

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

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 21-0472.02 Thomas Morris x4218

HOUSE BILL 21-1266

HOUSE SPONSORSHIP

Jackson, Bacon, Benavidez, Caraveo, Cutter, Duran, Exum, Gonzales-Gutierrez, Gray, Jodeh, Kennedy, Kipp, Ortiz, Sirota, Titone, Valdez A., Woodrow, Amabile, Bernett, Bird, Boesenecker, Froelich, Garnett, Herod, Hooton, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ricks, Roberts, Snyder, Sullivan, Tipper, Valdez D., Weissman

SENATE SPONSORSHIP

Winter and Buckner,

House Committees

Energy & Environment
Finance
Appropriations

Senate Committees

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.**

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.

HOUSE
3rd Reading Unamended
May 13, 2021

HOUSE
Amended 2nd Reading
May 12, 2021

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.

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

7 **SECTION 3.** In Colorado Revised Statutes, **add** 24-4-109 as
8 follows:

9 **24-4-109. State engagement of disproportionately impacted**
10 **communities - definitions - repeal.** (1) **Goal.** THE GOAL OF OUTREACH
11 TO AND ENGAGEMENT OF DISPROPORTIONATELY IMPACTED COMMUNITIES
12 IS TO BUILD TRUST AND TRANSPARENCY, PROVIDE MEANINGFUL
13 OPPORTUNITIES TO INFLUENCE PUBLIC POLICY, AND MODIFY PROPOSED
14 STATE ACTION IN RESPONSE TO RECEIVED PUBLIC INPUT TO DECREASE
15 ENVIRONMENTAL BURDENS OR INCREASE ENVIRONMENTAL BENEFITS FOR
16 EACH DISPROPORTIONATELY IMPACTED COMMUNITY.

17 (2) **Definitions.** (a) (I) THE ENVIRONMENTAL JUSTICE ACTION
18 TASK FORCE CREATED IN SECTION 25-1-131 WILL RECOMMEND TO THE
19 GENERAL ASSEMBLY POTENTIAL MODIFICATIONS TO THE DEFINITIONS
20 ESTABLISHED IN THIS SUBSECTION (2). THE DEFINITIONS ESTABLISHED IN
21 THIS SUBSECTION (2) APPLY UNLESS AND UNTIL THE GENERAL ASSEMBLY
22 ACTS BY BILL TO MODIFY ONE OR MORE OF THE DEFINITIONS.

23 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE SEPTEMBER
24 1, 2024.

25 (b) AS USED IN THIS SECTION AND SECTIONS 25-1-131 AND
26 25-7-105 (1)(e), UNLESS THE CONTEXT OTHERWISE REQUIRES:

27 (I) "AGENCY" MEANS THE AIR QUALITY CONTROL COMMISSION

1 CREATED IN SECTION 25-7-104.

2 (II) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS A
3 COMMUNITY THAT IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN
4 ACCORDANCE WITH THE MOST RECENT UNITED STATES CENSUS, WHERE
5 THE PROPORTION OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER
6 THAN FORTY PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY
7 AS MINORITY IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF
8 HOUSEHOLDS THAT ARE HOUSING COST-BURDENED IS GREATER THAN
9 FORTY PERCENT; OR IS ANY OTHER COMMUNITY AS IDENTIFIED OR
10 APPROVED BY A STATE AGENCY, IF: THE COMMUNITY HAS A HISTORY OF
11 ENVIRONMENTAL RACISM PERPETUATED THROUGH REDLINING,
12 ANTI-INDIGENOUS, ANTI-IMMIGRANT, ANTI-HISPANIC, OR ANTI-BLACK
13 LAWS; OR THE COMMUNITY IS ONE WHERE MULTIPLE FACTORS, INCLUDING
14 SOCIOECONOMIC STRESSORS, DISPROPORTIONATE ENVIRONMENTAL
15 BURDENS, VULNERABILITY TO ENVIRONMENTAL DEGRADATION, AND LACK
16 OF PUBLIC PARTICIPATION, MAY ACT CUMULATIVELY TO AFFECT HEALTH
17 AND THE ENVIRONMENT AND CONTRIBUTE TO PERSISTENT DISPARITIES. AS
18 USED IN THIS SUBSECTION (2)(b)(II), "COST-BURDENED" MEANS A
19 HOUSEHOLD THAT SPENDS MORE THAN THIRTY PERCENT OF ITS INCOME ON
20 HOUSING, AND "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
21 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
22 POVERTY GUIDELINE.

23 (III) "PROPOSED STATE ACTION" MEANS:

24 (A) RULE-MAKING PROCEEDINGS HELD PURSUANT TO SECTION
25 24-4-103;

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

1 (C) ADJUDICATORY HEARINGS HELD PURSUANT TO SECTION
2 24-4-105.

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

9 (b) WHEN CONDUCTING OUTREACH TO AND ENGAGEMENT OF
10 DISPROPORTIONATELY IMPACTED COMMUNITIES REGARDING A PROPOSED
11 STATE ACTION, THE AGENCY SHALL:

12 (I) SCHEDULE VARIABLE TIMES OF DAY AND DAYS OF THE WEEK
13 FOR OPPORTUNITIES FOR PUBLIC INPUT ON THE PROPOSED STATE ACTION,
14 INCLUDING AT LEAST ONE WEEKEND TIME, ONE EVENING TIME, AND ONE
15 MORNING TIME FOR PUBLIC INPUT;

16 (II) PROVIDE NOTICE AT LEAST THIRTY DAYS BEFORE ANY PUBLIC
17 INPUT OPPORTUNITY OR BEFORE THE START OF ANY PUBLIC COMMENT
18 PERIOD;

19 (III) UTILIZE SEVERAL DIFFERENT METHODS OF OUTREACH AND
20 WAYS TO PUBLICIZE THE PROPOSED STATE ACTION, INCLUDING
21 DISSEMINATING INFORMATION THROUGH SCHOOLS, CLINICS, SOCIAL
22 MEDIA, SOCIAL AND ACTIVITY CLUBS, LOCAL GOVERNMENTS, TRIBAL
23 GOVERNMENTS, LIBRARIES, RELIGIOUS ORGANIZATIONS, CIVIC
24 ASSOCIATIONS, COMMUNITY-BASED ENVIRONMENTAL JUSTICE
25 ORGANIZATIONS, OR OTHER LOCAL SERVICES;

26 (IV) PROVIDE SEVERAL METHODS FOR THE PUBLIC TO GIVE INPUT,
27 SUCH AS IN-PERSON MEETINGS, VIRTUAL AND ONLINE MEETINGS, ONLINE

1 COMMENT PORTALS OR E-MAIL, AND CALL-IN MEETINGS;

2 (V) CONSIDER USING A VARIETY OF LOCATIONS FOR PUBLIC INPUT
3 ON THE PROPOSED STATE ACTION, INCLUDING MEETING LOCATIONS IN
4 URBAN CENTERS, IN NEIGHBORHOODS WHOSE POPULATIONS ARE
5 PREDOMINANTLY BLACK, INDIGENOUS, OR PEOPLE OF COLOR AND HAVE AN
6 AVERAGE INCOME BELOW THE STATE'S AVERAGE, AND IN RURAL
7 LOCATIONS IN VARIOUS REGIONS OF THE STATE; AND

8 (VI) CREATE OUTREACH MATERIALS CONCERNING THE PROPOSED
9 STATE ACTION IN LAYPERSON'S TERMS, TRANSLATED INTO THE TOP TWO
10 LANGUAGES SPOKEN IN A COMMUNITY, THAT INFORM PEOPLE OF
11 OPPORTUNITIES TO PROVIDE INPUT ON THE PROPOSED STATE ACTION, THEIR
12 RIGHTS, THE POSSIBLE OUTCOMES, AND THE UPCOMING PUBLIC INPUT
13 PROCESS.

14 **SECTION 4.** In Colorado Revised Statutes, **add** 25-1-131 as
15 follows:

16 **25-1-131. Environmental justice action task force - report -**
17 **repeal.** (1) **Creation.** (a) THERE IS HEREBY CREATED IN THE
18 DEPARTMENT THE ENVIRONMENTAL JUSTICE ACTION TASK FORCE TO
19 RECOMMEND AND PROMOTE STRATEGIES FOR INCORPORATING
20 ENVIRONMENTAL JUSTICE AND EQUITY INTO HOW STATE AGENCIES
21 DISCHARGE THEIR RESPONSIBILITIES.

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

24 (c) THE MEMBERSHIP OF THE TASK FORCE AND APPOINTING
25 AUTHORITIES ARE AS FOLLOWS:

26 (I) THE GOVERNOR SHALL APPOINT THE FOLLOWING NINE
27 MEMBERS:

1 (A) THREE REPRESENTATIVES FROM THE DEPARTMENT OF PUBLIC
2 HEALTH AND ENVIRONMENT, ONE WITH EXPERTISE IN AIR QUALITY, ONE
3 WITH EXPERTISE IN WATER QUALITY, AND ONE WITH EXPERTISE IN HEALTH
4 EQUITY;

5 (B) ONE REPRESENTATIVE OF THE DEPARTMENT OF NATURAL
6 RESOURCES;

7 (C) ONE REPRESENTATIVE OF THE DEPARTMENT OF
8 TRANSPORTATION;

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

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

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

12 AND

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

14 (II) TWO MEMBERS, ONE APPOINTED BY THE CHAIR OF THE
15 SOUTHERN UTE INDIAN TRIBE TRIBAL COUNCIL AND ONE APPOINTED BY
16 THE CHAIR OF THE UTE MOUNTAIN UTE TRIBE TRIBAL COUNCIL;

17 (III) TWELVE MEMBERS APPOINTED BY THE PRESIDENT OF THE
18 SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE
19 HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE
20 OF REPRESENTATIVES, WITH ONE MEMBER APPOINTED BY EACH
21 APPOINTING AUTHORITY FROM SUBSECTION (1)(c)(III)(A) OF THIS SECTION
22 AND TWO MEMBERS EACH FROM SUBSECTION (1)(c)(III)(B) OF THIS
23 SECTION:

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

27 (B) THE FOLLOWING NUMBER OF MEMBERS OF DIFFERENT

1 ORGANIZATIONS THAT: CARRY OUT INITIATIVES RELATING TO
2 ENVIRONMENTAL JUSTICE, THREE MEMBERS; REPRESENT WORKER
3 INTERESTS IN DISPROPORTIONATELY IMPACTED COMMUNITIES, ONE
4 MEMBER; REPRESENT THE INTEREST OF PEOPLE OF COLOR, FOUR MEMBERS;
5 REPRESENT THE RENEWABLE ENERGY INDUSTRY, ONE MEMBER; REPRESENT
6 THE NONRENEWABLE ENERGY INDUSTRY, ONE MEMBER; REPRESENT LOCAL
7 GOVERNMENT IN DISPROPORTIONATELY IMPACTED COMMUNITIES, ONE
8 MEMBER; AND WORK TO SUPPORT PUBLIC HEALTH, ONE MEMBER, WHO
9 MUST BE AN ENVIRONMENTAL TOXICOLOGIST.

10 (d) THE APPOINTING AUTHORITIES SHALL FILL A VACANCY AS SOON
11 AS POSSIBLE. IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
12 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
13 TASK FORCE REFLECTS THE RACIAL, ETHNIC, CULTURAL, AND GENDER
14 DIVERSITY OF THE STATE, INCLUDING REPRESENTATION OF ALL AREAS OF
15 THE STATE.

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

20 (a) PROMOTING ENVIRONMENTAL JUSTICE ACROSS STATE
21 AGENCIES AND IMPROVING COLLABORATION AMONG STATE AGENCIES IN
22 IDENTIFYING AND ADDRESSING THE HUMAN HEALTH AND ENVIRONMENTAL
23 EFFECTS OF PROGRAMS, POLICIES, PRACTICES, AND ACTIVITIES ON
24 DISPROPORTIONATELY IMPACTED COMMUNITIES;

25 (b) IMPROVING COOPERATION ON ENVIRONMENTAL JUSTICE
26 INITIATIVES BETWEEN THE STATE GOVERNMENT, TRIBAL GOVERNMENTS,
27 AND LOCAL GOVERNMENTS;

1 (c) ENSURING MEANINGFUL INVOLVEMENT AND DUE PROCESS IN
2 THE DEVELOPMENT, IMPLEMENTATION, AND ENFORCEMENT OF
3 ENVIRONMENTAL LAWS AND POLICIES; AND

4 (d) ADDRESSING ENVIRONMENTAL HEALTH, POLLUTION, AND
5 PUBLIC HEALTH BURDENS IN DISPROPORTIONATELY IMPACTED
6 COMMUNITIES AND BUILDING HEALTHY, SUSTAINABLE, AND RESILIENT
7 COMMUNITIES.

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

10 (a) DEVELOPING A STATE AGENCY-WIDE ENVIRONMENTAL JUSTICE
11 STRATEGY AND A PLAN TO IMPLEMENT THAT STRATEGY, WHICH COULD
12 INCLUDE:

13 (I) RECOMMENDATIONS FOR CREATING AND IMPLEMENTING
14 EQUITY ANALYSIS INTO ALL SIGNIFICANT PLANNING, RULE-MAKING,
15 ADJUDICATIONS, ORDERS, PROGRAMMATIC AND POLICY DECISION-MAKING,
16 AND INVESTMENTS;

17 (II) A POTENTIAL REQUIREMENT THAT AGENCIES PREPARE AN
18 ENVIRONMENTAL EQUITY ANALYSIS FOR ANY STATE ACTION THAT HAS THE
19 POTENTIAL TO CAUSE NEGATIVE ENVIRONMENTAL OR PUBLIC HEALTH
20 IMPACTS TO A DISPROPORTIONATELY IMPACTED COMMUNITY, WHICH
21 ANALYSIS COULD INCLUDE A PROCESS FOR IDENTIFYING AND DESCRIBING
22 CUMULATIVE IMPACTS TO THE HEALTH AND ENVIRONMENT OF
23 DISPROPORTIONATELY IMPACTED COMMUNITIES;

24 (III) A POTENTIAL REQUIREMENT THAT FOR ANY STATE ACTION
25 THAT MAY CAUSE ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH IMPACTS
26 TO A DISPROPORTIONATELY IMPACTED COMMUNITY, THE ADVERSE
27 ENVIRONMENTAL OR PUBLIC HEALTH MUST BE AVOIDED, AND IF THE

1 EFFECTS CANNOT BE AVOIDED, THEY MUST BE MINIMIZED AND MITIGATED;

2 (IV) A POTENTIAL REQUIREMENT THAT PERMITS MUST BE ISSUED
3 AND RENEWED ONLY AFTER AN ENVIRONMENTAL EQUITY ANALYSIS
4 DETERMINES THAT THE TERMS AND CONDITIONS OF THE PERMIT OR
5 RENEWAL ARE SUFFICIENT TO ENSURE, TO A REASONABLE CERTAINTY,
6 THAT ANY HARM TO THE HEALTH AND ENVIRONMENT OF
7 DISPROPORTIONATELY IMPACTED COMMUNITIES IS EITHER:

8 (A) AVOIDED; OR

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

11 (V) A POTENTIAL REQUIREMENT THAT ALL ENVIRONMENTAL
12 PROJECTS DEVELOPED AS PART OF A SETTLEMENT RELATING TO
13 VIOLATIONS IN A DISPROPORTIONATELY IMPACTED COMMUNITY ARE
14 DEVELOPED IN CONSULTATION WITH AND THROUGH MEANINGFUL
15 PARTICIPATION OF INDIVIDUALS IN THE DISPROPORTIONATELY IMPACTED
16 COMMUNITY AND RESULT IN IMPROVEMENT TO THE HEALTH AND
17 ENVIRONMENT OF THE AFFECTED DISPROPORTIONATELY IMPACTED
18 COMMUNITY; AND

19 (VI) RECOMMENDATIONS FOR ESTABLISHING MEASURABLE GOALS
20 FOR REDUCING ENVIRONMENTAL HEALTH DISPARITIES FOR
21 DISPROPORTIONATELY IMPACTED COMMUNITIES;

22 (b) ADOPTION OF A PLAN THAT ADDRESSES THE LACK OF DATA AND
23 LACK OF DATA SHARING BETWEEN STATE AGENCIES ABOUT POTENTIAL
24 EXPOSURE TO ENVIRONMENTAL HAZARDS AND IMPROVES RESEARCH AND
25 DATA COLLECTION EFFORTS RELATED TO THE HEALTH AND ENVIRONMENT
26 OF DISPROPORTIONATELY IMPACTED COMMUNITIES, CLIMATE CHANGE,
27 AND THE INEQUITABLE DISTRIBUTION OF BURDENS AND BENEFITS OF THE

1 MANAGEMENT AND USE OF NATURAL RESOURCES;

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

6 (d) EVALUATING AND PROPOSING RECOMMENDATIONS OR
7 REVISIONS TO THE FOLLOWING DEFINITIONS:

8 (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" AS DEFINED IN
9 SECTION 24-4-109 (2)(b)(II);

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

12 (III) "AGENCY" AS DEFINED IN SECTION 24-4-109 (2)(b)(I). IN
13 FORMULATING ITS RECOMMENDATION, THE TASK FORCE SHALL CONSIDER
14 INCLUDING WITHIN THE DEFINITION AT LEAST THE STATE ENTITIES
15 SPECIFIED IN SUBSECTION (1)(c)(I) OF THIS SECTION.

16 (4) THE TASK FORCE SHALL:

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

21 (b) SUBMIT A FINAL REPORT OF ITS FINDINGS AND
22 RECOMMENDATIONS TO THE GOVERNOR, THE DEPARTMENT, THE HOUSE OF
23 REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND WATER, ENERGY AND
24 ENVIRONMENT, AND HEALTH AND INSURANCE COMMITTEES, AND THE
25 SENATE AGRICULTURE AND NATURAL RESOURCES, HEALTH AND HUMAN
26 SERVICES, AND TRANSPORTATION AND ENERGY COMMITTEES, OR THEIR
27 SUCCESSOR COMMITTEES, BY NOVEMBER 14, 2022; AND

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

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

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

9 **SECTION 5.** In Colorado Revised Statutes, 25-7-105, **amend**
10 (1)(e)(III) as follows:

11 **25-7-105. Duties of commission - rules - legislative declaration**
12 **- definitions.** (1) Except as provided in sections 25-7-130 and 25-7-131,
13 the commission shall promulgate such rules and regulations as are
14 consistent with the legislative declaration set forth in section 25-7-102
15 and necessary for the proper implementation and administration of this
16 article 7, including, but not limited to:

17 (e) (III) The commission will identify AND ENGAGE WITH
18 disproportionately impacted communities ~~In identifying these~~
19 ~~communities, the commission will consider: Minority, low-income, tribal,~~
20 ~~or indigenous populations in the state that potentially experience~~
21 ~~disproportionate environmental harms and risks. This disproportionality~~
22 ~~can be a result of increased vulnerability to environmental degradation,~~
23 ~~lack of opportunity for public participation, or other factors. Increased~~
24 ~~vulnerability may be attributable to an accumulation of negative or lack~~
25 ~~of positive environmental, health, economic, or social conditions within~~
26 ~~these populations. "Disproportionately impacted communities" describes~~
27 ~~situations where multiple factors, including both environmental and~~

1 ~~socioeconomic stressors, may act cumulatively to affect health and the~~
2 ~~environment and contribute to persistent environmental health disparities~~
3 AS SPECIFIED IN SECTION 24-4-109.

4 **SECTION 6. Appropriation.** (1) For the 2021-22 state fiscal
5 year, \$456,090 is appropriated to the department of public health and
6 environment. This appropriation is from the general fund. To implement
7 this act, the department may use this appropriation as follows:

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

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

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

14 (2) For the 2021-22 state fiscal year, \$106,340 is appropriated to
15 the department of law. This appropriation is from reappropriated funds
16 received from the department of public health and environment under
17 subsection (1)(c) of this section and is based on an assumption that the
18 department of law will require an additional 0.5 FTE. To implement this
19 act, the department of law may use this appropriation to provide legal
20 services for the department of public health and environment.

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