

Mark Up with Revisions March 6, 2015

Deleted: March 24, 2014

C.R.S. 35-10-125

COLORADO REVISED STATUTES

*** This document reflects changes current through all laws passed at the First Regular Session of the Sixty-Ninth General Assembly of the State of Colorado (2013) ***

TITLE 35. AGRICULTURE
PEST AND WEED CONTROL
ARTICLE 10. PESTICIDE APPLICATORS' ACT

C.R.S. 35-10-125 (2013): as proposed for revision March 6, 2015

35-10-125. Advisory committee - sunset review

(1) The governor shall appoint an advisory committee of eighteen members to advise the state agricultural commissioner and the director and various control commissions of the Colorado Department of Public Health and Environment, and other necessary and relevant state agencies on human health, environmental, wildlife, worker safety and other matters regarding the use of pesticides in the State and to assist the state agriculture commissioner, and the commissions of the Colorado Department of Public Health and the Environment and other relevant state agencies in promulgating rules and regulations to carry out the provisions of this article and the Pest Control Act, Article 35-4, the Colorado Nursery Act Title 35-26, the Colorado Seed Act 35-27, Colorado noxious weed act, Article 35-5.5, and all other titles/articles related to pesticides in the State of Colorado.

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(2) The committee shall be called the Pesticide Advisory Committee and shall consist of the following members:

(a) A citizen of Colorado with academic scientific and/or medical expertise, and degrees in the field of toxicology of chemicals and their effects on human health, particularly with regard to children, vulnerable populations and chemically sensitive persons;

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(b) A citizen of Colorado representing wildlife and ecological concerns and with expertise in protection of such plants and animals and all non target species from exposures to pesticides and associated chemicals.

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Deleted: A commercial applicator, licensed under this article, who is actively engaged in the commercial application of pesticides for the control of agricultural crop pests;

(c) A citizen of Colorado representing farm workers and pesticide applicators and qualified in the field of occupations health and safety with respect to handling, storage, use and disposal of hazardous pesticides and associated chemicals;

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Deleted: A commercial applicator, licensed under this article, who is actively engaged in the commercial application of pesticides for the control of turf or ornamental pests;

(d) Three commercial applicators, licensed under this article, one each actively engaged in the application of pesticides for the (1) control of structural pests, (2) control of agricultural crop pests, and (3) control of turf and ornamental pests;

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(e) Two representatives from public applicators, each of whom shall be an elected official or a designee thereof and at least one shall be required to possess college degree(s) in the field of public health, toxicology, or other relevant college degree(s) in toxic chemicals use and management ;

(f) A representative from Colorado state university or University of Colorado with specific academic expertise in pesticide toxicology, and one with expertise in medical toxicology, and/or public health aspects of environmental and food contaminant toxicants;

(g) Four representatives from the Colorado department of public health and environment one with expertise in human health with respect to toxicology, pest related disease vectors, and epidemiology, one with expertise in hazardous materials and food safety, one with expertise in air pollution and hazardous pesticide air pollutants, and one with expertise in water pollution and agricultural activities ; and

(h) Three representatives from the general public, wto, of whom are actively engaged in agricultural production and one of which is engaged in organic agricultural production or related organic food processing and/or marketing.

(3) All members of the advisory committee, shall be residents of this state. No member of the advisory committee shall be directly employed by or have revenues from agricultural pesticide manufacturers, formulators, or applicators, except the three designated commercial applicators. All members must declare any conflicts of interest, either present, past or promised in the future before appointment, and at any time such conflicts of interest may occur while a member of the advisory committee. Upon any such occurrence of conflicts of interest, the member shall be subject to removal by the Governor.

(4) The appointment of the members of the advisory committee shall expire on a rotating basis, with three year terms. Thereafter, the appointment of each member to the committee shall be for a term of three years.

(5) Members of the advisory committee shall receive no compensation but shall be reimbursed for actual and necessary traveling and subsistence expenses incurred in the performance of their official duties as members of such committee.

(6) Duties and authorities of the committee The Pesticide Advisory Committee shall operate as an independent body to provide oversight and advice on all aspects of the regulation and control of pesticides in the state of Colorado, and to provide oversight and advice to all relevant agencies of the State with any jurisdiction over pesticides. The Committee is not empowered to enact regulations. The Committee shall operate in an oversight capacity and shall be empowered to secure any relevant reports and documents and to require appearance by any employee involved with pesticide regulation from any State agency that regulates pesticides. It shall be empowered to hold public hearings and other forms of public input into pesticide regulation and control. The Committee shall meet a minimum of six times a year in open public meetings at which the public has opportunity to participate. The Committee will produce an annual report on the performance and adequacy of pesticide regulation, enforcement, and control in the State for the purpose of protecting the public health, safety and welfare of the citizens of the State; and such report made available to the public in full, and submitted to the relevant committees of both houses of the State legislature in October of each year..... Repealed.

HISTORY: Source: L. 90: Entire article R&RE, p. 1589, § 1, effective May 31.L. 96: (6) repealed, p. 31, § 2, effective March 18.L. 2006: (2)(e) and (4) amended, p. 1266, § 16, effective July 1; (2)(h) amended, p. 296, § 11, effective July 1.

Editor's note: This section is similar to former § 35-10-121 as it existed prior to 1990.

Deleted: A qualified supervisor, employed by a limited commercial applicator registered under this article, who is actively engaged in the application of pesticides;

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Deleted: formulator, the commercial applicator engaged in the control of agricultural crop pests, and one of the representatives from a registered public applicator shall expire on January 1, 1991; and the appointment of the commercial applicator engaged in the control of turf or ornamental pests, the representative from the general public who is actively engaged in agricultural production, the qualified supervisor employed by a registered limited commercial applicator, and the representative from the department of health shall expire on January 1, 1992. The initial appointment of all other members shall be for a term of three years.