

CHAPTER 201

PROFESSIONS AND OCCUPATIONS

SENATE BILL 15-119

BY SENATOR(S) Sonnenberg, Baumgardner, Crowder;
also REPRESENTATIVE(S) Becker K., Brown, Primavera, Salazar, Winter, Hullinghorst, Becker J., DelGrosso, Duran, Hamner,
Mitsch Bush, Priola, Rosenthal, Saine, Vigil.

AN ACT

CONCERNING CONTINUATION OF THE REGULATION OF PESTICIDE APPLICATORS BY THE DEPARTMENT OF AGRICULTURE, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS OF THE 2014 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (46) (i); and **add** (54) as follows:

24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment. (46) The following agencies, functions, or both shall terminate on July 1, 2015:

(i) ~~The regulation of commercial applicators, qualified supervisors, certified operators, and private applicators by the commissioner of agriculture in accordance with article 10 of title 35, C.R.S.;~~

(54) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, TERMINATE ON SEPTEMBER 1, 2023:

(a) THE REGULATION BY THE COMMISSIONER OF AGRICULTURE OF THE APPLICATION OF PESTICIDES PURSUANT TO ARTICLE 10 OF TITLE 35, C.R.S.

SECTION 2. In Colorado Revised Statutes, **amend** 35-10-128 as follows:

35-10-128. Repeal of article - termination of functions. Effective July 1, 2015 SEPTEMBER 1, 2023, this article is repealed. ~~The regulatory functions of the~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~commissioner of agriculture shall also terminate on July 1, 2015. Prior to such~~ THE
~~repeal, and termination, the regulatory functions shall be reviewed~~ THE
 DEPARTMENT OF REGULATORY AGENCIES SHALL REVIEW THE REGULATION BY THE
 COMMISSIONER OF THE APPLICATION OF PESTICIDES PURSUANT TO THIS ARTICLE AS
 provided for in section 24-34-104, C.R.S., and as part of such review, the
~~department of regulatory agencies shall report on the extent of local regulation of~~
 pesticides pursuant to section 31-15-707 (1) (b), C.R.S., or under the police power
 of any political subdivision of the state.

SECTION 3. In Colorado Revised Statutes, **amend** 35-10-111 as follows:

35-10-111. Record-keeping requirements. (1) Each commercial, registered limited commercial, licensed private, and registered public applicator shall keep and maintain records of each pesticide application in the form and manner designated by the commissioner. ~~Such~~ THE APPLICATOR SHALL RETAIN THE records ~~shall be retained~~ for a period of three years after the date of the pesticide application; ~~and~~ EXCEPT THAT THE RECORD RETENTION PERIOD FOR PRIVATE APPLICATORS IS TWO YEARS.

(2) THE RECORDS shall be kept AS FOLLOWS:

(a) FOR A COMMERCIAL APPLICATOR, at the address specified in the application for the commercial applicator's business license; ~~or, in the case of~~

(b) FOR A registered limited commercial ~~and~~ OR registered public ~~applicators~~ APPLICATOR, at the address specified in the registry authorized in section 35-10-109; ~~or in the case of~~

(c) FOR A licensed private ~~applicators,~~ APPLICATOR, at the address of record on file with the commissioner.

SECTION 4. In Colorado Revised Statutes, 35-10-107, **amend** (2) and (3) as follows:

35-10-107. Commercial applicator business license - renewals. (2) If the application for renewal is not ~~postmarked~~ RECEIVED on or before the expiration date of the license, a penalty fee of ten percent of the renewal fee shall be assessed and added to the renewal fee. No license shall be renewed until the total fee is paid.

(3) If the application and fee for renewal are not ~~postmarked~~ RECEIVED on or before the thirtieth day following the expiration date of the license, the business license shall not be renewed, and the commercial applicator shall apply for a new license.

SECTION 5. In Colorado Revised Statutes, 35-10-116, **amend** (5) as follows:

35-10-116. Qualified supervisor and certified operator licenses - expiration - renewal of licenses - reinstatement. (5) If the application and fee for renewal of any license issued pursuant to section 35-10-115 are not ~~postmarked~~ RECEIVED on or before the thirtieth day following the expiration date of the license, the license shall not be renewed and the licensee shall apply for a new license.

SECTION 6. In Colorado Revised Statutes, **amend** 35-10-109 as follows:

35-10-109. Limited commercial and public applicators - no business license required - training -rules. (1) ~~No~~ A business license ~~shall be~~ IS NOT required for limited commercial or public applicators; except that the commissioner shall require such applicators that apply restricted-use pesticides to register with the department. The commissioner shall determine the form and manner of the registration, as well as the amount of any administrative fees associated with ~~such~~ THE registration. A limited commercial or public applicator may register voluntarily, regardless of whether ~~such~~ THE applicator applies restricted-use pesticides, by submitting a request in the form and manner specified by the commissioner.

(2) (a) A PUBLIC APPLICATOR SHALL NOT ALLOW A PERSON WORKING FOR IT TO APPLY A GENERAL-USE PESTICIDE THAT HAS BEEN LISTED BY THE COMMISSIONER BY RULE UNLESS THE PERSON HAS BEEN TRAINED IN THE CORE ELEMENTS OF PESTICIDE USE AS REQUIRED BY THE COMMISSIONER BY RULE. THE PUBLIC APPLICATOR SHALL MAINTAIN A RECORD OF THE TRAINING AS SPECIFIED BY THE COMMISSIONER BY RULE.

(b) THE OWNER OR DESIGNEE OF A LIMITED COMMERCIAL APPLICATOR MUST BE TRAINED IN THE CORE ELEMENTS OF PESTICIDE USE AS REQUIRED BY THE COMMISSIONER BY RULE BEFORE APPLYING A GENERAL-USE PESTICIDE THAT HAS BEEN LISTED BY THE COMMISSIONER BY RULE. THE LIMITED COMMERCIAL APPLICATOR SHALL MAINTAIN A RECORD OF THE TRAINING AS SPECIFIED BY THE COMMISSIONER BY RULE.

SECTION 7. In Colorado Revised Statutes, **amend** 35-10-124 as follows:

35-10-124. Information. (1) The commissioner, in cooperation with other agencies of this state or the federal government, may publish information pertaining to the use and handling of pesticides and conduct workshops for the purpose of informing the pesticide applicators of new developments in the field of pesticides.

(2) THE COMMISSIONER SHALL PROVIDE INTERNET ACCESS TO FINALIZED ENFORCEMENT ACTION INFORMATION TO THE GENERAL PUBLIC CONSISTING OF, AT A MINIMUM, THE NAME OF THE VIOLATOR, DATE OF THE ACTION, CITY OR COUNTY IN WHICH THE VIOLATION OCCURRED, NEAREST MAJOR INTERSECTION OF ROADS TO WHERE THE VIOLATION OCCURRED, AND FINAL ENFORCEMENT DISPOSITION. THE COMMISSIONER SHALL PUBLISH THE INFORMATION IN A FORM AND MANNER DESIGNATED BY THE COMMISSIONER WITHIN THIRTY DAYS AFTER THE FINAL DISPOSITION.

SECTION 8. In Colorado Revised Statutes, 35-10-125, **amend** (1), (2) introductory portion, (2) (h), and (2) (i); and **add** (2) (j), (2) (k), and (2) (l) as follows:

35-10-125. Advisory committee - sunset review. (1) The state agricultural commission created by section 35-1-105 shall appoint an advisory committee of ~~eleven~~ FIFTEEN members to ADVISE THE COMMISSIONER ON AGRICULTURAL, HUMAN HEALTH, ENVIRONMENTAL, WILDLIFE, WORKER SAFETY, AND OTHER MATTERS REGARDING THE USE OF PESTICIDES IN COLORADO AND TO assist the commissioner in promulgating rules ~~and regulations~~ to carry out ~~the provisions of~~ this article.

(2) The committee ~~shall consist~~ IS A STATE PUBLIC BODY, AS THAT TERM IS DEFINED IN SECTION 24-6-402 (1) (d), C.R.S., AND CONSISTS OF THE FOLLOWING MEMBERS:

(h) ~~A representative~~ TWO REPRESENTATIVES FROM THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, ~~and~~ BOTH OF WHOM HAVE EXPERTISE IN EITHER:

(I) HUMAN HEALTH WITH RESPECT TO TOXICOLOGY, PEST-RELATED DISEASE VECTORS, AND EPIDEMIOLOGY;

(II) HAZARDOUS MATERIALS AND FOOD SAFETY;

(III) AIR POLLUTION AND HAZARDOUS PESTICIDE AIR POLLUTANTS; OR

(IV) WATER POLLUTION AND AGRICULTURAL ACTIVITIES;

(i) Two representatives from the general public, one of whom is actively engaged in URBAN agricultural production;

(j) A MEMBER OF A STATE OR NATIONAL APIARY OR BEEKEEPER ASSOCIATION WHO IS CURRENTLY ACTIVE IN APIARY MANAGEMENT AND WHO IS EITHER AN ELECTED OFFICIAL OF OR A DESIGNEE OF THE ASSOCIATION;

(k) A REPRESENTATIVE FROM THE AGRICULTURAL SECTOR WHO IS A WORKER, AS THAT TERM IS DEFINED IN 40 CFR 170.3; AND

(l) A REPRESENTATIVE FROM THE AGRICULTURAL SECTOR WHO IS ACTIVELY ENGAGED IN ORGANIC AGRICULTURAL PRODUCTION.

SECTION 9. Applicability. This act applies to conduct occurring on or after July 1, 2015.

SECTION 10. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 19, 2015