

# NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

## NOTICE OF FINAL EXEMPT RULEMAKING

### TITLE 3. AGRICULTURE

#### CHAPTER 2. DEPARTMENT OF AGRICULTURE ANIMAL SERVICES DIVISION

*Editor's Note: The following Notice of Final Exempt Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3159.) The Governor's Office authorized the notice to proceed through the rulemaking process on June 19, 2013.*

[R13-161]

#### PREAMBLE

- 1. Articles, Parts, or Sections Affected (as applicable)**

	<u>Rulemaking Action</u>
R3-2-203	Amend
R3-2-701	Amend
R3-2-810	Amend
- 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:**

Authorizing statute: A.R.S. § 3-107(A)(1); Laws 2013, 1st Spec. Sess., Ch. 9, § 12.

Implementing statute: Laws 2013, 1st Spec. Sess., Ch. 9, § 12; A.R.S. § 3-607; A.R.S. § 3-619(A); A.R.S. § 3-1337; A.R.S. § 3-2003; A.R.S. § 3-2081.

Exemption: Laws 2013, 1st Spec. Sess., Ch. 9, § 12.
- 3. The effective date of the rule and the agency's reason it selected the effective date:**

September 14, 2013.

The effective date of the rule is based on the effective date of the law authorizing the rulemaking.
- 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:**

None
- 5. The agency's contact person who can answer questions about the rulemaking:**

Name:	Leatta McLaughlin, Associate Director
Address:	Department of Agriculture 1688 West Adams Phoenix, Arizona 85007
Telephone:	(602) 542-7186
Fax:	(602) 542-3244
E-mail:	lmclaughlin@azda.gov
- 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 An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**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 continues certain fees increased in fiscal years 2011 through 2013 for fiscal year 2014 for services provided in fiscal year 2014. See Notice of Exempt Rulemaking: 18 A.A.R. 2060, Aug. 24, 2012; 17 A.A.R. 1756, Sept. 2, 2011; and 16 A.A.R. 1331, July 23, 2010. The legislature appropriates general funds to the Department based on projected revenues from these fees, and then when these fees are collected, they will be returned to the general fund. In essence, the legislature advances the funds anticipated to be collected during the year from these fees with the expectation that the Department will return what is actually collected. By continuing these fee increases, the

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Department anticipates it will be able to collect an amount similar to that appropriated by the legislature for this purpose.

The service charge fee for livestock inspection under A.R.S. § 3-1337 will be ten dollars, which is the same fee charged for fiscal years 2009 through 2013.

The license to slaughter fees under A.R.S. § 3-2003 will continue to be \$250, \$300 and \$450. The fees for processing, pet food manufacturing, and meat transportation licenses will continue to be \$300, broker, jobber, and meat storage licenses will continue to be \$450, and distributor licenses will continue to be \$500. *See* A.R.S. § 3-2081.

Manufacturing milk processing plant and wholesale distributor licenses will continue to be \$100 and milk sampler licenses and renewals will continue to be \$50 and \$30 respectively. Distributing plant licenses will continue to cost \$300 plus \$2,500 for each of the facility's pasteurizers. Similarly, producer-distributor licenses for IMS (interstate milk shipper) listed facilities will continue to cost \$150 plus \$2,500 for each of the facility's pasteurizers. The license fee for non-IMS listed producer-distributors will continue to be \$150, the same rate as the prior four years. The Department performs quarterly inspections on pasteurizers, which is why it determined to base fees on the number of pasteurizers. *See* A.R.S. §§ 3-607 and 3-619.

The fee for a license to engage in the manufacture of dairy trade products will continue to be \$100, the amount set out in A.R.S. § 3-665(B). This fee is included in the rule only for completeness.

**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 2013, 1st Spec. Sess., Ch. 9, § 12 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for the purpose of establishing fees pursuant to those sections until July 1, 2014. 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 voted on June 20, 2013 in favor of continuing the fees set out in this rulemaking through FY2014.

**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:**

Rule 203 requires a license to conduct certain activities. Rule 701 does not require a permit, and rule 810 sets out fees for certain licenses but does not itself require or establish any permits or licenses. The Department does not use a general permit for rule 203 because that would increase the cost for licensees by requiring them to pay the licensing fee for activities that the licensees do not engage in. Additionally, any duplication of information provided by an applicant to obtain multiple licenses would be minimal.

**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

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**15. The full text of the rules follows:**

**TITLE 3. AGRICULTURE**

**CHAPTER 2. DEPARTMENT OF AGRICULTURE  
ANIMAL SERVICES DIVISION**

**ARTICLE 2. MEAT AND POULTRY INSPECTION**

Section  
R3-2-203. Licenses; Registration; Records

**ARTICLE 7. LIVESTOCK INSPECTION**

Section  
R3-2-701. Department Livestock Inspection

**ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL**

Section  
R3-2-810. License Fees

**ARTICLE 2. MEAT AND POULTRY INSPECTION**

**R3-2-203. Licenses; Registration; Records**

- A.** No change
  - 1. No change
    - a. No change
    - b. No change
      - i. No change
      - ii. No change
  - 2. No change
    - a. No change
    - b. No change
    - c. No change
    - d. No change
    - e. No change
    - f. No change
    - g. No change
- B.** No change
  - 1. No change
  - 2. No change
  - 3. No change
- C.** No change
- D.** During fiscal year ~~2013~~ 2014, the fee to obtain or renew a license to slaughter is:
  - 1. For not to exceed forty-five head of cattle, and not to exceed fifty-five head of sheep, goats or swine in one calendar year, two hundred fifty dollars.
  - 2. For more than forty-five and not to exceed one hundred fifty head of cattle and more than forty-five and not to exceed one hundred sixty head of sheep, goats or swine in one calendar year, three hundred dollars.
  - 3. For more than one hundred fifty head of cattle and more than one hundred sixty head of sheep, goats or swine in any one calendar year, four hundred fifty dollars.
- E.** During fiscal year ~~2013~~ 2014, the fee to obtain or renew a meat license is:
  - 1. For a broker, four hundred fifty dollars.
  - 2. For exempt processing, three hundred dollars.
  - 3. For a distributor, five hundred dollars.
  - 4. For a jobber, four hundred fifty dollars.
  - 5. For a pet food manufacturer, three hundred dollars.
  - 6. For a processor, three hundred dollars.
  - 7. For meat storage, four hundred fifty dollars.
  - 8. For transportation, three hundred dollars.

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ARTICLE 7. LIVESTOCK INSPECTION

R3-2-701. Department Livestock Inspection

- A. No change
  - 1. No change
  - 2. No change
  - 3. No change
- B. No change
- C. No change
- D. During fiscal year ~~2013~~ 2014, livestock officers and inspectors shall collect from the person in charge of cattle, dairy cattle, or sheep inspected a service charge of ten dollars plus the per head inspection fee set out in A.R.S. § 3-1337 for making inspections for the transfer of ownership, sale, slaughter or transportation of the animals.

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

R3-2-810. License Fees

During fiscal year ~~2013~~ 2014, an applicant shall pay the following fee to obtain or renew a dairy license:

- 1. For a license to operate a milk distributing plant or business, three hundred dollars plus two thousand five hundred dollars per pasteurizer.
- 2. For a license to operate a manufacturing milk processing plant, one hundred dollars.
- 3. For a license to engage in the business of producer-distributor as an interstate milk shipper listed facility, one hundred fifty dollars plus two thousand five hundred dollars per pasteurizer.
- 4. For a license to engage in the business of producer-distributor, one hundred fifty dollars.
- 5. For a license to engage in the business of producer-manufacturer, twenty five dollars.
- 6. For a license to engage in the manufacture of trade products, one hundred dollars.
- 7. For a license to engage in the business of selling at wholesale milk or dairy products, or both, one hundred dollars.
- 8. For a license to sample milk or cream, an initial fee of fifty dollars and a renewal fee of thirty dollars.

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TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE  
ENVIRONMENTAL SERVICES DIVISION

*Editor's Note: The following Notice of Final Exempt Rulemaking was reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3159.) The Governor's Office authorized the notice to proceed through the rulemaking process on September 16, 2013.*

[R13-164]

PREAMBLE

- | <u>1. Articles, Parts, or Sections Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|---|--------------------------|
| R3-3-101  | Amend                    |
| Table 1   | Amend                    |
| R3-3-201  | Amend                    |
| R3-3-202  | Amend                    |
| R3-3-208  | Amend                    |
| R3-3-305  | Amend                    |
| R3-3-401  | Amend                    |
| R3-3-402  | Amend                    |
| R3-3-502  | Amend                    |
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statutes (general) and the implementing statutes (specific), and the statute or session law authorizing the exemption:
    - Authorizing statute(s): A.R.S. §§ 3-107 and 3-363 (as amended by Laws 2013, Ch. 64)
    - Implementing statute(s): A.R.S. § 3-363 (as amended by Laws 2013, Ch. 64)
    - Statute or session law authorizing the exemption: Laws 2013, Ch. 125, § 37.
  - 3. The effective date of the rules and the agency's reason it selected the effective date:

These rules are effective September 16, 2013, the day the Department received authorization from the Governor's Office to proceed with rulemaking. Laws 2013, Ch. 64 and Laws 2013, Ch. 125 went into effect September 13, 2013. Laws 2013, Ch. 125 makes substantial revisions to the Office of Pest Management's statutes and removes regulation

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of not-for-hire pest control applications on golf courses from the Office of Pest Management. Due to A.R.S. § 3-363(8), removing this authority from the Office of Pest Management automatically put that authority under the Arizona Department of Agriculture. In addition, Laws 2013, Ch. 64 grants the Department of Agriculture authority to charge fees related to licenses and certificates for not-for-hire pesticide applications on golf courses. The Department of Agriculture has chosen to make this rulemaking effective immediately to avoid a period of unregulated pesticide use on golf courses that would otherwise be caused now that the Office of Pest Management rules no longer pertain to not-for-hire pesticide use on golf courses.

**4. A list of all previous notices appearing in the Register addressing the exempt rules:**

Notice of Rulemaking Docket Opening: 19 A.A.R. 3130, October 11, 2013 (*in this issue*)

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jack Peterson  
Address: 1688 W. Adams  
Phoenix, AZ 85007  
Telephone: (602) 542-3575  
E-mail: jpeterson@azda.gov

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

Laws 2011, Ch. 20, § 6 required the Director of the Arizona Department of Agriculture to appoint a nine member task force to study the regulation of structural pest management in Arizona, specifically as it related to the following four items: (1) a review of all laws and regulations governing structural pest management in this state, (2) a review of possible organizational configurations within ADA for structural pest management regulation, (3) a review of personnel and funding issues relating to the administration of structural pest management regulation within ADA and (4) statutory changes necessary to accomplish the future structural pest management program. Between August 2011 and October 2012, the Task Force and its subcommittees held over eighteen public meetings to review the laws and regulations governing structural pest management and to develop proposed statutes and rules. The Task Force developed the proposed statutes and rules on parallel paths to help ensure appropriate regulatory oversight.

As the Task Force reviewed the current statutes and rules, they particularly focused on developing a fair regulatory package that would be less burdensome on the regulated industry while continuing to provide protections for the public. One of the Task Force's recommendations was to shift regulation of pesticide applications by golf courses from OPM to ADA. As part of that recommendation, the Task Force approved of specific changes to A.R.S. § 3-363 and ADA's rules that would be applicable to golf course regulation.

The Task Force submitted its recommendations for changing the OPM and ADA statutes and rules to the Governor, the President of the Senate, and the Speaker of the House in November 2012. Although the Task Force knew that the Legislature was only responsible for changing statutes, it wanted to make the Legislature aware of its recommended rule changes as well so that the Legislature would be aware of the overall effect of the recommended statutory changes. The Task Force's recommendations on statutory changes became SB1290 (2013) (OPM statutes) and SB1143 (2013) (ADA statutes), albeit with a few changes made by the Legislature. Both bills passed and were signed into law. *See* Laws 2013, Ch. 125 and Laws 2013, Ch. 64.

This rulemaking adopts in substantial part the changes to the ADA rules recommended by the Task Force, as submitted to the Governor, President of the Senate, and Speaker of the House in November 2012.

This rulemaking also includes the following additional changes. The rulemaking amends the definition of "applicator" to include a reference to golf courses instead of just agricultural establishments. The rulemaking adds a time frame for handling golf applicator applications, which is equivalent to the time frame for commercial applicators and private applicators. The rulemaking also amends the examination requirement for golf applicators recommended by the Task Force in order to make the examination requirement consistent with federal law. Under federal law, any golf applicator (as defined in this rulemaking) using restricted use pesticides must pass a category specific examination in addition to the core exam. *See* 40 CFR 171.4. The Task Force recommendation only included a requirement to take the core exam. Therefore, rule 208 will now provide that a golf applicator who uses restricted use pesticides on ornamental and turf areas of a golf course needs to pass an ornamental and turf examination in addition to the core exam. *See* rule 208(F)(3)(c). This will be known as golf restricted use pesticide certification. *See* rule 208(E). Golf applicators who do not use restricted use pesticides will only need to pass the core exam. The references in rule 208 to private applicator fumigation certification are being rephrased to more accurately reflect that fumigation certification can be obtained by private applicators, golf applicators, and commercial applicators. Similarly, the references in rule 208 to aquatic certification for golf applicators are being rephrased to golf aquatic certification. The reference to "certified applicator" in rule 502(F)(2) and (G)(3) is also being rephrased so that these provisions will not include golf applicators who are not restricted use pesticide certified as a type of applicator allowed to apply restricted use pesticides. Finally, the rulemaking updates all references to the Office of Pest Management instead of the former Structural Pest Control Commission.

**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**

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**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 preliminary summary of the economic, small business, and consumer impact:**

This rulemaking is exempt from the requirement to prepare an economic, small business and consumer impact statement.

**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:**

The nine-member Task Force itself consisted of eight stakeholders. As noted in item #6 above, this rulemaking adopts in substantial part the rules recommended by the Task Force, as submitted to the Governor, President of the Senate, and Speaker of the House in November 2012.

Between August 2011 and October 2012, the Task Force and its subcommittees held over eighteen public meetings to review the laws and regulations governing structural pest management and to develop proposed statutes and rules. In the initial meetings, the Task Force focused on core issues. These issues included topics such as criminal background checks, renewal periods, inactive license status, qualifying parties (need for, responsibilities, qualifications), and termite action report forms (TARFs). In later meetings, the Task Force had proposed rule revisions in front of them for consideration and for public comment. The proposed rule revisions were a work-in-progress and were updated for each subsequent Task Force meeting. ADA notes that some commenters repeated their same comments in multiple meetings, so the repeated reference to a concern does not necessarily mean that several people shared that opinion. By the time the proposed rules were approved by the Task Force on October 17, 2012, the Task Force had reached a consensus on the proposed changes, even though there was not universal agreement on all issues from other stakeholders. ADA understands that all the changes will not please every person, but ADA recognizes that the Task Force was formed specifically by the Legislature with a purpose of reviewing all regulations governing structural pest management in this state. Accordingly, ADA favors the final Task Force recommendations over contrary stakeholder comments.

February 15, 2012 Task Force meeting

During the Task Force's February 15, 2012 meeting, the Task Force received these general comments that relate in part to ADA's rules. One commenter stated that golf course pesticide application, chemicals, and equipment are very similar if not the same as agricultural pest control and that golf courses should be more in line with ADA. The commenter also stated that golf courses do not fall under the worker protection standards except to the extent there is an onsite nursery. The commenter also stated that other states regulate golf courses under their Department of Agriculture.

March 14, 2012 Task Force meeting

During the Task Force's March 14, 2012 meeting, the Task Force received these general comments that relate in part to ADA's rules. One commenter stated that golf courses want to be under ADA instead of OPM. Another commenter said there is not enough of a buffer between golf courses and homes to remove them from OPM. Another commenter said that all pesticide applicators should have to follow the same rules.

May 15, 2012 Task Force meeting

During the Task Force's May 15, 2012 meeting, the Task Force received these general comments that relate in part to ADA's rules. One commenter suggested a subcommittee to discuss moving golf courses and talking to golf course associations regarding the change.

June 13, 2012 Task Force meeting

During the Task Force's June 13, 2012 meeting, the Task Force received these general comments that relate in part to ADA's rules. One commenter stated golf superintendents across the state strongly believe golf courses belong under ADA. The commenter also stated that two other states that the commenter had been involved in were under the Department of Agriculture and were not required to have a business license or qualifying party.

June 18, 2012 Task Force golf course subcommittee meeting

During the Task Force's June 18, 2012 golf course subcommittee meeting, the Task Force received these general comments that relate in part to ADA's rules. One commenter stated that all associations he represented were in favor of moving golf courses to ADA and asked whether a one-time rulemaking exemption would be needed.

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June 26, 2012 Task Force golf course subcommittee meeting

During the Task Force's June 26, 2012 golf course subcommittee meeting, the Task Force received these general comments that relate in part to ADA's rules. One commenter asked if it was necessary for the golf industry to have its own applicator category, whether there was a way to request an increase in ADA funding due to the need to conduct more inspections, recommended that the statutory fee limit be raised, stated it would be best to avoid a 2/3<sup>rd</sup> vote requirement at the Legislature, and stated that the definition of golf applicator should use the word control to cover golf courses whether self-run or run by a management company. ADA responds that a separate golf applicator category is necessary because the issues facing golf applicators are not identical to the issues facing agricultural applicators and also non-restricted use pesticides are not covered by the agricultural applicator categories, but will be for golf applicators. In addition, the final Task Force recommendation and this rulemaking include the word control in the definition of golf applicator. The other comments do not pertain to rulemaking.

Another commenter stated a new fee may generate a 2/3<sup>rd</sup> vote requirement at the Legislature, but that only shifting the fee from OPM to ADA would not create a new fee. The same commenter also said that the fee authority could be in rule and avoid a 2/3<sup>rd</sup> vote requirement at the Legislature. The same commenter also said that if individuals are treating water they may need an Arizona Pollutant Discharge Elimination System permit. The same commenter also recommended broadening the definition of golf applicator to say control or manage to cover golf courses whether self-run or run by a management company. ADA responds that the Legislature did put the fee making authority within rule and the final Task Force recommendation and this rulemaking include the word control in the definition of golf applicator.

July 18, 2012 Task Force meeting

During the Task Force's July 18, 2012 meeting, the Task Force received these general comments that relate in part to ADA's rules. One commenter referred to some effects of moving golf courses to ADA: loss of OPM revenue and loss of work for pest management companies that provide services to golf courses. One commenter stated that if golf courses move to ADA, then pesticide applications to a pond will require an Arizona Pollutant Discharge Elimination System permit. One commenter was not in favor of special treatment for golf courses, in particular with respect to dropping the qualifying party requirement.

The final Task Force recommendation was that regulation of pesticide use by golf courses themselves be moved to ADA. The Legislature revised ADA's and OPM's statutes to make this happen. Accordingly, the comments about whether golf courses should be moved under ADA or not are now moot.

**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:**

Pursuant to A.R.S. § 3-104(F), the Department discussed this rulemaking with the ADA Advisory Council on June 20, 2013, and the Council voted in favor of the rulemaking.

**a. Whether the rules require a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Rules 201 and 208 require a permit. Rule 201 uses a general permit. Rule 208 requires pesticide applicators to obtain certification. A general permit (i.e. certification) is not used in rule 208 because the issuance of a general permit would result in additional regulatory requirements being placed on the applicant. Every person who desires applicator certification must pass a core exam. A person who desires commercial applicator certification must additionally pass a category specific exam, such as agricultural pest control or seed treatment. "For example, practical knowledge of drift problems should be required of agricultural applicators but not of seed treatment applicators. The latter, however, should be particularly knowledgeable of the hazards of the misuse of treated seed and the necessary precautionary techniques." 40 CFR 171.4(c). There are eight categories of commercial certification plus a separate category for private fumigation certification. Under a general permit, an applicant would have to pass the core exam and all nine category specific tests (*see* 40 CFR 171.4 (requiring category specific exams)) whereas now private applicator certification does not require passing any category specific test and commercial applicator certification can be issued by passing one category specific exam.

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

Certification of applicators who use restricted use pesticides, which rules 202 and 208 relate to in part, is subject to 40 CFR 171, particularly 40 CFR 171.4 and 171.5. A State may certify applicators of restricted use pesticides by obtaining approval from EPA of a State plan for that purpose. *See* 40 CFR 171.7. The standards of certification in the State plan must "conform and be at least equal to those prescribed" in 40 CFR 171.4(a) and 171.5(a). *See also* 40 CFR 171.7(e)(1)(i)(C) and (e)(1)(ii)(B). For commercial applicators, that means passing a written core examination and written category and subcategory specific examinations; this is what rules 202 and 208 require. For private applicators, that means demonstrating competency in the certification standards by a method adopted by the State, which could be by written exam, oral exam, or another approved method. Arizona's approved State plan calls for demonstrating competency by written exam, and that is what rules 202 and 208 require. State plans must also include "provisions to ensure that certified applicators continue to meet the requirements of changing technology and to assure a continuing level of competency and ability to use pesticides safely and properly." 40 CFR 171.8(a)(2). The continuing education requirements in rule 208 serve this purpose.

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See also A.R.S. § 3-363(5) (specifically authorizing the Department to adopt continuing education requirements). Accordingly, the Department believes rules 202 and 208 are not more stringent than a corresponding federal law.

Recordkeeping by private applicators under rule 402 is subject to 7 CFR 110.3. Under 7 CFR 110.3(h), States can place recordkeeping requirements on private applicators that are comparable to the State's recordkeeping requirements for commercial applicators. Rule 402 falls into this category. Compare A.A.C. R3-3-302 and R3-3-404(A). Accordingly, rule 402 is not more stringent than federal law.

There is not a corresponding federal law for the other rules in this rulemaking.

**c. Whether a person submitted an analysis to the agency that compares the impact of the rules on 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 rules:**

None

**14. Whether the rules were previously made, amended, repealed or renumbered as emergency rules. 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 3. DEPARTMENT OF AGRICULTURE  
ENVIRONMENTAL SERVICES DIVISION**

**ARTICLE 1. GENERAL PROVISIONS**

Section  
R3-3-101. Definitions  
Table 1. Time-frames (Calendar Days)

**ARTICLE 2. PERMITS, LICENSES, AND CERTIFICATION**

Section  
R3-3-201. Regulated Grower Permit; Fee  
R3-3-202. Core Examination  
R3-3-208. Applicator Certification; Examination; Fee; Renewal

**ARTICLE 3. PESTICIDE USE, SALES, AND EQUIPMENT**

Section  
R3-3-305. Pesticide Sales

**ARTICLE 4. RECORDKEEPING AND REPORTING**

Section  
R3-3-401. Pesticide Seller Records  
R3-3-402. Private Applicator Records; Restricted Use Pesticide

**ARTICLE 5. NONEXCLUSIVE LISTS OF SERIOUS, NONSERIOUS, AND DE MINIMIS VIOLATIONS**

Section  
R3-3-502. Nonserious Violations

**ARTICLE 1. GENERAL PROVISIONS**

**R3-3-101. Definitions**

In addition to the definitions in A.R.S. §§ 3-341 and 3-361, the following terms apply to Articles 1 through 5 of this Chapter:

“Acute toxicity” means adverse physiological effects that result from a single dose or single exposure to a chemical; or any poisonous effect produced by a single dose or single exposure to a chemical within a short period of time, usually less than 96 hours.

“Adulterate” means to change a pesticide so that:

Its strength or purity falls below the standard of quality stated on the labeling under which it is sold,

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Any substance has been substituted wholly or in part for the pesticide, or

Any constituent of the pesticide has been wholly or in part abstracted.

“Agricultural aircraft pilot” means any individual licensed by the Department who pilots an agricultural aircraft to apply a pesticide.

“Agricultural commodity” means any plant, animal, plant product, or animal product produced for commercial or research purposes.

“Agricultural establishment” means any farm, forest, nursery, or greenhouse.

“Agricultural purpose” means use of a pesticide on an agricultural commodity. It excludes the sale or use of pesticides, in properly labeled packages or containers, for either of the following:

Home use, or

Use in swimming pools or spas.

“Aircraft” means any mechanism used in flight, excluding a remote-controlled mechanism.

“ALJ” means an individual or the Director who sits as an administrative law judge, who conducts administrative hearings in a contested case or an appealable agency action, and who makes decisions regarding the contested case or appealable agency action. A.R.S. § 41-1092(1)

“Animal” means all vertebrate and invertebrate species, including, but not limited to, humans and other mammals, birds, fish and shellfish. A.R.S. § 3-341(3)

“Application site” means the specific location, crop, object, or field to which a pesticide is or is intended to be applied.

“Applicator” means any individual who applies, or causes to have applied, any pesticide on an agricultural establishment or golf course.

“Authorized activities” means, for compliance with A.R.S. § 3-365(D), any organized activities scheduled at a school or child care facility that use the school or child care facility or the school or child care grounds and for which the sponsors or organizers of the activity have received the written approval of a responsible administrative official of the school or child care facility.

“Buffer zone” means an area of land that allows pesticide deposition and residues to decline to a level that poses a reasonable certainty of no harm to a defined area.

“Bulk release” means the release of any pesticide or mixture of pesticides that poses a potential risk to property, human health, or the environment in volumes greater than those prescribed by the pesticide label for the application site. A pesticide dripping from a spray nozzle or minor splashing during mixing is not a bulk release.

“Certified applicator” means any individual who is certified by the Department to use or supervise the use of any restricted use pesticide or to use any pesticide on a golf course.

“CEU” means continuing education unit.

“Child care facility” means any facility in which child care is regularly provided for compensation for five or more children not related to the proprietor and is licensed as a child care facility by the Arizona Department of Health Services. A.R.S. § 36-881(3). Child care facilities are commonly known as day care centers.

“Commercial applicator” means a certified applicator (whether or not the applicator is a private applicator with respect to some uses) who uses or supervises the use of a restricted use pesticide for any purpose or on any property other than property owned or controlled by:

The applicator;

The applicator's employer; or

Another person, if the application is performed without compensation, other than trading of personal services between producers of agricultural commodities.

“Contamination” means a concentration of pesticide sufficient to violate state or federal water, soil, food, feed, or air contamination standards, except if legally applied.

“Continued pesticide application” means the continuance of an interrupted application of the same pesticide to the same application site within the same section, township, and range within the same reporting period.

“Custom application equipment” means aircraft, remote-controlled equipment, and ground equipment used for pesticide application by a custom applicator.

“Custom applicator” means any person, except a person regulated by the SPCC OPM, who applies pesticides for hire or by aircraft.

“Defoliation” means killing or artificially accelerating the drying of plant tissue with or without causing abscission.

“Device” means any instrument or contrivance that is intended to be used for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than a human being and a bacterium, virus, or other microorganism on or in a living human being or other living animal. Device does not include firearms, mechanical traps, or equipment used for the application of pesticides if the application equipment is sold separately.

“Diluent” means any substance added to a pesticide before application to reduce the concentration of the active ingredient in the mixture.

“Direct release” means to apply a pesticide outside the boundaries of an application site, at the time of application, while the valve controlling the normal flow of pesticide from the application device is in the open position and the application

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device is not within the confines of the application site. Direct release does not mean the drift or discharge of a pesticide caused by a mechanical malfunction of the application device that is beyond the control of the operator. Direct release does not mean a release caused by accident, or done to avoid an accident that would have resulted in greater harm than that caused by the pesticide release.

“Disposal” means discarding a pesticide or pesticide container that results in the deposit, dumping, burning, or placing of the container or unused pesticide on land or into the air or water.

“Drift” means the physical movement of pesticide through the air at the time of a pesticide application from the application site to any area outside the boundaries of the application site. Drift does not include movement of a pesticide or associated degradation compounds to any area outside the boundaries of an application site if the movement is caused by erosion, run off, migration, volatility, or windblown soil particles that occur after application, unless specifically addressed on the pesticide label with respect to drift control requirements.

“EPA” means the United States Environmental Protection Agency.

“Experimental use permit” means a permit issued by the EPA, or the Department pursuant to A.R.S. § 3-350.01, to a person for the purpose of experimentation, which includes the accumulation of information necessary for the registration of a pesticide.

“Exposure” means the inhalation or ingestion of a pesticide, or eye or skin contact with a pesticide.

“Family member” means spouse, child, sibling, parent, grandparent, grandchild, stepparent, or stepchild.

“FFDCA” means the Federal Food, Drug and Cosmetic Act, as amended.

“FIFRA” means the Federal Insecticide, Fungicide and Rodenticide Act, as amended, 7 U.S.C. § 136 et seq.

“Fumigant” means a substance or mixture of substances that produces gas vapor or smoke intended to control a pest in stored agricultural commodities or to control burrowing rodents.

“Golf applicator” means a certified applicator who uses a pesticide for the maintenance of a golf course that is owned or controlled by the applicator or the applicator’s employer.

“Health care institution” means any institution that provides medical services, nursing services, health screening services, and other health-related services, and is licensed by the Arizona Department of Health Services.

“Highly toxic pesticide” means a pesticide with an acute oral LD<sub>50</sub> of 50 milligrams per kilogram of body weight or less, dermal LD<sub>50</sub> of 200 milligrams per kilogram of body weight or less, or inhalation LD<sub>50</sub> of 0.2 milligrams per liter of air or less, and the label bears the signal words “danger” and “poison” and shows a skull and crossbones.

“Individual” means a human being.

“Insect” means any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insects, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, and flies, and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice. A.R.S. § 3-341(14)

“Integrated Pest Management” or “IPM” means a sustainable approach to managing pests that uses any combination of biological, chemical, cultural, genetic, manual, or mechanical tools or techniques in a way that minimizes health, environmental, and economic risks.

“Label” means the written, printed or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if there is any, of the pesticide or device. A.R.S. § 3-341(15)

“Labeling” means all labels and other written, printed or graphic matter:

(a) Upon the pesticide or device or any of its containers or wrappers.

(b) Accompanying the pesticide or device at any time.

(c) To which reference is made on the label or in literature accompanying the pesticide or device, except when accurate, non-misleading reference is made to current official publications of the United States departments of agriculture or interior, the United States public health service, state experiment stations, state agricultural colleges or other similar federal institutions or official agencies of the state or other states authorized by law to conduct research in the field of pesticides. A.R.S. § 3-341(16).

“LD<sub>50</sub>” means a single dose of pesticide that will kill at least 50 percent of laboratory test animals as determined by an EPA- approved procedure.

“Livestock” means clovenhoofed animals, horses, mules, or asses.

“OPM” means the Office of Pest Management.

“PCA” or “agricultural pest control advisor” means any individual licensed by the Department who, as a requirement of, or incidental to, the individual's employment or occupation:

Offers a written recommendation to a regulated grower or to any public or private agency concerning the control of any agricultural pest,

Claims to be an authority or general advisor on any agricultural pest or pest condition, or

Claims to be an authority or general advisor to a regulated grower on any agricultural pest.

“Person” means any individual, partnership, association, corporation or organized group of persons whether incorporated or not. A.R.S. § 3-341(19)

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“Pest” means:

- a- Any weed, insect, vertebrate pest, nematode, fungus, virus, bacteria or other pathogenic organisms.
- b- Any other form of terrestrial or aquatic plant or animal life, except virus, bacteria or other microorganism on or in living humans or other living animals, which the director declares to be a pest for the purpose of enforcement of this Article. A.R.S. § 3-341(20)

“Pesticide” means any substance or mixture of substances intended to be used for defoliating plants or for preventing, destroying, repelling or mitigating insects, fungi, bacteria, weeds, rodents, predatory animals or any form of plant or animal life which is, or which the director may declare to be, a pest which may infest or be detrimental to vegetation, humans, animals or households or which may be present in any environment. A.R.S. § 3-361(6)

“Pesticide container” means any container with an interior surface that is in direct contact with a pesticide.

“Pesticide use” means the sale, processing, storing, transporting, handling or applying of a pesticide and disposal of pesticide containers. A.R.S. § 3-361(7)

“Private applicator” means a certified applicator who uses or supervises the use of a restricted use pesticide for producing an agricultural commodity on property owned or controlled by:

The applicator;

The applicator's employer; or

Another person, if the pesticide is applied without compensation, other than trading of personal services between producers of agricultural commodities.

“Property boundary” means the legal boundary of the land on which a child care facility, health care institution, residence, or school sits, unless another boundary is established by a written agreement with the owner of the child care facility, health care institution, residence, or school. Under a written agreement, the parties shall not establish a boundary that is less than ten feet from the child care facility, health care institution, residence, or school.

“Ready-to-use” means a registered pesticide, in the manufacturer's original container, that does not require dilution by the end user.

“Regulated grower” means a person who acquires or purchases pesticides or contracts for the application of pesticides to agricultural ~~commodities or commodities~~, onto an agricultural establishment, or onto a golf course as a part of the person's normal course of employment or activity as an owner, lessee, sub lessee, sharecropper, or manager of the land to which the pesticide is applied.

“Reporting period” means no later than the Thursday following the calendar week in which an application is completed.

“Residence” means a dwelling place where one or more individuals are living.

“Responsible individual” means an individual at a seller's location who has passed the core examination prescribed in R3-3-202 and is designated by the seller under R3-3-203.

“Restricted use pesticide” means a pesticide classified as such by the EPA. A.R.S. § 3-361(8).

“School” means a public institution established for the purposes of offering instruction to pupils in programs for preschool children with disabilities, kindergarten programs or any combination of grades one through twelve. A.R.S. § 15-101(19). School includes a private institution with membership in the North Central Association of Colleges and Schools serving students in kindergarten programs or any combination of grades one through twelve.

“Seller” means any person selling or offering for sale a restricted use pesticide or other type of pesticide intended to be used for an agricultural purpose.

“Service container” means a container used to temporarily hold, store, or transport a pesticide concentrate or a registered, ready-to-use pesticide other than the original labeled container, measuring device, or application device.

“Small scale test” means a test using a pesticide on land or water acreage as described at 40 CFR 172.3(c)(1) or (2).

~~“SPCC” means the Arizona Structural Pest Control Commission.~~

“Spot application” means a treatment in an area other than a greenhouse or nursery operation that is restricted to an area of a field that is less than the entire field.

“Tag” means a custom application equipment license issued by the Department to a custom applicator licensee.

“Triple rinse” means to flush out a container at least three times, each time using a volume of water, or other diluent as specified on the label, equal to a minimum of 10 percent of the container's capacity or a procedure allowed by the label that produces equivalent or better results.

“Unreasonable adverse effect” means any unreasonable risk to a human being or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or a human dietary risk from residues that result from a use of a pesticide in or on any food as documented by the Department through its investigation.

“Weed” means any plant which grows where not wanted. A.R.S. § 3-341(24)

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**Table 1. Time-frames (Calendar Days)**

<b>License</b>	<b>Authority</b>	<b>Administrative Completeness Review</b>	<b>Response to Completion Request</b>	<b>Substantive Completeness Review</b>	<b>Response to Additional Information</b>	<b>Overall Time-frame</b>
Regulated Grower Permit	A.R.S. § 3-363	14	14	56	14	70
Seller Permit	A.R.S. § 3-363	14	14	56	14	70
Agricultural Aircraft Pilot License	A.R.S. § 3-363	14	14	56	14	70
Custom Applicator License	A.R.S. § 3-363	14	14	63	14	77
Application Equipment Tag	A.R.S. § 3-363	14	14	56	14	70
Agricultural Pest Control Advisor (PCA) License	A.R.S. § 3-363	14	14	63	14	77
Commercial Applicator Certification (PUC)	A.R.S. § 3-363	14	14	63	14	77
Private Applicator Certification (PUP)	A.R.S. § 3-363	14	14	63	14	77
Private Fumigation Certification	A.R.S. § 3-363	14	14	63	14	77
Golf Applicator Certification (PUG)	A.R.S. § 3-363	14	14	63	14	77
Experimental Use Permit	A.R.S. § 3-350.01	14	14	28	14	42
Pesticide Registration	A.R.S. § 3-351	14	14	91	14	105
License to Manufacture or Distribute Commercial Feed	A.R.S. § 3-2609	14	14	42	14	56
Commercial Fertilizer License	A.R.S. § 3-272	14	14	42	14	56
Specialty Fertilizer Registration		14	14	56	14	70
Agricultural Safety Trainer Certification	A.R.S. § 3-3125	28	14	28	14	56
<b>ARIZONA NATIVE PLANTS</b>						
Notice of Intent Confirmation Notice of Intent	A.R.S. § 3-904	14	14	14	14	28
• Salvage Assessed Native Plant Permits	A.R.S. § 3-906	14	14	14	14	28
• Salvage Restricted Native Plant Permits		14	14	14	14	28
• Scientific Permits		14	14	14	14	28
Movement Permits	A.R.S. § 3-906	14	14	14	14	28
Annual Permits for Harvest-Restricted Native Plants	A.R.S. § 3-907	14	14	14	14	28

**ARTICLE 2. PERMITS, LICENSES, AND CERTIFICATION**

**R3-3-201. Regulated Grower Permit; Fee**

- A.** A regulated grower shall not order, purchase, take delivery of, use, or recommend the use of any pesticide for an agricultural purpose or a golf course without a valid regulated grower permit, issued by the Department.
- B.** A person applying for a regulated grower permit, initial or renewal, shall provide the following information on a form obtained from the Department:
  - 1. Name, signature, and social security or employer's identification number of the applicant;
  - 2. Date of the permit application;
  - 3. Name, address, e-mail address, if applicable, and daytime telephone number of the company or farm where the applicant may be reached;
  - 4. Permit renewal period; and
  - 5. Sections, townships, ranges, and acres of the land where pesticides may be applied.
- C.** The applicant shall submit the completed application to the Department accompanied by a \$20 fee for each year or portion

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of the year during which the permit is valid.

- D. A regulated grower permit is not transferable, expires on December 31, and is valid for one or two years depending on the renewal period selected by the applicant.

**R3-3-202. Core Examination**

- A. In addition to other requirements prescribed by this Article, an individual seeking any of the following shall obtain a score of at least 75 percent on a written core examination administered by the Department:
1. Designation as a responsible individual;
  2. An initial license as:
    - a. An agricultural aircraft pilot;
    - b. A custom applicator;
    - c. An agricultural pest control advisor; or
  3. An initial certification as:
    - a. A private applicator; ~~or~~
    - b. A commercial applicator; ~~applicator; or~~
    - c. A golf applicator.
- B. The Department shall administer examinations by appointment at every Environmental Services Division office. The Department shall ensure that the examination tests the knowledge and understanding of the following subjects that are described in more detail at Appendix A, subsections (A) and (C):
1. Pesticide use, safety, and toxicity;
  2. Pesticide labels and labeling;
  3. Pesticide terminology;
  4. Common causes of accidents;
  5. Necessity for protective equipment;
  6. Poisoning symptoms;
  7. Practical first aid; and
  8. Statutes and rules relating to the sale, application, and use of pesticides.
- C. An individual who fails the examination may retake the examination no more than three 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.

**R3-3-208. Applicator Certification; Examination; Fee; Renewal**

- A. An individual shall not act as a private applicator, golf applicator, or commercial applicator unless the individual is certified by the Department.
- B. Application. An individual applying for either commercial, golf, or private applicator certification shall pay ~~a \$50~~ the applicable fee and submit a completed application to the Department containing the following information on a form obtained from the Department:
1. The applicant's name, address, e-mail address if applicable, daytime telephone number, Social Security number, and signature;
  2. Date of the application;
  3. Name, physical address, mailing address, e-mail address, if applicable, and daytime telephone number of the applicant's employer, if applicable;
  4. Whether the application is for a commercial, golf, or private applicator certification;
  5. If applicable, an indication the applicant seeks private applicator or golf applicator fumigation certification;
  6. If applicable, an indication the applicant seeks golf applicator aquatic certification or golf restricted use pesticide certification;
  - ~~6-7.~~ For commercial certification, the categories in which the applicant seeks to be certified;
  - ~~7-8.~~ Whether the applicant has had a similar certification revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation; and
  - ~~8-9.~~ Certification renewal period.
- C. ~~Private applicator~~ Fumigation certification.
1. Fumigation certification requires certification as a private applicator, a golf applicator, or a commercial applicator.
  2. Fumigation certification allows a private applicator or a commercial applicator acting as a private applicator to use, apply, or supervise the use or application of a fumigant to an on-farm raw agricultural commodity or on-farm burrowing rodent problem.
  3. Fumigation certification allows a golf applicator to use and apply a fumigant to a golf course burrowing rodent problem.
- D. Golf applicator aquatic certification allows a golf applicator to use or apply an aquatic pesticide to a body of water on a golf course to control an aquatic pest problem.
- E. Golf restricted use pesticide certification allows a golf applicator to use or apply restricted use pesticides to an ornamental and turf area of a golf course.

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**~~D~~E.** Examinations. The Department shall administer examinations by appointment at every Environmental Services Division office. An applicant shall achieve a passing score of 75 percent in the applicable subject area in order to receive initial certification.

1. Commercial applicator certification (PUC). In addition to the core examination required by R3-3-202, an applicant shall demonstrate knowledge and understanding of the subjects listed in Appendix A, subsection (B) for each commercial certification category sought.
2. Commercial certification categories. An individual may apply for commercial applicator certification in any of the following categories:
  - a. Agricultural pest control;
  - b. Forest pest control;
  - c. Seed-treatment;
  - d. Aquatic pest control;
  - e. Right-of-way pest control;
  - f. Public health pest control;
  - g. Regulatory pest control: M-44 or rodent, if a government employee; or
  - h. Demonstration and research pest control.
3. Private applicator (PUP) and golf applicator (PUG) certification (~~PUP~~). An applicant shall demonstrate knowledge and understanding of the core examination subjects listed in R3-3-202.
  - ~~4~~a. Fumigation certification. An applicant seeking private applicator or golf applicator fumigation certification shall also pass a separate fumigation examination.
  - b. Golf aquatic certification. An applicant seeking aquatic certification shall also pass a separate aquatics examination.
  - c. Golf restricted use pesticide certification. An applicant seeking golf restricted use pesticide certification shall also pass a separate ornamental and turf examination.
- ~~5~~4. An individual who fails an examination may retake it no more than three 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.

**G.** Fee.

1. An applicant for private or commercial certification shall pay a \$50 fee per year of certification.
2. An applicant for golf certification shall pay a \$100 fee per year of certification.

**~~E~~H.** Applicator certification is not transferable, expires on December 31, and is:

1. Issued for the remainder of the calendar year as an initial certification;
2. Renewed for one or two years, depending on the renewal period selected by the applicant; and
3. Renewed for all categories of certification for the same renewal period.

**~~F~~I.** Renewal.

1. An applicant for renewal of an applicator certification shall select a one or two-year renewal period.
2. An applicant shall submit the completed application accompanied by ~~a \$50~~ the applicable fee for a one-year renewal or ~~\$100~~ double the fee for a two-year renewal.
3. CEU requirements.
  - a. The Department shall not renew a private applicator or golf applicator certification unless, prior to the expiration of the current certification, the applicator completes three CEUs for each year of the renewal period.
  - b. The Department shall not renew a commercial applicator certification unless, prior to expiration of the current certification, the applicator completes six CEUs for each year of the renewal period.
  - c. The Department shall not renew a fumigation certification unless, prior to the expiration of the current certification, the applicant qualifies to renew the applicant's private, golf, or commercial applicator certification under this subsection and completes three additional CEUs per year of the renewal period.
  - d. The Department shall not renew a golf aquatic certification unless, prior to the expiration of the current certification, the applicant qualifies to renew the applicant's golf applicator certification under this subsection and completes three additional CEUs per year of the renewal period. The three additional CEUs per year may also be used to simultaneously satisfy the three additional CEUs per year requirement in subsection (I)(3)(c).
- ~~d~~e. An applicator shall complete CEU credit while the current certification period is in effect. CEU credits earned in excess of the requirements do not carry forward for use in subsequent renewals.
- ~~e~~f. To obtain credit, the applicant shall provide the Department with documentation of completion of the CEU course.
- ~~f~~g. The CEU requirements are not applicable to an individual renewing an initial certification issued between October 1 and December 31.
4. Examination exception. An applicator who fails to complete the CEUs required for renewal may renew a certification, prior to expiration, for one year by submitting the completed application accompanied by ~~a \$50~~ the applicable fee and retaking and passing the applicable certification examination prescribed in this Section.

**~~G~~J.** Renewal; expired certification.

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1. An applicant may renew an expired certification without retaking the written examinations provided the applicant:
  - a. Has satisfied the CEU requirements,
  - b. Submits a completed application and fee within 30 days after the expiration date, and
  - c. Does not provide any pesticide-related service from the date the certification expired until the date the renewal is effective.
2. All other applicants for renewal shall complete the requirements for initial certification, including retaking and passing the written examinations prescribed in this Section.

**ARTICLE 3. PESTICIDE USE, SALES, AND EQUIPMENT**

**R3-3-305. Pesticide Sales**

- A. A seller shall not sell, offer for sale, deliver, or offer for delivery any restricted use pesticide or pesticide for an agricultural purpose without determining that the pesticide will be used by a person who:
  1. Has a valid certification or regulated grower permit issued by the Department or ~~SPCC~~ OPM for use of the pesticide, or
  2. Works under the direct supervision of a person who has a valid certification or regulated grower permit issued by the Department or ~~SPCC~~ OPM for the use of the pesticide.
- B. No change
- C. No change

**ARTICLE 4. RECORDKEEPING AND REPORTING**

**R3-3-401. Pesticide Seller Records**

- A. No change
- B. When any pesticide for agricultural purposes, or a restricted use pesticide regulated by the ~~SPCC~~ OPM, is sold, delivered, or otherwise disposed of, a seller shall maintain the following records and information:
  1. No change
  2. No change
  3. No change
  4. Regulated grower permit number, or the ~~SPCC~~ OPM license number of the purchaser, if applicable;
  5. No change
  6. No change
  7. No change
  8. No change
  9. No change
- C. No change
  1. No change
  2. No change
  3. No change

**R3-3-402. Private and Golf Applicator Records; Restricted Use Pesticide**

- A. Following an application to a field on an agricultural establishment of a restricted use pesticide, a pesticide registered under Section 18 of FIFRA, or an experimental use permitted pesticide, a private applicator shall complete an application record on a form approved by the Department, that includes the following:
  1. Name of the private applicator and the applicator's certification number;
  2. Name and permit number of the seller;
  3. Name of the pesticide applied and its EPA registration number;
  4. Date and time of application;
  5. Name of regulated grower;
  6. Method of application;
  7. Crop name and the number of acres treated with the pesticide;
  8. Rate per acre of the active ingredient or formulation of the pesticide;
  9. Total volume of pesticide used per acre; and
  10. County, range, township, and section of the field that received the application.
- B. Following an application to a non-field of a restricted use pesticide, a pesticide registered under Section 18 of FIFRA, or an experimental use permitted pesticide, a private applicator or golf applicator shall complete an application record on a form approved by the Department, that includes the following:
  1. The information requested under subsection (A)(1) through (A)(6);
  2. Item treated;
  3. Rate per item treated;
  4. Total volume used in the application; and
  5. Application site location by county, range, township, and section, or by physical address.

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- C. A private applicator and golf applicator shall retain records required by this Section for at least two years from the date of the private application.

**ARTICLE 5. NONEXCLUSIVE LISTS OF SERIOUS, NONSERIOUS, AND DE MINIMIS VIOLATIONS**

**R3-3-502. Nonserious Violations**

- A. General violations. The following is a nonexclusive list of acts that are nonserious violations if the violation has a direct or immediate relationship to safety, health, or property damage, but does not constitute a de minimis violation or a serious violation, unless the violator did not, and could not with the exercise of reasonable diligence, know of such safety, health, or property damage risk in which case the violation is de minimis. A person shall not:
1. Improperly store, dump, or leave unattended any pesticide, pesticide container or part of a pesticide container, or service container.
  2. Make a false statement or misrepresentation in an application for a permit, license, or certification, or a permit, license, or certification renewal.
  3. Falsify any records or reports required to be made under Articles 2 through 4 of this Chapter.
  4. Operate an aircraft or ground equipment in a faulty, careless, or negligent manner during the application of a pesticide.
  5. Apply or instruct another to apply a pesticide so that it comes into contact with:
    - a. An individual;
    - b. An animal; or
    - c. Property, other than the application site being treated.
  6. Use, apply, or instruct another to apply a pesticide in a manner or for a use inconsistent with its pesticide label or labeling except as provided by R3-3-301(A).
  7. Use, sell, apply, store, or instruct another to use, sell, apply, or store a pesticide:
    - a. That is not registered with the Department and the EPA, or
    - b. Outside the EPA authorized end-use provision if previously registered with the Department and the EPA and cancelled or suspended by the EPA.
  8. Fail to provide accurate or approved labeling when registering a pesticide.
- B. Seller violations. A seller shall not:
1. Sell pesticides without a valid seller's permit issued by the Department,
  2. Provide a pesticide to a regulated grower who does not have a valid permit,
  3. Fail to maintain records required under Articles 2 through 4 of this Chapter,
  4. Fail to maintain complete sales records of restricted use pesticides required under Articles 3 and 4 of this Chapter,
  5. Adulterate a pesticide,
  6. Make false or misleading claims about a pesticide to any person,
  7. Modify a label or labeling without proper authorization, or
  8. Provide a pesticide to an unauthorized person.
- C. PCA violations. A PCA shall not:
1. Act as a PCA without a valid agricultural pest control advisor license issued by the Department,
  2. Make a false or fraudulent statement in any written recommendation about the use of a pesticide,
  3. Make a recommendation regarding the use of a pesticide in a specific category in which the individual is not licensed, or
  4. Make a written recommendation for the use of a pesticide in a manner inconsistent with its pesticide label or the exceptions as provided in R3-3-301(A).
- D. Agricultural aircraft pilot violations. A pilot shall not apply a pesticide by aircraft without a valid agricultural aircraft pilot license issued by the Department.
- E. Custom applicator violations. A custom applicator shall not:
1. Allow application equipment to be operated in a careless or reckless manner during the application of a pesticide,
  2. Make a custom application without a valid custom applicator's license issued by the Department,
  3. Make a custom application of a restricted use pesticide without a valid commercial applicator certification issued by the Department,
  4. Allow an aircraft to be operated during the application of a pesticide by an individual who does not have a valid agricultural aircraft pilot license issued by the Department, or
  5. Apply a pesticide without a written Form 1080 as prescribed in R3-3-302(A).
- F. Regulated grower violations. A regulated grower shall not:
1. Purchase, apply, or use a pesticide without a valid regulated grower's permit issued by the Department; ~~or~~
  2. Apply a restricted use pesticide without being a ~~certified applicator~~, commercial applicator, private applicator, or restricted use pesticide certified golf applicator;
  3. Apply any pesticide on a golf course without being a golf applicator; or
  4. Allow a pesticide application on a golf course without having the proper protective equipment required by the label

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available to the applicator.

- G. Certified applicator violations. A certified applicator shall not:
1. Allow the unsupervised application of a restricted use pesticide,
2. Fail to maintain complete records required under Articles 2 through 4 of this Chapter, or
3. Use a restricted use pesticide without a valid commercial applicator, private applicator, or golf applicator restricted use pesticide certification issued by the Department.
H. Exemptions. The following incidents are not pesticide use violations under this Section:
1. Exposure of an individual involved in the application who is wearing proper protective clothing and equipment;
2. Exposure of an unknown trespassing individual, animal, or property that the applicator, working in a prudent manner, could not anticipate being at the application site; or
3. Exposure of a person, animal, or property if the application is made according to a government-sponsored emergency program.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 3. AGRICULTURE

CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION

Editor's Note: The following two Notices of Final Exempt Rulemaking were reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 3159.) The Governor's Office authorized the notices to proceed through the rulemaking process on June 19, 2013.

[R13-162]

PREAMBLE

- 1. Articles, Parts, or Sections Affected (as applicable) Rulemaking Action
R3-4-301 Amend
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:
Authorizing statute: A.R.S. § 3-107(A)(1); Laws 2013, 1st Spec. Sess., Ch. 9, § 12.
Implementing statute: Laws 2013, 1st Spec. Sess., Ch. 9, § 12; A.R.S. § 3-201.01(A)(5); A.R.S. § 3-217.
Exemption: Laws 2013, 1st Spec. Sess., Ch. 9, § 12.
3. The effective date of the rule and the agency's reason it selected the effective date:
September 14, 2013.
The effective date of the rule is based on the effective date of the law authorizing the rulemaking.
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:
None
5. The agency's contact person who can answer questions about the rulemaking:
Name: G. John Caravetta, Associate Director
Address: Department of Agriculture
1688 West Adams
Phoenix, AZ 85007
Telephone: (602) 542-0996
Fax: (602) 542-0922
E-mail: jcaravetta@azda.gov
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 continues nursery certification fees from fiscal years 2011 through 2013 in fiscal year 2014 for services provided in fiscal year 2014 in order to make up for decreases in general fund appropriations. See Notice of Exempt Rulemaking: 18 A.A.R. 2063, Aug. 24, 2012; 17 A.A.R. 1761, Sept. 2, 2011; and 16 A.A.R. 1336, July 23, 2010. By continuing these fees and fees related to phytosanitary certification generally, the Department anticipates it will be able to maintain its current level of services pertaining to the plant services division for fiscal year 2014.

Notices of Exempt Rulemaking

With this rulemaking, the Department will continue to charge \$250 for general nursery stock inspection certification, and the fee for single shipment nursery stock inspection certification (also known as state nursery stock phytosanitary certification) will continue to be \$50 plus \$10 per additional lot.

The applicant informs the Department how many lots the applicant has, and the Department issues a separate certificate for each lot. Some applicants elect to artificially divide their nursery stock shipment into several small lots because if the state of import rejects part of a lot, the entire lot is rejected. By designating multiple lots, the shipper can reduce the risk of having its entire shipment rejected. However, shippers' practice of designating multiple lots for a single shipment creates extra work for the Department in issuing multiple certificates, which is another reason for raising this fee.

**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 2013, 1st Spec. Sess., Ch. 9, § 12 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for the purpose of establishing fees pursuant to those sections until July 1, 2014. 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 voted on June 20, 2013 in favor of continuing the fees set out in this rulemaking through FY2014.

**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. The nursery certification program is voluntary.

**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 4. DEPARTMENT OF AGRICULTURE

PLANT SERVICES DIVISION

**ARTICLE 3. NURSERY CERTIFICATION PROGRAM**

Section

R3-4-301. Nursery Certification

**ARTICLE 3. NURSERY CERTIFICATION PROGRAM**

**R3-4-301. Nursery Certification**

- A.** No change
- B.** No change
  - 1. No change
    - a. No change
    - b. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
  - 7. No change
  - 8. No change
  - 9. No change
- C.** No change
  - 1. No change
  - 2. No change
  - 3. No change
- D.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- E.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
  - 5. No change
  - 6. No change
- F.** No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- G.** Notwithstanding subsections (B)-(D), during fiscal year ~~2013~~ 2014, an applicant for nursery stock inspection certification shall pay the following fee:
  - 1. For general certification, two hundred fifty dollars.
  - 2. For single shipment certification, fifty dollars for the first lot plus ten dollars for each additional lot per Department site trip.



Notices of Exempt Rulemaking

**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 2013, 1<sup>st</sup> Spec. Sess., Ch. 9, § 12 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for the purpose of establishing fees pursuant to those sections until July 1, 2014. 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 voted on June 20, 2013 in favor of continuing the fees set out in this rulemaking through FY2014.

**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:**

The federal administrative user fee is set out in 7 CFR 354.3(g)(3)(i). This rule 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

**13. A list of any incorporated by reference material and its location in the rule:**

7 CFR 354.3(g)(3)(i), revised January 1, 2013, is incorporated by reference in R3-6-102(A)(2).

**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 6. DEPARTMENT OF AGRICULTURE  
OFFICE OF COMMODITY DEVELOPMENT AND PROMOTION

ARTICLE 1. MARKETING

Section

R3-6-102. Phytosanitary Certification

ARTICLE 1. MARKETING

**R3-6-102. Phytosanitary Certification**

**A.** During fiscal year ~~2013~~ 2014, a person who applies to the Department for phytosanitary certification shall pay the following fee:

1. For state certification, \$50 for the first lot plus \$10 for each additional lot per Department site trip.
2. For federal certification, \$50 plus the federal administrative user fee set out in 7 CFR 354.3(g)(3)(i), revised January 1, ~~2012~~ 2013, which is incorporated by reference and does not include any later amendments or editions. A copy of



Notices of Exempt Rulemaking

**justification for the rule 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:**

Not applicable

**8. 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

**9. The summary of the economic, small business, and consumer impact:**

Not applicable

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

The recommended fee changes are submitted for various purposes. Proposed changes for Kartchner Caverns State Park (KCSP) tour fees set a standardized range for per-person park tours, this allows for incremental increases and/or seasonal fee increases or fee decreases. Also, at KCSP create a Non-electric camping fee range to allow for overflow camping during the busy season. Propose changing Red Rock State Park (RRSP) fee schedule from a per vehicle rate to a per person rate.

Arizona State Parks is operating more like a business everyday; these changes provide parks the flexibility to quickly respond to market trends and make changes within the fee ranges set by the Parks Board. Typically, fee changes take as much as six months from proposal to implementation, with the deployment of the online reservation system this time-frame could be increased to 18 months, due to 12-month advanced reservations. All fees will be posted at each park and within the reservation system; changes to any posted fee (within the established ranges) will require review by Executive Staff and approval by the Executive Director.

**11. A summary of the comments made regarding the rule and the agency response to them:**

Not applicable

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

Not applicable

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:**

No

**15. The full text of the rules follows:**

TITLE 12. NATURAL RESOURCES

CHAPTER 8. ARIZONA STATE PARKS BOARD

ARTICLE 1. GENERAL PROVISIONS

Exhibit A. ~~April 1, 2012~~ November 1, 2013 Regular Fee Schedule

**Arizona Administrative Register / Secretary of State**  
**Notices of Exempt Rulemaking**

ARIZONA STATE PARKS FEE SCHEDULE										
EFFECTIVE <del>April 1, 2012</del> November 1, 2013										
1: Adult is defined as an individual 14 years of age and older.										
2: Camping fees reflect a "Range" dependent upon specific site location and seasonality. Call individual Park facility for current information.										
4: Over-sized Parking is an additional fee for those vehicles or vehicle/trailer units that exceed 55' in total length.										
5: Additional Program Fees may apply, see "OTHER FEES."										
6: For Cabins & Yurts an additional overnight fee of \$5.00 per pet per night will be assessed.										
7: Camping by Reservation only. Contact the Park Facility directly for availability and details.										
These fees are charged on a "per vehicle" basis that includes up to 4 Adults per vehicle. Additional fees for vehicles containing more than 4 Adults will be assessed.										
50% discount off regular entrance fee for Regular Military, Reserve, National Guard, and state militia troops and their families.										
PARK NAME	DAILY ENTRANCE			NIGHTLY CAMPING <sup>2</sup>						
	Per Vehicle 1-4 Adults <sup>1</sup>	Individual/ Bicycle	Over-Size Parking <sup>4</sup>	Non-Electric Campsite	Electric Site	Cabana or Boat Site	Cabin <sup>6</sup>	Yurt <sup>6</sup>		
ALAMO	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00		50 - 75.00			
BOYCE THOMPSON	(Separate Fee Schedule)									
BUCKSKIN MOUNTAIN	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00	5 - 30.00				
BUCKSKIN RIVER ISLAND	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00					
CATALINA	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00					
CATTAIL COVE	5 - 30.00	2 - 5.00	10.00	15 - 25.00	20 - 50.00	5 - 30.00				
Boat-In sites Day Use only	10.00									
DEAD HORSE RANCH	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00		50 - 75.00			
FOOL HOLLOW	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00					
HOMOLOVI	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00					
KARTCHNER (Daily Entrance Fee is waived for reserved tour ticket holders)	5 - 30.00	2 - 5.00		15 - 25.00						
LAKE HAVASU	5 - 30.00	2 - 5.00	10.00	15 - 25.00	20 - 50.00					
LOST DUTCHMAN	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00					
LYMAN LAKE	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00		50 - 75.00	35 - 50.00		
ORACLE <sup>5</sup>	5 - 30.00	2 - 5.00								
PATAGONIA LAKE	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00	5 - 30.00				
PICACHO PEAK <sup>5</sup>	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00					
RED ROCK <sup>5</sup>	<del>5 - 30.00</del>	<del>2 - 5.00</del>		(educational groups only: 15 - 25.00/group of 1-6 persons)						
ROPER LAKE	5 - 30.00	2 - 5.00		15 - 25.00	20 - 50.00		50 - 75.00			
SLIDE ROCK <sup>5</sup>	5 - 30.00	2 - 5.00								
SONOITA CREEK <sup>7</sup>				15 - 25.00						

Children ages 0-6, when accompanied by a paying adult age 18 years or older, will be admitted free as long as the child is not part of an organized group. Group discounts may be available where listed. A group is 15 persons or more with prearranged arrival. All persons in a group, regardless of age, apply toward a group's number. Group discounts do not apply to Program Fees.										
PARK NAME	DAILY ENTRANCE FEES			GROUP FEES						
	Ages 0-6	Ages 7-13	Ages 14 & up	Ages 14 & up						
FORT VERDE <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
JEROME <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
MCFARLAND <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
RED ROCK <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
TOMBSTONE <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
TONTO NATURAL BRIDGE	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
TUBAC PRESIDIO <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
YUMA QUARTER MASTER DEPOT <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
YUMA TERRITORIAL PRISON <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate						
Group discounts are available where listed. A group is 15 persons or more with prearranged arrival. All persons in a group, regardless of age, apply toward a group's number.										
PARK NAME	DAILY ENTRANCE FEES			GROUP FEES						
	Ages 0-6	Ages 7-13	Ages 14 & up	Ages 7-13	Ages 14 & up					
RIORDAN MANSION <sup>5</sup>	free	2.00 - 10.00	2.00 - 10.00	20% off current rate	20% off current rate					
<b>KARTCHNER CAVERNS</b>										



**Notices of Exempt Rulemaking**

Commercial Retail Permit:	300.00	<p><i>CONDITIONS OF USE</i></p> <ul style="list-style-type: none"> <li>• <i>Pass is valid only for customers entering the park in the commercial vehicle.</i></li> <li>• <i>Individual pass must be presented each time the commercial vehicle enters the park with passengers.</i></li> <li>• <i>Pass does not permit any private vehicle to enter the park.</i></li> <li>• <i>Pass is valid through the calendar year in which it was purchased.</i></li> <li>• <i>Pass must be used in conjunction with commercial business pass.</i></li> <li>• <i>One voucher permits up to 4 adults in the same commercial vehicle.</i></li> <li>• <i>Violation of Conditions of Use may result in revocation of all commercial privileges.</i></li> <li>• <i>All Commercial Vehicle Access Permits expire December 31 of the year for which they were issued.</i></li> <li>• <i>Permittee clientele will be responsible for all applicable daily entrance fees when entering the park in a separate vehicle from the permittee. However, a discounted Clientele Voucher is available for all permittee clientele who enter the park in the permittee's vehicle and do not occupy a parking space.</i></li> </ul>			
Commercial Rental Permit:	350.00				
2 <sup>nd</sup> Commercial Permit:	150.00				
Clientele Voucher:	5.00		<p><i>Vouchers are sold only to Permit holders. Vouchers can only be used at the time of entry, and are non-transferable.</i></p>		