

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0472.02 Thomas Morris x4218

**HOUSE BILL 21-1266**

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**HOUSE SPONSORSHIP**

**Jackson**, Bacon, Benavidez, Caraveo, Cutter, Duran, Exum, Gonzales-Gutierrez, Gray, Jodeh, Kennedy, Kipp, Ortiz, Sirota, Titone, Valdez A., Woodrow

**SENATE SPONSORSHIP**

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**A BILL FOR AN ACT**

101     **CONCERNING EFFORTS TO REDRESS THE EFFECTS OF ENVIRONMENTAL**  
102             **INJUSTICE ON DISPROPORTIONATELY IMPACTED COMMUNITIES,**  
103             **AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

**Section 3** of the bill defines "disproportionately impacted community".

**Section 4** requires the air quality control commission to promote outreach to and engage with disproportionately impacted communities by creating new ways to gather input from communities across the state,

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

using multiple languages and multiple formats, and transparently sharing information about adverse effects resulting from its proposed actions.

**Section 5** creates the environmental justice action task force (task force) in the department of public health and environment (department), the goal of which is to propose recommendations to the general assembly regarding practical means of addressing environmental justice inequities. The task force will:

- Hold meetings to solicit public comment concerning the development of a state agency-wide environmental justice strategy and a plan to implement that strategy, including ways to address data gaps and data sharing between state agencies and the engagement of disproportionately impacted communities;
- Evaluate and propose recommended revisions to the definition of "disproportionately impacted community" and the state agencies and their proposed actions that are subject to section 3; and
- File a final report by November 14, 2022, regarding its recommendations.

The department will report on the task force during the department's "SMART Act" presentations.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Short title.** The short title of this act is the  
3 "Environmental Justice Act".

4 **SECTION 2. Legislative declaration.** (1) The general assembly  
5 hereby:

6 (a) Finds that:

7 (I) All people have the right to breathe clean air, drink clean  
8 water, participate freely in decisions that affect their environments, live  
9 free of dangerous levels of toxic pollution, experience equal protection  
10 provided by environmental policies, and share the benefits of a  
11 prosperous and vibrant pollution-free economy;

12 (II) Certain communities, both in Colorado and internationally,  
13 have historically been forced to bear a disproportionate burden of adverse

1 human health or environmental effects as documented in numerous  
2 studies, including the "Toxic Wastes and Race at Twenty, 1987-2007"  
3 report by the United Church of Christ Justice & Witness Ministries,  
4 federal environmental protection agency annual Environmental Justice  
5 Progress Reports, and a 2021 report from the "Mapping for  
6 Environmental Justice" project at the Berkeley Public Policy/The  
7 Goldman School that shows how the pollution burden is distributed in  
8 Colorado, while also facing systemic exclusion from environmental  
9 decision-making processes and enjoying fewer environmental benefits;

10 (III) Specifically, communities with residents who are Black,  
11 indigenous, Latino, or people of color have faced centuries of genocide,  
12 environmental racism, and predatory extraction practices; and

13 (IV) At the same time, environmental justice affects and requires  
14 the participation of all Coloradans;

15 (b) Determines that:

16 (I) Federal action to address environmental justice includes the  
17 federal environmental protection agency's office of environmental justice,  
18 originally established in 1992, and the assignment of EPA regional  
19 liaisons to minority, Tribal, and low-income communities pursuant to 42  
20 U.S.C. sec. 4370i;

21 (II) States have also addressed environmental justice, with the  
22 National Law Review recently noting on October 30, 2020, that "the vast  
23 majority of states now address [environmental justice] in some  
24 fashion-via legislation, agency policy and guidance, or advisory  
25 groups-with fewer than five failing to mention the concept at all";

26 (III) Environmental justice laws that promote outreach to and  
27 facilitate feedback from disproportionately impacted communities and

1 require that agencies consider that feedback have been upheld by the  
2 courts as a legitimate exercise of legislative authority, such as in *Friends*  
3 *of Buckingham v. State Air Pollution Control Bd.*, 947 F.3d 68 (4th Cir.  
4 2020) (vacating the issuance of a permit due to the board's failure to  
5 properly consider the permit's environmental justice impacts);

6 (IV) State action to correct environmental injustice is imperative,  
7 and state policy can and should improve public health and the  
8 environment and improve the overall well-being of all communities;

9 (V) Efforts to right past wrongs and move toward environmental  
10 justice must focus on disproportionately impacted communities and the  
11 voices of their residents;

12 (VI) Less-burdened communities have benefitted from  
13 relationships that impose burdens on other communities, which is a  
14 tangible debt that must be repaid through financial reinvestment, and  
15 these relatively privileged communities have a responsibility to  
16 acknowledge the harms to which they contribute and a duty to find ways  
17 to give back what has been taken; and

18 (VII) Environmental justice is not a zero-sum game: The better we  
19 take care of all communities, the more we all grow, and by focusing on  
20 communities that are hurting the most, all communities will find  
21 opportunities to heal and thrive; and

22 (c) Declares that:

23 (I) The state government has a responsibility to achieve  
24 environmental justice, health equity, and climate justice for all  
25 communities by avoiding and mitigating harm;

26 (II) It is necessary for disproportionately impacted communities  
27 to be meaningfully engaged as partners and stakeholders in government

1 decision-making;

2 (III) Potential environmental and climate threats to communities  
3 merit a higher level of engagement, review, and consent; and

4 (IV) This act is necessary to ensure that communities are not  
5 forced to bear disproportionate environmental and health impacts.

6 **SECTION 3.** In Colorado Revised Statutes, 2-4-401, **add** (2.7)  
7 as follows:

8 **2-4-401. Definitions - repeal.** The following definitions apply to  
9 every statute, unless the context otherwise requires:

10 (2.7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS  
11 A COMMUNITY THAT:

12 (I) IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN ACCORDANCE  
13 WITH THE MOST RECENT UNITED STATES CENSUS, WHERE THE PROPORTION  
14 OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER THAN FORTY  
15 PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY AS MINORITY  
16 IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF HOUSEHOLDS  
17 THAT ARE HOUSING COST-BURDENED IS GREATER THAN FORTY PERCENT;  
18 OR

19 (II) IS ANY OTHER COMMUNITY AS IDENTIFIED OR APPROVED BY A  
20 STATE AGENCY, IF:

21 (A) THE COMMUNITY HAS A HISTORY OF ENVIRONMENTAL RACISM  
22 PERPETUATED THROUGH REDLINING, ANTI-INDIGENOUS, ANTI-IMMIGRANT,  
23 ANTI-HISPANIC, OR ANTI-BLACK LAWS; OR

24 (B) THE COMMUNITY IS ONE WHERE MULTIPLE FACTORS,  
25 INCLUDING SOCIOECONOMIC STRESSORS, DISPROPORTIONATE  
26 ENVIRONMENTAL BURDENS, VULNERABILITY TO ENVIRONMENTAL  
27 DEGRADATION, AND LACK OF PUBLIC PARTICIPATION, MAY ACT

1 CUMULATIVELY TO AFFECT HEALTH AND THE ENVIRONMENT AND  
2 CONTRIBUTE TO PERSISTENT DISPARITIES.

3 (b) AS USED IN THIS SUBSECTION (2.7):

4 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE  
5 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

6 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS  
7 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL  
8 POVERTY GUIDELINE.

9 (c) (I) A RULE THAT DEFINES "DISPROPORTIONATELY IMPACTED  
10 COMMUNITY" THAT WAS PROMULGATED BEFORE THE EFFECTIVE DATE OF  
11 THIS SUBSECTION (2.7) NEED NOT COMPLY WITH THIS SUBSECTION (2.7).

12 (II) THIS SUBSECTION (2.7)(c) IS REPEALED, EFFECTIVE SEPTEMBER  
13 1, 2023.

14 **SECTION 4.** In Colorado Revised Statutes, **add** 24-4-109 as  
15 follows:

16 **24-4-109. State engagement of disproportionately impacted**  
17 **communities - definitions - repeal.** (1) **Goal.** THE GOAL OF OUTREACH  
18 TO AND ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES  
19 IS TO BUILD TRUST AND TRANSPARENCY, PROVIDE MEANINGFUL  
20 OPPORTUNITIES TO INFLUENCE PUBLIC POLICY, AND MODIFY PROPOSED  
21 STATE ACTION IN RESPONSE TO RECEIVED PUBLIC INPUT TO DECREASE  
22 ENVIRONMENTAL BURDENS OR INCREASE ENVIRONMENTAL BENEFITS FOR  
23 EACH DISPROPORTIONATELY IMPACTED COMMUNITY.

24 (2) **Definitions.** (a) (I) THE ENVIRONMENTAL JUSTICE ACTION  
25 TASK FORCE CREATED IN SECTION 25-1-131 WILL RECOMMEND TO THE  
26 GENERAL ASSEMBLY POTENTIAL MODIFICATIONS TO THE DEFINITIONS  
27 ESTABLISHED IN THIS SUBSECTION (2). THE DEFINITIONS ESTABLISHED IN

1 THIS SUBSECTION (2) APPLY UNLESS AND UNTIL THE GENERAL ASSEMBLY  
2 ACTS BY BILL TO MODIFY ONE OR MORE OF THE DEFINITIONS.

3 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE SEPTEMBER  
4 1, 2024.

5 (b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
6 REQUIRES:

7 (I) "AGENCY" MEANS THE AIR QUALITY CONTROL COMMISSION  
8 CREATED IN SECTION 25-7-104.

9 (II) "PROPOSED STATE ACTION" MEANS:

10 (A) RULE-MAKING PROCEEDINGS HELD PURSUANT TO SECTION  
11 24-4-103;

12 (B) LICENSING PROCEEDINGS, INCLUDING THE ISSUANCE AND  
13 RENEWAL OF PERMITS, HELD PURSUANT TO SECTION 24-4-104; AND

14 (C) ADJUDICATORY HEARINGS HELD PURSUANT TO SECTION  
15 24-4-105.

16 (3) **Engagement.** (a) TO PROMOTE THE GOAL OF STATE  
17 ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES, AN  
18 AGENCY SHALL STRIVE TO CREATE NEW WAYS TO GATHER INPUT FROM  
19 COMMUNITIES ACROSS THE STATE, USING MULTIPLE LANGUAGES AND  
20 MULTIPLE FORMATS AND TRANSPARENTLY SHARING INFORMATION ABOUT  
21 ADVERSE ENVIRONMENTAL EFFECTS FROM ITS PROPOSED STATE ACTION.

22 (b) WHEN CONDUCTING OUTREACH TO AND ENGAGEMENT OF  
23 DISPROPORTIONATELY IMPACTED COMMUNITIES REGARDING A PROPOSED  
24 STATE ACTION, THE AGENCY SHALL:

25 (I) SCHEDULE VARIABLE TIMES OF DAY AND DAYS OF THE WEEK  
26 FOR OPPORTUNITIES FOR PUBLIC INPUT ON THE PROPOSED STATE ACTION,  
27 INCLUDING AT LEAST ONE WEEKEND TIME, ONE EVENING TIME, AND ONE

1 MORNING TIME FOR PUBLIC INPUT;

2 (II) PROVIDE NOTICE AT LEAST THIRTY DAYS BEFORE ANY PUBLIC  
3 INPUT OPPORTUNITY OR BEFORE THE START OF ANY PUBLIC COMMENT  
4 PERIOD;

5 (III) UTILIZE SEVERAL DIFFERENT METHODS OF OUTREACH AND  
6 WAYS TO PUBLICIZE THE PROPOSED STATE ACTION, INCLUDING  
7 DISSEMINATING INFORMATION THROUGH SCHOOLS, CLINICS, SOCIAL  
8 MEDIA, SOCIAL AND ACTIVITY CLUBS, LOCAL GOVERNMENTS, TRIBAL  
9 GOVERNMENTS, LIBRARIES, RELIGIOUS ORGANIZATIONS, CIVIC  
10 ASSOCIATIONS, COMMUNITY-BASED ENVIRONMENTAL JUSTICE  
11 ORGANIZATIONS, OR OTHER LOCAL SERVICES;

12 (IV) PROVIDE SEVERAL METHODS FOR THE PUBLIC TO GIVE INPUT,  
13 SUCH AS IN-PERSON MEETINGS, VIRTUAL AND ONLINE MEETINGS, ONLINE  
14 COMMENT PORTALS OR E-MAIL, AND CALL-IN MEETINGS;

15 (V) CONSIDER USING A VARIETY OF LOCATIONS FOR PUBLIC INPUT  
16 ON THE PROPOSED STATE ACTION, INCLUDING MEETING LOCATIONS IN  
17 URBAN CENTERS, IN NEIGHBORHOODS WHOSE POPULATIONS ARE  
18 PREDOMINANTLY BLACK, INDIGENOUS, OR PEOPLE OF COLOR AND HAVE AN  
19 AVERAGE INCOME BELOW THE STATE'S AVERAGE, AND IN RURAL  
20 LOCATIONS IN VARIOUS REGIONS OF THE STATE; AND

21 (VI) CREATE OUTREACH MATERIALS CONCERNING THE PROPOSED  
22 STATE ACTION IN LAYPERSON'S TERMS, TRANSLATED INTO THE TOP TWO  
23 LANGUAGES SPOKEN IN A COMMUNITY, THAT INFORM PEOPLE OF  
24 OPPORTUNITIES TO PROVIDE INPUT ON THE PROPOSED STATE ACTION, THEIR  
25 RIGHTS, THE POSSIBLE OUTCOMES, AND THE UPCOMING PUBLIC INPUT  
26 PROCESS.

27 **SECTION 5.** In Colorado Revised Statutes, **add** 25-1-131 as



1 follows:

2 **25-1-131. Environmental justice action task force - report -**

3 **repeal. (1) Creation.** (a) THERE IS HEREBY CREATED IN THE  
4 DEPARTMENT THE ENVIRONMENTAL JUSTICE ACTION TASK FORCE TO  
5 RECOMMEND AND PROMOTE STRATEGIES FOR INCORPORATING  
6 ENVIRONMENTAL JUSTICE AND EQUITY INTO HOW STATE AGENCIES  
7 DISCHARGE THEIR RESPONSIBILITIES.

8 (b) THE TASK FORCE CONSISTS OF TWENTY-THREE MEMBERS  
9 APPOINTED PURSUANT TO SUBSECTION (1)(c) OF THIS SECTION.

10 (c) THE MEMBERSHIP OF THE TASK FORCE AND APPOINTING  
11 AUTHORITIES ARE AS FOLLOWS:

12 (I) THE GOVERNOR SHALL APPOINT THE FOLLOWING NINE  
13 MEMBERS:

14 (A) THREE REPRESENTATIVES FROM THE DEPARTMENT OF PUBLIC  
15 HEALTH AND ENVIRONMENT, ONE WITH EXPERTISE IN AIR QUALITY, ONE  
16 WITH EXPERTISE IN WATER QUALITY, AND ONE WITH EXPERTISE IN HEALTH  
17 EQUITY;

18 (B) ONE REPRESENTATIVE OF THE DEPARTMENT OF NATURAL  
19 RESOURCES;

20 (C) ONE REPRESENTATIVE OF THE DEPARTMENT OF  
21 TRANSPORTATION;

22 (D) ONE REPRESENTATIVE OF THE COLORADO ENERGY OFFICE;

23 (E) ONE REPRESENTATIVE OF THE PUBLIC UTILITIES COMMISSION;

24 (F) ONE REPRESENTATIVE OF THE DEPARTMENT OF AGRICULTURE;

25 AND

26 (G) ONE REPRESENTATIVE OF THE GOVERNOR'S OFFICE;

27 (II) TWO MEMBERS, ONE APPOINTED BY THE CHAIR OF THE

1 SOUTHERN UTE INDIAN TRIBE TRIBAL COUNCIL AND ONE APPOINTED BY  
2 THE CHAIR OF THE UTE MOUNTAIN UTE TRIBE TRIBAL COUNCIL;

3 (III) TWELVE MEMBERS APPOINTED BY THE PRESIDENT OF THE  
4 SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE  
5 HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE  
6 OF REPRESENTATIVES, WITH ONE MEMBER APPOINTED BY EACH  
7 APPOINTING AUTHORITY FROM SUBSECTION (1)(c)(III)(A) OF THIS SECTION  
8 AND TWO MEMBERS EACH FROM SUBSECTION (1)(c)(III)(B) OF THIS  
9 SECTION:

10 (A) FOUR MEMBERS WHO REPRESENT DISPROPORTIONATELY  
11 IMPACTED COMMUNITIES LOCATED, TO THE EXTENT PRACTICABLE, IN  
12 DIFFERENT CONGRESSIONAL DISTRICTS OF THE STATE; AND

13 (B) THE FOLLOWING NUMBER OF MEMBERS OF DIFFERENT  
14 ORGANIZATIONS THAT: CARRY OUT INITIATIVES RELATING TO  
15 ENVIRONMENTAL JUSTICE, THREE MEMBERS; REPRESENT WORKER  
16 INTERESTS IN DISPROPORTIONATELY IMPACTED COMMUNITIES, ONE  
17 MEMBER; REPRESENT THE INTEREST OF PEOPLE OF COLOR, FOUR MEMBERS;  
18 REPRESENT THE RENEWABLE ENERGY INDUSTRY, ONE MEMBER; REPRESENT  
19 THE NONRENEWABLE ENERGY INDUSTRY, ONE MEMBER; REPRESENT LOCAL  
20 GOVERNMENT IN DISPROPORTIONATELY IMPACTED COMMUNITIES, ONE  
21 MEMBER; AND WORK TO SUPPORT PUBLIC HEALTH, ONE MEMBER, WHO  
22 MUST BE AN ENVIRONMENTAL TOXICOLOGIST.

23 (d) THE APPOINTING AUTHORITIES SHALL FILL A VACANCY AS SOON  
24 AS POSSIBLE. IN MAKING APPOINTMENTS TO THE TASK FORCE, THE  
25 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE  
26 TASK FORCE REFLECTS THE RACIAL, ETHNIC, CULTURAL, AND GENDER  
27 DIVERSITY OF THE STATE, INCLUDING REPRESENTATION OF ALL AREAS OF

1 THE STATE.

2 (2) **Mission of the task force.** THE MISSION OF THE TASK FORCE  
3 IS TO PROPOSE RECOMMENDATIONS TO THE GENERAL ASSEMBLY  
4 REGARDING PRACTICAL MEANS OF ADDRESSING ENVIRONMENTAL JUSTICE  
5 INEQUITIES BY:

6 (a) PROMOTING ENVIRONMENTAL JUSTICE ACROSS STATE  
7 AGENCIES AND IMPROVING COLLABORATION AMONG STATE AGENCIES IN  
8 IDENTIFYING AND ADDRESSING THE HUMAN HEALTH AND ENVIRONMENTAL  
9 EFFECTS OF PROGRAMS, POLICIES, PRACTICES, AND ACTIVITIES ON  
10 DISPROPORTIONATELY IMPACTED COMMUNITIES;

11 (b) IMPROVING COOPERATION ON ENVIRONMENTAL JUSTICE  
12 INITIATIVES BETWEEN THE STATE GOVERNMENT, TRIBAL GOVERNMENTS,  
13 AND LOCAL GOVERNMENTS;

14 (c) ENSURING MEANINGFUL INVOLVEMENT AND DUE PROCESS IN  
15 THE DEVELOPMENT, IMPLEMENTATION, AND ENFORCEMENT OF  
16 ENVIRONMENTAL LAWS AND POLICIES; AND

17 (d) ADDRESSING ENVIRONMENTAL HEALTH, POLLUTION, AND  
18 PUBLIC HEALTH BURDENS IN DISPROPORTIONATELY IMPACTED  
19 COMMUNITIES AND BUILDING HEALTHY, SUSTAINABLE, AND RESILIENT  
20 COMMUNITIES.

21 (3) **Duties of the task force.** THE TASK FORCE SHALL CONSIDER  
22 PROPOSING RECOMMENDATIONS CONCERNING THE FOLLOWING:

23 (a) DEVELOPING A STATE AGENCY-WIDE ENVIRONMENTAL JUSTICE  
24 STRATEGY AND A PLAN TO IMPLEMENT THAT STRATEGY, WHICH COULD  
25 INCLUDE:

26 (I) RECOMMENDATIONS FOR CREATING AND IMPLEMENTING  
27 EQUITY ANALYSIS INTO ALL SIGNIFICANT PLANNING, RULE-MAKING,

1 ADJUDICATIONS, ORDERS, PROGRAMMATIC AND POLICY DECISION-MAKING,  
2 AND INVESTMENTS;

3 (II) A POTENTIAL REQUIREMENT THAT AGENCIES PREPARE AN  
4 ENVIRONMENTAL EQUITY ANALYSIS FOR ANY STATE ACTION THAT HAS THE  
5 POTENTIAL TO CAUSE NEGATIVE ENVIRONMENTAL OR PUBLIC HEALTH  
6 IMPACTS TO A DISPROPORTIONATELY IMPACTED COMMUNITY, WHICH  
7 ANALYSIS COULD INCLUDE A PROCESS FOR IDENTIFYING AND DESCRIBING  
8 CUMULATIVE IMPACTS TO THE HEALTH AND ENVIRONMENT OF  
9 DISPROPORTIONATELY IMPACTED COMMUNITIES;

10 (III) A POTENTIAL REQUIREMENT THAT FOR ANY STATE ACTION  
11 THAT MAY CAUSE ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH IMPACTS  
12 TO A DISPROPORTIONATELY IMPACTED COMMUNITY, THE ADVERSE  
13 ENVIRONMENTAL OR PUBLIC HEALTH MUST BE AVOIDED, AND IF THE  
14 EFFECTS CANNOT BE AVOIDED, THEY MUST BE MINIMIZED AND MITIGATED;

15 (IV) A POTENTIAL REQUIREMENT THAT PERMITS MUST BE ISSUED  
16 AND RENEWED ONLY AFTER AN ENVIRONMENTAL EQUITY ANALYSIS  
17 DETERMINES THAT THE TERMS AND CONDITIONS OF THE PERMIT OR  
18 RENEWAL ARE SUFFICIENT TO ENSURE, TO A REASONABLE CERTAINTY,  
19 THAT ANY HARM TO THE HEALTH AND ENVIRONMENT OF  
20 DISPROPORTIONATELY IMPACTED COMMUNITIES IS EITHER:

21 (A) AVOIDED; OR

22 (B) MINIMIZED TO THE EXTENT PRACTICABLE AND, TO THE EXTENT  
23 ANY HARM REMAINS, IS MITIGATED;

24 (V) A POTENTIAL REQUIREMENT THAT ALL ENVIRONMENTAL  
25 PROJECTS DEVELOPED AS PART OF A SETTLEMENT RELATING TO  
26 VIOLATIONS IN A DISPROPORTIONATELY IMPACTED COMMUNITY ARE  
27 DEVELOPED IN CONSULTATION WITH AND THROUGH MEANINGFUL

1 PARTICIPATION OF INDIVIDUALS IN THE DISPROPORTIONATELY IMPACTED  
2 COMMUNITY AND RESULT IN IMPROVEMENT TO THE HEALTH AND  
3 ENVIRONMENT OF THE AFFECTED DISPROPORTIONATELY IMPACTED  
4 COMMUNITY; AND

5 (VI) RECOMMENDATIONS FOR ESTABLISHING MEASURABLE GOALS  
6 FOR REDUCING ENVIRONMENTAL HEALTH DISPARITIES FOR  
7 DISPROPORTIONATELY IMPACTED COMMUNITIES;

8 (b) ADOPTION OF A PLAN THAT ADDRESSES THE LACK OF DATA AND  
9 LACK OF DATA SHARING BETWEEN STATE AGENCIES ABOUT POTENTIAL  
10 EXPOSURE TO ENVIRONMENTAL HAZARDS AND IMPROVES RESEARCH AND  
11 DATA COLLECTION EFFORTS RELATED TO THE HEALTH AND ENVIRONMENT  
12 OF DISPROPORTIONATELY IMPACTED COMMUNITIES, CLIMATE CHANGE,  
13 AND THE INEQUITABLE DISTRIBUTION OF BURDENS AND BENEFITS OF THE  
14 MANAGEMENT AND USE OF NATURAL RESOURCES;

15 (c) THE PROVISIONS OF SECTION 24-4-109 REGARDING  
16 ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES, TAKING  
17 INTO ACCOUNT BARRIERS TO PARTICIPATION THAT MAY ARISE DUE TO  
18 RACE, COLOR, ETHNICITY, RELIGION, INCOME, OR EDUCATION LEVEL; AND

19 (d) EVALUATING AND PROPOSING RECOMMENDATIONS OR  
20 REVISIONS TO THE FOLLOWING DEFINITIONS:

21 (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" AS DEFINED IN  
22 SECTION 2-4-401 (2.7);

23 (II) "PROPOSED STATE ACTION" AS DEFINED IN SECTION 24-4-109  
24 (2)(b)(II); AND

25 (III) "AGENCY" AS DEFINED IN SECTION 24-4-109 (2)(b)(I). IN  
26 FORMULATING ITS RECOMMENDATION, THE TASK FORCE SHALL CONSIDER  
27 INCLUDING WITHIN THE DEFINITION AT LEAST THE STATE ENTITIES

1 SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION.

2 (4) THE TASK FORCE SHALL:

3 (a) HOLD AT LEAST SIX MEETINGS, WHICH MAY BE ONLINE OR IN  
4 PERSON, TO SEEK INPUT FROM, PRESENT ITS WORK PLAN AND PROPOSALS  
5 TO, AND RECEIVE FEEDBACK FROM COMMUNITIES THROUGHOUT THE  
6 STATE;

7 (b) SUBMIT A FINAL REPORT OF ITS FINDINGS AND  
8 RECOMMENDATIONS TO THE GOVERNOR, THE DEPARTMENT, THE HOUSE OF  
9 REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND WATER, ENERGY AND  
10 ENVIRONMENT, AND HEALTH AND INSURANCE COMMITTEES, AND THE  
11 SENATE AGRICULTURE AND NATURAL RESOURCES, HEALTH AND HUMAN  
12 SERVICES, AND TRANSPORTATION AND ENERGY COMMITTEES, OR THEIR  
13 SUCCESSOR COMMITTEES, BY NOVEMBER 14, 2022; AND

14 (c) POST SUMMARIES OF ITS MEETINGS, DRAFT  
15 RECOMMENDATIONS, AND THE FINAL REPORT, WHICH MUST BE AVAILABLE  
16 AS A PUBLIC RECORD ON THE HOME PAGE OF THE DEPARTMENT'S WEBSITE.

17 (5) THE DEPARTMENT SHALL INCLUDE UPDATES REGARDING THE  
18 TASK FORCE'S ACTIVITIES, INCLUDING ITS FINAL REPORT, IN ITS  
19 DEPARTMENTAL PRESENTATION TO LEGISLATIVE COMMITTEES OF  
20 REFERENCE PURSUANT TO SECTION 2-7-203.

21 (6) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024.

22 **SECTION 6.** In Colorado Revised Statutes, 25-7-105, **amend**  
23 (1)(e)(III) as follows:

24 **25-7-105. Duties of commission - rules - legislative declaration**  
25 **- definitions.** (1) Except as provided in sections 25-7-130 and 25-7-131,  
26 the commission shall promulgate such rules and regulations as are  
27 consistent with the legislative declaration set forth in section 25-7-102

1 and necessary for the proper implementation and administration of this  
2 article 7, including, but not limited to:

3 (e) (III) The commission will identify AND ENGAGE WITH  
4 disproportionately impacted communities ~~In identifying these~~  
5 ~~communities, the commission will consider: Minority, low-income, tribal,~~  
6 ~~or indigenous populations in the state that potentially experience~~  
7 ~~disproportionate environmental harms and risks. This disproportionality~~  
8 ~~can be a result of increased vulnerability to environmental degradation,~~  
9 ~~lack of opportunity for public participation, or other factors. Increased~~  
10 ~~vulnerability may be attributable to an accumulation of negative or lack~~  
11 ~~of positive environmental, health, economic, or social conditions within~~  
12 ~~these populations. "Disproportionately impacted communities" describes~~  
13 ~~situations where multiple factors, including both environmental and~~  
14 ~~socioeconomic stressors, may act cumulatively to affect health and the~~  
15 ~~environment and contribute to persistent environmental health disparities~~  
16 AS SPECIFIED IN SECTION 24-4-109.

17 **SECTION 7. Appropriation.** (1) For the 2021-22 state fiscal  
18 year, \$456,090 is appropriated to the department of public health and  
19 environment. This appropriation is from the general fund. To implement  
20 this act, the department may use this appropriation as follows:

21 (a) \$196,032 for use by the air pollution control division for  
22 personal services related to stationary sources, which amount is based on  
23 an assumption that the division will require an additional 2.7 FTE;

24 (b) \$153,718 for use by the air pollution control division for  
25 operating costs related to stationary sources; and

26 (c) \$106,340 for the purchase of legal services.

27 (2) For the 2021-22 state fiscal year, \$106,340 is appropriated to

1 the department of law. This appropriation is from reappropriated funds  
2 received from the department of public health and environment under  
3 subsection (1)(c) of this section and is based on an assumption that the  
4 department of law will require an additional 0.5 FTE. To implement this  
5 act, the department of law may use this appropriation to provide legal  
6 services for the department of public health and environment.

7 **SECTION 8. Safety clause.** The general assembly hereby finds,  
8 determines, and declares that this act is necessary for the immediate  
9 preservation of the public peace, health, or safety.