



May 5, 2026

The Honorable Cathy Kipp, Chair
Senate Committee on Finance
Colorado State Capitol
Denver, CO 80203

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

Chair Kipp 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