

**Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 20-0311.01 Jennifer Berman x3286

**HOUSE BILL 20-1047**

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**HOUSE SPONSORSHIP**

**Cutter and Froelich,**

**SENATE SPONSORSHIP**

**Priola,**

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**House Committees**

Energy & Environment  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING THE DEVELOPMENT OF A STATEWIDE ORGANICS**  
102 **MANAGEMENT PLAN TO PROMOTE COMPOST USE.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Zero Waste and Recycling Interim Study Committee.** The bill tasks the executive director of the department of public health and environment (executive director) or the executive director's designee and the commissioner of agriculture (commissioner) or the commissioner's designee with developing an organics management plan (plan) on or before September 1, 2022. The department of public health and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

environment may incorporate the plan into the department's existing work regarding organics management if its existing work meets the standards established for the organics management plan.

In developing the plan, the executive director and the commissioner are required to study and make recommendations regarding organic waste management practices to encourage compost use on soil to promote carbon storage.

The executive director and the commissioner must also complete 2 statewide surveys as part of the plan, with one survey examining end uses for the major categories of organic waste feedstock generated within the state and the other survey examining existing organic waste generation facilities and processing capacity.

On or before February 1, 2023, the executive director, in collaboration with the commissioner, shall submit a report summarizing the plan to the legislative committees with jurisdiction over energy or agricultural matters.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 17.5 to  
3 title 25 as follows:

4 **ARTICLE 17.5**

5 **Organics Management for Compost**

6 **25-17.5-101. Definitions.** AS USED IN THIS ARTICLE 17.5, UNLESS  
7 THE CONTEXT OTHERWISE REQUIRES:

8 (1) "CARBON STORAGE" MEANS, WITH RESPECT TO THE  
9 AGRICULTURE SECTOR, THE CAPACITY OF AGRICULTURAL LANDS AND  
10 FORESTS TO REMOVE CARBON DIOXIDE FROM THE ATMOSPHERE THROUGH  
11 PHOTOSYNTHESIS WHEREBY THE CARBON DIOXIDE IS ABSORBED BY, AND  
12 STORED AS CARBON IN, BIOMASS WITHIN TREE TRUNKS, BRANCHES,  
13 FOLIAGE, ROOTS, AND SOILS.

14 (2) "COMMISSIONER" MEANS THE COMMISSIONER OF AGRICULTURE  
15 OR THE COMMISSIONER'S DESIGNEE.

16 (3) "COMPOST" HAS THE SAME MEANING AS SET FORTH IN SECTION

1 35-12-103 (6).

2 (4) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH  
3 AND ENVIRONMENT.

4 (5) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF  
5 THE DEPARTMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

6 (6) "GREENHOUSE GAS" MEANS CARBON DIOXIDE, METHANE,  
7 NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, NITROGEN  
8 TRIFLUORIDE, AND SULFUR HEXAFLUORIDE, EXPRESSED AS CARBON  
9 DIOXIDE EQUIVALENT.

10 **25-17.5-102. Organics management plan - surveys - study -**  
11 **collaboration with health department - reporting.** (1) (a) (I) ON OR  
12 BEFORE SEPTEMBER 1, 2022, THE EXECUTIVE DIRECTOR, IN  
13 COLLABORATION WITH THE COMMISSIONER, SHALL DEVELOP AN ORGANICS  
14 MANAGEMENT PLAN TO STUDY AND MAKE RECOMMENDATIONS  
15 REGARDING ORGANIC WASTE MANAGEMENT PRACTICES TO ENCOURAGE  
16 COMPOST USE ON COLORADO SOILS TO PROMOTE CARBON STORAGE. IN  
17 DEVELOPING THE PLAN, THE EXECUTIVE DIRECTOR AND COMMISSIONER  
18 SHALL WORK WITH A DIVERSE GROUP OF STAKEHOLDERS.

19 (II) AS USED IN SUBSECTION (1)(a)(I) OF THIS SECTION, DIVERSE  
20 STAKEHOLDERS MAY INCLUDE, BUT ARE NOT LIMITED TO,  
21 REPRESENTATIVES OF:

22 (A) A STATEWIDE ORGANIZATION REPRESENTING FARMERS;

23 (B) A STATEWIDE ORGANIZATION REPRESENTING CHEMISTS;

24 (C) GROUPS REPRESENTING THE FOUR MAJOR CATEGORIES OF  
25 ORGANIC WASTE FEEDSTOCK GENERATED WITHIN THE STATE, AS LISTED IN  
26 SUBSECTION (2)(a)(I) OF THIS SECTION, INCLUDING FEDERAL  
27 LABORATORIES, MUNICIPALITIES, RESTAURANTS, GROCERY STORES,

1 UNIVERSITIES, AND COLLEGES;  
2 (D) FINISHED COMPOST END USERS;  
3 (E) STATE AGENCIES INCLUDING THE DEPARTMENT OF  
4 TRANSPORTATION AND THE DEPARTMENT OF LOCAL AFFAIRS;  
5 (F) THE AGRICULTURAL SECTOR;  
6 (G) LAND MANAGERS;  
7 (H) ZERO WASTE ADVOCATES;  
8 (I) SOIL HEALTH ADVOCATES;  
9 (J) COMPOSTABLE PRODUCT MANUFACTURERS, CERTIFIERS, AND  
10 DISTRIBUTORS;  
11 (K) THE STATE CONSERVATION BOARD CREATED IN SECTION  
12 35-70-103; AND  
13 (L) THE STATE PURCHASING AND CONTRACTS OFFICE IN THE  
14 DEPARTMENT OF PERSONNEL.

15 (b) THE DEPARTMENT MAY INCORPORATE THE PLAN DESCRIBED IN  
16 SUBSECTION (1)(a)(I) OF THIS SECTION INTO THE WORK THE DEPARTMENT  
17 IS ALREADY DOING WITH REGARD TO ORGANICS MANAGEMENT IF THE  
18 DEPARTMENT'S EXISTING WORK REGARDING ORGANICS MANAGEMENT  
19 MEETS THE STANDARDS SET FORTH IN THIS ARTICLE 17.5.

20 (2) THE PLAN DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS  
21 SECTION MUST INCLUDE THE FOLLOWING COMPONENTS:

22 (a) THE COMPLETION OF THE FOLLOWING COMPREHENSIVE,  
23 STATEWIDE SURVEYS:

24 (I) AN END-MARKET SURVEY TO EXAMINE THE COSTS, REVENUES,  
25 AND GREENHOUSE GAS IMPACTS ASSOCIATED WITH CURRENT END USES  
26 FOR THE MAJOR CATEGORIES OF ORGANIC WASTE FEEDSTOCK GENERATED  
27 WITHIN THE STATE, WHICH CATEGORIES ARE:

- 1 (A) SOURCE-SEPARATED MUNICIPAL SOLID WASTE ORGANICS;
- 2 (B) BIOSOLIDS;
- 3 (C) DAIRY AND FEEDLOT MANURE; AND
- 4 (D) FOREST WASTE INCLUDING URBAN FOREST WASTE.
- 5 (II) A SURVEY OF EXISTING ORGANIC WASTE GENERATION
- 6 FACILITIES AND PROCESSING CAPACITY;
- 7 (b) A STATEWIDE ORGANICS MANAGEMENT STUDY TO EXAMINE
- 8 AND ADDRESS THE NEED FOR ORGANICS PROCESSING INFRASTRUCTURE
- 9 EXPANSION AND INCREASED COMPOST UTILIZATION BY VARIOUS END
- 10 USERS INCLUDING END USE FOR AGRICULTURAL PURPOSES. THE STUDY
- 11 MUST INCLUDE AN EXAMINATION OF THE FOLLOWING:
- 12 (I) WITH REGARD TO THE DEVELOPMENT OF NEW OR EXPANDED
- 13 ORGANICS PROCESSING INFRASTRUCTURE AND COMPOST UTILIZATION
- 14 THROUGHOUT THE STATE:
- 15 (A) THE CLIMATE CHANGE IMPACTS ARISING FROM SUCH NEW OR
- 16 EXPANDED INFRASTRUCTURE AND UTILIZATION; AND
- 17 (B) A COST-BENEFIT ANALYSIS;
- 18 (II) AN EXPLORATION OF VARIOUS MECHANISMS TO INCREASE AND
- 19 PROMOTE INFRASTRUCTURE EXPANSION, INCLUDING:
- 20 (A) THE IDENTIFICATION OF NEW AND EXISTING COMPOST
- 21 FACILITIES AS ENTERPRISE ZONE PROJECTS THAT ARE ELIGIBLE FOR
- 22 INVESTMENT TAX CREDIT UNDER SECTION 39-30-104 AS COLORADO
- 23 INCOME TAXPAYER CONTRIBUTIONS UNDER THE COLORADO OFFICE OF
- 24 ECONOMIC DEVELOPMENT'S ENTERPRISE ZONE CONTRIBUTION PROJECT
- 25 PROGRAM;
- 26 (B) POTENTIAL POLICY CHANGES THAT MAKE IT EASIER TO BUILD
- 27 NEW COMPOST FACILITIES;

1 (C) POTENTIAL SOURCES OF FUNDING TO PROVIDE TECHNICAL  
2 SUPPORT FOR RURAL COMPOST FACILITIES THAT SERVE AGRICULTURE; AND

3 (D) SUSTAINABLE FUNDING OPTIONS THAT MAY BE USED TO  
4 PROMOTE THE DEVELOPMENT OF INFRASTRUCTURE;

5 (c) RECOMMENDATIONS REGARDING:

6 (I) HOW TO INCREASE THE END-MARKET DEMAND AND  
7 UTILIZATION OF COMPOST FROM VARIOUS FEEDSTOCKS. THE  
8 RECOMMENDATIONS MAY INCLUDE:

9 (A) INNOVATIVE WAYS TO CREATE FINANCIAL INCENTIVES OR  
10 OTHER INCENTIVES TO ENCOURAGE THE VOLUNTARY USE OF COMPOST IN  
11 AGRICULTURE TO PROMOTE CARBON STORAGE IN SOIL AND INCENTIVES  
12 FOR OTHER END USES, INCLUDING CONDUCTING A STUDY OF CARBON  
13 STORAGE POTENTIAL IN COLORADO SOILS, DEVELOPING GOALS, MANAGING  
14 DATA, IDENTIFYING GRANT OPPORTUNITIES, AND PROVIDING TECHNICAL  
15 ASSISTANCE;

16 (B) A STATE PROCUREMENT STANDARD ESTABLISHING A  
17 REQUIREMENT THAT A STATE-FUNDED PUBLIC PROJECT THAT SPECIFIES A  
18 SOIL AMENDMENT USE COMPOST THAT IS SOURCED FROM A  
19 STATE-PERMITTED COMPOST FACILITY AND CERTIFIED BY A NATIONALLY  
20 RECOGNIZED THIRD PARTY; AND

21 (C) THE DEVELOPMENT OF SAMPLE PROCUREMENT LANGUAGE  
22 THAT A LOCAL GOVERNMENT COULD USE IN ITS PROCUREMENT PROCESS,  
23 SUCH AS LANGUAGE REQUIRING A MINIMUM OF FIVE PERCENT ORGANIC  
24 MATTER IN CONSTRUCTION AND LANDSCAPING PROJECTS.

25 (II) STRATEGIES THAT MUNICIPAL AND COMMERCIAL  
26 SOURCE-SEPARATED POST-CONSUMER ORGANIC WASTE COLLECTORS AND  
27 PROCESSORS COULD UTILIZE TO REDUCE CONTAMINATION, SUCH AS

1 EDUCATIONAL OUTREACH PROGRAMS.

2 (3) (a) ON OR BEFORE FEBRUARY 1, 2023, THE EXECUTIVE  
3 DIRECTOR, IN COLLABORATION WITH THE COMMISSIONER, SHALL SUBMIT  
4 A REPORT SUMMARIZING THE PLAN DEVELOPED PURSUANT TO SUBSECTION  
5 (2) OF THIS SECTION TO:

6 (I) THE ENERGY AND ENVIRONMENT COMMITTEE AND RURAL  
7 AFFAIRS AND AGRICULTURE COMMITTEE OF THE HOUSE OF  
8 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES; AND

9 (II) THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE AND  
10 THE TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE, OR THEIR  
11 SUCCESSOR COMMITTEES.

12 (b) THE EXECUTIVE DIRECTOR SHALL PUBLISH THE REPORT  
13 CREATED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION ON THE  
14 DEPARTMENT'S PUBLIC WEBSITE.

15 **25-17.5-103. Repeal of article.** THIS ARTICLE 17.5 IS REPEALED,  
16 EFFECTIVE SEPTEMBER 1, 2023.

17 **SECTION 2. Act subject to petition - effective date.** This act  
18 takes effect at 12:01 a.m. on the day following the expiration of the  
19 ninety-day period after final adjournment of the general assembly (August  
20 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
21 referendum petition is filed pursuant to section 1 (3) of article V of the  
22 state constitution against this act or an item, section, or part of this act  
23 within such period, then the act, item, section, or part will not take effect  
24 unless approved by the people at the general election to be held in  
25 November 2020 and, in such case, will take effect on the date of the  
26 official declaration of the vote thereon by the governor.