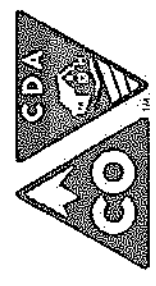


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# 2017

## Regulatory Agenda



**COLORADO**

Department of Agriculture

## Overview

The Colorado Department of Agriculture submits the following 2017 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4). Pursuant to state law, annually on November 1 executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules;
- An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- A list and brief summary of all permanent and temporary rules adopted since the previous DRA was filed.

The Regulatory Agenda also includes, pursuant to Colo. Rev. Stat. §24-4-103.3, rules to be reviewed as part of the Department's "Regulatory Efficiencies Reviews" during 2017 (which are denoted as such in the "purpose" column). The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's web site, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. §2-7-203(2)(a)(III)(A).

The following constitutes Colorado Department of Agriculture's DRA for 2016-2017 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

Schedule (Month, Year)	Rule Number and Title or Brief Description	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or other basis for adoption of rule	Part of Mandatory Rule Review? (X if yes)	Purpose	Stakeholders Consider including high-level outreach bullets	Anticipated Hearing Date
Adopt February 8, 2017	8 CCR 1206-2 "Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act"	Conservation	Revision	35-5.5-115 C.R.S.	X	Designate new List A and List B species following an assessment of their invasiveness in Colorado; update seven List B species management plans; and update reference numbers for new figures, and correct any existing typographical errors and/or obsolete language. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Local governments, weed management programs, and landowners	January 16-20, 2017
Adopt April 12, 2017	8 CCR 1209-2 "Reimbursement of Board Member Expenses"	Value-Added Development Board/ Markets Division	Revision	35-75-203 (3), C.R.S.	X	The expense reimbursements as provided in the rule are out-of-date and need to be updated to reflect current costs. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Value Added Development board members	March 20-24, 2016

Adopt April 12, 2017	8 CCR 1202-15 "Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care Facilities Act"	Inspection and Consumer Services Division	Revision	35-80-109 (1) and (2) C.R.S.		Add new definitions and classifications for pet animal care facilities and clarify facility and operational requirements for pet animal care facilities.	Pet and animal care facility operators	March 20-24, 2016
Adopt June 14, 2017	8 CCR 1201-16 "Rules Pertaining to Control and Eradication of Scrapie in Sheep and Goats"	Animal Health Division	Revision	35-50-105(3)(a), (c), (f), (g) and (h), C.R.S.	X	Bring this rule into alignment with the amended USDA Scrapie in Sheep and Goats rule, 9 CFR Parts 54 and 79. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Sheep and goat producers	May 16-23, 2016
Adopt June 14, 2017	8 CCR 1203-1 "Administration and Enforcement of the Pesticide Act"	Plant Industry Division	Revision	35-9-118(2)(c), (f), and (h), C.R.S.		Change the notation to the most recent 40 CFR.	Pesticide registrants and pesticide dealers	May 16-23, 2016

Adopt June 14, 2017	8 CCR 1203-2 "Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act"	Plant Industry Division	Revision	35-10-109(2) and 35-10-118(2), C.R.S.		Clean up and clarify existing rules to notate training and experience requirements for persons working in the Post-Harvest Potato Pest Control Category; make the rule consistent with the statute in regards to private applicator record retention periods and possibly clarify other category provisions.	Commercial pesticide applicators	May 16-23, 2016
Adopt November 8, 2016	8 CCR 1201-19 "Livestock Disease Control"	Animal Health Division	Revision	35-50-105(3)(a), (c), (f), (g) and (h), C.R.S.	X	Conduct an overall review of these rules with an emphasis on aligning this rule with the pending USDA Brucellosis and Tuberculosis rule. Additional changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Livestock producers, feedlot owners and staff, livestock market owners and staff	October 16-24, 2016
	8 CCR 1201-17 "Concerning the Prevention of Disease in Alternative Livestock"	Animal Health Division		35-50-101, 35-50-106, 35-50-111, 35-50-144, and 35-53-111, C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Alternative livestock producers	

8 CCR 1202-3 "Rules and Regulations Regarding Processed Animal Waste Products"	Inspection and Consumer Services Division		35-60-109(1), C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Feed manufacturers	
8 CCR 1202-4 "Fertilizers and Soil Conditioners"	Inspection and Consumer Services		35-12-114, C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Fertilizer and soil conditioner manufacturers	
8 CCR 1202-6 "Rules for Commercial Feed Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S."	Inspection and Consumer Services		35-60-109(1) C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Feed manufacturers	
8 CCR 1202-7 "Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S."	Inspection and Consumer Services		35-60-109(1) C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Pet food manufacturers	
8 CCR 1203-8 "Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Chemigation Act"	Conservation Services Division		35-11-104 C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Producers applying agriculture chemicals through a closed irrigation system	

	8 CCR 1203-13 "Quarantine for Late Blight"	Plant Industry Division		35-3-110, C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Potato producers who import potato seed from outside of the San Luis Valley	
	8 CCR 1203-21 "Quarantine Imposed Against All Life Stages of the Japanese Beetle (Popillia japonica) and hosts or possible carriers of Japanese Beetle pursuant to the Colorado Pest Control Act"	Plant Industry Division		35-4-110, C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Registered nurseries and anyone importing nursery stock into Colorado	
	8 CCR 1203-23 "Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act"	Plant Industry Division		35-61-104(5) and 35-61-105(2) C.R.S.	X	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.	Producers of industrial hemp	

	<p>8 CCR 1203-24  "Quarantine Imposed Against All Life Stage of the Emerald Ash Borer (Agnilus planipennis, Fairmaire) and Hosts or Possible Carriers of Emerald Ash Borer Pursuant to the Colorado Pest Control Act"</p>	<p>Plant Industry Division</p>		<p>35-4-110(1), C.R.S.</p>	<p>X</p>	<p>Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.</p>	<p>Municipalities, county governments, nurseries, landscapers, arborists and anyone with an ash tree on property they own or manage</p>	
	<p>8 CCR 1205-3  "Rules Pertaining to the Annual Transportation Permit for Cattle and Alternative Livestock"</p>	<p>State Board of Brand Inspection Commissioners/ Brand Inspection Division</p>		<p>35-41-101(3), 35-53-130, C.R.S. HB 98-1101</p>	<p>X</p>	<p>Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.</p>	<p>Livestock and alternative livestock owners and transporters; brand inspectors; and the brands office</p>	
	<p>8 CCR 1206-3  "Administration and Enforcement of the Weed Free Forage Crop Certification Act"</p>	<p>Conservation Division</p>		<p>35-27.5-103 C.R.S.</p>	<p>X</p>	<p>Changes may be proposed as a result of the Department's Regulatory Efficiency Review process.</p>	<p>Producers of weed free forage or mulch, government agencies managing public land, and the Colorado Department of Transportation</p>	