



March 13, 2026

The Honorable Steven Woodrow, Chair
House Committee on Finance
Colorado State Capitol
200 East Colfax Avenue
Denver, CO 80203

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

Chair Woodrow and Members of the Committee on Finance:

On behalf of the undersigned organizations, we respectfully oppose HB 26-1111 as currently drafted. We urge that the bill be amended to give clear direction to the board on what should be exempted from the program. Specifically, revising the new powers and duties under Section 35-10.5-104 as follows:

...

- (b) TO ADOPT RULES AS NECESSARY AND NOT INCONSISTENT WITH LAW FOR THE ADMINISTRATION AND IMPLEMENTATION OF THIS ARTICLE 10.5, INCLUDING:
- (I) IDENTIFYING THE PESTICIDE PRODUCTS THAT ARE EXEMPT FROM THE PROGRAM ~~BASED ON FACTORS ESTABLISHED BY THE BOARD AS PRODUCTS NOT LIMITED FOR USE TO COMMERCIAL OR PRIVATE APPLICATORS~~;
 - (II) SETTING THE AMOUNT OF THE PESTICIDE PRODUCT DISPOSAL FEE; (III) SETTING THE AMOUNT OF THE PESTICIDE REGISTRATION PRODUCT DISPOSAL FEE; AND
 - (IV) ANY OTHER RULES NECESSARY FOR THE ADMINISTRATION AND IMPLEMENTATION OF THE 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.

While the adopted amendments create an exemption process for “eligible pesticide products,” the bill still lacks clear legislative direction to the board regarding which products should be exempted.

However, the bill’s funding base is far broader. Unless clearly exempted by the board, products unrelated to the applicator waste stream remain subject to the fee. 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.

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

We urge the legislature to amend the bill to provide clear direction to the board identifying the household, institutional, and retail products that should be exempt 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
Association for Cleaning & Facility Solutions

Brennan Georgianni

Associate Vice President, Government Affairs and Strategy
American Cleaning Institute



(sent via email to steven.woodrow.house@coleg.gov)

March 16, 2026

Honorable Steven Woodrow
State Capitol
200 E Colfax Ave.
Denver, CO 80203

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

Dear Chair Woodrow and Members of the House Committee on Finance,

The Western Wood Preservers Institute (WWPI) and Treated Wood Council (TWC) are writing to express our strong opposition to HB26-1111, which will create an additional fee on registered pesticides to help fund a voluntary program to dispose of pesticides and pesticide containers for commercial and private applicators.

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].

Strong Concerns with Recently Adopted Amendments

- **Lack of Clarity:** The bill fails to clearly define the program as voluntary or delineate its specific limitations regarding pesticide and container disposal.
- **Broad Application:** Lacking specific language to exempt products that do not benefit from the program, risking unnecessary regulation of pesticides.
- **Authority Overreach:** The amendments do not sufficiently restrict the governing enterprise, creating a risk that it could expand fees and authority beyond the original legislative intent.
- **Accountability Issues:** Granting fee-setting power to an unelected body raises democratic concerns, as members are not directly answerable to voters or impacted stakeholders.

Background information on Wood Preservation

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.

Our Request to Amend HB26-1111

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 also grants the recycling enterprise the authority to establish a fee on any pesticide registration to subsidize the voluntary pesticide product disposal program. The fee should be limited to pesticide products that would benefit from the voluntary pesticide product disposal recycling 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 registered pesticides that would not benefit from the voluntary program. 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 Finance

House Finance

03/26/2026

HB26-1111 Pesticide Product Disposal & Container Recycling

Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
Ingrid Moore For themselves	<p>I support a YES vote on this bill.</p> <p>We live in a chemical soup. More & more evidence is coming up that ties this type of chemical exposure to autoimmune diseases, Parkinson's disease, birth defects & premature births, and more.</p> <p>Reducing the potential for improper disposal that could contaminate soil, groundwater, or harm human health is more important than ever.</p> <p>This bill addresses this significant public health and environmental risk by providing commercial and private applicators with convenient, cost-effective, and lawful disposal options for excess or unwanted pesticide products.</p> <p>The proposed funding mechanism through user fees appropriately places costs on those who benefit from the disposal services and those who manufacture and distribute pesticide products in the state.</p> <p>I respectfully urge a YES vote.</p>
Stan Gelb For themselves	<p>This bill could help protect our environment. Please vote YES!</p>

March 23, 2026

The Honorable Steven Woodrow, Chair
The Honorable Brianna Titone, Vice-Chair
Finance Committee
Colorado Senate
Denver, CO

Subject: House Bill 26-1111/Pesticide Product Disposal & Container Recycling Program/Concerns About Scope/Lack of Cap on Pesticide Product Disposal Fee

Chair Woodrow, Vice-Chair Titone, and Members of the Finance Committee,

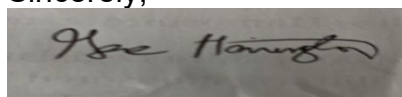
I write on behalf of the Animal Health Institute (AHI) to express concern with the current version of House Bill 26-1111, which creates the Pesticide Product Disposal and Container Recycling Enterprise in the Colorado Department of Agriculture (CDA), and will be considered by the Finance Committee on March 26. Under the bill, the Enterprise, whose Board of Directors is the State Agricultural Commission, will develop the rules to implement the Pesticide Product Disposal and Container Recycling Program – an initiative aimed at servicing commercial and private applicators and provide safer disposal and container recycling for the pesticide products they use.

AHI is the U.S. trade association for research-based manufacturers of animal health products – the medicines and other products that keep pets, livestock, and other animals healthy. Animal health companies work to provide veterinarians, food producers, and pet owners with high-quality, effective, and innovative products including parasiticides. The overwhelming majority of parasiticides/pesticide products AHI member companies make and register with the U.S. Environmental Protection Agency and CDA are general use products used by pet owners and veterinarians, who are not commercial applicators. Typical pet care and veterinary health products include companion animal flea and tick collars and spot-on topicals.

While the goals of HB 26-1111 are laudable, AHI is concerned that the definition of “Eligible Pesticide Product” included in the amendment approved by the Agriculture, Water, and Natural Resources Committee encompasses every pesticide product registered in Colorado except for those that have been identified as exempt from the program by the Board. As such, the Board will have complete discretion and authority as to who should be charged a Pesticide Product Disposal Fee and how much. AHI members already pay pesticide registration fees to CDA for their pesticide products that are registered for sale in the state but are concerned about paying an additional fee – for which there is no statutory cap – to help fund a program from which they won’t receive services or benefits. **As such, AHI respectfully asks that general use pet care/veterinary health products be exempt from the scope of the Program.**

I appreciate your time and consideration of AHI’s concerns. If you have any questions regarding my comments, please feel free to contact me at gharrington@ahi.org or (202) 549-5934.

Sincerely,

A rectangular area containing a handwritten signature in black ink. The signature appears to read "Greg Hough".

Gene Harrington
Senior Director, State Affairs
Animal Health Institute