

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No.: 80-10-5-.06

Rule Title: Alabama Regulated Areas

 New; x Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? YES

Is there another less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have any economic impact? YES

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John Miller
Date: 9-18-15

(DATE FILED)
(STAMP)

APA-6
07/04

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23 (f))

Control No. 80 Department or Agency Agriculture & Industries

Rule No. 80-10-5-.06

Rule Title: Alabama Regulated Areas

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

This change will lift quarantine for certain sweet potato growers in Baldwin County and allow them to sell their products outside the quarantine zone. For additional information see the attached informational sheet.

2. COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

This rule change amends an existing rule and allows more farmers to sell their sweet potatoes than the current rule.

3. EFFECT OF THIS RULE ON COMPETITION:

This amendment should have no adverse effects on competition.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

This amendment should have no impact on cost of living. This amendment will make it easier for farmers in a weevil free zone to conduct their business.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEORGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

This rule may have a positive impact on employment in this geographical area.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

This amendment will be implemented and enforced using appropriations from the State's General fund and fees collected by this Department.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

This amendment adds no cost to producers in the impacted area, and it will provide them a positive economic benefit because they will have an expanded market for their potatoes.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

N/A

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:

The amendment will continue to insure that sweet potato weevils are not spread outside of quarantine areas.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Sweet potato weevils may spread to areas that are currently free of weevils. This would have a negative impact on sweet potato farmers throughout the state.

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
FOOD SAFETY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-10-5-.06

Intended Action: To Amend

Substance of Proposed Action: To lift the sweet potato weevil quarantine in a portion of Baldwin County that prohibits the sale of sweet potatoes from that county to other states and to other areas of Alabama.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, November 10, 2015 at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: November 10, 2015.

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

9-16-15
Date

John McMillan
John McMillan
Commissioner of Agriculture
and Industries

apa-2.frm

80-10-5-.06ER Alabama Regulated Areas. Alabama regulated areas are as follows:

(1) The entire counties of ~~Baldwin~~, Butler, Choctaw, Clarke, Coffee, Conecuh, Covington, Escambia, Geneva, Henry, Houston, Mobile, Monroe, Washington.

(2) That portion of Russell County consisting of the N 1/2 of T 16 N, R 30 E; NE 1/4 of T 16 N, R 29 E; E 1/2 of T 17 N, R 29 E; all of T 17 N, R 30 E; all of T 18 N, R 30 E.

(3) The entire county of Baldwin except the area bordered by I-10 to the North, AL-181 to the West, Baldwin Beach Expressway/Foley Beach Expressway to the East, and US98 to the South.

~~(3)~~ (4) Any other portions of Alabama not listed above, hereinafter found to have sweet potato weevil infestations shall at this time be designated a regulated area.

Author: Charles H. Barnes and Robert J. Russell, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-2-16; 2-25-1, et seq.

History: Filed April 19, 1982 as Rule No. 80-10-2-.03. **Emergency rule** filed July 30, 1982. **Repealed and new rule** adopted in lieu thereof: Filed September 1, 1983. Rules reformatted - Rule No. changed to Chapter 80-10-5: Filed June 19, 1986. **Amended:** Filed August 20, 2007; effective September 24, 2007. Emergency Rule filed August 24, 2015. **Amended:**