## SUMMARY OF AMENDMENT CHANGES TO PRODUCER RESPONSIBILITY POLICY HB22-1355, AS INTRODUCED FOR 4.13.22 COMMITTEE MEETING

**AMENDMENT HB1355\_L.001**

* Clarified language on retail food establishments to exempt only the physical individual location; dues will be the responsibility of the producer, either the brand owner, franchisor, or distributor, not the individual food establishment
* Added option for individual producer to submit an individual program plan in lieu of joining the PRO
* Simplified language around the additional plan and additional PRO to clarify that any plan or organization must comply with the elements laid out in statute
* Added language to develop a coordination plan between PROs after 2029
* Provided CDPHE more time to review program plan, going from 60 days to 120 days
* Required PRO to consult with Advisory Board before submitting amendments during the annual plan reporting and to address any feedback provided by the Advisory Board
* Added a requirement for a flat-rate dues structure for small producers to minimize administrative and reporting burden
* Removed language to require producer dues by based on weight to give more discretion to PRO to calculate dues based on weight, unit sales, or other metrics; also clarified dues are based on net recycling system costs
* Expanded small business exemption to $5 million not including on-premise alcohol sales to reduce burden on craft breweries
* Expanded in-kind payment option to magazine and periodical publishers
* Removed local newspapers from the program because of their social and cultural value
* Clarified goal to increase the recycling of collected materials to reduce the amount of residue at recycling facilities and increase program performance
* Added metrics in the needs assessment to evaluate the performance of the existing recycling system to ensure the new program improves services and material quality
* Clarified the definition of who is the producer of paper products not including magazines and newspapers
* Added language to study diverse collection systems for recycling

**AMENDMENT HB1355\_L.002**

* Allowed producers to use national sales data as necessary
* Allows the Commission to exempt covered materials as necessary pending an analysis by the Organization and review by Advisory Board
* Clarifies dues for producers vary by whether or not the material is recyclable

**AMENDMENT HB1355\_L.003**

* Requires PRO board to have producers of various sizes and types
* Added language to clarify the section on ecomodulation that adjusts fees up/down based on design attributes
* Added language on minimum recycled content rates for various products, clarifying these will be set by the PRO and may include waivers for specific types of products as needed back on food safety requirements and other factors
* Cut definition of industrial recycling as it was originally meant to limit the program scope but no longer needed because industrial users are not included under covered entities

**AMENDMENT HB1355\_L.004**

* Clarified funding for composting to reduce contamination and support processing of compostable packaging
* Added definition of compostable
* Included capacity of composting facilities to process compostable packaging in needs assessment to inform funding
* Removed packaging around Colorado agricultural products from covered materials
* Extends date for producers to pay dues until no later than January 2026
* Requires the advisory board seat for a producer to rotate by material type to represent different categories of products