

Senate State, Veterans, & Military Affairs  
 05/09/2022 Upon Adjournment  
 HB22-1244 Public Protections From Toxic Air Contaminants  
 Typed Text of Testimony Submitted

Name, Position, Representing	Typed Text of Testimony
<p>Michael Neil                      For                      Colorado People's Alliance</p>	<p>Thank you Chair Coleman, Vice-chair Jaquez-Lewis, and esteemed members of Senate State, Veterans, and Military Affairs. My name is Michael Neil and I rise to strongly support HB 22-1244 on behalf of Colorado People’s Alliance and myself. Thank you, Senator Gonzales for bringing this bill. While I live at the southern end of HD 2 in a zip code that is not one of the most polluted in the Denver area or the state, Colorado has a couple of the most affected zip codes in the nation, as I suspect you know. In addition, air has the unnerving ability to carry toxic pollutants far from their original source location. As was obvious during this past year’s fire season, pollutants travelled over a thousand miles to affect even generally healthy individuals. For people with a disability who, like me, do not get as much exercise as perhaps we should, even small amounts of toxins have a disproportionate effect. Lastly, I may not always know the levels of toxic pollutants in my own neighborhood. Just as the legislature did with the passage of HB 21-1189 last year, the passage of this bill, with provisions such as mandating the submission of an annual emission inventory to the department of public health and environment (department) an annual emissions inventory report that reports the levels of criteria air pollutants and toxic air contaminants that were emitted, as well as developing a monitoring program to determine the concentration of toxic air contaminants in the ambient air of the state, will give Coloradans the knowledge and power they need. I ask the committee to pass HB22-1244.</p>
<p>Adam DeVoe                      Against                      EVRAZ Rocky Mountain Steel                      and GCC Pueblo</p>	<p>EVRAZ and GCC remain opposed to the bill. Both companies are already heavily regulated in the air toxics arena by the experts in steel and cement manufacturing air toxics regulation at EPA. The EPA programs, also known as the MACT or NESHAP programs, establish and then review every 5 years the toxics of concern for these industries and implement emission reduction requirements.</p> <p>HB22-1244 does not work in concert with the MACT/NESHAP program, instead creating a duplicative, burdensome and unnecessary regulatory scheme in Colorado.</p> <p>Furthermore, HB1244 is a poorly designed policy which will be difficult, if not impossible, to implement. As written, it's a wish list, not a careful policy designed to be functional. None of the deadlines can be or will be met, leading to litigation from the very groups backing and testifying in support of the bill.</p> <p>Colorado has already made its priority policy choices in the air quality arena for the time being: (1) greenhouse gas reductions, and (2) coming</p>

	<p>into compliance with Federal ozone standards. Air toxics are already regulated, this bill will simply hinder the progress the State can make on greenhouse gas emissions and ozone.</p> <p>We respectfully request that committee members vote against the bill.</p> <p>Adam DeVoe DeVoe Law, LLC Environmental Lawyer for EVRAZ and GCC</p>
Deborah McNamara For Self	<p>Please ensure this bill passes without weakening amendments. I have lived along the Front Range for over 20 years and it appalls me how poor our air quality is - and worsening due to pollution. Our communities need the strongest protections possible.</p> <p>Please ensure that the strongest protections are in place to protect us from harmful pollutants and chemicals released from refineries, factories and coal plants.</p> <p>Thank you.</p>
Heidi Leathwood For Self	<p>Dear Chair Archuleta and members of the committee, Thank you for taking public testimony. I have grave concerns about air quality in our state. With our F rating from the American Lung Association and the downgrade of the Front Range area non-attainment status from serious to severe, it is clear that what we are doing is not working. We need to be able to look at cumulative emissions, and not just consider each source in isolation. We need a way to reduce toxic emissions, and have transparency. We need health based standards on air toxics and a comprehensive plan for ambient air standards. Please vote yes on HB22-1244. Thank you! Heidi Leathwood</p>
Chelsea Alexander For Self	<p>HB22-1244 must be passed this year! I support its passage because Coloradans deserve to have protection from toxic air contaminants that make our air quality so terrible. Many states across the country have health-based standards for air quality - Colorado needs to join that list of leaders. Health-based standards should dictate what levels of pollution in the ambient air are unsafe and in need of regulating, not politics or political decision makers. Please ensure that this bill passes with all of its elements. Do not mitigate this bill's positive impact and reduce the permitting requirements to allow more flexibility to the state's biggest polluters (oil &amp; gas industry). Now is not the time to be watering down</p>

	legislation that protects our planet and our community's health! Thank you for your time.
<p>Kate Christensen For Self</p>	<p>Vote yes on HB22-1244.</p> <p>I support this bill because of my career as a pediatric bilingual speech and language pathologist. I worked with the youngest children, in Head Starts, in preschools, in early intervention in families' homes and finally as clinical faculty at CU boulder training graduate students. Science tells us that kids who live in the most polluted areas of our state are more likely to develop cancer, asthma or have low birth weight. These are kids who are more likely to end up on my caseload.</p> <p>This bill addresses the cumulative buildup of toxic air pollution from all sources (in the ambient air) and takes steps to reduce it, but it would be much stronger if it impacted permitting rather than having permitting as a study.</p> <p>HB22-1244 is just a start but it is imperative to our state to better regulate air toxics and to protect communities, protect the kids across Colorado from the negative health impacts of toxic air contaminants. At least 15 other states (including OR, CA, TX and KY) have adopted state-level strategies to address health risks from toxic exposure. Colorado needs a state-level air toxics program, with health-based ambient air standards for "toxic air contaminants" to reduce pollution and protect public health.</p> <p>Colorado's air quality has been getting worse in recent years, not better –harming the lives and wellbeing of millions of Coloradans each year.</p> <p>The Colorado Department of Public Health and Environment and our governor, a parent himself, should be 100% behind this bill.</p>
<p>Giselle Herzfeld For Self</p>	<p>Dear members of the Committee,</p> <p>Frontline communities across Colorado are experiencing dangerous consequences from oil and gas industry pollution. Oil and gas production in Colorado has led to poor air quality that consistently fails to meet federal standards. The American lung association has given most of the front range a consistent F-grade air quality rating, and the EPA has cited Colorado as being in Serious Nonattainment of healthy ozone levels.</p> <p>People across Colorado have suffered from nausea, nosebleeds and headaches due to oil and gas development, as well as health problems like asthma, childhood leukemia and low-birth weight babies close to drilling sites.</p>

	<p>Allowing corporations to continuously pollute our air without health-based air quality standards is especially unacceptable during a respiratory health pandemic. Research has shown that breathing polluted air makes people more susceptible to complications and death from COVID-19.</p> <p>As our elected representatives, it is crucial that you make public health the #1 priority. It would be severely irresponsible to prioritize the desires of corporate polluters over the health and safety of Coloradans. Please vote YES on HB22-1244.</p> <p>Sincerely, Giselle Herzfeld</p>
<p>Dylan Mori For Colorado People's Alliance</p>	<p>I am a member of Colorado People's Alliance, an organization focused on economic, climate, and immigrant justice through a racial justice lens. An important aspect of our work is centering the voices of those most directly impacted by crises in these fields. I have been trained in both chemistry and healthcare, and I wanted to add my voice to COPA's in order to see HB22-1244 passed.</p> <p>I used to drive past the Suncor facility every day for work, and you didn't need precise scientific equipment to realize something was seriously wrong with the air quality there. Just smelling it was enough. I could only imagine how horrible it is for the people who live nearby. Year after year this problem persists, and it seems like there have been no significant fixes to this problem. It's bad enough to have to deal with worsening air during the summer from wildfires without industries in our community contributing to the problem.</p> <p>We need bold action in Colorado to not only demand that polluters reveal exactly what they're pumping into the air, but also to demand they prioritize the safety of the human beings who live nearby. HB22-1244 would make sure that the toxins that are known to cause damage to human health, including cancer, are properly restricted based on EPA guidelines. We need the political courage and will to act.</p> <p>I urge you to pass HB22-1244.</p>



The Denver  
Foundation

May 9, 2022

## **HB22-1244: Public Protections from Toxic Air Contaminants**

Dear Mr. Chair and members of the Senate State, Veterans, and Military Affairs,

On behalf of The Denver Foundation, we are writing to express our support for HB22-1244 by Senator Julie Gonzales. The Denver Foundation is a community foundation with a history of funding nonprofit organizations working to address environmental and climate issues in their communities. We believe that environmental justice begins with targeted policy efforts and investments in under-resourced communities.

HB22-1224 builds off previous legislative efforts to protect fenceline communities from poor air quality due to toxic air pollutants. Such communities, often comprised of low-income individuals and individuals from various racial and ethnic backgrounds, are disproportionately impacted due to their proximity to pollution hot spots.

Such exposure can result in poor health outcomes, affecting individuals' ability to work and seek educational opportunities, ultimately impacting their quality of life. Through our support in funding organizations' doing work in this space, we have heard stories of the toll that poor air quality takes on these communities in Metro-Denver.

HB22-1244 is an opportunity to build the infrastructure for a program that will monitor toxic air contaminants and set standards and limits for what is allowable. This bill will further collective efforts to advance environmental justice and protect communities most at-risk of exposure to toxic air.

The Denver Foundation respectfully requests a yes vote on HB22-1224.

Sincerely,

Javier Alberto Soto  
President and CEO

Dace West  
Chief Impact Officer

Naomi Amaha  
Director of Policy and Gov. Affairs



Senate State, Veterans, & Military Affairs Committee  
Colorado General Assembly  
200 East Colfax Avenue  
Denver, CO 80203

May 9, 2022

**Re: Support for HB22-1244 – Public Protections from Air Contaminants**

Chairman Coleman, Vice Chair Jaquez Lewis, and Members of the Committee:

I am here to encourage you to vote yes on HB 22-1244, as amended. This important bill will give the state of Colorado the tools to better understand how air toxins are impacting our communities, and puts the state on a reasonable, common sense pathway to increase protections for Coloradoans from air toxics.

As you heard in testimony, air toxics, including pollutants like benzene, hydrogen cyanide, chromium, and ethylene oxide, can cause cancer or serious health impacts such as breathing difficulty, nausea, birth defects, or death. Unfortunately, the burden of these devastating health impacts is disproportionately borne by people and communities of color.

WRA supports the bill for four critical reasons:

- HB22-1244 requires state level annual reporting of toxic emissions from facilities across the state beginning in 2023, including from facilities that currently have no reporting requirements with the EPA.
- It dramatically increases the number of air monitoring stations across the state, which increases the amount of data available to decision-makers. The bill increases the number of state-run monitoring stations from one station to six stations, and requires monitoring for 62 pollutants, which will expand our knowledge of air toxics and their impact on surrounding communities.
- The bill requires the Air Quality Control Commission (AQCC) to identify five “priority” toxic air contaminants by April 2025, and hold a rulemaking to adopt ambient health-based standards for these pollutants, if necessary and supported by data, by April 2026.
- The bill will require that the Air Pollution Control Division conduct a study to determine the state’s need to develop a program to consider air toxics in making permitting decisions.

I’ve heard from opponents that we don’t need to pass this bill, because the legislature has already taken action on toxics. Recent toxics bills passed in 2019 and 2020 focused on fence-line monitoring only. I’ve also heard that this bill is unneeded, because the federal clean air act is already sufficient to regulate toxics. Senators, that couldn’t be further from the truth. EPA doesn’t have any ambient air quality standards for toxics. In fact CDPHE’s own studies of ethylene oxide and air sampling data in the Lakewood area showed that and off-site workers could be exposed to elevated levels of ethylene oxide in air that are associated with an increased cancer risk. This is in spite of existing regulation by EPA under current regulations in the CAA.

I’ve heard some opponents today say that we shouldn’t act on air toxics because it won’t help the State of Colorado come in to attainment for ozone. While the front range’s non attainment for ozone is critically important, and presents its own public health risks, air toxics present a completely different challenge. We need to address BOTH ozone and harmful toxics through the measures in HB 1244.

We thank Senator Gonzales for bringing this bill forward and Senate State Veterans & Military Affairs Committee members for your consideration. We urge you to vote “yes” on HB22-1244.

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Sincerely,

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*[Western Resource Advocates](#) is a non-profit organization dedicated to protecting the West's land, air, and water to ensure that vibrant communities and agriculture exist in balance with nature.*