



POLICY OVERVIEW OF PRODUCER RESPONSIBILITY IN COLORADO: HB22-1355

[HB22-1355](#) requires companies selling consumer-facing packaging and printed paper (covered materials) into the state to fund and manage a coordinated, statewide recycling system for all residents by either joining a Producer Responsibility Organization or developing an individual company plan. The program will be implemented in 2026.

A PRODUCER RESPONSIBILITY PROGRAM IN COLORADO WILL:

- Establish a coordinated, statewide system for providing convenient recycling at no charge for all residents in the state;
- Meet the needs of all Colorado communities and account for demographic and other factors affecting recycling in all regions of the state;
- Establish a clear and uniform statewide list of readily recyclable materials;
- Provide a sustainable funding mechanism for recycling that is funded through annual Producer Responsibility dues paid by the producers of packaging and paper products (covered materials);
- Build upon and expand existing recycling systems and infrastructure by working with both public and private service providers;
- Increase the use of recycled materials in new products and packaging to improve their sustainability and build a more circular economy;
- Encourage producers to design and manage covered materials to prevent or minimize their negative environmental, social, economic, and health impacts;
- Invest in recycling end-market development and innovations that could attract new businesses to Colorado and create a more resilient domestic supply chain; and
- Be managed by an independent nonprofit organization, the Producer Responsibility Organization (PRO), that consults with an advisory board of recycling experts and is overseen by the Colorado Department of Public Health and Environment (CDPHE).

KEY POLICY ELEMENTS

WHO MANAGES THE PROGRAM AND FUNDING

Producers will form an independent nonprofit Producer Responsibility Organization (PRO) to manage the collection and distribution of funds to increase and improve recycling. An additional PRO may form in 2029 or later if necessary. There is an option for individual producers to submit their own plan to fund and manage their own packaging in lieu of joining the PRO.



WHO IS RESPONSIBLE FOR PAYING INTO THE PROGRAM

Producers are required to participate in the PRO in order to sell products in or into Colorado. The definition of producer is based on the type of packaging or paper, and is most commonly the brand name on the packaging or product. Under the policy, the producer is:

- In most cases, it is the brand name on the packaging
- For unmarked items, the manufacturer or the first importer into the US
- For magazines, the publisher
- For internet sales, the company that packages and ships the product is responsible for packaging and shipping materials

Producers do not include small businesses with less than \$5 million in gross annual revenue (not including on-premise alcohol sales) or selling less than one ton of covered materials; individual restaurant locations; or agricultural growers selling less than \$5 million in consumer-facing sales.

PRO CONDUCTS A NEEDS ASSESSMENT

The first task of the PRO is to contract for a needs assessment to analyze the current recycling system in Colorado, and to identify the infrastructure and services needed to improve recycling. The PRO will develop and evaluate three scenarios for reaching statewide recycling goals for 2030 and 2035. The statewide needs assessment will also include a study to determine how to expand the program to designated nonresidential properties, including small businesses, government buildings, and public spaces, by 2028. The PRO will submit the needs assessment to CDPHE.

The executive director of CDPHE will solicit feedback from the Advisory Board and the public on these three cost scenarios, and then recommend a preferred approach to the Joint Budget Committee (JBC) of the state legislature. If the JBC accepts the recommendation, the PRO moves forward to create and implement a plan. If the JBC rejects the Director's recommendation, then the legislature can adopt a bill to implement one of the other cost scenarios. If the JBC rejects the recommendation, the PRO cannot implement a plan without the legislature passing a bill to direct them to take action.

HOW THE PROGRAM IS FUNDED AND WHAT MATERIALS ARE INCLUDED

Producers using covered packaging and paper will pay annual membership dues to the PRO based on the amount and type of packaging or paper used. The dues are structured to incentivize companies to reduce unnecessary packaging and use more recyclable materials and materials with more recycled content. The bill includes all consumer-facing printed paper and packaging (metal, glass, cardboard, paper, foam, plastic or other materials), regardless of recyclability, as well as single-use food serviceware. It does not include business-to-business materials, packaging used in transportation or distribution that does not reach a consumer, or



packaging sold out of state. There are exemptions for products with specific federal safety regulations such as pharmaceuticals and pesticides, and newspapers are also not included.

PROVIDES FUNDING FOR RECYCLING SERVICES

The program will provide recycling services for common recyclables at no cost to all residents throughout the state. Recycling will be as convenient as trash service, and there will be a statewide education program to promote recycling. The program does not provide funding for trash collection, construction debris, or recycling of other materials beyond packaging and paper.

THE PRO WILL REIMBURSE PUBLIC AND PRIVATE RECYCLING PROVIDERS

The PRO will reimburse haulers, processors, and local governments that provide recycling services for 100% of the costs of providing recycling services. The program prioritizes and builds upon existing service providers and infrastructure. Local governments can choose to remain service providers and be reimbursed, but there is no obligation for any local government to provide services. Throughout most of Colorado, recycling is provided by private companies so in most cases, the PRO will contract directly with those companies to pay for and expand recycling. Reimbursement rates will be based on the costs to provide services, as identified in the needs assessment, and calculated using a set of formulas that account for regional differences, types of services, types of households, and other relevant factors.

INCREASE USE OF RECYCLED MATERIALS

The PRO will set minimum goals for increasing recycled content in all categories of materials by 2030 and 2035. The PRO will also develop metrics and strategies to increase the use of reusable packaging.

STAKEHOLDER INPUT AND REVIEW THROUGH THE ADVISORY BOARD

There is a 13-member advisory board that will consult with the PRO and make recommendations to CDPHE on the program. The board will consult with the PRO during the development of the needs assessment and plan proposal. The board will provide recommendations to the PRO and the PRO must document its responses to these suggestions. The board then makes recommendations to CDPHE to approve or reject the plan or plan amendments.

Advisory board members will have expertise in recycling programs and be knowledgeable about recycling services in the different geographic regions of the state. Voting members include three local governments; four operators including a hauler, recycling facility, compost facility, and landfill; two nonprofits; two packaging and paper manufacturers; and two business associations. The PRO and CDPHE each have a non-voting seat.



OVERSIGHT BY THE STATE AGENCY

CDPHE will provide oversight, administration, and enforcement of the program, and the Solid Waste Commission will provide any necessary rulemaking. The state agency will be reimbursed for its services by the PRO after the program is operational in 2025.

TIMELINE FOR PROGRAM DEVELOPMENT

2023	<ul style="list-style-type: none">- CDPHE convenes Advisory Board- Producer Responsibility Organization (PRO) forms- PRO contracts for needs assessment
2024	<ul style="list-style-type: none">- Needs assessment finalized- Joint Budget Committee approves program goals recommended by CDPHE- PRO begins to develop Program Plan
2025	<ul style="list-style-type: none">- Advisory Board reviews PRO plan- CDPHE approves plan to meet goals- All producers must join PRO or submit their own plan
2026	<ul style="list-style-type: none">- PRO begins to implement plan
2027	<ul style="list-style-type: none">- Annual report and program amendments
2028	<ul style="list-style-type: none">- PRO begins to expand recycling to nonresidential entities as identified in needs assessment
2029	<ul style="list-style-type: none">- Additional PRO may form as necessary