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Cannabis Industry Recycling/Sustainable Practices: Colorado Department of Revenue Stakeholder/Rulemaking Activities

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The Colorado Department of Revenue held an August 11th Work Group titled "Sustainability/Science & Policy" addressing the cannabis industry in the state.

The Enforcement Division (Marijuana) of the Colorado Department of Revenue is gathering data regarding cannabis industry:

- Practices
- Barriers
- Recommendations

A key focus of the Work Group apparently involved waste management, waste reduction and recycling.

Important aspects of medical and nonmedical marijuana facilities in those states that have marijuana programs are the potential energy, environmental and safety issues and regulatory requirements. This is arguably particularly true in the case of marijuana cultivation, grow and processing operations. The potential environmental effects (i.e., solid/hazardous waste management/wastewater) and energy usage can be significant. Equally important are resource demands for such facilities such as water usage.

Massachusetts, California and a number of other states have put in place a variety of air, waste water, water resources, solid waste, employee safety and other requirements to address energy, environmental and health and safety issues related to these activities. For example, the California cannabis policy establishes requirements for cultivation activities to protect water quality and stream flows. Its purpose is to ensure that the diversion of water and discharge of waste associated with such activities do not have a negative impact on water resources.

Both public and private utilities are also affected by cultivation operations in view of such issues as:

- Significant energy consumption by marijuana cultivation facilities
- Medical marijuana cultivation, manufacturing (infusion) and dispensary use of water and waste water services

Colorado has been one of the more active states addressing these issues.

The August 11th Colorado Division of Revenue Work Group meeting discussed topics such as:

- Review of current Colorado rules

- Rule 3-230-Waste Disposal
- Rule 3-235-Transfers of Fibrous Waste
- Rule 3-240-Collection of Marijuana Waste
- Destruction Processes and Composting Options
- Recycling or Reuse
- Packaging and Take-Back Programs

A key focus was apparently “Best Practices for Sustainability in the Cannabis Industry.”

SB 18-187 enacted in the 2018 regular session of the Colorado General Assembly provided the statutory authority for the Colorado Department of Revenue to undertake rulemaking to:

. . . address conditions under which a licensee is authorized to transfer fibrous waste to a person for the purpose of producing only industrial fiber products. . .

Links to the Colorado Department of Revenue Work Group materials can be found below:

https://drive.google.com/file/d/15GNIB2Xi9CZ_IMnjm2KK4eoLXmhWpo4G/view (Rulemaking Announcement - Work Group Sustainability/Science & Policy)

https://leg.colorado.gov/sites/default/files/2019a_224_signed.pdf (Senate Bill 19-224)

https://leg.colorado.gov/sites/default/files/2018a_187_signed.pdf (Senate Bill 18-187)