

November 1, 2013

Colorado General Assembly
200 East Colfax Avenue
Denver, CO 80203

RE: Colorado Department of Public Safety Regulatory Agenda

Dear Members of the General Assembly:

Below please find the Regulatory Agenda for the Colorado Department of Public Safety, pursuant to C.R.S. §2-7-203(2)(a)(IV).

December, 2013

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on December 15, 2013 on "Prescribed Burning Program" pursuant to C.R.S. §24-33.5-1217. The purpose of these rules is to establish training and certification standards for users of prescribed fire and to adopt minimum prescribed burning standards. This rule will affect state agencies and those performing prescribed fires on state land. The anticipated effective date is March 25, 2014.
2. The Colorado State Patrol (CSP), Hazardous Materials Section, will be filing a Notice of Rulemaking for "Rules and Regulations Concerning the Permitting, Routing, and Transportation of Hazardous and Nuclear Materials and the Transportation of Agricultural Products in the State of Colorado" on December 15, 2013, pursuant to §§42-20-108(1) & (2); §42-20-203; §42-20-504; §42-20-508; and §42-20-108.5, CRS. The purpose of these rules is to provide guidance regarding the permitting, routing and safe transportation of hazardous and nuclear materials by motor vehicles within the State of Colorado. These rules currently do and will continue to impact public and private sector hazardous materials transporters and responders. The anticipated effective date of these rules is April 1, 2014.

John W. Hickenlooper
GOVERNOR

James H. Davis
EXECUTIVE DIRECTOR

Colorado State Patrol

Colorado Bureau
of Investigation

Division of
Criminal Justice

Division of Fire
Prevention and Control

Division of Homeland Security
and Emergency Management



3. The CSP Hazardous Materials Section will also be filing a Notice of Rulemaking for “Claims for Reimbursement for the Costs of Handling Hazardous Substance Incidents,” on December 15, 2013, pursuant to §29-22-104 (6)(a) and (b), CRS. The purpose of these rules is to provide guidance to public entities claiming reimbursement for the costs associated with hazardous substance incident responses. These rules affect highway transportation and emergency response communities. The anticipated effective date of these rules is April 1, 2014.
4. The CSP Motor Carrier Safety Section, Troop 8D, will be filing a Notice of Rulemaking for “Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles” on December 15, 2013, pursuant to §42-4-235(4)(a), CRS. The purpose of these rules is to provide guidance and regulation to individuals, corporations, Colorado government, governmental subdivisions and agencies and other legal entities who operate commercial vehicles in Colorado as defined by §42-4-235(1)(a), CRS. These rules currently and will continue to impact commercial motor carriers and operators, as well as governmental subdivisions, entities or legal entities based in Colorado who operate commercial vehicles in the course of their business operations. The anticipated effective date of these rules is April 1, 2014.
5. The CSP, Port of Entry, will be filing a Notice of Proposed Rulemaking for “Port of Entry Rules for Commercial Motor Carrier, Size, Weight and Clearance”, on December 15, 2013, pursuant to §42-8-104, CRS. The purpose of these rules is to set forth the size and weight limits, clearance and permitting requirements, and to define port operations as they apply to the operation of commercial motor vehicles in the State of Colorado. These rules currently and will continue to affect the Colorado Department of Transportation; Colorado Department of Revenue; the Federal Highway Authority; the Federal Motor Carrier Safety Administration (FMCSA); the Colorado Motor Carriers Association (CMCA); and commercial motor vehicle operators (and businesses that operate commercial motor vehicles) in the State of Colorado. The anticipated effective date of these rules is April 2, 2014.

March, 2014

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on March 31, 2014, for “Hazardous Materials Responders Voluntary Certification Program” pursuant to C.R.S. §24-33.5-1401-1406 - Repealed. The Hazardous Materials Responders Voluntary Certification Program was repealed, effective 7/1/2011. The repeal of these rules will affect the Colorado State Fire Chief’s Association, Colorado Fire Training Officers Association, local fire departments and local law enforcement agencies. The anticipated effective date is June 30, 2014

May, 2014

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on May 30, 2014, for “Firefighter, First Responder and Hazardous Materials Responders Voluntary Certification Program” pursuant to C.R.S. 24-33.5-1204. The purpose of these rules is to set standards to measure the level of knowledge, skills and abilities possessed by firefighters and to attest that these individuals meet nationally recognized standards. These competencies-based

standards permit evaluation of training programs and promote uniformity in emergency services training. Additionally, there is an advisory board whose purpose is to advise the director on the administration of the voluntary fire service education and training program within the Division of Fire Prevention and Control and voluntary firefighter, first responder, and hazardous materials responder certification programs. These rules will affect the Colorado State Fire Chief's Association, Colorado Fire Training Officers Association, members of the emergency response communities, local fire departments, local law enforcement agencies, all hazardous disciplines, International Fire Service Accreditation Congress (IFSAC), and the National Board on Fire Service Professional Qualifications (Pro Board). The anticipated effective date is August 30, 2014.

June, 2014

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on June 30, 2014, for "Persons Dealing with Fireworks" pursuant to C.R.S. §12-28-101. The purpose of these rules is to establish minimum requirements and standards for licenses to sell, store, or use fireworks in the interest of the life, health and safety of employees and the public, as well as the protection of property. These rules affect municipal and county governments, local fire departments, local police departments, Rocky Mountain Pyrotechnic Guild, retailers, wholesalers, exporters, display operators, pyrotechnic operators and the general public. The anticipated effective date is September 30, 2014.
2. The Division of Homeland Security & Emergency Management will be filing a Notice of Proposed Rulemaking on June 2, 2014, for "Continuity of State Government Operations" pursuant to C.R.S. §24-33.5-1609. The purpose of these rules is to establish minimum requirements and standards to ensure continuity of operations / continuity of government during and after a disaster or other disruptive event, which shall include establishing a COOP/COG liaison in each applicable state agency; development of continuity plans and procedures based upon risk; adoption of universal COOP/COG planning templates; adoption of annual training and exercise requirements to validate plans; and state agency participation in security assessments pursuant to C.R.S. §24-33.5-1611 to inform planning efforts. The rules affect all Executive Branch agencies. The anticipated effective date is September 14, 2014.
3. The Division of Homeland Security & Emergency Management will be filing a Notice of Proposed Rulemaking on June 2, 2014, for "Building Security & Occupant Protection" pursuant to C.R.S. §24-33.5-1608. The purpose of these rules is to establish minimum requirements and standards designed to enhance the safety and security of state employees through education, awareness and uniform policy guidance; adoption of prevention, protection and mitigation strategies designed to ameliorate threats to state government facilities and other key resources; enhance emergency notification of employees before, during and after an event; and through state agency participation in security assessments pursuant to C.R.S. §24-33.5-161. The rules affect all Executive Branch agencies. The anticipated effective date is September 14, 2014.

July, 2014

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on July 31, 2014, for "Fire Code Enforcement and Certification of Fire Inspectors for Public Schools, Charter Schools and Junior Colleges" pursuant to C.R.S. 24-33.5-1203.5. The purpose of these rules is to provide guidelines when developing plan reviews and issuing building permits for construction pertaining to public schools, charter schools and junior colleges in Colorado, to provide inspections and to issue certificates of occupancy, and to certify qualified individuals to perform inspections of permitted work performed on Colorado Schools. The rules affect Colorado public school districts, charter schools, junior colleges, architects, engineers and other designers, contractors, third party inspectors, local pre-qualified building departments and local fire authorities having jurisdiction. The anticipated effective date is October 31, 2014.

August, 2014

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on August 30, 2014, for "Uniform Standards and Minimum Fire and Life Safety Requirements for Waste Tire Facilities" pursuant to C.R.S. §24-33.5-1203.5 and C.R.S. §25-17-206. The purpose of the rules is to ensure that waste tire facilities are constructed, maintained and inspected in compliance with Section §25-17-206, C.R.S. and the adopted codes. The rules affect waste tire facility owners and/or operators and local fire authorities having jurisdiction. The anticipated effective date is November 30, 2014.

September, 2014

1. The Division of Fire Prevention and Control will be filing a Notice of Proposed Rulemaking on September 30, 2014, for "Reduced Ignition Propensity Cigarette Standards and Certification" pursuant to C.R.S. 24-33.5-1214. The purpose of the rules is to establish the authority and duty of the Division of Fire Prevention and Control to ensure that cigarettes sold or offered for sale in Colorado meet the ignition strength standards specified in Section §24-33.5-1214, C.R.S. The rules affect cigarette manufacturers, retail and wholesale dealers, state agencies and the general public. The anticipated effective date is December 31, 2014.

Respectfully submitted, November 1, 2013.



James Davis, Executive Director