

2022

DRAFT Regulatory Agenda

January 1, 2022-December 31, 2022



COLORADO
Department of Agriculture

Overview

The Colorado Department of Agriculture submits the following 2022 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 2022 (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 2022 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 <i>Consider including high-level outreach bullets</i>	Part of Mandatory Rule Review
2/9/2022	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	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	No

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4/13/2022	8 CCR 1202-10	"Rules Pertaining to the Administration and Enforcement of the Colorado Egg Law"	Revision	Title 35, Article 21	Implement regulations related to statutory requirements for the sale of cage-free eggs	Licenseses, egg producers, Colorado Egg Producers, Rocky Mountain Farmers Union, Farm Bureau	No
4/13/2022	8 CCR 1203-13	"Quarantine for Late Blight"	Revision	Title 35, Article 4	Update inspection and holding requirements for imported seed potatoes	Potato industry, Colorado Potato Administrative Committee, CSU	No
4/20/2022	8 CCR 1205-7	"Rules for the Implementation of the Ranch to Plate Act"	New Rule	Title 25, Article 4	To implement Senate Bill 21-079 by identifying brand inspection requirements for animal shares	Brand inspection staff, cattle producers, Colorado Cattlemen's Association, Colorado Livestock Association	No
6/8/2022	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)	Licenseses and pet animal associations	No
6/8/2020	8 CCR 1203-23	"Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act"	Revision	Title 35, Article 1	Aligning to the USDA Federal Rule	Hemp growers, hemp processors, hemp associations, counties and municipalities, CSU	No

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8/10/2022	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, Farm Bureau	No

REGULATORY EFFICIENCY REVIEWS							
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4/13/2022	8 CCR 1201-17	"Concerning the Prevention of Disease in Alternative Livestock"	Revision	Title 35, Article 50	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Colorado Elk Breeders Association, alternative livestock producers	Yes
4/13/2022	8 CCR 1202-6	Rules for Commercial Feed Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.	Revision	Title 35, Article 60	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Licensees	Yes
4/13/2022	8 CCR 1202-7	Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S.	Revision	Title 35, Article 60	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Licensees	Yes
6/8/2022	8 CCR 1201-16	"Control and Eradication of Scrapie in Sheep and Goats"	Revision	Title 35, Article 50	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Colorado Wool Growers Association, Colorado Livestock Association, livestock producers	Yes
6/8/2022	8 CCR 1202-4	"Fertilizers and Soil Conditioners"	Revision	Title 35, Article 12	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Licensees	Yes
10/12/2022	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 1203-13	"Quarantine for Late Blight"	Revision	Title 35, Article 4	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Potato industry, Colorado Potato Administrative Committee, CSU	Yes

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	8 CCR 1203-21	"Quarantine Imposed Against All Life Stages of the Japanese Beetle (<i>Popillia Japonica</i>) and Hosts or Possible Carriers of Japanese Beetle Pursuant to the Colorado Pest Control Act"	Revision	Title 35, Article 4	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Colorado Nursery & Greenhouse Association, pest control districts, home owners, CSU, other states	Yes
	8 CCR 1203-23	"Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act"	Revision	Title 35, Article 61	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Hemp growers, hemp processors, hemp associations, counties and municipalities, CSU	Yes
	8 CCR 1203-26	"The Use of Pesticides in the Cultivation of Retail Marijuana"	Revision	Title 24, Article 20	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Marijuana industry, pesticide applicators, Department of Regulatory Agencies Marijuana Enforcement Division, industry association, the public	Yes
	8 CCR 1205-4	"Rules Pertaining to the Feedlot Certification Act"	Revision	Title 35, Article 53.5	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Feedlot owners and operators, livestock industry	Yes

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	8 CCR 1206-2	"Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act"	Revision	Title 35, Article 5.5	Changes may be proposed as a result of the Department's Regulatory Efficiency Review Process	Local governing bodies, conservation districts, state agencies that own or manage land, Colorado Weed Management Association, corn and wheat producers	Yes