



Senator Julie Gonzales, Chair
 Senator Pete Lee, Vice Chair
 Senator Chris Hansen
 Senator Paul Lundeen
 Senator Jack Tate
 Senator Nancy Todd
 Senator Rob Woodward
 Colorado General Assembly, Senate Finance Committee

Maria Nájera, Government Affairs Director
 Western Resource Advocates
 2260 Baseline Road, Suite 200
 Boulder CO 80302-7740

Support of HB20-1265 - Increase Public Protection Air Toxics Emissions

Monday, June 8, 2020

Madam Chair Julie Gonzales, Vice Chair Pete Lee, and members of the committee:

My name is Maria Nájera and I am the government affairs director at Western Resource Advocates (WRA), a regional conservation non-profit working to protect the West's land, air, and water for 30 years. On behalf of WRA, I am writing in support of HB20-1265 - Increase Public Protection Air Toxics Emissions.

Clean air is essential for our economy and our health. It is more important now than ever as communities across Colorado recover from the COVID-19 crisis. Unfortunately, too many Coloradans are exposed to air that may contain high levels of toxic pollutants. Factories and large industrial facilities located near where people live may emit chemicals that we know threaten public health. The Legislature must take steps to require better monitoring and reporting of their toxic emissions, implement health-based standards, and limit Coloradans' exposure to these pollutants.

HB20-1265 is a good first step. The legislation will establish an alert system, so that communities living around a polluting facility will be informed as soon as possible when large facilities release unexpected or excess emissions of toxic air pollutants.

Accordingly, HB20-1265 will empower communities to take action to protect their air quality and give them the information they need to avoid the worst health impacts of poor air quality.

Colorado must lead the way in including public health and reducing air pollution as part of our recovery from the pandemic, and this means continuing to take steps to create transparency and hold polluters accountable for their toxic emissions.

Arizona 1429 North First Street Suite 100 Phoenix, AZ 85004	Colorado - Boulder 2260 Baseline Road Suite 200 Boulder, CO 80302	Colorado - Denver 1536 Wynkoop Street Suite 210 Denver, CO 80202	Nevada 550 W. Musser Street Suite G Carson City, NV 89703	New Mexico 409 E. Palace Avenue Unit 2 Santa Fe, NM 87501	Utah 307 West 200 South Suite 2000 Salt Lake City, UT 84101
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I urge you to vote yes on HB 1265 as a priority for our communities, public health, and recovery.

Sincerely,

A handwritten signature in blue ink that reads "Maria Najera". The signature is fluid and cursive, with the first name "Maria" and last name "Najera" clearly legible.

Maria Najera, Government Affairs Director
Western Resource Advocates
maria.najera@westernresources.org



Members of the Committee,

My name is Erika Cervantes and I am the climate justice organizer with The Colorado People's Alliance. I write to you in support of HB20-1265.

We started organizing in Commerce City in 2015 after realizing how much concern the community had with environmental issues. Through our outreach and conversations with the community, we constantly heard how folks were concerned with the quality of their air and water and how those issues impacted their health.

This issue is of even more importance in the time of the COVID-19 pandemic for a few reasons. COVID is a respiratory illness that has stronger impacts on individuals with preexisting conditions like asthma, this is especially concerning as we know that individuals living around facilities have higher rates of health conditions, including asthma. COVID-19 death rates from across the country and Colorado show that communities of color are being disproportionately impacted. These are the same communities that are disproportionately impacted by pollution and air toxins. It's imperative that we step up for these communities now.

HB 1265 included many critical provisions to protect the health and safety of workers and community members such as requiring fenceline monitoring so folks can have real-time data on what is being released from the facility, creating health-based standards, studying the cumulative impacts of hazardous chemicals on our community, and more. While we would have loved to see the entirety of this bill move forward we understand that the budget and fiscal outlook for the state of Colorado is in a challenging place. We are excited about, and supportive of the amended bill which preserves a vital component of the policy, the community notifications.

Currently, when a facility has an upset or incident they do not have to notify community members. Incidents have recently resulted in a clay-like substance falling all over cars and community neighborhoods. Another incident resulted in the closure of a major roadway near the facility. This means folks living near facilities and sometimes even workers in the facility are left wondering what is going on. Sometimes they find out from Twitter, or Facebook, other times they don't know at all.

HB20-1265 requires facilities to create notification systems that are triggered if they have an incident where an air pollutant is released at a rate that exceeds allowable emission limits. The facility will work to use an emergency notification service to notify the surrounding areas of the incident and any precautions that need to be taken. This is a critical step to ensure that community members living nearby facilities know what is going into the air they breathe.

Please vote yes on HB20-1265 to ensure that our communities are notified when their health is put at risk.

In solidarity,

Erika Cervantes

erika@coloradopeoplesalliance.org

(720) 732-8558



HB20-1265: [Increase Public Protection Air Toxics Emissions](#)

Sponsors: *Representatives Benavidez and Valdez, Senators Moreno and Gonzales*

CFI Position: SUPPORT

Email: Rayna.Hetlage@ColoradoFiscal.org

Dear Legislators and Committee Members,

My name is Rayna Hetlage and I am the Health Policy Analyst at the Colorado Fiscal Institute. CFI provides credible, independent and accessible information and analysis of fiscal and economic issues facing Colorado as a way to make Colorado a state where tax and budget policies promote equity and widespread economic prosperity. I am writing in favor of House Bill 20-1265.

Air and water pollution threaten to undermine the quality of life in Colorado. Colorado has consistently failed to meet EPA air quality standards and as a result the state was downgraded to a “serious” violator of air quality standards by the EPA in 2019. Poor air and water affect health and productivity for Coloradans. The impact of this poor and deteriorating air quality is not distributed equally across neighborhoods and communities in Colorado. Neighborhoods with a higher concentration of residents of color have historically paid the highest cost for violations of air and water quality standards, resulting in poorer than average health outcome for these residents.

The Colorado Fiscal Institute, recently conducted research into health outcomes in areas surrounding an oil refining facility in Commerce City. Our analysis showed that the elimination of air pollutants from this one oil refinery could lead to a savings of up to \$35 million per year. Research suggests that incidence of air and water quality non-compliance is often highest in communities of color. The racial make-up of Commerce City is different than the rest of Colorado. In Commerce City, 47% of residents identify as Hispanic or Latino compared to just 28% of Coloradans as a whole. This particular plant had been charged with violating air quality standards five times between 2011 and 2016, they also paid \$2.2 million to settle in a lawsuit regarding their air pollution, and the same year paid \$1.9 million to settle a lawsuit over dumping toxic sludge into the Sand Creek river.

The state of Colorado sets air and water quality standards for industrial and commercial producers. Those standards are only effective, however, if they are consistently met. Community members and workers deserve to know when their health is at risk. It is time that Colorado acknowledge the racially biased impacts of air and water quality violations and target the mitigation efforts in the communities that for way too long, have borne the brunt of certain companies disregard for the law. I urge you to vote yes on House Bill 1265.



June 4, 2020

Dear Members of the Colorado General Assembly,

Thank you for reviewing written testimony on behalf of House Bill 1265. My name is Karen Moldovan and I am the Director of Policy for Good Business Colorado (GBC). Good Business Colorado is a statewide coalition of values-driven businesses. We represent over 260 Colorado businesses, with a diverse range of sectors, sizes, and geographic location. Good Business Colorado members are united in a desire to leverage business ownership and take community leadership to create a more prosperous, equitable, and sustainable Colorado.

Good Business Colorado and our members support House Bill 1265. We believe that notification requirements that impact the health and safety of Coloradans are the responsibility of businesses operating in our state. This bill is a commonsense step forward, to ensure the safety of our communities. Good Business Colorado businesses located in geographic proximity of covered facilities want to be able to ensure the safety of their employees and customers. Additionally, the community outreach provisions described in this legislation are consistent with corporate social responsibility standards. This bill is reasonable, it is not onerous for covered facilities, and it is an important step for the health, safety, and wellness of impacted communities.

I ask for your support of House Bill 1265. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Karen Moldovan".

Karen Moldovan
Good Business Colorado
Director of Policy
karen@goodbusinessco.org

Thank you Madam Chair and members of the House Appropriations Committee -

My name is Emily Gedeon, and I'm the Acting Chapter Director of the Colorado Sierra Club. I'd like to share our appreciation for your steady leadership through the health and economic crisis that our state and country face today. The Colorado Sierra Club and its 100,000 members and supporters statewide are committed to working toward solutions and protections that improve the lives and health of communities disproportionately impacted by pollution and rates of infection from the COVID-19 crisis.

For these reasons, **we urge you to support House Bill 20-1265**. Refineries, factories, coal plants, and other industrial activities often release various toxic chemicals into the air. Often these chemicals are associated with increases in health complications for the community and sometimes even cancer. The impacts of these air toxics are borne by those living and working closest to the facilities. These are predominantly communities of color and low-wealth communities in Colorado, and we believe we must take action to address this inequity in health and investment.

HB 20-1265 as written and introduced brings some important policies forward to help the Colorado Department of Public Health and the Environment adequately collect data and set health-based standards to better protect communities from air toxics. The bill also outlines more robust ways to notify community members when there is a need to shelter-in-place due to incidents at polluting facilities - more important than ever as we live through a respiratory health crisis. We remain committed to these overall policy goals to best protect public health.

With the addition of amendment L004 in the House Finance Committee, HB 1265 is limited to focus more narrowly on community notification procedures when there are pollution exceedances at industrial facilities. In light of the current financial reality that this committee and the Legislature as a whole is grappling with, we support this development as an important step forward. **We urge the committee to support House Bill 1265** and ensure better public health and safety protections for communities that live in proximity to polluting facilities.

Senate Bill 1265 Testimony
House Energy and Environment Committee
March 9, 2020

- Madames Chair and Vice Chair and members of the committee, my name is Mike Kingsbury and I am here today in support of House Bill 1265.
- I support House Bill 1265 for two primary reasons.
 - First, I have dedicated my life's work to the health of others.
 - Second, I strongly believe that our ability to reverse the course of climate change, through efforts like this one to curb toxic pollution, is the great public health challenge of my lifetime.
- Just a bit of background about myself. I am a Registered Nurse in Denver. I have spent most of my 20-year career as a bedside nurse in hospitals, where social and environmental problems are impossible to ignore. That's why I joined Healthy Air and Water Colorado, an organization that helps health professionals speak out on the health impacts of climate change.
- Today, I work on a medical-surgical hospital unit. We see all sorts of chronic and acute illnesses and often the downstream impacts of pollution.
- Science and common sense tell us that the kinds of chemicals discussed in this legislation when released into our water and air can cause life-threatening health problems.
- These toxins cause cancer, respiratory arrest, severe burns and pain, seizures, pulmonary edema, asthma complications and chronic lung disease. The list goes on.
- And their release has an outsize impact on the communities closest to the worst polluters. These communities, often not in a financial or political position to protect themselves, often suffer higher rates of asthma, cancer and other debilitating impacts.
- Hydrogen chloride is a known cause of chronic lung disease. Benzene, a known carcinogen causes leukemia. Hydrogen sulfide exposure causes headaches, respiratory arrest and death. Hydrogen fluoride causes pulmonary edema, chronic lung disease and permanent vision damage.
- Yet when these toxic chemicals are polluted in excess into our communities, polluters simply label them "operational upsets" and move on.

- But the people they poison don't move on. Some get sicker and then end up in hospitals like mine.
- We already face a huge challenge in protecting public health with climate change and rising temperatures. Rising temperatures lead to increased smog and bigger, more deadly wildfires and wildfire smoke pollution. A vicious cycle of health impacts that HB 1265 is trying to help us address.
- The science is clear: air pollution is a serious health risk to every Coloradan. It increases risk of heart disease and lung cancer and now kills more people annually than cigarette smoking.
- We can't afford not to act to curb toxic chemical emissions and air pollution.
- Today you have an opportunity to take an important step towards breaking this cycle and putting thousands on a path to better health.
- I urge you to vote YES on HB 1265.

Dear Representatives and Senators,

Thank you for your leadership in this difficult time. I am writing to you as a parent, a caretaker of a family of six, and four being under the age of eighteen. I am also a Field Organizer for Moms Clean Air Force, an organization of 1 million Moms, Dads, and Caretakers fighting for our children's health and environmental well-being. And over 43,000 members in Colorado are looking up to leadership to mitigate their tax dollars genuinely through these coming years.

Being Indigenous, POC, and/or low-income, we are marginalized and segregated into communities that lack access to clean air, water, adequate housing, health care, and education. As a tribal affiliate of the Navajo Nation, I have seen the devastation of land degradation and health impacts contributed by Coal, Uranium, Oil, and Gas. Because of these disparities, Indigenous people now have the highest rates in asthma, diabetes, heart disease, cancer, leukemia, adverse birth outcomes, and premature deaths than the general population. I was born prematurely, low-birth weight, and with a birth defect. When Indigenous people leave the reservation, we are segregated into communities where housing are a lot closer to Industrial zoning areas and highways.

Today, we are seeing the disparities between communities and how we are disproportionately impacted by air pollution and health impacts. We are being disproportionately impacted by the respiratory disease COVID-19 on the Navajo Reservation and Off the Reservation because we are forced to live in these conditions. And equally important, the nation is deeply disturbed by the lack of willingness of our legislators in protecting people of color in policy, and that needs to change. We cannot keep going forward as examples. People of color are tired of having to plea for their right to access clean air, water, organic food, health care, safe workspaces, education, adequate housing, and justice for their community.

Now is the time for leadership to lead in meaningful policy change that better serve our children's safety, health, and environmental well-being. Which is why its important for leaders to pass HB20-1265, that mitigate to alert the public the right to know that unsafe levels of emissions are being exposed into our children's air, in our community. And its also important to pass HB20-1143, which increases already existing violation fees that should go to funding Just Transition projects. Thirdly, support SB204 regarding additional resources to protect our children's air quality here in Colorado.

So, much needs to be done to address a Just Transition and an Equitable Economy. For now, you have these bills to ensure our children have a path to an equitable sustainable future. Please continue supporting these two bills. Moms, Dads, and Caretakers appreciate your leadership today. Thank you.

Shaina Oliver Northern Dineh

Field Organizer Moms Clean Air Force

soliver@momscleanairforce.org

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Shaina Oliver Northern Dineh

Field Organizer Moms Clean Air Force

soliver@momscleanairforce.org

Thank you for your consideration today, and for your continued leadership in this volatile time. My name is Katie Belgard, today I write to you as the Government Affairs Director for Conservation Colorado, and on behalf of our over 60,000 members statewide, in support of HB 1265. Colorado is filled with those who are anxiously watching the state's leadership this year, hoping for continued support and relief, and this bill is a part of that equation.

[HB20-1265](#) is critical to holding polluters accountable and creating transparency with the community. It requires reverse 911 notification for residents near covered facilities after an incident with emissions violating their permits- both creating a more informed public and allowing residents to make in the moment choices to protect themselves and their family. Passing this bill with the amendment being proposed today (L004) is especially important right now because residents who have always been burdened by localized toxic air pollution, are spending more time in their homes, and they must be notified if there is an incident and they need to close their windows.

In Colorado, the U.S. and Globally, people of color bear the brunt of pollution and now the impacts of climate change. Environmental racism and a history of redlining neighborhoods has resulted in areas with majority minority populations that have worse air quality, worse water quality, and more contaminated soil. Industries recognize they can pollute more heavily in these areas without punishment from the government, and the housing remains cheap, leaving vulnerable people in these contaminated areas.

In the last few months, attention has been turned to the racial gaps in which demographics of American's are being hit hardest by the coronavirus- for example, here in Colorado, the African American Population is 6% of cases, but only 3% of the population. While there are many systemic reasons that communities of color are being hardest hit by this disease, environmental pollution is worse in these communities and is playing a role.

This bill is one piece of a larger puzzle of environmental action to support all Coloradans. As such, please vote yes on HB 1265, and thank you for your time.