

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 21, 2021

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB21-180 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Strike the Business, Labor, and Technology Committee Report, dated
2 March 22, 2021.

3 Amend printed bill, strike everything below the enacting clause and
4 substitute:

5 "SECTION 1. In Colorado Revised Statutes, **add** 25-17-109 as
6 follows:

7 **25-17-109. Stakeholder advisory committee on recycling -**
8 **created - definitions - report - repeal.** (1) AS USED IN THIS SECTION,
9 UNLESS THE CONTEXT OTHERWISE REQUIRES:

10 (a) "COMMITTEE" MEANS THE STAKEHOLDER ADVISORY
11 COMMITTEE ON RECYCLING CREATED IN SUBSECTION (2) OF THIS SECTION.

12 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
13 AND ENVIRONMENT.

14 (c) "RECYCLABLE MATERIALS":

15 (I) MEANS ANY TYPE OF DISCARDED OR WASTE MATERIAL THAT IS
16 NOT REGULATED UNDER SECTION 25-8-205 (1)(e) AND CAN BE REUSED,
17 REMANUFACTURED, RECLAIMED, OR RECYCLED, INCLUDING COMPOSTABLE
18 ORGANIC MATERIAL AND CONSTRUCTION AND DEMOLITION MATERIALS;
19 AND

20 (II) DOES NOT INCLUDE INDUSTRIAL MATERIALS, PAINT, OR A
21 WASTE TIRE AS DEFINED IN SECTION 30-20-1402 (12).

22 (2) THE STAKEHOLDER ADVISORY COMMITTEE ON RECYCLING IS

1 CREATED IN THE DEPARTMENT FOR THE FOLLOWING PURPOSES:
2 (a) TO CONDUCT A LITERATURE REVIEW OF VARIOUS POLICY
3 CONCEPTS, INCLUDING POLICIES ENACTED OR BEING CONSIDERED IN
4 OTHER STATES AND OTHER NATIONS RELATIVE TO POST-CONSUMER
5 RECYCLED CONTENT REQUIREMENTS FOR PACKAGING;
6 (b) TO REVIEW RATES AND TIME FRAMES IN WHICH
7 POST-CONSUMER RECYCLED CONTENT, INCLUDING RECYCLED PLASTIC,
8 GLASS, STEEL, AND PAPER, MAY BE FEASIBLY REQUIRED FOR ALL
9 PACKAGING APPLICATIONS AND MATERIALS; AND
10 (c) TO SUBMIT A REPORT ON OR BEFORE JULY 1, 2022, TO THE
11 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF
12 REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF
13 THE SENATE, OR TO ANY SUCCESSOR COMMITTEE, WHICH REPORT
14 INCLUDES POLICY AND LEGISLATIVE RECOMMENDATIONS REGARDING THE
15 FEASIBILITY OF IMPLEMENTING POST-CONSUMER RECYCLED CONTENT
16 REQUIREMENTS FOR PACKAGING. THE REPORT MUST INCLUDE
17 RECOMMENDATIONS IN SUBJECT MATTER AREAS WHERE THE COMMITTEE
18 ACHIEVED CONSENSUS AND NOTE DISSENTING OPINIONS IN SUBJECT
19 MATTER AREAS WHERE THE COMMITTEE FAILED TO ACHIEVE CONSENSUS
20 CONCERNING THE FOLLOWING:
21 (I) DEFINITIONS OF TERMS;
22 (II) METHODS FOR DETERMINING RESPONSIBLE PARTIES;
23 (III) METHODS FOR DETERMINING, REPORTING, AND CERTIFYING
24 COMPLIANCE WITH REQUIREMENTS CONCERNING THE RECYCLING OF
25 RECYCLABLE MATERIALS;
26 (IV) METHODS FOR ESTABLISHING MANDATORY RECYCLING
27 RATES, INCLUDING CONSIDERATION OF MATERIAL TYPES AND TARGET
28 IMPLEMENTATION DATES;
29 (V) METHODS FOR VERIFYING CLAIMS REGARDING RECYCLED
30 CONTENT;
31 (VI) REGISTRATION OF MANUFACTURERS AND DISTRIBUTORS;
32 (VII) ENFORCEMENT; AND
33 (VIII) EXEMPTIONS AND EXCEPTIONS.
34 (3) ON OR BEFORE AUGUST 1, 2021, THE EXECUTIVE DIRECTOR OF
35 THE DEPARTMENT, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL
36 APPOINT ONE MEMBER TO THE COMMITTEE TO REPRESENT EACH OF THE
37 FOLLOWING STAKEHOLDER GROUPS:
38 (a) THE DEPARTMENT;
39 (b) CITIES, INCLUDING SMALL AND LARGE CITIES AND CITIES
40 LOCATED IN URBAN AND RURAL COUNTIES;
41 (c) COUNTIES, INCLUDING SMALL AND LARGE COUNTIES AND



- 1 URBAN AND RURAL COUNTIES;
- 2 (d) AN ENTITY IN THE WASTE AND RECYCLING INDUSTRY THAT
- 3 OWNS OR OPERATES A CURBSIDE RECYCLING PROGRAM;
- 4 (e) A MATERIAL RECOVERY FACILITY OPERATOR THAT PROCESSES
- 5 MUNICIPAL SOLID WASTE FROM CURBSIDE RECYCLING PROGRAMS;
- 6 (f) RECYCLED PLASTIC FEEDSTOCK USERS;
- 7 (g) A TRADE ASSOCIATION REPRESENTING THE PLASTICS
- 8 RECYCLING INDUSTRY;
- 9 (h) A RECYCLED CONTENT CERTIFICATION ORGANIZATION;
- 10 (i) A NONPROFIT ENVIRONMENTAL ORGANIZATION THAT
- 11 SPECIALIZES IN WASTE AND RECYCLING ISSUES;
- 12 (j) PLASTIC CONVERTERS AND MANUFACTURERS OF RESINS;
- 13 (k) A MANUFACTURER OF PLASTIC PACKAGING;
- 14 (l) A STATEWIDE BUSINESS TRADE ASSOCIATION;
- 15 (m) AN ASSOCIATION THAT REPRESENTS CONSUMER BRAND
- 16 COMPANIES;
- 17 (n) A CONSUMER-ORIENTED ORGANIZATION;
- 18 (o) A STATEWIDE ASSOCIATION OF RETAILERS; AND
- 19 (p) AN ADVANCED RECYCLING TECHNOLOGY PROVIDER THAT
- 20 PROCESSES PLASTIC MATERIAL; AND
- 21 (q) A MEMBER WHO HAS EXPERIENCE IN ENVIRONMENT JUSTICE
- 22 AND REPRESENTING UNDERSERVED COMMUNITIES.
- 23 (4) THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE
- 24 HOUSE OF REPRESENTATIVES SHALL JOINTLY APPOINT A MEMBER OF THE
- 25 COMMITTEE TO CHAIR THE COMMITTEE, AND ON OR BEFORE SEPTEMBER 1,
- 26 2021, THE CHAIR SHALL CONVENE THE COMMITTEE.
- 27 (5) THIS SECTION IS REPEALED, EFFECTIVE AUGUST 1, 2022.
- 28 **SECTION 2. Safety clause.** The general assembly hereby finds,
- 29 determines, and declares that this act is necessary for the immediate
- 30 preservation of the public peace, health, or safety."

31 Page 1 of the printed bill, strike line 101 and substitute "**CONCERNING A**
 32 **REPORT TO BE SUBMITTED TO THE GENERAL ASSEMBLY BY THE**
 33 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT REGARDING**
 34 **POST-CONSUMER RECYCLED CONTENT RECOMMENDATIONS FOR**
 35 **PACKAGING.**".

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