



February 11, 2026

The Honorable Karen A. McCormick, Chair
House Committee on Agriculture, Water & Natural Resources
Colorado State Capitol
200 East Colfax Avenue
Denver, CO 80203

RE: HB 26-1111 – Pesticide Disposal: Commercial and Private Applicators
Position: Oppose

Chair McCormick and Members of the Committee:

On behalf of the undersigned organizations, we respectfully oppose HB 26-1111 as currently drafted. We urge that the bill be amended to exclude household, institutional, and retail products from the fee and instead focus the funding obligation on the entities and products that directly benefit from the stewardship program.

Together, our organizations represent companies that manufacture and register a wide range of EPA-registered pesticide products used safely every day in homes, businesses, institutions, and public settings. While we appreciate the bill's goal of improving disposal options for commercial and private applicators, the funding structure of the bill raises significant policy, equity, and legal concerns.

The program is designed for professional applicators, but funded by common consumer products

The bill's legislative findings and program design clearly focus on a specific problem: disposal challenges faced by commercial and private applicators, particularly for higher-volume and restricted-use products and the geographic difficulty of accessing disposal facilities.

The program that is created is tailored to address that problem through:

- Disposal events around the state,
- Container recycling opportunities,
- Outreach and education aimed at applicators.

Applicators only pay a fee when they actually use the program.

However, the bill's funding base is far broader. It requires every company registering a pesticide product in Colorado to pay an annual registration fee, regardless of whether those products are connected in any meaningful way to the disposal challenges the bill seeks to solve. This creates a fundamental disconnect between who the program is designed to serve and who is required to fund it, effectively placing the financial burden on companies whose products are unlikely to ever utilize the disposal services envisioned by the bill. As a result, many registrants would be paying fees without receiving any direct benefit, raising concerns about fairness and the appropriate alignment of costs with program use.

Many registered products do not contribute to the problem the bill addresses

A sizeable portion of pesticide products registered in Colorado are household, institutional, and retail products that are not part of the professional applicator waste stream and are unlikely to ever enter this disposal program.

Examples of products that would be required to pay the annual fee include:

- Disinfectant wipes and disinfectant sprays
- Body mosquito repellent lotions and sprays
- Ant and roach bait stations for home use
- Wasp and hornet aerosol sprays
- Mothballs and moth crystals
- Lawn and garden herbicide and fungicide sprays
- Pet flea and tick shampoos, sprays, and collars

These products are typically used in small quantities, managed through *existing* waste streams, not handled by commercial applicators, and not part of the high-volume disposal problem described in the bill. Yet each of these products would be assessed the same annual fee as products that are realistically part of the professional disposal stream.

Existing collection and recycling pathways already serve consumer products

Many household, institutional, and retail pesticide products are already managed through established waste management and recycling systems in Colorado, including local household hazardous waste collection programs and municipal waste and recycling services. These programs are designed to address small-format consumer products and packaging and are better aligned with how these products are used and discarded in practice.

The bill attempts to create a nexus where one does not exist

To justify applying the fee to all registrants, the bill includes language stating that the program benefits companies by:

- Providing a place to dispose of products or containers if ever needed (e.g., damaged, expired, recalled inventory),
- Supporting product stewardship and sustainability goals,
- Reducing end-of-life environmental impacts,
- Reducing potential liability from improper disposal.

While these concepts are understandable from a stewardship perspective, they do not reflect how most of these products are actually managed in the marketplace. For many of the products listed above, there is no realistic scenario in which they would enter this program or require the type of disposal services envisioned for commercial applicators.

Fee versus tax concerns under Colorado law

The bill repeatedly cites *Nicholl v. E-470* to explain why these charges are structured as “fees, not taxes.” Under Colorado law, enterprise fees must have a reasonable relationship between who pays and the service provided. The broader the group of products required to pay without a clear connection to the program’s services, the more this structure begins to resemble a tax on pesticide registrations rather than a fee tied to a specific service.

As written, the bill results in household and retail products subsidizing a program designed to address professional applicator disposal challenges. This sets a concerning precedent where broad categories of regulated products can be assessed fees to fund programs they do not meaningfully use. So while it is structured as a fee, it effectively functions as a tax on common consumer products.

Lack of guardrails on fee amounts, raising cost pressures on products

The bill leaves the amount of the fee entirely to the discretion of the State Agricultural Commission, with no statutory cap, formula, or parameters. This creates uncertainty for the regulated community and separates the fee amount from any measurable relationship to the type of products being registered. This risks putting cost pressures on common consumer products at a time when many households are already facing significant cost-of-living challenges.

Additionally, we urge the legislature to resist any proposal that would expand authorities that would compel the enterprise to include additional consumer products or consumer packaging. Such scope expansion would be duplicative of existing local waste and recycling systems and it would increase costs without addressing the underlying payer-beneficiary mismatch.

A more appropriate funding approach would target the program’s direct beneficiaries

We urge the legislature to amend the bill to remove household, institutional, and retail products from the fee. This change would ensure that only the products directly benefiting from the stewardship program contribute to its funding, aligning costs with actual use and avoiding unintended burdens on the general public.

HCPA appreciates the sponsors’ efforts to address pesticide disposal challenges for applicators and welcomes the opportunity to work toward a more targeted and balanced solution. As drafted, however, HB 26-1111 requires many products with no practical connection to the problem to fund the program, and for that reason, we respectfully oppose the bill.

Respectfully Submitted,

Christopher Finarelli

Sr. Director, State Government Relations & Public Policy
Household & Commercial Products Association

Erin Raden

Senior Director, State Affairs
Consumer Brands Association

Kevin Conroy

Senior Manager, Government Affairs
Association of the Nonwoven Fabrics Industry

John Nothdurft
Director of Government Affairs
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Brennan Georgianni
Associate Vice President, Government Affairs and Strategy
American Cleaning Institute



(sent via email to karen.mccormick.house@coleg.gov)

February 12, 2026

Honorable Karen McCormick
State Capitol
200 E Colfax Ave.
Denver, CO 80203

Re: Opposition to HB26-1111: Pesticide Product Disposal & Container Recycling

Dear Chair McCormick and Members of the House Committee on Agriculture, Water, & Natural Resources,

The Western Wood Preservers Institute (WWPI) and Treated Wood Council (TWC) are writing to express our opposition to HB26-1111, which will create an additional fee on all registered pesticides to help fund a voluntary program to dispose of pesticides and pesticide containers for commercial and private applicators. We appreciated the phone conversation we had with Representative Mauro on Tuesday, February 10. During the conversation Representative Mauro expressed understanding about our concerns with the proposed fee on all registered pesticides. At the conclusion of our conversation, we mentioned that we would follow up with further details regarding an exclusion for wood preservative pesticides.

WWPI is a non-profit trade association based in Vancouver, Washington. We serve the interests of the preserved wood industry in western North America, including Colorado. WWPI is a resource that works with federal, state, and local authorities, as well as designers, contractors, and users throughout the preserved wood life cycle. TWC is an international trade association, serving the treated wood industry with more than 580 member organizations, including those with several operations in Colorado [Centennial, Delta, Denver (2), Greenwood Village, Loveland, and Windsor].

The United States Environmental Protection Agency (EPA) requires strict adherence to the preservative pesticide label, which protects the environment, human health, and pollinators. EPA regulations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (40 CFR Part 156-

Labeling Requirements and 40 CFR Part 165 - Pesticide Management and Disposal), require that pesticide containers be triple-rinsed immediately after emptying. Any deviation from the EPA-approved label is a violation of FIFRA.

Under the Resource Conservation and Recovery Act (RCRA) (40 CFR §261.7), a container that has held a hazardous waste pesticide may be considered “empty” once it has been triple-rinsed or otherwise cleaned in accordance with the regulation. When the RCRA empty container criteria are met, the container is no longer subject to hazardous waste management requirements and may be managed as non-hazardous waste, as directed by the product label.

The delivery of wood preservative pesticides is unique, as they are distributed via tank trailers or industrial totes. Delivery through a tank trailer does not produce pesticide containers or pesticides for disposal. Wood preservers do not generate pesticide for disposal from industrial totes either. All of the pesticide in each tote is fully utilized for wood preservation. Allowing any portion of the pesticide to go unused would result in a direct financial loss. Every gallon of pesticide represents both value and preservation capacity. The industrial totes used in our industry are triple-rinsed immediately after emptying; and then recycled through an independent company that adheres to FIFRA and RCRA regulations.

HB26-1111 will create a recycling enterprise within the Colorado Department of Agriculture. The recycling enterprise would be responsible for establishing a voluntary, fee-for-service pesticide product disposal and container program for commercial and private applicators. The bill will also require the recycling enterprise to establish a fee on every pesticide registration to subsidize the voluntary pesticide product disposal program.

We support establishing reliable opportunities for recycling pesticide containers and the disposal of pesticide products for commercial and private applicators. However, we do not understand the need to subsidize the voluntary program through a fee on all registered pesticides. Additionally, when complying with 40 CFR Part 156, 165, and 261.7 a pesticide container is allowed to be managed as a non-hazardous waste rather than hazardous waste.

We respectfully request that HB26-1111 be amended to exclude the fee on wood preservative pesticides. The language we are requesting is shown in red below:

SECTION 2. In Colorado Revised Statutes, 35-9-107, amend (2) as follows:

35-9-107. Pesticide registration - application - fees - expiration - rules.

(2) Each applicant shall pay, at the time the application is submitted:

(a) An annual application fee in an amount to be determined by the commissioner; AND

(b) ON AND AFTER JANUARY 1, 2027, A PESTICIDE REGISTRATION PRODUCT DISPOSAL AND CONTAINER RECYCLING FEE, AS DEFINED IN SECTION 35-10.5-102 (13)~~),~~ **except for wood preservative or wood preservative products.**

Thank you for giving us the opportunity to share our concerns and request to limit HB26-1111. Please contact our Director of Government Relations, Ryan Pessah at ryan@wwpi.org or (619) 889-1666 to discuss our comments in more detail or if you have any questions.

Respectfully Submitted,

Butch Bernhardt

Butch Bernhardt
Executive Director
Western Wood Preservers Institute

Jeffrey T. Miller

Jeffrey T. Miller
President & Executive Director
Treated Wood Council

cc: Members of the House Committee on Agriculture, Water & Natural Resources

House Agriculture, Water & Natural Resources

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HB26-1111 Pesticide Product Disposal & Container Recycling

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>McKenn Couch For themselves</p>	<p>My name is McKenna Couch, and I am a licensed esthetician and small business owner. I have proudly owned and operated my own esthetics practice for the past two years.</p> <p>As someone who works hands-on in the aesthetics industry every single day, I understand the importance of safety, proper training, and maintaining professional standards. House Bill 26-1249 supports responsible oversight and helps ensure that licensed professionals can continue providing high-quality services while protecting consumers.</p> <p>Running my own business has shown me how vital clear regulations and industry standards are not only for client safety, but also for small business stability. When legislation supports qualified, licensed providers, it strengthens public trust and allows small businesses like mine to grow and contribute to our local economy.</p> <p>I strongly support House Bill 26-1249 and encourage its passage for the continued protection of clients, licensed professionals, and small business owners across our state.</p> <p>Thank you for your consideration.</p> <p>McKenna Couch Licensed Esthetician & Small Business Owner Enhanced Esthetics LLC</p>
<p>Steve Cartolano For themselves</p>	<p>Right to Firearm Possession & Elimination of Extreme Risk Protection Orders "SUPPORT</p> <p>This bill pushes back against Colorado's flawed "Red Flag" confiscation system and restores due process protections that have been steadily eroded.</p>