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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for 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 *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 notices of rules terminated by the agency and rules that have expired.

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. 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 page.

Arizona Administrative REGISTER

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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.

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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.

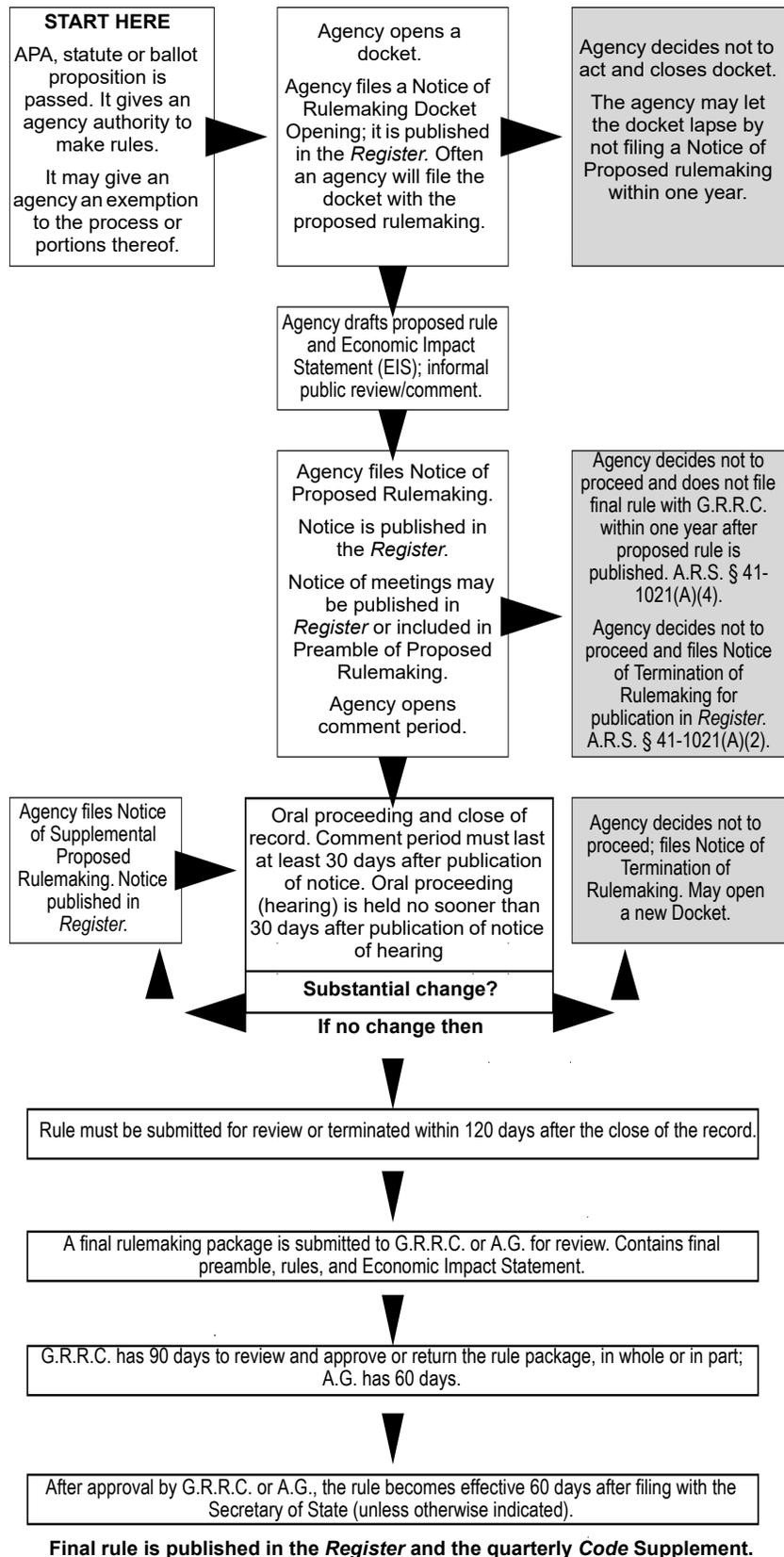
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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.



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

The ASRS promulgates rules that allow the agency to provide for the proper administration of the state retirement trust fund. ASRS rules affect ASRS members and ASRS employers regarding how they contribute to, and receive benefits from, the ASRS. The ASRS effectively administers how public-sector employers and employees participate in the ASRS. As such, the ASRS does not issue permits or licenses, or charge fees, and its rules have little to no economic impact on private-sector businesses, with the exception of some employer partner charter schools, which have voluntarily contracted to join the ASRS. Thus, there is little to no economic, small business, or consumer impact, other than the minimal cost to the ASRS to prepare the rule package. The rule will have minimal economic impact, if any, because it merely clarifies in further detail how an Employer must remit contributions.

10. A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:

None

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

The ASRS received no written comments regarding the rulemaking. No one attended the oral proceeding on December 10, 2019.

12. All agencies shall list any other matters prescribed by statute applicable to the 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 41-1055 shall respond to the following questions:

None

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules do not require a permit.

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

There are no federal laws applicable to these rules.

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 as specified in A.R.S. § 41-1028 and its location in the rule:

No materials are incorporated by reference.

14. Whether the rule was previously made, amended, or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules follows:

**TITLE 2. ADMINISTRATION
CHAPTER 8. STATE RETIREMENT SYSTEM BOARD**

ARTICLE 1. RETIREMENT SYSTEM

Section

R2-8-122. Remittance of Contributions

ARTICLE 1. RETIREMENT SYSTEM

R2-8-122. Remittance of Contributions

A. No change

B. No change

C. Each Employer shall remit contributions pursuant to this Section based on the contribution rate in effect on the pay period end date.

D. Each Employer shall certify on each payroll that each employee included on that payroll has met the requirements for active member eligibility and that all contributions to be remitted are for eligible compensation under A.R.S. § 38-711.



NOTICE OF FINAL RULEMAKING
TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA

[R20-27]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)**
- | | |
|-----------|-------|
| R20-5-601 | Amend |
| R20-5-602 | Amend |
| R20-5-629 | Amend |
- 2. Citations to agency's statutory rulemaking authority to include the authorizing statute and the implementing statute:**
 Authorizing statute: A.R.S. § 23-405(4)
 Implementing statute: A.R.S. § 23-410
- 3. The effective date of this rule:**
 February 11, 2020
- a. If the agency selected a date earlier than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):**
- The Commission requests an immediate effective date under A.R.S. § 41-1032(A)(1) (“To preserve the public peace, health or safety.”). Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration (“OSHA”). *See also* 29 CFR § 1904.37; A.R.S. § 23-405(3). To ensure that Arizona’s state-administered occupational safety and health program (“ADOSH”) maintains standards that are at least as effective as OSHA standards, the Commission is amending R20-5-601 (“The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926”), R20-5-602 (“The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910”), and R20-5-629 (“The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904”) to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 (“Safety and Health Regulations for Construction”), 29 CFR 1910 (“Occupational Safety and Health Standards”), and 29 CFR 1904 (“Recording and Reporting Occupational Injuries and Illnesses”):
- OSHA Final Rule published on September 1, 2016, titled “Occupational Exposure to Respirable Crystalline Silica; Correction”; published in the *Federal Register* at 81 FR 60272.
 - OSHA Final Rule published on November 18, 2016, titled “Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)”; published in the *Federal Register* at 81 FR 82494.
 - OSHA Final Rule published January 9, 2017, titled “Occupational Exposure to Beryllium”; published in the *Federal Register* at 82 FR 2470.
 - OSHA Direct Final Rule published on May 7, 2018 titled “Revising the Beryllium Standard for General Industry”; published in the *Federal Register* at 83 FR 19936.
 - OSHA Final Rule published on November 9, 2018, titled “Cranes and Derricks in Construction: Operator Qualification”; published in the *Federal Register* at 83 FR 56198.
 - OSHA Final Rule published on January 25, 2019, titled “Tracking of Workplace Injuries and Illnesses”; published in the *Federal Register* at 84 FR 380.
- The proposed amendments to R20-5-601, R20-5-602 and R20-5-629 directly affect the health and safety of employees working in the State of Arizona and the Commission anticipates that the amended rules will help reduce workplace deaths, injuries, and illnesses.
- 4. 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: 25 A.A.R. 2443, September 20, 2019
 Notice of Proposed Rulemaking: 25 A.A.R. 2404, September 20, 2019
- 5. The agency's contact person who can answer questions about the rulemaking:**
- Name: Jessie Atencio, Director
 Address: Division of Occupational Safety and Health
 Industrial Commission of Arizona
 800 W. Washington St., Suite 203
 Phoenix, AZ 85007
 Telephone: (602) 542-5795
 Fax: (602) 542-1614
 E-mail: jessie.atencio@azdosh.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:

Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration ("OSHA"). See also 29 CFR 1953.5; A.R.S. § 23-405(3). The Industrial Commission of Arizona (the "Commission") is proposing to amend R20-5-601 ("The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926"), R20-5-602 ("The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910"), and R20-5-629 ("The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904") to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 ("Safety and Health Regulations for Construction"), 29 CFR 1910 ("Occupational Safety and Health Standards"), and 29 CFR 1904 ("Recording and Reporting Occupational Injuries and Illnesses"):

- OSHA Final Rule published on September 1, 2016, titled "Occupational Exposure to Respirable Crystalline Silica; Correction"; published in the *Federal Register* at 81 FR 60272.
- OSHA Final Rule published on November 18, 2016, titled "Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)"; published in the *Federal Register* at 81 FR 82494.
- OSHA Final Rule published January 9, 2017, titled "Occupational Exposure to Beryllium"; published in the *Federal Register* at 82 FR 2470.
- OSHA Direct Final Rule published on May 7, 2018 titled "Revising the Beryllium Standard for General Industry"; published in the *Federal Register* at 83 FR 19936.
- OSHA Final Rule published on November 9, 2018, titled "Cranes and Derricks in Construction: Operator Qualification"; published in the *Federal Register* at 83 FR 56198.
- OSHA Final Rule published on January 25, 2019, titled "Tracking of Workplace Injuries and Illnesses"; published in the *Federal Register* at 84 FR 380.

Occupational Exposure to Respirable Crystalline Silica; Correction

Under 29 CFR 1910 and 1926, employers are subject to standards for occupational exposure to respirable crystalline silica. On March 25, 2016, OSHA published a final rule entitled "Occupational Exposure to Respirable Crystalline Silica" (the "Silica Rule"). In part, the Silica Rule retained the preceding permissible exposure limits ("PELs") for respirable crystalline silica in general industry (29 CFR 1910.1000, Table Z-3) and construction (29 CFR 1926.55, appendix A) for industry sectors or operations where the new PEL of 50 $\mu\text{g}/\text{m}^3$ is not in effect. The preceding PELs applied to operations that are not covered by the new respirable silica standards, such as the processing of sorptive clays (*i.e.*, specific types of clay found in a few geologic deposits in the country that are used in a range of consumer products and industrial applications, such as pet litter and sealants for landfills). The preceding PELs also apply during the time between publication of the silica rule and the dates established for compliance with the rule. OSHA's Final Rule titled "Occupational Exposure to Respirable Crystalline Silica; Correction" corrects certain typographical errors contained in the Final Silica Rule related to the formulas for the preceding PELs in general industry (29 CFR 1910.1000, Table Z-3) and construction (29 CFR 1926.55, appendix A), so that the formulas will appear as they did prior to publication of the Final Silica Rule.

Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)

Under 29 CFR 1910, employers are subject to standards related to preventing workplace slips, trips, and falls, as well as other injuries and fatalities associated with walking working surface hazards. OSHA's Final Rule titled Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) revised and updated these general industry standards. The Final Rule includes revised and new provisions addressing, for example, fixed ladders; rope descent systems; fall protection systems and criteria, including personal fall protection systems; and training on fall hazards and fall protection systems. In addition, the Final Rule adds requirements on the design, performance, and use of personal fall protection systems. The Final Rule increases consistency between the general industry and construction standards, which will make compliance easier for employers who conduct operations in both industry sectors. Similarly, the Final Rule updates requirements to reflect advances in technology and to make them consistent with more recent OSHA standards and national consensus standards. OSHA has also reorganized the requirements and incorporated plain language in order to make the Final Rule easier to understand and follow. The Final Rule also uses performance-based language to give employers greater compliance flexibility.

OSHA believes that many employers already are in compliance with many provisions in the Final Rule; therefore, many employers should not have significant problems implementing the updated standards. In addition, because the Final Rule incorporates requirements from national consensus standards, most equipment manufacturers already provide equipment and systems that meet the requirements of the Final Rule.

Occupational Exposure to Beryllium

Under 29 CFR 1910 and 1926, employers are subject to standards for occupational exposure to beryllium. OSHA's Final Rule titled Occupational Exposure to Beryllium updates existing standards for occupational exposure to beryllium and beryllium compounds. OSHA determined that employees exposed to beryllium at the previous permissible exposure limits face a significant risk of material impairment to their health, including increased risk of developing chronic beryllium disease and lung cancer. The Final Rule establishes new permissible exposure limits of 0.2 micrograms of beryllium per cubic meter of air (0.2 $\mu\text{g}/\text{m}^3$) as an 8-hour time-weighted average and 2.0 $\mu\text{g}/\text{m}^3$ as a short-term exposure limit determined over a sampling period of 15 minutes. The Final Rule also includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication, and recordkeeping. The Final Rule covers exposures to beryllium in general industry, construction, and shipyards, but



provides an exemption for materials containing only trace amounts of beryllium (less than 0.1% by weight) when the employer has objective data that employee exposure to beryllium will remain below the action level as an 8-hour time-weighted average under any foreseeable conditions.

Revising the Beryllium Standard for General Industry

OSHA's Final Rule titled "Revising the Beryllium Standard for General Industry" includes a number of clarifying amendments to address the application of the 2017 beryllium standard (discussed above) to materials containing trace amounts of beryllium. The Final Rule amends the text of the 2017 beryllium standard for General Industry to clarify OSHA's intent with respect to certain terms in the standard, including the definition of "Beryllium Work Area" (BWA), the definition of "emergency," and the meaning of the terms "dermal contact" and "beryllium contamination." It also clarifies OSHA's intent with respect to provisions for disposal and recycling and with respect to provisions that OSHA intends to apply only where skin can be exposed to materials containing at least 0.1% beryllium by weight. OSHA states that the amendment to the standard is clarifying in nature and does not adversely impact the safety or health of employees. Finally, the Final Rule limits disposal and recycling requirements to materials that contain beryllium in concentrations of 0.1% by weight or more or are contaminated with beryllium, consistent with OSHA's intention that provisions aimed at protecting workers from the effects of dermal contact do not apply in the case of materials containing only trace amounts of beryllium.

Cranes and Derricks in Construction: Operator Qualification

Under 29 CFR 1926, employers in construction are subject to standards related to crane operator training, certification/licensing, and competency. OSHA's Final Rule titled Cranes and Derricks in Construction: Operator Qualification updates the existing standards by clarifying each employer's duty to ensure the competency of crane operators through training, certification or licensing, and evaluation. OSHA is also altering a provision that required different levels of certification based on the rated lifting capacity of equipment. While testing organizations are not required to issue certifications distinguished by rated capacities, they are permitted to do so, and employers may accept them or continue to rely on certifications based on crane type alone. Finally, the Final Rule establishes minimum requirements for determining operator competency. OSHA reports that the Final Rule will maintain safety and health protections for workers while reducing compliance burdens.

Tracking of Workplace Injuries and Illnesses

Under 29 CFR 1904, employers with more than 10 employees in most industries are required to keep records of occupational injuries and illnesses at their establishments. OSHA's Final Rule titled Tracking of Workplace Injuries and Illnesses is aimed at protecting worker privacy by amending the recordkeeping standards by rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. These establishments will continue to be required to maintain those records on-site, and OSHA will continue to obtain them as needed through inspections and enforcement actions. In addition to reporting required after severe injuries, establishments will continue to submit information from their Form 300A. In addition, OSHA is amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission, which will facilitate use of the data and may help reduce duplicative employer reporting. Nothing in the final rule revokes an employer's duty to maintain OSHA Forms 300 and 301 for inspection. OSHA reports that the changes will improve enforcement targeting and compliance assistance, decrease burden on employers, and protect worker privacy and safety.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or 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:

The Commission did not review or rely on any study relevant to the proposed amended rules. To the extent applicable, studies, surveys, data, or other information reviewed and relied upon by OSHA are discussed in the OSHA Final Rules. The Final Rules are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 West Washington Street, Room 203, Phoenix, AZ 85007, or are electronically available at:

- <https://www.federalregister.gov/documents/2016/09/01/2016-20442/occupational-exposure-to-respirable-crystalline-silica-correction>
- <https://www.federalregister.gov/documents/2016/11/18/2016-24557/walking-working-surfaces-and-personal-protective-equipment-fall-protection-systems>
- <https://www.federalregister.gov/documents/2017/01/09/2016-30409/occupational-exposure-to-beryllium>
- <https://www.federalregister.gov/documents/2018/05/07/2018-09306/revising-the-beryllium-standard-for-general-industry>
- <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>
- <https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses>

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. A summary of the economic, small business and consumer impact:

Occupational Exposure to Respirable Crystalline Silica: Correction

Adoption of the Final Rule titled Occupational Exposure to Respirable Crystalline Silica; Correction" will have no economic, small business, or consumer impact, as the Final Rule only corrects typographical errors contained in the Final Silica Rule.

Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)

OSHA reports that slips, trips, and falls constitute a significant risk, and estimated that the updated standard will prevent 29 fatali-



ties and 5,842 injuries annually. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in the Final Rule titled Walking Working Surfaces and Personal Protective Equipment (Fall Protection Systems) in their economic analysis and determined annual benefits will significantly exceed the annual costs. OSHA’s detailed impact analysis is electronically available at: <https://www.federalregister.gov/documents/2016/11/18/2016-24557/walking-working-surfaces-and-personal-protective-equipment-fall-protection-systems>.

Occupational Exposure to Beryllium

OSHA estimates that the Final Rule titled Occupational Exposure to Beryllium will prevent 90 fatalities and 46 new cases of chronic beryllium disease annually once the full effects are realized, and the estimates national cost of the Final Rule is \$73.9 million. OSHA estimates that the discounted monetized benefits of the Final Rule will be \$560.9 million annually and estimates that the Final Rule will generate net benefits of approximately \$487 million annually. OSHA admits, however, that there is a great deal of uncertainty in the estimated benefits due to assumptions made about dental workers’ exposures and reductions. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2017/01/09/2016-30409/occupational-exposure-to-beryllium>.

Revising the Beryllium Standard for General Industry

OSHA estimates that the Final Rule titled Revising the Beryllium Standard for General Industry will, at a 3% discount rate over 10 years, result in a net annual cost savings of \$0.36 million per year, and, at a discount rate of 7%, will result in net annual cost savings of \$0.37 million per year. When OSHA uses a perpetual time horizon, the reported annualized cost savings of the Final Rule is \$0.37 million with 7% discounting. OSHA reported that the Final Rule would result in a net cost savings for employers in primary aluminum production and coal-fired utilities, which are the only industries in General Industry covered by the 2017 Beryllium Final Rule (discussed above) that OSHA identified with operations involving materials containing only trace beryllium (less than 0.1% beryllium by weight). Arizona has aluminum production businesses, coal powered generating stations, and one coal power plant. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2018/05/07/2018-09306/revising-the-beryllium-standard-for-general-industry>.

Cranes and Derricks in Construction: Operator Qualification

OSHA reports that, on average, the impact on employers of the Final Rule titled Cranes and Derricks in Construction: Operator Qualifications will be low because most employers are currently providing some degree of operator training and performing operator competency evaluations to comply with the previous standard in 29 CFR 1926.1427(k), and were previously doing so to comply with standards in §§ 1926.550, 1926.20(b)(4), and 1926.21(b)(2). Employers who currently provide insufficient training will incur new compliance costs. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>.

Tracking of Workplace Injuries and Illnesses

The Final Rule titled Tracking of Workplace Injuries and Illnesses ameliorates a regulatory burden by rescinding the need for employers of 250 or more employees to submit OSHA Forms 300 and 301. In addition, OSHA amended the standard to require covered employers to submit their Employer Identification Number (EIN) electronically, along with their injury and illness data submission, which will facilitate use of the data and may help reduce duplicative employer reporting. Although the EIN requirement increases regulatory burden, OSHA reports that the actions together will allow it to improve enforcement targeting and compliance assistance, decrease burden on employers, and protect worker privacy and safety. OSHA summarized its findings with respect to the estimated costs, benefits, and net benefits of the updated standard in their economic analysis, which is electronically available at: <https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses>.

10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

None

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:

The Commission received one comment, a letter dated October 10, 2019, from Materion Brush, Inc., requesting the Commission delay adoption of the updated Beryllium standards because OSHA is again in the process of amending the standard. The Commission’s duty to adopt current OSHA standards, however, outweighs Materion Brush’s concerns. In the event OSHA updates the Beryllium standard in the future, the Commission will take necessary steps to review and adopt required changes.

12. All agencies shall list other matters prescribed by statute applicable to the 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 41-1055 shall respond to the following questions:

A.R.S. § 23-405(3) requires the Commission to “[c]ooperate with the federal government to establish and maintain an occupational safety and health program as effective as the federal occupational safety and health program.”

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 proposed amended rules do not require issuance of a regulatory permit or license.

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:

Section 18(c) of the Federal Occupational Safety and Health Act of 1970 requires state-administered occupational safety and health programs to adopt standards that are at least as effective as those adopted by the United States Department of Labor, Occupational Safety and Health Administration (“OSHA”). See also 29 CFR 1953.5; A.R.S. § 23-405(3). The



Commission is proposing to amend R20-5-601 (“The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926”), R20-5-602 (“The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910”), and R20-5-629 (“The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904”) to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 (“Safety and Health Regulations for Construction”), 29 CFR 1910 (“Occupational Safety and Health Standards”), and 29 CFR 1904 (“Recording and Reporting Occupational Injuries and Illnesses”):

- OSHA Final Rule published on September 1, 2016, titled “Occupational Exposure to Respirable Crystalline Silica; Correction.”
- OSHA Final Rule published on November 18, 2016, titled “Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems).”
- OSHA Final Rule published January 9, 2017, titled “Occupational Exposure to Beryllium.”
- OSHA Direct Final Rule published on May 7, 2018 titled “Revising the Beryllium Standard for General Industry.”
- OSHA Final Rule published on November 9, 2018, titled “Cranes and Derricks in Construction: Operator Qualification.”
- OSHA Final Rule published on January 25, 2019, titled “Tracking of Workplace Injuries and Illnesses.”

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 as specified in A.R.S. § 41-1028 and its location in the rules:

The Commission is proposing to amend R20-5-601 (“The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926”), R20-5-602 (“The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910”), and R20-5-629 (“The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904”) to incorporate by reference the following recent OSHA rule updates to 29 CFR 1926 (“Safety and Health Regulations for Construction”), 29 CFR 1910 (“Occupational Safety and Health Standards”), and 29 CFR 1904 (“Recording and Reporting Occupational Injuries and Illnesses”):

- OSHA Final Rule published on September 1, 2016, titled “Occupational Exposure to Respirable Crystalline Silica; Correction.”
- OSHA Final Rule published on November 18, 2016, titled “Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems).”
- OSHA Final Rule published January 9, 2017, titled “Occupational Exposure to Beryllium.”
- OSHA Direct Final Rule published on May 7, 2018 titled “Revising the Beryllium Standard for General Industry.”
- OSHA Final Rule published on November 9, 2018, titled “Cranes and Derricks in Construction: Operator Qualification.”
- OSHA Final Rule published on January 25, 2019, titled “Tracking of Workplace Injuries and Illnesses.”

A copy OSHA’s Final Rules are available for inspection or reproduction at the Arizona Division of Occupational Safety and Health, 800 West Washington Street, Room 203, Phoenix, AZ 85007, or are electronically available at:

- <https://www.federalregister.gov/documents/2016/09/01/2016-20442/occupational-exposure-to-respirable-crystalline-silica-correction>
- <https://www.federalregister.gov/documents/2016/11/18/2016-24557/walking-working-surfaces-and-personal-protective-equipment-fall-protection-systems>
- <https://www.federalregister.gov/documents/2017/01/09/2016-30409/occupational-exposure-to-beryllium>
- <https://www.federalregister.gov/documents/2018/05/07/2018-09306/revising-the-beryllium-standard-for-general-industry>
- <https://www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification>
- <https://www.federalregister.gov/documents/2019/01/25/2019-00101/tracking-of-workplace-injuries-and-illnesses>

14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

Not applicable

15. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA



ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Section

- R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926
- R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910
- R20-5-629. The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904

ARTICLE 6. OCCUPATIONAL SAFETY AND HEALTH STANDARDS

R20-5-601. The Federal Occupational Safety and Health Standards for Construction, 29 CFR 1926

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Construction, as published in 29 CFR 1926, with amendments as of ~~June 23, 2016~~ February 7, 2019, incorporated by reference. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to construction activity by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1926 published after ~~June 23, 2016~~ February 7, 2019.

R20-5-602. The Federal Occupational Safety and Health Standards for General Industry, 29 CFR 1910

Each employer shall comply with the standards in Subparts B through Z inclusive of the Federal Occupational Safety and Health Standards for General Industry, as published in 29 CFR 1910, with amendments as of ~~June 23, 2016~~ July 6, 2018, incorporated by reference. Copies of these reference materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to general industry activity by all employers, both public and private, in the state of Arizona; provided that this Section shall not apply to those conditions and practices which are the subject of R20-5-601. This incorporation by reference does not include amendments or editions to 29 CFR 1910 published after ~~June 23, 2016~~ July 6, 2018.

R20-5-629. The Occupational Injury and Illness Recording and Reporting Requirements, 29 CFR 1904

Each employer shall comply with the standards in the Federal Occupational Safety and Health Standards for Recordkeeping, as published in 29 CFR 1904, with amendments as of ~~January 1, 2017~~ February 25, 2019, incorporated by reference. Copies of the incorporated materials are available for review at the Industrial Commission of Arizona and may be obtained from the United States Government Printing Office, Superintendent of Documents, Washington, D.C. 20402. These standards shall apply to all conditions and practices related to recordkeeping by all employers, both public and private, in the state of Arizona. This incorporation by reference does not include amendments or editions to 29 CFR 1904 published after ~~January 1, 2017~~ February 25, 2019.



- 8. The preliminary summary of the economic, small business, and consumer impact:**
Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.
- 9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**
Not applicable
- 10. Where, when, and how persons may provide written comments on the proposed expedited rule:**
Oral Proceeding: March 13, 2020, 11:00 a.m.
Department of Agriculture
Room 206
1688 W. Adams St.
Phoenix, AZ 85007

Close of record: March 13, 2020 at noon
A person may submit written comments on the proposed expedited rules, no later than the close of record, to either of the individuals listed in item 4.
- 11. All agencies shall list other matters prescribed by statute applicable to the 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 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:**
This rule does not require a permit, it simply implements licensing fees as required by A.R.S. § 3-3618.
 - 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:**
Federal laws do not apply to R3-8-103.
 - 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 such analysis was submitted.
- 12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
None
- 13. 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
R3-8-103. Fees; Charges; Exemption

ARTICLE 1. GENERAL AND ADMINISTRATIVE PROVISIONS

R3-8-103. Fees; Charges; Exemption

- A.** Beginning March 1, 2019 through June 30, ~~2020~~ 2022, a person shall pay the following application and renewal fees for licensure, certification, and registration:
 - 1. For an applicator:
 - a. Applicator certification, \$55.
 - b. Applicator certification broadening application, \$0.
 - c. QA certification, \$75.
 - d. QA certification broadening application, \$15.
 - 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, \$35.
 - c. Registration broadening, \$15.
 - d. Temporary qualifying party registration, \$75.
 - 3. For a business:
 - a. Business license, \$185.
 - b. Business license for federal entity, \$0.
 - c. Applicator registration, \$0 per applicator.
 - 4. For a branch:
 - a. Branch office registration, \$35 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, \$15.



- B.** Beginning July 1, ~~2020~~2022, 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.
- C.** 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.
- D.** 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 PMD allows electronic submission.
- E.** A person shall pay a late fee equal to 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.
- F.** 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.
- G.** If the 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 PMD.
- H.** PMD employees are exempt from the applicator and examination fees listed in this Section.
- I.** 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 PMD shall void any approval of the application or renewal.
 2. The applicant shall pay any financial institution fee incurred by the PMD.
 3. The 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 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.** The 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 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.



NOTICES OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)

This section of the Arizona Administrative Register contains Notices of Expiration of Rules. Under A.R.S. § 41-1056(J), if an agency does not file a five-year rule review report with the Governor's Regulatory Review Council (including a revised report); or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report

within the extension period; the rules scheduled for review expire.

The Council is required to notify the Secretary of State that the rules have expired and are no longer enforceable. The notice is published in the Register, and the rules are removed from the Code.

GOVERNOR'S REGULATORY REVIEW COUNCIL NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)

DEPARTMENT OF TRANSPORTATION HIGHWAYS

[R20-29]

- 1. Agency name: Department of Transportation
2. Title and its heading: 17, Transportation
3. Chapter and its heading: 3, Department of Transportation - Highways
4. Article and its heading: 8, Arizona Parkways and Historic and Scenic Roads

As required by A.R.S. § 41-1056(J), the Council provides notice that the following rules expired as of February 4, 2020:

- R17-3-801. General Provisions
R17-3-802. Meetings and Organization of PHSRAC
R17-3-803. Request to Designate a Road
R17-3-804. PHSRAC's Process
R17-3-805. Reconsideration of PHSRAC's Decision
R17-3-806. Review of Existing Designated Parkway or Historic or Scenic Road
R17-3-808. Construction and Maintenance Standards; Signing

Signature is of Nicole Sornsin
Nicole Sornsin
Council Chair

Date of Signing
February 5, 2020

GOVERNOR'S REGULATORY REVIEW COUNCIL NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)

DEPARTMENT OF FINANCIAL INSTITUTIONS

[R20-30]

- 1. Agency name: Department of Financial Institutions
2. Title and its heading: 20, Commerce, Financial Institutions, and Insurance
3. Chapter and its heading: 4, Department of Financial Institutions
4. Article and its heading: 11, Public Depositories for Public Monies

As required by A.R.S. § 41-1056(J), the Council provides notice that the following rules expired as of February 5, 2020:

- R20-4-1102. Capital structure of savings and loan associations; defined

Signature is of Nicole Sornsin
Nicole Sornsin
Council Chair

Date of Signing
February 7, 2020



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 AGRICULTURE
PEST MANAGEMENT DIVISION**

[R20-31]

1. **Title and its heading:** 3, Agriculture
Chapter and its heading: 8, Department of Agriculture - Pest Management Division
Articles and their headings: 1, General and Administrative Provisions
Section numbers: R3-8-103
2. **The subject matter of the proposed rules:**
 The purpose of this rulemaking is to extend a temporary fee reduction to align the current fees with the current operating costs.
3. **A citation to all published notices relating to the proceeding:**
 Notice of Proposed Expedited Rulemaking: 26 A.A.R. 379, March 6, 2020 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**
 Name: Vince Craig, Associate Director, PMD
 Address: Department of Agriculture
 1688 W. Adams St.
 Phoenix, AZ 85007
 Telephone: (602) 255-3664
 E-mail: vcraig@azda.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
 Written comments may be submitted at the address listed in item #4 until the close of record, March 13, 2020 at noon. An oral proceeding is scheduled for March 13, 2020 at 11:00 a.m., at 1688 W. Adams St., Room 206, Phoenix 85007.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
 The Department is hopeful that the rulemaking can be completed and the rule can become effective before June 30, 2020.



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the Register the name or names of those employees who are designated by the agency to assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN

[M20-12]

- 1. The agency name: Board of Dental Examiners
2. The ombudsman's: a. Name: Kristina Gomez b. Title: Deputy Director
3. The ombudsman's office address to include the city, state and zip code: Address: Board of Dental Examiners 1740 W. Adams St., Suite 2470 Phoenix, AZ 85007
4. The ombudsman's telephone number, fax number and email address, if available: Telephone: (602) 242-1492 E-mail: info@dentalboard.az.gov

NOTICE OF AGENCY OMBUDSMAN

[M20-13]

- 1. The agency name: Board of Dental Examiners
2. The ombudsman's: a. Name: Ryan Edmonson b. Title: Executive Director
3. The ombudsman's office address to include the city, state and zip code: Address: Board of Dental Examiners 1740 W. Adams St., Suite 2470 Phoenix, AZ 85007
4. The ombudsman's telephone number, fax number and email address, if available: Telephone: (602) 242-1492 E-mail: info@dentalboard.az.gov

NOTICE OF AGENCY OMBUDSMAN

[M20-14]

- 1. The agency name: Department of Child Safety
2. The ombudsman's: a. Name: Ms. Cindy Copp b. Title: Ombudsman
3. The ombudsman's office address to include the city, state and zip code: Address: Department of Child Safety 3003 N. Central Ave. Phoenix, AZ 85012 Or: P.O. Box 6030, Site Code C010-23 Phoenix, AZ 85005-6030
4. The ombudsman's telephone number, fax number and email address, if available: Telephone: (602) 364-0777 Fax: (833) 856-8927 E-mail: Ombudsman@azdcs.gov



GOVERNOR EXECUTIVE ORDER

Executive Order 2020-02 is being reproduced in each issue of the *Administrative Register* as a notice to the public regarding state agencies' rulemaking activities.

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2020-02

Moratorium on Rulemaking to Promote Job Creation and Economic Development; Implementation of Licensing Reform Policies

[M20-01]

WHEREAS, government regulations should be as limited as possible; and

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, protecting the public health, peace and safety of the residents of Arizona is a top priority of state government; and

WHEREAS, in 2015, the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016, 2017, 2018 and 2019; and

WHEREAS, the State of Arizona eliminated or improved 637 burdensome regulations in 2019 and a total of 2,289 needless regulations have been eliminated or improved since 2015; and

WHEREAS, estimates show these eliminations saved job creators \$53.9 million in operating costs in 2019 and a total of over \$134.3 million in savings since 2015; and

WHEREAS, in 2019, for every one new necessary rule added to the Administrative Code, five have been repealed or improved; and

WHEREAS, approximately 354,000 private sector jobs have been added to Arizona since January 2015; and

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

WHEREAS, each State agency shall continue to conduct 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 while protecting the health and safety of residents; and

WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; and

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, 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 justifications 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 federal court 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 which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least **three** existing rules to eliminate for every **one** additional rule requested by the agency.



3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency’s website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. 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.
8. 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 section 41-1001, Arizona Revised Statutes.

IN WITNESS THEREOF, 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 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

ATTEST:
Katie Hobbs
SECRETARY OF STATE



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

XN = Exempt new Section
 XM = Exempt amended Section
 XR = Exempt repealed Section
 X# = Exempt renumbered Section

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

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Other legal notices required to be published under the Administrative Procedure Act, such as Rulemaking Docket Openings, are included in this Index by volume page number. Notices of Agency Ombudsman, Substantive Policy Statements, Proposed Delegation Agreements, and other applicable public records as required by law are also listed in this Index by volume page number.

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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	3/1	2/1	4/1	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/2	2/2	4/2	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/3	2/3	4/3	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/4	2/4	4/4	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/5	2/5	4/5	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/6	2/6	4/6	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/7	2/7	4/7	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/8	2/8	4/8	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/9	2/9	4/9	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/10	2/10	4/10	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/11	2/11	4/11	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
1/12	3/12	2/12	4/12	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/13	2/13	4/13	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/14	2/14	4/14	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/15	2/15	4/15	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
1/16	3/16	2/16	4/16	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/17	2/17	4/17	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/18	2/18	4/18	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/19	2/19	4/19	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/20	2/20	4/20	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/21	2/21	4/21	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/22	2/22	4/22	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/23	2/23	4/23	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/24	2/24	4/24	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/25	2/25	4/25	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/26	2/26	4/26	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/27	2/27	4/27	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/28	2/28	4/28	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/29	2/29	4/29	3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/30			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	3/31			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	1/30/21
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1/21	12/2	1/31/21
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2/21	12/3	2/1/21
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3/21	12/4	2/2/21
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4/21	12/5	2/3/21
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5/21	12/6	2/4/21
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6/21	12/7	2/5/21
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7/21	12/8	2/6/21
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8/21	12/9	2/7/21
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9/21	12/10	2/8/21
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10/21	12/11	2/9/21
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11/21	12/12	2/10/21
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12/21	12/13	2/11/21
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13/21	12/14	2/12/21
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14/21	12/15	2/13/21
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15/21	12/16	2/14/21
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16/21	12/17	2/15/21
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17/21	12/18	2/16/21
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18/21	12/19	2/17/21
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19/21	12/20	2/18/21
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20/21	12/21	2/19/21
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21/21	12/22	2/20/21
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22/21	12/23	2/21/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23/21	12/24	2/22/21
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24/21	12/25	2/23/21
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25/21	12/26	2/24/21
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26/21	12/27	2/25/21
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27/21	12/28	2/26/21
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28/21	12/29	2/27/21
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29/21	12/30	2/28/21
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1/21



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
November 15, 2019	December 6, 2019	January 6, 2020
November 22, 2019	December 13, 2019	January 13, 2020
November 29, 2019	December 20, 2019	January 21, 2020
December 6, 2019	December 27, 2019	January 27, 2020
December 13, 2019	January 3, 2020	February 3, 2020
December 20, 2019	January 10, 2020	February 10, 2020
December 27, 2019	January 17, 2020	February 17, 2020
January 3, 2020	January 24, 2020	February 24, 2020
January 10, 2020	January 31, 2020	March 2, 2020
January 17, 2020	February 7, 2020	March 9, 2020
January 24, 2020	February 14, 2020	March 16, 2020
January 31, 2020	February 21, 2020	March 23, 2020
February 7, 2020	February 28, 2020	March 30, 2020
February 14, 2020	March 6, 2020	April 6, 2020
February 21, 2020	March 13, 2020	April 13, 2020
February 28, 2020	March 20, 2020	April 20, 2020
March 6, 2020	March 27, 2020	April 27, 2020
March 13, 2020	April 3, 2020	May 4, 2020
March 20, 2020	April 10, 2020	May 11, 2020
March 27, 2020	April 17, 2020	May 18, 2020
April 3, 2020	April 24, 2020	May 26, 2020



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 under A.R.S. § 41-1013(B)(15).

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 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2019/2020 (MEETING DATES ARE SUBJECT TO CHANGE)

[M19-118]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 19, 2019	<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 7, 2020	<i>Tuesday</i> January 14, 2020
<i>Tuesday</i> December 24, 2019	<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> January 28, 2020	<i>Tuesday</i> February 4, 2020
<i>Tuesday</i> January 21, 2020	<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> February 25, 2020	<i>Tuesday</i> March 3, 2020
<i>Tuesday</i> February 18, 2020	<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> March 31, 2020	<i>Tuesday</i> April 7, 2020
<i>Tuesday</i> March 24, 2020	<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> April 28, 2020	<i>Tuesday</i> May 5, 2020
<i>Tuesday</i> April 21, 2020	<i>Tuesday</i> May 19, 2020	<i>Wednesday</i> May 27, 2020	<i>Tuesday</i> June 2, 2020
<i>Tuesday</i> May 19, 2020	<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> June 30, 2020	<i>Tuesday</i> July 7, 2020
<i>Tuesday</i> June 23, 2020	<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> July 28, 2020	<i>Tuesday</i> August 4, 2020
<i>Tuesday</i> July 21, 2020	<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> August 25, 2020	<i>Tuesday</i> September 1, 2020
<i>Tuesday</i> August 18, 2020	<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> September 29, 2020	<i>Tuesday</i> October 6, 2020
<i>Tuesday</i> September 22, 2020	<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> October 27, 2020	<i>Tuesday</i> November 3, 2020
<i>Tuesday</i> October 20, 2020	<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> November 24, 2020	<i>Tuesday</i> December 1, 2020
<i>Tuesday</i> November 17, 2020	<i>Tuesday</i> December 22, 2020	<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 5, 2021
<i>Tuesday</i> December 29, 2020	<i>Tuesday</i> January 19, 2021	<i>Tuesday</i> January 26, 2021	<i>Tuesday</i> February 2, 2021

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