



Producer Responsibility Program for Statewide Recycling

Resource Conservation Advisory Board

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Extended Producer Responsibility (EPR)

A policy approach and practice in which producers take responsibility for management of the products and/or packaging they produce at the end of their useful life.



What is
EPR?



Goals



Increase recycling
& reuse



Uniform
statewide list



Stable funding to
expand infrastructure



Reduce
Contamination



Convenient &
equitable
recycling for all



Save local
governments money



Postconsumer
Recycled
Content Rates



Statewide
Education &
Outreach



Unique
to CO

Most
traditional
EPR in US

PRO &
Producers
100%
Responsible

Joint
Budget
Committee

100% PRO
funded

Consumer
Cost Impact
Analyses



Covered Materials





Covered Materials *Exemptions*

“Covered materials” does not include:



- Paper products that:
 - Through their use, could become unsafe or unsanitary to handle, or;
 - Are used for a print publication that mainly includes current events from primary sources;
- Vital documents that are required by law to be printed (e.g. financial statements);
- Bound books;
- Beverage containers subject to a returnable container deposit, and;
- Any other material the Solid and Hazardous Waste Commission determines is excluded by rule.





Covered Materials *Exemptions*

“Covered materials” does not include packaging materials used for:



- The transport, protection, or storage of a product for at least five years;
- Industrial or manufacturing processes (exclusively);
- Regulated drugs, medical devices, or supplements;
- Regulated insecticide, fungicide, or rodenticides;
- Architectural paint covered under a paint stewardship program;
- Products that are covered under the “Poison Prevention Packaging Act of 1970”;
- Portable refurbished electronic devices;
- Regulated infant formula, medical food, or fortified nutritional supplements used in certain medical circumstances, and;
- Regulated animal biologics, including vaccines, bacterins, antisera, diagnostic kits, and other products of biological origin.





Covered Entities

Locations in the state from which covered materials are collected.

- (a) ALL single-family or multifamily residences; and
- (b) Nonresidential locations identified in the Final Plan, including public places;
 - small businesses;
 - schools;
 - hospitality locations; and
 - State and local government buildings.

Equitable access to all Coloradans

Recycling must be provided in a manner that is as convenient as the collection of solid waste.



Convenience Standards



A home rule or statutory county,
municipality,
or city and county.



Local
Government



COLORADO
Hazardous Materials
& Waste Management Division
Department of Public Health & Environment

A public or private entity that provides recycling services in the state.



Service
Providers



No obligation to participate

Local government and service providers are not required to provide recycling services under the program. *However, participation is required to be eligible for reimbursement of costs.*



No
Obligation

PRO reimburses for 100% of net recycling costs



COLLECTION &
TRANSPORTATION



PROCESSING



EDUCATION



INFRASTRUCTURE
INVESTMENTS

Provide documented recycling services costs incurred by public and private service providers to provide recycling services.



Needs Assessment

GOALS OF NEEDS ASSESSMENT

1

THREE
SCENARIOS TO
INCREASE
RECYCLING
RATE BY 2030
AND 2035

2

OPERATING
AND CAPITAL
COSTS NEEDED
TO REACH EACH
PROJECTED
SCENARIO

3

UTILIZE DATA
TO INFORM PRO
PLAN

4

ESTABLISH LIST
OF RECYCLABLE
MATERIALS

5

“BE INCLUSIVE
OF AND
ADDRESS THE
NEEDS OF ALL
GEOGRAPHIC
AREAS OF THE
STATE”





Timeline



Advisory Board Formed

Executive Director appointed 13-member advisory board



First Meeting

First meeting was held two months prior to statutory deadline



First Rulemaking

SHWC promulgated rule for annual CPI adjustment of producer dollar limitation exemption



PRO Appointed

Executive Director appointed Circular Action Alliance as Colorado's, and the nation's first, Producer Responsibility Organization



Needs Assessment RFP Issued

PRO issued RFP for statewide Needs Assessment



Facilitation Services RFP Issued

CDPHE issued RFP for advisory board facilitation services



Needs Assessment Commences

Executive Director approved Contractor for Needs Assessment & work begins





Timeline



Needs Assessment Due

Needs Assessment statutory deadline



Joint Budget Committee

Department presents recommended scenario from Needs Assessment



Individual Program Plans

Producers opting out of participating in the PRO must notify CDPHE



Second Rulemaking

Primary regs for producers and PRO to be presented to SHWC



Program Plan Due

Department approves PRO's program plan



Producers Join PRO

All producers must join the PRO or have an approved Individual Program Plan



Third Rulemaking

Eco-modulation rules presented to SHWC



Plan Implementation

Producers begin paying dues, CDPHE eligible for reimbursement, plan implementation begins



Ahead of statutory deadlines



Needs Assessment
Recommendations



First Rulemaking



Multi-State Collaboration



Stay
Connected





COLORADO
**Hazardous Materials
& Waste Management Division**
Department of Public Health & Environment
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Circular
Action
Alliance

Colorado Needs Assessment

September 18, 2023

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Who is Circular Action Alliance (CAA)?

- Circular Action Alliance (CAA) is a non-profit, tax-exempt 501(c)(3) established to support the successful implementation of EPR laws for paper and packaging.
- CAA was officially incorporated in December 2022, and 18 companies from the food, beverage, consumer goods, and retail industries serve as Founding Members.
- May 2023 - CDPHE appointed CAA as the PRO in charge of implementing Colorado's new statewide recycling program.
- CAA also established a dedicated Colorado Board in June 2023



Introduction to EPR

- **Signed into law on June 3rd, 2022**
- **Producer responsibility for packaging and paper products**
- **Local expansion of recycling and composting services**

“Convenient and equitable access to recycling services for all readily recyclable materials, at no charge to the covered entity, with the goal of achieving the recycling rate, collection rate, and postconsumer recycled content rate targets.”

- **Will create new opportunities for local governments**

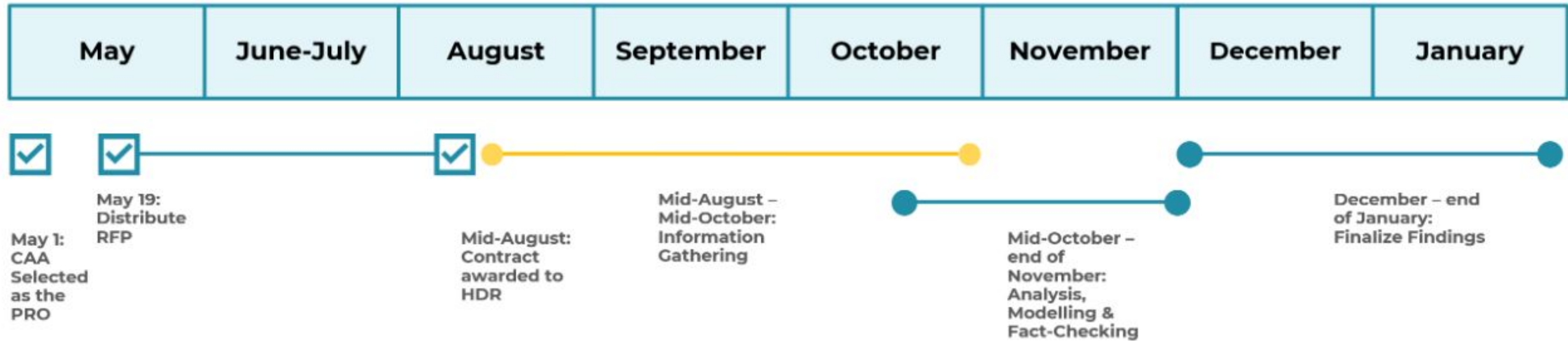


Colorado EPR Implementation

- First step in Colorado is the development of the needs assessment.
- The needs assessment is an in-depth study that will assess Colorado's existing recycling system and identify opportunities for growth and improvement of the system.
- It is meant to provide the roadmap for the approved PRO's program plan and inform the rule-making process.
- The Colorado legislation establishes the elements of the needs assessment which include assessments of:
 - Access to Services
 - Recycling Services Costs
 - Demographic Factors & Other Variables
 - Contamination at MRFs & Compost Facilities
 - Non-Residential Service Availability, Gaps & Costs
 - Processing Capacity
 - Compost Facilities
 - Opportunities & Costs
 - End Markets
 - Innovative Technologies
 - Reuse & Refill
 - Education
 - Scenarios (& the impact of exemptions)
 - Minimum Recyclables List



High-Level Timeline of Needs Assessment



Information Gathering

- Extensive outreach underway with communities, haulers, MRFs, transfer stations, compost facilities, end markets
- Survey has been sent out to all communities
- More information available on CAA's website at <https://circularactionalliance.org/circular-action-alliance-colorado>

Q&A Thank You



CircularActionAlliance.org



Circular Action Alliance



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