



COLORADO MUNICIPAL LEAGUE  
**100<sup>TH</sup> ANNUAL  
CONFERENCE**

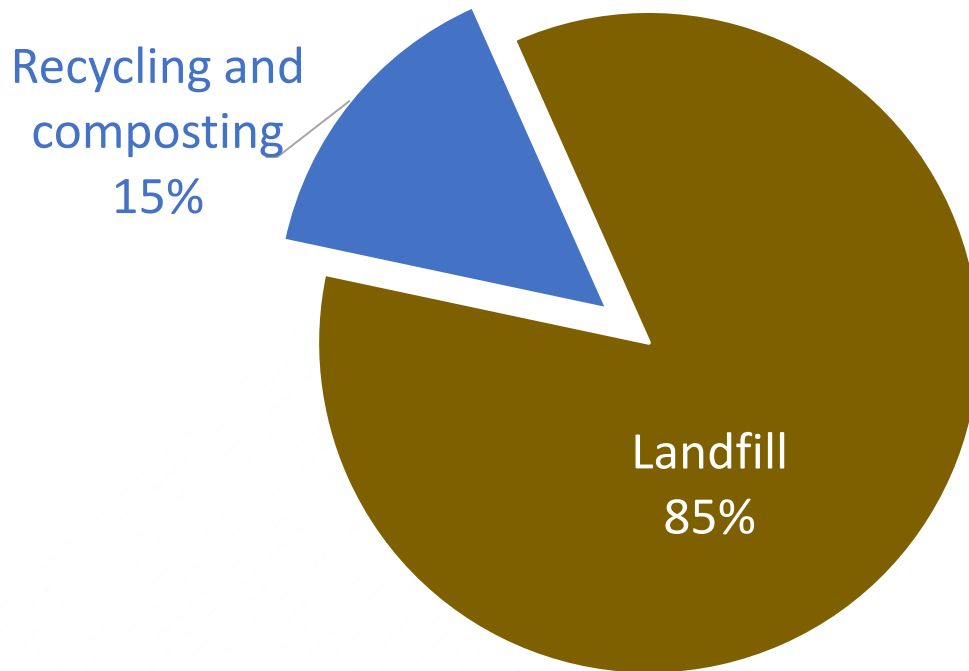
JUNE 21-24 | BRECKENRIDGE, CO

# Free Recycling for All Residents Coming Soon!

How Producer Responsibility Law  
Will Transform Colorado's Recycling



## Colorado has fallen behind



**15% recycling rate in 2021**

Less than half the national recycling rate (32%)

**\$100+ million** in recyclable materials buried in CO landfills each year

## Broad coalition to do better

### National companies

- American Beverage Assn
- Amcor
- Coca-Cola
- Danone
- L’Oreal USA
- Mars
- Nestle
- Pepsico
- SC Johnson
- Unilever
- Walmart

### Colorado businesses

- Ball Corp.
- New Belgium
- Good Business Colorado
- Colorado Bev. Assn.

### Local governments

- CML
- CC4CA
- 65 elected officials
- Rural counties San Miguel, Ouray, Saguache;
- Cities: Aurora, Fort Collins, Westminster, Denver

### eNGOs

- Sierra Club
- Conservation Colorado
- Environment Colorado
- Green Latinos
- CoPIRG
- 350.org

### Recycling industry

- Recycle Colorado
- Eco-Cycle
- Direct Polymers
- Momentum Recycling
- AMP Robotics
- GreenSheen



**But we will be a leader tomorrow**



HB22-1355: Producer Responsibility for Recycling



## What will the Producer Responsibility system do?



Develop a convenient, cost-effective statewide recycling system with free recycling to all residents



Be funded and managed by producers who sell packaging and paper in and into the state



Set up an industry-run program with appropriate government oversight and advisory board of key stakeholders

# Benefits of Producer Responsibility



Increase our recycling rate and reduce climate pollution.



Make it easy for all residents and businesses to recycle, including at apartments and in rural areas.



Develop a clear common list of what can be recycled statewide.



Save local governments money by reimbursing their costs to run recycling programs.



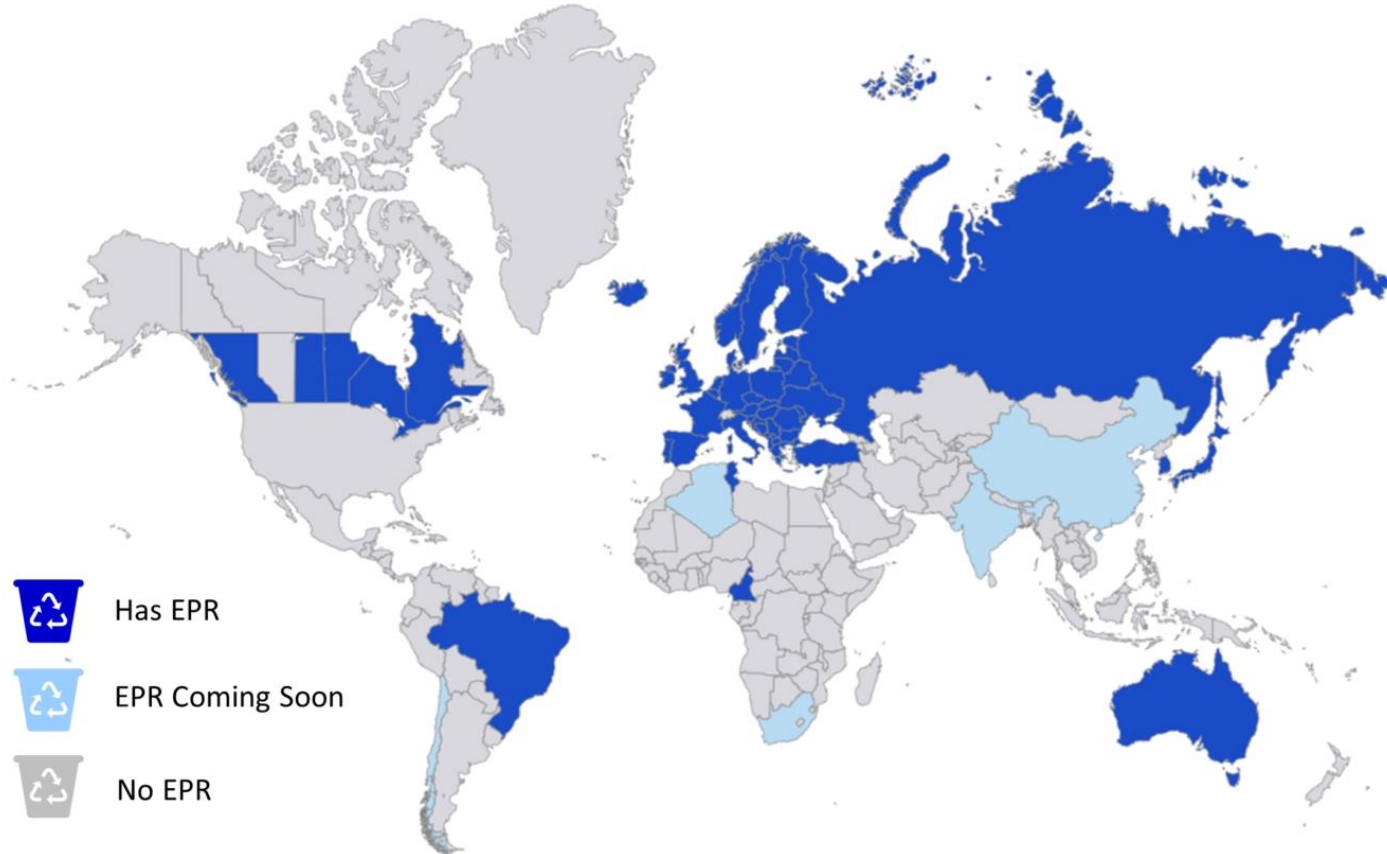
Support Colorado businesses by creating a more resilient domestic supply of raw materials to make new products.



Create financial incentives for companies to reduce unnecessary packaging and use greener, more recyclable materials.

# Proven global solution

Countries and Provinces with Extended Producer Responsibility for Packaging Laws

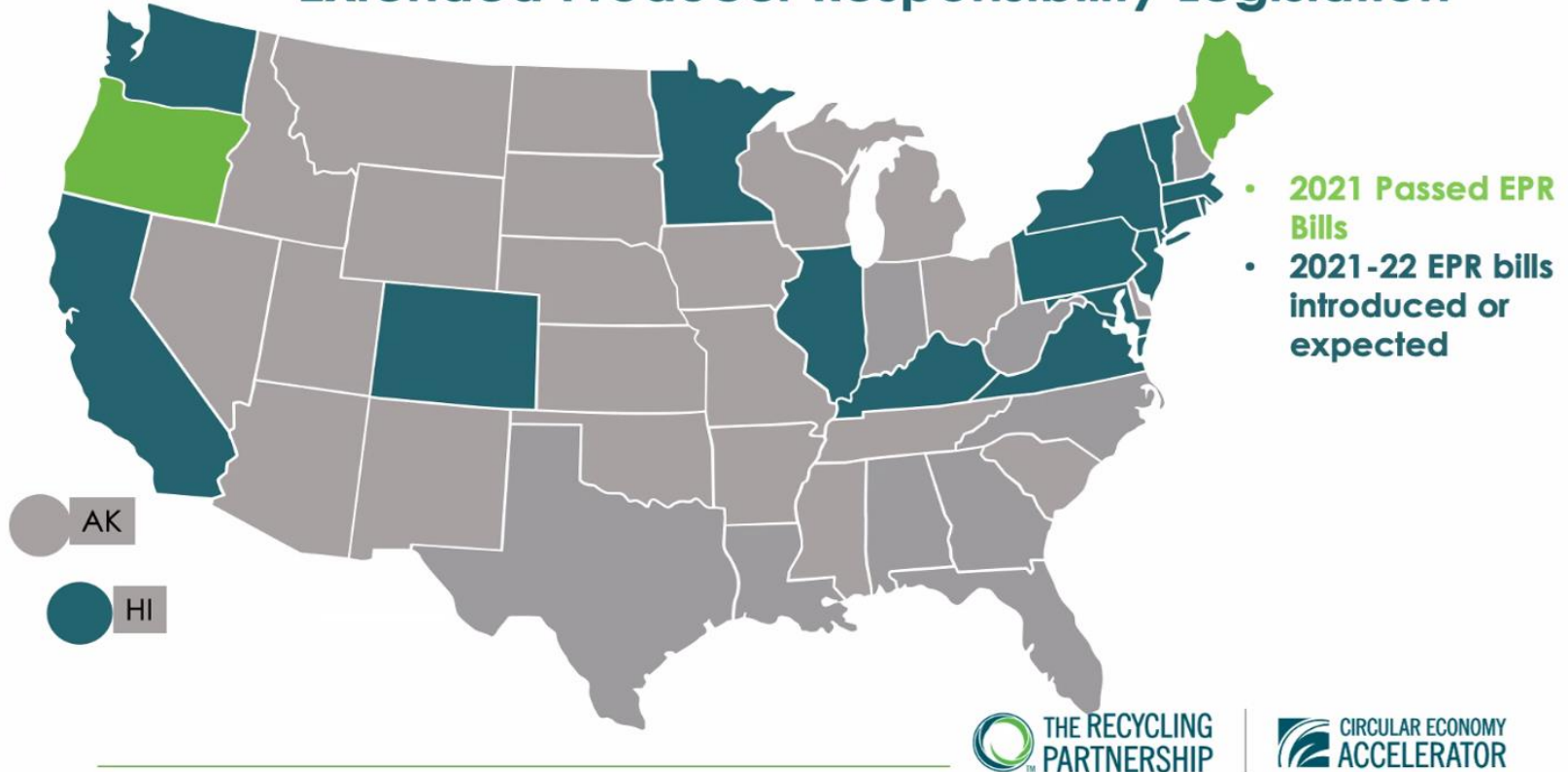


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# Coming to the U.S.

## Extended Producer Responsibility Legislation



CONFIDENTIAL: Draft for Discussion Purposes Only



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## All residents receive free recycling



- Recycling as convenient as trash service
- May expand to schools, small businesses, government buildings, parks, etc. after 2028
- Does not cover trash services, construction waste, electronics or other recycling or waste services

## Recycling of containers, packaging, and paper

- All consumer-facing packaging: bottles, containers, cardboard
- Printed paper (magazines, junk mail)
- Foodservice packaging including cups, bowls, plates, utensils



## Benefits to municipalities

Reduce or eliminate costs of recycling programs

100% reimbursement for all costs of recycling: collection, transportation, processing, administration

Expanded services to multi-family residents, rural areas

Statewide recycling education program



## How it will work

Companies selling covered materials register with a Producer Responsibility Organization (PRO)

Producers pay dues to the non-profit PRO.

PRO develops plan to improve recycling statewide.

PRO contracts with haulers to provide convenient recycling at no charge to all residents.

Option for an individual company can create its own recycling plan to manage its materials.



## Who pays for it

- Brand owners (name on the packaging)
- Dues are based on amount and type of packaging
- Lower dues for easy to recycle packaging to drive better design
- Exemptions for small businesses



## How much will it cost for producers?

### Sample average dues from Canadian programs

Material	Cost per pound (USD)
Aluminum cans	\$0.03
Newspaper	\$0.04
Glass bottles	\$0.06
Cardboard	\$0.10
Plastic water & soda bottles	\$0.13
Plastic bags and films	\$0.22
Polystyrene plastic (#6)	\$0.30

- Fractions of a penny per product
- Costs determined by needs assessment and PRO plan, and approved by CDPHE
- No evidence of cost increases to consumers under existing programs

## State oversight and enforcement: CDPHE

Oversight

- Appoint, manage advisory board
- Approve needs assessment and plan
- Approve annual report
- Report to legislature

Enforcement

- Compliance among producers
- No enforcement over other entities

## Ongoing stakeholder input: Advisory board

- 3 local governments, w/ at least one outside Front Range
- Operators: hauler, recycling facility, compost facility, landfill
- Environmental nonprofit
- Environmental justice representative
- Packaging manufacturer
- Paper manufacturer
- Retailer association
- Business association (chamber or similar)
  
- PRO and CDPHE each have a non-voting seat.





## Municipal roles and options

### Municipal providers

- Choose to provide services
- Reimbursed by PRO

### Contract with hauler

- Haulers reimbursed by PRO

### Open market

- No action needed

### Drop-off centers

- Choose to continue services
- Reimbursed by PRO



# Implementation Timeline

## 2023

- CDPHE convenes Advisory Board
- Producer Responsibility Organization (PRO) forms
- PRO conducts needs assessment of recycling system and proposes goals

## 2024

- Legislature signs off on recommended recycling goals and projected costs
- PRO drafts plan based on Needs Assessment

## 2025

- Advisory Board reviews plan, gives recommendations to CDPHE
- CDPHE approves plan to meet goals

## 2026

- Program launch
- Municipalities/haulers reimbursed for recycling services



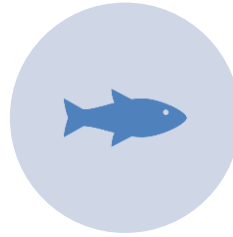
## Thanks to your support we will



INCREASE  
STATEWIDE  
RECYCLING RATE



REDUCE  
GREENHOUSE GAS  
EMISSIONS



REDUCE PLASTIC  
POLLUTION



DESIGN MORE  
RECYCLABLE  
PACKAGING



20  
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[www.RecyclingForAllColoradans.org](http://www.RecyclingForAllColoradans.org)

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Building Zero Waste Communities



# Transforming Colorado's Recycling through Producer Responsibility



## Recycle Colorado support

- Coalition of stakeholders
  - Municipalities, Local and National Businesses, Haulers, Producers, Environmental Advocates, Non-profits, Citizens, Legislators, Processors, Recyclers, Landfill operators
- Enhances mission for improved recycling in Colorado
- Equitable access to recycling for membership



## Benefits to Local Municipalities

- Reduced costs
- Preserves Municipal Choice
- No impact on trash services



Rio Grande Recycle Center, Aspen (Aspen Times photo)



## Rural Recycling

- Expensive
- Illegal dumping
- Aspen supported due to:
  - Local landfill space
  - Low participation
  - High contamination
  - Climate action goals



Pitkin County Solid Waste Center (Aspen Public Radio photo)





## **Circular Economy & EPR intertwined**

- End markets
- Infrastructure
- Collection of materials



## **Circular Economy**



Image from H2AD

**THANK YOU!**

**Liz Chapman**

**Executive Director of Recycle Colorado**

**720-839-9531**

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# Thank you

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Questions?

# CDPHE's role in Extended Producer Responsibility

June 24, 2022 - Colorado Municipal League Annual Conference

**David Snapp**, SW&MMP Program Manager  
Hazardous Materials and Waste Management Division

# Overview

1. EPR Advisory Board
2. Drafting rules
3. Eco-modulation fees
4. Reviewing needs assessment - make recommendation to JBC
5. Review PRO plan proposal
6. Enforcement and oversight - PRO

# EPR Advisory Board

Full board title: “Producer Responsibility for Statewide Recycling Advisory Board”  
- Must convene first meeting by **March 1, 2023**

- CDPHE must appoint 13 voting members and 2 non-voting members by **December 31, 2022 - Applications will be available later this fall**
  - 13 voting members representing: one municipality (or city and county, one county, non-front range local government, a materials recovery facility, recyclable materials hauler, environmental or community based non-profit, packaging supplier that is not a producer, manufacturer of recycled paper products that is not a producer, trade association, retailers association, compost facility, environmental justice group, and solid waste landfill with onsite recycling collections.
  - 2 non-voting members representing: CDPHE and a Producer Responsibility Organization

# Producer Responsibility Rules

The Solid and Hazardous Waste Commission must promulgate rules concerning:

- Packaging and paper covered by the extended producer responsibility law;
- Producer Responsibility Organization Plan requirements;
- Minimum recycling requirements; and
- Eco-modulation fees

# Eco-modulation

- 1** **By January 1, 2026**, CDPHE must develop an Eco-modulation schedule bonus to reduce the EPR dues that meet certain benchmarks
- 2** PRO must apply the eco-modulation reduction fee reductions based on CDPHE's schedule



# Needs Assessment Review

- 1** By **January 30, 2024** - PRO must submit the results of the needs assessment to the advisory board and CDPHE
- 2** On or before **March 15, 2024** - CDPHE must present the needs assessment to the Joint Budget Committee (JBC) and identify the recommended scenario the the plan proposal should incorporate
- 3** If the JBC does not approve, then the JBC may propose legislation to implement a projected scenario

# PRO Plan Review and Approval

- 1 On or before **February 1, 2025** - PRO must submit a Plan Proposal to the advisory board that incorporates the needs assessment scenario approved by the JBC
- 2 The advisory board must make recommended changes or refer the plan to CDPHE within 90 days of the PRO's submission to the advisory board
- 3 The PRO must respond to the advisory board within 60 days of receiving the advisory board comments
- 4 The advisory board must forward the amended plan to CDPHE within 45 of receiving PRO responses
- 5 CDPHE must provide a response to the plan within 120 days

# Enforcement and Oversight

Two entities subject to enforcement:

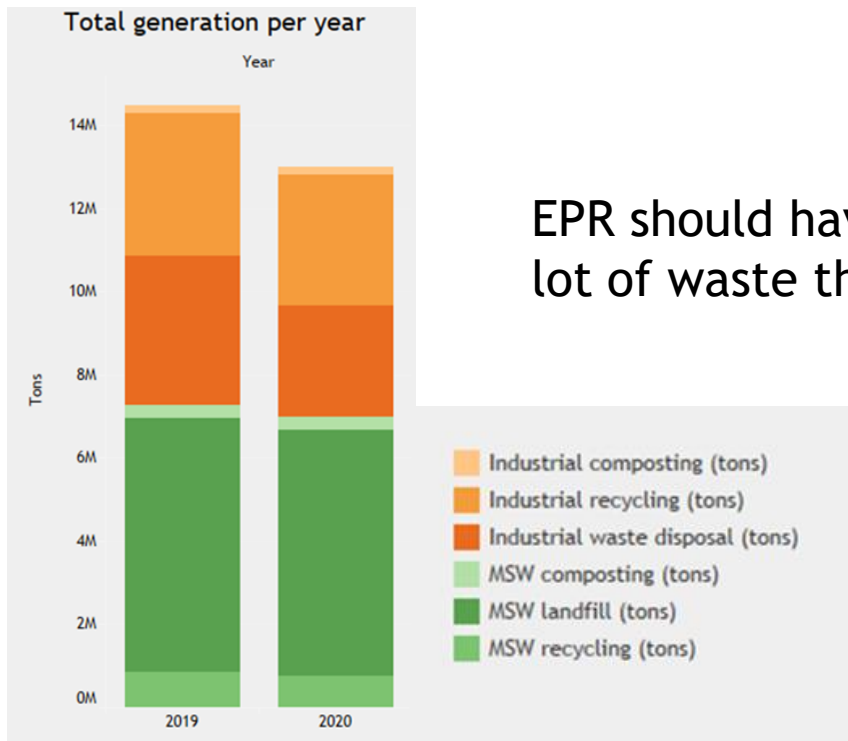
## 1. Producer Responsibility Organization

- a. must have a plan and implement a plan that meets numerous recycling requirements, including: a list of materials covered, setting convenience standards, conducting education and outreach, and establishing dues to cover program costs.

## 1. Producers

- a. must participate in PRO (based on certain criteria)
- b. met minimum post consumer recycled content rates

# Waste Compostion



EPR should have a large impact, but there will be a lot of waste that EPR will not tackle

# Grants Available

Resource Recycling Economic Opportunity Grants - Statewide opportunities!

- <https://cdphe.colorado.gov/sustainability-programs/recycling-grants-support/recycling-resources-economic-opportunity>

Front Range Waste Diversion Grants - For front range businesses and governments

- <https://cdphe.colorado.gov/front-range-waste-diversion>

EPA Infrastructure Grants to improve local waste management (improve recycling)

- Ideas? Contact me! -david.snapp@state.co.us