

Notices of Exempt Rulemaking

9. **The summary of the economic, small business, and consumer impact, if applicable:**
N/A
10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**
N/A
11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
No comments were received.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
- a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a permit is not used:**
N/A
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
N/A
 - c. **Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**
N/A
13. **A list of any incorporated by reference material and its location in the rule:**
N/A
14. **Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
N/A
15. **The full text of the rules follows:**

TITLE 2. ADMINISTRATION

CHAPTER 5.1. STATE PERSONNEL BOARD

ARTICLE 1.1 GENERAL PROVISIONS

Sections

- R2-5.1-101. Definitions
R2-5.1-103. Appeal Procedures

ARTICLE 1.1 GENERAL PROVISIONS

R2-5.1-101. Definitions

Unless the context requires otherwise, the following definitions govern in this Chapter:

1. "Agency," for purposes of appeal from a disciplinary action, means an employing state entity that takes an appealable disciplinary action against ~~an~~ a covered employee in state covered service as defined in A.R.S. § ~~41-762~~ 41-741.
2. "Appeal" means a written request filed with the Board by a permanent covered employee in state covered service seeking relief from dismissal, involuntary demotion, or suspension of more than ~~40~~ 80 working hours.
3. "Appellant" means a permanent covered employee in state covered service who files an appeal with the Board.
4. No change
5. No change
6. No change
7. No change
8. No change
9. No change
10. No change
11. No change

R2-5.1-103. Appeal Procedures

- A. Appeal. A permanent status, covered employee who wishes to appeal a disciplinary action shall, no later than 10 business days from the effective date of the action, file a written appeal with the Board in accordance with A.R.S. § ~~41-785~~ 41-783.

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The appeal shall include:

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- B. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change
- J. No change
- K. No change
- L. No change
- M. No change
- N. No change
- O. No change
- P. No change
- Q. No change
- R. No change
- S. Appeal of Board decision in court. The appellant or respondent may appeal the Board's decision to the Superior Court as provided in A.R.S. § ~~41-785~~ 41-783.

NOTICE OF EXEMPT RULEMAKING

TITLE 3. AGRICULTURE

**CHAPTER 9. DEPARTMENT OF AGRICULTURE
AGRICULTURAL COUNCILS AND COMMISSIONS**

[R12-211]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**
R3-9-601 Amend
- 2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:**
Authorizing statute: A.R.S. § 3-414(C)(11)
Implementing statute: A.R.S. § 3-404(B)
Statute or session law authorizing the exemption: A.R.S. §§ 3-414(C)(11) and 41-1005(A)(29)
- 3. The effective date of the rule and the agency's reason it selected the effective date:**
August 1, 2012.
The agency selected this effective date when approving the rule change at a public meeting held on June 26, 2012. The agency chose this effective date because it is prior to the start of a new growing season and because changes to the best practices in prior years have also been effective on August 1, giving the current effective date some predictability.
- 4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:**
None
- 5. The agency's contact person who can answer questions about the rulemaking:**
Name: Teresa Lopez
Address: Arizona Department of Agriculture

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6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

The Leafy Greens Food Safety Committee administers and enforces the Arizona Leafy Green Products Shipper Marketing Agreement. This marketing agreement requires shippers of leafy green vegetables who are signatories to the agreement to follow best practices with respect to the handling of those products in order to enhance food safety and prevent the outbreak of illnesses stemming from the consumption of leafy green vegetables. The marketing agreement sets out that signatories may use the Leafy Greens Food Safety Committee's collective service mark as long as they are in compliance with the best practices. This exempt rulemaking amends the definition of best practices by incorporating the latest version of the Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens. The Committee updates the best practices to keep up with new information and improvements related to food safety practices. These Guidelines were updated by the Committee at a public meeting held on June 26, 2012. The August 1, 2012, date on the Guidelines represents the effective date as opposed to the creation date.

Specifically, the amendments to the Guidelines include: (i) adding an acronym for test methods for the examination of composting and compost, (ii) adding radicchio as a leafy green covered by the best practices, (iii) listing wildlife and natural resources management agencies as additional groups shippers are encouraged to work with, (iv) adding a rationale for each of the metrics listed in tables 2-6, (v) listing test methods for the examination of composting and compost as an acceptable testing method in tables 2 and 3, (vi) reordering the section on best practices for formerly flooded production ground, (vii) revise language pertaining to wildlife deterrence measures (page 45), and (viii) add wetland areas to mentions of riparian habitats on pages 45 and 47.

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

None

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

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

Not applicable

10. A description of the changes between the proposed rule, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Not applicable

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

No comments were received.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

The head of the Leafy Greens Food Safety Committee is not appointed by the Governor, so Executive Order 2012-03 does not apply to this rulemaking. The Committee provided 15 days advance notice of the June 26, 2012, meeting at which this rule change was adopted and allowed for public testimony at that meeting in compliance with A.R.S. § 3-414(C)(11). No public testimony was given.

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

The rule does not require a permit.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Federal law is not applicable to the subject of the rule.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No

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13. A list of any incorporated by reference material and its location in the rule:

The Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens: Version 6 – Arizona dated August 1, 2012, is incorporated by reference in R3-9-601.

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

No

15. The full text of the rule follows:

**TITLE 3. AGRICULTURE
CHAPTER 9. DEPARTMENT OF AGRICULTURE
AGRICULTURAL COUNCILS AND COMMISSIONS**

ARTICLE 6. LEAFY GREENS FOOD SAFETY COMMITTEE

Section
R3-9-601. Definitions

ARTICLE 6. LEAFY GREENS FOOD SAFETY COMMITTEE

R3-9-601. Definitions

“Act” means A.R.S. Title 3, Chapter 3, Article 1.

“Auditor” or “Inspector” means a state or federal agricultural regulatory agency or their designee(s), or a private entity contracted by the Committee to perform inspections authorized by the Act.

“Best practices” means the “Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens: Version ~~5~~ 6 - Arizona” dated August 1, ~~2011~~ 2012. This document is incorporated by reference, does not include any later amendments or editions, and is available for review online at ~~http://www.azlgma.gov/members/resources.asp~~ http://www.arizonaleafygreens.org/members/resources/ and at the Arizona Department of Agriculture, 1688 W. Adams St., Phoenix, Arizona 85007.

“Committee” means the Leafy Greens Food Safety Committee established pursuant to the Marketing Agreement.

“LGMA” or “Marketing Agreement” means the Arizona Leafy Green Products Shipper Marketing Agreement, as amended effective October 1, 2011, that was approved pursuant to the Act. This document is incorporated by reference, does not include any later amendments or editions, and is available for review online at http://www.azlgma.gov/members/resources.asp and at the Arizona Department of Agriculture, 1688 W. Adams, Phoenix, Arizona 85007.

“SOP” means standard operating procedure.