



March 22, 2021

Senator Robert Rodriguez  
Chairman, Business, Labor & Technology Committee  
200 E Colfax  
RM 346  
Denver, CO 80203

RE: Opposition to SB 21-180

Chairman Rodriguez,

As associations that represent foodservice packaging manufacturers throughout the United States, we respectfully oppose SB 21-180 – concerning efforts to increase recycling in Colorado. We believe this legislation takes the wrong approach, conflicts with current legislation and processes underway, and wrongly targets foodservice packaging.

This legislation competes and overlaps with SB 20-055, signed into law over a year ago, which directs the Department of Public Health and Environment to provide a plan by July 2021 for recycling market development and for producer responsibility for products and packaging in Colorado. Foodservice packaging should be considered in this holistic context to avoid duplication of resources and seek full comprehensive solutions. As mentioned in section 5 of SB 21-180, Colorado has one of the lowest diversion rates, assessing the situation thoroughly through the study, that is underway, to address the best opportunities to increase the diversion rate is a better approach.

The targeting of specific packaging is not an appropriate policy solution to improve overall recovery. According to the latest available data from the Environmental Protection Agency (EPA), foodservice packaging items make up only 1.5 percent of municipal solid waste materials discarded in landfills. Addressing these items in isolation will not serve to improve recycling rates in Colorado.

It should also be noted that foodservice packaging is comprised of materials that are currently part of existing recycling programs and should be evaluated as part of the whole system. They are not collected, processed, and marketed as commodities on their own but rather included in bales of existing materials created within recycling programs.

The foodservice packaging industry has been a voluntary partner in the state of Colorado with a view to increasing recovery within the system. In fact, Alpine Waste & Recycling in Denver was the first grant recipient of the Foodservice Packaging Institute's Foam Recycling Coalition back in 2015 and was also involved in the successful launch of foodservice paper cup recycling with the City of Denver in 2018.

We are living through unprecedented times. Single-use foodservice packaging is manufactured, packed, and shipped to arrive clean at restaurants and other eating and drinking establishments, like school cafeterias. When properly stored and handled, these single-use items offer the most sanitary option to

serve customers. Foodservice establishments know that these products minimize the threat of foodborne illnesses and ensure the safe and sanitary delivery of foods and beverages. In many cases, these items have been essential to the survival of foodservice operations during the COVID-19 pandemic, allowing for safe and affordable takeout and delivery transactions. Now is not the time to add an additional tax to these products.

We appreciate the opportunity to comment on this legislation and request the committee does not support SB 21-180. Our organizations are pleased to work with this committee to develop and contribute to a more meaningful and comprehensive solution to increase diversion in the state and would be happy to participate in a study on this issue.

If you have questions, please contact Shannon Crawford with the Plastics Industry Association at [scrawford@plasticsindustry.org](mailto:scrawford@plasticsindustry.org) or 703.732.9005 or Carol Patterson with the Foodservice Packaging Institute at [cpatterson@fpi.org](mailto:cpatterson@fpi.org) or 571.424.3478.

Sincerely,

AMERIPEN

The Association of Plastic Recyclers

Campaign for Recycling and the Environment

Flexible Packaging Association

Foodservice Packaging Institute

Plastics Industry Association

Western Plastics Association