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2008 Legislative Issues

The Colorado Department of Agriculture (CDA) is proposing changes to the Commercial Fertilizer, Soil Conditioner, Plant Amendment, and Agricultural Liming Material Act (35-12 C.R.S) for consideration during the upcoming 2008 Legislative Session.

During the past 30 years, the fertilizer and soil conditioner industries have undergone many changes; however, the Commercial Fertilizer Law has not been revised since 1977.

The following is a summary of the proposed changes:

- Removes definition and all references to "agricultural liming material." Liming materials are rarely used in Colorado and are regulated as a fertilizer or soil conditioner.
- Removes definition of "brand" and eliminates the brand registration requirement.
- Adds definitions for "compost," "composting," "distribute," "product," and "product name" and removes definitions for "basic supplier" and "unit" to clarify the intent of the statute.
- Provides an exemption from registration and inspection fees for distributors that market compost without fertilizer or soil conditioner claims.
- Replaces automatic daily late penalty fee assessment with an annual penalty fee set by the Colorado Agricultural Commission.
- Adds label requirements for manufacture date or code and directions for use.
- Replaces the term "inspection fee" with "distribution fee" to clarify the intent of the fee. This fee is based upon the amount of product distributed, not the amount inspected.
- Reduces the distribution report filing requirement from semi-annual to annual.
- Allows the Commissioner to establish due dates for reports and applications.

- Eliminates automatic penalty assessment for products that fail to meet label guarantees.
- Adds language throughout to conform to the Colorado Administrative Procedures Act.
- Adds language to identify excessive heavy metal content as adulteration.
- Eliminates the automatic penalties for short weight products. This requirement is enforced under the Measurement Standards Act (35-14 CRS).
- Adds language to allow the Commissioner to investigate complaints or compliance issues.
- Adds language to allow the authority to issue civil penalties for significant violations.

CDA is also proposing changes to the Anhydrous Ammonia Law (35-13 C.R.S) for consideration during the upcoming 2008 Legislative Session. This law provides for the regulation of the storage and handling of anhydrous ammonia for agricultural use. Agricultural producers, citizens, and the environment are protected through the administration of this law. Storage facilities, transport tanks, and application tanks and equipment are inspected for compliance with safety rules.

The following is a summary of the proposed changes:

- Modifies the inspection and registration requirements for anhydrous ammonia tanks. Currently tanks with a capacity of less than 500 gallons must be inspected before being sold, filled, or delivered. The change will require tanks of any capacity to be registered before being filled or delivered.
- Updates the language regarding enforcement to conform to the Colorado Administrative Procedures Act and allows the Commissioner to take immediate action on safety violations.
- Allows the Commissioner to establish registration dates.

For a copy of the proposed laws, contact Pat Johnson at (303) 477-0086, or [click here](#). Please forward any comments to Ms. Johnson.