

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0472.02 Thomas Morris x4218

HOUSE BILL 21-1266

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING EFFORTS TO REDRESS THE EFFECTS OF ENVIRONMENTAL**
102 **INJUSTICE ON DISPROPORTIONATELY IMPACTED COMMUNITIES.**

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, using multiple languages and multiple formats, and transparently sharing

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.

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
14 human health or environmental effects as documented in numerous

1 studies, including the "Toxic Wastes and Race at Twenty, 1987-2007"
2 report by the United Church of Christ Justice & Witness Ministries,
3 federal environmental protection agency annual Environmental Justice
4 Progress Reports, and a 2021 report from the "Mapping for
5 Environmental Justice" project at the Berkeley Public Policy/The
6 Goldman School that shows how the pollution burden is distributed in
7 Colorado, while also facing systemic exclusion from environmental
8 decision-making processes and enjoying fewer environmental benefits;

9 (III) Specifically, communities with residents who are Black,
10 indigenous, Latino, or people of color have faced centuries of genocide,
11 environmental racism, and predatory extraction practices; and

12 (IV) At the same time, environmental justice affects and requires
13 the participation of all Coloradans;

14 (b) Determines that:

15 (I) Federal action to address environmental justice includes the
16 federal environmental protection agency's office of environmental justice,
17 originally established in 1992, and the assignment of EPA regional
18 liaisons to minority, Tribal, and low-income communities pursuant to 42
19 U.S.C. sec. 4370i;

20 (II) States have also addressed environmental justice, with the
21 National Law Review recently noting on October 30, 2020, that "the vast
22 majority of states now address [environmental justice] in some
23 fashion-via legislation, agency policy and guidance, or advisory
24 groups-with fewer than five failing to mention the concept at all";

25 (III) Environmental justice laws that promote outreach to and
26 facilitate feedback from disproportionately impacted communities and
27 require that agencies consider that feedback have been upheld by the

1 courts as a legitimate exercise of legislative authority, such as in *Friends*
2 *of Buckingham v. State Air Pollution Control Bd.*, 947 F.3d 68 (4th Cir.
3 2020) (vacating the issuance of a permit due to the board's failure to
4 properly consider the permit's environmental justice impacts);

5 (IV) State action to correct environmental injustice is imperative,
6 and state policy can and should improve public health and the
7 environment and improve the overall well-being of all communities;

8 (V) Efforts to right past wrongs and move toward environmental
9 justice must focus on disproportionately impacted communities and the
10 voices of their residents;

11 (VI) Less-burdened communities have benefitted from
12 relationships that impose burdens on other communities, which is a
13 tangible debt that must be repaid through financial reinvestment, and
14 these relatively privileged communities have a responsibility to
15 acknowledge the harms to which they contribute and a duty to find ways
16 to give back what has been taken; and

17 (VII) Environmental justice is not a zero-sum game: The better we
18 take care of all communities, the more we all grow, and by focusing on
19 communities that are hurting the most, all communities will find
20 opportunities to heal and thrive; and

21 (c) Declares that:

22 (I) The state government has a responsibility to achieve
23 environmental justice, health equity, and climate justice for all
24 communities by avoiding and mitigating harm;

25 (II) It is necessary for disproportionately impacted communities
26 to be meaningfully engaged as partners and stakeholders in government
27 decision-making;

1 (III) Potential environmental and climate threats to communities
2 merit a higher level of engagement, review, and consent; and

3 (IV) This act is necessary to ensure that communities are not
4 forced to bear disproportionate environmental and health impacts.

5 **SECTION 3.** In Colorado Revised Statutes, 2-4-401, **add** (2.7)
6 as follows:

7 **2-4-401. Definitions - repeal.** The following definitions apply to
8 every statute, unless the context otherwise requires:

9 (2.7) (a) "DISPROPORTIONATELY IMPACTED COMMUNITY" MEANS
10 A COMMUNITY THAT:

11 (I) IS IN A CENSUS BLOCK GROUP, AS DETERMINED IN ACCORDANCE
12 WITH THE MOST RECENT UNITED STATES CENSUS, WHERE THE PROPORTION
13 OF HOUSEHOLDS THAT ARE LOW INCOME IS GREATER THAN FORTY
14 PERCENT, THE PROPORTION OF HOUSEHOLDS THAT IDENTIFY AS MINORITY
15 IS GREATER THAN FORTY PERCENT, OR THE PROPORTION OF HOUSEHOLDS
16 THAT ARE HOUSING COST-BURDENED IS GREATER THAN FORTY PERCENT;
17 OR

18 (II) IS ANY OTHER COMMUNITY AS IDENTIFIED OR APPROVED BY A
19 STATE AGENCY, IF:

20 (A) THE COMMUNITY HAS A HISTORY OF ENVIRONMENTAL RACISM
21 PERPETUATED THROUGH REDLINING, ANTI-INDIGENOUS, ANTI-IMMIGRANT,
22 ANTI-HISPANIC, OR ANTI-BLACK LAWS; OR

23 (B) THE COMMUNITY IS ONE WHERE MULTIPLE FACTORS,
24 INCLUDING SOCIOECONOMIC STRESSORS, DISPROPORTIONATE
25 ENVIRONMENTAL BURDENS, VULNERABILITY TO ENVIRONMENTAL
26 DEGRADATION, AND LACK OF PUBLIC PARTICIPATION, MAY ACT
27 CUMULATIVELY TO AFFECT HEALTH AND THE ENVIRONMENT AND

1 CONTRIBUTE TO PERSISTENT DISPARITIES.

2 (b) AS USED IN THIS SUBSECTION (2.7):

3 (I) "COST-BURDENED" MEANS A HOUSEHOLD THAT SPENDS MORE
4 THAN THIRTY PERCENT OF ITS INCOME ON HOUSING.

5 (II) "LOW INCOME" MEANS THE MEDIAN HOUSEHOLD INCOME IS
6 LESS THAN OR EQUAL TO TWO HUNDRED PERCENT OF THE FEDERAL
7 POVERTY GUIDELINE.

8 (c) (I) A RULE THAT DEFINES "DISPROPORTIONATELY IMPACTED
9 COMMUNITY" THAT WAS PROMULGATED BEFORE THE EFFECTIVE DATE OF
10 THIS SUBSECTION (2.7) NEED NOT COMPLY WITH THIS SUBSECTION (2.7).

11 (II) THIS SUBSECTION (2.7)(c) IS REPEALED, EFFECTIVE SEPTEMBER
12 1, 2023.

13 **SECTION 4.** In Colorado Revised Statutes, **add** 24-4-109 as
14 follows:

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

23 (2) **Definitions.** (a) (I) THE ENVIRONMENTAL JUSTICE ACTION
24 TASK FORCE CREATED IN SECTION 25-1-131 WILL RECOMMEND TO THE
25 GENERAL ASSEMBLY POTENTIAL MODIFICATIONS TO THE DEFINITIONS
26 ESTABLISHED IN THIS SUBSECTION (2). THE DEFINITIONS ESTABLISHED IN
27 THIS SUBSECTION (2) APPLY UNLESS AND UNTIL THE GENERAL ASSEMBLY

1 ACTS BY BILL TO MODIFY ONE OR MORE OF THE DEFINITIONS.

2 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE SEPTEMBER
3 1, 2024.

4 (b) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (I) "AGENCY" MEANS THE AIR QUALITY CONTROL COMMISSION
7 CREATED IN SECTION 25-7-104.

8 (II) "PROPOSED STATE ACTION" MEANS:

9 (A) RULE-MAKING PROCEEDINGS HELD PURSUANT TO SECTION
10 24-4-103;

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

13 (C) ADJUDICATORY HEARINGS HELD PURSUANT TO SECTION
14 24-4-105.

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

21 (b) WHEN CONDUCTING OUTREACH TO AND ENGAGEMENT OF
22 DISPROPORTIONATELY IMPACTED COMMUNITIES REGARDING A PROPOSED
23 STATE ACTION, THE AGENCY SHALL:

24 (I) SCHEDULE VARIABLE TIMES OF DAY AND DAYS OF THE WEEK
25 FOR OPPORTUNITIES FOR PUBLIC INPUT ON THE PROPOSED STATE ACTION,
26 INCLUDING AT LEAST ONE WEEKEND TIME, ONE EVENING TIME, AND ONE
27 MORNING TIME FOR PUBLIC INPUT;

1 (II) PROVIDE NOTICE AT LEAST THIRTY DAYS BEFORE ANY PUBLIC
2 INPUT OPPORTUNITY OR BEFORE THE START OF ANY PUBLIC COMMENT
3 PERIOD;

4 (III) UTILIZE SEVERAL DIFFERENT METHODS OF OUTREACH AND
5 WAYS TO PUBLICIZE THE PROPOSED STATE ACTION, INCLUDING
6 DISSEMINATING INFORMATION THROUGH SCHOOLS, CLINICS, SOCIAL
7 MEDIA, SOCIAL AND ACTIVITY CLUBS, LOCAL GOVERNMENTS, TRIBAL
8 GOVERNMENTS, LIBRARIES, RELIGIOUS ORGANIZATIONS, CIVIC
9 ASSOCIATIONS, COMMUNITY-BASED ENVIRONMENTAL JUSTICE
10 ORGANIZATIONS, OR OTHER LOCAL SERVICES;

11 (IV) PROVIDE SEVERAL METHODS FOR THE PUBLIC TO GIVE INPUT,
12 SUCH AS IN-PERSON MEETINGS, VIRTUAL AND ONLINE MEETINGS, ONLINE
13 COMMENT PORTALS OR E-MAIL, AND CALL-IN MEETINGS;

14 (V) CONSIDER USING A VARIETY OF LOCATIONS FOR PUBLIC INPUT
15 ON THE PROPOSED STATE ACTION, INCLUDING MEETING LOCATIONS IN
16 URBAN CENTERS, IN NEIGHBORHOODS WHOSE POPULATIONS ARE
17 PREDOMINANTLY BLACK, INDIGENOUS, OR PEOPLE OF COLOR AND HAVE AN
18 AVERAGE INCOME BELOW THE STATE'S AVERAGE, AND IN RURAL
19 LOCATIONS IN VARIOUS REGIONS OF THE STATE; AND

20 (VI) CREATE OUTREACH MATERIALS CONCERNING THE PROPOSED
21 STATE ACTION IN LAYPERSON'S TERMS, TRANSLATED INTO THE TOP TWO
22 LANGUAGES SPOKEN IN A COMMUNITY, THAT INFORM PEOPLE OF
23 OPPORTUNITIES TO PROVIDE INPUT ON THE PROPOSED STATE ACTION, THEIR
24 RIGHTS, THE POSSIBLE OUTCOMES, AND THE UPCOMING PUBLIC INPUT
25 PROCESS.

26 **SECTION 5.** In Colorado Revised Statutes, **add** 25-1-131 as
27 follows:

1 **25-1-131. Environmental justice action task force - report -**

2 **repeal. (1) Creation.** (a) THERE IS HEREBY CREATED IN THE
3 DEPARTMENT THE ENVIRONMENTAL JUSTICE ACTION TASK FORCE TO
4 RECOMMEND AND PROMOTE STRATEGIES FOR INCORPORATING
5 ENVIRONMENTAL JUSTICE AND EQUITY INTO HOW STATE AGENCIES
6 DISCHARGE THEIR RESPONSIBILITIES.

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

9 (c) THE MEMBERSHIP OF THE TASK FORCE AND APPOINTING
10 AUTHORITIES ARE AS FOLLOWS:

11 (I) THE GOVERNOR SHALL APPOINT THE FOLLOWING NINE
12 MEMBERS:

13 (A) THREE REPRESENTATIVES FROM THE DEPARTMENT OF PUBLIC
14 HEALTH AND ENVIRONMENT, ONE WITH EXPERTISE IN AIR QUALITY, ONE
15 WITH EXPERTISE IN WATER QUALITY, AND ONE WITH EXPERTISE IN HEALTH
16 EQUITY;

17 (B) ONE REPRESENTATIVE OF THE DEPARTMENT OF NATURAL
18 RESOURCES;

19 (C) ONE REPRESENTATIVE OF THE DEPARTMENT OF
20 TRANSPORTATION;

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

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

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

24 AND

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

26 (II) TWO MEMBERS, ONE APPOINTED BY THE CHAIR OF THE
27 SOUTHERN UTE INDIAN TRIBE TRIBAL COUNCIL AND ONE APPOINTED BY

1 THE CHAIR OF THE UTE MOUNTAIN UTE TRIBE TRIBAL COUNCIL;

2 (III) TWELVE MEMBERS APPOINTED BY THE PRESIDENT OF THE
3 SENATE, THE MINORITY LEADER OF THE SENATE, THE SPEAKER OF THE
4 HOUSE OF REPRESENTATIVES, AND THE MINORITY LEADER OF THE HOUSE
5 OF REPRESENTATIVES, WITH ONE MEMBER APPOINTED BY EACH
6 APPOINTING AUTHORITY FROM SUBSECTION (1)(c)(III)(A) OF THIS SECTION
7 AND TWO MEMBERS EACH FROM SUBSECTION (1)(c)(III)(B) OF THIS
8 SECTION:

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

12 (B) THE FOLLOWING NUMBER OF MEMBERS OF DIFFERENT
13 ORGANIZATIONS THAT: CARRY OUT INITIATIVES RELATING TO
14 ENVIRONMENTAL JUSTICE, THREE MEMBERS; REPRESENT WORKER
15 INTERESTS IN DISPROPORTIONATELY IMPACTED COMMUNITIES, ONE
16 MEMBER; REPRESENT THE INTEREST OF PEOPLE OF COLOR, FOUR MEMBERS;
17 REPRESENT THE RENEWABLE ENERGY INDUSTRY, ONE MEMBER; REPRESENT
18 THE NONRENEWABLE ENERGY INDUSTRY, ONE MEMBER; REPRESENT LOCAL
19 GOVERNMENT IN DISPROPORTIONATELY IMPACTED COMMUNITIES, ONE
20 MEMBER; AND WORK TO SUPPORT PUBLIC HEALTH, ONE MEMBER, WHO
21 MUST BE AN ENVIRONMENTAL TOXICOLOGIST.

22 (d) THE APPOINTING AUTHORITIES SHALL FILL A VACANCY AS SOON
23 AS POSSIBLE. IN MAKING APPOINTMENTS TO THE TASK FORCE, THE
24 APPOINTING AUTHORITIES SHALL ENSURE THAT THE MEMBERSHIP OF THE
25 TASK FORCE REFLECTS THE RACIAL, ETHNIC, CULTURAL, AND GENDER
26 DIVERSITY OF THE STATE, INCLUDING REPRESENTATION OF ALL AREAS OF
27 THE STATE.

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

5 (a) PROMOTING ENVIRONMENTAL JUSTICE ACROSS STATE
6 AGENCIES AND IMPROVING COLLABORATION AMONG STATE AGENCIES IN
7 IDENTIFYING AND ADDRESSING THE HUMAN HEALTH AND ENVIRONMENTAL
8 EFFECTS OF PROGRAMS, POLICIES, PRACTICES, AND ACTIVITIES ON
9 DISPROPORTIONATELY IMPACTED COMMUNITIES;

10 (b) IMPROVING COOPERATION ON ENVIRONMENTAL JUSTICE
11 INITIATIVES BETWEEN THE STATE GOVERNMENT, TRIBAL GOVERNMENTS,
12 AND LOCAL GOVERNMENTS;

13 (c) ENSURING MEANINGFUL INVOLVEMENT AND DUE PROCESS IN
14 THE DEVELOPMENT, IMPLEMENTATION, AND ENFORCEMENT OF
15 ENVIRONMENTAL LAWS AND POLICIES; AND

16 (d) ADDRESSING ENVIRONMENTAL HEALTH, POLLUTION, AND
17 PUBLIC HEALTH BURDENS IN DISPROPORTIONATELY IMPACTED
18 COMMUNITIES AND BUILDING HEALTHY, SUSTAINABLE, AND RESILIENT
19 COMMUNITIES.

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

22 (a) DEVELOPING A STATE AGENCY-WIDE ENVIRONMENTAL JUSTICE
23 STRATEGY AND A PLAN TO IMPLEMENT THAT STRATEGY, WHICH COULD
24 INCLUDE:

25 (I) RECOMMENDATIONS FOR CREATING AND IMPLEMENTING
26 EQUITY ANALYSIS INTO ALL SIGNIFICANT PLANNING, RULE-MAKING,
27 ADJUDICATIONS, ORDERS, PROGRAMMATIC AND POLICY DECISION-MAKING,

1 AND INVESTMENTS;

2 (II) A POTENTIAL REQUIREMENT THAT AGENCIES PREPARE AN
3 ENVIRONMENTAL EQUITY ANALYSIS FOR ANY STATE ACTION THAT HAS THE
4 POTENTIAL TO CAUSE NEGATIVE ENVIRONMENTAL OR PUBLIC HEALTH
5 IMPACTS TO A DISPROPORTIONATELY IMPACTED COMMUNITY, WHICH
6 ANALYSIS COULD INCLUDE A PROCESS FOR IDENTIFYING AND DESCRIBING
7 CUMULATIVE IMPACTS TO THE HEALTH AND ENVIRONMENT OF
8 DISPROPORTIONATELY IMPACTED COMMUNITIES;

9 (III) A POTENTIAL REQUIREMENT THAT FOR ANY STATE ACTION
10 THAT MAY CAUSE ADVERSE ENVIRONMENTAL OR PUBLIC HEALTH IMPACTS
11 TO A DISPROPORTIONATELY IMPACTED COMMUNITY, THE ADVERSE
12 ENVIRONMENTAL OR PUBLIC HEALTH MUST BE AVOIDED, AND IF THE
13 EFFECTS CANNOT BE AVOIDED, THEY MUST BE MINIMIZED AND MITIGATED;

14 (IV) A POTENTIAL REQUIREMENT THAT PERMITS MUST BE ISSUED
15 AND RENEWED ONLY AFTER AN ENVIRONMENTAL EQUITY ANALYSIS
16 DETERMINES THAT THE TERMS AND CONDITIONS OF THE PERMIT OR
17 RENEWAL ARE SUFFICIENT TO ENSURE, TO A REASONABLE CERTAINTY,
18 THAT ANY HARM TO THE HEALTH AND ENVIRONMENT OF
19 DISPROPORTIONATELY IMPACTED COMMUNITIES IS EITHER:

20 (A) AVOIDED; OR

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

23 (V) A POTENTIAL REQUIREMENT THAT ALL ENVIRONMENTAL
24 PROJECTS DEVELOPED AS PART OF A SETTLEMENT RELATING TO
25 VIOLATIONS IN A DISPROPORTIONATELY IMPACTED COMMUNITY ARE
26 DEVELOPED IN CONSULTATION WITH AND THROUGH MEANINGFUL
27 PARTICIPATION OF INDIVIDUALS IN THE DISPROPORTIONATELY IMPACTED

1 COMMUNITY AND RESULT IN IMPROVEMENT TO THE HEALTH AND
2 ENVIRONMENT OF THE AFFECTED DISPROPORTIONATELY IMPACTED
3 COMMUNITY; AND

4 (VI) RECOMMENDATIONS FOR ESTABLISHING MEASURABLE GOALS
5 FOR REDUCING ENVIRONMENTAL HEALTH DISPARITIES FOR
6 DISPROPORTIONATELY IMPACTED COMMUNITIES;

7 (b) ADOPTION OF A PLAN THAT ADDRESSES THE LACK OF DATA AND
8 LACK OF DATA SHARING BETWEEN STATE AGENCIES ABOUT POTENTIAL
9 EXPOSURE TO ENVIRONMENTAL HAZARDS AND IMPROVES RESEARCH AND
10 DATA COLLECTION EFFORTS RELATED TO THE HEALTH AND ENVIRONMENT
11 OF DISPROPORTIONATELY IMPACTED COMMUNITIES, CLIMATE CHANGE,
12 AND THE INEQUITABLE DISTRIBUTION OF BURDENS AND BENEFITS OF THE
13 MANAGEMENT AND USE OF NATURAL RESOURCES;

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

18 (d) EVALUATING AND PROPOSING RECOMMENDATIONS OR
19 REVISIONS TO THE FOLLOWING DEFINITIONS:

20 (I) "DISPROPORTIONATELY IMPACTED COMMUNITY" AS DEFINED IN
21 SECTION 2-4-401 (2.7);

22 (II) "PROPOSED STATE ACTION" AS DEFINED IN SECTION 24-4-109
23 (2)(b)(II); AND

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

1 (4) THE TASK FORCE SHALL:

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

6 (b) SUBMIT A FINAL REPORT OF ITS FINDINGS AND
7 RECOMMENDATIONS TO THE GOVERNOR, THE DEPARTMENT, THE HOUSE OF
8 REPRESENTATIVES AGRICULTURE, LIVESTOCK, AND WATER, ENERGY AND
9 ENVIRONMENT, AND HEALTH AND INSURANCE COMMITTEES, AND THE
10 SENATE AGRICULTURE AND NATURAL RESOURCES, HEALTH AND HUMAN
11 SERVICES, AND TRANSPORTATION AND ENERGY COMMITTEES, OR THEIR
12 SUCCESSOR COMMITTEES, BY NOVEMBER 14, 2022; AND

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

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

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

21 **SECTION 6.** In Colorado Revised Statutes, 25-7-105, **amend**
22 (1)(e)(III) as follows:

23 **25-7-105. Duties of commission - rules - legislative declaration**
24 **- definitions.** (1) Except as provided in sections 25-7-130 and 25-7-131,
25 the commission shall promulgate such rules and regulations as are
26 consistent with the legislative declaration set forth in section 25-7-102
27 and necessary for the proper implementation and administration of this

1 article 7, including, but not limited to:

2 (e) (III) The commission will identify AND ENGAGE WITH
3 disproportionately impacted communities ~~In identifying these~~
4 ~~communities, the commission will consider: Minority, low-income, tribal,~~
5 ~~or indigenous populations in the state that potentially experience~~
6 ~~disproportionate environmental harms and risks. This disproportionality~~
7 ~~can be a result of increased vulnerability to environmental degradation,~~
8 ~~lack of opportunity for public participation, or other factors. Increased~~
9 ~~vulnerability may be attributable to an accumulation of negative or lack~~
10 ~~of positive environmental, health, economic, or social conditions within~~
11 ~~these populations. "Disproportionately impacted communities" describes~~
12 ~~situations where multiple factors, including both environmental and~~
13 ~~socioeconomic stressors, may act cumulatively to affect health and the~~
14 ~~environment and contribute to persistent environmental health disparities~~
15 AS SPECIFIED IN SECTION 24-4-109.

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