

Arizona Department of Agriculture
REGULATED BUSINESS BILL OF RIGHTS - PART II
ENVIRONMENTAL SERVICES AND PLANT SERVICES DIVISION
Environmental Services Section

A. Inspections and Inspection Fees.

1. An inspection by an AZDA representative is conducted under the authority of Arizona Revised Statutes (“A.R.S.”) §§ 3-232, 3-267, 3-343, 3-364, 3-931, 3-2605, and/or 3-3107.
2. The purpose of an inspection is to determine compliance with stated legal requirements for seeds (A.R.S. §§ 3-231 to 3-243), fertilizer materials (A.R.S. §§ 3-261 to 3-284), pesticides (A.R.S. §§ 3-241 to 3-256), pesticide control (A.R.S. §§ 3-361 to 3-377), native plants (A.R.S. §§ 3-930 to 3-934), commercial and customer-formula feeds (A.R.S. §§ 3-2601 to 3-2616), and agricultural safety (A.R.S. §§ 3-3101 to 3-3125). The AZDA inspector will list the specific purpose of the inspection on the Regulated Business Bill of Rights Part I.
3. The following are the only fees associated with an inspection.

Type of Inspection:	Fees	Authority
Commercial Fertilizers	25¢ per nearest whole ton	A.A.C. R3-3-803
Commercial Feed	20¢ per nearest whole ton	A.A.C. R3-3-903

B. Your Rights. The following description of rights is a summary. You must review the listed statutes to fully understand the scope of your rights and any conditions that modify them. A.R.S. § 41-1001.01 grants these rights to ensure fair and open regulation by the AZDA. Under that grant of rights, you:

1. May be eligible for reimbursement of court or administrative hearing costs, fees and other expenses, as provided in A.R.S. §§ 12-348 and 41-1007.
2. May not be charged a fee unless the fee is expressly authorized by statute, as provided in A.R.S. § 41-1008.
3. May review the full text or summary of all rulemaking activity, substantive policy statements, and executive orders, as provided in A.R.S. §§ 41-1011 to 41-1013, and 41-1091.
4. May participate in the AZDA rulemaking process, as provided in A.R.S. §§ 41-1021 to 41-1057, including:
 - (a) Providing comments or testimony on proposed rules or the small business and consumer impact statement, as provided in A.R.S. § 41-1023;
 - (b) Receiving a response to those comments, as provided in A.R.S. § 41-1052(D)(6).
5. May file an early review petition with the governor's regulatory review council (GRRRC), or provide comments or testimony on rules to GRRRC as provided in A.R.S. §§ 41-1051 to 1057.
6. May not be subject to a licensing or other decision in whole or in part on conditions or requirements that are not specifically authorized by statute or rule, as provided in A.R.S. §§ 41-1030(B) and (C).
7. May expect no unnecessary duplication of laws or issuance of permits; and may not be subject to a rule that exceeds the authority granted by statute, as provided in A.R.S. §§ 41-1002(D) and 41-1030(D).
8. May allege that a practice or substantive policy statement is void because it should be a rule, as provided in A.R.S. § 41-1033.
9. May file a complaint with the administrative rules oversight committee that AZDA’s rules, practices, or policies do not conform to statutes, or are duplicative or onerous, as provided in A.R.S. §§ 41-1047 and 41-1048.
10. Have administrative hearings governed by uniform administrative appeal procedures, as provided in A.R.S. §§ 41-1092 to 41-1092.12, and may appeal an administrative decision, as provided in A.R.S. §§ 41-1092 to 41-1092.12 and/or 12-901 to 12-914.
11. Have your license application decided on a predetermined schedule, as provided in A.R.S. §§ 41-1072 to 41-1079.
12. Receive information regarding the license application process, and written notice on denial of a license application that justifies the denial with references to statutes or rules and explains your right to appeal, as provided in A.R.S. §§ 41-1001.02; 41-1076, and 41-1079.
13. Receive notice and participate in the adoption or amendment of delegation agreements, as provided in A.R.S. § 41-1026.01 and §§ 41-1081 to 41-1084.

C. Complaints

You may lodge a complaint with:

The Follow-up Contact listed in the Regulated Business Bill of Rights Part I

If your complaint is unresolved, you may contact the Arizona Ombudsman-Citizens Aide, as provided in A.R.S. §§ 41-1371 to 41-1383, at:

7878 N. 16th Street, Suite 235
 Phoenix AZ 85014

e-mail at: ombuds@azoca.gov

Phone: (602) 277-7292

Toll-Free outside Maricopa County: 1-800-872-2879