, and location of the inspection;
 - c. The individual identification of the swine, using an eartech that conforms to the universal swine eartech system, and the premises identification number using a tattoo or producer furnished tamperproof eartag that conforms to the USDA National Premises Identification System.
- C. Department issued certificate of inspection of exhibition swine. The owner shall provide the Department with:
 - 1. Imported swine:
 - a. The certificate of veterinary inspection listing import permit and individual identification of the swine, using an eartech that conforms to the universal swine eartech system, and the premises identification using a tattoo or a producer furnished tamper proof eartag that conforms to the USDA National Premises Identification System; and
 - b. If from a Stage IV state, documentation of a negative pseudorabies test conducted 15 to 30 days after entry.
 - 2. Native swine:
 - a. A bill of sale listing:
 - i. The name of the seller and buyer;
 - ii. The individual identification of the swine, using an eartech that conforms to the universal swine eartech system, and the premises identification using a tattoo or a producer furnished tamper proof eartag that conforms to the USDA National Premises Identification System; and
 - iii. The date of the sale; or
 - b. Verification that the swine has been raised in Arizona and the individual identification of the swine, using an eartech that conforms to the universal swine eartech system, and the premises identification using a tattoo or a producer furnished tamperproof eartag that conforms to the USDA National Premises Identification System.

ARTICLE 7. LIVESTOCK INSPECTION

R3-2-702. Livestock Self-inspection

A. Definitions.

“Description” means sex, breed, color, and markings, as applicable to the type of livestock.

“Exhibition” means an event including a fair, show, or field day that has as its primary purpose the opportunity for a member of a youth livestock organization, including 4-H and FFA, to display an animal raised by the youth in a judged competition.

“Identification” means brand, back tag number, ear mark, tattoo, metal eartag, plastic eartag, and premises identification number, as applicable to the type of livestock.

“Livestock” means cattle, sheep, and goats, and exhibition swine.

“Range” means every character of lands, enclosed or unenclosed, outside of cities and towns, upon which livestock is permitted by custom, license or permit to roam and feed. A.R.S. § 3-1201(7)



“Range cattle” means cattle customarily permitted to roam upon the ranges of the state, whether public domain or in private control, and not in the immediate actual possession or control of the owner although occasionally placed in enclosures for temporary purposes. A.R.S. § 3-1201(8)

B. Application.

1. ~~An owner of five or fewer head of livestock shall call the Department at (602) 542-6407 to request a self-inspection certificate. The owner shall provide answers to the questions in subsections (B)(2)(a) through (B)(2)(f) to a Department employee before a certificate will be provided.~~
2. An owner of six or more head Movers of livestock and an owner or operator of a dairy or feedlot shall request a book of self-inspection certificates from the Department. The applicant shall submit a written application form obtained from the Department and provide the following information:
 - a. Name, mailing address, physical address, telephone number, and fax;
 - b. Name of ranch, dairy, or business and type of operation;
 - e. ~~Social security or business tax identification number;~~
 - ~~d.c.~~ Whether the applicant has been convicted of a felony under A.R.S. Title 3 within the past three years, and if so, the case number, court, charge, and sentence;
 - e.d. Recorded brand and brand location;
 - f.e. Individual designated to sign self-inspection certificates, if applicable; and
 - g.f. Signature and date.
- 3-2. The holder of a self-inspection book shall advise the Department by phone within 30 days of any change to the information provided on an application form.
- 4-3. The holder of a self-inspection book shall renew registration with the Department every two years from the date the initial or renewal application form is signed.
4. Prior to a department employee issuing a book of self-inspection certificates, the owner shall submit the following payment amount and the department shall receive the payment in full prior to issuing the book:
 - a. \$25.00 for a twenty five page feedlot book;
 - b. \$20.00 for a twenty page dairy book; or
 - c. \$10.00 for a ten page non-range, range, sheep, goat, or swine book.

C. Self-inspection certificate.

1. An owner, agent, or operator shall provide the following information, as applicable, on a self-inspection certificate whenever livestock subject to self-inspection are moved or ownership is transferred:
 - a. Name, address, ~~telephone number~~, and signature of the owner or agent;
 - b. Date of the shipment or transfer of ownership;
 - c. If moved, location from which and to which the livestock are moved, including the name of the auction, feedlot, arena, slaughter establishment, pasture, or other premises, and physical location;
 - d. Name of transporter;
 - e. Number, and description, ~~and identification~~ of livestock each sheep or goat as prescribed in R3-2-413;
 - f. Number, description, and Official identification of each dairy cattle and sexually intact cattle over 18 months of age shipped out of state calf, cow, heifer, steer, or bull and back tag numbers of culled dairy cattle;
 - g. Brand number, ~~and~~ expiration date, ~~if available~~, and ~~brand~~ location;
 - h. Name, and address, ~~and telephone number~~ of buyer or agent, ~~and signature if present at sale;~~
 - i. Number of head of cattle sold for which Beef Council fees are payable under A.R.S. §§ 3-1236 and 3-1238; ~~and.~~
 - j. ~~Number of head of livestock for which an inspection fee is payable under A.R.S. § 3-1337(D).~~
2. The owner or owner's agent of livestock or the owner or operator of a dairy or feedlot shall complete a self-inspection certificate, except when livestock are subject to inspection by a Division employee under R3-2-701, and distribute copies of the certificate as follows:
 - a. One copy and any fees that are owed under subsections ~~(C)(1)(i) and (C)(1)(j)~~ shall be sent to the Department within 10 days after the end of the month in which ~~the livestock are moved or~~ ownership is transferred;
 - b. If the livestock are shipped, the original certificate shall accompany the livestock whenever they are in transit and one copy shall be retained by the person transporting the livestock; or
 - c. If ownership of the livestock is transferred without shipment, two copies shall be provided to the new owner or agent; and one copy shall be retained by the seller.
3. A certificate may be used once to either transfer livestock ownership or to move livestock to a specific destination. If the livestock are diverted to a destination other than that stated on the self-inspection certificate, the certificate is void. The owner, agent, or operator shall complete a new certificate and send both the voided and new certificates to the Department within 10 days after the end of the month in which the certificates are issued or voided.
4. An owner, agent, or operator shall use a self-inspection certificate only with a shipment of livestock matching the description for which the certificate is issued and only for the self-inspection issued date. If any of the information on the self-inspection certificate changes, the certificate is void and the owner, agent, or operator shall complete a new certificate.



- 5. An altered, erased, completed but unused, or defaced self-inspection certificate is void. A voided certificate shall be returned to the Department within 10 days after the end of the month in which it is voided.
- 6. Upon request, unused certificates shall be returned to the Department by the owner, agent, or operator. If a commercial operation licensed for self-inspection is sold, leased, transferred, or otherwise disposed of, the owner, agent, or operator shall notify the Department and return all self-inspection certificates to the Department within 30 days of the transaction.
- D.** Sale of livestock. A seller shall document a sale by completing a self-inspection certificate as prescribed in subsection (C) and providing a bill of sale to the purchaser as required under A.R.S. § 3-1291.
- E.** Feedlot receiving form.
 - 1. The operator of a feedlot shall document receipt of in-coming cattle on a form obtained from the Department. The operator shall include the following information on the form:
 - a. Name of feedlot and location;
 - b. Month and year for which report is made;
 - c. Number of cattle received, date received, and name and address of owner;
 - d. Description of the cattle;
 - e. If not Arizona native cattle, the import permit and health certificate numbers;
 - f. If native Arizona cattle, self-inspection form number or Department inspection certificate number; and
 - g. Pen number to which cattle are initially assigned.
 - 2. The operator shall return the completed form within 10 days after the end of the month of the reporting period.
- F.** Quarantine. Livestock under quarantine by the Department shall not be shipped or sold by use of a self-inspection certificate.
- G.** Violations. The Department shall process violations of this Section as prescribed under A.R.S. § 3-1203(D).

R3-2-703. Seasonal Self-inspection Certificate

- A.** Exhibition cattle, sheep, ~~and~~ goats, ~~and~~ swine.
 - 1. An applicant for a seasonal self-inspection certificate prescribed under A.R.S. § 3-1346 shall call the Department at (602) 542-6407 to request a seasonal self-inspection certificate. The applicant shall provide the answers to the following questions, as applicable:
 - a. Name, mailing address, physical address if different from mailing address, telephone number, and fax;
 - b. Name of 4-H or FFA group, and group leader;
 - e. ~~social security number;~~
 - ~~d~~-c. Description and identification of the animal;
 - ~~e~~-d. Permit number and health certificate number for an animal imported from another state; and
 - ~~f~~-e. Name of seller and self-inspection certificate number for an animal purchased from an Arizona seller.
 - 2. The Department employee who records the information required in subsection (A)(1) shall advise the applicant of the required fee prescribed under A.R.S. § 3-1346(A). The Department shall issue a seasonal self-inspection certificate upon receipt of the fee.
 - 3. An exhibitor shall provide the following information, as applicable, on a seasonal self-inspection certificate whenever an animal subject to seasonal self-inspection is moved or ownership is transferred:
 - a. Name, address, telephone number, and signature;
 - b. Date of movement;
 - c. Name of exhibition and location;
 - d. Final disposition of the animal (sale, death, or retention) and date of occurrence; and
 - e. If the animal is sold, name of purchaser (person or slaughter plant).
 - 4. The holder of a seasonal self-inspection certificate shall return the certificate to the Department within two weeks of the sale or slaughter of the animal or at the end of the show season if the animal is retained.
- B.** ~~Exhibition swine. The requirements prescribed at R3-2-411 apply to exhibition swine.~~