

ARIZONA DEPARTMENT OF AGRICULTURE

SUBSTANTIVE POLICY STATEMENT

PLANT SERVICES DIVISION

Cotton Tillage Deadlines

A.A.C. R3-4-204(E)

**DIVISION/
PROGRAM** PSD

SP 13-03



SIGNATURE

11-8-13

DATE

This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under section 41-1033, Arizona Revised Statutes, for a review of the statement.

1. BACKGROUND

On November 5, 2013, a final rulemaking amending A.A.C. R3-4-204 (rule 204) was approved by the Governor's Regulatory Review Council and subsequently filed with the Secretary of State. The amendments to this rule include changes to the cotton tillage deadlines. In particular, it changes the tillage deadline for cotton producers in Zone A from December 15 to January 15, in Zone C from January 15 to February 15, and in Zone E from January 31 to February 15. Pursuant to A.R.S. § 41-1032(A), the amended rule is effective January 4, 2014.

The effective date of amended rule 204 will occur before the former tillage deadlines for Zones C and E. Therefore, producers in Zones C and E have certainty under the rule that their tillage deadlines for the current season will be February 15. The effect of the amended rule on producers in Zone A, however, is less clear. Without clarification of the deadline, producers in Zone A who plow down by January 15 but not by December 15 may believe that they could be out-of-compliance from December 16 through January 3, only to be fully compliant when the new rule becomes effective on January 4. The purpose of this policy is to address this uncertainty.

2. POLICY

The Department will enforce the tillage deadline in rule 204(E) for Zone A for the current season according to the newly amended deadline—January 15. This policy is consistent with the treatment for producers in all the other Zones.

3. EFFECTIVE DATE

This Substantive Policy Statement is effective as of the date indicated above.