

To the Honorable Chairperson, Representative Kipp, and Committee,

On behalf of the Colorado Livestock Association and its more than 350 member families statewide we write to express our opposition to House Bill 1338- Cumulative Impacts & Environmental Justice and what it may cause in rural economies.

This bill creates the Environmental Justice Office within CDPHE overseeing the creation of the environmental equity and cumulative impact analysis (EECIA) across the state. These EECIAs as defined in this bill would cover a geographic area developed in Section 1. However, many of these DI-communities, as identified by the EnviroScreen tool, are dependent on oil and gas and agriculture, and the bill as written will cause them to incur further unnecessary scrutiny, regulatory inequities, and loss of necessary community funds in the future. Further, this bill doesn't identify what groups will be a part of the stakeholder process on the implementation and selection of the EECIAs. This needs to be addressed so that all stakeholders affected by this bill have a voice.

The agricultural and oil and gas industries have continued to reduce the instances of emissions for operations substantially in the last few years with little positive notice by lawmakers. They care about the environment and the impact and make every effort to limit emissions while being able to continue doing business. This bill only seems to further penalize and place limitations on these industries' abilities to do business providing nearly half a million jobs in this state. These communities are where these people live and work, if they were worried about emissions from where they work, they would not have their families live in these contrived conditions. Further potential regulation only decreases job availability. According to the Colorado Department of Agriculture, agriculture in the state provides \$47 billion to Colorado's Economy with 38,900 farms and ranches any negative impacts from increased regulatory burdens will surely be felt by the families on these farms and ranches and on the grocery store shelves.

This bill establishes the potential for a regulatory patchwork created by local governments to impose new limits and guidelines by allowing them to request that the commission impose limits on new or increased operational emissions as stated in 25-7-128 (9)(b). What are these limitations and who are the experts that get to decide on what the requirements are for exemption? These unidentified questions leave this bill far too open for interpretation. Leaving it open to the local governments to set standards as non-experts and determine what is a justifiable exemption is far too ambiguous, emotional, and subjective.

Finally, the Rapid Response Inspection Team, as created in 25-7-147 of this bill to respond to air quality complaints insight vigilantism and government infringement on private property rights resulting in takings. This bill also doesn't provide management plan objectives. This bill also does not explain how or by what means they will collect complaints through the division, leaving it far too open for those who will undoubtedly have ill intentions, submitting unsubstantiated claims.

This bill also does not consider the unintended consequences. We cannot pass more legislation that will kill or limit industries that provide jobs and the necessary monetary lifeblood in already struggling communities. The Colorado Livestock Association opposes House Bill 1338.

Sincerely,

Zach Riley, Colorado Livestock Association, CEO



**Public Comment to the Colorado House Energy & Environment Committee  
On March 21, 2024, regarding HB24-1338**

My name is Velma L Campbell, MD, MPH. I am a medical doctor from Pueblo, CO, specializing in public health, particularly environmental/occupational health, board certified in Occupational Medicine. I am a volunteer coordinator of the Mothers Out Front Colorado Pueblo team, working for a climate in which all children can thrive. I am writing to support **HB24-1338, Cumulative Impacts and Environmental Justice**.

First, I would like to emphasize that Pueblo has been my home since 1988, I have had a small business in solo medical practice since 1994. I am definitely not represented by certain corporate interests and organizations as well as one labor union, that recently have launched an aggressive campaign against this bill, based on exaggerated, preposterous, and misleading assertions, including that the bill represents an effort by “environmental extremists” that would “shut down manufacturing in Colorado.” These ludicrous claims do not add to the discussion in our efforts to optimize our environmental and economic programs in Colorado, particularly in Disproportionately Impacted Communities such as Pueblo.

Far from being an insult or disadvantageous designation, the already existing recognition of Pueblo and other communities as Disproportionately Impacted Communities, or as sometimes identified, Environmental Justice Communities, is a recognition of the facts on the ground in these areas, not an identity of the community, but a description of the effects of certain development, industrial, and past social/regulatory practices. It is well established that polluting industries and other environmental hazards are more likely to occur in Disproportionately Impacted Communities, and therefore, the impacts are greater. Such designations justify greater pollution control measures, enhance development of new industries and jobs, and provide a basis for access to grants and other funds to those communities, local governments, and state agencies.

The Environmental Justice bill, HB21-1266 established the Environmental Justice Action Task Force which made its recommendations to the Colorado Department of Public Health and Environment as required. This Bill supports the prior work of the General Assembly by taking the next step of creating a Division to develop and enforce the measures as recommended. This is a necessary and essential step to promote environmental health and an active growing economy in communities too long neglected for the costs of our contributions to the economy of the State and Nation.

Not only are effective and progressive environmental regulations not “job killers” in general, but they also often result in creation of new jobs, products, and profit lines for the affected industries and therefore, benefits to the communities. Such regulations provide a level playing field for Indeed, if innovation were really the death of American industry, we would all still travel by horse and buggy.

In addition, the Bill enables local governments to have a further role in the process of decision-making and authorization of industrial development in our communities, working with the appropriate Air Pollution Control Division agency functions. This will enhance the cooperation and coordination between local and state governments in economic development. This bill would not add to existing regulatory limitations on industrial projects unless the local government specifically requested it.

Ultimately, the measures in this Bill will support and promote the prior work of the General Assembly in working to improve the health of Colorado's families and the economic opportunities in our communities, especially the Disproportionately Impacted Communities.

Thank you for your attention.

Velma Campbell, MD, MPH

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**Testimony submitted by the National Federation of Independent Business – Colorado Chapter in opposition to both House bill 24-1338 and 24-1339.**

**NFIB Colorado submits the following testimony in opposition to Hb 24-1338 and 24-1339.**

The National Federation of Independent Business is an 80-year-old, Not for Profit membership organization with approximately 300,000 dues paying members nationally and dedicated to making it possible for every individual to own, operate and grow their business free from over regulation by government. Our membership is comprised of small and independent businesses engaged in every industry imaginable and who have an average of 5-9 employees, and less than \$500,000 in revenues. The Colorado Chapter of NFIB represents over 6,000 members.

A study by the American Petroleum Institute by Price Waterhouse says that oil and gas activities in 2021 contributed more than \$48Billion to the Colorado's gross domestic product and provided \$34Billion in wages to the labor force. The oil and gas industry are a major contributor to many economies, providing jobs, tax revenue, and economic growth.

Continued bombardment of multitudes of regulatory policies has led Colorado to a "command and control" economy over the Colorado Energy industry. Oil and gas industries provide employment opportunities for diverse communities, including those in rural or economically challenged regions.

Shutting down oil and gas development abruptly due to regulatory policies could lead to widespread job losses, economic downturns, and negatively impact the livelihoods of workers and communities. When energy development leaves a community it not only affects the energy workers, but it also has consequences on the local small businesses serving the industry such as restaurants, vehicle repair and healthcare, and local schools.

**NFIB Colorado requests Hb 24-1260 does not pass.**

A.F. Tony Gagliardi, State Director  
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