COLORADO

OVERVIEW

SNAPSHOT OF COLORADO AGRICULTURE:

- Value to Colorado’s economy: $1,412,852,000
- Share of total U.S. agricultural production: 1.84%
- Share of total U.S. agricultural exports: 1.7%
- Top five commodities: Cattle and calves, corn, dairy products, greenhouse/nursery, and hay
- One of top five producers nationally for the following major field crops: Barley and potatoes

Status of Biotech Field Trial Activity

148 distinct APHIS notifications submitted (142 acknowledged; 4 denied/withdrawn/void; 13 currently in effect)

31 distinct APHIS permit applications submitted (22 issued; 9 denied/withdrawn/void; 3 currently in effect)

1 APHIS permit issued for a variety of corn engineered to produce a compound for pharmaceutical production

1 APHIS permit issued for a variety of rapeseed engineered to produce a compound for industrial applications

Other crops for which APHIS notifications and/or permit applications were submitted include: alfalfa, beets, corn, creeping bentgrass, potatoes, rapeseed, sunflowers, and wheat
Biotech Activity and Legislative Status

Biotech Activity and Interest

The major public debate in Colorado regarding biotech crops has centered on the permitting of pharma and industrial crops. The issue gained attention when Meristem Therapeutics was granted the first-ever approval to field test a variety of corn engineered to produce a compound for pharmaceutical production within the state in 2003 (see Section IV. for the vignette titled, “Permitting of Pharma Crops: The Experience in Colorado,” for more details). A range of stakeholders, including producers, producer groups, commodity groups, environmental groups, academics, and legislators, weighed in with opinions on the Meristem permit application as well as on the Colorado Department of Agriculture’s subsequent public efforts to create a codified process for the state review of APHIS pharma and industrial biotech permit applications. The Colorado Department of Agriculture does not want to replicate APHIS’ work, but rather believes it can contribute valuable information to the permit application review process, specifically regarding regional or local conditions. However, it is unlikely that Colorado will seek statutory authority to regulate biotech crops and foods outside of this process because there are not enough resources currently to do so. As for Bt crops, Colorado does not currently participate in their review or inspection, but rather defers to EPA’s authority.

Another area of interest for Colorado is the potential to attract new biotech ventures in order to fuel economic development. In 2001, Governor Bill Owens and the Governor’s Commission on Science and Technology created the Colorado Technology Alliance (CTA), a nonprofit initiative funded by private industry donations. CTA, in turn, formed a Biotechnology Council comprised of government, university, and industry representatives who were commissioned to study how Colorado could develop a workforce, a supportive environment, and potential research areas to attract companies working on a range of biotechnology issues, such as agriculture, national security threats, and medical improvements. With the assistance of the Battelle Memorial Institute, the council in April 2003 published an action agenda to help Colorado become a biotech hub.

441 Lofholm 2003.
443 Colorado Office of Innovation and Technology 2003.
Regulatory Legislation
There is currently no state statute or regulation addressing the regulation of biotech crops and foods in Colorado, but there has been political activity in the area since 2001. A recent bill that died in the legislature would have required the labeling of biotech food, and an initiative in Denver to place a moratorium on serving biotech food in schools failed to get the requisite number of signatures to go on the ballot. Most recently, Representative Ray Rose has been speaking about introducing a bill that would specifically provide CDA with the authority to regulate biotech crops and foods, although he has yet to do so (see Section IV. for the vignette titled, “The State Role in Permitting of Pharmaceutical and Industrial Crops: Colorado’s Development of a Public Process” for more details.).

Nonregulatory Legislation
Colorado has two statutes that address research in the area of biotechnology. One provides for a refund of the sales and use tax on materials used in Colorado for agricultural and nonagricultural biotechnology research and development (39 Colo. Rev. Stat. § 26-401 et seq. (2004)). The other creates an “advanced technology fund,” whose monies are distributed by the Colorado Commission on Higher Education to individuals or public or private organizations engaged in advanced technology research programs or related technology transfer (23 Colo. Rev. Stat. § 1-106.5 (2004)). The explicit inclusion of biotechnology in this statute was introduced through legislation that passed during the 2003 legislative session (SB03-308). Another piece of legislation addressing nonregulatory issues in biotechnology that passed in 2002 in Colorado was an anti-crop-destruction bill (SB02-69).

444 Pew Initiative on Food and Biotechnology 2004(c).
## Relevant Statutory Authority

<table>
<thead>
<tr>
<th>Biotech-Specific Regulatory Statutes</th>
<th>Other Potential Statutory Authority Over Biotech Field Trials</th>
<th>Other Potential Statutory Authority Over PIPs</th>
<th>Other Potential Statutory Authority Over Biotech Food Safety</th>
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## Agencies with Current or Potential Biotech Roles

<table>
<thead>
<tr>
<th>Biotech-Specific</th>
<th>Plant Health</th>
<th>Pesticides</th>
<th>Food Safety</th>
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<tbody>
<tr>
<td>None</td>
<td>Colorado Department of Agriculture – Division of Plant Industry, Director</td>
<td>Colorado Department of Agriculture – Division of Plant Industry, Pesticide Registration Program</td>
<td>Colorado Department of Public Health &amp; Environment</td>
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## Resources

- Colorado Department of Agriculture budget: FY 05 $29,755,680
- Budget for plant health protection: FY 05 $1,990,655
- Narrative description of budget for biotech crops and foods component: Biotech activities are supported by six staff members at the department; that support is equivalent to 0.5 of one FTE and $38,000.