

# 2019

## Regulatory Agenda Report

January 1, 2019-December 31, 2019



**COLORADO**  
Department of Agriculture

## Overview

The Colorado Department of Agriculture submits the following 2019 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.

### Rulemaking included in 2019 Regulatory Agenda

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1202-12 "Rules Pertaining to the Administration and Enforcement of the Sale of Meat Act Method of Sale of Home Food Service"	Inspection and Consumer Services Division	Repeal	HB 18-1183	HB 18-1183 eliminated the regulation of home food service plans.	Home food service providers	Repealed February 13, 2019 - Effective March 30, 2019	
8 CCCR 1202-16 "Rules Pertaining to Poultry Processing"	Inspection and Consumer Services Division	New Rule	HB 18-1235 & §35-33-104 (1), C.R.S.	Create a new rule establishing processing procedures for poultry producers. The parts that relate to processing and sale of poultry were removed from "Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act" codified at 8 CCR 1202-13. This new rule provides the statutory changes enacted by HB 18-1235, which allows exempted poultry producers to sell to certain retail food establishments and creates the regulatory framework necessary to ensure poultry processed and sold to retail food establishments is processed in a safe and sanitary manner.	Licensed poultry producers	Adopted February 13, 2019 - Effective March 30, 2019	

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1203-13 “Quarantine for Late Blight”	Plant Industry Division	Revision	§§ 35-4-110 and 116, C.R.S.	Clarify terms; add definitions; clarify certificate inspection requirements; eliminate the exemption from re-inspection for incoming nuclear stock, but providing only for a limited re-inspection; clarify the requirements of the quarantine; consolidate provisions on documentation of different potatoes; and update references to the Departments location.	Seed potato importers	Adopted February 13, 2019 - Effective March 30, 2019	
8 CCR 1203-23 “Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act”	Plant Industry Division	Revision	§§ 35-61-104 (5) and 35-61-105 (2), C.R.S.	Clarify terms; add a definition for “Planting”; clarify mapping requirements; update administration fees and due dates; update reporting requirements; provide the Department discretion in working with registrants through disciplinary actions; establish a system to better protect breeders; and add a requirement for commercial applications.	Industrial hemp growers	Adopted February 13, 2019 - Effective March 30, 2019	
8 CCR 1202-13 “Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act”	Inspection and Consumer Services Division	Revision	§ 35-33-104 (1), C.R.S.	Remove the parts of the rule that relate to the processing and sale of poultry. New rules regarding poultry processing have been adopted at 8 CCR 1202-16 “Rules Pertaining to Poultry Processing”. Other changes include renumbering and updating language.	Licensed poultry producers	Adopted April 11, 2019 - Effective May 30, 2019	Postponed from schedule February adoption. Rule was on 2019 Regulatory Review schedule. The review was completed, no additional changes needed.

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1203-4 “Rules and Regulations Pertaining to the Administration and Enforcement of the Bee and Bee Products Act”	Plant Industry Division	Repeal	§ 35-25-105, C.R.S.	This rule is unnecessary because the bee keeping community does not want to be regulated or fund a regulatory program. The Department cannot mandate treatment or control of honeybee diseases and parasites without funding and mandatory registration of beekeepers.	Beekeepers	Adopted April 11, 2019 - Effective May 30, 2019	
8 CCR 1203-7 “Rules and Regulations Pertaining to the Procedure for Establishing Pest Control Districts and for the Control of Grasshoppers, Mormon Crickets, or Range Caterpillars”	Plant Industry Division	Repeal	§§ 35-5-103 and 123, C.R.S.	It was determined that this rule is unnecessary because the grasshopper populations have remained low; the Department cannot assist in a cost share of grasshopper control; USDA enters into cost share agreements with landowners when populations meet thresholds; and individual counties have the ability to form pest control districts when necessary.	Farmers and ranchers in pest control districts	Repealed April 11, 2019 - Effective May 30, 2019	
8 CCR 1203-9 “Administration and Enforcement of the Organic Certification Act”	Plant Industry Division	Revision	§ 35-11.5-104, C.R.S.	Update references, add a reference section, update the departments address, remove the cap on fees for providing certification services, add a fee schedule and remove the limit on reimbursement rates for mileage.	Organic producers	Adopted June 12, 2019 - Effective July 30, 2019	Moved up from scheduled September adoption.
8 CCR 1203-5 “Rules Pertaining to the Administration and Enforcement of the Colorado Nursery Act”	Plant Industry Division	Revision	§ 35-26-111, C.R.S.	Change the inspection fee hourly rate from \$30.00 per hour to \$45.00 per hour.	Greenhouse and nursery industry	Adopted June 12, 2019 - Effective July 30, 2019	

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1203-6 "Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Seed Act"	Plant Industry Division	Revision	§ 35-27-114 (1)(b), C.R.S.	Increase the registration fee paid by retail seed dealers; increase the additional location fee paid by seed dealers and seed conditioners; update references; and update the Departments address.	Retailers of flower, vegetable and grass seeds	Adopted June 12, 2019 - Effective July 30, 2019	Rule was on the 2019 Regulatory Review Schedule. Review was completed, no additional changes needed.
8 CCR 1203-1 "Administration and Enforcement of the Pesticide Act"	Plant Industry Division	Revision	SB 19-186 & §§ 35-9-107(2) and 35-9-118(3)(a), C.R.S	Increase Pesticide Registration fees by \$40.00 to increase funding for the Departments state waters protection efforts as expanded by Senate Bill 19-186.	Pesticide applicators	Adopted September 17, 2019 - Effective October 30, 2019	Postponed from scheduled April adoption.
8 CCR 1202-15 "Rules Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act"	Inspection and Consumer Services Division	Revision	SB 19-158 & § 35-80-109(1) and (2), C.R.S	Effect the changes from the 2018 sunset report and senate bill 19-158, including: changes to pet animal sterilization requirements; the addition of disciplinary actions related to convictions for violations of local, state or federal laws involving animal theft, importation, capture, cruelty, neglect or abuse in any jurisdiction; and the extension of a two-year period of ineligibility to all parties with substantial control over the daily operations of an entity. Add new definitions, revise fees for all license categories, clarify and add requirements for small mammal and reptile enclosures, and update reporting and recordkeeping requirements.	Pet owners and pet animal care facilities	Adopted September 17, 2019 - Effective October 30, 2019	Postponed from scheduled June adoption.

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Stakeholders	Status	Comments
8 CCR 1203-24 “Quarantine Imposed Against all Life Stages of the Emerald Ash Borer (Agrilus Planipennis, Fairmaire) and Hosts or Possible Carriers of Emerald Ash Borer Pursuant to the Colorado Pest Control Act”	Plant Industry Division	Repeal	§35-4-110 and 116, C.R.S.	The original EAB Quarantine has served its purpose and is no longer needed. Biological controls, pesticide use, and education regarding best management practices are more cost effective ways to manage EAB in the future.	Colorado residents, the nursery industry, fruit growers, and forestry	Scheduled to be Adopted November 15, 2019 and Effective October 30, 2019	
8 CCR 1203-22 “Rules and Regulations Pertaining to the Colorado Seed Potato Act”	Plant Industry Division	Revision	§35-27.3-108 (1)(b)	Changes to the rule were anticipated following a sunset review. After review of the report, no changes are need to the rule.	Seed potato growers.	No changes needed.	No rulemaking.

## 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 1202-10 “Rules Pertaining to the Administration and Enforcement of the Colorado Egg Law”	Inspection and Consumer Services Division	§35-21-106 (1), C.R.S.	No	N/A	No	No	N/A	
8 CCR 1202-11 “Administration and Enforcement of the Commodity Handler and Farm Products Acts, Sections 35-36-101 through 125 and 35-37-101 through 122, C.R.S.”	Inspection and Consumer Services Division	§§35-36-111 (1) and 35-37-120 (1), C.R.S.	No	N/A	No	No	N/A	
8 CCR 1203-14 “Rules Pertaining to the Pest Control Act Inspections and Federal Agreements”	Plant Industry Division	§35-4-116, C.R.S.	No	N/A	No	No	N/A	
8 CCR 1205-1 “Public Livestock Markets”	State Board of Brand Inspection Commissioners/ Brand Inspection Division	§35-55-106, C.R.S.	No	N/A	No	No	N/A	

## Unplanned Rulemaking

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Status	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"	Plant Industry Division	Revisions	§ 35-4-110, C.R.S.	Increase the inspection fee rate from \$34.00 per hour to \$45.00 per hour.	Adopted June 12, 2019 - Effective July 30, 2019	
8 CCR 1203-5 "Rules Pertaining to the Administration and Enforcement of the Colorado Nursery Act"	Plant Industry Division	Revisions	§ 35-26-111, C.R.S.	Increase the nursery registration fee from \$90.00 per year to \$170.00 per year.	Adopted September 17, 2019 - Effective October 30, 2019	
8 CCR 1203-2 "Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act"	Plant Industry Division	Revisions	HB 19-1328 & § 35-10-118(2)(b), C.R.S.	Add definitions, and address new landlord and tenant bedbug reporting requirements created by House Bill 19-1328.	Scheduled to be adopted November 15, 2019 and Effective December 30, 2019	