

2017

Regulatory Agenda Report

January 1, 2017-December 31, 2017



COLORADO
Department of Agriculture

Overview

The Colorado Department of Agriculture submits the following 2017 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 2017 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 1206-2 "Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act"	Conservation Services Division	Revision	35-5.5-108 - 115	Update the watch list of species of special interest for future management plans for List B Species; and remove figures from the rule.	Local governments, weed management programs, and landowners	Adopted February 8, 2017	
8 CCR 1209-1 "Reimbursement of Board Member Expenses"	Markets Division	Repeal	35-75-203 (3)	The rule is unnecessary as the board can use the reimbursement method the Colorado Department of Agriculture uses to pay its other boards and commissions.	Value Added Development board members	Adopted April 12, 2017	
8 CCR 1202-15 "Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care Facilities Act"	Inspection and Consumer Services Division	Revision	35-80-109 (2)(a), (b.6), (c), (d), and (e)(l)	Add new definitions and classifications for pet animal care facilities, clarify facility and operational requirements for pet animal care facilities, update licensure fees, and revise enclosure requirements.	Pet and animal care facility operators	Adopted April 12, 2017	

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 1201-16 "Control and Eradication of Scrapie in Sheep and Goats"	Animal Health Division	Revision	35-50-105 (3)(a), (c), (f), (h), and (p)	Update requirements for importation into Colorado of breeding sheep, for public sheep and goat sales, and to define the procedures that will be applicable for scrapie-infected source and trace flocks.	Sheep and Goat Producers	Adopted September 20, 2017	This rule was on the agenda for a June 14, 2017 adoption date but was postponed to September.
8 CCR 1203-1 "Administration and Enforcement of the Pesticide Act"	Plant Industry Division	Revision	35-9-118 (2)(f), and (h)	Cite and incorporate by reference the most recent version of Title 40 of the Code of Federal Regulations.	Pesticide Registrants and pesticide dealers	Adopted September 20, 2017	This rule was on the agenda for a June 14, 2017 adoption date but was postponed to September.
8 CCR 1203-2 "Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators Act"	Plant Industry Division	Revision	35-10-118(2)(a) and (b)	Amend the criteria for determining which pesticides may be used in the cultivation of Cannabis to allow for the use of unregistered pesticides during research and demonstration activities only; update commercial applicator storage signage requirements; and add the new Post Harvest Potato Pest Control category.	Commercial pesticide applicators	Adopted September 20, 2017	This rule was on the agenda for a June 14, 2017 adoption date but was postponed to September.

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 1201-19 "Livestock Disease Control"	Animal Health Division	Revision	35-50-105 (3)(a),(d), (f), and (h)	Update definitions and clean up unnecessary and outdated language; remove information pertaining to the flock certification program and owner assist in handling and restraining; update import requirements; change the notification timeline when reporting positive EIA test results; remove requirements on swine pseudorabies and brucellosis; and add reportable disease requirements	Livestock producers, feedlot owners and staff, livestock market owners and staff	Ongoing	Proposed for adoption November 8, 2017

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 1203-23 "Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act"	Plant Industry Division	35-61-104 (5) and 35-61-105(2)	Yes	Amend definitions; amend variety location requirements; allow the removal of unwanted male Cannabis plants prior to harvest; clarify requirements for CDA Approved Certified Seed; and clarify the CDA Approved Certified Seed process.	No	No	February 8, 2017	

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8 CCR 1201-17 "Concerning the Prevention of Disease in Alternative Livestock"	Animal Health Division	35-50-105 (3)(h) and (p)	Yes	Add "Retropharyngeal lymph nodes" to the parts of the animal that must be submitted for testing of CWD and create a waiver process for alternative livestock producers for the requirement to send specimens from every elk or fallow deer that dies on-premises to CSU for testing if there has not been any indication of CWD within the immediate past 60 months. The producer will also be permitted to store their collected samples on-site, rather than ship the samples and pay for immediate testing.	No	No	April 12, 2017	
8 CCR 1202-3 "Rules and Regulations Regarding Processed Animal Waste Products"	Inspection and Consumer Services Division	35-60-109 (1)	Yes	Repeal this rule as it is duplicative and no longer necessary.	Yes	No	September 20, 2017	

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8 CCR 1202-6 "Rules for Commercial Feed Under the Colorado Feed Law, Sections 35-60-101 through 115 C.R.S."	Inspection and Consumer Services Division	35-60-109 (1)	Yes	Update the references to the current publication of the Association of American Feed Control Officials; add "Neutral Detergent Fiber" to the list of nutrient guarantees; remove the required minimum zinc guarantee for Swine; add required minimum Acid Detergent Fiber and Neutral Detergent Fiber guarantees for Equines; add Quantity Statement requirements for clarity; and add requirements for guarantees of dietary starch and fructans.	No	No	September 20, 2017	
8 CCR 1202-7 "Rules for Pet Food Under the Colorado Feed Law, Sections 35-60-101 through 115, C.R.S."	Inspection and Consumer Services Division	35-60-109 (1)	Yes	Update references throughout the Rules to the official publication of the Association of American Feed Control Officials (AAFCO) incorporated by reference to the 2017 version; clarify net quantity labeling requirements; update nutritional adequacy requirement labeling for dogs; update calorie content labeling requirements; and clarify the quantity of certain pathogenic organisms that are adulterants in pet food and harmful to human health.	No	No	September 20, 2017	

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8 CCR 1203-13 “Quarantine for Late Blight”	Plant Industry Division	35-4-110 (1), (2), and (3)	Yes	Clarify the laboratory test requirements for incoming seed potatoes and nuclear seed potatoes.	No	No	Ongoing	Proposed for adoption November 8, 2017
8 CCR 1202-4 “Fertilizers and Soil Conditioners”	Inspection and Consumer Services Division	35-12-114	Yes	Update terms, definitions and references to match the current version of the 2017 Official publication of the Association of American Plant Food Control Officials, Inc. (AAPFCO); update registration requirements; expand and update label language, and update references to the Official Methods of Analysis of The Association of Analytical Communities (AOAC).	No	No	Ongoing	Proposed for adoption November 8, 2017
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	35-4-110	No	N/A	No	No	N/A	Review completed, no changes necessary

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8 CCR 1205-3 "Rules Pertaining to the Annual Transportation Permit for Cattle and Alternative Livestock"	State Board of Brand Inspection Commissioners/ Brand Inspection Division	35-41-101 (3), 35-53-130	--	--	--	--	--	Review postponed to 2018
8 CCR 1206-3 "Administration and Enforcement of the Weed Free Forage Crop Certification Act"	Conservation Services Division	35-27.5-103	No	N/A	No	No	N/A	Review completed, no changes necessary
8 CCR 1203-8 "Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Chemigation Act"	Conservation Services Division	35-11-104	No	N/A	No	No	N/A	Review completed, no changes necessary
8 CCR 1203-24 "Quarantine Imposed Against All Life States of the Emerald Ash Borer (<i>Agrilus planipennis</i> , Fairmaire) and Hosts or Possible Carriers of Emerald Ash Borer Pursuant to the Colorado Pest Control Act"	Plant Industry Division	35-4-110 (1)	No	N/A	No	No	N/A	Review completed, no changes necessary

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 1202-4 "Fertilizers and Soil Conditioners"	Inspection and Consumer Services Division	Revision	35-12-104 (1), 104(7) and 35-12-106(4)	Incorporate the changes that were effective December 30, 2012 which was inadvertently omitted when the rule was further amended through rules adopted November 9, 2016 to be effective December 30, 2016.	Adopted February 8, 2017	
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	Create a new Part 9 "Disposal of Inedible Waste" to establish requirements for disposal of inedible waste from wild game processing through retail and wholesale sales; and move Parts 2.6 and 5.6 that deal with the disposal of inedible waste generated by processing meat animals to Part 9.	Adopted September 20, 2017	
8 CCR 1206-2 "Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act"	Conservation Services Division	Revision	35-5.5-108(2.3) and 115	Clarify the form and types of mapping data to be submitted by local governing bodies; remove one species from List B; correct species spellings for two List B species; update management plans for eight List B species; move rule language regarding riparian areas and road rights-of-way so that they appear at the beginning of the List B species.	Ongoing	Proposed for adoption November 8, 2017
8 CCR 1205-4 "Rules Pertaining to the Feedlot Certification Act"	State Board of Stock Inspection Commissioners /Brand Inspection Division	Revision	35-53.5-103(1)(a)	Remove language from the rule regarding fees that conflicts with statutory provisions that are codified within the Act.	Ongoing	Proposed for adoption November 16, 2017