

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

Authority: A.R.S. §§ 3-107, 3-201 et seq., 3-441 et seq., and 3-481 et seq.

*Title 3, Chapter 4, Article 1, Sections R3-4-101 through R3-4-109 renumbered from Title 3, Chapter 1, Article 1, Sections R3-1-01 through R3-1-09; Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-248 renumbered from Title 3, Chapter 1, Article 2, Sections R3-1-50 through R3-1-77; Title 3, Chapter 4, Article 3, Sections R3-4-301 through R3-4-307 renumbered from Title 3, Chapter 1, Article 3, Sections R3-1-301 through R3-1-307; Title 3, Chapter 4, Article 4, Sections R3-4-401 through R3-4-408 renumbered from Title 3, Chapter 1, Article 4, Sections R3-1-401 through R3-1-408; Title 3, Chapter 4, Article 5, Sections R3-4-501 through R3-4-504 renumbered from Title 3, Chapter 1, Article 5, Sections R3-1-501 through R3-1-504; Title 3, Chapter 4, Article 6, Sections R3-4-601 through R3-4-633 and Appendix 1 renumbered from Title 3, Chapter 1, Article 6, Sections R3-1-601 through R3-1-633 and Appendix 1; Title 3, Chapter 4, Article 7, Sections R3-4-701 through R3-4-708 renumbered from Title 3, Chapter 7, Article 1, Sections R3-7-101 through R3-7-108; Title 3, Chapter 4, Article 8, Sections R3-4-801 through R3-4-807 renumbered from Title 3, Chapter 7, Article 2, Sections R3-7-201 through R3-7-207 (Supp. 91-4).*

**ARTICLE 1. GENERAL PROVISIONS**

*Title 3, Chapter 4, Article 1, Sections R3-4-101 through R3-4-109 renumbered from Title 3, Chapter 1, Article 1, Sections R3-1-01 through R3-1-09 (Supp. 91-4).*

Section

R3-4-101.	Definitions
R3-4-102.	Licensing Time-frames
R3-4-103.	Repealed
R3-4-104.	Repealed
R3-4-105.	Repealed
R3-4-106.	Repealed
R3-4-107.	Repealed
R3-4-108.	Repealed
R3-4-109.	Repealed
Table 1.	Time-frames (Calendar Days)

**ARTICLE 2. QUARANTINE**

*Title 3, Chapter 4, Article 2, Sections R3-4-201 through R3-4-248 renumbered from Title 3, Chapter 1, Article 2, Sections R3-1-50 through R3-1-77 (Supp. 91-4).*

Section

R3-4-201.	Definitions
R3-4-202.	Transportation and Packaging
R3-4-203.	Repealed
R3-4-204.	Boll Weevil and Pink Bollworm Pests: Interior Quarantine
R3-4-205.	Renumbered
R3-4-206.	Repealed
R3-4-207.	Repealed
R3-4-208.	Repealed
R3-4-209.	Repealed
R3-4-210.	Repealed
R3-4-211.	Repealed
R3-4-212.	Repealed
R3-4-213.	Repealed
R3-4-214.	Repealed
R3-4-215.	Repealed
R3-4-216.	Repealed
R3-4-217.	Repealed
R3-4-218.	Boll Weevil and Pink Bollworm Pests: Exterior Quarantine
R3-4-219.	Citrus Fruit Surface Pest
R3-4-220.	Citrus Nursery Stock Pests
R3-4-221.	Repealed
R3-4-222.	Repealed
R3-4-223.	Repealed
R3-4-224.	Repealed
R3-4-225.	Repealed
R3-4-226.	Scale Insect Pests
R3-4-227.	Repealed

R3-4-228.	European Corn Borer
R3-4-229.	Nut Tree Pests
R3-4-230.	Repealed
R3-4-231.	Nut Pests
R3-4-232.	Repealed
R3-4-233.	Lettuce Mosaic Virus
R3-4-234.	Nematode Pests
R3-4-235.	Repealed
R3-4-236.	Repealed
R3-4-237.	Repealed
R3-4-238.	Whitefly Pests
R3-4-239.	Imported Fire Ants
R3-4-240.	Apple Maggot and Plum Curculio
R3-4-241.	Lethal Yellowing of Palms
R3-4-242.	Brown Citrus Aphid
R3-4-243.	Repealed
R3-4-244.	Regulated and Restricted Noxious Weeds
R3-4-245.	Prohibited Noxious Weeds
R3-4-246.	Caribbean Fruit Fly
R3-4-247.	Repealed
R3-4-248.	Japanese beetle

**ARTICLE 3. NURSERY CERTIFICATION PROGRAM**

*Title 3, Chapter 4, Article 3, Sections R3-4-301 through R3-4-307 renumbered from Title 3, Chapter 1, Article 3, Sections R3-1-301 through R3-1-307 (Supp. 91-4).*

*Article 3 consisting of Sections R3-4-301 through R3-4-307 adopted effective January 17, 1989.*

Section

R3-4-301.	Nursery Certification
R3-4-302.	Repealed
R3-4-303.	Repealed
R3-4-304.	Repealed
R3-4-305.	Repealed
R3-4-306.	Repealed
R3-4-307.	Repealed

**ARTICLE 4. SEEDS**

*Title 3, Chapter 4, Article 4, Sections R3-4-401 through R3-4-408 renumbered from Title 3, Chapter 1, Article 4, Sections R3-1-401 through R3-1-408 (Supp. 91-4).*

*Article 4 consisting of Sections R3-4-110 through R3-4-117 renumbered without change as Article 4, Sections R3-4-401 through R3-4-408 (Supp. 89-1).*

Section

R3-4-401.	Definitions
R3-4-402.	Labeling
R3-4-403.	Noxious Weed Seeds
R3-4-404.	Germination Standards

- R3-4-405. Seed-certifying Agencies
- R3-4-406. Sampling and Analyzing Seed
- R3-4-407. Phytosanitary Field Inspection; Fee
- R3-4-408. Licenses: Seed Dealer and Seed Labeler; Fees
- R3-4-409. Violations and Penalties

**ARTICLE 5. COLORED COTTON**

(Authority: A.R.S. § 3-205.02 et seq.)

*Article 5, consisting of Section R3-4-501 renumbered from R3-4-205 and amended, effective April 9, 1998 (Supp. 98-2).*

*Article 5, consisting of Sections R3-4-501 through R3-4-506, repealed by summary action with an interim effective date of February 10, 1995; interim effective date of February 10, 1995 now the permanent date (Supp. 96-3).*

*Article 5, consisting of Sections R3-4-501 through R3-4-505 adopted effective October 15, 1993 (Supp. 93-4).*

*Article 5, consisting of Sections R3-4-501 through R3-4-504 repealed effective October 15, 1993 (Supp. 93-4).*

*Title 3, Chapter 4, Article 5, Sections R3-4-501 through R3-4-504 renumbered from Title 3, Chapter 1, Article 5, Sections R3-1-501 through R3-1-504 (Supp. 91-4).*

*Article 5 consisting of Sections R3-4-120 through R3-4-122 renumbered without change as Article 5, Sections R3-4-501 through R3-4-503 (Supp. 89-1).*

Section

- R3-4-501. Colored Cotton Production and Processing

**ARTICLE 6. RECODIFIED**

*Article 6, consisting of Sections R3-4-601 through R3-4-611 and Appendix A, recodified to 3 A.A.C. 3, Article 11 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).*

*Article 6, consisting of Sections R3-4-601 through R3-4-618 and Appendix A, adopted effective July 6, 1993 (Supp. 93-3).*

*Article 6, consisting of Sections R3-4-601 through R3-4-633 and Appendix A, repealed effective July 6, 1993 (Supp. 93-3).*

*Title 3, Chapter 4, Article 6, Sections R3-4-601 through R3-4-633 and Appendix 1 renumbered from Title 3, Chapter 1, Article 6, Sections R3-1-601 through R3-1-633 and Appendix 1.*

*Article 6 consisting of Sections R3-4-130 through R3-4-141 renumbered without change as Article 6, Sections R3-4-601 through R3-4-612 (Supp. 89-1).*

Section

- R3-4-601. Recodified
- R3-4-602. Recodified
- R3-4-603. Recodified
- R3-4-604. Recodified
- R3-4-605. Recodified
- R3-4-606. Recodified
- R3-4-607. Recodified
- R3-4-608. Recodified
- R3-4-609. Recodified
- R3-4-610. Recodified
- R3-4-611. Recodified
- R3-4-612. Repealed
- R3-4-613. Repealed
- R3-4-614. Repealed
- R3-4-615. Repealed
- R3-4-616. Renumbered
- R3-4-617. Repealed
- R3-4-618. Renumbered

- R3-4-619. Repealed
- R3-4-620. Repealed
- R3-4-621. Repealed
- R3-4-622. Repealed
- R3-4-623. Repealed
- R3-4-624. Repealed
- R3-4-625. Repealed
- R3-4-626. Repealed
- R3-4-627. Repealed
- R3-4-628. Repealed
- R3-4-629. Repealed
- R3-4-630. Repealed
- R3-4-631. Repealed
- R3-4-632. Repealed
- R3-4-633. Repealed

Appendix A. Recodified

**ARTICLE 7. FRUIT AND VEGETABLE STANDARDIZATION**

(Authority: A.R.S. § 3-481 et seq.)

*Title 3, Chapter 4, Article 7, Sections R3-4-701 through R3-4-708 renumbered from Title 3, Chapter 7, Article 1, Sections R3-7-101 through R3-7-108 (Supp. 91-4).*

Section

- R3-4-701. Apple Standards
- R3-4-702. Apricot Standards
- R3-4-703. Asparagus Standards
- R3-4-704. Beet and Turnip Standards
- R3-4-705. Broccoli Standards
- R3-4-706. Brussels Sprouts Standards
- R3-4-707. Cabbage Standards
- R3-4-708. Cantaloupe Standards; Maturity Sampling; Packing Arrangements
- R3-4-709. Carrot Standards
- R3-4-710. Cauliflower Standards
- R3-4-711. Celery Standards
- R3-4-712. Cherry Standards
- R3-4-713. Corn Standards
- R3-4-714. Endive, Escarole, or Chicory Standards
- R3-4-715. Greens Standards (Collard, Rapini, Mustard, and Turnip)
- R3-4-716. Head Lettuce Standards
- R3-4-717. Melon Standards (Persian Melons, Casabas, Crenshaw, Honeydew, Honeyball, Other Specialty Melons, and Watermelons); Maturity Sampling
- R3-4-718. Nectarine Standards
- R3-4-719. Okra Standards
- R3-4-720. Dry Onion Standards
- R3-4-721. Pea Standards
- R3-4-722. Peach Standards
- R3-4-723. Pear Standards
- R3-4-724. Sweet Pepper Standards
- R3-4-725. Fresh Plum and Prune Standards
- R3-4-726. Potato Standards
- R3-4-727. Romaine Standards
- R3-4-728. Spinach Standards
- R3-4-729. Strawberry Standards
- R3-4-730. String Bean Standards
- R3-4-731. Summer Squash Standards
- R3-4-732. Sweet Potato Standards
- R3-4-733. Table Grape Standards
- R3-4-734. Tomato Standards
- R3-4-735. Winter Squash Standards
- R3-4-736. Standards for Unlisted Fresh Fruits and Vegetables, Experimental Product Standards

- R3-4-737. Container Labeling for Fruit and Vegetables  
 R3-4-738. Inspection and Representative Sampling for Fruit and Vegetables  
 R3-4-739. Reconditioning for Fruit and Vegetables  
 R3-4-740. Experimental Pack and Product Permits for Fruit and Vegetables  
 R3-4-741. Inspection Fee  
 R3-4-742. Recordkeeping and Reporting Requirements for Fruit and Vegetable Commission Merchants  
 R3-4-743. Recordkeeping and Reporting Requirements for Fruit and Vegetable Shippers

#### ARTICLE 8. CITRUS FRUIT STANDARDIZATION

(Authority: A.R.S. § 3-441 et seq.)

*Title 3, Chapter 4, Article 8, Sections R3-4-801 through R3-4-807 renumbered from Title 3, Chapter 7, Article 2, Sections R3-7-201 through R3-7-207 (Supp. 91-4).*

- Section  
 R3-4-801. Orange and Grapefruit Standards  
 R3-4-802. Lemon Standards  
 R3-4-803. Lime Standards  
 R3-4-804. Tangerine, Tangelo, and Mandarin Standards  
 R3-4-805. Serious Defects in Citrus Fruit  
 R3-4-806. Tolerance for Serious Defects  
 R3-4-807. Freezing Damage  
 R3-4-808. Standards for Unlisted Citrus Fruit, Experimental Product Standards  
 R3-4-809. Bulk Sale of Citrus Fruit; Non-licensed Purchaser  
 R3-4-810. Packaged Count and Average Diameter  
 R3-4-811. Container Labeling for Citrus Fruit  
 R3-4-812. Inspections and Representative Sampling for Citrus Fruit  
 R3-4-813. Reconditioning for Citrus Fruit  
 R3-4-814. Experimental Pack and Product Permits for Citrus Fruit  
 R3-4-815. Recordkeeping and Reporting Requirements for Citrus Fruit Commission Merchants  
 R3-4-816. Recordkeeping and Reporting Requirements for Citrus Fruit Shippers

#### ARTICLE 9. BIOTECHNOLOGY

*Article 9, consisting of Section R3-4-901, adopted effective November 22, 1993 (Supp. 93-4).*

- Section  
 R3-4-901. Genetically Engineered Organisms and Products

#### ARTICLE 1. GENERAL PROVISIONS

##### R3-4-101. Definitions

In addition to the definitions provided in A.R.S. §§ 3-201, 3-231, 3-441, and 3-481, the following definitions apply to this Chapter:

“Appliance” means any box, tray, container, ladder, tent, vehicle, implement, or any article or thing that is or may be used in growing, harvesting, handling, packing, or transporting any agricultural commodity.

“Aquatic” means living or growing in or on water.

“Bulk container” means a container used solely for transporting a commodity in bulk quantities.

“Carrier” means any plant or thing that can transport or harbor a plant pest.

“Certificate” means an original document issued by the Department, the United States Department of Agriculture, or authorized officer of the state of origin, stating name, quantity,

and nature of the regulated commodity, and the information required by a specific regulation.

“Commodity” means any plant, produce, soil, material, or thing that may be subject to federal and state laws and rules.

“Container” means any box, crate, lug, chest, basket, carton, barrel, keg, drum, can, sack, or other receptacle for a commodity.

“Cotton lint” means the remnant produced when cottonseed is processed in a gin.

“Cotton plant” means all parts of *Gossypium* spp. whether wild or domesticated, except manufactured cotton products.

“Cotton products” include seed cotton, cotton lint, cotton linters, motes, cotton waste, gin trash, cottonseed, and cotton hulls.

“Cotton stubble” means the basal part of a cotton plant that remains attached to the soil after harvest.

“Cotton waste” includes all waste products from the processing of cotton at gins and cottonseed-oil mills, in any form or under any trade designation.

“Defoliate” means to remove the leaves from a plant.

“Diseased” means an abnormal condition of a plant resulting from an infection.

“Gin trash” means organic waste or materials resulting from ginning cotton.

“Head leaves” means all leaves that enfold the compact portion of a head of lettuce or cabbage.

“Host” means a plant on or in which a pest can live or reproduce, or both.

“Husk” means the membranous outer envelope of many seeds and fruit, such as an ear of corn or a nut.

“Infested” means any plant or other material on or in which a pest is found.

“Inspector” means an employee of the Department or other governmental agency who enforces any law or rule of the Department.

“Label” means all tags and other written, printed, or graphic representations in any form, accompanying or pertaining to a plant or other commodity.

“Lot” means any one group of plants or things, whether or not containerized that is set apart or is separate from any other group.

“Nursery” means real property or other premises on or in which nursery stock is propagated, grown, or cultivated or from which source nursery stock is offered for distribution or sale. (A.R.S. § 3-201(5))

“Permit” means an official document authorizing the movement of a host plant and carrier.

“Person” means an individual, partnership, corporation, association, governmental subdivision or unit of a governmental subdivision, a public or private organization of any character, or another agency.

“Plant” or “crop” includes every kind of vegetation, wild or domesticated, and any part thereof, as well as seed, fruit or other natural product of such vegetation. (A.R.S. § 3-201(8))

“Reshipment” means the shipment of a commodity after receipt from another shipping point.

“Sell” means to exchange for money or its equivalent including to offer, expose, or possess a commodity for sale or to otherwise exchange, barter, or trade.

“Serious damage” means any injury or defect rising from any circumstance, natural or mechanical, that affects the appearance or the edible or shipping quality of a commodity, or lot.

“Soil” means any non-liquid combination of organic, or organic and inorganic material in which plants can grow.

“Stub or soca cotton” means cotton stalks of a previous crop that begin to show signs of growth.

“Subcontainer” means any container being used within another container.

“Transport” means moving an article from one point to another.

“Treatment” means an application of a substance as either a spray, mist, dust, granule, or fumigant; or a process in which a substance or procedure is used to control or eradicate a plant pest.

“Vector” means an organism (usually an insect) that may carry a pathogen from one host plant to another.

“Vehicle” means an automotive device, such as a car, bus, truck, or private or recreational vehicle.

“Volunteer cotton” means a sprout from seed of a previous crop.

“Wrapper leaves” means all leaves that do not closely enfold the compact portion of the head of lettuce or cabbage.

#### Historical Note

Former Rule 1; Amended effective June 16, 1977 (Supp. 77-3). Section R3-1-01 renumbered to R3-4-101 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2). New Section R3-4-101 renumbered from R3-4-102 without change, effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 19 A.A.R. 3860, effective January 4, 2014 (Supp. 13-4).

#### R3-4-102. 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 informa-

tion 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 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

Former Rule 2; Amended effective June 19, 1978 (Supp. 78-3). Section R3-1-02 renumbered to R3-4-102 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1). Section R3-4-102 renumbered to R3-4-101; new Section R3-4-102 adopted effective October 8, 1998 (Supp. 98-4).

#### R3-4-103. Repealed

#### Historical Note

Former Rule 3. Section R3-1-03 renumbered to R3-4-103 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

#### R3-4-104. Repealed

#### Historical Note

Former Rule 4. Section R3-1-04 renumbered to R3-4-104 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

#### R3-4-105. Repealed

#### Historical Note

Former Rule 5. Section R3-1-05 renumbered to R3-4-105 (Supp. 91-4). Amended effective September 22, 1994 (Supp. 94-3). Section repealed by final rulemaking at 6 A.A.R. 41, effective December 8, 1999 (Supp. 99-4).

#### R3-4-106. Repealed

#### Historical Note

Former Rule 6. Section R3-1-06 renumbered to R3-4-106 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

#### R3-4-107. Repealed

#### Historical Note

Former Rule 7. Section R3-1-07 renumbered to R3-4-107 (Supp. 91-4). Amended effective September 22, 1994

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(Supp. 94-3). Section repealed by final rulemaking at 19 A.A.R. 3860, effective January 4, 2014 (Supp. 13-4).

**R3-4-109. Repealed**

**Historical Note**

Former Rule 9. Section R3-1-09 renumbered to R3-4-109 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

**R3-4-108. Repealed**

**Historical Note**

Former Rule 8. Section R3-1-08 renumbered to R3-4-108 (Supp. 91-4). Repealed effective September 22, 1994 (Supp. 94-3).

**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
<b>QUARANTINE</b>						
Boll Weevil and Pink Bollworm	R3-4-204(D)	14	14	30	30	44
Small-Grain Crop Approval	R3-4-204(E)(4)(b)	14	14	30	30	44
Boll Weevil and Pink Bollworm	R3-4-218	14	14	30	30	44
Citrus Fruit Surface Pest	R3-4-219	14	14	60	30	74
European Corn Borer	R3-4-228	14	14	30	30	44
Lettuce Mosaic	R3-4-233	14	14	30	30	44
Noxious Weeds Regulated and Restricted Prohibited	R3-4-244 R3-4-245	14	14	30	30	44
Plum Curculio and Apple Maggot	R3-4-240	14	14	60	30	74
Colored Cotton	A.R.S. § 3-205.02 R3-4-501	14	0	0	0	14
<b>NURSERY</b>						
General Nursery Stock Inspection	R3-4-301(B)	30	14	1 yr	14	1 yr, 30 days
Special Nursery Stock Inspection: Ozonium Root Rot	R3-4-301(C)					
• Method of Growing		7	14	60	14	67
New		7	14	30	14	37
Renewal		7	14	4 yrs	14	4 yrs, 7 days
• Indicator Crop Planted on Applicant's Property						
Special Nursery Stock Inspection: Rose Mosaic	R3-4-301(C)	7	14	180	14	187
Special Nursery Stock Inspection: Brown Garden Snail	R3-4-301(C)	7	14	30	14	37
Special Nursery Stock Inspection: Other	R3-4-301(C)	7	14	30	14	37
Phytosanitary Field Inspection	A.R.S. § 3-233(A)(7) R3-4-407	30	7	210	7	240
<b>STANDARDIZATION</b>						
Experimental Pack and Product for Fruit and Vegetables	A.R.S. § 3-487 R3-4-740	7	7	7	7	14

Experimental Pack and Product for Citrus Fruit	A.R.S. § 3-445 R3-4-814	7	7	7	7	14
Citrus Fruit Dealer, Packer, or Shipper License	A.R.S. § 3-449	14	14	14	14	28
Fruit and Vegetable Dealer, Packer, or Shipper License	A.R.S. § 3-492	14	14	14	14	28
<b>SEED DEALERS AND LABELERS</b>						
Seed Dealer	A.R.S. § 3-235 R3-4-408	14	14	14	14	28
Seed Labeler	A.R.S. § 3-235 R3-4-408	14	14	14	14	28

**Historical Note**

Table 1 adopted effective October 8, 1998 (Supp. 98-4). Amended by final rulemaking at 7 A.A.R. 3812, effective August 10, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 3633, effective August 7, 2002 (Supp. 02-3). Amended by final rulemaking at 8 A.A.R. 4454, effective October 2, 2002 (Supp. 02-4). Amended Section references under Arizona Native Plants to correspond to recodification at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2665, effective June 8, 2004 (Supp. 04-2). Amended by final rulemaking at 19 A.A.R. 3860, effective January 4, 2014 (Supp. 13-4).

**ARTICLE 2. QUARANTINE**

**R3-4-201. Definitions**

The following definitions apply to this Article:

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

“Common carrier” means any person transporting a commodity or appliance for compensation or commercial purpose.

“Compliance agreement” means a written agreement or permit between a person and the Department for the purpose of allowing the movement or production of a regulated commodity or appliance from a quarantined area of this state and containing demonstrated safeguarding measures to ensure compliance with the purposes of A.R.S. Title 3, Chapter 2, Article 1.

“Consumer container” means a container that is produced or distributed for retail sale or for consumption by an individual.

“Cotton harvesting machine” means any machine used to pick or harvest raw cotton in a field.

“Designated treatment area” means an area temporarily approved by the Department for the holding and treatment of a commodity or appliance for a pest in cases where a quarantine holding area does not exist.

“Epiphytically” means the function of a plant growing on another plant or object but that does not require the other plant or object as a source of nutrients.

“Fumigate” means to apply a gaseous substance to a commodity or appliance in a closed area to eradicate a pest.

“Hull” means the dry outer covering of a seed or nut.

“Infected” means any plant or other material on or in which a disease is found.

“Limited permit” means a permit issued by the Department to a common carrier or responsible party to transport a commodity or appliance that would otherwise be restricted.

“Master permit” means a permit issued by the Department to another state department of agriculture that gives that other state authority to certify, in accordance with the terms of the permit, that a regulated commodity or appliance may enter Arizona without a quarantine compliance certificate.

“Origin inspection agreement” means a permit issued by the Department to a person that specifies terms to ship or transport

a regulated commodity or appliance into Arizona, which importation would otherwise be prohibited by this Article, and that the origin state department of agriculture agrees with.

“Package” means (i) any box, bag, or envelope used for the shipment of a commodity or appliance through postal and parcel services or (ii) individual packets of seeds for planting.

“Pest free” means apparently free from all regulated plant pests, as determined by an inspection.

“Phytosanitary certificate” means a certificate issued by a regulatory official for the purpose of certifying a commodity or appliance as pest free.

“Private carrier” means any person transporting a commodity or appliance for a noncommercial purpose.

“Quarantine compliance certificate” means a certificate issued by a plant regulatory official of the originating state that establishes that a commodity or appliance has been treated or inspected to comply with Arizona quarantine rules and orders and includes a certificate of inspection.

“Receiver” means any person or place of business listed on a bill of lading, manifest, or freight bill as a consignee or destination for a commodity or appliance.

“Regulated plant pest” means all live life stages of an arthropod, disease, plant, nematode, or snail that is regulated or considered under quarantine by a state or federal law, rule or order enforced by the Department.

“Responsible party” means a common carrier, person, or place of business that is legally responsible for the possession of a commodity or appliance.

“Treatment Manual” means the USDA-APHIS-PPQ Treatment Manual, T301—Cotton and Cotton Products, revised March 2013. The Treatment Manual is incorporated by reference, does not include any later amendments or editions, and is available from the Department and online at [http://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/treatment.pdf](http://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/treatment.pdf).

**Historical Note**

Former Rule, Quarantine Regulation 2; Amended effective July 1, 1975 (Supp. 75-1). Former Section R3-4-50 repealed, new Section R3-4-50 adopted effective October 23, 1978 (Supp. 78-5). Section R3-1-50 renumbered to

R3-4-201 (Supp. 91-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 19 A.A.R. 3860, effective January 4, 2014 (Supp. 13-4).

**R3-4-202. Transportation and Packaging**

- A.** Any commodity shipped or transported into the state shall be inspected to determine whether the commodity is free of all pests subject to federal and state laws and rules.
- B.** Each commodity shipped or transported into the state shall display the following information on a bill of lading, manifest, freight bill, or on the outside of the carton;
1. The name and address of the shipper and receiver;
  2. A certificate of inspection for nursery stock, if applicable;
  3. The botanical or common name of the commodity;
  4. The quantity of each type of commodity;
  5. The state or foreign country where each commodity originated;
  6. Any other certificate required by this Article.
- C.** Packaging.
1. Any commodity shipped or transported into the state shall be packaged or wrapped in a manner to allow inspection by an inspector.
  2. The following and other similar types of packages are prohibited:
    - a. Packages that cannot be opened without destroying either the package or its contents;
    - b. Packages that cannot, once opened, be resealed after inspection without the inspector supplying additional packing material to protect the contents;
    - c. Commodities that are packaged or sealed with wire or seals that cannot be opened and resealed without special tools or equipment;
    - d. Clear or colored waxes applied to a commodity that prevent inspection.
- D.** Restrictions.
1. Nursery stock shipments shall not enter Arizona between 8:00 a.m. Friday and 12:01 a.m. Monday, or during a legal holiday.
  2. Common and private carriers. A carrier shall declare all commodities at a port-of-entry.
    - a. All carriers shall hold a commodity until it is inspected by an inspector and a Certificate of Release, under A.R.S. § 3-209, is issued. The Director may authorize a carrier to deliver a commodity to a consignee before the inspection.
      - i. If the commodity requiring inspection cannot be adequately inspected, the inspector may place the commodity under a “Warning-Hold for Agricultural Inspection.”
      - ii. The inspector may seal the truck to prevent the likelihood of spreading harmful pests.
    - b. When a carrier enters the state at a port-of-entry where agriculture inspections are performed, the driver shall:
      - i. Provide the inspector with the bill of lading, manifest, or a short-form manifest signed by the company’s authorized agent responsible for supervising the loading of the contents in the shipment;
      - ii. Open the vehicle and expose the contents for inspection; and
      - iii. Assist the inspector in gaining access to the contents.
    - c. When a carrier enters the state at a port-of-entry where no agricultural inspections are performed, the carrier shall follow procedures specified in subsection (D)(2)(b), proceed to destination for inspection, and provide the following information on a Load Report form:
      - i. The name, address, and telephone number of the shipper;
      - ii. The name, address, and telephone number of the primary receiver;
      - iii. The name and address of the carrier;
      - iv. The tractor unit number and trailer license number; and
      - v. The name and address of additional receivers, if any.
3. Bulk mail facility. All commodities entering a bulk mail facility shall be held for inspection. The commodity shall not be released until an inspector inspects the commodity and issues a Certificate of Release.
4. Railroad. Any commodity shipped by railroad shall be inspected at destination. The responsible party shall notify the Director in advance of the shipment to schedule an inspection of the commodity.
5. Out-of-state destination. If a commodity requiring inspection is shipped to a point outside the state, and is confirmed by a short-form manifest, freight bill, or bill of lading, the inspector shall give the driver a notice in writing, or by transit stamp, that the shipment is under quarantine while in the state, and it is unlawful to dispose of the shipment in any way unless the shipment is inspected and released by an inspector.
6. Certificate of Release. Any person receiving a commodity from a post office, United Parcel Service terminal, or any carrier without a Certificate of Release shall immediately notify the Department and request an inspection.
- E.** Disposition of commodity. When a carrier is in possession of, or responsible for, a commodity inspected by an inspector and found in violation of Arizona quarantine laws, and elects to ship the commodity out-of-state:
1. The inspector shall issue a “Warning-Hold for Agricultural Inspection” notice to the carrier. The carrier shall hold the notice until the commodity is removed from the state through a port-of-entry designated by the inspector and the removal is noted on the notice.
  2. The carrier shall surrender the “Warning-Hold for Agricultural Inspection” notice (driver’s copy) at the port-of-entry specified on the notice.
- F.** Violations.
1. The inspector shall place any commodities not meeting the requirements of subsections (C)(1) and (C)(2) under quarantine and notify the shipper in writing of the following options:
    - a. Reship the commodity out-of-state;
    - b. Provide the necessary labor and material to open the package and reseal it after inspection; or
    - c. Under the supervision of an inspector, destroy the shipment.
  2. Any person who violates any of the following provisions shall submit the load for complete inspection at a port-of-entry, or where apprehended;
    - a. Fails to comply with requirements on the “Warning-Hold for Agricultural Inspection” notice;
    - b. Fails to comply with the inspector’s instructions;
    - c. Breaks the seals of a sealed vehicle; or
    - d. Delivers a product under quarantine before it is released by an inspector, or authorized by the Director.

**Historical Note**

Former Rule, Quarantine Regulation 3. Section R3-1-51 renumbered to R3-4-202 (Supp. 91-4). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). New Section R3-4-202 renumbered from R3-4-201 and amended by final rulemaking at 19 A.A.R. 3860, effective January 4, 2014 (Supp. 13-4).

**R3-4-203. Repealed****Historical Note**

Former Rule, Quarantine Regulation 4. Repealed effective October 23, 1978 (Supp. 78-5). Section R3-1-52 renumbered to R3-4-203 (Supp. 91-4).

**R3-4-204. Boll Weevil and Pink Bollworm Pests: Interior Quarantine****A. Definitions.** The following terms apply to this Section:

1. "Crop remnant" means the stalks, leaves, bolls, lint, pods, and seeds of cotton;
2. "Pests" means any of the following:
  - a. Pink bollworm, *Pectinophora gossypiella* (Saunders); or
  - b. Boll weevil complex, *Anthonomus grandis* (Boheman) complex.

**B. Regulated commodities and appliances.**

1. Cotton, all parts;
2. Cotton gin trash;
3. Used cotton harvesting machines; and
4. Other materials, products, and equipment that are means of disseminating or proliferating the pests.

**C. Cotton gin trash.** Any person operating an Arizona cotton gin shall daily destroy cotton gin trash by using a method prescribed in the Treatment Manual.**D. Restrictions.**

1. A person shall not ship or transport a regulated commodity or appliance from an area infested with pests except pursuant to a limited permit issued by or a compliance agreement with the Department.
2. Any person intending to ship or transport a regulated commodity pursuant to a limited permit or compliance agreement shall provide the Department with the following information before the date of movement or shipment:
  - a. The quantity of the regulated commodity or appliance to be moved;
  - b. The location of the commodity or appliance;
  - c. The names and addresses of the consignee and consignor;
  - d. The method of shipment; and
  - e. The scheduled date of the shipment.
3. The shipper shall attach all permits and compliance agreements to the manifest, waybill, or bill of lading which shall accompany the shipment.
4. Permits and compliance agreements shall specify the manner of handling or treating a regulated commodity or appliance. Pink bollworm and boll weevil treatment shall be under official supervision and applied as prescribed in the Treatment Manual.

**E. Cultural practices.**

1. Arizona's cultural zones are:
  - a. Zone "A" -- Yuma County west of a line extended directly north and directly south of Avenue 58E.
  - b. Zone "B" -- Cochise County, Graham County, and Greenlee County.
  - c. Zone "C" -- Mohave County and La Paz County, except for the following: T6N, R11W, 12W, 13W;

T5N, R12W, 13W; T4N, R12W, 14W, 15W; T3N, R10W, 11W; and T2N, R11W.

- d. Zone "D" -- Pima County; the following portions of Pinal County: T10S, R10E, sections 34-36; T10S, R11E, section 31; T7S, R16E; T6S, R16E; T5S, R15E; T5S, R16E and T4S, R14E; and the following portions of the Aguila area: T6N, R8W; T7N, R8W, 9W, 10W; T7N, R11W, other than sections 24, 25 and 36; and T8N, R9W, sections 31-36.
  - e. Zone "E" -- All portions of the state not included in zones "A", "B", "C", and "D."
2. No stub, soca, or volunteer cotton shall be grown in or allowed to grow in the state. The landowner or grower shall be responsible for eliminating stub, soca, or volunteer cotton.
  3. Tillage deadline. Except as provided in subsection (E)(4), a grower shall ensure that a crop remnant of a host plant remaining in the field after harvest is shredded and the land tilled to destroy the host plant and its root system so no stalks remain attached to the soil before the following dates or before planting another crop, whichever occurs earlier: Zone "A", January 15; Zone "B", March 1; Zone "C", February 15; Zone "D", March 1; Zone "E", February 15.
  4. Rotational crop following cotton harvest.
    - a. If a grower elects to plant a small-grain crop following a cotton harvest, the grower may, after the host plant is shredded, irrigate and plant with wheat, barley, or oats (or other similar small-grain crops approved in writing by the Associate Director before planting) instead of tilling as prescribed in subsection (E)(3). The small-grain crop shall be planted before the tillage deadline for the zone.
    - b. The Associate Director shall approve small-grain crops other than wheat, barley, and oats, if the planting, growth, and harvest cycles of the small-grain crop prevents the maturation of stub, soca, or volunteer cotton. A grower shall submit a written request for approval of a small-grain crop, other than wheat, barley, or oats, at least 15 days before the tillage deadline for the zone. The written request shall include the scientific and common name of the proposed small-grain crop and the estimated date of harvest.
    - c. If a grower elects to plant a crop other than an approved small-grain crop following a cotton harvest, the requirements specified in subsection (E)(3) apply.
  5. Planting dates.
    - a. A grower who meets the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton earlier than 15 days after the tillage deadline for the zone.
    - b. A grower who does not meet the tillage deadline specified in subsection (E)(3) for the preceding cotton crop year shall not plant cotton on a farm until 15 days after the grower ensures that all crop remnants of a host plant remaining in the fields after harvest are shredded and the land tilled to destroy the host plant and its root system so no stalks remain attached to the soil.
  6. Dry planting. Any grower who meets the tillage deadline for the zone may dry plant cotton five days after the tillage deadline for that zone, but shall not water until 15 days after the tillage deadline for that zone.

7. An inspector shall give written notice to any owner or person in charge or control of the nuisance found in violation of subsection (E). The processes established in subsections (E)(3) and (E)(4) shall be repeated, as necessary, to destroy the pests.

- F. Advisory Committee. The Director, as necessary, shall appoint an advisory committee composed of the nominated representatives of the Arizona Cotton Growers Association and the Arizona Cotton Research and Protection Council and such other individuals as may be necessary to make recommendations to the Department on amendments to this Section.

**Historical Note**

Former Rule, Quarantine Regulation 5. Amended effective January 24, 1978 (Supp. 78-1). Former Section R3-4-53 repealed, new Section R3-4-53 adopted effective December 2, 1982. See also R3-4-53.01 through R3-4-53.07 (Supp. 82-6). Section R3-1-53 renumbered to R3-4-204 (Supp. 91-4). Section repealed, new Section adopted effective May 7, 1993 (Supp. 93-2). Amended effective September 22, 1994 (Supp. 94-3). Amended effective July 10, 1995 (Supp. 95-3). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 2082, effective May 15, 2000 (Supp. 00-2). Amended by final rulemaking at 19 A.A.R. 3860, effective January 4, 2014 (Supp. 13-4).

**R3-4-205. Renumbered**

**Historical Note**

Adopted effective December 2, 1982. See also R3-4-53 and R3-4-53.02 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.01 renumbered to R3-4-205 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2). New Section adopted effective December 20, 1994 (Supp. 94-4). Section R3-4-205 renumbered to R3-4-501 and amended, effective April 9, 1998 (Supp. 98-2).

**R3-4-206. Repealed**

**Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 and R3-4-53.03 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.02 renumbered to R3-4-206 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-207. Repealed**

**Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01, R3-4-53.02 and R3-4-53.04 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.03 renumbered to R3-4-207 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-208. Repealed**

**Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.03 and R3-4-53.05 through R3-4-53.07 (Supp. 82-6). Section R3-1-53.04 renumbered to R3-4-208 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-209. Repealed**

**Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.04, R3-4-53.06, and R3-4-

53.07 (Supp. 82-6). Amended effective October 21, 1983 (Supp. 83-5). Amended effective July 24, 1985 (Supp. 85-4). Amended effective May 5, 1986 (Supp. 86-3). Amended effective May 10, 1988 (Supp. 88-2). Amended subsection (B) effective December 27, 1988 (Supp. 88-4). Amended effective December 22, 1989 (Supp. 89-4). Section R3-1-53.06 renumbered to R3-4-209 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-210. Repealed**

**Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.05 and R3-4-53.07 (Supp. 82-6). Section R3-1-53.06 renumbered to R3-4-210 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-211. Repealed**

**Historical Note**

Adopted effective December 2, 1982. See also R3-4-53, R3-4-53.01 through R3-4-53.06 (Supp. 82-6). Section R3-1-53.07 renumbered to R3-4-211 (Supp. 91-4). Repealed effective May 7, 1993 (Supp. 93-2).

**R3-4-212. Repealed**

**Historical Note**

Former Rule, Quarantine Regulation 6. Amended effective July 1, 1975 (Supp. 75-1). Amended effective April 26, 1976 (Supp. 76-2). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54 adopted as an emergency now adopted without change effective May 15, 1984. See also R3-4-54.01 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54 renumbered to R3-4-212 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

**R3-4-213. Repealed**

**Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.01 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.02 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54.01 renumbered to R3-4-213 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

**R3-4-214. Repealed**

**Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.02 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01, R3-4-54.03 thru R3-4-54.05 (Supp. 84-3). Section R3-1-54.02 renumbered to R3-4-214 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

**R3-4-215. Repealed****Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.03 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01, R3-4-54.02, R3-4-54.04 and R3-4-54.05 (Supp. 84-3). Section R3-1-54.03 renumbered to R3-4-215 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

**R3-4-216. Repealed****Historical Note**

Adopted as an emergency effective October 21, 1983, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-5). Adopted as an emergency effective January 19, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-1). Emergency expired. Former Section R3-4-54.04 adopted as an emergency now adopted and amended effective May 15, 1984. See also R3-4-54, R3-4-54.01 thru R3-4-54.03, and R3-4-54.05 (Supp. 84-3). Section R3-1-54.04 renumbered to R3-4-216 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

**R3-4-217. Repealed****Historical Note**

Adopted effective May 15, 1984. See also R3-4-54, R3-4-54.01 thru R3-4-54.04 (Supp. 84-3). Section R3-1-54.05 renumbered to R3-4-217 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

**R3-4-218. Boll Weevil and Pink Bollworm Pests: Exterior Quarantine****A. Definitions**

1. "Cotton appliance" means a container used in handling cotton, including sacks, bags, tarps, boxes, crates, and machinery used in planting, harvesting and transporting cotton.
2. "Cottonseed" means a seed derived from cotton plants which is destined for propagation or other use.
3. "Fumigation certificate" means a quarantine compliance certificate that specifies the fumigation chemical used, the treatment schedule, and the commodity treated.
4. "Hibiscus" means all parts of *Hibiscus* spp.
5. "Pest" means any of the following:
  - a. Boll weevil, *Anthonomus grandis* (Boheman); or
  - b. Pink bollworm, *Pectinophora gossypiella* (Saunders).
6. "Spanish moss" means all parts of *Tillandsia usneoides*.

**B. Area under quarantine.**

1. Boll weevil. In the state of Texas, the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bell, Bexar, Blanco, Bosque, Bowie, Brazoria, Brazos, Brooks, Burleson, Burnett, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Comal, Cooke, Coryell, Dallas, Delta, Denton, De Witt, Dimmit, Duval, Ellis, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Gillespie, Goliad, Gonzales, Grayson, Gregg, Grimes, Guadalupe, Hamilton, Hardin, Harris, Harrison, Hays, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kendall, Kenedy, Kinney, Kleberg, Lamar, Lampasas, La Salle, Lavaca, Lee,

Leon, Liberty, Limestone, Live Oak, Llano, Madison, Marion, Matagorda, Maverick, McLennan, McMullen, Medina, Milam, Mills, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, San Saba, Shelby, Smith, Somervell, Starr, Tarrant, Titus, Travis, Trinity, Tyler, Upshur, Uvalde, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Williamson, Wilson, Wise, Wood, Zapata, and Zavala.

2. Pink bollworm. New Mexico, Texas, and the following counties of California: Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Merced, Orange, Riverside, San Bernardino, San Benito, San Diego, and Tulare.

**C. Regulated commodities and appliances.**

1. Gin trash,
2. Cotton lint,
3. Cottonseed,
4. Used cotton appliances that have any cotton plants attached or contained therein,
5. Cotton plants,
6. Spanish moss, and
7. Hibiscus plants.

**D. Restrictions. A person shall not ship or transport into Arizona from an area under quarantine:**

1. For the pink bollworm, any regulated commodity or appliance that is not accompanied by a permit or certificate required by 7 CFR 301.52 et seq., revised January 1, 2013. This incorporation by reference does not include any later amendments or editions and is available from the Department and online at <http://www.gpo.gov/fdsys/>.
2. For the boll weevil,
  - a. Gin trash, cotton lint, cottonseed, or used cotton appliances that have any cotton plants attached or contained therein unless the commodity or appliance is accompanied by an original fumigation certificate attesting the commodity or appliance has been fumigated as prescribed in the Treatment Manual.
  - b. Cotton plants or hibiscus plants unless the commodity is accompanied by an original quarantine compliance certificate attesting the commodity was treated with a chemical to kill the pest and was visually inspected and found free of all live life stages of the pest within five days of shipment.
  - c. Spanish moss, unless the commodity is accompanied by an original quarantine compliance certificate attesting the commodity was treated by one of the following methods:
    - i. Commercial drying; or
    - ii. Chemical treatment using a pesticide registered and labeled for use on the commodity to kill all live life stages of the pest.

**Historical Note**

Former Rule, Quarantine Regulation 7. Section R3-4-55 repealed, new Section adopted effective August 16, 1990 (Supp. 90-3). Section R3-1-55 renumbered to R3-4-218 (Supp. 91-4). Appendix to R3-4-218 removed; R3-4-218 amended by final rulemaking effective January 4, 2014 (Supp. 13-4).

**R3-4-219. Citrus Fruit Surface Pest****A. Definitions.**

"Pest" means all life stages of the following:  
*Aonidiella aurantii*, California red scale;  
*Aonidiella citrina*, Yellow scale;

*Asynonychus godmani*, Fuller rose beetle;  
*Chrysomphalus aonidum*, Florida red scale;  
*Cornuaspis beckii*, Purple scale;  
*Lepidosaphes gloverii*, Glover scale;  
*Maconellicoccus hirsutus*, Pink hibiscus mealybug;  
*Parlatoria pergandii*, Chaff scale;  
*Phyllocoptruta oleivora*, Citrus rust mite; or  
*Pseudococcus comstocki*, Comstock mealybug.

**B.** Area under quarantine. All states, territories, and districts of the United States, except the state of Arizona.

**C.** Regulated commodities and appliances.

1. Commodities. The fresh fruit of all species, varieties, and hybrids of the genera *Citrus*, *Fortunella*, and *Poncirus*.
2. Appliances. An appliance used in a citrus grove, citrus nursery, or other area to pick, pack, or handle a regulated commodity listed in subsection (C)(1).

**D.** Restrictions.

1. A person who ships into Arizona a regulated commodity or appliance listed in subsection (C) shall ensure that the commodity or appliance is free of stems, leaves, and plant parts.
2. A person shall not ship into Arizona a regulated commodity or appliance from an area under quarantine unless each shipment is accompanied by an original certificate issued by a plant regulatory official of the state of origin attesting that the regulated commodity or appliance was treated by a method listed in subsection (F), under the official's supervision.

**E.** Exemption. The Director shall issue a permit to allow a regulated commodity from an area under quarantine to enter Arizona without treatment as prescribed in subsection (F) if the applicant complies with all conditions of the permit and the regulated commodity:

1. Originates from an area that a plant regulatory official of the state of origin certifies as pest-free; or
2. Is shipped to an Arizona juicing facility located outside of Yuma County; or
3. Is commercially packaged and is shipped to an Arizona business that will redistribute the regulated commodity out-of-state.

**F.** Treatment.

1. Hydrogen cyanide fumigation. The regulated commodity shall be treated for one hour at the following rate:

Pulp Temperature	Rate per 100 cu. ft.
60° F to 85° F	25 cc HCN gas

2. Methyl bromide fumigation (Q label). The regulated commodity shall be treated for two hours at one of the following rates:

Pulp Temperature	Rate per 1000 cu. ft.
60° F to 79° F	3 lbs.
80° F or higher	2 1/2 lbs.

3. Irradiation. The regulated commodity shall be treated at a rate approved by the Director.
4. Steam treatment. The regulated appliance shall be cleaned to remove all fruit, leaves, stems, and other debris and then steam-treated.
5. Other treatment. The regulated commodity or appliance shall be treated by any other method approved by the Director.

**G.** Disposition of regulated commodity or appliance not in compliance. A regulated commodity or appliance shipped into Arizona in violation of this Section shall be destroyed, treated, or

transported out of state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

#### Historical Note

Former Rule, Quarantine Regulation 8. Repealed effective December 19, 1980 (Supp. 80-6). Adopted as an emergency effective April 11, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-2). Emergency adoption expired. Permanent rule adopted effective November 15, 1984 (Supp. 84-6). Former Section R3-4-56 repealed, former Sections R3-4-56.01 through R3-4-56.04 renumbered and amended as Section R3-4-56 effective June 20, 1986 (Supp. 86-3). Repealed June 29, 1990 (Supp. 90-2). New Section adopted effective April 11, 1991 (Supp. 91-2). Section R3-1-56 renumbered to R3-4-219 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 3380, effective October 2, 2004 (Supp. 04-3).

#### R3-4-220. Citrus Nursery Stock Pests

**A.** Definitions. "Pest" means any of the following viral diseases or arthropods:

1. Viral diseases:  
Cachexia (CVd-II),  
Citrus Exocortis Virus (CEVd),  
Citrus Psorosis Virus (CPsV), or  
Citrus Tristeza Virus (CTV).
2. Arthropods. All life stages of:  
*Aceria sheldoni*, Citrus bud mite;  
*Maconellicoccus hirsutus*, Pink hibiscus mealybug;  
*Phyllocoptruta oleivora*, Citrus rust mite; or  
*Pseudococcus comstocki*, Comstock mealybug.

**B.** Area under quarantine. All states, territories, and districts of the United States, except the state of Arizona.

**C.** Regulated commodities and appliances.

1. Commodities. A plant or plant part, except seed or attached green fruit, of all species, varieties, or hybrids of the genera *Citrus*, *Eremocitrus*, *Fortunella*, *Poncirus*, and *Microcitrus*.
2. Appliances. An appliance used in a citrus grove, citrus nursery, or other area to handle citrus nursery stock listed in subsection (C)(1).

**D.** Restrictions.

1. A person may ship a regulated commodity into Arizona from an area under quarantine if the regulated commodity is accompanied by a certificate issued by a plant regulatory official from the origin state, attesting that the commodity:
  - a. Originates from an area not under quarantine for citrus tristeza virus, and
  - b. Originates from a source tree that is:
    - i. Tested for Cachexia, citrus exocortis virus, and citrus psorosis virus; or
    - ii. From budwood tested for Cachexia, citrus exocortis virus, and citrus psorosis virus; and
    - iii. Tested annually for citrus tristeza virus; and
  - c. Was treated within five days before shipment with a chemical to kill the arthropod pests listed in subsection (A)(2), and that the commodity is free of all live life stages of the arthropod pests listed in subsection (A)(2).
2. A person shall not ship a Meyer lemon plant or plant part, except fruit, into Arizona. An exception is allowed for the selection Improved Meyer lemon plant or plant part, which may be shipped into Arizona in compliance with this Section.
3. A person shipping a regulated commodity into Arizona shall attach a single tag or label to each plant or plant

part, or to each individual container containing a plant or plant part, that is intended for resale by an Arizona receiver. The tag or label shall contain the following information separately provided for each scion variety grafted to a single rootstock:

- a. Name and address of the nursery that propagated the plant,
  - b. Scion variety name,
  - c. Scion variety registration number, and
  - d. Rootstock variety name.
4. A person shipping a regulated commodity into Arizona shall ensure the commodity complies with the entry requirements prescribed in R3-4-226 and R3-4-238.
  5. A person may ship a regulated appliance into Arizona if the appliance is accompanied by a certificate issued by a plant regulatory official from the origin state. The certificate shall state that the appliance was treated within five days before shipment with a chemical to kill the arthropod pests listed in subsection (A)(2), and that the appliance is free of all live life stages of the arthropod pests listed in subsection (A)(2).
- E.** Disposition of regulated commodity or appliance not in compliance. A regulated commodity or appliance shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out-of-state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

#### Historical Note

Former Rule, Quarantine Regulation 9. Amended effective July 1, 1975 (Supp. 75-1). Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Section repealed, new Section adopted effective June 14, 1990 (Supp. 90-2). Section R3-1-57 renumbered to R3-4-220 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 3380, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 12 A.A.R. 4065, effective December 4, 2006 (Supp. 06-4).

#### R3-4-221. Repealed

#### Historical Note

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.01 renumbered to R3-4-221 (Supp. 91-4).

#### R3-4-222. Repealed

#### Historical Note

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.02 renumbered to R3-4-222 (Supp. 91-4).

#### R3-4-223. Repealed

#### Historical Note

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.03 renumbered to R3-4-223 (Supp. 91-4).

#### R3-4-224. Repealed

#### Historical Note

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982

(Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.04 renumbered to R3-4-224 (Supp. 91-4).

#### R3-4-225. Repealed

#### Historical Note

Former Section R3-4-57 amended and renumbered as R3-4-57 through R3-4-57.05 effective February 16, 1982 (Supp. 82-1). Repealed effective June 14, 1990 (Supp. 90-2). Section R3-1-57.05 renumbered to R3-4-225 (Supp. 91-4).

#### R3-4-226. Scale Insect Pests

##### A. Definitions.

“Pest” means all life stages of the following:

*Aonidiella aurantii*, California red scale;  
*Aonidiella citrine*, Yellow scale;  
*Chrysomphalus aonidum*, Florida red scale; or  
*Pulvinaria psidi*, Green shield scale.

##### B. Area under quarantine. The entire states of Alabama, Arkansas, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, and Texas, and the Commonwealth of Puerto Rico.

##### C. Regulated commodities. Plants and all plant parts, except seed, of the genera listed below:

*Camellia*,  
*Chrysalidocarpus*,  
*Citrus*,  
*Cycas*,  
*Dracaena*,  
*Eremocitrus*,  
*Euonymus*,  
*Ficus*,  
*Fortunella*,  
*Ilex*,  
*Ligustrum*,  
*Microcitrus*,  
*Poncirus*, and  
*Rosa*

##### D. Restrictions. A person may ship a regulated commodity to Arizona from an area under quarantine if each shipment is accompanied by a certificate issued by a plant regulatory official of the origin state within five days before shipment attesting that one of the following is true:

1. A regulated commodity of the genera *Citrus*, *Eremocitrus*, *Fortunella*, *Microcitrus*, and *Poncirus* was treated with a chemical to kill the pests listed in subsection (A) and was visually inspected and found free of all live life stages of the pests listed in subsection (A);
2. A regulated commodity not listed in subsection (D)(1):
  - a. Was treated with a chemical to kill the pests listed in subsection (A) and was visually inspected and found free of all live life stages of the pests listed in subsection (A); or
  - b. Originated from a nursery with a pest management program recognized and monitored by the origin state to control the pests listed in subsection (A), and was visually inspected and found free of all live life stages of the pests listed in subsection (A).

##### E. Disposition of regulated commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed, treated, or transported out-of-state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

#### Historical Note

Former Rule, Quarantine Regulation 10; Amended effective August 31, 1981 (Supp. 81-4). Former Section R3-4-58 repealed, new Section R3-4-58 adopted effective July

13, 1989 (Supp. 89-3). Section R3-1-58 renumbered to R3-4-226 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 3380, effective October 2, 2004 (Supp. 04-3). Amended by final rulemaking at 12 A.A.R. 4065, effective December 4, 2006 (Supp. 06-4).

### R3-4-227. Repealed

#### Historical Note

Former Rule, Quarantine Regulation 11. Section R3-1-59 renumbered to R3-4-227 (Supp. 91-4). Repealed effective April 3, 1997 (Supp. 97-2).

### R3-4-228. European Corn Borer

#### A. Definitions. The following terms apply in this Section:

“Corn” means *Zea* spp.

“Fragment” means a portion of a regulated commodity that cannot pass through a 1/2” aperture or a completely whole, round, and uncrushed piece of cob, stalk, or stem of at least 1” in length and 3/16” in diameter.

“Pest” means all life stages of the European corn borer, *Ostrinia nubilalis*.

“Shelled grain” means the seed or kernel of corn or sorghum that has been separated from every other plant part.

“Sorghum” means *Sorghum* spp.

#### B. Area under quarantine.

1. The entire states of Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.
2. The District of Columbia.
3. In the state of Florida, the following counties: Calhoun, Escambia, Gadsden, Hamilton, Holmes, Jackson, Jefferson, Madison, Okaloosa, and Santa Rosa.
4. In the state of Louisiana, the following parishes: Bossier, Caddo, Concordia, East Carroll, Franklin, Madison, Morehouse, Natchitoches, Ouachita, Red River, Richland, Tensas, and West Carroll.
5. In the state of New Mexico, the following counties: Chaves, Curry, Quay, Roosevelt, San Juan, Santa Fe, Torrance, Union, and Valencia.
6. In the state of Texas, the following counties: Bailey, Carson, Castro, Dallam, Deaf Smith, Floyd, Gray, Hale, Hansford, Hartley, Hutchinson, Lamb, Lipscomb, Moore, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, and Swisher.

#### C. Regulated commodities. The plants corn and sorghum and every plant part, including seed, shelled grain, stalks, ears, cobs, fragments, and debris are regulated commodities under this Section.

#### D. Restrictions. A person shall not ship into Arizona a regulated commodity from an area under quarantine unless each shipment is accompanied by an original certificate, issued by a plant regulatory official of the state of origin, attesting that the regulated commodity was treated by a method listed in subsection (F), under the official’s supervision.

#### E. Exemptions.

1. Treatment prescribed in subsection (F) is waived for all of the following:

- a. Shelled grain, if the grain is accompanied by an original certificate issued by a plant regulatory official of the state of origin attesting that:

- i. The shelled grain was passed through a 1/2” or smaller-size mesh screen at the place of origin, and

- ii. The shipment is free of plant fragments capable of harboring the larval life stage of the pest;

- b. Commercially packaged shelled popcorn, planting seed, and grain for human consumption; or

- c. A regulated commodity manufactured or processed by a method that eliminates the pest.

2. The Director shall issue a permit to allow a regulated commodity from an area under quarantine, other than one exempt under subsection (E)(1), to enter Arizona without the treatment prescribed in subsection (F) if the regulated commodity originates from an area certified as pest free by a plant regulatory official of the state of origin.

#### F. Treatment.

1. Methyl bromide fumigation (Q label) applied at label rates.

2. Any other treatment approved by the Director.

#### G. Disposition. If a person ships a regulated commodity into Arizona in violation of this Section, the regulated commodity shall be destroyed, treated, or transported out-of-state as prescribed in A.R.S. Title 3, Chapter 2, Article 1.

#### Historical Note

Former Rule, Quarantine Regulation 12. Amended effective July 1, 1975 (Supp. 75-1). Amended effective June 19, 1978 (Supp. 78-3). Amended subsection (C) effective January 21, 1981 (Supp. 81-1). Amended effective August 11, 1987 (Supp. 87-3). Section R3-1-60 renumbered to R3-4-228 (Supp. 91-4). Amended by final rulemaking at 10 A.A.R. 3374, effective October 2, 2004 (Supp. 04-3).

### R3-4-229. Nut Tree Pests

#### A. In addition to the definitions provided in A.R.S. § 3-201 and R3-4-102, the following terms apply to this Section:

1. “Brooming” means a virus-like disease that drastically reduces nut production and sometimes causes death of the host tree.

2. “Pest” means any of the following:

- a. Pecan leaf casebearer, *Acrobasis juglandis* (LeBaron);

- b. Pecan nut casebearer, *Acrobasis nuxvorella* (Neunzig);

- c. Pecan phylloxera, *Phylloxera devastatrix*;

- d. The pathogen that causes brooming disease of walnut.

#### B. Area under quarantine: All states, districts, and territories of the United States except California.

#### C. Infested area.

1. For *Acrobasis* spp.: All states and districts east of and including the states of Montana, Wyoming, Colorado, Oklahoma, and Texas; in New Mexico, the counties of Chaves, Lea, Roosevelt, Eddy, Dona Ana, Otero, and Quay.

2. For pecan phylloxera: Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

3. For brooming disease of walnut: All states and districts east of and including Montana, Wyoming, Colorado, and New Mexico.

#### D. Commodities covered:

1. All species and varieties of the following trees and all plant parts capable of propagation, except the nuts. Plant parts include buds, scions, and rootstocks:
    - a. Hickory and pecan (*Carya* spp.);
    - b. Walnut and butternut (*Juglans* spp.);
  2. Pecan firewood;
  3. Any used appliance, used box, or sack used during the growing, harvesting, handling, transporting, or storing nuts and hulls.
- E. Restrictions:**
1. The commodities listed in subsection (D)(1) shall be admitted into Arizona:
    - a. From the infested area prescribed in subsections (C)(1) and (C)(2) if treated at origin and each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming the commodity has been treated in accordance with subsection (F);
    - b. From an area under quarantine outside the infested area, if each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming that the commodities originated in a county not known to be infested with the pests listed in subsections (A)(2)(a), (b), and (c).
  2. The commodities listed in subsection (D)(1)(b) shall be:
    - a. Prohibited from entering Arizona from the infested area prescribed in subsection (C)(3);
    - b. Admitted into Arizona from an area under quarantine outside the infested area prescribed in subsection (C)(3), if each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming brooming is unknown in the origin county.
  3. The commodities listed in subsections (D)(2) and (D)(3) are prohibited from entering the state unless fumigated as prescribed in subsection (F)(1).
- F. Treatments:**
1. Methyl bromide fumigation at normal atmospheric pressure, with circulations maintained for 30 minutes, as follows:
    - a. 2 lbs. per 1,000 cu.ft. for four hours at 70° F or more,
    - b. 3 lbs. per 1,000 cu.ft. for four hours at 60-69° F.
  2. A hot-water dip at 140° F or more for a minimum of 30 continuous seconds.
  3. Appliances.
    - a. Steam-cleaned, inspected, and certified free from debris by the origin state, or
    - b. Cold treatment in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours).
  4. Any other treatment approved by the Associate Director.

#### Historical Note

Former Rule, Quarantine Regulation 13. Amended subsections (C), (E) and (G) effective May 5, 1986 (Supp. 86-3). Section R3-1-61 renumbered to R3-4-229 (Supp. 91-4). Amended effective January 16, 1996 (Supp. 96-1). Amended by final rulemaking at 6 A.A.R. 41, effective December 8, 1999 (Supp. 99-4). Subsection citation in subsection (E)(1)(b) amended to correct manifest typographical error (Supp. 03-2).

#### R3-4-230. Repealed

#### Historical Note

Former Rule, Quarantine Regulation 14. Section R3-1-62 renumbered to R3-4-230 (Supp. 91-4). Section repealed

by final rulemaking at 10 A.A.R. 3380, effective October 2, 2004 (Supp. 04-3).

#### R3-4-231. Nut Pests

- A. Definition.** In addition to the definitions provided in A.R.S. § 3-201 and R3-4-102, the following term applies to this Section:
- “Pest” means any of the following:
1. Pecan weevil, *Curculio caryae* (Horn);
  2. Butternut curculio, *Conotrachelus juglandis* LeC;
  3. Black walnut curculio, *Conotrachelus retentus* Say;
  4. Hickory shuckworm, *Laspeyresia caryana* (Fitch).
- B. Area under quarantine:**
1. Pecan weevil: All states and districts of the United States except California and New Mexico.
  2. Hickory shuckworm: The New Mexico counties of Lea, Eddy, and Dona Ana, and all other states and districts of the United States except California.
  3. Black walnut curculio and butternut curculio: All states and districts of the United States except California.
- C. Commodities covered:**
1. Nuts of all species and varieties of hickory, pecan (*Carya* spp.), walnut and butternut (*Juglans* spp.), except extracted nut meats.
  2. Any used appliance, used box or sack used during growing, harvesting, handling, transporting, or storing nuts and hulls.
- D. Restrictions:**
1. A commodity listed in subsection (C)(1), originating in or shipped from the area under quarantine, shall be admitted into Arizona if the commodity has been cleaned of husks, hulls, debris, and sticktights and each lot or shipment is accompanied by a certificate issued by the origin state department of agriculture affirming the commodity has been treated in accordance with subsection (E).
  2. A commodity listed in subsection (C)(2) shall be admitted into Arizona if the commodity has been fumigated as prescribed in subsections (E)(3) and (E)(4).
- E. Treatment:**
1. Cold treatment: The commodities shall be held in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours). The treatment shall not start until the entire content of the lot of nuts has reached 0° F.
  2. A hot-water bath treatment at 140° F for a minimum of five continuous minutes. Water temperature shall be maintained at or above 140° F during the entire treatment period.
  3. Methyl bromide fumigation at normal atmospheric pressure, with circulations maintained for 30 continuous minutes, as follows:
    - a. 2 lbs. per 1,000 cu. ft. for four hours at least 70° F, or
    - b. 3 lbs. per 1,000 cu. ft. for four hours at 60-69° F.
  4. Appliances.
    - a. Steam-cleaned, inspected, and certified free from debris by the origin state,
    - b. Cold treatment in a cold storage chamber at or below 0° F for at least seven consecutive days (168 hours).

#### Historical Note

Former Rule, Quarantine Regulation 15. Amended effective July 13, 1989 (Supp. 89-3). Section R3-1-63 renumbered to R3-4-231 (Supp. 91-4). Amended by final rulemaking at 6 A.A.R. 41, effective December 8, 1999 (Supp. 99-4).

**R3-4-232. Repealed****Historical Note**

Former Rule, Quarantine Regulation 16. Repealed effective February 16, 1979 (Supp. 79-1). Section R3-1-64 renumbered to R3-4-232 (Supp. 91-4).

**R3-4-233. Lettuce Mosaic Virus****A. Definitions.** In addition to the definitions provided in R3-4-101, the following terms apply to this Section:

1. "Breeder seed" means unindexed lettuce seed that a lettuce breeder or researcher controls, and that is not available for commercial sale or propagation.
2. "Breeder trial" means breeder seed grown to develop a new variety of lettuce.
3. "Mosaic-indexed" means that a laboratory tested at least 30,000 lettuce seeds from a seed lot and found that all sampled seeds were determined to be free from lettuce mosaic virus.
4. "Pest" means lettuce mosaic virus.
5. "Unindexed lettuce seed" means lettuce seed that is not mosaic-indexed.

**B. Area Under Quarantine:** All states, districts, and territories of the United States.**C. Regulated Commodities:** Plants and plant parts, including seeds, of all varieties of lettuce, *Lactuca sativa*.**D. Restrictions.**

1. A person shall not import into, transport within, plant, or sell in Arizona unindexed lettuce seed unless the unindexed lettuce seed is exempted under subsection (E) or the person obtains a permit as prescribed in subsection (G).
2. Each container or subcontainer of mosaic-indexed seed shall bear a label with the statement "Zero infected seeds per 30,000 tested (0 in 30,000)" as well as the name of the certified or accredited laboratory that tested the seed under subsection (D)(5).
3. A person shall not import into, transport within, plant, or sell in Arizona lettuce transplants unless the transplants are exempted under subsection (E), or unless an original certificate, issued by the origin state, accompanies the shipment. The certificate shall declare:
  - a. The name of the exporter,
  - b. The variety name and lot number of the seed from which the transplants were grown, and
  - c. Verification that the seeds from which the transplants were grown were mosaic-indexed.
4. A grower shall disk or otherwise destroy all lettuce fields within 10 days after the last day of commercial harvest or abandonment, unless prevented by documented weather conditions or circumstances beyond the control of the grower.
5. Laboratories that index lettuce seed that is shipped to Arizona shall be certified by the agricultural department of the laboratory's state of origin or by the Arizona Department of Agriculture, in accordance with A.R.S. § 3-145, or shall be accredited by the National Seed Health System. Laboratories shall provide a copy of their certificate or accreditation letter to the Arizona Department of Agriculture by January 1 of the year that shipping will take place.

**E. Exemptions.** The requirements of subsection (D) do not apply to:

1. Lettuce seed sold in retail packages of 1 oz. or less to the homeowner for noncommercial planting,
2. Shipments of lettuce transplants consisting of five flats or less per receiver for noncommercial planting,

3. Breeder trials for a plot of 1/20 of an acre or less, or
4. Breeder trials for a plot of greater than 1/20 of an acre but no more than 1.25 acres provided the breeder or researcher:

- a. Places a flag, marked with a trial identification number, at each corner of a breeder trial plot;
- b. Provides the following written information to the Department within 10 business days of planting breeder seed:
  - i. GPS coordinates for each breeder trial plot using NAD 83 decimal degrees;
  - ii. A detailed map showing the location of each breeder trial plot;
  - iii. An identification number for each breeder trial plot; and
  - iv. The name, address, telephone number, and e-mail address for the breeder or researcher;
- c. Monitors the lettuce for pest symptoms, and notifies the Department, by telephone, by the end of the first business day following the detection of pest symptoms;
- d. Removes and destroys all plants exhibiting pest symptoms from the breeder trial plot and places them in a sealed container for disposal in a landfill;
- e. Labels bills of lading or invoices accompanying breeder seed into Arizona with the statement "LETTUCE SEED FOR BREEDER TRIALS ONLY"; and
- f. Destroys lettuce plants remaining in a breeder trial plot within 10 days after the completion of breeding trials unless prevented by documented weather conditions or circumstances beyond the control of the researcher or breeder.

**F. A breeder or researcher may conduct multiple breeder trials in Arizona under the provisions of subsection (E)(3) and (4).****G. Permits.**

1. A person may apply for a permit to import unindexed lettuce seed for temporary storage in Arizona if the person:
  - a. Maintains the identity of the seed while in Arizona;
  - b. Does not sell or distribute the seed for use in the state;
  - c. Does not transfer the seed to any other facility in the state; and
  - d. Reships the seed from the state within seven days or the period of time specified on the permit, whichever is longer.
2. A person may apply for a permit to transport unindexed lettuce seed into Arizona to be mosaic-indexed.

**H. Disposition of Violation.**

1. Any infected shipment of lettuce seed or transplants arriving in or found within the state, in violation of this Section, shall be immediately destroyed. The owner or the owner's agent shall bear the cost of the destruction.
2. Any shipment of unindexed lettuce seed or transplants arriving in or found within the state in violation of this Section shall be immediately sent out-of-state or destroyed at the option of the owner or the owner's agent. The owner or the owner's agent shall bear the cost of the destruction or of sending the lettuce seed or transplants out-of-state.
3. Any Arizona lettuce fields in violation of this Section shall be abated as established in A.R.S. §§ 3-204 and 3-205. The owner or person in charge may be assessed a civil penalty established in A.R.S. § 3-215.01.

4. Violation of any provision of a permit issued under subsection (G) may result in suspension or revocation of the permit.

#### Historical Note

Former Rule, Quarantine Regulation 17. Amended effective July 1, 1975 (Supp. 75-1). Section R3-1-65 renumbered to R3-4-233 (Supp. 91-4). Section repealed; new Section adopted effective December 2, 1998 (Supp. 98-4). Amended effective December 2, 1998 (Supp. 98-4). Amended by final rulemaking at 14 A.A.R. 4091, effective December 6, 2008 (Supp. 08-4).

#### R3-4-234. Nematode Pests

##### A. Definition.

“Pest” means the reniform nematode, *Rotylenchulus reniformis*, and the burrowing nematode, *Radopholus similis* (Cobb).

##### B. Areas under quarantine.

###### 1. Reniform nematode.

- a. The entire states of Florida and Hawaii.
- b. The Commonwealth of Puerto Rico.
- c. In the state of Alabama, the counties of, Autauga, Baldwin, Barbour, Bibb, Blount, Bullock, Butler, Chambers, Cherokee, Chilton, Choctaw, Clarke, Clay, Cleburne, Coffee, Colbert, Conecuh, Coosa, Dale, Dallas, DeKalb, Elmore, Escambia, Etowah, Fayette, Franklin, Geneva, Houston, Jackson, Jefferson, Lamar, Lauderdale, Lawrence, Lee, Limestone, Lowndes, Macon, Madison, Marengo, Marion, Marshall, Montgomery, Morgan, Perry, Pickens, Pike, Randolph, Saint Clair, Shelby, Sumter, Talladega, Tallapoosa, Tuscaloosa, Walker, Washington, Wilcox, and Winston.
- d. In the state of Arkansas, the counties of Ashley, Jefferson, Lonoke, and Monroe.
- e. In the state of Georgia, the counties of, Baker, Banks, Barrow, Bartow, Ben Hill, Berrien, Bleckley, Brooks, Bulloch, Burke, Calhoun, Candler, Catoosa, Charlton, Clarke, Clay, Coffee, Colquitt, Cook, Crisp, Decatur, Dodge, Dooly, Dougherty, Early, Echols, Elbert, Emanuel, Franklin, Gordon, Grady, Hall, Hart, Houston, Jeff Davis, Jefferson, Jenkins, Johnson, Laurens, Lee, Macon, Marion, Miller, Mitchell, Montgomery, Morgan, Newton, Oconee, Peach, Pierce, Pulaski, Randolph, Richmond, Schley, Screven, Seminole, Stewart, Sumter, Tattall, Taylor, Terrell, Thomas, Tift, Tombs, Turner, Twiggs, Walker, Walton, Warren, Washington, Wayne, Webster, Wheeler, Wilcox, and Worth.
- f. In the state of Louisiana, the parishes of, Acadia, Ascension, Assumption, Avoyelles, Beauregard, Bossier, Caddo, Calcasieu, Caldwell, Catahoula, Concordia, East Baton Rouge, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jefferson, Lafayette, Lafourche, Madison, Morehouse, Natchitoches, Orleans, Ouachita, Plaquemines, Pointe Coupee, Rapides, Red River, Richland, Sabine, Saint Bernard, Saint Charles, Saint Helena, Saint John the Baptist, Saint Landry, Saint Tammany, Tangipahoa, Tensas, Terrebonne, West Baton Rouge, West Carroll, and Winn.
- g. In the state of Mississippi, the counties of, Adams, Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Coahoma, Copiah, Covington, DeSoto, Forrest, George, Greene, Grenada, Hancock, Harrison, Hinds, Holmes, Humphreys, Issaquena,

Itawamba, Jackson, Jones, Lafayette, Lee, Leflore, Lowndes, Madison, Marion, Marshall, Monroe, Noxubee, Oktibbeha, Panola, Perry, Pontotoc, Prentiss, Quitman, Rankin, Scott, Sharkey, Sunflower, Tallahatchie, Tippah, Tunica, Union, Warren, Washington, Yalobusha, and Yazoo.

- h. In the state of North Carolina, the counties of, Cumberland, Harnett, Hoke, Johnston, Richmond, Robeson, Sampson, and Scotland.
  - i. In the state of South Carolina, the counties of, Calhoun, Clarendon, Darlington, Dillon, Florence, Kershaw, Lee, Marlboro, Orangeburg, Sumter, and Williamsburg.
  - j. In the state of Texas, the counties of, Brazos, Burleson, Cameron, Fort Bend, Hidalgo, Lynn, Robertson, Starr, Terry, Wharton, and Willacy.
2. Burrowing nematode.
- a. The entire states of Florida and Hawaii.
  - b. In the state of Texas, the counties of, Cameron and Hildago.
  - c. The Commonwealth of Puerto Rico.

##### C. Regulated Commodities.

1. Soil;
2. All plants with roots, including bulbs, corms, tubers, rhizomes, and stolons; and
3. All plant cuttings for propagation.

##### D. Exceptions to regulated commodities.

1. Industrial sand and clay;
2. Orchids and plants produced epiphytically, if growing exclusively in or on soil-free material such as osmunda fiber, tree fern trunk, or bark;
3. Aquatic plants, including species normally growing in, on, or under water;
4. Dormant bulbs, corms, tubers, rhizomes, and stolons for propagation, if free from roots and soil; and
5. All fleshy roots, corms, tubers, and rhizomes for edible or medicinal purposes, if free of soil.

##### E. Quarantine Restrictions.

1. The Associate Director shall deny entry of a regulated commodity from an area under quarantine, whether moved directly from the area or by diversion or re-shipment, unless the regulated commodity is accompanied by an original certificate from the state of origin. The certificate shall state that the regulated commodity contained in the shipment is pest-free by one of the following methods:
  - a. The origin state determined through an annual survey conducted within the 12-month period immediately before shipment, that the pests do not exist on the property or in the facility used to grow the regulated commodity.
  - b. The regulated commodity in the shipment was sampled two weeks before shipment, and found pest-free.
  - c. The regulated commodity was protected from infestation of the pests by implementing all of the following steps:
    - i. Propagated from clean seed or from cuttings taken 12 inches or higher above ground level,
    - ii. Planted in sterilized soil or other material prepared or treated to ensure freedom from the pests,
    - iii. Retained in a sterilized container or bed,
    - iv. Placed on a sterilized bench or sterilized support 18 inches or higher from the ground or floor level, and

- v. Found pest-free using a sampling method approved by the Associate Director.
  - 2. All regulated commodities entering Arizona shall be unloaded at destination into a quarantine holding area and held undisturbed for at least five calendar days until the Department confirms the regulated commodities are pest-free.
  - 3. An Arizona receiver of a regulated commodity shall establish a quarantine holding area approved by the Department that satisfies the following conditions:
    - a. The floor of the holding area shall be composed of a permeable surface, such as sand or soil, and shall be free from debris, grass, and weeds;
    - b. An outdoor quarantine holding area shall be at least 15 ft. from all masonry walls, property boundaries, and non-quarantined plants;
    - c. The quarantine holding area shall be isolated from public access, and surrounded by a fence or other barrier; and
    - d. The integrity and security of the holding area shall be maintained at all times.
  - 4. A cutting or bareroot regulated commodity may be placed in a container during the quarantine holding period. If the Associate Director determines that the regulated commodity is infested with a pest, the regulated commodity, container, and soil shall be transported out-of-state or destroyed by a method approved by the Associate Director.
  - 5. Pesticides and other chemicals shall not be applied to a regulated commodity in a quarantine holding area except under the direction and supervision of a Department inspector.
- F. Disposition of violations.**  
If laboratory testing indicates a regulated commodity is infested with a pest, the regulated commodity shall be destroyed or transported out-of-state.

**Historical Note**

Former Rule, Quarantine Regulation 18. Amended effective April 26, 1976 (Supp. 76-2). Repealed effective December 19, 1980 (Supp. 80-6). Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66 renumbered to R3-4-234 (Supp. 91-4). Section repealed; new Section made by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).

**R3-4-235. Repealed****Historical Note**

Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.01 renumbered to R3-4-235 (Supp. 91-4). Section repealed by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).

**R3-4-236. Repealed****Historical Note**

Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.02 renumbered to R3-4-236 (Supp. 91-4). Section repealed by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).

**R3-4-237. Repealed****Historical Note**

Adopted effective August 1, 1985 (Supp. 85-2). Section R3-1-66.03 renumbered to R3-4-237 (Supp. 91-4). Section repealed by final rulemaking at 7 A.A.R. 4434, effective September 24, 2001 (Supp. 01-3).

**R3-4-238. Whitefly Pests**

- A. Definition.**  
“Pest” means:
1. Citrus whitefly, *Dialeurodes citri* (Ashm.);
  2. Cloudy-winged whitefly, *Dialeurodes citrifolii* (Morgan);
  3. Woolly whitefly, *Aleurothrixus floccosus* (Maskell).
- B. Area under quarantine.** Alabama, Arkansas, California, Florida, Georgia, Hawaii, Louisiana, Mississippi, North Carolina, South Carolina, Texas, and Virginia.
- C. Commodities covered.** Plants and all plant parts, except fruit and seed, of the following genera and species:
- Ailanthus,*  
*Amplopsiis,*  
*Bignonia capreolata,*  
*Choisya ternata,*  
*Citrus,*  
*Diospyros,*  
*Eremocitrus,*  
*Feijoa,*  
*Ficus macrophyll,*  
*Fortunella,*  
*Gardenia,*  
*Ilex,*  
*Jasminum,*  
*Lagerstroemia,*  
*Ligustrum,*  
*Maclura pomifera,*  
*Melia,*  
*Microcitrus,*  
*Musa,*  
*Osmanthus,*  
*Plumaria,*  
*Poncirus,*  
*Prunus caroliniana,*  
*Psidium,*  
*Punica granatum,*  
*Pyrus communis,*  
*Sapindus mukorossi,*  
*Smilax,*  
*Syringa vulgaris,* and  
*Viburnum*
- D. Restrictions.** A person may ship a regulated commodity to Arizona from an area under quarantine if the shipment is accompanied by a certificate issued by a plant regulatory official of the origin state attesting that within five days before shipment:
1. A regulated commodity of the genera *Citrus*, *Eremocitrus*, *Fortunella*, *Microcitrus*, and *Poncirus* was treated with a chemical to kill the pests listed in subsection (A), and was visually inspected and found free of all live life stages of the pests listed in subsection (A).
  2. A regulated commodity not listed in subsection (D)(1):
    - a. Was treated with a chemical to kill the pests listed in subsection (A) and was visually inspected and found free of all live life stages of the pests listed in subsection (A), or
    - b. Originated from a nursery with a pest management program recognized and monitored by the origin state and to control the pests listed in subsection (A), and was visually inspected and found free of all live life stages of the pests listed in subsection (A), or
    - c. The regulated commodity is completely devoid of foliage and is exempt from treatment for the pests listed in subsection (A).
- E. Disposition of regulated commodity not in compliance.** A regulated commodity shipped into Arizona in violation of this

Section shall be destroyed, treated, or transported out-of-state as prescribed at A.R.S. Title 3, Chapter 2, Article 1.

#### Historical Note

Former Rule, Quarantine Regulation 19. Amended effective April 26, 1976 (Supp. 76-2). Amended effective August 15, 1989 (Supp. 89-3). Section R3-1-67 renumbered to R3-4-238 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 12 A.A.R. 4065, effective December 4, 2006 (Supp. 06-4).

#### R3-4-239. Imported Fire Ants

- A.** Definitions.  
“Pest” means any species of imported fire ants, including *Solenopsis invicta* and *Solenopsis richteri*.
- B.** Area under quarantine. A state or portion of a state listed in 7 CFR 301.81-3, 68 FR 5794, February 5, 2003, and any area a state declares infested. This material is incorporated by reference, on file with the Department and the Office of the Secretary State, and does not include any later amendments or editions.
- C.** Regulated commodities.
- Soil, except potting soil shipped in an original container in which the potting soil is packaged after commercial preparation; and
  - All plants associated with soil, except:
    - Plants that are maintained indoors year-round, and are not for sale; and
    - Plants shipped bare-root and free of soil.
- D.** Restrictions.
- A shipper of a regulated commodity shall unload a regulated commodity at destination into an approved quarantine holding area as prescribed in subsection (D)(2). The Department shall inspect and quarantine the regulated commodity as follows:
    - Soil and plants associated with soil from an area under quarantine in subsection (B) shall be held at least three consecutive days, and
    - Soil and plants associated with soil from an area under quarantine for nematodes under R3-4-234(B) shall be held at least five consecutive days.
  - An Arizona receiver of a regulated commodity shall establish a Department-approved quarantine holding area that meets the following specifications:
    - The floor is of a permeable surface, such as sand or soil, and free from debris, grass, or weeds;
    - The area is isolated from public access, surrounded by a fence or other barrier;
    - The integrity and security of the area is maintained at all times; and
    - If outdoors, the area is at least 15 feet from any masonry wall, property boundary, or non-quarantine plant.
  - A receiver shall apply a pesticide or other chemical to a regulated commodity located in a quarantine holding area only when directed and supervised by a Department inspector.
- E.** Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner’s expense.

#### Historical Note

Former Rule, Quarantine Regulation 20. Amended effective July 1, 1975 (Supp. 75-1). Amended effective April 26, 1976 (Supp. 76-2). Correction amendment effective April 26, 1976 included deletion of Arkansas (see subsection (C)) (Supp. 77-1). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). New Section adopted effective December 22, 1989 (Supp. 89-4). Section R3-1-68 renumbered to R3-4-239 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 9 A.A.R. 2095, effective August 2, 2003 (Supp. 03-2).

tion (C)) (Supp. 77-1). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). New Section adopted effective December 22, 1989 (Supp. 89-4). Section R3-1-68 renumbered to R3-4-239 (Supp. 91-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 9 A.A.R. 2095, effective August 2, 2003 (Supp. 03-2).

#### R3-4-240. Apple Maggot and Plum Curculio

- A.** Definitions. The following term applies to this Section: “Pest” means:
- Apple maggot, *Rhagoletis pomonella* (Walsh); or
  - Plum curculio, *Conotrachelus nenuphar*.
- B.** Area under quarantine. All states, territories, and districts of the United States.
- C.** Regulated commodities. The fresh fruit of the following plants:  
*Chaenomeles* spp. (Quince),  
*Crataegus* spp. (Hawthorne),  
*Malus* spp. (Apple),  
*Prunus* spp. (Apricot, Cherry, Nectarine, Peach, Plum, and Prune), and  
*Pyrus communis* spp. (Pear).
- D.** Restrictions.
- A person shall not ship into Arizona a regulated commodity that is produced in or shipped from an area under quarantine unless each lot or shipment is accompanied by a certificate issued by an official of the state of origin, attesting that the regulated commodity was:
    - Held in an approved controlled atmosphere storage facility for a minimum of 90 continuous days at a maximum temperature of 38° F, or
    - Held in an approved cold storage facility for a minimum of 40 continuous days at a maximum temperature of 32° F.
  - The Director may issue a permit to allow a regulated commodity from an area under quarantine to enter Arizona without treatment as prescribed in subsection (D)(1) if the commodity originates from an area:
    - That is certified to be pest-free, or
    - That is infested, but where an on-going pest eradication program exists that is acceptable to the Director of the Arizona Department of Agriculture.
- E.** Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner’s expense.

#### Historical Note

Former Rule, Quarantine Regulation 21. Amended effective December 5, 1974 (Supp. 75-1). Amended effective June 16, 1977 (Supp. 77-3). Section repealed, new Section adopted effective June 14, 1990 (Supp. 90-2). Section R3-1-69 renumbered to R3-4-240 (Supp. 91-4). Amended by final rulemaking at 9 A.A.R. 1046, effective May 5, 2003 (Supp. 03-1).

#### R3-4-241. Lethal Yellowing of Palms

- A.** Definitions. The following term applies to this Section: “Pest” means:
- A pathogen, a non-cultivable mollicute, causing lethal yellowing of palms; or
  - Myndus crudus*, a planthopper that vectors the pathogen.
- B.** Area under quarantine.
- In the state of Florida, the following counties: Broward, Collier, Hendry, Lee, Martin, Miami-Dade, Monroe, and Palm Beach.

2. In the state of Texas, the following counties: Cameron, Hidalgo, and Willacy.
- C. Regulated commodities. All propagative parts of the following plants, except seed:
- Aiphanes lindeniana*,  
*Allagoptera arendria*,  
*Andropogon virginicus* (Broomsedge),  
*Arenga engleri*,  
*Borassus flabellifer* (Palmyra Palm),  
*Caryota mitis* (Cluster Fishtail Palm),  
*Caryota rumphiana* (Giant Fishtail Palm),  
*Chelyocarpus chuco*,  
*Chrysalidocarpus cabadae*, syn. *Dypsis cabadae* (Cabada Palm),  
*Cocos nucifera* (Coconut Palm),  
*Corypha elata* (Buri Palm),  
*Cynodon dactylon* (Bermuda Grass),  
*Cyperus* spp. (Sedges),  
*Dictyosperma album* (Princess Palm),  
*Eremochloa ophiuroides* (Centipede Grass),  
*Gaussia attenuata* (Puerto Rican Palm),  
*Howea belmoreana* (Belmore Sentry Palm),  
*Latania* spp. (Latan Palm),  
*Livistona chinensis* (Chinese Fan Palm),  
*Livistona rotundifolia* (Javanese Fan Palm),  
*Mascarena verschaffeltii* (Spindle Palm),  
*Nannorrhops ritchiana* (Mazari Palm),  
*Neodypsis decaryi*, syn. *Dypsis decaryi* (Triangle Palm),  
*Pandanus utilis* (Screw Pine),  
*Panicum purpurascens* (Para Grass),  
*Panicum bartowense*,  
*Paspalum notatum* (Bahia Grass),  
*Phoenix canariensis* (Canary Island Date Palm),  
*Phoenix dactylifera* (Date Palm),  
*Phoenix reclinata* (Sengal Date Palm),  
*Phoenix rupicola* (Cliff Date Palm),  
*Phoenix sylvestris* (Wild Date Palm),  
*Phoenix zeylanica* (Ceylon Date Palm),  
*Polyandrococos caudescens*,  
*Pritchardia* spp.,  
*Ravenea hildebrandtii*,  
*Stenotaphrum secundatum* (St. Augustine Grass),  
*Syagrus schizophylla*  
*Trachycarpus fortunei* (Windmill Palm),  
*Veitchia* spp., and  
*Zoysia* spp. (Zoysia Grass).
- D. Restrictions. A person shall not ship into Arizona a regulated commodity that is produced in or shipped from an area under quarantine.
- E. Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner's expense.
- B. Commodities covered: All plants, except seed and fruit.
- C. Restrictions.
- The species, subspecies, varieties, ornamental forms, and any hybrid having at least one ancestor of the following genera are prohibited from entering the state:
    - Citrus*,
    - Fortunella*, and
    - Poncirus*,
  - All other covered commodities, whether moved directly from the area under quarantine or by diversion or re-shipment from any other point, are prohibited from entering Arizona unless the following requirements are met:
    - Aquatic plants are accompanied by an original certificate affirming that the commodity was inspected and found free of the pest within five days before shipment.
    - Terrestrial plants are accompanied by an original certificate affirming that the commodity was treated, as prescribed in subsection (E), within five days before shipment.
    - The certificate shall indicate:
      - The common chemical name of the product's active ingredient,
      - The rate at which the product was applied, and
      - The treatment date.
- D. The Director may issue a permit admitting a covered commodity subject to specific limitations, conditions, and provisions that eliminate the risk of the pest.
- E. Treatment.
- An application of a pesticide labeled for the treatment of aphids applied according to label instructions, or
  - Any other treatment approved by the Director.

**Historical Note**

Former Rule, Quarantine Regulation 23. Amended effective July 1, 1975 (Supp. 75-1). Correction (Supp. 76-5). Repealed effective April 25, 1977 (Supp. 77-2). Section R3-1-71 renumbered to R3-4-242 (Supp. 91-4). New Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-243. Repealed****Historical Note**

Former Rule, Quarantine Regulation 24. Repealed effective April 25, 1977 (Supp. 77-2). Section R3-1-72 renumbered to R3-4-243 (Supp. 91-4).

**R3-4-244. Regulated and Restricted Noxious Weeds**

- A. Definitions. In addition to the definitions provided in A.R.S. § 3-201, the following terms apply to this Section:
- "Habitat" means any terrestrial or aquatic area within Arizona that is capable of sustaining plant growth.
  - "Infested area" means each individual container in which a pest is found or the specific area that harbors a pest.
  - "Regulated pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state may be controlled to prevent further infestation or contamination:
    - Cenchrus echinatus* L. -- Southern sandbur,
    - Cenchrus incertus* M.A. Curtis -- Field sandbur,
    - Convolvulus arvensis* L. -- Field bindweed,
    - Eichhornia crassipes* (Mart.) Solms -- Floating water hyacinth,
    - Medicago polymorpha* L. -- Burclover,
    - Pennisetum ciliare* (L.) Link -- Buffelgrass,

**R3-4-242. Brown Citrus Aphid**

- A. Area Under Quarantine: Hawaii and any county in Florida that, by notification from the Florida Department of Agriculture and Consumer Services, is infested with the brown citrus aphid.

*Portulaca oleracea* L. -- Common purslane,  
*Tribulus terrestris* L. -- Puncturevine.

4. "Restricted pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), found within the state shall be quarantined to prevent further infestation or contamination:

*Acroptilon repens* (L.) DC. -- Russian knapweed,  
*Aegilops cylindrica* Host. -- Jointed goatgrass,  
*Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn,  
*Cardaria draba* (L.) Desv. -- Globed-podded hoary cress (Whitetop),  
*Centaurea diffusa* L. -- Diffuse knapweed,  
*Centaurea maculosa* L. -- Spotted knapweed,  
*Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle),  
*Cuscuta* spp. -- Dodder,  
*Eichhornia crassipes* (Mart.) Solms -- Floating water hyacinth,  
*Elytrigia repens* (L.) Nevski -- Quackgrass,  
*Euryops subcarneus* subsp. *vulgaris* -- Sweet resinbush,  
*Halogeton glomeratus* (M. Bieb.) C.A. Mey -- Halogeton,  
*Helianthus ciliaris* DC. -- Texas blueweed,  
*Ipomoea triloba* L. -- Three-lobed morning glory,  
*Linaria genistifolia* var. *dalmatica* -- Dalmation toadflax,  
*Onopordum acanthium* L. -- Scotch thistle.

B. Area under quarantine: All infested areas within the state.

C. The following commodities are hosts or carriers of the regulated or restricted pest:

1. All plants other than those categorized as a regulated or restricted pest;
2. Forage, straw, and feed grains;
3. Live and dead flower arrangements;
4. Ornamental displays;
5. Aquariums; and
6. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.

D. The Department may quarantine any commodity, habitat, or area infested or contaminated with a regulated pest and notify the owner or carrier of the restrictions and treatments listed in subsections (F) and (G). If the regulated pest is not quarantined, the Department shall provide the grower with technical information on effective weed control activities through integrated pest management.

E. The Department shall quarantine any commodity, habitat, or area infested or contaminated with a restricted pest and shall notify the owner or carrier of the restrictions and treatments of the pest listed in subsections (F) and (G).

F. Restrictions.

1. No regulated or restricted pest or commodity infested or contaminated with a regulated or restricted pest shall be moved to a non-infested area unless the Director issues a permit for the transporting or propagating of the pest.
2. An owner or the owner's representative shall notify the Department at least two working days in advance of moving contaminated equipment from an infested area.
3. The Department may inspect all equipment within two working days after a request to inspect the equipment is made if the equipment:
  - a. Has been moved into or through a non-infested area;
  - b. Has not been treated; or

- c. Has been used to harvest an infested crop within the past 12 months.

G. Treatments.

1. An owner or the owner's representative shall treat all soil and debris from equipment used in a quarantined area until it is free of the regulated or restricted pest before the equipment is moved. Removal or destruction of the restricted or regulated pest shall be accomplished through one of the following methods:
  - a. Autoclaving.
    - i. Dry heat. The commodity shall be heated for 15 minutes at 212° F.
    - ii. Steam heat. The commodity shall be heated for 15 minutes at 212° F;
  - b. Fumigating with ethylene oxide, chamber only: The commodity shall be fumigated with 1,500 mg/L for four hours in a chamber pre-heated to 115-125° F;
  - c. High-pressure water spray;
  - d. Crushing;
  - e. Incinerating; or
  - f. Burying in a sanitary landfill to a depth of six feet.
2. An owner or the owner's representative shall treat an infested area or habitat, including the area within the crop, rangeland, roadside, or private property, with treatments based on an integrated pest management program appropriate to the commodity. The treatments shall take place under the direction of an inspector and shall include:
  - a. Reshipment from the state;
  - b. Manual removal;
  - c. Application of a herbicide;
  - d. Biological control including insects, fungi, nematodes, or microbes; or
  - e. Any other treatment approved by the Director.

#### Historical Note

Former Rule, Quarantine Regulation 25. Repealed effective June 19, 1978 (Supp. 78-3). Section R3-1-73 renumbered to R3-4-244 (Supp. 91-4). New Section adopted effective July 10, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Amended by final rulemaking at 6 A.A.R. 2082, effective May 15, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 5315, effective February 4, 2006 (Supp. 05-4).

#### R3-4-245. Prohibited Noxious Weeds

A. Definition. In addition to the definitions provided in A.R.S. § 3-201, the following apply to this Section:

1. "Habitat" means any terrestrial or aquatic area within Arizona that is capable of sustaining plant growth.
2. "Infested area" means each individual container in which a pest is found, the specific area that harbors the pest, or any shipment that has not been released to the receiver and is infested with a pest.
3. "Pest" means any of the following plant species, including viable plant parts (stolons, rhizomes, cuttings and seed, except agricultural, vegetable and ornamental seed for planting purposes), that are prohibited from entering the state:

*Acroptilon repens* (L.) DC. -- Russian knapweed,  
*Aegilops cylindrica* Host. -- Jointed goatgrass,  
*Alhagi pseudalhagi* (Bieb.) Desv. -- Camelthorn,  
*Alternanthera philoxeroides* (Mart.) Griseb. -- Alligator weed,

*Cardaria pubescens* (C.A. Mey) Jarmolenko -- Hairy whitetop,  
*Cardaria chalepensis* (L.) Hand-Muzz -- Lens podded hoary cress,  
*Cardaria draba* (L.) Desv. -- Globed-podded hoary cress (Whitetop),  
*Carduus acanthoides* L. -- Plumeless thistle,  
*Cenchrus echinatus* L. -- Southern sandbur,  
*Cenchrus incertus* M.A. Curtis -- Field sandbur,  
*Centaurea calcitrapa* L. -- Purple starthistle,  
*Centaurea iberica* Trev. ex Spreng. -- Iberian starthistle,  
*Centaurea squarrosa* Willd. -- Squarrose knapweed,  
*Centaurea sulphurea* L. -- Sicilian starthistle,  
*Centaurea solstitialis* L. -- Yellow starthistle (St. Barnaby's thistle),  
*Centaurea diffusa* L. -- Diffuse knapweed,  
*Centaurea maculosa* L. -- Spotted knapweed,  
*Chondrilla juncea* L. -- Rush skeletonweed,  
*Cirsium arvense* L. Scop. -- Canada thistle,  
*Convolvulus arvensis* L. -- Field bindweed,  
*Coronopus squamatus* (Forsk.) Ascherson -- Creeping wartcress (Coronopus),  
*Cucumis melo* L. var. *Dudaim* Naudin -- Dudaim melon (Queen Anne's melon),  
*Cuscuta* spp. -- Dodder,  
*Drymaria arenarioides* H.B.K. -- Alfombrilla (Lightningweed),  
*Eichhornia azurea* (SW) Kunth. -- Anchored water hyacinth,  
*Eichhornia crassipes* (Mart.) Solms -- Floating water hyacinth,  
*Elytrigia repens* (L.) Nevski -- Quackgrass,  
*Euphorbia esula* L. -- Leafy spurge,  
*Halogeton glomeratus* (M. Bieb.) C.A. Mey -- Halogeton,  
*Helianthus ciliaris* DC. -- Texas blueweed,  
*Hydrilla verticillata* Royale -- Hydrilla (Florida-elo-dea),  
*Ipomoea* spp. -- Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory; *Ipomoea triloba*, three-lobed morning glory (which is considered a restricted pest); and *Ipomoea aborescens*, morning glory tree,  
*Ipomoea triloba* L. -- Three-lobed morning glory,  
*Isatis tinctoria* L. -- Dyers woad,  
*Linaria genistifolia* var. *dalmatica* -- Dalmation toadflax,  
*Lythrum salicaria* L. -- Purple loosestrife,  
*Medicago polymorpha* L. -- Burclover,  
*Nassella trichotoma* (Nees.) Hack. -- Serrated tussock,  
*Onopordum acanthium* L. -- Scotch thistle,  
*Orobanche ramosa* L. -- Branched broomrape,  
*Panicum repens* L. -- Torpedo grass,  
*Peganum harmala* L. -- African rue (Syrian rue),  
*Pennisetum ciliare* (L.) Link -- Buffelgrass,  
*Portulaca oleracea* L. -- Common purslane,  
*Rorippa austriaca* (Crantz.) Bess. -- Austrian field-cress,  
*Salvinia molesta* -- Giant Salvinia,  
*Senecio jacobaea* L. -- Tansy ragwort,  
*Solanum carolinense* L. -- Carolina horsenettle,  
*Sonchus arvensis* L. -- Perennial sowthistle,  
*Solanum viarum* Dunal -- Tropical Soda Apple,  
*Stipa brachychaeta* Godr. -- Puna grass,

*Striga* spp. -- Witchweed,  
*Trapa natans* L. -- Water-chestnut,  
*Tribulus terrestris* L. -- Puncturevine.

- B.** Area under quarantine: All states, districts, and territories of the United States except Arizona.
- C.** The following commodities are hosts or carriers of the pest:
1. All plants and plant parts other than those categorized as a pest;
  2. Forage, straw, and feed grains;
  3. Live or dead flower arrangements;
  4. Ornamental displays;
  5. Aquariums; and
  6. Any appliance, construction or dredging equipment, boat, boat trailer or related equipment, or any other vehicle with soil attached or carrying plant debris.
- D.** The Department shall quarantine any commodity, habitat, or area infested or contaminated with a pest and shall notify the owner or carrier of the methods of removing or destroying the pest from the commodity, habitat, or area. The Department shall reject any shipment not released to the receiver and reshipe to the shipper.
- E.** Restrictions:
1. No pest or commodity infested or contaminated with a pest shall be admitted into the state unless the Director issues a permit for the transporting or propagating of the pest.
  2. The Department shall regulate the movement of the commodity out of a quarantined area within the state until the pest is eradicated. Any shipment or lot of a commodity infested or contaminated with a pest arriving in the state in violation of this quarantine shall, according to A.R.S. § 3-205(A), be immediately reshipped from the state, or treated or destroyed using one of the following methods:
    - a. The commodity shall be fumigated with 1,500 mg/L of ethylene oxide for four hours in a chamber preheated to 115-125° F;
    - b. Incinerating;
    - c. Burying in a sanitary landfill to a depth of six feet;
    - d. Application of a herbicide; or
    - e. Any other treatment approved by the Director.

#### Historical Note

Former Rule, Quarantine Regulation 26. Amended effective June 19, 1978 (Supp. 78-3). Amended subsection (B) effective May 2, 1986 (Supp. 86-3). Section R3-1-74 renumbered to R3-4-245 (Supp. 91-4). Section repealed, new Section adopted effective July 10, 1995 (Supp. 95-3). Amended effective June 4, 1998 (Supp. 98-2). Amended by final rulemaking at 6 A.A.R. 2082, effective May 15, 2000 (Supp. 00-2). Amended by final rulemaking at 11 A.A.R. 5315, effective February 4, 2006 (Supp. 05-4).

#### R3-4-246. Caribbean Fruit Fly

- A.** Definitions. The following term applies to this Section: "Pest" means all life stages of the Caribbean fruit fly, *Anastrepha suspensa*.
- B.** Area under quarantine.
1. In the state of Florida, the following counties: Alachua, Brevard, Broward, Charlotte, Citrus, Collier, DeSoto, Duval, Glades, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lake, Lee, Manatee, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, St. Johns, St. Lucie, Sarasota, Seminole, Sumter, and Volusia.
  2. The Commonwealth of Puerto Rico.
- C.** Regulated commodities.

1. The fresh fruit of the following plants:
  - Actinidia chinensis* (Kiwi),
  - Annona glabra* (Pond Apple),
  - Annona* hybrid,
  - Annona squamosa* (Sugar Apple),
  - Atalantia citriodes*,
  - Averrhoa carambola* (Carambola),
  - Blighia sapida* (Akee),
  - Canella winteriana* (Wild Cinnamon),
  - Capsicum frutesceas* (Bell Pepper),
  - Carica papaya* (Papaya),
  - Carissa grandiflora* (Natal Plum),
  - Casimiroa edulis* (White Sapote),
  - Chrysobalanus icaco* (Cocoplum),
  - Citrus aurantiifolia* (Lime),
  - Citrus aurantium* (Sour Orange),
  - Citrus limonia* (Rangpur Lime),
  - Citrus nobilis* ‘unshu’ x *Fotunella* sp. (Jack Orangequat),
  - Citrus paradisi* (Grapefruit),
  - Citrus paradisi* x *C. reticulata* (Tangelo),
  - Citrus reticulata* (Tangerine),
  - Citrus sinensis* (Sweet Orange),
  - Citrus sinensis* x *C. reticulata* (Temple Orange),
  - Clausena lansium* (Wampi),
  - Dimocarpus longan* (Longan),
  - Diospyros blancoi* (Velvet Apple or Velvet Persimmon),
  - Diospyros khaki* (Japanese Persimmon),
  - Dovyalis caffra* (Kei Apple),
  - Dovyalis hebecarpa* (Ceylon Gooseberry),
  - Drypetes lateriflora* (Guiana Plum),
  - Eriobotrya japonica* (Loquat),
  - Eugenia aggregata* (Cherry of the Rio Grande),
  - Eugenia brasiliensis* (Grumichama),
  - Eugenia coronata*,
  - Eugenia ligustrina*,
  - Eugenia luschnathiana* (Pitomba),
  - Eugenia uniflora* (Surinam Cherry),
  - Ficus altissima*,
  - Ficus carica* (Fig),
  - Flacourtia indica* (Governor’s Plum),
  - Fortunella* spp. (Kumquat),
  - Garcinia livingstonei* (Imbe),
  - Garcinia xanthochymus*,
  - Litchi chinensis* (Lychee),
  - Lycopersicon esculentum* (Tomato),
  - Malpighia glabra* (Barbados Cherry),
  - Malus sylvestris* (Apple),
  - Mangifera indica* (Mango),
  - Manilkara jaimiqui* spp. *Emarginata* (Wild Dilly),
  - Manilkara roxburghiana*,
  - Manilkara zapota* (Sapodilla),
  - Momordica charantia* (Wild Balsam Apple),
  - Muntingia calabura* (Calbur),
  - Murraya paniculata* (Orange Jasmine),
  - Myciaria cauliflora* (Jaboticaba),
  - Myrcianthes fragrans*,
  - Myricaria glomerata*,
  - Persea americana* (Avocado),
  - Pimenta dioica* (Allspice),
  - Pouteria campechiana* (Egg Fruit),
  - Prunus persica* (Nectarine),
  - Prunus persica* (Peach),
  - Pseudanmomis umbellulifera*,
  - Psidium* spp. (Guava),
  - Punica granatum* (Pomegranate),
  - Pyrus cummunis* (Pear),

- Pyrus pyrifolia* (Japanese Pear),
- Pyrus pyrifolia* x *Pyrus communis* (Kieffer Pear),
- Rheedia aristata*,
- Rubus hybrid* (Blackberry),
- Severinia buxifolia* (Box Orange),
- Spondias cytherea* (Otaheite Apple),
- Synsepalum dulcificum* (Miracle Fruit),
- Syzygium cumini* (Jambolan Plum),
- Syzygium jambos* (Rose Apple),
- Syzygium samarangense* (Java Apple),
- Terminalia catappa* (Tropical Almond),
- Terminalia muelleri*,
- Trevisia palmata*,
- Triphasia trifolia* (Limeberry),
- X *Citrofortunella floridana* (Limequat), and
- X *Citrofortunella mitis* (Calamondin).

2. Soil or planting media within the drip area of plants producing, or that have produced, a regulated commodity.

- D. Restrictions. A regulated commodity produced in or shipped from an area under quarantine is prohibited entry into Arizona unless each lot or shipment is accompanied by a certificate issued by an official of the state of origin, affirming compliance with one of the following:
  1. Citrus fruit (*Citrus* spp. and *Fortunella* spp.) has been fumigated with methyl bromide (“Q” label only) for a minimum of two hours under the following conditions:

Pulp Temperature	Rate per 1000 cu. ft.
No less than 60° F to 79° F	3 pounds
80° F or above	2 1/2 pounds

2. Non-citrus fruit has been treated in compliance with a treatment plan approved by the Director.
- E. Disposition of commodity not in compliance. A regulated commodity shipped into Arizona in violation of this Section shall be destroyed or transported out-of-state by the owner and at the owner’s expense.

**Historical Note**

Adopted effective July 1, 1975 (Supp. 75-1). Correction (Supp. 76-1). Amended effective May 10, 1988 (Supp. 88-2). Section R3-1-75 renumbered to R3-4-246 (Supp. 91-4). Amended by final rulemaking at 9 A.A.R. 2098, effective August 2, 2003 (Supp. 03-2).

**R3-4-247. Repealed**

**Historical Note**

Amended effective April 26, 1976 (Supp. 76-2). Amended effective June 16, 1977 (Supp. 77-3). Repealed effective June 19, 1978 (Supp. 78-3). Section R3-1-76 renumbered to R3-4-247 (Supp. 91-4).

**R3-4-248. Japanese beetle**

- A. Definitions.
  1. “Host commodities” means the commodities listed in the JBHP, Appendix 5.
  2. “JBHP” means the U.S. Domestic Japanese Beetle Harmonization Plan, adopted by the National Plant Board on August 19, 1998, and revised September 5, 2000.
  3. “Pest” means the Japanese beetle, *Popillia japonica* (Newman).
- B. Area under quarantine: All areas listed in the JBHP, which is incorporated by reference, does not include any later amendments or editions, and is on file with the Department, the Office of the Secretary of State, and the National Plant Board

at [www.aphis.usda.gov/npb](http://www.aphis.usda.gov/npb). The incorporated material includes the following changes:

1. Appendix 1, delete the words “(except sod).”
  2. Appendix 5, definition of host commodities, delete the words “grass sod.”
- C.** Host commodities covered. All commodities, except grass sod, listed in the JBHP.
- D.** An out-of-state grower who imports a host commodity into Arizona shall comply with the JBHP, except as provided under subsection (E).
- E.** Restrictions on importation.
1. An out-of-state grower shall not import into Arizona a host commodity under subsection (C) from an area under quarantine unless the commodity is accompanied by an original certificate issued by an official of the origin state ensuring compliance with the requirements of the JBHP, Appendix 1.
  2. The Associate Director may admit grass sod from an out-of-state grower for shipment to Arizona if:
    - a. The out-of-state grower requests an exception agreement from the Department;
    - b. The out-of-state grower, the state plant regulatory official of the origin state, and the Associate Director sign an agreement that includes the following terms:
      - i. The out-of-state grower shall ship sod grown only in a Japanese beetle-free county;
      - ii. The origin state’s plant regulatory official shall place and monitor Japanese beetle traps on the grass sod farm during the agreement period. At least one trap shall be placed on each 10 acres of land. A buffer zone of a one-mile radius shall be established around the grass sod farm, and two traps per square mile shall be placed in the buffer zone. The Department shall revoke the agreement if the origin state documents that one or more Japanese beetles are detected in any trap;
      - iii. The origin state’s plant regulatory official or designee shall inspect sod before shipment to ensure it is free of the pest; and
      - iv. The out-of-state grower shall ship sod to Arizona only through the ports of entry on I-10 or I-40.
    - c. Both the out-of-state grower and the origin state’s plant regulatory official shall perform any other requirement established by the Associate Director to ensure the grass sod is free from all life stages of Japanese beetle.
  3. Exemptions from importation ban:
    - a. Privately-owned houseplants grown indoors; and
    - b. Commodities that are treated by the grower for Japanese beetle may be imported into Arizona if the Associate Director approves the treatment method before shipment.

#### Historical Note

Adopted effective June 16, 1977 (Supp. 77-3). Section R3-1-77 renumbered to R3-4-248 (Supp. 91-4). Amended by final rulemaking at 7 A.A.R. 5345, effective November 8, 2001 (Supp. 01-4).

### ARTICLE 3. NURSERY CERTIFICATION PROGRAM

#### R3-4-301. Nursery Certification

- A.** Definitions. The following terms apply to this Section.

“Associate Director” means the Associate Director of the Arizona Department of Agriculture’s Plant Services Division.

“Certificate” means a document issued by the Director, Associate Director or by a Department inspector stating that the nursery stock has been inspected and complies with the criteria set forth by an agricultural agency of any state, county, or commonwealth.

“Certificate holder” means a person who holds a certificate issued in accordance with this Section.

“Collected nursery stock” means nursery stock that has been dug or gathered from any site other than a nursery location.

“Commercially clean” means nursery stock offered for sale is in a healthy condition and, though common pests may be present, they exist at levels that pose little or no risk.

“Common pest” means a pest, weed, or disease that is not under a state or federal quarantine or eradication program and is of general distribution within the state.

“Director” means the Director of the Arizona Department of Agriculture.

“General nursery stock inspection certification” means an inspection carried out at the request of a person for the purpose of meeting the general nursery inspection requirements of another state.

“Nursery location” means real property with one physical address, upon which nursery stock is propagated, grown, sold, distributed, or offered for sale.

“Quarantine pest” means an economically important pest that does not occur in the state or that occurs in the state but is not widely distributed or is being officially eradicated.

“Single shipment nursery stock inspection certification” means a visit to a single location by a Department inspector to certify one or more shipments of nursery stock for compliance with the quarantine requirements of the receiving state, county, or commonwealth.

- B.** General nursery stock inspection certification. A person may apply for general nursery stock inspection certification by submitting to the Department the application described in subsection (E) for each nursery location. The applicant shall submit a \$50 inspection fee to the Department at the time of inspection for each nursery location. Each nursery location shall be inspected and certified separately. An application for initial certification may be submitted at any time. A certificate will be valid for one year, and may be renewed. A renewal application shall be submitted each year by February 15.
1. The Department shall issue a general nursery stock inspection certificate to the applicant if, following a Department inspection, the nursery stock is found free of quarantine pests, and commercially clean of common pests that are adversely affecting the nursery stock.
    - a. The Department shall only certify nursery stock that is found free of quarantine pests. The applicant shall not remove from the nursery any nursery stock that is found infested with a quarantine pest until a Department inspector determines that the pest has been eliminated.
    - b. The Department shall restrict the movement of any nursery stock found infested with a common pest that a Department inspector determines is adversely affecting the nursery stock. The applicant shall

- establish a treatment program to control the pest and shall not remove the infested nursery stock from the nursery until a Department inspector determines that the pest has been controlled.
2. A certificate holder shall ensure that a nursery with a general nursery stock inspection certificate remains free of quarantine pests and commercially clean of common pests that are adversely affecting the nursery stock throughout the period that the certificate is valid.
  3. A certificate holder shall not distribute, transport, or sell nursery stock interstate if it is infested with a quarantine pest or a common pest that is adversely affecting the nursery stock.
  4. A certificate holder may reproduce a general nursery stock inspection certificate without the Department's permission for nursery use.
  5. A certificate holder shall ensure that the nursery's general nursery stock inspection certificate accompanies each shipment of nursery stock that is moved out of the state.
  6. A certificate holder shall maintain all invoices or other shipping documents for shipments received by and shipped from the nursery for up to one year. The certificate holder shall make the documents available to the Department upon request, as authorized by A.R.S. § 3-201.01(A)(6).
  7. The Department shall inspect a nursery with a general nursery stock inspection certificate at any time during the certificate period to verify compliance with this Section.
  8. A general nursery stock inspection certificate expires on December 31 of each year unless renewed, suspended, or revoked as provided in this Section.
  9. A person with a general nursery stock inspection certificate may also need to obtain a special nursery stock inspection certificate to meet a specific quarantine entry requirement of another state, as prescribed in subsection (C).
- C.** Special nursery stock inspection certification. A person may apply for special nursery stock inspection certification to meet specific quarantine entry requirements of another state that are not addressed by the general nursery stock inspection certificate described in subsection (B). The applicant shall submit to the Department the application described in subsection (E) and a \$50 inspection fee for each nursery location.
1. An applicant shall ensure that the applicant's nursery stock is free of quarantine pests as required by the receiving state and commercially clean of common pests that are adversely affecting the nursery stock. The Department shall not certify nursery stock that is infested with a quarantine pest until a Department inspector determines that the pest has been eliminated. The Department shall not certify nursery stock that is infested with a common pest that a Department inspector determines is adversely affecting the nursery stock.
  2. A certificate holder shall not reproduce or duplicate a special nursery stock inspection certificate without written permission from the Department.
  3. A special nursery stock inspection certificate is valid for one year from the issue date unless the receiving state requires a shorter certification period.
- D.** Single shipment nursery stock inspection certification. A person may apply for a single shipment nursery stock inspection certification to meet the entry requirements of another state by submitting to the Department the application described in subsection (E) with a \$50 inspection fee.
1. An applicant for a single shipment nursery stock inspection certificate shall ensure that the nursery stock in each shipment is free from quarantine pests, as required by the receiving state, and commercially clean of common pests that are adversely affecting the nursery stock. The Department shall not certify nursery stock that is infested with a common pest that a Department inspector determines is adversely affecting the nursery stock until the pest has been controlled.
2. A single shipment nursery stock inspection certificate is valid for seven calendar days following the inspection date. A certificate holder may apply for a new certificate if the original certificate expires before the shipment leaves Arizona.
3. A certificate holder shall not reproduce or duplicate a single shipment nursery stock inspection certificate.
  4. A person who has obtained a single shipment nursery stock inspection certificate for collected nursery stock shall retain a record, for at least one year from the shipment date, of the street address from which each plant in a shipment was collected. The person shall provide the collected nursery stock record to the Department upon request.
- E.** Application. A person applying for a certificate under this Section shall provide the following information on a form obtained from the Department:
1. Applicant's name, nursery name, mailing address, telephone and fax numbers, and e-mail address, as applicable;
  2. Location at which inspection is to be made, by legal description or physical address;
  3. Number of acres, structures, or vehicles to be inspected, as applicable;
  4. For shipping, the state, county, or commonwealth of planned destination, the category of inspection, and the nursery stock to be certified;
  5. Applicant's Social Security number or tax identification number; and
  6. Applicant's signature and date of signature.
- F.** Based upon the circumstances of each case, the Associate Director may:
1. Refuse to issue a certificate if, after inspection, the Associate Director determines that an applicant has not met a requirement for certification.
  2. Revoke a certificate for a violation of a condition of the certificate.
  3. Suspend, for a period of up to 90 days, a certificate for misuse or misrepresentation related to the certificate.
  4. Refuse to issue or suspend a certificate issued under this Section if the applicant or certificate holder refuses to provide the Department with documents that demonstrate the ownership, origin, or destination of nursery stock presented for certification.
- G.** Notwithstanding subsections (B) through (D), during fiscal year 2014, an applicant for nursery stock inspection certification shall pay the following fee:
1. For general certification, \$250.
  2. For single shipment certification, \$50 for the first lot plus \$10 for each additional lot per Department site trip.

#### Historical Note

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-301 renumbered from R3-1-301 (Supp. 91-4). Section repealed; new Section made by final rulemaking at 12 A.A.R. 1378, effective June 4, 2006 (Supp. 06-2). Amended by exempt rulemaking at 16 A.A.R. 1336,

effective June 29, 2010 (Supp. 10-2). Amended by exempt rulemaking at 17 A.A.R. 1761, effective July 20, 2011 (Supp. 11-3). Amended by exempt rulemaking at 18 A.A.R. 2063, effective August 2, 2012 (Supp. 12-3). Amended by exempt rulemaking at 19 A.A.R. 3143, effective September 14, 2013 (Supp. 13-3).

**R3-4-302. Repealed**

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-302 renumbered from R3-1-301 (Supp. 91-4). Section repealed by final rulemaking at 12 A.A.R. 1378, effective June 4, 2006 (Supp. 06-2).

**R3-4-303. Repealed**

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-303 renumbered from R3-1-303 (Supp. 91-4). Section repealed by final rulemaking at 12 A.A.R. 1378, effective June 4, 2006 (Supp. 06-2).

**R3-4-304. Repealed**

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-304 renumbered from R3-1-304 (Supp. 91-4). Section repealed by final rulemaking at 12 A.A.R. 1378, effective June 4, 2006 (Supp. 06-2).

**R3-4-305. Repealed**

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-305 renumbered from R3-1-305 (Supp. 91-4). Section repealed by final rulemaking at 12 A.A.R. 1378, effective June 4, 2006 (Supp. 06-2).

**R3-4-306. Repealed**

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-306 renumbered from R3-1-306 (Supp. 91-4). Section repealed by final rulemaking at 12 A.A.R. 1378, effective June 4, 2006 (Supp. 06-2).

**R3-4-307. Repealed**

**Historical Note**

Adopted effective January 17, 1989 (Supp. 89-1). Section R3-4-307 renumbered from R3-1-307 (Supp. 91-4). Repealed effective April 11, 1994 (Supp. 94-2).

**ARTICLE 4. SEEDS**

**R3-4-401. Definitions**

In addition to the definitions provided in A.R.S. § 3-231, the following shall apply to this Article:

1. "Blend" means seed consisting of more than one variety of a kind, with each variety in excess of five percent by weight of the whole.
2. "Brand" means a word, name, symbol, number, or design used to identify seed of one person to distinguish it from seed of another person.
3. "Certifying agency" means:
  - a. An agency authorized under the laws of this state to officially certify seed and that has standards and procedures approved by the U.S. Secretary of Agriculture to assure the varietal purity and identity of the seed certified, or
  - b. An agency of a foreign country determined by the U.S. Secretary of Agriculture to adhere to proce-

dures and standards for seed certification comparable to the procedures and standards adhered to generally by seed-certifying agencies under subsection (a) of this definition.

4. "Coated seed" means seed that has been covered with a substance that changes the size, shape, or weight of the original seed. Seed coated with ingredients such as rhizobia, dyes, and pesticides is not coated seed.
5. "Conditioning" or "conditioned" means drying, cleaning, scarifying, and other operations that could change the purity or germination of the seed and require the seed lot to be retested to determine the label information.
6. "Dormant" means viable seed, excluding hard seed, that fails to germinate when provided the specified germination conditions for that kind of seed.
7. "Federal Seed Act" means the federal law at 7 U.S.C. 1551-1611 and regulations promulgated under the Act: 20 CFR part 201.
8. "Flower seeds" means seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower or wildflower seeds in this state.
9. "Germination" means the emergence and development from the seed embryo of those essential structures that, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.
10. "Hard seeds" means seeds that remain hard at the end of the prescribed germination test period because they have not absorbed water due to an impermeable seed coat.
11. "Inert matter" means all matter that is not seed, including broken seeds, sterile florets, chaff, fungus bodies, and stones.
12. "Mixture", "mix", or "mixed" means seed consisting of more than one kind, each in excess of five percent by weight of the whole.
13. "Mulch" means a protective covering of any suitable substance placed with seed that acts to retain sufficient moisture to support seed germination, sustain early seedling growth and aid in preventing soil moisture evaporation, control of weeds, and erosion prevention.
14. "Origin" means the state where the seed was grown, or if not grown in the United States, the country where the seed was grown.
15. "Other crop seed" means seeds of plants grown as crops other than the kind or variety included in the pure seed, as determined by methods defined in this Article.
16. "Pure live seed" means the product of the percent of germination plus hard or dormant seed multiplied by the percent of pure seed divided by 100. The result is expressed as a whole number.
17. "Pure seed" means a kind of seed excluding inert matter and all other seed not of the kind being considered.
18. "Replacement date sticker" means a sticker on a label that displays a new test date.
19. "Retail" means sales that are not intended for agricultural use and are prepared for use by a consumer in home gardens or household plantings only.
20. "Seed count" means the number of seeds per unit weight in a container.
21. "Seizure" means taking possession of seed pursuant to a court order.
22. "Wholesale" means sales of seeds that are intended for agricultural use normally in quantities for resale, as by an agricultural retail merchant and are not prepared for use in home gardening or household plantings.

23. “Working sample” means the number of seeds required under §§ 402 and 403 of the Federal Seed Act.

**Historical Note**

Former Rule, Arizona Seed Regulation 1. Amended effective August 31, 1981 (Supp. 81-4). Former Section R3-4-110 renumbered without change as Section R3-4-401 (Supp. 89-1). Section R3-4-401 renumbered from R3-1-401 (Supp. 91-4). Section repealed, new Section adopted effective July 10, 1995 (Supp. 95-3). Amended by final rulemaking at 13 A.A.R. 1464, effective June 2, 2007 (Supp. 07-2).

**R3-4-402. Labeling**

**A. General requirements:**

1. Blank spaces or the words “free or none” mean “0” and “0.00%” for the purpose of applying the tolerances prescribed in this Article.
2. Labeling for purity and germination shall not show higher results than actually found by test.
3. The terms “foundation seed,” “registered seed,” and “certified seed” are authorized for use on seed certified by a seed certifying agency under the laws of Arizona as delineated in R3-4-405.
4. Relabeling. Any person relabeling seed in its original container shall include the following information on a label or a replacement date sticker:
  - a. The calendar month and year the germination test was completed to determine the germination percentage and the sell-by date as required by subsection (C)(3)(i)(iv) or (C)(5)(c)(i),
  - b. The same lot designation as on the original labels, and
  - c. The identity of the person relabeling the seed if different from the original labeler.
5. Labeling of seed distributed to wholesalers. After seed has been conditioned, a labeler shall ensure the seed is labeled as follows:
  - a. When supplied to a retailer or consumer, each bag or bulk lot must be completely labeled.
  - b. When supplied to a wholesaler, if each bag or other container is clearly identified by a lot number permanently displayed on the container or if the seed is in bulk, the labeling of seed may be by invoice.
  - c. When supplied to a wholesaler, if each bag or container is not identified by a lot number, it must carry complete labeling.
6. Seeds for sprouting. All labels of seeds sold for sprouting for salad or culinary purposes shall indicate the following information:
  - a. Commonly accepted name of kind or kinds;
  - b. Lot number;
  - c. Percentage by weight of each pure seed component in excess of 5 percent of the whole, other crop seeds, inert matter, and weed seeds, if occurring;
  - d. Percentage of germination of each pure seed component;
  - e. Percentage of hard seed, if present; and
  - f. The calendar month and year the germination test was completed to determine the percentages in subsections (c), (d) and (e).

**B. Kind, variety, or type.**

1. All agricultural seeds sold in this state, except as stated in subsection (B)(2), shall be labeled to include the recognized variety name or type or the words “Variety not stated.” A brand is not a kind and variety designation and shall not be used instead of a variety name.

2. All cotton planting seed sold, offered for sale, exposed for sale, or transported for planting purposes in this state, shall have a label that includes both kind and variety.

**C. Agricultural, vegetable, or flower seeds that is sold, offered for sale, or exposed for sale within this state shall bear on each container a plainly written or printed label or tag in English. No modifications or disclaimers shall be made to the required label information in the labeling or on another label attached to the container. No misleading information shall appear on the label. The label shall include the following information:**

1. For agricultural, vegetable, and flower seeds that have been treated, the following is required and may appear on a separate label:
  - a. Language indicating that the seed has been treated;
  - b. The commonly-accepted chemical name of the applied substance or a description of the process used;
  - c. If a substance that is harmful to human or animals is present with the seed, a caution statement such as “Do not use for food, feed, or oil purposes.” The caution for highly toxic substances shall be a poison statement and symbol; and
  - d. If the seed is treated with an inoculant, the date of expiration, which is the date beyond which the inoculant is not to be considered effective.
2. For agricultural seeds, except for lawn and turf grass seed and mixtures of lawn and turf grass seed as provided in subsection (C)(3); for seed sold on a pure live seed basis as provided in subsection (C)(7); and for hybrids that contain less than 95 percent hybrid seed as provided in subsection (C)(8):
  - a. The name of the kind and variety for each agricultural seed component in excess of five percent of the whole and the percentage by weight of each. If the variety of the kinds generally labeled as a variety designated in this Article is not stated, the label shall show the name of the kind and the words, “variety not stated.” Hybrid seed shall be labeled as hybrid;
  - b. Lot number or other lot identification;
  - c. Origin of alfalfa, red clover, and field corn (except hybrid corn) or if the origin is unknown, a statement that the origin is unknown;
  - d. Percentage by weight of all weed seeds;
  - e. The name and rate of occurrence per pound of each kind of restricted noxious weed seed present;
  - f. Percentage by weight of agricultural seeds other than those required to be named on the label. Agricultural seeds may be designated as “crop seeds;”
  - g. Percentage by weight of inert matter;
  - h. The sum total of weight identified in subsections (a), (d), (f), and (g) shall equal 100 percent;
  - i. For each named agricultural seed:
    - i. Percentage germination, excluding hard seed;
    - ii. Percentage of hard seeds, if present; and
    - iii. The calendar month and year the test was completed to determine the percentages. The statement “total germination and hard seed” may be included following the percentages required under subsections (i) and (ii).
  - j. Net weight of seed in the container or seed count per unit weight; and
  - k. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state.
3. For lawn and turf grass seed and lawn and turf grass seed mixtures:

- a. For single kinds, the name of the kind or kind and variety and the percentage by weight.
  - b. For mixtures, the word “mix,” “mixed,” or “mixture” or “blend” shall be stated with the name of the mixture, along with the commonly accepted name of each kind or kind and variety of each agricultural seed component in excess of five percent of the whole and the percentages by weight.
  - c. The percentage by weight of each kind of pure seed shall be listed in order of its predominance and in columnar form. The heading “pure seed” and “germination” or “germ” shall be placed consistent with generally accepted industry practices.
  - d. Percentage by weight of agricultural seed other than those required to be named on the label which shall be designated as “crop seed.”
  - e. The percentage by weight of inert matter for lawn and turf grass shall not exceed ten percent, except that 15 percent inert matter is permitted in Kentucky bluegrass labeled without a variety name. Foreign material that is not common to grass seed shall not be added, other than material used for coating, as in subsection (C)(4), or combination products, as in subsection (C)(9).
  - f. Percentage by weight of all weed seeds. Weed seed content shall not exceed one-half of one percent by weight.
  - g. The sum total for subsections (a), (b), (c), (d), (e) and (f) shall equal 100 percent.
  - h. Noxious weeds that are required by this Article to be labeled shall be listed under the heading “noxious weed seeds.”
  - i. For each lawn and turf seed named under subsection (a) or (b):
    - i. Percentage of germination, excluding hard seed;
    - ii. Percentage of hard seed, if present;
    - iii. Calendar month and year the germination test was completed to determine percentages in subsections (i) and (ii); and
    - iv. For seed sold for retail non-farm usage the statement “sell by (month/year)” which shall be no more than 15 months from the date of the germination test excluding the month of the test.
  - j. Name and address of the labeler, or the person who sells, offers or exposes the seed for sale within this state.
4. For coated agricultural, vegetable, flower, or lawn and turf seeds that are sold by weight:
    - a. Percentage by weight of pure seeds with coating material removed;
    - b. Percentage by weight of coating material;
    - c. Percentage by weight of inert material not including coating material;
    - d. Percentage of germination determined on 400 pellets with or without seeds;
    - e. All other applicable requirements in subsections (C)(1), (2), and (3).
  5. For vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in pre-planted containers, mats, tapes, or other planting devices:
    - a. Name of kind and variety of seed;
    - b. Lot identification, such as by lot number or other means;
    - c. One of the following:
      - i. The calendar month and year the germination test was completed and the statement “Sell by (month/year).” The date indicated shall be no more than 12 months from the date of the test, excluding the month of the test;
      - ii. The calendar year for which the seed was packaged for sale as “packed for (year)” and the statement “sell by (year)”;
      - iii. The percentage germination and the calendar month and year the test was completed to determine the percentage if the germination test was completed within 12 months, excluding the month of the test;
    - d. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state;
    - e. For seeds that germinate less than the standard established under R3-4-404(A), (B) and (C)(i): percentage of germination, excluding hard seed; percentage of hard seed, if present; and the words “Below Standard” in not less than 8-point type;
    - f. For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.
  6. For vegetable seeds in containers other than packets prepared for use in home gardens, household plantings, pre-planted containers, mats, tapes, or other planting devices:
    - a. The name of each kind and variety present in excess of five percent and the percentage by weight of each in order of its predominance;
    - b. Lot number or other lot identification;
    - c. For each named vegetable seed:
      - i. Percentage germination, excluding hard seed;
      - ii. Percentage of hard seed, if present; and
      - iii. The calendar month and year the test was completed to determine the percentages; The statement “Total germination and hard seed” may be included following the percentages required under subsections (C)(6)(c)(i) and (C)(6)(c)(ii);
    - d. Name and address of the labeler, or the person who sells, offers or exposes the seed for sale within this state; and
    - e. The labeling requirements for vegetable seeds in containers of more than one pound are met if the seed is weighed from a properly labeled container in the presence of the purchaser.
  7. For agricultural seeds sold on a pure live seed basis, each container shall bear a label containing the information required by subsection (C)(2), except:
    - a. The label need not show:
      - i. The percentage by weight of each agricultural seed component as required by subsection (C)(2)(a); or
      - ii. The percentage by weight of inert matter as required by subsection (C)(2)(g); and
    - b. For each named agricultural seed, the label must show instead of the information required by subsection (C)(2)(h):
      - i. The percentage of pure live seed; and
      - ii. The calendar month and year in which the test determining the percentage of live seed was completed.

8. For agricultural and vegetable hybrid seeds that contain less than 95 percent hybrid seed:
    - a. Kind or variety shall be labeled as “hybrid,”
    - b. The percentage that is hybrid shall be labeled parenthetically in direct association following the named variety; for example – comet (85% hybrid), and
    - c. Varieties in which the pure seed contains less than 75 percent hybrid seed shall not be labeled hybrids.
  9. For combination mulch, seed, and fertilizer products:
    - a. The word “combination” followed by the words “mulch – seed – fertilizer”, as appropriate, shall appear on the upper 30 percent of the principal display panel. The word “combination” shall be the largest and most conspicuous type on the container, equal to or larger than the product name. The words “mulch – seed – fertilizer”, as appropriate, shall be no smaller than one-half the size of the word “combination” and in close proximity to the word “combination.”
    - b. The products shall not contain less than 70 percent mulch.
    - c. Agricultural, flower, vegetable, lawn, and turf seeds placed in a germination medium, mat, tape, or other device or mixed with mulch shall be labeled as follows:
      - i. Product name;
      - ii. Lot number;
      - iii. Percentage by weight of pure seed of each kind and variety named. The kind and variety named may be less than 5 percent of the whole;
      - iv. Percentage by weight of other crop seeds;
      - v. Percentage by weight of inert matter, which shall not be less than 70 percent;
      - vi. Percentage by weight of weed seeds;
      - vii. The total of subsections (iii), (iv), (v), and (vi) shall equal 100 percent;
      - viii. Name and number of noxious weed seeds per pound, if present;
      - ix. Hard seed percentage, if present, and percentage of germination of each kind or kind and variety named and the month and year the test was completed; and
      - x. Name and address of the labeler or the person who sells, offers or exposes the product for sale within this state.
- D. Labeling requirements: flowers.**
1. For flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in pre-planted containers, mats, tapes, or other planting devices:
    - a. For all kinds of flower seeds:
      - i. The name of the kind and variety or a statement of type and performance characteristics as prescribed in subsection (D)(3); and
      - ii. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state, and one of the following subsections (D)(1)(a)(iii) through (v);
      - iii. The calendar month and year the germination test was completed and the statement “Sell by (month/year).” The date indicated shall be no more than 12 months from the date of the test excluding the month of the test; or
      - iv. The calendar year for which the seed was packaged for sale as “packed for (year)” and the statement “sell by (year)”; or
      - v. The percentage germination and the calendar month and year the test was completed to determine the percentage if the germination test was completed within 12 months, excluding the month of the test.
    - b. For kinds of flower seeds for which standard testing procedures are prescribed by the Association of Official Seed Analysts and that germinate less than the germination standards prescribed under the provisions of R3-4-404(B):
      - i. Percentage of germination, excluding hard seeds;
      - ii. Percentage hard seed, if present; and
      - iii. The words “Below Standard” in not less than eight-point type.
    - c. For flower seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.
  2. For flower seeds in containers other than packets and other than pre-planted containers, mats, tapes, or other planting devices and not prepared for use in home flower gardens or household plantings:
    - a. The name of the kind and variety or a statement of type and performance characteristics as prescribed in subsection (D)(3), and for wildflowers, the genus and species and subspecies, if appropriate;
    - b. The lot number or other lot identification;
    - c. For wildflower seed with a pure seed percentage of less than 90 percent:
      - i. The percentage, by weight, of each component listed in order of the component’s predominance;
      - ii. The percentage by weight of weed seed, if present; and
      - iii. The percentage by weight of inert matter;
    - d. For kinds of seed for which standard testing procedures are prescribed by the Association of Official Seed Analysts:
      - i. Percentage of germination, excluding hard or dormant seed;
      - ii. Percentage of hard or dormant seed, if present; and
      - iii. The calendar month and year that the test was completed to determine the percentages in subsections (D)(2)(d)(i) and (ii);
    - e. For those kinds of flower seed for which standard testing procedures are not prescribed by the Association of Official Seed Analysts, the year of production or collection; and
    - f. Name and address of the labeler, or the person who sells, offers, or exposes the flower seed for sale within this state.
  3. Requirements to label flower seeds with kind and variety, or type and performance characteristics as prescribed in subsection (D)(1)(a)(i) and (D)(2)(a) shall be met as follows:
    - a. For seeds of plants grown primarily for their blooms:
      - i. If the seeds are of a single named variety, the kind and variety shall be stated, for example, “Marigold, Butterball”;
      - ii. If the seeds are of a single type and color for which there is no specific variety name, the

- type of plant, if significant, and the type and color of bloom shall be indicated, for example, “Scabiosa, Tall, Large Flowered, Double, Pink”;
- iii. If the seeds consist of an assortment or mixture of colors or varieties of a single kind, the kind name, the type of plant, if significant, and the type or types of bloom shall be indicated. It shall be clearly indicated that the seed is mixed or assorted. An example of labeling such a mixture or assortment is “Marigold, Dwarf Double French, Mixed Colors”;
  - iv. If the seeds consist of an assortment or mixture of kinds or kinds and varieties, it shall clearly indicate that the seed is assorted or mixed and the specific use of the assortment or mixture shall be indicated, for example, “Cut Flower Mixture”, or “Rock Garden Mixture”. Statements such as “General Purpose Mixture”, “Wonder Mixture”, or any other statement that fails to indicate the specific use of the seed shall not be considered as meeting the requirements of this subsection unless the specific use of the mixture is also stated. Containers with over three grams of seed shall list the kind or kind and variety names of each component present in excess of five percent of the whole in the order of their predominance, giving the percentage by weight of each. Components equal to or less than five percent shall be listed, but need not be listed in order of predominance. A single percentage by weight shall be given for these components that are less than five percent of the whole. If no component of a mixture exceeds five percent of the whole, the statement, “No component in excess of 5%” may be used. Containers with three grams of seed or less shall list the components without giving percentage by weight and need not be in order of predominance.
- b. For seeds of plants grown for ornamental purposes other than their blooms, the kind and variety shall be stated, or the kind shall be stated together with a descriptive statement concerning the ornamental part of the plant, for example, “Ornamental Gourds, Small Fruited, Mixed.”
- E.** Label requirement for tree and shrub seeds. Tree or shrub seeds that is sold, offered for sale, or exposed for sale within this state shall bear on each container a plainly written or printed label or tag in English. No modifications or disclaimers shall be made to the required label information in the labeling or on another label attached to the container. Labeling of seed supplied under a contractual agreement meets this requirement if the shipment is accompanied by an invoice or by an analysis tag attached to the invoice if each bag or other container is clearly identified by a lot number permanently displayed on the container or if the seed is in bulk. Each bag or container not clearly identified by a lot number must carry complete labeling. The label shall include the following information:
1. For tree and shrub seeds that have been treated, the following may appear on a separate label:
    - a. Language indicating that the seed has been treated;
    - b. The commonly accepted chemical name of the applied substance or description of the process used;
  - c. If the substance is harmful to human or animals, a caution statement such as “do not use for food or feed or oil purposes”. The caution for highly toxic substances shall be a poison statement and symbol; and
  - d. If the seed has been treated with an inoculant, the date of expiration, which is the date the inoculant is no longer considered effective;
2. For all tree and shrub seeds subject to this Article:
    - a. Common name of the species of seed and if appropriate, the subspecies;
    - b. The scientific name of the genus and species and if appropriate, the subspecies;
    - c. Lot number or other lot identification;
    - d. Origin.
      - i. For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, a geographic description, or identification of a political subdivision, such as a state or county; or
      - ii. For seed collected from other than a predominantly indigenous stand, identification of the area of collection and the origin of the stand, or the statement “origin not indigenous”;
    - e. The elevation or the upper and lower limits of elevations within which the seed was collected;
    - f. Purity as a percentage of pure seed by weight;
    - g. For those species listed under R3-4-404(C), the following apply except as provided in subsection (E)(2)(h):
      - i. Percentage germination excluding hard seed;
      - ii. Percentage of hard seed, if present;
      - iii. The calendar month and year the test was completed to determine the percentages in subsection (a) and (b);
    - h. Instead of complying with subsections (E)(2)(g)(i), (ii), and (iii), the seed may be labeled, “Test is in process, results will be supplied upon request”;
    - i. For those species for which standard germination testing procedures have not been prescribed, the calendar year in which the seed was collected; and
    - j. Name and address of the labeler, or the person who sells, offers, or exposes the seed for sale within this state.
- F.** Hermetically sealed seed shall meet the following requirements
1. The seed shall have been packaged within nine months of harvest;
  2. The container used shall not allow water vapor penetration through any wall, including the seals, greater than 0.05 grams of water per 24 hours per 100 square inches of surface at 100°F with a relative humidity on one side of 90 percent and on the other side 0 percent. Water vapor penetration (WVP) is measured in accordance with the U.S. Bureau of Standards as: gm H2O/24 hr/100 sq in/ 100°F /90% RHV 0% RH;
  3. The seed in the container shall not exceed the percentage of moisture, on a wet weight basis, as listed below:
    - a. Agricultural Seeds,
      - i. Beet, Field: 7.5;
      - ii. Beet, Sugar: 7.5;
      - iii. Bluegrass, Kentucky: 6.0;
      - iv. Clover, Crimson: 8.0;
      - v. Fescue, Red: 8.0;
      - vi. Ryegrass, Annual: 8.0;
      - vii. Ryegrass, Perennial: 8.0;

- viii. All Others: 6.0; and
- ix. Mixture of Above: 8.0;
- b. Vegetable Seeds,
  - i. Bean, Garden: 7.0;
  - ii. Bean, Lima: 7.0;
  - iii. Beet: 7.5;
  - iv. Broccoli: 5.0;
  - v. Brussels Sprouts: 5.0;
  - vi. Cabbage: 5.0;
  - vii. Carrot: 7.0;
  - viii. Cauliflower: 5.0;
  - ix. Celeriac: 7.0;
  - x. Celery: 7.0;
  - xi. Chard, Swiss: 7.5;
  - xii. Chinese Cabbage: 5.0;
  - xiii. Chives: 6.5;
  - xiv. Collards: 5.0;
  - xv. Corn, Sweet: 8.0;
  - xvi. Cucumber: 6.0;
  - xvii. Eggplant: 6.0;
  - xviii. Kale: 5.0;
  - xix. Kohlrabi: 5.0;
  - xx. Leek: 6.5;
  - xxi. Lettuce: 5.5;
  - xxii. Muskmelon: 6.0;
  - xxiii. Mustard, India: 5.0;
  - xxiv. Onion: 6.5;
  - xxv. Onion, Welsh: 6.5;
  - xxvi. Parsley: 6.5;
  - xxvii. Parsnip: 6.0;
  - xxviii. Pea: 7.0;
  - xxix. Pepper: 4.5;
  - xxx. Pumpkin: 6.0;
  - xxxi. Radish: 5.0;
  - xxxii. Rutabaga: 5.0;
  - xxxiii. Spinach: 8.0;
  - xxxiv. Squash: 6.0;
  - xxxv. Tomato: 5.5;
  - xxxvi. Turnip: 5.0;
  - xxxvii. Watermelon: 6.5; and
  - xxxviii. All others: 6.0.
- 4. The container shall be conspicuously labeled in not less than 8-point type to indicate:
  - a. That the container is hermetically sealed,
  - b. That the seed has been preconditioned as to moisture content, and
  - c. The calendar month and year in which the germination test was completed; and
- 5. The germination percentage of the seed at the time of packaging shall have been equal to or higher than the standards specified elsewhere in subsection R3-4-404.

#### Historical Note

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-111 renumbered without change as Section R3-4-402 (Supp. 89-1). Section R3-4-402 renumbered from R3-1-402 (Supp. 91-4). Amended effective July 10, 1995 (Supp. 95-3). Amended by final rulemaking at 13 A.A.R. 1464, effective June 2, 2007 (Supp. 07-2).

#### R3-4-403. Noxious Weed Seeds

- A. A person shall not allow the following prohibited noxious weed seeds in seed regulated under this Article:
  - 1. *Acroptilon repens* (L.) DC. – Russian knapweed;
  - 2. *Aegilops cylindrica* Host. – Jointed goatgrass;
  - 3. *Alhagi maurorum* – Camelthorn;

- 4. *Alternanthera philoxeroides* (Mart.) Griseb. – Alligator weed;
- 5. *Cardaria pubescens* (C.A. Mey) Jarmolenko – Hairy whitetop;
- 6. *Cardaria chalepensis* (L.) Hand-Maz – Lens podded hoary cress;
- 7. *Cardaria draba* (L.) Desv. – Globed-podded hoary cress (Whitetop);
- 8. *Carduus acanthoides* L. – Plumeless thistle;
- 9. *Cenchrus echinatus* L. – Southern sandbur;
- 10. *Cenchrus incertus* M.A. Curtis – Field sandbur;
- 11. *Centaurea calcitrapa* L. – Purple starthistle;
- 12. *Centaurea iberica* Trev. ex Spreng. – Iberian starthistle;
- 13. *Centaurea squarrosa* Willd. – Squarrose knapweed;
- 14. *Centaurea sulphurea* L. – Sicilian starthistle;
- 15. *Centaurea solstitialis* L. – Yellow starthistle (St. Barnaby's thistle);
- 16. *Centaurea diffusa* L. – Diffuse knapweed;
- 17. *Centaurea maculosa* L. – Spotted knapweed;
- 18. *Chondrilla juncea* L. – Rush skeletonweed;
- 19. *Cirsium arvense* L. Scop. – Canada thistle;
- 20. *Convolvulus arvensis* L. – Field bindweed;
- 21. *Coronopus squamatus* (Forsk.) Ascherson – Creeping wartcress (Coronopus);
- 22. *Cucumis melo* L. var. *Dudaim* Naudin – Dudaim melon (Queen Anne's melon);
- 23. *Cuscuta* spp. – Dodder;
- 24. *Cyperus rotundus* – Purple Nutgrass or Nutsedge;
- 25. *Cyperus esculentus* – Yellow Nutgrass or Nutsedge;
- 26. *Drymaria arenarioides* H.B.K. – Alfombrilla (Lightningweed);
- 27. *Eichhornia azurea* (SW) Kunth. – Anchored Waterhyacinth;
- 28. *Elymus repens* – Quackgrass;
- 29. *Euphorbia esula* L. – Leafy spurge;
- 30. *Halogeton glomeratus* (M. Bieb.) C.A. Mey – Halogeton;
- 31. *Helianthus ciliaris* DC. – Texas Blueweed;
- 32. *Hydrilla verticillata* (L.f.) Royle – Hydrilla (Florida-elo-dea);
- 33. *Ipomoea* spp. – Morning glory. All species except *Ipomoea carnea*, Mexican bush morning glory; *Ipomoea triloba*, three-lobed morning glory (which is considered a restricted pest); *Ipomoea aborescens*, morning glory tree; *Ipomoea batatas* – sweetpotato; *Ipomoea quamoclit*, Cypress Vine; *Ipomoea noctiflora*, Moonflower – Morning Glories, Cardinal Climber, Hearts and Honey Vine;
- 34. *Isatis tinctoria* L. – Dyers woad;
- 35. *Linaria genistifolia* var. *dalmatica* – Dalmation toadflax;
- 36. *Lythrum salicaria* L. – Purple loosestrife;
- 37. *Medicago polymorpha* L. – Burclover;
- 38. *Nassella trichotoma* (Nees.) Hack. – Serrated tussock;
- 39. *Onopordum acanthium* L. – Scotch thistle;
- 40. *Orobanche ramosa* L. – Branched broomrape;
- 41. *Panicum repens* L. – Torpedo grass;
- 42. *Peganum harmala* L. – African rue (Syrian rue);
- 43. *Portulaca oleracea* L. – Common purslane;
- 44. *Rorippa austriaca* (Crantz.) Bess. – Austrian fieldcress;
- 45. *Salvinia molesta* – Giant Salvinia;
- 46. *Senecio jacobaea* L. – Tansy ragwort;
- 47. *Solanum carolinense* – Carolina horsenettle;
- 48. *Solanum elaeagnifolium* – Silverleaf Nightshade;
- 49. *Sonchus arvensis* L. – Perennial sowthistle;
- 50. *Solanum viarum* Dunal – Tropical Soda Apple;
- 51. *Sorghum* species, perennial (*Sorghum halepense*, *Johnson grass*, *Sorghum almum*, and perennial sweet sudan-grass);

52. *Stipa brachychaeta* Godr. – Puna grass;
53. *Striga* spp. – Witchweed;
54. *Trapa natans* L. – Water-chestnut;
55. *Tribulus terrestris* L. – Puncturevine.
- B.** A person shall not allow more than the number shown of the following restricted noxious weed seeds in a working sample of seed regulated by this Article; or, any more than 50 of any combination of the following restricted noxious weed seeds per working sample.
1. *Avena fatua* – Wild oat: 5;
  2. *Brassica campestris* – Bird rape: 30;
  3. *Brassica juncea* – Indian mustard: 30;
  4. *Brassica niger* – Black mustard: 30;
  5. *Brassica rapa* – Field mustard: 30;
  6. *Cenchrus pauciflorus* – Sandbur: 10;
  7. *Eichhornia crassipes* (Mart.) Solms – Floating waterhyacinth: 10;
  8. *Euryops sunbarnosus* subsp. *vulgaris* – Sweet resin-bush: 10;
  9. *Ipomoea triloba* L. – Three-lobed morning glory: 10;
  10. *Rumex crispus* – Curly dock: 30;
  11. *Salsola kali* var. *tenuifolia* – Russian thistle: 30;
  12. *Sinapis arvensis* – Charlock or Wild mustard: 30; and
  13. *Sida hederacea* – Alkali mallow: 30.

#### Historical Note

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-112 renumbered without change as Section R3-4-403 (Supp. 89-1). Section R3-4-403 renumbered from R3-1-403 (Supp. 91-4). Section R3-4-403 repealed, new Section R3-4-403 renumbered from R3-4-405 and amended effective July 10, 1995 (Supp. 95-3). Amended by final rulemaking at 13 A.A.R. 1464, effective June 2, 2007 (Supp. 07-2).

#### R3-4-404. Germination Standards

- A.** Vegetable seed shall have the following minimum percent germination or the minimum percent germination as found in the Federal Seed Act, 20 CFR 201.31 (as amended January 1, 2002), which is incorporated by reference, not including future editions or amendments. The material is on file with the Department and available for purchase from the U. S. Government Bookstore (<http://bookstore.gpo.gov/>) or at the U.S. Government Printing Office, 732 N. Capitol St., NW, Washington, DC 20401 or it can be found online at <http://ecfr.gpo-access.gov/cgi/t/text/text-idx?c=ecfr&sid=42bcf6d966081e2f2cf9d03315fb999f&rgn=div8&view=text&node=7:3.1.1.7.28.0.317.38&idno=7>.
1. Artichoke: 60;
  2. Asparagus: 70;
  3. Asparagusbean: 75;
  4. Bean, garden: 70;
  5. Bean, Lima: 70;
  6. Bean, runner: 75;
  7. Beet: 65;
  8. Broadbean: 75;
  9. Broccoli: 75;
  10. Brussels sprouts: 70;
  11. Burdock, great: 60;
  12. Cabbage: 75;
  13. Cabbage, tronchuda: 70;
  14. Cardoon: 60;
  15. Carrot: 55;
  16. Cauliflower: 75;
  17. Celeriac: 55;
  18. Celery: 55;
  19. Chard, Swiss: 65;
  20. Chicory: 65;
  21. Chinese cabbage: 75;
  22. Chives: 50;
  23. Citron: 65;
  24. Collards: 80;
  25. Corn, sweet: 75;
  26. Cornsalad: 70;
  27. Cowpea: 75;
  28. Cress, garden: 75;
  29. Cress, upland: 60;
  30. Cress, water: 40;
  31. Cucumber: 80;
  32. Dandelion: 60;
  33. Dill: 60;
  34. Eggplant: 60;
  35. Endive: 70;
  36. Kale: 75;
  37. Kale, Chinese: 75;
  38. Kale, Siberian: 75;
  39. Kohlrabi: 75;
  40. Leek: 60;
  41. Lettuce: 80;
  42. Melon: 75;
  43. Mustard, India: 75;
  44. Mustard, spinach: 75;
  45. Okra: 50;
  46. Onion: 70;
  47. Onion, Welsh: 70;
  48. Pak-choi: 75;
  49. Parsley: 60;
  50. Parsnip: 60;
  51. Pea: 80;
  52. Pepper: 55;
  53. Pumpkin: 75;
  54. Radish: 75;
  55. Rhubarb: 60;
  56. Rutabaga: 75;
  57. Sage: 60;
  58. Salsify: 75;
  59. Savory, summer: 55;
  60. Sorrel: 65;
  61. Soybean: 75;
  62. Spinach: 60;
  63. Spinach, New Zealand: 40;
  64. Squash: 75;
  65. Tomato: 75;
  66. Tomato, husk: 50;
  67. Turnip: 80;
  68. Watermelon: 70; and
  69. All Others: The germination standard for all other vegetable and herb seed for which a standard has not been established shall be 50 percent.
- B.** Flower seed shall meet the following minimum percent germination standards. For the kinds marked with an asterisk, the percentage listed is the sum total of the percentage germination and percentage of hard seed. A mixture of kinds does not meet the germination standard if the germination of any kind or combination of kinds constituting 25 percent or more of the mixture by number of seed is below the germination standard for the kind or kinds involved.
1. Archillea (The Pearl) – *Achillea ptarmica*: 50;
  2. African Daisy – *Dimorphotheca aurantiaca*: 55;
  3. African Violet – *Saintpaulia* spp: 30;
  4. Ageratum – *Ageratum mexicanum*: 60;
  5. Agrostemma (rose campion) – *Agrostemma coronaria*: 65;

6. Alyssum – *Alyssum compactum*, *A. maritimum*, *A. procumbens*, *A. saxatile*: 60;
7. Amaranthus – *Amaranthus* spp: 65;
8. Anagalis (primpernel) – *Anagalis arvensis*, *Anagalis coerulea*, *Anagalis grandiflora*: 60;
9. Anemone – *Anemone coronaria*, *A. pulsatilla*: 55;
10. Angel’s Trumpet – *Datura arborea*: 60;
11. Arabis – *Arabis alpine*: 60;
12. Arctotis (African lilac daisy) – *Arctotis grandis*: 45;
13. Armeria – *Armeria formosa*: 55;
14. Asparagus, fern – *Asparagus plumosus*: 50;
15. Asparagus, sprenger, *Asparagus sprenger*: 55;
16. Aster, China – *Callistephus chinensis*; except Pompon, Powderpuff, and Princess types: 55;
17. Aster, China – *Callistephus chinensis*; Pompon, Powderpuff, and Princess types: 50;
18. Aubretia – *Aubretia deltoids*: 45;
19. Baby Smilax – *Aparagus asparagoides*: 25;
20. Balsam – *Impatiens balsamina*: 70;
21. Begonia – (*Begonia fibrous rooted*): 60;
22. Begonia – (*Begonia tuberous rooted*): 50;
23. Bells of Ireland – *Molucella laevis*: 60;
24. Brachycome (swan river daisy) – *Brachycome iberidifolia*: 60;
25. Browallia – *Browallia elata* and *B. speciosa*: 65;
26. Bupthalam (sunwheel) – *Bupthalam salicifolium*: 60;
27. Calceolaria – *Calceolaria* spp: 60;
28. Calendula – *Calendula officinalis*: 65;
29. California Poppy – *Eschscholtzia californica*: 60;
30. Calliopsis – *Coreopsis bicolor*, *C. drummondi*, *C. elegans*: 65;
31. Campanula:
  - a. Canterbury Bells – *Campanula medium*: 60;
  - b. Cup and Saucer Bellflower – *Campanula medium calycanthema*: 60;
  - c. Carpathian Bellflower – *Campanula carpatica*: 50;
  - d. Peach Bellflower – *Campanula persicifolia*: 50;
32. Candytuft, Annual – *Iberis amara*, *I. umbellate*: 65;
33. Candytuft, Perennial – *Iberis gibraltarica*, *I. semper-virens*: 55;
34. Castor Bean – *Ricinus communis*: 60;
35. Cathedral Bells – *Cobaea scandens*: 65;
36. *Celosia argentea*: 65;
37. Centaurea: Basket Flower – *Centaurea americana*, Cornflower – *C. cyanus*, Dusty Miller – *C. candidissima*, Royal Centaurea – *C. imperialis*, Sweet Sultan – *C. moschata*, Velvet Cantaura – *C. gymnocarpa*: 60;
38. Snow-in-Summer *Cerastium biebersteini* and *C. tomentosum*: 65;
39. Chinese Forget-me-not – *Cynoglossum amabile*: 55;
40. Chrysanthemum, Annual – *Chrysanthemum carinatum*, *C. coronarium*, *C. Cineraria* – *Senecio cruentus*: 60;
41. Clarkia – *Clarkia elegans*: 65;
42. Cleome – *Cleome gigantea*: 65;
43. Coleus – *Coleus blumei*: 65;
44. Columbine – *Aquilegia* spp.: 50;
45. Coral Bells – *Heuchera sanguinea*: 55;
46. Coreopsis, Perennial – *Coreopsis lanceolata*: 40;
47. Corn, ornamental – *Zea mays*: 75;
48. Cosmos: Sensation, Mammoth and Crested types – *Cosmos bipinnatus*; Klondyke type – *C. sulphureau*: 65;
49. Crossandra – (*Crossandra infundibuliformis*): 50;
50. Dahlia – *Dahlia* spp: 55;
51. Daylily – *Hemerocallis* spp: 45;
52. Delphinium, Perennial – *Belladonna* and *Bellamosum* types; Cardinal Larkspur – *Delphinium cardinale*; *Chinensis* types; Pacific Giant, Gold Medal and other hybrids of *D. elatum*: 55;
53. Dianthus:
  - a. Carnation – *Dianthus caryophyllus*: 60;
  - b. China Pinks – *Dianthus chinensis*, *heddewigi*, *heddensis*: 70;
  - c. Grass Pinks – *Dianthus plumarius*: 60;
  - d. Maiden Pinks – *Dianthus deltoids*: 60;
  - e. Sweet William – *Dianthus barbatus*: 70;
  - f. Sweet Wivelsfield – *Dianthus allwoodi*: 60;
54. Didiscus – (blue lace flower) – *Didiscus coerulea*: 65;
55. Doronicum (leopard’s bane) – *Doronicum caucasicum*: 60;
56. Dracaena – *Dracaena indivisa*: 55;
57. Dragon Tree – *Dracaena draco*: 40;
58. English Daisy – *Bellis perennis*: 55;
59. Flax – Golden flax (*Linum flavum*); Flowering flax *L. randiflorum*; Perennial flax, *L. perenne*: 60;
60. Flowering Maple – *Abutilon* spp: 35;
61. Foxglove – *Digitalis* spp: 60;
62. Gaillardia, Annual – *Gaillardia pulchella*; *G. picta*; Perennial – *G. grandiflora*: 45;
63. Gerbera (transvaal daisy) – *Gerbera jamesoni*: 60;
64. Geum – *Geum* spp: 55;
65. Gilia – *Gilia* spp: 65;
66. Glosiosa daisy (*rudbeckia*) – *Echinacea purpurea* and *Rudbeckia Hirta*: 60;
67. Gloxinia – (*Sinningia speciosa*): 40;
68. Godetia – *Godetia amoena*, *G. grandiflora*: 65;
69. Gourds: Yellow Flowered – *Cucurbita pepo*; White Flowered – *Lagenaria sisceraria*; Dishcloth – *Luffa cilindrica*: 70;
70. Gypsophila: Annual Baby’s Breath – *Gypsophilla elegans*; Perennial Baby’s Breath – *G. paniculata*, *G. pacifica* *G. repens*: 70;
71. Helenium – *Helenium autumnale*: 40;
72. Helichrysum – *Helichrysum monstrosum*: 60;
73. Heliopsis – *Heliopsis scabra*: 55;
74. Heliotrope – *Heliotropium* spp: 35;
75. Helipterum (Acroclinium) – *Helipterum roseum*: 60;
76. Hesperis (sweet rocket) – *Hesperis matronalis*: 65;
77. \*Hollyhock – *Althea rosea*: 65;
78. Hunnemanina (mexican tulip poppy) – *Hunnemanina fuma-riaefolia*: 60;
79. Hyacinh bean – *Dolichos lablab*: 70;
80. Impatiens – *Impatiens hostii*, *I. sultanii*: 55;
81. \**Ipomoea* – Cypress Vine – *Ipomoea quamoclit*; Moonflower – *I. noctiflora*; Morning Glories, Cardinal Climber, Hearts and Honey Vine – *Ipomoea* spp: 75;
82. Jerusalem cross (maltese cross) – *Lychnis chalconica*: 70;
83. Job’s Tears – *Coix lacrymajobi*: 70;
84. Kochia – *Kochia childsii*: 55;
85. Larkspur, Annual – *Delphinium ajacis*: 60;
86. Lantana – *Lantana camara*, *L. hybrida*: 35;
87. Lilium (regal lily) – *Lilium regale*: 50;
88. Linaria – *Linaria* spp: 65, exception: *Linaria genistifolia* var. *dalmatica* – Dalmation toadflax which is a prohibited noxious weed;
89. Lobelia, Annual – *Lobelia erinus*: 65;
90. Lunaria, Annual – *Lunaria annua*: 65;
91. \*Lupine – *Lupinus* spp: 65;
92. Marigold – *Tagetes* spp: 65;
93. Marvel of Peru – *Mirabilis jalapa*: 60;
94. Matricaria (feverfew) – *Matricaria* spp: 60;
95. Mignonette – *Reseda odorata*: 55;

96. *Myosotis* – *Myosotis alpestris*, *M. oblongata*, *M. palustris*: 50;
97. *Nasturtium* – *Tropaeolum* spp: 60;
98. *Nemesia* – *Nemesia* spp: 65;
99. *Nemophila* – *Nemophila insignis*: 70;
100. *Nemophila*, spotted – *Nemophila maculate*: 60;
101. *Nicotiana* – *Nicotiana affinis*, *N. sanderae*, *N. sylvestris*: 65;
102. *Nierembergia* – *Nierembergia* spp: 55;
103. *Nigella* – *Nigella damascena*: 55;
104. Pansy – *Viola tricolor*: 60;
105. *Penstemon* – *Penstemon barbatus*, *P. grandiflorus*, *P. laevigatus*, *P. pubescens*: 60;
106. *Petunia* – *Petunia* spp: 45;
107. *Phacelia* – *Phacelia campanularia*, *P. minor*, *P. tanacetifolia*: 65;
108. Phox, Annual – *Phlox drummondii* all types and varieties: 55;
109. *Physalis* – *Physalis* spp: 60;
110. *Platycodon* (balloon flower) – *Platycodon grandiflorum*: 60;
111. Plumbago, cape – *Plumbago capensis*: 50;
112. Ponytail – *Beaucarnea recurvata*: 40;
113. Poppy: Shirley Poppy – *Papaver rhoeas*; Iceland Poppy – *P. nudicaule*; Oriental Poppy – *P. orientale*; Tulip Poppy – *P. glaucum*: 60;
114. Portulaca – *Portulaca grandiflora*: 55;
115. *Primula* (primrose) – *Primula* spp: 50;
116. Pyrethrum (painted daisy) – *Pyrethrum coccineum*: 60;
117. *Salpiglossis* – *Salpiglossis gloxinaeflora*, *S. sinuata*: 60;
118. *Salvia* – Scarlet Sage – *Salvia splendens*; Mealycup Sage (Blue bedder) – *Salvia farinacea*: 50;
119. *Saponaria* – *Saponaria ocymoides*, *S. vaccaria*: 60;
120. *Scabiosa*, Annual – *Scabiosa atropurpurea*: 50;
121. *Scabiosa*, Perennial – *Scabiosa caucasica*: 40;
122. *Schizanthus* – *Schizanthus* spp: 60;
123. \*Sensitive plant (mimosa) – *Mimosa pudica*: 65;
124. Shasta Daisy – *Chrysanthemum maximum* C. *leucanthemum*: 65;
125. Silk Oak – *Grevillea robusta*: 25;
126. Snapdragon – *Antirrhinum* spp: 55;
127. *Solanum* – *Solanum* spp: 60, exceptions; *Solanum carolinense* – Carolina horsenettle and *Solanum elaeagnifolium* – Silverleaf Nightshade which are prohibited noxious weeds;
128. *Statice* – *Statice sinuata*, *S. suworonii* (flower heads): 50;
129. Stocks: Common – *Mathiola incana*; Evening Scented – *Mathiola bicornis*: 65;
130. Sunflower – *Helianthus* spp: 70, exception; *Helianthus ciliaris* DC. – Texas blueweed which is a prohibited noxious weed;
131. Sunrose – *Helianthemum* spp: 30;
132. \*Sweet Pea, Annual and Perennial other than dwarf bush – *Lathyrus odoratus*, *L. latifolius*: 75;
133. \*Sweet Pea, Dwarf Bush – *Lathyrus odoratus*: 65;
134. Tahoka Daisy – *Machaeanthera tanacetifolia*: 60;
135. *Thunbergia* – *Thunbergia alata*: 60;
136. Torcn Flower – *Tithonia speciosa*: 70;
137. *Torenia* (Wishbone Flower) – *Torenia fournieri*: 70;
138. *Tritoma kniphofia* Spp: 65;
139. *Verbena*, Annual – *Verbena hybrida*: 35;
140. *Vinca* – *Vinca rosea*: 60;
141. *Viola* – *Viola cornuta*: 55;
142. Virginian Stocks – *Malcolmia maritima*: 65;
143. Wallflower – *Cheiranthus allioni*: 65;
144. *Yucca* (Adam’s Needle) – *Yucca filamentosa*: 50;
145. *Zinnia* (Except Linearis and Creeping) – *Zinnia angustifolia*, *Z. elegans*, *Z. grandiflora*, *Z. gracillima*, *Z. haegeana*, *Z. multiflora*, *Z. pumila*: 65;
146. *Zinnia*, Linearis and Creeping – *Zinnia linearis*, *Sanvitalia procumbens*: 50;
147. All Other Kinds: 50.
- C. The germination labeling provisions of R3-4-402(E) apply to the following tree and shrub species:
1. *Abies amabilis* (Dougl.) Forbes – Pacific Silver Fir;
  2. *Abies balsamea* (L.) Mill. – Balsam Fir;
  3. *Abies concolor* (Gord. Glend.) Lindl. – White Fir;
  4. *Abies fraseri* (Pursh.) Poir – Fraser Fir;
  5. *Abies grandis* (Dougl.) Lindl. – Grand Fir;
  6. *Abies homolepis* Sieb Zucc. – Nikko Fir;
  7. *Abies lasiocarpa* (Hook) Nutt. – Subalpine Fir;
  8. *Abies magnifica* A. Murr. – California Red Fir;
  9. *Abies magnifica* var. *shastensis* Lemm. – Shasta Red Fir;
  10. *Abies procera* Rehd. – Nobel Fir;
  11. *Abies veitchii* (Lindl.) – Veitch Fir;
  12. *Acer ginnala* Maxim. – Amur Maple;
  13. *Acer macrophyllum* Pursh. – Bigleaf Maple;
  14. *Acer negundo* L. – Boxelder;
  15. *Acer pensylvanicum* L. – Striped Maple;
  16. *Acer platanoides* L. – Norway Maple;
  17. *Acer pseudoplatanus* L. – Sycamore Maple;
  18. *Acer rubrum* L. – Red Maple;
  19. *Acer saccharinum* L. – Silver Maple;
  20. *Acer saccharum* Marsh. – Sugar Maple;
  21. *Acer spicatum* Lam. – Mountain Maple;
  22. *Aesculus pavia* L. – Red Buckeye;
  23. *Ailanthus altissima* (Mill.) Swingle – Tree of Heaven, *Ailanthus*;
  24. *Berberis thunbergii* DC. – Japanese Barberry;
  25. *Berberis vulgaris* L. European Barberry;
  26. *Betula lenta* L. – Sweet Birch;
  27. *Betula alleghaniensis* Britton – Yellow Birch;
  28. *Betula nigra* L. – River Birch;
  29. *Betula papyrifera* Marsh. – Paper Birch;
  30. *Betula pendula* Roth. – European White Birch;
  31. *Betula populifolia* Marsh. – Gray Birch;
  32. *Carya illinoensis* (Wang.) K. Koch – Pecan;
  33. *Carya ovata* (Mill) K. Koch – Shagbark Hickory;
  34. *Casuarina* spp. – Beefwood;
  35. *Catalpa bignonioides* Walt. – Southern Catalpa;
  36. *Catalpa speciosa* Warder. – Northern Catalpa;
  37. *Cedrus atlantica* Manetti – Atlas Cedar;
  38. *Cedrus deodara* (Roxb.) Loud. – Deodar Cedar;
  39. *Cedrus libani* (Loud.) – Cedar of Lebanon;
  40. *Clastrus scandens* L. – American Bittersweet;
  41. *Celastrus orbiculata* Thunb. – Oriental Bittersweet;
  42. *Chamaecyparis lawsoniana* (A. Murr.) Parl – Port Oxford Cedar;
  43. *Chamaecyparis nootkatensis* (D. Don.) Spach. – Alaska Cedar;
  44. *Cornus florida* L. – Flowering Dogwood;
  45. *Cornus stolonifera* Michx. – Red-osier Dogwood;
  46. *Crataegus mollis* – Downy Hawthorn;
  47. *Cupressus arizonica* Greene – Arizona Cypress;
  48. *Eucalyptus deglupta*;
  49. *Eucalyptus gradis*;
  50. *Fraxinus americana* L. – White Ash;
  51. *Fraxinus excelsior* L. – European Ash;
  52. *Fraxinus latifolia* Benth. – Oregon Ash;
  53. *Fraxinus nigra* Marsh. – Black Ash;
  54. *Fraxinus pensylvanica* Marsh. – Green Ash;

55. *Fraxinus pensylvanica* var. *lanceolata* (Borkh.) Sarg. – Green Ash;
56. *Gleditsia triacanthos* L. – Honey Locust;
57. *Grevillea robusta* – Silk-oak;
58. *Larix decidua* Mill. – European Larch;
59. *Larix eurolepis* Henry – Dunkfeld Larch;
60. *Larix leptolepis* (Sieb. Zucc.) Gord. – Japanese Larch;
61. *Larix occidentalis* Nutt. – Western Larch;
62. *Larix sibirica* Ledeb. – Siberian Larch;
63. *Libocedrus decurrens* – Incense-Cedar;
64. *Liquidambar styraciflua* L. – Sweetgum;
65. *Liriodendron tulipifera* L. – Yellow-Poplar;
66. *Magnolia grandiflora* – Southern Magnolia;
67. *Malus* spp. – Apple;
68. *Malus* spp. – Crabapple;
69. *Nyssa aquatica* L. – Water Tupelo;
70. *Nyssa sylvatica* var. *sylvatica* – Black Tupelo;
71. *Picea abies* (L.) Karst. – Norway Spruce;
72. *Picea engelmanni* Parry – Engelmann Spruce;
73. *Picea glauca* (Moench.) Voss – White Spruce;
74. *Picea glauca* var. *albertiana* (S. Brown) Sarg. – Western White Spruce, Alberta White Spruce;
75. *Picea glehnii* (Fr. Schmidt) Mast. – Sakhalin Spruce;
76. *Picea jezoensis* (Sieb. Zucc.) Carr – Yeddo Spruce;
77. *Picea koyamai* Shiras. – Koyama Spruce;
78. *Picea mariana* (Mill.) B.S.P. – Black Spruce;
79. *Picea omorika* (Pancic.) Purkyne – Serbian Spruce;
80. *Picea orientalis* (L.) Link. – Oriental Spruce;
81. *Picea polita* (Sieb. Zucc.) Carr – Tigertail Spruce;
82. *Picea pungens* Engelm. – Blue Spruce, Colorado Spruce;
83. *Picea pungens* var. *glauca* Reg. – Colorado Blue Spruce;
84. *Picea rubens* Sarg. – Red Spruce;
85. *Picea sitchensis* (Bong.) Carr – Sitka Spruce;
86. *Pinus albicaulis* Engelm. – Whitebark Pine;
87. *Pinus aristata* Engelm. – Bristlecone Pine;
88. *Pinus banksiana* Lamb. – Jack Pine;
89. *Pinus canariensis* C. Smith – Canary Pine;
90. *Pinus caribaea* – Caribbean Pine;
91. *Pinus cembroides* Zucc. – Mexican Pinyon Pine;
92. *Pinus clausa* – Sand Pine;
93. *Pinus conorta* Dougl. – Lodgepole Pine;
94. *Pinus contorta* var. *latifolia* Engelm. – Lodgepole Pine;
95. *Pinus coulteri* D. Don. – Coulter Pine, Bigcone Pine;
96. *Pinus densiflora* Sieb. Zucc. – Japanese Red Pine;
97. *Pinus echinata* Mill. – Shortleaf Pine;
98. *Pinus elliottii* Engelm. – Slash Pine;
99. *Pinus flexilis* James – Limber Pine;
100. *Pinus glabra* Walt. – Spruce Pine;
101. *Pinus griffithi* McClelland – Himalayan Pine;
102. *Pinus halepensis* Mill. – Aleppo Pine;
103. *Pinus jeffreyi* Grev. Balf. – Jeffrey Pine;
104. *Pinus khasya* Royle – Khasia Pine;
105. *Pinus lambertiana* Dougl. – Sugar Pine;
106. *Pinus heldreichii* var. *leucodermis* (Ant.) Markgraf ex Fitschen – Balkan Pine, Bosnian Pine;
107. *Pinus markusii* DeVriese – Markus Pine;
108. *Pinus monticola* Dougl. – Western White Pine;
109. *Pinus mugo* Turra. – Mountain Pine;
110. *Pinus mugo* var. *mughus* (Scop.) Zenari – Mugo Swiss Mountain Pine;
111. *Pinus muricata* D. Don. – Bishop pine;
112. *Pinus nigra* Arnold – Austrian Pine;
113. *Pinus nigra* poiretiana (Ant.) Aschers Graebn. – Corsican Pine;
114. *Pinus palustris* Mill. – Longleaf Pine;
115. *Pinus parviflora* Sieb. Zucc. – Japanese White Pine;
116. *Pinus patula* Schl. Cham. – Jelecote Pine;
117. *Pinus pinaster* Sol. – Cluster Pine;
118. *Pinus pinea* L. – Italian Stone Pine;
119. *Pinus ponderosa* Laws. – Ponderosa Pine, Western Yellow Pine;
120. *Pinus radiata* D. Don. – Monterey Pine;
121. *Pinus resinosa* Ait. – Red Pine, Norway Pine;
122. *Pinus rigida* Mill. – Pitch Pine;
123. *Pinus serotina* Michx. – Pond Pine;
124. *Pinus strobus* L. – Eastern White Pine;
125. *Pinus sylvestris* L. – Scots Pine;
126. *Pinus taeda* L. – Loblolly Pine;
127. *Pinus taiwanensis* Hayata – Formosa Pine;
128. *Pinus thunbergii* Parl. – Japanese Black Pine;
129. *Pinus virginiana* Mill. – Virginia Pine, Scrub Pine;
130. *Platanus occidentalis* L. – American Sycamore;
131. *Populus* spp. – Poplars;
132. *Prunus armeriaca* L. – Apricot;
133. *Prunus avium* L. – Cherry;
134. *Prunus domestica* L. – Plum, Prune;
135. *Prunus persica* Batsch. – Peach;
136. *Pseudotsuga menziesii* var. *glauca* (Beissn.) Franco – Blue Douglas Fir;
137. *Pseudotsuga menziesii* var. *caesia* (Beissn.) Franco – Gray Douglas Fir;
138. *Pseudotsuga menziesii* var. *viridis* – Green Douglas Fir;
139. *Pyrus communis* L. – Pear;
140. *Quercus* spp. – (Red or Black Oak group);
141. *Quercus alba* L. – White Oak;
142. *Quercus muehlenbergii* Engelm. – Chinkapin Oak;
143. *Quercus virginiana* Mill. – Live Oak;
144. *Rhododendron* spp. – Rhododendron;
145. *Robinia pseudoacacia* L. – Black Locust;
146. *Rosa multiflora* Thunb. – Japanese Rose;
147. *Sequoia gigantea* (Lindl.) Decne. – Giant Sequoia;
148. *Sequoia sempervirens* (D. Don.) Engl. – Redwood;
149. *Syringa vulgaris* L. – Common Lilac;
150. *Thuja occidentalis* L. – Northern White Cedar, Eastern Arborvitae;
151. *Thuja orientalis* L. – Oriental Arborvitae, Chinese Arborvitae;
152. *Thuja plicata* Donn. – Western Red Cedar – Giant Arborvitae;
153. *Tsuga canadensis* (L.) Carr. – Eastern Hemlock, Canada Hemlock;
154. *Tsuga heterophylla* (Raf.) Sarg. – Western Hemlock, Pacific Hemlock;
155. *Ulmus americana* L. – American Elm;
156. *Ulmus parvifolia* Jacq. – Chinese Elm;
157. *Ulmus pumila* L. – Siberian Elm; and
158. *Vitis vulpina* L. – Riverbank Grape.
- D.** A person shall not indicate a quality of seed higher than the actual quality as found through germination test.
- E.** The labeler or the person who sells, offers, or exposes for sale within this state seeds in hermetically-sealed containers more than 36 months after the last day of the month in which the seeds were tested prior to packaging, shall retest the seeds within nine months, excluding of the calendar month in which the retest was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

**Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-113 renumbered without change as Section R3-4-404 (Supp. 89-1). Section R3-4-404 renumbered from R3-1-404 (Supp. 91-4). Section repealed, new Section R3-4-404 renumbered from R3-4-406 and

amended effective July 10, 1995 (Supp. 95-3). Amended by final rulemaking at 13 A.A.R. 1464, effective June 2, 2007 (Supp. 07-2).

#### **R3-4-405. Seed-certifying Agencies**

- A.** Any agency seeking to obtain designation as a seed-certifying agency in Arizona shall meet the following requirements.
1. The agency shall be qualified by USDA to certify agricultural or vegetable planting seed as to variety, strain, and genetic purity.
  2. The agency shall have a written seed certification protocol which includes standards, rules, and procedures for the certification of planting seed.
  3. The agency shall have procedures for accepting crops and varieties into a certification program.
  4. The agency shall be a member in good standing of a USDA-recognized association of official seed-certifying agencies such as the Association of Official Seed Certifying Agencies.
- B.** The Director or the Director's designee shall meet each calendar year with the director of the seed-certifying agency to review the agency's standards, rules, and procedures.
- C.** The Director may, after consulting with the Director of the Arizona Agricultural Experiment Station, revoke the agency's designation as the state seed-certifying agency after written 30 days' notice if the organization:
1. Fails to maintain qualifications, protocols, procedures, and membership as set forth in subsection (A); or
  2. Fails to follow federal and state standards, rules, and procedures.

#### **Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-114 renumbered without change as Section R3-4-405 (Supp. 89-1). Section R3-4-405 renumbered from R3-1-405 (Supp. 91-4). Section R3-4-405 renumbered to R3-4-403, new Section R3-4-405 renumbered from R3-4-407 and amended effective July 10, 1995 (Supp. 95-3).

#### **R3-4-406. Sampling and Analyzing Seed**

- A.** A person shall follow the methods of taking, handling, analyzing, and testing samples of seed and the tolerances and methods of determination as prescribed in the Federal Seed Act Regulations, 7 CFR 201.39 through 201.65, amended January 1, 2002, and in the Rules for Testing Seeds, 2006, published by the Association of Official Seed Analysts. This material is incorporated by reference and is on file with the Department. The materials incorporated by reference do not include any later amendments or editions. The Rules for Testing Seeds are also available through the web site: <http://www.aosaseed.com>. The CFR may be ordered from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA, 15250-7954 and the Rules for Testing Seeds may be ordered from the AOSA Management Office, Mail Boxes Etc. #285, 601 S. Washington, Stillwater, OK 74074-4539. If there is a conflict between the two documents, the requirements in CFR will prevail.
- B.** A labeler offering a seed for sale shall pay the cost of original germination and purity tests on each lot of seed offered for sale, and a dealer or labeler shall pay the cost of any subsequent germination test required by A.R.S. § 3-237. The Department shall pay the cost of testing seed samples drawn by a seed inspector from lots bearing valid labels. The dealer or labeler shall reimburse the Department for the cost of the test if the dealer or labeler chooses to use the Department's germination and purity results in subsequent re-labeling.

#### **Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-115 renumbered without change as Section R3-4-406 (Supp. 89-1). Section R3-4-406 renumbered from R3-1-406 (Supp. 91-4). Section R3-4-406 renumbered to R3-4-404, new Section R3-4-406 renumbered from R3-4-408 and amended effective July 10, 1995 (Supp. 95-3). Amended by final rulemaking at 9 A.A.R. 1286, effective May 31, 2003 (Supp. 03-2). Amended by final rulemaking at 13 A.A.R. 1464, effective June 2, 2007 (Supp. 07-2).

#### **R3-4-407. Phytosanitary Field Inspection; Fee**

- A.** Applicants seeking phytosanitary certification for interstate and international exportation of agriculture, vegetable, and ornamental planting seed shall submit a \$20.00 inspection fee and provide the following information on a form furnished by the Department:
1. The company name and address of the applicant;
  2. The kind, variety, and lot number of the seed;
  3. The number of acres on which the seed will be grown;
  4. The name of the grower;
  5. The county and field location;
  6. The date of the application;
  7. The countries of export;
  8. The seed treatment, if applicable;
  9. The amount of treatment, if applicable;
  10. The approximate planting date;
  11. The approximate harvest date; and
  12. The export requirements.
- B.** The Department may contract with the state-certifying agency for field inspection at 20¢ per acre for any first or single required inspection and 10¢ per acre for each subsequent required inspection which shall be performed in conjunction with the seed certification program.
- C.** Field inspections conducted by the Department shall be based upon the following fee schedule and shall not exceed the maximum fee prescribed by A.R.S. § 3-233(A)(7):
1. Cotton: 80¢ per acre;
  2. Small grain: 20¢ per acre for the first inspection and 80¢ for the second inspection;
  3. Vegetable and all other crops: 20¢ for the first inspection and 80¢ for the second inspection.
- D.** If both the field inspection fee and the application fee exceeds the maximum fee per acre prescribed by A.R.S. § 3-233(A)(7), the application fee shall be voided and the maximum cost per acre shall be assessed.

#### **Historical Note**

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-116 renumbered without change as Section R3-4-407 (Supp. 89-1). Section R3-4-407 renumbered from R3-1-407 (Supp. 91-4). Section R3-4-407 renumbered to R3-4-405, new Section adopted effective July 10, 1995 (Supp. 95-3).

#### **R3-4-408. Licenses: Seed Dealer and Seed Labeler; Fees**

- A.** An applicant for a seed dealer or seed labeler license shall provide the following to the Department:
1. The year for which the applicant wishes to be licensed;
  2. The applicant's name, company name, telephone number, fax number and e-mail address, as applicable;
  3. Verification of previous seed dealer or labeler license, if applicable;
  4. The mailing and physical address of each business location being licensed;
  5. Company Tax ID number or if not a legally-recognized business entity, the applicant's Social Security number;

6. The date of the application; and
  7. The signature of the applicant.
- B.** Seed dealer and seed labeler licenses are not transferable, expire on June 30, and are valid for no more than one year, or period thereof, unless otherwise revoked, suspended, denied or otherwise acted upon by the Department as provided in A.R.S. § 3-233(A)(6).
- C.** An applicant shall submit a completed application to the Department accompanied by the following fee, which is non-refundable unless A.R.S. § 41-1077 applies.
1. Seed dealers, \$50.00 per location; and
  2. Seed labelers, \$100.00.
- D.** During fiscal year 2011 and fiscal year 2012, notwithstanding subsection (C), there is no fee to obtain a seed dealer or seed labeler license.

#### Historical Note

Adopted effective December 21, 1981 (Supp. 81-6). Former Section R3-4-117 renumbered without change as Section R3-4-408 (Supp. 89-1). Section R3-4-408 renumbered from R3-1-408 (Supp. 91-4). Section R3-4-408 renumbered to R3-4-406, new Section adopted effective July 10, 1995 (Supp. 95-3). Amended by final rulemaking at 13 A.A.R. 1464, effective June 2, 2007 (Supp. 07-2). Amended by exempt rulemaking at 16 A.A.R. 2029, effective September 21, 2010 (Supp. 10-3). Amended by exempt rulemaking at 17 A.A.R. 1763, effective July 20, 2011 (Supp. 11-3).

#### R3-4-409. Violations and Penalties

- A.** The Department may assess the following penalties against a dealer or labeler for each customer affected by a violation listed below: \$50 for the first offense, \$150 for the second offense, and \$300 for each subsequent offense within a three-year period:
1. Failure to complete the germination requirements on agricultural, vegetable, or flower seed intended for wholesale or commercial use within nine months prior to sale, exposing for sale, or offering for sale within the state, excluding the month in which the test was completed. This penalty does not apply to a violation under subsections (A)(2), or (3);
  2. Failure to complete the germination requirements for agricultural, ornamental, or vegetable seed intended for retail purchase within the 15 months prior to the sale, exposing for sale, or offering for sale within the state, excluding the month in which the test was completed; and
  3. Failure to obtain any license required by this Article;
- B.** The Department may assess the following penalties against any person committing the following acts: up to \$500 for the first offense, up to \$1250 for the second offense, and up to \$2500 for each subsequent offense within a three-year period.
1. To label, advertise, or represent seed subject to this Article to be certified seed or any class of certified seed unless:
    - a. It has been determined by a certifying agency that the seed conforms to standards of purity and identification as to kind, species and subspecies, if appropriate, or variety; and
    - b. The seed bears an official label issued for the seed by a certifying agency certifying that the seed is of a specified class and a specified kind, species and subspecies, if appropriate, and variety;
  2. To disseminate in any manner or by any means, any false or misleading advertisements concerning seeds subject to this Article;
  3. To hinder or obstruct in any way, any authorized agent of the Department in the performance of the person's duties under this Article;
  4. To fail to comply with a cease and desist order or to move or otherwise handle or dispose of any lot of seed held under a cease and desist order or tags attached to the order, except with express permission of the enforcing officer, and for a purpose specified by the officer;
  5. To label or sell seed that has been treated without proper labeling;
  6. To provide false information to any authorized person in the performance of the person's duties under this Article; or
  7. To label or sell seed that has false or misleading labeling, including:
    - a. Labeling or selling seed with a label containing the word "trace" or the phrase "contains 01%" as a substitute for any statement that is required by this Article;
    - b. Altering or falsifying any seed label, seed test, laboratory report, record, or other document to create a misleading impression as to kind, variety, history, quality or origin of seed;
    - c. Labeling as hermetically sealed containers of agricultural or vegetable seeds that have not had completed the germination requirements with 36 months prior to sale, excluding the month in which the test was completed;
    - d. Failure to label in accordance with the provisions of this Article;
    - e. If applicable, failing to label as containing prohibited noxious weed seeds, subject to recognized tolerances;
    - f. If applicable, failing to label as containing restricted noxious weed seeds in excess of the number prescribed in R3-4-403 on the label attached to the container of the seed or associated with seed;
    - g. If applicable, failing to label as containing more than two and one-half percent by weight of all weed seeds;
    - h. Detaching, altering, defacing, or destroying any label provided for in this Article, or altering or substituting seed in a manner that may defeat the purpose of this Article;
    - i. Using relabeling stickers without having both the calendar month and year the germination test was completed, the sell by date if appropriate, and the lot number that matches the existing, original lot number; and
    - j. Selling, exposing for sale, or offering for sale within the state vegetable seed intended for retail purchase that has labeling containing germination information that has not been completed within the 12 months prior to selling, exposing for sale, or offering for sale.

#### Historical Note

New Section made by final rulemaking at 13 A.A.R. 1464, effective June 2, 2007 (Supp. 07-2).

#### ARTICLE 5. COLORED COTTON

##### R3-4-501. Colored Cotton Production and Processing

- A.** Definitions. In addition to the definitions provided in A.R.S. § 3-101 and R3-4-102, the following terms apply to this Section:
1. "Certified" means having been inspected with a written certificate of inspection issued by an inspector of the Department.

2. "Colored cotton" means any variety of cotton plants of the Genus *Gossypium* that produces fiber that is naturally any color other than white.
  3. "Cottonseed" means processed seed cotton used for propagation, animal feed, crushed or composted fertilizer, or oil.
  4. "Composting" means a process that creates conditions that facilitate the controlled decomposition of organic matter into a more stable and easily handled soil amendment or fertilizer, usually by piling, aerating and moistening; or the product of such a process.
  5. "Delinting" means the process of using acid, flame, or mechanical means to remove fiber that remains on cottonseed after ginning.
  6. "Planting seed" means seed of a known variety produced for planting subsequent generations.
  7. "Seed cotton" means raw cotton containing seed and lint that has been harvested from a field, but has not been ginned.
  8. "White cotton" means any variety of the Genus *Gossypium* that produces white fiber as established in 28 U.S.C. 401 through 451, the Official Cotton Standards of the United States for the Color Grade of American Upland Cotton, revised July 1, 1993; and Cotton Classification Results, revised July 1994. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
- B. Production requirements.**
1. A producer who intends to grow colored cotton shall register in writing with the Department. The registration form shall be received at least 30 days before the cotton planting date for the applicable cultural cotton zone established in R3-4-204. Any colored cotton not registered with the Department shall be abated as established in A.R.S. §§ 3-204 and 3-205, and the producer may be assessed a civil penalty as established in A.R.S. § 205.02. The registration shall include:
    - a. The name, address, telephone number, and signature of the producer;
    - b. The name, address, telephone number, and signature of the property owner;
    - c. The name, address, and telephone number of the organization or company contracting for the production of colored cotton or to whom the colored cotton will be sold, if known;
    - d. The total number of acres to be planted;
    - e. The geographical location of the proposed fields by county, section, township and range; and
    - f. The name of the property owners, if known, adjacent to the field where colored cotton will be grown.
  2. Separation of white and colored cotton.
    - a. A colored cotton producer shall ensure that all colored cotton is planted no less than 500 feet from any white cotton field.
    - b. All producers of white cotton saved for planting seed shall comply with the Field Standards in the Arizona Crop Improvement Association's Cotton Seed Certification Standards, revised July 1995. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Office of the Secretary of State.
  3. A producer shall not plant white cotton on land on which colored cotton has been grown until one or more irrigated non-cotton crops have been produced on that land. If the non-cotton crop is not grown during a traditional cotton growing season, as established by R3-4-204(E), the field shall be irrigated before planting a white cotton crop.
- C. Cotton appliances.**
1. No cotton producer, contractor, or ginner shall use a cotton appliance or gin to produce, transport, or handle white cotton after the gin or appliance has been used in the production, transportation, or handling of colored cotton until the Department inspects the cotton appliance or gin and finds it free of colored cottonseed, seed cotton, fiber, and gin trash. A cotton producer, contractor, or ginner shall notify the Department at least 48 hours, excluding Sundays and legal holidays, before an inspection is needed.
  2. Colored seed cotton, cottonseed, fiber, and gin trash cleaned from cotton equipment, shall be composted or disposed of by the producer or ginner:
    - a. On land where gin trash has previously been disposed and the land is managed as specified in subsection (B)(3); or
    - b. In a landfill approved by the Department.
  3. The Department shall legibly mark cotton appliances designated for exclusive use on colored cotton crops.
- D. Transportation.** Except in gin yards, colored cottonseed or colored seed cotton transported over public roads shall be totally enclosed or covered.
- E. Gin requirements.**
1. A gin owner or manager planning to process colored cotton shall notify the Department, in writing, no less than 30 days before processing the colored cotton.
  2. The Department shall notify the Arizona Crop Improvement Association of a gin owner's or manager's intention to process colored cotton within 10 days from the receipt of the notification from the gin.
  3. A gin owner or manager processing colored cotton shall not process white cotton until the gin has been cleaned, and inspected by the Department. The gin shall be free of cottonseed, seed cotton, and loose lint as established in subsection (C)(1).
  4. If a gin processes colored seed cotton and white seed cotton during the same season, and the white cottonseed is not retained by the plant breeder for research purposes, the producer shall market the white cottonseed as:
    - a. Animal feed,
    - b. Crushed or composted fertilizer, or
    - c. Oil.
  5. The ginner shall legibly mark colored seed cotton kept in the gin yard or gin buildings and shall:
    - a. Isolate the seed cotton at least 500 feet from white seed cotton, or
    - b. Enclose it with two foot high chicken wire or chain link fencing.
  6. Gin trash not disposed as established in subsection (C)(2) shall be shipped out-of-state, subject to the requirements of the receiving state and 7 CFR 301.52 et seq., amended August 30, 1994. This material is incorporated by reference, does not include any later amendments or editions

of the incorporated matter, and is on file with the Office of the Secretary of State.

7. The ginner shall bale or bag colored cotton fiber and mark the bale or bag as colored cotton.

**F. Seed Requirements.**

1. A producer or contracting organization, set forth in subsection (B)(1), saving colored cottonseed for propagative purposes shall legibly label the colored planting seed container and notify the Department of:
  - a. The quantity,
  - b. The variety or color,
  - c. The location where the colored planting seed is held or stored, and
  - d. Whether any seed will be shipped out-of-state.
2. If the cotton seed is being delinted in Arizona, the delinting facility shall follow the requirements in Harvesting, Handling and Tagging that are included in the Cotton Seed Certification Standards and have been incorporated by reference in subsection (B)(2)(b).
3. The producer shall render non-viable non-delinted (fuzzy) colored cottonseed not used for propagative purposes by crushing or composting. Whole or cracked colored cottonseed shall not be used as animal feed in Arizona but may be shipped out-of-state, subject to the requirements of the receiving state and 7 CFR 301.52 et seq.
4. Cotton producers shall not transport unbagged white cotton planting seed using vehicles or other equipment previously used to transport whole or cracked colored cottonseed until the Department has certified that these vehicles and equipment are free of colored cottonseed.

**G. Advisory committee.** The Director shall appoint an advisory committee, under A.R.S. § 3-106, to review colored cotton statutes and rules, inspection procedures, and certification methods. The committee shall be appointed for two-year staggered terms and a member may be reappointed for one additional term. The committee shall consist of one representative from each of the following categories:

1. The Cotton Research and Protection Council,
2. The Arizona Crop Improvement Association,
3. The Arizona Department of Agriculture,
4. The Arizona Cotton Growers Association,
5. A colored cotton producer,
6. A ginner ginning colored cotton, and
7. A contractor for the production of colored cotton.

**Historical Note**

Former Rule, Apiary Regulation 1. Amended effective June 19, 1978 (Supp. 78-3). Former Section R3-4-120 renumbered without change as Section R3-4-501 (Supp. 89-1). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Section R3-4-501 renumbered from R3-1-501 (Supp. 91-4). Former Section R3-4-501 repealed, new Section R3-4-501 adopted effective October 15, 1993 (Supp. 93-4). R3-4-501 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995 now the permanent effective date (Supp. 96-3). New Section R3-4-501 renumbered from R3-4-205 and amended April 9, 1998 (Supp. 98-2).

**R3-4-502. Repealed**

**Historical Note**

Adopted effective December 22, 1989 (Supp. 89-4) Section R3-4-502 renumbered from R3-1-502 (Supp. 91-4). Former Section R3-4-502 repealed, new Section R3-4-502 adopted effective October 15, 1993 (Supp. 93-4). R3-4-502 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-503. Repealed**

**Historical Note**

Adopted as an emergency effective December 31, 1984, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 84-6). Emergency expired. Adopted as a permanent rule effective April 4, 1985 (Supp. 85-2). Former Sections R3-4-121.01, R3-4-121.02, R3-4-121.03, and R3-4-121.04 added to Section R3-4-121 and amended effective October 8, 1987 (Supp. 87-4). Former Section R3-4-121 renumbered without change as Section R3-4-502 (Supp. 89-1). Former Section R3-4-502 renumbered without change as Section R3-4-503 (Supp. 89-4). Repealed effective August 16, 1990 (Supp. 90-3). Section R3-4-503 renumbered from R3-1-503 (Supp. 91-4). New Section R3-4-503 adopted effective October 15, 1993 (Supp. 93-4). R3-4-503 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-504. Repealed**

**Historical Note**

Adopted as an emergency effective September 27, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Emergency expired. Former Sections R3-4-122.01 through R3-4-122.03, emergency expired. New Section R3-4-122 adopted effective March 6, 1987 (Supp. 87-1). Former Section R3-4-122 renumbered without change as Section R3-4-503 (Supp. 89-1). Former Section R3-4-503 renumbered without change as Section R3-4-504 (Supp. 89-4). Section R3-4-504 renumbered from R3-1-504 (Supp. 91-4). Former Section R3-4-504 repealed, new Section R3-4-504 adopted effective October 15, 1993 (Supp. 93-4). R3-4-504 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-505. Repealed**

**Historical Note**

Adopted effective October 15, 1993 (Supp. 93-4). R3-4-505 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**R3-4-506. Repealed****Historical Note**

Adopted effective October 15, 1993 (Supp. 93-4). R3-4-501 repealed by summary action with an interim effective date of February 10, 1995; filed in the Office of the Secretary of State January 20, 1995. Adopted summary rules filed in the Office of the Secretary of State May 17, 1995; interim effective date of February 10, 1995, now the permanent effective date (Supp. 96-3).

**ARTICLE 6. RECODIFIED**

*Article 6, consisting of Sections R3-4-601 through R3-4-611 and Appendix A, recodified to 3 A.A.C. 3, Article 11 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).*

**R3-4-601. Recodified****Historical Note**

Former Rule, Native Plant Regulation 1. Amended effective June 19, 1978 (Supp. 78-3). Amended by adding subsection (E) effective January 21, 1981 (Supp. 81-1). Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-130 renumbered without change as Section R3-4-601 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-601 renumbered from R3-1-601 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1101 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-602. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-131 renumbered without change as Section R3-4-602 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-602 renumbered from R3-1-602 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1102 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-603. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Amended effective May 15, 1984 (Supp. 84-3). Correction, amendment effective May 15, 1984 deleted samples of forms (Supp. 86-1). Former Section R3-4-132 renumbered without change as Section R3-4-603 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-603 renumbered from R3-1-603 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section R3-4-603 renumbered from R3-4-605 and amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1103 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-604. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Amended effective May 15, 1984 (Supp. 84-3). Former Section R3-4-133 renumbered without change as Section R3-4-604 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-604 renumbered from R3-1-604 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1104 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-605. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-134 renumbered without change as Section R3-4-605 (Supp. 89-1). Amended effective December 28, 1990 (Supp. 90-4). Section R3-4-605 renumbered from R3-1-605 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Former Section R3-4-605 renumbered to R3-4-603; new Section R3-4-605 adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1105 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-606. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-135 renumbered without change as Section R3-4-606 (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-606 renumbered from R3-1-606 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1106 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-607. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-137 renumbered without change as Section R3-4-608 (Supp. 89-1). Former Section R3-4-607 repealed, new Section R3-4-607 renumbered from R3-4-608 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-607 renumbered from R3-1-607 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Former Section R3-4-607 repealed; new Section R3-4-607 renumbered from R3-4-616 and amended at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1107 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-608. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982

(Supp. 82-2). Former Section R3-4-138 renumbered without change as Section R3-4-609 (Supp. 89-1). Former Section R3-4-608 renumbered to R3-4-607, new Section R3-4-608 adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-608 renumbered from R3-1-608 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1108 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-609. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-139 renumbered without change as Section R3-4-610 (Supp. 89-1). Former Section R3-4-609 repealed, new Section R3-4-609 renumbered from R3-4-610 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-609 renumbered from R3-1-609 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1109 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-610. Recodified****Historical Note**

Former Section R3-4-130 amended and renumbered as R3-4-130 through R3-4-140 effective April 30, 1982 (Supp. 82-2). Former Section R3-4-140 renumbered without change as Section R3-4-611 (Supp. 89-1). Former Section R3-4-610 renumbered to R3-4-609, new Section R3-4-610 renumbered from R3-4-611 and amended effective December 28, 1990 (Supp. 90-4). Section R3-4-610 renumbered from R3-1-610 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Section repealed; new Section adopted by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1110 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-611. Recodified****Historical Note**

Renumbered to R3-4-610 effective December 28, 1990 (Supp. 90-4). Section R3-4-611 renumbered from R3-1-611 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Former Section R3-4-611 repealed; new Section R3-4-611 renumbered from R3-4-618 and amended by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3). Section recodified to R3-3-1111 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**R3-4-612. Repealed****Historical Note**

Adopted effective April 30, 1982 (Supp. 82-2). Former Section R3-4-141 renumbered without change as Section R3-4-612 (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-612 renumbered from R3-1-612 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed by final

rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-613. Repealed****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective September 11, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-614. Repealed****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective September 11, 1997 (Supp. 97-3). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-615. Repealed****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-615 adopted effective January 17, 1989 (see also R3-4-616) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-615 renumbered from R3-1-615 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-616. Renumbered****Historical Note**

Adopted effective February 5, 1986 (Supp. 86-1). Former Section R3-4-144 repealed, new Section R3-4-616 adopted effective January 17, 1989 (see also R3-4-615) (Supp. 89-1). Repealed effective December 28, 1990 (Supp. 90-4). Section R3-4-616 renumbered from R3-1-616 (Supp. 91-4). New Section adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Section R3-4-616 renumbered to R3-4-607 by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-617. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-617 renumbered from R3-1-617 (Supp. 91-4). Section R3-4-617 renumbered from R3-1-617 (Supp. 91-4). Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section repealed by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-618. Renumbered****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-618 renumbered from R3-1-618 (Supp. 91-4).

Section repealed, new Section adopted effective July 6, 1993 (Supp. 93-3). Section R3-4-618 renumbered to R3-4-611 by final rulemaking at 5 A.A.R. 2521, effective July 15, 1999 (Supp. 99-3).

**R3-4-619. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-619 renumbered from R3-1-619 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-620. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-620 renumbered from R3-1-620 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-621. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-621 renumbered from R3-1-621 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-622. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-622 renumbered from R3-1-622 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-623. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-623 renumbered from R3-1-623 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-624. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-624 renumbered from R3-1-624 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-625. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-625 renumbered from R3-1-625 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-626. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-626 renumbered from R3-1-626 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-627. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-627 renumbered from R3-1-627 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-628. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-628 renumbered from R3-1-628 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-629. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-629 renumbered from R3-1-629 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-630. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-630 renumbered from R3-1-630 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-631. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-631 renumbered from R3-1-631 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-632. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-632 renumbered from R3-1-632 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**R3-4-633. Repealed****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-633 renumbered from R3-1-633 (Supp. 91-4). Section repealed effective July 6, 1993 (Supp. 93-3).

**Appendix A. Recodified****Historical Note**

Adopted effective December 28, 1990 (Supp. 90-4). Section R3-4-633, Appendix A renumbered from R3-1-633, Appendix A (Supp. 91-4). Appendix A repealed, New Appendix A adopted effective July 6, 1993 (Supp. 93-3). Amended effective December 20, 1994 (Supp. 94-4). Amended effective September 11, 1997 (Supp. 97-3). Appendix recodified to 3 A.A.C. 3, Article 11 at 10 A.A.R. 726, effective February 6, 2004 (Supp. 04-1).

**ARTICLE 7. FRUIT AND VEGETABLE  
STANDARDIZATION****R3-4-701. Apple Standards**

The standards for apples in Arizona are the standards prescribed for U.S. No. 1 apples in the United States Standards for Grades of Apples, 7 CFR 51.300 et seq, revised as of January 1, 2003. This material is incorporated by reference and on file with the Department. This incorporation by reference contains no future additions or amendments.

**Historical Note**

Section R3-4-701 renumbered from R3-7-101 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 9 A.A.R. 4628, effective December 6, 2003 (Supp. 03-4).

**R3-4-702. Apricot Standards****A. Definitions.**

1. "Mature" means having reached the stage of maturity which will ensure the proper completion of the ripening process.
2. "Serious damage" includes any defect caused by limb rubs, growth cracks, dirt, scale, hail, disease, insects, mechanical injury, or any damage which causes breaking of the skin, or which affects the appearance or the edible or shipping quality of the apricot. Damage from well-

healed growth cracks more than 1/2 inch in length shall be considered as serious damage.

- B. Apricots shall be of one variety which are mature but not soft, overripe, or shriveled and which are free from decay, worm holes, and from serious damage.
- C. Not more than 5%, by count, of the apricots in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Former Rule 100. Section R3-4-702 renumbered from R3-7-102 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-703. Asparagus Standards

- A. Asparagus, when being packed or offered for sale, shall conform to the following standards:
  1. Asparagus spears shall not be wilted or crushed;
  2. Asparagus spears shall not be seriously damaged by spreading or seeded tips;
  3. Asparagus spears shall not be seriously damaged by crooks unless the container clearly indicates it contains crooks;
  4. Asparagus spears shall not have more than 2 inches of white on the butt, except that when bunched, 25% of the spears in any bunch may have up to 2 1/2 inches of white;
  5. Asparagus spears shall be free from decay and serious damage;
  6. Asparagus spears, when bunched, shall be uniform in size.
- B. Not more than 5%, by count, of the spears in any lot shall be allowed for any one cause and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Former Rule 101. Section R3-4-703 renumbered from R3-7-103 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-704. Beets and Turnip Standards

- A. Definition.
 

“Serious damage” means damage caused by decay, disease, scab, nematode, growth cracks, mechanical injury, stringiness, woodiness, being misshapen, or any condition which would cause a loss of 20% or more of the root during preparation for use.
- B. Beets and turnips, when being packed or offered for sale, shall be free from serious damage.
- C. Not more than 10% of the beets or turnips in any one lot shall fail to meet the requirements prescribed in this Section.

#### Historical Note

Former Rule 102; Amended paragraph (7) effective June 11, 1986 (Supp. 86-3). Section R3-4-704 renumbered from R3-7-104 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-705. Broccoli Standards

- A. Definitions.
  1. “Bunch” means stalks bound together to form a unit. A single stalk may be considered a bunch if it is approximately as large as bunches in the lot.
  2. “Serious damage” means damage caused by means worm or insect injury, or any condition which would cause a loss of 20% or more, by volume, of any one stalk of broccoli.

3. “Stalk” means an individual unit of broccoli which consists of the stem, head cluster, and any attached leaves.

- B. Broccoli, when being packed or offered for sale, shall be free from mold, decay, and serious damage.
- C. Not more than 5%, by count, of a bunch of broccoli in any lot of containers or bulk lot shall be allowed for mold and decay and not more than 15%, by count, in any lot of containers or bulk lot shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Former Rule 103. Section R3-4-705 renumbered from R3-7-105 (Supp. 91-4). Former Section R3-4-705 renumbered to R3-4-736, new Section R3-4-705 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-706. Brussels Sprouts Standards

- A. Definitions.
  1. “Discoloration” means the appearance is materially affected by discolored leaves or parts of discolored leaves.
  2. “Fairly firm” means the Brussels sprouts are not soft or spongy.
  3. “Fairly well colored” means that the Brussels sprouts shall not be lighter than yellowish green color.
  4. “Insects” means that:
    - a. There is serious damage by aphid infestation within the compact portion of the head; or
    - b. The outer leaves are seriously damaged by infestation; or
    - c. Slug worms or worm frass are present; or
    - d. The appearance is materially affected by slug or worm damage.
  5. “Seedstems” means the seedstem is showing or the formation of the seedstalk has plainly begun.
  6. “Serious damage” includes damage caused by discoloration, dirt or other foreign materials, freezing, disease, insects, mechanical injury.
- B. Brussels sprouts shall be fairly well colored, fairly firm, not withered or burst, and free from soft decay, seedstems, and serious damage.
- C. To allow for variations incident to proper grading and handling, not more than 5%, by weight, of the Brussels sprouts in any lot shall be allowed for any one defect and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

#### Historical Note

Former Rule 104. Section R3-4-706 renumbered from R3-7-106 (Supp. 91-4). Former Section R3-4-706 renumbered to R3-4-737, new Section R3-4-706 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-707. Cabbage Standards

- A. Definition.
 

“Serious damage” means damage caused by seedstems, discoloration, freezing, disease, insects, mechanical injury, or any condition which would cause a loss of 20% or more, by weight, of the head leaves.
- B. Cabbage, when being packed or offered for sale, shall be firm, not withered, puffy, or burst, and shall be free from soft rot and decay and from serious damage.
- C. Not more than 5%, by count, of the heads in any lot of containers or bulk lot shall be allowed for soft rot or decay and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Former Rule 105; Amended effective March 5, 1982 (Supp. 82-2). Section R3-4-707 renumbered from R3-7-107 (Supp. 91-4). Former Section R3-4-707 repealed, new Section R3-4-707 adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-708. Cantaloupe Standards; Maturity Sampling; Packing Arrangements**

- A. Definitions.**
1. "Mature" means that a cantaloupe has reached the stage of development that ensures the completion of the normal ripening process, the arils that surround the seed during development of maturity are absorbed, and the juice of the edible portion contains not less than nine percent soluble solids as determined by the standard hand refractometer.
  2. "Serious damage" means damage caused by bruises, sunburn, growth cracks, cuts, sponginess, flabbiness, or wilting.
- B. Cantaloupes shall be:**
1. Mature but not overripe;
  2. Fairly well-netted;
  3. Free from mold, decay, and insect damage that penetrates or damages the edible portion of the cantaloupe; and
  4. Free from serious damage.
- C. If a preliminary inspection of cantaloupes as prescribed at R3-4-738(A) indicates that further testing for maturity is required, the inspector shall randomly select melons for testing and average the results to determine the percent of soluble solids for each lot. The minimum number of cantaloupes selected from a lot for maturity sampling is as follows:**

Melons Per Container	Min. Melons Per Container Tested
9 or less	7
12	8
15	11
18	13
22	15
23	16
24 or more	2/3 of the melons, not to exceed 30 melons

- D. The Department shall not permit more than five percent, by count, of the cantaloupes in any one lot for any one defect and not more than 10 percent, by count, to fail the total requirements prescribed in this Section.**
- E. All cantaloupes in each container shall be of one variety or of similar varietal characteristics.**
- F. Cantaloupes packed in containers shall be uniform in size and packed in a compact arrangement.**

**Historical Note**

Former Section R3-4-708 renumbered to R3-4-740, new Section R3-4-708 adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1). Amended by final rulemaking at 8 A.A.R. 4454, effective October 2, 2002 (Supp. 02-4). Amended by final rulemaking at 10 A.A.R. 677, effective February 3, 2004 (Supp. 04-1).

**R3-4-709. Carrot Standards**

- A. Definition.**
- "Serious damage" means damage caused by growth cracks, mechanical injury, being misshapen, or any condition which would cause a loss of 20% or more of the root during preparation for use.

- B. Carrots, when being packed or offered for sale, shall be free from decay and insect injury which has penetrated or damaged the flesh and shall be free from serious damage. Not more than 10% of any lot of carrots shall fail to meet these requirements.**
- C. When bunched, carrots shall be uniform in size. When carrots range in diameter from 3/4 inch to 1 1/4 inches, a bunch shall contain 8 to 11 carrots, and if over 1 1/4 inches, five to seven carrots.**
- D. Topped carrots when packed in lugs, boxes, crates, or sacks shall be uniform in size.**

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-710. Cauliflower Standards**

- A. Definition.**
- "Serious damage" means damage caused by worm, insect injury, freezing, sunburn, or any other condition which would cause a loss of 20% or more of the edible portion of an individual head of cauliflower.
- B. Cauliflower, when being packed or offered for sale, shall be free from mold, decay, and serious damage.**
- C. Cauliflower shall be trimmed to the number of leaves necessary to protect the head.**
- D. Not more than 5%, by count, of heads of cauliflower in any lot of containers or bulk lot shall be allowed for mold and decay and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section.**

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-711. Celery Standards**

- A. Definitions.**
1. "Pithy branches" means the stalk has more than four branches which are pithy; provided that not more than 10%, by count, of the stalks in any one lot or container are pithy.
  2. "Seedstems" means that the stalk has a seedstem the length of which is more than twice the diameter of the stalk measured at a point 2 inches above the point of attachment at the root.
  3. "Serious damage" includes damage caused by freezing, growth cracks, dirt, insect damage, seedstems, pithy branches, decay, black-heart, mechanical injury.
- B. Celery, when being packed or offered for sale, shall be fairly well developed, free from serious damage.**
- C. The number of stalks in each container shall be specified by numerical count, or in terms of dozens or half-dozens, in block numerals not less than 1/2 inch in height on the container. A three-stalk variation from the specified count shall be allowed.**
- D. Not more than 5%, by count, of the celery in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.**

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-712. Cherry Standards**

- A. Definitions.**
1. "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.
  2. "Fairly well colored" means that the cherries show the characteristic color of mature cherries of the variety.
  3. "Mature" means that the cherries have reached a stage of growth which will ensure the proper completion of the ripening process.

4. "Serious damage" includes damage caused by bruises, cracks, disease, hail, other insects, limb rub, pulled stems, russeting, scars, skin breaks, sunburn, sutures, mechanical injury.
  5. "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.
  6. "Well-formed" means that the cherry has normal shape characteristic of the variety.
- B.** Cherries shall be of similar varietal characteristics which are mature but are not soft, overripe, or shriveled, and which are fairly well colored, well-formed, clean, and free from decay, worms or worm holes, undeveloped doubles, sun scald, and free from serious damage.
- C.** Not more than 5%, by count, of the cherries in any one lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-713. Corn Standards**

- A.** Definition.  
"Serious damage" means wilting, shriveling, worms, disease, decay, insects, or any condition which would cause a loss of 10% or more to an individual ear of corn.
- B.** Corn, when being packed or offered for sale, shall be mature but not over-mature, as indicated by a "doughy" condition of the kernels, and shall be free from serious damage.
- C.** Not more than 10%, by count, of the ears in any lot shall fail to meet the requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-714. Endive, Escarole, or Chicory Standards**

- A.** Definitions.
1. "Fairly well blanched" means that the plant shall have a yellowish white to white heart formation with a spread averaging not less than four inches in diameter when the head is opened as far as possible without breaking the leaves or leaf stems.
  2. "Serious damage" includes damage caused by seedstems; broken, bruised, spotted or discolored leaves; wilting; dirt; disease; insects; mechanical injury.
  3. "Similar varietal characteristics" means that the plants shall be of the same type, such as curly-leaved endive or broad-leaved escarole.
  4. "Well trimmed" means that the root shall be neatly cut close to the point of attachment of the outer leaf stems.
- B.** Endive, escarole, or chicory shall consist of plants of similar varietal characteristics, which are fresh, well trimmed, fairly well blanched, free from decay and from serious damage.
- C.** In order to allow for variations incident to proper grading and handling, not more than 5%, by count, shall be allowed for decay; not more than 10%, by count, shall be allowed for any other cause; and not more than 15%, by count, shall fail to meet the total requirements prescribed in this Section;

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-715. Greens Standards (Collards, Rapini, Mustard, and Turnip)**

- A.** Definitions.
1. "Fairly clean" means that the appearance of the greens is not materially affected by the presence of mud, dirt, or other foreign materials.

2. "Fairly tender" means that the greens are not old, tough, or excessively fibrous.
  3. "Fresh" means that the leaves are not more than slightly wilted.
  4. "Serious damage" includes damage caused by discoloration, freezing, foreign material, seedstems, disease, insects, mechanical injury.
- B.** Greens shall be of one variety, which are fresh, fairly tender, fairly clean, and which are free from decay and free from serious damage.
- C.** Not more than 5%, by weight, of the greens in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

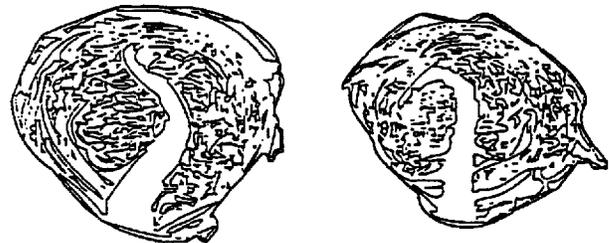
**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-716. Head Lettuce Standards**

- A.** Definition.  
"Serious damage" means damage caused by broken midribs, bursting, freezing, or tipburn:
1. "Broken midribs" is considered serious damage when the midribs of more than four of the outer head leaves are broken and severed all the way across the midrib.
  2. "Bursting" is considered serious damage when the head is cracked or split open and any part of the inner portion of the head is exposed.
  3. "Freezing" is considered serious damage when it affects any portion of the head inside the six outer head leaves, and the tissue of the inner head leaves is brittle, soft, pithy, or discolored due to freezing.
  4. "Tipburn" is considered serious damage when the affected portion on one or more leaves, inside the six outer head leaves, exceeds an aggregate area of 1 inch by 1/2 inch and the color of the tipburn is light buff or darker. Serious damage does not include areas showing tan or brown specks with normal lettuce color between the specks.
- B.** Head lettuce, when being packed or offered for sale, shall:
1. Be mature;
  2. Be free from serious damage.
  3. Not be leafy without head formation;
  4. Have no more than six wrapper leaves adhering to the head;
  5. Be free from insect injury, slime, or decay affecting the leaves within the head;
  6. Be free from a seedstem present upon internal examination that is less than 1/2 inch from the top of the head of lettuce or exceeds 4 inches in length.

**LETTUCE SEEDSTEM**



- C.** Not more than 5%, by count, of the heads of lettuce in any one lot of containers or bulk lot shall contain decay or slime and

not more than 15%, by count, shall fail to meet all requirements prescribed in this Section.

- D. Individual containers in any lot shall not contain more than 1 1/2 times the tolerance of defects prescribed in this Section provided the average percentage of defects in the entire lot is within the tolerances specified in subsection (C), as determined by inspection of a representative sample under R3-4-738.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 6 A.A.R. 4582, effective November 13, 2000 (Supp. 00-4).

**R3-4-717. Melon Standards (Persian Melons, Casabas, Crenshaw, Honeydew, Honeyball, Other Specialty Melons, and Watermelons); Maturity Sampling**

**A. Definitions.**

- 1. "Mature" means that:
  - a. A melon has reached the stage of development that ensures proper completion of the normal ripening process and the arils that surround the seed during development of maturity are absorbed;
  - b. The juice of the edible portion of honeyball and honeydew melons contains not less than 10 percent soluble solids as determined by the standard hand refractometer; and
  - c. The flesh of a watermelon, except for yellow flesh watermelon, shall be colored to a degree not less than that indicated by Hue 4, Chrome H, in Plate 1, of A. Maerz and M. Rea Paul Dictionary of Color, first edition, published 1930. This material is incorporated by reference and is on file with the Department. This incorporation by reference contains no future editions or amendments.
- 2. "Serious damage" means damage to a melon caused by:
  - a. Growth cracks, cuts, bruises, or softness;
  - b. Beetle damage when it affects an area of more than 10 percent of the total surface of a watermelon;
  - c. Whiteheart if apparent on internal examination;
  - d. Sunburn when the sunburned area, regardless of size, is devoid of green coloration and is turning brown; or
  - e. Rindrot when the distinct brown color or decay in the edible flesh of at least one inch in aggregate occurs in the edible portion of a watermelon.

- B. All melons, except watermelons, when packed or offered for sale, shall be:

- 1. Mature but not overripe;
- 2. Free from mold, decay, and insect damage that penetrates or damages the edible portion of the melon; and
- 3. Free from serious damage.

- C. Watermelons, when packed or offered for sale, shall be:

- 1. Fairly well-shaped;
- 2. Mature but not overripe;
- 3. Free from mold, decay, insect and beetle damage; and
- 4. Free from serious damage.

- D. If a preliminary inspection of honeydew or honeyball melons as prescribed at R3-4-738(A) indicates that further testing for maturity is required, the inspector shall randomly select melons for testing and average the results to determine the percent of soluble solids for each lot:

- 1. When sampling honeydew or honeyball melons for maturity in lot containers that are not bulk containers, the minimum number of melons to be sampled is as follows:

Containers in Lot	Melons Sampled
Up to 400	7
401 to 600	9
Over 600	Add 3 melons for every additional 500 containers or fraction of 500 additional containers

- 2. When sampling honeydew or honeyball melons for maturity in bulk containers, seven honeydew or honeyball melons shall be selected at random from the top of the bulk container. The minimum number of bulk containers to be sampled is as follows:

No. of Bulk Containers	Containers Sampled
Less than 10	2
10 to 30	3
31 to 50	4
51 or more	5

- E. The Department shall not permit more than five percent, by count, of the melons in any one lot for any one defect and not more than 10 percent, by count, to fail the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1). Amended by final rulemaking at 10 A.A.R. 677, effective February 3, 2004 (Supp. 04-1).

**R3-4-718. Nectarine Standards**

**A. Definitions.**

- 1. "Growth cracks" means cracks more than 5/8 inch in length, whether healed or not healed.
- 2. "Heat injury, sprayburn, or sunburn" means the skin is blistered, cracked, or decidedly flattened or badly discolored.
- 3. "Scab or bacterial spot" means the aggregate area exceeds that of a circle 3/4 inch in diameter.
- 4. "Serious damage" includes damage caused by bruises, growth cracks, hail, heat injury, sunburn, sprayburn, scab, bacterial spot, scale, split pit, scars, russetting, other diseases, insects, mechanical injury.
- 5. "Split pit." When causing an unhealed crack or when affecting the shape to the extent that the fruit is badly misshapen.
- 6. "Scars." When dark or rough scars in the aggregate area exceed that of a circle 3/4 inch in diameter.
- 7. "Russetting" means that 10% of the fruit surface is rough or slightly rough.

- B. Nectarines shall be of one variety, which are mature but not overripe; not badly misshapen; clean; free from decay, broken skins which are not healed, worms and worm holes; and free from serious damage.

- C. Not more than 5%, by count, of the nectarines in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-719. Okra Standards****A. Definition.**

“Serious damage” means damage caused by disease, decay, insects, woodiness, stringiness, or any condition which would cause a loss of 10% or more to an individual pod.

- B.** Okra, when being packed or offered for sale, shall be free from serious damage.
- C.** Not more than 10% of the pods in a lot shall fail to meet the requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-720. Dry Onion Standards****A. Definitions.**

1. “Mature” means that the onion is fairly well cured and at least fairly firm.
2. “Serious damage” means damage caused by:
  - a. Insect injury that has penetrated or affected the appearance or the edible portion of the onion;
  - b. Mold and decay;
  - c. Wet or dry sunscald, when affecting 1/3 of the total surface area;
  - d. Seedstems, when more than 1/2 inch in diameter;
  - e. Sprouting, when any visible sprout is more than 1 inch in length;
  - f. Staining, dirt, or other foreign material, when the onions in any lot are affected in appearance of 25% or more of the total surface;
  - g. Mechanical injury, when cuts seriously damage the appearance or edible portion of the onion;
3. “Similar varietal characteristics” means that the onions in any container are similar in color, shape, and character of growth.

**B.** Dry onions shall be of similar varietal characteristics, mature, and free from serious damage.

**C.** Not more than 5%, by weight, of the onions in any lot shall be allowed decay or wet sunscald and not more than 20%, by weight, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-721. Pea Standards****A. Definition.**

“Serious damage” includes damage caused by disease, mold, decay, freezing, dirt, insects, or from mechanical injury.

- B.** Peas, when being packed fresh or sold shall be mature but not over-mature and shall be fairly well filled, fresh, firm, and free from serious damage.
- C.** Not more than 10%, by weight, of any lot shall fail to meet the requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-722. Peach Standards****A. Definitions.**

1. “Badly misshapen” means that the shape of the fruit deviates from the shape characteristics of the variety or is otherwise deformed to the extent that it affects its appearance.
2. “Mature” means that the peach has reached a stage of growth, which will ensure a proper completion of the ripening process.

3. “Serious damage” includes damage caused by cuts which are not healed, worms, worm holes, bruises, dirt, or other foreign material, bacterial spots, scab, scale, growth cracks, hail damage, leaf or limb rubs, split pits, other disease, insects, mechanical injury.

**B.** Peaches shall be of one variety, which are mature but are not soft or overripe, not badly misshapen, and which are free from decay and free from serious damage.

**C.** Not more than 5%, by count, of the peaches in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-723. Pear Standards****A. Definitions.**

1. “Serious damage” includes damage caused by internal breakdown, scald, freezing damage, worm holes, black end, hard end, broken skins, bruises, russetting limb rubs, hail, scars, drought spots, sunburn, sprayburn, stings or other insect damage, disease, mechanical injury.

2. “Seriously misshapen” means that the pear is excessively flattened or elongated for the variety.

**B.** Pears shall be of one variety, which are mature but not over-ripe, clean, not seriously misshapen, free from decay, and free from serious damage.

**C.** Not more than 5%, by count, of the pears in any container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-724. Sweet Pepper Standards****A. Definitions.**

1. “Firm” means that the pepper is not soft, shriveled, limp, or pliable, although it may yield to slight pressure.

2. “Mature green” means that the pepper has reached the stage of development that withstands normal handling and shipping.

3. “Not seriously misshapen” means that the pepper is not badly indented, crooked, constricted, or otherwise badly deformed.

4. “Serious damage” means damage caused by freezing injury, hail, scars, sunburn, disease, insects, mechanical injury, or any one of the following defects or combination of defects, the seriousness of which exceeds the maximum for any one defect:

- a. Sunscald;
- b. Any opening or puncture through the fleshy wall of the pepper;
- c. Scars means evidence of scarring scattered over an aggregate surface area exceeding a circle 1 inch in diameter, or one scar 3/4 inch in diameter on a pepper 2 1/2 inches in length and 2 1/2 inches in diameter;
- d. Sunburn means discoloration which affects an aggregate area exceeding 25% of the surface of the pepper;
- e. Bacterial spot means evidence of bacteria over an aggregate area exceeding a circle 1 inch in diameter on a pepper 2 1/2 inches in length and 2 1/2 inches in diameter.

5. "Similar varietal characteristics" means each pepper shall be of the same general type. Thin- and thick-walled types shall not be mixed.
- B.** Sweet peppers, when being packed or offered for sale, shall be of the same varietal characteristics which are mature green, firm, not seriously misshapen, free from sunscald and decay, and free from serious damage.
- C.** Any lot of peppers which meets all the requirements prescribed in this Section, except those relating to color, shall be designated as "Red" if at least 90% of the peppers show any amount of a shade or red color; or as "Mixed Color" if the peppers fail to meet the requirements of "Green" or "Red."
- D.** Not more than 5%, by count, of the peppers in any container or lot shall be allowed for sunscald; not more than 2%, by count, shall be allowed for decay; and not more than 10%, by count, shall fail to meet the total requirements in this Section.
3. Potatoes shall be free from black heart, late blight, southern bacterial wilt, ringrot, softrot, or wet breakdown;
  4. Potatoes shall be free from serious damage.
- C.** Not more than 30% of the potatoes in any one container or lot may be badly skinned.
- D.** Not more than a total of 12%, by weight, of the potatoes in any one container or bulk lot shall fail to meet the standards prescribed in this Section; provided that the following percentages shall be allowed for the following defects:
1. Not more than 6% for potatoes having external defects;
  2. Not more than 6% for potatoes which are seriously damaged by hollow heart, internal discoloration, or other internal defects; provided that not more than 3% of the external and internal defects shall be allowed for potatoes which are frozen or affected by southern bacterial wilt, ringrot, or late blight;
  3. Not more than 3% shall be allowed for potatoes affected by soft rot or wet breakdown;

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-725. Fresh Plum and Prune Standards**

- A.** Definitions:
1. "Badly misshapen" means that shape of the fruit deviates from the shape characteristics of the variety or is otherwise so malformed or rough that it affects its appearance. Doubles shall be considered badly misshapen.
  2. "Serious damage" includes damage caused by broken skins, heat damage, growth cracks, sunburn split pits, hail marks, drought spots, gum spots, russetting scars, other disease, insects, mechanical injury.
- B.** Fresh plums or prunes shall be of one variety which are not badly misshapen, which are clean, mature but not overripe or soft or shriveled, which are free from decay or sunscald, and free from serious damage.
- C.** Not more than 5%, by count, of the fruit in any one container or lot shall be allowed for any one defect and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-726. Potato Standards**

- A.** Definitions:
1. "Badly skinned" means that more than 50% of the skin of the individual potato is missing or feathered.
  2. "Serious damage" means damage caused by dirt or other foreign matter, sunburn, greening, second growth, growth cracks, air cracks, hollow heart, internal discoloration, shriveling, scab, dry rot, rhizoctonia, insect, larvae, worms, other diseases, mechanical injury, or any external defect which cannot be removed without a loss of more than 10% of the total weight of the potato.
  3. "Seriously misshapen" means that the potato is pointed, dumbbell-shaped, or otherwise deformed.
- B.** All potatoes when being packed or sold shall conform to the following standards:
1. Potatoes shall be of the same varietal characteristics and shall not be seriously misshapen or frozen;
  2. Unless otherwise specified, the diameter of each potato shall be not less than 1 1/2 inches and not more than an average of 3% of the potatoes in any one container or lot. Not more than 6% of the potatoes in any one container or lot shall fail to meet such specified minimum size requirements, except that potatoes sold or offered for sale as U.S. No. 1 shall have a diameter of not less than 1 7/8 inches, unless otherwise specified on the container thereof;

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-727. Romaine Standards**

- A.** Definitions:
1. "Serious damage" includes damage caused by decay; seedstems; broken, bruised, or discolored leaves; tipburn; wilting; foreign material; freezing; dirt; insects; mechanical injury.
  2. "Well developed" means that the plant shows normal growth and shape.
  3. "Well trimmed" means that the stem is trimmed close to the point of the outer leaves.
- B.** Romaine, when being packed or offered for sale, shall consist of plants of the same varietal characteristics which are fresh, well developed, well trimmed, and free from serious damage.
- C.** Seedstems shall be considered as serious damage when the length of the attached seedstem is more than 1/2 the overall plant length, or when any portion of the seedstem has been removed.
- D.** Not more than 5% of the plants in any one container or lot shall be allowed for decay and not more than 10% shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-728. Spinach Standards**

- A.** Definition.
- "Serious damage" means damage caused by insects, disease, tip burn, frost injury, or any condition which would cause a loss of 20% or more of the leaves during preparation for use.
- B.** Spinach, when being packed or offered for sale, shall be free from serious damage.
- C.** Not more than 5% of the spinach in any one lot shall be allowed for decay and not more than 10% shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-729. Strawberry Standards**

- A.** Definitions:
1. "Mature" means any strawberry which has not less than 2/3 of the surface showing a characteristic reddish color.
  2. "Serious damage" includes damage caused by rain, irrigation, sun, bruising, disease, insects.
- B.** Strawberries shall be mature but not overripe and not noticeably undeveloped or deformed; shall have the cap (calyx)

attached, and shall be free from cuts, molds, decay, and serious damage.

- C. Strawberries, when being packed or offered for sale, shall be contained in the dry pint basket containing an interior capacity of approximately 33 6/10 cubic inches.
- D. Not more than 5%, by count, of the berries in any one container or subcontainer shall be allowed for any one cause and not more than 10%, by count, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-730. String Bean Standards**

**A. Definition.**

“Serious damage” means damage caused by freezing, hail, dirt, disease or insect injury, rust, anthracnose, mold, mildew, decay or from mechanical injury, or any condition to an individual pod which would cause a loss of 10% or more to any one bean.

- B. String beans, when being packed or offered for sale, shall be mature, free-snapping but not overmature, and shall be free from serious damage.
- C. Not more than 10% of the beans in a lot shall fail to meet the requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-731. Summer Squash Standards**

**A. Definition.**

“Serious damage” includes damage caused by freezing, discoloration, cuts, bruises, scars, dirt or other foreign material, disease, insects, mechanical damage.

- B. Summer squash shall consist of one variety or similar varietal characteristics which are not old and tough but are firm, free from decay and breakdown, and free from serious damage.
- C. Not more than 5%, by weight, of the squash in any container or lot shall be allowed for decay or breakdown and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-732. Sweet Potato Standards**

**A. Definition.**

“Serious damage” means damage caused by insect injury, bruises, growth cracks, freezing, grass roots, or any condition which would cause a waste of 10%, by weight, to a potato.

- B. Sweet potatoes shall be free from mold, decay, soft and wet rot, and free from serious damage.
- C. When packed in lugs, boxes of sacks, sweet potatoes shall be fairly uniform in size.
- D. Not more than 5%, by weight, of sweet potatoes in a container or bulk lot shall be allowed for decay and not more than 20%, by weight, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-733. Table Grape Standards**

**A. Definitions.**

- 1. “Mature” shall be applied when the following conditions exist in each bunch of grapes tested:
  - a. The juice of all varieties contains soluble solids equal to, or in excess of, 18 parts to every part of acid contained in the juice (the acidity of the juice to

be calculated as tartaric acid without water of crystallization);

- b. Perlettes; at least 15% soluble solids;
- c. Black Beauty Seedless; at least 15% soluble solids;
- d. Thompson Seedless and Flame Seedless varieties; at least 16% soluble solids;
- e. Exotic variety; at least 14% soluble solids.
- 2. “Serious damage” means more than 5%, by count, of the berries on any one bunch are affected by one or more of the defects set forth in subsection (A)(3).
- 3. “Serious defects” means:
  - a. “Decay” means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (cladosporium) shall not be considered decay.
  - b. “Mildew and insect damage” includes the penetration or damage of the flesh of the berry, mold, decay, raisined berries, sunburned or dried berries, water or red berries, mechanical injury.
  - c. “Raisined berries” means berries which are fully cured resembling raisins and which do not contain sufficient juice to drop from the berry under ordinary pressure between the thumb and finger.
  - d. “Red berry” means a condition closely resembling waterberry. Such grapes show a red or brownish red color in addition to the general characteristics of waterberry.
  - e. “Sunburned or dried berries” means grapes which show complete drying out, from any cause, of part or all of any individual berries.
  - f. “Waterberry” means a condition characterized by a watery, soft, or flabby condition of the berries. Such affected berries are low in sugar content, have tender skins, and are very easily crushed.
  - g. “Wet” means that the grapes are wet from moisture due to crushed, leaking, or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

- B. Table grapes shall consist of bunches of grapes which are mature and free from serious damage due to serious defects.
- C. Not more than 10%, by weight, of the bunches in any one container or bulk lot shall fail to meet the requirements prescribed in this Section.
- D. In all varieties, the testing of soluble solids in the juice shall be determined by the hand refractometer.
- E. The maturity of varieties, prescribed in subsection (A)(1), shall be determined by testing the juice of entire bunches after removing the bunches from a standard 22-pound container; or 10%, by weight, of the least mature grapes in appearance from a contiguous area in the container in any other container.
- F. No lot of grapes shall be considered as failing to meet the maturity requirements if the sample of grapes from one container fails to meet the required percent of soluble solids for that variety.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-734. Tomato Standards**

**A. Definition.**

“Serious damage” means damage caused by blossom end rot, mosaic, alkali spot, sunscald, bruises, catfaces, blossom end scars, and growth cracks.

- B. Tomatoes shall be mature but not overripe and shall be free from insect injury which has penetrated or materially damaged the flesh, wet or soft rot, blight, freezing injury, and from serious damage.
- C. Tomatoes when being packed or sold shall be virtually uniform in size.
- D. Not more than 5% of tomatoes in any container or lot shall be allowed for any one cause and not more than 10% shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-735. Winter Squash Standards**

- A. Definition.
 

“Serious damage” means damage caused by soft rot or wet breakdown, freezing, dirt, diseases, insects, mechanical damage, and also includes:

  1. Scars caused by rodents or other means, which are not well healed or corked over, or which cover more than 25% of the surface of the squash in the aggregate area;
  2. Dry rot which affects an area of more than 2 inches in diameter in the aggregate area on a 10-pound squash or an equivalent amount on a smaller or larger squash.
- B. Winter squash shall be of similar varietal characteristics which are fairly well mature, not broken or cracked, and are free from serious damage.
- C. Not more than 5%, by weight, of a squash in any lot shall be allowed for soft rot or wet breakdown and not more than 10%, by weight, shall fail to meet the total requirements prescribed in this Section.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-736. Standards for Unlisted Fresh Fruits and Vegetables, Experimental Product Standards**

- A. The following standards shall apply for those fresh fruit and vegetables for which specific quality standards are not otherwise established in this Article.
- B. At least 90% by weight or by count of all fresh fruit or vegetables packed or offered for sale shall be free from insect injury which has penetrated or damaged the edible portion of the product and shall be free from worms, mold, decay, or other serious defects which damage the appearance or the shipping quality of the commodity as determined by an inspection of a representative sample prescribed in R3-4-738.
- C. All experimental products shall be subject to the standards for unlisted fresh fruit and vegetables prescribed in this Section and the requirements for labeling containers prescribed in R3-4-737.

**Historical Note**

Section R3-4-736 renumbered from R3-7-705 and amended effective January 6, 1994 (Supp. 94-1).

**R3-4-737. Container Labeling for Fruit and Vegetables**

- A. All containers shall bear in plain sight and plain letters on one outside panel the following:
  1. Shipper or customer identification:
    - a. The name of the shipper; and
    - b. The city, state, and zip code of the shipper; or
    - c. The name, address, and logo of the customer; and
    - d. The shipper’s identifying code.
  2. The common or generic name of the commodity in each container; and
  3. The count, measure, or net weight of the commodity contained in each container, except for bulk containers.
- B. A container shall not bear any false or misleading statement.

- C. If a shipper or customer reuses a container bearing the name of a different shipper or customer, the shipper or customer shall remove or obliterate all markings or labels from the container before commercial reuse.
- D. Fruit and vegetables for processing.
  1. If a pallet or container is clearly marked “FOR PROCESSING ONLY,” the information in subsection (A) is not required if the pallet or container is used to transport fruit or vegetables to a processing plant.
  2. Fruit or vegetables transported to a processing plant may be packed on a pallet or in a container bearing a label for a commodity other than the commodity within the container.

**Historical Note**

Section R3-4-737 renumbered from R3-7-706 and amended effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 5 A.A.R. 569, effective February 3, 1999 (Supp. 99-1). Amended by final rulemaking at 6 A.A.R. 143, effective December 8, 1999 (Supp. 99-4).

**R3-4-738. Inspection and Representative Sampling for Fruit and Vegetables**

- A. An inspector shall conduct a preliminary inspection of each commodity which includes a visual and physical inspection of specimens of the commodity. When determining compliance of a field packing operation, the inspector shall select specimens from widely separated areas of the packing operation. When determining compliance in a packing shed, warehouse, fruit stand, retail store, or other business which sells fruit or vegetables, containers shall be selected at random from widely separated parts of the lot. If one-half of the containers or specimens in the containers of the lot or field packing operation comply with the requirements of this Article and the other half of the containers or specimens in the containers of the lot or field packing operation do not, an equal number of containers or specimens in the containers shall be examined from each half.
- B. If, after the preliminary inspection, the inspector determines that the quality of the product meets or exceeds the requirements of this Article, the inspector need not complete a comprehensive inspection. If, after the preliminary inspection, there is a failure to comply with the requirements of this Article, the inspector shall conduct a comprehensive inspection.
- C. For a comprehensive inspection of a field packing operation, all specimens in each container of the official sample shall be examined by an inspector. For a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of fruit or vegetables, an inspector may examine all specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than two containers for the first 100 containers of the lot and one container for every 100 containers thereafter. For example:

No. of Containers	Containers Sampled
2-100	2
101-200	3
201-300	4
301-400	5
401-500	6

- D. In a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of fruit or vegetables, an inspector need only examine a portion of the specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than the following:

No. of Containers	Containers Sampled
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less than 10	2
10-30	3
31-50	4
51-100	5
101-200	6
201-300	8
301-500	10

E. If only a portion of the specimens in each container of the official sample is examined during a comprehensive inspection in lots in excess of 500 containers, the official sample shall consist of the number of containers equal to at least 1/2 the square root of the total number of containers in the lot. For example:

No. of Containers	Containers Sampled
501-600	12
601-700	13
701-800	14
801-900	15
901-1000	16

F. Except for apples and head lettuce, individual containers in any lot may contain up to double the amount of serious damage and other requirements prescribed for that commodity as long as the percentage of all requirements in the entire lot averages within the percent allowable as determined by inspection of a representative sample.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-739. Reconditioning for Fruit and Vegetables**

- A. Any lot or part of a lot in a grower and shipper packing facility which is found to be in violation of Article 7 of these rules shall be reconditioned within 72 hours. If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions prescribed in A.R.S. § 3-486.
- B. Any lot or part of a lot in a wholesale warehouse, fruit stand, retail store, or any other business dealing in the sale of fruit and vegetables which is found to be in violation of Article 7 of these rules shall be reconditioned within 48 hours. If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions, as prescribed in A.R.S. § 3-486.
- C. The supervisor or the supervisor’s designee may grant a time extension for reconditioning the lot or part of the lot if the owner or holder of the lot or part of the lot which fails to comply with this Article requests an extension in writing with a specific date and time the lot or part of the lot will be reconditioned. The written request for the time extension for reconditioning may be delivered to the supervisor or the supervisor’s designee in person, by mail or by facsimile. If the lot or part of the lot is not brought into compliance with this Article within the established time limit, an inspector shall proceed with the provisions prescribed in A.R.S. § 3-486.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-740. Experimental Pack and Product Permits for Fruit and Vegetables**

- A. An applicant for a permit for the use of an “experimental pack” or “experimental product,” under A.R.S. § 3-487(B)(3), shall provide the following information on a form furnished by the Department:
  - 1. The applicant’s name, company name, address, and telephone number;
  - 2. The name and description of the product packed in the container;

- 3. The description of the arrangement of the product packed in the container; and
- 4. The period for use of the experimental pack or product.
- B. The shipper or packer shall make the experimental product conform to the standards for unlisted fresh fruit and vegetables prescribed in R3-4-736.
- C. Upon completion of permit requirements by the applicant, the supervisor shall grant a permit that is valid for one year from the date of issuance.
- D. An applicant may request renewal of an experimental pack or product permit. The Department shall not grant a renewal permit for the same experimental pack or product for more than three consecutive years, unless the rulemaking process prescribed under A.R.S. § 3-497, to standardize the experimental pack or product is initiated.

**Historical Note**

Section R3-4-740 renumbered from R3-4-708 and amended effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 8 A.A.R. 4454, effective October 2, 2002 (Supp. 02-4).

**R3-4-741. Inspection Fee**

- A. Pursuant to A.R.S. § 3-489, any unlicensed person requesting inspection of citrus, fruit, vegetables, or nuts shall be charged travel expenses and an hourly fee of \$30.00, as prescribed in A.R.S. § 38-621 et seq.
- B. All fees are non-refundable and shall be paid to the Citrus, Fruit and Vegetable Revolving Fund upon completion of the inspection, as prescribed in A.R.S. § 3-489(B).

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-742. Recordkeeping and Reporting Requirements for Fruit and Vegetable Commission Merchants**

- A. Every commission merchant shall keep a correct record of each consignment of farm products received for sale, showing:
  - 1. The name and address of the consignor;
  - 2. The date of the consignment received;
  - 3. The condition and quantity of produce upon arrival;
  - 4. The date of the sale;
  - 5. The price for which sold;
  - 6. An itemized statement of charges to be paid by the consignor;
  - 7. The names and addresses of purchasers if the commission merchant has a financial interest in the business of the purchasers, or if the purchasers have a financial interest in the business of the commission merchant, either directly or indirectly, as holder of the other’s corporate stock, as partner, as lender or borrower of money to or from the other, or otherwise;
  - 8. The lot number or other identifying mark of each consignment, which shall appear on all records necessary to show what the produce actually sold for;
  - 9. All claims filed by the commission merchant against any person for overcharges or for damages resulting from the injury of the person.
- B. The commission merchant shall retain the original or a copy of records covering each sale or transaction with respect to farm products for a period of one year from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the consignor or the authorized representative of either. The burden of proof shall be upon the commission merchant to prove the correctness of the commission merchant’s accounting of any transaction which may be questioned.
- C. Unless otherwise agreed to in writing, remittance in full of the amount realized from any sale, including collections, over-

charges, and damages, less the agreed commission and other charges, accompanied by a complete statement of the transaction, shall be made to the consignor within 10 days after receipt of the money by the commission merchant.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-743. Recordkeeping and Reporting Requirements for Fruit and Vegetable Shippers

- A. Every shipper shall keep a correct record of each shipment of each assessed commodity shipped, showing:
1. The name and address of each producer;
  2. The shipment totals, by producer.
- B. The shipper shall retain the original or a copy of records covering each shipment or transaction with respect to each assessed commodity shipped for a period of two years from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the authorized representative. The burden of proof shall be upon the shipper to prove the correctness of the shipper's accounting of any transaction which may be questioned.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

## ARTICLE 8. CITRUS FRUIT STANDARDIZATION

### R3-4-801. Orange and Grapefruit Standards

- A. Oranges are mature if, at the time of picking and at all times thereafter, the following conditions occur:
1. The juice contains soluble solids, as determined by a Brix Scale Hydrometer, of not less than eight parts to every part of acid contained in the juice, except in the case of Bloods, tangerines, tangelos, and mandarins. The acidity of the juice shall be calculated as citric acid without water or crystallization.
  2. Not less than 90% of the oranges, by count, have attained a minimum characteristic yellow or orange color on at least 2/3 of the fruit surface, as indicated by Color Plate Number 20-L3 in A. Maerz and M. Rea Paul Dictionary of Color, first edition, published 1930, except in the case of Valencia oranges that have turned greenish after having reached the soluble solids requirement. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.
- B. Navels, at the time of sale, shall have not less than 90%, by count, a minimum characteristic yellow or orange color on at least 2/3 of the fruit surface.
- C. Grapefruit are mature if, at the time of picking and at all times thereafter, the following conditions occur:
1. The juice contains soluble solids, as determined by a Brix Scale Hydrometer, of not less than six parts to every part of acid contained in the juice. The acidity of the juice shall be calculated as citric acid without water or crystallization.
  2. Not less than 90% of the grapefruit, by count, have attained a minimum characteristic yellow or grapefruit color on at least 2/3 of the fruit surface as indicated by Color Plate Number 19-L3 in A. Maerz and M. Rea Paul Dictionary of Color, first edition, published 1930. This color standard is incorporated

herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.

#### Historical Note

Section R3-4-801 renumbered from R3-7-201 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-802. Lemon Standards

Lemons are mature when they have a juice content of 30% or more by volume, except that lemons packed for export to foreign markets other than Canada shall not be required to meet this standard.

#### Historical Note

Former Rule 1. Section R3-4-802 renumbered from R3-7-202 (Supp. 91-4). Section R3-4-802 repealed, new Section R3-4-802 renumbered from R3-4-806 and heading amended effective January 6, 1994 (Supp. 94-1).

### R3-4-803. Lime Standards

Limes are mature and free from serious damage, except freezing or drying, if, at the time of picking and all times thereafter, the following conditions occur:

1. Damage is serious if 20% or more of the pulp shows staining, drying, desiccation, or a mushy condition.
2. Damage by freezing or drying is very serious if 40% or more of the pulp shows evidence of drying, desiccation, or a mushy condition.
3. Not more than 10%, by count, of the limes in any container or bulk lot may fail to meet the serious damage requirements prescribed in this Section. Not more than 5% shall be allowed for any one cause.
4. Not more than 15%, by count, of the limes in any container or bulk lot may fail to meet the serious damage requirements because of freezing or drying. Not more than 5% of this tolerance shall be allowed for very serious freezing or drying damage. Evidence of freezing or drying damage shall be determined by making as many cuts of each individual lime as are necessary.

#### Historical Note

Former Rule 2. Amended effective January 10, 1977 (Supp. 77-1). Amended effective November 3, 1983 (Supp. 83-6). Section R3-4-803 renumbered from R3-7-203 (Supp. 91-4). Former Section R3-4-803 renumbered to R3-4-809, new Section R3-4-803 adopted effective January 6, 1994 (Supp. 94-1).

### R3-4-804. Tangerine, Tangelo, and Mandarin Standards

- A. Definitions.
1. "Diameter" means the greatest dimension measured at a right angle to a straight line from the stem to the blossom end of the fruit.
  2. "Tangerines, tangelos, or mandarins" means all varieties and hybrids of the mandarin group *citrus reticulata*.
  3. "Serious damage" means damage caused by freezing or drying due to any condition if 20% or more of the pulp or edible portion of the fruit shows evidence of drying, desiccation, or a mushy condition. Evidence of damage shall be determined by as many cuts of each individual fruit as are necessary.
- B. Tangerines, tangelos, and mandarins shall be:

1. Well colored; and
  2. Free from serious damage by freezing or drying due to any cause; and
  3. Free from decay.
- C.** Tangerines, tangelos, or mandarins are mature if, at the time of picking and at all times thereafter, not less than 90%, by count, of the tangerine type fruit have attained a minimum characteristic yellow or light green color on at least 2/3 of the fruit surface, as indicated by Color Plate Number 19-L3 in A. Maerz and M. Rea Paul Dictionary of Color, first edition, published 1930. This color standard is incorporated herein by reference and does not include any later amendments or editions of the incorporated matter and is on file with the Office of the Secretary of State and may also be examined in the Fruit and Vegetable Standardization Office, Arizona Department of Agriculture, 1688 West Adams, Phoenix, Arizona, 85007; or in the Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, South Building, Washington, D.C. 20250.
- D.** Tangerines, tangelos, or mandarins shall meet the requirements prescribed in this Section if, at the time of sale, are well colored if 90%, by count, of the fruit in any lot show the yellow, orange, or red color of 75% or more of the surface of the fruit, and the fruit is free from serious damage.
- E.** Not more than 10%, by count, of the tangerines, tangelos, or mandarins in any one container or bulk lot may fail to meet the requirements, as prescribed in this Section, because of damage by freezing or drying due to any cause.
- F.** Not more than 5%, by count, of the tangerines, tangelos or mandarins in any one container or bulk lot may fail to meet the requirements prescribed in this Section because of serious decay.

#### Historical Note

Former Rule 3. Section R3-4-804 renumbered from R3-7-204 (Supp. 91-4). Former Section R3-4-804 renumbered to R3-4-807, new Section R3-4-804 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-805. Serious Defects in Citrus Fruit

- A.** A defect is serious in citrus fruit, other than grapefruit, if the following conditions occur:
1. Any part of the fruit is affected with decay;
  2. Damage by freezing or drying, if 20% or more of the pulp or edible portion of the fruit shows evidence of drying or a mushy condition or, in a lemon, of staining (except membranous stain). Evidence of damage shall be determined by making as many cuts on each fruit as may be necessary;
  3. Injury, from any cause, if the skin (rind) is broken and the injury is not healed;
  4. Scars, including those caused by insects, if they are dark, rough, or deep, and if an aggregate area of 25% or more of the fruit surface is affected;
  5. Scale, if 50% or more of the fruit surface shows scale infestation in excess of 50 scales per square inch;
  6. Dirt, smudge stain, sooty mold, rot residues, or other foreign material, if an aggregate area of 25% or more of the fruit surface is affected;
  7. Staining, if 50% or more of the fruit surface is affected with a pronounced discoloration;
  8. Greenish or brownish rind oil spots (oleocellosis), if an aggregate area of 25% or more of the fruit surface is affected;
  9. Spotting or pitting, if the spots or pits are sunken and an aggregate area of 10% or more of the fruit surface is affected;
- B.** A defect is serious in grapefruit if the following conditions for serious damage, as referenced in the United States Standards for Grades of Grapefruit (California and Arizona), effective December 27, 1999, occur:
1. Dryness or mushy condition, if it affects all segments for more than half of an inch at the stem end, or the equivalent of this amount by volume when it occurs in other portions of the fruit;
  2. Sprayburn, if it changes the color to such an extent that the appearance of the fruit is seriously injured, or if it causes scarring that affects an aggregate area of more than 10% of the fruit surface;
  3. Fumigation injury, if it causes small, thinly scattered spots over more than half of the fruit surface, or solid scarring or depressions that affect an aggregate area of more than 5% of the fruit surface;
  4. Exanthema that occurs as small, thinly scattered spots over more than half of the fruit surface, or solid scarring that is not cracked, that affects an aggregate area of more than 5% of the fruit surface;
  5. Scars that are very deep, or scars that are very rough or very hard if an aggregate area of more than one inch in diameter is affected;
  6. Scars that are dark, rough, or deep, if an aggregate area of more than 5% of the fruit surface is affected;
  7. Scars that are fairly light in color, slightly rough, or of slight depth, if an aggregate area of more than 15% of the fruit surface is affected;
  8. Scars that are light colored, fairly smooth, with no depth, if an aggregate area of more than 25% of the fruit surface is affected;

9. Green spots, oil spots (oleocellosis), or other similar injuries that are soft, or that affect an aggregate area of more than 10% of the fruit surface;
10. Scale, if California red or purple scale is concentrated in a ring or blotch, or if it is more than thinly scattered over the fruit surface, or if the scale affects the appearance of the fruit to a greater extent;
11. Sunburn, if it causes flattening of the fruit, or drying or dark discoloration of the skin (rind), or if it affects more than 1/3 of the fruit surface;
12. Skin breakdown, if it exceeds a circle 5/8 of an inch in diameter;
13. Bruising, if segment walls are collapsed, or the albedo and juice sacs are ruptured;
14. Any part of the fruit is affected with decay;
15. Injury, from any cause, if the skin (rind) is broken and the injury is not healed;
16. Dirt, smudge stain, sooty mold, rot residues, or other foreign material, if an aggregate area of 25% or more of the fruit surface is affected; or
17. Any injury, by any means, if it seriously affects the appearance, or the edible or shipping quality of the fruit.

#### Historical Note

Former Rule 4. Section R3-4-805 renumbered from R3-7-205 (Supp. 91-4). Section repealed, new Section adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 7 A.A.R. 5342, effective November 8, 2001 (Supp. 01-4).

#### R3-4-806. Tolerance for Serious Defects

- A. Except as to the requirements relating to maturity and freezing or drying, as set forth in this Article, the following shall apply:
  1. Not more than 10%, by count, of the oranges or grapefruit in any one container or bulk lot may be below the serious defect requirements, as prescribed in R3-4-805, and not more than 5% shall be allowed for any one cause.
  2. Not more than 10%, by count, of the oranges or grapefruit in any one container or bulk lot may be seriously damaged by freezing or drying from any cause as shown by representative samples as set forth in R3-4-812.
  3. When serious damage by freezing or drying from any cause is present, the combined tolerance for all defects shall not exceed 15%.
- B. Except as to the requirements relating to freezing as set forth in R3-4-807, and internal decline, sunburn, or drying as set forth in R3-4-805, the following shall apply:
  1. Not more than 10%, by count, of the lemons in any one container or bulk lot may be below the maturity requirements as set forth in R3-4-802 and the serious defect requirements as set forth in R3-4-805, and not more than 5% shall be allowed for any one cause.
  2. Not more than 10%, by count, of the lemons in any one container or bulk lot may be seriously damaged by freezing, internal decline, sunburn, or drying from any cause as shown by representative samples as set forth in R3-4-812.
  3. When serious damage by freezing, internal decline, sunburn, or drying from any cause is present, the combined tolerance of all defects shall not exceed 10%.

#### Historical Note

Former Rule 5. Section R3-4-806 renumbered from R3-7-206 (Supp. 91-4). Former Section R3-4-806 renumbered to R3-4-802, new Section R3-4-806 adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-807. Freezing Damage

Freezing damage is serious when:

1. Surface membranes show a water-soaked appearance or evidence of previous water soaking; or
2. The presence of crystals or crystalline deposits on the two surface membranes on each side of the two or more segments, as shown upon separation of the segments from one another. The section shall not be less than one inch or more than 1 1/2 inches in thickness of the central portion of the fruit obtained by cutting off a portion of each end. The evidence of freezing injury shall show the entire length, but not necessarily the entire area of the surface membrane.

#### Historical Note

Former Rule 6. Section R3-4-807 renumbered from R3-7-207 (Supp. 91-4). Section repealed, new Section R3-4-807 renumbered from R3-4-804 and amended effective January 6, 1994 (Supp. 94-1).

#### R3-4-808. Standards for Unlisted Citrus Fruit, Experimental Product Standards

- A. The following standards shall apply for that citrus fruit for which specific quality standards are not otherwise established in this Article.
- B. At least 90% by weight of all citrus fruit packed or offered for sale shall be free from insect injury which has penetrated or damaged the edible portion of the product and shall be free from worms, mold, decay, or other serious defects which damage the appearance or the shipping quality of the commodity as determined by an inspection of a representative sample prescribed in R3-4-812.
- C. All experimental products shall be subject to the standards for unlisted citrus fruit prescribed in this Section and the requirements for labeling containers prescribed in R3-4-811.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1).

#### R3-4-809. Bulk Sale of Citrus Fruit; Non-licensed Purchaser

If a non-licensed person purchases citrus fruit in bulk from a licensed citrus dealer for retail sale to the consumer, the non-licensed person shall possess a receipt or bill of lading for that lot. The licensed citrus fruit dealer shall ensure that the citrus fruit meets the minimum quality requirements of each commodity and the lot does not exceed 7,000 pounds.

#### Historical Note

Adopted effective January 6, 1994 (Supp. 94-1). Amended by final rulemaking at 8 A.A.R. 3633, effective August 7, 2002 (Supp. 02-3).

#### R3-4-810. Packaged Count and Average Diameter

- A. Oranges, grapefruit, and lemons, when packed or placed loose without packing in containers, shall be marked, by count, on the container and shall be one of the numbers tabulated in Packing Chart 1, Column A. The average diameter marked on the container shall be the corresponding number tabulated in Packing Chart 1, Column B. The average diameter, in inches, of the oranges, grapefruit, or lemons in the container as determined by inspection of a representative sample shall not be less than the corresponding measurements tabulated in Packing Chart 1, Column B for each fruit.
  1. Oranges, grapefruit, and lemons, when placed loose without packing in containers, shall be placed in the container so compactly that they will not readily move in the container. The container shall be level full of fruit and the

- count in the container shall be equal to the count marked with a permissible count not exceeding eight percent.
2. The count of oranges, grapefruit, and lemons, when placed in the container shall be equal to or no more than five percent over the count marked on the container.
  3. Oranges, grapefruit, and lemons may be packed in bulk containers. A bulk container shall contain no more than one size designation.
- B.** Lime containers shall be marked by size and shall be one of the numbers tabulated in Packing Chart 1, Column B. The average diameter, in inches, of the limes in the container, as determined by inspection of a representative sample, shall not be less than the corresponding measurements tabulated in Packing Chart 1, Column A. Each container shall be loosely packed and level full of limes.

**PACKING CHART 1**

ORANGES		GRAPEFRUIT		LEMONS		LIMES	
Column A	Column B	Column A	Column B	Column A	Column B	Column A	Column B
Count	Av. Dia.	Count	Av. Dia.	Count	Av. Dia.	Range	Size
24	4.370	9	6.200	63	2.925	2-5/16" to 2-5/8"	110
32	3.970	12	5.640	75	2.775	2-5/32" to 2-5/16"	150
36	3.820	14	5.350	95	2.570	2-1/16" to 2-5/32"	175
40	3.680	16	5.120	115	2.410	1-29/32" to 2-1/16"	200
48	3.470	18	4.920	140	2.240	1-25/32" to 1-29/32"	250
56	3.300	23	4.540	165	2.130	1-21/32" to 1-25/32"	275
72	3.040	27	4.270	200	2.010	1-9/16" to 1-21/32"	300
88	2.840	32	4.030	235	1.880		
113	2.600	36	3.880	285	1.770		
138	2.420	40	3.740	319	1.685		
163	2.290	48	3.530	343	1.640		
180	2.220	56	3.350				
210	2.070	64	3.170				
245	1.980	80	2.900				
270	1.920	88	2.840				

- C.** The diameter, in inches, of tangerines, tangelos, or mandarins in containers shall be marked with one of the size designations tabulated in Column A of Packing Chart 2 and shall be between the measurements tabulated in corresponding lines of Column B and Column C; provided that the diameter, in inches, of not more than 10 percent, by count, of the fruit in the container measures less than the corresponding measurement in Column B, and not more than the corresponding measurement in Column C.

**PACKING CHART 2**

COLUMN A	COLUMN B	COLUMN C
OMG	4.25+	
Ultra Colossal	3.75	4.25
Super Colossal	3.25	3.75
Colossal	3.00	3.25
Mammoth	2.75	3.00
Jumbo	2.50	2.75
Large	2.25	2.50
Medium	2.00	2.25
Small	1.75	2.00

- D.** Minneola tangelos may be packed, by count, using Packing Chart 2, or Packing Chart 3.

**PACKING CHART 3**

	COUNT	AVERAGE DIAMETER	PACK PATTERN	ROWS	LAYERS
OMG	36	4.25	4x4	3	3
OMG	40	4.00	3x2	4	4
Super Ultra Colossal	48	3.75	3x3	4	4
Super Ultra Colossal	48	3.75	4x4	3	4
Ultra Colossal	56	3.50	4x3	4	4
Super Colossal	64	3.315	4x4	4	4
Colossal	80	3.125	5x5	4	4
Mammoth	100	2.875	4x4	5	5
Jumbo	125	2.625	5x5	5	5
Large	150	2.375	6x6	5	5
Medium	180	2.125	5x5	6	6
Small	210	1.875	6x6	6	6

- E. If a bulk container of tangerines, tangelos, or mandarins is marked with the words “irregular sizes,” the tangerines, tangelos, or mandarins in the bulk container are exempt from the size requirements in Packing Chart 2 and Packing Chart 3.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).  
 Amended by final rulemaking at 8 A.A.R. 3633, effective August 7, 2002 (Supp. 02-3).

**R3-4-811. Container Labeling for Citrus Fruit**

- A. All containers shall bear in plain sight and plain letters on one outside panel the following:
  - 1. Shipper or customer identification:
    - a. The name of the shipper; and
    - b. The city, state, and zip code of the shipper; or
    - c. The name, address, and logo of the customer; and
    - d. The shipper’s identifying code.
  - 2. The common or generic name of the commodity in each container; and
  - 3. The count, measure, or net weight of the commodity contained in each container, except for bulk containers.
- B. If a shipper or customer reuses a container bearing the name of a different shipper or customer, the shipper or customer shall remove or obliterate all markings or labels from the container before commercial reuse.
- C. Citrus fruit for processing.
  - 1. If a pallet or container is clearly marked “FOR PROCESSING ONLY,” the information in subsection (A) is not required if the pallet or container is used to transport fruit or vegetables to a processing plant.
  - 2. Fruit or vegetables transported to a processing plant may be packed on a pallet or in a container bearing a label for a commodity other than the commodity within the container.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).  
 Amended by final rulemaking at 6 A.A.R. 143, effective December 8, 1999 (Supp. 99-4).

**R3-4-812. Inspections and Representative Sampling for Citrus Fruit**

- A. An inspector shall conduct a preliminary inspection of each commodity which includes a visual and physical inspection of

specimens of the commodity. When determining compliance of a field packing operation, the inspector shall select specimens from widely separated areas of the packing operation. When determining compliance in a packing shed, warehouse, fruit stand, retail store, or other business which sells citrus fruit, containers shall be selected at random from widely separated parts of the lot. If one-half of the containers or specimens in the containers of the lot or field packing operation comply with the requirements of this Article and the other half of the containers or specimens in the containers of the lot or field packing operation do not, an equal number of containers or specimens in the containers shall be examined from each half.

- B. If, after the preliminary inspection, the inspector determines that the quality of the product clearly meets or exceeds the requirements of this Article, the inspector need not complete a comprehensive inspection. If, after the preliminary inspection, the inspector suspects there may be a failure to comply with the requirements of this Article, the inspector shall complete the procedures for a comprehensive inspection.
- C. For a comprehensive inspection of a field or shed packing operation, all specimens in each container of the official sample shall be examined by an inspector. For a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of citrus fruit, an inspector may examine all specimens in each container of the official sample. The official sample of the lot shall consist of an inspection of no less than two containers for the first 100 containers of the lot and one container for every 100 containers thereafter. For example:

No. of Containers	Containers Sampled
2-100	2
101-200	3
201-300	4
301-400	5
401-500	6

- D. In a comprehensive inspection of a wholesale warehouse, fruit stand, retail store, or any other business dealing with the sale of citrus fruit, an inspector need only examine a portion of the specimens in each container of the official sample. The official

sample of the lot shall consist of an inspection of no less than the following:

No. of Containers	Containers Sampled
less than 10	2
10-30	3
31-50	4
51-100	5
101-200	6
201-300	8
301-500	10

E. If only a portion of the specimens in each container of the official sample is examined during a comprehensive inspection in lots in excess of 500 containers, the official sample shall consist of the number of containers equal to at least 1/2 the square root of the total number of containers in the lot. For example:

No. of Containers	Containers Sampled
501-600	12
601-700	13
701-800	14
801-900	15
901-1000	16

F. Individual containers in any lot may contain up to double the amount of serious damage and other requirements prescribed for that commodity as long as the percentage of all requirements in the entire lot averages within the percent allowable as determined by inspection of a representative sample.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-813. Reconditioning for Citrus Fruit**

- A. Any lot or part of a lot in a grower and shipper packing facility which is found to be in violation of Article 8 of these rules shall be reconditioned within 72 hours, pursuant to A.R.S. § 3-445(B)(5). If the lot or part of a lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions as prescribed in A.R.S. § 3-444.
- B. Any lot or part of a lot in a wholesale warehouse, fruit stand, retail store, or any other business dealing in the sale of fruit and vegetables which is found to be in violation of Article 8 of these rules shall be reconditioned within 48 hours, pursuant to A.R.S. § 3-445(B)(5). If the lot or part of the lot is not brought into compliance within the established time limit, an inspector shall proceed with the provisions, as prescribed in A.R.S. § 3-444.
- C. Time-limit extensions shall be granted provided that the holder of the product held in violation requests a specific deadline, by facsimile or by letter, to the office of the supervisor. A lot or part of a lot not reconditioned by the requested extension time shall be dealt with according to the provisions, as prescribed in A.R.S. § 3-444.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-814. Experimental Pack and Product Permits for Citrus Fruit**

- A. An applicant for a permit for the use of “experimental packs” or “experimental products” under A.R.S. § 3-445(B)(3), shall provide the following information on a form furnished by the Department:
  1. The name, company name, address, and telephone number of the applicant;
  2. The name and description of the product packed in the container;
  3. The description of the arrangement of the product packed in the container; and
  4. The period for use of the experimental pack or product.

- B. All experimental products shall conform to the standards prescribed in this Article.
- C. Upon completion of permit requirements, the supervisor shall grant a permit that is valid for one year from the date of issuance.
- D. An applicant may request renewal of an experimental pack or product permit. The Department shall not grant a renewal permit for the same experimental pack or product for more than three consecutive years, unless the rulemaking process, prescribed under A.R.S. § 3-446, to standardize the experimental pack or product is initiated.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).  
Amended by final rulemaking at 8 A.A.R. 3633, effective August 7, 2002 (Supp. 02-3).

**R3-4-815. Recordkeeping and Reporting Requirements for Citrus Fruit Commission Merchants**

- A. Every commission merchant shall keep a correct record of each consignment of farm products received for sale showing:
  1. The name and address of the consignor;
  2. The date of the consignment received;
  3. The condition and quantity of produce upon arrival;
  4. The date of the sale;
  5. The price for which sold;
  6. An itemized statement of charges to be paid by the consignor;
  7. The names and addresses of purchasers if the commission merchant has a financial interest in the business of the purchasers, or if the purchasers have a financial interest in the business of the commission merchant, either directly or indirectly, as holder of the other’s corporate stock, as partner, as lender, or borrower of money to or from the other, or otherwise;
  8. The lot number or other identifying mark of each consignment;
  9. All claims filed by the commission merchant against any person for overcharges or for damages resulting from the injury of the person.
- B. The commission merchant shall retain the original or a copy of records covering each sale or transaction with respect to farm products for a period of one year from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the consignor, or the authorized representative of either. The burden of proof shall be upon the commission merchant to prove the correctness of the commission merchant’s accounting of any transaction which may be questioned.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**R3-4-816. Recordkeeping and Reporting Requirements for Citrus Fruit Shippers**

- A. Every shipper shall keep a correct record of each shipment of each assessed citrus commodity shipped, showing:
  1. The name and address of the producer;
  2. The shipment totals, by producer.
- B. The shipper shall retain the original or a copy of records covering each shipment or transaction with respect to each assessed citrus commodity shipped for a period of two years from the date thereof, which shall at all times be open to the confidential inspection of the supervisor or the authorized representative. The burden of proof shall be upon the shipper to prove the correctness of the shipper’s accounting of any transaction which may be questioned.

**Historical Note**

Adopted effective January 6, 1994 (Supp. 94-1).

**ARTICLE 9. BIOTECHNOLOGY****R3-4-901. Genetically Engineered Organisms and Products**

**A.** Definitions. In addition to the definitions provided in A.R.S. § 3-101, the following shall apply:

1. “Associate Director” means the Associate Director of the Plant Services Division of the Arizona Department of Agriculture.
2. “Genetically engineered” means the genetic modification of organisms by recombinant DNA techniques, including genetic combinations resulting in novel organisms or genetic combinations that would not naturally occur.
3. “Organisms” means any active, infective, or dormant stage or life form of any entity characterized as living, including vertebrate and invertebrate animals, plants, bacteria, fungi, mycoplasmas, mycoplasma-like organisms, as well as entities such as viroid, viruses, or any entity characterized as living related to the foregoing.
4. “Permit” means an application which has been approved by USDA and the Department.
5. “Permit application” means an application filed with USDA, which may be supplemented with requirements from the Department, for the introduction of genetically engineered organisms and products, as provided by 7 CFR 340, revised June 16, 1987, pages 22908 through 22915. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.
6. “Product” means plant reproductive parts including pollen, seeds, and fruit, spores, or eggs.
7. “USDA” means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Plant Protection and Quarantine (USDA, APHIS, PPQ).

**B.** Permit applications. A genetically engineered organism or product shall not be introduced into Arizona, sold, offered for sale, or distributed for release into Arizona’s environment unless a permit issued pursuant to the application has been issued by USDA, or the Department has been notified by the USDA that the genetically engineered organisms or product is eligible under the notification procedure, as prescribed by 7 CFR 340.3, revised April 1993, or it has been determined by the USDA to be of nonregulated status, as prescribed by 7 CFR 340.6, revised April 1993. The material incorporated herein by reference is on file with the Office of the Secretary of State and does not include any later amendments or editions of the incorporated matter.

1. Applicants for the release or use of genetically engineered organisms or products shall follow all permit application procedures required by USDA.
2. In addition to USDA’s requirements, permit applications shall demonstrate to the Department that:
  - a. Genetically engineered organisms or products shall be handled in such a manner so that no genetically engineered organism or product accidentally escapes into Arizona’s environment.
  - b. All permit applicants shall comply with Arizona quarantine rules regulating the plants, pests, or organisms being introduced into Arizona.
3. The Department may, if it deems necessary to protect agriculture, public health, or the environment from potential adverse effects from the introduction of a specific genetically engineered organism or product:
  - a. Place restrictions on the number and location of organisms or products released, method of release, training of persons involved with the release of organisms or products, disposal of organisms or products, and other conditions of use;
  - b. Require measures to limit dispersal of released organisms or spread of inserted genes or gene products;
  - c. Require monitoring of the abundance and dispersal of the released organism or inserted genes or gene products;
  - d. Request the USDA to deny, suspend, modify, or revoke the permit for failure to comply with this rule.
  - e. Request the USDA to suspend the permit if it is determined that an adverse effect is occurring or is likely to occur because of a release authorized by such permit.
4. To the extent possible, the Department shall accept for review and base its decision on the data submitted with the federal application. However, the Department may request additional information from the applicant to assess the risks to animals and plants, including risks of vector transmissions of genetically engineered organisms or products.
5. The Associate Director shall review the application recommendations with the Director who shall, within the time period prescribed on each USDA application, approve, conditionally approve, or deny the permit.
6. The Director shall return the completed application with the resolution to USDA for final action.

**Historical Note**

Adopted effective November 22, 1993 (Supp. 93-4).