

2020

Regulatory Agenda

January 1, 2020-December 31, 2020



COLORADO
Department of Agriculture

Overview

The Colorado Department of Agriculture submits the following 2020 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 2020 (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 2020 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
January 29, 2020	8 CCR 1208-1	“Colorado State Fair Authority Rules”	Revision	§35-65-401(9)(j), C.R.S.	Changes may be proposed as a result of the Department’s Regulatory Efficiency Review Process	Activity participants at the Colorado State Fairgrounds	2019 Review
February 12, 2020	8 CCR 1206-2	“Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act”	Revision	§35-5.5-115, C.R.S.	Update noxious weed management plans; revise taxonomic names to reflect current consensus; and remove the Watch List from the rule to allow greater flexibility and timeliness in alerting stakeholders	Local governing entities, as well as landowners; peripherally state and federal land management agencies	

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February 12, 2020	8 CCR 1203-6	“Administration and Enforcement of the Colorado Seed Act”	Revision	§35-27-114(1)(B), C.R.S.	Update the language pertaining to incorporation by reference wording	Seed sellers, labelers, farmers and consumers	
April 8, 2020	8 CCR 1201-18	“Bureau of Animal Protection Rules”	Revision	§35-42-106, C.R.S.	Clarify the Bureau of Animal Protection agent’s authorities	BAP Agents, P.O.S.T. Board and livestock producers	
April 8, 2020	8 CCR 1203-23	“Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act”	Revision	§35-61-104, C.R.S.	The purpose of the rule change will be to become compliant with USDA guidelines and align rules with stakeholder input gained at Colorado Hemp Advancement Management Plan	Industrial hemp registrants	
June 10, 2020	8 CCR 1203-6	“Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Seed Act”	Revision	§35-27-111, C.R.S.	Rule changes will be to align with statute changes per Sunset review.	Seed sellers, labelers, farmers and consumers	
June 10, 2020	8 CCR 1203-9	“Administration and Enforcement of the Organic Certification Act”	Revision	§35-11.5-104	Fee adjustment	Organic producers certifying with CDA	
September 9, 2020	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.”	Revision	§§ 12-16-104(4), 12-16-110.5(1)(e), 12-16-117(1), 12-16-206(2), 12-16-208(1)(f), 12-16-210(1), and 12-16-211(4), C.R.S.	Make adjustment based on rule review and changes from the 2019 Sunset Review	Farm Products and Commodity Handler Licensees	2019 Review
September 9, 2020	8 CCR 1202-15	“Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act”	Revision	§35-80-109(1), (2), and (4), C.R.S.	Adjust rule to allow for new education requirements	PACFA Licensees	

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	8 CCR 1202-5	“Storage and Handling of Anhydrous Ammonia”		§35-13-103, C.R.S.	Changes may be proposed as a result of the Department’s Regulatory Efficiency Review Process	Fertilizer dealers and agricultural producers who utilize anhydrous ammonia	
	8 CCR 1203-1	“Administration and Enforcement of the Pesticide Act”		Title 35, Article 9, C.R.S.	Changes may be proposed as a result of the Department’s Regulatory Efficiency Review Process	Pesticide manufacturers, retailers, users and the general public	
	8 CCR 1203-2	“Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators Act”		Title 35, Article 10, C.R.S.	Changes may be proposed as a result of the Department’s Regulatory Efficiency Review Process	Pesticide users commercial, limited commercial, public and private, pesticide sensitive individuals, and the general public	
	8 CCR 1205-6	“State Board of Stock Inspection Fees”		Title 35 Articles 41, 43, 53, 53.5, 55 and Title 35, Article 20, C.R.S.	Changes may be proposed as a result of the Department’s Regulatory Efficiency Review Process	Livestock producers	
	8 CCR 1207-1	“Rules and Regulations Pertaining to the Administration and Enforcement of § 35-45-109, C.R.S.”		§35-45-109, C.R.S.	Changes may be proposed as a result of the Department’s Regulatory Efficiency Review Process	Livestock producers and livestock lessees or permittees in grazing districts	
	8 CCR 1207-2	“Rules Pertaining to Administrative Hearings Conducted within the Colorado Department of Agriculture and to Petitions for Declaratory Orders”		§§35-1-104(1)(c), 35-1-106(1)(h) and 35-41.5-112 & 113	Changes may be proposed as a result of the Department’s Regulatory Efficiency Review Process	Any person who may have the need for an administrative hearing related to certain licensure, registration, or other actions of the Department	

