

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 the agency decides to make substantial changes to the rule after it is proposed, the agency must prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, and 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: 8 A.A.R. 5064, December 13, 2002

R3-2-902 was originally part of a larger rulemaking containing Article 1, Table 1, R3-2-801, R3-2-803, R3-2-903, and R3-2-906, which have been separated into another rulemaking package.

2. Sections Affected

Article 9
R3-2-902

Rulemaking Action

Amend

3. The statutory 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) and 3-710(F)

Implementing statutes: A.R.S. §§ 3-705, 3-706, 3-707, and 3-708

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

Name: Sherry D. Blatner, Rules Analyst

Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007

Telephone: (602) 542-0962

Fax: (602) 542-5420

E-mail: sherry.blatner@agric.state.az.us

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

This rule establishes standards, grades, and weight classes for shell eggs as prescribed at AMS 56.200 et seq. This rulemaking is in response to the Division's five-year review of rules approved by the Council on August 6, 2002.

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

A more current revision of the incorporated material exists than the one referenced in the Notice of Proposed Rulemaking. The Department will incorporate the most current version.

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 amendment.

B. *Political Subdivision.*

Other than the Department, no political subdivision is affected by this rulemaking.

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C. *Businesses Directly Affected by the Rulemaking.*

Businesses engaged in egg production will be required to operate under the most current edition of incorporated material.

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:

Name: Sherry D. Blatner, Rules Analyst
Address: Arizona Department of Agriculture
1688 W. Adams, Room 235
Phoenix, AZ 85007
Telephone: (602) 542-0962
Fax: (602) 542-5420
E-mail: sherry.blatner@agric.state.az.us

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 listed 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:

AMS 56.200 et seq., effective July 20, 2000 – R3-2-902

13. The full text of the changes follows:

TITLE 3. AGRICULTURE

CHAPTER 2. DEPARTMENT OF AGRICULTURE
ANIMAL SERVICES DIVISION

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

Section

R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs

ARTICLE 9. EGG AND EGG PRODUCTS CONTROL

R3-2-902. Standards, Grades, and Weight Classes for Shell Eggs

All ~~grading of shell eggs and~~ standards, grades, and weight classes for shell eggs shall be ~~conducted~~ established as prescribed in ~~7-CFR AMS 56.200 et seq., revised May 1, 1994 effective July 20, 2000. The~~ This material is incorporated by reference, ~~does not include any later amendments or editions of the incorporated matter, and is on file with the Department and the Office of the Secretary of State and does not include any later amendments or additions of the incorporated matter.~~