



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.

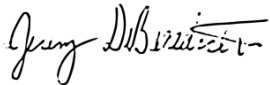
Colorado already has a regulatory framework to help protect the environment. It is unclear how this will have a positive environmental impact given any technology would be required to comply with all federal, state, and local environmental requirements. The ambiguous language contained in the bill could 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,



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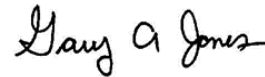
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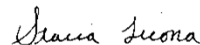
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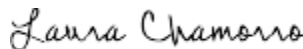
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