



Arizona Administrative REGISTER

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

Vol. 26, Issue 30

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July 24, 2020

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DIRECTOR <i>Administrative Rules Division</i> Scott Cancelosi	PUBLISHER <i>Secretary of State</i> KATIE HOBBS	RULES MANAGING EDITOR <i>Arizona Administrative Register</i> Rhonda Paschal
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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the *Administrative Register* (A.A.R.) posted on the Arizona Secretary of State's website is the official published version for rulemaking activity in the state of Arizona.

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

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

In addition, the *Register* contains notices of rules terminated by the agency and rules that have expired.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

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

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

The authenticated pdf of *Code* chapters posted on the Arizona Secretary of State's website are the official published version of rules in the A.A.C. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

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

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

Arizona Administrative REGISTER

Vol. 26

Issue 30

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.

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

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Participate in the Process

Look for the Agency Notice

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

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

Attend a public hearing/meeting

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

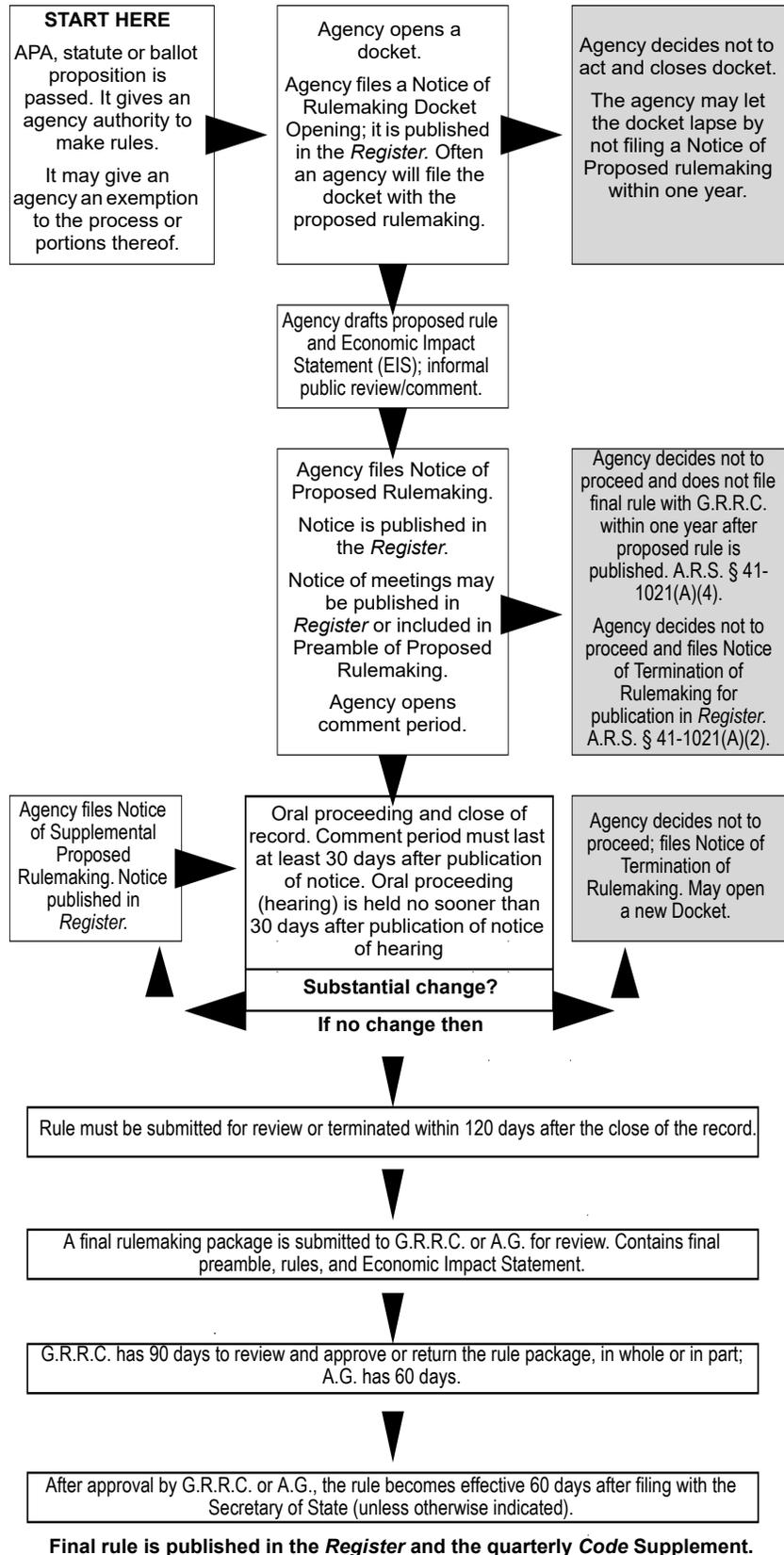
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

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

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

Arizona Regular Rulemaking Process



Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acronyms

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

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

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

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

FR – *Federal Register*

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

U.S.C. – *United States Code*

About Preambles

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

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

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



NOTICES OF PROPOSED RULEMAKING

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

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

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

Under the APA, an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule (A.R.S. §§ 41-1013 and 41-1022).

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

**NOTICE OF PROPOSED RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT**

[R20-115]

PREAMBLE

- | | |
|---|---------------------------------|
| <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R18-8-260 | Amend |
| R18-8-261 | Amend |
| R18-8-262 | Amend |
| R18-8-263 | Amend |
| R18-8-264 | Amend |
| R18-8-265 | Amend |
| R18-8-266 | Amend |
| R18-8-268 | Amend |
| R18-8-270 | Amend |
| R18-8-271 | Amend |
| R18-8-273 | Amend |
| R18-8-280 | Amend |
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statutes (general) and the implementing statutes (specific):**
 Authorizing statute: A.R.S. §§ 41-1003 and 49-104
 Implementing statute: A.R.S. § 49-922
- 3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:**
 Notice of Rulemaking Docket Opening: 26 A.A.R. 318, February 21, 2020
- 4. The agency’s contact person who can answer questions about the rulemaking:**
 Name: Mark Lewandowski or Caitlin Caputo
 Address: Department of Environmental Quality
 Waste Programs Division
 1110 W. Washington St.
 Phoenix, AZ 85007
 Mark’s phone: (602) 771-2230 or (800) 234-5677, enter 771-2230 (Arizona only)
 Caitlin’s phone: (602) 771-4677 or (800) 234-5677, enter 771-4677 (Arizona only)
 Fax: (602) 771-4272
 E-mail: lewandowski.mark@azdeq.gov
- 5. The agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**
Summary. The Arizona Department of Environmental Quality (ADEQ) is proposing to amend the state’s hazardous waste (HW) rules to incorporate certain changes in federal regulations implementing Subtitle C of the Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA). The amendments in this proposed rule would adopt changes to federal regulations that were in effect as of July 1, 2020 and update the general incorporation date in Arizona HW rules from July 1, 2018 to July 1, 2020. ADEQ-initiated technical corrections and procedural changes are also



included. EPA's 2008, 2015, and 2018 regulations relating to the definition of solid waste are incorporated by this rulemaking.

Background. Congress passed RCRA in 1976 to establish a national "cradle to grave" regulatory system to control the generation, transportation, treatment, storage and disposal of HW. Similar to other national environmental laws, states are encouraged to assume most of the responsibility for the program and become "authorized" to implement RCRA and its underlying regulations. This process ensures national consistency and minimum standards while providing flexibility to states to implement the national standards with state and local solutions.

The federal requirements for state HW program authorization are found in 40 CFR 271. Federal HW regulations change from year to year, so states with authorization such as Arizona have a continuing obligation to revise their programs to keep up with federal changes and remain authorized states. (See 40 CFR 271.21(e)(1).)

Arizona's HW rules are found in 18 A.A.C. 8, Article 2 and have been in effect since 1984. EPA first granted "final" authorization to Arizona in 1985 to operate its HW program in Arizona in lieu of the federal HW program, subject to the limitations imposed by HSWA. (See 50 FR 47736, November 20, 1985.) EPA last authorized revisions to Arizona's HW program on December 21, 2017. (See 82 FR 60550.) Due to federal and Arizona requirements requiring equivalency with federal regulations, Arizona's HW rules incorporate the federal HW regulations by reference and are mostly identical to the federal regulations. (See 42 U.S.C. 6926(b) and A.R.S. § 49-922(A).) ADEQ regularly compares Arizona's HW rules to the federal regulations and amends the Arizona rules as necessary to comply with state statutes and to facilitate continued authorization. Without continued authorization, EPA, rather than ADEQ, would administer the HW program in Arizona. ADEQ's primary objective with this rulemaking is to continue administering the federal HW program in Arizona in place of EPA. ADEQ believes that continued authorization is ensured by regular incorporation of the changes and additions to federal language into the Arizona rules.

Background to this Notice of Proposed Rulemaking. ADEQ's current rulemaking process contains significantly more stakeholder dialogue leading up to the formal proposed rule when compared to previous ADEQ rulemakings. From March through July 2020, ADEQ posted informational documents on its website and held a virtual public stakeholder meeting on a pre-proposal draft rule. The meeting was well attended and answered many early stakeholder questions, especially regarding the handling of hazardous secondary materials under EPA's Definition of Solid Waste rules.

Effective date of rule. If these proposed rules are considered by the Governor's Regulatory Review Council (GRRC) early enough in 2020, they would be effective in January or February of 2021. At this time, ADEQ is considering a request to GRRC to approve these rules with an immediate effective date pursuant to A.R.S. § 41-1032(A) so that the airbag rule can become effective in Arizona as soon as possible due to the urgent public health issue posed by recalled Takata airbag inflators that remain installed in vehicles. (See part 6 of this preamble for further information.) ADEQ seeks input on whether an immediate effective date for this entire rulemaking on that basis might be burdensome for other sectors affected.

Subsections not amended listed as "No change". ADEQ has used the option in A.A.C. R1-1-502(B)(18)(f) to list most rule text subsections not amended by this rulemaking as "No change", rather than showing long sections of text that are not being changed. Occasionally, certain subsections of unchanged text are shown to provide context for nearby proposed changes. "No change" does not mean comments on the unchanged text will not be considered. However, the exception to the rules moratorium granted by the Governor to ADEQ to do this rulemaking may limit what ADEQ may change. In general, any comment suggesting a technical or similar correction to unchanged text can be considered.

Incorporation date changed to July 1, 2020. As mentioned in the June 9, 2020 meeting, ADEQ changed the incorporation dates in this proposed rule to July 1, 2020 because EPA did not finalize any new rules before July 1st. This will simplify the use of the hard cover versions of the 40 CFR, which are effective as of July 1st of each year.

What EPA regulations are proposed for incorporation into Arizona rules?

The following is a list of each EPA rule that altered federal HW regulations effective as of July 1, 2020 and that is proposed for incorporation into Arizona rules.

- Revisions to the Definition of Solid Waste, 73 FR 64667, October 30, 2008.
- Definition of Solid Waste, 80 FR 1693, January 13, 2015.
- Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule, 83 FR 24664, May 30, 2018.
- Safe Management of Recalled Airbags, 83 FR 61552, November 30, 2018.
- Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, 84 FR 5816, February 22, 2019.
- Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations, 84 FR 67202, December 9, 2019.
- Address Change for Waste Import-Export Submittals from the Office of Federal Activities to the Office of Resource Conservation and Recovery, 83 FR 38263, August 6, 2018.

Descriptions of EPA regulations proposed for incorporation by reference

• The Definition of Solid Waste Rules, 73 FR 64668, October 30, 2008; 80 FR 1694, January 13, 2015; and 83 FR 24664, May 30, 2018. These three rulemakings updated and provided certainty in the area of legitimate recycling of hazardous secondary materials. EPA characterized the 2015 and 2018 rules as less stringent than previous federal rules for states not operating under the 2008 Definition of Solid Waste (DSW) rule, such as Arizona. The changes from these federal rules would not be effective in Arizona until adopted as state rules. The three federal rules together amended 40 CFR 260, 261, and 270. ADEQ is proposing to adopt the final changes from these three rules so that the final incorporated language would be identical to the July 1, 2019 versions of 40 CFR 260, 261, and 270, except where "Administrator" would be changed to "Director", etc.

• Safe Management of Recalled Airbags, 83 FR 61552, November 30, 2018. EPA issued this interim final rule in response to the urgent public health issue posed by recalled Takata airbag inflators currently installed in vehicles. With the rule, EPA facilitated a



more expedited removal of defective Takata airbag inflators from vehicles by dealerships, salvage yards, and other locations, and allowed for safe, environmentally sound disposal by exempting the collection of airbag waste from HW requirements, provided certain conditions were met. EPA characterized this rule as less stringent than previous federal rules and did not require it to be adopted by states for authorization. ADEQ is proposing to adopt EPA's airbags rule to address the urgent public health issue, and to not be more stringent than federal law. The changes from this federal rule would not be effective in Arizona until adopted as state rules. The federal airbags rule amended 40 CFR 260, 261, and 262. ADEQ is proposing to adopt this rule without change so that the final incorporated language would be identical to the July 1, 2019 versions of 40 CFR 260, 261, and 262, except where "Administrator" would be changed to "Director", etc.

- Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, 84 FR 5816, February 22, 2019. This rule allowed healthcare facilities (for both humans and animals) and reverse distributors to manage their HW pharmaceuticals under a new set of sector-specific standards in lieu of the existing HW generator regulations. Additionally, EPA excluded certain U.S. Food and Drug Administration (FDA) approved over-the-counter (OTC) nicotine replacement therapies (NRTs) from regulation as HW, established a policy on the regulatory status of unsold retail items that are not pharmaceuticals and are managed via reverse logistics, prohibited the disposal of HW pharmaceuticals down the drain ("sewering"), and eliminated the dual regulation of RCRA HW pharmaceuticals that are Drug Enforcement Administration (DEA) controlled substances. EPA characterized this rule, "[t]aken as a whole," to be more stringent than previous federal rules; the more stringent rules are required to be adopted for authorization. ADEQ is proposing to adopt the more stringent parts of the pharmaceuticals rule for continued authorization and the less stringent parts so as not to be more stringent than federal law. Most of the changes from the pharmaceuticals rule would not be effective in Arizona until adopted as state rules; however, the sewerage prohibition became effective on August 21, 2019. Under this rule, no new facilities or substances are regulated within HW pharmaceuticals as compared to previous federal rules. ADEQ is proposing to adopt the pharmaceuticals rule without change so that the final incorporated language would be identical to the July 1, 2020 versions of 40 CFR 261, 262, 264, 265, 266, 268, 270, and 273, except where "EPA Regional Administrator" would be changed to "Director", etc.

- Increasing Recycling: Adding Aerosol Cans to the Universal Waste Regulations, 84 FR 67202, December 9, 2019. In this rule, EPA added HW aerosol cans to the Universal Waste (UW) program and provided a clear, protective system for managing discarded aerosol cans. This change benefits a wide variety of establishments generating and managing HW aerosol cans, including the retail sector. The rule eases the regulatory burden on facilities that discard HW aerosol cans, promotes the collection and recycling of these cans, and encourages the development of municipal and commercial programs to reduce the quantity of these cans going to Municipal Solid Waste (MSW) landfills or incinerators. EPA characterized this rule as less stringent than previous federal rules and not required to be adopted for authorization. ADEQ is proposing to incorporate by reference EPA's aerosol can rule so as not to be more stringent than federal law. The changes from the aerosol can rule will not be effective in Arizona until adopted as state rules. ADEQ is proposing to adopt the federal aerosol can rule without change so that the final incorporated language would be identical to the July 1, 2020 versions of 40 CFR 260, 261, 264, 265, 268, 270, and 273.

- Address Change for Waste Import-Export Submittals from the Office of Federal Activities to the Office of Resource Conservation and Recovery, 83 FR 38263, August 6, 2018. This minor rule changed addresses for import and export purposes. ADEQ is proposing to adopt this rule without change as well.

What regulations are not being incorporated in this rule?

- Standardized Permit Rule, 70 FR 53419, September 8, 2005. In this rule, EPA finalized revisions to the RCRA HW permitting program to allow for a "standardized permit". In past HW rulemakings, ADEQ has discussed but not proposed to incorporate the Standardized Permit rule. No facilities have thus far indicated an interest in a standardized permit. At this time, ADEQ has decided to maintain this position and not burden the HW rules with an extra set of procedures for a class of permits no one is interested in. Technical corrections. In R18-8-262(G), ADEQ is correcting an error from the last rulemaking, which required written logs from Small Quantity Generators (SQGs) but omitted Large Quantity Generators (LQGs). The correction adds LQGs back. In addition, ADEQ added 40 CFR 260.40 to the list in R18-8-260(F) since it is a companion section to 260.41.

How does the incorporation of the Definition of Solid Waste rules affect pre-2008 solid waste exclusions, or other prior solid waste determinations or variances?

To be equivalent to EPA's regulations, ADEQ follows EPA's regulatory text as well as certain interpretations in its preamble. EPA states at 80 FR 1735, "[t]he final rule does not supersede any of the pre-2008 solid waste exclusions or other prior solid waste determinations or variances, including determinations made in letters of interpretation and inspection reports. If a hazardous secondary material has been determined not to be a solid waste for whatever reason, such a determination remains in effect, unless the authorized state decides to revisit the regulatory determination under their current authority. In addition, if a hazardous secondary material has been excluded from HW regulations—for example, under the Bevill exclusion in 40 CFR 261.4(b)(7)—the regulatory status of that material will not be affected by today's rule." ADEQ agrees with EPA's preamble language. ADEQ invites anyone operating under such a pre-2008 determination or variance who is seeking additional certainty to contact ADEQ directly.

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

ADEQ reviewed and proposes to rely on the following reports in its evaluation of the federal rules that it is incorporating by reference:

1. Update of the State of the Takata Airbag Recalls, January 23, 2020, available at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/update_on_the_state_of_the_takata_airbag_recalls-012320-tag.pdf
2. The State of the Takata Airbag Recalls, November 15, 2017, available at https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/the_state_of_the_takata_airbag_recalls-report_of_the_independent_monitor_112217_v3_tag.pdf



3. Regulatory Impact Analysis: USEPA's 2008 Final Rule Amendments to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, September 25, 2008, EPA-HQ-RCRA-2002-0031-0602, available at <https://www.regulations.gov/document?D=EPA-HQ-RCRA-2002-0031-0602>
4. Regulatory Impact Analysis: EPA's 2014 Revisions to the Industrial Recycling Exclusions of the RCRA Definition of Solid Waste, November 26, 2014, EPA-HQ-RCRA-2010-0742-0369, available at <https://www.regulations.gov/document?D=EPA-HQ-RCRA-2010-0742-0369>
5. Economic Assessment of the Safe Management of Recalled Airbags Interim Final Rule, October 2018, EPA-HQ-OLEM-2018-0646-0023, available at <https://www.regulations.gov/document?D=EPA-HQ-OLEM-2018-0646-0023>
6. Regulatory Impact Analysis of Proposed Rule to Add Aerosol Cans to the Universal Waste Rule, February 2018, EPA-HQ-OLEM-2017-0463-0002, available at <https://www.regulations.gov/document?D=EPA-HQ-OLEM-2017-0463-0002>
7. Regulatory Impact Analysis for EPA's Final Regulations for the Management of Hazardous Waste Pharmaceuticals, October 2018, EPA-HQ-RCRA-2007-0932-0412, available at <https://www.regulations.gov/document?D=EPA-HQ-RCRA-2007-0932-0412>

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

Not applicable

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

Identification of the rulemaking: 18 A.A.C. 8, Article 2. (See Part 5 of this preamble.)

Program Description. Under A.R.S. § 49-922 and federal law, Arizona's HW Program is responsible for ensuring that all regulated HW in Arizona is stored, transported, and disposed of safely and properly. It is largely a preventative program to keep HW from entering the environment. The program maintains an inventory of HW generators, transporters, and treatment, storage, and disposal (TSD) facilities in Arizona. It also provides permit modifications, renewals, closure plan reviews and approvals, and financial assurance reviews, as well as issues, manages, and maintains permits for TSD facilities. Generators, transporters, and TSD facilities are inspected periodically. HW complaints are investigated. Compliance and generator data is collected and stored. The program tracks HW from generation to disposal, provides compliance assistance, pursues enforcement actions against significant violators, and oversees the remediation of contaminated sites. ADEQ is authorized by EPA to implement the federal HW program in Arizona in lieu of EPA. These activities are conducted according to a Memorandum of Agreement with EPA.

ADEQ's HW Program regulates a universe of almost 2,000 active facilities, including metal platers, chemical manufacturers, laboratories, explosive and munitions manufacturers, pesticide manufacturers, HW TSD facilities, healthcare facilities, and military installations. There are currently 13 permitted TSD facilities, 348 LQGs, 616 SQGs, 859 VSQGs, and 132 transporters in Arizona. An unknown fraction of these are small businesses. ADEQ records show that over 40,000 tons of HW were generated in Arizona in 2017. Until June 30, 2018, ADEQ processed over 35,000 manifests tracking HW annually. These manifests now go to EPA.

Cost/Benefit Analysis. In A.R.S. § 49-922(A), the legislature has given ADEQ twin directives regarding Arizona HW rules: 1) maintain program authorization by being consistent with and equivalent to the federal rules, even when changes to the federal rules make them more stringent than the previous federal rules, and 2) Arizona HW rules should not conflict with or be more stringent than EPA rules in nonprocedural areas.

These directives express the repeated conclusion of the legislature that the impacts of incorporating all federal rules required for continued authorization will be less than the impact of not incorporating them and thereby having EPA implement the HW Program in Arizona. Under federal law, new federal rules that are more stringent than previous federal rules are required for state authorization, while those that are less stringent are optional but nonetheless have to be adopted under ADEQ's legislative mandate not to be more stringent than corresponding federal rules. Thus, ADEQ incorporates almost all federal rules by reference. ADEQ is providing this preliminary summary of the impacts of incorporating the federal rules in this rulemaking as an aid to regulated entities and others in understanding the proposed rule revisions. ADEQ requests input on the accuracy of this summary. Information on costs and impacts provided to ADEQ by regulated entities can help other facilities adjust and help ADEQ modify the incorporated federal rules if such modifications remain equivalent to and consistent with the federal program.

Impact of individual EPA regulations proposed for incorporation. There are six main federal regulations, spanning more than a decade, which would be incorporated by this proposed rule. For the purposes of impact analysis, ADEQ will consider the three rules related to the DSW as one rule because ADEQ is proposing to incorporate only the changes that survived the three EPA rulemakings. The three DSW rules and each of the other rules affect different segments and activities of ADEQ's HW community.

Impact of Incorporating the DSW Rules. There are numerous parts of these three EPA rules that will affect various industrial facilities differently. In Arizona, industrial facilities are currently operating under the pre-2008 DSW exclusions so the net impact for Arizona facilities of incorporating the EPA DSW rules is the difference in total cost between complying with the pre-2008 DSW exclusions and complying with the post 2018 DSW rules. Some basic data can be obtained from EPA's Regulatory Impact Analyses (RIAs) that accompanied the 2008 and 2015 EPA rules. However, this data may be out of date and contains only national statistics. Therefore, ADEQ is requesting information from Arizona stakeholders on how these three incorporated rules may affect Arizona industries, facilities, and waste streams. The EPA estimate of the number of facilities affected nationally falls between 5,000 and 7,500. If ADEQ assumes there is a proportional 1/50th share in Arizona, there are an estimated 100-150 affected facilities in Arizona. Extrapolating more specifically, those facilities are most likely distributed among manufacturing, waste treatment and disposal, and remediation and other waste management services. In the RIA for the 2008 rule, EPA estimated a national annual net cost savings of \$95.3 million (without discounted present value computations). In the RIA for the 2015 rule, EPA estimated a net cost savings of \$28 million (with a 7% discount rate). ADEQ received several positive and zero negative comments regarding the adoption of EPA's DSW rules.



EPA characterizes three parts of their DSW rules as less stringent than previous federal rules: the revised generator controlled exclusion, the transfer based exclusion, and the remanufacturing exclusion. Other parts were characterized as more stringent, such as the revised definition of legitimacy and the prohibition of sham recycling, because they codify implicit requirements that existed previously only in guidance. Also more stringent are the additional recordkeeping requirement for speculative accumulation in 40 CFR 261.1(c)(8) and changes to the standards and criteria for variances from classification as a solid waste.

Impact of Incorporating the Airbags Rule. The national recalls of Takata airbag inflators are the largest and most complex in U.S. history. They are the result of enforcement actions originating with the U.S. Department of Transportation's National Highway Traffic Safety Administration (NHTSA) and are not managed by EPA. The EPA rule that ADEQ is proposing to incorporate addresses an urgent public health issue and allows a more expedited removal of defective airbag inflators from vehicles by dealerships, salvage yards, and other locations, and also affects the storage and disposal of the inflators after removal. The rule provides for safe and environmentally sound disposal by exempting the collection of airbag waste from HW requirements so long as certain conditions are met. The rule would exempt "airbag handlers", such as dealerships, from counting airbag inflators toward their RCRA generator status.

The exemption from HW requirements should result in savings for all airbag handlers. The new rule allows the waste management companies who receive the airbags from the automotive facility to more easily transport stockpiled airbags to final waste termination facilities for ultimate disposal. ADEQ anticipates that some of the resulting savings could be passed on to the generators of this waste, primarily Arizona's 250-300 dealerships. ADEQ believes that reducing the regulatory burden on facilities that handle these airbags while maintaining minimal requirements will improve public safety. EPA's Economic Assessment of this rule estimated national savings for the 2019-2023 period under different enforcement scenarios ranging from \$7.55 million to \$56.9 million.

Impact of Incorporating Aerosol Cans Rule. The EPA's new rule adding HW aerosol cans to the UW rule aims to increase compliance and reduce the burden on generators of HW aerosol cans by allowing them to manage their aerosol can waste in a more efficient manner. In fact, this rule would omit aerosol cans from consideration for a facility's RCRA generator status. The benefits of incorporating this rule by reference in Arizona are numerous while the costs are marginal. The Household & Commercial Products Association stated to ADEQ in a June 9, 2020 letter, "The draft proposed rule incorporates flexibility for handlers of discarded waste aerosol cans and lessens the regulatory burden on the regulated community, allowing more aerosol cans that are properly discarded to be recycled. By incorporating the federal rule, ADEQ ensures that programs developed in Arizona can also be safely and universally implemented in other states so that waste handlers with multiple locations within the United States can have one consistent program to handle aerosol cans across multiple sites. For the reasons stated above, HCPA supports ADEQ's draft proposed rule to incorporate EPA's rule by reference." The greatest share of impacted facilities will fall into the Retail and Manufacturing sectors. Currently, generators do not have the option to treat aerosol cans as UW and so must treat them as HW. The new rule would allow generators the flexibility to decide which treatment of aerosol cans makes the most financial sense for them. Due to the variation in generator category and volume—LQG, SQG, VSQG—generators could experience different levels of cost savings. For example, under this new rule, some generators could decrease to the VSQG level, which could allow them to reduce HW fees and dispose of aerosol cans in MSW landfills, thereby further reducing costs. Therefore, the cost of rule familiarization is necessary to provide generator cost savings. The net cost savings across all generators nationally is anticipated to be \$3-3.5 million. To maximize this benefit, ADEQ is prepared to exercise enforcement discretion to allow generators to use the new rule prior to its effective date.

Impact of Incorporating Hazardous Waste Pharmaceuticals Rule. The EPA's HW pharmaceuticals rule categorizes several wastes already regulated as HW such that the requirements are less stringent and therefore more attainable for facilities. There are no new categories of HW and no new facilities regulated under this rule. Overall, the rule should decrease the burden on facilities across Arizona and lead to cost savings. The EPA estimates as many as 1,103 facilities in Arizona may be subject to the rule change. Utilizing the nationwide breakdown of facility types, those Arizona facilities would likely be made up of Physician's Offices (31%), Dentist's Offices (18%), Supermarkets and Grocery Stores (9%), Pharmacies and Drug Stores (6%), Outpatient Care Centers (5%), Nursing Care Facilities (2%), and Hospitals (1%), among other facilities affected by this rule. Using the EPA estimates, the impacts of the new rule could lead to an incremental annualized cost savings across Arizona facilities of \$171,000 due to simpler training and \$100,000 due to the Nicotine exemption, if ADEQ assumes a proportional 1/50th share. Additionally, the new rule saves facilities money by imposing fewer labeling requirements, less record keeping requirements, fewer manifesting and tracking requirements, and decreased biennial reporting. EPA found that certain increased costs will be offset by other cost savings. For example, the sewerage prohibition will necessitate more time spent on new paperwork for HW determinations for waste that has historically been sewerage by the facility, but excluding HW pharmaceuticals from generator categories under RCRA will decrease time spent on labeling and completion of Biennial Reports. EPA heard from stakeholders that controlled substances that qualify as HW under both EPA and DEA regulatory systems are expensive and difficult to manage, which results in these substances being sewerage to avoid the cost of conforming to both EPA and DEA requirements. The rule would remove the burden of dual competing regulation by harmonizing DEA and RCRA regulations for such substances. In addition, the EPA's Small Business Analysis found that each facility's annual costs incremental to baseline fall far below 1% of the average of annual revenues. It should be noted that EPA's definition of a small business is different than Arizona's and includes larger businesses. Thus this rule is not anticipated to impact small businesses significantly. EPA estimated that this rule will result in a positive net impact on businesses of all sizes. ADEQ requests information on the economic impacts for facilities subject to the new pharmaceuticals rule.

Impact of Technical Changes. In R18-8-262(G), ADEQ added LQGs to the requirement to keep a log of required periodic inspections of storage areas. In the last rulemaking, ADEQ mistakenly required this log only for SQGs. ADEQ is aware that some LQGs have recognized this omission and are already keeping logs for these inspections to facilitate compliance visits by ADEQ. For those that will begin or resume keeping these logs, this change will have minimum impact.

Reduction in Revenues to State Agencies. This rulemaking will have no quantifiable effect on state general fund revenues or on



agencies other than ADEQ. No new fees are established and no existing fees are increased or reduced. Certain changes in what counts as HW and changes in generator status resulting from these rules could yield a moderate reduction in revenue to ADEQ funds under A.R.S. §§ 49-929 and 49-931. ADEQ’s preliminary estimate is that the combined effect of the Aerosol Cans and HW Pharmaceuticals Rules in Arizona would be a reduction of generators by 39%, a reduction of 279.04 tons of HW, and a reduction of 3.17 tons of acutely toxic waste.

Reduction of Impact on Small Businesses. A.R.S. § 41-1035 requires state agencies to reduce the impact of a rulemaking on small businesses, if legal and feasible in meeting the statutory objectives of the rule. As discussed previously, ADEQ’s rules must be as stringent as EPA’s for ADEQ to be authorized to implement the HW program in Arizona. Under A.R.S. § 49-922(A), ADEQ may be more stringent than EPA in procedural areas. After the elimination of the annual report in the last rulemaking, ADEQ is not aware of any further procedural requirements where Arizona HW rules are more stringent than EPA that could be relaxed for small businesses. For similar reasons, the Department has determined there are no less intrusive or less costly methods of achieving the purposes of the rule.

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

Name: Mark Lewandowski or Caitlin Caputo
Address: Department of Environmental Quality
Waste Programs Division
1110 W. Washington St.
Phoenix, AZ 85007
Mark’s phone: (602) 771-2230 or (800) 234-5677, enter 771-2230 (Arizona only)
Caitlin’s phone: (602) 771-4677 or (800) 234-5677, enter 771-4677 (Arizona only)
Fax: (602) 771-4272
E-mail: lewandowski.mark@azdeq.gov

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

Date: September 1, 2020
Time: 1:30 p.m.
Location: GoToMeeting hosted by Arizona Department of Environmental Quality at <https://www.gotomeet.me/MaryCottrell/public-hearing-hazardous-waste>

You can also dial in using your phone.
United States: +1 (646) 749-3122

Access Code: 905-691-661

Nature: Public hearing on the proposed rules, with opportunity for formal comments on the record. Please call (602) 771-4795 for special accommodations pursuant to the Americans with Disabilities Act.

The close of the written comment period will be 5:00 p.m., September 4, 2020. Submit comments to wasterulemaking@azdeq.gov.

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

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

See A.R.S. § 41-1037(A)(1) and (2). This rulemaking would amend an existing rule that requires a regulatory permit. This rulemaking does not require a general permit because:

- 1) A specific alternative permit is authorized by state statute under A.R.S. § 49-922(B)(5) and;
- 2) General permits as defined by A.R.S. § 41-1001 are not recognized under federal HW regulations with which ADEQ is required to be consistent.

However, it should be noted that ADEQ has already adopted a federal general permit rule that is similar to Arizona general permits. 40 CFR 270.60, “Permits by Rule”, applies to three types of facilities: 1) ocean disposal barges or vessels, 2) injection wells, and 3) publicly owned treatment works. Under the federal rule, these three types of facilities are “deemed to have a RCRA permit if the conditions listed are met”. Only the third category exists in Arizona and DEQ has incorporated the federal general permit rule for publicly owned treatment works in R18-2-270(A). It is important to note that the HW standardized permit, which is not incorporated in this rule, is not a general permit as defined by A.R.S. § 41-1001 since each standardized permit applies to just one facility.

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:

These rules are not more stringent than corresponding federal laws, except where there is statutory authority. Since EPA’s first authorization of Arizona’s HW program in 1985, Arizona rules have been more stringent than EPA rules in the areas of reports and manifests. (See 50 FR at 47736, November 20, 1985.) This was authorized under A.R.S. § 49-922(B), which states that DEQ may not adopt a nonprocedural standard that is more stringent than EPA. Both of these more stringent procedural requirements were removed in the previous HW rulemaking.



c. Whether a person submitted an analysis to the agency regarding the rule's impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states:

No person has submitted a competitiveness analysis under A.R.S. § 41-1055(I).

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

<u>Incorporated Federal Citation</u>	<u>Location</u>
40 CFR 260	R18-8-260(C)
40 CFR 261	R18-8-261(A)
40 CFR 262	R18-8-262(A)
40 CFR 263	R18-8-263(A)
40 CFR 264	R18-8-264(A)
40 CFR 265	R18-8-265(A)
40 CFR 266	R18-8-266(A)
40 CFR 268	R18-8-268
40 CFR 270	R18-8-270(A)
40 CFR 124	R18-8-271(A)
40 CFR 273	R18-8-273

13. The full text of the rules follows:

**TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 8. DEPARTMENT OF ENVIRONMENTAL QUALITY
HAZARDOUS WASTE MANAGEMENT**

ARTICLE 2. HAZARDOUS WASTES

Section

- R18-8-260. Hazardous Waste Management System: General
- R18-8-261. Identification and Listing of Hazardous Waste
- R18-8-262. Standards Applicable to Generators of Hazardous Waste
- R18-8-263. Standards Applicable to Transporters of Hazardous Waste
- R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities
- R18-8-268. Land Disposal Restrictions
- R18-8-270. Hazardous Waste Permit Program
- R18-8-271. Procedures for Permit Administration
- R18-8-273. Standards for Universal Waste Management
- R18-8-280. Compliance

ARTICLE 2. HAZARDOUS WASTES

R18-8-260. Hazardous Waste Management System: General

- A. All Federal regulations cited in this Article are those revised as of July 1, ~~2018~~ 2020 (and no future editions), unless otherwise noted, and are applicable only as incorporated by this Article. 40 CFR 124, 260 through 266, 268, 270 and 273 or portions of these regulations, are incorporated by reference, as noted in the text. Federal statutes and regulations that are cited within 40 CFR 124, 260 through 270, and 273 that are not incorporated by reference may be used as guidance in interpreting federal regulatory language.
- B. No change
- C. All of 40 CFR 260, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the Department of Environmental Quality (DEQ) with the exception of the following:
 - 1. 40 CFR 260.1(b)(4) through (6), 260.20(a), 260.21, 260.22, 260.30, 260.31, 260.32, and 260.33; and
 - 2. The revisions for standardized permits as published at 70 FR 53419; and
 - 3. ~~The revisions to the solid waste definition as published at 73 FR 64668, 80 FR 1694, and 83 FR 24664.~~ Copies of 40 CFR 260 are available at <https://www.eCFR.gov>. Copies of the Federal Register (FR) are available at <https://www.federalregister.gov/>.
- D. No change
 - 1. No change
 - 2. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - c. No change



- i. No change
 - ii. No change
 - iii. No change
 - d. No change
 - i. No change
 - ii. No change
 - iii. No change
 - e. No change
 - i. No change
 - ii. No change
 - iii. No change
 - f. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
- E. § 260.10, titled “Definitions,” is amended by adding all definitions from § 270.2 to this Section, including the following changes, applicable throughout this Article unless specified otherwise:
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. [“Department of Transportation” or “DOT” means the U.S. Department of Transportation.]
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. [“EPA,” “Environmental Protection Agency,” “United States Environmental Protection Agency,” “U.S. EPA,” “EPA HQ,” “EPA Regions,” and “Agency” mean the DEQ with the following exceptions:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change
 - h. No change
 - i. References in §§ ~~260.2(d)~~ 260.1(b); 260.2(d); 260.4(a)(4); 260.10 (definitions of “Administrator,” “EPA region,” “Federal agency,” “Person,” and “Regional Administrator”); 260.11(a); 260.34; 261, Appendix IX; 261.39(a)(5); 261.41; 261.4(a)(24), but in § 261.24(a)(24)(v)(B)(2), “EPA” means “DEQ”; 261.4(a)(25); 262.21; 262.24(a)(3); 262.25; 262.32(b); Part 262, subpart H; 263.10(a) Note; 264.12(a)(2), 264.71(a)(3), 264.71(d), 265.12(a)(2), 265.71(a)(3), 265.71(d); 268.1(e)(3); 268.5, 268.6, 268.42(b), and 268.44, which are nondelegable to the state of Arizona; 270.1(a)(1); 270.1(b); 270.2 (definitions of “Administrator,” “Approved program or Approved state,” “Director,” “Environmental Protection Agency,” “EPA,” “Final authorization,” “Permit,” “Person,” “Regional Administrator,” and “State/EPA agreement”); 270.3; 270.5; 270.10(e)(1) through (2); 270.11(a)(3); 270.32(a) and (c); 270.51;



270.72(a)(5) and (b)(5);
 273.32(a)(3);
 124.1(f);
 124.5(d);
 124.6(e); 124.10(c)(1)(ii); and 124.13.]

12. No change
 13. No change
 14. No change
 15. No change
 16. No change
 17. No change
 18. No change
 19. No change
 20. No change
 21. No change
 - a. No change
 - b. No change
 22. No change
 23. No change
 24. No change
 25. No change
 26. No change
 27. No change
 28. No change
 29. No change
 30. No change
 31. No change
 32. No change
 32. No change
- F. § 260.10, titled “Definitions,” as amended by subsection (E) also is amended as follows, with all definitions in § 260.10, applicable throughout this Article unless specified otherwise.
1. No change
 2. “Administrator,” “Regional Administrator,” “EPA Regional Administrator,” “state Director,” or “Assistant Administrator for Solid Waste and Emergency Response” mean the [Director or the Director’s authorized representative, except in §§:
 - 260.10, in the definitions of “Administrator,” “AES filing compliance date”, “Electronic import-export reporting compliance date”, “Regional Administrator,” and “hazardous waste constituent”;
 - 260.20
 - 260.40
 - 260.41;
 - ~~261.41;~~
 - 261, Appendix IX;
 - 262.11(c);
 - 262.41;
 - ~~262.42;~~
 - 262.43;
 - 262, Subpart H; 264.12(a);
 - 264.71;
 - 265.12(a);
 - 265.71;
 - 268.2(j);
 - 268.5, 268.6, 268.42(b), and 268.44, which are nondelegable to the state of Arizona; 270.2, in the definitions of “Administrator”, “Director”, “Major facility”, “Regional Administrator”, and “State/EPA agreement”;
 - 270.3;
 - 270.5;
 - 270.10(e)(1), (2), and (4);
 - 270.10(f) and (g);
 - 270.11(a)(3);
 - 270.14(b)(20);
 - 270.32(b)(2);
 - 270.51;
 - 124.5(d);
 - 124.6(e);
 - 124.10(b)].
 3. “Facility” [or “activity” means:
 - [a]. Any HWM facility or other facility or activity, including] all contiguous land, and structures, other appurtenances, and improvements on the land [which are] used for treating, storing, or disposing of hazardous waste, [that is subject to regula-



tion under the HWMA program] or for managing hazardous secondary materials prior to reclamation. A facility may consist of several treatment, storage, or disposal operational units ([that is], one or more landfills, surface impoundments, or combinations of them).

[b]. For the purposes purpose of implementing corrective action under 40 CFR 264.101, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

[c]. Notwithstanding paragraph ([b]) of this definition, a remediation waste management site is not a facility that is subject to 40 CFR 264.101, but is subject to corrective action requirements if the site is located within such a facility.

- 4. No change
- 5. No change
- 6. No change
- 7. "United States" or "U.S." means [Arizona except for the following:
 - a. No change
 - b. §§ 261.4(a)(23) and 261.4(a)(25).
 - bc. No change
 - ed. No change
 - e. § 262.14(a)(5).
 - df. No change
 - eg. No change
 - fh. No change

G. No change

H. No change

I. § 260.30, titled "Non-waste determinations and variances from classification as a solid waste," is replaced by the following: Any person wishing to submit a variance petition shall submit the petition, under this subsection, to the EPA. Where the administrator of EPA has granted a variance from classification as a solid waste under 40 CFR 260.30, 260.31, and 260.33, and 260.34, the director shall accept the determination, if the director determines the action is consistent with the policies and purposes of the HWMA.

J. No change

K. No change

L. As required by A.R.S. § 49-929, generators and transporters of hazardous waste shall register annually with DEQ and submit the appropriate registration fee, prescribed below, with their registration. After the effective date of this rule, all registrations Registration shall be done through DEQ's myDEQ portal. For registration, go to <http://www.azdeq.gov/mydeq>.

- 1. A hazardous waste transporter that picks up or delivers hazardous waste in Arizona shall pay \$200 by March 1 of the year following the date of the pick-up or delivery;
- 2. A large-quantity generator that generated 1,000 kilograms or more of hazardous waste in any month of the previous calendar year shall pay \$300; or
- 3. A small-quantity generator that generated 100 kilograms or more but less than 1,000 kilograms of hazardous waste in any month of the previous year shall pay \$100.

M. A person shall pay hazardous waste generation and disposal fees as required under A.R.S. § 49-931. The DEQ shall send an invoice to large-quantity generators quarterly and small-quantity generators, including very small quantity generators who become a small quantity generator due to an episodic event, annually. The person shall pay an invoice within 30 days of the postmark on the invoice. The following hazardous waste fees shall apply:

- 1. A person who generates hazardous waste that is shipped offsite shall pay \$67.50 per ton but not more than \$200,000 per generator site per year of hazardous waste generated;
- 2. An owner or operator of a facility that disposes of hazardous waste shall pay \$270 per ton but not more than \$5,000,000 per disposal site per year of hazardous waste disposed; and
- 3. A person who generates hazardous waste that is retained onsite for disposal or that is shipped offsite for disposal to a facility that is owned and operated by that generator shall pay \$27 per ton but not more than \$160,000 per generator site per year of hazardous waste disposed.

R18-8-261. Identification and Listing of Hazardous Waste

A. All of 40 CFR 261 and accompanying appendices, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ with the exception of the following:

- 1. No change
- 2. ~~The revisions to the solid waste definition as published at 73 FR 64668, 80 FR 1694, and 83 FR 24664~~ 40 CFR §§ 261.149, 261.400(a), 261.400(b), 261.410(e), 261.410(f), 261.411, and 261.420; Copies of 40 CFR 261 are available at <https://www.eCFR.gov>. Copies of the Federal Register (FR) are available at <https://www.federalregister.gov/>.

B. In the above-adopted federal regulations "~~Section section~~ 1004(5) of RCRA" or "~~Section section~~ 1004(5) of the Act" means A.R.S. § 49-921(5).

C. No change

D. No change

E. No change

F. No change

G. No change

H. No change

I. No change

J. Notwithstanding the definitions of "EPA" and "EPA Regional Administrator" in R18-8-260(E)(11) and (F)(2):



1. In § 261.151(g), the third sentence is replaced by the following: “If the facilities covered by the mechanism are in more than one State, identical evidence of financial assurance must be submitted to and maintained with each state agency regulating hazardous waste or with the appropriate Regional Administrator if a facility is located in an unauthorized State.”
2. § 261.151 is amended by adding at the end: “Whenever this section requires that the owner or operator of a reclamation or intermediate facility notify several Regional Administrators of their financial obligations, the notice shall be to both DEQ and all Regional Administrators of the United States Environmental Protection Agency of Regions that are affected by the owner or operator’s financial assurance mechanisms.”

R18-8-262. Standards Applicable to Generators of Hazardous Waste

- A. All of 40 CFR 262, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 262 are available at <https://www.eCFR.gov>.
- B. No change
 1. No change
 2. No change
 3. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. Any generator who must comply with 40 CFR 262.16 or 262.17 shall keep a written log of the inspections of container, tank, drip pad, and containment building areas and for the containers, tanks, and other equipment located in these storage areas in accordance with 40 CFR 265.174, 265.195, 265.444, and 265.1101(c)(4). The inspection log shall be kept by the generator for three years from the date of the inspection. The generator shall ensure that the inspection log is filled in after each inspection and includes the following information: inspection date, inspector’s name and signature, and remarks or corrections.
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change

R18-8-263. Standards Applicable to Transporters of Hazardous Waste

- A. All of 40 CFR 263, revised as of July 1, ~~2018~~ 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 263 are available at <https://www.eCFR.gov>.
- B. No change
- C. No change

R18-8-264. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- A. All of 40 CFR 264 and accompanying appendices, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), with the exception of §§ 264.1(d) and (f), 264.149, 264.150, and 264.301(l), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 264 are available at <https://www.eCFR.gov>.
- B. § 264.1, titled “Purpose, scope and applicability,” paragraph (g)(1) is amended as follows:
 - (1) The owner or operator of a facility [with operational approval from the Director] to manage [public, private,] municipal or industrial solid waste [pursuant to R18-13-312, A.R.S. §§ 49-104 and 49-762], if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under [R18-8-264] pursuant to § 262.14;
- C. No change
- D. No change:
 1. No change
 2. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
 1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
- M. No change
- N. No change



R18-8-265. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- A. All of 40 CFR 265 and accompanying appendices, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), with the exception of §§ 265.1(c)(2), 265.1(c)(4), 265.149, 265.150, and 265.430, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 265 are available at <https://www.eCFR.gov>.
- B. § 265.1, titled “Purpose, scope, and applicability,” paragraph (c)(5) is amended as follows:
 - (5) The owner or operator of a facility [with operational approval from the Director] to manage [public, private,] municipal or industrial solid waste [pursuant to R18-13-312, A.R.S. §§ 49-104 and 49-762], if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under ~~[R18-8-265, pursuant to § 261.5];~~
- C. No changes
- D. No change
 - 1. No change
 - 2. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change
 - 1. No change
- J. No change
- K. No change
 - 1. No change
 - 2. No change
 - 3. No change

R18-8-266. Standards for the Management of Specific Hazardous Wastes and Specific Hazardous Waste Management Facilities

- A. All of 40 CFR 266 and accompanying appendices, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 266 are available at <https://www.eCFR.gov>.
- B. § 266.100, titled “Applicability” paragraph (c) is amended as follows:
 - (c) The following hazardous wastes and facilities are not subject to regulation under this subpart:
 - (1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in subpart C of part 261 of this chapter. Such used oil is subject to regulation under [A.R.S. §§ 49-801 through 49-818] ~~rather than this subpart;~~
 - (2) Gas recovered from hazardous or solid waste landfills when such gas is burned for energy recovery;
 - (3) Hazardous wastes that are exempt from regulation under §§ 261.4 and 261.6(a)(3)(iii) and (iv) of this chapter, and hazardous wastes that are subject to the special requirements for [very] small quantity generators under [§§ 262.13 and 262.14] of this chapter; and
 - (4) Coke ovens, if the only hazardous waste burned is EPA Hazardous Waste No. K087, decanter tank tar sludge from coking operations.
- C. No change

R18-8-268. Land Disposal Restrictions

All of 40 CFR 268 and accompanying appendices, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), with the exception of Part 268, Subpart B, is incorporated by reference and on file with the DEQ. Copies of 40 CFR 268 are available at <https://www.eCFR.gov>.

R18-8-270. Hazardous Waste Permit Program

- A. All of 40 CFR 270 and the accompanying appendices, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), is incorporated by reference, modified by the following subsections, and on file with the DEQ with the exception of the following:
 - 1. §§ 270.1(a), 270.1(c)(1)(i), 270.3, 270.10(g)(1)(i), 270.60(a) and (b), and 270.64; and
 - 2. The revisions for standardized permits as published at 70 FR 53419;
 - 3. ~~The revisions to the solid waste definition as published at 73 FR 64668, 80 FR 1694, and 83 FR 24664.~~ Copies of 40 CFR 270 are available at <https://www.eCFR.gov>. Copies of the Federal Register are available at <https://www.federalregister.gov>.
- B. § 270.1, titled “Purpose and scope of these regulations,” paragraph (b) is replaced by the following:
 - 1. [After the effective date of these regulations the treatment, storage, or disposal of any hazardous waste is prohibited except as follows:
 - a. As allowed under § 270.1(c)(2) and (3);
 - b. Under the conditions of a permit issued pursuant to these regulations; or
 - c. At an existing facility accorded interim status under the provisions of § 270.70.
 - 2. ~~The direct disposal or discharge of hazardous waste into or onto any of the following is prohibited:~~
 - ~~a. Waters of the state as defined in A.R.S. § 49-201, excluding surface impoundments as defined in § 260.10; and~~
 - ~~b. Injection well, ditch, alleyway, storm drain, leachfield, or roadway.]~~
 - ~~e. At an existing facility accorded interim status under the provisions of § 270.70 (as incorporated by R18-8-270).~~
 - 2. The direct disposal or discharge of hazardous waste into or onto any of the following is prohibited:
 - a. Waters of the state as defined in A.R.S. § 49-201, excluding surface impoundments as defined in § 260.10 ~~(as incorporated by R18-8-260); and~~
 - b. Injection well, ditch, alleyway, storm drain, leachfield, or roadway.]



- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - c. No change
 - d. No change
 - 6. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
 - iv. No change
 - v. No change
 - vi. No change
 - vii. No change
 - viii. No change
 - ix. No change
 - c. No change
 - 7. No change
 - a. No change
 - b. No change
 - 8. No change
 - 9. No change
- H. No change
- I. No change
- J. § 270.14, titled “Contents of Part B: General requirements,” paragraph (b) is amended by adding the following:
 - (23) Any additional information required by the DEQ to evaluate compliance with facility standards and informational requirements of R18-8-264 and R18-8-270.
 - (24)(i) A signed statement, submitted on a form supplied by the DEQ that demonstrates:
 - (A) An individual owner or operator has sufficient reliability, expertise, integrity and competence to operate a HWM facility, and has not been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the permit application; or
 - (B) In the case of a corporation or business entity, no officer, director, partner, key employee, other person, or business entity who holds 10% or more of the equity or debt liability has been convicted of, or pled guilty or no contest to, a felony in any state or federal court during the five years before the date of the permit application.
 - (ii) Failure to comply with subsection (i), the requirements of A.R.S. § 49-922(C)(1), and the requirements of § 270.43 and §§ 124.3(d) and 124.5(a), may cause the Director to refuse to issue a permit to a TSD facility pursuant to A.R.S. § 49-922(C) as amended, including requirements in § 270.43 and §§ 124.3(d) and 124.5(a).]
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change
- P. No change
- Q. No change
- R. No change
- S. No change
- T. No change
- U. No change



R18-8-271. Procedures for Permit Administration

- A. All of 40 CFR 124, revised as of July 1, ~~2018~~ 2020 (and no future editions), with the exception of §§ 124.1 (b) through (e), 124.2, 124.4, 124.16, 124.20, 124.21, and subparts C, D, and G, and with the exception of the revisions for standardized permits as published at 70 FR 53419, is incorporated by reference, modified by the following subsections, and on file with the DEQ. Copies of 40 CFR 124 are available at <https://www.eCFR.gov>. Copies of the Federal Register are available at <https://www.federalregister.gov>.
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change
- P. No change
- Q. No change
- R. No change
- S. No change
- T. No change

R18-8-273. Standards for Universal Waste Management

- A. All of 40 CFR 273, revised as of ~~July 1, 2018~~ July 1, 2020 (and no future editions), is incorporated by reference and on file with the DEQ. Copies of 40 CFR 273 are available at <https://www.eCFR.gov>.
- B. No change
- C. No change

R18-8-280. Compliance

- A. Inspection and entry. For purposes of ensuring compliance with the provisions of HWMA, any person who generates, stores, treats, transports, disposes of, or otherwise handles hazardous wastes, including used oil that may be classified as hazardous waste pursuant to A.R.S. Title 49, Chapter 4, Article 7, and hazardous secondary materials, shall, upon request of any officer, employee, or representative of the DEQ duly designated by the Director, furnish information pertaining to such wastes and permit such person at reasonable times:
 1. To enter any establishment or other place maintained by such person where ~~hazardous~~ such wastes are or have been generated, stored, treated, disposed, or transported from;
 2. No change
 3. No change
 4. No change
 5. No change
- B. No change
- C. No change
- D. No change
 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 2. No change
 3. No change
 4. No change
 5. No change



- 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:**
The Board did not review or rely on a study in its evaluation of or justification for any rule in the rulemaking.
- 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 rulemaking has minimal economic impact because it simply makes the rules consistent with the legislative instruction at A.R.S. § 36-446.03(O). The economic impact of the legislation may be significant for in-home direct care workers and owners of assisted living facility training programs.
- 10. **A description of any changes between the proposed rulemaking, including supplemental notices, and the final rulemaking:**
No changes were made between the notice of proposed rulemaking and the notice of final rulemaking.
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to comments:**
No one attended an oral proceeding on May 5, 2020. No written comments were submitted regarding the rulemaking.
- 12. **All agencies shall list any other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**
Under A.R.S. § 36-446.03(O), the rulemaking was to be completed by June 1, 2020. A Notice of Emergency Rulemaking was filed on May 5, 2020, with an immediate effective date, ensuring the rules are in effect by the statutorily-required date.
 - 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:**
Neither of the rules in this rulemaking addresses licensing so A.R.S. § 41-1037 is not applicable. However, the Board does issue licenses to nursing care institution administrators and certificates to assisted living facility managers. These are not general permits because the Board is required by statute (See A.R.S. §§ 36-446.01 and 36-446.04) to issue licenses and certificates only to individuals who meet criteria specified in statute and rule.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
There is no federal law specifically applicable to this rulemaking.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No analysis was submitted.
- 13. **A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:**
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:**
Both rules were previously amended in an emergency rulemaking. The Notice of Emergency Rulemaking was published at (see item 4). No changes were made to the rule text between the emergency and final rulemaking.
- 15. **The full text of the rules follows:**

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 33. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS
AND ASSISTED LIVING FACILITY MANAGERS

ARTICLE 7. ASSISTED LIVING FACILITY CAREGIVER TRAINING PROGRAMS

- Section
 R4-33-702. Minimum Standards for Assisted Living Facility Caregiver Training Program
 R4-33-703.1 Minimum Standards and Curriculum for an Assisted Living Facility Caregiver Medication Management Training Program

ARTICLE 7. ASSISTED LIVING FACILITY CAREGIVER TRAINING PROGRAMS

- R4-33-702. Minimum Standards for Assisted Living Facility Caregiver Training Program**
 A. Organization and administration. The owner of an assisted living facility caregiver training program shall:
 1. Provide the Board with a written description of the training program that includes:
 a. Length of the training program in hours:
 i. Number of hours of classroom instruction,
 ii. Number of hours of skills training, and
 iii. Number of hours of distance learning, and
 b. Educational goals that demonstrate the training program is consistent with state requirements;



2. Develop and adhere to written policies and procedures regarding:
 - a. Attendance. Ensure that a student receives at least 62 hours of instruction;
 - b. Grading. Require a student to attain at least 75 percent on each ~~theoretical~~ knowledge examination or 75 percent on a comprehensive ~~theoretical~~ knowledge examination;
 - c. Reexamination. Inform students that a reexamination:
 - i. Addresses the same competencies examined in the original examination,
 - ii. Contains items different from those on the original examination, and
 - iii. Is documented in the student's record;
 - d. Student records. Include the following information:
 - i. Records maintained,
 - ii. Retention period for each record,
 - iii. Location of records,
 - iv. Documents required under subsections (G)(1) and (G)(2), and
 - v. Procedure for accessing records and who is authorized to access records;
 - e. Student fees and financial aid, if any;
 - f. Withdrawal and dismissal;
 - g. Student grievances including a chain of command for disputing a grade;
 - h. Admission requirements including any criminal background or drug testing required;
 - i. Criteria for training program completion; and
 - j. Procedure for documenting that a student has received notice of the fingerprint clearance card requirement before the student is enrolled;
 3. Date each policy and procedure developed under subsection (A)(2), review within one year from the date made and every year thereafter, update if necessary, and date the policy or procedure at the time of each review;
 4. Provide each student who completes the training program with evidence of completion, within 15 days of completion, which includes the following:
 - a. Name of the student;
 - b. Name and classroom location of the training program;
 - c. Number of classroom, skills training, and distance learning hours in the training program;
 - d. Date on which the training program was completed;
 - e. Board's approval number of the training program; and
 - f. Signature of the training program owner, administrator, or instructor;
 5. Provide the Board, within 15 days of completion, the following information regarding each student who completed the training program:
 - a. Student's name, date of birth, Social Security number, address, and telephone number;
 - b. Student's examination score as provided by a Board-approved provider;
 - c. Name and classroom location of the training program;
 - d. Number of classroom hours in the training program;
 - e. Number of distance learning hours in the training program;
 - f. Number of skills training hours in the training program;
 - g. Date on which the training program was completed; and
 - h. Board's approval number of the training program; and
 6. Execute and maintain under subsections (G)(1) and (G)(2) the following documents for each student:
 - a. A skills checklist containing documentation the student achieved competency in the assisted living facility caregiver skills listed in R4-33-703(C),
 - b. A copy of the current food-handler's card issued to the student by the county in which the student lives, and
 - c. An evaluation form containing the student's responses to questions about the quality of the instructional experiences provided by the training program.
- B.** Program administrator responsibilities. The owner of an assisted living facility caregiver training program shall ensure that a program administrator performs the following responsibilities:
1. Supervises and evaluates the training program,
 2. Uses only instructors who are qualified under subsection (C), and
 3. Makes the written policies and procedures required under subsection (A)(2) available to each student on or before the first day of the training program;
- C.** The owner of an assisted living facility caregiver training program shall ensure that a program instructor is qualified under subsection (C)(1), (C)(2), or (C)(3):
1. Is a certified assisted living facility manager:
 - a. Holds an assisted living facility manager certificate that is in good standing and issued under A.R.S. Title 36, Chapter 4;
 - b. Has held the assisted living facility manager certificate referenced in subsection (C)(1)(a) for at least two years;
 - c. Has not been subject to disciplinary action against the assisted living facility manager certificate during the last two years; and
 - d. Has at least two years' experience within the last five years as an assisted living facility manager of record immediately before becoming a training program instructor;
 2. Is a licensed health professional:
 - a. Holds a license that is in good standing and issued under A.R.S. Title 32, Chapter, 13, 15, 17, or 25;
 - b. Has held the health professional license referenced in subsection (C)(2)(a) for at least two years;
 - c. Has not been subject to disciplinary action against the health professional license during the last two years; and



- d. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor; or
- 3. Other qualified individual:
 - a. Holds at least a baccalaureate degree in a health-related field from an accredited college or university;
 - b. Has not been subject to disciplinary action against any professional or occupational license or certificate during the last two years; and
 - c. Has at least two years' experience within the last five years in management, operation, or training in assisted living immediately before becoming a training program instructor.
- D. The owner of an assisted living facility caregiver training program shall ensure that a program instructor performs the following responsibilities:
 - 1. Plans each learning experience,
 - 2. Accomplishes educational goals of the training program and lesson objectives,
 - 3. Enforces a grading policy that meets the requirement specified in subsection (A)(2)(b),
 - 4. Requires satisfactory performance of all critical elements of each assisted living facility caregiver skill specified under R4-33-703(C),
 - 5. Prevents a student from performing an activity unless the student has received instruction and been found able to perform the activity competently,
 - 6. Is present in the classroom during all instruction,
 - 7. Uses a maximum of 20 hours of distance learning,
 - 8. Supervises health professionals who assist in providing training program instruction, and
 - 9. Ensures that a health professional who assists in providing training program instruction:
 - a. Is licensed or certified as a health professional,
 - b. Has at least one year of experience in the field of licensure or certification, and
 - c. Teaches only a learning activity that is within the scope of practice of the field of licensure or certification.
- E. Skill training requirements. The owner of an assisted living facility caregiver training program shall:
 - 1. Provide each student with at least 12 hours of instructor-supervised skills training, and
 - 2. Ensure that each student develops skill proficiency in the subjects listed in R4-33-703(C).
- F. Instructional and educational resources. The owner of an assisted living facility caregiver training program shall provide, or provide access to, the following instructional and educational resources adequate to implement the training program for all students and staff:
 - 1. Current reference materials related to the level of the curriculum;
 - 2. Equipment in functional condition for simulating resident care, including:
 - a. Patient bed, over-bed table, and nightstand;
 - b. Privacy curtain and call bell;
 - c. Thermometers, stethoscopes, including a teaching stethoscope, blood-pressure cuff, and balance scale;
 - d. Hygiene supplies, elimination equipment, drainage devices, and linens;
 - e. Hand-washing equipment and clean gloves; and
 - f. Wheelchair, gait belt, walker, anti-embolic hose, and cane;
 - 3. Computer in good working condition;
 - 4. Audio-visual equipment and media; and
 - 5. Designated space that provides a clean, distraction-free, learning environment for accomplishing educational goals of the training program;
- G. Records. The owner of an assisted living facility caregiver training program shall:
 - 1. Maintain the following training program records for three years:
 - a. Curriculum and course schedule for each student cohort;
 - b. Results of state-approved written examination and skills checklist;
 - c. Evaluation forms completed by students, a summary of the evaluation forms for each student cohort, and measures taken, if any, to improve the training program based on student evaluations; and
 - d. Copy of all Board reports, applications, or correspondence related to the training program; and
 - 2. Maintain the following student records for three years:
 - a. Name, date of birth, and Social Security number;
 - b. Completed skills checklist;
 - c. Attendance record including a record of any make-up class sessions;
 - d. Score on each test, quiz, and examination and, if applicable, whether a test, quiz, or examination was retaken;
 - e. Documentation from the program instructor indicating the:
 - i. Number of skills training hours completed by the student,
 - ii. Student performance during the skills training, and
 - iii. Verification of distance learning hours completed by the student; and
 - f. Copy of the evidence of completion issued to the student as required under subsection (A)(4);
- H. Examination and evaluation requirements for students. The owner of an assisted living facility caregiver training program shall ensure each student in the training program:
 - 1. Takes an examination that covers each of the subjects listed in R4-33-703(C) and passes each examination using the standard specified in subsection (A)(2)(b);
 - 2. Is evaluated and determined to possess the practical skills listed in R4-33-703(C);
 - 3. Passes, using the standard specified in subsection (A)(2)(b), a final examination approved by the Board and given by a Board-approved provider; and



4. Does not take the final examination referenced in subsection (H)(3) more than three times. If a student fails the final examination referenced in subsection (H)(3) three times, the student is able to obtain evidence of completion only by taking the assisted living facility caregiver training program again;
- I. Examination passing standard. The owner of an assisted living facility caregiver training program shall attain an annual first-time passing rate of 70 percent for all students who take the examination specified under subsection (H)(3). The Board may waive this requirement for a program if fewer than 10 students took the examination during the year.
- J. Periodic evaluation. The owner of an assisted living facility caregiver training program shall allow a representative of the Board or a state agency designated by the Board to conduct:
 1. A scheduled evaluation:
 - a. Before initial approval of the training program as specified under R4-33-704(D),
 - b. Before renewal of the training program approval as specified under R4-33-705(C), and
 - c. During a time of correction as specified under R4-33-706(B); and
 2. An onsite unscheduled evaluation of the training program if the evaluation is in response to a complaint or reasonable cause, as determined by the Board;
- K. Notice of change. The owner of an assisted living facility caregiver training program shall provide the documentation and information specified regarding the following changes within 10 days after making the change:
 1. New training program administrator. Name and license number;
 2. New instructor. Name, license number, and evidence of being qualified under subsection (C);
 3. Decrease in number of training program hours. Description of and reason for the change, a revised curriculum outline, and revised course schedule;
 4. Change in classroom location. Address of new location, if applicable, and description of the new classroom; and
 5. For a training program that is based within an assisted living facility:
 - a. Change in name of the facility. Former and new name of the assisted living facility; and
 - b. Change in ownership of the facility. Names of the former and current owners of the assisted living facility.
- L. ~~Reduced hours~~ Medication management training program. The owner of an assisted living facility caregiver training program may provide a ~~reduced hours~~ medication management training program for a student who, at the time of admission, is in good standing and a CNA, LNA, or DCW.
 - ~~1. The owner of an assisted living facility caregiver training program shall ensure a reduced hours the medication management training program provides the following:

 - a. For a CNA or LNA, the classroom instruction listed in subsection R4-33-703(C)(14) and meets the standards in R4-33-703.1; and
 - b. For a DCW, the classroom instruction listed in subsections R4-33-703(C)(1) through (C)(8), (C)(11), (C)(12), and (C)(14).~~
 2. The owner of an assisted living facility caregiver training program shall ensure a CNA, LNA, or DCW in a reduced hours training program or a CMA complies fully with the examination and evaluation requirements in subsection (H).

R4-33-703.1. Minimum Standards and Curriculum for an Assisted Living Facility Caregiver Medication Management Training Program

- A. An assisted living facility caregiver medication management training program may be established by:
 1. The owner or manager of an assisted living facility, or
 2. The owner of an assisted living facility caregiver training program.
- B. A person under subsection (A) may offer an assisted living facility caregiver medication management training program to: ~~a CNA or LNA who is in good standing.~~
 1. A CNA who is in good standing and whose certification by the Arizona Board of Nursing under A.R.S. § 32-1645 is verified;
 2. An LNA who is in good standing and whose licensure by the Arizona Board of Nursing under A.R.S. § 32-1645 is verified; and
 3. A DCW who is in good standing and whose training, including training about caregiving fundamentals and aging and physical disabilities, and testing record is verified through the AHCCCS online database.
- C. A person under subsection (A) that offers an assisted living facility caregiver medication management training program to individuals specified under subsection (B) shall ensure the assisted living facility caregiver medication management training program:
 1. Consists of at least the 16 classroom hours specified under R4-33-703(C)(14);
 2. Is not taught by distance learning;
 3. Is taught by a health professional who holds a license in good standing and issued under A.R.S. Title 32, Chapter 13, 15, 17, 18, or 25; and
 4. ~~Complies fully with the~~ Requires passing an examination and evaluation requirements specified in R4-33-702(H) regarding assisted living facility caregiver medication management, using the standard specified in R4-33-702(A)(2)(b), that is approved by the Board and given by a Board-approved provider. An individual under subsection (B) shall pass the required examination in no more than three attempts. After failing three times, the individual may take the assisted living facility caregiver medication management program again.
- D. In addition to complying with subsection (C), a person under subsection (A) shall ensure each individual under subsection (B) who participates in an assisted living facility caregiver medication management training program:
 1. Receives notice, before participating in the training program, of:
 - a. The fingerprint clearance card requirement, and
 - b. The need to obtain a food-handler's card from the county in which the individual lives.
 2. Provides written documentation, which is dated and signed, indicating the person under subsection (A) complied with subsection (D)(1). The person under subsection (A) shall maintain the written documentation under R4-33-702(G)(2).
- ~~D.E.~~ In addition to complying with subsection (C), a person under subsection (A) that offers an assisted living facility caregiver medication management training program to individuals specified under subsection (B) shall comply with the following subsections of R4-33-702:



1. (A)(4)(a), (b), and (d) through (f);
2. (A)(5)(a) through (d), (g), and (h);
3. (A)(6)(b) and (c);
4. (G)(1)(b) through (d);
5. (G)(2)(a), (c), through (d), and (f);
6. (I) and
7. (J).



- 10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
Not applicable
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
None received
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
The Department of Agriculture Advisory Council voted on June 23, 2020 on the fees set out in this rulemaking through fiscal year 2021.
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
R3-2-203 requires a license to conduct certain activities. R3-2-701 does not require a permit, and R3-2-810 sets out fees for certain licenses but does not itself require or establish any permits or licenses. The Department does not use a general permit for R3-2-203 because that would increase the cost for licensees by requiring them to pay the licensing fee for activities that the licensees do not engage in. Additionally, any duplication of information provided by an applicant to obtain multiple licenses would be minimal.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Not applicable
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 13. **A list of any incorporated by reference material and its location in the rule:**
None
- 14. **Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
- 15. **The full text of the rules follows:**

**TITLE 3. AGRICULTURE
CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION**

ARTICLE 2. MEAT AND POULTRY INSPECTION

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

ARTICLE 7. LIVESTOCK INSPECTION

Section
R3-2-701. Department Livestock Inspection

ARTICLE 8. DAIRY AND DAIRY PRODUCTS CONTROL

Section
R3-2-810. License Fees

ARTICLE 2. MEAT AND POULTRY INSPECTION

R3-2-203. Licenses; Registration; Records

- A. No change
 - 1. No change
 - a. No change
 - b. No change
 - i. No change
 - ii. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change



- 4. **A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**
None
- 5. **The agency's contact person who can answer questions about the rulemaking:**
Name: G. John Caravetta, Associate Director
Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-0996
Fax: (602) 542-0922
E-mail: jcaravetta@azda.gov
- 6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
This rulemaking continues nursery certification fees from fiscal years 2011 through 2020 in fiscal year 2021 for services provided in fiscal year 2021 in order to make up for decreases in general fund appropriations. See Notice of Exempt Rulemaking: 25 A.A.R. 2085, August 16, 2019; 24 A.A.R. 2223, August 3, 2018; 23 A.A.R. 1941, July 21, 2017; 21 A.A.R. 2410, Oct. 16, 2015; 20 A.A.R. 2449, Sept. 5, 2014; 19 A.A.R. 3143, Oct. 11, 2013; 18 A.A.R. 2063, Aug. 24, 2012; 17 A.A.R. 1761, Sept. 2, 2011; & 16 A.A.R. 1336, July 23, 2010. Continuing these fees is necessary to implement the budget for the plant services division for fiscal year 2021.
- 7. **A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **The summary of the economic, small business, and consumer impact, if applicable:**
Laws 2020, 2nd Reg. Sess., Ch. 52, § 6 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for the purpose of establishing fees pursuant to those sections until July 1, 2021. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.
- 10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
Not applicable
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
None received
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
The Department of Agriculture Advisory Council voted on June 23, 2020 in favor of continuing the fees set out in this rulemaking through fiscal year 2021.
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rule does not require a permit. The nursery certification program is voluntary.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Not applicable
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 13. **A list of any incorporated by reference material and its location in the rule:**
None
- 14. **Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
- 15. **The full text of the rules follows:**

TITLE 3. AGRICULTURE
CHAPTER 4. DEPARTMENT OF AGRICULTURE
PLANT SERVICES DIVISION



ARTICLE 3. NURSERY CERTIFICATION PROGRAM

Section
R3-4-301. Nursery Certification

ARTICLE 3. NURSERY CERTIFICATION PROGRAM

R3-4-301. Nursery Certification

- A. No change
- B. No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
- F. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- G. ~~Notwithstanding~~ **Notwithstanding** subsections (B) through (D), during fiscal year ~~2020~~ **2021**, an applicant for nursery stock inspection certification shall pay the following fee:
 - 1. For general certification, \$250.
 - 2. For single shipment certification, \$50 for the first lot plus \$10 for each additional lot per Department site trip.

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

[R20-119]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable)** **Rulemaking Action**
 R3-6-102 Amend
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:**
 Authorizing statute: A.R.S. §§ 3-107(A)(1) and (B)(3); Laws 2020, 2nd Reg. Sess., Ch. 52, § 6.
 Implementing statute: Laws 2020, 2nd Reg. Sess., Ch. 52, § 6; A.R.S. § 3-109.02(A).
 Statute or session law authorizing the exemption: Laws 2020, 2nd Reg. Sess., Ch. 52, § 6; A.R.S. § 41-1005(A)(5).
- 3. The effective date of the rule and the agency’s reason it selected the effective date:**
 August 25, 2020
 The effective date of the rule is based on the effective date of the law authorizing the rulemaking.



- 4. **A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**
None
- 5. **The agency's contact person who can answer questions about the rulemaking:**
Name: G. John Caravetta, Associate Director
Address: Department of Agriculture
1688 W. Adams
Phoenix, AZ 85007
Telephone: (602) 542-0996
Fax: (602) 542-0922
E-mail: jcaravetta@azda.gov
- 6. **An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**
This rulemaking continues fees from fiscal years 2011 through 2020 in fiscal year 2021 for services provided in fiscal year 2021 for phytosanitary certification in order to make up for decreases in general fund appropriations. See Notice of Exempt Rulemaking: 25 A.A.R. 2088, August 16, 2019; 24 A.A.R. 2226, August 3, 2018; 23 A.A.R. 1943, July 21, 2017; 21 A.A.R. 2412, Oct. 16, 2015; 20 A.A.R. 2449, Sept. 5, 2014; 19 A.A.R. 3146, Oct. 11, 2013; 18 A.A.R. 2066, Aug. 24, 2012; 17 A.A.R. 1765, Sept. 2, 2011; and 16 A.A.R. 1339, July 23, 2010. Continuing these fees is necessary to implement the budget for the plant services division for fiscal year 2021.
- 7. **A reference to any study relevant to the rules that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rules, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **The summary of the economic, small business, and consumer impact, if applicable:**
Laws 2020, 2nd Reg. Sess., Ch. 52, § 6 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for the purpose of establishing fees pursuant to those sections until July 1, 2021. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.
- 10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
Not applicable
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
None received
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
The Department of Agriculture Advisory Council voted on June 23, 2020 in favor of continuing the fees set out in this rulemaking through Fiscal Year 2021.
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
The rule does not require a permit.
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
The federal administrative user fee is set out in 7 CFR 354.3(g)(3)(i). This rule is not more stringent than federal law.
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 13. **A list of any incorporated by reference material and its location in the rule:**
7 CFR 354.3(g)(3)(i), revised January 1, 2016, is incorporated by reference in R3-6-102(A)(2).
- 14. **Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
- 15. **The full text of the rules follows:**

TITLE 3. AGRICULTURE
CHAPTER 6. DEPARTMENT OF AGRICULTURE
OFFICE OF COMMODITY DEVELOPMENT AND PROMOTION



- 9. The summary of the economic, small business, and consumer impact, if applicable:**
Laws 2020, 2nd Reg. Sess., Ch. 52, § 6 authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6 for the purpose of establishing fees pursuant to those sections until July 1, 2021. As a result, this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.
- 10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
Not applicable
- 11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
None received
- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
The Citrus Fruit and Vegetable Advisory Council voted on June 5, 2020 to adjust the fees as outlined in this rule. The Department of Agriculture Advisory Council voted on May 12, 2020 in favor of the fees adjustment set out in this rulemaking through fiscal year 2021.
 - 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:**
Both rules require a license to conduct certain activities; however those licenses are established by statute. This rule just reduces the fees associated with obtaining those licenses.
 - b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
Not applicable
 - c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
Not applicable
- 13. A list of any incorporated by reference material and its location in the rule:**
None
- 14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
- 15. The full text of the rules follows:**

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

ARTICLE 1. LICENSING FEES

- Section
R3-10-101. Citrus Fruit Dealer or Shipper Licensing Fee
R3-10-102. Fruit and Vegetable Dealer or Shipper Licensing Fee

ARTICLE 1. LICENSING FEES

- R3-10-101. Citrus Fruit Dealer or Shipper Licensing Fee**
A person may not transact business as a citrus fruit dealer or shipper without first obtaining a license as provided in Arizona Revised Statutes, Title 3, Chapter 3, Article 2. For fiscal year ~~2020~~ 2021, license fee shall be determined according to the annual gross sales based on the dealer's or shipper's previous fiscal year as follows:
1. If the annual gross sales are ~~five hundred thousand dollars~~ \$500,000 or more, the annual fee is ~~two hundred seventy dollars (\$270.00)~~ \$112.50.
 2. If the annual gross sales are between ~~two hundred thousand dollars~~ \$200,000 and ~~five hundred thousand dollars~~ \$500,000, the annual fee is ~~one hundred eighty dollars (\$180.00)~~ \$75.
 3. If the annual gross sales are ~~two hundred thousand dollars~~ \$200,000 or less, the annual fee is ~~ninety dollars (\$90.00)~~ \$37.50.
 4. If the person was not in business the previous fiscal year, the annual fee is ~~ninety dollars (\$90.00)~~ \$37.50.
- R3-10-102. Fruit and Vegetable Dealer or Shipper Licensing Fee**
A person shall not act as a fruit or vegetable dealer or shipper without first obtaining a license as provided in Arizona Revised Statutes, Title 3, Chapter 3, Article 4. For fiscal year ~~2020~~ 2021, application for the license shall be filed with the supervisor and accompanied by a license fee determined according to the annual gross sales based on the dealer's or shipper's previous fiscal year as follows:
1. If the annual gross sales are ~~five hundred thousand dollars~~ \$500,000 or more, the annual fee is ~~three hundred dollars (\$300.00)~~ \$125.
 2. If the annual gross sales are ~~two hundred thousand dollars~~ \$200,000 and ~~five hundred thousand dollars~~ \$500,000, the annual fee is ~~two hundred ten dollars (\$210.00)~~ \$87.50.



3. If the annual gross sales are ~~two hundred thousand dollars~~ \$200,000 or less, the annual fee is ~~one hundred twenty dollars (\$120.00)~~ \$50.
4. If the person was not in business the previous fiscal year, the annual fee is ~~one hundred twenty dollars (\$120.00)~~ \$50.



GOVERNOR EXECUTIVE ORDER

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

This order has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2020-02

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

[M20-01]

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

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

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

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

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

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

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

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

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

WHEREAS, each State agency shall continue to conduct a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay and legal uncertainty associated with government regulation while protecting the health and safety of residents; and

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

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

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

- 1. A State agency subject to this Order shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justifications for the rulemaking:
a. To fulfill an objective related to job creation, economic development or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within an agency or wasteful, fraudulent or abusive activities perpetrated against an agency.
j. To eliminate rules which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Office of the Governor at least three existing rules to eliminate for every one additional rule requested by the agency.



3. A State agency that submits a rulemaking exemption request pursuant to this Order shall include with their request an analysis of how small businesses may be impacted by any newly proposed rules or rule modifications.
4. A State agency subject to this Order shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.
5. A State agency that issues occupational or professional licenses shall prominently post on the agency's website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on such landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include universal recognition of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.
6. All state agencies that are required to issue occupational or professional licenses by universal recognition (established by section 32-4302, Arizona Revised Statutes) must track all applications received for this license type. Before any agency denies a professional or occupational license applied for under section 32-4302, Arizona Revised Statutes, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Office of the Governor should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.
7. For the purposes of this Order, the term "State agencies" includes, without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official; (b) the Corporation Commission; and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those state agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, "person," "rule" and "rulemaking" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

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

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this 13th day of January in the Year Two Thousand and Twenty and of the Independence of the United States of America the Year Two Hundred and Forty-Fourth.

ATTEST:

Katie Hobbs
SECRETARY OF STATE

REGISTER INDEXES

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

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

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

SUPPLEMENTAL PROPOSED RULEMAKING

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

FINAL RULEMAKING

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

SUMMARY RULEMAKING**PROPOSED SUMMARY**

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

FINAL SUMMARY

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

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

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

SUPPLEMENTAL EXPEDITED

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

FINAL EXPEDITED

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

EXEMPT RULEMAKING**EXEMPT**

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

EXEMPT PROPOSED

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

EXEMPT SUPPLEMENTAL PROPOSED

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

FINAL EXEMPT RULEMAKING

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

EMERGENCY RULEMAKING

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

RECODIFICATION OF RULES

RC = Recodified

REJECTION OF RULES

RJ = Rejected by the Attorney General

TERMINATION OF RULES

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

RULE EXPIRATIONS

EXP = Rules have expired

See also “emergency expired” under emergency rulemaking

CORRECTIONS

C = Corrections to Published Rules

R3-10-403. XN-681
 R3-10-404. XN-681
 R3-10-405. XN-681
 R3-10-406. XN-681
 R3-10-407. XN-681
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 R3-10-1608. XN-681
 R3-10-1609. XN-681
 R3-10-1610. XN-681
 R3-10-1611. XN-681

R3-10-1612. XN-681
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 R3-10-1703. XN-681
 R3-10-1704. XN-681
 R3-10-1705. XN-681
 R3-10-1706. XN-681
 R3-10-1707. XN-681

Agriculture, Department of - Pest Management Division

R3-8-103. PEM-379

Arizona Health Care Cost Containment System - Grievance System

R9-34-101. FM-548

Behavioral Health Examiners, Board of

R4-6-101. PM-997
 R4-6-211. PM-997
 R4-6-212. PM-997
 R4-6-212.01. PM-997
 R4-6-214. PM-997
 R4-6-215. PM-997
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Child Safety, Department of - Permanency and Support Services

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- Nursing, Board of; 4 A.A.C. 19; p. 1432
- Nursing Care Institution Administrators and Assisted Living Facility Managers, Board of Examiners of; 4 A.A.C. 33; p. 17
- Peace Officer Standards and Training Board, Arizona; 13 A.A.C. 4; pp. 978
- Podiatry Examiners, Board of; 4 A.A.C. 25; p. 658
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- Public Safety, Department of - Tow Trucks; 13 A.A.C. 3; p. 18
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RULES EFFECTIVE DATES CALENDAR

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

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



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



REGISTER PUBLISHING DEADLINES

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

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
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	Wednesday 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.



GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE JULY 7, 2020 MEETING

[M20-32]

A. CONSENT AGENDA ITEMS:

Rulemakings

1. DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 19, Articles 1, 2, and 3, Department of Health Services - Vital Records and Statistics

Amend: R9-19-101, R9-19-104, R9-19-201, R9-19-202, R9-19-204, R9-19-208, R9-19-210, R9-19-301, R9-19-304, R9-19-305, R9-19-306, R9-19-309, R9-19-314, R9-19-315

2. BOARD OF PODIATRY EXAMINERS

Title 4, Chapter 25, Articles 1, 2, 3, 5 and 6, Board of Podiatry Examiners

Amend: R4-25-101, R4-25-102, R4-25-103, R4-25-104, Table 1, R4-25-201, R4-25-203, R4-25-301, R4-25-302, R4-25-501, R4-25-502, R4-25-603, R4-25-604

3. BOARD OF EXAMINERS OF NURSING CARE INSTITUTION ADMINISTRATORS AND ASSISTED LIVING FACILITY MANAGERS

Title 4, Chapter 33, Article 7, Assisted Living Facility Caregiver Training Programs

Amend: R4-33-702, R4-33-703.1

Five Year Review Reports

4. ARIZONA STATE RETIREMENT SYSTEM

Title 2, Chapter 8, Articles 1, 2, 4, and 5, State Retirement System Board

5. BOARD OF DENTAL EXAMINERS

Title 4, Chapter 11, Articles 11, 12, 14, 15, and 18, State Board of Dental Examiners

One Year Review Reports

6. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

Title 13, Chapter 4, Article 2, Arizona Peace Officer Standards and Training Board

COUNCIL ACTION: CONSENT AGENDA APPROVED

B. CONSIDERATION AND DISCUSSION OF RULES:

1. DEPARTMENT OF HEALTH SERVICES

Title 9, Chapter 8, Article 1, Food and Drink

Amend: Article 1

Repeal: R9-8-101, R9-8-103, R9-8-104, Table 1, R9-8-105, R9-8-106, R9-8-108, R9-8-109

Re-number: R9-8-102

New Section: R9-8-101, R9-8-102, R9-8-103, R9-8-104, R9-8-105, R9-8-106, R9-8-107, R9-8-108, R9-8-110, R9-8-111, R9-8-112, R9-8-113, R9-8-114, R9-8-115, R9-8-116, R9-8-117, R9-8-118, R9-8-119

New Table: Table 1.1

COUNCIL ACTION: APPROVED WITH CHANGES

2. DEPARTMENT OF HOUSING

Title 4, Chapter 34, Articles 1, 2, 5, 6, 7, and 8, Board of Manufactured Housing

Amend: R4-34-101, R4-34-203, R4-34-204, R4-34-603, R4-34-606, R4-34-607, R4-34-701, R4-34-702, R4-34-703, R4-34-704, R4-34-705, R4-34-706, R4-34-801, R4-34-802, R4-34-805



COUNCIL ACTION: APPROVED WITH CHANGES

C. CONSIDERATION AND DISCUSSION OF FIVE YEAR REVIEW REPORTS:

1. DEPARTMENT OF AGRICULTURE

Title 3, Chapter 6, Article 1, Marketing

COUNCIL ACTION: COUNCIL VOTED TO TABLE CONSIDERATION OF THIS FIVE YEAR REVIEW REPORT TO THE JULY 28, 2020 STUDY SESSION AND AUGUST 4, 2020 COUNCIL MEETING

D. CONSIDERATION AND DISCUSSION OF R1-6-303(B) EXTENSION REQUEST FOR FIVE-YEAR REVIEW REPORT FROM DEPARTMENT OF EMERGENCY AND MILITARY AFFAIRS

COUNCIL ACTION: EXTENSION REQUEST GRANTED