

2018

Regulatory Agenda Report

January 1, 2018-December 31, 2018



COLORADO
Department of Agriculture

Overview

The Colorado Department of Agriculture submits the following 2018 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 2018 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 1203-21 "Quarantine Imposed Against All Life Stages of the Japanese Beetle (Popilla Japonica) and Host or Possible Carriers of Japanese Beetle Pursuant to the Colorado Pest Control Act"	Plant Industry Division	Revision	35-4-110	Require pot sizes of 6" diameter and larger be treated for Japanese Beetle mitigation/certification.	Nursery and greenhouse growers and producers located out of state and within the eleven county front range quarantine area	Adopted February 22, 2018	
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 and 105	Amend the definition of "harvest" to include the practice of taking cuttings; recapture language that was inadvertently deleted during the last rulemaking and require report of the transfer of seed lots.	Hemp Registrants	Adopted February 22, 2018	

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 1203-5 “Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Nursery Act”	Plant Industry Division	Revision	35-26-111	Add record keeping requirements for in state purchased nursesey stock sources to adequately enforce the new Japanese Bettle internal quarantine.	Nursery registrants and anyone selling nursesey stock outside of the eleven county front range quarantine area	Adopted February 22, 2018	This rule was on the agenda for a September 26, 2018 adoption date but was moved up to February.
8 CCR 1203-1 “Administration and Enforcement of the Pesticide Act”	Plant Industry Division	Revision	35-9-117 and 118	Update the form allowed for compliance of insurance requirements and update continuing education requirements.	Companies conducting research to support new uses of new or existing pesticide active ingredients	Not Completed	Moved to 2019 Agenda.
8 CCR 1201-12 “Rules Pertaining to the Control of Depredating Animals”	Animal Health Division	Revision	35-40-100.2 through 115	Align his rule with the newly adopted Colorado Parks and Wildlife rules. Other changes were the result of the Departments Regulatory Review.	Owners of livestock, professional and avocational depredation hunters and trappers	Adopted November 7, 2018	This rule was on the agenda for a September 26, 2018 adoption date but was postponed to November.

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 1204-8 “Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Agricultural Marketing Act of 1939”	Markets Division	35-28-107	Yes	Reformat the rule to make it consistent with other Department rules.	No	No	April 11, 2018	
8 CCR 1201-21 “Rules Pertaining to the Administration and Enforcement of the Colorado Aquaculture Act”	Animal Health Division	35-24.5-103 through 111	Yes	Make the rules easier to read and understand while updating the rules to reflect changes in Colorado Parks and Wildlife’s (“CPW”) regulations.	No	No	Adopted September 26, 2018	
8 CCR 1202-1 “Packaging and Labeling”	Inspection and Consumer Services Division	35-14-107 and 118	No	N/A	No	No	N/A	
8 CCR 1202-2 “Measurement Standards”	Inspection and Consumer Services Division	35-1-107, 35-14-107, 121, 123 and 127	No	N/A	No	No	N/A	
8 CCR 1202-14 “Method of Sale of Retail Commodities”	Inspection and Consumer Services Division	35-14-107	No	N/A	No	No	N/A	
8 CCR 1203-4 “Rules and Regulations Pertaining to the Administration and Enforcement of the Bee and Bee Products Act”	Plant Industry Division	35-25-102 through 103	--	Still evaluating.	Considering	--	Scheduled for April 10, 2019	

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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	35-5-103 and 123	--	Still evaluating.	Considering	--	Scheduled for April 10, 2019	
8 CCR 1203-9 “Permanent Rules Pertaining to the Administration and Enforcement of the Organic Certification Act”	Plant Industry Division	35-11.5-104	Yes	Eliminate a fee cap on registrations and adjust the fee structure.	No	No	Scheduled for September 18, 2019	
8 CCR 1205-3 “Rules Pertaining to the Annual Transportation Permit for Cattle or Alternative Livestock”	State Board of Brand Inspection Commissioners/ Brand Inspection Division	35-41-101 and 35-53-130	Yes	Remove alternative livestock from the rule; update fees; and update language.	No	No	In progress. Adoption scheduled for December 20, 2018	
8 CCR 1205-5 “Rules Pertaining to the Publication and Sale of Abandoned Brands”	State Board of Brand Inspection Commissioners/ Brand Inspection Division	35-43-115.5	No	N/A	No	No	N/A	
8 CCR 1208-1 “Colorado State Fair Authority Rules”	Colorado State Fair	35-65-401	--	N/A	--	--	N/A	Postponed to 2019.

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 1203-23 “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 rather than repeated throughout the rule; and correct non-substantive typographical, numerical and formatting errors.	Adopted February 22, 2018	
8 CCR 1203-26 “The Use of Pesticides in the Cultivation of Retail Marijuana”	Plant Industry Division	Revision	24-20-112 (1)	Add required provisions to incorporate federal statutory provisions by reference and allow the use of unregistered pesticides in the cultivation of retail marijuana for research and demonstration purposes only.	Adopted February 22, 2018	
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 title of Part 1 to include “Incorporations by Reference”; add a part to address the incorporation by reference provisions; and update the references to the current edition of the Code of Federal Regulations.	Adopted February 22, 2018	

Rule Number (CCR) and Title (or Description)	Division/ Board/ Program	New rule, revision, or repeal?	Statutory or Other Basis	Purpose	Status	Comments
8 CCR 1201-18 “Bureau of Animal Protection Rules”	Animal Health Division	Revision	35-42-106	Update statistic reporting requirements; remove the requirement for agents to return expired BAP commission cards to the Department and make the statistics required for submission by Part 5 consistent with the definition of statistics as set forth in Part 1.	Adopted April 11, 2018	
8 CCR 1203-8 “Administration and Enforcement of the Colorado Chemigation Act”	Plant Industry Division	Repeal	35-11-104	Repeal the existing “Administration and Enforcement of the Colorado Chemigation Act” currently codified at 8 CCR 1203-8. The Rules will be re-enacted and amended at 8 CCR 1206-4.	In progress. Adoption scheduled for November 7, 2018	
8 CCR 1206-4 “Administration and Enforcement of the Colorado Chemigation Act”	Conservation Services Division	New rule/ Revision	35-11-104	Recodify the Rules from the Plant Industry Division to the Conservation Services Division and increase permit and inspection fees in and outside of Groundwater Management Districts. Other changes as a result of a regulatory review include clean-up of language to make the rules easier to understand and renumber for consistency with other Department rules.	In progress. Adoption scheduled for November 7, 2018	
8 CCR 1207-3 “Rules Pertaining to the Agriculture Workforce Development Program”	Commissioner’s Office	New rule	35-1-105.5 (2)	Adopt rules pursuant to SB18-042 that create an agricultural workforce development program providing incentives to agricultural businesses to hire interns.	In progress. Adoption scheduled for November 7, 2018	