



March 22, 2021

Senator Robert Rodriguez
Chairman, Business, Labor & Technology Committee
200 E Colfax
RM 346
Denver, CO 80203

RE: Opposition to SB 21-180

Chairman Rodriguez,

As associations that represent foodservice packaging manufacturers throughout the United States, we respectfully oppose SB 21-180 – concerning efforts to increase recycling in Colorado. We believe this legislation takes the wrong approach, conflicts with current legislation and processes underway, and wrongly targets foodservice packaging.

This legislation competes and overlaps with SB 20-055, signed into law over a year ago, which directs the Department of Public Health and Environment to provide a plan by July 2021 for recycling market development and for producer responsibility for products and packaging in Colorado. Foodservice packaging should be considered in this holistic context to avoid duplication of resources and seek full comprehensive solutions. As mentioned in section 5 of SB 21-180, Colorado has one of the lowest diversion rates, assessing the situation thoroughly through the study, that is underway, to address the best opportunities to increase the diversion rate is a better approach.

The targeting of specific packaging is not an appropriate policy solution to improve overall recovery. According to the latest available data from the Environmental Protection Agency (EPA), foodservice packaging items make up only 1.5 percent of municipal solid waste materials discarded in landfills. Addressing these items in isolation will not serve to improve recycling rates in Colorado.

It should also be noted that foodservice packaging is comprised of materials that are currently part of existing recycling programs and should be evaluated as part of the whole system. They are not collected, processed, and marketed as commodities on their own but rather included in bales of existing materials created within recycling programs.

The foodservice packaging industry has been a voluntary partner in the state of Colorado with a view to increasing recovery within the system. In fact, Alpine Waste & Recycling in Denver was the first grant recipient of the Foodservice Packaging Institute's Foam Recycling Coalition back in 2015 and was also involved in the successful launch of foodservice paper cup recycling with the City of Denver in 2018.

We are living through unprecedented times. Single-use foodservice packaging is manufactured, packed, and shipped to arrive clean at restaurants and other eating and drinking establishments, like school cafeterias. When properly stored and handled, these single-use items offer the most sanitary option to

serve customers. Foodservice establishments know that these products minimize the threat of foodborne illnesses and ensure the safe and sanitary delivery of foods and beverages. In many cases, these items have been essential to the survival of foodservice operations during the COVID-19 pandemic, allowing for safe and affordable takeout and delivery transactions. Now is not the time to add an additional tax to these products.

We appreciate the opportunity to comment on this legislation and request the committee does not support SB 21-180. Our organizations are pleased to work with this committee to develop and contribute to a more meaningful and comprehensive solution to increase diversion in the state and would be happy to participate in a study on this issue.

If you have questions, please contact Shannon Crawford with the Plastics Industry Association at scrawford@plasticsindustry.org or 703.732.9005 or Carol Patterson with the Foodservice Packaging Institute at cpatterson@fpi.org or 571.424.3478.

Sincerely,

AMERIPEN

The Association of Plastic Recyclers

Campaign for Recycling and the Environment

Flexible Packaging Association

Foodservice Packaging Institute

Plastics Industry Association

Western Plastics Association



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WinCup, Inc.
4640 Lewis Road
Stone Mountain, GA 30083
(470) 237-5251
www.wincup.com

March 22, 2021

Colorado General Assembly
Senate Committee on Business, Labor & Technology
200 E. Colfax Avenue
Denver, CO 80203

Re: In Support of SB 21-180 Recycling and Composting Enterprise Grant Program

Dear Chair Rodriguez, Vice Chair Danielson and Distinguished Members of the Committee:

I am writing on behalf of WinCup, Inc., a manufacturer of disposable foodservice products, including environmentally preferred, compostable products. WinCup supports SB 21-180, an act to establish a Recycling and Composting Enterprise Grant Program.

As a manufacturer of disposable foodservice products, WinCup acknowledges that we need solutions to the problem of single use plastics right now. But this problem does not have a one size fits all solution. It will not be solved by a patchwork of state wide and local product bans addressing only certain types of plastic, which will ultimately harm businesses in Colorado, particularly as they emerge from the unprecedented challenges of the pandemic.

The problem of single use plastics requires a multi-faceted approach, including consumers' reduction of their use of all single use products, more and better recycling and composting, and better products made from innovative new materials.

SB 21-180 is most assuredly a step in the right direction in implementing some of these necessary solutions. At 15.9%, Colorado's recycling rate falls well under the national average of 35%. Colorado residents recycle and compost only 1.1 pounds per person per day, while residents in leading states recycle 3 pounds per person per day, nearly three times more than Colorado residents. Building better waste stream infrastructure and more consumer education is a critical and necessary step in achieving any state wide waste reduction goals.

As a manufacturer of disposable foodservice products, WinCup is proud to support initiatives such as SB 21-180 that directly address the needs of the communities we serve with funding and resources to improve all aspects of waste diversion for all materials. We would much rather be

part of the solution and be incentivized to continue to innovate and make better products, instead of being subjected to product bans that arbitrarily pick winners and losers and take only a short term, “quick fix” approach.

We urge you to pass SB 21-180 and adopt a state wide substantive and innovative solution to help the state achieve its waste reduction goals.

Thank you for the important work you do.

Sincerely,

Vicki W. O'Rourke
Corporate Counsel

**Testimony in Opposition to Senate Bill 21-180
Recycling and Composting Enterprise Grant Program
March 22, 2021**

The American Forest & Paper Association (AF&PA) appreciates the opportunity to share information on SB21-180 on behalf of our members and their employees who are essential and critical infrastructure workers.

CO State and Local Taxes	\$31 Million	CO Products Include corrugated boxes, packaging, sales displays, and food packaging
Colorado Payroll	\$330 Million	
Colorado Employees	6,200 people	

AF&PA must respectfully oppose SB 21-180. The paper industry has a demonstrated, measurable record of success in making paper and paper-based packaging more circular and sustainable through market-based approaches. SB 21-180 would create the “Colorado recycling and composting infrastructure enterprise board” and impose a fee on food service packaging that is initially sold or offered for sale in the state

AF&PA serves to advance a sustainable U.S. pulp, paper, packaging, tissue and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry’s sustainability initiative — [Better Practices, Better Planet 2020](#). The forest products industry accounts for approximately four percent of the total U.S. manufacturing GDP, manufactures nearly \$300 billion in products annually and employs approximately 950,000 men and women. The industry meets a payroll of approximately \$55 billion annually and is among the top 10 manufacturing sector employers in 45 states.

Paper Recycling Works

The paper recycling rate has grown over the decades, and remains consistently high, meeting or exceeding 63 percent since 2009. ¹ In 2019, 66.2 percent of paper consumed in the United States was recovered for recycling. Technological innovations in product design and recycling processes are continuously allowing our industry to access and recycle more paper-based products.

US EPA data confirms the superior record and environmental success story of paper recycling from municipal collection programs.² According to the U.S. EPA, in 2018 (the most recent EPA data available) paper and paper-based packaging had a far higher recycling rate from municipal solid waste (MSW) streams than other major recyclable commodities: Paper (68.2%); Steel (33.1%);

¹<https://www.paperrecycles.org/media/news/2020/05/12/u.s.-paper-industry-achieves-consistently-high-recycling-rate>

² [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020.](#)

Glass (25.0%); Aluminum (17.2%); and Plastics (8.5%).³ Put another way, more paper by weight is recovered for recycling from municipal solid waste streams than plastic, glass, steel and aluminum combined.⁴ EPA statistics also show that in 2018, 46 million tons of paper and paperboard were recycled from municipal solid waste, compared to 3 million tons of plastics. By contrast, that year 27 million tons of plastics in municipal solid waste were sent to landfills. That's 76 percent of all plastic waste.⁵

Mandated Performance Goals Should Be Achievable for Products

SB21-180 sets mandated performance goals without justification for the numbers or consideration of individual products or the work already underway. Recovered fiber markets are complex, efficient, and dynamic and are not served by regulations or prescriptive approaches to specify the use of recycled fibers or dictate what type of recovered fiber is used in products.

Market forces and voluntary efforts have achieved strong gains in paper recycling and are expected to continue to do so in the future. Putting pressure on producers to arbitrarily change content in certain paper products interrupts the market-based utilization of recovered fiber, prevents recovered fiber from flowing to its highest value end-use, is counterproductive both economically and environmentally, and is inconsistent with the precepts of sustainability.

Eventually, the practical ceiling for paper and paper-based packaging recovery for recycling will be achieved. Some things just cannot be recycled – many tissue products, printed paper used for library books or archived documents and paper used in construction applications such as wallboard. To impose a foodservice EPR scheme in hopes of marginal gains could be cost prohibitive and at the detriment of the success the industry has achieved.

Overlap with SB21-005

This proposal overlaps with SB 20-055, signed into law over a year ago, which directs the DPHE to provide a plan by July 2021 for recycling market development and financing in Colorado. Foodservice packaging should be considered in this holistic context to avoid duplication of resources, not separate to it. As mentioned in section 5 of SB21-180, Colorado has one of the lowest diversion rates. Assessing the situation thoroughly through a study, which is underway, to identify the best opportunities to increase diversion rates is the responsible approach.

Classification Should be by Bale Type

This proposal would target recovered foodservice ware by product type, rather than utilizing the bale types the packaging is recycled under. Foodservice packaging is comprised of materials that are included in the existing recycling program, thus, should not be subject to a different program. The foodservice industry has been a voluntary partner in the state of Colorado with a view to increasing recovery within the system. For example, Denver successfully launched foodservice paper cup recycling with Alpine Waste & Recycling. Thus, recycling rates would be better applied to specific material types (e.g., paper) rather than product types of which it is comprised. The paper

³ <https://www.epa.gov/facts-and-figures-about-materials-waste-and-recycling/plastics-material-specific-data>

⁴ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020.](#)

⁵ [Advancing Sustainable Materials Management: 2018 Fact Sheet. EPA. November 2020](#)

industry has a demonstrated, measurable record of success in making paper and paper-based packaging more circular and sustainable through market-based approaches and should be evaluated as a material category.

Conclusion

We encourage the Committee to avoid measures that might penalize paper and paper-based food service packaging. We look forward to continuing our work with the state of Colorado. Please feel free to contact Erin Hall, Manager, Government Affairs at erin_hall@afandpa.org for further information.

Thank you,



Erin Hall

Manager, Government Affairs

American Forest & Paper Association

Colorado Chapter of the Sierra Club

SB21-180, Recycling and Composting Enterprise Grant Program

Senate Business, Labor and Technology Committee

March 22, 2021

Senator Rodriguez and committee,

I am Jan Douglas, co-chair of the Legislative Committee of the Colorado Sierra Club. I represent the more than 100,000 active members and supporters of the Sierra Club in Colorado.

We thank Senator Priola for bringing Senate Bill 180 this year. It does begin to acknowledge the responsibility of businesses to package their products in materials that may be recycled, composted or reused. The poor waste diversion rate in Colorado cannot be solved only by encouraging consumers to deal responsibly with packaging and other goods at the end of their use. However, we will not be able to lend our support for this bill this year.

In 2020, the Colorado Legislature passed SB20-055 to help grow recycling programs statewide. One part of that legislation called for CDPHE to study Extended Producer Responsibility Programs in other states, to engage stakeholders and to develop EPR policy recommendations for Colorado by July of 2021. The Colorado Sierra Club feels that we should wait for those policy recommendations which will apply to the recycling, composting and reuse of all materials in the waste system, rather than prematurely carving out policies for a select, limited type of package as SB 180 does.

We support new policies which will prioritize and fund waste reduction and reuse, will require upstream changes in the production of packaging which is compliant with recovery systems, will have a timeline which will result in 100% reusable, recyclable or compostable packaging by 2025, and which will focus on improved market demand for recycled products.

The Colorado Sierra Club looks forward to working with Senator Priola, the house sponsors and other advocates for Extended Producer Responsibility to help craft such legislation in the future.