

Arizona Administrative REGISTER

Published by the Department of State ~ Office of the Secretary of State

Vol. 23, Issue 29

~ Administrative Register Contents ~

July 21, 2017

Information 1928

Rulemaking Guide 1929

RULES AND RULEMAKING

Proposed Rulemaking, Notices of

 15 A.A.C. 10 Department of Revenue - General Administration 1931

Proposed Exempt Rulemaking, Notices of

 2 A.A.C. 20 Citizens Clean Elections Commission 1935

Final Exempt Rulemaking, Notices of

 3 A.A.C. 2 Department of Agriculture - Animal Services Division 1937

 3 A.A.C. 3 Department of Agriculture - Environmental Services Division 1940

 3 A.A.C. 4 Department of Agriculture - Plant Services Division 1941

 3 A.A.C. 6 Department of Agriculture - Office of Commodity Development and Promotion 1943

 9 A.A.C. 22 Arizona Health Care Cost Containment System - Administration 1945

Exempt Rulemaking, Notices of

 3 A.A.C. 8 Department of Agriculture - Pest Management Division 1949

Recodification, Notices of

 4 A.A.C. 29 Office of Pest Management 1976

OTHER AGENCY NOTICES

Docket Opening, Notices of Rulemaking

 15 A.A.C. 10 Department of Revenue - General Administration 2005

Public Information, Notices of

 18 A.A.C. 6 Department of Environmental Quality - Pesticides and Water Pollution Control 2006

GOVERNOR'S OFFICE

Governor's Executive Orders

 E.O. 2017-02: Internal Review of Administrative Rules; Moratorium to Promote Job Creation
 and Customer-Service-Oriented Agencies 2009

ARIZONA COUNTY NOTICES

 Maricopa County 2011

INDEXES

 Register Index Ledger 2012

 Rulemaking Action, Cumulative Index for 2017 2013

 Other Notices and Public Records, Cumulative Index for 2017 2021

CALENDAR/DEADLINES

 Rules Effective Dates Calendar 2023

 Register Publishing Deadlines 2025

GOVERNOR'S REGULATORY REVIEW COUNCIL

 Governor's Regulatory Review Council Deadlines 2026

DIRECTOR
Public Services Division
Scott Cancelosi

PUBLISHER
Secretary of State
MICHELE REAGAN

RULES MANAGING EDITOR
Arizona Administrative Register
Rhonda Paschal

From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C., and is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a copy.

Arizona Administrative REGISTER

Vol. 23

Issue 29

PUBLISHER
SECRETARY OF STATE
Michele Reagan

**ADMINISTRATIVE RULES
STAFF
DIRECTOR**
Scott Cancelosi

RULES MANAGING EDITOR
Rhonda Paschal

ADMINISTRATIVE REGISTER
This publication is available online for
free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona
Administrative Code* is available
online. You may also request a paper
price list by mail. To purchase a paper
Chapter, contact us at
(602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the
back of the *Register*. These dates
include file submittal dates with a
three-week turnaround from filing to
published document.

CONTACT US
Administrative Rules Division
Office of the Secretary of State
1700 W. Washington Street, Fl. 2
Phoenix, AZ 85007
(602) 364-3223

*The Office of the Secretary of State is
an equal opportunity employer.*



Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The "§" symbol simply means "section." Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or "Laws": When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word "Laws" is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation "Ch.," and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF PROPOSED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Rulemakings.

A proposed rulemaking is filed by an agency upon completion and submittal of a Notice of Rulemaking Docket Opening. Often these two documents are filed at the same time and published in the same *Register* issue.

When an agency files a Notice of Proposed Rulemaking under the Administrative Procedure Act (APA), the notice is published in the *Register* within three weeks of filing. See the publication schedule in the back of each issue of the *Register* for more information.

Under the APA, 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).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #10 for the close of record and information related to public hearings and oral comments.

NOTICE OF PROPOSED RULEMAKING

TITLE 15. REVENUE

CHAPTER 10. DEPARTMENT OF REVENUE – GENERAL ADMINISTRATION

[R17-122]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R15-10-302 | Amend |
| R15-10-303 | Amend |
| R15-10-505 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statute: A.R.S. § 42-1005(A)(1).
 Implementing statute: A.R.S. § 42-1129(A), A.R.S. § 42-5014.
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**
 Notice of Rulemaking Docket Opening: 23 A.A.R. 2005, July 21, 2017 (*in this issue*)
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Christie Comanita
 Address: Department of Revenue
 1600 W. Monroe St.
 Phoenix, AZ 85007
 Telephone: (602) 716-6791
 Fax: (602) 716-7996
 E-mail: ccomanita@azdor.gov
 Web site: http://www.azdor.gov
- 5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
 The Department’s justifications and reasons for amending the rules addressed by this Notice are as follows:
R15-10-302. A.R.S. § 42-1129(A) sets out the threshold amounts (previously an annual tax liability of \$20,000) over which the Department may make rules to require the electronic payment of taxes. The Department previously submitted a rulemaking package amending R15-10-301 *et. seq.* to adjust, pursuant to A.R.S. § 42-1129, the requirements that taxpayers owing certain types of taxes over a specific threshold amount make payments by electronic means. A.R.S. § 42-1129 was amended in 2017 by HB 2280, Laws 2017 Chap 60 section 6, to reduce the current thresholds over which taxpayers must make tax payments electronically to the Department. As a result, the Department is updating the rules to reflect the current statutory requirements related to the payment of taxes by electronic means. The rules will expand the tax types required to remit tax payments electronically, and reduce, over a period of four years, the threshold requirements over which taxpayers would have to make electronic payment of taxes.
R15-10-303. R15-10-303 is amended to allow taxpayers that do not meet the new tax liability threshold amounts under A.R.S. § 42-1129(A) to participate in the electronic payment process.
R15-10-505. A.R.S. § 42-5014 previously provided that certain taxpayers subject to transaction privilege, use and associated excise taxes that were conducting business in two or more locations were required to file their tax returns through electronic means. The Department previously submitted a rulemaking package amending A.A.C. 15-10-501 *et. seq.* outlining procedures for filing returns through electronic means by use of an electronic signature. A.R.S. § 42-5014, however, was amended in 2017 by HB 2280, Laws 2017 Chap 60 section 15, to mandate that these taxpayers owing taxes over certain thresholds are required to file their



tax returns through electronic means, regardless of the number of locations out of which they operated. The A.R.S. § 42-5014 amendment reduces, over a period of four years, the threshold requirements over which taxpayers would have to file their returns electronically. As a result, R15-10-505 is amending the requirements for filing electronically to reflect the current statutory provisions.

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

Not applicable

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

Not applicable

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

Data used in preparation of the economic, small business, and consumer impact statement includes figures based on current electronic filers and the projected increase in the number of filers due to the lowering of the liability threshold. The increase in the number of e-filers will reduce return processing times. The data used will also include figures based on current taxpayers that pay their tax liability electronically and the projected increase in those taxpayers as well as the increase in electronic payment amounts as a result of a decrease in the thresholds and increase of the types of taxpayers that will be required to pay in this manner. Benefits will accrue to the state general fund, and payment and refund processing times will decrease. Compliance by taxpayers not already required to file electronically and/or remit their returns electronically will necessitate a change in payment and/or filing methods and may involve changes in processing and accounting systems. It is expected that the benefits of the proposed rules will be greater than the costs.

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

Name: Christie Comanita
Address: Department of Revenue
1600 W. Monroe St.
Phoenix, AZ 85007
Telephone: (602) 716-6791
Fax: (602) 716-7996
E-mail: ccomanita@azdor.gov
Web site: http://www.azdor.gov

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

Persons may submit questions or comments in writing to the contact person listed in section 4 of this Notice of Proposed Rulemaking within 30 days after publication hereof.

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

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:

Not applicable

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:

Not applicable

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

Not applicable

13. The full text of the rules follows:

TITLE 15. REVENUE

CHAPTER 10. DEPARTMENT OF REVENUE – GENERAL ADMINISTRATION

ARTICLE 3. AUTHORIZED TRANSMISSION OF FUNDS

Section
R15-10-302. General Requirements
R15-10-303. Voluntary Participation

**ARTICLE 5. ELECTRONIC FILING PROGRAM**

Section

R15-10-505. Electronic Signatures for Transaction Privilege and Use Tax

ARTICLE 3. AUTHORIZED TRANSMISSION OF FUNDS**R15-10-302. General Requirements**

- A. For tax periods beginning on or after January 1, 1997, Corporations which had an Arizona income tax liability during the prior tax year of \$20,000 or more shall remit Arizona estimated income tax payments by an authorized means of transmission.
- B. For tax periods beginning on or after July 1, 2017, taxpayers who, under A.R.S. Title 43, Chapter 4, had an average Arizona quarterly withholding tax liability during the prior tax year of \$5,000 or more shall remit Arizona withholding tax payments by an authorized means of transmission.
- C. The average Arizona quarterly withholding tax liability is determined by dividing the taxpayer's total Arizona withholding tax liability for the calendar year by 4.
- D. For tax periods beginning on and after July 1, 2017, any taxpayer who under A.R.S. Title 42 Chapter 5 and Chapter 6, Articles 1 and 3, had an annual tax liability during the prior calendar year of \$20,000 or more shall remit these tax payments by an authorized means of transmission.
- E. For tax periods after July 1, 2015, tobacco tax taxpayers are required to remit tobacco tax payments by an authorized means of transmission.
- F. Unless otherwise waived pursuant to A.R.S. §42-1129, for tax periods beginning on or after the following tax years, any taxpayer, other than an individual income taxpayer, that had an tax liability equal to or more than the following amounts during the prior tax year or that can reasonably anticipate tax liability in the current tax year exceeding the following amounts, shall remit tax payments to the Department by an authorized means of transmission. For periods on or after:
 - 1. January 1, 2018, prior tax year or expected current year tax liability of \$20,000;
 - 2. January 1, 2019, prior tax year or expected current year tax liability of \$10,000;
 - 3. January 1, 2020, prior tax year or expected current year tax liability of \$5,000;
 - 4. January 1, 2021, prior tax year or expected current year tax liability of \$500.

R15-10-303. Voluntary Participation

- A. For tax periods beginning on or after January 1, 1997, a taxpayer who, during the prior tax year, had a corporate income tax liability of less than \$20,000 may elect to participate in the EFT Program by submitting to the Department an electronic funds transfer authorization agreement that complies with R15-10-304.
- B. For tax periods beginning on or after July 1, 2017, a taxpayer who, during the prior tax year, had an average quarterly withholding tax liability of less than \$5,000 may elect to participate in the EFT Program by submitting to the Department an electronic funds transfer authorization agreement that complies with R15-10-304.
- C. For tax periods beginning on and after July 1, 2017, any taxpayer who has a liquor tax liability may elect to participate in the EFT Program by submitting to the Department an electronic funds transfer authorization agreement that complies with R15-10-304.
- D. For tax periods beginning on and after July 1, 2017, any taxpayer who under Title 42 Chapter 5 and Chapter 6, Articles 1 and 3, had an annual tax liability of less than \$20,000 during the prior calendar year may elect to participate in the EFT Program by submitting to the Department an electronic funds transfer authorization agreement that complies with R15-10-304.
- E. For tax periods beginning on or after January 1, 2018, any taxpayer, other than an individual income taxpayer, that does not meet the statutory requirements under A.R.S. § 42-1129 and A.A.C. R15-10-302(F) to remit tax payments to the Department electronically, may elect to participate in the EFT Program by submitting to the Department an electronic funds transfer authorization agreement that complies with R15-10-304.
- ~~E~~F. A taxpayer authorized to participate in the EFT Program shall provide at least 30 days prior written notice to the Department if the taxpayer elects to cease voluntary participation in the EFT Program.

ARTICLE 5. ELECTRONIC FILING PROGRAM**R15-10-505. Electronic Signatures for Transaction Privilege and Use Tax**

- A. A taxpayer, primary user or delegate user shall do the following to become a registered customer of the AZTaxes.gov web site for transaction privilege and use tax purposes:
 - 1. Provide his legal name and e-mail address,
 - a. Create a unique username and password which shall be used to gain access to AZTaxes.gov web site,
 - b. Select a prescribed number of security questions and submit their answers,
 - c. Create a PIN, and
 - d. Agree to the Department's Terms of Service.
 - 2. By registering as a customer of the AZTaxes.gov web_site or by continuing to use the AZTaxes.gov web_site, the taxpayer, primary user or delegate user declares that:
 - a. The information provided during the AZTaxes.gov registration process is accurate and complete, and
 - b. If previously submitted, the information contained in the Arizona Joint Tax Application is accurate and complete.
- B. A taxpayer that has not obtained a transaction privilege or use tax license from the Department shall obtain a license by completing either the mail-in Arizona Joint Tax Application or the online application. From and after January 9, 2016 a taxpayer, primary user or delegate user may use his PIN to electronically sign the taxpayer's online Arizona Joint Tax application.
- C. A Delegate User shall do the following to become associated with a taxpayer on the AZTaxes.gov web site:
 - 1. Provide answers to prescribed questions about the taxpayer if the taxpayer has a license, or
 - 2. Complete the online or mail-in Joint Tax Application and provide answers to prescribed questions about the taxpayer.



- D. If filing a taxpayer's transaction privilege or use tax return by electronic means, an Authorized User of the AZTaxes.gov web site shall, from and after July 5, 2016, use his PIN to electronically sign a taxpayer's electronic transaction privilege, or use tax returns. By using his PIN, the Authorized User is making a declaration, under penalties of perjury that the electronic return is, to the best of his knowledge and belief, true, correct, and complete.
- E. To file an electronic transaction privilege or use tax return under subsection (D) above a taxpayer, primary or delegate user preparing the electronic return may access the AZTaxes.gov web_site or other web_site and electronically file the return after signing the return with his PIN.
- F. From and after July 5, 2016, unless otherwise required by Article 3 of this Title and Chapter, an Authorized User of the AZTaxes.gov web_site may pay its transaction privilege and use tax liability by electronic check.
- G. For tax periods beginning on or after the following years, any taxpayer who, under Title 42 Chapters 5 and 6, had total annual tax liability of at least the following amounts during the prior tax year or can reasonably anticipate that its current year tax liability will exceed the following amounts, shall, unless otherwise waived pursuant to A.R.S. §42-5014, file the required return using an electronic filing program established by the Department. For periods on or after:
 - 1. January 1, 2018, prior tax year or expected current year total tax liability of \$20,000;
 - 2. January 1, 2019, prior tax year or expected current year total tax liability of \$10,000;
 - 3. January 1, 2020, prior tax year or expected current year total tax liability of \$5,000;
 - 4. January 1, 2021, prior tax year or expected current year total tax liability of \$500.
- H. Any taxpayer who, under Title 42 Chapters 5 and 6, was required to file a return using an electronic filing program pursuant to subsection G of this rule and that fails to do so or fails to do so after notice and demand by the Department shall, unless reasonable cause exists, be subject to the penalty imposed under A.R.S. § 42-1125(X) and (Y).



NOTICES OF PROPOSED EXEMPT RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Proposed Exempt Rulemaking. An agency may be exempt from rulemaking standards outlined in the Arizona Administrative Procedures Act (APA).

An agency's exemption is listed in the Preamble of the rulemaking as specified under: A.R.S. §§ 41-1005 or 41-1057; or a specific statute; or if a rule is promulgated by the Corporation Commission, it is exempt from Attorney General review under a court decision as determined by the Commission.

If an agency determines it is exempt under the law or court decision, the law may still require publication of the Proposed Exempt Rulemaking in this section to solicit and review public comments on the rulemaking.

Some agencies, even though completely exempt, may still elect to follow certain provisions of the APA, such as circulating its exempt rulemaking for comment. If an agency chooses this option, our office encourages filing the notice with our office for publication in the *Register*.

Please note, if a statute dictates that an agency is completely exempt from the rulemaking process, the agency is authorized to file a Notice of Exempt Rulemaking.

In all cases, an agency must still follow the procedures as established by our office in order to have its rulemaking package published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed exempt rule should be directed to the agency proposing them. Refer to Item #5 of the Preamble to contact the person charged with the rulemaking.

**NOTICE OF PROPOSED EXEMPT RULEMAKING
TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

[R17-125]

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R2-20-402.01 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
 Authorizing statute: A.R.S. § 16-940, *et seq.*
 Implementing statute: A.R.S. § 16-956(C).
- 3. The effective date of the rules:**
 Not applicable
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
 Not applicable
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
 Name: Thomas M. Collins, Executive Director
 Address: Citizens Clean Elections Commission
 1616 W. Adams St., Suite 110
 Phoenix, AZ 85007
 Telephone: (602) 364-3477
 Fax: (602) 364-3487
 E-mail: thomas.collins@azcleelections.gov
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:**
 On June 22, 2017, the Commission approved for publication proposed amendments to Commission rule R2-20-402.01. Commissioners would like to solicit public feedback on the proposed amendments regarding auditing all participating legislative candidates to ensure public funds are being appropriately utilized by the candidates. The following are the proposed amendments to the rule at issue:
 Amends R2-20-402.01 to audit all legislative candidates during the election cycle rather than conduct random audits of candidates.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or 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):**
Not applicable
- 11. **A summary of the comments made regarding the rule and the agency response to them:**
On June 22, 2017, the Commission approved the proposed amendments publication on the Commission’s website and in the Administrative Register. The Commission is soliciting public comment for 60 days. No action has been taken on the proposed amendments.
- 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:**
Not applicable
- 15. **The full text of the rules follows:**

**TITLE 2. ADMINISTRATION
CHAPTER 20. CITIZENS CLEAN ELECTIONS COMMISSION**

ARTICLE 4. AUDITS

Section
R2-20-402.01. Random audits of participating legislative candidates.

ARTICLE 4. AUDITS

R2-20-402.01. Random audits of participating legislative candidates.
To ensure compliance with the Act and Commission rules, the Commission shall conduct ~~random~~ audits of all participating legislative candidates after each ~~election primary election period and each general election period.~~ Candidates who win their primary election will not be subject to an audit until after the general election. ~~Random audits~~ Audits shall include the review of campaign finance reports for the entire election cycle and related documentation in accordance with procedures established by the Commission. The Commission may hire independent accounting firms to carry out the ~~random~~ audits. ~~The selection of legislative candidates for audit shall be determined by random lot at a Commission meeting. Candidates shall not be subject to selection for random audit for the general election period that were selected for random audit following the primary election period.~~



NOTICES OF FINAL EXEMPT RULEMAKING

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

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

Questions about the interpretation of the final exempt rule should be addressed to the agency proposing them.

Refer to Item #5 to contact the person charged with the rulemaking.

**NOTICE OF FINAL EXEMPT RULEMAKING
TITLE 3. AGRICULTURE
CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

[R17-126]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <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 2017, 1st Reg. Sess., Ch. 312, § 12.
 Implementing statute: Laws 2017, 1st Reg. Sess., Ch. 312, § 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.
 Statute or session law authorizing the exemption: Laws 2017, 1st Reg. Sess., Ch. 312, § 12.
- 3. The effective date of the rule and the agency’s reason it selected the effective date:**
 August 9, 2017. 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 W. Adams
 Phoenix, AZ 85007
 Telephone: (602) 542-7186
 Fax Number: (602) 542-4290
 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 2017 for fiscal year 2018 for services provided in fiscal year 2018. See Notice of Exempt Rulemaking: 21 A.A.R. 2404, October 16, 2015; 20 A.A.R. 2449, Sept. 5, 2014; 19 A.A.R. 3127, Oct. 11, 2013; 18 A.A.R. 2060, Aug. 24, 2012; 17 A.A.R. 1756, Sept. 2, 2011; & 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 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 continue to be ten dollars.
 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 six 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 & 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 2017, 1st Reg. Sess., Ch. 312, § 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, 2018. 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 29, 2017 in favor of continuing the fees set out in this rulemaking through FY2018.

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

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 ~~2017~~ 2018, 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 ~~2017~~ 2018, 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.

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 ~~2017~~ 2018, 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 ~~2017~~ 2018, 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.



NOTICE OF FINAL EXEMPT RULEMAKING
TITLE 3. AGRICULTURE
CHAPTER 3. DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL SERVICES DIVISION

[R17-127]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
3. The effective date of the rule and the agency's reason it selected the effective date:
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:
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:
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:
9. The summary of the economic, small business, and consumer impact, if applicable:
10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if 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:
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:
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:
b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the fed-



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 W. 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 2017 in fiscal year 2018 for services provided in fiscal year 2018 in order to make up for decreases in general fund appropriations. See Notice of Exempt Rulemaking: 21 A.A.R. 2410, Oct. 16, 2015; 20 A.A.R. 2449, Sept. 5, 2014; 19 A.A.R. 3143, Oct. 11, 2013; 18 A.A.R. 2063, Aug. 24, 2012; 17 A.A.R. 1761, Sept. 2, 2011; & 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 continue these services pertaining to the plant services division for fiscal year 2018.

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 continuing this fee for another fiscal year.

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 2017, 1st Reg. Sess., Ch. 312, § 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, 2018. 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 29, 2017 in favor of continuing the fees set out in this rulemaking through FY2018.

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 ~~2017~~ 2018, 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.

**NOTICE OF FINAL EXEMPT RULEMAKING
TITLE 3. AGRICULTURE
CHAPTER 6. DEPARTMENT OF AGRICULTURE
OFFICE OF COMMODITY DEVELOPMENT AND PROMOTION**

[R17-129]

PREAMBLE

1. <u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R3-6-102	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) & (B)(3); Laws 2017, 1st Reg. Sess., Ch. 312, § 12.
Implementing statute: Laws 2017, 1st Reg. Sess., Ch. 312, § 12; A.R.S. § 3-109.02(A).
Statute or session law authorizing the exemption: Laws 2017, 1st Reg. Sess., Ch. 312, § 12; A.R.S. § 41-1005(A)(5).

3. The effective date of the rule and the agency’s reason it selected the effective date:

August 9, 2017. 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 W. 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 fees from fiscal years 2011 through 2017 in fiscal year 2018 for services provided in fiscal year 2018 for phytosanitary certification in order to make up for decreases in general fund appropriations. See Notice of Exempt Rulemaking: 21 A.A.R. 2412, Oct. 16, 2015; 20 A.A.R. 2449, Sept. 5, 2014; 19 A.A.R. 3146, Oct. 11, 2013; 18 A.A.R. 2066, Aug. 24, 2012; 17 A.A.R. 1765, Sept. 2, 2011; & 16 A.A.R. 1339, July 23, 2010. By continuing these fees and nursery stock inspection certification fees, the Department anticipates it will be able to maintain its current level of services pertaining to the plant services division for fiscal year 2018.

With this rulemaking, the fee for state phytosanitary certification continues to be \$50 plus \$10 per additional lot and the fee for federal phytosanitary certification continues to be \$50. In addition to the \$50 fee for federal phytosanitary certification paid for the benefit of the Department, applicants will continue to pay a federal administrative user fee for the federal government as required by federal law. The federal administrative user fee is currently \$6 for shippers who use the “Phytosanitary Certificate Issuance and Tracking System” paper applications and \$12 for those who do not.

The applicant for state phytosanitary certification 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 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 continuing this fee for another fiscal year.

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 2017, 1st Reg. Sess., Ch. 312, § 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, 2018. 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 29, 2017 in favor of continuing the fees set out in this rulemaking through FY2018.

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:



Web site: www.azahcccs.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:

A.R.S. § 36-2901.08 authorizes the Administration to establish, administer and collect an assessment on hospital revenues, discharges or bed days for funding a portion of the nonfederal share of the costs incurred beginning January 1, 2014, associated with eligible persons added to the program by A.R.S. §§ 36-2901.01 and 36-2901.07. It is the Agency's objective to assess only so much as is necessary to meet the estimated costs associated with the projected populations referenced in the statute. As such, it is necessary for the Administration to adjust the assessment from time to time as the Administration updates its estimate of the number of eligible persons and projected cost associated with coverage for those persons. The amendment updates the figures to be used as of July 1, 2017 for collecting the assessment from hospitals.

At the assessment rates in the current rule, the Administration estimates that it would collect \$265 million over the course of a state fiscal year. The amendment adjusts the assessment rates such that the Administration anticipates the collection of \$290 million for the State Fiscal Year ending June 30, 2018. This amount corresponds to an amount slightly less than the non-federal funds estimated to be necessary to cover the cost of providing care to the 430,000 eligible individuals described in A.R.S. §§ 36-2901.01 (A) for State Fiscal year ending June 30, 2018.

As required by A.R.S. 36-2901.08(B), the assessment has been established in a manner consistent with federal regulations at 42 C.F.R. Part 433 Subpart B so that the assessment does not cause a reduction in federal financial participation.

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

No studies were conducted relevant to the rule.

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:

The Administration estimates that \$290 million will be necessary to be collected from Arizona hospitals to fund the cost required by statute for State Fiscal Year (SFY) 2018 ending June 30, 2018. The assessment amount currently in rule reflects the amount needed in SFY 2017 to cover the estimated cost of care, approximately \$265 million. The amendment adjusts the rates upward to reflect the projected need of \$290 million for SFY 2018.

The AHCCCS program is jointly funded by the State and the federal government through the Medicaid program. Depending on the eligibility category of the individual, the federal government provides between two-thirds and 100% of the cost of care for persons described in A.R.S. § 36-2901.08(A). The Administration will use the amounts collected from the assessment combined with the federal financial participation to fund the cost of health care coverage for an estimated 430,000 persons described in A.R.S. § 36-2901.08(A) through direct payments to health care providers and capitation payments to managed care organizations that, in turn, make payments to health care providers that render care to AHCCCS members. Many of the providers of that medical care are considered small businesses located in Arizona.

A.R.S. § 36-2901.08 prohibits the assessed hospitals from passing the cost of the assessment on to patients or third parties who pay for care in the hospital. In the aggregate, the Administration expects to return millions more in SFY 2018 in incremental payments for hospital services than will be collected through the assessment. Along with a copy of this final exempt rule making, the Administration has posted to its website information regarding the fiscal impact of this amendment to hospitals.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

No changes were made between the proposed rulemaking and the final exempt rulemaking.

11. The time, place, An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

No comments from the public were received regarding the proposed rulemaking.

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 are not limited to:

No other matters have been prescribed.

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:

Not applicable

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

The rulemaking must be established consistent with 42 CFR Part 433 Subpart B. The 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 analysis was submitted.

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

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 rule and the exempt rulemaking packages:
Not applicable

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

ARTICLE 7. STANDARDS FOR PAYMENTS

Section
R9-22-730. Hospital Assessment

ARTICLE 7. STANDARDS FOR PAYMENTS

R9-22-730. Hospital Assessment

- A. For purposes of this Section, the following terms are defined as provided below unless the context specifically requires another meaning:
1. "2011 Medicare Cost Report" means:
 - a. The Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 as reported in the CMS Healthcare Provider Cost Reporting Information System (HCRIS) release dated December 31, 2012; or
 - b. For hospitals not included in that CMS HCRIS report, the "as filed" Medicare Cost Report for the hospital fiscal year ending in calendar year 2011 submitted by the hospital to the Administration.
 2. "2011 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of December 19, 2012.
 3. "2012 Uniform Accounting Report" means the Uniform Accounting Report submitted to the Arizona Department of Health Services as of August 2, 2013.
 4. "Quarter" means the three month period beginning January 1, April 1, July 1, and October 1 of each year.
- B. Beginning January 1, 2014, for each Arizona licensed hospital not excluded under subsection (I) shall be subject to an assessment payable on a quarterly basis. The assessment shall be levied against the legal owner of each hospital as of the first day of the quarter, and except as otherwise required by subsections (D), (E) and (F). For the period beginning ~~July 1, 2016~~ July 1, 2017, the assessment shall be calculated by multiplying the number of discharges reported on the hospital's 2011 Medicare Cost Report, excluding discharges reported on the Medicare Cost Report as "Other Long Term Care Discharges" by the following rates based on the hospital's peer group:
1. ~~\$440.00~~ \$483.00 per discharge for hospitals located in a county with a population less than 500,000 that are designated as type: hospital, subtype: short-term.
 2. ~~\$440.00~~ \$483.00 per discharge for hospitals designated as type: hospital, subtype: critical access hospital.
 3. ~~\$110.00~~ \$120.75 per discharge for hospitals designated as type: hospital, subtype: long term.
 4. ~~\$110.00~~ \$120.75 per discharge for hospitals designated as type: hospital, subtype: psychiatric, that reported 2,500 or more discharges on the 2011 Medicare Cost Report.
 5. ~~\$352.00~~ \$386.50 per discharge for hospitals designated as type: hospital, subtype: short-term with 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
 6. ~~\$396.00~~ \$434.75 per discharge for hospitals designated as type: hospital, subtype: short-term with at least 10% but less than 20% of total licensed beds licensed as pediatric, pediatric intensive care and neonatal intensive care as reported in the hospital's 2012 Uniform Accounting Report.
 7. ~~\$440.00~~ \$483.00 per discharge for hospitals designated as type: hospital, subtype: short-term not included in another peer group.
- C. Peer groups for the four quarters beginning July 1 of each year are established based on hospital license type and subtype designated in the Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website ~~April 1, 2016~~ April 1, 2017.
- D. Notwithstanding subsection (B), psychiatric discharges from a hospital that reported having a psychiatric sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of ~~\$110.00~~ \$120.75 for each discharge from the psychiatric sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the psychiatric sub-provider are assessed at the rate required by subsection (B).
- E. Notwithstanding subsection (B), rehabilitative discharges from a hospital that reported having a rehabilitative sub-provider in the hospital's 2011 Medicare Cost Report, are assessed a rate of \$0 for each discharge from the rehabilitative sub-provider as reported in the 2011 Medicare Cost Report. All discharges other than those reported as discharges from the rehabilitative sub-provider are assessed at the rate required by subsection (B).
- F. Notwithstanding subsection (B), for any hospital that reported more than ~~28,800~~ 28,200 discharges on the hospital's 2011 Medicare Cost Report, discharges in excess of ~~28,800~~ 28,200 are assessed a rate of ~~\$44.00~~ \$48.25 for each discharge in excess of ~~28,800~~ 28,200. The initial ~~28,800~~ 28,200 discharges are assessed at the rate required by subsection (B).
- G. Assessment notice. On or before the 15th day of the first month of the quarter or upon CMS approval, whichever is later, the Administration shall send to each hospital a notification that the assessment invoice is available to be viewed on a secure website. The invoice shall include the hospital's peer group assignment and the assessment due for the quarter.
- H. Assessment due date. The assessment must be received by the Administration no later than:



1. The 15th day of the second month of the quarter or
 2. In the event CMS approves the assessment after the 15th day of the first month of the quarter, 30 days after notification by the Administration that the assessment invoice is available.
- I.** Excluded hospitals. The following hospitals are excluded from the assessment based on the hospital's 2011 Medicare Cost Report and Provider & Facility Database for Arizona Medical Facilities posted by the Arizona Department of Health Services Division of Licensing Services on its website for ~~April 1, 2017~~April 1, 2016:
1. Hospitals owned and operated by the state, the United States, or an Indian tribe.
 2. Hospitals designated as type: hospital, subtype: short-term that have a license number beginning "SH".
 3. Hospitals designated as type: hospital, subtype: psychiatric that reported fewer than 2,500 discharges on the 2011 Medicare Cost Report.
 4. Hospitals designated as type: hospital, subtype; rehabilitation.
 5. Hospitals designated as type: hospital, subtype: children's.
 6. Hospitals designated as type: med-hospital, subtype: special hospitals.
 7. Hospitals designated as type: hospital, subtype: short-term located in a city with a population greater than one million, which on average have at least 15 percent of inpatient days for patients who reside outside of Arizona, and at least 50 percent of discharges as reported on the 2011 Medicare Cost Report are reimbursed by Medicare.
- J.** New hospitals. For hospitals that did not file a 2011 Medicare Cost Report because of the date the hospital began operations:
1. If the hospital was open on the April 1 preceding the July assessment start date, the hospital assessment will begin on July 1 following the date the hospital began operating.
 2. If the hospital began operating between April 2 and June 30, the assessment will begin on July 1 of the following calendar year.
 3. A hospital is not considered a new hospital based on a change in ownership.
 4. Until the first full year of data is available, the assessment will be based on the annualized number of discharges from the date hospital operations began through April 30 preceding the July assessment start date. The hospital shall submit the discharge data and all other data requested by the Administration necessary to determine the appropriate assessment to the Administration no later than May 15 preceding the assessment start date for the new hospitals. Thereafter, the assessment will be based on the discharges reported in the hospital's first Medicare Cost Report and Uniform Accounting Report which includes 12 months worth of data; however, when a new hospital shares a Medicare Identification Number with an existing hospital, the assessment amount will be based on self reported data from the new hospital instead of the Medicare Cost Report. The data shall include the number of discharges and all other data requested by the Administration necessary to determine the appropriate assessment. No later than August 15, 2017, new hospitals shall also submit to the Administration discharge data and all other data requested by the Administration necessary to determine the appropriate assessment beginning July 1, 2018.
 5. For hospitals providing self-reported data:
 - a. Psychiatric discharges will be annualized to determine if subsections (B)(4) or (I)(3) apply to the assessment amount.
 - b. Discharges will be annualized to determine if subsection (F) applies to the assessment amount.
- K.** Changes of ownership. The parties to a change of ownership shall promptly provide written notice to the Administration of a change of ownership and any agreement regarding the payment of the assessment. The assessed amount will continue at the same amount applied to the prior owner. Assessments are the responsibility of the owner of record as of the first day of the quarter; however, this rule is not intended to prohibit the parties to a change of ownership from entering into an agreement for a new owner to assume the assessment responsibility of the owner of record as of the first day of the prior quarter.
- L.** Hospital closures. Hospitals that close shall pay a proportion of the quarterly assessment equal to that portion of the quarter during which the hospital operated.
- M.** Required information. For any hospital that has not filed a 2011 Medicare Cost report, or if the 2011 Medicare Cost report does not include the reliable information sufficient for the Administration to calculate the assessment, the Administration shall use data reported on the 2011 Uniform Accounting Report filed by the hospital in place of the 2011 Medicare Cost report to calculate the assessment. If the 2011 Uniform Accounting Report filed by the hospital does not include reliable information sufficient for the Administration to calculate the assessment amounts, the hospital shall provide the Administration with data specified by the Administration necessary in place of the 2011 Medicare Cost report to calculate the assessment.
- N.** The Administration will review and update as necessary rates and peer groups periodically to ensure the assessment is sufficient to fund the state match obligation to cover the cost of the populations as specified in A.R.S. § 36-2901.08.
- O.** Enforcement. If a hospital does not comply with this section, the director may suspend or revoke the hospital's provider agreement. If the hospital does not comply within 180 days after the hospital's provider agreement is suspended or revoked, the director shall notify the director of the Department of Health Services who shall suspend or revoke the hospital's license.



NOTICES OF EXEMPT RULEMAKING

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

It is not uncommon for an agency to be exempt from all steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act (APA) or Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10.

An agency's exemption is either written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters; or a court has

determined that an agency, board or commission is exempt from the rulemaking process.

The Office makes a distinction between certain exemptions as provided in these laws, on a case by case basis, as determined by an agency. Other rule exemption types are published elsewhere in the *Register*.

Notices of Exempt Rulemaking as published here were made with no special conditions or restrictions; no public input; no public hearing; and no filing of a Proposed Exempt Rulemaking.

**NOTICE OF EXEMPT RULEMAKING
TITLE 3. AGRICULTURE
CHAPTER 8. DEPARTMENT OF AGRICULTURE
PEST MANAGEMENT DIVISION**

[R17-131]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R3-8-101	Amend
R3-8-102	Amend
R3-8-103	Amend
R3-8-104	Amend
R3-8-107	Amend
Table 1	Amend
R3-8-201	Amend
R3-8-202	Amend
R3-8-203	Amend
R3-8-204	Amend
R3-8-205	Amend
R3-8-206	Amend
R3-8-207	Amend
R3-8-208	Amend
R3-8-209	Amend
R3-8-211	Amend
R3-8-213	Amend
R3-8-215	Amend
R3-8-216	Amend
R3-8-301	Amend
R3-8-304	Amend
R3-8-306	Amend
R3-8-307	Amend
R3-8-308	Amend
R3-8-309	Amend
R3-8-310	Amend
R3-8-401	Amend
R3-8-403	Amend
R3-8-405	Amend
R3-8-406	Amend
R3-8-407	Amend
R3-8-501	Amend
R3-8-503	Amend
R3-8-504	Amend
R3-8-505	Amend
R3-8-601	Amend
R3-8-602	Amend
R3-8-603	Amend
R3-8-605	Amend
R3-8-606	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); A.R.S. § 3-3603(A)(1); Laws 2016, 2nd Reg. Sess., Ch. 221. (SB 1270)

Implementing statute: A.R.S. § 3-3601 et seq.; A.R.S. § 3-3611 et seq.; A.R.S. § 3-3621 et seq.; and A.R.S. § 3-3631 et seq.

Statute or session law authorizing the exemption: Laws 2016, 2nd Reg. Sess., Ch. 221, Section 28.

3. The effective date of the rule and the agency's reason it selected the effective date:

August 29, 2017

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: Vince Craig, Associate Director

Address: Department of Agriculture
1668 W. Adams
Phoenix, AZ 85007

Telephone: (602) 255-3663

Fax: (602) 542-0466

E-mail: vcraig@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:

Laws 2016, 2nd Reg. Sess., (SB1270) established the Pest Management Division within the Department of Agriculture and transferred certain specified authority granted to the Office of Pest Management. Additionally, SB1270 makes changes to statutory provisions related to the following:

1. Definitions
2. Powers and Duties of the Director
3. Pest Management Trust Fund
4. Pest Management Council Members
5. Schools and Child Care Facilities
6. Landscaper Exemption
7. Unlawful Acts
8. Re-numbering statutes

This rulemaking makes amendments necessary to implement statutory changes described above. Section 28 of SB1270 exempt the Department from the rulemaking requirements of Title 41, Chapter 6, Arizona Revised Statutes, for the purpose of implementing bill. The Bill and proposed rules are a product of industry supported efforts to increase the efficiency of state government and to make the regulatory body more customer friendly.

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

None

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

Not applicable

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

Laws 2016, 2nd Reg. Sess., Ch. 221, § 28 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for one year after the effective date of the act. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

Throughout the year 2016 as well as 2017, PMD staff met with pest control industry members of the Arizona Pest Professional Organization (AZPPO) [AZPPO is the largest pest control association in the State of Arizona] and with industry members attending PMD sponsored continuing education conferences, to discuss the proposed Rules.

From October, 2016 and March, 2017, PMD staff met with the Legislative Board of AZPPO and/or AZPPO Board members to discuss the proposed Rules package. Staff and the board members worked on the proposed changes together.

On 2/9/17, PMD staff met attended an AZPPO Board Dinner and presented the proposed Rule changes. There were over 40 industry members in attendance. The industry members in attendance expressed support for the changes.

On 3/15/17, PMD staff met with 75 industry members in Tucson, Arizona at the University of Arizona, while hosting a 6 hour Continuing Education Conference. One and a half hours was spent discussing the proposed Rules package. And, those in attendance expressed support.



On 3/29/17, PMD staff spoke at the Great Western Conference (sponsored by AZPPO) which hosted over 400 industry members. During that conference PMD staff spoke about the proposed Rules and those in attendance (including the AZPPO members) expressed support.

On 4/11/17, PMD staff met with 180 industry members at an ADOT facility in Phoenix, Arizona while hosting a 6 hour Continuing Education Conference. One and a half hours was spent discussing the proposed Rules package. No one in attendance expressed opposition to the proposed rules.

On 6/21/17, the rules package was provided to stake holders who attended the Pest Management Advisory Council meeting (PMAC meeting). Stake holders from the Legislative Committee of AZPPO were present. They publically stated they were in support of all of the changes within the Rules package with the exception of extending expired applicator licenses from 1 month to 11 months. [See A.A.C. R4-29-103(D)(2), which essentially allows an individual with a certification license to renew an expired license up to 11 months, versus the 1 month that is currently in effect].

On 6/21/17, during a Pest Management Division Council meeting, pest control stakeholders representing AZPPO expressed opposition to this change. They believed the certified applicator should not receive an extension. Some of those members expressing opposition were those who were originally supported proposed Rule package when it was discussed at the 2/9/17 AZPPO Monthly Meeting and the Great Western Conference. However, one member admitted that she changed her mind after giving it more thought because it gave applicators too long of a grace period which would result in unlicensed activity if they chose to work on an expired license.

On 6/26/17, after researching what other agencies allowed for expired licenses, the PMD concluded that the proposed language allowing applicators to renew up to 11 months after expiration should remain. The rationale, which was provided to the industry stakeholders was as follows: Business license holders (also under the jurisdiction of the PMD) receive 11 months; the administrative codes prohibit anyone (business or applicator) from operating without a valid license. A.A.C. R4-29-103(D)(1) states that a business license holder can renew up to 11 months (e.g. pay an additional fee of \$15 dollar per month after that the license remains expired, not to exceed \$165). Therefore, for the sake of consistency and uniformity, the applicators who are employed by those businesses should receive the same grace period. Additionally, other agencies such as the Board of Realtors allow for a similar period of time to renew an expired realtor’s license.

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:

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:

R3-8-201 requires a permit. Rules R3-8-102, R3-8-103, R3-8-202, R3-8-203, R3-8-204, R3-8-207, and R3-8-208 set requirements for obtaining permits required by R3-8-201. General permitting is not used because the authorizing statutes prescribe seven categories of certification and distinct licensure requirements for businesses and individuals. See A.R.S. §§ 3-3614, 3-3615, 3-3616, and 3-3617.

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:

Pesticide Programs, 40 C.F.R. §§ 150-180, contains the federal regulations related to pesticide registration, application, and certification of pesticide applicators. 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) & 171.5(a). See also 40 CFR 171.7(e)(1)(i)(C) & (e)(1)(ii)(B). These rules are in conformance with 40 C.F.R. §§ 150-180 and the approved State plan. Furthermore, A.R.S. § 3-3603 expressly authorizes the Director of ADA to adopt rules that are more stringent than corresponding federal law.

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

None

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 8. DEPARTMENT OF AGRICULTURE
PEST MANAGEMENT DIVISION**

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

Section	
R3-8-101.	Definitions
R3-8-102.	Certification Categories; Scope
R3-8-103.	Fees; Charges; Exemption
R3-8-104.	Pest Management Advisory Committee <u>Division Council</u>



- R3-8-107. Licensing Time-frames
- Table 1. Time-frames (Calendar Days)

ARTICLE 2. CERTIFICATION, REGISTRATION AND LICENSURE; CONTINUING EDUCATION

Section

- R3-8-201. Activities that Require a License; Exemptions
- R3-8-202. Business License
- R3-8-203. Applicator Certification
- R3-8-204. Qualified Applicator Certification
- R3-8-205. Qualifying Party Registration; Temporary Qualifying Party Registration
- R3-8-206. Branch Office Registration; Branch Supervisor Registration
- R3-8-207. Applicator Registration
- R3-8-208. License, Certification and Registration Renewal
- R3-8-209. Change in Business Licensee
- R3-8-211. Certification Examination
- R3-8-213. Political Subdivision Responsible Individual
- R3-8-215. Continuing Education
- R3-8-216. Continuing Education Approval

ARTICLE 3. PEST MANAGEMENT

Section

- R3-8-301. Using Pesticides and Devices
- R3-8-304. Devices Exempt from Licensure and Registration; Advertising
- R3-8-306. Providing Notice to Customers
- R3-8-307. Performing a Wood-destroying Insect Inspection; WDIIRs
- R3-8-308. Performing Wood-destroying Insect Management
- R3-8-309. Termite Warranties and Retreatments
- R3-8-310. Business Management

ARTICLE 4. SUPERVISION

Section

- R3-8-401. Supervising an Applicator
- R3-8-403. Qualifying Party Management
- R3-8-405. Supervision of Qualifying Party
- R3-8-406. Responsible Individuals
- R3-8-407. Joint Responsibility

ARTICLE 5. RECORDKEEPING AND REPORTING

Section

- R3-8-501. Applicator Recordkeeping
- R3-8-503. Business Licensee and Political Subdivision Recordkeeping and Retention
- R3-8-504. Reporting Incidents and Bulk Releases
- R3-8-505. Groundwater Protection List Reporting

ARTICLE 6. INSPECTIONS; DISCIPLINARY PROCEDURES

Section

- R3-8-601. Inspection of Licensee Records
- R3-8-602. Compliance with ~~OPM~~ PMD Monitoring
- R3-8-603. Corrective Work Orders
- R3-8-605. Consent Agreements
- R3-8-606. Penalties

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

R3-8-101. Definitions

In addition to the definitions provided in A.R.S. § ~~32-2304~~ 3-3601, the following terms apply to this Chapter:

“Administratively complete” means ~~an~~ the application contains all components required by statute or this Chapter to be submitted to the ~~OPM~~ PMD to enable the ~~OPM~~ PMD to determine whether to grant a license or approval.

“Advertisement” means a written or oral notice, including a business card, website, or telephone directory listing, which is intended, directly or indirectly, to induce a person to enter into an agreement for pest management services.

“Applicator” means an individual who provides pest management services. Applicator does not include a laborer.

“Applicator certification” means a certified applicator license.

“Broadening” means to add another category of work to an existing certification.

“Certified applicator” means an individual who is licensed by the ~~OPM~~ PMD to provide pest management services, including a QA.



“CEU” means continuing education unit.

“Continuing education unit” means 50 minutes of participation in continuing education.

“Control” or “manage” means, with respect to pests, to exterminate, eradicate, destroy, kill, repel, attract, sterilize, mitigate, remove, or a combination of these activities.

“Department” means the Arizona Department of Agriculture.

“Disassociate” means to die, become disabled, resign, retire, be ill or take leave for more than 14 days, be terminated, or be called to active military duty.

“Entire structure” means all critical areas as defined in this Chapter and as specified on product labeling for both the interior and exterior of a structure.

“EPA” means the U.S. Environmental Protection Agency.

“EPA registration number” means the actual EPA registration number of a product or the federal provision exempting the product from EPA registration.

~~“Final grade treatment” means establishment of a complete vertical barrier at the exterior of foundation walls in stem wall or monolithic construction.~~

“Faulty grade” means the top of the foundation is even with or below the adjacent earth. The existing earth level shall be considered grade. Specific exceptions are basement construction and sunken room construction when the surrounding foundation is at least 3 inches above the exterior grade level.

“Fog or fogging” means applying a pesticide by a flammable, aerosolizing thermal or other generator that forms particles less than 10 microns in diameter.

“Food-handling establishment” means a place, other than a private residence, in which food is received, served, stored, packaged, prepared, or processed.

“Fumigant” means a chemical substance with a vapor pressure greater than five millimeters of mercury at 25 degrees Centigrade that is used to destroy plant or animal life.

“Fumigation” means a method of pest management that completely fills an area with a fumigant to suffocate or poison pests within the area.

“Fungi” means saprophytic and parasitic organisms that lack chlorophyll such as molds, rusts, mildews, smuts, and yeast, except those on or in living people or animals or processed foods, beverages, or pharmaceuticals.

“Health care institution” means a health care institution licensed pursuant to title 36, chapter 4 and includes doctor and dental offices.

“Label” means a written, printed, electronic or graphic document that is approved by the EPA and on or attached to a pesticide container, the wrapper of a pesticide container, or a device.

“Labeling” means a written, printed, electronic or graphic document that is authorized by the manufacturer or a state or federal agency to accompany a pesticide or device, or is referred to on the label or in literature accompanying the pesticide or device.

“Laborer” means an individual who performs physical labor necessary for an applicator to provide pest management services, including drilling and trenching, but who does not handle any pesticide container that has ever been opened, identify infestations, make inspections, make inspection reports or recommendations with respect to infestations, or use any device for the purpose of eliminating, exterminating, controlling or preventing infestations, except that laborer includes an individual who assists with the use of a tarp on a structure for a fumigation performed by an applicator.

~~“New construction treatment” means a treatment to all cellulose components of a structure as prescribed by the pesticide label to protect the structure from subterranean termites and is performed after a permanent concrete slab foundation is installed or footings and supports for a raised foundation are installed, but before the structure or a final grade treatment is completed.~~

~~“OPM” means the Office of Pest Management.~~

“Pest” means a vertebrate or invertebrate insect, bird, mammal, or other animal or organism, or a weed or plant pathogen that is in an undesirable location.

“Pesticide,” as defined in A.R.S. § ~~32-2304~~ 3-3601, includes an insecticide, fungicide, rodenticide, termiticide, fumigant, larvicide, piscicide, adulticide, herbicide, nematicide, avicide, or molluscicide.

“PMD” means Pest Management Division.

~~“Pest management services” means identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations, making written or oral inspection reports or recommendations with respect to infestations, and the application of pesticides or the use of devices not exempt by section 32-2304, subsection B, paragraph 18, for the purpose of eliminating, exterminating, controlling or preventing infestations.~~

~~“Post construction treatment” means a treatment to control wood destroying insects in or around an existing structure performed after all soil disturbance associated with construction is complete and after an applicator has completed an inspection of the structure and a treatment proposal under A.R.S. § 32-2332(A) and (B).~~



~~“Pretreatment” means a termite treatment that protects all cellulose components of a structure from subterranean termites, is performed before a permanent concrete slab foundation is installed or in conjunction with establishing footings and supports for a raised foundation, and establishes thorough and complete horizontal and vertical treated barriers.~~

“Primary service,” as used in A.R.S. § ~~32-2311.02(B)(3)~~ 3-3613(B)(3), means applying an herbicide as the only or predominant service under a verbal or written contract to maintain a property.

“Project” means an individual address or a privately owned or individually owned dwelling.

“QA” means certified qualified applicator.

“QP” means qualifying party.

“Qualified applicator certification” means a certified qualified applicator license.

“SDS” means safety data sheet, which is a written communication regarding a hazardous chemical that meets the standards at 29 CFR 1910.1200(g).

“Service container” means a receptacle that is used to hold, store, or transport a pesticide concentrate or use-dilution preparation other than the original labeled receptacle provided by the manufacturer, a measuring instrument, or application equipment.

~~“Service vehicle” means a motor vehicle, including a trailer attached to the motor vehicle, used regularly to transport an applicator and equipment or pesticides used to provide pest management services.~~

“Signal word” means a word printed on a label that indicates the toxicity level of the pesticide in the container to which the label is affixed.

“Special Local Need registration” means an authorization from the Department to use a pesticide, which meets an Arizona-specific need, in Arizona according to the terms of the registration.

“Specimen label” means a label other than the label attached to a pesticide container that contains the same information as the labeling; including an electronic label.

“Structure” means all parts of a building, whether vacant or occupied, in all stages of construction.

“Subterranean termites” means the several species of termites that usually maintain contact with the soil, including those in the families Rhinotermitidae and Termitidae.

“Supplemental wood-destroying insect inspection” means a re-examination made by an applicator of the business licensee that conducted a previous wood-destroying insect inspection and within 30 days of the previous examination to determine whether corrective treatment has been performed or conditions conducive to wood-destroying insects have been corrected.

“Tag” means a written document that is required under this Chapter to be posted conspicuously at a pretreatment or new-construction treatment site.

“TARF” means termite action report form.

“Termiticide” means a chemical registered by the EPA and the Department and used for control of termites.

“Water-retention basin” means an area to temporarily hold water run-off until the water dissipates.

~~“WDIIR” means wood-destroying insect inspection report, which is a written report on a form approved by the OPM that is prepared in connection with the sale or refinancing of real property regardless of whether the report is used as part of the sale or refinancing.~~

“Wood-destroying insect inspection” means an inspection for the presence or absence of wood-destroying insects.

R3-8-102. Certification Categories; Scope

The name and scope of each certification category are as follows:

1. Industrial and institutional: pest management in, on, around or adjacent to a structure not covered by another category; pest management in or on asphalt, concrete, gravel, rocks and similar surfaces, including man holes, not covered by another certification category; pest management of health related pests wherever found; but excluding anti-microbial pest management and fungi inspection
2. Wood-destroying organism management.
 - a. Wood-destroying organism treatment: inspecting for the presence or absence of wood-destroying organisms and treating for wood-destroying organisms in or about a residential or other structure by a means other than use of a fumigant.
 - b. Wood-destroying insect inspection: inspecting for the presence or absence of wood-destroying insects only and excluding preparing treatment proposals.
3. Ornamental and turf: pest management, including weeds, ~~in the maintenance of turf or bare ground not covered by the right-of-way category and ornamental trees, shrubs, and flowers by a means other than use of a fumigant.~~ pests in trees, shrubs, and flowers, turf and bare ground, not covered by the right-of-way category, by means other than the use of a fumigant. Excludes any pests within a structure.
4. Right-of-way: pest management of pests, including weeds, in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas by a means other than use of a fumigant, but excluding pest management in the maintenance of ornamental trees, shrubs and flowers.
5. Aquatic: pest management, including weeds, in standing or running water.
6. Fumigation: pest management using fumigants; except as provided in the wood preservation category.



7. Wood preservation: application of pesticides, INCLUDING FUMIGANTS LABELED FOR USE ON UTILITY POLES OR RAILROAD TIES, directly to structural components of wood or wood products, to prevent or manage wood degradation by wood-destroying organisms including fungi and bacteria, which are not part of an existing structure, ~~normally habitable by persons, to prevent or manage wood degradation by wood-destroying organisms including fungi and bacteria.~~

R3-8-103. Fees; Charges; Exemption

- A. A person shall pay the following application and renewal fees for licensure, certification, and registration:
 1. For an applicator:
 - a. Applicator certification, \$75.
 - b. Applicator certification broadening application, \$0.
 - c. QA certification, \$100.
 - d. QA certification broadening application, \$25.
 2. For a qualifying party:
 - a. Registration at same time as application for or renewal of the business license, \$0.
 - b. Registration at a different time than application for or renewal of the business license, \$50.
 - c. Registration broadening, \$25.
 - d. Temporary qualifying party registration, \$100.
 3. For a business:
 - a. Business license, \$250.
 - b. Business license for federal entity, \$0.
 - c. Applicator registration, \$0 per applicator.
 4. For a branch:
 - a. Branch office registration, \$50 per branch.
 - b. Branch supervisor registration at same time as branch office registration, \$0.
 - c. Branch supervisor registration at a different time than branch office registration, \$25.
- B. A person renewing an applicator certification, QA certification, business license, branch office registration, or branch supervisor registration shall receive a 10 percent reduction in the renewal fee for renewals submitted for a two year renewal period.
- C. In addition to the fees listed in subsection (A), a person shall pay a \$10 handling fee for each application or renewal form not submitted electronically when ~~OPM~~ PMD allows electronic submission.
- D. A person shall pay a late fee equal to ~~half~~ ten percent of the renewal fee for any license, certification, or registration that is not renewed timely.
 1. If a business license remains expired for more than 30 days, to renew the license, a person shall also pay an additional late fee of \$15 per month that the license remains expired, not to exceed \$165. Late fees are in addition to the renewal fee.
 2. If a certification remains expired for more than 30 days, to renew the certification, a person shall also pay an additional late fee of \$10 per month the certification remains expired, not to exceed \$110. Late fees are in addition to the renewal fee.
- E. A business licensee shall pay the following TARF fees:
 1. Electronic submissions, \$2;
 2. Electronic final grade treatment TARF submissions, \$0;
 3. Electronic TARF submissions for a pretreatment or new-construction treatment of an addition that abuts the slab of an originally treated structure, \$0, if the business licensee:
 - a. Performed the pretreatment or new-construction treatment of the main structure,
 - b. Filed a TARF regarding the pretreatment or new-construction treatment,
 - c. Has the structure under warranty, and
 - d. Treats the abutting addition under the terms of the site warranty;
 4. All paper submissions, \$8; and
 5. Late fee equal to the original TARF fee for any TARF submission more than 30 days after the due date, except that the late fee for an electronic final grade treatment TARF submission more than 30 days after the due date shall be \$2.
- F. If the ~~OPM~~ PMD administers a certification examination, an applicant shall pay \$50 to take the examination. If an examination service or testing vendor administers a certification examination, an applicant shall pay the examination service or testing vendor the examination cost established in the vendor's contract with the ~~OPM~~ PMD.
- G. ~~OPM~~ PMD employees are exempt from the applicator and examination fees listed in this Section.
- H. An applicant who makes a payment for a fee due under this Section that is rejected by a financial institution will be subject to all of the following:
 1. The ~~OPM~~ PMD shall void any approval of the application or renewal.
 2. The applicant shall pay any financial institution fee incurred by the ~~OPM~~ PMD.
 3. The ~~OPM~~ PMD may require the applicant to pay all fees due using a method other than a personal or business check.
 4. An application for renewal will be considered untimely if the substitute payment is not received by the ~~OPM~~ PMD by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.
- I. The ~~OPM~~ PMD may reject an application or request for service that is submitted with the incorrect fee and not process the application or provide the service. An application for renewal will be considered untimely if the substitute payment is not received by the ~~OPM~~ PMD by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.
- J. ~~In addition to the fees listed in this Section, the OPM may collect service charges from persons who pay with alternative payment methods, including credit cards, charge cards, debit cards and electronic transfers.~~

R3-8-104. Pest Management Advisory Committee Division Council

- A. A five-member Pest Management Advisory Committee Division Council is established to assist and make recommendations to the director regarding the administration and implementation of A.R.S. Title ~~32-3~~, Chapter ~~22-20~~.



- B. The members shall meet the following qualifications:
 1. Three members shall be business licensees or qualifying parties and shall each have a minimum of five years of pest management experience.
 - a. At least one of these three members shall be a business licensee who has five or fewer applicators.
 - b. For one of these three members, first priority shall be given to a business licensee or QP based outside of Maricopa and Pima Counties and secondary priority shall be given to a business licensee or QP who is not based outside of those counties but is associated with a business that has an office in Arizona outside of those counties. If there are no qualified first or secondary priority applicants, the Director may appoint any business licensee or QP with a minimum of five years of pest management experience.
 2. One member shall be a representative of a political subdivision.
 3. One member shall be a public member who does not provide pest management services or work for a business licensee.
- C. Members shall serve three year staggered terms. Members shall not serve consecutive terms, except that a member who is appointed to fill a vacancy may serve the unexpired term that fills the vacancy plus one regular term. A member shall be ineligible for reappointment for three years.
- D. The office of a member shall be deemed vacant under any of the following circumstances:
 1. The member no longer satisfies the qualification in subsection (B).
 2. The member is unable to perform the duties of the office.
 3. The absence of the member from three consecutive Committee meetings if the absences have not been excused by the Committee.
- E. The Committee shall annually select a chairman and vice-chairman from among its members.

R3-8-107. Licensing Time-frames

- A. Overall time-frame. The OPM PMD shall issue or deny a license within the overall time-frames listed in Table 1. The overall time-frame, which is the total number of days provided for both the administrative completeness and substantive review time-frames, begins when the OPM PMD receives an application.
- B. Administrative completeness review time-frame.
 1. During the administrative completeness review time-frame, the OPM PMD shall notify the applicant in writing whether the application is complete or incomplete. If the application is incomplete, the OPM PMD shall specify in the notice what information is missing. If the OPM PMD does not provide notice to the applicant within the administrative completeness review time-frame, the OPM PMD shall deem the application complete.
 2. An applicant with an incomplete license application shall supply the missing information within the completion request period listed in Table 1. The administrative completeness review and overall time-frames are suspended from the postmark date of the notice of missing information until the date the OPM PMD receives the information.
 3. If an applicant fails to submit the missing information before expiration of the completion request period, the OPM PMD shall consider the application withdrawn and close the file. An applicant whose file is closed may apply for a license by submitting a new application and application fee.
- C. Substantive review time-frame.
 1. The substantive review time-frame listed in Table 1 begins when an application is administratively complete or at the end of the administrative completeness review time-frame in Table 1, whichever occurs first. If the OPM PMD determines during the substantive review that additional information is needed, the OPM PMD shall send the applicant a comprehensive written request for additional information.
 2. Both the substantive review and overall time-frames are suspended from the date of the OPM's PMD's request until the date that the OPM receives the additional information. The applicant shall submit the additional information within the additional information period listed in Table 1.
 3. If the applicant fails to provide the additional information within the additional information period in Table 1, the OPM PMD shall consider the application withdrawn and close the application. An applicant whose file is closed may apply for a license by submitting a new application and application fee.
- D. Within the overall time-frame listed in Table 1, the OPM PMD shall:
 1. Deny a license or approval to an applicant if the OPM PMD determines that the applicant does not meet all the substantive criteria required by the OPM's PMD's statutes and this Chapter; or
 2. Grant a license or approval to an applicant if the OPM PMD determines that the applicant meets all the substantive criteria required by the OPM's PMD's statutes and this Chapter.
- E. If the OPM PMD denies a license or approval under subsection (D)(1), the OPM PMD shall provide a written notice of denial to the applicant that explains:
 1. The reason for the denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time for appealing the denial.



Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Applicant Response to Completion Request	Substantive Completeness Review	Applicant Response to Additional Information REQUEST	Overall Time-frame
Applicator New Renewal Broaden	<u>A.R.S. § 3-3614</u> R3-8-203 R3-8-208 R3-8-210	30 30 30	90 <u>45</u> 90 <u>45</u> 90 <u>45</u>	100 <u>60</u> 100 <u>60</u> 100 <u>60</u>	360 15 360/∞*	130 <u>90</u> 130 <u>90</u> 130 <u>90</u>
Qualified applicator (QA) New Renewal Broaden	<u>A.R.S. § 3-3614</u> R3-8-204 R3-8-208 R3-8-210	30 30 30	90 <u>45</u> 90 <u>45</u> 90 <u>45</u>	100 <u>60</u> 100 <u>60</u> 100 <u>60</u>	360 15 360	130 <u>90</u> 130 <u>90</u> 130 <u>90</u>
Qualifying party (QP) New Renewal Broaden Temporary	A.R.S. § 32-2314 <u>3-3616</u> R3-8-205 R3-8-208 R3-8-210 R3-8-205	30 30 30 10	90 <u>45</u> 90 <u>45</u> 90 <u>45</u> 10	100 <u>60</u> 100 <u>60</u> 100 <u>60</u> 10	90 15 90 15	130 <u>90</u> 130 <u>90</u> 130 <u>90</u> 20
Business	A.R.S. § 32-2313 <u>3-3615</u> ; R3-8-202; R3-8-208; R3-8-209	30	90 <u>45</u>	100 <u>60</u>	15	130 <u>90</u>
Branch Office	A.R.S. § 32-2315 <u>3-3617</u> ; R3-8-206	30	90 <u>45</u>	100 <u>60</u>	15	130 <u>90</u>
Branch supervisor New Renewal	A.R.S. § 32-2315 <u>3-3617</u> R3-8-206 R3-8-208	30 30	90 <u>45</u> 90 <u>45</u>	100 <u>60</u> 100 <u>60</u>	90 15	130 <u>90</u> 130 <u>90</u>
Continuing Education Approval	R3-8-216	20	60 <u>20</u>	55	15	75

* ∞ (Infinity) response refers to examination scores for current applications only.

ARTICLE 2. CERTIFICATION, REGISTRATION AND LICENSURE; CONTINUING EDUCATION

R3-8-201. Activities that Require a License; Exemptions

- A. Business license. A person doing an activity defined as the business of pest management shall first possess a valid business license, unless the person is:
 - 1. A political subdivision;
 - 2. Acting on behalf of a business licensee or political subdivision; or
 - 3. Otherwise exempt by this Chapter or the ~~OPM's~~ PMD's statutes.
- B. Qualifying party registration. A business licensee or school district shall only do an activity defined as the business of pest management if the business licensee or school district has a registered qualifying party. The business licensee or school district shall only provide pest management services in a certification category if the qualifying party is registered in that certification category.
- C. Applicator licensure.
 - 1. An individual who provides pest management services shall be a certified applicator and only provide pest management services in a certification category for which the applicator is currently certified except as provided under subsections (C)(2) and (C)(3) or as otherwise exempt by this Chapter or the ~~OPM's~~ PMD's statutes.
 - 2. A certified applicator desiring to work in a category for which the applicator is not certified shall become certified in the category within 30 calendar days after beginning work in that category and shall be supervised as provided in subsection (C)(3)(c) while working in that category.
 - 3. An individual may provide pest management services on behalf of a business licensee without being a certified applicator if the individual:
 - a. Is registered as an applicator of the business licensee under R3-8-207;
 - b. Has been registered as an applicator of the business licensee for not more than 90 calendar days out of the last 365 days; and
 - c. Is supervised by a certified applicator who:
 - i. Is certified in the category for which supervision is provided;
 - ii. Provides immediate supervision when the individual performs pest management services in the wood-destroying organism treatment, aquatic, or fumigation category, uses a restricted use pesticide, or uses a pesticide under an experimental use permit; and
 - iii. Provides direct supervision when the individual performs pest management services not covered by subsection (C)(3)(c)(ii).



- 4. An individual may not provide pest management services at a school, child care facility, health care institution, or food-handling establishment unless the individual is a certified applicator in the certification category for which services are being provided.
- 5. An individual using an animal to assist with identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations shall be a certified applicator in the certification category for which services are being provided.
- D. Applicator registration. An applicator may not provide pest management services on behalf of a business licensee or political subdivision unless the applicator is registered as an applicator of the business licensee or political subdivision pursuant to R3-8-207.
- E. Exemptions. A person is not required to be licensed who:
 - 1. Provides general information about a label or labeling, the identification or management of a pest, integrated pest management or the use of a registered pesticide; does not directly or indirectly charge for the information; and does not make an on-site recommendation.
 - 2. Performs sales work that does not include:
 - a. Identifying on-site infestations or making inspections for the purpose of identifying or attempting to identify infestations;
 - b. Making written or oral inspection reports or on-site recommendations with respect to infestations; or
 - c. The application of pesticides or the use of devices for the purpose of eliminating, exterminating, controlling or preventing infestations.
 - 3. Is an authorized representative of any educational institution engaged in research in the study of pest management and does not provide pest management services for hire.
 - 4. Is a certified home inspector and documents evidence of wood-destroying organisms on a home inspection, but does not prepare a WDIIR, prepare a treatment proposal, make treatment estimates, bids, or recommendations, apply pesticides, or use devices.
 - 5. Only uses, applies or installs home improvement articles, such as insulation, caulk and paint, that are pre-incorporated with a pesticide.

R3-8-202. Business License

- A. An applicant for a business license shall submit the following information on a form obtained from the ~~OPM~~ PMD:
 - 1. About the business:
 - a. Business name;
 - b. Name and form of business organization;
 - c. Names of the following persons authorized to act on behalf of the business:
 - i. Owner if a sole proprietorship;
 - ii. Managing or general partner if a partnership;
 - iii. President and other authorized officers if a corporation;
 - iv. All the managers or members if a limited liability company; or
 - v. Person authorized to make decisions for the business if any other type of business form;
 - vi. Names of all principals of the business including all individuals or other corporations or partnerships that own at least ten percent interest of the business.
 - c. Telephone number;
 - d. ~~Fax number;~~ Physical address;
 - e. ~~Physical address;~~ Mailing address, if different from physical address
 - f. ~~Mailing address, if different from physical address;~~ E-mail address; and
 - ~~g-h. E-mail address; and Chemical storage address.~~
 - ~~h. Chemical storage address;~~
 - 2. Daytime telephone number of individuals identified under subsection (A)(1)(c);
 - 3. Name of the qualifying party; and
 - 4. The dated signature and title of an authorized representative of the business affirming that the information provided is true and correct.
- B. In addition to the form required under subsection (A), an applicant shall submit:
 - 1. The fee specified in R3-8-103;
 - 2. The proof of financial security required by A.R.S. § ~~32-2313;~~ 3-3615;
 - ~~3. The names of all principals of the business as defined in subsection (G);~~
 - ~~4-3.~~ The name and physical address of the statutory agent of the business; and
 - ~~5-4.~~ A copy of the Articles of Incorporation or Organization, Certificate of Limited Partnership, trust, trade name certificate, partnership agreement, or other evidence of the form of business organization.
- C. A business cannot be licensed without a registered qualifying party.
- D. If the ~~OPM~~ PMD determines there may be cause to deny a license to an applicant, the ~~OPM~~ PMD may send a written notice to the applicant requiring the applicant to appear at a specific location, date and time to answer questions.
- E. A business license expires on May 31, and is:
 - 1. Issued with an expiration in the following calendar year as an initial licensure; and
 - 2. Renewable for one or two years, depending on the renewal period selected by the applicant.
- F. A business license may not be transferred except in accordance with R3-8-209 and may not be renewed beyond the expiration of the registration for the business's qualifying party.
- ~~G. For the purposes of this Section, principal means a person who owns at least a 10 percent interest in a business. Principal includes an owner that is itself a business as well as owners of a principal.~~
- ~~H-G.~~ If an applicant's proof of financial security includes an insurance policy which provides for a deductible in excess of one percent of the total financial security for each occurrence, the applicant shall provide other evidence of financial security for the excess deductible amount as required by A.R.S. § ~~32-2313~~ 3-3615 Financial security in the following forms will be acceptable, provided that the



nature of the security provides adequate protection for persons who may suffer bodily injury or property damage as a result of the operations of the applicant:

1. Liability insurance, self-insured retention or surety bond issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state;
2. Bank statement evidencing a deposit of money in an amount equal to, or greater than, the excess deductible amount; or
3. Certified Check in an amount equal to, or greater than, the excess deductible amount.

R3-8-203. Applicator Certification

- A. Application. An applicant for applicator certification shall submit the fee specified in R3-8-103 and the following information on a form obtained from the OPM PMD:
1. Full name;
 2. Applicator certification number, if any;
 3. Home address;
 4. Mailing address, if different from the home address;
 5. Telephone number;
 6. E-mail address;
 7. Date of birth;
 8. Social Security number;
 9. A statement whether the applicant has ever had a license or permit to practice pest management denied, revoked, or suspended and if the answer is yes, the date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;
 10. Name of employer, if any;
 11. Employer's business license number, if applicable;
 12. Employer's telephone number, if applicable; and
 13. The applicant's dated signature affirming that the information provided is true and correct.
 14. Information and documentation concerning lawful presence required by A.R.S. § 41-1080.
- B. An applicant shall be of good moral character. A conviction for a felony or a misdemeanor involving moral turpitude may demonstrate a lack of good moral character. A conviction for any of the following offenses shall be considered to demonstrate a lack of good moral character:
1. Murder involving the death of a law enforcement officer.
 2. An offense described in A.R.S. § 13-2308.01 related to terrorism.
 3. A sexual offense of any type where the victim is a minor that is a class 4 or higher felony.
- C. Examination. An applicant shall take and pass the certification examinations as provided in R3-8-211 in order to become certified.
- D. An applicant for initial certification shall be at least 18 years of age.
- E. If the OPM PMD determines there may be cause to deny certification to an applicant, the OPM PMD may send a written notice to the applicant requiring the applicant to appear at a specific location, date and time to answer questions.
- F. Certification. Applicator certification is not transferable, expires on May 31, and is:
1. Issued with an expiration in the following calendar year as an initial certification,
 2. Renewable for one or two years, depending on the renewal period selected by the applicant, and
 3. Renewed for all certification categories for the same renewal period; and
 4. The responsibility of the individual to whom it is issued.

R3-8-204. Qualified Applicator Certification

- A. Before applying for QA certification, an applicant shall fulfill the experience requirement for each category.
- B. Application. An applicant for QA certification shall submit the fee specified in R3-8-103 and the following information on a form obtained from the OPM PMD:
1. Full name;
 2. Applicator certification number, if any;
 3. QA certification number, if any;
 4. Home address;
 5. Mailing address, if different from the home address;
 6. Telephone number;
 7. E-mail address;
 8. Date of birth;
 9. Social Security number;
 10. A statement whether the applicant has ever had a license or permit to practice pest management denied, revoked, or suspended and if the answer is yes, date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;
 11. Name of employer, if any;
 12. Employer's business license number, if applicable;
 13. Employer's telephone number, if applicable;
 14. Certification categories for which application is made; and
 15. The applicant's dated signature affirming that the information provided is true and correct.
 16. Information and documentation concerning lawful presence required by A.R.S. § 41-1080, if not on file.
- C. Experience. An applicant shall possess one of the following qualifications:
1. Certification as an applicator for 24 months within the ten years preceding the application in the category applied for.
 2. Certification as an applicator for 12 months within the ten years preceding the application and either:
 - a. Successful completion of 12 semester hours or its equivalent within the 10 years preceding the application in pest management courses directly related to each category applied for; or



- b. A Bachelor's degree in agricultural sciences, biological sciences, or pest management with 12 semester hours or its equivalent in pest management courses directly related to each category applied for.
3. Twenty four months of verifiable experience in the business of pest management, in another State where licensure was not required, within the ten years preceding application directly related to the category applied for.
- D. For an individual who applies for QA certification within one year of honorable separation from active military duty, the time periods "preceding the application" in subsection (C) are tolled during the term of active military duty.
- E. A QA shall be of good moral character. A conviction for a felony or a misdemeanor involving moral turpitude may demonstrate a lack of good moral character. A conviction for any of the following offenses shall be considered to demonstrate a lack of good moral character:
 1. Murder involving the death of a law enforcement officer.
 2. An offense described in A.R.S. § 13-2308.01 related to terrorism.
 3. A sexual offense of any type where the victim is a minor that is a class 4 or higher felony.
- F. ~~OPM PMD~~ review.
 1. After notification by the ~~OPM PMD~~ that the applicant is eligible for certification, the applicant may schedule and take the certification examinations described under R3-8-211.
 2. If the ~~OPM PMD~~ determines there may be cause to deny certification to an applicant, the ~~OPM PMD~~ may send a written notice to the applicant requiring the applicant to appear at a specific location, date and time to answer questions.
- G. Examination. An applicant shall take and pass the certification examinations as provided in R3-8-211 in order to become certified.
- H. Certification. QA certification is not transferable, expires on May 31, and is:
 1. Issued with an expiration in the following calendar year as an initial certification,
 2. Renewable for one or two years, depending on the renewal period selected by the applicant, and
 3. Renewed for all certification categories for the same renewal period, and
 4. The responsibility of the individual to whom it is issued.
- I. For the purposes of this Section, pest management courses means courses in entomology, zoology, vertebrate management, plant pathology, agronomy, general horticulture, plant biology or botany, biochemistry, organic or inorganic chemistry, the eradication or management of weeds, toxicology, the environmental impact of pesticides, or any combination thereof.

R3-8-205. Qualifying Party Registration; Temporary Qualifying Party Registration

- A. An applicant for registration as a QP shall submit the fee specified in R3-8-103 and the following information on a form obtained from the ~~OPM PMD~~:
 1. FULL Name;
 2. QA certification number;
 3. Certification categories to be registered;
 4. Name, and license number if applicable, of the business or school district for which the applicant will act as the QP; and
 5. Dated signature of the applicant affirming that the information provided is true and correct;
- B. An individual may only register as a QP in categories for which the individual possesses QA certification.
- C. A certified applicator who is the representative of a business licensee or school district may register as a temporary QP if the QP has become disassociated with the business licensee or school district within the last 45 days. A certified applicator may only register as a temporary QP in the categories for which both the former QP was registered and the certified applicator is certified.
- D. An applicant for registration as a temporary QP shall submit the fee specified in R3-8-103 and:
 1. The information required in subsection (A), except subsection (A)(2);
 2. The applicant's applicator certification number;
 3. Written confirmation signed by the business licensee, school district, or former QP indicating that the former QP has become disassociated with the business licensee or school district; and
 4. A written statement signed by the business licensee or school district that:
 - a. The business licensee or school district has not operated in the business of pest management for more than five business days since the disassociation in the categories for which the disassociated QP was registered; and
 - b. The business licensee or school district wants the certified applicator to act as a temporary QP.
- E. A business licensee or school district shall not use a temporary QP to qualify the business or school district in a category for more than 180 days in any 12 month period.
- F. Registration.
 1. QP registration is not transferable, expires on May 31, and is:
 - a. Issued with an expiration in the following calendar year as an initial registration,
 - b. Renewable for one or two years, depending on the renewal period selected by the applicant, and
 - c. Renewed for all registration categories for the same renewal period.
 2. Temporary QP registration is not transferable, is valid for 90 calendar days and may be renewed once for the business license.
 3. A QP or temporary QP may only register to qualify one business licensee or school district except as provided in subsection (F)(4).
 4. A QP for school districts shall separately register as a QP for each school district served, but may not register as a QP for more than one school district without approval from the director pursuant to R3-8-402(C).

R3-8-206. Branch Office Registration; Branch Supervisor Registration

- A. A business licensee may not do business from a branch office unless the branch office and a branch supervisor are registered with the ~~OPM PMD~~.
- B. To register a branch office, the business licensee shall submit the fee specified in R3-8-103 and the following information on a form obtained from the ~~OPM PMD~~:
 1. The business licensee's name and licensee number.



2. About the branch office:
 - a. ~~Name~~ Full name of branch supervisor;
 - b. Branch supervisor's applicator certification number;
 - c. Telephone and fax numbers;
 - d. Physical address;
 - e. Mailing address, if different from physical address;
 - f. E-mail address; and
 - g. Chemical storage address; and
 3. The dated signature of an authorized representative of the business licensee.
- C. A branch office shall do business in the name of the business licensee only.
- D. To register as a branch supervisor, the applicant shall submit the fee specified in R3-8-103 and the following information on a form obtained from the OPM PMD:
1. ~~Name~~ Full name,
 2. Applicator certification number,
 3. Business name and license number,
 4. Physical and mailing address of branch office where the applicant will be the supervisor,
 5. Branch office telephone and fax numbers,
 6. Dated signature of the applicant affirming that the information provided is true and correct, and
 7. Dated signature of an authorized representative of the business licensee.
- E. A branch supervisor may only register to supervise a branch office at one physical location.
- F. Registration as a branch office or branch supervisor is not transferable, expires on May 31, and is:
 1. Issued with an expiration in the following calendar year as an initial registration, and
 2. Renewable for one or two years, depending on the renewal period selected by the applicant.

R3-8-207. Applicator Registration

- A. Every applicator of a business licensee or political subdivision shall be registered with the OPM PMD as an applicator for that business licensee or political subdivision before providing pest management services for the business licensee or political subdivision. This requirement is in addition to applicator certification requirements.
- B. To register an applicator, a person shall submit the fee specified in R3-8-103 and the following information about the applicator on a form obtained from the OPM PMD:
1. Full name;
 2. Name, and license number if applicable, of the business licensee or political subdivision;
 3. For an applicator of a business licensee, identification of the primary or branch office where the applicator's pest management records will be kept;
 4. For a certified applicator, the applicator's certification number;
 5. For an uncertified applicator, the applicator's:
 - a. Home address;
 - b. Mailing address, if different from the home address;
 - c. E-mail address;
 - d. Telephone number;
 - e. Date of birth;
 - f. Social Security number; and
 6. Dated signature of the applicant affirming that the information provided is true and correct.
- C. ~~There is no fee to register an applicator of a political subdivision.~~
- ~~D.~~ An uncertified applicator shall be at least 18 years of age.
- ~~E-D.~~ Applicator registration is valid from the date the OPM PMD receives all the information required under subsection (B) and the registration fee.
- ~~F-E.~~ Applicator registration is non-transferable and expires on May 31.
- ~~G-E.~~ A business licensee and QP are jointly responsible for ensuring compliance with this Section.
- ~~H-G.~~ The director shall assess a business licensee with a \$150 civil penalty for each unregistered applicator.

R3-8-208. License, Certification and Registration Renewal

- A. An application to renew a business license, applicator or QA certification, or qualifying party, branch office, branch supervisor, or applicator registration is due May 1 of the year the license, certification, or registration expires. Failure to receive a renewal application does not justify a failure to timely renew.
- B. An applicant for renewal shall submit the following information on a form obtained from the OPM PMD:
1. All renewals:
 - a. A change in physical address and mailing address, if any;
 - b. E-mail address;
 - c. Telephone number;
 - d. Dated signature of the applicant affirming that the information provided is true and correct; and
 - e. License specific information described in this subsection, if applicable.
 2. Business license:
 - a. ~~Name~~ Full name of the qualifying party in each category for which the business provides pest management services, and
 - b. Proof that the licensee still meets the financial security requirement in A.R.S. § ~~32-2313~~ 3-3615; and
 - c. A change in the chemical storage address, if any.
 3. Applicator and QA certification:



- a. Name of employer, if any;
- b. A statement whether the applicant has had a license or permit to practice pest management denied, revoked, or suspended during the last 12 months and if the answer is yes, the date, jurisdiction taking the action, nature of the action, and explanation of the circumstances; and
- 4. Applicator registration: The names and if applicable certification numbers of all of the business licensee’s current applicators.
- C. An applicant for renewal shall select a one or two year renewal period and shall pay the renewal fee listed in R3-8-103 for each year of renewal.
- D. CEU requirements. The director shall not renew a certification unless, prior to the expiration of the current certification, the applicator obtains the CEUs required by R3-8-215.
- E. Expired license, certification, or registration.
 - 1. An applicant who submits a complete renewal application, including the renewal fee, after the expiration of the license, certification, or registration shall pay the late fee listed under R3-8-103 as a penalty in addition to the renewal fee.
 - 2. An applicant may renew an expired applicator or QA certification without retaking the written examinations provided the ~~applicant~~ applicant has satisfied the CEU requirements, during their most recent certification period.
 - a. ~~Has satisfied the CEU requirements; and~~
 - b. ~~Submits a complete renewal application, including the renewal fee, and the late fee by June 30.~~
 - 3. ~~An applicant seeking to renew an expired applicator or QA certification who does not meet the requirements in subsection (E)(2) shall~~ A certification that has been expired for more than 11 months may not be renewed. The former certificate holder may apply as a new applicant and shall retake and pass the applicable certification examinations.
 - 4. A business license that has been expired for more than one year may not be renewed. The former licensee may apply as a new applicant.
 - 5. Notwithstanding subsections (E)(1)-(4), an applicant who fails to renew because the applicant is on active military duty may obtain the continuing education required under R3-8-215 and apply for renewal within one year of honorable separation from active military duty without paying a late fee.
 - 6. ~~Notwithstanding subsections (E)(1) & (E)(2)(a), an applicator who fails to renew by June 30 may renew by submitting a complete renewal application, including the renewal fee and the late fee, by August 31 if:~~
 - a. ~~The applicator has not received discipline from the Office within 5 years immediately preceding the renewal application; and~~
 - b. ~~The applicator has not previously renewed their certification after June 30.~~
- F. Renewal effective date.
 - 1. If an applicant submits a complete application for renewal, including the renewal fee, before the expiration of the license, certification, or registration, then the license certification, or registration does not expire until:
 - a. The renewal has been approved; or
 - b. In the case of denial or new limits on the license, certification, or registration, the last day for seeking review of the ~~OPM~~ PMD order or later date fixed by a court.
 - 2. If an applicant fails to submit a complete application for renewal, including the renewal fee, before the expiration of the license, certification, or registration, then the license, certification, or registration expires as provided in this Article and is not valid until the ~~OPM~~ PMD has approved the renewal application. A business, branch office, or applicator with an expired license, registration, or certification may not provide pest management services or otherwise engage in the business of pest management. A qualifying party with an expired registration may not qualify a business licensee or school district. A branch supervisor with an expired registration may not supervise a branch office.
- G. Surrendering a certification or license.
 - 1. An applicator or business licensee may surrender their certification or license at any time, except for the following situations:
 - a. The applicator or business licensee is currently the subject of an investigation; or
 - b. The applicator or business licensee owes civil penalties or termite action registration form fees.
 - 2. An applicator or business licensee that has surrendered their certification or license is not absolved of any termite action registration form fees or civil penalties based on actions or omissions that occurred prior to surrendering their certification or license.
 - 3. The Office shall not refund any certification or licensing fees paid prior to the applicator or business license surrendering their certification or license.

R3-8-209. Change in Business Licensee

- A. Transfer to spouse. A business license may be transferred to the licensee’s spouse without a fee by submission of a Business License Entity Change Application if the licensee’s spouse submits evidence of marriage to the licensee, keeps the same business name for the remainder of the licensee period and agrees to honor all of the licensee’s customer contracts and warranties.
- B. Transfer to new entity. A person may request a transfer of a business license to a new entity without a fee by submitting a Business License Entity Change Application if:
 - 1. The owners of the current business licensee own a majority of the new entity,
 - 2. The new entity keeps the same business name as the current business licensee for the remainder of the licensing period,
 - 3. The new entity agrees to honor all customer contracts and warranties provided by the current business licensee, and
 - 4. The current business licensee and the new entity are not the same form of entity.
- C. When a business license is transferred under subsection (A) or (B), the new licensee shall be responsible for any outstanding fees or penalties owed to the ~~OPM~~ PMD and for any disciplinary action taken by the ~~OPM~~ PMD as a result of violations of this Chapter or the ~~OPM’s~~ PMD’s statutes by the former licensee.
- D. Except as provided in subsections (A) and (B), a change in ownership of a licensed sole proprietorship requires a new business license.



- E. If, through a change in ownership, a licensed business's office becomes a branch office of another licensed business, the new owner shall notify the OPM PMD and comply with R3-8-206.
- F. A business licensee shall report any change in the principals of the business to the OPM PMD within 30 days. Principal means a person who owns at least a 10 percent interest in a business. Principal includes an owner that is itself a business as well as owners of a principal.
- G. If a business licensee changes the name of the business, the licensee shall provide the following information on a Business Name Change Application submitted to the OPM PMD prior to the change:
 - 1. Name of business entity;
 - 2. Current business name;
 - 3. Business license number;
 - 4. New business name requested;
 - 5. Copy of the Registered Trade Name Certificate, amended Articles of Organization or Incorporation, amended Certificate of Limited Partnership, or amended Statement of Partnership Authority or Qualification showing the new name; and
 - 6. Dated signature of the authorized representative of the business licensee affirming that the information provided is true and correct.
- H. If a business licensee changes the form of the business, the licensee shall provide the following information on a Business Entity Change Application submitted to the OPM PMD within 30 days of the change:
 - 1. Name of licensed business entity;
 - 2. Business name and license number;
 - 3. Name and form of new business entity;
 - 4. Names of the following persons authorized to act on behalf of the new business entity:
 - a. Owner if a sole proprietorship,
 - b. Managing or general partner if a partnership,
 - c. President and other authorized officers if a corporation,
 - d. All the managers or members if a limited liability company, or
 - e. Person authorized to make decisions for the business if any other type of business form;
 - 5. Copy of the new business entity's Articles of Organization or Incorporation, Certificate of Limited Partnership, trust, trade name certificate, partnership agreement, or other evidence of the form of business organization;
 - 6. As applicable, the Articles of Merger or Consolidation, Statement of Merger, or approved partnership conversion; and
 - 7. Dated signature of the authorized representative of the business licensee affirming that the information provided is true and correct.

R3-8-211. Certification Examination

- A. An applicant for applicator certification or QA certification shall make arrangements to take the certification examinations by contacting the OPM PMD or the examination service or testing vendor with which the OPM PMD has contracted.
- B. The core and category-specific examinations may measure knowledge and understanding of the following content areas:
 - 1. Pesticide label and labeling and pesticide types and formulations;
 - 2. Pest identification, life cycles, and habits;
 - 3. Safety and environmental factors relating to the use, handling, storage, and disposal of pesticides;
 - 4. Application techniques, calibration and dilution, and equipment types, uses, and maintenance; and
 - 5. Laws and rules.
- C. To be certified, an applicant shall score at least 75 percent on the general standards ("core") examination and on the category-specific examination in each category for which the applicant seeks certification.
- D. An applicant who fails an examination may not retake the examination for at least seven days or more than two times in a 6-month period.
- E. An examination score is only valid for the earlier of 12 months from the date of application for certification or 12 months from the examination date.
- F. The OPM PMD shall void the examination score and deny the application of an applicant that the OPM PMD determines cheated on an examination. The applicant may not reapply for one year.

R3-8-213. Political Subdivision Responsible Individual

- A. A political subdivision that uses pesticides to conduct pest management on property that is owned, leased or managed by the political subdivision, including easements, shall designate an individual or individuals responsible for the following:
 - 1. Responding to inquiries or concerns by the Director or the Director's designee regarding compliance with A.R.S. Title ~~32, Chapter 22~~ 3, Chapter 20.
 - 2. Identifying for the Director or the Director's designee where records required by this Chapter are maintained, where personal protection equipment is located, and where pesticides are stored.
 - 3. Demonstrating that all applicators are properly certified.
- B. The political subdivision shall annually submit the following information about the responsible individual(s) during the month of May on a form obtained from the Director or the Director's designee:
 - 1. Full name;
 - 2. Physical address;
 - 3. Mailing address, if different from the physical address;
 - 4. E-mail address;
 - 5. Telephone number;
 - 6. Dated signature of the responsible individual(s) affirming that the information provided is true and correct.



- C. If the political subdivision changes its responsible individual(s), the political subdivision shall provide the information about the new responsible individual(s) listed in subsection (B) to the Director within 30 days.
- D. School districts are exempt from this Section.

R3-8-215. Continuing Education

- A. A certified applicator who is not a QA shall, during the current certification period, obtain six CEUs in order to renew the certification for one year or 12 CEUs in order to renew for two years.
- B. A QA shall, during the current certification period, obtain 12 CEUs in order to renew the certification for one year or 24 CEUs in order to renew for two years.
- C. For an individual who holds both a certified applicator license and a QA license, obtaining the units required in subsection (B) satisfies the requirement in subsection (A).
- D. CEUs earned during a certification period that are in excess of the requirements in this Section do not carry forward for use in a subsequent certification period.
- E. An applicator who teaches a continuing education course may earn one unit of continuing education for each hour taught, not more than once during a calendar year.
- F. No CEU credit will be earned by an attendee of a continuing education course who does not complete the course.
- G. No CEU credit will be earned by an attendee of a continuing education course who had previously attended the same course during the same licensing period.

R3-8-216. Continuing Education Approval

- A. Only continuing education courses approved by the ~~OPM~~ PMD may be used to satisfy the continuing education requirement in R3-8-215. The ~~OPM~~ PMD shall approve a continuing education course only if the course addresses:
 - 1. Pesticide labels and labeling;
 - 2. Safety, environmental factors, and consequences;
 - 3. Pesticide use and disposal;
 - 4. Laws and rules related to pest management and the business of pest management;
 - 5. Application techniques;
 - 6. Calibration and dilution;
 - 7. Equipment;
 - 8. Pest identification;
 - 9. Life cycles and habits;
 - 10. Calculation and measurements;
 - 11. New pest management technologies;
 - 12. Integrated pest management; or
 - 13. Licensee responsibilities.
- B. A person who wishes to have the ~~OPM~~ PMD determine whether a course qualifies for CEU credit shall submit the following information to the ~~OPM~~ PMD:
 - 1. Type of continuing education listed under subsection (A);
 - 2. Name of continuing education provider;
 - 3. Address and telephone number of continuing education provider;
 - 4. Course outline, listing the subjects and indicating the amount of time allocated for each subject;
 - 5. Brief description of the information covered within each subject;
 - 6. Brief biography of the presenter, demonstrating the presenter's qualifications;
 - 7. Whether a fee is charged for attending the course;
 - 8. Date and location of each session;
 - 9. Whether the course is open to the public;
 - 10. Number of continuing education units sought;
 - 11. Previous continuing education number, if any; and
 - 12. Dated signature of applicant;
- C. The provider of an approved continuing education course shall:
 - 1. Enter attendance information using the ~~OPM's~~ PMD's on-line continuing education reporting tool within 10 days after the date of the continuing education course, and
 - 2. Maintain a copy of the verification of attendance and original sign-in sheet that lists the attendees' names and certification numbers for two years.
 - 3. Allow ~~OPM~~ PMD and Department employees to attend the course and review course materials without charge, except that the provider has no obligation to provide food to the employees that is made available for paying attendees.
 - 4. Notify ~~OPM~~ PMD in writing of the date, time and place of each continuing education course at least two weeks before each course. In-house and online courses are exempt from this requirement.
- D. Unless otherwise indicated in the notice of approval, the ~~OPM's~~ PMD's approval of a continuing education course is valid for two years.
- E. Approval of a continuing education course is not renewable. To reapply for approval of a continuing education course, a person shall comply with the requirements of subsection (B).
- F. The provider of an approved continuing education course shall provide notice and updated information to the ~~OPM~~ PMD within 10 days after the subject matter or instructor of the course changes.
- G. To evaluate the effectiveness of a continuing education course, the ~~OPM~~ PMD may monitor an approved continuing education course at no cost.



- H. The OPM PMD shall revoke its approval of a continuing education course if the OPM PMD determines that the course fails to meet the standards for approval listed in this Section, the continuing education provider provided false information on its application or false information pertaining to attendance, or the continuing education provider fails to comply with the OPM's PMD's statutes and this Chapter.
- I. The OPM PMD may modify the number of CEUs earned for a CEU course if the CEU course varies significantly in content or length from the approved curriculum. If the OPM PMD modifies the number of CEUs earned, the OPM PMD shall send a letter of modification to the course organizer, who shall be required to inform all individuals who attended the course.

ARTICLE 3. PEST MANAGEMENT

R3-8-301. Using Pesticides and Devices

- A. An applicator shall use only a pesticide that is currently registered for use by the Department or was registered by the Department and does not have a passed EPA end use date.
- B. An applicator shall not misuse a pesticide or device. It is misuse of a pesticide or device if an applicator:
 - 1. Applies, handles, stores, or disposes of a pesticide or device in a manner that is inconsistent with the label or labeling;
 - 2. Provides a pest management service or handles a pesticide without wearing clothing and using the personal protective equipment required by the label or labeling to protect the applicator from pesticide exposure;
 - 3. Uses a pesticide in a manner that causes the pesticide to come into contact with a person, other than the applicator, animal, or property, other than the property receiving the pest management service, unless the contact results from an accident beyond the reasonable control of the applicator;
 - 4. Uses a pesticide in a food-handling establishment that the label or labeling recommends not be used in a food-handling establishment; and
 - 5. Uses a pesticide in a manner that contaminates food, feed, or drugs or equipment used to prepare or serve food, feed, or drugs.
- C. While mixing a pesticide with water, an applicator shall protect the water supply from back-siphoning of the pesticide mixture. An applicator shall not add water to a tank in which a pesticide is mixed or from which a pesticide is dispensed by protruding a fill-pipe or hose connection into the tank. An applicator shall ensure that a fill-pipe or hose connection terminates at least two inches above the tank fill opening or is equipped with an effective anti-siphoning device.
- D. An applicator shall ensure that all equipment, including auxiliary equipment such as a hose or metering device, used for mixing or applying a pesticide is in good repair and operating properly.
- E. An applicator shall apply, store, or dispose of a pesticide designated by the EPA as restricted use only if the applicator is certified or working under the immediate supervision of an applicator certified in the category for which the restricted-use pesticide is applicable.
- F. An applicator shall clean a pesticide spill in accordance with the pesticide label and labeling directions and in a manner that minimizes exposure to humans and other non-target organisms. If a pesticide spill may endanger humans, an applicator shall clean the pesticide spill in accordance with recommendations by health and medical personnel and local authorities.
- G. An applicator shall apply a pesticide at a rate provided by a Special Local Need registration issued by the Department and the pesticide labeling. The applicator shall have in the applicator's possession at the time of the application both the Special Local Need labeling and the EPA section 3 label and labeling.
- H. If information regarding provision of a particular pest management service is not available on the pesticide label or labeling or addressed in the OPM's PMD's statutes or this Chapter, an applicator shall comply with the pesticide manufacturer's recommendation and the general industry practice prevailing in the community at the time the pest management service is provided.
- I. If there is a conflict between any provision in this Section and labeling instructions, an applicator shall follow the more specific instruction.

R3-8-304. Devices Exempt from Licensure and Registration; Advertising

- A. The following devices are not subject to the licensure and registration requirements of this Chapter or the OPM's PMD's statutes:
 - 1. Physical barriers used to remove or prevent infestation by pests;
 - 2. Equipment used for the physical removal of pests or the habitat of pests;
 - 3. Mechanical equipment used for the physical removal of weeds and other vegetation;
 - 4. Mechanical traps used without a pesticide;
 - 5. Installation equipment used for home improvement or modifications;
 - 6. Raptors used to control or relocate other birds; and
 - 7. Fire arms.
- B. An unlicensed person who engages in the business of pest management, but is exempt from licensure and registration because the person does not apply any pesticides and only uses devices listed in subsection (A) shall prominently display or include the phrase "Not licensed to apply pesticides" in all written and oral advertisements.

R3-8-306. Providing Notice to Customers

- A. Immediately following an application, the applicator shall provide a written notice to a customer for whom the applicator provides a pest management service that contains the:
 - 1. Name and address of the customer;
 - 2. Specific site to which a pesticide was applied;
 - 3. Date of service;
 - 4. Target pest or purpose of service;
 - 5. Trade name of pesticide applied;
 - 6. EPA registration number of restricted use pesticide applied;
 - 7. Amount of pesticide applied, in terms of percent active ingredient and volume of diluted mixture or in terms of total amount of liquid concentrate, ready-to-use product, granular material, or bait stations;



8. Name and certification number of the applicator or if the applicator is uncertified, the name of the uncertified applicator and the name and certification number of the applicator providing supervision; and
 9. Following statement printed in at least an eight-point font: "Warning—Pesticides can be harmful. Keep children and pets away from pesticide applications until dry, dissipated, or aerated. For more information, contact [business licensee's name and business license number issued by the ~~OPM~~ PMD] at [business licensee's telephone number]."
- B.** The applicator may provide the notice required by subsection (A) electronically.
- C.** An applicator who provides a pest management service at a school shall comply with the notification requirements in A.R.S. § ~~32-2307~~ 3-3606.

R3-8-307. Performing a Wood-destroying Insect Inspection; WDIIRs

- A.** Only an applicator certified in the category of wood-destroying organism management, who works under the direct employment of a business license and who has received the training required under A.R.S. § ~~32-2333(A)~~ 3-3633 may complete a WDIIR.
- B.** An applicator completing a WDIIR shall inspect all areas of a structure including crawlspaces that are visible or accessible at the time of the inspection. The applicator may use techniques such as non-destructive probing and sounding.
- C.** An applicator completing a WDIIR may exclude from inspection an area that is permanently covered by a floor covering, wall covering, or built-in appurtenance such as a bookcase, cabinet, appliance, equipment, or furniture or that would require removing or marring finish work or moving furniture, appliances, or equipment. The applicator shall note on the WDIIR all areas that are not inspected and the reason the areas are not inspected.
- D.** An applicator completing a WDIIR shall inspect all areas where there is evidence of current or previous infestation and where a condition conducive to infestation exists. A condition conducive to infestation includes:
1. Faulty grade level. If a structure contains a slab or floor that is at or below grade, the existing earth level is considered grade level;
 2. Inaccessible sub-area such as an area with less than 24 inches of clear space between the bottom of a floor joist and grade level;
 3. Excessive cellulose debris. Cellulose debris is excessive when:
 - a. The debris can be raked into a pile of at least one cubic foot,
 - b. A stump or wood imbedded in a footing of the structure is in contact with earth, or
 - c. Firewood or a lumber pile is within six inches of the structure;
 4. Earth-to-wood contact, which involves wood that is part of a structure or that is attached to or securely abuts the structure and is in contact with the ground; or
 5. Excessive moisture or evidence of a moisture condition in or around a structure.
- E.** To verify whether a corrective treatment was performed or a condition conducive to infestation was corrected, an applicator may conduct a supplemental inspection within 30 days after an original inspection. An inspection conducted more than 30 days after an original inspection is not a supplemental inspection.
- F.** An applicator completing a WDIIR may exclude from inspection other structures at the site. The applicator shall note on the WDIIR all structures at the site that are not inspected and the reason the structures are not inspected.
- G.** WDIIRs shall be prepared in accordance with R3-8-501(E).

R3-8-308. Performing Wood-destroying Insect Management

- A.** An applicator shall not perform wood-destroying insect management or fumigation unless the applicator is certified in the category of wood-destroying organism treatment or fumigation, respectively, or working under the immediate supervision of an applicator who is certified in the category of wood-destroying organism treatment or fumigation respectively.
- B.** An applicator shall not perform wood-destroying insect management, issue a treatment proposal, or quote a fee for service until the business licensee that employs the applicator ensures that:
1. An on-site inspection of the property is performed, in accordance with R3-8-307, by a certified applicator meeting the training requirement under A.R.S. § ~~32-2332(E)~~ 3-3632(E),
 2. A treatment proposal is prepared, based upon the on-site inspection, on a form approved by the ~~OPM~~ PMD and contains the information required under A.R.S. § ~~32-2332~~ 3-3632(B) and (C), and
 3. The treatment proposal is delivered to the person requesting the proposal or treatment, prior to the treatment.
- C.** An applicator shall apply a termiticide only in the quantity, strength, dosage, and manner prescribed on the termiticide label unless otherwise specified by this Chapter or a ~~OPM~~ PMD order.
- D.** Pretreatment for commercial or residential construction.
1. Unless a contract between the business licensee and customer specifies additional requirements, an applicator performing a pretreatment shall:
 - a. Establish a horizontal barrier of termiticide before any concrete slab under roof is poured or in conjunction with establishing the footings and supports for a raised foundation; and
 - b. Establish a vertical barrier of termiticide in all critical areas visible during the time of pretreatment. An area is critical at the time of pretreatment if the area is identified as critical by the termiticide label or if there is soil in the immediate vicinity of:
 - i. A penetration or protrusion through the slab;
 - ii. An observable preset for crack or joint control;
 - iii. A formed-up change of grade level;
 - iv. Abutting slabs;
 - v. A bath trap or tear-out;
 - vi. The interior of a foundation or stem wall; or
 - vii. A pier, pillar, pipe, or other object that extends from the soil to the structure.
 2. Except as specified in subsection (D)(3) and unless the termiticide label requires more, an applicator shall treat all critical areas during a pretreatment at a rate of four gallons of chemical preparation per 10 linear feet for each foot of depth from grade level to the footer. If there is no adjacent footer, the applicator shall treat to a depth of one foot.



3. Unless the termiticide label requires more, an applicator is not required to treat a critical area during a pretreatment beyond a depth of four feet if:
 - a. Treating beyond a depth of four feet will, or reasonably may, cause an off-site application;
 - b. Access to the footer is not possible because of its distance below grade; or
 - c. Treating beyond a depth of four feet will, or reasonably may cause an environmental contamination.
 4. If an applicator does not treat a critical area during a pretreatment beyond a depth of four feet because the applicator determines that one of the exceptions in subsection (D)(3) is applicable, the applicator shall:
 - a. Apply the amount of termiticide possible without causing an off-site application or environmental contamination, and
 - b. Include evidence of the exception in the treatment record. Evidence of the exception may include:
 - i. A photograph of the interior grade and adjacent location that would or reasonably might be contaminated by treating beyond a depth of four feet,
 - ii. A photograph of the site after the pretreatment but before concrete placement,
 - iii. A written statement from the general contractor concerning the fill material and compaction rating,
 - iv. A written statement from the concrete subcontractor describing the depth of the footer as greater than four feet, or
 - v. A written compaction rating statement from the engineering subcontractor.
 5. If an applicator is advised before concrete is poured that a treated area is disturbed and the continuous horizontal or vertical chemical barrier established under subsection (D)(1) is broken, and if the applicator is provided an opportunity to re-treat the disturbed area, the applicator shall re-treat the disturbed area and re-establish a continuous horizontal and vertical chemical barrier.
 6. Immediately after completing a pretreatment, an applicator shall securely affix a tag to the pretreatment site. The applicator shall ensure that the tag is visible, readily available for inspection, and unlikely to be covered with concrete or soil. If there is a contractor's permit or inspection board at the pretreatment site, the applicator may affix the tag to the board. The applicator shall ensure that the tag contains the following information about the pretreatment:
 - a. Name of business licensee;
 - b. Address of business licensee;
 - c. Telephone number of business licensee;
 - d. License number of business licensee;
 - e. Location or address of project;
 - f. Date of pretreatment application;
 - g. Time that application was started (not time that applicator arrived at the site);
 - h. Time that application ended (not time that applicator left the site);
 - i. Trade name of pesticide used;
 - j. Percentage of active ingredient in the pesticide used;
 - k. Number of gallons of chemical preparation applied;
 - l. Square footage of area treated;
 - m. Linear footage of area treated;
 - n. Type of slab construction;
 - o. Name of applicator; and
 - p. Certification number of applicator or, if not certified, the name and certification number of the applicator providing immediate supervision.
 7. If it is necessary for an applicator to abandon a pretreatment site before completing the treatment, the applicator shall complete and affix the tag described in subsection (D)(6), representing the work completed, and after marking the tag "TREATMENT INCOMPLETE."
 8. If a contractor requires a copy of the tag described in subsection (D)(6) for the customer's file, an applicator shall prepare and provide the contractor with a duplicate tag that is clearly marked "DUPLICATE."
- E.** New-construction treatment for commercial or residential construction.
1. Unless specifically precluded by the termiticide label, an applicator performing a new-construction treatment shall treat all critical areas visible at the time of the treatment. An area is critical at the time of a new-construction treatment if the area is identified as critical by the termiticide label or if there is soil in the immediate vicinity of:
 - a. A penetration or protrusion through the slab;
 - b. An observable crack or joint;
 - c. Abutting slabs;
 - d. A bath trap or tear-out;
 - e. The interior of a foundation or stem wall; or
 - f. A pier, pillar, pipe, or other object that extends from the soil to the structure.
 2. An applicator shall comply with subsections (D)(2) through (D)(4) when treating a critical area during a new-construction treatment except that the treatment shall be at the labeled rate rather than at a rate of four gallons of chemical preparation per 10 linear feet for each foot of depth.
 3. If an applicator is advised that a treated area is disturbed, the applicator shall re-treat the disturbed area.
 4. Immediately after completing a new-construction treatment, an applicator shall securely affix a tag to the new-construction site in the manner described in subsection (D)(6). The applicator shall ensure that the tag contains the information listed in subsection (D)(6).
 5. An applicator shall comply with subsections (D)(7) and (D)(8) when performing a new-construction treatment.
- F.** Final grade treatment for commercial or residential construction.



1. A business licensee that performs a pretreatment or new-construction treatment shall perform a final grade treatment. The final grade treatment must occur after all grading and other construction-related soil disturbance is complete, but within twelve months of the original pretreatment or new-construction treatment.
 2. An applicator shall treat the soil along the exterior of foundation walls at a rate of four gallons of chemical preparation per 10 linear feet (unless precluded by label directions) after all grading and other construction-related soil disturbance is complete, but within twelve months of the original pretreatment or new-construction treatment.
 3. An applicator shall leave a record of the final grade treatment in an unlocked electrical or circuit-breaker box, if available. Otherwise, the applicator shall conspicuously post or leave the record with the property agent. The applicator shall ensure that the record of the final grade treatment contains the information listed in subsection (D)(6), except the information required under subsections (D)(6)(l) and (D)(6)(n) is not required.
- G.** An applicator who performs a pretreatment, new-construction treatment or final grade treatment shall ensure that a copy of the information recorded on a tag required under subsection (D) or (E) or the final grade treatment record required under subsection (F) is provided to the business licensee for inclusion in the business licensee’s service records.
- H.** A warranty regarding subterranean termite treatment shall only be issued to a builder if the structure received a pretreatment or a new-construction treatment.
- I.** Post-construction treatment for commercial or residential construction.
1. If an applicator uses a drilling and injecting application method for a post-construction treatment, the applicator shall space the treatment holes in each treated area no more than 24 inches apart or in accordance with the termiticide label, whichever is more restrictive. If an applicator determines that a structural feature makes it necessary to space treatment holes more than 24 inches apart, the applicator may space the treatment holes more than 24 inches apart if the greater distance is within the limits on the termiticide label.
 2. After completing a post-construction treatment using a drilling and injection application method, an applicator shall securely patch all treatment holes, including those in an unfinished basement, enclosed porch, garage, or workshop, with a material that is nonporous and non-cellulose.
 3. Unless precluded by label directions, any application to treat the soil along the exterior of foundation walls shall be made at an effective treatment rate of four gallons of chemical preparation per ten linear feet in a trench six inches wide or other method of treatment prescribed by the label to achieve the effective treatment rate.
 4. All post construction treatments shall be made in accordance with the treatment proposal delivered as required under subsection (B). Any deviations to the original proposal shall be redelivered in writing in a revised treatment proposal and shall be approved prior to performing the treatment by the person who requested the original proposal or their authorized agent.

R3-8-309. Termite Warranties and Retreatments

- A.** If a business licensee or an employee of a business licensee is advised before concrete is poured that a pretreatment area is disturbed and the continuous chemical barrier is broken and if an opportunity is provided to re-treat the disturbed area or is advised that a new-construction treatment area is disturbed, the business licensee shall ensure that the disturbed area is retreated.
- B.** A business licensee that provides a subterranean termite treatment warranty shall ensure that the effective date of the warranty is the date on which treatment begins.
- C.** If subterranean termites occur in or on a residential or commercial structure within three years after a business licensee first performs a pretreatment or new-construction treatment of the structure, the business licensee shall re-treat the affected area of the structure free of charge in accordance with the label specifications of a termiticide available for use. If subterranean termites occur in or on an addition that does not abut the slab of a residential or commercial structure within three years after a business licensee first performs a pretreatment or new-construction treatment of the non-abutting addition, the business licensee shall re-treat the non-abutting addition free of charge in accordance with the label specifications of a termiticide available for use. For the purpose of this subsection, the business licensee is the business licensee who performed the pretreatment or new-construction treatment or a successor that acquired the business assets pertaining to wood-destroying insect treatment.
- D.** If subterranean termites occur a third time on the exterior of a one or two unit residential structure within three years after a business licensee first performs a pretreatment or new-construction treatment, the business licensee shall re-treat the entire exterior perimeter of the structure free of charge.
1. As used in this subsection, exterior means a portion of a residential structure where termite activity originates and that is not livable and not a garage;
 2. For the purpose of this subsection and subsection (E):
 - a. A first occurrence means the first time evidence of subterranean termites exists after a pretreatment or new-construction treatment;
 - b. A second occurrence means evidence of subterranean termites exists at least 25 feet away from the site of the first occurrence and at least 45 days after the date of re-treatment for the first occurrence; and
 - c. A third occurrence means evidence of subterranean termites exists at least 25 feet away from the sites of both the first and second occurrences and at least 45 days after the date of re-treatment for the second occurrence.
- E.** If subterranean termites occur a third time on the interior of a one or two unit residential structure within three years after a business licensee first performs a pretreatment or new-construction treatment, the business licensee shall perform a post-construction treatment of the entire structure free of charge. As used in this subsection, interior means a portion of a residential structure where termite activity originates and that is livable or a garage.
- F.** A business licensee that performs a re-treatment under subsection (C) or (D) or a post-construction treatment under subsection (E) shall not charge the consumer for any expense incurred in providing the re-treatment or post-construction treatment to which the consumer is entitled under this Chapter.
- G.** If a business licensee goes to a structure to perform a re-treatment under subsection (C) or (D) or a post-construction treatment under subsection (E) and determines there is no evidence of subterranean termites, the business licensee may charge the consumer a reasonable amount for the expenses incurred in making the trip.



- H. If a business licensee determines that a re-treatment or post-construction treatment is necessary because the continuous chemical barrier is disturbed, the business licensee may charge the reasonable cost of reestablishing the barrier.
- I. If a customer refuses a re-treatment or post-construction treatment as described in this Section, access to the customer's property, or to allow drilling in an area where drilling is necessary, the business licensee shall obtain the customer's printed name and dated signature on a document evidencing that the business licensee:
 - 1. Informed the customer of the right to a re-treatment or post-construction treatment at no charge,
 - 2. Provided the customer with a copy of this Section and the termiticide label requirements,
 - 3. Provided the customer with the ~~OPM's~~ PMD's telephone number, and
 - 4. Explained to the customer the benefits of having and the detriments of not having a re-treatment or post-construction treatment.

R3-8-310. Business Management

- A. Financial responsibility.
 - 1. A business licensee shall maintain the financial responsibility required by A.R.S. § ~~32-2313~~ 3-3615 and this Chapter.
 - 2. A business licensee shall ensure that the required financial responsibility covers all pest management activities provided from the primary business office and each branch office.
 - 3. If there is an interruption in the financial responsibility of a business licensee, the business licensee shall immediately stop providing pest management services.
- B. Use of business name and license number.
 - 1. A business licensee shall prominently display the license issued by the ~~OPM~~ PMD at the primary business office and each branch office.
 - 2. A business licensee shall prominently display the business name and license number, as recorded on the license issued by the ~~OPM~~ PMD, on:
 - a. Customer proposals or contracts for pest management services;
 - b. Service records;
 - c. Inspection reports;
 - d. Written materials provided to customers or potential customers;
 - e. Correspondence;
 - f. Advertisements; and
 - g. Service vehicles and trailers used in providing pest management services. The business licensee shall ensure that the business name and license number display on a service vehicle or trailer used in providing pest management services conforms to the following:
 - i. Is affixed to the service vehicle or trailer used in providing pest management services within 30 days after the ~~OPM~~ PMD issues the license or issues a business license change or after the service vehicle or trailer is acquired, whichever is sooner;
 - ii. Is in a color that contrasts with the color of the service vehicle and trailer;
 - iii. Is on both sides of the service vehicle and trailer;
 - iv. Uses at least two-inch letters for the principal words in the business name and at least one and one-half inch letters for other words in the business name; and
 - v. Uses at least two-inch numbers for the license number.
 - 3. A business licensee that always uses a service vehicle and trailer together is required to mark only the service vehicle or trailer as described in subsection (B)(2)(g). A business licensee that uses a vehicle only for sales, solicitations, or solely for inspections and does not carry a pesticide, and does not otherwise use the vehicle to provide a pest management service, is not required to mark the vehicle as described in subsection (B)(2)(g).
 - 4. When complying with subsection (B)(2), a business licensee may use a slogan, trade name, or trade mark in addition to the business name and license number. When complying with subsection (B)(2), a business licensee may use a word or phrase to indicate its former licensed business name if it had a previously licensed business name.

ARTICLE 4. SUPERVISION

R3-8-401. Supervising an Applicator

- A. A QP and business licensee shall ensure that an applicator receives the training, equipment, and supervision that the applicator requires to comply fully with the ~~OPM's~~ PMD's statutes, this Chapter, and label and labeling directions.
- B. A QP shall be readily available to an applicator while the applicator provides pest management services.
- C. A QP shall ensure that the use, application, storage, or disposal of a pesticide is performed or supervised by an individual certified in a category applicable to the pesticide being used, applied, stored, or disposed.
- D. A QP shall ensure that immediate supervision, which requires supervision by a certified applicator who is physically present, is provided when an uncertified applicator performs pest management services in the wood-destroying organism management, aquatic, or fumigation category, uses a restricted use pesticide, or uses a pesticide under an experimental use permit. A QP shall ensure that a certified applicator provides immediate supervision to not more than two uncertified applicators at a time.
- E. In circumstances other than those described in subsection (D), a QP shall ensure that direct supervision, which does not require a supervising certified applicator to be physically present, is provided. A QP shall ensure that a certified applicator providing direct supervision considers the potential danger to the public or environment if the uncertified applicator misuses a pesticide. A QP shall ensure that a certified applicator providing direct supervision instructs the uncertified applicator in the following areas and has written evidence that the instruction was provided and understood:
 - 1. Proper loading, mixing, applying, storing, and disposing of the pesticide;
 - 2. Use of required safety equipment; and
 - 3. Method and means by which to contact the supervisor immediately.
- F. A QP shall ensure that an applicator has the protective clothing, safety supplies, and equipment specified by the label or labeling of each product used by the applicator and by the ~~OPM's~~ PMD's statutes and this Chapter. The QP shall ensure that the applicator is instructed regarding how to use, maintain, clean, and store the protective clothing, safety supplies, and equipment.



G. A QP, business licensee, and political subdivision shall not allow an uncertified applicator to apply a pesticide for more than 90 days after the applicator is registered.

R3-8-403. Qualifying Party Management

- A. A QP shall be physically present at the primary business office at least once every 14 days and at each branch office at least once every 120 days and ensure that all of the following are done:
 1. Determine pesticide use by reviewing records of pesticide acquisitions, storage, disposal, and current inventory;
 2. Review the pesticide inventory, including pesticides stored on a service vehicle, to determine compliance with labels, labeling, and the ~~OPM~~ PMD's statutes and rules;
 3. Review the training, supervision, and equipping of applicators employed by the business licensee or school district to determine whether the training, supervision, and equipping is sufficient to enable the applicators to comply with labels, labeling, and the ~~OPM~~ PMD's statutes and rules;
 4. Review personnel records to determine whether an applicator employed by the business licensee or school district is registered and certified in all applicable categories within the time-frames specified by R3-8-201;
 5. Review office records and recordkeeping procedures to determine compliance with required recordkeeping and reporting; and
 6. Ensure that any deficiency noted when the responsibilities listed in subsections (A)(1) through (A)(5) are performed is corrected.
- B. A QP shall develop a written plan that specifies how the duties and responsibilities of the QP are to be fulfilled if the QP is absent or unavailable for any reason. The QP shall ensure that the plan is implemented when the QP is absent or unavailable.
- C. A QP shall not delegate the responsibility to be physically present at least every 14 days at the primary business office and at least every 120 days at branch offices unless the QP submits written documentation to the ~~OPM~~ PMD from a licensed medical or mental health care professional that indicates the licensed medical or mental health care professional is treating the QP and is of the opinion that the QP is unable to fulfill the responsibility to be physically present as required.
- D. A QP shall:
 1. Be active in the management of all pest management related activities of the business licensee or school district.
 2. During normal business hours, be readily available to the applicators of the business licensee or school district.
 3. Ensure that a business licensee maintains current proof of financial security.
- E. A temporary QP has the same duties and responsibilities as a regular QP.

R3-8-405. Supervision of Qualifying Party

A business licensee or school district shall ensure that a QP of the business licensee or school district receives the training, equipment, and supervision that the QP requires to comply fully with the ~~OPM~~ PMD's statutes and rules and label and labeling directions.

R3-8-406. Responsible Individuals

A responsible individual for a political subdivision shall

1. Respond to inquiries or concerns by the Director or the Director's designee regarding compliance with A.R.S. Title ~~32~~ 3, Chapter ~~22~~ 20.
2. Identify for the Director or the Director's designee where records required by this Chapter are maintained, where personal protection equipment is located, and where pesticides are stored.
3. Demonstrate that all applicators are properly certified.

R3-8-407. Joint Responsibility

- A. An applicator, qualifying party, branch supervisor, or business licensee who supervises another person shall ensure that the supervised person is properly trained and equipped and receives the supervision necessary for the supervised person to provide pest management services in accordance with the pesticide label and labeling, this Chapter and the ~~OPM~~ PMD statutes.
- B. An applicator, qualifying party, branch supervisor, or business licensee who supervises another person may be held jointly responsible for the acts or omissions of the supervised person.
- C. It is an affirmative defense to joint responsibility as described in subsection (B) if an applicator, qualifying party, branch supervisor, or business licensee complied with subsection (A) and can demonstrate that compliance with contemporaneously maintained records.
- D. A QP and business licensee shall comply with every provision in this Chapter regarding applicator duties and responsibilities.

ARTICLE 5. RECORDKEEPING AND REPORTING

R3-8-501. Applicator Recordkeeping

- A. An applicator shall make all records required by law and provide the records to the business licensee or political subdivision that supervises, directs, or employs the applicator within five business days.
- B. Service records. An applicator shall make a record of each pest management service provided. The applicator shall include the following information in the service record:
 1. Name and address of the customer;
 2. Specific site at which a pesticide was applied;
 3. Date of service;
 4. Target pest or purpose of service;
 5. Trade name of pesticide applied;
 6. EPA registration number of any restricted use pesticide applied;
 7. Amount of pesticide applied, in terms of percent active ingredient and total amount diluent (water, etc.); total amount of concentrate and total amount of diluent (water, etc.); or total amount of ready-to-use product by weight or volume (e.g. lbs, grams, ounces, etc.); and
 8. Name and certification number of the applicator or if the applicator is uncertified, name of the uncertified applicator and the name and certification number of the applicator providing supervision.
- C. Pesticide purchase records. An applicator shall make a record of each restricted-use pesticide purchased or otherwise acquired. The applicator shall include the following information in the pesticide purchase record:



1. Date of purchase or acquisition;
 2. Trade name of pesticide;
 3. EPA registration number of pesticide;
 4. Quantity of pesticide purchased or acquired; and
 5. Name and license number of the applicator making the pesticide purchase record or name of the business licensee.
- D. Pesticide disposal records. An applicator shall make a record of each pesticide disposed, sold, lost, or otherwise relinquished. The applicator shall include the following information in the pesticide disposal record:
1. Date of disposal;
 2. Trade name of pesticide;
 3. EPA registration number of pesticide;
 4. Quantity of pesticide disposed;
 5. Percent active ingredient in the pesticide disposed,
 6. Method of disposal,
 7. Location and type of disposal site or service; and
 8. Name and license number of the applicator making the pesticide disposal record or name of the business licensee.
- E. WDIIR. An applicator who completes a WDIIR shall:
1. Complete the WDIIR using a form approved by the ~~OPM~~ PMD. A trademark or logo may be placed on the WDIIR if it does not alter the format or substance of the ~~OPM~~ PMD approved form;
 2. Submit an original WDIIR to the QP or branch supervisor within seven days after completing the wood-destroying insect inspection;
 3. Submit a supplemental WDIIR to the QP or branch supervisor within seven days after completing a supplemental wood-destroying insect inspection to verify that a corrective treatment was performed or a condition conducive was corrected. The applicator shall include the original inspection number on the supplemental WDIIR;
 4. If required by a federal agency, complete another inspection form in addition to but not instead of the ~~OPM~~ PMD -approved WDIIR; and
 5. Ensure that the following information is included on the WDIIR:
 - a. Name, address, telephone number, and license number of business licensee. This information may be pre-printed on the WDIIR;
 - b. Date of wood-destroying insect inspection, and the WDIIR number;
 - c. Purpose of the inspection report;
 - d. Whether the report is from an original or supplemental inspection;
 - e. Name of property owner or seller;
 - f. Address of inspected property;
 - g. Inspected and un-inspected structures at the site and the reason why structures are un-inspected;
 - h. Areas of the structure not inspected because they were obstructed or inaccessible and the cause of the obstruction or inaccessibility;
 - i. Whether visible evidence of wood-destroying insects is observed;
 - j. Whether visible evidence of infestation from wood-destroying insects is observed and if so, the date on which a proper management measure is performed, if applicable;
 - k. Whether visible damage from wood-destroying insects is observed and if so, the insect causing the damage and the areas in which the damage is observed;
 - l. Whether visible evidence of previous treatment is observed and if so, the nature of the evidence;
 - m. If damage from wood-destroying insects is observed, whether or when the damage will be corrected and whether the damage will be corrected by the business licensee or another company;
 - n. Visible conditions conducive to infestation by wood-destroying insects;
 - o. Diagram or graph of the structure clearly indicating wood-destroying insects, damage, conducive conditions observed, and areas where further inspection is recommended, and a statement or indication on the diagram or graph clearly identifying inaccessible areas; and
 - p. Dated signature and certification number of the individual making the inspection. The individual making the inspection shall sign the WDIIR by hand or electronically and shall not use a signature stamp or allow another individual to affix the signature.
- F. Wood-destroying organism treatment proposal. An applicator who is qualified under A.R.S. § ~~32-2332(B)~~ 3-3632(B) and (E) shall complete a wood-destroying organism treatment proposal using a form approved by the ~~OPM~~ PMD and provide a copy of the proposal to the person requesting the proposal or treatment and the QP.

R3-8-503. Business Licensee and Political Subdivision Recordkeeping and Retention

- A. In addition to ensuring that the records required under R3-8-501 and R3-8-502 are made and maintained, a business licensee and political subdivision shall make and maintain records of the following:
1. The specimen label and SDS for each registered pesticide currently used by an applicator supervised, directed or employed by the business licensee or political subdivision;
 2. The financial responsibility required under R3-8-310(A), if applicable;
 3. Purchase records of each pesticide purchased or otherwise acquired that include the following information:
 - a. Date of purchase or acquisition;
 - b. Trade name of pesticide;
 - c. Quantity of pesticide purchased or acquired; and
 - d. Name of the business licensee;
 4. Date on which a service vehicle or trailer is acquired;



5. Incident reports submitted to the OPM PMD as required under R3-8-504;
 6. A pest management service provided, including a service provided under a warranty;
 7. The evidence of customer refusal of a re-treatment or post-construction treatment required under R3-8-309(J);
 8. Written inspection reports;
 9. Business licensee contracts for pest management services; and
 10. Personnel records including for each applicator supervised, directed or employed by the business licensee or political subdivision:
 - a. Date of hire or beginning of relationship;
 - b. Date on which pest management services are first performed;
 - c. Training and continuing education received;
 - d. Supervision received;
 - e. Protective clothing, safety supplies, and equipment issued to employee;
 - f. Name of supervisor; and
 - g. Employment or relationship ending date.
- B.** A business licensee or political subdivision shall maintain the records as follows:
1. Records under subsection (A)(1), as long as the registered pesticide is used by the business licensee or political subdivision. The business licensee shall maintain the records required under subsection (A)(1) at the primary business office or branch office from which the registered pesticide is used or at which the registered pesticide is stored;
 2. Records under subsection (A)(2), current;
 3. Records under subsection (A)(3) or R3-8-501(C) and (D), three years from the date of purchase or disposal;
 4. Records under subsection (A)(4), as long as the service vehicle or trailer is owned by the business licensee or political subdivision;
 5. Records under subsection (A)(5), until the statute of limitation for possible legal action resulting from the incident is expired or until resulting legal action is completed;
 6. Records under subsection (A)(6) and (A)(7), three years;
 7. Records under subsections (A)(8) and (A)(9), three years from the date on the inspection report or customer contract;
 8. Records under subsection (A)(10), three years, including after the employment ending date;
 9. WDIIRs completed under subsection (C), three years; and
 10. Records under subsections (A)(5) and (A)(6) that pertain to the use of a restricted-use pesticide shall be maintained separate from other records.
- C.** When an applicator supervised, directed or employed by a business licensee submits a WDIIR, the business licensee shall record the following on the WDIIR:
1. TARF number,
 2. If the business licensee has the property under warranty:
 - a. Account number,
 - b. Target pest,
 - c. Date of initial treatment,
 - d. Date of warranty expiration, and
 3. The TARF number of each TARF completed regarding the property after the WDIIR is completed.
- D.** TARF. A business licensee or political subdivision shall:
1. Submit to the OPM PMD a TARF, using a form approved by the OPM PMD, within 30 days of completing an action specified under subsection (D)(3). For the purpose of reporting, a pretreatment or new-construction treatment is complete when no further preventative treatment is necessary until the final grade treatment unless it is necessary to re-treat a disturbed continuous chemical barrier. In a multiple-unit project, a pretreatment or new-construction is complete when no further preventative treatment is necessary for the last unit at the project until the final grade treatment unless it is necessary to re-treat a disturbed continuous chemical barrier;
 2. Include the fee with each TARF and, if applicable, the penalty required under R3-8-103;
 3. Unless exempt under subsection (D)(4), submit a TARF after completing each of the following:
 - a. Pretreatment, including pretreatment of an addition that does not abut the slab of a previously pretreated structure;
 - b. New-construction treatment, including new-construction treatment of an addition that does not abut the slab of a previously new-construction treated structure;
 - c. Final grade treatment;
 - d. ~~first initial~~ corrective ~~wood-destroying-insect~~ termite treatment at a site; and
 - e. WDIIR.
 4. Not submit a TARF after completing:
 - a. A supplemental WDIIR; or
 - b. The first initial corrective ~~wood-destroying-insect~~ termite treatment at a site if the business licensee:
 - i. Performed a pretreatment or new-construction treatment at the site,
 - ii. Filed a TARF regarding the pretreatment or new-construction treatment, and
 - iii. Performs the ~~first initial~~ corrective ~~wood-destroying-insect~~ termite treatment under R3-8-309(D) or under a warranty.
 5. Include the information required under A.R.S. ~~32-2334~~ § 3-3631 and the following on a TARF:
 - a. License number of the licensed business that performed the work;
 - b. Name of the QP;
 - c. For a WDIIR, indicate whether:
 - i. There was evidence of infestation, conditions conducive to infestation, or damage present;
 - ii. Previous treatment was performed for an infestation; and



- iii. Corrective actions were taken for conditions conducive or damage present;
- d. For a pretreatment, new-construction treatment, or final grade treatment to establish an exterior vertical barrier, indicate:
 - i. Chemical used and its EPA registration number,
 - ii. Amount of chemical used,
 - iii. Percentage of active ingredient in the chemical used, and
 - iv. Square and linear footage treated; and
- e. For a post-construction corrective termite treatment, indicate:
 - i. Type of treatment,
 - ii. Target organism,
 - iii. Chemical used and its EPA registration number,
 - iv. Amount of chemical used, and
 - v. Percentage of active ingredient in the chemical used.

R3-8-504. Reporting Incidents and Bulk Releases

- A. Notice to OPM PMD of an incident.
1. A business licensee and political subdivision shall provide written notice to the OPM PMD within one business day after one of the following incidents is confirmed by medical personnel or an applicable regulatory agency to be caused by a pesticide applied by the business licensee or political subdivision:
 - a. Death or illness of an individual;
 - b. Contamination of food, feed, drugs, or water supply;
 - c. Contamination of a structure that results in the hospitalization of an occupant or evacuation of the structure; or
 - d. Contamination of the environment that results in evacuation of the area.
 2. A QP shall determine if the business licensee or school district has complied with subsection (A)(1). If compliance has not occurred, the QP shall provide the written notice required by subsection (A)(1) to the OPM PMD within the time-frame specified in subsection (A)(1).
- B. Notice to OPM PMD of a bulk release.
1. A business licensee or political subdivision shall notify the OPM PMD at the Pesticide Hotline, 1-800-423-8876, as soon as practical after a bulk release, but no later than three hours after the bulk release. If the bulk release is on a public highway or railway, or results in the death of an individual, the person shall immediately report the release to the Arizona Department of Public Safety Duty Office.
 2. A QP shall determine if the business licensee or school district has complied with subsection (B)(1). If compliance has not occurred, the QP shall provide the notices specified in subsection (B)(1) within one business day after the release.

R3-8-505. Groundwater Protection List Reporting

- A. For each application of a soil-applied pesticide containing an active ingredient that appears on the Arizona Department of Environmental Quality groundwater protection list and has been detected in Arizona groundwater within the last five years, the QP shall submit the following information on a quarterly basis on a form approved by the OPM PMD:
1. The county of use,
 2. The name of product used and the EPA registration number,
 3. The amount applied,
 4. The dates covered by the report, and
 5. Business license number.
- B. For the purposes of this Section, “soil-applied pesticide” means a pesticide intended for application to or injection into the soil or for which the label requires or recommends that the application be followed within seventy-two hours by irrigation. Soil-applied pesticides include pesticides applied for final grade treatment, post-construction exterior trench or rod treatment, or pre-emergent weed control, but exclude pesticides applied within the stem wall or footer of a structure or to soil that will be promptly covered with concrete.

ARTICLE 6. INSPECTIONS; DISCIPLINARY PROCEDURES**R3-8-601. Inspection of Licensee Records**

- A. Upon written request by the OPM PMD for the production of records, an applicator, QP, branch supervisor, business licensee, or political subdivision shall:
1. Make the records required under this Chapter available for review by the OPM PMD within 24 hours or by a later date specified by the OPM PMD.
 2. Make the records available at the OPM PMD unless another location is agreed upon.
 3. Be available to interpret the submitted records if requested by the OPM PMD.
- B. If a person cannot timely comply with a request made under subsection (A), the person shall immediately provide written notice to the OPM PMD, indicate the reason for noncompliance, and request greater specificity regarding the information to be made available or additional time in which to comply.
- C. If the OPM PMD requests a record from a business licensee or political subdivision when there may be an immediate risk to the health or safety of an individual, non-target animal, or the environment, the business licensee or political subdivision shall provide the record to the OPM PMD within one hour.
- D. An applicator or branch supervisor is only responsible for producing records within the applicator’s or branch supervisor’s control.

R3-8-602. Compliance with OPM PMD Monitoring

- A. If the OPM PMD makes a written request of an applicator for a list of the time and location of pest management services that the applicator is scheduled to provide on a specified date, the applicator shall make the information available within 24 hours. The applicator may make the information available in a manner prescribed by the OPM PMD.



- B. If an applicator cannot timely comply with a request made under subsection (A), the applicator shall immediately provide written notice to the ~~OPM~~ PMD, indicate the reason for noncompliance, and request greater specificity regarding the information to be made available or additional time in which to comply.

R3-8-603. Corrective Work Orders

- A. If the ~~OPM~~ PMD issues a corrective work order requiring a licensee to remedy deficiencies in treatment or to comply with this Chapter or the ~~OPM's~~ PMD's statutes, the licensee shall notify the ~~OPM~~ PMD in writing by the date specified in the order that the corrective work is complete.
- B. The director may consider a licensee's compliance with a corrective work order or lack thereof in imposing appropriate disciplinary action.
- C. Failure to timely complete the corrective action or notify the ~~OPM~~ PMD of the completion is a separate ground for disciplinary action.
- D. A corrective work order issued by the ~~OPM~~ PMD is not subject to A.R.S. § 41-1009(E)-(F) unless the ~~OPM~~ PMD indicates in the order that timely compliance with the order will result in no disciplinary action being taken for a deficiency or violation.

R3-8-605. Consent Agreements

- A. A consent agreement shall include the following:
 1. General nature of violations,
 2. Citation to statutes and rules alleged to be violated,
 3. Disciplinary action to be taken,
 4. Effective date of the disciplinary action if different from the date of the consent agreement,
 5. Corrective action to be taken, and
 6. Date to complete any corrective action.
- B. A person entering into a consent agreement with the ~~OPM~~ PMD shall waive the right to a formal hearing, rehearing, or judicial review of the matters contained in the consent agreement.

R3-8-606. Penalties

- A. When assessing a civil penalty for a violation, the Director shall assess a civil penalty for each violation based on the violation's total point value set out in this Section. To calculate the total point value, the Director shall sum the points for each aggravating factor and may subtract the points for each mitigating factor. The Director, in his sole discretion, may treat multiple violations as a single violation for the purpose of calculating the civil penalty.
- B. Aggravating factors.
 1. Pesticide type.

a. General use.	2
b. Experimental use or special local need.	3
c. Restricted use or unregistered.	5
 2. Harm to humans and non-target animals.

a. None or unverified potential harm.	0
b. Potential harm.	3
c. Actual, verifiable harm.	5
 3. Harm to environment and economic loss.

a. None or unverified potential harm.	0
b. Potential harm or loss.	3
c. Actual, verifiable loss of \$10,000 or less.	4
d. Actual, verifiable loss exceeding \$10,000.	5
e. Actual, verifiable environmental harm.	5
 4. Non-pesticide violations.

a. Negligent violations.	4
b. Knowing or willful violations.	8
 5. Prior similar violations.

a. None.	0
b. Warning letter within 12 months.	1
c. One or more within 36 months, but none within 12 months.	2
d. One within 12 months.	3
e. More than one within 24 months, but none within 12 months.	4
f. More than one within 12 months.	5
 6. Culpability.

a. Negligent violations.	2
b. Knowing or willful violations.	4
- C. Mitigating factors. In considering whether to subtract points for mitigating factors, the Director may consider whether the mitigating act occurred before, during, or after ~~OPM's~~ PMD's investigation.
 1. Good will.

a. Admission of fault.	1
b. Admission and cooperation	2
c. Admission, cooperation, and	



- corrective action prior to request. 3
- 2. Environmental benefit.
 - a. Clean up. 1
 - b. Move toward less toxic methods. 2
 - c. Develop IPM program. 3
- 3. Consumer benefit.
 - a. Consumer education. 1
 - b. Make consumer whole. 2
 - c. Extend warranty. 3
- 4. Other benefits.
 - a. Training (CEU). 1
 - b. Equipment (modification or new). 2
 - c. Purchase and use of computer for TARFs. 3
- D.** Civil penalty. To calculate the civil penalty, the Director shall:
 - 1. For total point values of 6-10, multiply the value by \$100 and then subtract \$500.
 - 2. For total point values of 11-15, multiply the value by \$100 and then subtract \$600.
 - 3. For total point values of more than 16, assess the maximum penalty of \$1000.
- E.** Other penalties. In addition to assessing a civil penalty, the Director:
 - 1. For any total point value, may require extra continuing education.
 - 2. For total point values of 6-11, may impose probation requirements.
 - 3. For total point values of 12-17, shall impose probation requirements and may suspend the license, certification, or registration.
 - 4. For total point values of 18 or more, shall suspend or revoke the license, certification, or registration.
 - 5. May take any other action permitted by law, including imposing probation requirements after a suspension ends.



NOTICES OF RECODIFICATION

The Office of the Secretary of State will publish a Notice of Recodification in the Register when the Office finds it necessary to recodify a Chapter in order to maintain

the integrity of the codification system or whenever an agency requests, in writing, that an entire Chapter or portion of a Chapter be recodified.

NOTICE OF RECODIFICATION
TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 29. OFFICE OF PEST MANAGEMENT

[R17-130]

1. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections being recodified along with their respective headings:

- 4 A.A.C. 29, Article 1. General and Administrative Provisions
R4-29-101. Definitions
R4-29-102. Certification Categories; Scope
R4-29-103. Fees; Charges; Exemption
R4-29-104. Pest Management Advisory Committee
R4-29-105. Renumbered
R4-29-106. Renumbered
R4-29-107. Licensing Time-frames
Table 1. Time-frames (Calendar Days)
R4-29-108. Repealed
4 A.A.C. 29, Article 2. Certification, Registration and Licensure; Continuing Education
R4-29-201. Activities that Require a License; Exemption
R4-29-202. Business License
R4-29-203. Applicator Certification
R4-29-204. Qualified Applicator Certification
R4-29-205. Qualifying Party Registration; Temporary Qualifying Party Registration
R4-29-206. Branch Office Registration; Branch Supervisor Registration
R4-29-207. Applicator Registration
R4-29-208. License, Certification and Registration Renewal
R4-29-209. Change in Business Licensee
R4-29-210. Certification Broadening
R4-29-211. Certification Examination
R4-29-212. Reciprocity
R4-29-213. Political Subdivision Responsible Individual
R4-29-214. Renumbered
R4-29-215. Continuing Education
R4-29-216. Continuing Education Approval
4 A.A.C. 29, Article 3. Pest Management
R4-29-301. Using Pesticides and Devices
R4-29-302. Storing and Disposing of Pesticides and Devices
R4-29-303. Pesticide and Device Storage Area
R4-29-304. Devices Exempt from Licensure and Registration; Advertising
R4-29-305. Equipping a Service Vehicle
R4-29-306. Providing Notice to Customers
R4-29-307. Performing a Wood-destroying Insect Inspection; WDIIRs
R4-29-308. Performing Wood-destroying Insect Management
R4-29-309. Termite Warranties and Retreatments
R4-29-310. Business Management
R4-29-311. Repealed
R4-29-312. Repealed
R4-29-313. Repealed
R4-29-314. Repealed
R4-29-315. Repealed
R4-29-316. Expired
R4-29-317. Expired
R4-29-318. Expired
R4-29-319. Expired
R4-29-320. Expired
4 A.A.C. 29, Article 4. Supervision



R4-29-401. Supervising an Applicator
R4-29-402. Qualifying a Business or School District
R4-29-403. Qualifying Party Management
R4-29-404. Branch Supervisors
R4-29-405. Supervision of Qualifying Party
R4-29-406. Responsible Individuals
R4-29-407. Joint Responsibility
R4-29-408. Repealed
R4-29-409. Repealed
R4-29-410. Repealed
R4-29-411. Expired
R4-29-412. Repealed
R4-29-413. Repealed
R4-29-414. Repealed
R4-29-415. Repealed
R4-29-416. Expired
R4-29-417. Repealed
R4-29-418. Repealed
4 A.A.C. 29, Article 5. Recordkeeping and Reporting
R4-29-501. Applicator Recordkeeping
R4-29-502. Qualifying Party Recordkeeping
R4-29-503. Business Licensee and Political Subdivision Recordkeeping and Retention
R4-29-504. Reporting Incidents and Bulk Releases
R4-29-505. Groundwater Protection List Reporting
Appendix A. Repealed
4 A.A.C. 29, Article 6. Inspections; Disciplinary Procedures
R4-29-601. Inspection of Licensee Records
R4-29-602. Compliance with OPM Monitoring
R4-29-603. Corrective Work Orders
R4-29-604. Disciplinary Action
R4-29-605. Consent Agreements
R4-29-606. Penalties
R4-29-607. Renumbered
R4-29-608. Renumbered
R4-29-609. Renumbered
4 A.A.C. 29, Article 7. Renumbered
R4-29-701. Repealed
R4-29-702. Repealed
R4-29-703. Repealed
R4-29-704. Renumbered
R4-29-705. Repealed
R4-29-706. Repealed
R4-29-707. Repealed
R4-29-708. Renumbered

2. A list of the Subchapters (if applicable), Articles, Parts (if applicable), and Sections as recodified along with their respective headings:

3 A.A.C. 8, Article 1. General and Administrative Provisions
R3-8-101. Definitions
R3-8-102. Certification Categories; Scope
R3-8-103. Fees; Charges; Exemption
R3-8-104. Pest Management Advisory Committee
R3-8-105. Renumbered
R3-8-106. Renumbered
R3-8-107. Licensing Time-frames
Table 1. Time-frames (Calendar Days)
R3-8-108. Repealed
3 A.A.C. 8, Article 2. Certification, Registration and Licensure; Continuing Education
R3-8-201. Activities that Require a License; Exemption
R3-8-202. Business License
R3-8-203. Applicator Certification
R3-8-204. Qualified Applicator Certification
R3-8-205. Qualifying Party Registration; Temporary Qualifying Party Registration
R3-8-206. Branch Office Registration; Branch Supervisor Registration
R3-8-207. Applicator Registration
R3-8-208. License, Certification and Registration Renewal
R3-8-209. Change in Business Licensee



- R3-8-210. Certification Broadening
- R3-8-211. Certification Examination
- R3-8-212. Reciprocity
- R3-8-213. Political Subdivision Responsible Individual
- R3-8-214. Renumbered
- R3-8-215. Continuing Education
- R3-8-216. Continuing Education Approval
- 3 A.A.C. 8, Article 3. Pest Management
- R3-8-301. Using Pesticides and Devices
- R3-8-302. Storing and Disposing of Pesticides and Devices
- R3-8-303. Pesticide and Device Storage Area
- R3-8-304. Devices Exempt from Licensure and Registration; Advertising
- R3-8-305. Equipping a Service Vehicle
- R3-8-306. Providing Notice to Customers
- R3-8-307. Performing a Wood-destroying Insect Inspection; WDIIRs
- R3-8-308. Performing Wood-destroying Insect Management
- R3-8-309. Termite Warranties and Retreatments
- R3-8-310. Business Management
- R3-8-311. Repealed
- R3-8-312. Repealed
- R3-8-313. Repealed
- R3-8-314. Repealed
- R3-8-315. Repealed
- R3-8-316. Expired
- R3-8-317. Expired
- R3-8-318. Expired
- R3-8-319. Expired
- R3-8-320. Expired
- 3 A.A.C. 8, Article 4. Supervision
- R3-8-401. Supervising an Applicator
- R3-8-402. Qualifying a Business or School District
- R3-8-403. Qualifying Party Management
- R3-8-404. Branch Supervisors
- R3-8-405. Supervision of Qualifying Party
- R3-8-406. Responsible Individuals
- R3-8-407. Joint Responsibility
- R3-8-408. Repealed
- R3-8-409. Repealed
- R3-8-410. Repealed
- R3-8-411. Expired
- R3-8-412. Repealed
- R3-8-413. Repealed
- R3-8-414. Repealed
- R3-8-415. Repealed
- R3-8-416. Expired
- R3-8-417. Repealed
- R3-8-418. Repealed
- 3 A.A.C. 8, Article 5. Recordkeeping and Reporting
- R3-8-501. Applicator Recordkeeping
- R3-8-502. Qualifying Party Recordkeeping
- R3-8-503. Business Licensee and Political Subdivision Recordkeeping and Retention
- R3-8-504. Reporting Incidents and Bulk Releases
- R3-8-505. Groundwater Protection List Reporting
- Appendix A. Repealed
- 3 A.A.C. 8, Article 6. Inspections; Disciplinary Procedures
- R3-8-601. Inspection of Licensee Records
- R3-8-602. Compliance with OPM Monitoring
- R3-8-603. Corrective Work Orders
- R3-8-604. Disciplinary Action
- R3-8-605. Consent Agreements
- R3-8-606. Penalties
- R3-8-607. Renumbered
- R3-8-608. Renumbered
- R3-8-609. Renumbered
- 3 A.A.C. 8, Article 7. Renumbered
- R3-8-701. Repealed

- R3-8-702. Repealed
- R3-8-703. Repealed
- R3-8-704. Renumbered
- R3-8-705. Repealed
- R3-8-706. Repealed
- R3-8-707. Repealed
- R3-8-708. Renumbered

3. A conversion table between the two numbering schemes:

Old Numbering Scheme

New Numbering Scheme

Title 4, Chapter 29 Office of Pest Management
Title 4, Chapter 29, Article 1. General and Administrative Provision

Title 3, Chapter 8 Department of Agriculture – Pest Management Division
Title 3, Chapter 8, Article 1. General and Administrative Provisions

- R4-29-101.
- R4-29-102.
- R4-29-103.
- R4-29-104.
- R4-29-105.
- R4-29-106.
- R4-29-107.
- Table 1.
- R4-29-108.

- R3-8-101.
- R3-8-102.
- R3-8-103.
- R3-8-104.
- R3-8-105.
- R3-8-106.
- R3-8-107.
- Table 1.
- R3-8-108.

Title 4, Chapter 29, Article 2. Certification, Registration and Licensure; Continuing Education

Title 3, Chapter 8, Article 2. Certification, Registration and Licensure; Continuing Education

- R4-29-201.
- R4-29-202.
- R4-29-203.
- R4-29-204.
- R4-29-205.
- R4-29-206.
- R4-29-207.
- R4-29-208.
- R4-29-209.
- R4-29-210.
- R4-29-211.
- R4-29-212.
- R4-29-213.
- R4-29-214.
- R4-29-215.
- R4-29-216.

- R3-8-201.
- R3-8-202.
- R3-8-203.
- R3-8-204.
- R3-8-205.
- R3-8-206.
- R3-8-207.
- R3-8-208.
- R3-8-209.
- R3-8-210.
- R3-8-211.
- R3-8-212.
- R3-8-213.
- R3-8-214.
- R3-8-215.
- R3-8-216.

Title 4, Chapter 29, Article 3. Pest Management

Title 3, Chapter 8, Article 3. Pest Management

- R4-29-301.
- R4-29-302.
- R4-29-303.
- R4-29-304.
- R4-29-305.
- R4-29-306.
- R4-29-307.
- R4-29-308.
- R4-29-309.
- R4-29-310.
- R4-29-311.
- R4-29-312.
- R4-29-313.
- R4-29-314.
- R4-29-315.
- R4-29-316.
- R4-29-317.
- R4-29-318.
- R4-29-319.
- R4-29-320.

- R3-8-301.
- R3-8-302.
- R3-8-303.
- R3-8-304.
- R3-8-305.
- R3-8-306.
- R3-8-307.
- R3-8-308.
- R3-8-309.
- R3-8-310.
- R3-8-311.
- R3-8-312.
- R3-8-313.
- R3-8-314.
- R3-8-315.
- R3-8-316.
- R3-8-317.
- R3-8-318.
- R3-8-319.
- R3-8-320.

Title 4, Chapter 29, Article 4. Supervision
R4-29-401.
R4-29-402.

Title 3, Chapter 8, Article 4. Supervision
R3-8-401.
R3-8-402.



R4-29-403.	R3-8-403.
R4-29-404.	R3-8-404.
R4-29-405.	R3-8-405.
R4-29-406.	R3-8-406.
R4-29-407.	R3-8-407.
R4-29-408.	R3-8-408.
R4-29-409.	R3-8-409.
R4-29-410.	R3-8-410.
R4-29-411.	R3-8-411.
R4-29-412.	R3-8-412.
R4-29-413.	R3-8-413.
R4-29-414.	R3-8-414.
R4-29-415.	R3-8-415.
R4-29-416.	R3-8-416.
R4-29-417.	R3-8-417.
R4-29-418.	R3-8-418.
Title 4, Chapter 29, Article 5. Recordkeeping and Reporting	Title 3, Chapter 8, Article 5. Recordkeeping and Reporting
R4-29-501.	R3-8-501.
R4-29-502.	R3-8-502.
R4-29-503.	R3-8-503.
R4-29-504.	R3-8-504.
R4-29-505.	R3-8-505.
Appendix A.	Appendix A.
Title 4, Chapter 29, Article 6. Inspections; Disciplinary Procedures	Title 3, Chapter 7, Article 6. Inspections; Disciplinary Procedures
R4-29-601.	R3-8-601.
R4-29-602.	R3-8-602.
R4-29-603.	R3-8-603.
R4-29-604.	R3-8-604.
R4-29-605.	R3-8-605.
R4-29-606.	R3-8-606.
R4-29-607.	R3-8-607.
R4-29-608.	R3-8-608.
R4-29-609.	R3-8-609.
Title 4, Chapter 29, Article 7.	Renumbered Title 3, Chapter 8, Article 7. Renumbered
R4-29-701.	R3-8-701.
R4-29-702.	R3-8-702.
R4-29-703.	R3-8-703.
R4-29-704.	R3-8-704.
R4-29-705.	R3-8-705.
R4-29-706.	R3-8-706.
R4-29-707.	R3-8-707.
R4-29-708.	R3-8-708.

4. The name and address of agency personnel with whom persons may communicate regarding the recodification:

Name: Vince Craig
Address: 1688 W. Adams St.
Phoenix, AZ 85007
Telephone: (602) 255-3663
E-mail: vcraig@azda.gov

5. Changes to Section References under A.A.C. R1-1-1001(C)

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

~~R4-29-101~~-~~R3-8-101~~. Definitions

In addition to the definitions provided in A.R.S. § 32-2301, the following terms apply to this Chapter:

“Administratively complete” means an application contains all components required by statute or this Chapter to be submitted to the OPM to enable the OPM to determine whether to grant a license or approval.

“Advertisement” means a written or oral notice, including a business card, website, or telephone directory listing, which is intended, directly or indirectly, to induce a person to enter into an agreement for pest management services.

“Applicator” means an individual who provides pest management services. Applicator does not include a laborer.

“Applicator certification” means a certified applicator license.

“Broadening” means to add another category of work to an existing certification.



“Certified applicator” means an individual who is licensed by the OPM to provide pest management services, including a QA.

“CEU” means continuing education unit.

“Continuing education unit” means 50 minutes of participation in continuing education.

“Control” or “manage” means, with respect to pests, to exterminate, eradicate, destroy, kill, repel, attract, sterilize, mitigate, remove, or a combination of these activities.

“Department” means the Arizona Department of Agriculture.

“Disassociate” means to die, become disabled, resign, retire, be ill or take leave for more than 14 days, be terminated, or be called to active military duty.

“Entire structure” means all critical areas as defined in this Chapter and as specified on product labeling for both the interior and exterior of a structure.

“EPA” means the U.S. Environmental Protection Agency.

“EPA registration number” means the actual EPA registration number of a product or the federal provision exempting the product from EPA registration.

“Final grade treatment” means establishment of a complete vertical barrier at the exterior of foundation walls in stem wall or monolithic construction.

“Fog or fogging” means applying a pesticide by a flammable, aerosolizing thermal or other generator that forms particles less than 10 microns in diameter.

“Food-handling establishment” means a place, other than a private residence, in which food is received, served, stored, packaged, prepared, or processed.

“Fumigant” means a chemical substance with a vapor pressure greater than five millimeters of mercury at 25 degrees Centigrade that is used to destroy plant or animal life.

“Fumigation” means a method of pest management that completely fills an area with a fumigant to suffocate or poison pests within the area.

“Fungi” means saprophytic and parasitic organisms that lack chlorophyll such as molds, rusts, mildews, smuts, and yeast, except those on or in living people or animals or processed foods, beverages, or pharmaceuticals.

“Health care institution” means a health care institution licensed pursuant to title 36, chapter 4 and includes doctor and dental offices.

“Label” means a written, printed, or graphic document that is approved by the EPA and on or attached to a pesticide container, the wrapper of a pesticide container, or a device.

“Labeling” means a written, printed, or graphic document that is authorized by the manufacturer or a state or federal agency to accompany a pesticide or device, or is referred to on the label or in literature accompanying the pesticide or device.

“Laborer” means an individual who performs physical labor necessary for an applicator to provide pest management services, including drilling and trenching, but who does not handle any pesticide container that has ever been opened, identify infestations, make inspections, make inspection reports or recommendations with respect to infestations, or use any device for the purpose of eliminating, exterminating, controlling or preventing infestations, except that laborer includes an individual who assists with the use of a tarp on a structure for a fumigation performed by an applicator.

“New-construction treatment” means a treatment to all cellulose components of a structure as prescribed by the pesticide label to protect the structure from subterranean termites and is performed after a permanent concrete slab foundation is installed or footings and supports for a raised foundation are installed, but before the structure or a final grade treatment is completed.

“OPM” means the Office of Pest Management.

“Pest” means a vertebrate or invertebrate insect, bird, mammal, or other animal or organism, or a weed or plant pathogen that is in an undesirable location.

“Pesticide,” as defined in A.R.S. § 32-2301, includes an insecticide, fungicide, rodenticide, termiticide, fumigant, larvicide, piscicide, adulticide, herbicide, nematicide, avicide, or molluscicide.

“Pest management services” means identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations, making written or oral inspection reports or recommendations with respect to infestations, and the application of pesticides or the use of devices not exempt by section 32-2304, subsection B, paragraph 18, for the purpose of eliminating, exterminating, controlling or preventing infestations.

“Post-construction treatment” means a treatment to control wood-destroying insects in or around an existing structure performed after all soil disturbance associated with construction is complete and after an applicator has completed an inspection of the structure and a treatment proposal under A.R.S. § 32-2332(A) and (B).

“Pretreatment” means a termite treatment that protects all cellulose components of a structure from subterranean termites, is performed before a permanent concrete slab foundation is installed or in conjunction with establishing footings and supports for a raised foundation, and establishes thorough and complete horizontal and vertical treated barriers.



“Primary service,” as used in A.R.S. § 32-2311.02(B)(3), means applying an herbicide as the only or predominant service under a verbal or written contract to maintain a property.

“Project” means an individual address or a privately owned or individually owned dwelling.

“QA” means certified qualified applicator.

“QP” means qualifying party.

“Qualified applicator certification” means a certified qualified applicator license.

“SDS” means safety data sheet, which is a written communication regarding a hazardous chemical that meets the standards at 29 CFR 1910.1200(g).

“Service container” means a receptacle that is used to hold, store, or transport a pesticide concentrate or use-dilution preparation other than the original labeled receptacle provided by the manufacturer, a measuring instrument, or application equipment.

“Service vehicle” means a motor vehicle, including a trailer attached to the motor vehicle, used regularly to transport an applicator and equipment or pesticides used to provide pest management services.

“Signal word” means a word printed on a label that indicates the toxicity level of the pesticide in the container to which the label is affixed.

“Special Local Need registration” means an authorization from the Department to use a pesticide, which meets an Arizona-specific need, in Arizona according to the terms of the registration.

“Specimen label” means a label other than the label attached to a pesticide container that contains the same information as the labeling.

“Structure” means all parts of a building, whether vacant or occupied, in all stages of construction.

“Subterranean termites” means the several species of termites that usually maintain contact with the soil, including those in the families Rhinotermitidae and Termitidae.

“Supplemental wood-destroying insect inspection” means a re-examination made by an applicator of the business licensee that conducted a previous wood-destroying insect inspection and within 30 days of the previous examination to determine whether corrective treatment has been performed or conditions conducive to wood-destroying insects have been corrected.

“Tag” means a written document that is required under this Chapter to be posted conspicuously at a pretreatment or new-construction treatment site.

“TARF” means termite action report form.

“Termiticide” means a chemical registered by the EPA and the Department and used for control of termites.

“Water-retention basin” means an area to temporarily hold water run-off until the water dissipates.

“WDIIR” means wood-destroying insect inspection report, which is a written report on a form approved by the OPM that is prepared in connection with the sale or refinancing of real property regardless of whether the report is used as part of the sale or refinancing.

“Wood-destroying insect inspection” means an inspection for the presence or absence of wood-destroying insects.

R4-29-102-R3-8-102. Certification Categories; Scope

The name and scope of each certification category are as follows:

1. Industrial and institutional: pest management in, on, around or adjacent to a structure not covered by another category; pest management in or on asphalt, concrete, gravel, rocks and similar surfaces, including man holes, not covered by another certification category; pest management of health related pests wherever found; but excluding anti-microbial pest management and fungi inspection
2. Wood-destroying organism management.
 - a. Wood-destroying organism treatment: inspecting for the presence or absence of wood-destroying organisms and treating for wood-destroying organisms in or about a residential or other structure by a means other than use of a fumigant.
 - b. Wood-destroying insect inspection: inspecting for the presence or absence of wood-destroying insects only and excluding preparing treatment proposals.
3. Ornamental and turf: pest management, including weeds, in the maintenance of turf or bare ground not covered by the right-of-way category and ornamental trees, shrubs, and flowers by a means other than use of a fumigant.
4. Right-of-way: pest management of pests, including weeds, in the maintenance of public roads, electric powerlines, pipelines, railway rights-of-way or other similar areas by a means other than use of a fumigant, but excluding pest management in the maintenance of ornamental trees, shrubs and flowers.
5. Aquatic: pest management, including weeds, in standing or running water.
6. Fumigation: pest management using fumigants.
7. Wood preservation: application of pesticides directly to structural components of wood or wood products, which are not part of an existing structure normally habitable by persons, to prevent or manage wood degradation by wood-destroying organisms including fungi and bacteria.

R4-29-103-R3-8-103. Fees; Charges; Exemption

A. A person shall pay the following application and renewal fees for licensure, certification, and registration:

1. For an applicator:



- a. Applicator certification, \$75.
- b. Applicator certification broadening application, \$0.
- c. QA certification, \$100.
- d. QA certification broadening application, \$25.
2. For a qualifying party:
 - a. Registration at same time as application for or renewal of the business license, \$0.
 - b. Registration at a different time than application for or renewal of the business license, \$50.
 - c. Registration broadening, \$25.
 - d. Temporary qualifying party registration, \$100.
3. For a business:
 - a. Business license, \$250.
 - b. Business license for federal entity, \$0.
 - c. Applicator registration, \$0 per applicator.
4. For a branch:
 - a. Branch office registration, \$50 per branch.
 - b. Branch supervisor registration at same time as branch office registration, \$0.
 - c. Branch supervisor registration at a different time than branch office registration, \$25.
- B.** A person renewing an applicator certification, QA certification, business license, branch office registration, or branch supervisor registration shall receive a 10 percent reduction in the renewal fee for renewals submitted for a two year renewal period.
- C.** In addition to the fees listed in subsection (A), a person shall pay a \$10 handling fee for each application or renewal form not submitted electronically when OPM allows electronic submission.
- D.** A person shall pay a late fee equal to half of the renewal fee for any license, certification, or registration that is not renewed timely. If a business license remains expired for more than 30 days, to renew the license, a person shall also pay an additional late fee of \$15 per month that the license remains expired, not to exceed \$165. Late fees are in addition to the renewal fee.
- E.** A business licensee shall pay the following TARF fees:
 1. Electronic submissions, \$2;
 2. Electronic final grade treatment TARF submissions, \$0;
 3. Electronic TARF submissions for a pretreatment or new-construction treatment of an addition that abuts the slab of an originally treated structure, \$0, if the business licensee:
 - a. Performed the pretreatment or new-construction treatment of the main structure,
 - b. Filed a TARF regarding the pretreatment or new-construction treatment,
 - c. Has the structure under warranty, and
 - d. Treats the abutting addition under the terms of the site warranty;
 4. All paper submissions, \$8; and
 5. Late fee equal to the original TARF fee for any TARF submission more than 30 days after the due date, except that the late fee for an electronic final grade treatment TARF submission more than 30 days after the due date shall be \$2.
- F.** If the OPM administers a certification examination, an applicant shall pay \$50 to take the examination. If an examination service or testing vendor administers a certification examination, an applicant shall pay the examination service or testing vendor the examination cost established in the vendor's contract with the OPM.
- G.** OPM employees are exempt from the applicator and examination fees listed in this Section.
- H.** An applicant who makes a payment for a fee due under this Section that is rejected by a financial institution will be subject to all of the following:
 1. The OPM shall void any approval of the application or renewal.
 2. The applicant shall pay any financial institution fee incurred by the OPM.
 3. The OPM may require the applicant to pay all fees due using a method other than a personal or business check.
 4. An application for renewal will be considered untimely if the substitute payment is not received by the OPM by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.
- I.** The OPM may reject an application or request for service that is submitted with the incorrect fee and not process the application or provide the service. An application for renewal will be considered untimely if the substitute payment is not received by the OPM by the original due date, and the applicant will be subject to a late fee based on the date of receipt of the substitute payment.
- J.** In addition to the fees listed in this Section, the OPM may collect service charges from persons who pay with alternative payment methods, including credit cards, charge cards, debit cards and electronic transfers.

~~R4-29-104-R3-8-104~~ Pest Management Advisory Committee

- A.** A five-member Pest Management Advisory Committee is established to assist and make recommendations to the director regarding the administration and implementation of A.R.S. Title 32, Chapter 22.
- B.** The members shall meet the following qualifications:
 1. Three members shall be business licensees or qualifying parties and shall each have a minimum of five years of pest management experience.
 - a. At least one of these three members shall be a business licensee who has five or fewer applicators.
 - b. For one of these three members, first priority shall be given to a business licensee or QP based outside of Maricopa and Pima Counties and secondary priority shall be given to a business licensee or QP who is not based outside of those counties but is associated with a business that has an office in Arizona outside of those counties. If there are no qualified first or secondary priority applicants, the Director may appoint any business licensee or QP with a minimum of five years of pest management experience.
 2. One member shall be a representative of a political subdivision.
 3. One member shall be a public member who does not provide pest management services or work for a business licensee.



- C. Members shall serve three year staggered terms. Members shall not serve consecutive terms, except that a member who is appointed to fill a vacancy may serve the unexpired term that fills the vacancy plus one regular term. A member shall be ineligible for reappointment for three years.
- D. The office of a member shall be deemed vacant under any of the following circumstances:
 1. The member no longer satisfies the qualification in subsection (B).
 2. The member is unable to perform the duties of the office.
 3. The absence of the member from three consecutive Committee meetings if the absences have not been excused by the Committee.
- E. The Committee shall annually select a chairman and vice-chairman from among its members.

~~R4-29-105~~R3-8-105. Renumbered

~~R4-29-106~~R3-8-106. Renumbered

~~R4-29-107~~R3-8-107. Licensing Time-frames

- A. Overall time-frame. The OPM shall issue or deny a license within the overall time-frames listed in Table 1. The overall time-frame, which is the total number of days provided for both the administrative completeness and substantive review time-frames, begins when the OPM receives an application.
- B. Administrative completeness review time-frame.
 1. During the administrative completeness review time-frame, the OPM shall notify the applicant in writing whether the application is complete or incomplete. If the application is incomplete, the OPM shall specify in the notice what information is missing. If the OPM does not provide notice to the applicant within the administrative completeness review time-frame, the OPM shall deem the application complete.
 2. An applicant with an incomplete license application shall supply the missing information within the completion request period listed in Table 1. The administrative completeness review and overall time-frames are suspended from the postmark date of the notice of missing information until the date the OPM receives the information.
 3. If an applicant fails to submit the missing information before expiration of the completion request period, the OPM shall consider the application withdrawn and close the file. An applicant whose file is closed may apply for a license by submitting a new application and application fee.
- C. Substantive review time-frame.
 1. The substantive review time-frame listed in Table 1 begins when an application is administratively complete or at the end of the administrative completeness review time-frame in Table 1, whichever occurs first. If the OPM determines during the substantive review that additional information is needed, the OPM shall send the applicant a comprehensive written request for additional information.
 2. Both the substantive review and overall time-frames are suspended from the date of the OPM's request until the date that the OPM receives the additional information. The applicant shall submit the additional information within the additional information period listed in Table 1.
 3. If the applicant fails to provide the additional information within the additional information period in Table 1, the OPM shall consider the application withdrawn and close the application. An applicant whose file is closed may apply for a license by submitting a new application and application fee.
- D. Within the overall time-frame listed in Table 1, the OPM shall:
 1. Deny a license or approval to an applicant if the OPM determines that the applicant does not meet all the substantive criteria required by the OPM's statutes and this Chapter; or
 2. Grant a license or approval to an applicant if the OPM determines that the applicant meets all the substantive criteria required by the OPM's statutes and this Chapter.
- E. If the OPM denies a license or approval under subsection (D)(1), the OPM shall provide a written notice of denial to the applicant that explains:
 1. The reason for the denial, with citations to supporting statutes or rules;
 2. The applicant's right to seek a fair hearing to challenge the denial; and
 3. The time for appealing the denial.

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Applicant Response to Completion Request	Substantive Completeness Review	Applicant Response to Additional Information	Overall Time-frame
Applicator New	R4-29-203 <u>R3-8-203</u>	30	90	100	360	130
Renewal	R4-29-208 <u>R3-8-208</u>	30	90	100	15	130
Broaden	R4-29-210 <u>R3-8-210</u>	30	90	100	360	130
Qualified applicator (QA) New						
Renewal	R4-29-204 <u>R3-8-204</u>	30	90	100	360	130
Broaden	R4-29-208 <u>R3-8-208</u>	30	90	100	15	130
	R4-29-210 <u>R3-8-210</u>	30	90	100	360	130



Qualifying party (QP)	A.R.S. § 32-2314					
New	R4-29-205 <u>R3-8-205</u>	30	90	100	90	130
Renewal	R4-29-208 <u>R3-8-208</u>	30	90	100	15	130
Broaden	R4-29-210 <u>R3-8-210</u>	30	90	100	90	130
Temporary	R4-29-205 <u>R3-8-205</u>	10	10	10	15	20
Business	A.R.S. § 32-2313; R4-29-202; R4-29-208; R4-29-209 <u>R3-8-202; R3-8-208; R3-8-209</u>	30	90	100	15	130
Branch Office	A.R.S. § 32-2315; R4-29-206 <u>R3-8-206</u>	30	90	100	15	130
Branch supervisor	A.R.S. § 32-2315					
New	R4-29-206 <u>R3-8-206</u>	30	90	100	90	130
Renewal	R4-29-208 <u>R3-8-208</u>	30	90	100	15	130
Continuing Education Approval	R4-29-216 <u>R3-8-216</u>	20	60	55	15	75

ARTICLE 2. CERTIFICATION, REGISTRATION AND LICENSURE; CONTINUING EDUCATION

~~R4-29-201~~ R3-8-201. Activities that Require a License; Exemptions

- A. Business license. A person doing an activity defined as the business of pest management shall first possess a valid business license, unless the person is:
 1. A political subdivision;
 2. Acting on behalf of a business licensee or political subdivision; or
 3. Otherwise exempt by this Chapter or the OPM’s statutes.
- B. Qualifying party registration. A business licensee or school district shall only do an activity defined as the business of pest management if the business licensee or school district has a registered qualifying party. The business licensee or school district shall only provide pest management services in a certification category if the qualifying party is registered in that certification category.
- C. Applicator licensure.
 1. An individual who provides pest management services shall be a certified applicator and only provide pest management services in a certification category for which the applicator is currently certified except as provided under subsections (C)(2) and (C)(3) or as otherwise exempt by this Chapter or the OPM’s statutes.
 2. A certified applicator desiring to work in a category for which the applicator is not certified shall become certified in the category within 30 calendar days after beginning work in that category and shall be supervised as provided in subsection (C)(3)(c) while working in that category.
 3. An individual may provide pest management services on behalf of a business licensee without being a certified applicator if the individual:
 - a. Is registered as an applicator of the business licensee under ~~R4-29-207~~ R3-8-207;
 - b. Has been registered as an applicator of the business licensee for not more than 90 calendar days out of the last 365 days; and
 - c. Is supervised by a certified applicator who:
 - i. Is certified in the category for which supervision is provided;
 - ii. Provides immediate supervision when the individual performs pest management services in the wood-destroying organism treatment, aquatic, or fumigation category, uses a restricted use pesticide, or uses a pesticide under an experimental use permit; and
 - iii. Provides direct supervision when the individual performs pest management services not covered by subsection (C)(3)(c)(ii).
 4. An individual may not provide pest management services at a school, child care facility, health care institution, or food-handling establishment unless the individual is a certified applicator in the certification category for which services are being provided.
 5. An individual using an animal to assist with identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations shall be a certified applicator in the certification category for which services are being provided.
- D. Applicator registration. An applicator may not provide pest management services on behalf of a business licensee or political subdivision unless the applicator is registered as an applicator of the business licensee or political subdivision pursuant to ~~R4-29-207~~ R3-8-207.
- E. Exemptions. A person is not required to be licensed who:
 1. Provides general information about a label or labeling, the identification or management of a pest, integrated pest management or the use of a registered pesticide; does not directly or indirectly charge for the information; and does not make an on-site recommendation.
 2. Performs sales work that does not include:
 - a. Identifying on-site infestations or making inspections for the purpose of identifying or attempting to identify infestations;
 - b. Making written or oral inspection reports or on-site recommendations with respect to infestations; or
 - c. The application of pesticides or the use of devices for the purpose of eliminating, exterminating, controlling or preventing infestations.



- 3. Is an authorized representative of any educational institution engaged in research in the study of pest management and does not provide pest management services for hire.
- 4. Is a certified home inspector and documents evidence of wood-destroying organisms on a home inspection, but does not prepare a WDIIR, prepare a treatment proposal, make treatment estimates, bids, or recommendations, apply pesticides, or use devices.
- 5. Only uses, applies or installs home improvement articles, such as insulation, caulk and paint, that are pre-incorporated with a pesticide.

~~R4-29-202~~R3-8-202. Business License

- A. An applicant for a business license shall submit the following information on a form obtained from the OPM:
 - 1. About the business:
 - a. Business name;
 - b. Name and form of business organization;
 - c. Names of the following persons authorized to act on behalf of the business:
 - i. Owner if a sole proprietorship;
 - ii. Managing or general partner if a partnership;
 - iii. President and other authorized officers if a corporation;
 - iv. All the managers or members if a limited liability company; or
 - v. Person authorized to make decisions for the business if any other type of business form;
 - c. Telephone number;
 - d. Fax number;
 - e. Physical address;
 - f. Mailing address, if different from physical address;
 - g. E-mail address; and
 - h. Chemical storage address;
 - 2. Daytime telephone number of individuals identified under subsection (A)(1)(c);
 - 3. Name of the qualifying party; and
 - 4. The dated signature and title of an authorized representative of the business affirming that the information provided is true and correct.
- B. In addition to the form required under subsection (A), an applicant shall submit:
 - 1. The fee specified in ~~R4-29-103~~ R3-8-103;
 - 2. The proof of financial security required by A.R.S. § 32-2313;
 - 3. The names of all principals of the business as defined in subsection (G);
 - 4. The name and physical address of the statutory agent of the business; and
 - 5. A copy of the Articles of Incorporation or Organization, Certificate of Limited Partnership, trust, trade name certificate, partnership agreement, or other evidence of the form of business organization.
- C. A business cannot be licensed without a registered qualifying party.
- D. If the OPM determines there may be cause to deny a license to an applicant, the OPM may send a written notice to the applicant requiring the applicant to appear at a specific location, date and time to answer questions.
- E. A business license expires on May 31, and is:
 - 1. Issued with an expiration in the following calendar year as an initial licensure; and
 - 2. Renewable for one or two years, depending on the renewal period selected by the applicant.
- F. A business license may not be transferred except in accordance with ~~R4-29-209~~R3-8-209 and may not be renewed beyond the expiration of the registration for the business’s qualifying party.
- G. For the purposes of this Section, principal means a person who owns at least a 10 percent interest in a business. Principal includes an owner that is itself a business as well as owners of a principal.
- H. If an applicant’s proof of financial security includes an insurance policy which provides for a deductible in excess of one percent of the total financial security for each occurrence, the applicant shall provide other evidence of financial security for the excess deductible amount as required by A.R.S. § 32-2313. Financial security in the following forms will be acceptable, provided that the nature of the security provides adequate protection for persons who may suffer bodily injury or property damage as a result of the operations of the applicant:
 - 1. Liability insurance, self-insured retention or surety bond issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state;
 - 2. Bank statement evidencing a deposit of money in an amount equal to, or greater than, the excess deductible amount; or
 - 3. Certified Check in an amount equal to, or greater than, the excess deductible amount.

~~R4-29-203~~R3-8-203. Applicator Certification

- A. Application. An applicant for applicator certification shall submit the fee specified in ~~R4-29-103~~ R3-8-103 and the following information on a form obtained from the OPM:
 - 1. Full name;
 - 2. Applicator certification number, if any;
 - 3. Home address;
 - 4. Mailing address, if different from the home address;
 - 5. Telephone number;
 - 6. E-mail address;
 - 7. Date of birth;
 - 8. Social Security number;



9. A statement whether the applicant has ever had a license or permit to practice pest management denied, revoked, or suspended and if the answer is yes, the date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;
 10. Name of employer, if any;
 11. Employer's business license number, if applicable;
 12. Employer's telephone number, if applicable; and
 13. The applicant's dated signature affirming that the information provided is true and correct.
 14. Information and documentation concerning lawful presence required by A.R.S. § 41-1080.
- B.** An applicator shall be of good moral character. A conviction for a felony or a misdemeanor involving moral turpitude may demonstrate a lack of good moral character. A conviction for any of the following offenses shall be considered to demonstrate a lack of good moral character:
1. Murder involving the death of a law enforcement officer.
 2. An offense described in A.R.S. § 13-2308.01 related to terrorism.
 3. A sexual offense of any type where the victim is a minor that is a class 4 or higher felony.
- C.** Examination. An applicant shall take and pass the certification examinations as provided in ~~R4-29-211~~R3-8-211 in order to become certified.
- D.** An applicant for initial certification shall be at least 18 years of age.
- E.** If the OPM determines there may be cause to deny certification to an applicant, the OPM may send a written notice to the applicant requiring the applicant to appear at a specific location, date and time to answer questions.
- F.** Certification. Applicator certification is not transferable, expires on May 31, and is:
1. Issued with an expiration in the following calendar year as an initial certification,
 2. Renewable for one or two years, depending on the renewal period selected by the applicant, and
 3. Renewed for all certification categories for the same renewal period.

~~R4-29-204~~R3-8-204. **Qualified Applicator Certification**

- A.** Before applying for QA certification, an applicant shall fulfill the experience requirement for each category.
- B.** Application. An applicant for QA certification shall submit the fee specified in ~~R4-29-103~~R3-8-103 and the following information on a form obtained from the OPM:
1. Full name;
 2. Applicator certification number, if any;
 3. QA certification number, if any;
 4. Home address;
 5. Mailing address, if different from the home address;
 6. Telephone number;
 7. E-mail address;
 8. Date of birth;
 9. Social Security number;
 10. A statement whether the applicant has ever had a license or permit to practice pest management denied, revoked, or suspended and if the answer is yes, date, jurisdiction taking the action, nature of the action, and explanation of the circumstances;
 11. Name of employer, if any;
 12. Employer's business license number, if applicable;
 13. Employer's telephone number, if applicable;
 14. Certification categories for which application is made; and
 15. The applicant's dated signature affirming that the information provided is true and correct.
 16. Information and documentation concerning lawful presence required by A.R.S. § 41-1080, if not on file.
- C.** Experience. An applicant shall possess one of the following qualifications:
1. Certification as an applicator for 24 months within the ten years preceding the application in the category applied for.
 2. Certification as an applicator for 12 months within the ten years preceding the application and either:
 - a. Successful completion of 12 semester hours or its equivalent within the 10 years preceding the application in pest management courses directly related to each category applied for; or
 - b. A Bachelor's degree in agricultural sciences, biological sciences, or pest management with 12 semester hours or its equivalent in pest management courses directly related to each category applied for.
 3. Twenty four months of verifiable experience in the business of pest management, in another State where licensure was not required, within the ten years preceding application directly related to the category applied for.
- D.** For an individual who applies for QA certification within one year of honorable separation from active military duty, the time periods "preceding the application" in subsection (C) are tolled during the term of active military duty.
- E.** A QA shall be of good moral character. A conviction for a felony or a misdemeanor involving moral turpitude may demonstrate a lack of good moral character. A conviction for any of the following offenses shall be considered to demonstrate a lack of good moral character:
1. Murder involving the death of a law enforcement officer.
 2. An offense described in A.R.S. § 13-2308.01 related to terrorism.
 3. A sexual offense of any type where the victim is a minor that is a class 4 or higher felony.
- F.** OPM review.
1. After notification by the OPM that the applicant is eligible for certification, the applicant may schedule and take the certification examinations described under ~~R4-29-211~~R3-8-211.
 2. If the OPM determines there may be cause to deny certification to an applicant, the OPM may send a written notice to the applicant requiring the applicant to appear at a specific location, date and time to answer questions.



- G. Examination. An applicant shall take and pass the certification examinations as provided in ~~R4-29-211~~ R3-8-211 in order to become certified.
- H. Certification. QA certification is not transferable, expires on May 31, and is:
 1. Issued with an expiration in the following calendar year as an initial certification,
 2. Renewable for one or two years, depending on the renewal period selected by the applicant, and
 3. Renewed for all certification categories for the same renewal period.
- I. For the purposes of this Section, pest management courses means courses in entomology, zoology, vertebrate management, plant pathology, agronomy, general horticulture, plant biology or botany, biochemistry, organic or inorganic chemistry, the eradication or management of weeds, toxicology, the environmental impact of pesticides, or any combination thereof.

~~R4-29-205~~R3-8-205. Qualifying Party Registration; Temporary Qualifying Party Registration

- A. An applicant for registration as a QP shall submit the fee specified in ~~R4-29-103~~R3-8-103 and the following information on a form obtained from the OPM:
 1. Name;
 2. QA certification number;
 3. Certification categories to be registered;
 4. Name, and license number if applicable, of the business or school district for which the applicant will act as the QP; and
 5. Dated signature of the applicant affirming that the information provided is true and correct;
- B. An individual may only register as a QP in categories for which the individual possesses QA certification.
- C. A certified applicator who is the representative of a business licensee or school district may register as a temporary QP if the QP has become disassociated with the business licensee or school district within the last 45 days. A certified applicator may only register as a temporary QP in the categories for which both the former QP was registered and the certified applicator is certified.
- D. An applicant for registration as a temporary QP shall submit the fee specified in ~~R4-29-103~~R3-8-103 and:
 1. The information required in subsection (A), except subsection (A)(2);
 2. The applicant's applicator certification number;
 3. Written confirmation signed by the business licensee, school district, or former QP indicating that the former QP has become disassociated with the business licensee or school district; and
 4. A written statement signed by the business licensee or school district that:
 - a. The business licensee or school district has not operated in the business of pest management for more than five business days since the disassociation in the categories for which the disassociated QP was registered; and
 - b. The business licensee or school district wants the certified applicator to act as a temporary QP.
- E. A business licensee or school district shall not use a temporary QP to qualify the business or school district in a category for more than 180 days in any 12 month period.
- F. Registration.
 1. QP registration is not transferable, expires on May 31, and is:
 - a. Issued with an expiration in the following calendar year as an initial registration,
 - b. Renewable for one or two years, depending on the renewal period selected by the applicant, and
 - c. Renewed for all registration categories for the same renewal period.
 2. Temporary QP registration is not transferable, is valid for 90 calendar days and may be renewed once.
 3. A QP or temporary QP may only register to qualify one business licensee or school district except as provided in subsection (F)(4).
 4. A QP for school districts shall separately register as a QP for each school district served, but may not register as a QP for more than one school district without approval from the director pursuant to ~~R4-29-402(C)~~ R3-8-402(C).

~~R4-29-206~~R3-8-206. Branch Office Registration; Branch Supervisor Registration

- A. A business licensee may not do business from a branch office unless the branch office and a branch supervisor are registered with the OPM.
- B. To register a branch office, the business licensee shall submit the fee specified in ~~R4-29-103~~ R3-8-103 and the following information on a form obtained from the OPM:
 1. The business licensee's name and licensee number.
 2. About the branch office:
 - a. Name of branch supervisor;
 - b. Branch supervisor's applicator certification number;
 - c. Telephone and fax numbers;
 - d. Physical address;
 - e. Mailing address, if different from physical address;
 - f. E-mail address; and
 - g. Chemical storage address; and
 3. The dated signature of an authorized representative of the business licensee.
- C. A branch office shall do business in the name of the business licensee only.
- D. To register as a branch supervisor, the applicant shall submit the fee specified in ~~R4-29-103~~ R3-8-103 and the following information on a form obtained from the OPM:
 1. Name,
 2. Applicator certification number,
 3. Business name and license number,
 4. Physical and mailing address of branch office where the applicant will be the supervisor,
 5. Branch office telephone and fax numbers,



6. Dated signature of the applicant affirming that the information provided is true and correct, and
 7. Dated signature of an authorized representative of the business licensee.
- E. A branch supervisor may only register to supervise a branch office at one physical location.
- F. Registration as a branch office or branch supervisor is not transferable, expires on May 31, and is:
1. Issued with an expiration in the following calendar year as an initial registration, and
 2. Renewable for one or two years, depending on the renewal period selected by the applicant.

~~R4-29-207~~R3-8-207. Applicator Registration

- A. Every applicator of a business licensee or political subdivision shall be registered with the OPM as an applicator for that business licensee or political subdivision before providing pest management services for the business licensee or political subdivision. This requirement is in addition to applicator certification requirements.
- B. To register an applicator, a person shall submit the fee specified in ~~R4-29-103~~ R3-8-103 and the following information about the applicator on a form obtained from the OPM:
1. Full name;
 2. Name, and license number if applicable, of the business licensee or political subdivision;
 3. For an applicator of a business licensee, identification of the primary or branch office where the applicator's pest management records will be kept;
 4. For a certified applicator, the applicator's certification number;
 5. For an uncertified applicator, the applicator's:
 - a. Home address;
 - b. Mailing address, if different from the home address;
 - c. E-mail address;
 - d. Telephone number;
 - e. Date of birth;
 - f. Social Security number; and
 6. Dated signature of the applicant affirming that the information provided is true and correct.
- C. There is no fee to register an applicator of a political subdivision.
- D. An uncertified applicator shall be at least 18 years of age.
- E. Applicator registration is valid from the date the OPM receives all the information required under subsection (B) and the registration fee.
- F. Applicator registration is non-transferable and expires on May 31.
- G. A business licensee and QP are jointly responsible for ensuring compliance with this Section.
- H. The director shall assess a business licensee with a \$150 civil penalty for each unregistered applicator.

~~R4-29-208~~R3-8-208. License, Certification and Registration Renewal

- A. An application to renew a business license, applicator or QA certification, or qualifying party, branch office, branch supervisor, or applicator registration is due May 1 of the year the license, certification, or registration expires. Failure to receive a renewal application does not justify a failure to timely renew.
- B. An applicant for renewal shall submit the following information on a form obtained from the OPM:
1. All renewals:
 - a. A change in physical address and mailing address, if any;
 - b. E-mail address;
 - c. Telephone number;
 - d. Dated signature of the applicant affirming that the information provided is true and correct; and
 - e. License specific information described in this subsection, if applicable.
 2. Business license:
 - a. Name of the qualifying party in each category for which the business provides pest management services, and
 - b. Proof that the licensee still meets the financial security requirement in A.R.S. § 32-2313; and
 - c. A change in the chemical storage address, if any.
 3. Applicator and QA certification:
 - a. Name of employer, if any;
 - b. A statement whether the applicant has had a license or permit to practice pest management denied, revoked, or suspended during the last 12 months and if the answer is yes, the date, jurisdiction taking the action, nature of the action, and explanation of the circumstances; and
 4. Applicator registration: The names and if applicable certification numbers of all of the business licensee's current applicators.
- C. An applicant for renewal shall select a one or two year renewal period and shall pay the renewal fee listed in ~~R4-29-103~~ R3-8-103 for each year of renewal.
- D. CEU requirements. The director shall not renew a certification unless, prior to the expiration of the current certification, the applicant obtains the CEUs required by ~~R4-29-215~~ R3-8-215.
- E. Expired license, certification, or registration.
1. An applicant who submits a complete renewal application, including the renewal fee, after the expiration of the license, certification, or registration shall pay the late fee listed under ~~R4-29-103~~ R3-8-103 as a penalty in addition to the renewal fee.
 2. An applicant may renew an expired applicator or QA certification without retaking the written examinations provided the applicant:
 - a. Has satisfied the CEU requirements, and
 - b. Submits a complete renewal application, including the renewal fee, and the late fee by June 30.



- 3. An applicant seeking to renew an expired applicator or QA certification who does not meet the requirements in subsection (E)(2) shall apply as a new applicant and shall retake and pass the applicable certification examinations.
 - 4. A business license that has been expired for more than one year may not be renewed. The former licensee may apply as a new applicant.
 - 5. Notwithstanding subsections (E)(1)-(4), an applicant who fails to renew because the applicant is on active military duty may apply for renewal within one year of honorable separation from active military duty without paying a late fee.
 - 6. Notwithstanding subsections (E)(1) & (E)(2)(a), an applicator who fails to renew by June 30 may renew by submitting a complete renewal application, including the renewal fee and the late fee, by August 31 if:
 - a. The applicator has not received discipline from the Office within 5 years immediately preceding the renewal application; and
 - b. The applicator has not previously renewed their certification after June 30.
- F. Renewal effective date.**
- 1. If an applicant submits a complete application for renewal, including the renewal fee, before the expiration of the license, certification, or registration, then the license certification, or registration does not expire until:
 - a. The renewal has been approved; or
 - b. In the case of denial or new limits on the license, certification, or registration, the last day for seeking review of the OPM order or later date fixed by a court.
 - 2. If an applicant fails to submit a complete application for renewal, including the renewal fee, before the expiration of the license, certification, or registration, then the license, certification, or registration expires as provided in this Article and is not valid until the OPM has approved the renewal application. A business, branch office, or applicator with an expired license, registration, or certification may not provide pest management services or otherwise engage in the business of pest management. A qualifying party with an expired registration may not qualify a business licensee or school district. A branch supervisor with an expired registration may not supervise a branch office.
- G. Surrendering a certification or license.**
- 1. An applicator or business licensee may surrender their certification or license at any time, except for the following situations:
 - a. The applicator or business licensee is currently the subject of an investigation; or
 - b. The applicator or business licensee owes civil penalties or termite action registration form fees.
 - 2. An applicator or business licensee that has surrendered their certification or license is not absolved of any termite action registration form fees or civil penalties based on actions or omissions that occurred prior to surrendering their certification or license.
 - 3. The Office shall not refund any certification or licensing fees paid prior to the applicator or business license surrendering their certification or license.

~~R4-29-209~~R3-8-209. Change in Business Licensee

- A.** Transfer to spouse. A business license may be transferred to the licensee’s spouse without a fee by submission of a Business License Entity Change Application if the licensee’s spouse submits evidence of marriage to the licensee, keeps the same business name for the remainder of the licensee period and agrees to honor all of the licensee’s customer contracts and warranties.
- B.** Transfer to new entity. A person may request a transfer of a business license to a new entity without a fee by submitting a Business License Entity Change Application if:
 - 1. The owners of the current business licensee own a majority of the new entity,
 - 2. The new entity keeps the same business name as the current business licensee for the remainder of the licensing period,
 - 3. The new entity agrees to honor all customer contracts and warranties provided by the current business licensee, and
 - 4. The current business licensee and the new entity are not the same form of entity.
- C.** When a business license is transferred under subsection (A) or (B), the new licensee shall be responsible for any outstanding fees or penalties owed to the OPM and for any disciplinary action taken by the OPM as a result of violations of this Chapter or the OPM’s statutes by the former licensee.
- D.** Except as provided in subsections (A) and (B), a change in ownership of a licensed sole proprietorship requires a new business license.
- E.** If, through a change in ownership, a licensed business’s office becomes a branch office of another licensed business, the new owner shall notify the OPM and comply with ~~R4-29-206~~ R3-8-206.
- F.** A business licensee shall report any change in the principals of the business to the OPM within 30 days. Principal means a person who owns at least a 10 percent interest in a business. Principal includes an owner that is itself a business as well as owners of a principal.
- G.** If a business licensee changes the name of the business, the licensee shall provide the following information on a Business Name Change Application submitted to the OPM prior to the change:
 - 1. Name of business entity;
 - 2. Current business name;
 - 3. Business license number;
 - 4. New business name requested;
 - 5. Copy of the Registered Trade Name Certificate, amended Articles of Organization or Incorporation, amended Certificate of Limited Partnership, or amended Statement of Partnership Authority or Qualification showing the new name; and
 - 6. Dated signature of the authorized representative of the business licensee affirming that the information provided is true and correct.
- H.** If a business licensee changes the form of the business, the licensee shall provide the following information on a Business Entity Change Application submitted to the OPM within 30 days of the change:
 - 1. Name of licensed business entity;
 - 2. Business name and license number;
 - 3. Name and form of new business entity;



4. Names of the following persons authorized to act on behalf of the new business entity:
 - a. Owner if a sole proprietorship,
 - b. Managing or general partner if a partnership,
 - c. President and other authorized officers if a corporation,
 - d. All the managers or members if a limited liability company, or
 - e. Person authorized to make decisions for the business if any other type of business form;
5. Copy of the new business entity's Articles of Organization or Incorporation, Certificate of Limited Partnership, trust, trade name certificate, partnership agreement, or other evidence of the form of business organization;
6. As applicable, the Articles of Merger or Consolidation, Statement of Merger, or approved partnership conversion; and
7. Dated signature of the authorized representative of the business licensee affirming that the information provided is true and correct.

R4-29-210~~R4-29-210~~R3-8-210. Certification Broadening

- A. To broaden an applicator certification, the applicant shall:
 1. Submit the application described in ~~R4-29-203~~R3-8-203,
 2. Submit the fee required under ~~R4-29-103~~R3-8-103, and
 3. Take and pass the certification examination for the specific category in which broadening is sought.
- B. A QA is eligible to broaden a QA certification only if, in the category in which broadening is sought, the QA has a valid applicator certification or a qualification listed in ~~R4-29-204(C)~~ R3-8-204(C).
- C. To broaden a QA certification, the QA shall:
 1. Submit the application described in ~~R4-29-204~~R3-8-204 and indicate on the application the category in which broadening is sought,
 2. Submit the fee required under ~~R4-29-103~~R3-8-103,
 3. Submit the evidence of experience required under ~~R4-29-204(C)~~R3-8-204(C) for the category in which broadening is sought except as provided in subsection (D) of this Section, and
 4. Take and pass the certification examination for the specific category in which broadening is sought.
- D. Experience exemptions. A QA may become certified without meeting the experience requirement of ~~R4-29-204(C)~~R3-8-204(C) in the categories of:
 1. Right-of-way or ornamental and turf if the individual has QA certification in the category of industrial and institutional, wood-destroying organism treatment, ornamental and turf, or right-of-way.
 2. Wood-destroying organism management if the individual has QA certification in the industrial and institutional category.
 3. Wood preservation if the individual has QA certification in the wood-destroying organism treatment category.

R4-29-211~~R4-29-211~~R3-8-211. Certification Examination

- A. An applicant for applicator certification or QA certification shall make arrangements to take the certification examinations by contacting the OPM or the examination service or testing vendor with which the OPM has contracted.
- B. The core and category-specific examinations may measure knowledge and understanding of the following content areas:
 1. Pesticide label and labeling and pesticide types and formulations;
 2. Pest identification, life cycles, and habits;
 3. Safety and environmental factors relating to the use, handling, storage, and disposal of pesticides;
 4. Application techniques, calibration and dilution, and equipment types, uses, and maintenance; and
 5. Laws and rules.
- C. To be certified, an applicant shall score at least 75 percent on the general standards ("core") examination and on the category-specific examination in each category for which the applicant seeks certification.
- D. An applicant who fails an examination may not retake the examination for at least seven days or more than two times in a 6-month period.
- E. An examination score is only valid for the earlier of 12 months from the date of application for certification or 12 months from the examination date.
- F. The OPM shall void the examination score and deny the application of an applicant that the OPM determines cheated on an examination. The applicant may not reapply for one year.

R4-29-212~~R4-29-212~~R3-8-212. Reciprocity

Notwithstanding the examination requirements in ~~R4-29-203(C)~~, ~~R4-29-204(G)~~, and ~~R4-29-211~~R3-8-203(C), R3-8-204(G), and R3-8-211, the director may waive the examination requirements in whole or in part for an individual who is certified as an applicator pursuant to A.R.S. Title 3, Chapter 2 or by another state.

R4-29-213~~R4-29-213~~R3-8-213. Political Subdivision Responsible Individual

- A. A political subdivision that uses pesticides to conduct pest management on property that is owned, leased or managed by the political subdivision, including easements, shall designate an individual or individuals responsible for the following:
 1. Responding to inquiries or concerns by the Director or the Director's designee regarding compliance with A.R.S. Title 32, Chapter 22.
 2. Identifying for the Director or the Director's designee where records required by this Chapter are maintained, where personal protection equipment is located, and where pesticides are stored.
 3. Demonstrating that all applicators are properly certified.
- B. The political subdivision shall annually submit the following information about the responsible individual(s) during the month of May on a form obtained from the Director or the Director's designee:
 1. Full name;
 2. Physical address;



- 3. Mailing address, if different from the physical address;
 - 4. E-mail address;
 - 5. Telephone number;
 - 6. Dated signature of the responsible individual(s) affirming that the information provided is true and correct.
- C. If the political subdivision changes its responsible individual(s), the political subdivision shall provide the information about the new responsible individual(s) listed in subsection (B) to the Director within 30 days.
- D. School districts are exempt from this Section.

~~R4-29-214~~R3-8-214. Renumbered

~~R4-29-215~~R3-8-215. Continuing Education

- A. A certified applicator who is not a QA shall, during the current certification period, obtain six CEUs in order to renew the certification for one year or 12 CEUs in order to renew for two years.
- B. A QA shall, during the current certification period, obtain 12 CEUs in order to renew the certification for one year or 24 CEUs in order to renew for two years.
- C. For an individual who holds both a certified applicator license and a QA license, obtaining the units required in subsection (B) satisfies the requirement in subsection (A).
- D. CEUs earned during a certification period that are in excess of the requirements in this Section do not carry forward for use in a subsequent certification period.
- E. An applicator who teaches a continuing education course may earn one unit of continuing education for each hour taught, not more than once during a calendar year.
- F. No CEU credit will be earned by an attendee of a continuing education course who does not complete the course.

~~R4-29-216~~R3-8-216. Continuing Education Approval

- A. Only continuing education courses approved by the OPM may be used to satisfy the continuing education requirement in ~~R4-29-215~~ R3-8-215. The OPM shall approve a continuing education course only if the course addresses:
 - 1. Pesticide labels and labeling;
 - 2. Safety, environmental factors, and consequences;
 - 3. Pesticide use and disposal;
 - 4. Laws and rules related to pest management and the business of pest management;
 - 5. Application techniques;
 - 6. Calibration and dilution;
 - 7. Equipment;
 - 8. Pest identification;
 - 9. Life cycles and habits;
 - 10. Calculation and measurements;
 - 11. New pest management technologies;
 - 12. Integrated pest management; or
 - 13. Licensee responsibilities.
- B. A person who wishes to have the OPM determine whether a course qualifies for CEU credit shall submit the following information to the OPM:
 - 1. Type of continuing education listed under subsection (A);
 - 2. Name of continuing education provider;
 - 3. Address and telephone number of continuing education provider;
 - 4. Course outline, listing the subjects and indicating the amount of time allocated for each subject;
 - 5. Brief description of the information covered within each subject;
 - 6. Brief biography of the presenter, demonstrating the presenter's qualifications;
 - 7. Whether a fee is charged for attending the course;
 - 8. Date and location of each session;
 - 9. Whether the course is open to the public;
 - 10. Number of continuing education units sought;
 - 11. Previous continuing education number, if any; and
 - 12. Dated signature of applicant;
- C. The provider of an approved continuing education course shall:
 - 1. Enter attendance information using the OPM's on-line continuing education reporting tool within 10 days after the date of the continuing education course, and
 - 2. Maintain a copy of the verification of attendance and original sign-in sheet that lists the attendees' names and certification numbers for two years.
 - 3. Allow OPM and Department employees to attend the course and review course materials without charge, except that the provider has no obligation to provide food to the employees that is made available for paying attendees.
 - 4. Notify OPM in writing of the date, time and place of each continuing education course at least two weeks before each course. In-house and online courses are exempt from this requirement.
- D. Unless otherwise indicated in the notice of approval, the OPM's approval of a continuing education course is valid for two years.
- E. Approval of a continuing education course is not renewable. To reapply for approval of a continuing education course, a person shall comply with the requirements of subsection (B).
- F. The provider of an approved continuing education course shall provide notice and updated information to the OPM within 10 days after the subject matter or instructor of the course changes.



- G. To evaluate the effectiveness of a continuing education course, the OPM may monitor an approved continuing education course at no cost.
- H. The OPM shall revoke its approval of a continuing education course if the OPM determines that the course fails to meet the standards for approval listed in this Section, the continuing education provider provided false information on its application or false information pertaining to attendance, or the continuing education provider fails to comply with the OPM's statutes and this Chapter.
- I. The OPM may modify the number of CEUs earned for a CEU course if the CEU course varies significantly in content or length from the approved curriculum. If the OPM modifies the number of CEUs earned, the OPM shall send a letter of modification to the course organizer, who shall be required to inform all individuals who attended the course.

ARTICLE 3. PEST MANAGEMENT

~~R4-29-301~~**R3-8-301. Using Pesticides and Devices**

- A. An applicator shall use only a pesticide that is currently registered for use by the Department or was registered by the Department and does not have a passed EPA end use date.
- B. An applicator shall not misuse a pesticide or device. It is misuse of a pesticide or device if an applicator:
 - 1. Applies, handles, stores, or disposes of a pesticide or device in a manner that is inconsistent with the label or labeling;
 - 2. Provides a pest management service or handles a pesticide without wearing clothing and using the personal protective equipment required by the label or labeling to protect the applicator from pesticide exposure;
 - 3. Uses a pesticide in a manner that causes the pesticide to come into contact with a person, other than the applicator, animal, or property, other than the property receiving the pest management service, unless the contact results from an accident beyond the reasonable control of the applicator;
 - 4. Uses a pesticide in a food-handling establishment that the label or labeling recommends not be used in a food-handling establishment; and
 - 5. Uses a pesticide in a manner that contaminates food, feed, or drugs or equipment used to prepare or serve food, feed, or drugs.
- C. While mixing a pesticide with water, an applicator shall protect the water supply from back-siphoning of the pesticide mixture. An applicator shall not add water to a tank in which a pesticide is mixed or from which a pesticide is dispensed by protruding a fill-pipe or hose connection into the tank. An applicator shall ensure that a fill-pipe or hose connection terminates at least two inches above the tank fill opening or is equipped with an effective anti-siphoning device.
- D. An applicator shall ensure that all equipment, including auxiliary equipment such as a hose or metering device, used for mixing or applying a pesticide is in good repair and operating properly.
- E. An applicator shall apply, store, or dispose of a pesticide designated by the EPA as restricted use only if the applicator is certified or working under the immediate supervision of an applicator certified in the category for which the restricted-use pesticide is applicable.
- F. An applicator shall clean a pesticide spill in accordance with the pesticide label and labeling directions and in a manner that minimizes exposure to humans and other non-target organisms. If a pesticide spill may endanger humans, an applicator shall clean the pesticide spill in accordance with recommendations by health and medical personnel and local authorities.
- G. An applicator shall apply a pesticide at a rate provided by a Special Local Need registration issued by the Department and the pesticide labeling. The applicator shall have in the applicator's possession at the time of the application both the Special Local Need labeling and the EPA section 3 label and labeling.
- H. If information regarding provision of a particular pest management service is not available on the pesticide label or labeling or addressed in the OPM's statutes or this Chapter, an applicator shall comply with the pesticide manufacturer's recommendation and the general industry practice prevailing in the community at the time the pest management service is provided.
- I. If there is a conflict between any provision in this Section and labeling instructions, an applicator shall follow the more specific instruction.

~~R4-29-302~~**R3-8-302. Storing and Disposing of Pesticides and Devices**

- A. An applicator shall store and dispose of a pesticide or device in a manner consistent with its label and labeling.
- B. An applicator shall store a pesticide in a closed container that is free from corrosion, leakage, or pesticide contamination on the outside of the container and properly labeled.
- C. An applicator shall ensure that a service container bears a durable and legible specimen label with the following information:
 - 1. The name, address, and telephone number of the business licensee or political subdivision;
 - 2. The common chemical or trade name of the principal active ingredients;
 - 3. The EPA registration number;
 - 4. The strength of the concentrate or dilution expressed as a percentage of active ingredients;
 - 5. Any signal word required on the label; and
 - 6. The phrase "KEEP OUT OF REACH OF CHILDREN."
- D. An applicator shall not place words or markings on a service container or on the label affixed to the service container that are unrelated to the pesticide in the service container, except for markings related to a method of tracking the product.
- E. If the label affixed to a pesticide container becomes lost or damaged, an applicator shall attach a specimen label to the pesticide container.
- F. An applicator shall replace a damaged container, other than a fumigant container, with an identically labeled container or a properly labeled service container.
- G. Application equipment from which a pesticide is directly discharged and in which the pesticide is not stored is not subject to the labeling requirements of this Section.
- H. An applicator shall not store a pesticide in a manner which food, beverage, feed, drugs, cosmetics, eating utensils, or tobacco products can be contaminated.
- I. An applicator shall not store a pesticide in a container that was used for food, beverage, feed, drugs, or cosmetics, or which by size, shape, or marking could be confused as being a food, beverage, feed, drug, or cosmetic.
- J. An applicator shall not store a fumigant within a residence, office or cab of a vehicle.



- K. An applicator shall ensure that a pesticide in an original or service container, an empty pesticide container that has not been prepared for disposal in accordance with its label, or a returnable or reusable pesticide container is kept in a locked storage space when on an unattended service vehicle or is within view and under the supervision of the applicator responsible for the service vehicle.
- L. An applicator shall ensure that a pesticide in portable application equipment is kept locked when on an unattended service vehicle or is within view and under the supervision of the applicator responsible for the service vehicle.
- M. To prevent damage during transit, an applicator shall ensure that a pesticide container is secured in a locked storage space while the pesticide container is transported on a service vehicle.

R4-29-303~~R3-8-303~~. Pesticide and Device Storage Area

- A. A business licensee or political subdivision shall provide a pesticide and device storage area that complies with all federal, state, and local laws. The storage area may include an area on a service vehicle.
- B. A business licensee or political subdivision shall secure the storage area required under subsection (A) from unauthorized entry by equipping its entrance or access with a lock.
- C. Immediately after storing a pesticide, a business licensee or political subdivision shall conspicuously post a sign at the entrance or access to a non-vehicle storage area and on a vehicle storage area indicating there is a pesticide, chemical, or poison stored inside.
- D. A business licensee or political subdivision shall provide sufficient ventilation to the outside of the storage area required under subsection (A) to prevent build-up of odors and preclude chemical injury to an individual or animal.
- E. A business licensee or political subdivision shall provide the following in or immediately adjacent to the storage area required under subsection (A), including a storage area on a service vehicle:
 - 1. Electric or battery-powered lighting that is sufficient to read a pesticide label;
 - 2. Fully charged and operational fire extinguisher or fire suppression system appropriate to each pesticide stored in the area;
 - 3. Emergency medical information including the telephone number of the state or local poison control center;
 - 4. Material capable of absorbing a spill or leak of at least one gallon;
 - 5. Specimen label and SDS for each pesticide stored in the area; and
 - 6. Washing facilities that include at least one gallon of fresh water, soap, and towels.

R4-29-304~~R3-8-304~~. Devices Exempt from Licensure and Registration; Advertising

- A. The following devices are not subject to the licensure and registration requirements of this Chapter or the OPM's statutes:
 - 1. Physical barriers used to remove or prevent infestation by pests;
 - 2. Equipment used for the physical removal of pests or the habitat of pests;
 - 3. Mechanical equipment used for the physical removal of weeds and other vegetation;
 - 4. Mechanical traps used without a pesticide;
 - 5. Installation equipment used for home improvement or modifications;
 - 6. Raptors used to control or relocate other birds; and
 - 7. Fire arms.
- B. An unlicensed person who engages in the business of pest management, but is exempt from licensure and registration because the person does not apply any pesticides and only uses devices listed in subsection (A) shall prominently display or include the phrase "Not licensed to apply pesticides" in all written and oral advertisements.

R4-29-305~~R3-8-305~~. Equipping a Service Vehicle

A business licensee or political subdivision shall provide each service vehicle with the following:

- 1. All equipment and supplies required by the label and labeling to apply properly the pesticides on the service vehicle;
- 2. A measuring and pouring device compatible with the pesticides on the service vehicle;
- 3. Protective clothing and safety equipment suitable for use when handling, mixing, or applying the pesticides on the service vehicle;
- 4. Material capable of absorbing a spill or leak of at least one gallon;
- 5. A storage container large enough to hold material contaminated by absorbing a spill or leak of pesticides;
- 6. At least one gallon of clean, drinkable water for each individual using the service vehicle at one time;
- 7. Uncontaminated change of clothing;
- 8. Specimen label and SDS for each pesticide on the service vehicle; and
- 9. A locking storage space designed to prevent a pesticide container from being damaged while in transit.

R4-29-306~~R3-8-306~~. Providing Notice to Customers

- A. Immediately following an application, the applicator shall provide a written notice to a customer for whom the applicator provides a pest management service that contains the:
 - 1. Name and address of the customer;
 - 2. Specific site to which a pesticide was applied;
 - 3. Date of service;
 - 4. Target pest or purpose of service;
 - 5. Trade name of pesticide applied;
 - 6. EPA registration number of restricted use pesticide applied;
 - 7. Amount of pesticide applied, in terms of percent active ingredient and volume of diluted mixture or in terms of total amount of liquid concentrate, ready-to-use product, granular material, or bait stations;
 - 8. Name and certification number of the applicator or if the applicator is uncertified, the name of the uncertified applicator and the name and certification number of the applicator providing supervision; and
 - 9. Following statement printed in at least an eight-point font: "Warning—Pesticides can be harmful. Keep children and pets away from pesticide applications until dry, dissipated, or aerated. For more information, contact [business licensee's name and business license number issued by the OPM] at [business licensee's telephone number]."



- B. The applicator may provide the notice required by subsection (A) electronically.
- C. An applicator who provides a pest management service at a school shall comply with the notification requirements in A.R.S. § 32-2307.

~~R4-29-307~~R3-8-307. Performing a Wood-destroying Insect Inspection; WDIIRs

- A. Only an applicator certified in the category of wood-destroying organism management and who has received the training required under A.R.S. § 32-2333(A) may complete a WDIIR.
- B. An applicator completing a WDIIR shall inspect all areas of a structure including crawlspaces that are visible or accessible at the time of the inspection. The applicator may use techniques such as non-destructive probing and sounding.
- C. An applicator completing a WDIIR may exclude from inspection an area that is permanently covered by a floor covering, wall covering, or built-in appurtenance such as a bookcase, cabinet, appliance, equipment, or furniture or that would require removing or marring finish work or moving furniture, appliances, or equipment. The applicator shall note on the WDIIR all areas that are not inspected and the reason the areas are not inspected.
- D. An applicator completing a WDIIR shall inspect all areas where there is evidence of current or previous infestation and where a condition conducive to infestation exists. A condition conducive to infestation includes:
 - 1. Faulty grade level. If a structure contains a slab or floor that is at or below grade, the existing earth level is considered grade level;
 - 2. Inaccessible sub-area such as an area with less than 24 inches of clear space between the bottom of a floor joist and grade level;
 - 3. Excessive cellulose debris. Cellulose debris is excessive when:
 - a. The debris can be raked into a pile of at least one cubic foot,
 - b. A stump or wood imbedded in a footing of the structure is in contact with earth, or
 - c. Firewood or a lumber pile is within six inches of the structure;
 - 4. Earth-to-wood contact, which involves wood that is part of a structure or that is attached to or securely abuts the structure and is in contact with the ground; or
 - 5. Excessive moisture or evidence of a moisture condition in or around a structure.
- E. To verify whether a corrective treatment was performed or a condition conducive to infestation was corrected, an applicator may conduct a supplemental inspection within 30 days after an original inspection. An inspection conducted more than 30 days after an original inspection is not a supplemental inspection.
- F. An applicator completing a WDIIR may exclude from inspection other structures at the site. The applicator shall note on the WDIIR all structures at the site that are not inspected and the reason the structures are not inspected.
- G. WDIIRs shall be prepared in accordance with ~~R4-29-501(E)~~, R3-8-501(E).

~~R4-29-308~~R3-8-308. Performing Wood-destroying Insect Management

- A. An applicator shall not perform wood-destroying insect management or fumigation unless the applicator is certified in the category of wood-destroying organism treatment or fumigation, respectively, or working under the immediate supervision of an applicator who is certified in the category of wood-destroying organism treatment or fumigation respectively.
- B. An applicator shall not perform wood-destroying insect management, issue a treatment proposal, or quote a fee for service until the business licensee that employs the applicator ensures that:
 - 1. An on-site inspection of the property is performed, in accordance with ~~R4-29-307~~ R3-8-307, by a certified applicator meeting the training requirement under A.R.S. § 32-2332(E),
 - 2. A treatment proposal is prepared, based upon the on-site inspection, on a form approved by the OPM and contains the information required under A.R.S. § 32-2332(B) and (C), and
 - 3. The treatment proposal is delivered to the person requesting the proposal or treatment, prior to the treatment.
- C. An applicator shall apply a termiticide only in the quantity, strength, dosage, and manner prescribed on the termiticide label unless otherwise specified by this Chapter or an OPM order.
- D. Pretreatment for commercial or residential construction.
 - 1. Unless a contract between the business licensee and customer specifies additional requirements, an applicator performing a pretreatment shall:
 - a. Establish a horizontal barrier of termiticide before any concrete slab under roof is poured or in conjunction with establishing the footings and supports for a raised foundation; and
 - b. Establish a vertical barrier of termiticide in all critical areas visible during the time of pretreatment. An area is critical at the time of pretreatment if the area is identified as critical by the termiticide label or if there is soil in the immediate vicinity of:
 - i. A penetration or protrusion through the slab;
 - ii. An observable preset for crack or joint control;
 - iii. A formed-up change of grade level;
 - iv. Abutting slabs;
 - v. A bath trap or tear-out;
 - vi. The interior of a foundation or stem wall; or
 - vii. A pier, pillar, pipe, or other object that extends from the soil to the structure.
 - 2. Except as specified in subsection (D)(3) and unless the termiticide label requires more, an applicator shall treat all critical areas during a pretreatment at a rate of four gallons of chemical preparation per 10 linear feet for each foot of depth from grade level to the footer. If there is no adjacent footer, the applicator shall treat to a depth of one foot.
 - 3. Unless the termiticide label requires more, an applicator is not required to treat a critical area during a pretreatment beyond a depth of four feet if:
 - a. Treating beyond a depth of four feet will, or reasonably may, cause an off-site application;
 - b. Access to the footer is not possible because of its distance below grade; or
 - c. Treating beyond a depth of four feet will, or reasonably may cause an environmental contamination.



4. If an applicator does not treat a critical area during a pretreatment beyond a depth of four feet because the applicator determines that one of the exceptions in subsection (D)(3) is applicable, the applicator shall:
 - a. Apply the amount of termiticide possible without causing an off-site application or environmental contamination, and
 - b. Include evidence of the exception in the treatment record. Evidence of the exception may include:
 - i. A photograph of the interior grade and adjacent location that would or reasonably might be contaminated by treating beyond a depth of four feet,
 - ii. A photograph of the site after the pretreatment but before concrete placement,
 - iii. A written statement from the general contractor concerning the fill material and compaction rating,
 - iv. A written statement from the concrete subcontractor describing the depth of the footer as greater than four feet, or
 - v. A written compaction rating statement from the engineering subcontractor.
 5. If an applicator is advised before concrete is poured that a treated area is disturbed and the continuous horizontal or vertical chemical barrier established under subsection (D)(1) is broken, and if the applicator is provided an opportunity to re-treat the disturbed area, the applicator shall re-treat the disturbed area and re-establish a continuous horizontal and vertical chemical barrier.
 6. Immediately after completing a pretreatment, an applicator shall securely affix a tag to the pretreatment site. The applicator shall ensure that the tag is visible, readily available for inspection, and unlikely to be covered with concrete or soil. If there is a contractor’s permit or inspection board at the pretreatment site, the applicator may affix the tag to the board. The applicator shall ensure that the tag contains the following information about the pretreatment:
 - a. Name of business licensee;
 - b. Address of business licensee;
 - c. Telephone number of business licensee;
 - d. License number of business licensee;
 - e. Location or address of project;
 - f. Date of pretreatment application;
 - g. Time that application was started (not time that applicator arrived at the site);
 - h. Time that application ended (not time that applicator left the site);
 - i. Trade name of pesticide used;
 - j. Percentage of active ingredient in the pesticide used;
 - k. Number of gallons of chemical preparation applied;
 - l. Square footage of area treated;
 - m. Linear footage of area treated;
 - n. Type of slab construction;
 - o. Name of applicator; and
 - p. Certification number of applicator or, if not certified, the name and certification number of the applicator providing immediate supervision.
 7. If it is necessary for an applicator to abandon a pretreatment site before completing the treatment, the applicator shall complete and affix the tag described in subsection (D)(6), representing the work completed, and after marking the tag “TREATMENT INCOMPLETE.”
 8. If a contractor requires a copy of the tag described in subsection (D)(6) for the customer’s file, an applicator shall prepare and provide the contractor with a duplicate tag that is clearly marked “DUPLICATE.”
- E. New-construction treatment for commercial or residential construction.**
1. Unless specifically precluded by the termiticide label, an applicator performing a new-construction treatment shall treat all critical areas visible at the time of the treatment. An area is critical at the time of a new-construction treatment if the area is identified as critical by the termiticide label or if there is soil in the immediate vicinity of:
 - a. A penetration or protrusion through the slab;
 - b. An observable crack or joint;
 - c. Abutting slabs;
 - d. A bath trap or tear-out;
 - e. The interior of a foundation or stem wall; or
 - f. A pier, pillar, pipe, or other object that extends from the soil to the structure.
 2. An applicator shall comply with subsections (D)(2) through (D)(4) when treating a critical area during a new-construction treatment except that the treatment shall be at the labeled rate rather than at a rate of four gallons of chemical preparation per 10 linear feet for each foot of depth.
 3. If an applicator is advised that a treated area is disturbed, the applicator shall re-treat the disturbed area.
 4. Immediately after completing a new-construction treatment, an applicator shall securely affix a tag to the new-construction site in the manner described in subsection (D)(6). The applicator shall ensure that the tag contains the information listed in subsection (D)(6).
 5. An applicator shall comply with subsections (D)(7) and (D)(8) when performing a new-construction treatment.
- F. Final grade treatment for commercial or residential construction.**
1. A business licensee that performs a pretreatment or new-construction treatment shall perform a final grade treatment. The final grade treatment must occur after all grading and other construction-related soil disturbance is complete, but within twelve months of the original pretreatment or new-construction treatment.
 2. An applicator shall treat the soil along the exterior of foundation walls at a rate of four gallons of chemical preparation per 10 linear feet (unless precluded by label directions) after all grading and other construction-related soil disturbance is complete, but within twelve months of the original pretreatment or new-construction treatment.



3. An applicator shall leave a record of the final grade treatment in an unlocked electrical or circuit-breaker box, if available. Otherwise, the applicator shall conspicuously post or leave the record with the property agent. The applicator shall ensure that the record of the final grade treatment contains the information listed in subsection (D)(6), except the information required under subsections (D)(6)(l) and (D)(6)(n) is not required.
- G. An applicator who performs a pretreatment, new-construction treatment or final grade treatment shall ensure that a copy of the information recorded on a tag required under subsection (D) or (E) or the final grade treatment record required under subsection (F) is provided to the business licensee for inclusion in the business licensee's service records.
- H. A warranty regarding subterranean termite treatment shall only be issued to a builder if the structure received a pretreatment or a new-construction treatment.
- I. Post-construction treatment for commercial or residential construction.
 1. If an applicator uses a drilling and injecting application method for a post-construction treatment, the applicator shall space the treatment holes in each treated area no more than 24 inches apart or in accordance with the termiticide label, whichever is more restrictive. If an applicator determines that a structural feature makes it necessary to space treatment holes more than 24 inches apart, the applicator may space the treatment holes more than 24 inches apart if the greater distance is within the limits on the termiticide label.
 2. After completing a post-construction treatment using a drilling and injection application method, an applicator shall securely patch all treatment holes, including those in an unfinished basement, enclosed porch, garage, or workshop, with a material that is nonporous and non-cellulose.
 3. Unless precluded by label directions, any application to treat the soil along the exterior of foundation walls shall be made at an effective treatment rate of four gallons of chemical preparation per ten linear feet in a trench six inches wide or other method of treatment prescribed by the label to achieve the effective treatment rate.
 4. All post construction treatments shall be made in accordance with the treatment proposal delivered as required under subsection (B). Any deviations to the original proposal shall be redelivered in writing in a revised treatment proposal and shall be approved prior to performing the treatment by the person who requested the original proposal or their authorized agent.

R4-29-309R3-8-309. Termite Warranties and Retreatments

- A. If a business licensee or an employee of a business licensee is advised before concrete is poured that a pretreatment area is disturbed and the continuous chemical barrier is broken and if an opportunity is provided to re-treat the disturbed area or is advised that a new-construction treatment area is disturbed, the business licensee shall ensure that the disturbed area is retreated.
- B. A business licensee that provides a subterranean termite treatment warranty shall ensure that the effective date of the warranty is the date on which treatment begins.
- C. If subterranean termites occur in or on a residential or commercial structure within three years after a business licensee first performs a pretreatment or new-construction treatment of the structure, the business licensee shall re-treat the affected area of the structure free of charge in accordance with the label specifications of a termiticide available for use. If subterranean termites occur in or on an addition that does not abut the slab of a residential or commercial structure within three years after a business licensee first performs a pretreatment or new-construction treatment of the non-abutting addition, the business licensee shall re-treat the non-abutting addition free of charge in accordance with the label specifications of a termiticide available for use. For the purpose of this subsection, the business licensee is the business licensee who performed the pretreatment or new-construction treatment or a successor that acquired the business assets pertaining to wood-destroying insect treatment.
- D. If subterranean termites occur a third time on the exterior of a one or two unit residential structure within three years after a business licensee first performs a pretreatment or new-construction treatment, the business licensee shall re-treat the entire exterior perimeter of the structure free of charge.
 1. As used in this subsection, exterior means a portion of a residential structure where termite activity originates and that is not livable and not a garage;
 2. For the purpose of this subsection and subsection (E):
 - a. A first occurrence means the first time evidence of subterranean termites exists after a pretreatment or new-construction treatment;
 - b. A second occurrence means evidence of subterranean termites exists at least 25 feet away from the site of the first occurrence and at least 45 days after the date of re-treatment for the first occurrence; and
 - c. A third occurrence means evidence of subterranean termites exists at least 25 feet away from the sites of both the first and second occurrences and at least 45 days after the date of re-treatment for the second occurrence.
- E. If subterranean termites occur a third time on the interior of a one or two unit residential structure within three years after a business licensee first performs a pretreatment or new-construction treatment, the business licensee shall perform a post-construction treatment of the entire structure free of charge. As used in this subsection, interior means a portion of a residential structure where termite activity originates and that is livable or a garage.
- F. A business licensee that performs a re-treatment under subsection (C) or (D) or a post-construction treatment under subsection (E) shall not charge the consumer for any expense incurred in providing the re-treatment or post-construction treatment to which the consumer is entitled under this Chapter.
- G. If a business licensee goes to a structure to perform a re-treatment under subsection (C) or (D) or a post-construction treatment under subsection (E) and determines there is no evidence of subterranean termites, the business licensee may charge the consumer a reasonable amount for the expenses incurred in making the trip.
- H. If a business licensee determines that a re-treatment or post-construction treatment is necessary because the continuous chemical barrier is disturbed, the business licensee may charge the reasonable cost of reestablishing the barrier.
- I. If a customer refuses a re-treatment or post-construction treatment as described in this Section, access to the customer's property, or to allow drilling in an area where drilling is necessary, the business licensee shall obtain the customer's printed name and dated signature on a document evidencing that the business licensee:
 1. Informed the customer of the right to a re-treatment or post-construction treatment at no charge,



- 2. Provided the customer with a copy of this Section and the termiticide label requirements,
- 3. Provided the customer with the OPM's telephone number, and
- 4. Explained to the customer the benefits of having and the detriments of not having a re-treatment or post-construction treatment.

~~R4-29-310~~R3-8-310. Business Management

- A. Financial responsibility.
 - 1. A business licensee shall maintain the financial responsibility required by A.R.S. § 32-2313 and this Chapter.
 - 2. A business licensee shall ensure that the required financial responsibility covers all pest management activities provided from the primary business office and each branch office.
 - 3. If there is an interruption in the financial responsibility of a business licensee, the business licensee shall immediately stop providing pest management services.
- B. Use of business name and license number.
 - 1. A business licensee shall prominently display the license issued by the OPM at the primary business office and each branch office.
 - 2. A business licensee shall prominently display the business name and license number, as recorded on the license issued by the OPM, on:
 - a. Customer proposals or contracts for pest management services;
 - b. Service records;
 - c. Inspection reports;
 - d. Written materials provided to customers or potential customers;
 - e. Correspondence;
 - f. Advertisements; and
 - g. Service vehicles and trailers used in providing pest management services. The business licensee shall ensure that the business name and license number display on a service vehicle or trailer used in providing pest management services conforms to the following:
 - i. Is affixed to the service vehicle or trailer used in providing pest management services within 30 days after the OPM issues the license or issues a business license change or after the service vehicle or trailer is acquired, whichever is sooner;
 - ii. Is in a color that contrasts with the color of the service vehicle and trailer;
 - iii. Is on both sides of the service vehicle and trailer;
 - iv. Uses at least two-inch letters for the principal words in the business name and at least one and one-half inch letters for other words in the business name; and
 - v. Uses at least two-inch numbers for the license number.
 - 3. A business licensee that always uses a service vehicle and trailer together is required to mark only the service vehicle or trailer as described in subsection (B)(2)(g). A business licensee that uses a vehicle only for sales, solicitations, or solely for inspections and does not carry a pesticide, and does not otherwise use the vehicle to provide a pest management service, is not required to mark the vehicle as described in subsection (B)(2)(g).
 - 4. When complying with subsection (B)(2), a business licensee may use a slogan, trade name, or trade mark in addition to the business name and license number. When complying with subsection (B)(2), a business licensee may use a word or phrase to indicate its former licensed business name if it had a previously licensed business name.

ARTICLE 4. SUPERVISION

~~R4-29-401~~R3-8-401. Supervising an Applicator

- A. A QP and business licensee shall ensure that an applicator receives the training, equipment, and supervision that the applicator requires to comply fully with the OPM's statutes, this Chapter, and label and labeling directions.
- B. A QP shall be readily available to an applicator while the applicator provides pest management services.
- C. A QP shall ensure that the use, application, storage, or disposal of a pesticide is performed or supervised by an individual certified in a category applicable to the pesticide being used, applied, stored, or disposed.
- D. A QP shall ensure that immediate supervision, which requires supervision by a certified applicator who is physically present, is provided when an uncertified applicator performs pest management services in the wood-destroying organism management, aquatic, or fumigation category, uses a restricted use pesticide, or uses a pesticide under an experimental use permit. A QP shall ensure that a certified applicator provides immediate supervision to not more than two uncertified applicators at a time.
- E. In circumstances other than those described in subsection (D), a QP shall ensure that direct supervision, which does not require a supervising certified applicator to be physically present, is provided. A QP shall ensure that a certified applicator providing direct supervision considers the potential danger to the public or environment if the uncertified applicator misuses a pesticide. A QP shall ensure that a certified applicator providing direct supervision instructs the uncertified applicator in the following areas and has written evidence that the instruction was provided and understood:
 - 1. Proper loading, mixing, applying, storing, and disposing of the pesticide;
 - 2. Use of required safety equipment; and
 - 3. Method and means by which to contact the supervisor immediately.
- F. A QP shall ensure that an applicator has the protective clothing, safety supplies, and equipment specified by the label or labeling of each product used by the applicator and by the OPM's statutes and this Chapter. The QP shall ensure that the applicator is instructed regarding how to use, maintain, clean, and store the protective clothing, safety supplies, and equipment.
- G. A QP, business licensee, and political subdivision shall not allow an uncertified applicator to apply a pesticide for more than 90 days after the applicator is registered.

~~R4-29-402~~R3-8-402. Qualifying a Business or School District



- A. A business licensee or school district shall employ a QP in each category of pest management in which the business licensee or school district provides pest management services. A business licensee or school district may employ multiple QPs.
- B. A QP may not qualify more than one business licensee or school district at a time.
- C. Notwithstanding subsection (B), the director may allow a QP to qualify more than one school district if the director believes that the number of applicators, pest management needs, and distance of the school districts will not hinder the QP's ability to comply with ~~R4-29-403~~R3-8-403.
- D. A QP may only qualify a business licensee or school district in the categories of pest management in which the QP is registered.

~~R4-29-403~~R3-8-403. Qualifying Party Management

- A. A QP shall be physically present at the primary business office at least once every 14 days and at each branch office at least once every 120 days and ensure that all of the following are done:
 - 1. Determine pesticide use by reviewing records of pesticide acquisitions, storage, disposal, and current inventory;
 - 2. Review the pesticide inventory, including pesticides stored on a service vehicle, to determine compliance with labels, labeling, and the OPM's statutes and rules;
 - 3. Review the training, supervision, and equipping of applicators employed by the business licensee or school district to determine whether the training, supervision, and equipping is sufficient to enable the applicators to comply with labels, labeling, and the OPM's statutes and rules;
 - 4. Review personnel records to determine whether an applicator employed by the business licensee or school district is registered and certified in all applicable categories within the time-frames specified by ~~R4-29-201~~R3-8-201;
 - 5. Review office records and recordkeeping procedures to determine compliance with required recordkeeping and reporting; and
 - 6. Ensure that any deficiency noted when the responsibilities listed in subsections (A)(1) through (A)(5) are performed is corrected.
- B. A QP shall develop a written plan that specifies how the duties and responsibilities of the QP are to be fulfilled if the QP is absent or unavailable for any reason. The QP shall ensure that the plan is implemented when the QP is absent or unavailable.
- C. A QP shall not delegate the responsibility to be physically present at least every 14 days at the primary business office and at least every 120 days at branch offices unless the QP submits written documentation to the OPM from a licensed medical or mental health care professional that indicates the licensed medical or mental health care professional is treating the QP and is of the opinion that the QP is unable to fulfill the responsibility to be physically present as required.
- D. A QP shall:
 - 1. Be active in the management of all pest management related activities of the business licensee or school district.
 - 2. During normal business hours, be readily available to the applicators of the business licensee or school district.
 - 3. Ensure that a business licensee maintains current proof of financial security.
- E. A temporary QP has the same duties and responsibilities as a regular QP.

~~R4-29-404~~R3-8-404. Branch Supervisors

With respect to a branch office, the branch supervisor shall fulfill all the duties and responsibilities of a QP in this Article, except as follows:

- 1. The branch supervisor shall be present at the branch office at a minimum of once every 14 days to review pesticide use, storage and disposal and by ensuring the training, equipping, and supervision of the applicators.
- 2. The branch office may operate in each category of pest management in which the QP is registered even if the branch supervisor is not a certified applicator in the category, though ~~R4-29-201(C)~~ R3-8-201(C) still applies.
- 3. The branch supervisor is not responsible for ensuring that the business licensee maintains current proof of financial security.

~~R4-29-405~~R3-8-405. Supervision of Qualifying Party

A business licensee or school district shall ensure that a QP of the business licensee or school district receives the training, equipment, and supervision that the QP requires to comply fully with the OPM's statutes and rules and label and labeling directions.

~~R4-29-406~~R3-8-406. Responsible Individuals

A responsible individual for a political subdivision shall

- 1. Respond to inquiries or concerns by the Director or the Director's designee regarding compliance with A.R.S. Title 32, Chapter 22.
- 2. Identify for the Director or the Director's designee where records required by this Chapter are maintained, where personal protection equipment is located, and where pesticides are stored.
- 3. Demonstrate that all applicators are properly certified.

~~R4-29-407~~R3-8-407. Joint Responsibility

- A. An applicator, qualifying party, branch supervisor, or business licensee who supervises another person shall ensure that the supervised person is properly trained and equipped and receives the supervision necessary for the supervised person to provide pest management services in accordance with the pesticide label and labeling, this Chapter and the OPM's statutes.
- B. An applicator, qualifying party, branch supervisor, or business licensee who supervises another person may be held jointly responsible for the acts or omissions of the supervised person.
- C. It is an affirmative defense to joint responsibility as described in subsection (B) if an applicator, qualifying party, branch supervisor, or business licensee complied with subsection (A) and can demonstrate that compliance with contemporaneously maintained records.
- D. A QP and business licensee shall comply with every provision in this Chapter regarding applicator duties and responsibilities.

ARTICLE 5. RECORDKEEPING AND REPORTING

~~R4-29-501~~R3-8-501. Applicator Recordkeeping

- A. An applicator shall make all records required by law and provide the records to the business licensee or political subdivision that supervises, directs, or employs the applicator within five business days.



- B.** Service records. An applicator shall make a record of each pest management service provided. The applicator shall include the following information in the service record:
1. Name and address of the customer;
 2. Specific site at which a pesticide was applied;
 3. Date of service;
 4. Target pest or purpose of service;
 5. Trade name of pesticide applied;
 6. EPA registration number of any restricted use pesticide applied;
 7. Amount of pesticide applied, in terms of percent active ingredient and total amount diluent (water, etc.); total amount of concentrate and total amount of diluent (water, etc.); or total amount of ready-to-use product by weight or volume (e.g. lbs, grams, ounces, etc.); and
 8. Name and certification number of the applicator or if the applicator is uncertified, name of the uncertified applicator and the name and certification number of the applicator providing supervision.
- C.** Pesticide purchase records. An applicator shall make a record of each restricted-use pesticide purchased or otherwise acquired. The applicator shall include the following information in the pesticide purchase record:
1. Date of purchase or acquisition;
 2. Trade name of pesticide;
 3. EPA registration number of pesticide;
 4. Quantity of pesticide purchased or acquired; and
 5. Name and license number of the applicator making the pesticide purchase record or name of the business licensee.
- D.** Pesticide disposal records. An applicator shall make a record of each pesticide disposed, sold, lost, or otherwise relinquished. The applicator shall include the following information in the pesticide disposal record:
1. Date of disposal;
 2. Trade name of pesticide;
 3. EPA registration number of pesticide;
 4. Quantity of pesticide disposed;
 5. Percent active ingredient in the pesticide disposed;
 6. Method of disposal;
 7. Location and type of disposal site or service; and
 8. Name and license number of the applicator making the pesticide disposal record or name of the business licensee.
- E.** WDIIR. An applicator who completes a WDIIR shall:
1. Complete the WDIIR using a form approved by the OPM. A trademark or logo may be placed on the WDIIR if it does not alter the format or substance of the OPM-approved form;
 2. Submit an original WDIIR to the QP or branch supervisor within seven days after completing the wood-destroying insect inspection;
 3. Submit a supplemental WDIIR to the QP or branch supervisor within seven days after completing a supplemental wood-destroying insect inspection to verify that a corrective treatment was performed or a condition conducive was corrected. The applicator shall include the original inspection number on the supplemental WDIIR;
 4. If required by a federal agency, complete another inspection form in addition to but not instead of the OPM-approved WDIIR; and
 5. Ensure that the following information is included on the WDIIR:
 - a. Name, address, telephone number, and license number of business licensee. This information may be pre-printed on the WDIIR;
 - b. Date of wood-destroying insect inspection, and the WDIIR number;
 - c. Purpose of the inspection report;
 - d. Whether the report is from an original or supplemental inspection;
 - e. Name of property owner or seller;
 - f. Address of inspected property;
 - g. Inspected and un-inspected structures at the site and the reason why structures are un-inspected;
 - h. Areas of the structure not inspected because they were obstructed or inaccessible and the cause of the obstruction or inaccessibility;
 - i. Whether visible evidence of wood-destroying insects is observed;
 - j. Whether visible evidence of infestation from wood-destroying insects is observed and if so, the date on which a proper management measure is performed, if applicable;
 - k. Whether visible damage from wood-destroying insects is observed and if so, the insect causing the damage and the areas in which the damage is observed;
 - l. Whether visible evidence of previous treatment is observed and if so, the nature of the evidence;
 - m. If damage from wood-destroying insects is observed, whether or when the damage will be corrected and whether the damage will be corrected by the business licensee or another company;
 - n. Visible conditions conducive to infestation by wood-destroying insects;
 - o. Diagram or graph of the structure clearly indicating wood-destroying insects, damage, conducive conditions observed, and areas where further inspection is recommended, and a statement or indication on the diagram or graph clearly identifying inaccessible areas; and
 - p. Dated signature and certification number of the individual making the inspection. The individual making the inspection shall sign the WDIIR by hand or electronically and shall not use a signature stamp or allow another individual to affix the signature.



- F. Wood-destroying organism treatment proposal. An applicator who is qualified under A.R.S. § 32-2332(B) and (E) shall complete a wood-destroying organism treatment proposal using a form approved by the OPM and provide a copy of the proposal to the person requesting the proposal or treatment and the QP.

~~R4-29-502~~R3-8-502. Qualifying Party Recordkeeping

- A. In addition to ensuring that the records required under ~~R4-29-504~~R3-8-501 are made, a QP shall ensure that complete records are made and maintained of the training, supervision, and equipping provided to an applicator.
- B. At a minimum, QP training records must consist of the following information:
1. Date of the training,
 2. Printed name and signature of the trainee,
 3. Printed name and signature of the trainer,
 4. Brief description of topic(s) covered, and
 5. Copies of labels and any other pertinent material used in training.
- C. A QP shall maintain the records described in this Section for three years, including after the applicator's employment ending date.

~~R4-29-503~~R3-8-503. Business Licensee and Political Subdivision Recordkeeping and Retention

- A. In addition to ensuring that the records required under ~~R4-29-501~~R3-8-501 and ~~R4-29-502~~R3-8-502 are made and maintained, a business licensee and political subdivision shall make and maintain records of the following:
1. The specimen label and SDS for each registered pesticide currently used by an applicator supervised, directed or employed by the business licensee or political subdivision;
 2. The financial responsibility required under ~~R4-29-310(A)~~R3-8-310(A), if applicable;
 3. Purchase records of each pesticide purchased or otherwise acquired that include the following information:
 - a. Date of purchase or acquisition;
 - b. Trade name of pesticide;
 - c. Quantity of pesticide purchased or acquired; and
 - d. Name of the business licensee;
 4. Date on which a service vehicle or trailer is acquired;
 5. Incident reports submitted to the OPM as required under ~~R4-29-504~~R3-8-504;
 6. A pest management service provided, including a service provided under a warranty;
 7. The evidence of customer refusal of a re-treatment or post-construction treatment required under ~~R4-29-309(J)~~R3-8-309(J);
 8. Written inspection reports;
 9. Business licensee contracts for pest management services; and
 10. Personnel records including for each applicator supervised, directed or employed by the business licensee or political subdivision:
 - a. Date of hire or beginning of relationship;
 - b. Date on which pest management services are first performed;
 - c. Training and continuing education received;
 - d. Supervision received;
 - e. Protective clothing, safety supplies, and equipment issued to employee;
 - f. Name of supervisor; and
 - g. Employment or relationship ending date.
- B. A business licensee or political subdivision shall maintain the records as follows:
1. Records under subsection (A)(1), as long as the registered pesticide is used by the business licensee or political subdivision. The business licensee shall maintain the records required under subsection (A)(1) at the primary business office or branch office from which the registered pesticide is used or at which the registered pesticide is stored;
 2. Records under subsection (A)(2), current;
 3. Records under subsection (A)(3) or ~~R4-29-501(C)~~R3-8-501(C) and (D), three years from the date of purchase or disposal;
 4. Records under subsection (A)(4), as long as the service vehicle or trailer is owned by the business licensee or political subdivision;
 5. Records under subsection (A)(5), until the statute of limitation for possible legal action resulting from the incident is expired or until resulting legal action is completed;
 6. Records under subsection (A)(6) and (A)(7), three years;
 7. Records under subsections (A)(8) and (A)(9), three years from the date on the inspection report or customer contract;
 8. Records under subsection (A)(10), three years, including after the employment ending date;
 9. WDIIRs completed under subsection (C), three years; and
 10. Records under subsections (A)(5) and (A)(6) that pertain to the use of a restricted-use pesticide shall be maintained separate from other records.
- C. When an applicator supervised, directed or employed by a business licensee submits a WDIIR, the business licensee shall record the following on the WDIIR:
1. TARF number,
 2. If the business licensee has the property under warranty:
 - a. Account number,
 - b. Target pest,
 - c. Date of initial treatment,
 - d. Date of warranty expiration, and
 3. The TARF number of each TARF completed regarding the property after the WDIIR is completed.
- D. TARF. A business licensee or political subdivision shall:



1. Submit to the OPM a TARF, using a form approved by the OPM, within 30 days of completing an action specified under subsection (D)(3). For the purpose of reporting, a pretreatment or new-construction treatment is complete when no further preventative treatment is necessary until the final grade treatment unless it is necessary to re-treat a disturbed continuous chemical barrier. In a multiple-unit project, a pretreatment or new-construction is complete when no further preventative treatment is necessary for the last unit at the project until the final grade treatment unless it is necessary to re-treat a disturbed continuous chemical barrier;
2. Include the fee with each TARF and, if applicable, the penalty required under ~~R4-29-103~~R3-8-103;
3. Unless exempt under subsection (D)(4), submit a TARF after completing each of the following:
 - a. Pretreatment, including pretreatment of an addition that does not abut the slab of a previously pretreated structure;
 - b. New-construction treatment, including new-construction treatment of an addition that does not abut the slab of a previously new-construction treated structure;
 - c. Final grade treatment;
 - d. First corrective wood-destroying insect treatment at a site; and
 - e. WDIIR.
4. Not submit a TARF after completing:
 - a. A supplemental WDIIR; or
 - b. The first corrective wood-destroying insect treatment at a site if the business licensee:
 - i. Performed a pretreatment or new-construction treatment at the site,
 - ii. Filed a TARF regarding the pretreatment or new-construction treatment, and
 - iii. Performs the first corrective treatment under ~~R4-29-309(D)~~ R3-8-309(D) or under a warranty.
5. Include the information required under A.R.S. § 32-2331 and the following on a TARF:
 - a. License number of the licensed business that performed the work;
 - b. Name of the QP;
 - c. For a WDIIR, indicate whether:
 - i. There was evidence of infestation, conditions conducive to infestation, or damage present;
 - ii. Previous treatment was performed for an infestation; and
 - iii. Corrective actions were taken for conditions conducive or damage present;
 - d. For a pretreatment, new-construction treatment, or final grade treatment to establish an exterior vertical barrier, indicate:
 - i. Chemical used and its EPA registration number,
 - ii. Amount of chemical used,
 - iii. Percentage of active ingredient in the chemical used, and
 - iv. Square and linear footage treated; and
 - e. For a post-construction corrective termite treatment, indicate:
 - i. Type of treatment,
 - ii. Target organism,
 - iii. Chemical used and its EPA registration number,
 - iv. Amount of chemical used, and
 - v. Percentage of active ingredient in the chemical used.

~~R4-29-504~~R3-8-504. Reporting Incidents and Bulk Releases

- A. Notice to OPM of an incident.
 1. A business licensee and political subdivision shall provide written notice to the OPM within one business day after one of the following incidents is confirmed by medical personnel or an applicable regulatory agency to be caused by a pesticide applied by the business licensee or political subdivision:
 - a. Death or illness of an individual;
 - b. Contamination of food, feed, drugs, or water supply;
 - c. Contamination of a structure that results in the hospitalization of an occupant or evacuation of the structure; or
 - d. Contamination of the environment that results in evacuation of the area.
 2. A QP shall determine if the business licensee or school district has complied with subsection (A)(1). If compliance has not occurred, the QP shall provide the written notice required by subsection (A)(1) to the OPM within the time-frame specified in subsection (A)(1).
- B. Notice to OPM of a bulk release.
 1. A business licensee or political subdivision shall notify the OPM at the Pesticide Hotline, 1-800-423-8876, as soon as practical after a bulk release, but no later than three hours after the bulk release. If the bulk release is on a public highway or railway, or results in the death of an individual, the person shall immediately report the release to the Arizona Department of Public Safety Duty Office.
 2. A QP shall determine if the business licensee or school district has complied with subsection (B)(1). If compliance has not occurred, the QP shall provide the notices specified in subsection (B)(1) within one business day after the release.

~~R4-29-505~~R3-8-505. Groundwater Protection List Reporting

- A. For each application of a soil-applied pesticide containing an active ingredient that appears on the Arizona Department of Environmental Quality groundwater protection list and has been detected in Arizona groundwater within the last five years, the QP shall submit the following information on a quarterly basis on a form approved by the OPM:
 1. The county of use,
 2. The name of product used and the EPA registration number,
 3. The amount applied,
 4. The dates covered by the report, and
 5. Business license number.



- B. For the purposes of this Section, “soil-applied pesticide” means a pesticide intended for application to or injection into the soil or for which the label requires or recommends that the application be followed within seventy-two hours by irrigation. Soil-applied pesticides include pesticides applied for final grade treatment, post-construction exterior trench or rod treatment, or pre-emergent weed control, but exclude pesticides applied within the stem wall or footer of a structure or to soil that will be promptly covered with concrete.

ARTICLE 6. INSPECTIONS; DISCIPLINARY PROCEDURES

~~R4-29-601~~R3-8-601. Inspection of Licensee Records

- A. Upon written request by the OPM for the production of records, an applicator, QP, branch supervisor, business licensee, or political subdivision shall:
1. Make the records required under this Chapter available for review by the OPM within 24 hours or by a later date specified by the OPM.
 2. Make the records available at the OPM unless another location is agreed upon.
 3. Be available to interpret the submitted records if requested by the OPM.
- B. If a person cannot timely comply with a request made under subsection (A), the person shall immediately provide written notice to the OPM, indicate the reason for noncompliance, and request greater specificity regarding the information to be made available or additional time in which to comply.
- C. If the OPM requests a record from a business licensee or political subdivision when there may be an immediate risk to the health or safety of an individual, non-target animal, or the environment, the business licensee or political subdivision shall provide the record to the OPM within one hour.
- D. An applicator or branch supervisor is only responsible for producing records within the applicator’s or branch supervisor’s control.

~~R4-29-602~~R3-8-602. Compliance with OPM Monitoring

- A. If the OPM makes a written request of an applicator for a list of the time and location of pest management services that the applicator is scheduled to provide on a specified date, the applicator shall make the information available within 24 hours. The applicator may make the information available in a manner prescribed by the OPM.
- B. If an applicator cannot timely comply with a request made under subsection (A), the applicator shall immediately provide written notice to the OPM, indicate the reason for noncompliance, and request greater specificity regarding the information to be made available or additional time in which to comply.

~~R4-29-603~~R3-8-603. Corrective Work Orders

- A. If the OPM issues a corrective work order requiring a licensee to remedy deficiencies in treatment or to comply with this Chapter or the OPM’s statutes, the licensee shall notify the OPM in writing by the date specified in the order that the corrective work is complete.
- B. The director may consider a licensee’s compliance with a corrective work order or lack thereof in imposing appropriate disciplinary action.
- C. Failure to timely complete the corrective action or notify the OPM of the completion is a separate ground for disciplinary action.
- D. A corrective work order issued by the OPM is not subject to A.R.S. § 41-1009(E)-(F) unless the OPM indicates in the order that timely compliance with the order will result in no disciplinary action being taken for a deficiency or violation.

~~R4-29-604~~R3-8-604. Disciplinary Action

To determine the disciplinary action that is appropriate, the Director may consider the following:

1. Prior violations,
2. Dishonest or self-serving motive,
3. Amount of experience as a licensee,
4. Submission of false evidence or statements or other deceptive practices during the investigative or disciplinary process,
5. Acknowledgement of wrongful nature of violation,
6. Practices put in place to prevent a similar violation from occurring again,
7. Compliance with a corrective work order,
8. Degree of harm resulting from the violation, and
9. Whether harm resulting from the violation was cured.

~~R4-29-605~~R3-8-605. Consent Agreements

- A. A consent agreement shall include the following:
1. General nature of violations,
 2. Citation to statutes and rules alleged to be violated,
 3. Disciplinary action to be taken,
 4. Effective date of the disciplinary action if different from the date of the consent agreement,
 5. Corrective action to be taken, and
 6. Date to complete any corrective action.
- B. A person entering into a consent agreement with the OPM shall waive the right to a formal hearing, rehearing, or judicial review of the matters contained in the consent agreement.

~~R4-29-606~~R3-8-606. Penalties

- A. When assessing a civil penalty for a violation, the Director shall assess a civil penalty for each violation based on the violation’s total point value set out in this Section. To calculate the total point value, the Director shall sum the points for each aggravating factor and may subtract the points for each mitigating factor. The Director, in his sole discretion, may treat multiple violations as a single violation for the purpose of calculating the civil penalty.
- B. Aggravating factors.



- 1. Pesticide type.
 - a. General use. 2
 - b. Experimental use or special local need. 3
 - c. Restricted use or unregistered. 5
- 2. Harm to humans and non-target animals.
 - a. None or unverified potential harm. 0
 - b. Potential harm. 3
 - c. Actual, verifiable harm. 5
- 3. Harm to environment and economic loss.
 - a. None or unverified potential harm. 0
 - b. Potential harm or loss. 3
 - c. Actual, verifiable loss of \$10,000 or less. 4
 - d. Actual, verifiable loss exceeding \$10,000. 5
 - e. Actual, verifiable environmental harm. 5
- 4. Non-pesticide violations.
 - a. Negligent violations. 4
 - b. Knowing or willful violations. 8
- 5. Prior similar violations.
 - a. None. 0
 - b. Warning letter within 12 months. 1
 - c. One or more within 36 months, but none within 12 months. 2
 - d. One within 12 months. 3
 - e. More than one within 24 months, but none within 12 months. 4
 - f. More than one within 12 months. 5
- 6. Culpability.
 - a. Negligent violations. 2
 - b. Knowing or willful violations. 4
- C. Mitigating factors. In considering whether to subtract points for mitigating factors, the Director may consider whether the mitigating act occurred before, during, or after OPM’s investigation.
 - 1. Good will.
 - a. Admission of fault. 1
 - b. Admission and cooperation. 2
 - c. Admission, cooperation, and corrective action prior to request. 3
 - 2. Environmental benefit.
 - a. Clean up. 1
 - b. Move toward less toxic methods. 2
 - c. Develop IPM program. 3
 - 3. Consumer benefit.
 - a. Consumer education. 1
 - b. Make consumer whole. 2
 - c. Extend warranty. 3
 - 4. Other benefits.
 - a. Training (CEU). 1
 - b. Equipment (modification or new). 2
 - c. Purchase and use of computer for TARFs. 3
- D. Civil penalty. To calculate the civil penalty, the Director shall:
 - 1. For total point values of 6-10, multiply the value by \$100 and then subtract \$500.
 - 2. For total point values of 11-15, multiply the value by \$100 and then subtract \$600.
 - 3. For total point values of more than 16, assess the maximum penalty of \$1000.
- E. Other penalties. In addition to assessing a civil penalty, the Director:
 - 1. For any total point value, may require extra continuing education.
 - 2. For total point values of 6-11, may impose probation requirements.
 - 3. For total point values of 12-17, shall impose probation requirements and may suspend the license, certification, or registration.
 - 4. For total point values of 18 or more, shall suspend or revoke the license, certification, or registration.
 - 5. May take any other action permitted by law, including imposing probation requirements after a suspension ends.



NOTICES OF RULEMAKING DOCKET OPENING

This section of the *Arizona Administrative Register* contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an “announcement” that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires the publication of the Notice of Rulemaking Docket Opening.

Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

**NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF REVENUE - GENERAL ADMINISTRATION**

[R17-124]

- 1. Title and its heading:** 15, Revenue
- Chapter and its heading:** 10, Department of Revenue – General Administration
- Article and its heading:** 3, Authorized Transmission of Funds
- 5, Electronic Filing Program
- Section numbers:** R15-10-302, R15-10-303, R15-10-505

- 2. The subject matter of the proposed rule:**
Electronic filing and electronic payment requirements and procedures.

Agency docket number: 17-06-001

- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 23 A.A.R. 1931, July 21, 2017 (*in this issue*)

- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
 Name: Christie Comanita
 Address: Department of Revenue
 1600 W. Monroe St.
 Phoenix, AZ 85007
 Telephone: (602) 716-6791
 Fax: (602) 716-7996
 E-mail: ccomanita@azdor.gov

- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Refer to the Notice of Proposed Rulemaking on page 1931 of this issue.

- 6. A timetable for agency decisions or other action on the proceeding, if known:**
None



NOTICES OF PUBLIC INFORMATION

Notices of Public Information contain corrections that agencies wish to make to their notices of rulemaking; miscellaneous rulemaking information that does not fit into any other category of notice; and other types of information required by statute to be published in the Register.

Because of the variety of Notices of Public Information, the Office of the Secretary of State has not established a specific publishing format for these notices. We do however require agencies to use a numbered list of questions and answers and follow our filing requirements by presenting receipts with electronic and paper copies.

NOTICE OF PUBLIC INFORMATION
DEPARTMENT OF ENVIRONMENTAL QUALITY

[M17-160]

- 1. Name of the Agency: Department of Environmental Quality
Title and its heading: 18, Environmental Quality
Chapter and its heading: 6, Department of Environmental Quality - Pesticides and Water Pollution Control
Article and its heading: 3, Groundwater Protection List
Section and its heading: R18-6-301, Groundwater Protection List

2. The public information relating to the listed statute:

Pursuant to A.R.S. § 49-305, the Arizona Department of Environmental Quality (Department) maintains a Groundwater Protection List (GWPL) composed of agricultural use pesticides and active ingredients that have the potential to pollute groundwater. The statute requires the Department to place a pesticide identified under A.R.S. § 49-303(C)(2) and (3) on the GWPL, and to regulate the use of the pesticide if the pesticide is intended for application to or injection into the soil by ground-based application equipment or chemigation, or the label of the pesticide requires or recommends that the application be followed within 72 hours by flood or furrow irrigation.

3. Draft 2017 Groundwater Protection List

The GWPL is a list of agricultural use pesticide active ingredients that have the potential to pollute groundwater. An agricultural use pesticide active ingredient is placed on the GWPL for any of the following reasons: 1) it fails to comply with the established specific numeric values, 2) the environmental fate assessment indicates potential to leach to groundwater, or 3) an active ingredient or degradation product has been detected in groundwater consistent with established testing requirements.

Pursuant to A.A.C. R18-6-301, the Department is publishing the draft 2017 GWPL to provide an opportunity for the public to comment on the active ingredients being placed on or removed from the GWPL. The final 2016 GWPL contained 96 active ingredients; the draft 2017 GWPL would add two new active ingredients: Clopyralid monoethanolamine salt and Pyraclostrobin. With this publication, a 30-day public review and written comment period begins. After completion of the 30-day review and comment period, the Department will formulate a response to any comments submitted and consider making modifications to the GWPL in response to the comments. If no comments are received, the draft GWPL becomes final. If comments are received, the revised GWPL will then be re-published in the Arizona Administrative Register, including a summary of comments received and the Department's response to the comments. The final 2017 GWPL will become effective on December 1, 2017, in accordance with R18-6-301(A)(3) and will be posted on the agency's website at: http://www.azdeq.gov/environ/water/permits/pesticide.html

Table with 3 columns: Index, CAS Number, and Chemical Name. It lists 14 items including 2,4-D Acid, 2,4-D 2-Ethylhexyl Ester, Acetochlor, and Atrazine.



15.	352010-68-5	Bicyclopyrone
16.	314-40-9	Bromacil
17.	53404-19-6	Bromacil, Lithium Salt
18.	63-25-2	Carbaryl
19.	128639-02-1	Carfentrazone-Ethyl
20.	50008-15-1	Chlorantraniliprole
21.	122453-73-0	Chlorfenapyr
22.	1702-17-6	Clopyralid
23.	57754-85-5	*Clopyralid monoethanolamine salt*
24.	420-04-2	Cyanamide
25.	736994-63-1	Cyantraniliprole
26.	113136-77-9	Cyclanilide
27.	52918-63-5	Deltamethrin
28.	13684-56-5	Desmedipham
29.	1918-00-9	Dicamba
30.	25059-78-3	Dicamba, DEA Salt
31.	104040-79-1	Dicamba, DGA Salt
32.	2300-66-5	Dicamba, DMA Salt
33.	10007-85-9	Dicamba, Potassium Salt
34.	1982-69-0	Dicamba, Sodium Salt
35.	110488-70-5	Dimethomorph
36.	165252-70-0	Dinotefuran
37.	330-54-1	Diuron
38.	144-21-8	DSMA (Disodium Methanearsonate)
39.	137512-74-4	Emamectin Benzoate
40.	115-29-7	Endosulfan
41.	473798-59-3	Fenpyrazamine
42.	104040-78-0	Flazasulfuron
43.	158062-67-0	Flonicamid
44.	145701-21-1	Florasulam
45.	335104-84-2	Flubendiamide
46.	318290-98-1	Fluensulfone
47.	142459-58-3	Flufenacet (Thiafluamide)
48.	658066-35-4	Fluopyram
49.	193740-76-0	Fluoxastrobin
50.	951659-40-8	Flupyradifurone
51.	66332-96-5	Flutolanil
52.	76674-21-0	Flutriafol
53.	77182-82-2	Glufosinate-Ammonium
54.	112226-61-6	Halofenozide
55.	100784-20-1	Halosulfuron-Methyl
56.	114311-32-9	Imazamox
57.	104098-48-8	Imazapic
58.	81335-77-5	Imazethapyr
59.	101917-66-2	Imazethapyr, Ammonium Salt
60.	122548-33-8	Imazosulfuron
61.	138261-41-3	Imidacloprid
62.	950782-96-2	Indaziflam
63.	330-55-2	Linuron
64.	128-58-3	MAA (Methanearsonic Acid)
65.	374726-62-2	Mandipropamid
66.	12427-38-2	Maneb
67.	16484-77-8	Mecoprop-P (MCP-P)
68.	70630-17-0	Mefenoxam
69.	208465-21-8	Mesosulfuron-Methyl
70.	16752-77-5	Methomyl
71.	161050-58-4	Methoxyfenozide
72.	21087-64-9	Metribuzin
73.	2163-80-6	Monosodium Methanearsonate (MSMA)
74.	111991-09-04	Nicosulfuron



75.	23135-22-0	Oxamyl
76.	494793-67-8	Penflufen
77.	117428-22-5	Picoxystrobin
78.	1610-78-0	Prometon
79.	7287-19-6	Prometryn
80.	18311274-15-7	Propoxycarbazone-sodium
81.	94125-34-5	Prosulfuron
82.	123312-89-0	Pymetrozine
83.	175013-18-0	*Pyraclostrobin*
84.	123343-16-8	Pyriithiobac Sodium
85.	447399-55-5	Pyroxasulfone
86.	84087-01-4	Quinclorac
87.	372137-35-4	Saflufenacil
88.	87392-12-9	S-Metolachlor
89.	81591-81-3	Sulfosate
90.	107534-96-3	Tebuconazole
91.	112410-23-8	Tebufenozide
92.	153719-23-4	Thiamethoxam
93.	317815-83-1	Thiencarbazone-methyl
94.	210631-68-8	Topramezone
95.	55335-06-3	Triclopyr
96.	117718-60-2	Thiazopyr
97.	199119-58-9	Trifloxysulfuron-Sodium
98.	95266-40-3	Trinexapac-Ethyl

Bold text indicates ingredients that have been detected historically in Arizona groundwater.
 Asterisk (*) indicates new additions to the GWPL.

4. The name and address of agency personnel with whom persons may communicate:

Name: David M. Haag, Pesticide Program Coordinator
 Address: Department of Environmental Quality
 1110 W. Washington St., 5415B-3
 Phoenix, AZ 85007
 E-mail: haag.david@azdeq.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

There is no public hearing associated with establishment of the GWPL. The Department will accept written comments on the draft GWPL for 30 days following publication of this Notice. If there are any changes, the Department will publish the revised draft 2017 GWPL in the *Arizona Administrative Register* and post on the agency’s website at: <http://www.azdeq.gov/notices>.



GOVERNOR EXECUTIVE ORDERS

The Administrative Procedure Act (APA) requires the full-text publication of Governor Executive Orders.

With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

In addition, the Register shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed.

EXECUTIVE ORDER 2017-02

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

[M17-23]

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2017, as a notice to the public regarding state agencies' rulemaking activities.

WHEREAS, burdensome regulations inhibit job growth and economic development;

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations;

WHEREAS, all government agencies of the State of Arizona should promote customer-service-oriented principles for the people that it serves;

WHEREAS, each State agency should undertake a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation;

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed;

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

1. A State agency subject to this Order, shall not conduct any rulemaking except as permitted by this Order.
2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
 - a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
 - b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace, or safety.
 - d. To avoid violating a court order or federal law that would result in sanctions by a court of the federal government against an agency for failure to conduct the rulemaking action.
 - e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
 - f. To comply with a state statutory requirement.
 - g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
 - j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. All directors of state agencies subject to this Order shall engage their respective regulated or stakeholder communities to solicit comment on which rules the regulated community believes to be overly burdensome and not necessary to protect consumers, public health, or public safety. Each agency shall submit a report regarding the aforementioned information to the Governor's Office no later than September 1, 2017.
4. For the purposes of this Order, the term "State agencies," includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
5. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule," and "rulemaking" have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.



6. This Executive Order expires on December 31, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Eleventh day of January in the Year Two Thousand and Seventeen and of the Independence of the United States of America the Two Hundred and Forty-First.

ATTEST:

Michele Reagan
SECRETARY OF STATE



COUNTY NOTICES ACCORDING TO A.R.S. § 49-112

This section of the *Arizona Administrative Register* contains County Notices (according to A.R.S. § 49-112).

Each county writes rules and regulations in its own unique style. Although these notices are published in the Register, they do not conform to the standards specified in the Arizona Rulemaking Manual.

With the exception of minor formatting changes, County Notices (including subsection labeling, spelling, grammar, and punctuation) are reproduced as submitted.

**NOTICE OF RULEMAKING DOCKET OPENING
MARICOPA COUNTY AIR QUALITY DEPARTMENT**

[M17-159]

1. **Title and its heading:** Maricopa County Air Pollution Control Regulations
Regulation and its heading: Regulation III – Control of Air Contaminants
Rule and its heading: Rule 360, New Source Performance Standards
 Rule 370, Federal Hazardous Air Pollutant Program
 Rule 371, Acid Rain
 Appendix G, Incorporated Materials

2. **The subject matter of the proposed rule(s):**
 The Maricopa County Air Quality Department (department) is proposing to incorporate by reference various federal regulations and documents promulgated by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register, including actions related to New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Acid Rain and other parts of Title 40 of the Code of Federal Regulations (CFR). This incorporation by reference is necessary before requesting the EPA's delegation of authority to enforce the federal rules documented in the Maricopa County Air Pollution Control Regulations Rules 360, 370, 371, and Appendix G. These rules implement federal requirements according to each federal program identified or applicable source type subject to these regulations. As part of this rulemaking, the department may propose other additions, deletions, or modifications to these rules, or other rules, as necessary. Maricopa County will reference this rulemaking in the Maricopa County Enhanced Regulatory Outreach Program as "AQ-2017-001-Incorporation by Reference 2016-2017"

3. **A citation to all published notices relating to this proceeding:**
 None published

4. **The name and address of department personnel with whom persons may communicate regarding the proposed rule(s):**
 Name: Cheri Dale or Hether Krause
 Address: Maricopa County Air Quality Department
 Planning and Analysis Division
 1001 N. Central Ave., Suite 125
 Phoenix, AZ 85004
 Telephone: (602) 506-6010
 Fax: (602) 506-6179
 Submit comments at: <http://maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>

5. **The time during which the department will accept written comments and the time and place where oral comments may be made:**
 Written comments concerning this rulemaking can be submitted at <http://maricopa.gov/FormCenter/Regulatory-Outreach-17/Citizen-Comments-94>. Additional information concerning the submittal of written comments and the time and place where oral comments may be made will be announced in the Notice of Expedited Rulemaking.

6. **A timetable for department decisions or other action on the proceeding, if known:**
 To be announced in the Notice of Expedited Rulemaking. The rulemaking process can be followed at <http://www.maricopa.gov/3536/Active-Regulatory-Process>.

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT PROPOSED**

PXN = Proposed Exempt new Section
PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

SPXN = Supplemental Proposed Exempt new Section
SPXR = Supplemental Proposed Exempt repealed Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING

FXN = Final Exempt new Section
FXM = Final Exempt amended Section
FXR = Final Exempt repealed Section
FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS

EXP = Rules have expired
See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

2017 Arizona Administrative Register Volume 23 Page Guide

Issue 1, Jan. 6, 2017.....1-92	Issue 10, March 10, 2017.....573-602	Issue 19, May 12, 2017.....1063-1342
Issue 2, Jan. 13, 2017.....93-146	Issue 11, March 17, 2017.....603-642	Issue 20, May 19, 2017.....1343-1402
Issue 3, Jan. 20, 2017.....147-204	Issue 12, March 24, 2017.....643-688	Issue 21, May 26, 2017.....1403-1464
Issue 4, Jan. 27, 2017.....205-268	Issue 13, March 31, 2017.....689-758	Issue 22, June 2, 2017.....1465-1514
Issue 5, Feb. 3, 2017.....269-318	Issue 14, April 7, 2017.....759-822	Issue 23, June 9, 2017.....1515-1594
Issue 6, Feb. 10, 2017.....319-436	Issue 15, April 14, 2017.....823-856	Issue 24, June 16, 2017.....1595-1658
Issue 7, Feb. 17, 2017.....437-460	Issue 16, April 21, 2017.....857-890	Issue 25, June 23, 2017.....1659-1714
Issue 8, Feb. 24, 2017.....461-482	Issue 17, April 28, 2017.....891-1000	Issue 26, June 30, 2017.....1715-1786
Issue 9, March 3, 2017.....483-572	Issue 18, May 5, 2017.....1001-1062	Issue 27, July 7, 2017.....1787-1842
		Issue 28, July 14, 2017.....1843-1926

RULEMAKING ACTIVITY INDEX

Rulemakings are listed in the Index by Chapter, Section number, rulemaking activity abbreviation and by volume page number. Use the page guide above to determine the *Register* issue number to review the rule. Headings for the Subchapters, Articles, Parts, and Sections are not indexed.

THIS INDEX INCLUDES RULEMAKING ACTIVITY THROUGH ISSUE 28 OF VOLUME 23.

<p>Accountancy, Board of</p> <p>R4-1-101. PM-97; SPM-955</p> <p>R4-1-341. PM-97; SPM-955</p> <p>R4-1-345. PM-97; SPM-955</p> <p>R4-1-453. PM-97; SPM-955</p> <p>R4-1-454. PM-97; SPM-955</p> <p>R4-1-455. PM-97; SPM-955</p> <p>R4-1-455.01. PM-97; SPM-955</p> <p>R4-1-455.02. PM-97; SPM-955</p> <p>R4-1-455.03. PM-97; SPM-955; FM-1807</p> <p>R4-1-455.04. PM-97; SPM-955</p> <p>Achievement District Schools</p> <p>R7-8-101. PXN-661</p> <p>R7-8-201. PXN-661</p> <p>Administration, Department of - Benefit Services Division</p> <p>R2-6-101. PM-323; FM-1719</p> <p>R2-6-102. FR-1719</p> <p>R2-6-104. FR-1719</p> <p>R2-6-105. PM-323; FM-1719</p> <p>R2-6-106. PM-323; FM-1719</p>	<p>R2-6-107. PM-323; FM-1719</p> <p>R2-6-108. PM-323; FM-1719</p> <p>R2-6-201. FM-1719</p> <p>R2-6-204. PM-323; FM-1719</p> <p>R2-6-301. PM-323; FM-1719</p> <p>R2-6-302. PM-323; FM-1719</p> <p>R2-6-303. PM-323; FM-1719</p> <p>Administration, Department of - Risk Management Division</p> <p>R2-10-101. PM-1407</p> <p>R2-10-106. PM-1407</p> <p>R2-10-107. PM-1407</p> <p>R2-10-108. PM-1407</p> <p>R2-10-201. PM-1407</p> <p>R2-10-202. PM-1407</p> <p>R2-10-207. PM-1407</p> <p>R2-10-504. EXP-448</p> <p>Administration, Department of - State Procurement Office</p> <p>R2-7-205. PM-1407; EXP-1757</p> <p>R2-7-208. PM-1407; EXP-1757</p> <p>R2-7-701. PM-1407; EXP-1757</p> <p>R2-7-1008. PM-1407; EXP-1757</p> <p>Agriculture, Department of - Animal Services Division</p>	<p>R3-2-205. EXP-135</p> <p>R3-2-403. EXP-135</p> <p>R3-2-621. EXP-135</p> <p>R3-2-622. EXP-135</p> <p>Agriculture, Department of - Weights and Measures Services Division</p> <p>R3-7-101. PM-895</p> <p>R3-7-102. PM-895</p> <p>R3-7-103. PM-895</p> <p>R3-7-104. PM-895</p> <p>R3-7-108. PM-895</p> <p>R3-7-109. PM-895</p> <p>R3-7-110. PM-895</p> <p>Table 1. PM-895</p> <p>R3-7-201. PM-895</p> <p>R3-7-203. PM-895</p> <p>R3-7-302. PM-895</p> <p>R3-7-402. PM-895</p> <p>R3-7-501. PM-895</p> <p>R3-7-502. PM-895</p> <p>R3-7-503. PM-895</p> <p>R3-7-504. PM-895</p> <p>R3-7-505. PM-895</p> <p>R3-7-506. PM-895</p> <p>R3-7-507. PM-895</p> <p>R3-7-601. PM-895</p> <p>R3-7-602. PM-895</p> <p>R3-7-603. PM-895</p> <p>R3-7-604. PM-895</p> <p>R3-7-701. PM-895</p> <p>R3-7-702. PM-895</p> <p>R3-7-703. PM-895</p> <p>R3-7-704. PM-895</p> <p>R3-7-705. PM-895</p> <p>R3-7-706. PR-895</p> <p>R3-7-707. PM-895</p>
--	---	--

R3-7-708.	PM-895	R9-22-712.90.	FN-22	Clean Elections Commission, Citizens	
R3-7-709.	PR-895	R9-22-730.	PXM-1633		
R3-7-710.	PM-895	Barbers, Board of		R2-20-101.	FXM-113
R3-7-711.	PM-895			R2-20-104.	FXM-115
R3-7-712.	PM-895	R4-5-103.	FM-490	R2-20-105.	FXM-117
R3-7-713.	PM-895	Behavioral Health Examiners, Board of		R2-20-107.	FXM-119
R3-7-714.	PM-895			R2-20-109.	FXM-121; EXP-1757
R3-7-715.	PM-895	R4-6-215.	PR-1007; PN-1007	R2-20-110.	FXM-124
R3-7-716.	PM-895	Charter Schools, State Board for		R2-20-111.	FXM-126; EXP-1757
R3-7-717.	PM-895			R2-20-112.	FXM-128
R3-7-718.	PM-895	R7-5-101.	FM-693	R2-20-402.01.	FXM-130
R3-7-749.	PM-895	R7-5-201.	FM-693	R2-20-402.02.	FXN-131
R3-7-750.	PM-895	R7-5-202.	FM-693	R2-20-702.	PXM-610; PXM-658; PXM-722
R3-7-751.	PM-895	R7-5-203.	FM-693	R2-20-703.	FXM-133
R3-7-752.	PM-895	R7-5-204.	FM-693	R2-20-703.01.	PXN-610
R3-7-753.	PM-895	R7-5-205.	FM-693	Corporation Commission - Fixed Utilities	
R3-7-754.	PM-895	R7-5-206.	FM-693		
R3-7-755.	PM-895	R7-5-207.	FM-693	R14-2-1201.	E#-865; P#-1869
R3-7-756.	PM-895	R7-5-208.	FN-693	R14-2-A1201.	EN-865; E#-865; EM-865; PN-1869; P#-1869; PM-1869
R3-7-757.	PM-895	R7-5-301.	F#-693; FN-693	R14-2-1202.	E#-865; P#-1869
R3-7-759.	PM-895	R7-5-302.	F#-693; FN-693	R14-2-A1202.	EN-865; E#-865; EM-865; PN-1869; P#-1869; PM-1869
Table A.	PM-895	R7-5-303.	F#-693; FN-693	R14-2-1203.	E#-865; P#-1869
R3-7-760.	PM-895	R7-5-304.	F#-693	R14-2-A1203.	EN-865; E#-865; EM-865; PN-1869; P#-1869; PM-1869
R3-7-761.	PM-895	R7-5-401.	F#-693; FN-693	R14-2-1204.	E#-865; P#-1869
R3-7-762.	PM-895	R7-5-402.	FN-693	R14-2-A1204.	EN-865; E#-865; EM-865; PN-1869; P#-1869; PM-1869
Table 1.	PM-895	R7-5-403.	FN-693	R14-2-1205.	E#-865; P#-1869
Table 2.	PM-895	R7-5-404.	FN-693	R14-2-A1205.	EN-865; E#-865; EM-865; PN-1869; P#-1869; PM-1869
R3-7-901.	PM-895	R7-5-501.	FR-693; F#-693; FM-693	R14-2-1206.	E#-865; P#-1869
R3-7-902.	PM-895	R7-5-502.	FR-693; F#-693; FM-693	R14-2-A1206.	EN-865; E#-865; EM-865; PN-1869; P#-1869; PM-1869
R3-7-903.	PM-895	R7-5-503.	FR-693; FN-693		
R3-7-904.	PM-895	R7-5-504.	FR-693; FN-693		
R3-7-905.	PM-895	R7-5-505.	FN-693		
R3-7-907.	PM-895	R7-5-506.	FN-693		
R3-7-908.	PM-895	R7-5-507.	FN-693		
R3-7-909.	PM-895	R7-5-508.	FN-693		
R3-7-910.	PM-895	R7-5-509.	FN-693		
R3-7-911.	PM-895	R7-5-510.	F#-693; FM-693		
R3-7-912.	PM-895	R7-5-601.	F#-693; FM-693		
R3-7-913.	PM-895	R7-5-602.	FN-693		
R3-7-1001.	PM-895	R7-5-603.	FN-693		
R3-7-1002.	PM-895	R7-5-604.	FN-693		
R3-7-1003.	PM-895	R7-5-605.	FN-693		
R3-7-1004.	PM-895	R7-5-606.	FN-693		
R3-7-1005.	PM-895	R7-5-607.	FN-693		
R3-7-1007.	PM-895	Child Safety, Department of - Foster Home and Child Welfare Agency Facility Safety			
R3-7-1008.	PM-895				
R3-7-1009.	PM-895	R21-8-112.	SPM-1025; EM-1040		
R3-7-1010.	PM-895	R21-8-113.	SPM-1025; EM-1040		
R3-7-1011.	PM-895	Chiropractic Examiners, Board of			
R3-7-1012.	PM-895				
R3-7-1013.	PM-895	R4-7-502.	PM-1847		
Arizona Health Care Cost Containment System - Administration		R4-7-503.	PM-1847		
R9-22-712.35.	PM-1015	R4-7-602.	PM-1847		
R9-22-712.60.	PM-1791	R4-7-801.	PM-1847		
R9-22-712.61.	PM-1015	R4-7-1301.	PM-1847		
R9-22-712.62.	PM-1791	R4-7-1401.	PM-1847		
R9-22-712.63.	PM-1791	R4-7-1403.	PM-1847		
R9-22-712.64.	PM-1791	R4-7-1404.	PM-1847		
R9-22-712.65.	PM-1791				
R9-22-712.66.	PM-1791				
R9-22-712.68.	PM-1791				
R9-22-712.71.	PM-1015				
R9-22-712.72.	PM-1791				
R9-22-712.80.	PM-1791				

	P#-1869; PM-1869	R14-2-B1223.	EN-865; PN-1869	R6-5-5505. R6-5-5506.	EXP-581 EXP-581		
R14-2-1209.	E#-865; P#-1869	Cosmetology, Board of		R6-5-5507. R6-5-5508.	EXP-581 EXP-581		
R14-2-A1209.	EN-865; E#-865; EM-865; PN-1869;		R4-10-101. R4-10-104.	PM-1859 PM-1859	R6-5-5509. R6-5-5510.	EXP-581 EXP-581	
	P#-1869; PM-1869		R4-10-105. R4-10-107.	PM-1859 PM-1859	R6-5-5511. R6-5-5512.	EXP-581 EXP-581	
R14-2-1210.	E#-865; P#-1869		R4-10-108.	PM-1859	R6-5-5513.	EXP-581	
R14-2-A1210.	EN-865; E#-865; EM-865;		R4-10-110. R4-10-203.	PM-1859 PM-1859	R6-5-5514. R6-5-5515.	EXP-581 EXP-581	
	PN-1869; P#-1869;		R4-10-204. R4-10-205.	PM-1859 PM-1859	R6-5-5516. R6-5-5517.	EXP-581 EXP-581	
	PM-1869		R4-10-206.	PM-1859	R6-5-5518.	EXP-581	
R14-2-1211.	E#-865; P#-1869		R4-10-206.1.	PN-1859	R6-5-5519.	EXP-581	
R14-2-A1211.	EN-865; E#-865; EM-865;		R4-10-208. R4-10-302.	PM-1859 PM-1859	R6-5-5520. R6-5-5521.	EXP-581 EXP-581	
	PN-1869; P#-1869;		R4-10-304.1. R4-10-306.	PN-1859 PM-1859	R6-5-5522. R6-5-5523.	EXP-581 EXP-581	
	PM-1869	R4-10-403.	PM-1859	R6-5-5524.	EXP-581		
R14-2-1212.	E#-865; P#-1869	R4-10-404.	PM-1859	R6-5-5525.	EXP-581		
R14-2-A1212.	EN-865; E#-865; EM-865;	Economic Security, Department of		R6-5-5526.	EXP-581		
	PN-1869;		R6-1-101.	PM-861	Appendix 1.	EXP-581	
	P#-1869;		R6-1-102.	PM-861	Appendix 2.	EXP-581	
	PM-1869		R6-1-103.	PM-861	R6-5-5601.	EXP-465	
R14-2-1213.	E#-865; P#-1869		R6-1-104.	PM-861	R6-5-5602.	EXP-465	
R14-2-A1213.	EN-865; E#-865; EM-865;		R6-1-105. R6-1-106.	PM-861 PM-861	R6-5-5603. R6-5-5604.	EXP-465 EXP-465	
	PN-1869;		R6-1-107.	PM-861	R6-5-5605.	EXP-465	
	P#-1869;		Economic Security, Department of - Child Support Enforcement		R6-5-5606.	EXP-465	
	PM-1869			R6-7-611.	EXP-466	R6-5-5607.	EXP-465
R14-2-1214.	E#-865; P#-1869			R6-7-716.	EXP-466	R6-5-5608.	EXP-465
R14-2-A1214.	EN-865; E#-865; EM-865;	R6-7-801.		EXP-466	R6-5-5609.	EXP-465	
	PN-1869;	Economic Security, Department of - Developmental Disabilities			R6-5-5610.	EXP-465	
	P#-1869;			R6-6-402.	EXP-465	R6-5-5801.	EXP-581
	PM-1869			R6-6-1801.	PR-1519;	R6-5-5802.	EXP-581
R14-2-1215.	E#-865; P#-1869				PN-1519	R6-5-5803.	EXP-581
R14-2-A1215.	EN-865; E#-865; EM-865;			R6-6-1802.	PR-1519;	R6-5-5804.	EXP-581
	PN-1869;				PN-1519	R6-5-5805.	EXP-581
	P#-1869;		R6-6-1803.	PR-1519;	R6-5-5806.	EXP-581	
	PM-1869			PN-1519	R6-5-5807.	EXP-581	
R14-2-1216.	E#-865; P#-1869		R6-6-1804.	PR-1519;	R6-5-5808.	EXP-581	
R14-2-A1216.	EN-865; E#-865; EM-865;			PN-1519	R6-5-5809.	EXP-581	
	PN-1869;	R6-6-1805.	PR-1519;	R6-5-5810.	EXP-581		
	P#-1869;		PN-1519	R6-5-5811.	EXP-581		
	PM-1869	R6-6-1806.	PN-1519	R6-5-5812.	EXP-581		
R14-2-1217.	E#-865; P#-1869	R6-6-1807.	PN-1519	R6-5-5813.	EXP-581		
R14-2-A1217.	EN-865; E#-865; EM-865;	R6-6-1808.	PN-1519	R6-5-5814.	EXP-581		
	PN-1869;	R6-6-1809.	PN-1519	R6-5-5815.	EXP-581		
	P#-1869;	R6-6-1810.	PN-1519	R6-5-5816.	EXP-581		
	PM-1869	R6-6-1811.	PN-1519	R6-5-5817.	EXP-581		
R14-2-B1218.	EN-865;	R6-6-1812.	PN-1519	R6-5-5818.	EXP-581		
	PN-1869	R6-6-1813.	PN-1519	R6-5-5819.	EXP-581		
R14-2-B1219.	EN-865;	R6-6-1814.	PN-1519	R6-5-5820.	EXP-581		
	PN-1869	Economic Security, Department of - Social Services		R6-5-5821.	EXP-581		
R14-2-B1220.	EN-865;		R6-5-5501.	EXP-581	R6-5-5822.	EXP-581	
	PN-1869		R6-5-5502.	EXP-581	R6-5-5823.	EXP-581	
R14-2-B1221.	EN-865;		R6-5-5503.	EXP-581	R6-5-5824.	EXP-581	
	PN-1869		R6-5-5504.	EXP-581	R6-5-5825.	EXP-581	
R14-2-B1222.	EN-865;				R6-5-5826.	EXP-581	
	PN-1869				R6-5-5827.	EXP-581	
					R6-5-5828.	EXP-581	
					R6-5-5829.	EXP-581	
					R6-5-5830.	EXP-581	
				R6-5-5831.	EXP-581		
				R6-5-5832.	EXP-581		

R6-5-5833.	EXP-581	R8-3-201.	EXP-840	R18-2-504.	FM-333
R6-5-5834.	EXP-581	R8-3-202.	EXP-840	R18-2-507.	FR-333
R6-5-5835.	EXP-581	R8-3-203.	EXP-840	R18-2-508.	FR-333
R6-5-5836.	EXP-581	R8-3-204.	EXP-840	R18-2-512.	FM-333
R6-5-5837.	EXP-581	R8-3-205.	EXP-840	R18-2-513.	FM-333
R6-5-5838.	EXP-581	R8-3-206.	EXP-840	R18-2-514.	FN-333
R6-5-5839.	EXP-581	Exhibits.	EXP-840	R18-2-515.	FN-333
R6-5-5840.	EXP-581			R18-2-715.	FM-767
R6-5-5841.	EXP-581	Emergency and Military Affairs,		R18-2-715.01.	FM-767
R6-5-5842.	EXP-581	Department of - Project Challenge		R18-2-715.02.	FM-767
R6-5-5843.	EXP-581	R8-5-101.	EXP-840	R18-2-731.	PM-827
R6-5-5844.	EXP-581	R8-5-102.	EXP-840	R18-2-901.	PM-827
R6-5-5845.	EXP-581	R8-5-103.	EXP-840	R18-2-1205.	FM-333
R6-5-5846.	EXP-581	R8-5-104.	EXP-840	Appendix 1.	FR-333
R6-5-5847.	EXP-581	R8-5-105.	EXP-840	R18-2-B1301.	FN-767
R6-5-5848.	EXP-581	R8-5-106.	EXP-840	R18-2-B1301.01.	FN-767
R6-5-5849.	EXP-581			R18-2-B1302.	FN-767
R6-5-5850.	EXP-581	Environmental Quality, Department		R18-2-C1301.	FN-767
R6-5-5903.	EXP-581	of - Administration		R18-2-C1302.	FN-767
R6-5-5904.	EXP-581	R18-1-201.	EXP-1575	Appendix 14.	FN-767
R6-5-5906.	EXP-581	R18-1-202.	EXP-1575	Appendix 15.	FN-767
R6-5-5907.	EXP-581	R18-1-203.	EXP-1575	R18-2-1701.	EXP-135
R6-5-5908.	EXP-581	R18-1-204.	EXP-1575	Table 1.	EXP-135
R6-5-5909.	EXP-581	R18-1-206.	EXP-1575	R18-2-1702.	EXP-135
R6-5-5910.	EXP-581	R18-1-207.	EXP-1575	R18-2-1703.	EXP-135
R6-5-6001.	EXP-581			R18-2-1704.	EXP-135
R6-5-6002.	EXP-581	Environmental Quality, Department		R18-2-1705.	EXP-135
R6-5-6003.	EXP-581	of - Air Pollution Control		R18-2-1706.	EXP-135
R6-5-6004.	EXP-581	R18-2-101.	FM-333	R18-2-1707.	EXP-135
R6-5-6005.	EXP-581	R18-2-102.	FM-333	R18-2-1708.	EXP-135
R6-5-6006.	EXP-581	R18-2-201.	FM-333	Table 3.	EXP-135
R6-5-6007.	EXP-581	R18-2-203.	FM-333	R18-2-1709.	EXP-135
R6-5-6008.	EXP-581	R18-2-217.	FM-333		
R6-5-6009.	EXP-581	R18-2-218.	FM-333	Environmental Quality, Department	
R6-5-6010.	EXP-581	R18-2-301.	FM-333	of - Environmental Reviews and	
R6-5-6011.	EXP-581	R18-2-302.	FM-333	Certification	
R6-5-6012.	EXP-581	R18-2-302.01.	FM-333	R18-5-201.	PM-1882
R6-5-6013.	EXP-581	R18-2-303.	FM-333	R18-5-202.	PM-1882
R6-5-6014.	EXP-581	R18-2-304.	FM-333	R18-5-203.	PM-1882
R6-5-6015.	EXP-581	R18-2-306.	FM-333	R18-5-204.	PM-1882
Exhibit 1.	EXP-581	R18-2-306.01.	FM-333	R18-5-205.	PR-1882
		R18-2-307.	FM-333	R18-5-206.	PR-1882
Economic Security, Department of -		R18-2-311.	FM-333	R18-5-207.	PR-1882
Unemployment Insurance		R18-2-312.	FM-333	R18-5-208.	PR-1882
R6-3-51140.	PM-1627	R18-2-319.	FM-333	R18-5-209.	PR-1882
R6-3-5205.	PM-1627	R18-2-320.	FM-333	R18-5-210.	PR-1882
R6-3-5240.	PM-1627	R18-2-324.	FM-333	R18-5-211.	PR-1882
R6-3-52235.	PM-1627	R18-2-326.	FM-333	R18-5-212.	PR-1882
R6-3-55460.	PM-1627	R18-2-326.01.	EXP-613	R18-5-213.	PR-1882
		R18-2-327.	FM-333	R18-5-214.	PR-1882
Education, State Board of		R18-2-330.	FM-333	R18-5-215.	PR-1882
R7-2-205.	FXM-725	R18-2-332.	FM-333	R18-5-217.	PR-1882
R7-2-318.	FXN-1637	R18-2-334.	FM-333	R18-5-218.	PR-1882
R7-2-607.01.	FXN-725	R18-2-401.	FM-333	R18-5-219.	PR-1882
R7-2-612.	FXM-725	R18-2-402.	FM-333	R18-5-220.	PR-1882
R7-2-614.	FXM-725	R18-2-403.	FM-333	R18-5-221.	PR-1882
R7-2-617.	FXM-231	R18-2-404.	FM-333	R18-5-222.	PR-1882
R7-2-701.	FXM-725	R18-2-405.	FM-333	R18-5-223.	PR-1882
R7-2-705.	FXM-725	R18-2-406.	FM-333	R18-5-224.	PR-1882
R7-2-1304.	FXM-725	R18-2-407.	FM-333	R18-5-225.	PR-1882
R7-2-1307.	FXM-725	R18-2-408.	FM-333	R18-5-226.	PR-1882
R7-2-1308.	FXM-725	R18-2-410.	FM-333	R18-5-227.	PR-1882
		R18-2-411.	FN-333	R18-5-228.	PR-1882
Emergency and Military Affairs,		R18-2-412.	FM-333	R18-5-229.	PR-1882
Department of - Division of Military		R18-2-502.	FM-333	R18-5-230.	PR-1882
Affairs		R18-2-503.	FM-333	R18-5-231.	PR-1882

R18-5-232.	PR-1882	R18-9-B705.	P#-1663;	R12-4-517.	PM-273;
R18-5-233.	PR-1882		PM-1663		FM-1732
R18-5-234.	PR-1882	R18-9-B706.	P#-1663;	R12-4-520.	PM-273;
R18-5-235.	PR-1882		PM-1663		FM-1732
R18-5-236.	PR-1882	R18-9-B707.	P#-1663;	R12-4-521.	PR-273;
R18-5-237.	PR-1882		PM-1663		FR-1732
R18-5-238.	PR-1882	R18-9-B708.	P#-1663;	R12-4-522.	PR-273;
R18-5-239.	PR-1882		PM-1663		FR-1732
R18-5-240.	PR-1882	R18-9-B709.	P#-1663;	R12-4-524.	PM-273;
R18-5-241.	PR-1882		PM-1663		FM-1732
R18-5-242.	PR-1882	R18-9-B710.	P#-1663;	R12-4-526.	PM-273;
R18-5-243.	PR-1882		PM-1663		FM-1732
R18-5-244.	PR-1882	R18-9-C701.	P#-1663;	R12-4-527.	PM-273;
R18-5-245.	PR-1882		PM-1663		FXM-1034;
R18-5-246.	PR-1882	R18-9-D701.	P#-1663;		FM-1732
R18-5-247.	PR-1882		PM-1663	R12-4-529.	PM-273;
R18-5-248.	PR-1882	R18-9-D702.	P#-1663;		FM-1732
R18-5-249.	PM-1882		PM-1663	R12-4-530.	PN-273;
		R18-9-E701.	PN-1663		FN-1732

Environmental Quality, Department of - Water Pollution Control

R18-9-601.	PR-1663
R18-9-602.	PR-1663
R18-9-603.	PR-1663
R18-9-701.	P#-1663
R18-9-702.	P#-1663
R18-9-703.	P#-1663
R18-9-704.	P#-1663
R18-9-705.	P#-1663
R18-9-706.	P#-1663
R18-9-707.	P#-1663
R18-9-708.	P#-1663
R18-9-709.	P#-1663
R18-9-710.	P#-1663
R18-9-711.	P#-1663
R18-9-712.	P#-1663
R18-9-713.	P#-1663
R18-9-714.	P#-1663
R18-9-715.	P#-1663
R18-9-716.	P#-1663
R18-9-717.	P#-1663
R18-9-718.	P#-1663
R18-9-719.	P#-1663
R18-9-720.	PR-1663
R18-9-A701.	P#-1663;
	PM-1663
R18-9-A702.	P#-1663;
	PM-1663
R18-9-A703.	P#-1663;
	PM-1663
R18-9-A704.	P#-1663;
	PM-1663
R18-9-A705.	P#-1663;
	PM-1663
R18-9-A706.	P#-1663;
	PM-1663
R18-9-A707.	PN-1663
R18-9-B701.	P#-1663;
	PM-1663
R18-9-B702.	P#-1663;
	PM-1663
R18-9-B703.	P#-1663;
	PM-1663
R18-9-B704.	P#-1663;
	PM-1663

Financial Institutions, Department of

R20-4-301.	EXP-841
R20-4-303.	EXP-841
R20-4-304.	EXP-841
R20-4-309.	EXP-841
R20-4-318.	EXP-841
R20-4-324.	EXP-841
R20-4-325.	EXP-841
R20-4-326.	EXP-841
R20-4-327.	EXP-841
R20-4-328.	EXP-841
R20-4-330.	EXP-841

Game and Fish Commission

R12-4-402.	FM-492
R12-4-414.	PM-1472
R12-4-501.	PM-273;
	FM-1732
R12-4-502.	PM-273;
	FM-1732
R12-4-503.	PM-273;
	FM-1732
R12-4-504.	PM-273;
	FXM-1034;
	FM-1732
R12-4-505.	PM-273;
	FM-1732
R12-4-506.	PM-273;
	FM-1732
R12-4-507.	PM-273;
	FXM-1034;
	FM-1732
R12-4-509.	PM-273;
	FM-1732
R12-4-510.	PM-273;
	FM-1732
R12-4-511.	PM-273;
	FM-1732
R12-4-513.	PM-273;
	FM-1732
R12-4-514.	PM-273;
	FM-1732
R12-4-515.	PM-273;
	FM-1732
R12-4-516.	PM-273

Governor's Regulatory Review Council

R1-6-101.	PM-1347
R1-6-102.	PM-1347
R1-6-103.	PM-1347
R1-6-104.	PM-1347
R1-6-201.	PM-1347
R1-6-202.	PM-1347
R1-6-203.	PM-1347
R1-6-204.	PM-1347
R1-6-205.	PM-1347
R1-6-206.	PM-1347
R1-6-207.	PR-1347
R1-6-301.	PM-1347
R1-6-302.	PM-1347
R1-6-303.	PM-1347
R1-6-304.	PR-1347
R1-6-401.	PM-1347
R1-6-402.	PN-1347
R1-6-403.	PN-1347
R1-6-404.	PN-1347
R1-6-501.	PR-1347
R1-6-502.	PR-1347
R1-6-601.	PR-1347
R1-6-701.	PR-1347
R1-6-801.	PR-1347
R1-6-802.	PR-1347

Health Services, Department of - Communicable Diseases and Infections

R9-6-101.	PM-1524
R9-6-201.	PM-1524
R9-6-202.	PM-1524
Table 1.	PR-1524
Table 2.1.	PN-1524
R9-6-203.	PM-1524
Table 2.	PM-1524
R9-6-204.	PM-1524
Table 3.	PR-1524
Table 2.3.	PN-1524
R9-6-205.	PM-1524
R9-6-206.	PM-1524
Table 4.	PR-1524
Table 2.4.	PN-1524
R9-6-207.	PM-1524

R9-6-301.	PM-1524	R9-6-336.	P#-1524;	R9-6-368.	P#-1524;
R9-6-302.	PM-1524		PM-1524		PM-1524
R9-6-303.	PM-1524	R9-6-337.	P#-1524;	R9-6-369.	PR-1524;
R9-6-304.	PM-1524		PN-1524		P#-1524;
R9-6-305.	P#-1524;	R9-6-338.	P#-1524;		PM-1524
	PN-1524		PM-1524	R9-6-370.	P#-1524;
R9-6-306.	P#-1524;	R9-6-339.	P#-1524;		PN-1524
	PM-1524		PM-1524	R9-6-371.	P#-1524;
R9-6-307.	PR-1524;	R9-6-340.	P#-1524;		PM-1524
	PN-1524		PM-1524	R9-6-372.	P#-1524;
R9-6-308.	P#-1524;	R9-6-341.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-373.	P#-1524;
R9-6-309.	P#-1524;	R9-6-342.	P#-1524;		PM-1524
	PN-1524		PM-1524	R9-6-374.	P#-1524;
R9-6-310.	P#-1524;	R9-6-343.	P#-1524;		PM-1524
	PN-1524		PM-1524	R9-6-375.	P#-1524;
R9-6-311.	P#-1524;	R9-6-344.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-376.	P#-1524;
R9-6-312.	P#-1524;	R9-6-345.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-377.	P#-1524;
R9-6-313.	P#-1524;	R9-6-346.	P#-1524;		PN-1524
	PM-1524		PM-1524	R9-6-378.	P#-1524;
R9-6-314.	P#-1524;	R9-6-347.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-379.	P#-1524;
R9-6-315.	P#-1524;	R9-6-348.	P#-1524;		PM-1524
	PN-1524		PM-1524	R9-6-380.	P#-1524;
R9-6-316.	P#-1524;	R9-6-349.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-381.	P#-1524;
R9-6-317.	P#-1524;	R9-6-350.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-382.	P#-1524;
R9-6-318.	P#-1524;	R9-6-351.	P#-1524;		PM-1524
	PN-1524		PM-1524	R9-6-383.	P#-1524;
R9-6-319.	P#-1524;	R9-6-352.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-384.	P#-1524;
R9-6-320.	P#-1524;	R9-6-353.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-385.	P#-1524;
R9-6-321.	P#-1524;	R9-6-354.	P#-1524;		PM-1524
	PN-1524		PM-1524	R9-6-386.	P#-1524;
R9-6-322.	P#-1524;	R9-6-355.	P#-1524;		PM-1524
	PM-1524		PM-1524	R9-6-387.	PR-1524;
R9-6-323.	P#-1524;	R9-6-356.	P#-1524;		P#-1524;
	PM-1524		PM-1524		PM-1524
R9-6-324.	P#-1524;	R9-6-357.	P#-1524;	R9-6-388.	P#-1524;
	PM-1524		PM-1524		PM-1524
R9-6-325.	P#-1524;	R9-6-358.	P#-1524;	R9-6-389.	P#-1524;
	PM-1524		PN-1524		PM-1524
R9-6-326.	P#-1524;	R9-6-359.	P#-1524;	R9-6-390.	P#-1524;
	PM-1524		PM-1524		PM-1524
R9-6-327.	P#-1524;	R9-6-360.	P#-1524;	R9-6-391.	P#-1524;
	PM-1524		PM-1524		PM-1524
R9-6-328.	P#-1524;	R9-6-361.	P#-1524;	R9-6-392.	P#-1524;
	PM-1524		PN-1524		PM-1524
R9-6-329.	P#-1524;	R9-6-362.	P#-1524;	R9-6-393.	P#-1524;
	PM-1524		PM-1524		PM-1524
R9-6-330.	P#-1524;	R9-6-363.	P#-1524;	R9-6-394.	P#-1524;
	PM-1524		PM-1524		PM-1524
R9-6-331.	P#-1524;	R9-6-364.	PR-1524;	R9-6-395.	P#-1524;
	PM-1524		P#-1524;		PM-1524
R9-6-332.	P#-1524;		PM-1524	R9-6-396.	P#-1524;
	PM-1524	R9-6-365.	P#-1524;		PM-1524
R9-6-333.	P#-1524;		PM-1524	R9-6-397.	P#-1524;
	PM-1524	R9-6-366.	P#-1524;		PM-1524
R9-6-334.	P#-1524;		PM-1524	R9-6-398.	PN-1524
	PM-1524	R9-6-367.	P#-1524;		PM-1524
R9-6-335.	P#-1524;		PM-1524	R9-6-1002.	PM-1524
	PM-1524			R9-6-1102.	PM-1524
				R9-6-1103.	PM-1524

R9-6-1202. PM-1524
**Health Services, Department of -
 Emergency Medical Services**

- Table 5.1. FXM-1161
- Table 5.2. FXM-1161
- R9-25-601. PM-577;
FM-1728
- R9-25-602. PM-577;
FM-1728
- R9-25-1301. PM-1067
- R9-25-1302. PM-1067
- R9-25-1303. P#-1067;
PM-1067
- R9-25-1303.01. PN-1067
- R9-25-1304. P#-1067;
PM-1067
- R9-25-1305. PR-1067;
P#-1067;
PM-1067
- R9-25-1306. PR-1067;
PN-1067
- R9-25-1307. PR-1067;
P#-1067;
PM-1067
- R9-25-1308. P#-1067;
PM-1067
- Table 1. PR-1067
- Exhibit I. PR-1067
- Table 13.1. PN-1067
- R9-25-1309. P#-1067;
PN-1067
- R9-25-1310. PR-1067;
P#-1067;
PM-1067
- R9-25-1311. PR-1067
- R9-25-1312. P#-1067
- R9-25-1313. P#-1067
- R9-25-1315. PR-1067
- R9-25-1401. PR-1067
- R9-25-1402. PR-1067
- Table 1. PR-1067
- R9-25-1403. PR-1067
- R9-25-1405. PR-1067
- R9-25-1406. P#-1067

**Health Services, Department of -
 Medical Marijuana Program**

- R9-17-202. FM-970
- R9-17-204. FM-970
- R9-17-310. FM-970

**Health Services, Department of -
 Occupational Licensing**

- R9-16-117. EXP-1044
- R9-16-401. PR-1360;
PN-1360
- R9-16-402. PR-1360;
PN-1360
- R9-16-403. PR-1360;
PN-1360
- R9-16-404. PR-1360;
PN-1360
- R9-16-405. PR-1360;
PN-1360

- R9-16-406. PR-1360;
PN-1360
- R9-16-407. PR-1360;
PN-1360
- Table 1. PR-1360
- Table 4.1. PN-1360
- R9-16-408. PR-1360;
PN-1360
- R9-16-409. PR-1360;
PN-1360

Industrial Commission of Arizona

- R20-5-301. EXP-297
- R20-5-302. EXP-297
- R20-5-303. EXP-297
- R20-5-304. EXP-297
- R20-5-305. EXP-297
- R20-5-306. EXP-297
- R20-5-307. EXP-297
- R20-5-308. EXP-297
- R20-5-309. EXP-297
- R20-5-310. EXP-297
- R20-5-311. EXP-297
- R20-5-312. EXP-297
- R20-5-313. EXP-297
- R20-5-314. EXP-297
- R20-5-315. EXP-297
- R20-5-316. EXP-297
- R20-5-317. EXP-297
- R20-5-318. EXP-297
- R20-5-319. EXP-297
- R20-5-320. EXP-297
- R20-5-321. EXP-297
- R20-5-322. EXP-297
- R20-5-323. EXP-297
- R20-5-324. EXP-297
- R20-5-325. EXP-297
- R20-5-326. EXP-297
- R20-5-327. EXP-297
- R20-5-328. EXP-297
- R20-5-329. EXP-297
- R20-5-1201. PM-1019;
SPM-1799
- R20-5-1202. PM-1019;
SPM-1799
- R20-5-1205. PM-1019;
SPM-1799
- R20-5-1206. PM-1019;
SPM-1799
- R20-5-1208. PM-1019;
SPM-1799
- R20-5-1209. PM-1019;
SPM-1799
- R20-5-1210. PM-1019;
SPM-1799
- R20-5-1211. PM-1019;
SPM-1799
- R20-5-1213. PM-1019;
SPM-1799
- R20-5-1218. PM-1019;
SPM-1799

Insurance, Department of

- R20-6-204. EXP-136
- R20-6-1001. PXM-151;
FXM-1119

- R20-6-1002. PXM-151;
FXM-1119
- R20-6-1003. PXM-151;
FXM-1119
- R20-6-1004. PXM-151;
FXM-1119
- R20-6-1005. PXM-151;
FXM-1119
- R20-6-1006. PXM-151;
FXM-1119
- R20-6-1007. PXM-151;
FXM-1119
- R20-6-1008. PXM-151;
FXM-1119
- R20-6-1009. PXM-151;
FXM-1119
- R20-6-1010. PXM-151;
FXM-1119
- R20-6-1011. PXM-151;
FXM-1119
- R20-6-1012. PXR-151;
PX#-151;
PXM-151;
FXR-1119;
FX#-1119;
FXM-1119
- R20-6-1013. PX#-151;
PXM-151;
FX#-1119;
FXM-1119
- R20-6-1014. PX#-151;
PXM-151;
FX#-1119;
FXN-1119
- R20-6-1015. PX#-151;
PXN-151;
FX#-1119;
FXM-1119
- R20-6-1017. PXM-151;
FXM-1119
- R20-6-1018. PXM-151;
FXM-1119
- R20-6-1019. PXM-151;
FXM-1119
- R20-6-1020. PXM-151;
FXM-1119
- R20-6-1021. PXM-151;
FXM-1119
- R20-6-1023. PXM-151;
FXM-1119
- R20-6-1024. PX#-151;
PXN-151;
FX#-1119;
FXN-1119
- R20-6-1025. PXN-151;
FXN-1119
- R20-6-1026. PX#-151;
FX#-1119
- Appendix A. PXM-151;
FXM-1119
- Appendix B. PXM-151;
FXM-1119
- Appendix C. PXM-151;
FXM-1119
- Appendix D. PXM-151;
FXM-1119

Appendix E.	PXM-151; FXM-1119	R4-26-414. R4-26-417.	FM-215 FM-215	Revenue, Department of - General Administration	
Appendix F.	PXM-151; FXM-1119	Racing Commission, Arizona		R15-10-301.	PM-108; FM-1899
Appendix H.	PXM-151; FXM-1119	R19-2-205.	FXM-837	R15-10-302.	PM-108; FM-1899
Appendix I.	PXM-151; FXM-1119	Registrar of Contractors		R15-10-303.	PM-108; FM-1899
Appendix J.	PXM-151; FXM-1119	R4-9-102.	FM-1029; PM-1599	R15-10-304.	PM-108; FM-1899
Land Department, State		R4-9-103.	PM-1599	R15-10-305.	PM-108; FM-1899
R12-5-1902.	EXP-297	R4-9-104.	PM-1599	R15-10-306.	PM-108; FM-1899
Law Enforcement Merit System Council		R4-9-106.	PM-1599		
R13-5-101.	PM-1478	R4-9-108.	PM-1599	Revenue, Department of - Income and Withholding Tax Section	
R13-5-102.	PM-1478	R4-9-109.	PM-1599	R15-2C-206.	EXP-1044
R13-5-402.	PM-1478	R4-9-111.	PN-1599	R15-2C-207.	EXP-1044
R13-5-701.	PM-1478	R4-9-113.	PM-1599	R15-2C-210.	EXP-1044
R13-5-702.	PM-1478	R4-9-115.	PM-1599	R15-2C-304.	EXP-1044
R13-5-703.	PM-1478	R4-9-117.	PM-1599	Transportation, Department of - Commercial Programs	
R13-5-704.	PM-1478	R4-9-118.	PN-1599	R17-5-301.	PM-7
R13-5-706.	PN-1478	Respiratory Care Examiners, Board of		R17-5-302.	PM-7
Nursing, State Board of		R4-45-102.	FXM-834	R17-5-303.	PM-7
R4-19-101.	FM-1420	R4-45-208.	FXM-834	R17-5-305.	PM-7
Table 1.	FM-1420	R4-45-209.	FXM-834	R17-5-306.	PM-7
R4-19-201.	FM-1420	R4-45-201.	FXR-834	R17-5-307.	PM-7
R4-19-205.	FM-1420	Retirement System Board, State		R17-5-308.	PM-7
R4-19-207.	FM-1420	R2-8-117.	FN-209	R17-5-309.	PM-7
R4-19-209.	FM-1420	R2-8-124.	PN-647	R17-5-311.	PM-7
R4-19-216.	FM-1420	R2-8-125.	PN-647	R17-5-313.	PM-7
R4-19-301.	FM-1420	R2-8-201.	EXP-34; FN-1414	R17-5-315.	PM-7
R4-19-305.	FM-1420	R2-8-202.	FN-1414	R17-5-318.	PM-7
R4-19-312.	FM-1420	R2-8-203.	FN-1414	R17-5-323.	PM-7
R4-19-511.	FM-1420	R2-8-204.	FN-1414	R17-5-401.	PN-16; FN-1434
R4-19-801.	FM-1420	R2-8-205.	FN-1414	R17-5-402.	PM-16; FM-1434
R4-19-802.	FM-1420	R2-8-206.	FN-1414	R17-5-405.	PM-16; FM-1434
Osteopathic Examiners in Medicine and Surgery, Board of		R2-8-207.	EXP-34; FN-1414	R17-5-406.	PM-16; FM-1434
R4-22-104.	FM-763	R2-8-301.	PN-441	R17-5-407.	PM-16; FM-1434
Table 1.	FM-763	R2-8-302.	PN-441	R17-5-408.	PM-16; FM-1434
R4-22-207.	FM-763	R2-8-303.	PN-441	R17-5-901.	FR-223; FN-223
Pharmacy, Board of		R2-8-304.	PN-441	R17-5-902.	FR-223; FN-223
R4-23-402.	PM-1009	R2-8-305.	PN-441	R17-5-903.	FR-223; FN-223
R4-23-407.1.	PN-5; EN-31; FN-967	R2-8-306.	PN-441	R17-5-904.	FR-223; FN-223
R4-23-411.	FM-211	R2-8-401.	FM-487; PM-1005	R17-5-905.	FR-223; FN-223
R4-23-703.	SPM-607	R2-8-403.	FM-487	R17-5-906.	FR-223; FN-223
R4-23-1104.	PM-1009	R2-8-405.	FM-487	R17-5-1001.	FN-223
R4-23-1104.01.	PN-1009	R2-8-801.	PN-444	R17-5-1002.	FN-223
Psychologist Examiners, Board of		R2-8-802.	PN-444	R17-5-1003.	FN-223
R4-26-401.	FM-215	R2-8-803.	PN-444	R17-5-1004.	FN-223
R4-26-403.	FM-215	R2-8-804.	PN-444	R17-5-1005.	FN-223
R4-26-404.	FM-215	R2-8-805.	PN-444	R17-5-1006.	FN-223
R4-26-404.1.	FN-215	R2-8-806.	PN-444	R17-5-1007.	FN-223
R4-26-405.	FM-215	R2-8-807.	PN-444	R17-5-1008.	FN-223
R4-26-406.	FM-215	R2-8-808.	PN-444	R17-5-1009.	FN-223
R4-26-407.	FM-215	R2-8-809.	PN-444		
R4-26-408.	FM-215	R2-8-810.	PN-444		
R4-26-409.	FM-215	R2-8-901.	PN-1469		
R4-26-410.	FM-215	R2-8-902.	PN-1469		
		R2-8-903.	PN-1469		
		R2-8-904.	PN-1469		
		R2-8-905.	PN-1469		

Transportation, Department of - Title, Registration, and Driver Licenses

R17-4-703. EXP-34
R17-4-711. EXP-34

Water Resources, Department of

R12-15-105. PM-650
R12-15-401. PM-650

OTHER NOTICES AND PUBLIC RECORDS INDEX

Other notices related to rulemakings are listed in the Index by notice type, agency/county and by volume page number. Agency policy statements and proposed delegation agreements are included in this section of the Index by volume page number.

Public records, such as Governor Office executive orders, proclamations, declarations and terminations of emergencies, summaries of Attorney General Opinions, and county notices are also listed in this section of the Index as published by volume page number.

THIS INDEX INCLUDES OTHER NOTICE ACTIVITY THROUGH ISSUE 28 OF VOLUME 23.

Agency Guidance Document, Notices of

Health Services, Department of; pp. 417, 1048

Agency Ombudsman, Notice of

Game and Fish Commission; p. 449
Transportation, Department of; p. 309

County Notices Pursuant to A.R.S. § 49-112

Maricopa County; pp. 37-71; 236-256; 542-561
Pima County; pp. 1170-1329

Governor’s Office

Executive Order: pp. 540 (E.O. #2017-01); 540-541 (E.O. #2017-02)

Governor Proclamations: pp. 586-592 (M17-44 through M17-56); 625-629 (M17-64 through M17-71); 673-676 (M17-72 through M17-78); 1383-1388 (M17-89 through M17-98); 1444-1449 (M17-100 through M17-109); 1493-1500 (M17-110 through M17-123); 1764-1770 (M17-146 through M17-158); 1819-1824 (M17-161 through M17-170)

Governor’s Regulatory Review Council

Notices of Action Taken at Monthly Meetings: pp. 264-265; 479-480; 639-640; 996-997; 1461-1462; 1839-1840

Oral Proceeding on Proposed Rulemaking, Notice of

Administration, Department of - Benefit Services Division; p. 450
Insurance, Department of; pp. 234-235

Proposed Delegation Agreement, Notices of

Environmental Quality, Department of; pp. 35-36; 525-526; 617-621; 669; 875; 1378, 1812
Health Services, Department of; pp. 526-537

Public Information, Notices of

Board of Regents, Arizona; pp. 418-427
Clean Elections Commission, Citizens; p. 1761
Economic Security, Department of; p. 622
Environmental Quality, Department of; pp. 300-306, 1440
Health Services, Department of - Emergency Medical Services; p. 538
Industrial Commission of Arizona; p. 467
Real Estate, Department of; p. 1814

Rulemaking Docket Opening, Notices of

Administration, Department of - Benefit Services Division; 2 A.A.C. 6; pp. 415-416
Administration, Department of - Public Buildings Maintenance; 2 A.A.C. 11; p. 1759
Administration, Department of - Risk Management Division; 2 A.A.C. 10; p. 873
Agriculture, Department of - Weights and Measures Services Division; 3 A.A.C. 7; p. 982
Arizona Health Care Coast Containment System - Administration; 9 A.A.C. 22; pp. 1046, 1811
Behavioral Health Examiners, Board of; 4 A.A.C. 6; p. 1045
Child Safety, Department of - Child Welfare Agency Licensing; 21 A.A.C. 7; p. 1377
Chiropractic Examiners, Board of; 4 A.A.C. 7; p. 1905
Corporation Commission - Fixed Utilities; 14 A.A.C. 2; p. 1906

Cosmetology, Board of; 4 A.A.C. 10; p. 1576
Criminal Justice Commission, Arizona; 10 A.A.C. 4; p. 1640
Environmental Quality, Department of - Air Pollution Control; 18 A.A.C. 2; p. 842
Environmental Quality, Department of - Environmental Reviews and Certification; 18 A.A.C. 5; p. 1907
Environmental Quality, Department of - Water Pollution Control; 18 A.A.C. 9; p. 1687
Examiners for Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of; 4 A.A.C. 33; p. 983
Game and Fish Commission; 12 A.A.C. 4; pp. 299, 1489
Governor’s Regulatory Review Council; 1 A.A.C. 6; p. 1376
Health Services, Department of - Health Programs Services; 9 A.A.C. 13; p. 1810
Health Services, Department of - Medical Marijuana Program; 9 A.A.C. 17; p. 614
Industrial Commission of Arizona; 20 A.A.C. 5; p. 1047
Law Enforcement Merit System Council; 13 A.A.C. 5; p. 1489
Pharmacy, Board of; 4 A.A.C. 23; p. 137
Psychologist Examiners, Board of; 4 A.A.C. 26; p. 524
Registrar of Contractors; 4 A.A.C. 9; p. 1639
Retirement System Board, State; 2 A.A.C. 8; pp. 667; 1045
Revenue, Department of; 15 A.A.C. 10; p. 138
Technical Registration, Board of; 4 A.A.C. 30; p. 1488
Transportation, Department of - Title, Registration, and Driver Licenses; 17 A.A.C. 4; p. 1760



Water Infrastructure Finance Authority of Arizona; 18 A.A.C. 15; p. 615
Water Resources, Department of; 12 A.A.C. 15; p. 667

Substantive Policy Statement, Notices of

Contractors, Registrar of; p. 468
Environmental Quality, Department of; pp. 1380, 1577, 1689
Health Services, Department of; p. 193
Insurance, Department of; pp. 194, 1815

Land Department, State; pp. 469-470
Psychologist Examiners, Department of; p. 539
Real Estate, Department of; p. 1815
Water Infrastructure Finance Authority; pp. 307-308



RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
March 3, 2017	March 24, 2017	April 24, 2017
March 10, 2017	March 31, 2017	May 1, 2017
March 17, 2017	April 7, 2017	May 8, 2017
March 24, 2017	April 14, 2017	May 15, 2017
March 31, 2017	April 21, 2017	May 22, 2017
April 7, 2017	April 28, 2017	May 30, 2017
April 14, 2017	May 5, 2017	June 5, 2017
April 21, 2017	May 12, 2017	June 12, 2017
April 28, 2017	May 19, 2017	June 19, 2017
May 5, 2017	May 26, 2017	June 26, 2017
May 12, 2017	June 2, 2017	July 3, 2017
May 19, 2017	June 9, 2017	July 10, 2017
May 26, 2017	June 16, 2017	July 17, 2017
June 2, 2017	June 23, 2017	July 24, 2017
June 9, 2017	June 30, 2017	July 31, 2017
June 16, 2017	July 7, 2017	August 7, 2017
June 23, 2017	July 14, 2014	August 14, 2017
June 30, 2017	July 21, 2017	August 21, 2017
July 7, 2017	July 28, 2017	August 28 2017
July 14, 2014	August 4, 2017	September 5, 2017
July 21, 2017	August 11, 2017	September 11, 2017
July 28, 2017	August 18, 2017	September 18, 2017
August 4, 2017	August 25, 2017	September 25, 2017
August 11, 2017	September 1, 2017	October 2, 2017
August 18, 2017	September 8, 2017	October 10, 2017
August 25, 2017	September 15, 2017	October 16, 2017
September 1, 2017	September 22, 2017	October 23, 2017
September 8, 2017	September 29, 2017	October 30, 2017
September 15, 2017	October 6, 2017	November 6, 2017
September 22, 2017	October 13, 2017	November 13, 2017



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit www.grrc.state.az.us.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2017

[M16-300]

DEADLINE FOR PLACEMENT ON AGENDA	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday November 22, 2016	Tuesday December 20, 2016	Wednesday December 28, 2016	Wednesday January 4, 2017
Tuesday December 27, 2016	Tuesday January 24, 2017	Tuesday January 31, 2017	Tuesday February 7, 2017
Tuesday January 24, 2017	Tuesday February 21, 2017	Tuesday February 28, 2017	Tuesday March 7, 2017
Tuesday February 21, 2017	Tuesday March 21, 2017	Tuesday March 28, 2017	Tuesday April 4, 2017
Tuesday March 21, 2017	Tuesday April 18, 2017	Tuesday April 25, 2017	Tuesday May 2, 2017
Tuesday April 25, 2017	Tuesday May 23, 2017	Wednesday May 31, 2017	Tuesday June 6, 2017
Tuesday May 23, 2017	Tuesday June 20, 2017	Tuesday June 27, 2017	Thursday July 6, 2017
Tuesday June 20, 2017	Tuesday July 18, 2017	Tuesday July 25, 2017	Tuesday August 1, 2017
Tuesday July 25, 2017	Tuesday August 22, 2017	Tuesday August 29, 2017	Wednesday September 6, 2017
Tuesday August 22, 2017	Tuesday September 19, 2017	Tuesday September 26, 2017	Tuesday October 3, 2017
Tuesday September 26, 2017	Tuesday October 24, 2017	Tuesday October 31, 2017	Tuesday November 7, 2017
Tuesday October 24, 2017	Tuesday November 21, 2017	Tuesday November 28, 2017	Tuesday December 5, 2017
Tuesday November 21, 2017	Tuesday December 19, 2017	Wednesday December 27, 2017	Wednesday January 3, 2018

*Materials must be submitted by **5 P.M.** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.