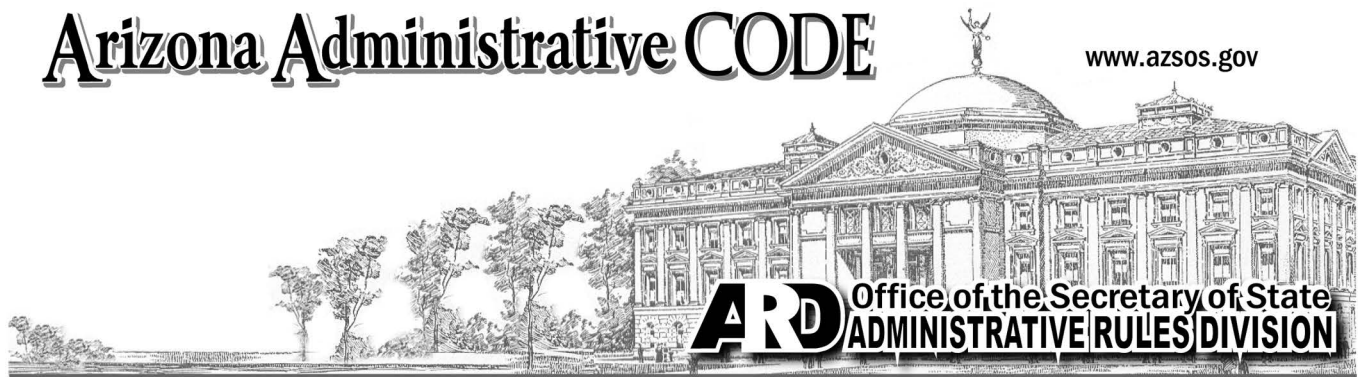




3 A.A.C. 3

Supp. 24-4

TITLE 3. AGRICULTURE

CHAPTER 3. DEPARTMENT OF AGRICULTURE - ENVIRONMENTAL SERVICES DIVISION

The table of contents on page one contains links to the referenced page numbers in this Chapter.

Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the *Arizona Administrative Register*.

This Chapter contains rules that were filed to be codified in the *Arizona Administrative Code* between the dates of
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The release of this Chapter in Supp. 24-4 replaces Supp. 24-1, 1-52 pages.

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), Administrative Rules Division, accepts state agency rule notice and other legal filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the *Administrative Code*. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES

The definition for a rule is provided for under A.R.S. § 41-1001. “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The *Arizona Administrative Code* is where the official rules of the state of Arizona are published. The *Code* is the official codification of rules that govern state agencies, boards, and commissions.

The *Code* is separated by subject into Titles. Titles are divided into Chapters. A Chapter includes state agency rules. Rules in Chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the *Code*. Supplement release dates are printed on the footers of each Chapter.

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2022 is cited as Supp. 22-1. Supplements are traditionally released three to four weeks after the end of the quarter because filings are accepted until the last day of the quarter.

Please note: The Office publishes by Chapter, not by individual rule Section. Therefore there might be only a few Sections codified in each Chapter released in a supplement. This is why the Office lists only updated codified Sections on the previous page.

RULE HISTORY

Refer to the HISTORICAL NOTE at the end of each Section for the effective date of a rule. The note also includes the *Register* volume and page number in which the notice was published (A.A.R.) and beginning in supplement 21-4, the date the notice was published in the *Register*.

AUTHENTICATION OF PDF CODE CHAPTERS

The Office began to authenticate Chapters of the *Code* in Supp. 18-1 to comply with A.R.S. §§ 41-1012(B) and A.R.S. § 41-5505.

A certification verifies the authenticity of each *Code* Chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the *Code* includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the *Arizona Administrative Register* for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a Chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in a Chapter can be found at the Secretary of State’s website, www.azsos.gov under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the *Register* online at www.azsos.gov/rules, click on the *Administrative Register* link.

Editor’s notes at the beginning of a Chapter provide information about rulemaking Sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

PERSONAL USE/COMMERCIAL USE

This Chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, rules managing editor, assisted with the editing of this Chapter.

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Administrative Rules Division

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TITLE 3. AGRICULTURE**CHAPTER 3. DEPARTMENT OF AGRICULTURE - ENVIRONMENTAL SERVICES DIVISION**

Authority: A.R.S. §§ 3-341 et seq. and 3-3101 et seq.

Supp. 24-1

Title 3, Chapter 3, Article 1, Section R3-3-101 renumbered from Title 3, Chapter 10, Article 1, Section R3-10-101; Title 3, Chapter 3, Article 2, Sections R3-3-201 through R3-3-212 renumbered from Title 3, Chapter 10, Article 2, Sections R3-10-201 through R3-10-212; Title 3, Chapter 3, Article 3, Sections R3-3-301 through R3-3-314 renumbered from Title 3, Chapter 10, Article 2, Sections R3-10-301 through R3-10-314; Title 3, Chapter 3, Article 4, Sections R3-3-401 through R3-3-404 renumbered from Title 3, Chapter 10, Article 4, Sections R3-10-401 through R3-10-404; Title 3, Chapter 3, Article 5, Sections R3-3-501 through R3-3-506 renumbered from Title 3, Chapter 10, Article 5, Sections R3-10-501 through R3-10-506; Title 3, Chapter 3, Article 6, Sections R3-3-601 through R3-3-617 renumbered from Title 3, Chapter 10, Article 6, Sections R3-10-601 through R3-10-617; Title 3, Chapter 3, Article 7, Sections R3-3-701 through R3-3-712 renumbered from Title 3, Chapter 3, Article 1, Sections R3-3-01 through R3-3-12; Title 3, Chapter 3, Article 8, Sections R3-3-801 through R3-3-812 renumbered from Title 3, Chapter 3, Article 2, Sections R3-3-21 through R3-3-32; Title 3, Chapter 3, Article 9, Sections R3-3-901 through R3-3-916 renumbered to Title 3, Chapter 3, Article 3, Sections R3-3-41 through R3-3-56 (Supp. 91-4).

New Sections R3-10-101, R3-10-201 through R3-10-212, R3-10-301 through R3-10-306, R3-10-308 through R3-10-312, R3-10-401 through R3-10-403, R3-10-501 through R3-10-505, and R3-10-601 through R3-10-617 adopted effective November 20, 1987.

Former Sections R3-10-01, R3-10-03, R3-10-20 through R3-10-25, R3-10-40 through R3-10-42, R3-10-42.01, R3-10-43 through R3-10-62, R3-10-64 through R3-10-66, R3-10-70, R3-10-71, R3-10-73 through R3-10-75, R3-10-77 through R3-10-87, R3-10-89, and R3-10-91 repealed effective November 20, 1987.

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New Article 7 adopted effective July 13, 1989. (Supp. 89-3).

Article 2, consisting of Sections R3-2-201 through R3-8-208, transferred from the Industrial Commission, Title 4, Chapter 13, Article 7, Sections R4-13-701 through R4-13-708, pursuant to Laws 1990, Ch. 374, § 445 (Supp. 91-3).

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CHAPTER 3. DEPARTMENT OF AGRICULTURE - ENVIRONMENTAL SERVICES DIVISION

ARTICLE 1. GENERAL PROVISIONS

R3-3-101. Definitions

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

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

“ADEQ” means the Arizona Department of Environmental Quality.

“Adulterate” means to change a pesticide so that:

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

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

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

“Agricultural aircraft pilot” or “AAP” means any individual who pilots an agricultural aircraft to apply a pesticide.

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

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

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

“Agricultural use pesticide” means a pesticide product bearing a label requiring compliance with the Worker Protection Standard, and as prescribed by the agricultural use requirements on the label.

“Aircraft” means any mechanism used in flight.

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

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

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

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

“Associate Director” means the Associate Director of the Environmental Services Division.

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

a responsible administrative official of the school or child care facility.

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

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

“Certification plan” means an EPA authorized plan under 40 CFR § 171.303 (82 FR 1042, January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-D/section-171.303>) for the certification of pesticide applicators to comply with the provisions of FIFRA. This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.

“Certified applicator” means any individual who is certified by the Department to use or supervise the use of any restricted use pesticide as a private, golf or commercial applicator.

“CEU” means continuing education unit.

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

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

The applicator;

The applicator’s employer; or

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

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

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

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

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

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

“Device” means any instrument or contrivance that is intended to be used for trapping, destroying, repelling, or mitigating any

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CHAPTER 3. DEPARTMENT OF AGRICULTURE - ENVIRONMENTAL SERVICES DIVISION

pest or any other form of plant or animal life, other than a human being and a bacterium, virus, or other microorganism on or in a living human being or other living animal. Device does not include firearms, mechanical traps, or equipment used for the application of pesticides if the application equipment is sold separately.

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

“Direct release” means to apply a pesticide outside the boundaries of an application site, at the time of application, while the valve controlling the normal flow of pesticide from the application device is in the open position and the application device is not within the confines of the application site. Direct release does not mean the drift or discharge of a pesticide caused by a mechanical malfunction of the application device that is beyond the control of the operator. Direct release does not mean a release caused by accident, or done to avoid an accident that would have resulted in greater harm than that caused by the pesticide release.

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

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

“Drone” means a remote-controlled pilotless aircraft or small flying device used to apply pesticides.

“Drone Pilot License” or “DPL” means any individual who pilots a drone to apply a pesticide.

“EPA” means the United States Environmental Protection Agency.

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

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

“FAA” means the Federal Aviation Administration.

“FIFRA” means the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq. (as amended P.L. 117-328, December 29, 2022, <https://www.govinfo.gov/content/pkg/COMPS-10326/uslm/COMPS-10326.xml>). This material is incorporated by reference throughout the Chapter, is on file with the Department and includes no later amendments or editions.

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

“Golf applicator” or “PUG” means an applicator who uses or supervises the use of a restricted use pesticide for the maintenance of the ornamental and turf areas of the golf course that is owned or controlled by the applicator or the applicator’s employer.

“Handler” means any person, including a self-employed person:

Who is employed for any type of compensation by an agricultural establishment or commercial pesticide handling establishment to which this Article applies and who is:

Mixing, loading, transferring, or applying pesticides.

Disposing of pesticides or pesticide containers.

Handling opened containers of pesticides.

Acting as a flagger.

Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

Assisting with the application of pesticides.

Entering a greenhouse or other enclosed area after the application and before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established under 40 CFR § 170.110(c)(3) of the Worker Protection Standard (August 21, 1992, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-170/subpart-B/section-170.110>) The incorporated reference is on file with the Department and does not include any later amendments or editions, or in the labeling has been met:

To operate ventilation equipment.

To adjust or remove coverings used in fumigation.

To monitor air levels.

Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

Performing tasks as a crop advisor:

During any pesticide application.

Before the inhalation exposure level listed in the labeling has been reached or one of the ventilation criteria established under 40 CFR § 170.110(c)(3) of the Worker Protection Standard (August 21, 1992, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-170/subpart-B/section-170.110>), or in the labeling has been met. The incorporated reference is on file with the Department and does not include any later amendments or editions.

During any restricted-entry interval.

The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

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

“Highly toxic pesticide” means a pesticide with an acute oral LD₅₀ of 50 milligrams per kilogram of body weight or less, dermal LD₅₀ of 200 milligrams per kilogram of body weight or less, or inhalation LD₅₀ of 0.2 milligrams per liter of air or less, and the label bears the signal words “danger” and “poison” and shows a skull and crossbones.

“Immediate family” includes only spouse, children, stepchildren, foster children, parents, stepparents, foster parents, brothers, and sisters.

“Individual” means a human being.

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

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

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

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

Upon the pesticide or device or any of its containers or wrappers.

Accompanying the pesticide or device at any time.

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

“LD₅₀” means a statistically derived estimate of a single dose of pesticide that can be expected to cause death in 50 percent of laboratory test animals as determined by an EPA approved procedure. The LD₅₀ value is expressed in terms of weight of test substance per unit weight of the test animal (mg/kg)

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

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

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

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

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

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

“Pest” means:

Any weed, insect, vertebrate pest, nematode, fungus, virus, bacteria or other pathogenic organisms.

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

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

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

“Pesticide Grower Permit” or “PGP” means a permit issued by the Department that allows a qualifying person to act as a regulated grower.

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

“PMD” means the Pest Management Division of the Arizona Department of Agriculture.

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

The applicator;

The applicator’s employer; or

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

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

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

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

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

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

“Responsible individual” means an individual at a seller’s location who is a certified applicator or is licensed as a PCA in Arizona by the Department, that has demonstrated competency in safe pesticide handling, and is aware they are designated by the seller under R3-3-203.

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

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

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

“Service container” means a container filled with a pesticide by an applicator and is transported to an application site where the pesticide will be applied. A service container is not intended to be used as a container for the sale or distribution of a pesticide, and is not intended for the long-term storage of a pesticide, except for cases of an emergency where the integrity of the original packaging of a pesticide is compromised that would lead to a bulk release of a pesticide.

“Small scale test” means a test using a pesticide on land or water acreage as described at 40 CFR § 172.3(c)(1) or (2) (59 FR 45611, Sept. 1, 1994, as amended at 71 FR 35546, June 21, 2006; 73 FR 75599, Dec. 12, 2008, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-172/subpart-A/section-172.3>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.

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

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

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

“Unreasonable adverse effect” means any unreasonable risk to a human being or the environment, taking into account the economic, social, and environmental costs and benefits of the

use of any pesticide, or a human dietary risk from residues that result from a use of a pesticide in or on any food as documented by the Department through its investigation.

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

“Worker Protection Standard” or “WPS” means the regulations as prescribed in 40 CFR §§ 170.1 et seq., excluding 40 CFR §§ 170.401(c)(4) and 170.501(c)(4) (as amended October 30, 2020, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-170>). This material is incorporated by reference, on file with the Department and does not include any later amendments of editions.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-101 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-102. Licensing Time-frames

- A. Overall time-frame. The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.
 1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
 2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of missing information to the applicant until the date the Department receives the information.
 3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review. The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
 1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request

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within the additional information period, the Department shall deny the license.

2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for

the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).

Table 1. Time-frames (Calendar Days)

License	Authority	Administrative Completeness Review	Response to Completion Request	Substantive Completeness Review	Response to Additional Information	Overall Time-frame
Pesticide Grower Permit (PGP)	A.R.S. § 3-363 A.A.C. R3-3-201	14	14	56	14	70
Pesticide Seller Permit (PSP)	A.R.S. § 3-363 A.A.C. R3-3-203	14	14	56	14	70
Agricultural Aircraft Pilot License (AAP)	A.R.S. § 3-363 A.A.C. R3-3-204	14	14	56	14	70
Drone Pilot License (DPL)	A.R.S. § 3-363 A.A.C. R3-3-204	14	14	56	14	70
Custom Applicator License (CAL)	A.R.S. § 3-363 A.A.C. R3-3-205	14	14	63	14	77
Application Equipment Tag	A.R.S. § 3-363 A.A.C. R3-3-206	14	14	56	14	70
Agricultural Pest Control Advisor (PCA) License	A.R.S. § 3-363 A.A.C. R3-3-207	14	14	63	14	77
Commercial Applicator Certification (PUC)	A.R.S. § 3-363 A.A.C. R3-3-208	14	14	63	14	77
Private Applicator Certification (PUP)	A.R.S. § 3-363 A.A.C. R3-3-208	14	14	63	14	77
Golf Applicator Certification (PUG)	A.R.S. § 3-363 A.A.C. R3-3-208	14	14	63	14	77
Experimental Use Permit	A.R.S. § 3-350.01 A.A.C. R3-3-212	14	14	28	14	42
Pesticide Registration	A.R.S. § 3-351 A.A.C. R3-3-702	14	14	91	14	105
License to Manufacture or Distribute Commercial Feed	A.R.S. § 3-2609 A.A.C. R3-3-902	14	14	42	14	56
Commercial Fertilizer License	A.R.S. § 3-272	14	14	42	14	56
Specialty Fertilizer Registration	A.A.C. R3-3-802	14	14	56	14	70
Agricultural Safety Trainer Certification	A.R.S. § 3-3125 A.A.C. R3-3-1003	28	14	28	14	56
ARIZONA NATIVE PLANTS						
Notice of Intent	A.R.S. § 3-904	14	14	14	14	28
Confirmation Notice of Intent	A.A.C. R3-3-1102					
• Salvage Assessed Native Plant Permits	A.R.S. § 3-906 A.A.C. R3-3-1104	14	14	14	14	28
• Salvage Restricted Native Plant Permits		14	14	14	14	28
• Scientific Permits		14	14	14	14	28
Non-commercial salvage	A.R.S. § 3-906	14	14	14	14	28
Annual Permits for Harvest-Restricted Native Plants	A.R.S. § 3-907 A.A.C. R3-3-1104	14	14	14	14	28

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2663, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

ARTICLE 2. PERMITS, LICENSES, AND CERTIFICATION**R3-3-200. General; Applications; Renewals; Fees; Examinations; Exemptions**

- A. An applicant for certification, license or permit shall submit the appropriate completed application to the Department

accompanied by the appropriate fee prescribed in Table 1. Fees, for each year or portion of the year during which the certification, license or permit is valid.

- B. Applicants for a PGP, PSP, AAP, DPL, CAL, PCA or Certified Applicator are not transferable, and expire on December 31.
- C. Certifications, Licenses, or Permits are:

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1. Valid for the year issued for new Certified Applicator or PCA applicants, except for those issued between October 1 and December 31 which are valid until December 31 of the next calendar year;
 2. Valid for one or two years, for all other applicants depending on the renewal period selected by the applicant; and
 3. Renewed for all categories of certification for the same renewal period.
- D. Education and CEU Requirements.**
1. Prior to submitting a new application for a PCA license, applicants shall complete the educational requirements according to R3-3-207.
 2. Prior to submitting a renewal application for a PCA license or certified applicator, applicants shall complete any CEU requirements pertinent to the category or categories in which renewal is being applied for.
 3. It is the applicant's responsibility to take CEUs pertinent to the category or categories for which the applicant is seeking to renew certification.
 4. The Department may screen renewal applications to ensure the CEU courses taken by the applicant are pertinent to the category or categories for which the applicant is seeking to renew licensure.
- E. Examinations.** In addition to the specific requirements found in R3-3-203 through R3-3-208, the following general provisions apply to this Article:
1. The Department shall administer examinations required under this Article by appointment at every Environmental Services office.
 2. An applicant shall demonstrate knowledge and understanding by scoring at least 75 percent on a written examination for each examination taken under this Article.
 3. An individual who fails an examination may retake it no more than two times in a six-month period and shall not retake an examination until at least seven days have elapsed from the date of the last examination.
 4. The Director may deny a certification or license after an opportunity for an administrative hearing is given, for any individual who is found cheating during the examination process and shall be prohibited from re-taking any examination required under this Article for no less than one year.
 5. The Director may revoke a certification or license after an opportunity for an administrative hearing is given, for an individual who is found cheating on an examination and shall be prohibited from re-taking any examination required under this Article for no less than one year.
 6. Cheating includes one or more of the following:
 - a. Computer or mobile device usage to search for answers to exam questions or to copy exam questions;
 - b. Use of copied exam answers in any form; or
 - c. Any other means in which the answers to the exam questions are obtained without using the knowledge of the exam taker.
- F. Renewal; expired license or certification.**
1. An applicant may renew an expired license without retaking the written examinations under R3-3-207 provided the applicant:
 - a. Within the licensing period, complies with the CEU requirements in R3-3-207;
 - b. Submits a completed application within 11 months after the expiration date of the license;
 - c. Does not provide any pest control-related service from the date the license expired until the date the renewal is effective;
 - d. Pays the license fee plus a \$10 late fee for each month the certification has been expired, with the late fee not exceeding \$110 (11 months); and
 - e. Obtains the required CEU's while the license is active.
 2. An applicant may renew an expired certification without retaking the written examinations under R3-3-208 provided the applicant:
 - a. Has satisfied the CEU requirements in R3-3-208(E)(3), within the current certification period;
 - b. Submits a completed renewal application within 11 months after the expiration date;
 - c. Does not provide any pesticide-related service from the date the certification expired until the date the renewal is effective;
 - d. Pays the renewal fee plus a \$10 late fee for each month, with the penalty not to exceed \$110 (11 months); and
 - e. Obtains the required CEU's while the certification is current.
 3. Applicants with expired certifications greater than 11 months shall complete the requirements for initial certification, including retaking and passing the applicable written examinations prescribed in this Section.4. Notwithstanding R3-3-200 (F)(1) or (2), in addition to any penalties or fines imposed for committing a violation according to Section R3-3-502(C)(1) or (G)(4), for operating with an expired license or certification, the applicant shall take any written examinations required to renew a PCA license or Certified Applicator.
- G. License and Fee Exemptions**
1. A person who applies pesticides in buildings or for structural pest control purposes is not required to apply for or possess any license or certification from the Department under this Article.
 2. A person who sells, offers for sale, delivers, or offers for delivery a general use pesticide, to be used for private, noncommercial use in or around the home or a person who sells general use pesticides for swimming pool or spa maintenance is not required to apply for or possess a seller's permit from the Department.
 3. A state, federal, tribal, or other governmental employee, who makes pest control recommendations or applies or supervises the use of restricted use pesticides while engaged in the performance of official duties shall meet the requirements of this Article, but is not required to pay a fee for any agricultural license, certification, or permit under this Article when used solely for work related purposes.
 4. A person who only furnishes information concerning label requirements governing a registered pesticide is not required to apply for or possess a PCA license from the Department.

Historical Note

New Section made by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

Table 1. Fees

License	Administrative Rule	Fee
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Pesticide Grower Permit (PGP)	R3-3-201	\$20 per year
Pesticide Seller Permit (PSP)	R3-3-203	\$100 per year
Agriculture Aircraft Pilot License (AAP)	R3-3-204	\$50 per year
Drone Pilot License (DPL)	R3-3-204	\$50 per year
Custom Applicator License (CAL)	R3-3-208(E)	\$100 per year
Agriculture Pest Control Advisor (PCA)	R3-4-207	\$50 per year
Certified Applicator (PUP, PUC & PUG)	R3-3-208	\$50 per year

Historical Note

Table 1 Fees made by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-201. Pesticide Grower Permit (PGP)

- A. In addition to the provisions found under R3-3-200, the following apply to this Section.
- B. A regulated grower shall not order, purchase, take delivery of, use, or recommend the use of any pesticide for an agricultural purpose or golf course without a valid pesticide grower permit (PGP), issued by the Department.
- C. A person applying for a PGP, initial or renewal, shall provide the following information on a form obtained from the Department:
1. Name and signature of the applicant;
 2. Date of the permit application;
 3. Name, address, email address, if applicable, and daytime telephone number of the company or agricultural establishment where the applicant may be reached;
 4. Permit renewal period;
 5. Sections, townships, ranges, and acres of the land where pesticides may be applied;
 6. The names and certification numbers of certified private or golf applicators, or commercial applicators acting as private applicators, who are employed by the PGP; and
 7. For individual applicants, information and documentation concerning lawful presence required under ARS § 41-1080, if not on file.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-202. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-201 (Supp. 91-4). Former Section R3-3-202 renumbered to R3-3-203; new R3-3-202 made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Repealed by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-203. Pesticide Seller Permit (PSP); Responsible Individual

- A. In addition to the provisions found under R3-3-200, the following apply to this Section.
- B. A person shall not act as a pesticide seller without a valid Pesticide Seller Permit (PSP), issued by the Department.

- C. A seller shall obtain a PSP for each physical location where the seller sells or offers for sale any restricted use pesticide or agricultural use pesticide.
- D. A person applying for a PSP, initial or renewal, shall provide the following information on a form obtained from the Department:
1. Name and signature of the responsible individual, and certification or license number;
 2. Date of the permit application;
 3. Name, physical address, mailing address, email address, if applicable, and daytime telephone number of the location selling a restricted use pesticide or a pesticide for an agricultural purpose;
 4. Permit renewal period;
 5. Name, email address, and daytime telephone number of the Arizona contact for each out-of-state seller, if applicable;
 6. Address where records required to be maintained under R3-3-401 will be kept;
 7. Whether the applicant has had a similar license, permit, or certification revoked, suspended, or denied in this or any other jurisdiction during the three years before the date of application; and
 8. The current seller permit number, if applicable.
- E. The Department shall not renew a seller permit unless the seller is in compliance with the provisions established in subsection (F), if applicable.
- F. A seller shall designate a different responsible individual for each physical location in this state that sells or offers for sale any restricted use pesticide or agricultural use pesticide. If a responsible individual terminates employment at an assigned location, the seller shall designate another responsible individual within 30 calendar days and notify the Department of the replacement.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-203 (Supp. 91-4). Former Section R3-3-203 renumbered to R3-3-204; new R3-3-203 renumbered from R3-3-202 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-204. Agricultural Aircraft Pilot License (AAP); Drone Pilot License (DPL)

- A. In addition to the provisions found under R3-3-200, the following apply to this Section.
- B. An individual shall not act as an agricultural aircraft pilot or drone pilot without:
1. A valid agricultural aircraft pilot license (AAP) for aircraft pilots, or drone pilot license (DPL) for drone, issued under this Section, and

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2. If application work will be done for hire or exchange of services, a valid commercial applicator certification issued under R3-3-208.
- C.** The Department shall not issue or renew an AAP or DPL, and an existing AAP or DPL is invalid unless the applicant or license holder:
1. Has a valid commercial pilot's certificate issued by the FAA as prescribed under 14 CFR §§ 137.1 et seq. (amended March 5, 2018, <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-G/part-137>). This material is incorporated by reference, is on file with the Department and does not include any later amendments or editions; or
 2. Has a valid drone pilot's certificate for a DPL that has been issued by the FAA under 14 CFR §§ 107.1 et seq. (amended January 15, 2021, <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-F/part-107/subpart-A>). This material is incorporated by reference, is on file with the Department and does not include any later amendments or editions.
- D.** An individual applying for an AAP or DPL, initial or renewal, shall provide the following information on a form obtained from the Department:
1. Name and signature of the applicant;
 2. Date of application;
 3. Address, email address, and daytime telephone number of the applicant;
 4. License renewal period;
 5. Name, physical address, mailing address, email address, and daytime telephone number of the applicant's employer, if applicable;
 6. As applicable, a current copy of the applicant's:
 - a. Commercial pilot certificate issued by the FAA for an AAP applicant, if not previously filed with the Department; or
 - b. Drone pilot's certificate issued by the FAA for a DPL applicant, if not previously filed with the Department.
 7. Applicant's commercial applicator certification number;
 8. Whether the applicant has had a similar certification or license revoked, suspended, or denied in this or any other jurisdiction during the three years before the date of application and the nature of the violation; and
 9. Information and documentation indicating that the individual's presence in the United States is authorized under federal law according to A.R.S. § 41-1080, if not on file.
1. Name and signature of the applicant;
 2. Date of the license application;
 3. Name, physical address, mailing address, email address, if applicable, and daytime telephone number of the business;
 4. License renewal period;
 5. Whether the application is for ground or air custom application, or both;
 6. Names and current certification numbers of the commercial applicators employed by the business;
 7. Evidence of insurance coverage, showing the name of the insurance carrier, policy number, policy term, policy limits, and any applicable exclusions;
 8. Whether the applicant has had a similar license revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation;
 9. The name and contact information for a contact person at the business if different than the applicant; and
 10. For individual applicants, information and documentation indicating that the individual's presence in the United States is authorized under federal law according to A.R.S. § 41-1080, if not on file.
- D.** The Department shall not issue or renew a CAL and an existing CAL is invalid unless the applicant or license holder:
1. Is a commercial applicator or employs at least one individual who is certified as a commercial applicator under R3-3-208; and
 2. Maintains or the business that employs the applicator or license holder maintains public liability, drift, and property damage insurance coverage with an aggregate amount of at least \$300,000 during the licensing period. The applicant or license holder shall provide evidence of insurance coverage to the Department upon initial application, for each renewal, or upon request of the Department;
- E.** A CAL holder may:
1. Temporarily relinquish a CAL if the custom applicator:
 - a. Advises the Department of termination of the insurance prescribed in subsection (D)(2), and the effective date of termination; and
 - b. Ceases to act as a custom applicator on the termination date.
 2. Reinstates the CAL within the same licensing time period, without again paying the fee as prescribed in under R3-3-200(A), if the custom applicator:
 - a. Purchases insurance as prescribed in subsection (D)(2), and
 - b. Notifies the Department of the effective date of the insurance.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-204 (Supp. 91-4). Former Section R3-3-204 renumbered to R3-3-205; new R3-3-204 renumbered from R3-3-203 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-205. Custom Applicator License (CAL)

- A.** In addition to the provisions found under R3-3-200, the following apply to this Section.
- B.** A person shall not act as a custom applicator without a valid CAL issued by the Department.
- C.** A person applying for a CAL, initial or renewal, shall provide the following information on a form obtained from the Department:

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-205 (Supp. 91-4). Former Section R3-3-205 renumbered to R3-3-206; new R3-3-205 renumbered from R3-3-204 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-206. Custom Application Equipment Tag; Fee

- A.** In addition to the provisions found under R3-3-200, the following apply to this Section.
- B.** A custom applicator shall not use custom application equipment unless the equipment has a valid tag. The custom appli-

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cator licensee shall place and maintain a valid tag so that it is prominently displayed on the pesticide application equipment.

C. A person applying for a tag shall provide the following information on a form obtained from the Department:

1. Name and signature of the applicant;
2. Date of the application;
3. Address, email address, if applicable, and daytime telephone number of the applicant;
4. Name, physical address, mailing address, email address, if applicable, and daytime telephone number of the business, if applicable;
5. Manufacturer, make, model and serial number, and if an aircraft or drone, the FAA registration number ("N" number for aircraft, or drone with an operating weight of over 55 lbs. total, including payload; or "FA" number for drone with an operating weight up to 55 lbs. total, including payload) of the application equipment; and
6. The name and contact information for a contact person at the business if different than the applicant.

D. The Department shall not issue or renew a tag and an existing tag is invalid if the custom applicator license is invalid.

E. An applicant shall submit the completed application to the Department, accompanied by a \$25 fee for each piece of equipment, for each year or portion of the year during which the tag is valid.

F. A tag expires on December 31, and is valid for the same time period as the custom applicator license.

G. A custom applicator licensee shall not transfer a tag except as follows:

1. If equipment with a valid tag, is destroyed, rendered unusable, or transferred out of the state, the custom applicator licensee may transfer the tag to another piece of equipment.
2. If equipment with a valid tag, is leased, sold, or traded, the custom applicator licensee shall transfer the tag with the equipment to the lessee or new owner.
3. Before transferring a tag, the custom applicator licensee shall notify the Department that the equipment with the valid tag is being transferred and identify the person to whom the equipment with the valid tag is being transferred or identify the piece of equipment to which the tag is being transferred, or the tag is invalid.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-206 (Supp. 91-4). Former Section R3-3-206 renumbered to R3-3-207; new R3-3-206 renumbered from R3-3-205 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-207. Agricultural Pest Control Advisor (PCA) License; Exemption

A. In addition to the provisions found under R3-3-200, the following apply to this Section.

B. An individual shall not act as a PCA without a valid PCA license issued by the Department. To advise in any of the categories listed in subsection (I), a PCA shall pass the specific examination associated with the category.

C. An individual, without a valid PCA license, applying for a PCA license shall provide the following information on a form obtained from the Department:

1. The applicant's name, address, email address, daytime telephone number, social security number, and signature;
2. Date of the application;
3. Name, physical address, mailing address, email address, and daytime telephone number of the applicant's employer, if applicable;
4. Examinations that the applicant has passed by category;
5. Whether the applicant has had a similar license revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation resulting in the revocation, suspension, or denial; and
6. Information and documentation indicating that the individual's presence in the United States is authorized under federal law according to A.R.S. § 41-1080, if not on file.

D. An individual applying for a PCA license, except an individual who holds or has held a PCA license in this state within the previous five years shall meet one of the following five sets of qualifications:

1. College degree.
 - a. Possess a bachelor's degree (B.A. or B.S.), master's degree or doctorate degree in any subject; and
 - b. Have completed 42 semester hours (63 quarter units) of college-level curricula as specified in subsection (E).
2. Master's degree in a biological science.
 - a. Possess a master's degree in a biological science;
 - b. Have 12 months of work experience related to a core area listed in subsection (E); and
 - c. Have a letter from the institution, a faculty member, or a supervisor where the individual obtained the work experience certifying the time spent and describing the type of experience obtained by the individual.
3. Doctorate degree in a biological science.
 - a. Possess a doctorate degree in a biological science; and either
 - b. Meet the qualifications in subsection (D)(2)(b) and (D)(2)(c); or
 - c. Have a letter of recommendation from the faculty member that supervised the dissertation or the division head of the discipline.
4. Other education with unlicensed experience.
 - a. Have completed 42 semester hours (63 quarter units) of college-level curricula as specified in subsection (E);
 - b. Have 24 months of work experience related to a core area listed in subsection (E); and
 - c. Have a letter from the institution, a faculty member, or a supervisor where the individual obtained the work experience certifying the time spent and describing the type of experience obtained by the individual.
5. Other education with licensed experience.
 - a. Be currently licensed as a pest control advisor (PCA) or equivalent in another state; and
 - b. Have completed 42 semester hours (63 quarter units) of college-level curricula as specified in subsection (E), except that each year of verifiable licensed experience under subsection (D)(5)(a) within the previous 5 years qualifies for two semester hours up to 10 hours. The semester hours based on licensed experience do not reduce the minimum hours required from each individual core area.

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- c. The applicant shall provide proof of the equivalency of a license from another state.
- E. The 42 semester hours (63 quarter units) of college-level curricula specified in subsection (D) shall come from the core areas shown in Table 2, with at least the minimum indicated hours (or units) coming from each individual core area. A single course shall not count toward the minimum hours of more than one core area. At least one course from the pest management systems and methods core area shall emphasize integrated pest management principles. Each course completed must be awarded credit with a minimum passing grade of a "C" or a 2.0 GPA, or a passing score if taken on a pass or fail basis.
- F. Alternative curricula credits.
1. A current crop advisor certificate issued by the American Society of Agronomy qualifies for three semester hours in one of the following core areas: physical, biological and earth sciences and mathematics; crop health; or production systems.
 2. Non-traditional courses such as a senior project, an internship, cooperative work experience, independent study, a dissertation or a thesis qualify for three semester hours in one of the core areas of crop health, pest management systems and methods, or production systems, as applicable.
 3. For applicants with a bachelor's, master's, or doctorate degree, at least one year of full-time related work experience qualifies for three semester hours in one of the core areas of pest management systems and methods or production systems, as applicable.
- G. In addition to the information required by subsection (C), an applicant shall submit to the Department:
1. An official transcript verifying the courses completed and the degrees granted to the applicant;
 2. Documentation verifying alternative curricula relied on under subsection (F). Documentation of subsection (F)(2) and (F)(3) shall include a letter certifying completion and describing the activity from the institution, a faculty member or supervisor; and
 3. If applicable, the letter required for licensure under subsection (D).
- H. Renewal.
1. The Department shall not renew a PCA license unless, before the expiration of the current license, the licensee completes 15 CEUs for each year of the renewal period or passes any applicable examination prescribed in subsection (I). The licensee shall complete CEU credit during the calendar years the current license is in effect. CEUs earned that are in excess of the requirements do not carry forward for use with future renewals.
 2. To obtain credit, the applicant shall provide the Department with documentation of completion of the CEU course.
 3. For license renewal, the license may only be renewed if the required CEUs are obtained and the renewal application and fees are received by the Department within the specified time period.
- I. Examinations. In addition to the core examination as prescribed in R3-3-208(E), an applicant shall demonstrate knowledge and understanding of integrated pest management in any of the following categories:
1. Weed control,
 2. Invertebrate control,
 3. Nematode control,
 4. Plant pathogen control,
 5. Vertebrate pest control,
 6. Plant growth regulators, or
 7. Defoliation.
- J. Exemption. An individual operating in an official capacity for a college or university, providing recommendations in a not-for-profit capacity, or merely furnishing information concerning general and labeling usage of a registered pesticide is not considered an authority or general advisor for the purposes of this Chapter.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-207 (Supp. 91-4). Former Section R3-3-207 repealed; new R3-3-207 renumbered from R3-3-206 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 3855, effective January 28, 2014 (Supp. 13-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

Table 2. Core Areas

Core Area	Examples of Subjects	Sem. Hours	Qtr. Units
Physical, biological, and earth sciences, and mathematics	Inorganic chemistry; organic chemistry; biochemistry; plant biology or botany; general ecology; biology; genetics; plant physiology; zoology; post-algebra mathematics	12	18
Crop health	Soils and irrigation; vegetation management or weed science; plant pathology; entomology; plant nutrition or fertility; nematology; vertebrate management	6	9
Pest management systems and methods	Applied courses in entomology, plant pathology, vegetation management or weed science, and other pest management disciplines; pesticides or use of pesticides; pest control equipment systems; alternative cropping systems; sustainable or organic agricultural systems; biological control	3	4.5
Production systems	Horticulture; viticulture; forestry; agronomy; crop, vegetable, fruit or animal sciences; other production systems (e.g., wildlife production, cattle production)	3	4.5

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Table 2 Core Areas made by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-208. Applicator Certification (PUP, PUG, PUC); Categories; Competency; Examination; Renewal

- A. In addition to the provisions found under R3-3-200, the following applies to this Section.
- B. An individual shall not act as a private (PUP), golf (PUG), or commercial (PUC) applicator unless the individual is 18 years of age and certified by the Department.
- C. An individual shall take and pass both the core exam and the appropriate category exam, or exams, they are seeking to show competency to become a certified applicator.
- D. Application. An individual applying for either PUP, PUG, or PUC applicator certification shall pay the applicable fee as prescribed in R3-3-200(A) and submit a completed application to the Department containing the following information on a form obtained from the Department:
 1. The applicant's name, address, email address if applicable, daytime telephone number, Social Security number, date of birth, and signature;
 2. Date of the application;
 3. If applicable, name, physical address, mailing address, email address, and daytime telephone number of the applicant's employer;
 4. Whether the application is for a PUP, PUG, or PUC applicator certification;
 5. Which category or categories the individual seeks certification;
 6. Whether the applicant has had a similar certification revoked, suspended, or denied in this or any other jurisdiction during the last three years, and the nature of the violation; and
 7. Information and documentation indicating that the individual's presence in the United States is authorized under federal law according to A.R.S. § 41-1080, if not on file.
- E. Examinations and Competency Standards.
 1. The Department shall ensure that the core examination tests the knowledge and understanding of 40 CFR § 171.103 for a PUC or PUG applicator license, or 40 CFR § 171.105 for a PUP applicator license, as amended January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171>. This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.
 2. Exam Categories and Competency Standards:
 - a. For commercial applicators:
 - i. The exam categories shall be as prescribed in 40 CFR § 171.101(a) through (e), and (i) through (o) (39 FR 36449, October 9, 1974 as amended by 82 FR 1029, January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.
 - ii. Notwithstanding subsection (D)(5)(a)(i), the exam categories as prescribed in 40 CFR § 171.101(a)(2), (k), (l), and (m) shall not be mandatory for certification until January 1, 2026 (39 FR 36449, October 9, 1974 as amended by 82 FR 1029, January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.
 - b. For private applicators:
 - i. The categories shall be as prescribed in 40 CFR § 171.105(a)(11) and (b) through (e), (39 FR 36449, October 9, 1974 as amended by 82 FR 1029, January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171>) This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.
 - ii. Notwithstanding subsection (D)(5)(b)(i), the competency standards prescribed in 40 CFR § 171.105(b) through (d) shall not be mandatory for certification until January 1, 2026, 39 FR 36449, October 9, 1974 as amended by 82 FR 1029, January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.
 - c. For golf applicators:
 - i. The categories shall be as prescribed in 40 CFR § 171.101(c), (e), and (n), (39 FR 36449, October 9, 1974 as amended by 82 FR 1029, January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171>) This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions; and
 - ii. The competency standards shall be prescribed in 40 CFR § 171.103(c) and (d)(3), (5), and (14), (39 FR 36449, October 9, 1974 as amended by 82 FR 1029, January 4, 2017, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.
 3. Certifications issued or renewed under this Article prior to February 6, 2023 are not required to comply with the

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examination and competency standards until the individual is renewing a private, golf, or commercial applicator certification. This provision shall expire on December 31, 2026.

F. Renewal; CEU requirements.

1. An applicant for renewal of an applicator certification shall select a one or two-year renewal period.
2. An applicant shall submit the completed application accompanied by the applicable fee for a one-year renewal or double the fee for a two-year renewal.
3. CEU requirements.
 - a. The Department shall not renew a private applicator or golf applicator certification unless, prior to the expiration of the current certification, the applicant completes three CEUs pertinent to the category or categories for which the applicant is seeking to renew licensure for each year of the renewal period.
 - b. The Department shall not renew a commercial applicator certification unless, prior to expiration of the current certification, the applicant completes six CEUs pertinent to the category or categories for which the applicant is seeking to renew for each year of the renewal period.
 - c. All CEU credit requirements shall be completed during the certification period, prior to renewal. CEU credits earned in excess of the requirements do not carry forward for use in subsequent renewals.
 - d. To obtain credit, the Department shall be provided with documentation of completion of the CEU course.

G. Reciprocal Certification

1. The Director may waive the examination requirements in whole or in part for an individual who is certified as an applicator by another State, Federal, or Tribal agency under an approved EPA certification plan.
 - a. A applicant must apply for Arizona reciprocal certification.
 - i. The applicant shall provide the information as prescribed in subsection (D).
 - ii. The applicant shall submit the Department required form to their state, federal, or tribal agency for verification of certification.
 - iii. Upon verification of the competency standards for each category of certification requested, the Department may issue a like category applicator license.
 - iv. The Department shall terminate an applicator's certification upon notification that the applicator's original certification has been terminated in the originating state, for any reason.
 - v. The applicant may request a hearing if the Department denies an application for a reciprocal certification based on the competencies approved by another state, federal, or tribal agency.
2. Anyone certified through reciprocal certification must notify the Department of termination of the originating-state's certification. Failure to notify the Department within three business days after the effective date of termination may result in revocation of the Arizona certification, and the applicant may not reapply for Arizona certification for a twelve-month period.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

Renumbered from R3-10-208 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 18 A.A.R. 2481, effective November 10, 2012 (Supp. 12-3). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 22 A.A.R. 367, effective April 5, 2016 (Supp. 16-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-209. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-209 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Section repealed by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-210. Additional Grounds for Revocation, Suspension, or Denial of a License, Permit, or Certification

- A. The Director may deny, or after an opportunity for an administrative hearing, suspend or revoke a license, permit, or certification of any person who:
 1. Fails to demonstrate sufficient reliability, expertise, integrity, and competence in engaging in pesticide use, which is considered misuse and is a violation of state laws or regulations relevant to the State certification plan;
 2. Submits an inaccurate application for a license, permit, or certification;
 3. Has had a similar license, permit, or certification revoked, suspended, or denied in this or any other jurisdiction during the three years before the date of application;
 4. Fails to pay fines, penalties and fees;
 5. Falsifies records required to be maintained by the certified applicator;
 6. Is convicted of a criminal charge under Section 14(b) of FIFRA;
 7. Is ordered to pay a civil penalty under Section 14(a) of FIFRA; or
 8. Commits a violation of any of the following: A.R.S. §§ Title 3, Chapter 2, Articles 5 and 6 and Chapter 17 or 3 A.A.C. 3, Articles 1 through 5 and 10 which are relevant to the State certification plan.
- B. Upon notice of a denial, the applicant may request, in writing, that the Director provide an administrative hearing under A.R.S. Title 41, Chapter 6, Article 10 to appeal the denial of the license, permit, or certification.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-210 (Supp. 91-4). Former Section R3-3-210 repealed; new R3-3-210 renumbered from R3-3-211 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-211. CEU Course Approval; Subject Approval

- A. CEU course approval.
 1. A person who wishes to have the Department determine whether a course qualifies for CEU credit shall submit the following information to the Department:

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- a. Name, address, email address, if applicable, and telephone number of the course's sponsor;
 - b. Signature of the sponsor or the sponsor's representative;
 - c. Course outline, listing the subjects and indicating the amount of time allocated for each subject;
 - d. Brief description of the information covered within each subject;
 - e. Brief biography of the presenter, demonstrating the presenter's qualifications;
 - f. Fees charged for attending the course;
 - g. Date and location of each session; and
 - h. Whether the course is open to the public.
 2. A person who requires prior notification of the number of CEUs that can be earned by completing an approved course before it is held shall submit the information required in subsection (A)(1) to the Department at least 14 business days before the course is held.
 3. The Department may modify the number of CEUs earned for a CEU course if the CEU course varies significantly in content or length from the approved curriculum. If the Department modifies the number of CEUs earned, the Department shall send a letter of modification to the course organizer, who shall be requested to inform all individuals who attended the course.
- B. Subject approval.** The Department shall provide enough information so that the applicator can determine if the CEUs are pertinent to the categories in which they are seeking renewal. The Department shall grant one hour of CEU credit for every 50 minutes of actual instruction in an approved program relating to agricultural pest control or any of the following subjects:
1. Those listed in R3-4-208(E);
 2. IPM; or
 3. Any other pesticide or pesticide use subject approved by the Associate Director.
- Historical Note**
Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-211 (Supp. 91-4). Former Section R3-3-211 renumbered to R3-3-210; new R3-3-211 renumbered from R3-3-212 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).
- R3-3-212. Experimental Use Permit**
- A. Definitions**
1. "For the purpose of experimentation" means for research or testing purposes, including research or testing performed in order to accumulate information necessary to register under Section 3 of FIFRA and the regulations thereunder a pesticide not currently registered or a registered pesticide for a use not previously approved in the registration of the pesticide.
 2. "Research agency" means any organization engaged in research pertaining to the use of pesticides, including for the purpose of experimentation.
 3. "Structural pest management application" means a pesticide application covered by A.R.S. §§ 3-3601 et seq.
- B. A research agency or educational institution may use a pesticide that is not federally registered or use a federally registered pesticide for a use not previously approved in the registration of the pesticide for the purpose of experimentation:**
1. Under a valid experimental use permit issued by the Department, or
 2. If the testing will only occur on the grounds of a college or university agricultural center or campus or a research agency owned research facility, then a permit is not required.
- C. An applicant for an experimental use permit shall provide the following information to the Department:**
1. A copy of the EPA-approved experimental use permit issued according to Section 5 of FIFRA or, for applicants exempt from the requirement of a federal experimental use permit under 40 CFR § 172.3 (59 FR 45611, Sept. 1, 1994, as amended at 71 FR 35546, June 21, 2006; 73 FR 75599, Dec. 12, 2008, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-172/subpart-A/section-172.3>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions;
 2. A statement of which federal exemption applies and an affidavit certifying that the experimental use will be in compliance with the applicable exemption;
 3. A statement of the purpose for which the experimental use permit will be used;
 4. Name, address, email address, and daytime telephone number of the person supervising the experimental use application;
 5. Name, address, email address, and daytime telephone number of the PGP and PCA, or the qualifying party if it is a structural pest management application, that are involved in the application of the experimental use pesticide;
 6. County, section, township, range, and field description, if needed, of the intended application site, or the street address if it is a structural pest management application;
 7. The crop and acreage to be treated, the amount (quantity, weight, volume or other appropriate unit of measure) of the agricultural commodity to be treated, or the number of structures if it is a structural pest management application;
 8. Total amount of active ingredient to be applied in this state;
 9. Application rate of formulation per acre or other appropriate measure for a structural pest management application;
 10. Method of application;
 11. Name, address, email address, and telephone number of the applicator applying the pesticide;
 12. Time period during which the application will be made; and
 13. Any special experimental use permit conditions imposed by the EPA, if applicable.
- Historical Note**
Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-212 (Supp. 91-4). Former Section R3-3-212 renumbered to R3-3-211; new R3-3-212 made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).
- Appendix A. Repealed**
- Historical Note**
New Appendix made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Appendix A

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subsection (B) CFR citation corrected from 40 CFR.4 to 40 CFR 171.4 at the request of the Department, Office File No. M09-448, filed December 8, 2009 (Supp. 09-4). Repealed by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

ARTICLE 3. PESTICIDE USE, SALES, AND EQUIPMENT**R3-3-301. General**

- A.** A person shall not use, apply, or instruct another to apply a pesticide in a manner or for a use inconsistent with the pesticide labeling except that:
1. A pesticide may be applied at a dosage, concentration, or frequency less than that specified on the pesticide labeling unless the labeling specifically prohibits deviation from the specified dosage, concentration, or frequency.
 2. A pesticide may be applied against any target pest not specified on the labeling if the application is to an application site specified on the pesticide labeling, unless the labeling specifically prohibits use against the pest.
 3. A pesticide may be applied by any method of application not prohibited by the pesticide labeling unless the labeling specifically states that the pesticide may be applied only by the methods specified on the labeling.
 4. A pesticide may be mixed with a fertilizer if the labeling does not prohibit the mixture.
 5. A pesticide may be used in any manner that is consistent with Sections 5, 18, or 24 of FIFRA.
- B.** A person shall not use, apply, or store or instruct another to use, apply, or store a pesticide unless the pesticide is:
1. Registered with the Department and the EPA,
 2. Previously registered with the Department and the EPA and cancelled or suspended by the EPA with a current end-use provision in effect, or
 3. Registered with the Department for FIFRA 25(b) products.
- C.** Subsection (B) does not apply to a:
1. Pesticide registrant that temporarily stores pesticides produced for shipment out of the state;
 2. Person who uses a pesticide in Arizona under an Arizona issued experimental use permit; or
 3. Person who is using a pesticide for experimental purposes on the grounds of a college or university agricultural center or campus, or a company-owned research facility.
- D.** A person shall not sell, offer for sale, barter or otherwise supply any pesticide:
1. That has been altered, diluted, or mixed;
 2. That has been repackaged at an establishment not registered with the EPA; or
 3. Is not registered with the Department according to Article 7 of this Chapter.
- E.** A person shall not allow drift that causes any unreasonable adverse effect.
- F.** A person shall not cause the direct release of a pesticide and an individual shall not instruct an applicator in a manner to cause the direct release of a pesticide causing any unreasonable adverse effect.
- G.** Regulated grower responsibility.
1. After a pesticide is applied to an application site on an agricultural establishment, the regulated grower shall not harvest a crop from the application site, or permit livestock to graze the application site in violation of any provision of the pesticide labeling.
 2. Before a pesticide application, a regulated grower shall ensure that all individuals and livestock subject to the

regulated grower's control are outside the application site.

- H.** Emergency pest control measures. A person acting under a government-sponsored emergency program, shall not apply, cause, or authorize another to apply or cause a pesticide to come into contact with an individual, animal, or property outside the boundaries of the application site.
- I.** If possible when applying pesticides by aircraft or drone, a pilot shall fly crosswind, unless an obstacle does not permit it, and shall begin the application at the downwind side of the application site so that the pesticide is dispersed on the return swathe.
- J.** A person shall not apply a highly toxic pesticide, other than a pesticide registered by the EPA for ultra-low volume application, in a volume that is less than one gallon per acre in the final spray form. The content of that gallon shall be at least 50 percent water.
- K.** A buffer zone may receive direct application or drift of pesticides as permitted by law.
- L.** Requirements for Direct Supervision of Noncertified Applicators by Certified Applicators. Supervision of noncertified applicators shall be as prescribed in 40 CFR § 171.201(39 FR 36449, Oct. 9, 1974, as amended by FR 1040, January 4, 2018, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-C/section-171.201>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-301 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-302. Form 1080; Requirement for Written Recommendation

- A.** Effective January 1, 2026 all Form 1080s must be on a form approved by the Department, made available by the Department, or electronically submitted through the Department's Form 1080 internet portal. A PCA or regulated grower shall provide the following information in sequential order as indicated in subsections (A)(1) through (25):
1. Name and permit number of the seller;
 2. Date the recommendation is written;
 3. Name and permit number of the PGP upon whose application site the pesticide will be applied;
 4. County where the application site is located;
 5. Pest conditions present;
 6. Whether the application site is within a pesticide management area under R3-3-304;
 7. Anticipated date of harvest;
 8. Restricted entry interval;
 9. Label days to harvest;
 10. Date recommended for the pesticide application;
 11. Specific application site being treated;
 12. Township, range, and section of the application site;
 13. Number of acres or application sites in each section being treated;
 14. Additional field description, if any;
 15. Brand name and EPA registration number of the pesticide to be applied or number of the pesticide regulated under Section 18 of FIFRA to be applied;

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16. Rate and unit of measure per acre or dilution per 100 gallons;
 17. Total quantity of pesticide concentrate to be applied;
 18. Total acres to be treated and total volume per acre or total number of application sites to be treated;
 19. Whether the application includes an active ingredient that appears on the ADEQ groundwater protection list and is soil-applied as defined in A.A.C. R18-6-301;
 20. Whether a supplemental label is required;
 21. Method of pesticide application;
 22. Label restrictions or special instructions, if any;
 23. Name of the custom applicator making the application;
 24. Anticipated pesticide delivery location; and
 25. Signature of the regulated grower or PCA and credential number of the PGP or PCA making the recommendation.
- B.** A custom applicator shall not apply a pesticide unless the custom applicator has received a signed copy of the recommendation from the PCA or the regulated grower on the Form 1080 before the application. The custom applicator shall apply the pesticide according to the recommendation on the Form 1080 unless the recommendation conflicts with the pesticide label or labeling, in which case the custom applicator shall note these deviations on the Form 1080 and apply the pesticide according to the pesticide label or labeling, or as provided in R3-3-301(A).
- C.** Before the application of a pesticide recommended by a PCA, the PCA shall notify the regulated grower, or the regulated grower's representative, of the scheduled application date. If the application date or time changes from that scheduled with the regulated grower, the custom applicator shall notify the regulated grower of the revised date and time of the application.
- D.** After completing the application, the custom applicator shall sign the pesticide application report portion of Form 1080 to verify that the pesticide was applied according to the recommendation and provide the following information in writing on the form:
1. Date and start and end time of each application;
 2. Date and time of the first and last spot application and a general description of the location, if applicable;
 3. Wind direction and velocity;
 4. Tag number, if applicable;
 5. Name and credential number of the grower or custom applicator business;
 6. Signature and credential number of the applicator; or name of the application equipment operator, and if a restricted use pesticide is applied, the signature and credential number of the certified applicator; and
 7. Any deviation from the recommendation.
- E.** Reporting shall be as prescribed in R3-3-404.
- F.** Non-certified applicator records. When supervising a non-certified private, golf, or commercial applicator of a restricted use pesticide, records shall be kept as required in 40 CFR § 171.201(e) (39 FR 36449, Oct. 9, 1974 as amended by 82 FR 1040, January 4, 2018, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-171/subpart-C/section-171.201>). This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-302 (Supp. 91-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-303. Experimental Use

- A.** At least 24 hours before the application, the person supervising the application shall provide the Department with the following information:
1. Exact date, time and location of the intended application by calling and leaving a message on the pesticide hotline answering machine, 1-800-423-8876; and
 2. Any changes to the experimental permit information that was provided according to R3-3-212.
- B.** An applicator shall not apply an experimental use pesticide in a manner other than that specified by the experimental use permit or other Department-approved labeling that is provided to the applicator. The applicator shall ensure that the labeling is at the application site when the application occurs.
- C.** An applicator involved in an experimental use pesticide application shall comply with R3-3-302 as applicable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-303 (Supp. 91-4). Section repealed; new Section renumbered from R3-3-306 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-304. Pesticide Management Areas; Criteria for Designation

- A.** The Associate Director shall annually publish a list of all locations within the state that are designated as pesticide management areas under A.R.S. § 3-366. The list is available at every Environmental Services Division office.
- B.** The Director shall designate a location as a pesticide management area if all of the following evaluation criteria are met:
1. The distance between the application site and the property boundary of any residence, school, child care facility, or health care institution is less than 1/4 mile;
 2. A pesticide is applied by aircraft;
 3. A pesticide complained about under subsection (B)(4) is highly toxic or odoriferous; and
 4. The Department receives complaints alleging pesticide misuse within a 12-month period from at least five or five percent, whichever is greater, of the residences located less than 1/4 mile from the application site or a complaint from any school, child care facility, or health care institution located less than 1/4 mile from the application site.
- C.** If, upon a written request from a person, or upon the Department's initiative, the Director determines that a pesticide management area no longer meets all of the criteria listed in subsection (B), the Director may remove the pesticide management area from the Department's annual list.
- D.** A person may petition the Department at any time to add or delete an area to or from the list of pesticide management areas. The petitioner shall address all of the criteria listed in subsection (B). The Director shall make a decision on each petition no later than 90 days from the date the petition was submitted.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-304 (Supp. 91-4). Section repealed; new Section renumbered from R3-3-308 and amended by final rulemaking at 10 A.A.R. 276, effective

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March 6, 2004 (Supp. 04-1).

R3-3-305. Pesticide Sales

- A.** A seller shall only sell, offer for sale, deliver, or offer for delivery any restricted use pesticide to a person who:
1. Has a valid private, golf or commercial applicator certification issued by the Department for the use of a restricted use pesticide in the appropriate category;
 2. Works under the direct supervision of a person who has a valid private, golf or commercial applicator certification issued by the Department for the use of a restricted use pesticide in the appropriate category; or
 3. Has a valid certification from California, Nevada, Utah, Colorado, New Mexico or from an Arizona Indian tribe that allows the person to use a restricted use pesticide.
- B.** If a pesticide is sold for an agricultural purpose, in Arizona, the seller shall only sell, offer for sale, deliver, or offer for delivery any pesticide for an agricultural purpose after determining that the pesticide will be used by a person who has a PGP issued by the Department.
- C.** If a pesticide is sold for an agricultural purpose, the seller shall write the permit numbers of the seller and PGP on each sale and delivery ticket or invoice, and on each pesticide container or carton. If a pallet is delivered to an individual purchaser, the seller may write the seller and PGP numbers on the outside of the shrink-wrapped pallet.
- D.** A seller shall register with the Department the name and address of each salesperson and PCA employed for the purpose of selling pesticides in this state.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-305 (Supp. 91-4). Section repealed; new Section renumbered from R3-3-309 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-306. Receipt of Restricted Use Pesticides by Noncertified Persons

- A.** A person shall not sell, offer for sale, deliver, or offer for delivery a restricted use pesticide to another person other than a certified applicator without having first obtained written documentation from a certified applicator or a noncertified recipient that the material is to be applied by or under the supervision of a certified applicator.
- B.** The seller shall obtain one of the following types of written documentation to satisfy the requirement in subsection (A):
1. A photocopy or fax of the certificate issued to the certified applicator who will be applying or supervising application of the restricted use pesticide and:
 - a. A statement signed by the certified applicator, authorizing and identifying the noncertified individual to purchase or receive the restricted use pesticide for the certified applicator; or
 - b. A copy of a signed contract or agreement, authorizing and identifying the noncertified person to receive the restricted use pesticide for the certified applicator; or
 2. A form on file with the seller that contains the following information:
 - a. Name of any individual authorized to receive the restricted use pesticides for the certified applicator;

- b. Relationship of an authorized individual to the certified applicator (partner, employee, co-worker, or immediate family);
- c. List of the restricted use pesticides an authorized individual is allowed to receive, specifying the trade name and:
 - i. EPA registration number;
 - ii. State special local need registration number issued by the Department; or
 - iii. Emergency exemption number, issued by the EPA under Section 18 of FIFRA, if applicable.
- d. Signature of the authorized individual and the date signed; and
- e. Certified applicator's full name, signature, work address, work phone number, certification number, and certification categories.

- C.** A seller shall request proof of identification from any noncertified individual accepting restricted use pesticides on behalf of a certified applicator if the individual is unknown to the seller.
- D.** A noncertified individual who receives a restricted use pesticide on behalf of a certified applicator shall sign all sale documents for restricted use pesticides.
- E.** If, at the time of the sale of the restricted use pesticide, the noncertified individual receiving the pesticide satisfies the requirements of subsection (B) by presenting a signed statement, contract, or agreement, the seller shall maintain on file a copy of the signed statement, contract, or agreement.
- F.** The seller shall retain records of all sales or deliveries made and maintain the documents required by this Section for at least two years from the date of sale.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-306 (Supp. 91-4). Former Section R3-3-306 renumbered to R3-3-303; new R3-3-306 renumbered from R3-3-310 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-307. Aircraft and Drones; Agricultural Aircraft and Drone Pilots

- A.** A person shall not operate an aircraft to apply pesticides in this state unless the aircraft has a valid tag issued under R3-3-206 and a valid Federal Aviation Administration airworthiness certificate issued according to 14 CFR §§ 21.171 et seq. (29 FR 14569, October 24, 1964, as amended by 74 FR 53384, Oct. 16, 2009, <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-C/part-21/subpart-H>. This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.).
- B.** A person shall not operate a drone to apply a pesticide in this state unless the drone has a valid tag issued under R3-3-206 and a valid registration issued according to 14 CFR § 48.1 (80 FR 78645, Dec. 16, 2015, as amended by Doc. No. FAA-2018-1084, 84 FR 3673, Feb. 13, 2019, <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-C/part-48>. This material is incorporated by reference, on file with the Department, and does not include any later amendments or editions.)
- C.** A custom applicator shall not permit an individual who does not hold a valid agricultural aircraft pilot license and a valid commercial applicator certification to apply pesticides by aircraft.

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- D. A custom applicator shall not permit an individual who does not hold a valid agricultural drone pilot license and a valid commercial applicator certification to apply pesticides by drone.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Renumbered from R3-10-307 (Supp. 91-4). Former Section R3-3-307 repealed; new R3-3-307 renumbered from R3-3-312 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-308. Pesticide Containers and Pesticides; Storage and Disposal

- A. Each person storing pesticides or non-triple rinsed pesticide containers shall:
1. Provide a secure, well-ventilated storage location;
 2. Verify that the containers are nonleaking and closed if not in use; and
 3. Conspicuously post a sign at the entrance to the storage area warning others that pesticides are stored inside.
- B. A person shall not place misleading wording or markings on a service container that are not related to the pesticide in the container.
- C. A person using a service container to store or transport a pesticide concentrate or registered ready-to-use pesticide, shall place a durable and legible label or tag on the service container that lists:
1. Name, email address, if applicable, and telephone number of the applicator or custom applicator using the pesticide;
 2. Brand or trade name of the pesticide;
 3. EPA registration number;
 4. Name and percentage of the active ingredient;
 5. Dilution, if any, in the service container;
 6. EPA-assigned signal word (danger, warning, or caution) for the registered label; and
 7. The phrase "KEEP OUT OF REACH OF CHILDREN."
- D. A person shall not store or transport any pesticide in a container that has been used for food, feed, beverages, drugs, or cosmetics, or, because of shape, size, or marking is identified with food, feed, beverages, drugs, or cosmetics.
- E. A person shall not dump, negligently store, or leave unattended any pesticide, service container, or pesticide container or part of a container, at any place or under any condition that will create a hazard to an individual, an animal, or property.
- F. A person shall not dispose of any pesticide or pesticide container except according to label directions and all applicable laws.
- G. Before a person disposes of any pesticide container, the person shall ensure that the following steps are taken:
1. After emptying each pesticide container other than a pressurized container, a paper bag, or a container designed for reuse with the same pesticide and described in R3-3-309, the container is triple rinsed and:
 - a. The rinsate is not discharged into the environment unless the discharge is performed according to label directions, and applicable laws;
 - b. The rinsate is placed into a service container or the application equipment for use on an application site, or the rinsate is disposed as allowed by the label;

- c. Each container is punctured or crushed after it is triple rinsed to render the container incapable of holding any material; and
2. A pesticide container that is a combustible bag or package is thoroughly emptied and either:
 - a. Folded and tied into bundles or otherwise secured, or
 - b. Enclosed securely in a secondary container that is labeled as containing pesticide residue.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-308 (Supp. 91-4). Former Section R3-3-308 renumbered to R3-3-304; new R3-3-308 renumbered from R3-3-313 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-309. Returnable, Reusable, Recyclable, and Reconditionable Pesticide Containers

- A. A pesticide container, as defined in R3-3-101, labeled as a returnable, reusable container, or for which the label contains provisions for recycling or reconditioning, may be shipped according to label directions to a dealer, distributor, formulator, or a reconditioning or recycling facility that is operated in accordance with applicable laws.
- B. If a pesticide container is being held for shipment under subsection (A), the person holding the container shall, immediately after use, place it in a secure environment, inaccessible for any use other than shipment according to label directions.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-309 (Supp. 91-4). Former Section R3-3-309 renumbered to R3-3-305; new R3-3-309 renumbered from R3-3-314 and amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-310. Fumigation Use

- A. An individual shall not perform a fumigation unless the individual is a certified fumigant applicator or a certified fumigant applicator is physically present in the immediate vicinity supervising the individual performing the fumigation.
- B. An individual storing, handling, or applying a fumigant shall follow all label requirements. If the label does not specify warning requirements, the individual shall comply with the following provisions:
1. Before the fumigation begins, warning signs shall be posted in visible locations on or in the immediate vicinity of all entrances to and on every side of the space or area being fumigated.
 2. Warning signs shall be printed in red on white background and shall:
 - a. State the English and Spanish words "DANGER/PELIGRO";
 - b. Contain a skull and crossbones symbol if shown on the product label;
 - c. State "Area or commodity under fumigation. DO NOT ENTER/NO ENTRE"; and
 - d. State the name of the fumigant, the date and time the fumigant was injected, and the name, email address, if applicable, and telephone number of the certified applicator.
- C. A certified fumigant applicator who engages in or who supervises another in the fumigation process shall ensure that the

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label requirements are followed, including requirements relating to the use of personal protective equipment and posting required warning signs.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-310 (Supp. 91-4). Former Section R3-3-310 renumbered to R3-3-306; new R3-3-310 made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-311. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-311 (Supp. 91-4). Section repealed by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-312. Renumbered**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-312 (Supp. 91-4). Section renumbered to R3-3-307 by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-313. Renumbered**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Renumbered from R3-10-313 (Supp. 91-4). Section renumbered to R3-3-308 by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-314. Renumbered**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Renumbered from R3-10-314 (Supp. 91-4). Section renumbered to R3-3-309 by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

ARTICLE 4. RECORDKEEPING AND REPORTING**R3-3-401. Pesticide Seller Records**

- A.** A seller of any restricted use pesticide, or any agricultural use pesticide shall maintain all records showing the receipt, sale, delivery, or other disposition of the pesticide or device sold for at least two years from the date of sale. If a seller intends to change the location of the records, the seller shall file a signed statement with the Department before the move stating the new address.
- B.** When any agricultural use pesticide, or a restricted use pesticide is sold, delivered, or otherwise disposed of, a seller shall maintain the following records and information:
 1. Bill of lading or other similar record of the receipt of the pesticide at the selling establishment;
 2. Seller's dated sales receipt, delivery receipt, or invoice of the transaction, delivery, or other disposition of the pesticide;
 3. Name and address of the purchaser;
 4. PGP number, or the PMD license number of the purchaser, if applicable;
 5. State special local need registration number issued under Section 24 of FIFRA, if applicable;
 6. Emergency exemption permit number granted by the EPA under Section 18 of FIFRA, if applicable;
 7. Experimental use permit number, if applicable;

8. Pesticide brand name and the EPA registration number; and
9. Quantity of the pesticide sold to the purchaser.

- C.** In addition to the information required in subsection (B), when a restricted use pesticide is sold, delivered, or otherwise disposed of for use by a certified applicator, a seller shall maintain records that contain the following information:
 1. Name and address of the residence or principal place of business of each person to whom the restricted use pesticide is sold, delivered, or otherwise disposed of, and any records required under R3-3-306;
 2. Certified applicator's name, address, certification number, and the expiration date of the applicator's certification; and
 3. Categories in which the applicator is certified, if applicable.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-401 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

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

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

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).

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Renumbered from R3-10-402 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-403. Bulk Release Report

- A.** An applicator shall notify the Department at the Pesticide Hotline, 1-800-423-8876, as soon as practical after a bulk release, but no later than three hours after the bulk release. If the bulk release is on a public highway or railway, or results in the death of an individual, the applicator shall immediately call 911, then report the incident to the ADEQ's Environmental Emergency Response Unit by calling (602) 390-7894, within 24 Hours.
- B.** Within 30 days after a bulk release, the applicator shall provide a written report to the Department listing all details of the release, including:
1. Location and cause of the release;
 2. Disposition of the pesticide released;
 3. Measures taken to contain the bulk release;
 4. Name and EPA registration number of the pesticide released;
 5. Name, email address, if applicable, and telephone number of the applicator's contact person;
 6. Date and time of the release;
 7. Specific environment into which the release occurred;
 8. Known human exposure to the pesticide, if observed; and
 9. Estimated amount of pesticide or pesticide mixture released.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-403 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-404. Form 1080; Reports to the Department

- A.** A custom applicator shall submit to the Department, by mail or fax, a completed and signed Form 1080, as prescribed in R3-3-302.
- B.** A regulated grower shall submit to the Department, by mail or fax, a completed and signed Form 1080, as prescribed in R3-3-302, for application of a pesticide containing an active ingredient that appears on the ADEQ groundwater protection list, and is soil-applied, as defined in A.A.C. R18-6-301.
- C.** A custom applicator or regulated grower may report continued pesticide applications and spot applications within the same reporting period on a single Form 1080.
- D.** A custom applicator or a regulated grower shall submit the Form 1080 to the Department during the reporting period.
- E.** A PCA or custom applicator shall retain a copy of each Form 1080 for at least two years from the date of the application.

Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Renumbered from R3-10-404 (Supp. 91-4). Section repealed; new Section made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-405. Disposal Records; Agricultural Pesticide Concentrate

An applicator shall maintain the following information for two years:

1. EPA registration number, product name, active ingredient, and amount of agricultural pesticide concentrate disposed of;
2. Date of disposal;
3. Method of disposal; and
4. Specific location of the disposal site, or name of licensed disposal contractor.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

ARTICLE 5. NONEXCLUSIVE LISTS OF SERIOUS, NONSERIOUS, AND DE MINIMIS VIOLATIONS**R3-3-501. Serious Violations**

The following is a nonexclusive list of acts that are serious violations if exposure to the pesticide produces a substantial probability that death or serious physical harm could result, unless the violator did not, and could not with the exercise of reasonable diligence, as documented in the investigative record, know of such safety or human health risk, in which case the violation is nonserious:

1. Storing a pesticide or pesticide container improperly,
2. Dumping or disposing a pesticide or pesticide container in violation of this Chapter,
3. Leaving a pesticide or pesticide container unattended,
4. Spraying or applying a pesticide in a manner inconsistent with labeling instructions, or
5. Adulterating a pesticide.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-501 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-502. Nonserious Violations

- A.** General violations. The following is a nonexclusive list of acts that are nonserious violations if the violation has a direct or immediate relationship to safety, health, or property damage, but does not constitute a de minimis violation or a serious violation, unless the violator did not, and could not with the exercise of reasonable diligence, know of such safety, health, or property damage risk in which case the violation is de minimis. A person shall not:

1. Improperly store, dump, or leave unattended any pesticide, pesticide container or part of a pesticide container, or service container.
2. Make a false statement or misrepresentation in an application for a permit, license, or certification, or a permit, license, or certification renewal.
3. Falsify any records or reports required to be made under Articles 2 through 4 of this Chapter.
4. Operate an aircraft, drone, or ground equipment in a faulty, careless, or negligent manner during the application of a pesticide.
5. Apply or instruct another to apply a pesticide so that it comes into contact with:
 - a. An individual;
 - b. An animal; or
 - c. Property, other than the application site being treated.
6. Use, apply, or instruct another to apply a pesticide in a manner or for a use inconsistent with its pesticide label or labeling except as provided by R3-3-301(A).

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7. Unless being used under an approved EUP or being used on research facility, use, sell, apply, store, or instruct another to use, sell, apply, or store a pesticide:
 - a. That is not registered with the Department and the EPA, or
 - b. Outside the EPA authorized end-use provision if previously registered with the Department and the EPA and cancelled or suspended by the EPA.
 8. Fail to provide accurate or approved labeling when registering a pesticide.
 9. Using a restricted use pesticide without proper certification, or under the direct supervision of a properly certified applicator, when allowed.
- B. Seller violations.** A seller shall not:
1. Sell pesticides without a valid seller's permit issued by the Department according to R3-3-203;
 2. Provide a restricted use pesticide to a regulated grower or applicator who does not have a valid applicator certification;
 3. Fail to maintain records required under Articles 2 through 4 of this Chapter;
 4. Fail to maintain complete sales records of restricted use pesticides required under Articles 3 and 4 of this Chapter;
 5. Adulterate a pesticide;
 6. Make false or misleading claims about a pesticide to any person;
 7. Modify a label or labeling without proper authorization;
 8. Provide a pesticide to a person not authorized according to R3-3-306; or
 9. Provide an agricultural use pesticide to a person who does not have a valid PGP.
- C. PCA violations.** A PCA shall not:
1. Act as a PCA without a valid agricultural pest control advisor license issued by the Department according to R3-3-207,
 2. Make a false or fraudulent statement in any written recommendation about the use of a pesticide,
 3. Make a recommendation regarding the use of a pesticide in a specific category in which the individual is not licensed, or
 4. Make a written recommendation for the use of a pesticide in a manner inconsistent with its pesticide label or the exceptions as provided in R3-3-301(A).
- D. Agricultural aircraft pilot and drone pilot violations.** A pilot or drone pilot shall not apply a pesticide by aircraft or drone without a valid agricultural aircraft pilot license or drone pilot license, as applicable, issued by the Department according to A.A.C. R3-3-204.
- E. Custom applicator violations.** A custom applicator shall not:
1. Allow application equipment to be operated in a careless or reckless manner during the application of a pesticide,
 2. Make a custom application without a valid custom applicator's license issued by the Department according to R3-3-205,
 3. Make a custom application of a restricted use pesticide without supervision by a person with a valid commercial applicator certification issued by the Department according to R3-3-208,
 4. Allow an aircraft or drone to be operated during the application of a pesticide by an individual who does not have a valid agricultural aircraft pilot license (APL) or drone pilot license (DPL), as applicable, issued by the Department according to R3-3-204, or
5. Apply a pesticide without a written Form 1080 as prescribed in R3-3-302(A).
- F. Regulated grower violations.** A regulated grower shall not:
1. Purchase, apply, or use an agricultural use pesticide without a valid Pesticide Grower Permit (PSP) issued by the Department according to R3-3-201;
 2. Purchase, store, or apply a restricted use pesticide without being a certified applicator in the appropriate category;
 3. Purchase, store, or apply any restricted use pesticide on a golf course without being a golf applicator; or
 4. Allow a pesticide application on a golf course without having the proper protective equipment required by the label available to the applicator.
- G. Certified applicator violations.** A certified applicator shall not:
1. Allow the unsupervised application of a restricted use pesticide,
 2. Fail to maintain complete records required under Articles 2 through 4 of this Chapter, or
 3. Use a restricted use pesticide without a valid commercial applicator, private applicator, or golf applicator restricted use pesticide certification issued by the Department according to R3-3-208.
 4. Use a restricted use pesticide without restricted use pesticide certification in the proper category.
- H. Exemptions.** The following incidents are not pesticide use violations under this Section:
1. Exposure of an individual involved in the application who is wearing proper protective clothing and equipment;
 2. Exposure of an unknown trespassing individual, animal, or property that the applicator, working in a prudent manner, could not anticipate being at the application site; or
 3. Exposure of a person, animal, or property if the application is made according to a government-sponsored emergency program.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-502 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by exempt rulemaking at 19 A.A.R. 3130, effective September 16, 2013 (Supp. 13-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-503. De Minimis Violations

- A. Seller violations.** It is a de minimis violation if a seller:
1. Fails to record seller and PGP numbers on containers, cartons, and delivery tickets;
 2. Fails to register the seller's responsible individual; or
 3. Fails to maintain complete records as required under Articles 2 through 4 of this Chapter.
- B. PCA violations.** It is a de minimis violation if a PCA:
1. Fails to put recommendations in writing as prescribed at R3-3-302(A),
 2. Fails to provide complete information required on written recommendations under R3-3-302,
 3. Fails to maintain complete records as required under Articles 2 through 4 of this Chapter, or
 4. Fails to obtain CEU credits pertinent to the categories license renewal is sought.
- C. Custom applicator violations.** It is a de minimis violation if a custom applicator:
1. Fails to maintain complete records required under Articles 2 through 4 of this Chapter, or

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2. Fails to file reports as required under Articles 3 and 4 of this Chapter.
- D.** Regulated grower violations. It is a de minimis violation if a regulated grower:
 1. Fails to maintain complete records as required under Articles 2 through 4 of this Chapter; or
 2. Fails to file reports as required under Article 4 of this Chapter including whether the application includes a pesticide containing an active ingredient that appears on the ADEQ groundwater protection list, and is soil-applied, as defined in A.A.C. R18-6-301.
- E.** Certified applicator violations. A certified applicator shall not:
 1. Fail to file reports as required under Articles 3 and 4 of this Chapter; or
 2. Fail to obtain CEU credits pertinent to the categories that certification renewal is sought.
- F.** A third de minimis violation in a three-year period is a nonserious violation.
- G.** Exemptions. The following incidents are not a violation under this Section:
 1. Exposure of an individual involved in the application who is wearing proper protective clothing and equipment;
 2. Exposure of an unknown trespassing individual, animal, or property that the applicator, working in a prudent manner, could not anticipate being at the application site; or
 3. Exposure of a person, animal, or property if the application is made according to a government-sponsored emergency program.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-503 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-504. Mitigation

- A.** A violation listed in R3-3-501 is a nonserious violation if:
 1. The violator did not, and could not with the exercise of reasonable diligence, know of the safety or human health risk involved; or
 2. The release is done to avoid an accident that would have resulted in greater harm than that caused by the pesticide release or is caused by mechanical malfunction beyond the control of the operator.
- B.** A violation listed in R3-3-502 is a de minimis violation if:
 1. The violator did not, and could not with the exercise of reasonable diligence, know of the safety, health, or property damage risk involved; or
 2. The release is done to avoid an accident that would have resulted in greater harm than that caused by the pesticide release or is caused by mechanical malfunction beyond the control of the operator.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-504 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

R3-3-505. Unlisted Violations

- A.** The Department shall classify a violation of Articles 2 through 4 of this Chapter or of A.R.S. Title 3, Chapter 2, Article 6 that is not listed in R3-3-501, R3-3-502, or R3-3-503 as a serious,

nonserious, or de minimis violation depending upon the specific factual circumstances surrounding the violation.

- B.** A third de minimis violation of the same or similar type in a three-year period is a nonserious violation.
- C.** According to A.R.S. § 3-370, in addition to the civil penalties prescribed by the section, a person who knowingly or willfully commits a violation of this Article may be charged as follows:
 1. For any nonserious violation of this Article that results in the harm to the environment or economy that results in the loss of \$10,000 or less may be found guilty of a class 1 misdemeanor; or
 2. For any serious violation of this Article that results in the harm to human or animal health, the environment, or the economy of \$10,000 or more may be found guilty of a class 6 felony.
- D.** In addition, the Director may deny, suspend or revoke an applicator certification for one or more of the following violations:
 1. Misuse of a pesticide;
 2. Falsifying records as required under Article 4 of this Chapter;
 3. A criminal conviction under section 14(b) of FIFRA;
 4. A final order imposing a civil penalty under section 14(a) of FIFRA; or
 5. A violation of State laws or regulation relevant to the State certification plan.

Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
 Renumbered from R3-10-505 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-506. Penalty and Fine Point System

- A.** The ALJ shall assess points, as applicable, against a violator for the violation of each pesticide rule or statute, or the Associate Director shall assess points, as applicable, for the violation of each pesticide rule or statute upon entering into a negotiated settlement as a result of an informal settlement conference under A.R.S. § 41-1092.06, in accordance with the following point system. From each of subsections (A)(1) through (6), one choice shall be selected, unless otherwise appropriate, based upon supporting evidence in the record of the proceeding before the ALJ or Associate Director. Points shall be totaled for the violation of each pesticide rule or statute.
 1. Health effects.

a. No evidence of human exposure to pesticides and no evidence of the substantial probability of human exposure to pesticides.	0
b. Substantial probability of human exposure to pesticides but treatment not required by a physician, nurse, paramedic, or physician's assistant.	5-10
c. Evidence of human exposure to pesticides but treatment not required by a physician, nurse, paramedic, or physician's assistant.	11-20
d. Human exposure to pesticides that required treatment by a physician, nurse, paramedic, or physician's assistant, but which did not result in pesticide poisoning.	21-30

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- e. Human exposure to pesticides that required either hospitalization for less than 12 hours or treatment as an outpatient for five consecutive days or less by a physician, nurse, paramedic, or physician's assistant for pesticide poisoning. 31-45
- f. Human exposure to pesticides that required either hospitalization for 12 hours or longer, or treatment as an outpatient for more than five consecutive days by a physician, nurse, paramedic, or physician's assistant for pesticide poisoning. 46-100
- g. Human exposure to pesticides resulting in death from pesticide poisoning (serious violation unless otherwise documented in the investigative record). 101-180
- 2. Environmental consequences and property damage. (Select one or more as evidence indicates.)
 - a. No evidence of substantial probability of environmental or property damage. 0
 - b. Substantial probability of water contamination. 5-10
 - c. Evidence of water source contamination. 11-20
 - d. Substantial probability of soil contamination causing economic damage. 5-10
- e. Evidence of soil contamination causing economic damage. 11-20
- f. Substantial probability of nontarget bird kills. 5-10
- g. Evidence of nontarget bird kills. 11-20
- h. Substantial probability of nontarget fish kills. 5-10
- i. Evidence of nontarget fish kills. 11-20
- j. Nontarget kills involving game or furbearing animals as defined by A.R.S. § 17-101(B). 10-20
- k. Any property damage (nonserious violation only under A.R.S. § 3-361(4)). 10-20
- l. Air contamination causing official evacuation by federal, state, or local authorities. 10-20
- m. Killing one or more threatened or endangered species. 15-20
- n. Killing one or more domestic animals. 15-20
- 3. Culpability
 - a. Knowing. Knew or reasonably should have known of the safety, health or property damage risk. 5-10
 - b. Willfully. Actual knowledge or belief that the conduct would violate the law but engages in misconduct. 20-50

- 4. Prior violations or citations. Violations or citations within three years from the date the violation was committed. (Select one or more as evidence indicates.)

Prior violation history	Current violation Non-serious	Current violation Serious
None	0	0
One or more De minimis	5	0
One Nonserious	10	5
One Nonserious, same or substantially similar to current violation	20	10
Two Nonserious	30	15
Two Nonserious, same or substantially similar to current violation	40	20
Three Nonserious	60	30
Three Nonserious, same or substantially similar to current violation	70	35
Additional Nonserious: same or substantially similar to current violation, points per each additional violation beyond three	10	5
One Serious	20	10
One Serious, same or substantially similar to current violation	40	20
Two Serious	60	30
Two Serious, same or substantially similar to current violation	80	40
Three Serious	120	60
Three Serious, same or substantially similar to current violation	140	70
Additional Serious: same or substantially similar to current violation, points per violation	20	10

- 5. The length of time a violation has been allowed to continue by the violator after notification by the Department.
 - a. Less than one day. 0
 - b. One day but less than one week. 1-10
 - c. One week but less than one month. 11-20
 - d. One month but less than two months. 21-30
 - e. Two months or more. 31-40
- 6. Wrongfulness of conduct
 - a. Conduct resulting in a violation that does not cause any immediate damage to public health, safety, or property. 4-5
 - b. Conduct resulting in a violation that the evidence establishes may have a substantial probability of an immediate effect upon public health, safety, or property. 6-8

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- c. Conduct resulting in a violation that the evidence establishes had an immediate effect upon public health, safety, or property, but does not fall within subsection (6)(e). 9-10
- d. Conduct causing the substantial probability of serious physical injury, hospitalization, or sustained medical treatment for an individual, or degrading the pre-existing environmental quality of the air, water, or soil so as to cause a substantial probability of a threat to the public health, safety, or property. 20-35
- e. Conduct resulting in serious physical injury, hospitalization, or sustained medical treatment for an individual, or degrading the pre-existing environmental quality of the air, water, or soil so as to cause a substantial probability of a threat to the public health, safety, or property. 36-50

B. The ALJ or Associate Director, after determining points according to subsection (A) shall assess a fine or penalty, or fine and penalty, for each violation in accordance with the following schedules:

1. Nonserious violation as defined under A.R.S. § 3-361.
 - a. 53 points or less. A fine of \$50 to \$150; a penalty of one to three months' probation, with a condition of violating probation being one to three hours of continuing education.
 - b. 54 to 107 points. A fine of \$151 to \$300; a penalty of four to six months' probation with a condition of violating probation being one to 10 days' suspension.
 - c. 108 points or more. A fine of \$301 to \$500; a penalty of seven to 12 months' probation with a condition of violating probation being 15 to 30 days' suspension or revocation for a period of up to one year.
2. Serious violation as defined under A.R.S. § 3-361.
 - a. 46 points or less. A fine of \$1,000 to \$2,000; a penalty of one to three months' probation with a condition of violating probation being five to 10 days' suspension for a nonserious violation or 15 to 30 days' suspension for a serious violation.
 - b. 47 to 93 points. A fine of \$2,001 to \$5,000; a penalty of four to six months' probation with a condition of violating probation being 15 to 30 days' suspension for a nonserious violation and 31 to 90 days' suspension for a serious violation.
 - c. 94 points or more. A fine of \$5,001 to \$10,000; a penalty of probation for seven to 12 months with a condition of violating probation being two to four months' suspension for a nonserious violation and four to 12 months' suspension for a serious violation, or revocation for the remainder of the license year and an additional period of one to three years.
3. The first de minimis violation is not considered a violation of probation.

Historical Note

Adopted effective September 13, 1989 (Supp. 89-3). Renumbered from R3-10-506 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

ARTICLE 6. REPEALED**R3-3-601. Repealed****Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-601 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-602. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-602 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-603. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-603 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-604. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-604 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-605. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-605 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-606. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-606 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-607. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-607 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-608. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-608 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-609. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-609 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-610. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4). Renumbered from R3-10-610 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-611. Repealed

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Historical Note

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-611 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-612. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-612 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-613. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-613 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-614. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-614 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-615. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-615 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-616. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-616 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-617. Repealed**Historical Note**

Adopted effective November 20, 1987 (Supp. 87-4).
Renumbered from R3-10-617 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

ARTICLE 7. PESTICIDE**R3-3-701. Definitions**

In addition to the definitions in A.R.S. § 3-341, the following terms apply to this Article:

“Discontinuation” means when the registrant is no longer distributing a pesticide into Arizona.

“Official sample” means any sample of pesticide taken by the Associate Director, or the Associate Director’s agent, and designated as official.

“Pest” means, in addition to the pests declared in A.R.S. § 3-341(20), all birds, mammals, reptiles, amphibians, fish, slugs, snails, crayfish, roots, and plant parts.

Historical Note

Former rule 1; Former Section R3-3-01 repealed, new Section R3-3-01 adopted effective January 18, 1978 (Supp. 78-1). Amended effective December 29, 1978 (Supp. 78-6). Section R3-3-701 renumbered from R3-3-01 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4,

2024 (Supp. 24-1).

R3-3-702. Pesticide Registration; Fee

- A.** Registration. Any person registering a pesticide shall comply with the ADEQ pre-registration requirements according to A.A.C. R18-6-102, prior to submitting a pesticide registration according to this Article, and provide the following documents and information on a form provided by the Department with a nonrefundable \$100 fee for each pesticide, for each year of the registration:
1. The name, address, telephone number, and signature of the applicant;
 2. The name and address of the company appearing on the label;
 3. The tax identification number or Social Security number of an individual applying;
 4. The date of the application;
 5. The brand and name of the pesticide being registered;
 6. The EPA registration number of the pesticide if applicable;
 7. The analytical methods for any analyses of residues for the active ingredients of the pesticide, when requested by the Department;
 8. The toxicological and safety data, when requested by the Department;
 9. The name and telephone number of the person providing the analytical methods, and toxicological and safety data;
 10. One pesticide label for any pesticide not previously registered;
 11. The material safety data sheet for each pesticide; and
 12. The license time-period option.
- B.** A pesticide registration is nontransferable, expires on December 31, and shall, at the option of the applicant, be valid for one or two years.
- C.** If an applicant elects a two-year pesticide registration, any additional pesticide registered during that two-year registration shall have the same registration end-date as any other pesticide currently registered by that applicant with the Department.

Historical Note

Former rule II; Former Section R3-3-02 renumbered and amended as Section R3-3-01, former Sections R3-3-11 and R3-3-12 renumbered and amended as Section R3-3-02 effective January 18, 1978 (Supp. 78-1). Amended subsection (C) effective January 1, 1979, subsection (D) effective January 1, 1982 (Supp. 78-6). Editorial corrections, subsection (B), paragraphs (6) through (9) (Supp. 79-6). Amended by deleting subsection (D) effective March 5, 1982 (Supp. 82-2). Section R3-3-702 renumbered from R3-3-02 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by exempt rulemaking at 16 A.A.R. 1334, effective June 29, 2010 (Supp. 10-2). Amended by exempt rulemaking at 17 A.A.R. 1759, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 20 A.A.R. 2452, effective July 24, 2014 (Supp. 14-3). Amended by final exempt rulemaking at 23 A.A.R. 1940, effective August 9, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 24 A.A.R. 2222, effective August 3, 2018 (Supp. 18-3). Amended by final exempt rulemaking at 25 A.A.R. 2084, effective August 27, 2019 (Supp. 19-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024

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(Supp. 24-1).

R3-3-703. General Provisions

- A.** Discontinued pesticides. In addition to the requirements for discontinued pesticides established in A.R.S. § 3-351(K), any person holding a pesticide found in the channels of trade following the two-year discontinuation period shall be responsible to register or dispose of the pesticide.
- B.** Sampling.
1. The Associate Director, or the Associate Director's agent, may sample, inspect, and analyze any pesticide distributed within the state to determine whether the pesticide is in compliance with the provisions of this Article and laws pertaining to this Article, or if a complaint has been filed with the Department.
 2. The analytical results of pesticide formulations as listed on a label shall comply with the allowed deviations listed in R3-3-704(B).
 3. The results of an official analyses of any pesticide not in compliance with the allowed deviations listed in R3-3-704(B) shall be sent to the Associate Director, to the registrant, or other responsible person. Upon request, and within 30 days, the Associate Director shall provide the registrant or other responsible person a portion of the noncompliant pesticide sample.

- C.** Prohibited acts. No person shall purchase a pesticide to repack the pesticide for distribution and sale without relabeling the repackaged container and complying with the provisions of FIFRA and 40 CFR §§ 156.3 et seq. (amended December 12, 2008, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-156>) and 40 CFR §§ 157.20 et seq. (amended December 12, 2008, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-157>). This material is incorporated by reference, is on file with the Department and includes no later amendments or additions.

Historical Note

Section R3-3-703 renumbered from R3-3-03 (Supp. 91-4). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-704. Labels

- A.** Within two weeks of a pesticide label revision, a registrant shall provide the Department with one pesticide label that has been revised since the pesticide was originally registered.
- B.** The Associate Director may request a copy of a pesticide label if the label on file is older than three years.

C. Table of allowed deviations of analytical results from label claims for active ingredients in pesticide formulas is as follows:

Claim %	HCV ⁽¹⁾ %	HSD ⁽²⁾	Allowed Deviations for “uniform” ⁽³⁾ samples		Allowed Deviations for “non-uniform” ⁽⁴⁾ samples	
			Claim - 3HSD	Claim + 6HSD	Claim - 4HSD	Claim + 8HSD
0.001	11.31	0.00011	0.00066	0.00168	0.00055	0.00191
0.005	8.88	0.00044	0.0037	0.0077	0.0032	0.0086
0.008	8.27	0.00066	0.0060	0.0120	0.0054	0.0133
0.01	8.00	0.00080	0.0076	0.0148	0.0068	0.0164
0.03	6.78	0.0020	0.024	0.042	0.022	0.046
0.06	6.11	0.0037	0.049	0.082	0.045	0.089
0.10	5.66	0.0057	0.083	0.13	0.077	0.145
0.40	4.59	0.018	0.34	0.51	0.33	0.55
0.80	4.14	0.033	0.70	1.00	0.67	1.06
1.0	4.00	0.040	0.88	1.24	0.84	1.32
2.0	3.60	0.072	1.78	2.43	1.71	2.58
4.0	3.25	0.13	3.61	4.78	3.48	5.04
6.0	3.05	0.18	5.45	7.10	5.27	7.47
10.0	2.83	0.28	9.15	11.70	8.87	12.26
15.0	2.66	0.40	13.80	17.39	13.40	18.19
20.0	2.55	0.51	18.47	23.06	17.96	24.08
25.0	2.46	0.62	23.15	28.70	22.54	29.93
30.0	2.40	0.72	27.84	34.32	27.12	35.75
35.0	2.34	0.82	32.54	39.92	31.72	41.56
40.0	2.30	0.92	37.25	45.51	36.33	47.35
45.0	2.26	1.01	41.96	51.09	40.94	53.12
50.0	2.22	1.11	46.67	56.66	45.56	58.88
60.0	2.16	1.30	56.11	67.78	54.82	70.37
70.0	2.11	1.48	65.57	78.86	64.09	81.82
80.0	2.07	1.65	75.04	89.93	73.38	93.24
90.0	2.03	1.83	84.51	100.97	82.68	104.63

(1) HCV(%) = Horwitz Coefficients of Variation = $2 (1 - 0.5 \log (\text{claim \%}/100))$

(2) HSD = Horwitz Standard Deviation = $(\text{Claim \%}) \text{ HCV \%}/100$

(3) “Uniform” samples are homogeneous products which can be analyzed by established procedures. In most cases, validated analytical methods are available for these samples.

(4) “Non-uniform” samples are non-homogeneous samples or products which are difficult to sample or subsample. These products may not be uniformly mixed or packaged and include some special formulations like natural products. These types of samples include fertilizer containing pesticides, pesticides in pressurized containers, strips, plastic bands, collars, grain and other carriers. Natural product formulations such as rotenone and pyrethrin are also included in this group. When it is necessary to use methods which are not validated for accuracy, precision, and reproducibility in a specific matrix, the “non-uniform” guidelines may be used for allowed deviations. The Department may use judgment in placing a sample into the “uniform” or “non-uniform” category.

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Historical Note

Former rule IV; Former Section R3-3-04 renumbered and amended as Section R3-3-01 effective January 18, 1978 (Supp. 78-1). Section R3-3-704 renumbered from R3-3-04 (Supp. 91-4). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-705. Renumbered**Historical Note**

Former rule V; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-705 renumbered from R3-3-05 (Supp. 91-4).

R3-3-706. Renumbered**Historical Note**

Former rule VI; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-706 renumbered from R3-3-06 (Supp. 91-4).

R3-3-707. Renumbered**Historical Note**

Section R3-3-707 renumbered from R3-3-07 (Supp. 91-4).

R3-3-708. Renumbered**Historical Note**

Former rule VIII; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-708 renumbered from R3-3-08 (Supp. 91-4).

R3-3-709. Renumbered**Historical Note**

Former Administrative rule 1; Repealed effective January 18, 1978 (Supp. 78-1). Section R3-3-709 renumbered from R3-3-09 (Supp. 91-4).

R3-3-710. Renumbered**Historical Note**

Section R3-3-710 renumbered from R3-3-10 (Supp. 91-4).

R3-3-711. Renumbered**Historical Note**

Adopted effective November 30, 1977 (Supp. 77-6). Former Section R3-3-11 renumbered and amended as Section R3-3-02 effective January 18, 1978 (Supp. 78-1). Section R3-3-711 renumbered from R3-3-11 (Supp. 91-4).

R3-3-712. Renumbered**Historical Note**

Adopted effective November 30, 1977 (Supp. 77-6). Former Section R3-3-12 renumbered and amended as Section R3-3-02 effective January 18, 1978 (Supp. 78-1). Section R3-3-712 renumbered from R3-3-12 (Supp. 91-4).

ARTICLE 8. FERTILIZER MATERIALS**R3-3-801. Definitions**

In addition to terms and definitions in the Official Publication, which is incorporated by reference, on file with the Department, and does not include any later amendments or editions, and the definitions in A.R.S. § 3-262, the following term applies to this Article:

“Official Publication” means the “*Official Publication - AAPFCO*” of the Association of American Plant Food Control Officials, No. 76, 2023. A copy is available for inspection at the Department located at 1110 West Washington Street, Suite 450, Phoenix, AZ 85007, or online subscription may be purchased online at aapfco.org/publications.html.

Historical Note

Former rule I; Former Section R3-3-21 repealed, former Section R3-3-24 renumbered and amended as Section R3-3-21 effective January 12, 1978 (Supp. 78-1). Amended effective March 23, 1979 (Supp. 79-2). Section R3-3-801 renumbered from R3-3-21 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-802. Licensure; Specialty Fertilizer Registration; Fees

- A. Commercial fertilizer license. Any person applying for a commercial fertilizer license, under A.R.S. § 3-272, to manufacture or distribute commercial fertilizer, shall provide the following information on the license application provided by the Department with a nonrefundable fee of \$125 for each year of the license:
 1. The name, title, and signature of the applicant;
 2. The date of the application;
 3. The distributor or manufacturer name, mailing address, telephone, and email address;
 4. The tax identification number or Social Security number of an individual applying;
 5. The physical location, telephone, and email address of the distributor or manufacturer, if different than subsection (A)(3);
 6. The name, address, telephone, and email address of the distributor or manufacturer where inspection fees are paid, if different than subsection (A)(3); and
 7. The license time-period option.
- B. A commercial fertilizer license is nontransferable, expires on June 30, and shall, at the option of the applicant, be valid for one or two years.
- C. Specialty fertilizer registration.
 1. Any manufacturer or distributor whose name appears on a specialty fertilizer label shall provide the following information to the Department with a nonrefundable fee of \$50 per brand and grade of specialty fertilizer for each year of the registration:
 - a. The name, address, telephone number, email address and signature of the applicant;
 - b. The name and address of the company on the label;
 - c. The date of the application;
 - d. The grade, brand, and name of the specialty fertilizer;
 - e. The current specialty fertilizer label; and
 - f. The registration time-period option.
 2. A specialty fertilizer registration is nontransferable, expires on June 30, and shall, at the option of the applicant, be valid for one or two years.

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3. If an applicant elects a two-year specialty fertilizer registration, any additional fertilizer registered during that two-year registration shall have the same registration end-date as other fertilizer currently registered by that applicant with the Department.

Historical Note

Former rule II; Former Section R3-3-22 repealed, former Section R3-3-25 renumbered and amended as Section R3-3-22 effective January 12, 1978 (Supp. 78-1). Section R3-3-802 renumbered from R3-3-22 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by exempt rulemaking at 16 A.A.R. 2026, effective September 21, 2010 (Supp. 10-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-803. Tonnage Reports; Inspection Fee

- A. Quarterly tonnage reports and inspection fee.
 1. The inspection fee for all commercial fertilizers, including specialty fertilizers, sold or distributed in Arizona is 25¢ per ton. The tonnage shall be rounded to the nearest whole ton.
 2. Any applicant applying for and receiving a new license after March 15, June 15, September 15, or December 15 is not required to file a quarterly tonnage report for the quarter in which the license application is issued. Any commercial fertilizer distributed in the final two weeks of the initial application quarter shall be included on the next full quarterly report. Any person who distributed commercial fertilizer without a license as required under A.R.S. § 3-272 shall pay all past due inspection fees and late penalties before a license is issued.
 3. Any licensee not estimating annual tonnage shall file the following information on a quarterly statement provided by the Department no later than the last day of January, April, July, and October of each year for the preceding calendar quarter and pay the inspection fees and any penalties, if applicable:
 - a. If the inspection fee is being passed on to the purchaser:
 - i. The assigned number and name of the currently licensed company;
 - ii. The commercial fertilizer by code or grade;
 - iii. The amount of commercial fertilizer in whole tons;
 - iv. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
 - v. The date of the report.
 - b. If the licensee pays tonnage fees for the distribution of a commercial fertilizer:
 - i. The grade;
 - ii. The amount of commercial fertilizer distribution by county;
 - iii. If the commercial fertilizer is dry, whether it is a bulk agricultural product, a bagged agricultural product, or a non-agricultural product;
 - iv. If the commercial fertilizer is liquid, whether it is an agricultural or non-agricultural product;
 - v. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
 - vi. The date of the report.

- B. Estimated tonnage report. A licensee may estimate the annual fertilizer material tonnage if it is 400 tons or less per year and the licensee does not pass the inspection fee responsibility to the purchaser.

1. The licensee shall submit the estimated annual commercial fertilizer tonnage report to the Department with the annual inspection fee no later than July 31 of each year. The tonnage report shall contain:
 - a. The estimated tonnage of commercial fertilizer to be distributed;
 - b. The grade;
 - c. The amount of distribution by county;
 - d. If the commercial fertilizer is dry, whether it is a bulk agricultural product, a bagged agricultural product, or a non-agricultural product;
 - e. If the commercial fertilizer is liquid, whether it is an agricultural or non-agricultural product;
 - f. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
 - g. The date of the report.
2. The licensee shall submit the inspection fee according to subsection (A)(1), which shall be for the amount declared in subsection (B)(1)(a), but not less than \$8 per year. The fee must be included with the annual tonnage report submitted to the Department no later than July 31 of each year. Adjustments for overestimates or underestimates for a licensee with 400 tons or less of actual tonnage sales shall be made on the next year's estimating form. Adjustments of underestimates of licensees with actual tonnage sales more than 400 tons shall be made no later than July 31 of each year.
3. The licensee shall verify the accuracy of the previous year's tonnage estimates to actual tonnage sales and submit the tonnage verification no later than July 31 of each year.
4. Overestimation of tonnage.
 - a. The Department shall not refund any inspection fee based on an overestimation if the licensee does not re-license in the subsequent year;
 - b. If a licensee applies for a license in the subsequent year, the Department shall apply any overestimation to the subsequent year's tonnage fees.

Historical Note

Former rule III; Former Section R3-3-23 repealed, former Section R3-3-32 renumbered as Section R3-3-23 effective January 12, 1978 (Supp. 78-1). Amended effective March 23, 1979 (Supp. 79-2). Section R3-3-803 renumbered from R3-3-23 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by exempt rulemaking at 16 A.A.R. 2026, effective September 21, 2010 (Supp. 10-3). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-804. General Provisions

- A. Labeling.
 1. The grade numbers for primary nutrients that accompany the brand name of a commercial fertilizer shall be listed on the label in the following order: total nitrogen, available phosphate, and soluble potash. Other guaranteed nutrient values shall not be included with the grade numbers unless:

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- a. The guaranteed nutrient value follows the grade number;
 - b. The guaranteed nutrient value is immediately preceded with the name of the claimed nutrient to which it refers in the guaranteed analysis; and
 - c. The name printed on the label is as prominent as the numbers.
2. The materials from which claimed nutrients are derived shall be listed on the label.
 3. No grade is required for fertilizer materials that claim no primary plant nutrient (i.e., 0-0-0).
 4. All guaranteed nutrients, except phosphate and potash, shall be stated in terms of elements.
 5. The label shall include the brand name of a fertilizer. Misleading or confusing numerals shall not be used in the brand name on the label.
 6. Fertilizer material not defined in the Official Publication may be used as fertilizer material if a definition or other method of analysis and agronomic data for fertilizer material is approved by the Associate Director.
- B. Claims and misleading statements.**
1. Any nutrient claimed as a fertilizer material shall be accompanied by a minimum guarantee for the nutrient. An ingredient shall not be claimed as a nutrient unless a laboratory method of analysis approved by the Associate Director exists for the nutrient.
 2. Scientific data supporting the claim of improved efficacy or increased productivity shall be made available for inspection to the Associate Director upon request.
 3. If the name of a fertilizer material is used as part of a fertilizer brand name, such as blood, bone or fish, the guaranteed nutrients shall be derived from or supplied entirely by the named fertilizer material.
 4. Fertilizer material subject to this Article and applicable laws shall not bear false or misleading statements.
- C. Deficiencies.**
1. The value of a nutrient deficiency in a fertilizer material shall take into account total value of all nutrients at the guaranteed level and the price of the fertilizer material at the time of sale.
 2. A deficiency in an official sample of mixed fertilizer resulting from non-uniformity is not distinguishable from a deficiency due to actual plant nutrient shortage and is subject to official action.
- D. All investigational allowances shall be conducted as prescribed in the Official Publication.**
- E. Leased fertilizer material storage containers shall be clearly labeled with the following:**
1. Grade numbers;
 2. Brand name, if applicable; and
 3. The statement, "Leased by (Name and address of lessor) to (Name and address of lessee)."

Historical Note

Former rule IV; Former Section R3-3-24 renumbered and amended as Section R3-3-21, new Section R3-3-24 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-804 renumbered from R3-3-24 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2). New Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-805. Repealed**Historical Note**

Former rule V; Former Section R3-3-25 renumbered and amended as Section R3-3-22, new Section R3-3-25 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-805 renumbered from R3-3-25 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-806. Repealed**Historical Note**

Former rule VI; Former Section R3-3-26 repealed, new Section R3-3-26 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-806 renumbered from R3-3-26 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-807. Repealed**Historical Note**

Former rule VII; Former Section R3-3-27 repealed, new Section R3-3-27 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-807 renumbered from R3-3-27 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-808. Repealed**Historical Note**

Former rule VIII; Former Section R3-3-28 repealed effective January 12, 1978 (Supp. 78-1). New Section R3-3-28 adopted effective March 23, 1979 (Supp. 79-2). Section R3-3-808 renumbered from R3-3-28 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-809. Repealed**Historical Note**

Former rule IX; Former Section R3-3-29 repealed effective January 12, 1978 (Supp. 1). New Section R3-3-29 adopted effective March 23, 1979 (Supp. 79-2). Section R3-3-809 renumbered from R3-3-29 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-810. Repealed**Historical Note**

Former rule X; Former Section R3-3-30 repealed effective January 12, 1978 (Supp. 78-1). New Section R3-3-30 adopted effective March 23, 1979 (Supp. 79-2). Section R3-3-810 renumbered from R3-3-30 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-811. Repealed**Historical Note**

Former Administrative rule 1; Amended effective December 14, 1979 (Supp. 79-6). Section R3-3-811 renumbered from R3-3-31 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-812. Renumbered**Historical Note**

Adopted effective August 31, 1977 (Supp. 77-4). Former Section R3-3-32 renumbered as Section R3-3-23 effective January 12, 1978 (Supp. 78-1). Section R3-3-812

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renumbered from R3-3-32 (Supp. 91-4).

ARTICLE 9. COMMERCIAL FEED**R3-3-901. Definitions**

In addition to the definitions in A.R.S. § 3-2601, the following terms apply to this Article:

“Commercial feed” means all materials, except whole seeds unmixed or physically altered entire unmixed seeds, that are distributed for use as feed or for mixing in feed. Commercial feed includes raw agricultural commodities distributed for use as feed or for mixing in feed when the commodities are adulterated within the meaning of section 3-2611. A.R.S. § 3-2601(3)

“Lot” means any distinct, describable, and measurable quantity that contains no more than 100 tons.

“Official Publication” means the publication “Official Publication” (2023), that contains the latest approved documents of the Association of American Feed Control Officials. This material is incorporated by reference, is on file with the Department and includes no later amendments or additions. A copy is available for inspection at the Department located at 1110 West Washington Street, Suite 450, Phoenix, AZ 85007, or online subscription may be purchased online at <https://www.aafco.org/Publications>.

“Pneumatic probe sampler” means a device for taking samples of grain and other particulate material from the bottom of a bin comprises two concentric tubes spaced sufficiently apart to permit passage of the material when entrained in a stream of air. The outer longer tube has a serrated edge to enable it to penetrate dense sections, while the inner, shorter tube is provided with helical vanes. Air, blown down the outer tube is caused to swirl in a vortex by the helical vanes, thereby entraining material lodged near the bottom of the outer tube. The air, together with entrained material, passes up the inner tube and is conducted to a cyclone separator to recover the sample. (U.S. Patent, US3580084A, May 25, 1971, Expired.)

Historical Note

Former rule I; Former Section R3-3-41 renumbered and amended as Section R3-3-42, new Section R3-3-41 adopted effective January 12, 1978 (Supp. 78-1). Amended effective April 13, 1978 (Supp. 78-2). Amended effective February 3, 1981 (Supp. 81-1). Section R3-3-901 renumbered from R3-3-41 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-902. Licensure; Fee; Ammoniation

- A.** Any person applying for a commercial feed license to manufacture or distribute commercial feed shall provide the following information and a nonrefundable fee of \$10 for each year of the license:
1. A copy of the label of each commercial feed product intended for distribution within the state or not already filed by the applicant with the Department; and
 2. The following information on the license application provided by the Department:
 - a. The name, title, and signature of the applicant;
 - b. The distributor or manufacturer name, mailing address, telephone, and email address;

- c. The tax identification number or Social Security number of an individual applying;
- d. The date of the application;
- e. The physical location, telephone, and email address of the distributor or manufacturer, if different than subsection (A)(2)(b);
- f. The name, address, telephone, and email address of the distributor or manufacturer where inspection fees are paid, if different than subsection (A)(2)(b); and
- g. The license time-period option.

- B.** A commercial feed license is nontransferable, expires on June 30, and shall, at the option of the applicant, be valid for one or two years.
- C.** Ammoniation. Any person who ammoniates feed or feed material for distribution or sale shall obtain a commercial feed license and is responsible for all testing, labeling, or other requirements pertaining to commercial feed, unless the feed is ammoniated on the premises of the person using the ammoniated feed.

Historical Note

Former rule II; Former Section R3-3-42 renumbered and amended as Section R3-3-43, former Section R3-3-41 renumbered and amended as Section R3-3-42 effective January 12, 1978 (Supp. 78-1). Section R3-3-902 renumbered from R3-3-42 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-903. Tonnage Reports; Inspection Fee

- A.** Quarterly tonnage report and inspection fee.
1. The inspection fee for all commercial feed sold or distributed in Arizona is 20¢ per ton. The tonnage shall be rounded to the nearest whole ton.
 2. Any applicant applying for and receiving a new license after March 15, June 15, September 15, or December 15 is not required to file a quarterly tonnage report for the quarter in which the license application is issued, but shall report the tonnage on the following quarterly tonnage report. Any person who distributed commercial feed without a license as required under A.R.S. § 3-2609 shall pay all past due inspection fees and late penalties before a license is issued.
 3. Any licensee not estimating annual tonnage shall file the following information on a quarterly statement provided by the Department no later than the last day of January, April, July, and October of each year for the preceding calendar quarter and pay the inspection fees and any penalties, if applicable:
 - a. If the inspection fee is being passed on to the purchaser:
 - i. The commercial feed license number issued according to this Article and name of the currently licensed company;
 - ii. The amount of commercial feed in whole tons and by type, indicating whether the commercial feed is bagged or bulk;
 - iii. The name, title, telephone number, and signature of the licensee or the licensee’s authorized representative; and
 - iv. The date of the report.

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- b. If the licensee pays a tonnage fee for the distribution of a commercial feed:
 - i. The amount of commercial feed in whole tons and by type, indicating whether the commercial feed is bagged or bulk;
 - ii. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
 - iii. The date of the report.
 - B. Estimated tonnage report. A licensee may estimate the annual commercial feed tonnage if it is 400 tons or less per year and the licensee does not pass the inspection fee responsibility to the purchaser.
 - 1. The licensee shall submit the estimated annual commercial feed tonnage report to the Department with the annual inspection fee no later than July 31 of each year. The tonnage report shall contain:
 - a. The estimated tonnage of commercial feed to be distributed;
 - b. The amount of commercial feed in whole tons and by type, indicating whether the commercial feed is bagged or bulk;
 - c. The name, title, telephone number, and signature of the licensee or the licensee's authorized representative; and
 - d. The date of the report.
 - 2. The licensee shall submit the inspection fee according to subsection (A)(1), which shall be for the amount declared in subsection (B)(1)(a), but not less than \$8 per year. The fee must be included with the annual tonnage report submitted to the Department no later than July 31 of each year. Adjustments for overestimates or underestimates for licensees with 400 tons or less of actual tonnage sales shall be made on the next year's estimating form. Adjustments of underestimates of licensees with actual tonnage sales more than 400 tons shall be made no later than July 31 of each year.
 - 3. The licensee shall verify the accuracy of the previous year's tonnage estimates to actual tonnage sales and submit the tonnage verification no later than July 31 of each year.
 - 4. Overestimation of tonnage.
 - a. The Department shall not refund any inspection fee based on an overestimation if the licensee does not re-license in the subsequent year;
 - b. If a licensee applies for a license in the subsequent year, the Department shall apply any overestimation to the subsequent year's tonnage fees.
- A. A person shall not sell, offer for sale, store, transport, receive, trade or barter, any milk or milk product for commercial feed unless the milk or milk product:
 - 1. Meets Grade A milk standards as specified in A.A.C. R3-2-802;
 - 2. Is produced as prescribed in A.A.C. R3-2-805; or
 - 3. Is decharacterized with food coloring approved under the Federal Food, Drug, and Cosmetic Act, according to 21 CFR §§ 73.1 et seq. (amended November 10, 2022, <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-A/part-73>) and 21 CFR §§ 74.101 et seq. (amended April 5, 1993, <https://www.ecfr.gov/current/title-21/chapter-I/subchapter-A/part-74/subpart-A>). This material is incorporated by reference, is on file with the Department and does not include any later amendments or editions, and the decharacterization:
 - a. Does not affect nutritive value; and
 - b. Matches the color on the Color Requirement card. Any person decharacterizing milk and milk products may obtain a Color Requirement card from the Arizona Department of Agriculture, at 1010 W. Washington Street, Phoenix, Arizona 85007, or by requesting by mail at 1802 West Jackson Street, #78, Phoenix Arizona 85007.
- B. Labeling. All milk or milk product commercial feed labels shall be approved by the Associate Director before use.
 - 1. The principal display panel of a decharacterized milk or milk product commercial feed container shall prominently state "WARNING - NOT FOR HUMAN CONSUMPTION" in capital letters. The letters shall be at least 1/4 inch on containers of 8 oz. or less and at least 1/2 inch on all other containers.
 - 2. The container label shall also bear the statement "This product has not been pasteurized and may contain harmful bacteria" in letters at least 1/8 inch in height.
- C. Milk or milk products intended for commercial feed shall not be displayed, sold, or stored at premises where food is sold or prepared for human consumption, unless it meets Grade A standards or is decharacterized and properly labeled as required in subsection (B).

Historical Note

Former rule IV; Former Section R3-3-44 repealed, former Section R3-3-43 renumbered and amended as Section R3-3-44 effective January 12, 1978 (Supp. 78-1). Amended effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-904 renumbered from R3-3-44 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-905. Labeling; Precautionary Statements

- A. Ingredient statement.
 - 1. Each ingredient or collective term for the grouping of ingredients not defined in the Official Publication shall be a common name.
 - 2. All labels for commercial feed and customer-formula feed containing cottonseed or a cottonseed product shall separately list the ingredients in the ingredient statement in addition to any collective term listed.
- B. Labeling and expression of guarantees.
 - 1. All labeling and expression of guarantees shall comply with the commercial feed-labeling guide, medicated com-

Historical Note

Former rule III; Former Section R3-3-43 renumbered and amended as Section R3-3-44, former Section R3-3-42 renumbered and amended as Section R3-3-43 effective January 12, 1978 (Supp. 78-1). Amended effective February 3, 1981 (Supp. 81-1). Section R3-3-903 renumbered from R3-3-43 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-904. Milk and Milk Products Decharacterized for Use as Commercial Feed

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mercial feed labeling, and expression of guarantees requirements prescribed in the Official Publication.

2. All feed with an expired "use by" or "expiration" date shall be removed from consumer access, and are not permitted for sale.
3. The label shall include the brand or product name, and shall indicate the intended use of the feed. The label shall not contain any false or misleading statements.
4. Directions for use and precautionary statements.
 - a. All labeling of whole cottonseed, commercial feed, and customer-formula feed containing any additive (including drugs, special purpose additives, or non-nutritive additives) shall clearly state its safe and effective use. The directions shall not require special knowledge of the purpose and use of the feed.
 - b. Directions for use and precautionary statements shall be provided for feed containing non-protein nitrogen as specified in R3-3-906.
 - c. All whole cottonseed or commercial feed, and customer-formula feed delivered to the consumer shall be accompanied by an accurate label, invoice, weight ticket or other documentation approved by the Department. The documentation shall be left with the consumer and shall contain the following:
 - i. "This feed contains 20 or less ppb aflatoxin and may be fed to any animal;" or
 - ii. "WARNING: This feed contains more than 20 ppb but not more than 300 ppb aflatoxin and shall not be fed to lactating animals whose milk is intended for human consumption."
 - iii. "DANGER: This feed has not been tested for aflatoxin and shall not be used as a feed until tested and found compliant with all state laws."
 - d. A distributor of whole cottonseed or cottonseed product intended for further processing, planting seed, or for any other purpose approved by the Director, shall document in writing to the Department that:
 - i. The lot of whole cottonseed or cottonseed product will not be used as commercial feed until the lot is tested and compliant with all state laws; and
 - ii. The documentation prescribed in subsection (B)(3)(c) is not required.
 - e. The distributor shall maintain the documentation for one year.
 - f. The lot of whole cottonseed or cottonseed product shall be labeled as follows: "WARNING: This material has not been tested for aflatoxin and shall not be distributed for feed or fed to any animal until tested and brought into full compliance with all state laws."

Historical Note

Former rule V; Former Section R3-3-45 repealed, new Section R3-3-45 adopted effective January 12, 1978 (Supp. 78-1). Amended effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-905 renumbered from R3-3-45 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective

March 4, 2024 (Supp. 24-1).

R3-3-906. Non-protein Nitrogen

- A. Urea and other non-protein nitrogen products are acceptable ingredients in commercial feed for ruminant animals as a source of equivalent crude protein.
 1. If commercial feed contains more than 8.75% of equivalent crude protein from all forms of non-protein nitrogen or if the equivalent crude protein from all forms of non-protein nitrogen exceeds 1/3 of the total crude protein, the label shall include directions for the safe use of the feed and the following precautionary statement: "Caution: Use as Directed."
 2. The directions for use and the precautionary statement shall be printed and placed on the label so that an ordinary person under customary conditions of purchase and use can read and understand the directions.
- B. Non-protein nitrogen products are acceptable ingredients in commercial feeds distributed to non-ruminant animals as a source of nutrients other than equivalent crude protein. The maximum equivalent crude protein from non-protein nitrogen sources in non-ruminant rations shall not exceed 1.25% of the total daily ration.
- C. A medicated feed label shall contain feeding directions or precautionary statements, or both, with sufficient information to ensure that the feed is properly used.

Historical Note

Former rule VI; Former Section R3-3-46 repealed, new Section R3-3-46 adopted effective January 12, 1978 (Supp. 78-1). Amended effective January 29, 1979 (Supp. 79-1). Amended effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-906 renumbered from R3-3-46 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-907. Repealed**Historical Note**

Former rule VII; Former Section R3-3-47 repealed, former Section R3-3-54 renumbered as Section R3-3-47 effective January 12, 1978 (Supp. 78-1). Amended by adding subsection (F) effective July 20, 1984 (Supp. 84-4). Section R3-3-907 renumbered from R3-3-47 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-908. Repealed**Historical Note**

Former rule VIII; Former Section R3-3-48 repealed, new Section R3-3-48 adopted effective January 12, 1978 (Supp. 78-1). Amended for spelling correction, subsection (E), effective January 29, 1979 (Supp. 79-1). Amended by adding subsection (J) effective July 20, 1984 (Supp. 84-4). Section R3-3-908 renumbered from R3-3-48 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

R3-3-909. Repealed**Historical Note**

Former rule IX; Former Section R3-3-49 repealed, new Section R3-3-49 adopted effective Jan. 12, 1978 (Supp. 78-1). Amended by adding subsection (D) effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-909 renumbered from R3-3-49 (Supp. 91-4). Section repealed by final rulemak-

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ing at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-910. Drug and Feed Additives**A. Drug and feed additive approval.**

1. Before a label is approved by the Associate Director for commercial feed containing additives (including drugs, other special purpose additives, or non-nutritive additives), the distributor may be required to submit evidence demonstrating the safety and efficacy of the commercial feed when used according to the label directions if the material is not recognized as a commercial feed.
2. If a complaint has been filed with the Department, the distributor may be required to submit evidence demonstrating the safety and efficacy of the commercial feed when used according to the label directions.

B. Evidence of safety and efficacy of a commercial feed may be:

1. If the commercial feed containing additives conforms to the requirements of "Food Additives Permitted in Feed and Drinking" in the Official Publication; or
2. If the commercial feed is a substance generally recognized as safe and is defined in the Official Publication or listed as a "Substances Generally Recognized as Safe in Animal Feeds" in the Official Publication.

Historical Note

Former rule X; Former Section R3-3-50 repealed, new Section 3-3-50 adopted effective January 12, 1978 (Supp. 78- 1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-910 renumbered from R3-3-50 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-911. Repealed**Historical Note**

Former rule XI: Former Section R3-3-51 repealed, new Section R3-3-51 adopted effective January 12, 1978 (Supp. 78- 1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-911 renumbered from R3-3-51 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-912. Repealed**Historical Note**

Former rule XII: Former Section R3-3-52 repealed. New Section R3-3-52 adopted effective January 12, 1978 (Supp. 78-1). Section R3-3-912 renumbered from R3-3-52 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

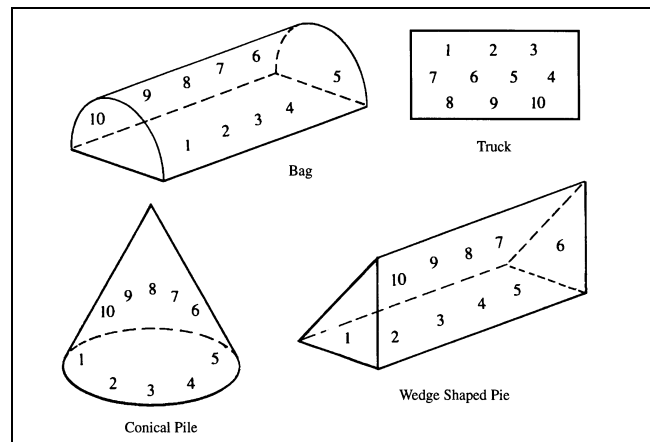
R3-3-913. Sampling Methods

- A. Sampling commercial feed.** The methods of sampling commercial feed shall comply with the procedures established in the Official Method, 965.16 Sampling of Animal Feed, in the "Official Methods of Analysis of AOAC International, 22nd Edition (2023)", which is incorporated by reference, on file with the Department, and does not include any later amendments or editions of the incorporated matter. Copies are available for inspection at the Department located at 1110 West Washington Street, Suite 450, Phoenix, AZ 85007, or may be purchased from AOAC International, 2275 Research Boulevard, Suite 300, Rockville, Maryland 20850, or by purchasing

a print copy or subscribing online at <https://members.aoac.org/bookstore/>.

B. Sampling whole cottonseed.

1. Sample size - A gross sample not less than 30 pounds shall be taken from a lot. The gross sample shall consist of not less than 10 probes evenly spaced or 10 stream sample passes taken following the procedure prescribed in subsection (B)(4)(b).
2. Sample container - The sample container shall consist of a clean cloth, burlap, or paper or plastic mesh bags. The sample shall be delivered to the laboratory within 48 hours (excluding weekends and holidays), stored in a dry, well-aerated location, and the results of the analysis reported by a certified laboratory within five working days from receipt of sample.
3. Sampling equipment. Sampling equipment includes:
 - a. Scale, graduated in one-half pound increments, and any of the following:
 - b. Corkscrew trier, approximately 50 inches in length and capable of taking at least a three-pound sample,
 - c. Pneumatic probe sampler,
 - d. Stream sampler: A container at least 8 inches x 5 inches x 5 1/2 inches attached to a pole that enables the sampler to pass the container through falling streams of cottonseed,
 - e. Automatic stream samplers or other sampling equipment if scientific data documenting its ability to obtain a representative sample is approved by the Associate Director,
 - f. Canister style shop vacuum system of no less than 1.5 hp capable of holding 12 gallons, modified to hold a 15 ft. length of vacuum hose attached to a 13 ft. length of 3/4 inch PVC pipe.
4. Sampling procedure.
 - a. If a corkscrew trier or pneumatic probe sampler is used, at least 10 evenly spaced probes shall be taken per lot. The probed samples shall be taken according to the following patterns:



The probes shall penetrate at least 50 inches, and at least two of the 10 probes per sample shall reach the bottom of the lot being sampled. The probe shall be inserted at an angle perpendicular to the face of the lot.

- b. If a canister style shop vacuum system is used, at least 15 evenly spaced probes shall be taken per lot. The sampling patterns specified in subsection

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(B)(4)(a) shall be modified to allow for the additional samples.

- c. Stream samples shall be taken while the cottonseed is being discharged, if there is a uniform discharge flow over a set period of time. The sample shall consist of at least 10 evenly timed and spaced passes through the discharge flow, resulting in the sample size specified in subsection (B)(1).
- d. The gross sample shall be weighed to the nearest 1/2 pound but shall not be reduced in size. If any gross sample does not meet the minimum 30 pound weight, that gross sample shall be discarded and the sampling procedure repeated from the beginning. If the canister style shop vacuum gross sample is not at least 10 pounds, the sample shall be discarded and the sampling procedure repeated from the beginning.
- e. The Associate Director shall approve any modified sampling procedure if scientific data is provided that documents that representative samples will be obtained through the modified sampling procedure.

Historical Note

Former Administrative Rule 1. Former Section R3-3-53 repealed effective January 12, 1978 (Supp. 78-1). New Section R3-3-53 adopted as an emergency effective October 10, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). Amended as an emergency effective October 11, 1978, pursuant to A. R. S. § 41-1003, valid for only 90 days (Supp. 78-5). New Section R3-3-53 adopted effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-913 renumbered from R3-3-53 (Supp. 91-4). Patterns omitted in Supp. 98-4 under subsection (C)(4)(a) have been corrected to reflect filed rules (Supp. 99-1). Amended by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-914. Repealed**Historical Note**

Adopted effective August 31, 1977 (Supp. 77-4). Former Section R3-3-54 renumbered as Section R3-3-47 effective January 12, 1978 (Supp. 78-1). New Section R3-3-54 adopted as an emergency effective October 10, 1978, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 78-5). New Section R3-3-54 adopted effective February 3, 1981 (Supp. 81-1). Amended effective July 20, 1984 (Supp. 84-4). Section R3-3-914 renumbered from R3-3-54 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-915. Repealed**Historical Note**

Adopted effective December 14, 1979 (Supp. 79-6). Section R3-3-915 renumbered from R3-3-55 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

R3-3-916. Repealed**Historical Note**

Adopted effective July 20, 1994 (Supp. 84-4). Section R3-3-916 renumbered from R3-3-56 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 4419, effective November 3, 1999 (Supp. 99-4).

tive November 3, 1999 (Supp. 99-4).

ARTICLE 10. AGRICULTURAL SAFETY**R3-3-1001. Definitions**

In addition to the definitions set forth in A.R.S. § 3-3101 and as defined in the federal regulations under 40 CFR § 170.305 (as amended October 30, 2020, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-170/subpart-D/section-170.305>). This material is incorporated by reference, is on file with the Department and does not include any later amendments or editions), the following terms apply to this Article:

“Farm labor contractor” means any person who hires or contracts for the services of workers for any type of compensation, to perform activities related to the production of agricultural plants, but does not own or is not responsible for, the management or condition of an agricultural establishment.

“Flagger” means a person who indicates an aircraft spray swath width from the ground.

“Pest control advisor” means a crop advisor, as defined in the Worker Protection Standard, who assesses pest numbers or damage, pesticide distributions, or the status or requirements to sustain the agricultural plants. The term does not include a person who performs hand-labor tasks or handling activities.

“Restricted-entry interval” means the time after the completion of a pesticide application during which entry into a treated area is restricted as indicated by the pesticide product label.

“Restricted use pesticide” means a pesticide classified as such by the United States Environmental Protection Agency (A.R.S. § 3-361(8)).

“Worker Protection Standard” or “WPS” means the regulations as prescribed in 40 CFR §§ 170.1 et seq., excluding 40 CFR §§ 170.401(c)(4) and 170.501(c)(4) (as amended October 30, 2020, <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-170>). This material is incorporated by reference, on file with the Department and does not include any later amendments or editions.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1001 renumbered from R3-8-201 (Supp. 91-4).

Amended effective March 3, 1995 (Supp. 95-1).

Amended effective October 8, 1998 (Supp. 98-4).

Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1002. Repealed**Historical Note**

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1002 renumbered from R3-8-202 (Supp. 91-4). Section repealed, new Section adopted effective March 3, 1995 (Supp. 95-1). R3-3-1002 renumbered to R3-3-1003; new Section R3-3-1002 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Repealed by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1003. Worker and Handler Trainees; Records**A. Trainer requirements.**

1. A person applying for pesticide safety trainer certification shall:

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- a. Complete the Worker Protection Standard compliant pesticide safety training program administered by the Department; or
 - b. Hold a current PCA license or restricted use certification, issued by the Department for a PCA or certified applicator, as prescribed under R3-3-207 or R3-3-208.
2. An applicant shall submit a signed and dated affidavit to the Department verifying that each worker or handler will be trained according to the training requirements of the Worker Protection Standard. The affidavit shall include the applicant's name, address, email address, telephone and fax numbers, as applicable.
 3. Trainer certification is:
 - a. Nontransferable;
 - b. Valid for three years from the date issued under subsection (A)(1)(a), excluding the month in which the trainer was certified, and is renewable upon completion of the Worker Protection Standard compliant pesticide safety training program administered by the Department; or
 - c. Valid initially for one year from the date issued under subsection (A)(1)(b), excluding the month in which the trainer certification was issued; and
 - d. If the PCA license or restricted use certification remains current, is renewable for three years upon completion of the Worker Protection Standard compliant pesticide safety training administered by the Department.
 4. A trainer shall maintain the records required in subsection (B) for two years, excluding the month in which the verification card was issued.
 5. Upon request by the Department, the trainer shall make available worker and handler records prescribed in subsection (B) for inspection and copying by the Department.
 6. A trainer may issue a Worker Protection Standard training verification card to each handler or worker who successfully completes training, and shall maintain a record as required in subsection (B).
- B.** Training records shall include the following recorded in indelible ink:
1. Name and signature of the trained worker or handler;
 2. Training verification card number, if utilized;
 3. Issue and expiration date of the training verification card;
 4. A unique trainer-assigned identification number of the worker or handler;
 5. Name and signature of the trainer; and
 6. Address or location of where the training occurred, including city, county, and state.
- C.** A trainer shall permit the Assistant Director or designee to enter a place where worker safety training is being presented to observe and question trainers and attendees to determine compliance with the requirements of this Section.
- D.** The Department may suspend, revoke, or deny trainer certification if any of the following occur:
1. Failing to follow the worker and handler training requirements prescribed in 40 CFR §§ 170.401 and 170.501 of the WPS;
 2. Failing to maintain the training information prescribed in subsection (B);
 3. Failing to fulfill the requirements of the affidavit as prescribed in subsection (A)(2); or
 4. Having had a similar certification revoked, suspended, or denied in any jurisdiction within the last three years.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1003 renumbered from R3-8-203 (Supp. 91-4). R3-3-1003 repealed; new Section R3-3-1003 renumbered from R3-3-1002 and amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1004. Notification Requirements for Farm Labor Contractors

- A.** The owner or operator of an agricultural establishment shall provide the farm labor contractor who performs work on that agricultural establishment with:
1. The location of the agricultural establishment's central posting site; and
 2. The restrictions on entering the treated area as specified in 40 CFR § 170.120(d) of the WPS, if a treated area is within 1/4 mile of where workers will be working and the treated area is not posted as allowed or required in 40 CFR § 170.120(a), (b) and (c) of the WPS.
- B.** The farm labor contractor shall:
1. Post or provide the worker in writing, with the information in 40 CFR § 170.122 of the WPS, or shall post or provide the worker in writing, the specific location of the central posting site for each agricultural establishment on which the worker will be working;
 2. Provide the worker with restrictions on entering a treated area as specified in 40 CFR § 170.120(d) of the WPS if the treated area on the agricultural establishment where a worker will be working is within 1/4 mile of where the worker is working, and the treated area is not posted as allowed or required in 40 CFR § 170.120(a), (b) and (c) of the WPS.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1004 renumbered from R3-8-204 (Supp. 91-4). Amended effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1005. Container Used For Mixing or Applying Pesticides

- A.** All openings on containers used for applying pesticides shall be equipped with covers that prevent splashes and spills.
- B.** All containers shall:
1. Be translucent, or
 2. Have a means to indicate externally the internal liquid level in the container, or
 3. Have a filler hose nozzle that automatically stops the filling operation before the liquid pesticide mixture spills over the top of the container.
- C.** Any employer who mixes or applies any liquid pesticide mixture in a container with a capacity of more than 49 gallons shall have a handler present whenever pesticides are mixed or containers are filled to ensure that the liquid pesticide mixture does not spill over the top of the container.
- D.** Each handler, while mixing pesticides, shall protect the water supply from back-siphoning pesticide mixtures.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section

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R3-3-1005 renumbered from R3-8-205 (Supp. 91-4).
Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4).

R3-3-1006. Agricultural Emergency

- A.** Any grower, a group of growers, or designee may request the Assistant Director for an agricultural emergency.
- B.** Possibility of agricultural emergency.
- If during business hours information is obtained showing that a declaration of an agricultural emergency is necessary, the requesting party shall notify the Department immediately and provide the following information:
 - The cause of the emergency,
 - The area where the emergency may occur,
 - An explanation of why early entry is necessary,
 - Why other methods cannot be used to avoid the early entry, and
 - The justification that substantial economic loss will occur.
 - The Assistant Director shall render a decision to the requesting party on whether an agricultural emergency exists, if the grower or requesting party submits written evidence that includes the information in subsection (B)(1), within four hours of receiving the information.
 - If a grower or requesting party does not submit the written documentation in subsection (B)(1) or if the Assistant Director questions the validity or adequacy of the written evidence of the emergency, the Assistant Director shall investigate a grower's entry into the restricted-entry interval area and advise the requesting party of the reasons for the denial of the agricultural emergency.
 - If the information in subsection (B)(1) is given orally, the requesting party shall notify the Department immediately and provide the Assistant Director with written evidence of the emergency within five days. The Assistant Director shall, within 10 business days of receipt of the written evidence of the emergency or completion of the investigation, issue a letter to the requesting party confirming or denying the request for an agricultural emergency.
- C.** Occurrence of agricultural emergency.
- If information is obtained after business hours, or during a weekend or holiday, showing that a declaration of agricultural emergency is necessary, the requesting party shall inform the Department, orally, the next business day following the emergency and provide the following information, in writing, within 72 hours of the emergency or notification:
 - The cause of the emergency,
 - The area where the emergency occurred,
 - A brief explanation of why early entry was necessary,
 - Why other methods could not be used to avoid the early entry, and
 - The justification that substantial economic loss would have occurred.
 - If a grower or requesting party does not submit the written evidence of the emergency in subsection (B)(1) or if the Assistant Director questions whether the written evidence of emergency could have occurred before the emergency, or the validity or adequacy of the written evidence of the emergency, the Assistant Director shall investigate a grower's entry into the restricted-entry interval area and advise the requesting party of the reasons for the denial.

- The Assistant Director shall within 10 business days of receipt of the evidence of emergency or completion of the investigation issue a letter to the requesting party confirming or denying the request for the agricultural emergency.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1006 renumbered from R3-8-206 (Supp. 91-4). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1007. Violations and Civil Penalties

- A.** Serious violations. The base penalty for any serious violation is \$500 and no adjustment shall be made for mitigating circumstances. The penalty for a violation in which a person is killed or permanently disabled shall be the maximum allowed in A.R.S. §§ 3-3113 and 3-3114.
- B.** Nonserious violations. The Assistant Director shall calculate the base penalty for a nonserious violation and determine the civil penalty amount based on the factors prescribed in A.R.S. § 3-3113(I). If there are contributing or mitigating circumstances, the points may be adjusted, provided the adjustment is documented.

VIOLATION GRAVITY FACTOR

(1 - Lowest; 4 - highest)

VIOLATION	GRAVITY
Central Posting	1 - 2
Training	1 - 4
Decontamination	1 - 4
Personal Protective Equipment	1 - 4
Pesticide Application and Notice	1 - 4
Pesticide Application Restrictions	2 - 4
Other Requirements	1 - 4

- C.** Size-of-business. The Assistant Director shall use:
- The maximum number of employees at any one time during the previous 12 months from the date of notice, including only the Arizona branch offices to determine the size business category; or
 - A site-specific employee count, if the violation does not endanger employees at other locations of the business; or
 - The number of persons trained by a trainer during the previous 12 months that violate the training provisions of R3-3-1003.

SIZE OF BUSINESS

Size Category	Number of Employees or (Number of People Trained)
I	1 - 10
II	11 - 75
III	76 - 150
IV	More than 150

- D.** Base penalty. The Assistant Director shall calculate the base penalty for the alleged violation by using the violation gravity factor established in subsection (B) and applying the size-of-business category established in subsection (C).

BASE PENALTY

Gravity Factor	Size Category			
	I	II	III	IV
1	\$250	\$300	\$350	\$400
2	\$300	\$350	\$400	\$450
3	\$350	\$400	\$450	\$500
4	\$500	\$500	\$500	\$500

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E. Combined or group violations. The Assistant Director may combine or group violations.

- Violations may be combined and assessed one penalty if the violation does not cause any immediate danger to public health or safety or damage to property. Example: Eight workers on a harvest crew have received no training and there is no evidence of exposure. This situation may result in only one training penalty being assessed against the employer.
- Violations may be grouped if they have a common element and it is apparent which violation has the highest gravity. The penalty for a grouped violation is assessed on the violation with the highest gravity. The penalty for a grouped violation is assessed according to the appropriate law or rule with the highest gravity. Example: Two crews from the same company are engaged in an improper handling activity and one crew is using a pesticide with a "danger" signal word, (skull and cross bones) while the other crew is using a pesticide with a "warning" signal word. This situation may result in the employer being assessed one penalty based on the penalty for the "danger" (skull and cross bones) violation.

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1007 renumbered from R3-8-207 (Supp. 91-4). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1008. Penalty Adjustments

A. The Assistant Director shall assign an appropriate number of points for each of the following five factors to increase the base penalty for a serious violation, or increase or decrease the base penalty for a nonserious violation.

- If the total adjustment points on a nonserious violation is less than 9, the base penalty is reduced; if it is more than 9, the base penalty is increased.
- If the total adjustment points on a serious violation is 3 or less, the base penalty shall be imposed; if it is more than 3, the base penalty is increased.
- If a violation is a repeated violation, as prescribed in R3-3-1011 for compliance history, a base penalty adjustment factor shall not be used to decrease the penalty.

BASE ADJUSTMENT FACTORS**Pesticide Labeling**

Signal word "Danger" with skull and cross-bones	5
Signal word "Danger"	4
Signal word "Warning"	3
Signal word "Caution"	2
Indirect relation to the violation	1

Harm to Human Health

Actual Injuries or temporary reversible illness resulting in hospitalization or a variable but limited period of disability. (hospital care greater than 8 hours)	9
Actual Injuries or temporary reversible illness resulting in doctor care (doctor care required, less than 8 hours)	6
Minor supportive care only	2 - 4
Consequence potential	1 - 2
No relationship found	0

Compliance History

One or more violations in the previous 12 months	4
One or more violations in the previous 24 months	3
One or more violations in the previous 36 months	1
No violation history	0
Culpability	
Knowing or should have known	4
Negligence	2
Neither	0
Good Faith	0 - (-2)
Violation corrected within 14 days	-1
Violation corrected within 7 days	-2

B. The Assistant Director may reduce the base penalty for a non-serious violation, as determined in R3-3-1007(C), by as much as 80% depending upon the number of employees or trained persons, good faith, and history of previous violations.

FINAL PENALTY CALCULATION

	Non-serious Violation	Serious Violation
Number of Points	Penalty Adjustment	Penalty Adjustment
3 or below	Base -80%	Base Penalty
4	Base -65%	Base +10%
5	Base -50%	Base +20%
6	Base -35%	Base +30%
7	Base -20%	Base +40%
8	Base -5%	Base +50%
9	Base Penalty	Base +60%
10	Base +20%	Base +70%
11	Base +35%	Base +80%
12	Base +50%	Base +90%
13	Base +65%	Base +100%
14	Base +80%	Base +100%
15 or more	Base +100%	Base +100%

Example: A business employs 26 people in Town A and 14 people in Town B. In addition, 35 seasonal people are employed during the harvest. The total annual employee positions equal 75. The following violations are found during an inspection: (1) No training for 35 seasonal workers on the harvest crew; (2) No available decontamination supplies; (3) No safety poster at the central posting location; (4) No emergency telephone number posted, and no medical facility location posted at the central posting location; (5) No posted pesticide application information at the central posting location.

Step 1. Use the Violation Gravity Factor table to determine the gravity of the violation.

- | | |
|---------------------------------|---|
| (1) Training, 1-4 points | 2 points, all 35 workers are combined; |
| (2) Decontamination, 1-4 points | 3 points, no supplies were available and it has been 25 days since the most recent application; |

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(3) - (5) Central Posting, 1-2 points 1 point since the violations concerns the same factor, they are combined. (There is evidence that the old poster blew away and the pesticide application information is kept available in the secretary's desk, but it is not 'readily' available.)

Step 2. Use the Size of Business table to determine the size category. 35 employees falls into the size category II.

Step 3. Use the *Base Penalty* table to determine the base penalty. Use column II based on the Size of Business determination from Step 2.

Violation 1	Gravity factor of 2	Equals a base penalty of \$350;
Violation 2	Gravity factor of 3	Equals a base penalty of \$400;
Violation 3, 4, and 5	Gravity factor of 1	Equals a base penalty of \$300

Step 4. Using the *Base Adjustment Factors* table to calculate the adjustments, if any. In this case, the base adjustments are uniform in all categories except #4, culpability.

Pesticide	It was a indirect relationship because of the timing of the application and when the workers were in the treated area.	1 point.
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Harm to Human Health	There was no harm to health and the pesticide had not been applied recently.	1 point.
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Compliance History	This farm has no previous violation history.	0 points.
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Culpability	The supervisor attended a "train-the-trainer" course two years ago and should have been aware of the requirements of the worker protection standard. Therefore, for the first two violations the supervisor should have known about the requirements. For the last three violations, the central posting sight was not checked frequently enough to ensure compliance.	For violations 1 and 2, 4 points for knowing or should have known; For violations 3, 4, and 5, 2 points for negligence.
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Good Faith	The inspector came back five days later and the workers were trained the day of the first inspection, the poster was posted and everything was in compliance.	Since the employer corrected the violations quickly. -1 point.
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Step 5. Add the points for each violation from Step 4.

Violation 1	1 + 1 + 0 + = 5 points
	4 + -1

Violation 2	1 + 1 + 0 + = 5 points
	4 + -1

Violations 3, 4, and 5	1 + 1 + 0 + = 3 points
	2 + -1

Step 6. Using the Final Penalty Calculation table to determine the appropriate violation penalty adjustment that corresponds with the base adjustment factor point total. Use the definitions for nonserious or serious violations to determine the appropriate violation penalty adjustment column. In this case, use the nonserious penalty adjustment column.

Violation 1	5 points	Base - \$350 - 50% = \$175 = \$175
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Violation 2	5 points	Base - \$400 - 50% = \$200 = \$200
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Violation 3, 4, and 5	3 points	Base - \$300 - 80% = \$240 = \$60
Adjusted Penalty Total = \$435		

Historical Note

Adopted effective July 13, 1989 (Supp. 89-3). Section R3-3-1008 renumbered from R3-8-208 (Supp. 91-4). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1009. Failure to Abate

- A. The Director shall include in a citation for an alleged violation of this Article a reasonable time to abate the violation.
- B. When a cited person timely files a request for hearing to contest a violation, the abatement period does not begin to run until the entry of a final order as long as the request for hearing was initiated in good faith and not solely for delay or avoidance of penalties. If a person contests only the amount of the proposed penalty, the person shall correct the violation within the originally prescribed abatement period.
- C. If the Director has reason to believe the cited person has failed to correct the violation within the abatement period, the Director shall notify the person by mail of the failure, the proposed penalty, and the right to request a hearing.
- D. On a showing by a cited person of a good faith effort to comply with the abatement requirements of a citation and that the abatement has not been completed because of factors beyond the person's reasonable control, the Department shall issue an order affirming or modifying the abatement requirements in the citation after an opportunity for a hearing.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4). Section heading corrected at request of the Department, Office File No. M11-60, filed February 23, 2011 (Supp. 09-4). Section R3-3-1008 renumbered from R3-8-208 (Supp. 91-4). Section repealed; new Section adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1010. Calculation of Additional Penalties For Unabated Violations

- A. If the Director has reason to believe the cited person has failed to correct a serious or nonserious violation within the abatement period, the Director shall assess additional civil penalties on the cited person as follows:

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1. The Director shall use R3-3-1007 and R3-3-1008 to calculate an additional daily penalty for each unabated violation.
 2. The additional daily penalty shall neither be less than the original penalty for the cited violation or exceed \$1,000 per day per violation.
 3. The additional daily penalty shall be multiplied by the number of calendar days the violation has continued unabated beyond the abatement period.
- B.** Notwithstanding subsection (A), the Director may reduce or eliminate the additional penalty based on:
1. The extent that the violation has been abated,
 2. The cited person's good faith effort in correcting the violation, and
 3. Whether the abatement has not been completed because of factors beyond the cited person's reasonable control.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).
 Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1011. Repeated or Willful Violations

- A.** The penalty for a repeated violation shall be calculated as follows:
1. The penalty for a repeated nonserious violation shall be doubled for the first repeated violation and tripled if the violation has been cited twice before.
 2. The penalty for a repeated serious violation shall be multiplied five times for the first repeated violation and seven times if the violation has been cited twice before.
 3. The penalty for a repeated serious violation in which someone is disabled or killed shall be multiplied 10 times for each repeated violation.
 4. A repeated violation having no initial penalty shall be assessed for the first repeated violation as determined by this Article.
 5. The penalty may be multiplied by 10, not to exceed the maximum penalty, if it is justified through appropriate documentation.
- B.** The Assistant Director may adjust the base penalty found under R3-3-1007(D) by a multiplier up to 10 for any willful violation.
- C.** The Assistant Director shall not use base adjustment factors in R3-3-1008 to reduce the penalty for any serious or nonserious willfully repeated violation.
- D.** Repeated violations are based on prior violations occurring within the previous three years.
- E.** The penalty for a repeated or willful violation shall not exceed \$10,000.

Historical Note

Adopted effective October 8, 1998 (Supp. 98-4).
 Amended by final rulemaking at 30 A.A.R. 89 (January 19, 2024), effective March 4, 2024 (Supp. 24-1).

R3-3-1012. Citation; Posting

An employer shall post a citation prescribed at A.R.S. § 3-3110(C) for three days or until the violation is abated, whichever time period is longer.

Historical Note

New Section made by final rulemaking at 10 A.A.R. 276, effective March 6, 2004 (Supp. 04-1).

ARTICLE 11. ARIZONA NATIVE PLANTS**R3-3-1101. Definitions**

In addition to the definitions in A.R.S. § 3-901, the following terms apply to this Article:

"Authorized representative" means a project manager, project engineer, sub-contractor, or similar that is identified by the landowner on a Notice of Intent to Clear form, or amended form, as a person that has authorization from the landowner to salvage protected native plants on property owned or managed by the landowner.

"Certificate of inspection for interstate shipments" means a certificate to transport protected native plants out of the state.

"Collection" means a collection of one or more highly safeguarded native plants that are preserved, catalogued, and managed for the purpose of preserving that species of an Arizona native plant.

"Conservation" means prevention of exploitation, damage, destruction, or neglect of native plants while helping to ensure continued public use.

"Cord" means a specific type string or small rope issued by the Department for attaching tags and seals to protected native plants.

"Cord of wood" means a measurement of firewood equal to 128 cubic feet.

"Destroy" means to cause the death or irreparable damage of any protected native plant.

"Harvest restricted native plant permit" means a permit required to remove the by-products, fibers, or wood from a native plant listed in Appendix A, subsection (D).

"Highly safeguarded native plant" (A.R.S. § 3-903(B)(1)) means a group of plants that are threatened for survival or are in danger of extinction. Including the native plants listed in Appendix A, subsection (A) and those listed in the Endangered Species Act. The plants in this category may only be salvaged with the use of scientific or non-commercial salvage permits, tags and seals.

"Jurisdiction" means the applicability of the Arizona native plant laws of A.R.S. §§ 3-901 through 3-934 that apply within the boundaries of the state, except on designated Indian lands and federal lands. Federal land managers are to be cognizant of E.O. 13132 (64 FR 43255, August 10, 1999) when considering native plants on federal land. State law governs in areas within local political subdivision boundaries but does not prohibit more stringent native plant regulations or ordinances adopted by the political subdivision. Where the two are in conflict, state laws and rules supersede, or if complimentary, the most stringent of the two laws and rules shall apply.

"Original growing site" means a place where a plant is growing wild and is rooted to the ground or any property owned by the same landowner where a protected native plant is relocated or transplanted without an original transportation permit.

"Protected native plant" means any living plant or plant part listed in Appendix A and growing wild in Arizona.

"Protected native plant tag" means a tag issued by the Department to identify the lawful removal of a protected native plant, other than a saguaro cactus, from its original growing site.

"Saguaro tag" means a tag issued by the Department to identify a saguaro cactus being lawfully moved.

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“Salvage” means to remove a protected native plant that would otherwise be destroyed in the land development process or other actions that would threaten the survival of the species of plant.

“Salvage assessed native plant” means plants categorized in Appendix A, subsection (C), as described by A.R.S. § 3-903(B)(3), that are to be afforded the exclusive protections, involving the use of salvage tags and annual salvage permits, provided in this Article. The category contains native plants that are not subject to theft or vandalism, but nevertheless have salvage value.

“Salvage assessed native plant permit” means a permit required to remove a native plant listed in Appendix A, subsection (C).

“Salvage restricted native plant” means plants categorized in Appendix A, subsection (B), as described by A.R.S. § 3-903(B)(2), that are to be afforded the exclusive protections involving the use of salvage permits, tags, and seals provided in this Article. This category includes native plants that may be salvaged and transplanted but are nevertheless subject to high potential for damage by theft or vandalism.

“Salvage restricted native plant permit” means a permit required to remove a native plant listed in Appendix A, subsection (B).

“Securely tie” means to fasten in a tight and secure manner to prevent the removal of tags, seals, or cord for reuse.

“Small Native Plant” means any protected plant eight inches in height or less.

“State agency” has the same meaning as in A.R.S. § 3-901(3) it contains “any agency or political subdivision of the state.”

Historical Note

New Section recodified from R3-4-601 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1102. Protected Native Plant Destruction by a Private Landowner**A. Notice of intent.**

1. Before a protected native plant is destroyed, the private landowner shall provide notification of intended destruction, which shall include the following information to the Department on a form obtained from the Department:
 - a. Name, address, email address, and telephone number of the landowner;
 - b. Name, address, email address, and telephone number of the landowner’s agent, if applicable;
 - c. Valid documentation indicating land ownership, including but not limited to a parcel identification number, tax assessment, or deed;
 - d. Legal description, map, address, or other description of the area, including the number of acres to be cleared, in which the protected native plants subject to the destruction are located;
 - e. Earliest date of plant destruction; and
 - f. Landowner’s intent for the disposal or salvage of protected native plants on the land.
2. A landowner intending to destroy protected native plants on an area of less than one acre may submit the informa-

tion required in subsection (A)(1) to the Department verbally.

- B. A landowner shall not destroy a protected native plant until:
 1. The landowner receives a written confirmation from the Department that the notice has been received, and
 2. Notice is given to the Department within the following minimum time periods, starting from the time the notice was given to the Department:
 - a. Twenty days before the plants are destroyed over an area of less than one acre.
 - b. Thirty days before the plants are destroyed over an area of one acre or more but less than 40 acres.
 - c. Sixty days before the plants are destroyed over an area of 40 acres or more.
- C. The Department shall compile a list of names and contact information of salvagers or persons interested in native plant salvage. The persons on the list shall receive notifications of potential salvage opportunities. To be placed on the list, the salvager or other interested person shall submit to the Department’s licensing section the salvager or interested person’s name, email address, mailing address, telephone number, and payment of an annual \$35 nonrefundable fee. The Department shall send to all listed salvagers and interested persons an electronic copy of notices of intent (“NOI”), including those that indicate they are not allowing salvage. The electronic copy of the NOIs shall be sent out daily the next business day after the NOIs are received.
- D. A notice of intent is not required for the destruction of native plants on individually owned residential property of ten acres or less where initial building construction has already occurred.

Historical Note

New Section recodified from R3-4-602 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1103. Disposal and Salvage of Protected Native Plants by a State Agency

- A. A state agency intending to remove or destroy protected native plants, over an area of state land exceeding one-quarter acre, the state agency shall notify the Department in writing at least sixty days before the plants are removed or destroyed with the following information on a form obtained from the Department:
 1. Legal description, map, address, or other description of the area, including the number of acres to be cleared, in which the protected native plants subject to the destruction are located;
 2. A description of the number and type of plants to be removed or destroyed;
 3. Earliest date of plant destruction; and
 4. The state agency’s intent for the disposal or salvage of protected native plants on the land.
- B. A state agency intending to remove or destroy protected native plants shall propose a method of disposal or transfer from the following list:
 1. Relocated or transported to a different location on the same property or to another property owned by the state, without obtaining a permit;
 2. Donated to another state agency or political subdivision, by obtaining a non-commercial salvage permit; or

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3. Donated to nonprofit organizations as provided in A.R.S. § 3-916;
 4. Salvaged or harvested by a member of the general public or a commercial dealer, if the person holds a salvage permit issued pursuant to R3-3-1104.
 5. Sold at a public auction, with appropriate cord sealing tags purchased and utilized by the buyer pursuant to R3-3-1106(B) and R3-3-1107;
 6. In situations where subsections (1) through (5) are not possible, the destruction or clearing of the land may begin 60 days after the notice, as prescribed in subsection (A), has been provided to the Department.
- C.** Any action by a state agency must occur within one year of the date disclosed in the notice.
- D.** A state agency filing a notice, as prescribed in subsection (A), to remove protected native plants are exempt from fees established for salvaged plants.
- E.** Notwithstanding subsection (B)(1) through (5), if the plants are highly safeguarded native plants, they shall first be made available to the holder of a valid scientific permit or a noncommercial salvage permit, by obtaining a current list of scientific permit and noncommercial salvage permit holders from the Department.
- F.** Pre-notification of intent shall not be required in an emergency, where imminent threat to the safety of a person or animal, or damage to personal or state property exists if protected native plants are not removed or destroyed by the state agency, provided the notice of intent is filed in conjunction with the removal or destruction of the native plant.
- i. Parcel identification number for the permitted site or other documents proving land ownership.
 2. Salvage restricted native plant permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.
 3. Exemptions. The following are exemptions for the requirements of this subsection.
 - a. Plants propagated or cultivated by human beings; or
 - b. Native plants collected or salvaged by a homeowners' association or any other community based organization if the plants are relocated in the community.
- C.** Salvage assessed native plant permits.
1. An applicant for a salvage assessed native plant permit shall submit the following information to the Department on a form obtained from the Department, as applicable, along with any applicable fees outlined in R3-3-1106:
 - a. Name, business name, address, email address, telephone number, and signature of the applicant;
 - b. Names of the salvage assessed plants to be collected.
 2. Salvage assessed native plant permits and plant tags are valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.
 3. Exemptions. The following are exemptions for the requirements of this subsection.
 - a. Plants propagated or cultivated by human beings; or
 - b. Native plants collected or salvaged by a homeowners' association or any other community based organization if the plants are relocated in the community.

Historical Note

New Section recodified from R3-4-603 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1104. Protected Native Plant Permits

- A.** A person shall not collect, transport, possess, sell, offer for sale, dispose, or salvage protected native plants unless that person is 18 years of age or older and possesses an appropriate permit.
- B.** Salvage restricted native plant permits.
1. An applicant for a salvage restricted native plant permit shall submit the following information to the Department on a form obtained from the Department, as applicable, along with any applicable fees outlined in R3-3-1106:
 - a. Name, business name, address, email address, telephone number, and signature of the applicant;
 - b. Name and number of plants to be removed;
 - c. Purpose of the plant removal;
 - d. Whether the applicant has a conviction for a violation of a state or federal statute regarding the protection of native plants within the previous five years;
 - e. Name, address, email address, telephone number, and signature of the landowner where the plants will be removed;
 - f. Location of the permitted site and size of acreage;
 - g. Destination address where the plants will be transplanted or temporarily held before being sold, gifted, or otherwise distributed to a permanent location;
 - h. Legal and physical description of the location of the original growing site; and
 2. Permits and unused receipts issued under this subsection are non-transferable and must be in the possession of the permit holder during harvesting and transport.
 3. Receipts for harvest restricted materials that are sold must be transferred to a purchaser as proof of ownership.
 4. Exemptions. The following are exemptions for the requirements of this subsection.
 - a. Material harvested from lands managed by the federal government provided a person is in possession of a valid permit issued by the federal land management agency.
 - b. Material harvested with written permission from a private land owner or tenant, from other than state-owned land or other public land, and:
 - i. Is one-hundred pounds or less for Yucca or Nolina fiber; or
- D.** Harvest restricted native plant permit and receipts.
1. Any person harvesting the wood, fiber, or by-product of a plant listed in Appendix A, subsection (D), of more than one-hundred pounds, or more than two cords of wood, shall apply for a harvest restricted permit and receipts by submitting the following information to the Department, on a form obtained from the Department, along with any applicable fees outlined in R3-3-1106(C)(2):
 - a. Name, address, email address and telephone number of the applicant applying for the permit;
 - b. The legal land description where the harvesting will take place;
 - c. For wood products, the number of cords to be collected;
 - d. For Nolina or Yucca fiber, the numbers of pounds to be collected;
 - e. Name, address, email address, telephone number, and signature of land owner or owners.
 2. Permits and unused receipts issued under this subsection are non-transferable and must be in the possession of the permit holder during harvesting and transport.
 3. Receipts for harvest restricted materials that are sold must be transferred to a purchaser as proof of ownership.
 4. Exemptions. The following are exemptions for the requirements of this subsection.
 - a. Material harvested from lands managed by the federal government provided a person is in possession of a valid permit issued by the federal land management agency.
 - b. Material harvested with written permission from a private land owner or tenant, from other than state-owned land or other public land, and:
 - i. Is one-hundred pounds or less for Yucca or Nolina fiber; or

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- ii. Is two cords or less of wood.
 - c. The use of dead wood for campfires or cooking.
 - d. Dead harvest restricted plants, collected by a land owner or tenant.
- E. Scientific Permit. In addition to the requirements of R3-3-1105(A), the following application requirements apply:
 1. An applicant shall submit the following information to the Department on a form obtained from the Department, along with any applicable fees outlined in R3-3-1106:
 - a. Name, address, email address and telephone number of the company or research facility applying for the permit;
 - b. Name, title and experience of the person conducting the research project;
 - c. Purpose and intent of the research project;
 - d. Controls to be used;
 - e. Variables to be considered;
 - f. Time-frame for the project;
 - g. Anticipated results and plans for publication;
 - h. Reports and recordkeeping that will be used to monitor the project;
 - i. Project funding source;
 - j. Funding of the company or research facility;
 - k. Written authorization from the landowner for collection of the plants;
 - l. Date of the application; and
 - m. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.
 2. A scientific permit is valid for the calendar year in which it is issued.
 3. A scientific permit holder may amend their permit anytime by submitting the updated information to the Department.
 4. An applicant may also submit proof of a current scientific permit issued by a federal agency or state political subdivision and any additional information to the requirements of R3-3-1104(E)(1) not provided in the existing scientific permit.
- F. Non-commercial Salvage Permit. In addition to the requirements of R3-3-1105(B), the following application requirements apply:
 1. An applicant shall submit the following information to the Department, on a form obtained from the Department, along with any applicable fees outlined in R3-3-1106:
 - a. Name, address, email address and telephone number of the applicant applying for the permit;
 - b. Proposed relocation site for the plants;
 - c. Written authorization from the landowner for collection of the plants;
 - d. The number, species, and description of the plants being salvaged;
 - e. Date of the application; and
 - f. Signed affirmation by the applicant that the plants collected will not be sold or used for personal interests.
 2. A non-commercial salvage permit is valid only for the transportation and the transplantation of the identified native plants indicated on the permit application. A non-commercial salvage permit holder may amend their permit anytime by submitting the updated information to the Department with written authorization from the landowner.
 3. A non-commercial salvage permit is valid for the calendar year in which they are issued. The tags expire at the end of the calendar year unless the permit is renewed.
 4. Plants propagated or cultivated by human beings are exempt from these requirements.
- G. Movement Permit. In addition to the saguaro tag obtained pursuant to R3-3-1106(C)(1)(a), any person moving or salvaging a saguaro cactus over four feet tall from a location other than its original growing location in Arizona and transplanting it to another location shall apply to the Department for a Movement Permit. The landowner from where the saguaro cactus is being moved shall provide the following information on the permit application, unless the applicant maintains a record of the original permit or verifies the Department has a record of a previous legal movement of the cactus by the applicant. Saguaro cactus that are propagated or cultivated by humans are exempt from this requirement.
 1. The name, mailing address, email address, telephone number, and signature of the landowner;
 2. The address or parcel identification number where the saguaro cactus is located;
 3. The name, mailing address, email address, and telephone number of the receiver;
 4. The name, mailing address, and telephone number of the carrier;
 5. The number, species, and description of the plant being removed;
 6. The parcel identification number of the property where the saguaro cactus is being moved; and
 7. The date of the application.
- H. Movement of protected native plants obtained outside Arizona.
 1. Any person moving a protected native plant obtained outside Arizona and transporting and planting it within the state shall declare the protected native plant at the nearest Department office location during normal business hours, office locations can be found by calling 602-542-3578 or by visiting the Department's website at <https://agriculture.az.gov/plantsproduce/native-plants>.
 2. To ensure compliance with A.A.C. R3-4-239, shipments originating from an area under quarantine for imported fire ants, the Department shall place the protected native plant under quarantine and direct the shipment to a certified quarantine holding area for inspection.
 3. After the plants have been declared, permit and seal fees have been paid, the permitting office shall issue a Movement Permit and appropriate number of seals.

Historical Note

New Section recodified from R3-4-604 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1105. Scientific Permits; Noncommercial Salvage Permits**A. Scientific Permit**

1. A person shall not collect, destroy, harm, or remove any highly safeguarded or other protected native plants for a research project unless that person holds a scientific permit issued pursuant to R3-3-1104(E). The removal and movement of the native plants shall be accomplished by a

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person experienced in native plant removal and transplantation:

- a. Whenever possible, the permittee shall take specimens in such a way as to not reduce the population by retrieving minimal tissue, leaving the roots intact for perennial plants or utilizing other scientifically acceptable methods for the protection of the environment and remaining native plants.
 - b. If not already required by another agency or institution, and whenever possible, if the permittee takes multiple specimens, the permittee shall deposit at least one specimen at an Arizona university plant conservatory. If it is not possible to deposit a specimen at an Arizona university plant conservatory, the permittee shall provide the justification to the Department for noncompliance with this provision.
2. A scientific permit shall be issued if the applicant provides documentation that demonstrates the following:
 - a. A plan, pre-approved by the landowner, to restore the removal site to a natural appearance;
 - b. The removal and movement of the native plants shall be accomplished by a person experienced in native plant removal and transplantation;
 - c. The native plants used in the project shall remain accessible to the Department;
 - d. The ecology of the project site is beneficial to the growth of the specific plants in the project;
 - e. Arrangements exist for a suitable permanent planting site for the surviving plants after the project's completion; and
 - f. Description of plant disposition and research hypothesis.
 3. In addition to the requirements listed in subsection (A)(2), the following requirements apply to highly safeguarded native plants:
 - a. Permits may be issued only for collection for scientific purposes of highly safeguarded native plants whose existence or location is threatened by intended destruction or a change in land usage, and
 - b. If the permit may enhance the survival of the affected species.

B. Noncommercial salvage permit:

1. Highly safeguarded native plants may only be collected for conservation by a person holding a noncommercial salvage permit issued pursuant to R3-3-1104(F).
2. A noncommercial salvage permit shall be issued if all of the following conditions are met through documentation provided to the Department:
 - a. The native plants used in the project shall be accessible to the Department after transplant, and
 - b. The relocation site is beneficial to the growth of the specific plants in the project.
3. In addition to the requirements listed in subsection (B)(2), the following requirements apply to highly safeguarded native plants:
 - a. Permits may be issued only for collection for non-commercial salvage purposes of highly safeguarded native plants whose existence or location is threatened by intended destruction or a change in land usage, and
 - b. If the permit may enhance the survival of the affected species.

effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1106. Protected Native Plant Program Fees

A. Permit fees.

1. In addition to any applicable fees for interstate shipment requiring a single shipment nursery stock inspection certification issued pursuant to R3-4-301(D), a person removing and transporting protected native plants shall submit the following applicable fee to the Department with the permit application:
 - a. Salvage assessed native plant permit, annual use, \$35;
 - b. Harvest restricted native plant permit, annual use, \$35;
 - d. Certificate of inspection for interstate shipments, \$15;
 - c. All other native plant permits, one-time use, \$7.
2. Exemptions. Protected native plants are exempt from fees if:
 - a. The protected native plants intended for personal use by a landowner are taken from one piece of land owned by the landowner to another piece of land also owned by the landowner, remain on the property of the landowner, and are not sold or offered for sale;
 - b. The protected native plants are collected for scientific purposes;
 - c. A landowner donates the protected native plant to a scientific, educational, or charitable institution;
 - d. Exempted pursuant to A.R.S. § 3-915;
 - e. Donated to a home-owners association or nonprofit organizations as provided in A.R.S. § 3-916; or
 - f. Donated to a state agency or political subdivision, under a non-commercial salvage permit.

B. Tag and harvesting fees.

1. Any person obtaining a saguaro tag or other protected native plant tag or receipt shall submit the following applicable fee to the Department at the time a tag is obtained:
 - a. Saguaro, \$8 per plant;
 - b. Trees cut for wood and listed in the harvest restricted category, \$6 per cord of wood;
 - c. Small native plant, \$.50 per plant;
 - d. Any other protected native plant referenced in A.R.S. § 3-903(B) and (C) and listed in Appendix A, \$6 per plant.
2. The fee for harvesting *nolina* or *yucca* parts is \$6 per ton. Payment shall be made to the Department in the following manner:
 - a. Unprocessed *nolina* or *yucca* fiber shall be weighed on a state-certified bonded scale; and
 - b. The harvester shall submit payment and weight certificates to the Department no later than the tenth day of the month following each harvest.

C. Seal fees. A person obtaining a seal shall submit a \$.15 per plant fee to the Department at the time a seal is obtained.

D. Arizona native plant law education. In addition to the following fees, charges for printed materials or pamphlets shall be assessed based upon printing and mailing costs:

Historical Note

New Section recodified from R3-4-605 at 10 A.A.R. 726,

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1. A person attending a seminar or training course on Arizona native plant law shall pay a nonrefundable fee of \$14 to the Department before attending the class.
2. A person convicted of violating Arizona native plant laws and ordered by a court to attend a native plant educational class shall pay a nonrefundable fee of \$35 to the Department before attending the class. The Department shall provide written confirmation of satisfactory completion to a person ordered by a court to attend a class.

Historical Note

New Section recodified from R3-4-606 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1107. Tags, Seals, and Cord Use

- A. Seals. Any person importing protected native plants shall obtain import seals from the Department and securely attach the seal directly to each protected native plant.
- B. Tag and cord attachment.
 1. A permittee shall attach a cord sealing tag to each protected native plant taken from its original growing site, using cord provided by the Department, before transport. No other type of rope, string, twine, or wire is allowed.
 2. The cord shall be securely tied around the plant, and the cord sealing tag placed directly over the knot in the cord and the ends pressed firmly together sealing the knot so that it cannot be removed without breaking the tag or cutting the cord.
 3. Upon loading the plant, every effort shall be made to allow visibility of the tag during transport.

Historical Note

New Section recodified from R3-4-607 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1108. Recordkeeping; Salvage Assessed and Harvest Restricted Native Plants

- A. Salvage Assessed Native Plants.
 1. A permittee shall maintain a record of each protected native plant removed under an annual permit for two years from the date of each transaction and allow Department inspection of the records during normal business hours. The transaction record shall include the date salvage assessed protected native plants were removed, the location where the plants were taken from, the location where the plants were replanted, and the permit and tag numbers.
 2. A permittee shall maintain a record of written permission granted by a landowner for the collection of salvage assessed native plants.
 3. Annually, by January 31, a permittee shall submit to the Department a copy of each transaction record for the prior calendar year.
- B. Harvest Restricted Native Plants. A permittee shall submit to the Department by the tenth day of each month the transaction records for the previous month, or a written statement that no transactions were conducted for that month.

Historical Note

New Section recodified from R3-4-608 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1109. Repealed**Historical Note**

New Section recodified from R3-4-609 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Repealed by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1110. Permit Denial

- A. A person that is found in violation of A.R.S. § 3-908 or the rules of this Article shall be denied a permit, tag, or seal applied for or issued, pursuant to this Article.
- B. Upon notice of denial of a permit, an applicant may request, in writing, that the Department provide an administrative hearing under A.R.S. Title 41, Chapter 6, Article 10, to appeal the denial.

Historical Note

New Section recodified from R3-4-610 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1). Amended by final rulemaking at 30 A.A.R. 3865 (December 27, 2024), effective February 2, 2025 (Supp. 24-4).

R3-3-1111. Repealed**Historical Note**

New Section recodified from R3-4-611 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Repealed by final rulemaking at 14 A.A.R. 811, effective May 3, 2008 (Supp. 08-1).

Appendix A. Protected Native Plants by Category

- A. Highly safeguarded native plants as prescribed in A.R.S. § 3-903(B)(1), for which removal is not allowed except as provided in R3-3-1105:

Amaryllidaceae Allium gooddingii - Goodding's onion

Apiaceae Eryngium sparganophyllum - Arizona eryngo

Apiaceae Lilaeopsis schaffneriana ssp. *recurva* - Cienega false rush, Huachuca water umbel

Apocynaceae Amsonia grandiflora - Arizona bluestar

Apocynaceae Amsonia kearneyana - Kearney's bluestar

Apocynaceae Asclepias welshii - Welsh's milkweed

Apocynaceae Cycladenia humilis var. *jonesii* - Jones' waxy dogbane

Apocynaceae Matelea tristiflora - Talayote

Asparagaceae Agave x arizonica - Arizona agave

Asparagaceae Agave delamateri - Tonto Basin agave

Asparagaceae Agave murpheyi - Hohokam agave

Asparagaceae Agave parviflora - Santa Cruz striped agave

Asparagaceae Agave phillipsiana - Grand Canyon agave

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- Asparagaceae Agave sanpedroensis* - San Pedro agave
- Asparagaceae Agave schottii* var. *treleasei* - Trelease agave
- Asparagaceae Agave verdensis* - Sacred Mountain agave
- Asparagaceae Agave yavapaiensis* - Page Springs agave
- Asparagaceae Yucca kenabensis* - Kanab yucca
- Asteraceae Ericameria arizonica* - Arizona heath-goldenrod
- Asteraceae Erigeron lemmonii* - Lemmon fleabane
- Asteraceae Erigeron rhizomatus* - Zuni fleabane
- Asteraceae Packera franciscana* - San Francisco Peaks groundsel
- Asteraceae Pectis imberbis* - Beardless chinchweed
- Asteraceae Perityle* spp. (except *Perityle emoryi*) - Rockdaisy
- Asteraceae Senecio multidentatus* var. *huachuensis* - Huachuca groundsel
- Boraginaceae Oreocarya semiglabra* - Smooth cryptantha
- Boraginaceae Phacelia cronquistiana* - Cronquist's phacelia
- Cactaceae Carnegiea gigantea*, crested form - Saguaro, "crested" or "fan-top"
- Cactaceae Coryphantha recurvata* - Golden-chested beehive cactus
- Cactaceae Coryphantha robustispina* ssp. *robustispina* - Scheer's strong-spined cory cactus
- Cactaceae Coryphantha robustispina* ssp. *uncinata*
- Cactaceae Cylindropuntia abyssi* - Peach Springs cholla
- Cactaceae Cylindropuntia x campii* - Camp's cholla
- Cactaceae Echinocactus horizonthalonius* ssp. *nicholii* - Nichol's Turk's head cactus
- Cactaceae Echinocereus arizonicus* ssp. *arizonicus* - Arizona hedgehog cactus
- Cactaceae Echinomastus erectocentrus* ssp. *acunensis* - Acuna cactus
- Cactaceae Escobaria robbinsorum* - Cochise pincushion cactus
- Cactaceae Pediocactus bradyi* - Brady's pincushion cactus
- Cactaceae Pediocactus paradinei* - Paradine plains cactus
- Cactaceae Pediocactus peeblesianus* - Peebles' Navajo cactus, Navajo plains cactus
- Cactaceae Pediocactus sileri* - Siler pincushion cactus
- Cactaceae Sclerocactus sileri* - House Rock Fish-Hook Cactus
- Caryophyllaceae Silene rectiramea* - Grand Canyon campion
- Cyperaceae Carex specuicola* - Navajo sedge
- Fabaceae Astragalus cremnophylax* var. *cremnophylax* - Sentry milkvetch
- Fabaceae Astragalus endopterus* - Sandbar milkvetch
- Fabaceae Astragalus holmgreniorum* - Holmgren milkvetch
- Fabaceae Dalea tentaculoides* - Gentry indigo bush
- Fabaceae Acmispon mearnsii* var. *equisolenus*
- Lamiaceae Trichostema micranthum* - Small flower bluecurls
- Lennoaceae Pholisma arenarium* - Scaly-stemmed sand plant
- Lennoaceae Pholisma sonora* - Sandfood, sandroot
- Malvaceae Sphaeralcea gierischii* - Gierisch's globemallow
- Orchidaceae Cypripedium calceolus* var. *pubescens* - Yellow lady's slipper
- Orchidaceae Hexalectris parviflora*
- Orchidaceae Hexalectris warnockii* - Texas purple spike
- Orchidaceae Spiranthes delitescens* - Canelo Hills ladies'-tresses
- Orobanchaceae Castilleja mogollonica* - Mogollon Indian-paintbrush
- Papaveraceae Arctomecon californica* - Las Vegas bearclaw-poppy
- Plantaginaceae Penstemon discolor* - Variegated beardtongue
- Poaceae Puccinellia parishii* - Parish alkali grass
- Polemoniaceae Loeseliastrum franciscanum* - Wupatki calico
- Polygonaceae Eriogonum mortonianum* - Fredonia buckwheat
- Polygonaceae Rumex orthoneurus* - Chiricahua Mountain wild dock
- Psilotaceae Psilotum nudum* - Whisk Fern, Skeleton fork fern
- Ranunculaceae Cimicifuga arizonica* - Arizona bugbane
- Ranunculaceae Clematis hirsutissima* var. *arizonica* - Arizona leatherflower
- Rosaceae Potentilla arizonica* - Garland Prairie Cinquefoil
- Rosaceae Purshia x subintegra* - Arizona cliffrose, Burro Creek cliffrose
- Rosaceae Purshia pinkavae* - Pinkava cliffrose
- Salicaceae Salix arizonica* - Arizona willow
- Scrophulariaceae Buddleja sessiliflora* - Rio Grande butterfly bush
- B.** Salvage restricted native plants as prescribed in A.R.S. § 3-903(B)(2) that require a permit issued pursuant to this Article, for removal. In addition to the plants listed under Agavaceae, Cactaceae, Liliaceae, and Orchidaceae, all other species in these families are salvage restricted protected native plants:
- Amaranthaceae Atriplex hymenelytra* - Desert-holly
- Amaryllidaceae Allium* spp. that are not listed in subsection (A) - Wild onion
- Amaryllidaceae Habranthus longifolius* - Plains Rain Lily
- Amaryllidaceae Nothoscordum bivalve* - Crowpoison
- Anacardiaceae Rhus kearneyi* ssp. *kearneyi* - Kearney Sumac
- Apocynaceae Amsonia peeblesii* - Peeble's Bluestar
- Arecaceae Washingtonia filifera* - California fan palm
- Asparagaceae Agave* spp. that are not listed in subsection (A) - Agave, century plant
- Asparagaceae Androstephium breviflorum* - Funnel-lily
- Asparagaceae Dasylirion wheeleri* - Sotol, desert spoon

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- Asparagaceae Echeandia flavescens* - Amberlily
Asparagaceae Eremocrinum albomarginatum - Lonely-lily
Asparagaceae Hesperocallis undulata - Ajo-lily
Asparagaceae Hesperoyucca newberryi - Newberry's-yucca
Asparagaceae Milla biflora - Mexican star
Asparagaceae Nolina spp. - Beargrass
Asparagaceae Polygonatum cobrense
Asparagaceae Tritelia lemmoniae - Oak Creek Triplet-lily
Asparagaceae Triteliopsis palmeri - Palmer's Blue sand lily
Asparagaceae Yucca spp. that are not listed in subsection (A) - Narrow-leaf yucca
Asteraceae Cirsium virginensis - Virgin thistle
Asteraceae Erigeron anchana - Sierra Ancha fleabane
Asteraceae Erigeron heliographis - Heliograph Peak fleabane
Asteraceae Erigeron hodgsoniae - Hodgson's fleabane
Asteraceae Erigeron piscaticus - Fish Creek fleabane
Asteraceae Erigeron pringlei - Pringle's fleabane
Asteraceae Hymenoxys ambigens - Pinaleno Mountain Rub-berweed
Asteraceae Perityle spp. except *emoryii* - Ajo rock daisy
Asteraceae Senecio quaerens - Gila groundsel
Asteraceae Tetraneuris verdiensis - Verde Valley four-nerved daisy
Boraginaceae Mertansia macdougallii - Macdougall's bluebells
Boraginaceae Phacelia sonoitensis - Sonoita Creek scorpion-weed
Brassicaceae Draba asprella - Rough Whitlow-grass
Burseraceae Bursera microphylla - Elephant tree, torote
Cactaceae Carnegiea gigantea - Saguaro
Cactaceae Cochiemia spp. - Biznagua
Cactaceae Cyllindropuntia spp. except listed in subsection (A) - Cholla
Cactaceae Echinocereus spp. *emoryii* - Hedgehogs, claret-cup hedgehogs
Cactaceae Echinomastus spp. that are not listed in subsection (A) - Fishhook cactus
Cactaceae Epithelantha micromeris - Pingpong ball cactus
Cactaceae Escobaria spp. that are not listed in subsection (A) - Foxtail cactus
Cactaceae Ferocactus spp. - Barrel cactus, biznaga
Cactaceae Grusonia spp. - Devil-cholla
Cactaceae Homalocephala polycephala - Many-headed barrel cactus
Cactaceae Lophocereus schottii - Senita
Cactaceae Mammillaria heyderi - Heyder's pincushion cactus
Cactaceae Opuntia spp. - Prickly-pear
Cactaceae Pediocactus spp. except listed in subsection (A) - Pincushion cactus, pediocactus
Cactaceae Peniocereus spp. - Queen-of-the-night cactus
Cactaceae Sclerocactus spp. except listed in subsection (A) - Fishhook cactus
Cactaceae Stenocereus thurberi - Organpipe cactus
Campanulaceae Lobelia fenestralis - Fringeleaf lobelia
Campanulaceae Lobelia laxiflora - Sierra Madre lobelia
Caryophyllaceae Eremogone aberrans - Mt. Dellenbaugh Matted Sandwort
Cochlospermaceae Cochlospermum spp. - Saiya
Crassulaceae Dudleya spp. - Live-forever, echeveria
Crassulaceae Graptopetalum spp. - Leather-petals
Crassulaceae Sedum spp. - Stonecrop
Crossosomataceae Apacheria chiricauhensis - Apache-bush
Cucurbitaceae Tumamoca mcdougallii - Tumamoc globeberry
Euphorbiaceae Euphorbia aaron-rossii - Marble Canyon spurge
Euphorbiaceae Euphorbia plummerae - Huachuca Mountain spurge
Euphorbiaceae Pleradenophora bilocularis - Jumping Bean (es: hierba de la flecha)
Fabaceae Astragalus cobrensis var. *maguirei* - Maguire's milkvetch
Fabaceae Astragalus cremnophylax - Sentry milkvetch
Fabaceae Astragalus hypoxylus - Huachuca Mountain milkvetch
Fabaceae Astragalus lentiginosus var. *maricopae* - Maricopa milkvetch
Fabaceae Astragalus nutriosensis - Apache milkvetch
Fabaceae Astragalus xiphoides - Gladiator milkvetch
Fabaceae Cercis orbiculata - California redbud
Fabaceae Dermatophyllum arizonicum - Arizona Western mountain-laurel
Fabaceae Errazurizia rotundata - Roundleaf dunebroom
Fabaceae Olneya tesota - Ironwood, palo fierro
Fabaceae Pediomelum pauperitense
Fabaceae Phaseolus supinus - Supine bean
Fouquieriaceae Fouquieria splendens - Ocotillo
Gentianaceae Gentianella wislizenii - Chiricahua Mountain dwarf gentian
Lamiaceae Hedeoma diffusa - Flagstaff mock pennyroyal
Lamiaceae Monardella arizonica - Arizona monardella
Lamiaceae Salvia dorrii ssp. *mearnsii* - Purple sage
Lamiaceae Scutellaria potosina var. *occidentalis* - Kaibab skullcap
Liliaceae Calochortus spp. - Mariposa-lily

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Liliaceae Fritillaria atropurpurea - Spotted fritillary

Liliaceae Lilium spp. - Lemon lily

Liliaceae Prosartes trachycarpa - Roughfruit fairy-bells

Liliaceae Streptopus amplexifolius - Twisted stalk

Loasaceae Mentzelia longiloba - Blazing-star

Malvaceae Abutilon parishii - Tucson Indian-mallow

Malvaceae Fremontodendron californicum - Flannel bush

Malvaceae Pseudabutilon thurberi - Baboquivari Indian-mallow

Malvaceae Sphaeralcea rusbyi ssp. *gilensis* - Gila globe-mallow

Malvaceae Sphaeralcea gierischii - Gierisch's globe-mallow

Nyctaginaceae Boerhavia megaptera - Tucson Mountain spiderling

Onagraceae Camissonia confertiflora - Grand Canyon suncup

Onagraceae Chylismia exilis - Cottonwood Springs beeblossum

Orchidaceae all orchidaceae with exception of those that are listed in subsection (A)

Papaveraceae Argemone arizonica - Grand Canyon pricklepoppy

Pinaceae Pinus aristata - Bristlecone pine

Plantaginaceae Mabrya acerifolia - Brittle-stem

Plantaginaceae Penstemon albomarginatus - Whitemargin beardtongue

Plantaginaceae Penstemon bicolor spp. *roseus* - Pinto beardtongue

Plantaginaceae Penstemon clutei - Sunset Crater beardtongue

Plantaginaceae Penstemon distans - Mt. Trumbull beardtongue

Plantaginaceae Penstemon linarioides ssp. *maguirei* - Maguire's beardtongue

Plantaginaceae Penstemon nudiflorus - Flagstaff beardtongue

Plantaginaceae Penstemon subulatus - Hackberry beardtongue

Poaceae Sporobolus interruptus - Black dropseed

Polemoniaceae Linanthus maricopensis - Maricopa linanthus

Polygalaceae Rhinotropis rusbyi - Rusby's desert milkwort

Polygonaceae Eriogonum heermannii var. *apachense* - Apache buckwheat

Polygonaceae Eriogonum capillare - San Carlos buckwheat

Polygonaceae Eriogonum ericifolium - Yavapai County buckwheat

Polygonaceae Eriogonum jonesii - Jones' buckwheat

Polygonaceae Eriogonum mortonianum - Fredonia buckwheat

Polygonaceae Eriogonum pulchrum - Yavapai County buckwheat

Polygonaceae Eriogonum ripleyi - Frazier's Well buckwheat

Polygonaceae Eriogonum terrenatum - San Pedro River buckwheat

Polygonaceae Eriogonum thompsonae var. *atwoodii* - Atwood's buckwheat

Portulacaceae Lewisia spp. - Bitter-root

Portulacaceae Phemeranthus spp. - Flameflower

Primulaceae Dodecatheon spp. - Shooting-star

Primulaceae Primula rusbyi - Rusby's primrose

Primulaceae Primula specuicola - Cave-dwelling primrose

Pteridaceae Astrolepis cochisensis subsp. *arizonica* - Arizona scaly cloakfern

Ranunculaceae Aquilegia spp. - Columbines

Rosaceae Potentilla albiflora - Pinaleno cinquefoil

Rosaceae Potentilla demotica - Hualapai cinquefoil

Rosaceae Potentilla rhyolitica - Santa Rita cinquefoil

Rosaceae Rosa stellata ssp. *abyssa* - Desert rose

Rosaceae Vauquelinia californica - Arizona rosewood

Rubiaceae Galium collomiae - Fossil Hill Creek bedstraw

Saxifragaceae Heuchera eastwoodiae - Senator Mine allum-root

Saxifragaceae Heuchera glomerulata - Chiricahua Mountain allum-root

Simaoubaceae Castela emoryi - Crucifixion-thorn, corona de cristo

Solanaceae Lycium spp. - Wolfberry, tomatillo

Solanaceae Capsicum annuum var. *glabriusculum* - Chiltepin

- C. Salvage assessed native plants as prescribed in A.R.S. § 3-903(B)(3) that require a permit issued pursuant to this Article for removal:

Bignoniaceae Chilopsis linearis - Desert willow

Fabaceae Parkinsonia florida - Blue palo verde

Fabaceae Parkinsonia microphylla - Foothill palo verde

Fabaceae Neltuma odorata - Texas Honey Mesquite

Fabaceae Strombocarpa pubescens - Screwbean mesquite

Fabaceae Neltuma velutina - Velvet mesquite

Fabaceae Psoralea spinosa - Smoke tree

- D. Harvest restricted native plants as prescribed at A.R.S. § 3-903(B)(4) that require a permit issued pursuant to this Article, to cut or remove the plants for their by-products, fibers, or wood:

Asparagaceae Nolina spp. - Bear-grass

Fabaceae Neltuma odorata - Texas Honey Mesquite

Fabaceae Neltuma velutina - Velvet Mesquite

Fabaceae Psoralea spinosa - Smoketree

Historical Note

New Section recodified from 3 A.A.C. 4, Article 6 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 14 A.A.R. 811, effective

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May 3, 2008 (Supp. 08-1). Appendix A amended by final
rulemaking at 30 A.A.R. 3865 (December 27, 2024),

effective February 2, 2025 (Supp. 24-4).