



November 4, 2025

The Honorable Jared Polis
Governor of Colorado
State Capitol Building, Room 134
Denver, CO 80203

RE: CDPHE Requirements for CAA Colorado’s EPR Amended Program Plan

Dear Governor Polis:

The undersigned organizations share and support the goals of Colorado’s Extended Producer Responsibility (EPR) Program—to reduce materials sent to landfills, expand recycling access, and increase the circularity of packaging. When thoughtfully designed, EPR can deliver significant benefits for Colorado’s communities, businesses, and environment. However, recent direction from the Colorado Department of Public Health and Environment (CDPHE) threatens to undermine these objectives and make them more difficult to achieve.

On October 20, 2025, CDPHE issued a letter to the Circular Action Alliance (CAA) outlining required changes to the Amended Program Plan, including how post-consumer recycled (PCR) content may be verified. In the letter, CDPHE directed CAA to remove all “credit method” mass balance procedures for covered materials, stating that these methods “do not verifiably reflect” PCR content and give “a competitive advantage for chemical recycling.”

CDPHE’s decision to prohibit mass balance credit methods for verifying PCR content removes a widely recognized, third-party-audited tool that companies across the country rely on to measure recycled materials. If implemented, this change will increase compliance complexity, raise costs, and shrink the supply of certified recycled content, making it harder for manufacturers and brands to meet Colorado’s EPR program goals.

Colorado has a chance to lead in circular economy innovation, but restrictive policies risk limiting that potential. Mass balance credit systems enable advanced and mechanical recycling technologies to coexist and scale

together, fostering innovation across the recycling landscape. Predictability and flexibility are critical for investment - restricting acceptable verification methods creates uncertainty, discouraging companies from building new facilities and deploying emerging technologies in the state.

As noted in your 2024 veto message on SB 24-150, "It is not appropriate to speculatively disincentivize critical pathways that could be important to Colorado's efforts on climate action." The same reasoning applies here: CDPHE's decision risks disincentivizing the very technologies and verification systems that are critical to achieving Colorado's climate and circularity goals.

We respectfully request that you work with Director Jill Hunsaker Ryan to reconsider this decision and ensure that Colorado's EPR program remains technologically neutral, cost-effective, and aligned with national and global best practices.

Thank you for your ongoing commitment to fostering both Colorado's economic growth and environmental progress.

Sincerely,

Ag Container Recycling Council
Alliance for Automotive Innovation
Alliance for Chemical Distribution
American Chemistry Council
American Institute for Packaging and the Environment
Association of Nonwoven Fabrics Industry
Consumer Brands Association
DART Container Corporation
EPS Industry Alliance
Flexible Packaging Association
Household and Commercial Products Association
International Sleep Products Association
Mattress Recycling Council
Motorcycle Industry Council
North American Association of Food Equipment Manufacturers
National Association of Printing Ink Manufacturers
National Electrical Manufacturers Association
Performance Racing Industry
Personal Care Products Council
Pine Chemicals Association International
PLASTICS Industry Association
Polyisocyanurate Insulation Manufacturers Association
Power Tool Institute
Printing Industries Association
PRINTING United Alliance
Recreational Off-Highway Vehicle Association
SNAC International
Specialty Equipment Market Association
Specialty Vehicle Institute of America
Spray Polyurethane Foam Alliance
Vinyl Institute

cc: Jill Hunsaker Ryan, Executive Director, CDPHE
Jamie Short, Deputy Legislative Director, Office of Governor Polis