

Colorado Producer Responsibility Program Participation

Step 1: Is my company a producer?

If you answer “yes” to any of the questions below, you are a producer.

A

Do you:

- 1) manufacture a product which is sold or distributed in Colorado using packaging material under your own brand or without an identifying brand,
- 2) license a brand or trademark for product packaging which sold or distributed in Colorado, or
- 3) import packaged products using covered materials* into the US for use in Colorado?

If so, you are a producer; move on to Step 2.

B

Do you:

- 1) produce products sold or distributed in Colorado through an internet transaction in packaging materials used to protect or contain the product, or
- 2) package or ship products sold or distributed in Colorado through an internet transaction?

If so, you are a producer; move on to Step 2.

D

Do you:

First distribute covered materials* into or within Colorado?

If so, you are a producer; move on to Step 2.

*Covered materials include packaging and paper products, except those that are exempt (see last page for details).

C

Do you:

- 1) publish paper products that are magazines, newspapers, catalogs, telephone directories, or similar publications;
- 2) manufacture paper products under your own brand; or
- 3) own or license a brand or trademark for paper products sold or distributed in Colorado?

If so, you are a producer; move on to Step 2.

This information is not a substitute for the statutory language or intended as legal advice. In the case of conflict, the statute shall prevail.



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Step 2: Is my company required to participate in the program?



*See next page for more information.

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“Covered materials” does not include:



- Paper products that:
 - Through their use, could become unsafe or unsanitary to handle, or;
 - Are used for a print publication that mainly includes current events from primary sources;
- Vital documents that are required by law to be printed (e.g. financial statements);
- Bound books;
- Beverage containers subject to a returnable container deposit, and;
- Any other material the Solid and Hazardous Waste Commission determines is excluded by rule.

“Covered materials” does not include packaging materials used for:



- The transport, protection, or storage of a product for at least five years;
- Industrial or manufacturing processes (exclusively);
- Regulated drugs, medical devices, or supplements;
- Regulated insecticide, fungicide, or rodenticides;
- Architectural paint covered under a paint stewardship program;
- Products that are covered under the “Poison Prevention Packaging Act of 1970”;
- Portable refurbished electronic devices;
- Regulated infant formula, medical food, or fortified nutritional supplements used in certain medical circumstances, and;
- Regulated animal biologics, including vaccines, bacterins, antisera, diagnostic kits, and other products of biological origin.

For more information, visit:

<https://cdphe.colorado.gov/hm/epr-program>.

“Producer” does not include:



- The state or local governments;
- Nonprofit organizations;
- Agricultural employers that annually sell less than \$5.506 million in realized gross total revenue from agricultural products sold in Colorado under the brand name of the farmer, egg producer, grower, or individual grower cooperative;
- Licensed retail food establishments with a physical business location, and;
- Builders, construction companies, or construction contractors.
- A person with less than \$5.32 million in realized gross total annual revenue, not including on-premises alcohol sales.
- A person that has used less than one ton of covered materials for products sold or distributed annually in Colorado.

“Covered materials” and exemptions are defined in C.R.S. 25-17-703. “Producers” and exemptions are defined in C.R.S. 25-17-703 and 25-17-713.



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