

2023

Regulatory Agenda

January 1, 2023-December 31, 2023

2022

Regulatory Report

January 1, 2022-December 31, 2022



COLORADO
Department of Agriculture

Overview

The Colorado Department of Agriculture submits the following 2023 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 2023 (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 2023 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV).

The Colorado Department of Agriculture also submits the following 2022 Regulatory Agenda Report in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. §2-7-203(4), detailing the results of the past year's rules review activity.

2023 REGULATORY AGENDA							
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 Consider including high-level outreach bullets	Part of Mandatory Rule Review
3/15/2023	8 CCR 1202-15	Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act	Revision	Title 35, Article 80	Implement new regulations requiring facilities to draft and follow protocols to promote disease control and treatment to pet animals in Colorado (DCAT Plan), new definitions and regulations to implement the provisions of 35-80-106.6, C.R.S which requires shelters and rescues to provide enrichment to dogs and cats in their care, implement new regulations that require facilities to have a contingency plan for emergencies and disasters, and other rule updates.	Licensees and pet animal associations	No
3/15/2023	8 CCR 1206-2	Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act	Revision	Title 35, Article 5.5	Revise the statewide management plans for a subset of List B noxious weeds, and amend the regulated list of List A and List C noxious weeds.	Landowners of Colorado, local, state and federal weed managers, and nursery association	No
7/12/2023	8 CCR 1202-17	Rules Pertaining to the Administration and Enforcement of the Produce Safety Act	Revision	Title 35, Article 77	Adjust the minimum threshold of gross sales for produce farms that will be subject to the Produce Safety Rule based on a federal index.	Produce Farms, Colorado Fruit and Vegetable Growers Association, Rocky Mountain Farmers Union, and Colorado Farm Bureau	No

2023 REGULATORY AGENDA							
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 <i>Consider including high-level outreach bullets</i>	Part of Mandatory Rule Review
11/8/2023	8 CCR 1203-1	Administration and Enforcement of the Pesticide Act	Revision	Title 35, Article 9	Address registration requirements for Pesticide Incorporated Protectants (PIPs) and clarify registration submission information requirements for pesticides being used for Experimental Use.	Pesticide Registrants, and persons conducting research with pesticides	No
11/8/2023	8 CCR 1203-2	Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act	Revision	Title 35, Article 10	Make necessary amendments to meet the new Federal Certification and Training Requirements, add additional licensure categories, address supervision provisions, and clarify licensure categories to meet federal requirements.	Commercial Applicators, Qualified Supervisors, Certified Operators, and Private Applicator license holders	No

2023 REGULATORY EFFICIENCY REVIEWS							
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 Consider including high-level outreach bullets	Part of Mandatory Rule Review
5/10/2023	8 CCR 1201-21	Rule Pertaining to the Administration and Enforcement of the Colorado Aquaculture Act	Revision	Title 35, Article 24.5	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Colorado Aquaculture Board, Colorado Division of Parks and Wildlife	Yes
7/12/2023	8 CCR 1201-19	Livestock Disease Control	Revision	Title 35, Article 50	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.	Colorado Cattlemen's Association, Colorado Livestock Association, livestock producers	Yes
	8 CCR 1202-1	Packaging and Labeling			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1202-2	Measurement Standards			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1202-14	Method of Sale of Retail Commodities			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1203-9	Administration and Enforcement of the Organic Certification Act			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	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			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes - Review was not completed in 2022

2023 REGULATORY EFFICIENCY REVIEWS							
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 Consider including high-level outreach bullets	Part of Mandatory Rule Review
	8 CCR 1204-8	Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Agricultural Marketing Act of 1939	Revision		Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1205-3	Rules Pertaining to the Annual Transportation Permit for Cattle or Alternative Livestock	Revision		Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1205-5	Rules Pertaining to the Publication and Sale of Abandoned Brands	Revision		Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1207-3	Rules Pertaining to the Agricultural Workforce Development Program	Revision		Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes

2022 REGULATORY REPORT							
Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
1201-19 Livestock Disease Control	Animal Health Division	Revision	Title 35, Article 50	As a result of Highly Pathogenic Avian Influenza (HPAI) it was imperatively necessary for the public health, safety, and welfare to establish this temporary prohibition of commingling of birds at events.	General public, and bird owners	Emergency Rule Adopted 3/30/2022 Effective 4/1/2022	Emergency Rule Expired 6/30/2022
8 CCR 1202-15 Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act	Inspection & Consumer Services Division	Revision	Title 35, Article 80	Clarify statutory regulations regarding disclosure rules for pet stores, and shelter and rescue requirements related to vet care and behavior.	Licensees and pet animal associations	Adopted 4/13/2022 Effective 6/15/2022	
8 CCR 1201-17 Concerning the Prevention of Disease in Alternative Livestock	Animal Health Division	Revision	Title 35, Article 50	To remove the Chronic Wasting Disease (CWD) testing requirement for fallow deer and the Tuberculosis (TB) testing requirement for in-state animal movement.	Colorado Elk Breeders Association, alternative livestock producers	Adopted 4/13/2022 Effective 6/15/2022	Revisions as a result of Mandatory Regulatory Efficiency Review
8 CCR 1202-19 Rules Pertaining to the Confinement of Egg Laying Hens	Inspection & Consumer Services Division	New	Title 35, Article 21	Implement regulations related to statutory requirements for the sale of cage-free eggs.	Licensees, egg producers, Colorado Egg Producers, Rocky Mountain Farmers Union, Farm Bureau	Adopted 6/8/2022 Effective 7/30/2022	To comply with HB 20-1343

2022 REGULATORY REPORT							
Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1201-16 Control and Eradication of Scrapie in Sheep and Goats	Animal Health Division	Revision	Title 35, Article 50	Bring the rule into alignment with recent updates to federal rules and regulations pertaining to the importation of sheep and goats.	Colorado Wool Growers Association, Colorado Livestock Association, livestock producers	Adopted 6/8/2022 Effective 7/30/2022	Revisions as a result of Mandatory Regulatory Efficiency Review
8 CCR 1202-4 Fertilizers and Soil Conditioners	Inspection & Consumer Services Division	Revision	Title 35, Article 12	Update references to the current publication of the Association of American Plant Food Control Officials, amend definitions to clarify and become consistent with the 2022 Official Publication, and to correct minor spelling errors.	Licensees	Adopted 6/8/2022 Effective 7/30/2022	Revisions as a result of Mandatory Regulatory Efficiency Review
8 CCR 1205-7 Rules Pertaining to Inspection of Livestock Sold as Animal Shares	Division of Brand Inspection	New	Title 25, Article 4	Identify brand inspection requirements for animal shares.	Brand inspection staff, cattle producers, Colorado Cattlemen's Association, Colorado Livestock Association	Adopted 9/20/2022 Effective 11/15/2022	To comply with SB21-079
8 CCR 1202-17 Rules Pertaining to the Administration and Enforcement of the Produce Safety Act	Inspection & Consumer Services Division	Revision	Title 35, Article 77	Adjust the minimum threshold of gross sales for produce farms that will be subject to the Produce Safety Rule based on a federal index.	Produce Farms, Colorado Fruit and Vegetable Growers Association, Rocky Mountain Farmers Union, Farm Bureau	Adopted 10/12/2022 Effective 12/15/2022	

2022 REGULATORY REPORT							
Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1202-6 Rules for Commercial Feed Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.	Inspection & Consumer Services Division	Revision	Title 35, Article 60	Update references to the 2022 publication of the Association of American Feed Control Officials.	Licensees	Adopted 10/12/2022 Effective 12/15/2022	Revisions as a result of Mandatory Regulatory Efficiency Review
8 CCR 1202-7 Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.	Inspection & Consumer Services Division	Revision	Title 35, Article 60	Update references throughout the rules to the official publication of the Association of American Feed Control Officials incorporated by reference to the 2022 version.	Licensees	Adopted 10/12/2022 Effective 12/15/2022	Revisions as a result of Mandatory Regulatory Efficiency Review
8 CCR 1201-18 Bureau of Animal Protection Rules	Animal Health Division	Revision	Title 35, Article 42	Streamline the training, continuing education, renewal process, and statistics reporting for BAP agents.	Companion animal owners, livestock owners, local law enforcement agencies, Bureau of Animal Protection agents, Colorado Federation of Animal Welfare Agencies, Colorado Veterinary Medical Association	To be Adopted 12/14/2022 To be Effective 2/15/2023	Revisions as a result of Mandatory Regulatory Efficiency Review

2022 REGULATORY REPORT							
Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1202-15 Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act	Inspection & Consumer Services Division	Revision	Title 35, Article 80	Implement new regulations requiring facilities to draft and follow protocols to promote disease control and treatment to pet animals in Colorado (DCAT Plan).	Licensees and pet animal association	Moved to 2023 Regulatory Agenda	Working with PACFA Advisory Committee and other stakeholder on the plan and proposed changes
8 CCR 1203-13 Quarantine for Late Blight	Division of Plant Industry	Revision	Title 35, Article 4	Update inspection and holding requirements for imported seed potatoes.	Potato industry, Colorado Potato Administrative Committee, CSU	POSTPONED	Industry is still considering if revisions are needed
8 CCR 1203-23 Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act	Division of Plant Industry	Revision	Title 35, Article 1	Align to the USDA Federal Rule.	Hemp growers, hemp processors, hemp associations, counties and municipalities, CSU	POSTPONED	Rule revisions are not needed at this time

2022 RESULTS OF MANDATORY RULES REVIEW								
Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Did review result in revisions to regulation?	Purpose of Proposed Rule (if applicable)	Did review result in repeal of entire CCR volume?	Did the review result in repeal of any part of the regulation?	Adoption date (if applicable)	Comments
8 CCR 1201-16 Control and Eradication of Scrapie in Sheep and Goats	Animal Health Division	Title 35, Article 50	Yes	Bring the rule into alignment with recent updates to federal rules and regulations pertaining to the importation of sheep and goats.	No	No	Adopted 6/8/2022 Effective 7/30/2022	
8 CCR 1201-17 Concerning the Prevention of Disease in Alternative Livestock	Animal Health Division	Title 35, Article 50	Yes	To remove the Chronic Wasting Disease (CWD) testing requirement for fallow deer and the Tuberculosis (TB) testing requirement for in-state animal movement.	No	Yes	Adopted 4/13/2022 Effective 6/15/2022	
8 CCR 1201-18 Bureau of Animal Protection Rules	Animal Health Division	Title 35, Article 42	Yes	Streamline the training, continuing education, renewal process, and statistics reporting for BAP agents.	No	No	To be Adopted 12/14/2022 To be Effective 2/15/2023	
8 CCR 1201-19 Livestock Disease Control	Animal Health Division	Title 35, Article 50	N/A	N/A	N/A	N/A	N/A	Review cycle was changed, this rule review was moved to 2023

2022 RESULTS OF MANDATORY RULES REVIEW								
Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Did review result in revisions to regulation?	Purpose of Proposed Rule (if applicable)	Did review result in repeal of entire CCR volume?	Did the review result in repeal of any part of the regulation?	Adoption date (if applicable)	Comments
8 CCR 1202-4 Fertilizers and Soil Conditioners	Inspection & Consumer Services Division	Title 35, Article 12	Yes	Update references to the current publication of the Association of American Plant Food Control Officials, amend definitions to clarify and become consistent with the 2022 Official Publication, and to correct minor spelling errors.	No	No	Adopted 6/8/2022 Effective 7/30/2022	
8 CCR 1202-6 Rules for Commercial Feed Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.	Inspection & Consumer Services Division	Title 35, Article 60	Yes	Update references to the 2022 publication of the Association of American Feed Control Officials.	No	No	Adopted 10/12/2022 Effective 12/15/2022	
8 CCR 1202-7 Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.	Inspection & Consumer Services Division	Title 35, Article 60	Yes	Update references throughout the rules to the official publication of the Association of American Feed Control Officials incorporated by reference to the 2022 version.	No	No	Adopted 10/12/2022 Effective 12/15/2022	
8 CCR 1203-13 Quarantine for Late Blight	Division of Plant Industry	Title 35, Article 4	No	N/A	No	No	N/A	Review Completed

2022 RESULTS OF MANDATORY RULES REVIEW								
Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Did review result in revisions to regulation?	Purpose of Proposed Rule (if applicable)	Did review result in repeal of entire CCR volume?	Did the review result in repeal of any part of the regulation?	Adoption date (if applicable)	Comments
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	Division of Plant Industry	Title 35, Article 4	N/A	N/A	N/A	N/A	N/A	With the detection of Japanese Beetle postponing to 2023 will allow time to develop a response plan, and gather stakeholder feedback on a newly and rapidly evolving situation that may drive changes
8 CCR 1203-23 Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act	Division of Plant Industry	Title 35, Article 61	No	N/A	No	No	N/A	Review scheduled to be completed by the end of the year
8 CCR 1203-26 The Use of Pesticides in the Cultivation of Retail Marijuana	Division of Plant Industry	Title 24, Article 20	No	N/A	No	No	N/A	Review Completed

2022 RESULTS OF MANDATORY RULES REVIEW								
Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	Statutory or Other Basis	Did review result in revisions to regulation?	Purpose of Proposed Rule (if applicable)	Did review result in repeal of entire CCR volume?	Did the review result in repeal of any part of the regulation?	Adoption date (if applicable)	Comments
8 CCR 1205-4 Rules Pertaining to the Feedlot Certification Act	Division of Brand Inspection	Title 35, Article 53.5	No	N/A	No	No	N/A	Review scheduled to be completed by the end of the year
8 CCR 1206-2 Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act	Conservation Services Division	Title 35, Article 5.5	No	Revise the statewide management plans for a subset of List B noxious weeds, and amend the regulated list of List A and List C noxious weeds.	No	No	N/A	Review Completed - Changes will be proposed in 2023