

COLORADO DEPARTMENT OF AGRICULTURE  
305 Interlocken Parkway  
Broomfield, Colorado 80021

ORDER BY THE COMMISSIONER OF AGRICULTURE APPROVING MARKETING  
REGULATIONS OF THE COLORADO POTATO ADMINISTRATIVE COMMITTEE - SAN LUIS  
VALLEY OFFICE (AREA II) - PURSUANT TO THE MARKETING ORDER REGULATING THE  
HANDLING OF POTATOES GROWN IN THE STATE OF COLORADO

Area II Marketing Regulations  
Fall Crop 2023-24

Pursuant to the provisions of the Marketing Order regulating the handling of potatoes grown in the State of Colorado dated June 15, 1966, under the applicable provisions of Colorado Revised Statutes 1973, 35-28- 101, et seq., and from the recommendation of the Colorado Potato Administrative Committee - San Luis Valley Office (Area II) - established pursuant to the provisions of said marketing order, and upon further information available to the Commissioner of Agriculture, State of Colorado, the Commissioner hereby finds that the limitations of shipments of such potatoes in Area II as hereunder provided will tend to effectuate the declared policy of the act.

Pursuant to the aforesaid authority and compliance therewith, it is hereby ordered that beginning at 12:01 A.M. September 1, 2023, except as may otherwise be noted below and continuing until changed or rescinded, no handler shall ship potatoes from Area II which do not meet the following requirements:

1. GRADE AND SIZE REQUIREMENTS

- (A) All varieties: U.S. No. 2 or better. Two (2) inch minimum diameter or four (4) ounce minimum weight.
- (B) Red varieties: U.S. No. 2 or better. Size B.
- (C) All varieties: U.S. Commercial or better grade. Size B.
- (D) All varieties: U.S. Commercial or better.  $\frac{3}{4}$  inch minimum size to 1  $\frac{7}{8}$  inch maximum size.

2. MINIMUM MATURITY REQUIREMENTS

- (A) Effective August 1, 2023 through October 31, 2024, and for August 1, 2024 until such time that new marketing regulations for Area II are enacted, maturity requirements specify that potatoes grading U.S. No. 2 cannot be more than "moderately skinned," and potatoes grading other than U.S. No. 2 cannot be more than "slightly skinned."

### 3. EXEMPTIONS FOR SPECIAL PURPOSE

Note: The terms San Luis Valley and Area II are synonymous.

- (A) Potatoes destined for relief or charitable purposes are exempt from these regulations. Requests for such potatoes must be made through a San Luis Valley sponsoring organization.
- (B) Potatoes used for livestock feed within Area II are exempt from these regulations. Potatoes used for livestock feed beyond the boundaries of Area II must be mechanically sliced, chopped, or mutilated at the time of loading.
- (C) Seed potatoes certified by the official certifying agency must carry the official tag or bulk certificate issued by the certifying agency. These certified seed potatoes are exempt from the above regulations. "Certified seed potatoes" are potatoes that are capable of sprouting and growing normally. Marketing Order and inspection fees shall be collected on certified seed potatoes shipped within and beyond the boundaries of Area II.
- (D) Potatoes, in the amount not to exceed 2,000 pounds transported from Area II in one vehicle, are exempt from all regulations.
- (E) All potatoes utilized for processing shall be exempt from the provisions of this order. "Processing" means the conversion of fresh potatoes into such products as potato chips, shoestring potatoes, frozen potato products, canned potatoes, starch, and dehydrated products such as potato flakes and potato granules. Processing involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. Potatoes sold for chipping and shoestring potatoes, by agreement, shall pay Marketing Order fee assessments.
- (F) Potatoes designated at shipment for fresh-cut market use in containers/packages of 100 lbs. or less will be treated as fresh potatoes. These potatoes will require inspection and be required to pay Market Order assessment fees.
- (G) Shipments of potatoes handled for experimentation and the manufacture or conversion into specific products are exempt from the grade, size, maturity, and inspection requirements of these regulations.
- (H) Area II potatoes shipped to Area III facilities from July 10 to September 10 of each calendar year do not require inspection by an authorized representative of the Federal State Inspection Service before shipment.

### 4. SAFEGUARDS

- (A) The Colorado Potato Administrative Committee (CPAC), San Luis Valley Office (Area II), with the approval of the Commissioner of Agriculture, shall prescribe adequate safeguards to prevent the above-exempted potatoes from entering trade channels other than those authorized herein.

- (B) When a "handler," which is synonymous with "shipper," desires to move potatoes beyond the boundaries of Area II, in a load or loads over 2,000 pounds each, using any of the exemptions for special purposes outlined in paragraph 3 above, they shall request from the CPAC a "Certificate of Privilege" for each load to be shipped. The CPAC may recover costs incurred in administering this requirement by assessing a fee for the issuance of each Certificate of Privilege.

## BRANDING AND LABELING REGULATIONS

### 1. LABELING REQUIREMENTS

- (A) All containers in which Colorado-produced potatoes are packed, being packed, offered for shipment, sold or offered for shipment, sold or offered for sale, either wholesale or retail, shall have plainly and conspicuously stamped or printed thereon:
  - i) The grade of the contents
  - ii) The identity of the commodity in the package, unless the same can easily be identified through the wrapper or container.
  - iii) The quantity of contents in terms of weight, measure, or the count.
  - iv) The name and place of business of the manufacturer, packer, or distributor.
- (B) Suggested packaging guidelines are described under item 3(A) below.

### 2. EXEMPTIONS

- (A) Seed potatoes that are certified by the official certifying agency and carry the official tag issued by the certifying agency.
- (B) Master containers, containing properly branded bags.

### 3. GENERAL LABELING REGULATIONS

- (A) All San Luis Valley produced potatoes shall comply with page 13, Table 1 - "MINIMUM HEIGHT OF NUMBERS AND LETTERS" - in the booklet RULES AND REGULATIONS PERTAINING TO PACKAGING AND LABELING. Colorado Department of Agriculture, Division of Inspection and Consumer Services, Measurement Standards Section.
- (B) All potatoes shipped in bulk or individual open containers of two thousand (2,000) or more pounds shall be exempt from the requirements of labeling.
- (C) All potatoes shipped to a re-packer in unmarked containers no smaller than sixty (60) pounds, shall be exempted from labeling requirements.
- (D) Up to thirty (30) unmarked sacks of potatoes that are expressly used for a bulkhead in bulk truck shipments shall be exempted from labeling requirements.
- (E) Packages containing potatoes originating in Colorado may state they were grown in Colorado, are a product of Colorado, or they originated in Colorado. The Colorado Potato Logo, "QUALITY AT ITS PEAK" may be used on packages or cartons containing only U.S. No. 1 Grade potatoes. Use of the logo is a voluntary program.

#### 4. INSPECTION

- (A) No handler shall ship potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment. For purposes of operating under this part, it is hereby determined that each inspection certificate shall be valid for a period not to exceed five (5) days following the date of inspection as shown on the inspection certificate.
- (B) No handler may transport by motor vehicle any shipment of potatoes for which an inspection certificate is required unless each shipment is accompanied by a copy of the inspection certificate applicable thereto. Upon request, the inspection certificate will be made available.
- (C) Handlers shipping potatoes certified under the authority of the Positive Lot Identification (PLI) program are not required to submit PLI paperwork with the shipment. However, if required, copies of the master inspection certificate will be provided.
- (D) Potatoes harvested in fields on state lines, with parts of each field in both states, with all or part of the potatoes stored in Colorado, shall be considered Colorado potatoes and shall be subject to the requirements of the Marketing Order. Potatoes grown on state lines will be considered co-mingled and be subject to the requirements of the Marketing Order.

IN WITNESS WHEREOF, I, Kate  
Greenberg, Commissioner of Agriculture,  
have executed this Order and Notice  
thereof in the City of Broomfield, State of Colorado,  
This 28th day of August, 2023

Kate Greenberg  
Commissioner of Agriculture