Duties of DORA include:

- **Prepare sunrise reviews.** A sunrise review examines whether or not there is a need to regulate a previously unregulated occupation or profession.

- **Conduct regulatory reform activities.** Evaluate the proposed rule to determine if a cost-benefit analysis should be performed by the agency.
  - The Office analyzes and evaluates the impact of proposed rules and regulations on small businesses, job creation and economic competitiveness.
  - New ...fiscal analysis required now for Rules

DORA Duties

- **Conduct sunset reviews.** A sunset review discusses whether the agency under review should be continued without changes, continued with changes or terminated.

- **Conduct reviews of advisory committees:** An advisory committee’s composition, mission and accomplishments are reviewed to determine whether the committee has fulfilled its statutory mandate(s) and whether there is a need for its continued existence.

Sunset Review Statutory Criteria Paraphrased

(I)

- Is regulation necessary for public health, safety & welfare?

- Have conditions that led to initial regulation changed?

- Is more, less or the same degree of regulation warranted now?

(II)

- If regulation is necessary, is existing law & rule the least restrictive form consistent with public interest

- Is existing rule within the scope of legislative intent?
(III) Does agency operate in the public interest? Is its operation impeded or enhanced by existing law, rule, budgetary or other circumstance?

(IV) Does agency efficiently & effectively perform its statutory duties?

(V) Do agency boards and commissions represent the public interest? Does agency encourage public participation in its decisions, rather than participation only by those directly regulated?

(VI) What is economic impact of regulation? Is competition stimulated?

(VII) Are complaints, investigations and discipline handled properly? Is the public served, or are actions self-serving to the profession?

(VIII) Does scope of practice of the regulated occupation contribute to the optimum utilization of personnel? Do entry requirements encourage affirmative action?

(VI) What economic impact of regulation? Is competition stimulated?

(IX) Are administrative or statutory changes necessary to improve agency operations to enhance the public interest?

What’s The Process?

DORA met with the CDA at the end of 2013
  - Asks for industry contact information
  - Overview of what CDA does, how we administer the program
  - CDA explains and answers questions about the existing law...DORA must learn and understand current law
  - Discuss review timeline and possible suggestions that DORA would make
  - Good time to let them know what changes industry or CDA would like to make, if any

DORA began meeting with industry/stakeholders from January – June
  - DORA participated in PAC meetings to hear industry concerns
  - CDA continues to meet with industry upon request and present overviews of the sunset process and discuss known issues
Timelines
- CDA suggested sunset recommendations, which were discussed with the Pesticide Advisory Committee (PAC)
  - Conforming changes for e-licensing in the future
  - Insurance provision
  - PAC representatives – 2 growers WPS/organic
  - Private recordkeeping – 2 years
  - PAC comments and suggestions were taken into consideration and formal recommendations were presented to DORA

DORA Recommendations
- Renewal of statute
- Additional training for limited commercial & public applicators
- PAC representation for ag producers affected by WPS & organic growers
- Record keeping – adopt two year standard for private applicators
- Conforming language changes for e-licensing
- Administrative Recommendation: Web based portal to allow complaint submission easier

DORA Recommendations
- Additional training for limited commercial & public applicators
  - Requires CORE training for LC and PA's applying GUPs
  - CDA has recommended Bill language that allows CDA to develop the training requirements in Rule
    - Still allows checks and balance of requirements in Rules process
  - How and Training:
    - CORE Elements: L&F, PF, AS, PS, EP, UP
    - Free web based training module
    - Certificate of completion for employer records

Colorado Pesticide Reform Coalition Recommendations
- Question on home rule authority/state uniformity
  - Additional pesticide applicator requirements to apply pesticides operate within city limits
  - Additional notification, recordkeeping
- Recommendations to ban certain classes of pesticides from use – neonics
- Recommendation to ban aesthetic uses
- Expand notification to other licensure categories
Recommendations Cont.
- Restructure pesticide enforcement under CDPHE
- Pesticide Oversight Commission
- All public property pesticide free zones
- Mandated buffer zones for aerial applications around schools, organic farms and apiary sites

Recommendations Cont.
- Promote organic farming and require non-organic farms to buffer their lands to prevent pesticides from affecting organic farms
- Eliminate neonicitinoid use and “related” insecticides for all uses...public, private and commercial
- Ban airplane and helicopter applications

Recommendations Cont.
- Define “chemical trespass”
- Require permanent recordkeeping of all sales, locations and uses of pesticides. Make available to the public
- Increase fines for pesticide violations, increase insurance requirements

Where Do We Go From Here...
- Bill sponsors Senator Sonnenberg and Representative Vigil
- The Senate Agriculture, Natural Resources and Energy Committee’s Pesticide Applicators’ Act Sunset Review hearing has been set for Wednesday, January 21.
- All goes well...2015 PAA reenacted
- July – December 2015 Rules developed
- Take aways...
  - CPRC will be pushing all of their recommendations not incorporated into DORA’s report during the legislative session

Questions??

Thank You!
John W. Scott  
Colorado Department of Agriculture  
Pesticides Program Section Chief  
305 Interlocken Parkway  
Broomfield, CO 80021  
303-869-9056  
JohnW.Scott@state.co.us