

CHAPTER 220

HEALTH

SENATE BILL 93-114

BY SENATORS Ament and Roberts;
also REPRESENTATIVES Acquafresca, Eisenach, George, Jerke, Owen, and Taylor.

AN ACT**CONCERNING THE UNIFORM APPLICATION OF STATE LAWS RELATING TO PESTICIDES.**

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

SECTION 1. 25-8-205.5 (3) (b), Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended, and the said 25-8-205.5 (3) is further amended BY THE ADDITION OF THE FOLLOWING NEW PARAGRAPHS, to read:

25-8-205.5. Pollution from agricultural chemicals. (3) Powers and duties of the commissioner of agriculture. (b) The commissioner shall promulgate rules and regulations for bulk storage facilities and mixing and loading areas where at least fifty-five thousand pounds of finished product of agricultural chemicals are handled each year; ~~except that any such rule and regulation shall include a three-year phase-in period for any persons subject to such rule and regulation. The commissioner is authorized to enforce such rules and regulations pursuant to paragraph (h) of this subsection (3).~~ FOR THE FOLLOWING:

(I) FACILITIES FOR THE STORAGE OF PESTICIDES IN BULK;

(II) MIXING AND LOADING AREAS WHERE ANY OF THE FOLLOWING ARE HANDLED IN ANY ONE-YEAR PERIOD:

(A) FIVE HUNDRED GALLONS OR MORE, IN THE AGGREGATE, OF FORMULATED PRODUCT OR COMBINATION OF FORMULATED PRODUCTS OF LIQUID PESTICIDES;

(B) THREE THOUSAND POUNDS OR MORE, IN THE AGGREGATE, OF FORMULATED PRODUCT OR COMBINATION OF FORMULATED PRODUCTS OF DRY PESTICIDES;

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

(C) ONE THOUSAND FIVE HUNDRED POUNDS OR MORE, IN THE AGGREGATE, OF ACTIVE INGREDIENTS OF PESTICIDES;

(III) STORAGE FACILITIES WHERE ANY LIQUID FERTILIZER IS STORED IN ANY CONTAINER OR SERIES OF INTERCONNECTED CONTAINERS HAVING A CAPACITY GREATER THAN FIVE THOUSAND GALLONS;

(IV) STORAGE FACILITIES WHERE FIFTY-FIVE THOUSAND POUNDS OR MORE, IN THE AGGREGATE, OF FORMULATED PRODUCT OR COMBINATION OF FORMULATED PRODUCTS OF BULK DRY FERTILIZER ARE STORED;

(V) MIXING AND LOADING AREAS AT ANY STORAGE FACILITY SUBJECT TO THE PROVISIONS OF THIS SECTION.

(b.1) NO RULE PROMULGATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) SHALL APPLY TO ANY FIELD MIXING AND LOADING OF AGRICULTURAL CHEMICALS.

(b.2) EVERY RULE PROMULGATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3) SHALL INCLUDE A THREE-YEAR PHASE-IN PERIOD AFTER PROMULGATION OF THE RULE FOR PERSONS SUBJECT TO THE RULE.

(b.3) PURSUANT TO PARAGRAPH (h) OF THIS SUBSECTION (3) THE COMMISSIONER IS AUTHORIZED TO ENFORCE RULES PROMULGATED PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (3).

SECTION 2. 35-10-128, Colorado Revised Statutes, 1984 Repl. Vol., as amended, is amended to read:

35-10-128. Repeal of article - termination of functions. Effective July 1, 1996, this article shall be repealed. The licensing function of the commissioner of agriculture shall also terminate on July 1, 1996. Prior to such repeal and termination, the licensing function shall be reviewed 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. 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: June 2, 1993