

REDUCING TOXIC CHEMICALS IN PACKAGING THROUGH ECO-MODULATION

eco·cycle®

Packaging is more than just waste—it's a direct link between the products we use every day and the chemicals we are exposed to.

Across the US, some packaging producers intentionally add hazardous substances such as **lead, cadmium, mercury, hexavalent chromium, PFAS, BPA, and phthalates**, which can leach into food, water, and the environment. **These chemicals threaten public health, pollute recycling streams, and undermine the value of recycled materials.**

More than 16,000 chemicals have been identified in the production of plastics. Of those chemicals, 4,200 (about 25%) are hazardous because they are persistent, bioaccumulative, mobile (having the potential to spread), and/or toxic. (Source: plastchem-project.org)

The Opportunity

Colorado's **Producer Responsibility for Packaging and Paper Act (HB22-1355)** will expand recycling to every household starting in 2026. **In this system, companies that sell packaged products in Colorado will begin funding the statewide recycling system.** Producers pay into the system based on the amount and type of materials used in their packaging. The less packaging a company uses, and the more recyclable or reusable it is, the lower the amount they will pay. **Producers are further incentivized to improve packaging by using more recyclable materials and designs through "eco-modulation"—a system that utilizes financial incentives and disincentives.** However, Colorado's Producer Responsibility law currently has no explicit requirement to reduce toxic chemicals in packaging.

As the state develops eco-modulation rules, we have a unique opportunity to ensure that safer, nontoxic packaging becomes the standard.

Colorado's Solid and Hazardous Waste Commission's eco-modulation rulemaking is scheduled for this fall. We think it should **include requirements to reduce specific intentionally added toxic chemicals.** This process is a critical opportunity to push companies toward safer packaging.

Make your voice heard before the public comment period ends on September 15.

Call to Action

Submit written comments before the public comment period ends on [September 15](#) to EPRcomments@state.co.us, urging strong eco-modulation penalties for toxic chemicals in packaging and alignment with other states' standards.

Include in the subject line of your email: 2025 Eco-Modulation Update – [Your Last Name]

Please see below for talking points.

Why We Need to Reduce Toxic Chemicals via Eco-Modulation

1. Protect Public Health by Aligning Colorado with Other States

Colorado's Producer Responsibility program should align with states that have requirements to reduce toxic chemicals in packaging through eco-modulation.

[California](#), [Maine](#), [Washington](#), and [Minnesota](#) all have Producer Responsibility programs that incentivize reductions in toxic chemicals in packaging. Having similar requirements across states will reduce compliance costs for companies and simplify implementation for the Producer Responsibility Organizations operating in multiple states.

2. Protect Recycling Systems & Commodity Value

Intentionally adding toxic chemicals to packaging should be disincentivized because it makes materials harder to recycle and reduces their market value. Colorado's Producer Responsibility program requires financial incentives in eco-modulation to increase "innovations and practices to enhance the recyclability or commodity value of covered materials" and decrease "designs and practices that increase the costs of recycling, reusing, or composting covered materials" or "designs and practices that disrupt the recycling of other materials." To comply with this language, toxic chemicals must be strongly discouraged. Additionally, manufacturers, particularly those making food-grade packaging, need clean, high-quality recycled and raw materials to produce safe, valuable end products—but toxic additives contaminate materials and complicate processing. **The best way to prevent this contamination and support authentic recycling is to eliminate harmful chemicals at the design stage.**

By reducing toxic chemicals through eco-modulation, Colorado can protect health, improve recycling, and strengthen supply chains with markets for high-value recycled materials. **This November's rulemaking on eco-modulation is our chance to get recycling right.**



Questions or comments? Email Ryan Call at ryan@ecocycle.org