

# 2019

## Regulatory Agenda

January 1, 2019-December 31, 2019



**COLORADO**  
Department of Agriculture

## Overview

The Colorado Department of Agriculture submits the following 2019 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 2019 (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)(II).

The following constitutes the Department of Agriculture’s Regulatory Agenda for 2019 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV):

| Anticipated Adoption Date | Rule Number   | Rule Title  | New rule, revision, or repeal? | Statutory or other basis for adoption or change to rule | Purpose of Proposed Rule  | Stakeholders<br><i>Consider including high-level outreach bullets</i> | Part of Mandatory Rule Review |
|---------------------------|---------------|---|--------------------------------|---|---|---|-------------------------------|
| February 13, 2019         | 8 CCR 1202-13 | “Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act” | Revision                       | 35-33-104 (1)   | Remove the poultry processing and record keeping and labeling, requirements from this rule and include them in new rules at 8 CCR 1202-16. Other changes may result from a regulatory review. | Licensed poultry producers  | X                             |
| February 13, 2019         | 8 CCR 1202-16 | “Rules Pertaining to Poultry Processing”  | New                            | 35-33-104 (1)   | Create new rules for poultry processors who raise less than 20,000 poultry per calendar year, to process their own poultry for sale to Colorado retail food establishments.                   | Licensed poultry producers  |                               |

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| February 13, 2019         | 8 CCR 1202-12 | “Rules Pertaining to the Administration and Enforcement of the Sale of Meat Act Method of Sale of Home Food Service”   | Repeal                         | HB 18-1183  | Repeal this rule as HB 18-1183 repealed the Sale of Meat Act.  | Home food service providers   | X                             |
| February 13, 2019         | 8 CCR 1203-23 | “Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act”   | Revision                       | 35-61-104 (5) and 35-61-104.5 (2)                       | Adjust fees; reduce record keeping requirements; and establish an application for Certified Seed production fields.                      | Industrial hemp growers   |                               |
| February 13, 2019         | 8 CCR 1203-13 | “Quarantine for Late Blight”   | Revision                       | 35-4-110  | Clarify definitions; update language; exempt nuclear seed stock from re-inspection; and set rules regarding imported breeding seed lots. | Seed potato importers   |                               |
| April 10, 2019            | 8 CCR 1203-1  | “Administration and Enforcement of the Pesticide Act”  | Revision                       | 35-9-118  | Update the form allowed for compliance of insurance requirements and update continuing education requirements.                           | Pesticide applicators   |                               |
| April 10, 2019            | 8 CCR 1203-4  | “Rules and Regulations Pertaining to the Administration and Enforcement of the Bee and Bee Products Act”   | Repeal                         | 35-25-105   | Considering repeal as a result of the 2018 regulatory review.  | Beekeepers  |                               |
| April 10, 2019            | 8 CCR 1203-7  | “Rules and Regulations Pertaining to the Procedure for Establishing Pest Control Districts and for the Control of Grasshoppers, Mormon Crickets or Range Caterpillars” | Repeal                         | 35-5-103  | Considering repeal as a result of the 2018 regulatory review.  | Farmers and ranchers in pest control districts                        |                               |

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| June 12, 2019             | 8 CCR 1202-15 | “Rules Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act”  | Revision                       | 35-80-109 (1) and (2)                                   | Changes are expected as a result of a Sunset review.               | Pet owners and pet animal care facilities                             | X                             |
| June 12, 2019             | 8 CCR 1203-5  | “Rules Pertaining to the Administration and Enforcement of the Colorado Nursery Act”  | Revision                       | 35-26-103   | Increase fees charged for inspections.                             | Greenhouse and nursery industry                                       |                               |
| June 12, 2019             | 8 CCR 1203-6  | “Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Seed Act”   | Revision                       | 35-27-111   | Fee increase for retail seed dealers.                              | Retailers of flower, vegetable and grass seeds                        | X                             |
| September 18, 2019        | 8 CCR 1203-22 | “Rules and Regulations Pertaining to the Colorado Seed Potato Act”  | Revision                       | 35-27.3-108 (1)(b)                                      | Changes are expected as a result of a Sunset review.               | Seed potato growers   | X                             |
| September 18, 2019        | 8 CCR 1203-9  | “Administration and Enforcement of the Organic Certification Act”   | Revision                       | 35-11.5-104   | Eliminate a fee cap on registrations and adjust the fee structure. | Organic producers   |                               |
| November 13, 2019         | 8 CCR 1203-24 | “Quarantine Imposed Against All Life Stages of the Emerald Ash Borer ( <i>Agrilus Planipennis</i> , Fairmaire) and Hosts or Possible Carriers of Emerald Ash Borer Pursuant to the Colorado Pest Control Act” | Revision                       | 35-4-110  | Update for consistency with federal guidelines.                    | Colorado residents, the nursery industry, fruit growers, and forestry |                               |

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|                           | 8 CCR 1202-10 | “Rules Pertaining to the Administration and Enforcement of the Colorado Egg Law”   |                                | 35-21-106 (1)   | Changes may be proposed as a result of the Department’s Regulatory Efficiency Review process. | Egg producers and dealers  | X                             |
|                           | 8 CCR 1202-11 | “Administration and Enforcement of the Commodity Handler and Farm Products Acts, Sections 35-36-101 through 125 and 35-37-101 through 122, C.R.S.” |                                | 35-36-111 (1) and 35-37-120 (1)                         | Changes may be proposed as a result of the Department’s Regulatory Efficiency Review process. | Commodity warehouses, producers, farm product dealers and handlers                 | X                             |
|                           | 8 CCR 1202-13 | “Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act”  |                                | 35-33-104 (1)   | Changes may be proposed as a result of the Department’s Regulatory Efficiency Review process. | Custom meat processors   | X                             |
|                           | 8 CCR 1203-6  | “Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Seed Act”  |                                | 35-27-114 (1)(b)  | Changes may be proposed as a result of the Department’s Regulatory Efficiency Review process. | Custom seed conditioners, farmer seed labelers, retail seed dealers, seed labelers | X                             |
|                           | 8 CCR 1203-14 | “Rules Pertaining to the Pest Control Act Inspections and Federal Agreements”  |                                | 35-4-116  | Changes may be proposed as a result of the Department’s Regulatory Efficiency Review process. | USDA-APHIS, pesticide applicators and growers                                      | X                             |
|                           | 8 CCR 1205-1  | “Public Livestock Markets”   |                                | 35-55-106   | Changes may be proposed as a result of the Department’s Regulatory Efficiency Review process. | Public livestock markets   | X                             |