

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 4. DEPARTMENT OF AGRICULTURE – PLANT SERVICES DIVISION

PREAMBLE

- 1. Sections Affected**

<u>Article 1, Table 1</u>	<u>Rulemaking Action</u>
R3-4-809	Amend
R3-4-810	Amend
R3-4-814	Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 3-107(A)(1), 3-445

Implementing statute: A.R.S. § 3-345
- 3. A list of all previous notices appearing in the Register addressing the adopted rule:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 492, February 1, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Sherry D. Blatner, Rules Specialist
Address:	Arizona Department of Agriculture 1688 West Adams, Room 235 Phoenix, AZ 85007
Telephone:	(602) 542-0962
Fax:	(602) 542-5420
E-mail:	sherry.blatner@agric.state.az.us
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking eliminates the use of standard sized containers for packing and shipping citrus fruit. It also results in the elimination of procedures related to experimental container permits. The Department currently has 23 approved standard citrus containers. The demand for size specifications and container construction is now driven by the wholesale and retail food industry, in the past the transportation industry established shipping requirements. Producers, packers, and shippers need to be able to quickly respond to the demands of the wholesale and retail food markets in order to maintain market share. This rulemaking is proposed by the supervisor of standardization with the Director's approval to accommodate changing industry needs by providing freedom of choice regarding container size and/or construction. Additionally, the rulemaking amends the standardization time-frames.

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6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material.

None

7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule 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:

A. The Arizona Department of Agriculture

The Department will incur modest expenses related to training staff and educating the regulated community on the amendments.

B. Political Subdivision

Other than the Department, no political subdivision is affected by this rulemaking.

C. Businesses Directly Affected By the Rulemaking

The citrus packers and shippers in Arizona have been permitted to use different size containers and returnable plastic containers (RPCs) under experimental container permits during the last three shipping seasons. The increased need to change container specifications has been driven by certain wholesale and retail customers.

The transportation industry is set up for hauling containers, standard or experimental, on their standard pallets used in shipping produce.

Some container manufacturing companies specialize in RPCs while others offer the full range of different sizes of fiberboard containers and also RPCs.

The intent of the rulemaking is not to eliminate fiberboard cartons, but to be able to utilize any size container or any container construction to meet the needs of the citrus industry.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sherry D. Blatner, Rules Specialist

Address: Arizona Department of Agriculture
1688 West Adams, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us

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

The Department of Agriculture will schedule a public hearing if a written request for a public hearing is made to the person in item #4.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE - PLANT SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

Section
Table 1. Time-frames (Calendar Days)

ARTICLE 8. CITRUS FRUIT STANDARDIZATION

Section
R3-4-809. ~~Standard and~~ Bulk Containers for Citrus Fruit
R3-4-810. Packaged Count and Average Diameter
R3-4-814. Experimental ~~Container~~, Pack, and Product Permits for Citrus Fruit

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ARTICLE 1. GENERAL PROVISIONS

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						
Cotton Boll Weevil Pest	A.R.S. § 3-201.01 R3-4-218	14	14	30	30	44
Citrus Fruit Surface Pest	A.R.S. § 3-201.01 R3-4-219	14	14	60	30	74
Citrus Nursery Stock Pests	A.R.S. § 3-201.01 R3-4-220	14	14	30	30	44
Lettuce Mosaic Pest	A.R.S. § 3-201.01 R3-4-233	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	A.R.S. § 3-201.01 R3-4-244 R3-4-245	14	14	30	30	44
Scale Insects Pests	A.R.S. § 3-201.01 R3-4-226	14	14	30	30	44
Plum Curculio Apple Maggot	A.R.S. § 3-201.01 R3-4-240	14	14	60	30	74
Colored Cotton	A.R.S. § 3-205.02 R3-4-501	14	0	0	0	14
NURSERY						
Ozonium Root Rot Inspection • Method of Growing • Indicator Crop Planted on Applicant's Property • Indicator Crop Planted in Sur- rounding Area	A.R.S. § 3-201.01 A.R.S. § 3-217 R3-4-303	7 7 7	14 14 14	30 4 yrs 5 yrs	14 14 14	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
Phytosanitary Field Inspection	A.R.S. § 3- 233(A)(7) R3-4-407	30	7	210	7	240
STANDARDIZATION						
Experimental Containers for Fruit and Vegetables	A.R.S. § 3-487 R3-4-740	7	0 <u>7</u>	2 <u>7</u>	0 <u>7</u>	9 <u>14</u>
Experimental Containers Pack and Product for Citrus Fruit	A.R.S. § 3-445 R3-4-814	7	0 <u>7</u>	2 <u>7</u>	0 <u>7</u>	9 <u>14</u>
Citrus Fruit Dealer, Packer or Shipper License	A.R.S. § 3-449	10 <u>14</u>	14	10 <u>14</u>	14	20 <u>28</u>

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License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Fruit and Vegetable Dealer, Packer or Shipper License	A.R.S. § 3-492	10 14	14	10 14	14	20 28
ARIZONA NATIVE PLANTS						
Notice of Intent Confirmation Notice of Intent	A.R.S. § 3-904 R3-4-602	7	14	7	14	14
• Qualifications for Salvage Assessed Native Plant Permits	A.R.S. § 3-906	5	14	5	14	10
• Salvage Restricted Native Plant Permits	R3-4-608	5	14	5	14	10
• Scientific Permits	R3-4-605	14	14	14	14	28
Movement Permits	A.R.S. § 3-906 R3-4-607	5	14	5	14	10
Qualifications for Annual Permits for Harvest-Restricted Native Plants	A.R.S. § 3-907 R3-4-608	5	14	5	14	10
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 8. CITRUS FRUIT STANDARDIZATION

R3-4-809. ~~Standard and Bulk Containers for Citrus Fruit~~

- ~~**A.** All citrus fruit packed in closed bags for sale to the consumer in their unbroken form shall have a net content of not more than 35 pounds.~~
- ~~**B.** All citrus fruit, when offered for sale, shall be in a closed container, unless bulk containers are used.~~
- ~~**C.** Standard and bulk containers for the packaging of citrus fruit shall conform to the following inside dimensions, in terms of inches.~~

Standard	Length	Width		Depth	
	9-13/16"	10-1/4"	FGS-12	5-1/8"	Tri-Pack 18#
	9-3/4"	8"	FGS-62	4-3/4"	1/4 Lemon Ctn. 10#
	10-1/4"	8-3/4"		5-Quad	
	11-3/8"	17-1/2"	FGS-677	4-1/4"	Single Layer
	13-1/4"	9"		5-1/4"	
	13-15/16"	9"	FGS-66	6"	Orange Consumer Ctn. 18#
	16-3/8"	10-11/16"	FGS-58	5-1/4"	Consumer 20# 1/2 Ctn.
					Family Pack
	16-3/8"	12-1/16"		5-1/2"	Family Pack
	16-3/8"	12-11/16"		5-1/2"	Consumer 20# 1/2 Ctn.
	16-3/8"	10-11/16"	FGS-11	7-1/2"	Tangerine 28#
	16-3/8"	10-11/16"	FGS-16	8-1/2"	Tangerine Tray 28#
	16-3/8"	10-11/16"	FGS-8	9-3/4"	Grapefruit
	16-3/8"	10-11/16"	FGS-7	10-1/4"	40#
	16-3/8"	10-11/16"	FGS-16	11-1/4"	Tangerine 28#
	16-7/8"	10-1/2"		10-1/8"	40#
	20-1/8"	12-1/4"	FGS-57	11"	Master Container
	20-1/4"	12-1/4"	FGS-56	11"	Master Container

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	20-1/4"	12-1/4"		12"	Master Container
	20-7/16"	12-7/16"	FGS 49	12-3/6"	Master Container
	21"	13-1/4"	FGS 44-46-47	13-1/2"	Master Container
	23-1/2"	13"		12-1/2"	40# Master Container
	23-1/2"	13"		14-1/2"	Master Container
Bulk	48"	38"		24", 36", 42"	

1. ~~To allow for reasonable manufacturing variation, a tolerance of plus or minus 1/8 inch for standard container and a tolerance of plus or minus 1/2 inch for a bulk container shall be permitted in each dimension.~~
2. ~~Citrus standard and bulk containers shall be of corrugated fiberboard construction with not more than a 1-inch gap between outer side flaps.~~
- D.** ~~Consumer containers are exempt from standard container requirements but shall meet the labeling requirements prescribed in R3-4-811 and the minimum quality requirements of each commodity.~~
- E.** ~~When a non-licensed person purchases bulk-variety citrus fruit from a licensed citrus dealer for the retail sale of fruit to the consumer, the non-licensed person shall possess a receipt or bill of lading for that lot. The citrus fruit shall meet the minimum quality requirements of each commodity and the lot shall not exceed 7,000 pounds.~~
- F.** ~~Applicants may apply to the Supervisor for temporary, written permission to make an experimental shipment of citrus fruit in a container having dimensions other than those of the standard or bulk containers now in effect as prescribed in R3-4-814.~~

R3-4-810. Packaged Count and Average Diameter

- A.** Oranges, grapefruit, and lemons, when packed or placed loose without packing in ~~standard~~ containers, shall be marked, by count, on the container and shall be ~~± one~~ of the numbers tabulated in Packing Chart 1, Column A. The average diameter marked on the container shall be the corresponding number tabulated in Packing Chart 1, Column B. The average diameter, in inches, of the oranges, grapefruit, or lemons in the container as determined by inspection of a representative sample shall not be less than the corresponding measurements tabulated in Packing Chart 1, Column B for each such fruit.
 1. Oranges, grapefruit, and lemons, when placed loose without packing in ~~authorized standard~~ containers, shall be placed in the containers so compactly that they will not readily move in the container. The container shall be level full of fruit and the count in the container shall be equal to the count marked with a permissible count not exceeding ~~8%~~ eight percent.
 2. The count of oranges, grapefruit, and lemons, when place packed in the ~~authorized standard~~ container, shall be equal to the count marked on the container with a permissible count not exceeding ~~5%~~ five percent.
 3. Oranges, grapefruit, and lemons may be packed in bulk containers. If bulk containers are used, no more than ~~± one~~ size designation shall be contained therein.
- B.** Limes, when packed or placed loose without packing in ~~standard~~ containers, shall be marked, by size, on the container and shall be ~~± one~~ of the numbers tabulated in Packing Chart 1, Column B. The average diameter, in inches, of the limes in the container, as determined by inspection of a representative sample, shall not be less than the corresponding measurements tabulated in Packing Chart 1, Column A for each such fruit. Limes shall be fairly uniform in size and shall be loosely packed in ~~closed standard~~ containers or in bulk containers. Every container shall be full of limes.

PACKING CHART 1

ORANGES		GRAPEFRUIT		LEMONS		LIMES	
Column A	Column B	Column A	Column B	Column A	Column B	Column A	Column B
Count	Av. Dia.	Count	Av. Dia.	Count	Av. Dia.	Range	Size
24	4.370	9	6.200	63	2.925	2-5/16" to 2-5/8"	110
32	3.970	12	5.640	75	2.775	2-5/32" to 2-5/16"	150
36	3.820	14	5.350	95	2.570	2-1/16" to 2-5/32"	175
40	3.680	16	5.120	115	2.410	1-29/32" to 2-1/16"	200
48	3.470	18	4.920	140	2.240	1-25/32" to 1-29/32"	250
56	3.300	23	4.540	165	2.130	1-21/32" to 1-25/32"	275
72	3.040	27	4.270	195	2.010	1- 9/16" to 1-21/32"	300
88	2.840	32	4.020	235	1.880		
113	2.600	36	3.880	285	1.770		
138	2.420	40	3.740	319	1.685		
163	2.290	48	3.530	343	1.640		
180	2.220	56	3.350				
210	2.070	64	3.170				
245	1.980	80	2.900				
270	1.920	88	2.840				

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- C. The diameter, in inches, of tangerines, tangelos, or mandarins in containers shall be marked with ~~± one~~ of the size designations tabulated in Column A of Packing Chart 2 and shall be between the measurements tabulated in corresponding lines of Column B and Column C; provided that the diameter, in inches, of not more than 10% ~~percent~~, by count, of the fruit in the container measures less than the corresponding measurement in Column B, and not more than the corresponding measurement in Column C.

PACKING CHART 2

COLUMN A	COLUMN B	COLUMN C
OMG	4.25+	
Ultra Colossal	3.75	4.25
Super Colossal	3.25	3.75
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

- D. Minneola tangelos may be packed, by count, using Packing Chart 2, or Packing Chart 3.

PACKING CHART 3

	COUNT	AVERAGE DIAMETER	PACK PATTERN	ROWS	LAYERS
OMG	36	4.25	4x4	3	3
OMG	40	4.00	3x2	4	4
Super Ultra Colossal	48	3.75	3x3	4	4
Super Ultra Colossal	48	3.75	4x4	3	4
Ultra Colossal	56	3.50	4x3	4	4
Super Colossal	64	3.375	4x4	4	4
Colossal	80	3.125	5x5	4	4
Mammoth	100	2.875	4x4	5	5
Jumbo	125	2.625	5x5	5	5
Large	150	2.375	6x6	5	5
Medium	180	2.125	5x5	6	6
Small	210	1.875	6x6	6	6

- E. If bulk containers are marked with the words “irregular sizes”, the tangerines, tangelos, or mandarins which fail to meet the size requirement shall comply with this Section.

R3-4-814. Experimental ~~Container~~, Pack, and Product Permits for Citrus Fruit

- A. Applicants for a permit for the use of ~~“experimental containers”, “experimental packs”, or “experimental products”~~, pursuant to A.R.S. § 3-445(B)(3), shall provide the following information on a form furnished by the Department:
1. The name, company name, address, and telephone number of the applicant;
 2. The name and description of the product packed in the container;
 3. The description of the arrangement of the product packed in the container; and
 - ~~4. The number of experimental containers to be used;~~
 - ~~5. The inside dimensions of the experimental container, expressed in inches;~~
 - ~~6. The time period for use of the experimental container, pack, or product.~~
- B. All experimental products shall conform to the standards prescribed in this Article.
- C. Upon completion of permit requirements, the supervisor may grant a permit which shall be valid for a period of ~~± one~~ year from the date of issuance.
- ~~D. Applicants shall maintain purchase and shipping documents and all records showing the number of containers used under the approved permit for a period of 2 years, including the year for which the application was approved.~~
- ~~E.D.~~ Applicants may request renewal of an experimental ~~container~~, pack, or product permit. No person shall be granted a permit for the same experimental ~~container~~, pack, or product for more than ~~3~~ three consecutive years, unless the rulemaking process to standardize the experimental ~~container~~, pack, or product has been initiated.

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Date: March 25, 2002
Time: 9:30 a.m.
Location: State Board of Education
1535 West Jefferson, Room 417
Phoenix, AZ 85007

Written comments may be submitted on or before 5:00 p.m. on March 20, 2002, to the contact person listed above.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 7. EDUCATION

CHAPTER 2. STATE BOARD OF EDUCATION

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

Section

R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School

ARTICLE 3. CURRICULUM REQUIREMENTS AND SPECIAL PROGRAMS

R7-2-302. Minimum Course of Study and Competency Requirements for Graduation from High School

The Board prescribes the minimum course of study and competency requirements as outlined in ~~paragraphs~~ subsections (1) and (2) and receipt of a passing score on the reading, mathematics and writing ~~portion~~ portions of the AIMS (Arizona's Instrument to Measure Standards) assessment for the graduation of pupils from high school or issuance of a high school diploma, effective for the graduation class of ~~2006 2002 and 2003; and receipt of a passing score on the reading, writing and mathematics portions of AIMS for the graduation class of 2004.~~

1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
3. No change
 - a. No change
 - i. No change
 - ii. No change
 - (1) No change
 - (2) No change
 - (3) No change
 - b. No change
 - i. No change
 - ii. No change
4. No change
 - a. No change
 - b. No change

- c. No change
 - d. No change
- 5. No change
 - a. No change
 - b. No change
 - c. No change
- 6. No change