



SUMMARY OF CHANGES TO PRODUCER RESPONSIBILITY POLICY FROM 1.13.21 DRAFT TO 2.21.22 DRAFT

GENERAL CHANGES

- Added legislative declaration on why this bill is needed and overall bill summary
- Small word changes to respond to questions, comments or confusion from stakeholders
- Extended timeline for major steps in bill, with overall program starting in January 2026

DEFINITIONS

- Updated definition of producer (based on Oregon language) to provide more specifics on the hierarchy of who is considered a producer based on type of materials
- Replaced recovery rate with collection rate
- Clarified most metrics are by weight, not volume
- Removed terms secondary and tertiary packaging and added more language on packaging used for transportation and distribution directly to a consumer
- Clarify recycling rate is measured when materials leave a MRF and collection rate is based on tons coming into the MRF (or similar facilities)

EXEMPTIONS

- Increased small business exemption to \$5 million in revenues based on stakeholder input
- Added exemption for producers who are required by state law to follow packaging subject to Poison Prevention Packaging Act

ADVISORY BOARD

- Added seats for compost facility, paper supply chain, environmental justice group, one open member; now 13 members total
- Clarified seat for collections is specifically for a hauler
- Clarified business seat is for a business association or chamber of commerce rather than a single business owner
- Added common state language that requires open board meetings
- Allow CDPHE to contract third party to support advisory board



PRO

- PRO board to include diverse membership from different material types, small businesses, and non-voting seats from trade associations

NEEDS ASSESSMENT

- Removed specific recycling rates in favor of three future scenarios
- Added language to specifically address needs of rural areas and align with four geographic regions in the state (based on state solid waste plan)
- Clarified language around refill/reuse targets
- Clarified how goals will be adopted based on the findings of the needs assessment
- Added language allowing for additional materials to be collected in different geographic areas in addition to minimum recyclables list

PROGRAM PLAN

- Added language for PRO to track compliance among producers and report non-compliance
- Give producers option to purchase recycled materials from MRFs
- Provided option for newspaper publishers to use in-kind advertising in lieu of PRO dues
- Added ability for sub-group of producers to self-select to charge additional fee on specific packaging and use funding to improve recycling for that packaging
- Added language to track contamination at organics processing facilities
- Require PRO to have a closure plan in case of failure

REIMBURSEMENT FOR SERVICE PROVIDERS

- Clarified the PRO would contract to provide services, not provide them directly

EDUCATION AND OUTREACH

- Clarify that the education program is designed to increase diversion and to help reduce contamination at recycling facilities and organics processing facilities
- Added language for PRO to build upon existing education and outreach materials and service providers, consult with the advisory board and existing service providers on education materials, and allow contracting with existing entities to develop or implement outreach efforts
- Clarified this policy does not preclude other entities from doing outreach



REPORTING

- Added reporting on number of entities receiving services by county to track expansion of recycling services over time
- Allows producers to report using national average data rather than state specific data for post-consumer recycled content
- Added language to require reporting on efforts to ensure responsible end-market destinations and criteria for any markets using means other than mechanical recycling
- Added reporting on PRO reserve funds and need to be sufficient to cover contingencies

ENFORCEMENT

- Clarified rulemaking is only for enforcement of this statute and only covers producers and the PRO; this policy does not give CDPHE to enforce recycling at covered entities
- Clarified rulemaking by Solid and Hazardous Waste Commission, not CDPHE director
- PRO reimbursement to state agency for enforcement costs
- Clarified Dept of Law will provide legal assistance to CDPHE for enforcement

NEXT STEPS

We are committed to continue to listen to stakeholder feedback and to meet with individual stakeholders. If you have additional questions or feedback, please send specific comments and suggestions via email or contact us to set up a meeting to discuss feedback.

Producer Responsibility in Colorado has strong bipartisan support from local governments, consumer goods companies, recycling businesses, environmental groups, and many more. For more information, please contact:

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