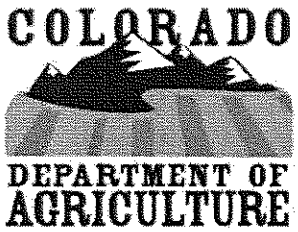

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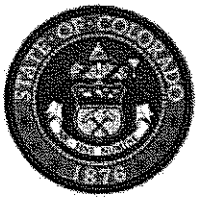
John T. Salazar, Commissioner
Ron P. Carleton, Deputy Commissioner



John Hickenlooper
Governor

Colorado Department of Agriculture
Regulatory Agenda

Adopt February 12, 2013 – Effective March 30, 2013

8 CCR 1203-20
"Rules and Regulations Pertaining to the Production of Strawberry Nursery Stock"
Statutory Authority: 35-16-104 C.R.S.
Purpose: We are proposing to eliminate this set of rules. The industry to produce strawberry nursery stock never materialized.
Persons or Parties Affected: No one is impacted since the industry is not functioning. The two growers initially involved in the program are no longer raising this crop. Colorado State University set up a strawberry certification program to help the growers. CSU agrees that the rules should be eliminated.

8 CCR 1203-5
"Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Nursery Act"
Statutory Authority: 35-26-111 C.R.S.
Purpose: The purpose of the proposed rule amendments are to 1) address mandatory versus advisory language; 2) ensure that all rule language is easily understood by the regulated community and Colorado Department of Agriculture staff; 3) ensure that all rule language is consistent with the Act and enforceable; and 4) add plant species to the list of prohibited weeds that shall not be sold as or contaminate nursery stock.
Persons or Parties Affected: The individuals/companies who are registered as nurseries would be impacted by the program. We have worked with the industry group (Colorado Nursery and Greenhouse Association) that represents individuals who would be affected in drafting these amendments.

8 CCR 1203 -6
"Rules and Regulations Pertaining to the Administration and Enforcement of the Colorado Seed Act"
Statutory Authority: 35-27-114 C.R.S.
Purpose: We will be proposing a change to the prohibited weeds section of the rules to add at least chicory to the list. This will then mirror the noxious weed rules list so that there is a consistent regulatory approach regarding chicory.

Persons or Parties Affected: The individuals/companies who are registered as seed labelers and dealers would be impacted by the rule changes. They would not be allowed to sell chicory seed. We will work with the industry group (Colorado Seed Industry Association) that represents individuals who would be affected in drafting this amendment.

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"

Statutory Authority: 35-4-110 C.R.S.

Purpose: We are proposing to remove the soil sampling option for determining nursery accreditation to export nursery stock to Colorado. We will also clarify the size of containers that can be drenched versus dipped for treatment.

Persons or Parties Affected: The individuals/companies who are registered as nurseries would be impacted by the program in that they may not be able to obtain nursery stock from certain states because that state cannot meet the requirements. We have worked with the industry group (Colorado Nursery and Greenhouse Association) that represents individuals who would be affected in drafting these amendments. Nurseries in other states with large Japanese beetle populations may be affected if they cannot meet the certification requirements.

8 CCR 1201-21
"Rules Pertaining to the Administration and Enforcement of the Colorado Aquaculture Act"

Statutory Authority: § 35-24.5-107(1) C.R.S.

Purpose: The purpose of these proposed rule amendments is to 1) change definitions for "aquatic organism" and "gamete", and to change language throughout the rule to conform to the new definitions; 2) define "Division" to comport with the new Division of Parks and Wildlife; 3) introduce new structure to the rules to provide ease of comprehension and application without modifying any current requirements or limitations; and 4) provide a registration process for bait dealers who are exempt from the aquaculture facility permitting process to ensure that the Department properly records them as bait dealers and thus exempt from permitting requirements.

Persons or Parties Affected: Bait dealers will be required to fill out an exemption form but will be exempt from permitting requirements and fees. Industry people who work with aquaculture species that are not "fish" will be required to get permits.

Adopt April 9, 2013 – Effective May 30, 2013

8 CCR 1203-10
"Rules Pertaining to the Administration and Enforcement of the Weed Free Forage Crop Certification Act"
Statutory Authority: 35-27.5-103 C.R.S.
Purpose: To change the agency responsible for inspector training from Colorado State University Cooperative Extension to the Colorado Department of Agriculture.
Persons or Parties Affected: There will be no impact to the regulated inspectors. The Department of Agriculture has always had an active role in providing the training to potential inspectors and Colorado State University Extension will continue in its current role.

8 CCR 1202-2
"Measurement Standards"
Statutory Authority: § 35-14-127(1) C.R.S.
Purpose: The purpose of the proposed rule is establish a new expiration date for a license to operate commercial weighing and measuring devices. The expiration date will be moved to allow the department to establish a common license expiration date for licenses which will allow the implementation of a consolidated licensing system.
Persons or Parties Affected: No identified impact.

8 CCR 1202-10
"Rules Pertaining to the Administration and Enforcement of the Colorado Egg Law"
Statutory Authority: § 35-21-104(1) C.R.S.
Purpose: The purpose of the proposed rule is establish a new expiration date for an egg dealer license. The expiration date will be moved to allow the department to establish a common license expiration date for licenses which will allow the implementation of a consolidated licensing system.
Persons or Parties Affected: No identified impact.

8 CCR 1202-11
"Rules Pertaining to the Administration and Enforcement 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 establish a new expiration date for a Farm Products Dealer and Commodity Handler license. The expiration date will be moved to allow the department to establish a common license expiration date for licenses which will allow the implementation of a consolidated licensing system.
Persons or Parties Affected: No identified impact.

8 CCR 1202-12
"Rules Pertaining to the Administration and Enforcement of the Sale of Meat Act Method of Sale of Home Food Service"
Statutory Authority: § 35-33.5-301(3) C.R.S.
Purpose: The purpose of the proposed rule is to establish a new expiration date for a license to sell a home food service plan. The expiration date will be

moved to allow the department to establish a common license expiration date for licenses which will allow the implementation of a consolidated licensing system.

Persons or Parties Affected: No identified impact.

8 CCR 1202-13
"Rules Pertaining to the Administration and Enforcement of the Custom Processing of Meat Animals Act"

Statutory Authority: § 35-33-206(3) C.R.S.

Purpose: The purpose of the proposed rule is establish a new expiration date for a license to operate a custom meat processing facility. The expiration date will be moved to allow the department to establish a common license expiration date for licenses which will allow the implementation of a consolidated licensing system

Persons or Parties Affected: No identified impact.

Adopt June 11, 2013 – Effective July 30, 2013

8 CCR 1206-2
"Rules Pertaining to the Administration and Enforcement of the Colorado Noxious Weed Act"

Statutory Authority: 35-5.5-15 C.R.S.

Purpose: The purpose of the proposed changes are to add three aquatic species to the Noxious Weed List A species; to add the final four management plans for List B species; and to add two species to the Watch List. Adding the aquatic species to List A will help to bring consistency to the lists of noxious weed species in the state. Currently, these species are on the Colorado ANS Watch List, which is non-regulatory, and Colorado Parks and Wildlife and the state noxious weed advisory committee has recommended that they be placed on List A. 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. The two species to be added to the (non-regulatory) Watch List may become problematic in the state, and the added surveillance provided by the listing will help us determine the ultimate status of these species.

Persons and Parties Affected: Local governments, weed management programs, and landowners may be impacted by these rules.

8 CCR 1203-2
"Rules and Regulations Pertaining to the Administration and Enforcement of the Pesticide Applicators' Act"

Statutory Authority: 35-10-118 C.R.S.

Purpose: The purpose of the proposed rule changes are to 1)require licensure to use devices that produce a pesticide product; 2) clarify that during the solicitation process a company must disclose in writing that they will subcontract any pesticide applications associated with the contract to a licensed commercial applicator; 3) clarify more definitive guidelines on what constitutes a business location; 4) clarify requirements for copies of labels and labeling that must be in an applicators' possession, specifically Endangered Species Bulletin language; 5) remove "household pest

control" language that creates a discrepancy for structural experience requirements under the Residential Commercial licensure category.

Persons or Parties Affected: The individuals and companies licensed as pesticide applicators would be impacted by the changes. We are working with the statutory advisory committee that represents pesticide applicators in drafting these amendments.

8 CCR 1201-9
"Inedible Meat Rendering and Processing"
Statutory Authority: Title 35 Article 59 C.R.S. (repealed)
Purpose: The purpose of this rule-making will be to repeal the rule in its entirety. The rule was promulgated under the authority of the Inedible Meat Rendering and Processing Act, which was repealed in the 2012 legislative session.
Persons or Parties Affected: None have been identified.

8 CCR 1202-1
"Packaging and Labeling"
Statutory Authority: §§ 35-14-107(1)(o) and 35-14-118(1)(c) C.R.S.
Purpose: The purpose of the proposed rules is to update the existing packaging and labeling rules and create a standard of identity for honey.
Persons or Parties Affected: There will be no impact on the packaging and labeling rule as it will be the same as the federal standard. An identity rule for honey will positively impact honey producers and consumers since it will provide for consumer protection through the truth in labeling of honey, and create a 'level playing field" for honey producers.

Adopt September 24, 2013 – Effective November 14, 2013

8 CCR 1201-12
"Depredating Predator Animal Control"
Statutory Authority: 35-40-101 and § 33-6-207(3) C.R.S.
Purpose: To update language, remove references to commercial products, and general clean-up.
Persons or Parties Affected: The agricultural industry, Colorado Parks and Wildlife, an individual company that owns a trademark for identified traps, and the general public could be impacted by this rule.

8 CCR 1201-11
"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.

Persons or 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 licensees to understand and will improve consistent enforcement. Pet animals will be positively impacted.

Adopt November 12, 2013 – Effective December 30, 2013

8 CCR 1206-1
"Water Quality Control Concerning Agricultural Chemicals and Ground Water"
Statutory Authority: § 25-8-205.5(3)(b) C.R.S.

Purpose: The Department needs to more narrowly focus its rules regarding the storage of bulk pesticides. This change will more clearly define which types of pesticide storage facilities CDA will regulate. This change will focus CDA's efforts on agriculturally–related facilities.

Persons or Parties Affected: Any non-agricultural related entities 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.

8 CCR 1202-8
"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 or 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 no negative impacts identified.