

Please support HB24-1338 Cumulative Impacts and Environmental Justice. The recommendations from the Environmental Justice Task force are badly needed. One of the EECIAs should include Commerce City and North Denver. This area includes the most toxic zip code in the country and a high number of different exposure vectors.

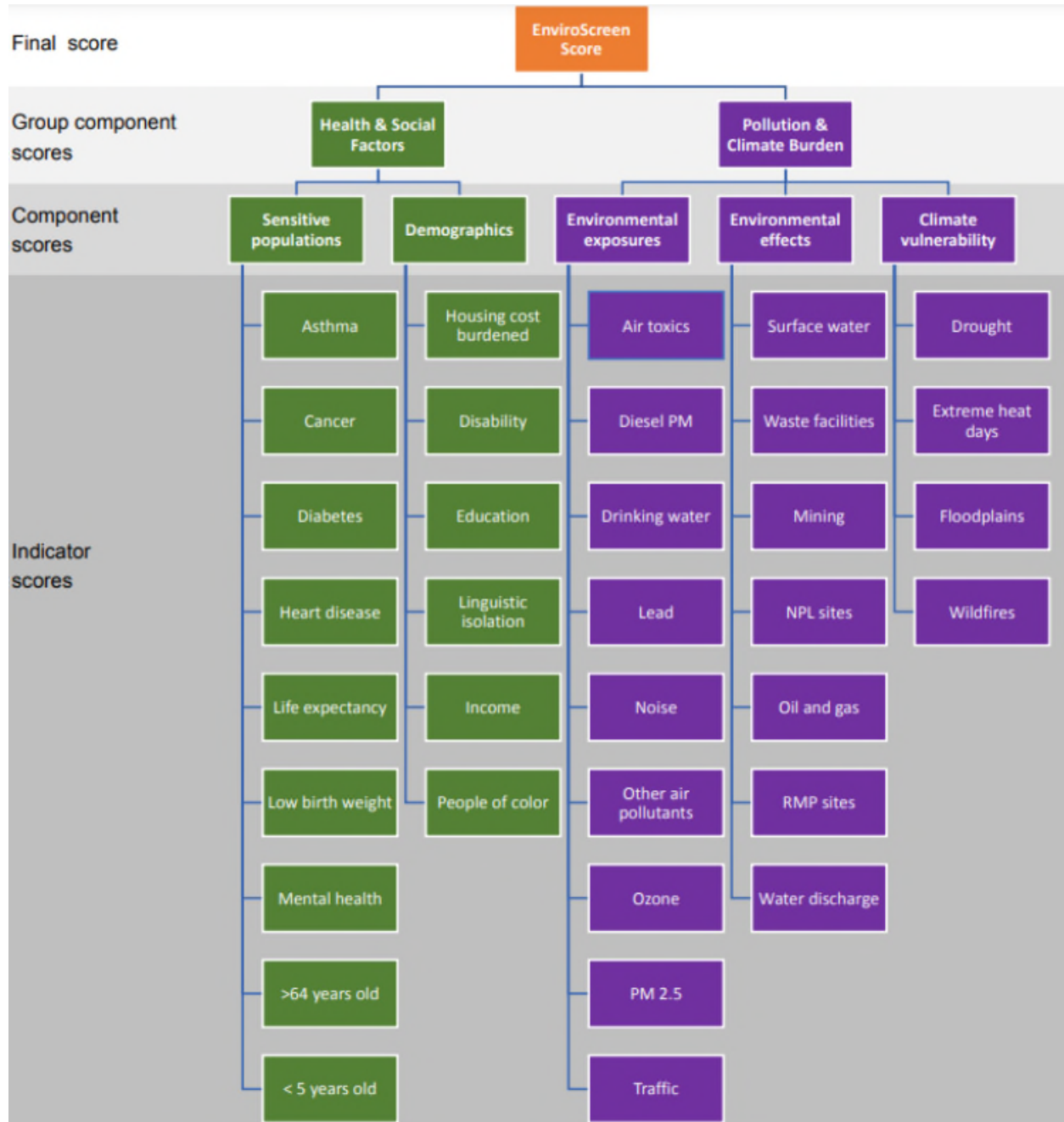
Each different exposure or risk type should not be treated separately as though these different types of exposures and risks don't add up. For example, maximum exposure limits are set for drinking water and exposure beyond that level is unacceptable. Well, even if that exposure limit is maintained in drinking water, there will be additional exposures through other mediums such as air, soils, surface water, food, highways, rail, and more.

Currently, the EnviroScreen Score is used to determine a DIC and looks at a wide variety of different types of exposures, risks, and stresses. Then, when the score is in the 80 percentile, a more strict enforcement regime is triggered for polluters. However, it still doesn't allow for the effects of different exposures to be added up. Although, I might consider the EnviroScreen Score mechanism to be incomplete, it is a huge step in the right direction. The interactions between the various environmental exposures and effects in the table should be a foundation for a regulatory framework. A lot of work needs to be done to get to that point. To eventually be considered as a foundation for a regulatory framework, the table itself needs quite a bit of work. They are looking at improving their ability to accommodate exposures and effects that are not or cannot be represented with current data on a census tract or census block level, such as contaminated soils for example.

For local government requests to eliminate or limit additional emissions in a DIC, there is concern that the regulatory authority, AQCC and APCD as well, that approved the emissions in the first place, would not overturn their own actions. Air Quality and Operating Permits are routinely ignored and have been so for decades. How will these EECIAs alter the refusal of the regulatory agencies, APCD, AQCC and CDPHE, to enforce antique permits, much less a modern Permit prioritizing human health and safety, surface water, and the environment. Does the EECIA have any authority to require that permits actually provide such protections? ECMC, the regulatory authority for O&G, is already captured by the industry as they have been able to install their own O&G people as a majority. Their needs to be additional scrutiny so that these loopholes are not continued to be exploited. Specific enforcement mechanisms need to be developed for the EECIAs when the regulatory authority refuses to act.

O&G have operated with complete impunity for decades. Their resistance to any change in that is blatant. O&G absolutely behaves as they believe that they should be above all laws. Before the recent rejection of Suncor's Title V Air Quality and Operating Permit by EPA Region 8, the worst of the worst polluters have always been rubber stamped without regard to compliance. So, O&G pulled their strings in DC at the EPA to formally propose forbidding any federal oversight of any Title V Permit for the worst of the worst polluters. With Suncor leading the way, the GEMM2 companies also want their absolute immunity from all laws.

It is possible for this Bill to overcome these obstacles. However, it will take a distinct focused effort. Please try to get it right this time, so that the legislature does not feel compelled to pass a future bill addressing current short comings in this current Bill as we have seen on many pollution issues.



Also, at an APCD Listening Session where things can become more conversational compared to a hearing, the APCD staff were unaware of any specifics as to the EnviroScreen Score methodology outlined in the table above.

**Public Comment regarding HB24-1338**

**Wednesday, April 24, 2024**

**Cumulative Impacts & Environmental Justice**

**Concerning measures to advance environmental justice by reducing cumulative impacts of air pollution, and, in connection therewith, making an appropriation.**

**To the Senate Committee on Transportation and Energy**

Thank you for the opportunity to present public comment regarding HB24/1338, Cumulative Impacts & Environmental Justice.

My name is Velma Campbell, and I live in Pueblo, CO, which has been my home since January of 1988. I am a medical doctor specializing in public health, particularly occupational and environmental health. Undoubtedly, you will hear or have heard from groups like the Chamber of Commerce or Action22/CO that there is little or no support for this legislation in the community of Pueblo, and that all the support is coming from “outside environmental extremists”. I am here to tell you that is simply an untrue statement, and part of a campaign by those organizations with flamboyant and ludicrous language such as “job killing” and “ending manufacturing” in Colorado. They even persuaded some local union members to hop on the bus they hired to bring lobbyists to Denver. I would respectfully remind our union representatives that “job killers” and “manufacturing enders” are exactly the terms used toward organized labor whenever contract time or safety and health issues arise. I and my colleagues in environmental community stands with organized labor for fair wages and benefits, project labor agreements, and protection of worker safety and health. We ask, through legislation such as this bill, that protection be extended to the families and communities of those workers.

It appears that some industry and business organization are threatened by the possibility of an analysis of conditions in communities that are more impacted by pollution, as well as other cumulative impacts such as racial, ethnic, and economic factors. It is well known that race, more than any other factor including economic, predict the likelihood of being located near polluting industries. Yet, for too long, that externalization of costs of production has not been well identified and calculated, including the costs in health effects, decreased work productivity, school absences, decreased economic development, and loss of benefit from outdoor activities. The fear-mongers have tried to characterize environmental equity and cumulative impact analyses (EECIA) as insulting and disparaging our communities, but the opposite is the case. In communities such as Pueblo, recognition and acknowledgement of our situation improves our ability to apply for funds to help with economic development, enhance community participation, and attract a broad base of sustainable business and industry that will raise the economic level of a wider range of our working population.

The fear from the industry representatives appears to be that closer scrutiny will be placed on their operations and permit requirements, something they needn't fear unless they are not in compliance or want to increase the amount of waste products that they emit into our air and water beyond that which our community can bear.

The other element of this bill that I wish to endorse in the strongest terms is the establishment of a rapid response program to air pollution incidents. It is insufficient and unacceptable that the Denver office is the only response to air quality incidents for industrialized communities such as Pueblo and others outside the Denver region. When the recent fire at EVRAZ Steel occurred, there was confusion and disarray as to who would respond regarding information about air pollution from the incident. I was

about a half mile in clear view of the fire for about 2 hours, and also drove in the neighborhoods most likely to be impacted. There was visible smoke in the neighborhoods, and we have reports of neighbors of the facility who had debris falling on their cars and properties. Fortunately the strong winds forced the main plume to the north and east and dissipated it in a fairly short period of time. However, it took too long to get emergency notifications and precautionary instructions. I and other members of Mothers Out Front, as a recognized community environmental organization, received calls from community members and local officials regarding precautions that folks could take. This incident has focused the attention of many in our community on the issue that there is no local air pollution rapid response, something that our very large state definitely needs. Such incidents could occur in rural areas as well as cities and towns, including railroad accidents and industrial facilities located in more rural areas, so it would seem sensible to site a rapid response function in a public health department locally in several regions of our state. This bill would be a start in that process.

Thank you again for your consideration. Please feel free to contact me if I can be of help.

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719-671-1330

Greetings, my name is Laura Martinez and I have been living in Commerce City for over 26 years with my family and now with my 3 children. I am also the Manager of Environmental Justice Programs at Cultivando and I am in favor of HB 24-1338. Throughout my childhood, I normalized the unpleasant odors we frequently encountered as well as the pollution we saw emitted from the Suncor refinery. It wasn't until I started working at Cultivando that I realized the amount of pollution that we were breathing in on a consistent basis was not normal. During our air monitoring project, we found that the pollutant levels were much higher than other locations in Colorado. Some of these pollutants that exceeded the regulated thresholds are Particulate Matter 2.5, and benzene, among others. Unfortunately, state, and federal regulations fail to protect human health by disregarding cumulative impacts on human health. Instances when PM 2.5 exceeded the 24-hour threshold of 35 micro grams per meter cubed, other pollutants also exceeded their regulated thresholds. This means that our community is breathing higher levels of several of these pollutants at once, often aggravating their symptoms, such as migraines, stomach pains, throat irritation and respiratory issues. Our children are missing many days of school because of these symptoms, also affecting their educational opportunities. By voting yes on this bill, you will be one step closer to protecting our community's health. I hope you make the best decision for our children everywhere, as we all know, air pollution has no borders. Thank you for your time.



April 24, 2024

Senate Transportation & Energy Committee  
Colorado General Assembly  
200 E. Colfax Avenue  
Denver, CO 80203

Re: HB 1338 Cumulative impacts & Environmental Justice

Dear Members of the Senate Transportation & Energy Committee:

This testimony represents the Support of the League of Women Voters of Colorado (LWVCO) for the bill to create the Office of Environmental Justice and to address petroleum refinery pollution.

The League supports creation of a clean and healthy environment and quality of life that provides the greatest benefit to the greatest number of citizens, present and future.

We believe that strong environmental laws promote environmental justice because economically challenged communities have been affected disproportionately by bad environmental policies in the past.

I am a 23-yr resident of Colorado—living in Westminster where I do not have to worry about huge air pollution sources right next door. However, my neighbors in Commerce City are continuously exposed to air pollution from the Suncor refinery despite repeated community and legislative attempts to bring this problem to a resolution.

As reported in the Colorado Sun of August 1, 2023,

The EPA's Denver regional office is once again blocking a renewed state air pollution permit for the Suncor refinery in Commerce City. Suncor has had numerous air and water pollution violations in recent years, and the regional Environmental Protection Agency had its own objections to Suncor permit renewals last year, ordering the state to make changes.

This bill provides strength to regulations of pollution from stationary sources; to regulation and reduction of ambient toxic-air pollutants; and power to communities and their elected governments. We must have *accountability* from the polluters, and we must have *action* by our air quality regulators.

We thank the sponsors for bringing this timely initiative to the legislature and the Committee for its careful consideration.

Sincerely,

A handwritten signature in blue ink that reads "Ann Sutton". The signature is written in a cursive style and is set against a light blue rectangular background.

Ann Sutton Volunteer Lobbyist  
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