



700 Kipling Street, Suite 4000
 Lakewood, CO 80215-8000
 303-239-4100 ♦ Fax 303-239-4125
www.colorado.gov/ag



John T. Salazar, Commissioner
 Ron P. Carleton, Deputy Commissioner

John Hickenlooper
 Governor

Colorado Department of Agriculture 2014 Regulatory Agenda

Date to be determined

Notice Published	
Rule Number	8 CCR 1203-23
Rule Title	“Emerald Ash Borer Quarantine”
Statutory Authority	35-4-110(1) C.R.S.
Purpose	Establish a permanent emerald ash borer quarantine around Boulder County and a few adjacent areas to replace the emergency quarantine. This will protect the ash tree resource that is not infested in other counties.
Persons/Parties Affected	Residents, towns, cities, nurseries, arborists, and pesticide applicators that are located in Boulder County or operate in Boulder County.

Adopt February 12, 2014 – Effective March 30, 2014

Notice Published	December 25, 2013
Rule Number	8 CCR 1203-2
Rule Title	“Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicator’s Act”
Statutory Authority	35-10-118(2)(a) and (b) C.R.S.
Purpose	Establish rules for anyone who operates a device for hire that the Commissioner has determined may constitute a significant risk to public health or safety in accordance with C.R.S. 35-10-118(9.5).
Persons/Parties Affected	Commercial pesticide applicators who operate any device, as defined in C.R.S. 35-10-103(5), for hire that produces a pesticide as defined in C.R.S. 35-10-103(10) and Rule 15.05.

Notice Published	December 25, 2013
Rule Number	8 CCR 1206-2
Rule Title	“Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act
Statutory Authority	35-5.5-115 C.R.S.

Purpose	The purposes of the proposed changes are to add management plans for the last four List B species currently lacking management plans; add four species to the Watch List; and revise existing rule language regarding road rights-of-ways and riparian areas. The List B management plans are the last four of 37 plans, and once added to the rule, will finish the drafting of new management plans. Three of the four species to be added to the (non-regulatory) Watch List are aquatic species that have been recommended for listing by Colorado Parks and Wildlife, and may become problematic in the state. The added surveillance provided by the listing will help us determine the ultimate status of these species.
Persons/Parties Affected	Local governments, weed management programs, and landowners.

Adopt April 9, 2014 – Effective May 30, 2014

Notice Published	February 25, 2014
Rule Number	8 CCR 1202-2
Rule Title	“Measurement Standards”
Statutory Authority	35-12-123(1), (2)(a), (b) and (7); 35-14-124(5) C.R.S.
Purpose	The purpose of the proposed rule amendments are to 1) establish the criteria for what information will be required on an in-service report; 2) establish the performance requirements for device service providers; 3) revise/update the certification requirements for a device service provider; 4) establish criteria for blue and red tags for rejected devices; and 5) general editing of text. Changes will be proposed as a result of the Department’s Regulatory Efficiency Review process conducted in accordance with the Governor’s Executive Order D 2012-002.
Persons/Parties Affected	Companies applying for certification as a device service provider and companies currently certified as device service providers.

Notice Published	February 25, 2014
Rule Number	New Rule
Rule Title	“Method of Sale of Commodities”
Statutory Authority	35-14-107(1)(o) C.R.S.
Purpose	The purpose of the proposed rule is to require a specified method of sale for certain commodities so that adequate information is provided to the purchaser to allow them to make an informed decision and price quantity comparisons when making a purchase.
Persons/Parties Affected	Persons selling commodities that are covered under the rule.

Notice Published	February 25, 2014
Rule Number	8 CCR 1203-5
Rule Title	"Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Nursery Act"
Statutory Authority	35-26-111 C.R.S.
Purpose	Remove all rule requirements for nursery stock to conform to a specific range of root ball sizes.
Persons/Parties Affected	Nurseries registered in Colorado.

Adopt June 11, 2014 – Effective July 30, 2014

Notice Published	April 25, 2014
Rule Number	8 CCR 1201-11
Rule Title	"Rules and Regulations Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act"
Statutory Authority	35-80-109 C.R.S.
Purpose	The purpose of the proposed rule revision is to improve wording in the definitions for clarification, to remove language in the rule that already exists in statute, to remove redundant language from the rule, and to amend the language in some sections to clarify the requirements. The new format of the rule will be based on the species of pet animal rather than on the type of facilities. Changes will be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with the Governor's Executive Order D 2012-002.
Persons/Parties Affected	Regulated Pet Animal Care and Facilities Act facilities will be impacted. Certain license categories may need to amend their practices or change a portion of their physical facility. The consolidation of the rule will make it easier for licenses to understand and will improve consistent enforcement. Pet animals will be positively impacted.

Notice Published	April 25, 2014
Rule Number	8 CCR 1202-8
Rule Title	"Rules Concerning the Use of Irrevocable Letters of Credit in Lieu of Surety Bonds Under the Colorado Farm Products Act and the Colorado Commodity Handler Act"
Statutory Authority	12-16-103 and 12-16-202 C.R.S.
Purpose	The purpose of the proposed rules will be to revise the "Letter of Credit" rules regarding the timeline of liability, and to modernize the rules to conform to modern banking practices.
Persons/Parties Affected	Banks that issue letters of credits and farm product dealers and commodity handlers who utilize letters of credit should both be positively impacted. There are not negative impacts identified.

Notice Published	April 25, 2014
Rule Number	8 CCR 1202-11
Rule Title	“Rules Pertaining to the Administration of the Farm Products and Commodity Handler Acts, Sections 12-16-101 et seq.. C.R.S.”
Statutory Authority	12-16-105(2), 12-16-117(1), 12-16-206(2) and 12-16-210(1) C.R.S.
Purpose	The purpose of the proposed rule is to implement statutory changes regarding the issuance, use and records requirements of paper and electronic negotiable warehouse receipts and establishment of a warning statement to be included on credit sale contracts.
Persons/Parties Affected	Farm products dealers, commodity handlers and ag producers.

Adopt September 17, 2014 – Effective November 14, 2014

Notice Published	Between June 25 and August 10, 2014
Rule Number	8 CCR 1202-10
Rule Title	“Rules Pertaining to the Administration and Enforcement of the Colorado Egg Law”
Statutory Authority	35-21-106(1) C.R.S.
Purpose	The purpose of the proposed rule is to establish processing requirements for egg producers; amend the definition of Class I Egg Producer/Dealers; change the temperature requirements to be consistent with the state health code and federal regulations; update labeling requirements; and clarify the types of approved containers that may be used to pack eggs. Changes will be proposed as a result of the Department’s Regulatory Efficiency Review process conducted in accordance with the Governor’s Executive Order D 2012-002.
Persons/Parties Affected	Egg producers will be minimally affected by the rules.

Notice Published	Between June 25 and August 10, 2014
Rule Number	8 CCR 1206-1
Rule Title	“Water Quality Control Concerning Agricultural Chemicals and Ground Water”
Statutory Authority	25-8-205.5(3)(b) C.R.S.
Purpose	The Department will more narrowly focus its rules regarding the storage of bulk pesticides. Specifically, this change will define which types of facilities storing bulk pesticides CDA will no longer regulate. This change will focus CDA’s efforts on agriculturally–related facilities.
Persons/Parties Affected	Any public water systems or domestic wastewater treatment works that store pesticides in bulk quantities would be impacted by these rules. The rule change would

	eliminate them from regulation under our rules (8 CCR 1206-1). We do not currently inspect these types of facilities.
--	---

Notice Published	Between June 25 and August 10, 2014
Rule Number	8 CCR 1206-2
Rule Title	“Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act”
Statutory Authority	35-5.5-115 C.R.S.
Purpose	The purposes of the proposed changes are to add one species to the Noxious Weed List A; to move one species currently on List B to List C; and to replace existing management plans with updated plans for seven existing B species. Revising the list B plans helps local entities devote resources to where they are most needed.
Persons/Parties Affected	Local governments, weed management programs, and landowners may be impacted by these rules.

Adopt November 12, 2014 – Effective December 30, 2014

Notice Published	September 25, 2014
Rule Number	8 CCR 1201-19
Rule Title	“Livestock Disease Control”
Statutory Authority	35-50-101 through 122 C.R.S.
Purpose	The purpose of the rulemaking will be to update language and outdated terms; make state livestock control rules consistent with the new federal animal disease traceability rule; and incorporate recommendations from the Colorado Cattlemen’s Association to slightly revise trichomoniasis rules. Changes will be proposed as a result of the Department’s Regulatory Efficiency Review process conducted in accordance with the Governor’s Executive Order D 2012-002.
Persons/Parties Affected	Famers/ranchers, livestock transport companies, and livestock auction market owners within Colorado and in other states that produce, sell, or transport livestock.

Notice Published	September 25, 2014
Rule Number	8 CCR 1202-6
Rule Title	“Rules for Commercial Feed Under the Colorado Commercial Feed Law, Sections 36-60-101 through 115, C.R.S.”
Statutory Authority	35-60-109 C.R.S.
Purpose	The purpose of the proposed rule amendments is to 1) adopt by reference the federal BSE Rule; 2) establish rules for Best Manufacturing Practices (BMP’s) for feed manufacturers; 3) update the state recognized edition of the

	AAFCO Official publication to the most recent edition; 4) update labeling requirements; and 5) general edit of text and removal of unnecessary and obsolete text. Changes will be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with the Governor's Executive Order D 2012-002.
Persons/Parties Affected	Feed manufacturers.

Notice Published	September 25, 2014
Rule Number	8 CCR 1202-7
Rule Title	"Rules for Pet Food Under the Colorado Feed Law Sections 36-60-101 through 115, C.R.S."
Statutory Authority	35-60-109 C.R.S.
Purpose	The purpose of the proposed rule amendments is to 1) adopt by reference the federal BSE Rule; 2) promulgate rules for Best Manufacturing Practices (BMP's) for feed manufacturers; 3) update the edition of the AAFCO Official publication recognized by Colorado, to the most recent edition; 4) add Safe Handling labeling requirements for raw pet foods; and 5) general editing of text and removal of unnecessary and obsolete text. Changes will be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with the Governor's Executive Order D 2012-002.
Persons/Parties Affected	Feed manufacturers.

Notice Published	September 25, 2014
Rule Number	8 CCR 1203-6
Rule Title	"Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Seed Act"
Statutory Authority	35-27-114(1)(b) C.R.S.
Purpose	Amend the rules to update and clarify the definitions, add prohibited weeds, and clarify tetrazolium testing requirements. Changes will be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with the Governor's Executive Order D 2012-002.
Persons/Parties Affected	Entities registered as retail seed dealers, seed labelers, custom seed conditioners, and farmer seed labelers.

Regulatory Efficiency Review

Rule Number	8 CCR 1202-4
Rule Title	"Fertilizers and Soil Conditioners"
Statutory Authority	35-12-114 C.R.S.
Purpose	A committee is being created to assess the current rules relating to labeling, sampling and analysis of compost. This committee will assess the effectiveness of the current rules, and recommend necessary rule changes. Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with the Governor's Executive Order D 2012-002.

Rule Number	8 CCR 1203-4
Rule Title	"Rules and Regulations Pertaining to the Administration and Enforcement of the Bee and Bee Products Act"
Statutory Authority	35-25-101 through 117 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with the Governor's Executive Order D 2012-002.

Rule Number	8 CCR 1203-9
Rule Title	"Permanent Rules Pertaining to the Administration and Enforcement of the Organic Certification Act"
Statutory Authority	35-11.5-101 through 35-11.5-117 C.R.S.
Purpose	Changes may be proposed as a result of the Department's Regulatory Efficiency Review process conducted in accordance with the Governor's Executive Order D 2012-002.