



COLORADO

Hazardous Materials
& Waste Management Division

Department of Public Health & Environment

February 1, 2023

Producer Responsibility Organization: Notice, Timeline, and Approval Process Memorandum

Via email: producer responsibility stakeholder contact list

Web posting: <https://cdphe.colorado.gov/hm/epr-program>

Public notice: <https://cdphe.colorado.gov/HMWMD-public-notices>

Background:

As directed by the Producer Responsibility Program for Statewide Recycling Act, sections 25-17-701 et. seq. C.R.S. (the “Act”), producers of paper and packaging materials must establish a nonprofit Producer Responsibility Organization (“PRO”) to fulfill requirements of the Act. The PRO must provide notification to the Colorado Department of Public Health and Environment (“the Department”) on or before June 1, 2023 in order for the organization to be designated by the Department’s Executive Director.

The purpose of this memorandum is to detail the timeline, required information and the administrative process for the Department to designate the PRO.

Timeline:

To ensure the PRO and their third party contractor has adequate time to conduct a comprehensive needs assessment required by section 25-17-705(3)(a), C.R.S., before the January 30, 2024 deadline, the Department recognizes that the PRO should form and begin work prior to the June 1, 2023 notification deadline in the Act. To begin work on the needs assessment, the Department’s Executive Director must designate the PRO. In order for the Department to conduct the PRO designation process, the PRO shall provide the following information by the dates listed:

- Letter of Intent by March 1, 2023
- PRO Application by April 1, 2023

Any entity with the intent of applying as a PRO will first submit an initial notice by sending a Letter of Intent to the Department. The Letter of Intent will be submitted by no later than March 1, 2023. The letter of intent can be submitted to the following email address:

eprcomments@state.co.us. This notice will allow the Department to determine if one or more entities will be applying for the PRO designation. If more than one entity is applying for the PRO designation, the Department will develop a process and specific criteria to compare, rank and select the PRO based upon statutory requirements.

Required Information

All entities who submit a Letter of Intent shall additionally submit their completed PRO application to the Department by April 1, 2023. The Department will post the required PRO application as a fillable document on the Producer Responsibility program webpage by March 1, 2023. The PRO application will require all information detailed in sections 25-17-705 (1)(a) (I) - (III) and (1)(c), C.R.S. including:

- the name, address, and contact information responsible for the PRO,
- a list of participating producers,
- a description of the funding mechanism that will be used to conduct the needs assessment,
- a list of the governing board voting members which must represent a diverse range of producers by size and types of covers materials,
- additional information as deemed necessary.

Review Process

Upon receipt of PRO application(s), the Department will utilize its established process and specific criteria to compare, rank and select the PRO based upon the statutory requirements detailed in section 25-17-705 (1)(a) (I) - (III) and (1)(c), C.R.S. The Department anticipates designating the PRO following a 30-day review period.

Comments and Questions

Please submit any questions or comments on this process by February 15, 2023 to:

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Additional Information

This document and additional information related to the Producer Responsibility Program for Statewide Recycling is available for review on our website at:

<https://cdphe.colorado.gov/hm/epr-program>
<https://cdphe.colorado.gov/HMWMD-public-notice>.

Sincerely,

Darla Arians
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