



May 10, 2024

The Honorable Jared Polis
Governor of Colorado
Office of the Governor
State Capitol Building
200 E. Colfax Avenue, Room 136
Denver, CO 80203

RE: SB 24-150 (Processing of Municipal Solid Waste) – VETO REQUEST

Dear Governor Polis:

The undersigned organizations respectfully request that you veto SB 24-150 for the following reasons. Specifically, this bill:

- Is scientifically inaccurate.
- Would arbitrarily limit Colorado's economic development programs and efforts to bring innovation and high-paying jobs to the state.
- Offers unclear environmental benefits.
- Could impede Colorado's efforts to increase the state's recycling rates and create additional post-consumer recycled content under the new extended producer responsibility (EPR) law.

Pyrolysis/Gasification and Incineration are NOT the same. SB 24-150 inaccurately aligns pyrolysis and gasification with waste-to-energy incineration. This language is scientifically inaccurate, inconsistent with the commonly accepted definitions of pyrolysis and gasification, and out of step with existing Colorado regulations.

While pyrolysis and gasification may be versatile processes with many applications, both technologies purposefully operate with little to no oxygen, unlike incineration which requires a lot of oxygen. In fact, the lack of oxygen is necessary for these technologies to successfully produce raw materials that can be used to make new products. This mischaracterization of pyrolysis and gasification should be rejected.

Colorado needs all tools on the table to grow the economy. The Office of Economic Development and International Trade (OEDIT) already has a robust process to determine how to best attract employers and industry to Colorado. The arbitrary tax incentive prohibitions for specified technologies only serve to make Colorado a less attractive place for business investments needed to create high-paying jobs.


Colorado already has a regulatory framework to help protect the environment. It is unclear how this will have a positive environmental impact given any technology would be required to comply with all federal, state, and local environmental requirements. The ambiguous language contained in the bill could create confusion and uncertainty about how it would be applied, which was further complicated when the Appropriations Committee chose not to fund the bill leaving it unclear how the bill would even be implemented.

The law could stifle recycling and recycled content innovation. Two years ago, Colorado enacted HB 22-1355, one of the first EPR laws aimed at increasing plastic and packaging recycling, creating new recycled content material for use in new packaging thereby reducing reliance on virgin materials, and decreasing landfilling among other goals. Having all tools and technologies available will be critical to meeting those important goals and helping the state transition to a circular economy. The conversation regarding what counts as recycling should not be happening outside of the EPR process as the Department of Public Health and the Environment (CDPHE) is currently undergoing rulemaking to implement the provisions of the Act. CDPHE should be allowed to complete its work before significant changes are made midstream as proposed in this bill.

Pyrolysis and gasification technologies are used in a number of applications, including creating recycled content that can recycle hard-to-recycle plastic packaging and create more recycled content for food and medical packaging. SB 24-150 creates confusion surrounding these technologies and hinders them from being utilized to meet Colorado's EPR's goals.

For the reasons outlined above, we request that you veto SB 24-150.

Sincerely,



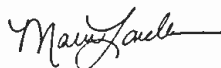
Jeremy DeBenedictis
President
Alterra



Lindsay Stovall
Director, Regulatory and State Affairs
American Chemistry Council



Don Thoren
Vice President, State and Local Outreach
American Fuel & Petrochemical Manufacturers



Martha Landwehr
Senior Manager, State Government Affairs
BASF



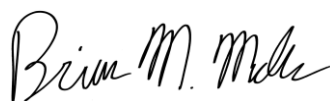
Robert Flores
Director of Sustainability
Berry Global



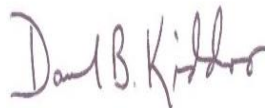
Kelly Elizardo
Director Sustainability and External Affairs
Braskem America



Lucinda Henrichson
Planning and Policy Analyst
Chevron Phillips Chemical Company



Brian M. McKeon
Senior Vice President, Public Policy
National Confectioners Association



David B. Kiddo
Executive Director
Communications Cable & Connectivity Association



Carla Toth
Senior Vice President Business Development
Nexus Circular




John Hewitt
Vice President, Packaging and Sustainability
Consumer Brands Association



Kris Quigley
Regional Director, State Government Affairs
PLASTICS



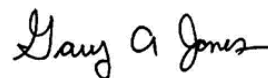
Craig Cookson
Head Government Affairs, North America
Covestro



Ryan Wolcott
Chief Sustainability Officer
Pregis



Sam Gammage
Director, State Government Affairs
Dow



Gary Jones
Vice President, Environmental Health and Safety Affairs
Printing United Alliance



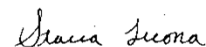
Walter A. Reiter, III
Director, Advocacy and Regulatory Affairs
EPS Industry Alliance



Karen Reardon
Vice President, Public Affairs
RISE



Alison Keane
President & CEO
Flexible Packaging Association



Stacia Licon
Senior Specialist, Government Relations
Americas Region
SABIC



Wes Fisher
Director, Government Affairs
INDA, Association of the Nonwoven Fabrics Industry



Laura Chamorro
General Manager
Shell Polymers



Chadwick Collins
Technical Director
Single Ply Roofing Industry



Frank Mortl
Executive Director
Spray Polyurethane Foam Alliance



Ray Ehrlich
Executive Director
Styrene Information and Research Center



Erin Raden
Senior Director, State Government Affairs
The Toy Association



Kevin Koonce
Vice President of Government Affairs
The Vinyl Institute

CC: Jill Hunsaker Ryan, Executive Director, Colorado Department of Public Health and Environment
Eve Lieberman, Executive Director, Office of Economic Development and International Trade
Kate Greenberg, Commissioner, Department of Agriculture