

To the Honorable Chairperson, Representative Kipp, and Committee,

On behalf of the Colorado Livestock Association and its more than 350 member families statewide, we express our concern and opposition to House Bill 1339 - Disproportionately Impact Community Air Pollution.

We appreciate the efforts that have taken place over the years to welcome three commissioners to the Air Quality Control Commission who come from and represent agricultural interests. Especially since agriculture has become an industry further regulated by the AQCC, we feel it is important that our interests continue to be consistently represented and top of mind during rulemaking and further decisions by the commission. However, we see major concerns with this bill consisting of the implementation of rules that move up timelines, increase regulation, and take in far more impact than just what this bill outlines.

The lack of clarity in the reasoning for prohibiting the increase in emissions and moving up the timeline for the rulemaking to January 1, 2025, arbitrarily creates undue pressure and burden on the regulated industries with no reasonable recourse. What has signified the need to increase the speed of this rulemaking as well as what identified that 97 million metric tons of carbon dioxide would be the limit to not exceed between 2025 and 2030? Also, the addition of further monitoring of pollutants identified by the EnviroScreen only adds additional strain and further creates added requirements on top of the many others these industries have to follow and monitor daily. All of these arbitrary decisions and requirements outlined in this bill do not take into account the best interests of all industries that make up the economy of the state in mind.

With the full state in mind, what does adding additional requirements outlined in this bill do to further protect DI communities that the commission and these industries don't already take into account? Requiring that there be rules outlined for reduction requirements for those GHG sources that adversely affect DI communities and requiring that they must be met, seems to us an overreach of control on certain businesses state-wide. DI communities that are impacted economically by this are not just those in rural communities on the plains but areas like Aspen and our mountain towns. Thus, using broad brush strokes in rulemaking and not considering the nuances of the state's complex makeup.

This bill brings up concern for our rural communities and industries that are already struggling and the economic impact that they and the state will feel. All stemming from the additional regulations and pressure on the reduction of greenhouse gas emissions through this bill. The agricultural and oil and gas industries have substantially reduced the instances of emissions for operations 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 and provide nearly half a million jobs in this state.

This bill, like many other bills this session, doesn't take into account the impacts that could take place by passing legislation like this. The Colorado Livestock Association opposes House Bill 1339.

Sincerely,

Zach Riley, Colorado Livestock Association CEO





To: House Energy & Environment Committee  
From: The Alliance for Collective Action  
Re: Testimony in Support of HB24-1339 – Disproportionately Impact Community Air  
Pollution  
Date: 4/18/2024

The Alliance for Collective Action is an environmental nonprofit working across sectors to build a more climate-resilient and equitable future. Our Coalition for a Regenerative Future has over 400 members across the state of Colorado, with the majority of our membership in Colorado's Front Range. We strongly support the passage of HB24-1339, which is essential for enforcing the state's commitments under the Environmental Justice (EJ) Act of 2021. Despite the initial promise of the EJ Act, its implementation has been insufficient, particularly regarding the critical reduction of industrial emissions and improved air quality monitoring in disproportionately impacted communities. This has left our most vulnerable populations at continued risk and has slowed our progress towards statewide climate goals.

Since its enactment, the Air Quality Control Commission (AQCC) has introduced GEMM I and GEMM II regulations aimed at reducing greenhouse gas emissions from the industrial sector. However, these regulations do not fully encompass all emissions sources and contain significant flaws:

- The largest emitters are permitted to increase emissions in the near-term, effectively delaying significant pollution reduction efforts until the end of this decade.
- Facilities can opt to pay into a fund rather than implementing on-site emission reductions, if deemed too costly, with an inadequately low and arbitrary cost threshold.
- The protections for Disproportionately Impacted (DI) communities are minimal, requiring only a slightly higher cost threshold for facilities opting to pay into the fund rather than reduce emissions on-site.

HB24-1339 addresses these critical gaps by:

- Enforcing the pollution reductions stipulated in the EJ Act, setting a cumulative emissions budget from 2025 to 2030 for the industrial sector. This ensures

continuous reduction efforts and not waiting until the last minute to address pollution.

- Eliminating the pay-to-comply option, thereby ensuring that any payments made by industries directly contribute to tangible emission reductions.
- Mandating specific, source-level emission reductions onsite in disproportionately impacted communities to ensure that these areas see actual improvements in air quality.
- Expanding the requirement for pollution monitoring in all disproportionately impacted communities, correcting the current oversight where only half of these communities are monitored.

Colorado's current trajectory under existing regulations will not meet our 2030 pollution reduction targets, as evidenced by state modeling. This not only endangers public health, particularly in DI communities, but also compromises our climate resilience.

State taxpayers have already invested nearly \$200 million in grants and tax credits to reduce industrial emissions. HB24-1339 ensures that these investments lead to real reductions in pollution, rather than allowing industries to pay to pollute.

In conclusion, The Alliance for Collective Action urges you to pass HB24-1339 without delay. This bill is not just about meeting legislative goals; it's about protecting our communities, preserving our environment, and making sure polluters are doing their part to help Colorado meet its emission reduction goals.

Sincerely,

Jane Allen, Assistant Director, Climate & Energy Resilience  
Jolie Brawner, Director, Coalition for a Regenerative Future  
The Alliance for Collective Action



April 18, 2024  
House Energy and Environment Committee  
Colorado General Assembly  
200 E Colfax Avenue  
Denver, CO 80203

**RE: Ceres Support for HB24-1339 Disproportionately Impacted Community Air Pollution**

Dear Chair Kipp and Committee Members:

On behalf of Ceres, I appreciate the opportunity to provide comments in support of [HB24-1339](#) Disproportionately Impacted Community Air Pollution. We recognize and appreciate all the time and expertise that the State Assembly, Air Pollution Control Division, Air Quality Control Commission, and stakeholders have invested in the process to developing and implement critical climate and clean air policies for Colorado.

We see HB1339 as necessary to establishing strong and stable policy to attract the technology and investments needed to meaningfully address the industrial sector, and critical to deliver on the climate, public health and environmental justice action intended by the EJ Act.

For more than 30 years, Ceres has convened influential investors, Fortune 500 companies, and thought leaders to tackle a wide range of sustainability challenges. As a part of our work, we run the [BICEP \(Business for Innovative Climate and Energy Policy\) Network](#) — a coalition of more than 80 major businesses across the United States, many of whom have substantial operations or are headquartered in Colorado.

Businesses support strong emissions reduction policies because climate change, water contamination, and air pollution threaten the health and livelihood of the communities in which they operate, and where their customers and employees live and work. They also recognize that these threats inordinately harm Colorado's residents in disproportionately impacted communities.

Businesses also support fair climate policy frameworks with clear, enforceable standards for guidance as they make significant investments to directly reduce their GHG emissions, including through renewable energy investments and zero-emission vehicles. Such clean alternatives make economic sense – these technologies are proven and are already cost-effective. Companies and institutions are also investing in emission reduction strategies because they expect a return: ignoring the risks they face would be very costly, while finding the path towards a net zero future offers them economic stability and growth. However, all major economic actors need to do the same to ensure that Colorado's economy and communities realize the benefits of immediate action as equitably as possible.

The recent application of the [EJ Act](#) to kick start a program for heavy industry emissions reductions ([GEMM2](#)) resulted in a rule so weak, it allows facilities to increase their emissions leading up to 2030. This fails to deliver the intent of the EJ Act to prioritize near term and direct emissions reductions that benefit disproportionately impacted communities. It also falls short in sending market signals that can help drive the technological innovation and progress necessary

to achieve industrial emissions reductions while growing the economy, reducing costs, and improving public health.

Colorado has set some of the most ambitious climate goals in the country — yielding significant economic benefits. Despite these successes, Colorado is at risk of missing its target to reduce greenhouse gas emissions 65% by 2035 and disproportionately impacted communities are still experiencing high levels of air pollutant emissions. Absent action to prioritize policy pathways that secure direct emission reductions, Colorado and major businesses will not achieve their shared climate, environmental justice and racial equity goals, and will lose out on significant public health and economic benefits.

HB1339 is necessary to course correct the current application of the EJ Act, which in GEMM2, has allowed for emissions management strategies before reduction, putting critical near-term emissions reduction opportunities at risk and missing the opportunity to generate additional co-benefits in impacted communities. More ambitious and comprehensive guidance is needed to uphold the EJ Act's directive to secure specific pollution reductions and meaningful incorporation of input from overburdened communities that bear the greatest harm from industrial and other sources of pollution.

Of utmost relevance is that greater and direct reductions are feasible and more affordable than ever. Industry concerns with proposed regulations commonly include that the required control technology is not sufficiently mature to comply with the proposed standards, compliance deadlines may be unrealistic, the rule may lead to electricity reliability issues, and compliance costs may be economically burdensome for both businesses and consumers. Regulators have always had the challenge of assessing these concerns and making technical judgements in making regulatory decisions. However, it is worth noting that recent [analysis](#) of EPA regulations from Ceres and Environmental Strategies Group find that technological progress that industry stakeholders dismissed as unrealistic has consistently taken hold quickly and cost-effectively enough to meet EPA standards under industry opposition. In fact, the standards themselves can help drive the innovation necessary, such as the catalytic converter to power plant pollution control equipment used today.

In addition, new incentives from the Inflation Reduction Act and other recent federal climate investments, as well as state tax credits and grant programs for the industrial sector, offer support for manufacturers to clean up their operations. There is also a rush of investor and corporate interest in clean manufacturing, and a number of success stories as industry leaders move to embrace clean solutions.

Industry with less carbon-intensive production processes will continue to see a growing competitive edge. By effectively driving direct emissions reductions from manufacturing stationary sources, Colorado can maintain and enhance both its global and U.S. industrial competitiveness while minimizing regulatory uncertainty and potential liabilities as countries implement more stringent climate policies.

HB1339 also presents an opportunity to drive transparency in emissions accounting and a framework for necessary near-term reductions in the value chain. For many companies, their value chain holds their largest source of emissions (Scope 3). Clear, strong and enforceable standards in the value chain enable businesses that utilize services and products (such as food products, aluminum, ethanol, refined oil, gypsum, glass, microchips, packaging, etc.) to have

more insight and control over a significant source of their own emissions and the associated risk found in their Scope 3 profile.

Prioritizing emission reduction strategies that maximize health benefits will improve public health and reduce health costs in Colorado communities. Coloradans are exposed to unhealthy air pollution that threatens lung and respiratory health and the burden of pollutants are disproportionately borne by frontline communities. Given that a significant majority, 14 out of the 18, facilities under GEMM Phase 2 are located within a mile of DICs, HB1339 will help address inequities in low-income and communities of color.

We also wish to underscore the perspective of community [comments](#) provided on June 27, 2023 and subsequent comments by conservation and environmental justice groups who rigorously scrutinized the draft GEMM 2 rules and identified several areas of concern regarding potential impacts on public health in communities in geographic proximity to the eligible facilities. HB1339 is necessary to prioritize emission reductions that will reduce emissions of co-pollutants, a clear intention of the EJ Act.

HB1339 presents an opportunity for Colorado to uphold its progress as a climate leader and to more substantially protect and respond to the needs of disproportionately impacted communities, while setting standards that can drive technological progress necessary to achieve state emission reduction targets. To meet both near term 2030 and longer-term goals, Colorado needs strong and enforceable rules that spur innovation and address the historic overburdening of disproportionately impacted communities. We respectfully urge you to vote yes on HB24-1339.

Thank you for your consideration.

Sincerely,



Kelly Trombley  
Senior Manager, State Policy  
Ceres

Thank you Madame Chair and members of the committee for reading my testimony. I wish I could testify in person so you could see my frustration. It is a travesty that it is necessary to pass HB24-1339. The legislature should not need to say to the Air Quality Control Commission, "Do what we told you to do in 2021."

GEMM2 is currently configured as a pay-to-pollute scheme. Polluters can not only continue to dump their poison in disproportionately impacted communities (DICs), they can increase their pollution in the near term. How does this promote "clean and healthy air for Colorado's citizens and visitors, protect Colorado's scenic and natural resources, and" promote "statewide greenhouse gas pollution abatement," as is the stated objective of the Air Quality Control Commission?

Under GEMM 2 polluters in DICs are not required to reduce their pollution if it exceeds a certain cost. Essentially, GEMM2 codifies the right of polluters to earn a profit regardless of the cost to health and the environment. The big companies do not have to cut into their, literally, billions of dollars in profit, to protect the health of those who live nearby. Yet, those who live nearby, and can least afford to pay, are saddled with the healthcare costs and lost wages caused by the pollution. How is that just?

Oil and gas executives often declare that jobs rely on their industry. If they are forced to comply with regulations, they will be required to shed jobs. This is nonsense. For example, Suncor typically has over \$20 billion worth of profits annually. They can make \$200 million worth of upgrades and it will only take away 1% of these obscenely high profit margins. Not a single job needs to be shed. More high-paying jobs may be created by implementing the necessary upgrades to facilities and properly monitoring emissions.

I'm asking polluters to take reasonable measures to decrease their impact on the climate. GEMM2 falls far short of the requirements of the Environmental Justice Act. Let's make sure the AQCC does it right this time. Please vote yes on HB24-1339.



**To: Colorado House Committee on Energy and Environment**  
**From: Selia Perez, General Manager at Cargill Beef Plant Fort Morgan, CO**  
**Re: Written Testimony in Opposition to HB 1339 – Disproportionately Impact Community Air Pollution**  
**Date: March 14, 2024**

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Chairwoman Kipp and House Energy and Environment Committee members, thank you for the opportunity to offer written testimony expressing opposition to HB 1339 and potential amendments. This legislation impacts the GEMM – II regulations approved by the Colorado Department of Public Health and Environment (CDPHE). This testimony is submitted by Selia Perez, the General Manager at the Cargill beef processing plant in Fort Morgan, Colorado.

Founded in 1865, Cargill's 160,000 employees across 70 countries work to achieve our purpose of nourishing the world in a safe, responsible, and sustainable way. Every day, we connect farmers with markets, customers with ingredients, and people and animals with the food they need to thrive. Cargill is committed to implementing science-based solutions to reduce greenhouse gas emissions, improve energy and resource efficiency, and shrink environmental footprints.

In Colorado, Cargill is proud to employ more than 2,000 Coloradans at seven diverse facilities. Our largest operations are a grain elevator in Cheyenne Wells, an edible oils processing facility in Fort Collins and our beef processing plant in Fort Morgan. Cargill's Fort Morgan beef plant harvests approximately 1.2M head of cattle annually – about 4,000/head daily. The plant draws cattle from feed yards in Colorado, providing an important market for Colorado producers/farmers and cattle.

Cargill opposes HB 1339 and all potential amendments that undermine the credibility and certainty of Colorado's regulatory framework. As an active participant in the multiyear rulemaking process that produced the final GEMM 2 rule, Cargill believes HB 1339 would undermine the efforts that went into creating GEMM 2 rules, threaten investments already underway to meet GEMM 2 emissions standards and ultimately, create instability in the business environment in Colorado.

While aspects of the GEMM 2 rule provided implementation difficulties and the creation of a rule that crosses industries was not ideal, we appreciated the CDPHE leaders and staff for their time and commitment to gathering input. The regulations promulgated by CDPHE reflected the comments heard over years of listening sessions and public meetings. Cargill's Fort Morgan beef processing plant was included in the GEMM 2 industry group and is now working diligently to comply with the emissions reduction targets defined in the rules.

In this way, HB 1339 and proposed amendments threaten the work and investments already underway to meet GEMM 2 emissions standards defined in the existing regulations. Cargill has already made significant

investments to comply with GEMM 2. If enacted, this legislation could force Cargill and other impacted companies to halt the installation and use of new equipment. Without confidence that prior investments will enable GEMM 2 compliance, Cargill's Fort Morgan Beef plant will be at a major disadvantage compared to other similar processing plants in Nebraska, Texas and Kansas.

Ultimately, passing HB 1339 would challenge GEMM 2 rules, leading to regulatory uncertainty and weakened state agency authority. This would limit future growth in the state, causing a decline in the state's agricultural economy – on which farmers and ranchers depend. For these reasons, Cargill opposes HB 1339.

We look forward to a continued dialog around a reasonable approach to reaching our shared goals of reducing GHG emissions. Thank you for your time.

End

Dear Samantha Falco,

Kindly let the members of the Energy and Environment Committee of my full support for HB 24-1339.

Colorado promises a clean and healthy environment for its citizens. This bill will help rescue and protect our environment from the toxins generated by, and save our natural resources from waste and destruction by fossil fuels.

I urge all members to support this bill.

Sincerely,

Pauline Migliore

Johnstown, Weld County

To the esteemed members of the committee:

My name is Maria Chansky, and I am a family physician living in Glenwood Springs, in Garfield County, CO. I am writing to express my support for HB 1339, addressing air pollution secondary to greenhouse gases and its disproportionate impact on Black, Latino, and Indigenous communities, other communities of color, and socioeconomically challenged communities. I am asking you to consider the health needs of all Coloradans, including the above-mentioned groups, and vote in favor of this bill.

In April of 2022, the United Nations declared access to a "clean, healthy and sustainable environment" is a human right—including access to clean air. The quality of our air in Colorado is directly threatened by greenhouse gas emissions from the industrial and manufacturing sectors. Increased greenhouse gases compromise air quality through several key effects. Greenhouse gases are a major contributor to global warming and climate change. According to the 2024 Climate Change in Colorado report, "by 2050 Colorado statewide annual temperatures are projected to warm by 2.5 to 5.0 degrees Fahrenheit compared to the late 20th century and 1 to 4 degrees compared to what we see today." According to the Center for Disease Control, increasing environmental temperatures directly lead to increased levels of ozone (the main component of smog) and particulate air pollution (secondary to increased fires). Climate change also increases the length of allergy season as well as pollen counts. These changes in turn contribute to a wide variety of health problems.

It makes sense that decreased air quality increases the risk of lung diseases such as COPD and asthma. Recent studies have shown that compromised air quality also exacerbates a wide spectrum of other health issues. Poor air quality increases the risk of many cancers, including breast cancer, lymphoma, and lung cancer. It also contributes to calcification of the arteries, leading to higher prevalence of heart attacks and strokes. Elevated air pollution has been linked to Alzheimer's Disease, Parkinson's Disease, and other dementias. Compromised air quality directly contributes to increased emergency room visits, hospitalizations, and premature deaths. Children, elderly, and people living in cities are particularly susceptible to health problems stemming from air pollution. Outdoor workers such as farm workers, firefighters, roofers, and construction workers are also at increased risk. According to the American Lung Association, those living in predominantly African American and Latino communities suffer greater risk of premature death secondary to air pollution, regardless of income. A study reported in the Yale News noted cardiovascular-related deaths attributable to poor air quality were 1.47 times higher in Latino communities and 4.48 times higher in African American communities. As the population in Garfield County is almost 34% minority (29% Latino) and endures a 7.91% poverty rate, we are at considerable risk to endure the brunt of health issues secondary to compromised air quality stemming from greenhouse gas emissions.

Aside from the immediate impacts on human health, there are uncountable effects on the wellbeing of our planet associated with greenhouse gas emissions. The United Nations' Paris Agreement, endorsed by every country in the world, affirms the need to keep the increase in global temperature from topping 2 degrees Celsius. If global warming tops 2 degrees, it will lead

to worldwide repercussions such as coastal flooding (affecting up to 70% of coastal cities and communities in the world), salination of global water supplies, and irrevocable imbalances in the ecosystems of over 13% of the world's land. Locally, the impacts of global warming secondary to greenhouse gas emissions will significantly impact Colorado industries such as agriculture. According to the Environmental Protection Agency, climate change has already resulted in the snowpack shrinking 20-60% in most monitored sites in Colorado. Livestock and agriculture in eastern Colorado rely upon water pumped from the High Plains Aquifer, which is rapidly being depleted. Reduced water availability will force a transition to dryland agriculture, which typically yields only half the produce. Additionally, shorter winters will reduce winter wheat crops, which are a major Colorado harvest and a critical source of food for livestock. To limit global warming to under 2 degrees Celsius, the Intergovernmental Panel on Climate Change advises that the world must cut greenhouse gas emissions by 60% by 2035. The drop of 20% that HB 1339 mandates by 2030 is a significant improvement from our baseline. However, it is still far below the contribution that we must make as citizens of the world to minimize global warming to a point that we as Coloradans, and the rest of the world, can live with.

My town of Glenwood Springs consists of 35% minorities and has a poverty rate of 8.5%. These are individuals who will be particularly impacted by compromised air quality associated with the emissions of greenhouse gases. A recent report on industry in Garfield County identifies the construction industry as the second largest employer in the county, providing almost 15% of local jobs. These outdoor workers will be at elevated risk for health problems associated with air pollution. This includes my husband, who is Latino, is a carpenter and suffers from asthma. It is reasonable to increase representation on the air quality control commission to reflect the perspectives, opinions and needs of those who are disproportionately impacted by the compromise in air quality triggered by greenhouse gas emissions. It is also urgent that we do everything in our power to drop greenhouse gas emissions as significantly and quickly as possible to avoid irrevocable damage to our planet and to Colorado's agriculture industry. The worldwide goal is to drop greenhouse gas emissions 60% by 2035—dropping them 20% by 2030 is a start. I ask you on behalf of my community, my patients, my family, and myself, to vote in support of HB 1339. Thank you for your time and attention in reading this statement.

## **Testimony for HB24-1339 Disproportionately Impacted Community Air Quality**

My name is Ingrid Mounier, I am a resident of Boulder, Colorado and a citizen of the world who breathes air. As such I support HB24-1339 Disproportionately Impacted Community Air Quality, because this bill works on reducing pollution so we can all breathe less polluted air. The Colorado legislature passed the Environmental Justice Act back in 2021 in order to reduce pollution from the industrial sector by 2030. Unfortunately, in 2024, Colorado is not on track to meet this target. This bill works on ways to meet our goals.

Recently the Colorado Air Quality Control Commission (AQCC) approved a rule to allow covered industries to increase their pollution in the short term, until the Environmental Justice Act 2030 deadline. This flies in the face of what scientists have been saying for years : we need to reduce emissions as fast as possible, in order to avert climate catastrophes. We already see climate induced droughts and more devastating fires in Colorado. As a first step, HB24-1339 requires that industrial pollution decrease in the near term.

The AQCC rule also allows industries to pay to comply with the pollution rules. This is clearly a loophole to allow industry to pollute instead of forcing them to reduce their emissions. The only way the Environmental Justice Act's targets can be reached is if all parties follow the rules and actually work on decreasing their negative impact on our environment. HB24-1339 closes this loophole and makes sure industry can't cheat by paying its way into compliance.

Finally, air quality is disproportionately worse in areas close to polluting industries. The communities who live in these areas are also more likely lower income and minority groups who already suffer health related consequences from their proximity to these industries. Allowing increased pollution in the near term is cruel. HB24-1339 protects these people by making sure industries reduce their emissions.

I urge you to vote for HB24-1339 in order to comply with the Environmental Justice Act of 2021. Colorado and all of its people deserve clean air and a livable future. This bill is one step in that direction.



**To: Colorado House Committee on Energy and Environment**  
**From: Selia Perez, General Manager at Cargill Beef Plant Fort Morgan, CO**  
**Re: Written Testimony in Opposition to HB 1339 – Disproportionately Impact Community Air Pollution**  
**Date: March 14, 2024**

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Chairwoman Kipp and House Energy and Environment Committee members, thank you for the opportunity to offer written testimony expressing opposition to HB 1339, legislation impacting the GEMM – II regulations approved by the Colorado Department of Public Health and Environment. This testimony is submitted by Selia Perez, the General Manager at the Cargill beef processing plant in Fort Morgan, Colorado.

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Cargill opposes HB 1339 as it undermines the credibility and certainty of Colorado's regulatory framework. As an active participant in the multiyear rulemaking process that produced the final GEMM 2 rule, Cargill believes HB 1339 would undermine the efforts that went into creating GEMM 2 rules, threaten investments already underway to meet GEMM 2 emissions standards and ultimately, create instability in the business environment in Colorado.

While aspects of the GEMM 2 rule provided implementation difficulties and the creation of a rule that crosses industries was not ideal, we appreciated the Colorado government staff for their time and commitment to gathering input. Cargill's Fort Morgan beef processing plant is now working diligently to comply with the emissions reduction targets defined in the GEMM 2 rules.

In this way, HB 1339 threatens the work and investments already underway to meet GEMM 2 emissions standards defined in the existing regulations. Cargill has already made significant investments to comply with GEMM 2. HB 1339 could force Cargill and other impacted companies to halt the installation and use of new equipment. Without confidence that prior investments will enable GEMM 2 compliance, Cargill's

Fort Morgan Beef plant will be at a major disadvantage compared to other similar processing plants in Nebraska, Texas and Kansas.

Ultimately, passing HB 1339 would challenge GEMM 2 rules, leading to regulatory uncertainty and weakened state agency authority. This would limit future growth in the state, causing a decline in the state's agricultural economy – on which farmers and ranchers depend. For these reasons, Cargill opposes HB 1339.

We look forward to a continued dialog around a reasonable approach to reaching our shared goals of reducing GHG emissions. Thank you for your time.

End

**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  
303-831-6099

Committee members,

Thank you for taking the time to read the public's statement about this important bill. My name is Brittany Zampella, I'm a filmmaker and co-founder of Farsighted Creative, a Colorado based production company that recently produced a documentary about how air quality is affecting the health and well being of North Denver residents.

We're here to advocate in support of HB 24-1339 because we've seen a concerning trend that jeopardizes our collective efforts to protect our most vulnerable communities. The allowance for industries to increase pollution in the near term and the failure to address, and in some cases exacerbate, pollution in disproportionately impacted communities represents a significant departure from the intention of the Environmental Justice Act.

These communities, already burdened with the health impacts of proximity to toxic emissions—ranging from asthma to premature death—are entitled to immediate and effective relief. Yet, the proposed rules, with compliance off ramps and fee alternatives for polluters, lack the teeth to ensure such relief or to hold major industrial polluters accountable.

Take Suncor for example. In 2021, they were fined \$9MM for years of violations. Yet in the same year, Suncor Inc. made \$32 Billion. The fines these large industries pay are barely a slap on the wrist. In fact, fees associated with noncompliance are often simply a cost of business for an industry that refuses to comply or take the health and safety of these communities into account.

House Bill 24-1339 aims to correct the course by enforcing stringent, immediate, and loophole-free regulations on industrial emissions. It recognizes that not all polluters are equal and that those with the means, particularly large corporations, must be held to higher standards for the health and safety of our communities, especially those most at risk.

We believe HB21-1339 is a robust, equitable policy that protects our health, our climate, and our future and we urge you to support it. Thank you.

Thank you for allowing me the opportunity to give public comment. I am Kelsey Barnholt, and I live in Erie, CO. Erie has over 360 active wells, 26 of which are freshly fracked since I moved into my house in 2020. To my dismay, additional wells are on the docket to be drilled & fracked in close proximity to Erie homes despite the supposed protections from SB19-181.

Living in a town that is disproportionately impacted by poor air quality largely in part to our over abundance of oil and gas wells, air quality legislation is very important to me and my family. Additionally, I have Primary Immunodeficiency which makes me more susceptible to cancers like lymphoma, the VOCs, methane, and NOx emitted from oil & gas wells as well as the high levels of ozone here in the Front Range increase my risk of future cancer. I also have asthma, which is the worst it's ever been since moving to Erie.

I have spent \$1600 on air purifiers to make the air in my home safer to breathe because the air around my home is filled with VOCs, methane, and ozone. VOCs are known to cause a whole host of issues from premature births and low birth weights to asthma and cancer. The air quality problem is dire in Erie, which is why the Town of Erie has had to invest over \$1 million to purchase air quality monitoring for the Town. In it's short 1.5-2 years since being installed, we have seen terrifying spikes in methane and BTEX.

The Oil & Gas operators in Weld County constantly have spills and emissions. In June 2022, EarthWorks captured massive emissions from a site just ½ mile from my home. Luckily, the operator shut-in the site while they made repairs, but they were never issued a fine for the poisons that we all ingested for however long that system was malfunctioning. The Suncor Refinery and its flaring is terrifying. Flaring is one of the most emissive events in O&G. We need to be doing so much more to reduce toxic pollution for the people living near Oil & Gas. As a disproportionately impacted resident myself, I truly worry about my future health and the health of my elementary aged daughters.

By adding 2 commissioners to the AQCC and requiring polluters to invest in pollution reducing equipment, HB24-1339 will help make the air in the Front Range safer for us and our families.

For the sake of all the people living in the Front Range and in the state of Colorado in general, I urge you to vote Yes on HB24-1339. Thank you for your consideration.