

REGULATION 84 APRIL 21, 2019 AND MAY 3, 2019 STAKEHOLDER MEETINGS

These stakeholder meetings were held to walk through and discuss the proposed changes to Regulation 84 for the new agricultural uses of non-commercially processed edible crops, commercially processed edible crops and hemp.

1. Agricultural Irrigation Definition - the new agricultural uses were added to this definition.
 - a. It was brought up that the definition is confusing as currently written.
2. Commercially processed edible crops and non-commercially processed edible crops definitions
 - a. The Division decided to point to the Produce Safety Rule to distinguish between commercial versus non-commercial
 - i. Any site under the minimum “Very Small Business” will be considered a site that grows Non-Commercially Processed Edible Crops and any site above that minimum value will be considered a Commercially Processed Edible Crop Site.
 1. Values are based off of profit on a three year rolling average.
 2. Crops under the minimum for “Very Small Business” are not regulated under the Produce Safety Rule.
 - ii. It was decided to remove the actual value of “Very Small Business” of \$26,999 from the regulation since the value changes due to inflation
3. Definitions need to be added for the following
 - a. Covered Produce
 - b. Edible and Non-edible hemp
 - c. Site
 - d. Visitor
4. It was decided that the Site Manager, Treater and/or the Division have the authority to lock or disconnect hose bibs if a Non-Commercially Processed Crop site is in violation of Regulation 84.
5. It was brought up that rather than putting a time constraint on visitation and harvesting of crops after irrigation, there would instead be a restriction that there could be no visitation or harvesting *during* irrigation events.
6. The proposed language around school gardens fueled a lot of discussion around age limitations, student to guardian ratio, etc.
 - a. The Division is meeting with Denver Public Schools to discuss this and refine the language and requirements in Regulation 84. This language will be available on or before the next stakeholder meeting on May 21st.
7. TDS and metals monitoring and reporting - there was a lot of discussion on this including
 - a. Burden on treater
 - i. Developing a web page

- ii. Requesting metals from hemp cultivators - how long does the treater have to provide the data?
 - b. TDS reporting could lead to unintended consequences.
 - c. It was suggested to add language that reporting could be met with current DMR reporting.
 - i. The Division is working on this.
- 8. Signage distance for all crops except for non-human consumption crops
 - a. The distance required was too stringent, consider expanding the distance
- 9. It was suggested that we talk to a Public Relations (PR) firm about the language proposed for signs, "Reclaimed Water - Do Not Drink"
 - a. The signs should say this at minimum.
 - b. Treater and Sites can work with PR firms to add any additional language.
- 10. Hand washing
 - a. Soap should be required in addition to hand washing
- 11. Hoses
 - a. It was suggested that the hose bibs need to be locked, not the hoses themselves
- 12. Child Age Suggestions (not just at schools)
 - a. Need to consider families with young kids
 - b. Under 5, needs to be with legal guardian
- 13. Sprouts
 - a. A definition is needed
 - b. A proposed definition was presented by Colorado Springs Utilities
- 14. Non-compliance and treater assistance with coming back into compliance
 - a. "Assist" is vague, consider rewording specifically how assistance would be required
 - b. If a Non-Commercially Processed Edible Crop Site is out of compliance, can there be some sort of notification for gardeners?
 - i. Division to consider requirements for this
- 15. Change "description of locations of potable supplies" to a map of where the non-potable and potable locations are located
 - a. Also indicate where signs are located on map