

# 2024

## Regulatory Agenda

January 1, 2024-December 31, 2024

# 2023

## Regulatory Report

January 1, 2023-December 31, 2023



**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 2024 (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 2024 and is provided in accordance with Colo. Rev. Stat. §24-7-203(2)(a)(IV).

The Colorado Department of Agriculture also submits the following 2023 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.

2024 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
January 17, 2024	8 CCR 1204-10	Rules Pertaining to the Small Food Business Recovery and Resiliency Tax Credit	New Rule	Title 35, Article 1	To establish rules related to the Community Food Access Tax Credit Program.	SFBRRG Advisory Committee, Tax Credit experts in CO and nationwide, small food retailers, food hubs, small farmers	No
	8 CCR 1203-9	Administration and Enforcement of the Organic Certification Act	Revision	Title 35, Article 11.5	Changes will be proposed as a result of the Department's Regulatory Efficiency Review Process.	Consumers, CDA certified organic farmers and food processors	Yes, as a result of 2023 review
	8 CCR 1201-19	Livestock Disease Control	Revision	Title 35, Article 50	Additional changes to the rule caught in subsequent reviews	Colorado Cattlemen's Association, Colorado Livestock Association, livestock producers	No

2024 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 <i>Consider including high-level outreach bullets</i>	Part of Mandatory Rule Review
	8 CCR 1201-12	Rules Pertaining to the Control of Depredating Animals			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1202-10	Rules Pertaining to the Administration and Enforcement of the Colorado Egg Law			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1202-11	Administration and Enforcement of the Commodity Handlers and Farm Products Act, Sections 35-36-101 through 125 and 35-37-101 through 122, C.R.S.			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1202-13	Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1202-16	Rules Pertaining to Poultry Processing			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1203-6	Administration and Enforcement of the Colorado Seed Act			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1203-14	Rules Pertaining to the Pest Control Act Inspections and Federal Agreements			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes

2024 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 1203-22	Rules and Regulations Pertaining to the Colorado Seed Potato Act			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1205-1	Public Livestock Markets			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes
	8 CCR 1208-1	Colorado State Fair Authority Rules			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			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes, partially reviewed in 2023, additional review needed
	8 CCR 1204-8	Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Agricultural Marketing Act of 1939			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes, partially reviewed in 2023, additional review needed
	8 CCR 1207-3	Rules Pertaining to the Agricultural Workforce Development Program			Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process.		Yes, partially reviewed in 2023, additional review needed

2023 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 and 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), 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	Adopted 3/16/2023 Effective 5/15/2023	
8 CCR 1206-2 Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act	Conservation Services Division	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	Adopted 3/16/2023 Effective 5/15/2023	Revisions as a result of Mandatory Regulatory Efficiency Review
8 CCR 1202-17 Rules Pertaining to the Administration and Enforcement of the Produce Safety Act	Inspection and 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, and Colorado Farm Bureau	Adopted 7/12/2023 Effective 10/30/2023	

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Rule Number (CCR) and Title	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1203-1 Administration and Enforcement of the Pesticide Act	Plant Industry Division	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	To be Adopted 11/08/2023 To be Effective 12/30/2023	
8 CCR 1203-2 Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act	Plant Industry Division	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	To be Adopted 11/08/2023 To be Effective 12/30/2023	Revisions made to comply with SB23-192
8 CCR 1204-9 Rules Pertaining to the Small Food Business Recovery and Resiliency Grant as Part of the Community Food Access Program	Markets Division	New Rule	Title 35, Article 1	To comply with the statutory deadlines for distribution of funds as set forth in section 35-1-117(2)(b)(III), C.R.S., which requires compliance with the "American Rescue Plan Act of 2021, "Pub. L 117-2, and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., would be contrary to the public's interest.	Small Food Retailers; Small Family Farmers; Low-Income/ Low-Access Communities; Nonprofits and Community Organizations improving food security	Emergency Rule Adopted 08/09/2023 Effective 09/01/2023	Permanent Rule to be Adopted 11/8/2023 Effective 12/30/2023

2023 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 1201-21 Rule Pertaining to the Administration and Enforcement of the Colorado Aquaculture Act	Animal Health Division	Title 35, Article 24.5	Yes	Updates the incorporation of rules in Part 4.6 to align with the most recent version of Colorado Parks and Wildlife rules that became effective January 1, 2023.	No	No	Adopted 5/10/2023 Effective 6/30/2023	
8 CCR 1201-19 Livestock Disease Control	Animal Health Division	Title 35, Article 50	Yes	Updating definitions; adding a new “incorporations by references” section to streamline the inclusion of federal standards; adding a new section for the Swine Health Plan standards; and cleaning up unnecessary language.	No	No	Adopted 7/12/2023 Effective 9/15/2023	
8 CCR 1202-1 Packaging and Labeling	Inspection and Consumer Services Division	Title 35, Article 14	No	NA	No	No	NA	
8 CCR 1202-2 Measurement Standards	Inspection and Consumer Services Division	Title 35, Article 14	No	NA	No	No	NA	
8 CCR 1202-14 Method of Sale of Retail Commodities	Inspection and Consumer Services Division	Title 35, Article 14	No	NA	No	No	NA	
8 CCR 1203-9 Administration and Enforcement of the Organic Certification Act	Plants Industry Division	Title 35, Article 11.5	No	NA	No	No	NA	The rule will be revised in 2024
8 CCR 1203-21 Quarantine Imposed Against All Life Stages of the Japanese Beetle	Plants Industry Division	Title 35, Article 4	No	NA	No	No	NA	



2023 RESULTS OF MANDATORY RULES REVIEW								
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(Popillia Japonica) and Hosts or Possible Carriers of Japanese Beetle Pursuant to the Colorado Pest Control Act								
8 CCR 1204-8 Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Agricultural Marketing Act of 1939	Markets Division	Title 35, Article 28	NA	NA	NA	NA	NA	Further review required in 2024
8 CCR 1205-3 Rules Pertaining to the Annual Transportation Permit for Cattle or Alternative Livestock	Brands Division	Title 35, Articles 41 & 53	No	NA	No	No	NA	Section 2.1 of the Rule expired per HB 20-1179
8 CCR 1205-5 Rules Pertaining to the Publication and Sale of Abandoned Brands	Brands Division	Title 35, Article 43	NA	NA	NA	NA	NA	Further review required in 2024
8 CCR 1207-3 Rules Pertaining to the Agricultural Workforce Development Program	Markets Division	Title 35, Article 1	NA	NA	NA	NA	NA	Further review required in 2024