



September 5, 2025

Submitted via email to eprcomments@state.co.us

Colorado Department of Public Health and Environment (CDPHE)
Hazardous Materials and Waste Management Division
4300 Cherry Creek Drive South
Denver, Colorado 80246

RE: Eco-modulation rulemaking comment period extension request

Dear Colorado Department of Public Health and Environment,

AMERIPEN – the American Institute for Packaging and the Environment – writes to the Colorado Department of Public Health and Environment (“Department” or “CDPHE”) to request an extension to of the public comment period to September 29, 2025, for the ongoing rulemaking related to eco-modulation and other topics for the Producer Responsibility program (“Program”).

AMERIPEN represents the entire packaging value chain, advocating for responsible packaging policies that drive meaningful progress in packaging sustainability while supporting industry growth and consumer needs. As the leading voice for packaging policy in the United States, AMERIPEN works with legislators, regulators, and stakeholders to develop science-based, data-driven solutions that enhance packaging’s role in product protection and circularity. We have several member companies with a significant presence in Colorado, and many more who import packaging materials and products into the state. The packaging industry supports more than 19,000 jobs and accounts for more than \$6.4 billion in total economic output in Colorado.

AMERIPEN supports policy solutions, including packaging producer responsibility, that are:

- **Results Based:** Designed to achieve the recycling and recovery results needed to create a circular economy.
- **Effective and Efficient:** Focused on best practices and solutions that spur positive behaviors, increase packaging recovery, recapture material values and limit administrative costs.
- **Equitable and Fair:** Focused on all material types and funded by shared cost allocations that are scaled to make the system work and perceived as fair among all contributors and stakeholders.

AMERIPEN, and undoubtedly other organizations interested in the success of the Program, began preparing its comments for the rulemaking based on the draft rules that the Department shared on August 14, 2025. Drafting comments requires time to solicit input from members, review their

feedback, and integrate it into a consolidated letter. AMERIPEN was conducted this work with the September 15, 2025, comment deadline in mind.

However, the release of a revised second draft on August 29, 2025, necessitates a change in this work plan. Unfortunately, despite the substantial alterations proposed in the second draft of the rules, the comment deadline remains September 15. This leaves significantly diminished time to consult with members and consider further feedback before finalizing a letter. Additionally, it prompts the question as to whether a third (and subsequent) draft will be issued before the rulemaking.

Accordingly, AMERIPEN requests the Department extend the rulemaking comment deadline by two weeks to September 29, 2025. This will allow all members of the public more time to fully understand this round of revisions to the rules and potential future ones. It also still leaves sufficient time for the Department to consider public feedback before submitting a rulemaking package to the Solid and Hazardous Waste Commission for adoption later this year.

#

AMERIPEN looks forward to the continued open dialogue with the Department while collectively balancing the myriad of needs for the packaging industry, sound solutions to grow a more sustainable future, an effective circular economy, and systems that achieve positive environmental outcomes for everyone that ultimately assist in the success of this program. We remain committed to supporting progressive, proactive, and evidence-based strategies for sustainable packaging policies and programs.

AMERIPEN thanks the Department for considering this request. Please feel free to contact Gregory Melkonian (GMelkonian@serlinhaley.com) by email with any questions.

Sincerely,



Gregory Melkonian
Regulatory and Government Affairs Associate
Serlin Haley, on behalf of AMERIPEN