

Aug 17, 2020

Dear Governor Polis, the Colorado Energy Office, Colorado Department of Health and Environment, the Air Quality Control Commission,

CC: The Colorado Legislature, Black Democratic Legislative Caucus of Colorado, Colorado Democratic Latino Caucus

The current fight for racial justice as well as the persistent disparities exposed by COVID-19 make it impossible to ignore the profound and systemic inequity in our country. Due to a history of environmental racism and unjust institutions, we know that climate change has disproportionately harmful impacts on Black, Latinx, Indigenous, low-wealth communities, working communities, and communities of color.

It is no secret that communities of color have worse air quality, worse water quality, and disproportionately live on contaminated soil. Landfills, toxic waste treatment facilities, and polluting industries are more likely to be located near communities of color. This concentration of pollution—compounded by extreme weather (like heat waves and storms) and a lack of resilient community infrastructure—means that these same communities, including the fossil fuel-dependent workforce and rural communities, end up bearing the brunt of climate change.

To be equitable in our climate policy, Colorado must take bold action to hit the science-based targets put into law in HB19-1261 in a manner that centers, unburdens, uplifts and invests in frontline communities. If Colorado is not diligent, we could end up with policies that reduce carbon emissions overall but continue to create and maintain hotspots of inequitable pollution and economic vulnerability. And if Colorado does not meaningfully engage those most affected in its plan for climate action, we will continue to perpetuate systems that exclude and disenfranchise frontline communities.

Here in Colorado, we have an important opportunity to protect our communities and enact climate policy equitably. As the Air Quality Control Commission fulfills its mandate to reduce greenhouse gas emissions (GHG) under HB19-1261, it is simultaneously required to identify strategies that reduce emissions in “disproportionately impacted communities”—and seek direct input from these communities on how best to do so.

We expect to see a robust engagement plan, or a clearly defined path, that ensures the outcomes of both the GHG Pollution Reduction Roadmap and the AQCC’s actions will indeed be equitable. We the undersigned ask: ***what are you doing to engage “disproportionately impacted communities,” ensure this process is equitable, and guarantee that the values and mandates of HB19-1261 are upheld and achieved?***

As you create the Roadmap and determine the path forward to meeting our climate goals, you must make sure that both the process and the outcomes are equitable. Below are key actions and principles we ask you to use as your guide:

1. ***Engage and consult with communities that are disproportionately impacted:*** Black, Latinx, Indigenous, low-wealth communities, working communities, and communities of color must be consulted in the development of policies that impact them. Community and stakeholder engagement must not just “check the box”; it should be robust, with accountability mechanisms, and in deep coalition with trusted community partners. This means calling in

disproportionately impacted communities directly, and reaching out to community leaders to contribute to and review your plans of engagement and suggested solutions.

C.R.S. § 25-7-105 (III): “...(iii) *The commission will identify disproportionately impacted communities. In identifying these communities, the commission will consider: minority, low-income, tribal, or indigenous populations in the state that potentially experience disproportionate environmental harms and risks.*”

“This disproportionality can be a result of increased vulnerability to environmental degradation, lack of opportunity for public participation, or other factors. Increased vulnerability may be attributable to an accumulation of negative or lack of positive environmental, health, economic, or social conditions within these populations.”

2. **Center community-driven approaches and solutions:** In order to achieve equitable policy outcomes, policy selection and implementation must include ongoing opportunities for direct community input and oversight, and must actively address barriers to participation. This includes a robust process for input, an emphasis on community-driven and community-supported ideas, and innovative implementation tools to track impacts and direct investment to disproportionately impacted communities.¹

C.R.S. § 25-7-105 (IV) : “... *specifically soliciting input from those most impacted by climate change, including disproportionately impacted communities.*”

3. **Minimize—or better yet, avoid—burdens to frontline communities:** This means addressing major point sources of pollution and holding offending industries accountable when they violate public safety laws that are designed to protect our vulnerable communities.

C.R.S. § 25-7-105 (II)(1)(e) : “*and must include strategies designed to achieve reductions in harmful air pollution affecting [disproportionately impacted] communities.*”

4. **Guarantee that the “benefits of compliance” promote the health and resilience of communities through:**
 - a. **Infrastructure:** Equitable climate outcomes are linked to healthy and thriving community infrastructure including housing, water, mobility, education, greenspace, healthcare, and safe places to play and learn.²
 - b. **Economic opportunities:** We must keep communities employed through policies that maximize access to family-sustaining jobs with defined benefits, small business ownership, and entrepreneurship while funding and expanding workforce training and resources that close the wealth gap for disproportionately impacted and transitioning communities.

C.R.S. § 25-7-105 (VI) : “*in carrying out its responsibilities under this subsection (1)(e), the commission shall consider “economic and job impacts and opportunities;” and “...the potential to enhance the resilience of Colorado’s communities and natural resources to climate impacts”*”

¹ Such as CalEnviroScreen, which was created to identify “disadvantaged communities” in California <https://oehha.ca.gov/calenviroscreen/about-calenviroscreen>

² <https://www.sparcchub.org/2020/04/22/laying-the-groundwork-for-an-equitable-and-just-recovery/>

- c. **Direct access to technologies:** Make renewable energy industry technologies and resources affordable, accessible, and incentivized for Black, Latinx, Indigenous, low-wealth communities, working communities, and communities of color. This will allow for equitable economic and air quality benefits.

C.R.S. § 25-7-105 (VI) : “the importance of striving to equitably distribute the benefits of compliance, opportunities to incentivize renewable energy resources and pollution abatement opportunities in disproportionately impacted communities, opportunities to encourage clean energy in transitioning communities;”

5. **Tracking, data collection, and accountable reporting:** Ensuring ongoing collection of and public access to emissions data through robust reporting will establish current and future benchmarks for tracking the alleviation of inequities, while driving transparency and accountability.

C.R.S. § 25-7-105 (II) :“the implementing rules shall provide for ongoing tracking of emission sources that adversely affect disproportionately impacted communities”

We hope you will take the above into serious consideration and report back to us with the ways you will ensure that this Roadmap process and its outcomes follow the mandate of HB19-1261 to engage, identify and protect disproportionately impacted communities.

Please do not hesitate to reach out to us. We are eager and willing to help Colorado emerge as a leader in equitable climate policy, from process to outcome.

Sincerely,

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