



# Arizona Administrative REGISTER

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**DIRECTOR**  
*Administrative Rules Division*  
 Scott Cancelosi

**PUBLISHER**  
*Secretary of State*  
**KATIE HOBBS**

**RULES MANAGING EDITOR**  
*Arizona Administrative Register*  
 Rhonda Paschal

# 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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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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**PUBLISHER**  
SECRETARY OF STATE  
Katie Hobbs

## ADMINISTRATIVE RULES STAFF

**DIRECTOR**  
Scott Cancelosi

**RULES MANAGING EDITOR**  
Rhonda Paschal

**ADMINISTRATIVE REGISTER**  
This publication is available online for free at [www.azsos.gov](http://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.

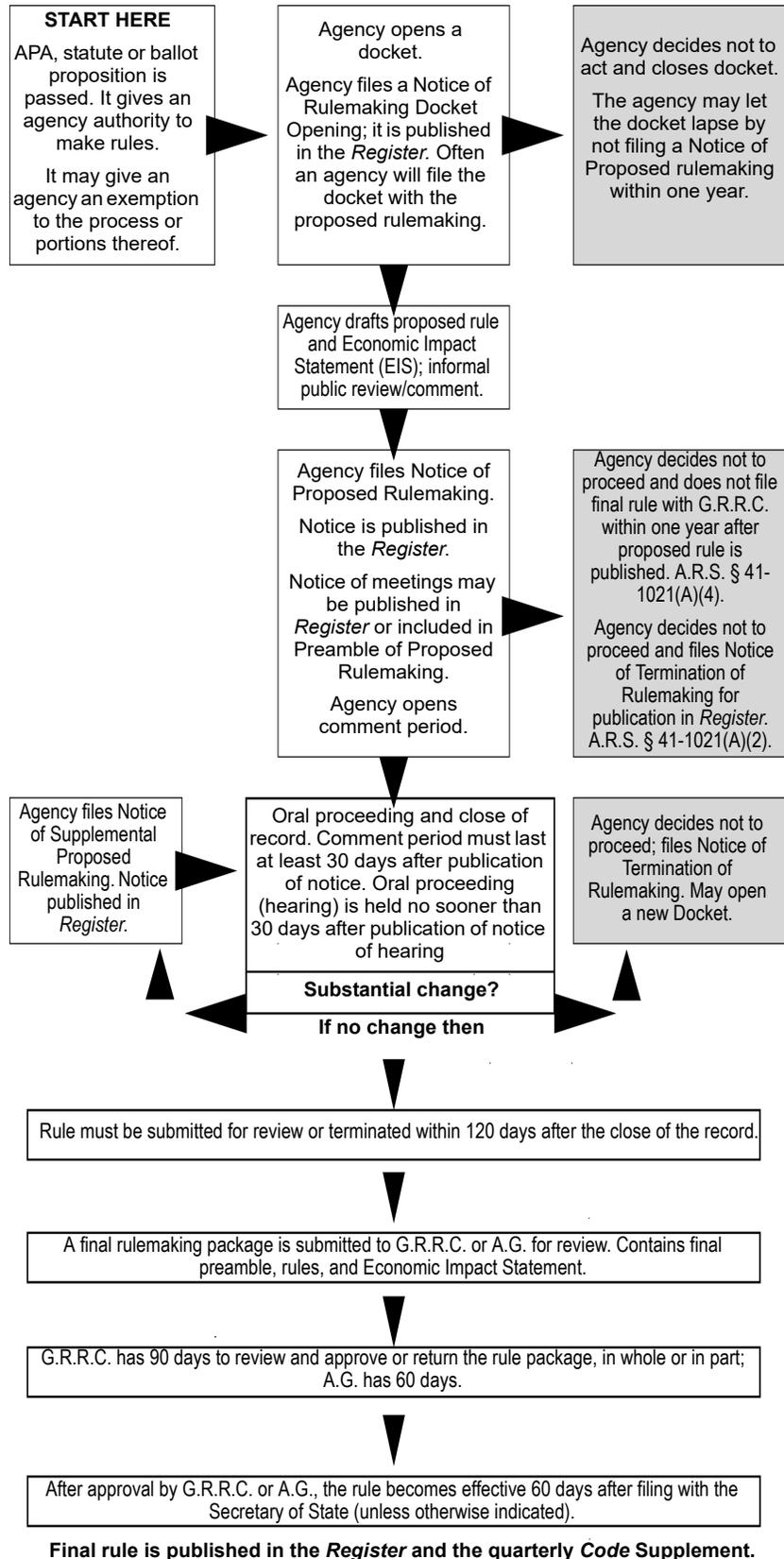
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

## 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](http://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](http://www.azsos.gov).

**Administrative Procedure Act (APA):** A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at [www.azleg.gov](http://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](http://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](http://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 FINAL RULEMAKING**

This section of the *Arizona Administrative Register* contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor's Regulatory Review Council or the Attorney General's Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and

text of the rules as filed by the agency. Economic Impact Statements are not published.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to Item #5 to contact the person charged with the rulemaking. The codified version of these rules will be published in the Arizona Administrative Code.

**NOTICE OF FINAL RULEMAKING**

**TITLE 2. ADMINISTRATION**

**CHAPTER 11. DEPARTMENT OF ADMINISTRATION  
PUBLIC BUILDINGS MAINTENANCE**

[R20-59]

**PREAMBLE**

- |  |  |
|--|--|
| <p><b>1. <u>Article, Part, or Section Affected (as applicable)</u></b><br/>Article 5<br/>R2-11-501</p> | <p><b><u>Rulemaking Action</u></b><br/>New Article<br/>New Section</p> |
|--|--|
- 2. Citations to the agency's statutory rulemaking authority to include both the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: § A.R.S. 41-703  
Implementing statute: A.R.S. §§ 41-791(D) and 74-796(A)
- 3. The effective date of the rule:**  
June 5, 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):**  
Not applicable
- b. If the agency selected a date later than the 60 day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the later effective date as provided in A.R.S. § 41-1032(B):**  
Not applicable
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the final rulemaking package:**  
Notice of Rulemaking Docket Opening: 25 A.A.R. 1560, June 21, 2019  
Notice of Proposed Rulemaking: 25 A.A.R. 1481, June 21, 2019
- 5. The agency's contact person who can answer questions about the rulemaking:**  
Name: Nola Barnes  
Address: Department of Administration  
1110 W. Washington, Suite 155  
Phoenix, AZ 85007  
Telephone: (602) 542-1954  
Fax: Not applicable  
Web site: [www.gsd.az.gov](http://www.gsd.az.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:**  
The Department wishes to establish an appeals process for A.R.S. §§ 41-1362, 41-1363 and 41-1364.
- 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:**  
Not applicable
- 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:**  
The Department is providing a path for individuals or organizations to contest the Departments final decision without a court proceeding. The process should have minimal or no financial impact. The Administrative costs for compliance of these rules are minimal to the Department. There are no viable alternative methods of compliance that would apply.
- 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:**  
None
- 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. **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 Department reviews permit requests submitted to the City and provides approval or denial recommendations. All requests for a permit and the issuance of the permit is facilitated through the City of Phoenix.
  - 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:**  
A.R.S. §§ 41-1362, 41-1363 and 41-1364
  - 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:**  
None submitted
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**  
None
- 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:**  
None
- 15. **The full text of the rules follows:**

TITLE 2. ADMINISTRATION  
CHAPTER 11. DEPARTMENT OF ADMINISTRATION  
PUBLIC BUILDINGS MAINTENANCE

**ARTICLE 5. GOVERNMENTAL MALL DEVELOPMENT**

Section  
R2-11-501. Review of Denial or Summary Suspension

**ARTICLE 5. GOVERNMENTAL MALL DEVELOPMENT**

**R2-11-501. Review of Denial or Summary Suspension**

- A.** Under A.R.S. Title 41, Chapter 6, Article 10, an applicant, may obtain a hearing on a denial or summary suspension.
- B.** An applicant appealing a denial shall file a notice of appeal with the Department within 30 days after receiving the notice of denial.
- C.** If the Director summarily suspends a development project, the Department shall promptly prepare and serve a notice of hearing under Arizona Administrative Code Title 2, Chapter 19.
- D.** The Department shall notify the Office of Administrative Hearings, which shall schedule and conduct the hearing.



**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 10. DEPARTMENT OF AGRICULTURE  
CITRUS FRUIT AND VEGETABLE**

[R20-56]

**PREAMBLE**

<b><u>1. Article, Part or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
Article 2	New Article
R3-10-201	New Section
Article 3	New Article
R3-10-301	New Section
R3-10-302	New Section
R3-10-303	New Section
R3-10-304	New Section
R3-10-305	New Section
Article 4	New Article
R3-10-401	New Section
R3-10-402	New Section
R3-10-403	New Section
R3-10-404	New Section
R3-10-405	New Section
R3-10-406	New Section
R3-10-407	New Section
Article 5	New Article
R3-10-501	New Section
R3-10-502	New Section
R3-10-503	New Section
R3-10-504	New Section
Article 6	New Article
R3-10-601	New Section
R3-10-602	New Section
R3-10-603	New Section
Article 7	New Article
R3-10-701	New Section
Article 8	New Article
R3-10-801	New Section
R3-10-802	New Section
R3-10-803	New Section
R3-10-804	New Section
R3-10-805	New Section
R3-10-806	New Section
R3-10-807	New Section
Article 9	New Article
R3-10-901	New Section
R3-10-902	New Section
R3-10-903	New Section
Article 10	New Article
R3-10-1001	New Section



R3-10-1002	New Section
R3-10-1003	New Section
R3-10-1004	New Section
R3-10-1005	New Section
Article 11	New Article
R3-10-1101	New Section
R3-10-1102	New Section
R3-10-1103	New Section
R3-10-1104	New Section
R3-10-1105	New Section
R3-10-1106	New Section
R3-10-1107	New Section
R3-10-1108	New Section
R3-10-1109	New Section
R3-10-1110	New Section
R3-10-1111	New Section
R3-10-1112	New Section
R3-10-1113	New Section
R3-10-1114	New Section
R3-10-1115	New Section
Article 12	New Article
R3-10-1201	New Section
Article 13	New Article
R3-10-1301	New Section
Article 14	New Article
R3-10-1401	New Section
R3-10-1402	New Section
R3-10-1403	New Section
R3-10-1404	New Section
R3-10-1405	New Section
R3-10-1406	New Section
R3-10-1407	New Section
R3-10-1408	New Section
Article 15	New Article
R3-10-1501	New Section
Article 16	New Article
R3-10-1601	New Section
R3-10-1602	New Section
R3-10-1603	New Section
R3-10-1604	New Section
R3-10-1605	New Section
R3-10-1606	New Section
R3-10-1607	New Section
R3-10-1608	New Section
R3-10-1609	New Section
R3-10-1610	New Section
R3-10-1611	New Section
R3-10-1612	New Section
R3-10-1613	New Section
R3-10-1614	New Section
R3-10-1615	New Section
Article 17	New Article
R3-10-1701	New Section
R3-10-1702	New Section
R3-10-1703	New Section
R3-10-1704	New Section
R3-10-1705	New Section
R3-10-1706	New Section
R3-10-1707	New Section

**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. §§3-525.01, 3-525.05(C), and 3-525.08

Implementing statutes: A.R.S. §§3-525.08(A) and (B), 3-572.02(B)

Statute or session law authorizing the exemption: A.R.S. §§3-525.08(C), Laws 2018, Ch. 48, §40.



- 3. The effective date of the rule and the agency's reason it selected the effective date:**  
August 20, 2019. This was the date the Arizona Agriculture Advisory Council held a public hearing to discuss the rule and provide an opportunity for public comment. The Advisory Council approved the rule at that meeting.
- 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: Teresa Lopez  
Arizona Leafy Greens Food Safety Committee Administrator  
Address: Department of Agriculture  
1688 W. Adams St.  
Phoenix, AZ 85007  
Telephone: (602) 542-0945  
Fax: (602) 542-0898  
E-mail: [tlopez@azda.gov](mailto:tlopez@azda.gov)  
Web site: [agriculture.az.gov](http://agriculture.az.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:**  
In response to Congressional enactment of the Food Safety Modernization Act (FSMA) in 2011, the U.S. Food and Drug Administration (FDA) established science-based minimum standards and adopted rules for the safe production and harvesting of fruits and vegetables. The federal Produce Safety Rule (PSR) was finalized in 2015 with an effective date of January 2016. The FDA encouraged states to develop and assume primacy for the program. The Arizona Department of Agriculture entered into an agreement with the FDA in 2016 to assume primacy and received a grant to support implementation efforts. The AZDA developed a multi-year strategic plan to assume jurisdiction and align Arizona processes with the PSR. The state is required to demonstrate that it has the statutory and administrative authority to provide training and outreach; provide one on one consultation to help farms comply with the PSR; and assume regulatory oversight responsibilities. Laws 2018, Chapter 48 provided statutory authority to administer the PSR.
- 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:**  
Not applicable
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**  
Not applicable.
- 11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**  
The draft rules were provided to stakeholders 30 days prior to the Arizona Agriculture Advisory Council meeting. At the meeting, stakeholders voiced their support for the rules. No written comments were submitted to the Council.
- 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:**  
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:**  
The rule allows the Arizona Department of Agriculture to assume primacy for the federal Food Safety Modernization Act (FSMA) Produce Safety Rule (PSR). The rule is not more stringent than the federal law or the federal rule.
- 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
- 13. A list of any incorporated by reference material and its location in the rule:**  
Material incorporated by reference is found in the following articles: Article 7- agricultural water; Article 12 - sprouts; Article 13 - analytical methods; and Article 17 - withdrawal of qualified exemption.  
R3-10-701 incorporates federal regulations regarding standards for agricultural water quality used by farms. See 21 CFR 112, Subpart E, as adopted in 80 FR 74353 on November 27, 2015. Amended in 84 FR 9706 on March 18, 2019 to provide delayed compliance dates for farms based on their size, and no later amendments or editions.



R3-10-1201 incorporates federal regulations regarding growing, harvesting, packing and holding of all sprouts, except soil- or substrate-grown sprouts harvested without their roots. See 21 CFR 112 Subpart M, as published in 80 FR 74353 on November 27, 2015, and no later amendments or editions.

R3-10-1301 incorporates federal regulations regarding methods to test agricultural water for specific microbial quality to ensure the water is consistently safe and of adequate sanitary quality for its intended use. See 21 CFR 112, Subpart N, as published in FR 74353 on November 27 2015, and no later amendments or editions.

R3-10-1701 incorporates federal regulations regarding the process for the U.S. Food and Drug Administration to withdraw a farm’s qualified exemption based on circumstances outlined in 21 CFR 112, Subpart R as published in 80 FR 74353 on November 27, 2015, and no later amendments or editions.

**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:**

The rule was not previously made, amended, repealed, or renumbered as an emergency rule.

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

**TITLE 3. AGRICULTURE  
CHAPTER 10. DEPARTMENT OF AGRICULTURE  
CITRUS FRUIT AND VEGETABLE**

**ARTICLE 2. PRODUCE SAFETY**

Section  
R3-10-201. Definitions

**ARTICLE 3. PRODUCE SAFETY GENERAL PROVISIONS**

Section  
R3-10-301. Definitions  
R3-10-302. Applicability  
R3-10-303. Food Safety; Covered Produce  
R3-10-304. Food Safety; Covered Produce; Exclusions  
R3-10-305. Designated Representative; Notice Requirements to the Department

**ARTICLE 4. PRODUCE SAFETY COVERED FARM AND QUALIFIED EXEMPTION**

Section  
R3-10-401. Definitions  
R3-10-402. Inventory of Farms; Form; Electronic Submission  
R3-10-403. Covered Farm; Exclusion  
R3-10-404. Covered Farm; Qualified Exemption; Modifications  
R3-10-405. Qualified Exemption; Eligibility; Modification Requirements  
R3-10-406. Qualified Exemption; Maintenance of Records  
R3-10-407. Compliance Dates; Covered Farms; Agricultural Water

**ARTICLE 5. PRODUCE SAFETY PERSONNEL QUALIFICATIONS AND TRAINING**

Section  
R3-10-501. Qualifications and Training for Personnel  
R3-10-502. Training; Covered Activity; Minimum Requirements  
R3-10-503. Supervision; Identified Personnel  
R3-10-504. Required Training; Recordkeeping

**ARTICLE 6. PRODUCE SAFETY HEALTH AND HYGIENE**

Section  
R3-10-601. Prevention Measures; Ill or Infected Persons  
R3-10-602. Covered Personnel; Hygienic Practices  
R3-10-603. Contamination Prevention; Visitors

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**ARTICLE 2. PRODUCE SAFETY**

**R3-10-201. Definitions**

In addition to the terms defined under A.R.S. §§ 3-481 and 3-525, these words and phrases are defined for use in Articles 2 through 17 of this Chapter, unless the context otherwise requires:

1. “Adequate” means that which is needed to accomplish the intended purpose in keeping with good public health practice.
2. “Adequately reduce undesirable microorganisms of public health significance” means reduce the presence of such undesirable microorganisms to an extent sufficient to prevent illness.
3. “Agricultural water” means water used in either:
  - a. Covered activities on covered produce where water is intended to, or is likely to, contact covered produce or food contact surfaces, including water used in all growing activities, such as irrigation water applied using direct water agricultural methods, water used for preparing crop sprays, and water used for growing sprouts; or
  - b. Harvesting, packing and holding activities, such as water used for washing or cooling harvested produce and water used for preventing dehydration of covered produce.
4. “Animal excreta” means solid or liquid animal waste.
5. “Applicable health condition” includes but is not limited to:
  - a. A communicable illness that presents a public health risk in the context of normal work duties.
  - b. An infection.
  - c. An open lesion.
  - d. Vomiting, or
  - e. Diarrhea.
6. “Covered activity”:
  - a. Means growing, harvesting, packing, or holding covered produce on a farm, including manufacturing or processing of covered produce on a farm, but only to the extent that these activities are performed on raw agricultural commodities and only to the extent that these activities are within the meaning of “farm” as defined in this Chapter, and providing, acting consistently with, and documenting actions taken in compliance with written assurances as described in R3-10-303; and
  - b. Does not apply to activities of a facility that are subject to 21 CFR 1(B)(110) relating to preventive controls for human food and current good manufacturing practice in manufacturing, packing or holding human food.
7. “Covered produce”:
  - a. Means produce that is subject to the requirements of Articles 3 through 17 of this Chapter in accordance with R3-10-303 and R3-10-304, and
  - b. Refers to the harvestable or harvested part of the crop.
8. “Department” means the Arizona Department of Agriculture.
9. “Designated representative” means the individual who is responsible for the farm's compliance with the requirements of Articles 3 through 17 of this Chapter that are applicable to the farm and who is selected by the owner, operator, lessee or agent. A designated representative may include an owner, operator, lessee, farm manager, produce safety expert, food safety professional, or agent of the farm.
10. “Direct water application method” means using agricultural water in a manner whereby the water is intended to, or is likely to, contact covered produce or food contact surfaces during use of the water.
11. “Farm” means:
  - a. Primary Production Farm. A primary production farm is an operation under one management in one general, but not necessarily contiguous, physical location devoted to growing crops, harvesting crops, raising animals, including seafood, or any combination of these activities. The term “farm” includes operations that, in addition to the above activities, also includes:
    - i. Packing or holding raw agricultural commodities;



- ii. Packing or holding processed food, provided that all processed food used in such activities is either consumed on that farm or another farm under the same management or is processed food identified in subsection (iii)(2)(a) of this definition; and
  - iii. Manufacturing or processing food, provided that either:
    - (1) All food used in such activities is consumed on that farm or another farm under the same management;
    - (2) Any manufacturing or processing of food that is not consumed on that farm or another farm under the same management consists only of:
      - (a) Drying or dehydrating raw agricultural commodities to create a distinct commodity, such as drying or dehydrating grapes to produce raisins, and packaging and labeling such commodities, without additional manufacturing or processing;
      - (b) Treatment to manipulate the ripening of raw agricultural commodities, such as by treating produce with ethylene gas, and packaging and labeling treated raw agricultural commodities, without additional manufacturing or processing; and
      - (c) Packaging and labeling raw agricultural commodities, when these activities do not involve additional manufacturing or processing, such as irradiation; or
  - b. Secondary Activities Farm. A secondary activities farm is an operation, not located on a primary production farm, devoted to harvesting, such as hulling or shelling, packing, or holding of raw agricultural commodities, provided that the primary production farm that grows, harvests, or raises the majority of the raw agricultural commodities harvested, packed, or held by the secondary activities farm owns, or jointly owns, a majority interest in the secondary activities farm. A secondary activities farm may also conduct those additional activities allowed on a primary production farm in subsections (a)(i) and (ii) of this definition.
12. “FDA” means U.S. Food and Drug Administration.
13. “Food contact surfaces”:
- a. Means those surfaces that contact human food and those surfaces from which drainage, or other transfer, onto the food or onto surfaces that contact the food ordinarily occurs during the normal course of operations; and
  - b. Includes food contact surfaces of equipment and tools used during harvest, packing and holding.
14. “Food grains”:
- a. Means the small hard fruits or seeds of arable crops, or the crops bearing these fruits or seeds;
  - b. Are primarily grown and processed for use as meal, flour, baked goods, cereals and oils rather than for direct consumption as small, hard fruits or seeds; and
  - c. Includes barley, dent- or flint-corn, sorghum, oats, rice, rye, wheat, amaranth, quinoa, buckwheat, and oilseeds, such as cottonseed, flax seed, rapeseed, soybean, and sunflower seed.
15. “Harvesting”:
- a. Means activities on farms and farm mixed type facilities that are traditionally performed on farms for the purpose of removing raw agricultural commodities from the place they were grown or raised and preparing them for use as food;
  - b. Is limited to activities performed on raw agricultural commodities, or on processed foods created by drying or dehydrating a raw agricultural commodity without additional manufacturing or processing, on a farm;
  - c. Does not include activities that transform a raw agricultural commodity into a processed food as defined in Section 201 (gg) of the Federal Food, Drug, and Cosmetic Act; and
  - d. Includes:
    - i. Cutting or otherwise separating the edible portion of the raw agricultural commodity from the crop plant and removing or trimming part of the raw agricultural commodity, such as foliage, husks, roots or stems.
    - ii. Cooling, field coring, filtering, gathering, hulling, shelling, sifting, threshing, trimming outer leaves, and washing raw agricultural commodities grown on a farm.
16. “Holding”:
- a. Means storage of food and activities performed incidental to storage of a food [Holding facilities could include warehouses, cold storage facilities, storage silos, grain elevators, and liquid storage tanks];
  - b. Includes activities performed as a practical necessity for distribution of that food, such as blending of the same raw commodity and breaking down pallets;
  - c. Examples include activities performed for the safe or effective storage of that food, such as fumigating food during storage, and drying or dehydrating raw agricultural commodities, when drying or dehydrating does not create a distinct commodity, such as drying or dehydrating hay or alfalfa; and
  - d. Does not include activities that transform a raw agricultural commodity into a processed food as defined in Section 201 (gg) of the Federal Food, Drug and Cosmetic Act.
17. “Known or reasonably foreseeable hazard” means a biological agent that is known, is recognized, or has the potential to cause illness or injury in the absence of its control.
18. “Lot” means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors that appear in the labeling.
19. “Manufacturing or processing”:
- a. Means making food from one or more ingredients, or synthesizing, preparing, treating, modifying or manipulating food, including food crops or ingredients;
  - b. Examples include baking, boiling, bottling, canning, cooking, cooling, cutting, distilling, drying or dehydrating raw agricultural commodities to create a distinct commodity, such as drying or dehydrating grapes to produce raisins, evaporating, viscerating, extracting juice, formulating, freezing, grinding, homogenizing, labeling, milling, mixing, packaging, including modified atmosphere packaging, pasteurizing, peeling, rendering, treating to manipulate ripening, trimming, washing, or waxing; and



- c. Does not include, for farms and mixed-type facilities, activities that are part of harvesting, packing, or holding.
- 20. “Manure” means animal excreta, alone or in combination with litter, such as straw and feathers used for animal bedding, for use as a soil amendment.
- 21. “Monitor” means to conduct a planned sequence of observations or measurements to assess whether a process, point or procedure is under control and, when required, to produce an accurate record of the observation or measurement.
- 22. “Packing”:
  - a. Means placing food into a container and also includes re-packing and activities performed incidental to packing or re-packing a food;
  - b. Includes activities performed for the safe or effective packing or re-packing of that food, such as sorting, culling, grading, and weighing or conveying incidental to packing or re-packing; and
  - c. Does not include activities that transform a raw agricultural commodity into a processed food as defined in Section 201(gg) of the Federal Food, Drug, and Cosmetic Act.
- 23. “Pest” means any objectionable animals or insects, including birds, rodents, flies, and larvae.
- 24. “Produce”:
  - a. Means any fruit as defined in Article 3 of this Chapter or vegetable as defined in this Section;
  - b. Includes mixes of intact fruits and vegetables as well as mushrooms, sprouts, irrespective of seed source, peanuts, tree nuts and herbs; and
  - c. Does not include food grains as defined in this Section.
- 25. “Sanitize” means to adequately treat cleaned surfaces by a process that is effective in destroying vegetative cells of undesirable microorganisms of public health significance, and in substantially reducing numbers of other undesirable microorganisms, but without adversely affecting the product or its safety for the consumer.
- 26. “Undesirable microorganisms” means yeasts, molds, bacteria, viruses, protozoa, and microscopic parasites and includes species having public health significance.
- 27. “Vegetable”:
  - a. Means the edible part of an herbaceous plant, such as cabbage or potato, or fleshy fruiting body of a fungus, such as white button or shiitake, grown for an edible part;
  - b. Means the harvestable or harvested part of any plant or fungus whose fruit, fleshy fruiting bodies, seeds, roots, tubers, bulbs, stems, leaves, or flower parts are used as food; and
  - c. Includes mushrooms, sprouts, and herbs, such as basil or cilantro.
- 28. “Visitor” means any person, other than personnel, who enters a covered farm with permission.
- 29. “Water distribution system” means a system to carry water from its primary source to its point of use, including pipes, sprinklers, irrigation canals, pumps, valves, storage tanks, reservoirs, meters, and fittings.

**ARTICLE 3. PRODUCE SAFETY GENERAL PROVISIONS**

**R3-10-301. Definitions**

These words are defined for use in this Article, unless the context otherwise requires:

- 1. “Fruit”:
  - a. Means the edible reproductive body of a seed plant or tree nut and the harvestable or harvested part of a plant developed from a flower; and
  - b. Includes apples, oranges and almonds.
- 2. “Mixed-type facility” means an establishment that engages in both activities that are exempt from registration under Section 415 of the Federal Food, Drug, and Cosmetic Act and activities that require the establishment to be registered.
- 3. “Raw agricultural commodity” means any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing.

**R3-10-302. Applicability**

- A. Articles 2 through 17 of these rules apply to primary production farms and secondary activities and require appropriate measures to minimize the risk of serious adverse health consequences or death from the use of, or exposure to, covered produce, including those measures reasonably necessary to prevent the introduction of known or reasonably foreseeable hazards into covered produce, and to provide reasonable assurances that the produce is not adulterated under Section 402 of the Federal Food, Drug and Cosmetic Act on account of such hazards.
- B. The goal of Articles 2 through 17 of this Chapter is to achieve compliance through education, training and alternative enforcement approaches in order to address present violations and prevent future violations.

**R3-10-303. Food Safety: Covered Produce**

- A. Unless specifically excluded by R3-10-304, the following is subject to the requirements of Articles 2 through 17 of this Chapter:
  - 1. Food that is covered produce;
  - 2. A produce raw agricultural commodity that is grown domestically; and
  - 3. A produce raw agricultural commodity that will be imported or offered for import in any state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico.
- B. Covered produce includes, but is not limited to, the following:
  - 1. Fruits and vegetables such as almonds, apples, apricots, apriums, Artichokes-globe-type, Asian pears, avocados, babacos, bananas, Belgian endive, blackberries, blueberries, boysenberries, Brazil nuts, broad beans, broccoli, Brussels sprouts, burdock, cabbages, Chinese cabbages (Bok Choy, mustard, and Napa), cantaloupes, carambolas, carrots, cauliflower, celeriac, celery, chaya fruit, cherries (sweet), chestnuts, chicory (roots and tops), citrus (such as clementine, grapefruit, lemons, limes, mandarin, oranges, tangerines, tangors, and uniq fruit), cowpea beans, cress-garden, cucumbers, curly endive, currants, dandelion leaves, fennel-Florence, garlic, genip, gooseberries, grapes, green beans, guavas, herbs (such as basil, chives, cilantro, oregano, and



parsley), honeydew, huckleberries, Jerusalem artichokes, kale, kiwifruit, kohlrabi, kumquats, leek, lettuce, lychees, macadamia nuts, mangos, other melons (such as Canary, Crenshaw and Persian), mulberries, mushrooms, mustard greens, nectarines, onions, papayas, parsnips, passion fruit, peaches, pears, peas, peas-pigeon, peppers (such as bell and hot), pine nuts, pineapples, plantains, plums, plumcots, quince, radishes, raspberries, rhubarb, rutabagas, scallions, shallots, snow peas, soursop, spinach, sprouts (such as alfalfa and mung bean), strawberries, summer squash (such as patty pan, yellow and zucchini), sweetsop, Swiss chard, taro, tomatoes, turmeric, turnips (roots and tops), walnuts, watercress, watermelons, and yams; and

2. Mixes of intact fruits and vegetables, such as fruit baskets.

**R3-10-304. Food Safety: Covered Produce: Exclusions**

**A.** The following produce is not covered by Articles 2 through 17 of this Chapter:

1. Produce that is rarely consumed raw, specifically: asparagus, beans (such as black, great Northern, kidney, lima, navy, pinto), sugar beets (including garden roots and tops), cashew, sour cherries, chickpeas, cocoa beans, coffee beans, collards, sweet corn, cranberries, dates, dill seeds and weed, eggplants, figs, ginger, hazelnuts, horseradish, lentils, okra, peanuts, pecans, peppermint, potatoes, pumpkins, winter squash, sweet potatoes, and water chestnuts;
2. Produce that is produced by an individual for personal consumption or produced for consumption on the farm or another farm under the same management; and
3. Produce that is not a raw agricultural commodity.

**B.** In addition to the exclusions provided in subsection (A), produce is eligible for exclusion if all of the following conditions are met:

1. The produce receives commercial processing that adequately reduces the presence of undesirable microorganisms of public health significance including those used for all of the following:
  - a. Processing in accordance with the requirements of 21 CFR 113, 114, or 120;
  - b. Treating with a validated process to eliminate spore-forming undesirable microorganisms, such as processing to produce tomato paste or shelf-stable tomatoes; and
  - c. Processing such as refining, distilling, or otherwise manufacturing or processing produce into products such as sugar, oil, spirits, wine, beer or similar products.
2. The farm discloses in documents accompanying the produce, in accordance with the practice of the trade, that the food is “not processed to adequately reduce the presence of undesirable microorganisms of public health significance.”
3. The farm either:
  - a. Annually obtains written assurance, subject to the requirements of this subsection, from the customer that performs the commercial processing that the customer has established and is following procedures identified in the written assurance that adequately reduce the presence of undesirable microorganisms of public health significance;
  - b. Annually obtains written assurance, subject to the requirements of this subsection, from the customer that an entity in the distribution chain subsequent to the customer will perform that commercial processing and that the customer will both:
    - i. Disclose in documents accompanying the food, in accordance with the practice of the trade, that the food is specifically “not processed to adequately reduce the presence of undesirable microorganisms of public health significance”; and
    - ii. Only sell to another entity that agrees, in writing, it will either:
      - (1) Follow procedures identified, in a written assurance that adequately reduce the presence of undesirable microorganisms of public health significance;
      - (2) Obtain a similar written assurance from its customer that the above produce will receive commercial processing described in subsection (b)(i), and that there will be disclosure in documents accompanying the food, in accordance with the practice of the trade, that the food is specifically “not processed to adequately reduce the presence of undesirable microorganisms of public health significance.”
4. The farm shall establish and maintain documentation of compliance with applicable requirements in subsections (B)(2) and (3) in accordance with the requirements of Article 14 of this Chapter, including both:
  - a. Documents containing disclosures required under subsection (B)(2); and
  - b. Annual written assurances obtained from customers required under subsection (B)(3).
5. The requirements of this Article and Article 4 of this Chapter apply to such produce; and
6. An entity that provides a written assurance under subsection (B)(3) shall act consistently with the assurance and document its actions taken to satisfy the written assurance.

**R3-10-305. Designated Representative: Notice Requirements to the Department**

- A.** The owner, operator, lessee or agent in charge of a farm shall notify the Department of the name, email address and telephone number of the farm's designated representative.
- B.** The farm may notify the Department of an alternate designated representative that can be contacted if the farm's designated representative is unavailable.
- C.** If the designated representative terminates employment or no longer functions as the designated representative of the farm, the owner, operator, lessee or agent in charge of the farm shall select another designated representative within 30 days and notify the Department of the replacement.

**ARTICLE 4. PRODUCE SAFETY COVERED FARM AND QUALIFIED EXEMPTION**

**R3-10-401. Definitions**

These words are defined for use in this Article, unless the context otherwise requires:

1. “Food sales” include sale of produce, processed food, hay, and commodities such as food grains, dairy and livestock.
2. “Qualified end-user,” with respect to a food, means the consumer of the food, where the term “consumer” does not include a business; or a restaurant or retail food establishment, as those terms are defined in 21 CFR 1.227 that is located either:
  - a. In the same state or the same Indian reservation as the farm that produced the food; or



- b. Not more than 275 miles from the farm that produced the food.
- 3. “Services” include activities related to covered produce such as harvesting, packing, holding or cooling.

**R3-10-402. Inventory of Farms: Form: Electronic Submission**

- A. An owner, operator, lessee or designated representative of a farm subject to Articles 2 through 17 of this Chapter shall annually submit the following information on a form obtained from the Department:
  - 1. Farm or business name, physical address, mailing address, email address and telephone number;
  - 2. The name, email address and telephone number or numbers of the farm’s designated representative and alternate designated representative, if applicable;
  - 3. Type or types of business of the farm, such as grower, grower-shipper, harvester, packer, holder or cooler;
  - 4. Types of crops grown, harvested, packed, held or cooled, such as leafy greens, citrus, melons, tree fruit, or vegetables;
  - 5. Whether crops are grown, harvested, packed, held or cooled on a seasonal basis or year-round;
  - 6. The average annual produce sales or income derived from services rendered during the last three years, including whether the amount was less than \$25,000, \$25,000 to \$250,000, \$250,000 to \$500,000, or greater than \$500,000;
  - 7. Whether all produce sales are directly to consumers, restaurants, or retail food establishments that are within 275 miles of the farm or all sales are within the State of Arizona;
  - 8. Whether during the previous three-year period the average food sales from the farm, such as processed food, hay, dairy, livestock or food grains, were less than \$500,000; and
  - 9. Whether the operation participates in any other food safety program, such as the Arizona Leafy Greens Marketing Agreement, Good Agricultural Practices and Good Handling Practices, Good Manufacturing Practices, Harmonized Good Agricultural Practices, Safe Quality Food certification or other recognized food safety programs.
- B. The information required in subsection (A) shall be submitted annually to the Associate Director not later than October 1 of each year. If there is a material change to the information required in subsection (A), the owner, operator lessee or designated representative of the farm shall notify the Department within 60 days after the change.
- C. The information required in subsection A may be submitted to the Department electronically.

**R3-10-403. Covered Farm: Exclusion**

A farm or mixed-type facility with an average annual monetary value of produce, as “produce” is defined in Section R3-10-201, sold during the previous three-year period, of more than \$25,000 on a rolling basis, adjusted for inflation using 2011 as the baseline year for calculating the adjustment, is a “covered farm” subject to Articles 2 through 17 of this Chapter. A covered farm subject to Articles 2 through 17 of this Chapter shall comply with all applicable requirements when conducting a covered activity on covered produce.

**R3-10-404. Covered Farm: Qualified Exemption: Modifications**

- A. A farm is eligible for a qualified exemption and associated modified requirements in a calendar year if both of the following apply:
  - 1. During the three-year period preceding the applicable calendar year, the average annual monetary value of the food the farm sold directly to qualified end-users during such period exceeded the average annual monetary value of the food the farm sold to all other buyers during that period; and
  - 2. The average annual monetary value of all food that the farm sold during the three-year period preceding the applicable calendar year was less than \$500,000, adjusted for inflation.
- B. For the purpose of determining whether the average annual monetary value of all food sold during the three-year period preceding the applicable calendar year was less than \$500,000, adjusted for inflation, the baseline year for calculating the adjustment for inflation is 2011.

**R3-10-405. Qualified Exemption: Eligibility: Modification Requirements**

- A. If a farm is eligible for a qualified exemption in accordance with R3-10-404, the farm is subject to this Article and Articles 2, 3, 14, 16 and 17 of this Chapter.
- B. In addition, the farm is subject to the following modified requirements:
  - 1. When a food packaging label is required on food that would otherwise be covered produce under the Federal Food, Drug, and Cosmetic Act or its implementing regulations, the farm shall include prominently and conspicuously on the food packaging label the name and the complete business address of the farm where the produce was grown;
  - 2. When a food packaging label is not required on food that would otherwise be covered produce under the Federal Food, Drug, and Cosmetic Act, the farm shall prominently and conspicuously display, at the point of purchase, the name and complete business address of the farm where the produce was grown, on a label, poster, sign, placard, or documents delivered contemporaneously with the produce in the normal course of business, or, in the case of internet sales, in an electronic notice; and
  - 3. The complete business address to be included in accordance with the requirements of subsections B (1) and (2) shall include the street address or post office box, city, state, and zip code for domestic farms, and comparable full address information for foreign farms.

**R3-10-406. Qualified Exemption: Maintenance of Records**

If the farm is eligible for a qualified exemption in accordance with R3-10-404:

- 1. The farm shall establish and keep records required under this article in accordance with the requirements of article 14 of this Chapter, except that the requirement in R3-10-1402(A)(4), for a signature or initial of the person performing the activity is not required for sales receipts kept in the normal course of business. The receipts shall be dated as required under R3-10-1402(A)(4).
- 2. The farm shall establish and keep adequate records necessary to demonstrate that the farm satisfies the criteria for a qualified exemption that are described in R3-10-404, including a written record reflecting that an annual review and verification of the farm's continued eligibility for the qualified exemption has been performed.



3. The farm shall establish and keep adequate records necessary to demonstrate that the farm satisfies the criteria for a qualified exemption that are described in R3-10-504, Article 7 of this Chapter, R-3-10-807 and R3-10-1115.

**R3-10-407. Compliance Dates; Covered Farms; Agricultural Water**

**A.** The compliance date for covered farms subject to the requirements of Articles 2 through 17 of this Chapter is calculated on a rolling basis during the previous three-year period, determined by the average annual monetary value of food sales and services rendered, as follows:

1. By January 26, 2018, all farms that sold more than \$500,000;
2. By January 28, 2019, small farms that sold more than \$250,000 but not more than \$500,000; and
3. By January 27, 2020, very small farms that sold not more than \$250,000.

**B.** The compliance date for covered farms subject to agricultural water requirements pursuant to Article 7 of this Chapter is calculated on a rolling basis during the previous three-year period, determined by the average annual monetary value of food sales and services rendered, as follows:

1. By January 26, 2022, all farms that sold more than \$500,000;
2. By January 26, 2023, small farms that sold more than \$250,000 but not more than \$500,000; and
3. By January 26, 2024, very small farms that sold not more than \$250,000.

**ARTICLE 5. PRODUCE SAFETY PERSONNEL QUALIFICATIONS AND TRAINING**

**R3-10-501. Qualifications and Training for Personnel**

All of the following requirements apply regarding qualifications and training for personnel who handle or contact covered produce or food contact surfaces:

1. All personnel, including temporary, part time, seasonal, and contracted personnel who handle or contact covered produce or food contact surfaces, or who are engaged in the supervision of those personnel shall receive adequate training, as appropriate to the person's duties. Training shall be required prior to personnel handling or contacting covered produce or food contact surfaces, and periodically thereafter, at least once annually;
2. All personnel, including temporary, part time, seasonal, and contracted personnel, who handle covered produce or food contact surfaces, or who are engaged in the supervision of those personnel, shall have a combination of education, training, and experience necessary to perform the person's assigned duties in a manner that ensures compliance with Articles 2 through 17 of this Chapter;
3. Training shall be conducted in a manner that is easily understood by personnel being trained; and
4. Training shall be repeated as necessary and appropriate in light of observations or information indicating that personnel are not meeting standards established in this Article and Articles 6 through 14 of this Chapter.

**R3-10-502. Training; Covered Activity; Minimum Requirements**

**A.** At a minimum, all personnel who handle or contact covered produce or food contact surfaces during covered activities or who supervise the conduct of the activities shall receive training that includes all of the following:

1. Principles of food hygiene and food safety;
2. The importance of health and personal hygiene for all personnel and visitors, including recognizing symptoms of a health condition that is reasonably likely to result in contamination of covered produce or food contact surfaces with undesirable microorganisms of public health significance; and
3. The standards established in this article and Articles 6 through 14 of this Chapter that are applicable to the employee's job responsibilities.

**B.** Persons who conduct harvest activities for covered produce shall also receive training that includes all of the following:

1. Recognizing covered produce that shall not be harvested, including covered produce that may be contaminated with known or reasonably foreseeable hazards;
2. Inspecting harvest containers and equipment to ensure that they are functioning properly, clean, and maintained so as not to become a source of contamination of covered produce with known or reasonably foreseeable hazards; and
3. Correcting problems with harvest containers or equipment, or reporting those problems to the supervisor, or other designated representative, as appropriate to the person's job responsibilities.

**C.** At least one supervisor or designated representative for the farm shall have successfully completed food safety training at least equivalent to that received under standardized curriculum recognized as adequate by the FDA.

**R3-10-503. Supervision; Identified Personnel**

The farm shall assign or identify a person or persons to be responsible for its operations to ensure compliance with the requirements of Articles 2 through 17 of this Chapter.

**R3-10-504. Required Training; Recordkeeping**

**A.** The farm shall establish and keep records required under this article in accordance with the requirements of Article 14 of this Chapter.

**B.** The farm shall establish and keep records of training that document the required training of personnel, including the date of training, topics covered, and the persons trained.

**ARTICLE 6. PRODUCE SAFETY HEALTH AND HYGIENE**

**R3-10-601. Prevention Measures; Ill or Infected Persons**

**A.** The farm shall take measures to prevent contamination of covered produce and food contact surfaces with undesirable microorganisms of public health significance from any person with an applicable health condition.

**B.** The farm shall take all of the following measures to satisfy the requirements of subsection (A):



1. Excluding any person from working in any operations that may result in contamination of covered produce or food contact surfaces with undesirable microorganisms of public health significance when the person, by medical examination, the person's acknowledgement, or observation, is shown to have, or appears to have, an applicable health condition;
2. Instructing personnel to notify their supervisor or a responsible party if they have, or if there is a reasonable possibility that they have an applicable health condition; and
3. The person may return to work when the person's health condition no longer presents a risk to public health.

**R3-10-602. Covered Personnel: Hygienic Practices**

- A.** Personnel who work in an operation in which covered produce or food contact surfaces are at risk of contamination with known or reasonably foreseeable hazards shall use hygienic practices while on duty to the extent necessary to protect against contamination.
- B.** The hygienic practices that personnel use to satisfy the requirements of subsection (A) when handling or contacting covered produce or food contact surfaces during a covered activity shall include all of the following:
1. Maintaining adequate personal cleanliness to protect against contamination of covered produce and food contact surfaces;
  2. Avoiding contact with animals other than working animals, and taking appropriate steps to minimize the likelihood of contamination of covered produce when in direct contact with working animals;
  3. Washing hands thoroughly, including scrubbing with soap or other surfactant, as appropriate, and water that is either from a municipal water source or is running water that has no detectable generic Escherichia coli (E. coli) in 100 milliliters (mL) of agricultural water used to wash hands (the use of untreated surface water is prohibited), and drying hands thoroughly using single-service towels, sanitary towel service, electric hand dryers, or other adequate hand drying devices on all of the following occasions:
    - a. Before starting work;
    - b. Before putting on gloves;
    - c. After using the toilet;
    - d. Upon return to the work station after any break or other absence from the work station;
    - e. As soon as practical after touching animals, including livestock and working animals, or any waste of animal origin; and
    - f. At any other time when the hands may have become contaminated in a manner that is reasonably likely to lead to contamination of covered produce with known or reasonably foreseeable hazards.
  4. If gloves are used in handling covered produce or food contact surfaces, gloves shall be maintained in an intact and sanitary condition and shall be replaced when the gloves are no longer in an intact and sanitary condition;
  5. Removing or covering hand jewelry that cannot be adequately cleaned and sanitized during periods in which covered produce is manipulated by hand; and
  6. Not eating, chewing gum, or using tobacco products in an area used for a covered activity. Drinking beverages is permitted in designated areas as determined by the farm.

**R3-10-603. Contamination Prevention: Visitors**

- A.** The farm shall make visitors aware of policies and procedures to protect covered produce and food contact surfaces from contamination by people and take all steps reasonably necessary to ensure that visitors comply with the farm's policies and procedures.
- B.** The farm shall make toilet and hand-washing facilities accessible to visitors.

**ARTICLE 7. PRODUCE SAFETY AGRICULTURAL WATER**

**R3-10-701. Agricultural Water: Incorporation of Federal Regulations**

- A.** The Department incorporates by reference 21 CFR 112, Subpart E, as adopted in 80 FR 74353 on November 27, 2015, amended in 84 FR 9706 on March 18, 2019, and no later amendments or editions.
- B.** These Sections establish standards for agricultural water quality used by farms and as amended, provide delayed compliance dates for farms based on their size. The incorporated material is on file with the Arizona Department of Agriculture at 1688 W. Adams Street, Phoenix, AZ 85007.
- C.** The incorporated material, developed by the U.S. Food and Drug Administration, Department of Health and Human Services, is available from the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-001. The incorporated material can be ordered online by visiting the U.S. Government Online Bookstore at <https://bookstore.gpo.gov> or is available free of charge at <http://gpo.gov> (electronic code of federal regulations).

**ARTICLE 8. PRODUCE SAFETY BIOLOGICAL SOIL AMENDMENTS OF ANIMAL ORIGIN AND HUMAN WASTE**

**R3-10-801. Definitions**

These words are defined for use in this article, unless the context otherwise requires:

1. "Agricultural tea":
  - a. Means a water extract of biological materials, excluding any form of human waste, produced to transfer microbial biomass, fine particulate organic matter and soluble chemical components into an aqueous phase;
  - b. Includes stabilized compost, manure, non-fecal animal byproducts, peat moss, pre-consumer vegetative waste, table waste, and yard trimmings;
  - c. Is held for longer than one hour before application; and
  - d. Is a soil amendment for purposes of this Article.
2. "Agricultural tea additive" means a nutrient source, such as molasses, yeast extract, or algal powder, added to agricultural tea to increase microbial biomass.



3. “Application interval” means the time interval between application of an agricultural input, such as a biological soil amendment of animal origin, to a growing area and harvest of covered produce from the growing area where the agricultural input was applied.
4. “Biological soil amendment” means any soil amendment containing biological materials such as stabilized compost, manure, non-fecal animal byproducts, peat moss, pre-consumer vegetative waste, sewage sludge biosolids, table waste, agricultural tea, or yard trimmings, alone or in combination.
5. “Biological soil amendment of animal origin” means a biological soil amendment which consists, in whole or in part, of materials of animal origin, such as manure or non-fecal animal byproducts including animal mortalities, or table waste, alone or in combination. The term “biological soil amendment of animal origin” does not include any form of human waste.
6. “Composting” means a process to produce stabilized compost in which organic material is decomposed by the actions of undesirable microorganisms under thermophilic conditions for a designated period of time at a designated temperature, followed by a curing stage under cooler conditions.
7. “Curing” means the final stage of composting, which is conducted after much of the readily metabolized biological material has been decomposed, at cooler temperatures than those in the thermophilic phase of composting, to further reduce pathogens, promote further decomposition of cellulose and lignin, and stabilize composition. Curing may or may not involve insulation, depending on environmental conditions.
8. “Growth media” means material that acts as a substrate during the growth of covered produce, such as mushrooms and some sprouts, that contains, may contain, or consists of components that may include any animal waste, such as stabilized compost, manure, non-fecal animal byproducts or table waste.
9. “Non-fecal animal byproduct” means solid waste, other than manure, that is animal in origin, such as meat, fat, dairy products, eggs, carcasses, blood meal, bone meal, fish meal, shellfish waste, such as crab, shrimp, and lobster waste, fish emulsions, and offal, and is generated by commercial, institutional, or agricultural operations.
10. “Pre-consumer vegetative waste”:
  - a. Means solid waste that is purely vegetative in origin, not considered yard trash, and derived from commercial, institutional or agricultural operations without coming into contact with animal products, byproducts or manure or with a consumer end user;
  - b. Includes material generated by farms, packing houses, canning operations, wholesale distribution centers and grocery stores, products that have been removed from their packaging, such as out-of-date juice, vegetables, condiments and breads, and associated packaging that is vegetative in origin, such as paper or corn-starch based products; and
  - c. Does not include table waste, packaging that has come in contact with materials, such as meat, that are not vegetative in origin, or any waste generated by restaurants.
11. “Sewage sludge biosolids” means the solid or semi-solid residue generated during the treatment of domestic sewage in a treatment works within the meaning of the definition of “sewage sludge” in 40 CFR 503.9(w).
12. “Soil amendment”:
  - a. Means any chemical, biological, or physical material, such as elemental fertilizers, stabilized compost, manure, non-fecal animal byproducts, peat moss, perlite, pre-consumer vegetative waste, sewage sludge biosolids, table waste, agricultural tea and yard trimmings, intentionally added to the soil to improve the chemical or physical condition of soil in relation to plant growth or to improve the capacity of the soil to hold water; and
  - b. Includes growth media that serve as the entire substrate during the growth of covered produce, such as mushrooms and some sprouts.
13. “Stabilized compost” means a stabilized finished biological soil amendment produced through a controlled composting process.
14. “Static composting” means a process to produce stabilized compost in which air is introduced into biological material, in a pile or row that may or may not be covered with insulating material, or in an enclosed vessel, by a mechanism that does not include turning. Examples of structural features for introducing air include embedded perforated pipes and a constructed permanent base that includes aeration slots. Examples of mechanisms for introducing air include passive diffusion and mechanical means, such as blowers that suction air from the composting material or blow air into the composting material using positive pressure.
15. “Surface water” means all water open to the atmosphere, such as rivers, lakes, reservoirs, streams, impoundments, seas, estuaries, and all springs, wells, or other collectors that are directly influenced by surface water.
16. “Table waste” means any post-consumer food waste, irrespective of whether the source material is animal or vegetative in origin, derived from individuals, institutions, restaurants, retail operations, or other sources where the food has been served to a consumer.
17. “Turned composting” means a process to produce stabilized compost in which air is introduced into biological material, in a pile, row, or enclosed vessel, by turning on a regular basis.
18. “Turning” means the process of mechanically mixing biological material that is undergoing a composting process with the specific intention of moving the outer, cooler sections of the material being composted to the inner, hotter sections.
19. “Yard trimmings” means purely vegetative matter resulting from landscaping maintenance or land clearing operations, including materials such as tree and shrub trimmings, grass clippings, palm fronds, trees, tree stumps, untreated lumber, untreated wooden pallets, and associated rocks and soils.



**R3-10-802. Status of Biological Soil Amendments of Animal Origin: Requirements**

- A.** A biological soil amendment of animal origin is treated if it has been processed to completion to adequately reduce undesirable microorganisms of public health significance in accordance with the requirements of R3-10-805, or, in the case of an agricultural tea, the biological materials of animal origin used to make the tea have been so processed, the water used to make the tea is not untreated surface water, and the water used to make the tea has no detectable generic *Escherichia coli* (*E. coli*) in 100 milliliters (mL) of water.
- B.** A biological soil amendment of animal origin is untreated if it either:
  1. Has not been processed to completion in accordance with the requirements of R3-10-805, or in the case of an agricultural tea, the biological materials of animal origin used to make the tea have not been so processed, or the water used to make the tea is untreated surface water, or the water used to make the tea has detectable generic *E. coli* in 100 mL of water;
  2. Has become contaminated after treatment;
  3. Has been recombined with an untreated biological soil amendment of animal origin;
  4. Is or contains a component that is untreated waste that the designated representative knows or has reason to believe is contaminated with a hazard or has been associated with foodborne illness; or
  5. Is an agricultural tea made with biological materials of animal origin that contains an agricultural tea additive.

**R3-10-803. Handling, Conveying and Storing Biological Soil Amendments of Animal Origin**

- A.** Any biological soil amendment of animal origin shall be handled, conveyed and stored in a manner and location so that it does not become a potential source of contamination to covered produce, food contact surfaces, areas used for a covered activity, water sources, water distribution systems, and other soil amendments. Agricultural teas that are biological soil amendments of animal origin may be used in water distribution systems provided that all other requirements of this rule are met.
- B.** Any treated biological soil amendment of animal origin shall be handled, conveyed and stored in a manner and location that minimizes the risk of it becoming contaminated by an untreated or in-process biological soil amendment of animal origin.
- C.** If a person knows or has reason to believe that any biological soil amendment of animal origin may have become contaminated, it shall be handled, conveyed and stored as if it was untreated.

**R3-10-804. Prohibition of Application of Human Waste**

The farm may not use human waste for growing covered produce, except sewage sludge biosolids used in accordance with the requirements of 40 CFR part 503(D), or equivalent regulatory requirements.

**R3-10-805. Biological Soil Amendment of Animal Origin: Acceptable Treatment Processes: Microbial Standards**

- A.** Each of the following treatment processes are acceptable for a biological soil amendment of animal origin that the farm applies in the growing of covered produce, provided that the resulting biological soil amendments are applied in accordance with the applicable requirements of Section R3-10-806:
  1. A scientifically valid controlled physical process, chemical process, biological process, or a combination of scientifically valid controlled physical, chemical, or biological processes that has been validated to satisfy the microbial standard in subsection (B), for *Listeria monocytogenes* (*L. monocytogenes*), *Salmonella* species, and *E. coli* O157:H7; or
  2. A scientifically valid controlled physical, chemical, or biological process, or a combination of scientifically valid controlled physical, chemical, or biological processes, that has been validated to satisfy the microbial standard in subsection (C), for *salmonella* species and fecal coliforms. Examples of scientifically valid controlled biological processes that meet the microbial standard in subsection (C), include both:
    - a. Static composting that maintains aerobic conditions at a minimum of 131° F (55° C) for three consecutive days and is followed by adequate curing; and
    - b. Turned composting that maintains aerobic conditions at a minimum of 131° F (55° C) for 15 days, which do not have to be consecutive, with a minimum of five turnings, and is followed by adequate curing.
- B.** The following microbial standards for *L. monocytogenes*, *Salmonella* species, and *E. coli* O157:H7 apply to the treatment processes in subsection (A):

<b>For the microorganism</b>	<b>The microbial standard is</b>
1. <u><i>L. monocytogenes</i></u>	<u>Not detected using a method that can detect one colony forming unit (CFU) per 5 grams (or milliliter, if liquid is being sampled) analytical portion.</u>
2. <u><i>Salmonella</i> species</u>	<u>Not detected using a method that can detect three most probable numbers (MPN) per 4 grams (or milliliter, if liquid is being sampled) of total solids.</u>
3. <u><i>E. coli</i> O157:H7</u>	<u>Not detected using a method that can detect 0.3 MPN per 1 gram (or milliliter, if liquid is being sampled) analytical portion.</u>

- C.** *Salmonella* species are not detected using a method that can detect three MPN *Salmonella* species per 4 grams (or milliliter, if liquid is being sampled) of total solids, and less than 1,000 MPN fecal coliforms per gram (or milliliter, if liquid is being sampled) of total solids.



**R3-10-806. Application Requirements: Minimum Application Intervals**

The farm shall apply the biological soil amendments of animal origin specified in the first column of the table in this Section in accordance with the application requirements specified in the second column of the table in this Section and the minimum application intervals specified in the third column of the table in this Section:

<u>If the biological soil amendment of animal origin is</u>	<u>Then the biological soil amendment of animal origin must be applied</u>	<u>And then the minimum application interval is</u>
1. a. <u>Untreated</u>	<u>In a manner that does not contact covered produce during application and minimizes the potential for contact with covered produce after application</u>	<u>[Reserved].</u>
b. <u>Untreated</u>	<u>In a manner that does not contact covered produce during or after application</u>	<u>0 days.</u>
2. <u>Treated by a scientifically valid controlled physical, chemical, or biological process, or combination of scientifically valid controlled physical, chemical, or biological processes, in accordance with the requirements of Section R3-10-805(A)(2), to meet the microbial standard in Section R3-10-805(C).</u>	<u>In a manner that minimizes the potential for contact with covered produce during and after application</u>	<u>0 days.</u>
3. <u>Treated by a scientifically valid controlled physical, chemical, or biological process, or combination of scientifically valid controlled physical, chemical, or biological processes, in accordance with the requirements of R3-10-805(A)(1) to meet the microbial standard in R3-10-805(B).</u>	<u>In any manner with no restrictions</u>	<u>0 days.</u>

**R3-10-807. Biological Soil Amendment: Recordkeeping**

- A. The farm shall establish and keep records required under this article in accordance with the requirements of Article 14 of this Chapter.
- B. For any biological soil amendment of animal origin the farm uses, it shall establish and keep the following records:
  - 1. For a treated biological soil amendment of animal origin the farm receives from a third party, documentation, such as a certificate of conformance, at the time of delivery that both:
    - a. The process used to treat the biological soil amendment of animal origin is a scientifically valid process that has been carried out with appropriate process monitoring; and
    - b. The biological soil amendment of animal origin has been handled, conveyed and stored in a manner and location to minimize the risk of contamination by an untreated or in process biological soil amendment of animal origin.
  - 2. For a treated biological soil amendment of animal origin the farm produces for its own farm or farms, documentation that process controls, which may include time, temperature, and turning, were achieved.

**ARTICLE 9. PRODUCE SAFETY DOMESTICATED AND WILD ANIMALS**

**R3-10-901. Domesticated and Wild Animals: Inclusion; Exclusion**

- A. The requirements of this Article apply when a covered activity takes place in an outdoor area or a partially-enclosed building and when, under the circumstances, there is a reasonable probability that animals will contaminate covered produce.
- B. The requirements of this article do not apply either:
  - 1. When a covered activity takes place in a fully-enclosed building; or
  - 2. To fish used in aquaculture operations.

**R3-10-902. Grazing and Working Animals: Animal Intrusion: Requirements**

- A. The farm shall take the steps set forth in subsection (B) if, under the circumstances, there is a reasonable probability that grazing animals, working animals, or animal intrusion will contaminate covered produce.
- B. The farm shall both:
  - 1. Assess the relevant areas used for a covered activity for evidence of potential contamination of covered produce as needed during the growing season, based on the covered produce, practices and conditions, and observations and experience; and
  - 2. If significant evidence of potential contamination is found, the designated representative shall evaluate whether the covered produce can be harvested in accordance with the requirements of R3-10-1002 and take measures reasonably necessary during growing to assist the farm later during harvest when it shall identify, and not harvest, covered produce that is reasonably likely to be contaminated with a known or reasonably foreseeable hazard.

**R3-10-903. Covered Farms: Taking of Threatened or Endangered Species: Managing Outdoor Growing Areas**

- A. Nothing in this Chapter authorizes the “taking” of or attempting to take threatened or endangered species as that term is defined by the federal Endangered Species Act.
- B. Articles 2 through 17 of this Chapter do not require covered farms to take measures to exclude animals from outdoor growing areas, or to destroy animal habitat or otherwise clear farm borders around outdoor growing areas or drainages.
- C. For purposes of this Section, “taking” includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting threatened or endangered species.



**ARTICLE 10. PRODUCE SAFETY GROWING, HARVESTING, PACKING AND HOLDING ACTIVITIES**

**R3-10-1001. Growing, Harvesting and Packing of Covered and Excluded Produce**

If the farm grows, harvests, packs or holds produce that is not covered in Articles 2 through 17 of this Chapter and also conducts any of those activities on covered produce, and the excluded produce is not grown, harvested, packed or held in accordance with Articles 2 through 17 of this Chapter, the farm shall take measures during these covered activities, as applicable, to both:

1. Keep covered produce separate from excluded produce, except when covered produce and excluded produce are placed in the same container for distribution; and
2. Adequately clean and sanitize, as necessary, any food contact surfaces that contact excluded produce before using those food contact surfaces for covered activities on covered produce.

**R3-10-1002. Required Measures Prior to Harvest**

The farm shall take all measures reasonably necessary to identify, and not harvest, covered produce that is reasonably likely to be contaminated with a known or reasonably foreseeable hazard, including steps to identify and not harvest covered produce that is visibly contaminated with animal excreta. At a minimum, identifying and not harvesting covered produce that is reasonably likely to be contaminated with animal excreta or that is visibly contaminated with animal excreta requires a visual assessment of the growing area and all covered produce to be harvested, regardless of the harvest method used.

**R3-10-1003. Handling Covered Produce During Covered Activities**

The farm shall handle harvested covered produce during covered activities in a manner that protects against contamination with known or reasonably foreseeable hazards, for example, by avoiding, to the degree practicable, contact of cut surfaces of harvested produce with soil.

**R3-10-1004. Dropped Covered Produce: Requirements**

- A. The farm shall not distribute dropped covered produce.
- B. For purposes of this Section, "dropped covered produce" means covered produce that drops to the ground before harvest and does not include:
  1. Root crops that grow underground, such as carrots;
  2. Crops that grow on the ground, such as cantaloupe; or
  3. Produce that is intentionally dropped to the ground as part of harvesting, such as almonds.

**R3-10-1005. Food packing and packaging: requirements**

- A. The farm shall use food-packing material that is adequate for its intended use, which includes being both:
  1. Cleanable or designed for single use.
  2. Unlikely to support growth or transfer of bacteria.
- B. If the farm reuses food-packing material, it shall take adequate steps to ensure that food contact surfaces are clean, such as by cleaning food-packing containers or using a clean liner.
- C. The farm shall package covered produce in a manner that prevents the formation of *Clostridium botulinum* toxin if that toxin is a known or reasonably foreseeable hazard, such as for mushrooms.

**ARTICLE 11. PRODUCE SAFETY EQUIPMENT, TOOLS, BUILDINGS AND SANITATION**

**R3-10-1101. Equipment and Tools: Inclusion: Requirements**

- A. Equipment and tools subject to the requirements of this Article:
  1. Are those that are intended to, or likely to, contact covered produce; and
  2. Are those instruments or controls used to measure, regulate, or record conditions to control or prevent the growth of undesirable microorganisms of public health significance.
- B. Examples include knives, implements, mechanical harvesters, waxing machinery, grading belts, sizing equipment, palletizing equipment, cooling equipment such as hydrocoolers, and equipment used to store or convey harvested covered produce, such as containers, bins, food-packing material, dump tanks, flumes, and vehicles or other equipment used for transport that are intended to, or likely to, contact covered produce.

**R3-10-1102. Buildings: specific inclusions**

Buildings subject to the requirements of this Article include:

1. Any fully- or partially-enclosed building used for covered activities, including minimal structures that have a roof but do not have any walls; and
2. Storage sheds, buildings, or other structures used to store food contact surfaces, such as harvest containers and food-packing materials.

**R3-10-1103. Equipment and Tools: Cleaning and Maintenance**

- A. The farm shall use equipment and tools that are of adequate design, construction, and workmanship to enable them to be adequately cleaned and properly maintained.
- B. Equipment and tools shall be:
  1. Installed and maintained as to facilitate cleaning of the equipment and of all adjacent spaces;
  2. Stored and maintained to protect covered produce from being contaminated with known or reasonably foreseeable hazards; and
  3. Stored and maintained to prevent the equipment and tools from attracting and harboring pests.
- C. Seams on food contact surfaces of equipment and tools shall be either smoothly bonded, or maintained to minimize accumulation of dirt, filth, food particles, and organic material and thus minimize the opportunity for harborage or growth of undesirable microorganisms.
- D. The farm shall inspect, maintain, and clean and, when necessary and appropriate, sanitize all food contact surfaces of equipment and tools used in covered activities as frequently as reasonably necessary to protect against contamination of covered produce.



- E. The farm shall maintain and clean all non-food-contact surfaces of equipment and tools subject to this article used during harvesting, packing, and holding as frequently as reasonably necessary to protect against contamination of covered produce.
- E. If the farm uses equipment such as pallets, forklifts, tractors, and vehicles in a manner that the equipment is intended to, or likely to, contact covered produce, it shall do so in a manner that minimizes the potential for contamination with known or reasonably foreseeable hazards of covered produce or food contact surfaces.

**R3-10-1104. Maintenance of Instruments and Controls**

Instruments or controls the farm uses to measure, regulate, or record temperatures, hydrogen-ion concentration (pH), sanitizer efficacy or other conditions, in order to control or prevent the growth of undesirable microorganisms of public health significance, shall be:

1. Accurate and precise as necessary and appropriate in keeping with their purpose;
2. Adequately maintained; and
3. Adequate in number for their designated uses.

**R3-10-1105. Maintenance of Equipment Used for Transport of Covered Produce**

Equipment that is subject to this Article that the farm uses to transport covered produce shall be both:

1. Adequately clean before use in transporting covered produce; and
2. Adequate for use in transporting covered produce.

**R3-10-1106. Buildings; Suitability; Drainage**

A. Buildings shall be suitable in size, construction, and design to facilitate maintenance and sanitary operations for covered activities to reduce the potential for contamination with known or reasonably foreseeable hazards of covered produce or food contact surfaces. Buildings shall:

1. Provide sufficient space for placement of equipment and storage of materials;
2. Permit proper precautions to be taken to reduce the potential for contamination with known or reasonably foreseeable hazards of covered produce, food contact surfaces, or packing materials; and
3. Be designed to reduce the potential for contamination, including separating operations in which contamination is likely to occur by location, time, partition, enclosed systems or other methods.

B. The farm shall provide adequate drainage in all areas where normal operations release or discharge water or other liquid waste on the ground or floor of the building.

C. The farm shall implement measures to prevent contamination of its covered produce and food contact surfaces, as appropriate, in its buildings, considering the potential for contamination through both:

1. Floors, walls, ceilings, fixtures, ducts, or pipes; and
2. Drip or condensate.

**R3-10-1107. Buildings; Domesticated Animals**

A. The farm shall take reasonable precautions to prevent contamination with known or reasonably foreseeable hazards of covered produce, food contact surfaces, and food-packing materials in fully-enclosed buildings from domesticated animals by either:

1. Excluding domesticated animals from fully-enclosed buildings where covered produce, food contact surfaces, or food-packing material is exposed; or
2. Separating domesticated animals in a fully enclosed building from an area where a covered activity is conducted on covered produce by location, time, or partition.

B. Guard or guide dogs may be allowed in some areas of a fully enclosed building if the presence of the dogs is unlikely to result in contamination of produce, food contact surfaces, or food-packing materials.

**R3-10-1108. Buildings; Pest Control; Routine Monitoring**

A. The farm shall take those measures reasonably necessary to protect covered produce, food contact surfaces, and food-packing materials from contamination by pests in buildings, including routine monitoring for pests as necessary and appropriate.

B. For fully-enclosed buildings, the farm shall take measures to exclude pests from its buildings.

C. For partially-enclosed buildings, the farm shall take measures to prevent pests from becoming established in its buildings, such as by use of screens or by monitoring for the presence of pests and removing them when present.

**R3-10-1109. Toilet Facilities; Adequacy; Accessibility**

A. The farm shall provide personnel with adequate, readily accessible toilet facilities, including toilet facilities readily accessible to growing areas during harvesting activities.

B. The farm's toilet facilities shall be designed, located, and maintained to:

1. Prevent contamination with human waste of covered produce, food contact surfaces, areas used for a covered activity, water sources, and water distribution systems;
2. Be directly accessible for servicing, be serviced and cleaned at a frequency sufficient to ensure suitability of use, and be kept supplied with toilet paper; and
3. Provide for the sanitary disposal of waste and toilet paper.

C. During growing activities that take place in a fully-enclosed building, and during covered harvesting, packing, or holding activities, the farm shall provide a hand-washing station that meets the requirements of R3-10-1110 and is in sufficiently close proximity to toilet facilities to make it practical for persons who use the toilet facility to wash their hands.

**R3-10-1110. Hand-Washing Facilities; Appropriate Disposal of Waste**

A. The farm shall provide personnel with adequate, readily accessible hand-washing facilities during growing activities that take place in a fully-enclosed building, and during covered harvest, packing, or holding activities.

B. The farm's hand-washing facilities shall be furnished with all of the following:

1. Soap (or other surfactant, as appropriate);



- 2. Running water:
  - a. From a municipal water provider; or
  - b. That has no detectable generic *Escherichia coli* (*E. coli*) in 100 milliliters (mL) of agricultural water used to wash hands. The use of untreated surface water is prohibited.
- 3. Adequate drying devices, such as single service towels, sanitary towel service, or electric hand dryers.
- C. The farm shall both:
  - 1. Provide for appropriate disposal of waste, such as waste water and used single-service towels, associated with a hand-washing facility; and
  - 2. Take appropriate measures to prevent waste water from a hand-washing facility from contaminating with known or reasonably foreseeable hazards, covered produce, food contact surfaces, areas used for a covered activity, agricultural water sources, and agricultural water distribution systems.
- D. The farm shall not use antiseptic hand rubs as a substitute for soap, or other surfactant, as appropriate, and water.

**R3-10-1111. Sewage; Control and Disposal; Significant Events**

- A. The farm shall dispose of sewage into an adequate sewage or septic system or through other adequate means.
- B. The farm shall maintain sewage and septic systems in a manner that prevents contamination by known or reasonably foreseeable hazards that would impact covered produce, food contact surfaces, areas used for a covered activity, agricultural water sources, and agricultural water distribution systems.
- C. The farm shall manage and dispose of leakages or spills of human waste in a manner that:
  - 1. Prevents contamination of covered produce; and
  - 2. Prevents or minimizes contamination of any of the following:
    - a. Food contact surfaces,
    - b. Areas used for a covered activity,
    - c. Agricultural water sources, or
    - d. Agricultural water distribution systems.
- D. After a significant event, such as flooding or an earthquake, that could negatively impact a sewage or septic system, the farm shall take appropriate steps to ensure that sewage and septic systems continue to operate in a manner that does not contaminate covered produce, food contact surfaces, areas used for a covered activity, agricultural water sources, or agricultural water distribution systems.

**R3-10-1112. Trash, Litter and Waste; Conveyance, Storage and Disposal**

- A. The farm shall convey, store, and dispose of trash, litter, and waste in order to both:
  - 1. Minimize the potential for trash, litter, or waste to attract or harbor pests; and
  - 2. Protect against contamination by known or reasonably foreseeable hazards that would impact covered produce, food contact surfaces, areas used for a covered activity, agricultural water sources, and agricultural water distribution systems.
- B. The farm shall adequately operate systems for waste treatment and disposal so that they do not constitute a potential source of contamination in areas used for a covered activity.

**R3-10-1113. Plumbing; Adequacy of Size and Design**

- A farm's plumbing shall be of an adequate size and design and be adequately installed and maintained to:
- 1. Distribute water under pressure as needed, in sufficient quantities, in all areas where used for covered activities, for sanitary operations, or for hand-washing and toilet facilities;
  - 2. Properly convey sewage and liquid disposable waste;
  - 3. Avoid being a source of contamination to covered produce, food contact surfaces, areas used for a covered activity, or agricultural water sources; and
  - 4. Prevent backflow from, or cross connection between, piping systems that discharge waste water or sewage and piping systems that carry water used for a covered activity, for sanitary operations, or for use in hand-washing facilities.

**R3-10-1114. Control of Animal Excreta from Domesticated Animals**

- If the farm has domesticated animals, to prevent contamination with animal waste, of covered produce, food contact surfaces, areas used for a covered activity, agricultural water sources, or agricultural water distribution systems, the farm shall both:
- 1. Adequately control their excreta and litter, and
  - 2. Maintain a system for control of animal excreta and litter.

**R3-10-1115. Equipment, Tools, Buildings and Sanitation; Recordkeeping**

- A. The farm shall establish and keep records required under this Article in accordance with the requirements of Article 14 of this Chapter.
- B. The farm shall establish and keep documentation of the date and method of cleaning and sanitizing of equipment subject to this Article used in both:
  - 1. Growing operations for sprouts; and
  - 2. Covered harvesting, packing, or holding activities.

**ARTICLE 12. PRODUCE SAFETY SPROUTS****R3-10-1201. Sprouts: Incorporation of Federal Regulations**

- A.** The Department incorporates by reference 21 CFR 112, Subpart M, as published in 80 FR 74353 on November 27, 2015, and no later amendments or editions.
- B.** These sections apply to growing, harvesting, packing and holding of all sprouts, except soil- or substrate-grown sprouts harvested without their roots. The incorporated material is on file with the Arizona Department of Agriculture at 1688 W. Adams Street, Phoenix, AZ 85007.
- C.** The incorporated material, developed by the U.S. Food and Drug Administration, Department of Health and Human Services, is available from the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-001. The incorporated material can be ordered online by visiting the U.S. Government Online Bookstore at <https://bookstore.gpo.gov> or is available free of charge at <http://gpo.gov> (electronic code of federal regulations).

**ARTICLE 13. PRODUCE SAFETY ANALYTICAL METHODS****R3-10-1301. Analytical Methods: Incorporation of Federal Regulations**

- A.** The Department incorporates by reference 21 CFR 112, Subpart N, as published in 80 FR 74353 on November 27, 2015, and no later amendments or editions.
- B.** These sections apply to methods to test agricultural water for specific microbial quality to ensure the water is consistently safe and of adequate sanitary quality for its intended use. The incorporated material is on file with the Arizona Department of Agriculture at 1688 W. Adams Street, Phoenix, AZ 85007.
- C.** The incorporated material, developed by the U.S. Food and Drug Administration, Department of Health and Human Services, is available from the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-001. The incorporated material can be ordered online by visiting the U.S. Government Online Bookstore at <https://bookstore.gpo.gov> or is available free of charge at <http://gpo.gov> (electronic code of federal regulations).

**ARTICLE 14. PRODUCE SAFETY RECORDS****R3-10-1401. Definition**

Unless the context otherwise requires, "electronic record" means any combination of text, graphics, data, audio, pictorial, or other information representation in digital form that is created, modified, maintained, archived, retrieved, or distributed by a computer system.

**R3-10-1402. Recordkeeping: Signature by Responsible Party**

- A.** Except as otherwise specified, all records required under Articles 2 through 17 of this Chapter shall:
  - 1.** Include, as applicable, all of the following:
    - a.** The name and location of the farm;
    - b.** Actual values and observations obtained during monitoring;
    - c.** An adequate description, such as the commodity name, or the specific variety or brand name of a commodity, and, when available, any lot number or other identifier, of covered produce applicable to the record;
    - d.** The location of a growing area or other area, such as a specific packing shed, applicable to the record; and
    - e.** The date and time of the activity documented.
  - 2.** Be created at the time an activity is performed or observed;
  - 3.** Be accurate, legible, and indelible; and
  - 4.** Be dated and signed or initialed by the person who performed the activity documented.
- B.** Records required under Sections R3-10-406, R3-10-504, Article 7, R3-10-807 and R3-10-1115 shall be reviewed, dated, and signed, within a reasonable time after the records are made, by a supervisor or designated representative, unless the farm's designated representative signed or initialed as the person performing the activity.

**R3-10-1403. Records: Off-Site Storage and Electronic Records**

- A.** Offsite storage of records is permitted if the records can be retrieved and provided onsite within 24 hours of request for official review.
- B.** Electronic records are considered to be onsite at a farm if they are accessible from an onsite location at the farm.

**R3-10-1404. Existing Records: Duplication: Supplementation**

- A.** Existing records that are kept to comply with other federal, state, or local laws, or for any other reason, do not need to be duplicated if they contain all of the required information and satisfy the requirements of Articles 2 through 17 of this Chapter. Existing records may be supplemented as necessary to include all of the required information and satisfy the requirements of Articles 2 through 17 of this Chapter.
- B.** The information required by Articles 2 through 17 of this Chapter does not need to be kept in one set of records. If existing records contain some of the required information, any new information required by Articles 2 through 17 of this Chapter may be kept either separately or combined with the existing records.

**R3-10-1405. Period for Maintenance of Records**

- A.** A farm shall keep records required by this Article for at least two years past the date the record was created.
- B.** Farms that have a qualified exemption shall retain records that the farm relies on during the three-year period preceding the applicable calendar year to satisfy the criteria for a qualified exemption, in accordance with R3-10-403 and R3-10-405. Records supporting a qualified exemption shall be retained as long as necessary to support the farm's status during the applicable calendar year.



C. Records that relate to the general adequacy of the equipment or processes or records that relate to analyses, sampling, or action plans being used by a farm, including the results of scientific studies, tests, and evaluations, shall be retained at the farm for at least two years after the use of that equipment or processes, or records related to analyses, sampling, or action plans, is discontinued.

**R3-10-1406. Records: Acceptable Formats**

A farm shall keep records as either:

1. Original records;
2. True copies, such as photocopies, pictures, scanned copies or other accurate reproductions of the original records; or
3. Electronic records.

**R3-10-1407. Availability and Accessibility of Records to Department**

- A. A farm shall have all records required under this Article readily available and accessible during the retention period for inspection and copying by an authorized employee or agent of the Department upon oral or written request, except that the farm shall have 24 hours to obtain records it keeps offsite and make them available and accessible to an authorized employee or agent of the Department for inspection and copying.
- B. If the farm uses electronic techniques to keep records, or to keep true copies of records, or if the farm uses reduction techniques to keep true copies of records, it shall provide the records to an authorized employee or agent of the Department in a format in which the records are accessible and legible.
- C. If the farm is closed for a prolonged period, the records may be transferred to some other reasonably accessible location but shall be returned to the farm within 24 hours for official review upon request.

**R3-10-1408. Disclosure of Records to Outside Parties**

Records obtained by an authorized employee or agent of the Department are subject to disclosure pursuant to A.R.S. § 3-525.06.

- A. Documents, data and records received by the department and employees and agents of the department from a farm under this Article are public records and are subject to disclosure as provided by law, except for:
  1. Trade secrets, the disclosure of which would give an unfair advantage to competitors or would otherwise cause substantial harm to the farm's competitive position.
  2. Financial information.
  3. Documents, data and records derived from inspections and investigations under this Article.
- B. Any documents, data and records may be disclosed on a confidential basis to agencies or instrumentalities of any of the following that have data sharing agreements or data sharing credentials with the department or the United States food and drug administration:
  1. The United States.
  2. This state.
  3. Political subdivisions of this state with which the director has a memorandum of understanding for the purposes of this subsection.
  4. Indian tribal governments in this state.
  5. Any other state:
    - a. From which produce was transported into this state.
    - b. Into which produce is transported from this state.
- C. Any documents, data and records may be disclosed pursuant to:
  1. The order of a court of competent jurisdiction.
  2. A signed and notarized release by a farm authorizing the disclosure of specific information to a specific person or persons for a specific reason or reasons.
- D. Aggregate statistical data derived from confidential information may be disclosed if the data does not identify, or enable the identification of, and is not attributable to, any individual farm. Information may not be disclosed pursuant to this subsection if a farm demonstrates that disclosure would give an unfair advantage to competitors or would otherwise cause substantial harm to the farm's competitive position.
- E. A person, including a former employee or agent of the department or a person previously having an administrative duty for the department, who receives confidential information while an employee or agent of the department or while performing an administrative or enforcement duty for the department may not disclose that information except as provided in this Article.

**ARTICLE 15. PRODUCE SAFETY VARIANCES**

**R3-10-1501. Request for Variance: Method of Request: Required Information**

- A. An entity located or conducting business in this state that is subject to regulation under Articles 2 through 17 of this Chapter may request a variance from one or more requirements by submitting an application to the Department demonstrating that both of the following apply:
  1. The variance is necessary in light of local growing conditions; and
  2. The procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under Section 402 of the Federal Food, Drug, and Cosmetic Act and provide the same level of public health protection as the requirements of Articles 2 through 17 of this Chapter.
- B. The application shall include all of the following:
  1. A statement that the variance is necessary in light of local growing conditions and that the procedures, processes, and practices to be followed under the variance are reasonably likely to ensure that the produce is not adulterated under Section 402 of the Federal Food, Drug and Cosmetic Act and provide the same level of public health protection as the requirements of Articles 2 through 17 of this Chapter;
  2. A description of the variance requested, including the farms to which the variance would apply and the provision(s) of Articles 2 through 17 of this Chapter to which the variance would apply; and
  3. Information demonstrating that the procedures, processes, and practices to be followed under the variance both:



- a. Are reasonably likely to ensure that the produce is not adulterated under Section 402 of the Federal Food, Drug, and Cosmetic Act; and
  - b. Will provide the same level of public health protection as the requirements of Articles 2 through 17 of this Chapter.
- C. The Department shall review the application and, after review, may submit the application to FDA for consideration as prescribed by 21 CFR Part 112(P). The Department shall provide a response to the applicant indicating its decision on whether to submit the application to the FDA.

### **ARTICLE 16. PRODUCE SAFETY INSPECTIONS, VIOLATIONS AND ENFORCEMENT**

#### **R3-10-1601. Definitions**

These words are defined for use in this Article, unless the context otherwise requires:

1. “Egregious violation” means a practice, condition, or situation on a farm that is substantially likely to lead to serious adverse health consequences or death from the consumption of or exposure to covered produce.
2. “Grower-shipper” means a person who is engaged in this state in the business of packing, shipping, transporting or selling covered produce of which the person is a grower, producer or owner.
3. “Imminent public health hazard violation” means a practice, condition or situation on a farm or in a packing house that, if corrective action is not taken immediately, is substantially likely to lead to a potential source of contamination that may cause serious adverse health consequences or death from the consumption of or exposure to covered produce.
4. “Major violation” means a practice, condition or situation on a farm or in a packing house that, if corrective action is not taken, may increase the risk of contamination to covered produce.
5. “Minor violation” means a practice, condition or situation on a farm or in a packing house that will not increase the risk of contamination to covered produce.
6. “Regulated person” means a grower, grower-shipper, harvester, packer, cooler or holder that is a farm, as defined in R3-10-201 and is subject to any of the requirements of Articles 2 through 17 of this Chapter.
7. “Significant violation” means a practice, condition or situation on a farm or in a packing house that, if corrective action is not taken, is reasonably likely to increase the risk of contamination to covered produce.

#### **R3-10-1602. Inspection: Procedure: Conduct**

- A. The Department shall conduct inspections pursuant to the procedure outlined in A.R.S. § 41-1009.
- B. The designated representative of the farm shall provide information at the time of the inspection regarding known entities associated with the farm that are subject to inspection.

#### **R3-10-1603. Initial Inspection**

- A. For an initial inspection, if the inspector observes a condition indicating the regulated person is not in compliance, and the condition is not egregious or an imminent health hazard, the inspector may provide outreach and education resources as appropriate for:
1. Training;
  2. Guidance documents;
  3. Technical assistance network; and
  4. On-farm direct technical assistance.
- B. During an initial inspection, if the inspector observes a condition that likely has caused an imminent public health hazard and the covered produce is still under the control of the regulated person, the inspector may take immediate action as follows:
1. Discuss observed conditions with the designated representative;
  2. Document findings on the inspection form;
  3. Determine a timeline for corrective actions and preventative measures;
  4. Evaluate the covered produce for embargo and disposal in conjunction with the Associate Director;
  5. Schedule a reinspection within 3 to 10 days; and
  6. Forward the findings to the Associate Director to determine if any other enforcement action is necessary. The Associate Director may also communicate findings to FDA, Arizona Department of Health Services, county departments of health or other agencies as appropriate.
- C. During an initial inspection, if the inspector observes conditions indicating an egregious situation and the covered produce has left the control of the regulated person, the inspector may immediately take any of the following actions:
1. Discuss observed conditions with the designated representative;
  2. Document findings on the inspection form;
  3. Determine a timeline for corrective actions and preventative measures;
  4. Initiate a recall, embargo or stop sale in conjunction with the Associate Director;
  5. Schedule a reinspection within 3 to 10 days; or
  6. Forward the findings to the Associate Director to determine if any other enforcement action is necessary. The Associate Director may also communicate findings to FDA, Arizona Department of Health Services, county departments of health or other agencies as appropriate.
- D. In order to address any condition described in subsection (B) and (C), the regulated person or anyone controlling the covered produce may take immediate corrective action and stop the harvest or institute a voluntary withdrawal of the affected covered produce as appropriate.

#### **R3-10-1604. Routine Inspection, Reinspection, or For Cause Inspection**

- A. For a routine inspection, reinspection or for cause inspection, if the inspector observes conditions that will not cause produce contamination, but require corrective action, the inspector may take any of the following actions:
1. Discuss observed conditions with the designated representative;
  2. Document findings on the inspection form;
  3. Agree on a timeline for corrective actions and preventative measures; or



- 4. Determine if any further training, guidance documents or technical assistance is necessary.
- B.** During a routine inspection, reinspection or for cause inspection, if the inspector observes conditions that may cause produce contamination, the inspector may take any of the following actions:
  - 1. Discuss observed conditions with the designated representative;
  - 2. Document findings on the inspection form;
  - 3. Determine if any covered produce has left the control of the regulated person;
  - 4. Determine a timeline for corrective actions and preventative measures;
  - 5. Schedule a reinspection within 3 to 10 days or a time appropriate to the growing season; or
  - 6. Forward the findings to the Associate Director to determine if any other enforcement action is necessary. The Associate Director may also communicate findings to FDA, Arizona Department of Health Services, county departments of health or other agencies as appropriate.
- C.** During a routine inspection, reinspection or for cause inspection, if the inspector observes conditions that indicate an imminent public health hazard and the covered produce is still under the control of the regulated person, the inspector may immediately take any of the following actions:
  - 1. Discuss observed conditions with the designated representative;
  - 2. Document findings on the inspection form;
  - 3. Determine a timeline for corrective actions and preventative measures;
  - 4. Evaluate the covered produce for embargo and disposal in conjunction with the Associate Director;
  - 5. Schedule a reinspection within 3 to 10 days; or
  - 6. Forward the findings to the Associate Director to determine if any other enforcement action is necessary. The Associate Director may also communicate findings to FDA, Arizona Department of Health Services, county departments of health or other agencies as appropriate.
- D.** During a routine inspection, reinspection or for cause inspection, if the inspector observes conditions indicating an egregious situation and the covered produce has left the control of the regulated person, the inspector may immediately take any of the following actions:
  - 1. Discuss observed conditions with the designated representative;
  - 2. Document findings on the inspection form;
  - 3. Determine a timeline for corrective actions and preventative measures;
  - 4. Initiate a recall, embargo or stop sale in conjunction with the Associate Director;
  - 5. Schedule a reinspection within 3 to 10 days; or
  - 6. Forward the findings to the Associate Director to determine if any other enforcement action is necessary. The Associate Director may also communicate findings to FDA, Arizona Department of Health Services, county departments of health or other agencies as appropriate.
- E.** In order to address any condition described in subsection (C) and (D), the regulated person or anyone controlling the covered produce may take immediate corrective action and stop the harvest or institute a voluntary withdrawal of the affected covered produce as appropriate.

**R3-10-1605. Egregious Violation**

The following is a nonexclusive list of practices, conditions or situations on a farm that is substantially likely to lead to serious adverse health consequences or death from the consumption of or exposure to covered produce. A regulated person shall not:

- 1. Allow the harvest, packing or distribution of covered produce that is visibly contaminated with animal or human excreta;
- 2. Allow the harvest, packing or distribution of covered produce that is visibly contaminated with sewage, or the contents of a septic system or toilet facilities; or
- 3. Allow the harvest, packing or distribution of covered produce that has had raw manure in direct contact with the edible portion of the plant.

**R3-10-1606. Imminent Public Health Hazard Violation**

The following is a nonexclusive list of practices, conditions or situations on a farm that, if corrective action is not taken immediately, are substantially likely to lead to a potential source of contamination that may cause serious adverse health consequences or death from the consumption of or exposure to covered produce. A regulated person shall not:

- 1. Allow the harvest, packing or distribution of covered produce that is substantially likely to be contaminated with animal or human excreta;
- 2. Allow the harvest, packing or distribution of covered produce that is reasonably likely to be contaminated with sewage, or the contents of a septic system or toilet facilities; or
- 3. Allow the harvest, packing or distribution of covered produce that has had raw manure in direct contact with the edible portion of the plant.

**R3-10-1607. Significant Violation**

The following is a nonexclusive list of practices, conditions or situations on a farm that, if corrective action is not taken, are reasonably likely to increase the risk of contamination to covered produce. A regulated person shall not:

- 1. Use measures that fail to prevent contamination of covered produce and food contact surfaces with undesirable microorganisms of public health significance from a person with an applicable health condition;
- 2. Allow the use of improper hygienic practices by personnel who handle or contact covered produce or food contact surfaces;
- 3. Use untreated, improperly treated or contaminated biological soil amendments of animal origin;
- 4. Allow the harvest of covered produce that is reasonably likely to be contaminated with known or reasonably foreseeable hazards as the result of an animal intrusion;
- 5. Clean equipment and tools in a manner that fails to protect covered produce from being contaminated with known or reasonably foreseeable hazards;



6. Dispose of waste from toilet facilities, in a manner that fails to protect covered produce, food contact surfaces, agricultural water sources, or agricultural water distribution systems from being contaminated with known or reasonably foreseeable hazards;
7. Improperly manage grazing animals, working animals and domestic animals on areas where covered activities occur; or
8. Improperly dispose of sewage or improperly control sewage in a manner that fails to protect covered produce, food contact surfaces, agricultural water sources, or agricultural water distribution systems from being contaminated with known or reasonably foreseeable hazards.

**R3-10-1608. Major Violation**

The following is a nonexclusive list of practices, conditions or situations on a farm that, if corrective action is not taken, may increase the risk of contamination to covered produce. A regulated person shall not:

1. Store or maintain packaging materials in a manner that fails to protect covered produce from being contaminated by known or reasonably foreseeable hazards;
2. Store or maintain equipment and tools in a manner that fails to protect covered produce from being contaminated by known or reasonably foreseeable hazards;
3. Allow personnel to perform assigned duties without adequate or appropriate training;
4. Allow personnel to perform assigned duties without proper food safety apparel or hair restraints;
5. Allow visitors to contaminate covered produce or food contact surfaces by known or reasonably foreseeable hazards;
6. Allow a person with an applicable health condition to handle or contact covered produce or food contact surfaces;
7. Allow a person who has not properly used toilet or hand washing facilities to handle or contact covered produce or food contact surfaces;
8. Dispose of trash from hand washing facilities in a manner that fails to protect covered produce, food contact surfaces, agricultural water sources, or agricultural water distribution systems from being contaminated with known or reasonably foreseeable hazards;
9. Improperly control or improperly dispose of trash, litter and waste in areas used for covered activities;
10. Improperly control or improperly dispose of trash from toilet and hand washing facilities in areas not used for covered activities, but in areas that are part of the farm;
11. Improperly maintain and service toilet facilities to ensure suitability of use;
12. Improperly maintain and service hand washing facilities to ensure suitability of use;
13. Improperly control pests in buildings in a manner that fails to protect covered produce from being contaminated by known or reasonably foreseeable hazards; or
14. Complete records prior to the documented activity being performed.

**R3-10-1609. Minor Violation**

The following is a nonexclusive list of practices, conditions or situations on a farm that will not increase the risk of contamination to covered produce. A regulated person shall:

1. Store and maintain complete records for the proper time period as required by Articles 4 through 14 of this Chapter; and
2. Control and properly dispose of litter in areas not used for covered activities but in areas that are part of the farm.

**R3-10-1610. Unlisted Violation: Classification**

The Department shall classify a violation of Articles 4 through 14 of this Chapter or of A.R.S. Title 3, Chapter 3, Article 4.1, not specifically listed as egregious, imminent health hazard, significant, major or minor violation, according to the nature and urgency of the violation and the risk to public health and safety.

**R3-10-1611. Violation: Reclassification: Factors**

A significant, major or minor violation may be classified as a higher or lower violation based on the nature and urgency of the violation and the risk to public health and safety.

**R3-10-1612. Aggravating and Mitigating Circumstances: Factors**

- A. Depending on any aggravating circumstances surrounding a significant, major or minor violation, such as intentional conduct or inaction that results in failure to maintain standards, the violation may be classified as a higher violation.
- B. A violation may be classified as a lower violation, or in the case of a minor violation, be classified as no violation, depending on any mitigating circumstances surrounding a significant, major or minor violation. Mitigating circumstances may include: correcting a violation at the time of inspection; immediately addressing or providing a remedy for the violation; conducting immediate onsite retraining; or implementing additional measures or practices.

**R3-10-1613. Repeat Violations: Penalty**

- A. During a routine inspection, reinspection or for cause inspection, if the inspector observes conditions indicating the regulated person has been previously notified of the same or similar violation, the inspector may take any of the following actions:
  1. Discuss observed conditions with the regulated person;
  2. Document findings on the inspection form;
  3. Determine a timeline for corrective actions and preventative measures; or
  4. Forward the findings to the Associate Director to determine if any other enforcement action is necessary.
- B. The Department may assess a penalty for a repeat significant or major violation within three years from the date the first same or similar violation occurred. The amount of the penalty shall be progressively graduated and shall be based on the nature and urgency of the violation and the risk to public health and safety as follows:
  1. For a first repeat significant violation, up to \$100;
  2. For a second repeat significant violation, up to \$200;
  3. For a subsequent repeat significant violation, up to \$400;
  4. For a second repeat major violation, up to \$50; and



- 5. For a subsequent repeat major violation, up to \$100.
- C. The Department may assess a penalty for a third or subsequent repeat minor violation of the same or similar type within three years from the date the first same or similar violation occurred as follows:
  - 1. For a third repeat minor violation, up to \$25; and
  - 2. For a subsequent repeat minor violation, up to \$50.

**R3-10-1614. Civil Penalties**

- A. The Director may assess a civil penalty of up to:
  - 1. \$1,000 for each egregious violation; and
  - 2. \$750 for each imminent public health hazard violation.
- B. The amount of the civil penalty shall be progressively graduated according to the nature and urgency of the violation and the risk to public health and safety.

**R3-10-1615. Violation: Appeal**

A person who violates Articles 2 through 17 of this Article or rules adopted pursuant to Articles 2 through 17 of this Article may request a hearing before an administrative law judge pursuant to A.R.S. Title 41, Chapter 6, Article 10. The decision of the administrative law judge is subject to review by the Director as provided by A.R.S. Title 41, Chapter 6, Article 10.

**ARTICLE 17. PRODUCE SAFETY WITHDRAWAL OF QUALIFIED EXEMPTION**

**R3-10-1701. Withdrawal of Qualified Exemption: Incorporation of Federal Regulations**

- A. The Department incorporates by reference 21 CFR 112(R), as published in 80 FR 74353 on November 27, 2015, and no later amendments or editions.
- B. These sections apply to the process for the FDA to withdraw a qualified exemption. A qualified exemption may be granted to a farm based on average annual monetary value of all food sold and direct farm marketing. A qualified exemption may be withdrawn based on specific circumstances outlined in 21 CFR 112, Subpart R. The incorporated material is on file with the Arizona Department of Agriculture at 1688 W. Adams Street, Phoenix, AZ 85007.
- C. The incorporated material, developed by the U.S. Food and Drug Administration, Department of Health and Human Services, is available from the U.S. Government Publishing Office, 732 North Capitol Street, NW, Washington, DC 20401-001. The incorporated material can be ordered online by visiting the U.S. Government Online Bookstore at <https://bookstore.gpo.gov> or is available free of charge at <http://gpo.gov> (electronic code of federal regulations).

**R3-10-1702. Withdrawal of Qualified Exemption: FDA**

- A. The FDA may withdraw a farm’s qualified exemption pursuant to 21 CFR 112(R). For example, an exemption may be withdrawn by FDA:
  - 1. In the event of an active investigation of a foodborne illness outbreak that is directly linked to the farm.
  - 2. If FDA determines that it is necessary to protect the public health and prevent or mitigate a foodborne illness outbreak based on conduct or conditions associated with the qualified farm that are material to the safety of the food that would otherwise be covered produce grown, harvested, packed or held at the farm.
- B. Requirements regarding notice, appeals, hearings, timeframes, decisions, revocation and reinstatement for an exemption withdrawn by FDA are governed by 21 CFR 112(R).

**R3-10-1703. Withdrawal of Qualified Exemption: Department**

The Department may withdraw a farm’s qualified exemption for noncompliance as follows:

- 1. Failure to satisfy the requirements, terms and conditions prescribed by R3-10-403;
- 2. Failure to satisfy the requirements regarding food packaging labels as required by R3-10-404;
- 3. Failure to maintain adequate records necessary to demonstrate that the farm satisfies the criteria for a qualified exemption as prescribed by R3-10-405;
- 4. Failure to apply for the exemption on a form issued by the Associate Director;
- 5. Failure to receive approval for the exemption; or
- 6. Failure to maintain and demonstrate compliance with the requirements pursuant to A.R.S. §3-525.03 and administrative rules adopted pursuant to A.R.S. §3-525.08.

**R3-10-1704. Change in Eligibility**

If a farm’s eligibility for a qualified exemption changes, or if its qualified exemption is withdrawn by either the Department, pursuant to A.R.S. § 3-525.03 or by the FDA as outlined in 21 CFR 112(R), the farm will be considered “covered” and will be subject to all requirements of 21 CFR 112 and Articles 2 through 17 of this Chapter.

**R3-10-1705. Withdrawal of Qualified Exemption: Department: Orders**

The Director shall issue an order to withdraw the exemption to the owner, operator, or agent in charge of the farm. The order shall:

- 1. Be in writing, signed and dated by the Director;
- 2. Include specific information related to the reason for the withdrawal;
- 3. Outline requirements regarding compliance with the order; and
- 4. Outline opportunities for appeal.

**R3-10-1706. Administrative Hearing Procedures: Appeals**

The owner, operator, or agent in charge of a farm that receives an order to withdraw a qualified exemption applicable to that farm shall either comply with the requirements of the order or appeal the order pursuant to Arizona administrative hearing procedures outlined in A.R.S. Title 41, Chapter 6, Article 10.



**R3-10-1707. Qualified Exemption: Reinstatement**

If the Director determines that a farm has adequately resolved any problems or conditions that resulted in withdrawal of the exemption, and that continued withdrawal of the exemption is not necessary to protect the public health or prevent or mitigate a food borne illness or outbreak, the Director may, on the Director's own initiative or at the request of the farm, reinstate the qualified exemption.



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
WATER POLLUTION CONTROL

[M20-22]

1. Name of the agency:

Arizona Department of Environmental Quality

2. Subject of the notice:

Reissuance of Construction General Permit (CGP) for Stormwater Discharges Associated with Construction Activities

3. A brief description of the reissued general permit:

Pursuant to 18 A.A.C. 9, Article 9, R18-9-C901 and -C903, the Department is reissuing a general permit under the Arizona Pollutant Discharge Elimination System (AZPDES), authorizing stormwater discharges associated with construction activities (40 CFR § 122.26(b)(14)(x) and 122.26(b)(15)) to Surface Waters. This general permit AZG2020-001 replaces permit AZG2013-001.

These permits are issued pursuant to Section 402(p) of the federal Clean Water Act, in compliance with state statutes and rules.

4. A description of the permit area:

The general permit authorizes stormwater discharges associated with construction activities in Arizona, except for Indian Country as defined in 18 U.S.C. § 1151.

5. Permit Schedule:

The 2020 Construction General Permit replaces ADEQ's 2013 CGP in accordance with the following schedule:

- 2020 CGP issued March 27, 2020
• 2020 CGP becomes effective on July 1, 2020
• Existing permittees (those who have coverage under the 2013 permit) have between July 1, 2020 and August 31, 2020 to submit a Notice of Intent using ADEQ's online permitting program (myDEQ).
• A Stormwater Pollution Prevention Plan (SWPPP) must be developed by the time the NOI is submitted. Existing permittees may update their current SWPPP to comply with the 2020 CGP requirements rather than developing a new SWPPP.

Prior to July 1, 2020, the following process applies:

- Existing permittees must continue to comply with their coverage under 2013 CGP (e.g., monitoring, reporting, inspections, etc.)
• New and unpermitted sites that are subject to construction stormwater permitting must apply under 2020 CGP for stormwater discharges, as required by the Clean Water Act, and federal and state law.

6. How to obtain copies of the draft permit documents:

Copies of the general permit and accompanying fact sheet are available upon request from the agency personnel listed in item 8, below, and on the Department's website at http://azdeq.gov/notices. The general permit and fact sheet are also available in the Records Center at the Arizona Department of Environmental Quality, 1110 West Washington Street, Phoenix, Arizona, and may be reviewed any time between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays.

7. The name, address, and telephone number of agency personnel to whom questions and comments on the general permit may be addressed:

Name: Rosi Sherrill
Address: Department of Environmental Quality
Surface Water Protection
1110 W. Washington
Phoenix, AZ 85007
Telephone: (602) 771-4409
E-mail: stormwater@azdeq.gov




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## GOVERNOR EXECUTIVE ORDER

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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.

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### 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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**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.

<b>Deadline Date (paper only) Friday, 5:00 p.m.</b>	<b>Register Publication Date</b>	<b>Oral Proceeding may be scheduled on or after</b>
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
April 10, 2020	May 1, 2020	June 2, 2020
April 17, 2020	May 8, 2020	June 8, 2020
April 24, 2020	May 15, 2020	June 15, 2020
May 1, 2020	May 22, 2020	June 22, 2020
May 8, 2020	May 29, 2020	June 29, 2020
May 15, 2020	June 5, 2020	July 6, 2020
May 22, 2020	June 12, 2020	July 13, 2020
May 29, 2020	June 19, 2020	July 20, 2020
June 5, 2020	June 26, 2020	July 27, 2020
June 12, 2020	July 3, 2020	August 3, 2020
June 19, 2020	July 10, 2020	August 10, 2020
June 26, 2020	July 17, 2020	August 17, 2020
July 3, 2020	July 24, 2020	August 24, 2020
July 10, 2020	July 31, 2020	August 31, 2020
July 17, 2020	August 7, 2020	September 8, 2020
July 24, 2020	August 14, 2020	September 14, 2020
July 31, 2020	August 21, 2020	September 21, 2020
August 7, 2020	August 28, 2020	September 28, 2020
August 14, 2020	September 4, 2020	October 5, 2020
August 21, 2020	September 11, 2020	October 13, 2020
August 28, 2020	September 18, 2020	October 19, 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	<b>Wednesday</b> 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.