

# NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

## NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

### TITLE 3. AGRICULTURE

#### CHAPTER 2. DEPARTMENT OF AGRICULTURE - ANIMAL SERVICES DIVISION

##### PREAMBLE

**1. Register citation and date for the original Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 7 A.A.R. 5538, December 21, 2001

**2. Sections Affected**

**Rulemaking Action**

R3-2-301	Amend
R3-2-302	Amend
R3-2-401	Amend
R3-2-406	Amend
R3-2-407	Amend
R3-2-601	Amend
R3-2-602	Amend
R3-2-603	Amend
R3-2-604	Amend
R3-2-608	Amend
R3-2-609	Amend
R3-2-610	Amend
R3-2-617	Amend
R3-2-618	Amend
R3-2-620	Amend
Article 10	Amend
R3-2-1002	Amend
R3-2-1003	Amend
R3-2-1010	Amend

**3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 3-107 (A)(1), 3-1203(B)(1)

Implementing statutes: A.R.S. §§ 3-1205(A), 3-1454, 3-2046, 3-2662, 3-2903, 3-2907, 3-2908

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

Name: Sherry D. Blatner, Rules Specialist

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**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

In Article 3, this rulemaking prescribes uniform standards of operation for all beef cattle feedlots and advises operators of beef cattle feedlots that they are required to comply with applicable federal, state, and local laws.

In Article 4, definitions are added for "designated feedlot", "equine infectious anemia" or "EIA", and "restricted feeding pen". The definition for "free area" is deleted. R3-2-406 had regulated brucellosis control in feedlots and auction markets; the rule now regulates disease control in feedlots. If an equine tests EIA-positive, the testing laboratory may now utilize facsimile to advise the State Veterinarian of the results.

In Article 6, R3-2-601 expands the definition of "permit number" to be interchangeable with the term "permit". Both phrases have been used interchangeably in the Article. R3-2-618, establishes specific health requirements for a psittacine bird to enter Arizona. R3-2-620(C) includes a reference to the licensing requirements of the Game and Fish Commission for importation and exhibit of zoo animals.

In Article 10, R3-2-1002(A) sets forth the aquaculture licensing fees. R3-2-1010(B) allows consignment of an imported aquaculture shipment to the holder of an aquaculture animal license issued by the Arizona Game and Fish Department. R3-2-1010(F) prescribes the circumstances in which an imported aquaculture shipment may be quarantined and/or destroyed.

Generally, this rulemaking clarifies existing language, removes language that is duplicative of information provided in statute, and conforms the rules to the current language standards in use by the Office of the Secretary of State.

This rulemaking evolves from procedural initiatives of the Department and changes proposed by the Division in its last five-year review report.

**6. An explanation of the substantial change which resulted in this supplemental notice:**

R3-2-301 is changed to prescribe uniform standards of operation for all feedlots, regardless of location. The standards are those prescribed in statute, at A.R.S. § 3-1454(A) and in R3-2-406. A feedlot is required to comply with applicable federal, state, and local laws; the rule does not specifically cite the laws that may be applicable.

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

Not applicable

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

A. *The Arizona Department of Agriculture.*

The Department will incur modest expenses related to training staff and educating the regulated community on the amendments.

B. *Political Subdivision.*

Other than the Department of Agriculture, this rulemaking will not impact any other political subdivision.

C. *Businesses Directly Affected By the Rulemaking*

Operators of feedlots will need to become familiar with the new terms set forth in definitions and comply with the requirements of signage and movement of cattle into and out of a restricted feeding pen.

Importers of psittacine birds will need to follow the specific regulations to ensure the health of birds brought into the state.

The Department believes that the costs connected to the implementation of this rulemaking are minor. The benefit to the state in regulating these animal health issues outweighs any related costs.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

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**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department of Agriculture will schedule a public hearing if a written request for a public hearing is made to the person in item #4.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

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

**TITLE 3. AGRICULTURE**

**CHAPTER 2. DEPARTMENT OF AGRICULTURE - ANIMAL SERVICES DIVISION**

**ARTICLE 3. FEEDING OF ANIMALS**

Section

R3-2-301. Operation of ~~beef cattle feedlots~~ Beef Cattle Feedlots

R3-2-302. Requirements for permit to feed garbage to swine Permit to Feed Garbage to Swine: Requirements

**ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL**

Section

R3-2-401. Definitions

R3-2-406. ~~Bruce~~ Bruce ~~ellosis~~ Disease Control ~~—; Feedlots and Auction Markets~~

R3-2-407. Equine Infectious Anemia

**ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS**

Section

R3-2-601. Definitions

R3-2-602. ~~Requirements for~~ Importation Requirements

R3-2-603. Importation of Diseased Animals

R3-2-604. ~~Permit Required for~~ Livestock Permit Requirements: Exceptions

R3-2-608. Consignment of Animals

R3-2-609. ~~Diversions~~ Diversion: Prohibitions

R3-2-610. ~~Test—; Official Confirmation~~

R3-2-617. Poultry

R3-2-618. Psittacine birds

R3-2-620. Zoo Animals

**ARTICLE 10. AQUACULTURE RULES**

Section

R3-2-1002. Fees for Licenses; Inspection Authorization and Fees

R3-2-1003. General Licensing Provisions

R3-2-1010. Importation of Aquatic Animals

**ARTICLE 3. FEEDING OF ANIMALS**

**R3-2-301. Operation of ~~beef cattle feedlots~~ Beef Cattle Feedlots**

**A. ~~Feedlot categories~~**

**1. ~~The following categories are established:~~**

- a. ~~Category A: Those feedlots located in, or immediately adjacent to, areas where feedlot operations may adversely affect considerable numbers of people, public improvements or safety as determined by the Board.~~
- b. ~~Category B: Those feedlots which are located in rural areas where feedlot operations may adversely affect public improvements or safety, such as highways or streams, but do not affect considerable numbers of people, as determined by the Board.~~
- c. ~~Category C: Those feedlots located in rural areas where feedlot operations do not affect considerable numbers of people or public improvements such as highways, or streams, as determined by the Board.~~

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2. Regarding the determination of categories of feedlots, the Board shall assign each feedlot to a specific category in accordance with the above subsection. The assigned categories are reviewable and reassignments may be made by the Board.
- B.** Performance and code of operation
1. Category A feedlots shall:
    - a. Take such steps as necessary and required as determined by the Board, to prevent any dust from arising and spreading from any feedlot which shall be dangerous to the public health or offensive to the public generally.
    - b. Use reodorants, deodorants, or other effective and economically practical means in the pen area so that offensive odors from the feedlots are kept to limits that are determined satisfactory by the Board.
    - c. Remove manure and clean all pens at least 3 times per year or more often if the need be determined by the Board. In enforcing this provision, consideration shall be given to the effect of inclement weather which might preclude removal.
    - d. Keep stacked manure, after removal from pens, to a minimum and in as dry a condition as possible. Where stacking after removal is necessary, the stack shall be kept and handled in as odor free condition as practical.
    - e. Employ methods of operation which are designed to eliminate stagnant water in feedlots.
    - f. Employ such measures as are necessary for the control of flies and other insects.
  2. Category B feedlots shall:
    - a. Remove manure and clean all pens at least once a year or more often if need be determined by the Board.
    - b. Take necessary measures to prevent waste water from contaminating streams, ponds, lakes or the underground water table.
    - c. Take such measures to control dust from the feedlot operations as are determined to be necessary by the Board.
  3. Category C feedlots shall:
    - a. Take necessary measures to prevent waste water from contaminating streams, ponds, lakes, or the underground water tables.
    - b. Remove manure and clean all pens at least once a year.
- C.** Rules procedure
1. The Board shall hear and decide cases pertaining to feedlot complaints according to the following method:
    - a. Receive complaints regarding feedlots. All complaints shall be in writing signed by complainant and dated.
    - b. Make or cause to be made an investigation to determine the conditions that do exist and whether or not the complaint is justifiable. Such investigation shall be commenced within 10 days after receipt of complaint.
    - c. Direct the complaint to the proper agency if the matter is outside the jurisdiction of the Board.
    - d. If the complaint is within the jurisdiction of the Board, the Board will evaluate the performance of the feedlot according to the standards or codes of operation as they exist at the time of the complaint and take 1 of the following steps:
      - i. Dismiss the complaint if unjustified.
      - ii. Issue a written notice to the offending party describing the violation and imposing a reasonable time limit for correction and compliance with the existing standards or codes.
      - iii. Consult with the complainant and feedlot operator together with necessary third parties, technical consultants or other members of the community, when inadequate standards exist or where no standards exist, in order to establish requirements which will bring conditions to within limits to the satisfaction of the Board.
      - iv. Notify the complainant in writing of final disposition of complaint.
  2. The Board shall take such action as is necessary which shall be final and conclusive on all parties served with notice of such action, unless parties filed with Board notice of appeal within 5 days after decision or prior to the expiration of any compliance order, whichever period is shorter.
  3. The Board shall be responsible for enforcement of all performance standards and codes.
  4. The Board shall conduct hearings.
  5. The Board shall maintain records of proceedings including documents, testimony, summary, and decisions of the Board with number of affirmative votes on each decision.
  6. The Board shall institute regular inspection for all licensed feedlots to see that they are being operated according to Section V of these regulations and make a record of all inspections.
- A.** A feedlot shall operate pursuant to the standards prescribed in A.R.S. § 3-1454(A) and R3-2-406.
- B.** A feedlot shall comply with applicable federal, state, and local laws.

**R3-2-302. Requirements for permit to feed garbage to swine Permit to Feed Garbage to Swine: Requirements**

A swine garbage feeding permit holder or applicant for a permit to feed garbage to swine must be in compliance with the following requirements:

1. An approved cooker capable of adequately processing garbage as required by law must be installed and in operating condition on the premises, and fenced off from all swine.
2. An approved concrete slab, trough, or other equally effective easily cleanable area, or and equipment for feeding garbage must be provided.

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3. ~~Premise~~ Premises to be utilized for swine garbage feeding must be reasonably clean, free of litter, adequately drained, and ~~reasonable methods provided~~ provide for removal of animal excrement and garbage not consumed ~~or used~~.
4. Individually operated swine garbage feeding premises must be separated from ~~another other~~ swine feeding premise premises by a minimum distance of 200 feet in all directions and ~~so~~ constructed to prevent the escape of any swine.

ARTICLE 4. ANIMAL DISEASE PREVENTION AND CONTROL

R3-2-401. Definitions

The following terms apply to this Article:

“Accredited veterinarian” means a veterinarian approved by the State Veterinarian and the Deputy Administrator of VS; ~~APHIS, USDA,~~ to perform functions required by cooperative State-Federal animal disease control and eradication programs.

“Biologicals” means medical preparations made from living organisms and their products, including serums, vaccines, antigens, and antitoxins.

“Designated feedlot” means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, containing restricted feeding pens, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.

“Equine infectious anemia” or “EIA” means a viral disease, also known as Swamp Fever, of members of the family equidae.

“Free area” means a feedlot pen that is separate from all restricted feeding pens, and all facilities and equipment used in the free area are separate from all facilities and equipment used in a restricted feeding pen.

“Restricted feeding pen” means a confined area in a designated feedlot, located at least eight feet from other pens, where cattle are maintained for feeding in a drylot without provisions for pasturing or grazing.

R3-2-406. ~~Brucellosis Disease Control--;~~ Feedlots and Auction Markets

A. ~~Brucellosis rules and regulations governing feedlots~~

1. ~~Free Area feed pens or lots~~ Restricted feeding pens shall be areas which are isolated from all other ~~quarantined feed pens, having~~ have separate loading and unloading chutes, alleys, and handling facilities. They must not share water or feeding facilities accessible to ~~quarantine other areas~~. They must be posted at all corners with permanently affixed signs stating “~~Free Area~~” “Restricted Feeding Area” and ~~contain only free area cattle~~. There must be a minimum of ~~8~~ eight feet between ~~quarantined restricted and free area other pens and facilities~~, no common fences or gates may be used, and this area cannot be used for the handling of cattle.

a. ~~Cattle in free area pens or lots must retain their identity and be documented as such cattle.~~

b. ~~To enter free area pens or lots, they must comply with 1 of the following:~~

i. ~~Native Arizona cattle properly identified as non-quarantined cattle with Arizona brand inspection certificate.~~

ii. ~~Imported steers which are accompanied by a permit number and an official health certificate.~~

iii. ~~Imported beef breed calves under 6 months of age properly identified and accompanied by a permit number and official health certificate.~~

iv. ~~Imported dairy cattle or beef breeding cattle going into free area feedlots or pens must comply with Arizona importation regulations and be accompanied by a permit number and an official health certificate showing proper identification.~~

e. ~~Free area feed pens or lots shall not handle improperly identified cattle or cattle whose health status is questionable.~~

d. ~~Any violation will remove the facilities from free area to quarantine status.~~

2. ~~A quarantined feedlot shall be a confined area where cattle are maintained for feeding in a drylot without provisions for pasturing or grazing, except for small contiguous green pastures isolated as is the said feedlot.~~

B. ~~Requirements for cattle to enter and leave a restricted feeding pen are:~~

1. ~~All cattle, except steers and spayed heifers, shall be identified with an “F” brand, at least two inches in height, on the jaw or adjacent to the tailhead prior to entering the pen.~~

~~a.2. Imported cattle, any age and from any area may enter if accompanied by a permit number and an official health certificate, no brucellosis or tuberculosis testing required.~~

~~b.3. Any native cattle accompanied by an Arizona livestock inspection certificate.~~

~~e.4. All animals, except steers and spayed heifers, leaving such feedlot shall move be moved only to slaughter, another quarantined designated feedlot or a specifically approved auction market for sale to slaughter.~~

~~5. Steers and spayed heifers may be moved anywhere.~~

B. ~~Brucellosis rules and regulations governing auction sales~~

1. ~~Free Area Pens shall be located so they are isolated from all other pens, having separate loading and unloading chutes, alleys and handling facilities. They must not contain any common water or feeding facilities which are accessible to quarantine pens. Only free area cattle are allowed in these pens. All cattle in these pens must be identified and retain their identity as long as they remain in this area.~~

a. ~~Cattle requirements to enter free area pens and facilities are:~~

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- i. ~~Native Arizona cattle which are properly identified as non-restricted cattle with an Arizona livestock inspection certificate.~~
  - ii. ~~Imported steers accompanied by a permit number and official health certificate.~~
  - iii. ~~Imported beef breed calves under 6 months of age properly identified and accompanied by a permit number and an official health certificate.~~
  - iv. ~~Imported dairy or beef breeding cattle must comply with Arizona importation regulations and show proper identification.~~
  - b. ~~Any violation will remove the facilities from free area to quarantine status.~~
2. ~~Quarantined pens shall be a confined area where cattle are maintained away from all free area facilities. They shall contain their own loading and unloading chutes, with separate driving alleys and handling facilities.~~
- a. ~~These pens must be so identified by signs on gates and corners of total quarantine area.~~
  - b. ~~Quarantine cattle are to be sold after the free area cattle have all been sold.~~
  - c. ~~The sale ring is to be cleaned and disinfected before the next sale date.~~

**R3-2-407. Equine Infectious Anemia**

- A. The Arizona official test for EIA equine infectious anemia, known as Swamp Fever or EIA, is either the agar-gel immunodiffusion test, known as the Coggins Test, or the Competitive Enzyme-Linked Immunosorbent Assay test, known as the CELISA test. The test shall be performed in a laboratory approved by APHIS and required samples shall be drawn by an accredited veterinarian, the State Veterinarian, the State Veterinarian's designee, or ~~a USDA~~ an APHIS veterinarian.
- B. Disposal of equine testing positive.
- 1. When an Arizona equine tests positive to EIA, the testing laboratory shall immediately notify the State Veterinarian by telephone or facsimile.
  - 2. The EIA-positive equine shall be quarantined to the premises where tested, segregated from other equine, and shall not be moved unless authorized by the State Veterinarian. The equine shall be retested by the State Veterinarian, the State Veterinarian's designee, or ~~a USDA~~ an APHIS veterinarian within 2 two weeks of the notification.
  - 3. Within 14 days of being notified by the testing laboratory of a positive test conducted under subsection (B)(2), the State Veterinarian or the State Veterinarian's designee shall brand the equine on the left side of its neck with "86A" not less than 2 two inches in height.
  - 4. Within 10 days after being branded, the EIA-positive equine shall be:
    - a. ~~Humanely destroyed, or~~
    - b. Confined to a screened stall marked "EIA Quarantine" that is at least 200 yards from other equine, or
    - c. Consigned to slaughter at a slaughtering establishment. If consigned to slaughter, the equine shall be accompanied by a Permit for Movement of Restricted Animals, VS 1-27, issued by the State Veterinarian, the State Veterinarian's designee, or ~~a USDA~~ an APHIS veterinarian.
  - 5. Offspring of mares testing EIA-positive shall be quarantined, segregated from other equine, and tested at 6 six months of age. Offspring testing positive shall be handled as prescribed in ~~subsection~~ subsections (B)(3) and (B)(4).
  - 6. If an EIA-positive equine is located on premises other than those of the owner at the time a quarantine under this Section is effective, the State Veterinarian may authorize movement of the EIA-positive equine to the owner's premises. If the owner lives in another state, the owner may move the equine to that state with the permission of the Chief livestock health official of the state and ~~USDA~~ APHIS.
- C. The State Veterinarian ~~shall~~ may require testing of any equine located in the same facility as the EIA-positive equine or any equine considered exposed to the EIA-positive equine. The owner of the equine shall pay the expenses for the testing.
- D. The owner of any equine found to be ~~positive for~~ EIA-positive shall not be indemnified by the state for any loss caused by the destruction ~~and~~ or loss of value of the equine.

**ARTICLE 6. HEALTH REQUIREMENTS GOVERNING ADMISSION OF ANIMALS**

**R3-2-601. Definitions**

The following terms apply to this Article:

- 1. "Animal" means livestock, feral swine, ratite, bison, water buffalo, oxen, llama, and any exotic mammal not regulated as restricted live wildlife by the Arizona Game and Fish Department.
- 2. "Breeding swine" means any swine having the potential to breed, and includes gilts, sows, and boars.
- 3. "Cervidae" means a family of cervids that includes deer, moose, elk, reindeer, and caribou.
- 4. "Dairy cattle" means cattle of dairy breeds or dairy types used for the production of milk or milk products for human consumption.
- 5. "Designated feedlot" means a confined drylot area under state quarantine that is approved and licensed by the State Veterinarian, containing restricted feeding pens, and is maintained for finish feeding of cattle or bison that do not meet the brucellosis or tuberculosis import test requirements.
- 6. "Health certificate" means a legible record that is issued by a VS animal health official, state animal health official, or accredited veterinarian at the point of origin of a shipment of animals, conforms to the requirements of R3-2-606, and is written on a form approved by the chief animal health official of the state of origin or an equivalent form of the USDA attesting that the animal described has been inspected and found to meet the Arizona entry requirements.

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7. "Macaque" means any monkey of the genus *Macaca* in the family *Ceropithecidae*.
8. "Permit number" or "permit" means a serialized number issued by the State Veterinarian's Office that conforms to the requirements of R3-2-607 and allows the regulated movement of certain animals into Arizona.
9. "Specifically approved stockyard" means a stockyard specifically approved by VS and the State Veterinarian for receiving from other states cattle and bison that are not brucellosis-reactor, brucellosis-suspect, or brucellosis-exposed cattle or bison.

**R3-2-602. Requirements for Importation Requirements**

Unless otherwise specifically provided in this Article, all animals and poultry transported or moved into the state of Arizona must be accompanied by an official health certificate from the state of origin or a permit, or both, which must be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the animals. When a single health certificate and permit number is issued for animals being moved in more than 1 one vehicle, the driver of each vehicle shall ~~have in his possession~~ retain the original or a certified copy of the health certificate and permit number. (See R3-2-606(B).)

**R3-2-603. Importation of Diseased Animals**

- A. No animals affected with or ~~which have been~~ recently exposed to any infectious, contagious or communicable disease, or which originate in a state or ~~federally quarantined~~ federal quarantine area, may be transported or moved into the state of Arizona unless a permit for such entry is first obtained from the Arizona State Veterinarian's Office. ~~In addition, all~~ All conditions for the movement of animals from a quarantined area established by the quarantining authority or ~~U.S. Department of Agriculture~~ APHIS must also be met.
- B. If any animal in a lot presented for shipment or movement into Arizona shows a suspicious or positive reaction to any test required for admission to Arizona, no animal from that lot or from the herd in which the animal reacting to the test originates may enter the state of Arizona without special prior permission from the State Veterinarian ~~or his agent~~.

**R3-2-604. Permit Required for Livestock Permit Requirements: Exceptions**

- A. Livestock may not enter the state of Arizona unless accompanied by an Arizona permit. This requirement applies regardless of the species, breed, sex, class, age, point of origin, place of destination, or purpose of the movement of the livestock entering the state.
- B. Exceptions:
  1. Horses, mules, and asses.
  2. Livestock consigned directly to slaughter at ~~an approved~~ a state or federally licensed slaughter establishment.

**R3-2-608. Consignment of Animals**

- A. All animals transported or moved into the state of Arizona must be consigned to or in the care of an Arizona resident, or to a legal an entity ~~and address authorized by law to do business in the state of Arizona. (Excluding exhibition or show animals.)~~
- B. Exceptions:
  1. Exhibition, or
  2. Show animals.

**R3-2-609. Diversions ~~Diversions~~; Prohibitions**

No person consigning, transporting, or receiving animals into the state of Arizona may authorize, order, or carry out diversion of ~~such the~~ animals to a destination or consignee other than as set forth on the health certificate or and permit, if required, without first obtaining permission from the State Veterinarian ~~of Arizona authorizing such diversion~~.

**R3-2-610. Tests ~~—~~; Official Confirmation**

All tests of animals required by Arizona or federal authorities as a condition for entry into Arizona must be ~~made~~ performed or confirmed by state or federal animal diagnostic laboratories or labs approved by APHIS.

**R3-2-617. Poultry**

The ~~Livestock Board~~ Department has no entry requirements on poultry provided they are apparently healthy, ~~and~~ do not originate from a poultry quarantine area, and comply with all interstate requirements of ~~A.P.H.I.S. of the U.S.D.A.~~ APHIS.

**R3-2-618. Psittacine Birds**

~~Psittacine birds entering Arizona must comply with import regulations of the United States Public Health Service and not originate from a quarantined area.~~

A psittacine bird shall be accompanied by a health certificate issued by an accredited veterinarian within 30 days of entry, certifying:

1. The bird is not infected with *Chlamydia psittaci*, and
2. The bird was not exposed to birds known to be infected with avian chlamydiosis within the past 30 days.

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**R3-2-620. Zoo Animals**

- A. Zoo animals may be transported or moved into the state of Arizona when accompanied by an official health certificate, consigned to a zoo, in the charge of a circus or show, ~~arrangement, etc., so long as~~ if importation produces no undue hazard to livestock or public health.
- B. Animals in "Petting Zoos" ~~shall have been tested~~ require a negative test for tuberculosis within the ~~past 12 months prior to~~ importation.
- C. Businesses transporting and exhibiting zoo animals must be licensed by the Arizona Game and Fish Department.

**ARTICLE 10. AQUACULTURE RULES**

**R3-2-1002. Fees for Licenses; Inspection Authorization and Fees**

**A. License fees are established as follows:**

- 1. Aquaculture facility. \$100 annually.
- 2. Fee fishing facility. \$100 annually.
- 3. Aquaculture processor. \$100 annually.
- 4. Aquaculture transporter. \$100 annually.
- 5. Special licenses. \$10 annually.

~~A-B.~~ An expired license may be renewed within 90 days ~~following after~~ expiration by payment of ~~an additional \$50.00 a~~ \$50 late fee.

~~B-C.~~ Upon request of the licensee, the Department may certify that a facility is free from ~~restrictive~~ infectious diseases and causative agents listed in R3-2-1009 prior to issuing a ~~certificate of aquatic health~~ Certificate of Aquatic Health pursuant to R3-2-1009. ~~The Department may deputize certified inspectors, pursuant to A.R.S. § 3-2905(B), to perform the certification inspection on the Department's behalf.~~ All expenses properly incurred in the certification procedure of the inspection, including ~~but not limited to~~ time, travel and laboratory expenses, shall be paid to the Department by the licensee requesting certification ~~prescribed in A.R.S. § 3-2905(B).~~

**R3-2-1003. General Licensing Provisions**

- A. Applicants for a license to operate an aquaculture facility, a fee fishing facility, or to operate as an aquaculture processor or aquaculture transporter shall provide the following information on a form furnished by the Department:
  - 1. Whether the application is for an individual, corporation, partnership, cooperative, association, or other type of organization.
  - 2. The name and address of the licensee.
  - 3. Corporations shall specify the date and state of incorporation.
  - 4. The principal name of the business, and all other business names which may be used.
  - 5. The name, mailing address, and telephone number of the licensee's authorized agent.
  - 6. The street address or legal description of the location of the facility to be licensed.
  - ~~7. Gross sales for the year prior to application.~~
  - ~~8-7.~~ The signature of the person designated in subsection (A)(5), and the date the application is completed for submission to the Department.
- B. The licensee shall advise the Department in writing of any change in the information provided on the application during the license year. This information shall be provided within 30 calendar days of the change.
- C. To ~~ensure compliance with~~ prevent the spread of diseases and causative agents listed in R3-2-1009, the Department may inspect and take samples from any facility or shipment being transported. A licensee aware of the presence of any disease or causative agent as set forth listed in R3-2-1009 shall notify the Department within 72 hours. Aquatic animals found to be infected are prohibited from interstate or intrastate movement without prior written Department approval.
- D. The Department may quarantine or seize aquatic animals, alive or dead, plants, or products for examination or diagnostic study when there is a potential for spread of a disease or causative agents as prescribed agent listed in R3-2-1009, or any other disease or causative agent that could constitute a threat to aquatic animals or plants of the state. The Department shall issue a written notice to the licensee specifying:
  - 1. The reason for the ~~Department~~ Department's action; and
  - 2. The licensee's ~~responsibilities, obligations, and options to the action~~ right to request a hearing as prescribed in A.R.S. § 3-2906.
- E. All quarantined aquatic products and quarantined areas shall be conspicuously marked by the licensee in a manner specified by the Department.
- F. Diagnostic, quarantine, and destruction costs shall be at the expense of the licensee.
- G. When all conditions are satisfactorily met, the Department shall grant the license and assign a Department establishment number identifying each facility.
- H. All licenses, ~~except special licenses~~, expire on December 31 for the year issued.



Notices of Supplemental Proposed Rulemaking

**R3-2-1010. Importation of Aquatic Animals**

- A. Live aquatic animals imported into the state shall be accompanied by the following:
1. A Certificate of Aquatic Health as defined in R3-2-1001, based upon ~~a physical~~ an inspection of the originating facility within the 12 months preceding the shipment;
  2. ~~Transporter~~ A transporter license issued pursuant to R3-2-1007-; and
  3. ~~Import~~ An import permit number issued by the Department pursuant to this rule, legibly written or typed on the certificate of aquatic health.
- B. Imported live aquatic animals, except those imported by a retail outlet as prescribed in A.R.S. § 3-2907(J), must be consigned to or in the care of:
1. ~~an~~ An Arizona resident, ~~or legal~~;
  2. An aquaculture facility, fee fishing facility, or special license holder ~~entity~~ licensed by the Department, ~~or~~;
  3. a A holder of an aquatic wildlife stocking permit issued by the Arizona Game and Fish Department; or
  4. A holder of any aquatic animal license issued by the Arizona Game and Fish Department.
- C. An import permit number may be obtained from the Department, Office of the State Veterinarian, by providing the following information:
1. Consignor's name, address, and telephone number;
  2. Consignee's name, address, and telephone number;
  3. Consignee's Department establishment number issued by the Department or a copy of an aquatic wildlife stocking permit or the ~~permit number~~ license issued by the Arizona Game and Fish Department;
  4. Origin of the shipment;
  5. Genus, species and common name of aquatic animals to be imported; and
  6. Quantity and size classification of aquatic animals to be imported.
- D. The import permit number shall remain valid for 15 calendar days from the date of issuance by the Department.
- E. The Department may refuse entry to any shipment not in compliance with this rule.
- F. The Department may quarantine and require destruction of any shipment, after its arrival, that is determined to be infected with or previously exposed to any causative agent or disease listed in R3-2-1009.