

DEPARTMENT OF AGRICULTURE

State Board of Stock Inspection Commissioners

RULES PERTAINING TO THE FEEDLOT CERTIFICATION ACT

8 CCR 1205-4

Part 1. Definitions

- 1.1. "Act" means the Feedlot Certification Act, §§ 35-53.3-101 through 115, C.R.S.
- 1.2. "Board" means the Colorado State Board of Stock Inspection Commissioners. All notifications to the Board required by this Rule must be made to the Broomfield Office as defined herein.
- 1.3. "Broomfield Office" means the Broomfield office of the State Board of Stock Inspection Commissioners, 305 Interlocken Parkway, Broomfield, CO 80021.
- 1.4. "Direct to slaughter movement permit" means a certificate on forms provided to certified feedlot licensees by the Broomfield Office and prepared by persons identified and authorized by the feedlot to prepare the certificate.
- 1.5. "Inspector" means a brand inspector performing inspections on behalf of the State Board of Stock Inspection Commissioners, Colorado Department of Agriculture.
- 1.6. "Notice within 24 hours of arrival" as used in § 35-53.5-109(3), C.R.S means notice shall be provided at any time before but not later than 24 hours after arrival.
- 1.7. "Source" means the origin of the animals. That lot of animals purchased at a specific market on the same day are from the same source. Further, animals purchased from one legal entity and shipped together on one date from one shipping point are considered from the same source. For animals purchased by an order buyer from several entities and loaded at different locations, each shipping point, as identified by the required purchase documents pursuant to § 35-53.5-109(3), C.R.S, shall be considered a source.

Part 2. Application for certification

- 2.1. A feedlot must apply for certification on the form(s) provided by the Board.
- 2.2. At a minimum, the applicant must provide the following information:
 - 2.2.1. The full name of the legal entity to be named on the certification;
 - 2.2.2. Specification as to the type of legal entity, e.g., individual, corporation, limited liability company, partnership, or association;
 - 2.2.3. Mailing and/or business address for the feedlot;

- 2.2.4. Physical address for the feedlot;
 - 2.2.5. The names and addresses of all owners, partners, members or officers, as applicable;
 - 2.2.6. The name and address of the registered agent for service, as applicable;
 - 2.2.7. The total feedlot capacity, when full; and,
 - 2.2.8. The number of separate pens with proper inspection areas for incoming feeder cattle.
- 2.3. A facility authorization form provided by the Board and signed by the area Inspector or Inspector Supervisor, confirming that proper working areas and holding pens are available at the feedlot, must accompany each new application.
- 2.4. The application fee, as set forth in Part 3.1., must be submitted with the application.
- 2.5. The feedlot must ensure proper and appropriate working areas for the inspections as defined in Part 4.6.

Part 3. Fees

- 3.1. The fee for application and annual renewal of certification shall be \$1000.00 per year, or such lesser sum as the Board may direct.

Part 4. Required separation of cattle

- 4.1. Any feedlot with a new certification or being reinstated after suspension or revocation must not commingle any cattle which enter the lot after the effective date of certification or reinstatement with cattle in the lot prior to such certification or reinstatement. All animals in the lot prior to the date of certification or reinstatement must be inspected prior to slaughter pursuant to the provisions of § 35-53-105 , C.R.S., and all applicable fees must be paid at the time of such inspection.
- 4.2. All animals entering a certified feedlot not accompanied by a current brand inspection certificate or a purchase sheet from a brand inspection state specifically identifying the animals by brand or no brand shall be kept separate by source until inspected pursuant to § 35-53.5-109(3), C.R.S.
- 4.3. Animals may be held separate by source in any secure enclosure at the certified feedlot where proper animal care can be provided.
- 4.4. The facility must be such that animals held separate by source may be readily placed in an alley or other properly designed working area in which a thorough animal inspection may be accomplished by the assigned Inspector.
- 4.5. All loads or shipments of animals must be placed in the working area by the feedlot personnel prior to inspection.
- 4.6. A proper working area must contain alleys, chutes, gates, sorting pens and holding pens of adequate size to hold the number of animals requiring inspection.

Part 5. Site inspections, audits and complaints

- 5.1. Any authorized Inspector or Board member may conduct a site inspection at the Inspector's or Board member's discretion. Such inspection may include:
 - 5.1.1. The entry log to verify recordkeeping;
 - 5.1.2. Pen and lot files to insure valid title has been established for each pen and lot as well as compliance with all requirements of the Act and these rules;
 - 5.1.3. Balancing the direct to slaughter movement permits to be maintained by each certified feedlot; and,
 - 5.1.4. Physical inspection of any lot(s) or pen(s) of cattle.
- 5.2. Each certified feedlot will be audited and inspected quarterly or on such other schedule as the Board shall determine during the certification period, by a person authorized by the Board.
- 5.3. Each audit and inspection shall include comparison of the feedlot head count with the number of animals on the premises to numbers at the beginning of the certification or at the last audit, the number of animals shipped or dead, and additions of new animals to the feedlot.
- 5.4. Any person having reasonable suspicion of a potential violation may request the Brand Commissioner, or his designated agent, to inspect the certified feedlot or any pen(s) therein. Any such request must be in writing, addressed to the Brand Commissioner, stating the potential violation(s), the reasons for the requested inspection and the anticipated results. If the request is an emergency, and it is determined that immediate action is required, the Brand Commissioner or his agent may begin the inspection without the written request, however, the written request must be submitted as soon as possible. If the Brand Commissioner is unavailable, his agent shall be an Inspector.

Part 6. Recordkeeping requirements

- 6.1. Certified feedlot owners and/or managers must keep the following records:
 - 6.1.1. A separate file containing the feedlot copy of each direct to slaughter movement permit, in numerical order. This file shall be known as the "out file;"
 - 6.1.2. Copies of all regular brand inspection certificates which are issued for the requested inspection of direct to slaughter animals or animals shipped from the certified feedlot to any location other than direct to slaughter. These certificates shall be filed in the "out file," in chronological order;
 - 6.1.3. A separate file containing, in chronological order, the entry documents and/or brand inspection certificate/purchase invoices required by § 35-53.5-109(3), C.R.S.;
 - 6.1.4. An entry log in the form and manner prescribed by the Board kept in chronological order of all animals entering the certified feedlot, pursuant to § 35-53.5-109(5), C.R.S.;

- 6.1.5. A file for each pen and/or lot identifying the number of head, legal owner of the cattle and copies of entry papers; and,
- 6.1.6. A list of all dead animals by lot or pen number to be kept in the “out file” in chronological order.

Part 7. Movement of cattle from a certified feedlot

- 7.1. The Board will provide prenumbered direct to slaughter movement permits to each certified feedlot, pursuant to § 35-53.5-108, C.R.S.
- 7.2. Each lot or pen must be listed on the direct to slaughter movement permit.
- 7.3. Each direct to slaughter movement permit must include the following information:
 - 7.3.1. The name of the certified feedlot;
 - 7.3.2. The legal owner(s) of the animals shipped;
 - 7.3.3. The number of animals shipped, showing the number of heifers, cows, bulls, steers and lot or pen number;
 - 7.3.4. The date the shipment was sent; and,
 - 7.3.5. The name, city and state of the United States Department of Agriculture (“USDA”) licensed and registered packing plant where the animals are consigned for slaughter.
- 7.4. Certified feedlots may ship cattle to a Colorado licensed market without the feedlot inspection provided that the seller’s invoice from the licensed market is filed in chronological order in the “out file.”
- 7.5. Any animal leaving a certified feedlot to any destination other than direct to a USDA licensed and registered packing plant must be inspected by an Inspector immediately prior to shipment, and all applicable fees must be paid, except as defined in Part 7.4. above.
- 7.6. Any animal removed by a byproducts company as dead or dying must be documented by a copy of the receipt from the byproducts company, filed in the “out file” in chronological order.
- 7.7. Any voided direct to slaughter movement permit must be marked “void.” The feedlot copy must be filed as required in Part 6.. The original (white) copy and the slaughter facility (blue) copy of the voided direct to slaughter movement permit must be received by the Board by the 5th day of the month following the month in which the permit is prepared, along with office copies of the direct to slaughter movement permits issued and not voided.

Part 8. Renewal of certifications

- 8.1. The Board will notify the certified feedlot, at the last address furnished by the certified feedlot, prior to the expiration of the certification period and deliver a renewal application to the feedlot. It is the responsibility of the certified feedlot to notify the Board of any change of address or change in the authorized signer of direct to slaughter movement permits.

This copy of the text of the “Rules Pertaining to the Administration and Enforcement of the Industrial Hemp Regulatory Program Act” is provided as a convenience to the public by the Colorado Department of Agriculture and does not constitute an official publication of these Rules. The official version of these Rules is published by the Office of the Secretary of State in the Colorado Code of Regulations at 8 CCR 1205-4 and may be obtained from the following website: <http://www.sos.state.co.us/CCR/Welcome.do>.

- 8.2. The renewal fee, which shall be determined by the Board prior to the notice of renewal period, shall be submitted with the completed renewal application.
- 8.3. Any renewal application received by the Board after June 30 of the current certification period shall pay a late fee of \$50.00.
- 8.4. Any feedlot that elects not to renew must have all animals inspected prior to shipment pursuant to § 35-53-105, C.R.S. beginning July 1 immediately following termination of the renewal period.

Part 9. Disciplinary actions

- 9.1. The Board may deny, suspend, refuse to renew or revoke any certification if the applicant or certificate holder has:
 - 9.1.1. Violated any provisions of Articles 43, 44, 53, or 54 of Title 35, C.R.S., or any rules promulgated there under;
 - 9.1.2. Entered a plea of guilty or nolo contendere or been convicted of a criminal act under Title 18, C.R.S.;
 - 9.1.3. Violated any provision of the Act or these rules; or
 - 9.1.4. Refused or failed to allow inspection or audit pursuant to Part 5.
- 9.2. Any feedlot whose certification has been revoked or suspended must immediately, upon notice of such revocation or suspension, cause all animals leaving the feedlot to be inspected pursuant to § 35-53-105, C.R.S. and must pay all applicable fees.
- 9.3. No feedlot whose certification has been revoked may reapply for certification until the expiration of two years after the revocation.
- 9.4. No portion of the application fee shall be refunded regardless of the date of revocation, suspension or surrender of certification.

Part 10. Statement of Basis, Specific Statutory Authority and Purpose

10.1. Adopted July 8, 1998 – Effective August 30, 1998

These rules are adopted pursuant to § 35-53.5-103(1), HB 98-1101.

The purposes of these rules are to: establish definitions for relevant terminology; define requirements for certification; set fees to fund all direct and indirect costs of the administration and enforcement; define methods for separation of cattle; set standards for inspections; establish recordkeeping requirements; define standards for movement of cattle from a certified feedlot; and establish standards and procedures for renewal of certifications and disciplinary actions.

10.2. Adopted December 13, 2016- Effective January 30, 2017

Statutory Authority

The statutory authority for the changes to this rule is found at § 35-53.5-103(1)(a) through (f), C.R.S.

Purpose of These Rules

The purposes of the changes to this rule are to clarify terminology; remove redundant or unnecessary language and terminology; make the rule more readable and user-friendly where any confusion previously existed; move the statement of basis, specific statutory authority and purpose to Part 10; and to update the rule to reflect changes to Board policies and practices related to the Feedlot Certification Act in conformity with the Departments Regulatory Review Process.

Factual Basis and Policy Issues

During its review the Board encountered the following factual issues. First, between the date of the last rule-making and the date of this rule-making, the Board has moved its physical office to Broomfield to be part of the Colorado Department of Agriculture's main campus. As such, the Board changed references where the previous rule had used "Denver Office" to "Broomfield Office." In making those changes, the Board recognized that the term "Denver Office" had formerly been used in a way that made it appear as though the office itself was the regulatory authority. In those places, the Board changed "Denver Office" to "the Board," rather than "Broomfield Office."

Second, throughout the rule, the Board cleaned up statutory citations, removed or changed mis-leading uses of "must" and "shall," and brought clarity to the variety of terms used throughout the rule when referencing movement certifications, condensing them all into one phrase, "Direct to Slaughter Movement Permits," which term the Board then defined. The Board also added language to Part 5 to specify that audits and inspections will occur quarterly rather than "on a routine basis," providing further clarity for those holding feedlot certifications.

Finally, where sentences or ideas lacked clarity, the Board re-worked the sentences to make them more clear and precise.

10.3. Adopted November 16, 2017 – Effective December 30, 2017

Statutory Authority

These rules are adopted pursuant to § 35-53.5-103(1)(a)

Purpose of these Rules

The purpose of this rule change is to remove language from the rule regarding per-head, direct-to-slaughter fees. The current language conflicts with statutory provisions that are codified within the Act itself.

Factual and Policy Issues

The Office of Legislative Legal Services alerted the State Board of Stock Inspection Commissioners of a potential conflict between language within the rule regarding the direct-to-slaughter fees and language that is codified within the Feedlot Certification Act. Upon review of the rule, the Board determined that language adopted during the initial formation of this rule set had mis-quoted the statute and was confusing to the regulated community. The Board further determined that setting these fees in rule was redundant to the statute and, therefore, unnecessary. The Board decided to remove the language that

was dissimilar to the statute and to rely instead upon the statute itself while maintaining Rule 3.1 regarding the application and annual renewal fees for certification.

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