Colorado Environmental Justice Action Task Force

Final Recommendations

November 14, 2022

EXECUTIVE SUMMARY

About Environmental Justice: Historical Context and Present Day Issues

In Colorado, like other states, historic policies such as redlining and practices like zoning led, both intentionally and unintentionally, to racial and income segregation in housing. Industrial areas, highways, and other pollution sources were more likely to be located within or near low-income neighborhoods and communities of color. Many of these housing and land use patterns persist today. As a result, low-income communities and communities of color in Colorado continue to face greater environmental health risks.

The Environmental Justice Act (HB21-1266) establishes a state policy of reducing these disparities. It recognizes that "all people have the right to breathe clean air, drink clean water, participate freely in decisions that affect their environments, live free of dangerous levels of toxic pollution, experience equal protection provided by environmental policies, and share the benefits of a prosperous and vibrant pollution-free economy." House Bill 21-1266 § 2(1)(a)(I). The Task Force worked to achieve this goal by identifying and addressing current disparities in access to environmental benefits and exposures to environmental health risks.

About the Task Force

The Environmental Justice Action Task Force ("EJATF" or "Task Force") was created by the Colorado Environmental Justice ("EJ") Act. The Task Force was comprised of 22 members, appointed by the Governor and legislative leadership, representing a wide variety of technical expertise and demographics. The Task Force began meeting in December 2021 and held seven full Task Force meetings through November 2022. The first 3 meetings took place virtually, the last 4 meetings took place in a hybrid fashion with the in person component held in Commerce City, Grand Junction, Greeley, and Pueblo. All Task Force meetings were open to the public, offered simultaneous Spanish interpretation and provided an opportunity for public comment.

The Task Force also had six subcommittees whose areas of focus were informed by the EJ Act proposing the Task Force recommend and promote strategies for incorporating EJ on the following topics: Environmental Equity and Cumulative Impact Analyses, a Definition of Disproportionately Impacted ("DI") Community, Data and Reducing Environmental Health Disparities, Best Practices for Community Engagement, Indigenous Community Engagement, and Supplemental Environmental Projects. In addition to the aforementioned full Task Force meetings, these subcommittees, consisting of subsets of Task Force members, met on a weekly or bi-weekly basis, totaling 33 subcommittee meetings. The subcommittees finished meeting on October 12, 2022.

The Task Force submitted its final report of recommendations to the legislature, the Governor, and the Colorado Department of Public Health & Environment ("CDPHE") on November 14, 2022. Although the Task Force completed its work on November 14, 2022, it recognized the value of agency staff continuing dialogue about the recommendations with DI communities and other stakeholders after the recommendations were finalized.

Environmental Justice Action Task Force Recommendations
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About this Document

Section one of these recommendations discusses how EJ efforts should be coordinated across state agencies.

Section two discusses creating new centralized environmental equity and cumulative impact analyses for specific disproportionately impacted communities that can be referenced and implemented by individual agencies in case-by-case decisions that can impact certain DI communities. Section two includes recommendations for how these analyses should be created, what the analyses should entail, which agencies should apply them and in which decisions, and how communities should be engaged throughout all of those processes.

Section three includes recommendations for establishing measurable goals to reduce environmental health disparities in DI communities. It also includes several recommendations for how to close data gaps pertaining to DI communities, including the expanded use of participatory science, continuing to improve Colorado EnviroScreen, making complaint data more transparent, data sharing, data quality, and data collection and modernization.

Section four includes recommendations related to the definition of DI community. This includes potentially changing the term to use asset framing, targeted wording changes to improve clarity and correct drafting errors, and standardizing the definition across state agencies. Section four also summarizes the results of the Task Force discussions and investigations related to specific components of the definition, which generally involved making few recommended changes.

Section five includes recommendations about best practices for community engagement. This includes changing the approach currently found in the EJ Act by expanding it to apply to more agencies, but increasing flexibility on which standards are applied and the types of actions where they are applied to ensure that agencies are effectively prioritizing their resources to engage DI communities about actions most likely to impact those communities. Section four also includes several cross cutting recommendations, including recommendations for engagement with indigenous communities and Consultation with Tribal governments. Section four concludes by recommending specific changes to the best practices for community engagement listed in the existing EJ Act, which are informed by the results of focus groups the Task Force convened.

Section six includes recommendations about Supplemental Environmental Projects ("SEPs"). These include expanding public communications about SEPs and the SEP Idea Library, ensuring that enforcement penalty revenue is spent in a way that benefits DI communities, simplifying requirements for community members participating in SEP selection processes, and simplifying SEP applications to make them more accessible to community members.

Section seven includes recommendations about just transition, including fully funding the existing Just Transition Action Plan and laying the groundwork to consider future expansion of just transition.

Section 1: Environmental Justice Coordination

Currently, multiple state agencies are working to implement equity and EJ. Some but not all of these agencies have hired dedicated staff focused on EJ, equity, and resilience. As agencies continue to build capacity to ensure EJ, additional coordination among the agencies will be valuable to advance EJ goals. The agencies should determine how to build on existing structures within the agencies to coordinate efforts to integrate EJ across agencies and provide agencies with access to data, resources, and information about best practices for community engagement and cumulative impacts in DI communities. The Task Force recommends that the CDPHE Environmental Justice Program ("EJP") play the lead coordinating role. The legislature should ensure the EJP has adequate funding and staff to play this coordinating role.

The legislature should set a timeline to evaluate and assess the role of EJP as the coordinating entity at some point in the future rather than specifying exactly which entity plays the role in the long term.

As discussed below in more detail, some areas where the Task Force identified it being helpful for the EJP to play a coordinating role include:

- Overseeing the creation of centralized Environmental Equity and Cumulative Impacts Analyses ("EECIA") and supporting agencies in implementing EECIA, including by:
    - Selecting a consultant or academic institution to create EECIA (*Section 2(I)(A)*);
    - Ensuring the content of the EECIA are understandable by community members and in plain language (*Section 2(I)(C)*);
    - Determining the geographic scope of each EECIA (*Section 2(I)(D)*);
    - Establishing a timeline, specific deadlines, and milestones for developing individual EECIA (*Section 2(I)(F)*);
    - Supporting agencies in implementing EECIA in their decision making, including by playing an educational role and providing training on how to use and implement EECIA in specific agency decisions (*Section 2(III)(B)*); and
    - Facilitating interagency collaboration to implement EECIA (*Section 2(III)(C)*).
- Coordinating standards and guidelines for participatory science research *(Section 3(B)*), including specifically:
    - Developing guidance documents about what participatory science entails.
    - Identifying opportunities for community groups conducting participatory science projects to partner with recognized institutions.
    - Taking into account Tribal data sovereignty, data sharing, and barriers therein.
- Coordinating data sharing efforts on EJ data projects between agencies (*Section 3(E)*).
- Building on existing interagency collaboration to provide centralized information and resources on best practices for community engagement across state agencies, including:
    - Providing input, guidance, and support to recommend standards for community engagement for individual agencies (*Section 5(B)*);
    - Providing information about available interpretation and translation services (*Section 5(B)*);
    - Sharing information about procurement practices for inclusive meetings, such as creating lists of vendors for childcare and facilitation (*Section 5(B)*);

    - Providing a running list of engagement opportunities with a target audience of disproportionately impacted community members to facilitate partnerships between agencies who are conducting engagement, so that multiple agencies can receive public comments at the same event (*Section 5(B)*);
    - Developing a plain language glossary of commonly used scientific and legal terms to consistently make information more accessible (*Section 5(B)*);
    - Creating a list of pro bono attorneys and experts who may be willing to assist DI community members engaging in technical or legal agency processes for low or no cost (*Section 5(D)(2)*);
    - Training state agency staff on how to implement best practices for community engagement (*Section 5(D)(3)*); and
    - Providing information and best practices about how to provide participation incentives in a way that is consistent with state fiscal policies (*Section 5(D)(5)*).
- Providing an ongoing forum for agencies to share information about implementing EJ, so this collaboration continues after the Task Force is complete.
- Proactively identifying federal funding opportunities, like the U.S. Environmental Protection Agency's ("EPA") Justice40 grants and the Inflation Reduction Act, and working with state agencies and other potential grantees to provide technical assistance on their applications (federal fund streams will likely be a source of short and long term resources to fund the Task Force's recommendations).
- Coordinating with the State Equity Office within the Department of Personnel and Administration that was created by HB22-1397, where appropriate, to provide a more holistic approach to interagency coordination on equity issues more broadly.
- Providing feedback or participating in other agencies' decision making processes that are relevant to EJ.
- Coordinating directly with DI communities.
- Collaborating with local governments on EJ initiatives to help ensure consistency between state agencies and local government partners.
- Maintaining a single EJ events calendar to facilitate public participation in EJ meetings held by different agencies.

During the first day of the November Task Force meeting, the Task Force evaluated two options for which entity should provide an avenue for community input and play an oversight role over the EJP in its interagency coordinating role. 10 Task Force members voted for Option 1, and 10 Task Force members voted for Option 2.

Option 1: The legislature should expand the role of and reevaluate the composition and membership of the existing Environmental Justice Advisory Board to include new functions, including continually evaluating the effectiveness of the EJP as the coordinating entity; oversee the development, implementation, and use of EECIA (without overlapping or conflicting with the statutory authority of existing boards and commissions); advising multiple state agencies on environmental justice policy and best practices for community engagement; and supporting the technical assistance and capacity building role of the EJP in supporting communities to obtain federal funding opportunities.

The Task Force recognizes the value with opportunities for increased participation, and the crosscutting opportunities of a model similar to that at the federal level. While avoiding duplication and potential conflicts between advisory boards, the state should consider opportunities to apply cross-coordination models in Colorado to promote increased participation and public input, advance cross-agency coordination, and address areas of need not covered by the existing Environmental Justice Advisory Board.

Option 2: The legislature should evaluate the federal model of having a separate environmental justice advisory board for an environmental regulatory agency (EPA's NEJAC at the federal level and the Environmental Justice Advisory Board at the state level), and a separate interagency environmental justice advisory body at an interagency level (the White House Environmental Justice Advisory Council at the federal level and a new entity at the state level). If the legislature chooses to create a new interagency advisory body, the legislature should ensure that this new entity would not duplicate functions or conflict in its role with the existing Environmental Justice Advisory Board. At governor's office level, there should be a new interagency environmental justice advisory body that should include members of communities, agency representatives, and the environmental justice ombudsperson. The new interagency environmental justice advisory body's functions should include continually evaluating the effectiveness of the EJP as the coordinating entity; overseeing the development, implementation, and use of EECIA (without overlapping or conflicting with the statutory authority of existing boards and commissions); providing a forum for members of the public to bring environmental justice concern; advising multiple state agencies on environmental justice policy and best practices for community engagement; and supporting the technical assistance and capacity building role of the EJP in supporting communities to obtain federal funding opportunities.

Section 2: Environmental Equity & Cumulative Impacts Analyses

The legislature should adopt a program for centralized Environmental Equity and Cumulative Impacts Analyses (EECIA). Centralized EECIA should analyze cross-media (air, water, soil, radiation, etc.) cumulative impacts for specific areas. Then individual agencies could reference and implement the centralized EECIA in case-by-case decisions that impact the area. Under this approach, a third party consultant or academic institution would gather information from communities, state and federal agencies, academic studies, local governments, and regulated industries to develop an analysis of cumulative impacts. Then individual agencies would implement and use the analysis in a way that is consistent with their individual statutory authority and the specific types of actions they are empowered to take.

Centralizing the process through a single environmental equity and cumulative impacts analysis for a specific area has several advantages. It creates efficiencies for all users (including both agencies and communities), allows for a more thorough analysis, and facilitates a full understanding of the entire range of impacts that communities experience, including impacts that might be outside the expertise of an individual agency. Centralizing the process benefits DI communities by reducing the number of agency processes for community members to engage with. It will also require significantly less resources to conduct a single centralized EECIA for an area rather than individual agencies needing to create an EECIA for an area on their own each time they make a specific decision. The centralized EECIA would give individual agencies the tools they need to understand the stressors driving cumulative impacts in an area. The centralized EECIA also ensure that all agencies are operating based on the same data, and create opportunities for data sharing and other forms of coordination and collaboration between agencies. Although the EECIA would be created in a centralized manner, it is important for individual agencies to have flexibility to be able to implement the analyses in a manner that works for them. The Task Force intends for centralized EECIA to supplement, rather than replace or conflict with, existing analyses that agencies conduct to guide their decisions, such as National Environmental Policy Act analyses.

The Task Force recognizes that this will require significant funding–both to create EECIA and for individual agencies to successfully use and implement the EECIA. The Task Force recommends that the legislature consider a wide range of funding options, which could include an enterprise, fees, or redirecting penalty revenue. The Task Force also recognizes that it will take time to develop EECIA, and that it may be appropriate for agencies to start implementing components of the EECIA before they are completed.

Section I below discusses the process and mechanics of creating centralized EECIA. Section II discusses the components of EECIA. Section III discusses how agencies could implement EECIA.

I. Process and Mechanics of Creating EECIA [Preliminary Consensus]

A. Who Should Create EECIA

State agencies would be responsible for using and implementing EECIA once they are created. However, EECIA should be created and updated by independent third party consultants or academic institutions. The consultants or academic institutions would only be responsible for developing, creating, and updating the EECIA. The consultant or academic institution must work with DI communities in developing, creating, and updating the EECIA. If an academic institution is selected, priority should be given to institutions that are near the area of study so long as they have the resources, capacity, knowledge, and tools to conduct the analysis. Nearby academic institutions are more likely to have awareness of the community's issues and will likely be better positioned to build a relationship and trust with community members.

The consultants or academic institutions should be selected and overseen by the EJP. The selection process should be highly transparent with opportunities for input from other state agencies, local governments, DI communities, and other stakeholders. The selection process should include applicants presenting a general protocol for how they will conduct an analysis to provide a basis for evaluating proposals. The Task Force recognizes that this type of selection process with robust stakeholder engagement can take significant time. The Task Force thus recommends that the legislature allow adequate time for the selection process for developing EECIA.

The selection and oversight process could be conducted by CDPHE's EJP. The legislature should ensure there is adequate funding for whichever agency serves in the selection and oversight role to conduct the work. In its coordinating role, the EJP should maintain a list of nonprofit groups and coalitions of nonprofit groups working in specific communities that can support consultants in developing EECIA.

B. Purpose of EECIA

EECIA should support a goal of providing information to ensure that state agency decisions, including decisions about energy and infrastructure investments, do not perpetuate a history of environmental racism, and instead address past harms by providing benefits to impacted communities that improve environmental health and livability.

C. Audience for EECIA

The primary audience for EECIA are agencies using the EECIA in decision making.

As discussed in Section E below, it is critical that local governments be thoroughly involved at every stage of developing EECIA. In addition to their role in developing EECIA, local and Tribal governments are also a critical audience for the EECIA, as they may also use the EECIA to guide their decision making and may not have the resources to conduct EECIA on their own. Local governments may also receive the benefits of state actions, be directly affected by state actions, or work in partnership with the state on actions affected by the analyses. Tribal governments, including the Southern Ute Indian Tribe's Environmental Commission, may have studies, resources, and programs that can inform EECIA while also respecting Tribal sovereignty.

However, in addition to state and local government agencies, the EECIA should be accessible to and understandable by community members and regulated industry. The consultant or academic institution that develops the EECIA should ensure they are crafted to be comprehensible and easily utilized by all of these parties. Accessibility includes ensuring that the data supporting the EECIA is transparent, translated into the top two languages spoken in the relevant community, and readily available to communities. The EJP should provide guidance to the consultant about how to communicate the contents of the EECIA in non-technical plain language that is more comprehensible to the general public.

D. Locations Where EECIA Should be Conducted

EECIA should be conducted for a subset of areas that meet the definition of DI community. However, there should not be a separate analysis for every area that meets the definition of a DI community. There should be flexibility for the entity overseeing creation of the EECIA to determine how many EECIA should be conducted, and how to establish the geographic scope of each analysis. Colorado EnviroScreen can be used as a tool to assist in prioritizing areas where EECIA should be conducted, based on existing data. EECIA should be prioritized for areas that are the most impacted by environmental contaminants, considering the amount and type of environmental contaminants in the area, the potential for wide-spread human exposure to those contaminants, and the vulnerability of the potentially exposed population to adverse health impacts from such exposures. The process of identifying where EECIA should be conducted should consider the history of the community, including both the historical duration of exposures and potential for intergenerational health impacts, and whether the demographics of the community have changed over time due to factors such as gentrification.

Residents of any DI community should be able to petition the EJP to conduct an EECIA for their community if not already covered under an existing EECIA. Additionally, in the course of implementing rules or other practices, regarding the use of EECIA in agency decision making, agencies should identify potential gaps in existing EECIA and request that EECIA should be created where they may be necessary for future cases to the extent feasible given other statutory requirements, judicial deadlines, procedural requirements, and available funding. The Task Force does not believe that a very large number of EECIA should be conducted, but expects that the EJP will evaluate requests for EECIA when they are received and consider whether an EECIA should be created for an area given relative priorities. The fact that an EECIA does not yet exist for an area should not prevent agencies from proceeding with the ordinary course of decisions in the area.

While recognizing the importance of flexibility, discretion, and judgment in establishing the geographic scope of an individual EECIA, the Task Force recommends that the default geographic scope of an individual EECIA should be a regional grouping of surrounding DI communities. The EECIA would focus on census block groups that meet the definition of DI community within that area.

Determining the boundaries of EECIA could apply principles akin to the constitutional redistricting provision that defines communities of interest. A community of interest is a neighborhood, community, or group of people who have common policy concerns, which could

be related to the environmental and socioeconomic factors that are considered in the cumulative impacts analysis discussed below, and would benefit from being considered together in a single analysis. Another way of understanding a community of interest is that it allows a community to define itself and tell its own story about what neighbors share in common, and what makes it unique when compared to surrounding communities.

E. Community & Local Government Engagement in Creating EECIA

The process for developing the EECIA should be highly transparent and there should be opportunity for both community and local government involvement in the process.

The consultant or academic institution creating each EECIA should collect information from community members through various means. Options could include town halls, educational workshops, and partnering with local public health agencies and nonprofits serving a broad variety of DI communities. The information should include both quantitative and qualitative data about a community's lived experience, which can be used to appropriately inform different components of the EECIA. Qualitative or anecdotal information can be aggregated (e.g. community interview summaries) to help make the information more useful in guiding agency decisions. Information can also be gathered from community health surveys that are already administered by local public health agencies.

The process for gathering data from communities should be informed by cultural and trauma sensitivity. For example, the consultant or academic institution conducting the analysis should be mindful of the nuances of the racial and ethnic identities of community members and gather data in a way that recognizes that not all communities of color are the same. Among other examples, the consultant or academic institution should consider specifying which tribes Indigenous people identify with, and recognize distinctions such as immigration status among the broader Latinx community. The consultants or academic institutions creating EECIA should be mindful that immigrant communities may be unwilling or reluctant to engage with state government agencies and incorporate those sensitivities into their data gathering practices. Additionally, conversations or research questions about health impacts should be informed by the potential trauma related to those health impacts. The consultant or academic institution conducting the EECIA should have a single, consistent forum for documenting health impacts that avoids requiring community members to repeatedly testify about health impacts they or their families have experienced.

F. Tribal Consultation About EECIA

The consultants or academic institutions should also ask the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe if and how they would like to be included in the process of developing an EECIA. If the Tribal government(s) are interested in participating, they should be fully included, active participants and partners in the process of developing the EECIA, with funding options for capacity building, if needed by the Tribe to effectively and consistently participate in the process.

G. Timeline and Updates

The legislature should consider addressing the timeline for developing and implementing EECIA in any legislation authorizing the creation of EECIA. The timeline for developing each EECIA should recognize the urgency around health disparities communities are currently experiencing and the benefit of being able to reference EECIA in existing rulemaking and planning processes that are already underway or scheduled, while also acknowledging the length of time necessary to conduct a thorough analysis that agencies can successfully implement. The legislature should ensure that there is enough time for engagement with communities, local governments, and other stakeholders in all stages of the development process, including the process of selecting a consultant or academic institution to create the EECIA. Rather than establishing a specific deadline, the Task Force recommends that the legislature provide general guidance and allow the EJP in overseeing the EECIA creation process to establish specific deadlines and milestones for each individual EECIAs as part of its oversight duties.

The legislature should fund periodic updates to each EECIA to reflect new data and changing conditions in the area where the EECIA was conducted. The legislature should specify how frequently updates should occur, but five years may be a reasonable timeline.

II. Components of the EECIA [Preliminary Consensus on all but last paragraph]

EECIA should contain data, information on, and identification of various topics that can inform agency decisions impacting the area that is the subject of the EECIA. EECIA should address cumulative impacts and health impacts. The EJP should establish a general framework and guidelines for what should be included in EECIA, including definitions of and instructions for how to analyze key terms such as "equity" and "cumulative impacts," but the framework should be adjusted as needed by the consultant or academic institution creating each individual EECIA to reflect the unique needs and distinctions of each community. In developing the framework, the EJP should draw on existing examples of cumulative impact analysis frameworks from other states or jurisdictions, such as the U.S. EPA's Cumulative Impacts: Recommendations for ORD Research, and EPA's formal cumulative impacts guidance once it is completed.

The cumulative impacts considered in EECIA should be cross-media (air, water, soil, radiation, natural hazards) and synergistic, including the cumulative impacts from multiple types and sources of air pollutants. Cumulative impacts that are considered should include both adverse and beneficial impacts, and factors that intersect with environmental health, such as economic and socioeconomic burdens and benefits, as well as qualitative data on stress, mental health, and systemic barriers to equity. The EECIA should also include a baseline assessment to help agencies determine the "net difference" of activities they permit. Understanding how to avoid adverse impacts requires a clear understanding of baseline data, with an understanding that the status quo reflected in the baseline will likely include harm that communities already experience from environmental exposures. Additionally, the cumulative impacts analysis should include data on economic and fiscal factors to guide later cost-benefit analyses that reference or tier to EECIA, including the types of social, environmental, and economic benefits provided by some facilities that may also cause adverse impacts (e.g., recycling operations). Finally, the cumulative impact component of EECIA should consider both short-term and long-term health

impacts due to both chronic long-term pollutant exposures, and acute short-term exposures to higher levels of pollutants.

To better understand cumulative impacts, EECIA should specifically consider data and information about existing impacts to a variety of environmental media and socioeconomic factors. Topics that could be considered include: air quality; water quality; soil contamination; waste management; water supply; ecosystem services and ecological impacts; cultural resources; land use; industrial activities (including power generation and electric resource mix, oil and gas development, mining, logging, agriculture, and other manufacturing and industrial processes); impacts to workers including jobs as well as occupational exposures and worker health; natural hazards; energy affordability; affordability and accessibility of transportation (including accessibility of streetscapes for age-friendly design); affordability and accessibility of housing (including existing density of subsidized housing); education access and quality; access to green space, parks, and recreation; access to healthcare and health insurance; affordability and accessibility to healthy food; impacts to mental health; just transition opportunities; greenhouse gas emissions, climate change, and natural disaster risk exacerbated by climate change; economic impacts and factors; equitable access to public benefits, assistance, and remediation funds; and fiscal impacts to state and local governments. In considering impacts to traditional cultural resources, the EECIA should recognize that state agencies do not have jurisdiction over Tribal nations and Tribal territory, so out of respect for Tribal sovereignty, Tribal Consultation and cultural resources surveys should be considered as part of the cumulative impacts analysis, including how they intersect with trauma-sensitive data and mental health.

The Task Force recognizes that evaluating impacts to such a wide range of factors is complex, and that complexity increases as more factors are considered. The Task Force recognizes that there may be data gaps or discrepancies in some data sets and challenging questions about weighting data in EECIA. Accordingly, in some cases quantitative analyses may not be practical and qualitative analyses may be more beneficial.

The EECIA should identify existing health-based thresholds for air and water pollution that have been adopted into law through statute or regulation by agencies like the EPA, CDPHE, and Tribal governments. Examples include National Ambient Air Quality Standards ("NAAQS"), health-based standards for air toxics that will ultimately be set by CDPHE and the General Assembly under House Bill 22-1244, and Total Maximum Daily Load ("TMDL") requirements that limit the total pollution load for streams and rivers. The EECIA should examine how conditions in the area of the analysis compare to those health-based thresholds, and should specifically discuss whether those thresholds have been or are likely to be exceeded.

Because cumulative impacts are a critical component of the EECIA, and the term cumulative impacts can refer to many different concepts, the Task Force recommends that the legislature establish a single, clear state definition of cumulative impacts. This can help clarify whether cumulative impacts refer to impacts that are cross-environmental media, cross-time, and/or cross-facility.

EECIA should also assess health impacts by identifying how pollutant exposures may contribute to health inequities and disparities among DI communities. EECIA should include a

qualitative and/or quantitative health impacts assessment that identifies whether and how environmental exposures contribute to health disparities for DI communities. It should be developed using existing monitoring data and modeling techniques to understand exposures, and interpret potential health impacts through an epidemiological or toxicological analysis. Health impact assessments previously conducted by the City & County of Denver and currently underway for the Globeville, Elyria, and Swansea neighborhoods could serve as models. Health impact assessments could also draw on EPA guidance.

To the extent practicable, the EECIA should *identify* key problems and indicators (e.g., pollutants and which facilities (sources, emission points, dischargers, etc.) emit or discharge those pollutants)) that may be contributing to adverse impacts to public health in disproportionately impacted communities, and how those problems and indicators can be avoided, minimized, and mitigated. Potential solutions the EECIA identify should include suggestions from community members that were brought forward during the process of creating the EECIA. EECIA should empower agencies and local governments to score, evaluate, or compare alternative mitigation options proposed for future projects to ensure that they are effective, while considering potential unintended consequences. However, EECIA should not *recommend* specific solutions to individual agencies.

III. Use and Application of Completed EECIA

A. Which Agencies Should Use the EECIA [Preliminary Consensus]

All state agencies that make decisions that impact the environment should ultimately use and implement the EECIA in their decision making. However, the Task Force recognizes that each state agency takes different types of actions and that various agencies have already integrated EJ into their decision making processes to different extents. Additionally, the Task Force recognizes the potentially significant costs and staffing associated with agencies implementing the EECIAs in their own processes and decisions.

Accordingly, the Task Force recommends that the legislature begin by identifying priority state agencies or departments to start implementing EECIA in certain types of priority decisions. The legislature should provide additional, long-term, and sustainable funding to ensure that each individual agency that is required to or has discretion to use EECIA in its decision making receives adequate funding to participate in developing the EECIA and to implement the EECIA in its decisions. The legislature should consider EECIA and the funding needed to effectively implement them when developing agency budgets. After evaluating successes and challenges with the initial priority proposals, the legislature should consider expanding funding to apply the EECIA more broadly to lower priority actions and agencies. By "lower priority," the Task Force does not mean "low priority," only that certain types of agency actions are higher priority because of their potentially more significant impacts. This prioritization approach recognizes the urgency of taking action to reduce environmental health disparities in DI communities through the most impactful agency actions, while also creating a feasible implementation process that recognizes funding and capacity limitations. Ultimately, the Task Force recognizes that the amount of funding available to create and implement EECIAs will guide how broadly they can

be applied. So rather than specifying the exact decisions where agencies must or should apply EECIAs, the Task Force has instead developed a list of priorities for the legislature to consider.

The table below outlines the tiers of priority agencies and types of decisions where the Task Force believes that the legislature and agencies should prioritize the implementation of EECIA. The table is not intended to be comprehensive. There may be additional types of decisions, agencies, and programs that are not listed below that are priority areas for implementing EECIA. Additionally, in some cases, it may not be appropriate for agencies to implement EECIAs for some types of decisions listed below. The table is intended to provide general guidance for the legislature about the categories of decisions for which the Task Force believes should be a priority for agencies to consider, fund, and implement EECIA. Community input should also be considered in identifying funding priorities. The Task Force believes that providing this level of specificity can help agencies to appropriately evaluate and identify the policy and fiscal impact on the agency to ensure that sufficient resources are directed towards the use and implementation of the EECIA. The Task Force recognizes that many of the agencies identified below may require additional statutory and/or regulatory authority before the agency can use the EECIA in the decision-making activities described below. Where it does not currently exist, the Task Force recommends that the legislature grant such statutory authority for agencies in the activities listed below.

The Task Force recommends that identified agencies be directed to assess the categories of actions laid out in the table below in order to determine if they have the potential to impact the environment or public health in a DI community. If so, agencies could promulgate regulations (if necessary) to determine how to incorporate EECIA into their decision-making with regard to that category of decision.

Priority	**Type of Decision**	**Agencies**
1	Issuing permits, siting, and planning for new facilities and projects	● CDPHE: Air Pollution Control Division (“APCD”) (new construction permits for major stationary sources and minor sources); ● CDPHE: Division of Environmental Health & Sustainability (“DEHS”) (new individual and general permits for point source discharge into state waters by confined animal feeding operations); ● CDPHE: Hazardous Materials & Waste Management Division (“HMWMD”) (new solid waste facility permits and hazardous waste facility permits); ● CDPHE: Water Quality Control Division (“WQCD”) (new individual and general permits for point source discharge into state waters and new authorizations for water reuse and biosolids); ● Department of Natural Resources (“DNR”): Colorado Oil and Gas Conservation Commission (“COGCC”) (new Oil & Gas Development Plans (“OGDPs”)); ● DNR: Division of Reclamation, Mining, and Safety

		("DRMS") (permits for new mining operations); ● Colorado Department of Transportation ("CDOT") planned regionally significant transportation capacity projects). ● Department of Local Affairs ("DOLA") (affordable housing projects funded by the Division of Housing).
2	Funding & Grantmaking	● CDPHE (Air Quality Enterprise); ● CDPHE DEHS (Supplemental Environmental Projects, Front Range Waste Division Enterprise Fund, and Recycling and Resources Economic Opportunity Program); ● CDPHE Environmental Justice Program ("EJP") (Environmental Justice Grants Program); ● CDPHE HMWMD (producer responsibility program) ● CDPHE Office of Health Equity ("OHE") (Health Disparities & Community Grant Program); ● CDPHE WQCD (grants and loans for water and wastewater infrastructure projects); ● Colorado Energy Office ("CEO") (Colorado Clean Energy Grants, and electric vehicle charging infrastructure funding); ● DNR Colorado Water Conservation Board ("CWCB") (applicable grant programs and studies); ● DNR DRMS (Inactive Mines Program); ● DNR Colorado Parks & Wildlife ("CPW") (Outdoor Equity Grant Program); ● DNR Colorado State Forest Service ("CSFS") (Forest Restoration and Wildlife Risk Reduction program); ● Department of Agriculture (grant programs that fund projects that may have positive or adverse impacts on the environment); ● DOLA (programs that fund projects that may have positive or adverse impacts on the environment in local communities).
3	Rulemaking that will directly and significantly impact environmental quality or health in DI communities	● CDPHE: ○ Air Quality Control Commission ○ Solid & Hazardous Waste Commission ○ Water Quality Control Commission ● Department of Agriculture: ○ Commissioner of Agriculture ○ Colorado Agricultural Commission ● DNR: ○ COGCC ○ Colorado Ground Water Commission

		○ CWCB ○ Mined Land Reclamation Board ● Department of Regulatory Affairs ("DORA") ○ Public Utilities Commission ("PUC")
4	Planning & Investment	● CEO (Greenhouse Gas Reduction Roadmap (in partnership with several other agencies), Hydrogen Roadmap, Medium & Heavy Duty Vehicle Studies, and Electric Vehicle Infrastructure Plan); ● CDOT (planned regionally significant transportation capacity projects); ● CDPHE HMWMD (Integrated Solid Waste Management Plan); ● CDPHE WQCD (Clean Water Act Section 303(e) water quality continuing planning processes); ● Department of Agriculture (Natural and Working Lands Strategic Plan); ● PUC (electric utility resource planning and clean energy plan cases); ● DNR CSFS (Colorado Forest Action Plan); ● CWCB (Colorado Water Plan).
5	Other types of permitting and licensing decisions	● CDPHE APCD (Title V operating permits, major modifications to major stationary source and minor source construction permits); ● CDPHE DEHS (licenses and registrations for dairy plants and farms, manufactured food, and hemp facilities); ● CDPHE WQCD (water quality certifications that confirm that federal permits or licenses meet state water quality requirements); ● DNR CWCB (permits); ● DNR COGCC (Comprehensive Area Plans, Applications for Permit to Drill (Form 2), pit permits (Form 15), centralized exploration and production waste management facilities (Form 28), underground injection control permits (Forms 31 & 33), drilling and spacing unit applications, pooling applications); ● DNR Division of Water Resources (DWR) (permits for the construction of water wells); ● DORA PUC (certificate of public convenience and necessity cases).
6	Other types of agency actions and decisions	Examples include but are not limited to: ● CDPHE and COGCC decisions about where to locate monitoring resources (e.g. stationary monitoring

		stations, deployment of mobile monitoring vans); ● Compliance oversight programs, such as prioritizing inspections of sources in areas covered by EECIA; ● Education and awareness campaigns; ● DNR State Land Board ("SLB") (setting rates for leasing and use of state trust lands); ● DOLA Division of Housing (oversight of building standards for manufactured homes, mobile home parks, and standards for accessible housing).

B. How the Centralized Equity Analyses Should Be Applied

The Task Force believes it is critical that EECIA are used and implemented by agencies – EECIA should not sit on a shelf after they are developed. The Task Force discussed how important it is that EECIA are used in agency decision making to reduce harms and environmental exposures in disproportionately impacted communities. However, the Task Force also discussed the vast array of regulatory and non-regulatory decisions that various agencies make, and therefore in order for the EECIA to have the most impact to address cumulative impacts, the framework will need to retain flexibility to allow for these differences and ensure implementability. If the legislature funds the development of EECIA, the Task Force further recommends that the legislature provide funding for agencies to develop a plan for how they will implement EECIA in decision-making for those activities and decisions that are prioritized and establish an appropriate timeframe for the development of those plans. The plan could take different forms for different agencies (a rulemaking for some agencies, developing guidance and policies. Agencies' plans should proactively contemplate opportunities to address cumulative impacts across media to the extent their authority allows.

The Task Force recognizes that no single agency can address all cumulative impacts, but rather recommends that agencies use the EECIA to improve their decision making and ensure that their decisions minimize harm and prioritize improvements in DI communities where possible. The Task Force believes that there is value in using and implementing EECIA as a source of data and information to guide the agency action for both regulatory and non-regulatory decisions, even if the geographic or subject matter scope of EECIA does not perfectly align with the agency action in question. To this end, the Task Force recommends that individual agencies reference, consider, and implement the EECIA for a relevant area when making specific decisions that impact that area. Agencies should consider how to incorporate EECIA as early as possible in their decision making processes.

The Task Force recognizes the importance of agencies having training on how to use and implement EECIA. The legislature must fund training on how to use and implement EECIA for agency staff who have not historically worked on or addressed topics covered by the EECIA, which could be provided or coordinated by the EJP.

Agencies should implement an EECIA when making decisions about areas that are part of the geographic scope of the EECIA. An agency could implement the EECIA when making a decision that is statewide in scope that could have specific impacts on an area that is covered by

EECIA (e.g., set an emissions standard for a category of facilities when several such facilities are located in an area covered by EECIA).

EECIA should provide broad guidance on the types of things that could help address issues identified in the EECIA. Agencies should have significant flexibility in how EECIA are used in the context of individual agency decision making processes. Agencies should have flexibility to incorporate parts of EECIA into specific decisions where those factors are relevant, recognizing that not all factors and data considered in each EECIA will be relevant to all agency decisions. The timeline, statutory authority, and discretionary scope of some decision making processes may allow more components of some EECIA to be incorporated into some decisions than others. Providing this flexibility will allow agencies to use EECIAs as a tool to advance EJ while avoiding the potential unintended consequence of the EECIA delaying agency actions that would benefit communities or creating challenges for agencies that must take specific actions or follow specific processes under federal law.

Although the cumulative impacts component of EECIA will consider impacts to various environmental media and socioeconomic factors, the Task Force recognizes that not all agencies have jurisdiction, oversight, or authority to address many of these impacts. Agencies can only implement the components of each EECIA that are within their statutory authority. The legislature should also consider whether changes to existing sources of statutory authority are necessary to empower agencies to implement EECIA and to align with existing processes intended to build equity into agency decisions with the use and application of EECIA. Agencies make data based decisions. However, the Task Force also recognizes that there may be imperfect or incomplete data and analytical tools available to assess various components of cumulative impacts. Agencies should be able to move forward based on reasonably available information, and not restricted from taking action to address environmental issues due to incomplete data or imperfect analytical methods employed in EECIA. Nor should the existence of incomplete data be grounds for a legal challenge to an agency's action.

Agencies should have discretion to apply EECIA in appropriate types of decisions, including those listed in the table above, using a flexible performance based standard that requires covered agencies to apply EECIA to decisions that could significantly impact the environment or public health in a DI community. In doing so, agencies should consider unintended consequences that may cause more harm than benefit, such as slowing the clean energy transition.

1. Permitting

The Task Force recognizes that there are many different types of permits for certain sources or facilities listed in the table above. In some cases, agencies may determine that it makes sense to apply EECIA to some types of permitting actions rather than others. The Task Force notes that more discussion is needed about what should be included in the definition of "new" permits that are listed as Priority 1 in the table above.

Additionally, the legislature should empower agencies to use their existing authority, and with additional authority, if necessary, and without violating applicable federal requirements to

implement EECIA in permitting decisions. Agencies should use their authority to avoid, minimize, and mitigate adverse impacts. When making decisions about proposed permitting actions for facilities located in an area where an EECIA has been conducted, agencies should consider, based in part on the information in the EECIA, whether the health of the community is endangered. In situations where the agency determines that the health of a community is endangered by a proposed permitting action before the agency, or where health-based air and water pollutant thresholds (discussed above) are already exceeded, it should take additional actions. This could include imposing stronger conditions on permits, providing equitable access to any benefits (for example, consulting with the impacted community to identify additional meaningful benefits a project can provide), and potentially denial of a permit application if necessary to avoid further exceedances of health-based pollutant thresholds.

2. Funding

The table above identifies funding decisions as one priority area for agencies to use and implement EECIA. One method of doing so is ensuring that a certain percentage of grant funds are prioritized based on the results of EECIA. Another example would be to adjust scoring for grant applications to incentivize projects that prioritize benefits to DI communities.

3. Rulemaking

Numerous state boards and commissions listed in the table above have authority to adopt regulations that directly impact the quality of the environment or public health in DI communities. The Task Force does not recommend that state boards and commissions attempt to implement EECIAs in rulemakings that do not directly impact the environment or public health in DI communities. The Task Force recognizes that additional discussion will be needed to provide clarity regarding what types of rulemakings would qualify as having direct and significant impact.

4. Cost-Benefit Analysis

Agencies should incorporate information and data from EECIA into cost-benefit analyses they conduct for specific rulemaking, permitting, and other actions as appropriate.

C. Collaboration and Community Engagement in Implementing EECIA [Preliminary Consensus]

The Task Force believes that interagency collaboration is critically important for implementing EECIA. When applying EECIA, agencies should consider opportunities for interagency collaboration where necessary and appropriate, similar to the model currently employed by COGCC consulting CDPHE and CPW about permitting decisions. The EJP could potentially help facilitate this coordination. However, there need not be interagency collaboration in every decision that implements EECIA where the collaboration would not add value or would be unduly burdensome.

Because some decisions to implement EECIAs may involve land use or other areas of local government authority, the role of local governments should be considered. Just as local governments should be thoroughly involved as partners in developing EECIA, they should be equally involved in its implementation. Local governments should receive adequate funding to address the costs of effectively implementing the EECIAs.

In addition to engaging communities in developing EECIAs, state agencies and regulated entities should also engage with impacted communities, community organizations, and nonprofit organizations in decision making processes to implement EECIA, applying principles of cultural and trauma sensitive as appropriate. State agencies must engage with communities in accordance with Section 5. This engagement should be consistent with legal restrictions on public engagement–such as limits on communications about competitive grant applications and funding opportunities.

D. Tribal Consultation About Implementing EECIA [Preliminary Consensus]

With respect to the government-to-government relationship that the Tribes share with the state, Tribal governments should be included as partners in meaningful engagement and Tribal Consultation in regard to the application of EECIA.

Section 3: Data and Reducing Environmental Health Disparities

A. Measurable Goals for Eliminating Environmental Health Disparities [Preliminary Consensus]

The legislature charged the Task Force with considering developing "recommendations for establishing measurable goals for reducing environmental health disparities for disproportionately impacted communities." C.R.S. § 25-1-133(3)(a)(VI).

To achieve this goal, the Task Force recommends that CDPHE select measurable EJ performance indicators that demonstrate the environmental health disparities faced by DI communities. CDPHE should then track progress on reducing the disparities shown by these indicators over time. The indicators will allow CDPHE to measure outcomes of interventions and policies that are intended to reduce environmental health disparities. The goal of choosing and tracking the indicators will be to measure whether CDPHE's efforts to eliminate environmental health disparities in DI communities are successful over time. CDPHE should work towards establishing the indicators over approximately a two year timeline, with a goal of selecting them by July 2024.

The indicators should be a subset (4 to 7) of the indicators that are already included in Colorado EnviroScreen to represent local air quality, water quality, remediation activity, and prevalence of health outcomes likely to be linked to environmental causes. Indicators selected should allow CDPHE and communities to understand and report how environmental health is changing over time in DI communities. The indicators should be based on available and accessible data that is easy to understand and that has clear meaning to impacted communities. Specifically, CDPHE should consult internal or external experts to select a limited range of indicators of environmental health risks, understanding the complexities of quantifying causation between health outcomes and sources of pollution. Indicators should be readily quantifiable.

CDPHE should provide opportunities for meaningful engagement and consult with members of the public throughout the process of selecting the indicators to ensure that impacted communities are able to provide feedback about which indicators should be used. Community members should be active participants in selecting the indicators, ensuring that the data tracking is accessible, and take part in the evaluation process to determine whether CDPHE is on track to meet its goals based on changes in the indicators over time.

Specifically, CDPHE should report on progress as shown by the indicators at a fixed period of time through an Environmental Justice Performance Report. The fixed period of time should presumptively be annually. However, the period of time may vary between indicators because depending on the indicators selected, data might not be available on an annual basis or meaningful patterns or trends may not emerge on an annual basis. The relevant interval of time may also depend on the spatial resolution at which the data is examined. In the course of selecting the subset of indicators, CDPHE should also determine the appropriate geography for reporting the data in the EJ Performance Report (e.g., census block group, census tract, county, etc.). The report should discuss the goals of tracking the data, updates on performance towards

eliminating environmental health disparities as measured by the indicators, and recommendations for additional steps CDPHE and/or other agencies such as Local Public Health Agencies can take to continue making progress towards eliminating the disparities. CDPHE should specify the limitations of the selected indicators and any methodology used in the annual EJ Performance Report. CDPHE should share the information in the EJ Performance Report directly with impacted communities, potentially through an online dashboard, and work towards releasing the first Report and completing the dashboard by July 2025. CDPHE should also consider opportunities to integrate reporting on the environmental health disparity indicators into existing structures such as the Public Health Improvement Plan (PHIP), the Colorado Health Indicators, and the Colorado Health Information Dataset (COHID).

To ensure these practices can be successfully accomplished, the legislature should fully fund the necessary additional staff in CDPHE's EJ Program, Center for Health and Environment Data, the Office of Public Health Practice, Planning, and Local Partnerships, and potentially other programs and divisions within CDPHE as needed to identify the indicators, engage with communities about them, develop tracking and reporting systems, and integrate the tracking and reporting systems into existing structures like the PHIP, CO Health Indicators, and COHID. The legislature should provide CDPHE with operational funding to cover the costs of maintaining and presenting the data through new and existing dashboards and the annual EJ Performance Report. The funding should also cover training in community engagement and public health data analysis for any staff who participate in the evaluation process. The Task Force also emphasizes the importance of providing grants and funding training costs for Local Public Health Agencies (LPHA) that participate in the data indicator selection, data gathering, or community engagement processes.

B. Participatory Science [Preliminary Consensus]

The legislature should provide CDPHE with funding to increase the capacity of participatory science projects. Participatory science is also referred to as "citizen science," "community science," or "community-based participatory research." Participatory science can help bridge the gap between the science upon which health standards are set and community lived experience. It is important for funding to be sufficient for a community group or educational organization to implement a viable participatory science project that includes community engagement, assessment and evaluation, and overall coordination and compliance with grant terms. Projects funded with public funds should result in the data being made immediately and freely available to the public and state agencies.

Given the wide range of environmental and public health topics that could be the subject of participatory science research, and the range of agencies that can use data from participatory science, there should be a centralized standard that all agencies will accept for the rigor and processes of gathering data through participatory science projects in each discipline. The standard should be consistent with peer-reviewed research methodologies for any data that is gathered that may inform later regulatory decisions.

Given the resource intensity and the multiple agencies that might be positioned to use the data, the EJP should coordinate with other agencies to develop these standards to ensure there is consistent agreement on research standards for individual environmental media and discipline that will be accepted by multiple agencies. The legislature should provide appropriate funding to each agency that would be participating in developing the standard to ensure they have the resources to engage in the development process, engage in overseeing the participatory science project, and use the data.

Agencies should distribute participatory science funding that may be provided in the future to both community organizations and educational institutions like schools partnering with community organizations, community colleges serving DI communities, universities serving people of color, and Tribal colleges. This funding would be used by the community organization or school to set expectations, conduct technical training, review data, summarize & share data more broadly with the public, communicate with community members who shared data, and where appropriate take actions or initiative interventions to address issues identified by the data.

The EJP should:

- Develop guidance documents about what participatory science entails.
- Identify opportunities for community groups conducting participatory science projects to partner with recognized institutions. This will help maintain neutrality and minimize potential conflicts of interest between organizations that are conducting research and potential beneficiaries of the research.
- Take into account Tribal data sovereignty, data sharing, and barriers therein.

When the state government makes investments in participatory science projects, it should prioritize projects in DI communities. One model for doing so is the Justice40 model, in which federal agencies commit at least 40% percent of the overall benefits of certain federal investments flowing to disadvantaged communities. Similarly, state investments in participatory science projects should prioritize DI communities, potentially with 40% or more of investments in participatory science projects flowing to DI Communities.

When agencies provide funding to support participatory science initiatives, they should prioritize supporting community driven research. Communities should identify research questions based on their own priorities, utilizing guidance developed by agencies to help shape research questions. Where possible, the use of existing participatory science programs should be maximized by communicating across state agencies to track where research is already being conducted to avoid community research fatigue.

It is also critical that agencies and the community group or school conducting the participatory research project work together to set clear and shared expectations, and develop standardized processes for how data will be shared and used by both community and state agencies at the outset. Before the data collection starts, the community organization or school conducting the participatory research should make sure the state agency can use the data in a way that all stakeholders agree upon. Additionally, the EJP should develop guidelines for community-driven research to ensure the meaningful inclusion of community members, such as

developing guidelines to ensure that research questions are developed with input from community representatives and allow for participants to provide narratives to inform research questions (with IRB approval).

Developing these expectations will help ensure that data is collected through a rigorous process and is of equivalent quality to data collected by agencies using standardized and/or well-supported collection methods. Community organizations or schools conducting participatory research should use standardized formatting (e.g., Air Quality Comma Separated Value "AQCSV")) to ensure data can be compared to other sources of data. CDPHE and the community organization or school conducting the participatory science project should develop agreements to share data with both regulatory agencies and communities.

C. Colorado EnviroScreen [Preliminary Consensus]

The Task Force has developed several specific recommendations about the use and improvement of Colorado EnviroScreen.

First, CDPHE should use Colorado EnviroScreen as an initial screening tool to expand context for decision makers and inform decision making. CDPHE's Environmental Justice Advisory Board should use Colorado EnviroScreen to inform decision making and help prioritize where to allocate EJ grant funding. Other state agencies should also consider the use of EnviroScreen to inform other types of funding decisions if and where appropriate. The EJP should develop a rubric for grantmaking using Colorado EnviroScreen that ensures rural communities are not left out that can be used by the Environmental Justice Advisory Board and other grantmaking entities.

Second, the Task Force supports CDPHE's efforts to make Colorado EnviroScreen completely transparent, and agencies should continue to engage communities around the methodology and indicators in Colorado EnviroScreen when using the tool to inform decision making. Specifically, CDPHE should provide trainings and workshops for community members and state agencies to learn how to use Colorado EnviroScreen.

Third, agencies and local governments should continue to collaborate on mapping efforts, like Colorado EnviroScreen, to centralize and consolidate data across agencies to inform decision making. As CDPHE receives feedback from agencies and local governments regarding adjustments that would aid in the tool being used effectively by other agencies, like the PUC and CDOT, CDPHE should consider how to make adjustments and changes to the tool to support this effective use. For example, CDPHE could work with the PUC to add a layer showing regulated utility service territories as that is not currently represented in the tool.

Finally, the legislature should provide funding for annual updates of Colorado EnviroScreen to ensure it stays up to date as new census data becomes available and to expand the layers and indicators included in the tool. Colorado EnviroScreen should be supplemented with additional information, local knowledge, and qualitative data. If Colorado EnviroScreen is updated annually or at another periodicity, CDPHE should ensure that historic versions of the data or the tool itself are appropriately maintained and publicly accessible if they are

incorporated by reference into specific agency regulations, and for continued use for non-regulatory purposes that are tied to older versions of the map. CDPHE should specifically receive funding to update Colorado EnviroScreen with additional sources of information and indicators, such as data on emissions sources, compliance data, and other factors.

D. Complaint Data [Preliminary Consensus]

CDPHE should continue collecting data on the complaints it receives and continue to improve transparency around complaint resolution processes, while continuing to ensure that complainants have anonymity to avoid disincentivizing the public reporting concerns.

i. Communicating with Complainants

Where resources and funding is available, CDPHE should use tools like customer relationship management (CRM) software or other processes to ensure that the agency's process of investigating a complaint is transparent to the complainant. At the conclusion of the complaint investigation process, CDPHE should communicate to the complainant about the agency's response, any data-based reasons for that response, and the outcome of the complaint investigation. CDPHE should ensure that it communicates in the language a complainant is most comfortable with if the complainant speaks a language other than English.

ii. Communicating with the General Public

When communicating with the general public about complaints, CDPHE should provide information in an easy-to-find location on its website. Specifically, the Environmental Justice Ombudsperson's public complaint system should be transparent. Community members should have access to a log of when complaints were made, what they were about, and the response that followed. Where appropriate and when resources are available, CDPHE should also translate the information into relevant languages for the community. The Task Force intends for the recommendations to provide transparent information about complaints to be consistent with existing and ongoing efforts by the Air Pollution Control Division to increase the functionality and transparency of its complaint response efforts through its database modernization efforts.

It is critical that public communications about complaints avoid compromising the anonymity of the complainant through revealing any personal details. Making complaint details public can lead to retaliation (particularly in smaller rural communities), which would deter future complaints regarding legitimate concerns.

Additionally, CDPHE should prioritize protecting the due process and privacy rights of regulated entities that may be the subject of an ongoing complaint investigation, and adhere to any applicable confidentiality requirements in state and federal law that may limit the ability to release information about enforcement or compliance actions that have not been completed.

To avoid compromising anonymity or violating due process rights by communicating about current complaints, CDPHE should communicate with the broader public about what the agency's response is to any recurring complaints, so that members of the public can understand

any potential trends, without compromising the anonymity of individual complaints. CDPHE should also improve the transparency and availability of information about completed enforcement actions.

E. Data Sharing [Preliminary Consensus]

- Where possible, data should be archived using a universal format (e.g. AQCSV) so that data from different sources can be easily aggregated.
- The legislature should fund increased interagency data collaboration to continue improving how data is linked across state agencies to further understand cumulative impacts. Funding should be allocated in a way that ensures that all state agencies with relevant data are connected and contributing to and using the shared data.
    - The Legislature should specifically provide funding for a data lake where all data collected using public funds (including data gathered by both state agencies and outside groups through participatory science projects funded by state agencies), and through EECIA can be stored and accessed by the public and agencies.
    - The funding should specifically cover the costs of CDPHE, CDOT, the PUC, and COGCC to contribute to and access data from the EECIA discussed above.
- Where possible, and with the consent of Tribal partners, the interagency data should also be shared with local governments and local public health agencies.
    - This data sharing should include education on Tribal data sovereignty, how to be respectful of Tribal data, and barriers in data sharing if/when sharing any Tribal data with state agencies.

F. Addressing Data Quality [Preliminary Consensus]

Vetting and quality controlling data often leads to a delay in its utility, yet EJ concerns in many communities must be dealt with urgently. Although the Task Force does not recommend legislating specific data quality standards, it recommends that agencies consider the following:

- Data quality indicators, e.g., accuracy, completeness, consistency, validity, and reliability should be considered in decision making.
    - Standard Instrument Operating and Quality Control procedures, independent Quality Assurance Protocols, and Data Processing Procedures should be published, utilized, and maintained by CDPHE for the collection and dissemination of CDPHE-collected data.
    - CDPHE should develop, publish, and utilize data display and access protocols to ensure consistency and compatibility for CDPHE data statewide, and interact with affected DI communities to address their needs for data access.
- However, data that is older or may have other limitations should still be considered, as data trends may remain stable despite other limitations in datasets.
- Using a tiered approach, data that has not been quality assured or quality checked can be used for screening.
    - Such ‘screening data’ can help begin directing agency resources and can trigger further review or more robust monitoring.

    - Data considered 'screening data' should be clearly communicated as such- data that does not concretely measure exposure or risk.
- Structures and solutions to fill data gaps should not unduly inhibit state agency ability to reduce pollution based on uncertainties regarding the impacts of that pollution.
    - When data gaps exist, state agencies should partner with regulated entities and/or community groups to conduct research to fill the gaps.
    - In the interest of equity, state agencies can also conduct their own research to fill data gaps. However, state agencies should incorporate community data and information to provide additional context and background for agency decisions where appropriate.
    - Agencies should develop guidance, or rely on EPA guidance, about the appropriate use of data that is subject to uncertainties.
- Agencies should understand that participatory science is equally valuable to decision making as research conducted by academic institutions or agencies. Agencies should also recognize that participatory science may yield data of equal or greater quality as research conducted by academic institutions, particularly when the participatory science is overseen or certified through an agency process.

G. Data Collection & Modernization [Preliminary Consensus]

The legislature should increase funding for data collection and modernization.

a. Further funding to support the Air Pollution Control Division's data transformation efforts should be provided.
b. Funding should expand to other CDPHE divisions including but not limited to the Water Quality Control Division and Hazardous Materials and Waste Management Division.

Section 4: Definition of Disproportionately Impacted Community

A. Terminology

The term "disproportionately impacted" is a form of deficit framing defining communities by their deficiencies rather than their strengths. At this time, the Task Force will use the term Disproportionately Impacted Community until more input from the community can be gathered to find language that the majority of community members can approve that appropriately defines communities that experience cumulative impacts. The Task Force recognizes that several stakeholders and commenters, including Tribal governments and several rural communities, had concerns with the term disproportionately impacted community.

B. Wording Changes

The Task Force has extensively consulted with experts about the current definition of Disproportionately Impacted ("DI") Community. While the Task Force developed specific recommendations for redlines to the definition below, the Task Force also recommends that the legislature ensure that the definition complies with federal constitutional requirements. The Task Force recommends that the legislature make the following changes to revise the wording of the definition of DI community in C.R.S. § 24-4-109(2)(b)(II). These revisions are intended to improve clarity and address drafting errors, rather than changing the substance of the definition. Suggested revisions are indicated with the red and strikethrough text below:

"Disproportionately Impacted Community" means a community that is in a census block group that meets the criteria in section a or b below, as determined in accordance with the most recent 5-year United States American Community Survey ~~most recent United states census, where~~:

a. That meets one or more of the following demographic criteria:

1. the proportion of the population that lives in households that are below 200% of the federal poverty level ~~households that are low income~~ is greater than forty percent,
2. the proportion of the population ~~households~~ that identify as people of color ~~minority~~ is greater than forty percent, or
3. the proportion of households that spend more than thirty percent of household income on housing ~~are housing cost-burdened~~ is greater than forty percent; or

b. ~~Is a~~Any other community as identified or approved by a state agency, if:

1. T~~t~~he community has a history of environmental racism perpetuated through redlining, anti-~~i~~Indigenous, anti-immigrant, anti-~~h~~Hispanic, or anti-~~b~~Black laws; or
2. T~~t~~he community is one where multiple factors, including socioeconomic stressors, vulnerable populations, disproportionate environmental burdens, vulnerability to environmental degradation and/or climate change, and lack of public participation, may act cumulatively to affect health and the environment and contribute to persistent disparities. ~~As used in this subsection (2)(b)(II), "Cost-Burdened" means a household that spends more than thirty percent of its income on housing, and "Low Income" means the median household income is less than or equal to two hundred percent of the federal poverty guideline.~~

C. Standardized Definition [Preliminary Consensus]

In addition to the narrow wording changes to the Title 24 definition discussed in Section B above, the Task Force further recommends that, there should be a single standardized statutory definition of DI Community that includes all of the same factors for all state agencies. This definition should include a range of factors relevant to health and economic impacts, including but not limited to the current statutory criteria and linguistic isolation. The legislature should amend the current definitions in multiple state statutes to effectuate this standardization.

As part of this standardization, the legislature should specifically remove the three different metrics of low-income currently found in the PUC's current definition of DI community. *See* C.R.S. § 40-2-108(3)(d)(III)(A)–(C). Instead, the definition should use only the metric of "the proportion of the population that lives in households that are below 200% of the federal poverty level is greater than forty percent."[1] This would make the PUC definition consistent with other state agency definitions. Changing this definition would not impact an individual's ability to qualify for various forms of energy assistance.

The definition should also include quantified thresholds, where possible, to provide both communities and regulated entities with certainty about which areas meet the definition. For example, agencies can use Colorado EnviroScreen as one option to identify communities that meet the cumulative impacts prong of the definition. Colorado EnviroScreen should only be used subject to appropriate understanding of the limitations of the data, and it should not be the only source of information to inform agency decisions. Specifically, the Task Force recognizes the challenges with using Colorado EnviroScreen to make decisions in rural areas where census block groups are very large. Additionally, when an agency makes a decision using Colorado EnviroScreen, it should be based on a fixed, single version of Colorado EnviroScreen. The Task Force recommends using an X percentile threshold (Colorado EnviroScreen score) as a baseline (floor). Individual agencies should have discretion to determine, through a rulemaking or other

[1] Consultations with experts raised complex questions of statutory interpretation related to the other low-income provisions and what data is available and appropriate. While a preliminary analysis indicated that additional low-income Census block groups may be identified that are not included within the federal poverty level prong, it also appears that people of color and housing burden demographic factors may already capture a large portion of those block groups.

process, whether a different percentile threshold of Colorado EnviroScreen Score (above the baseline) should be used in the context of specific types of agency decisions.

The Task Force has not yet reached consensus on what percentile threshold to recommend. In a straw poll during the October meeting, 14% of Task Force members supported using the 70th percentile, 19% supported using the 75th percentile, 48% supported using the 80th percentile, none supported using the 85th or 90th percentile, and 19% abstained. The Task Force should make a final decision on this topic at the November meeting. In the straw poll during the first day of the November Task Force meeting, 8 Task Force members (x%) voted for 80th percentile, 6 Task Force members (x%) voted for 75th percentile, 4 Task Force members (x%) voted for the 70th percentile, and 2 Task Force members (x%) abstained.

The way that the definition is applied should vary depending on the context of the agency decision. Individual agencies should be able to prioritize where they focus resources, or apply the definition to a certain subset of areas that meet the definition. Agencies should determine how their agency would apply the definition through a public rulemaking process or other decision making process (for non-regulatory agencies) in which the agency identifies how it will define DI communities in specific contexts within the scope of the agency's work. This will help ensure that the agency will effectively target communities that are impacted by specific types of agency action, while consistently applying the same definition with uniform criteria across agencies.

Under this approach, the statutory definition would be amended to instruct agencies to conduct rulemakings or other decision making processes to identify DI communities, and to establish procedures for how each agency will apply the definition of DI community in the context of specific decisions, such as community engagement, grantmaking, rulemaking, and permitting.

D. Scale

The Task Force believes that census block groups are an appropriate scale to use in the definition because they are the most granular level of data available, and provide adequately reliable data about race, income, and housing cost burden. Accordingly, the legislature should not change this component of the definition.

E. History of Environmental Racism Prong of the Definition [Preliminary Consensus]

The Task Force recommends that this prong remain in the definition. However, agencies should have discretion in implementing the definition of DI community to verify that present day circumstances continue to warrant considering the area as a DI community on a case by case basis. Agencies should ensure that changes such as gentrification do not result in a community that was historically subject to exclusionary policies (e.g., redlining) receiving benefits if present day circumstances no longer warrant considering the community as DI.

F. Housing Cost Burden [Preliminary Consensus]

The Task Force extensively discussed whether the housing cost burden prong should remain part of the definition of DI community. After this extended discussion, the Task Force recommends that housing cost burden should remain part of the definition.

The legislature should consider whether to pursue alternative options for revising the metric for measuring housing cost burden, which could include: excluding census block groups that are above statewide median income, increasing the percentage of income households spend on housing costs, and increasing the percentage of the population who spend more than 30% of their income on housing costs above 40%.

G. Low Income Definition

The Task Force believes that the current definition of low-income based on 200% of the federal poverty line is currently the best available metric and should not be changed.

Section 5: Best Practices for Community Engagement

This section of the draft recommendations suggests changes to the current requirements for community engagement in the EJ Act. Part A suggests changing those best practices from applying only to two agencies, to all agencies that take actions that could significantly impact public health or the environment in DI communities. Part B discusses changes to when those best practices would apply by shifting to a more flexible standard of a baseline set of practices for each agency to follow. Part C discusses changes to types of agency actions where those best practices would be applied, again shifting to a more flexible standard to emphasize actions that could significantly impact or potentially harm public health or the environment in DI communities. Part D includes several specific recommendations related to best practices for community engagement. Part E recommends changes to the best practices currently listed in the EJ Act, which would be considered as options to include in the baseline standard under Part B, but not required for every agency action.

A. Which Agencies Should Apply the Best Practices? [Preliminary Consensus]

Currently, the EJ Act defines "Agency" as the Air Quality Control Commission and Water Quality Control Commission. *See* C.R.S. § 24-4-109(2)(b)(I). As a result, these agencies are required to adhere to the specific best practices for community engagement enumerated in the statute.

The Task Force recommends that the legislature should broaden the definition to cover other agencies that take actions that could significantly impact or potentially harm the environment or public health of a DI community, including but not limited to the agencies listed in Table 1 above that will be using and implementing EECIA in their decisions. One way to effectuate this change would be to remove the definition of "agency" in C.R.S. § 24-4-109(2)(b), so that the broader definition of "agency" in C.R.S. § 24-4-102(3) would apply where that term is used in C.R.S. § 24-4-109. Another option to accomplish the same result would be to change the definition of "agency" to instead cross-reference the definition in C.R.S. § 24-4-102(3). In doing so, the legislature should ensure that the community engagement provisions in C.R.S. § 24-4-109 are harmonized with engagement requirements in other statutes that also apply to covered agencies. The legislature should only make this change if it also makes the changes to the types of decisions in which agencies must apply the best practices, as discussed in sections (B) and (C) below. The Task Force believes that if the definition of "agency" is broadened to include all state agencies, it is important to more specifically identify (by referencing enabling statutes) the proposed state actions to which the best practices would apply. Making this change would also allow engagement to be conducted by Division level staff within CDPHE's Air and Water Pollution Control Divisions, rather than solely by Commission staff, which would ensure agencies engage with DI communities earlier during rulemaking processes.

Additionally, broadening the application of the best practices for community engagement should be accompanied by increased funding made available to all agencies to whom the best practices apply. If the legislature applies the best practices or minimum baseline standard to an agency, the legislature should provide adequate funding to that agency to allow it to conduct the increased engagement. Among other things, agencies will specifically need funds to hire staff to

conduct outreach, engagement, and education; train staff in applying best practices for community engagement; provide translation and interpretation of materials and meetings into other languages; and advertise events using media buys for advertisements.

B. When Should Best Practices Apply?

Agencies should have discretion to apply the best practices for community engagement discussed below on a case by case basis depending on the unique needs of a community and the nature of the agency action that the engagement is about. However, there should also be some baseline standards that are mandatory, which agencies must follow to limit that discretion to ensure that DI communities are not overlooked or left out of decision making that impacts their communities.

Individual agencies should develop their own baseline standards through their own processes, with input, guidance, and support from the EJP. The Task Force recommends that the baseline should be a standard that doesn't include every requirement for community engagement–it should instead cover basic requirements to effectively engage DI communities.

During the October meeting, the Task Force did not reach consensus on what the baseline should be. 58% supported Option 1 below, and 42% supported Option 2 below. The Task Force should discuss this further during the November meeting.

- Option 1: The baseline should be a minimum standard that is different from (includes fewer requirements than) the "gold standard" of recommendations that the Task Force has provided in Section E below.
- Option 2: The baseline should be the recommendations that the Task Force has provided in Section E below.

The Task Force recognizes that some agencies will not have funding to implement the full suite of best practices for community engagement right away. Accordingly, the Task Force recommends a phased-in implementation timeline, discussed below. Establishing a baseline would inform agencies about where to prioritize their limited resources and where to start with engaging DI Communities.

To ensure accountability, if an agency determines that it is unnecessary or not possible to follow the baseline standards, the agency should document that decision and explain their reasoning in writing in a public document. The Task Force believes that publicly documenting the reason for not adhering to the baseline standard (e.g., time, lack of funding) is critical because that will allow communities, the legislature, and the agency to work together to address the shortfall in the future.

Agencies should have flexibility to develop individual plans identifying the baseline practices they will implement for specific types of agency actions, recognizing that effectively applying the best practices for community engagement requires significant resources. The baseline should include provisions for communication, transparency, and accountability.

Many agencies have already developed plans or regulatory requirements to enshrine these frameworks, and therefore may need to make fewer changes to implement the best practices. An agency that has already adopted specific best practices for engaging with disproportionately impacted communities may rely on existing standards they have already adopted in their plan; they need not create an entirely new set of standards. Other agencies do not have substantial staff resources for community engagement, and may not be able to implement some or all best practices. For agencies that do not yet have resources to implement best practices, the Task Force recommends a phased-in implementation timeline of two years after the effective date of legislation enacting this recommendation. For agencies that already have resources to implement the best practices, the Task Force believes a shorter timeline would be appropriate. Agencies that have limited staff resources should also consider partnering with community-based organizations to increase capacity, as well as collaborating with other agencies that have more resources and staff capacity that are working on similar issues.

The Task Force recommends that agencies periodically review their plans for applying the best practices after the initial plan is updated and implemented. State Measurement for Accountable, Responsive, and Transparent Government ("SMART") Act hearings could be a valuable forum for agencies to report on progress towards developing and implementing their plans for applying the best practices as a mechanism to ensure accountability and to create an opportunity for the public to engage and ask questions about each agency's plans.

The list of best practices for community engagement below can be a resource for agencies to draw on, even if those agencies do not have staff resources to implement all practices or do not have mandatory engagement requirements. The Environmental Justice Advisory Board can also provide advice about best practices for community engagement to CDPHE. Additionally, the EJP could build on existing interagency collaboration efforts to provide:

- Input, guidance, and support for individual agencies to develop their own baseline standards for community engagement;
- Information about available interpretation and translation services;
- Information about procurement practices for inclusive meetings, including potentially creating lists of vendors for licensed childcare services and facilitation contractors; and
- Providing a running list of engagement opportunities with a target audience of disproportionately impacted community members to facilitate partnerships between agencies who are conducting engagement in specific areas of the state, so that multiple agencies can take public comments on multiple topics at the same event.
- Developing a plain language glossary of commonly used scientific and legal terms to support agencies in consistently making information more accessible.

C. What Types of Decisions Should Best Practices Be Applied In? [Preliminary Consensus]

The current prescriptive statutory definition of proposed state action that covers rulemaking, licensing, and adjudicatory hearings should be replaced with a more flexible performance based standard that requires covered agencies to apply best practices for community engagement for decisions that could significantly impact or potentially harm the environment or

public health of a DI community. The phrase "significantly impact or potentially harm the environment or public health of a DI community" should be defined to provide clarity and guidance to agencies.

This performance-based standard developed through the process outlined in section B above would presumptively cover:

- Significant rulemakings that have the potential to substantially change pollution levels in DI communities;
- Permitting actions for the largest polluting facilities;
- Significant funding decisions (grant making, investment plans, etc.) that either focus on funding projects in DI communities or where significant funds could be allocated to benefit DI communities;
- Major planning decisions (studies, roadmaps, and prioritization);
- Developing EECIAs (see Section 2, above); and
- Tribal Consultations with federally recognized Indian Tribes that may be impacted by a proposed state action.

Agencies would have discretion or flexibility not to apply the standards in less significant rulemakings. These should include actions like procedural or cleanup rulemakings, permitting actions for relatively small or uncontroversial facilities, and other types of decisions that do not significantly impact or harm the environment or public health in DI communities. However, agencies should strive to apply the best practices for community engagement in as many actions as possible as part of a broader paradigm shift to engrain equity throughout the culture of each agency and to ensure that the voices of DI communities are included in decision making more than they are in the status quo. Although the requirement to apply the best practices should apply only to state agencies that take actions that implement the environment, the Task Force recognizes that there could be value in sharing the best practices with other state agencies and local governments as well.

To effectuate this change, the legislature should broaden the definition of "agency" in C.R.S. § 24-4-109(2)(b) (as discussed above in section A) and remove the references to the Administrative Procedure Act (C.R.S. §§ 24-4-103–105) in the definition of "proposed state action" in C.R.S. § 24-4-109(2)(III)(A)–(C). The definition of "proposed state action" should instead reference the specific enabling statutes for the agencies that the legislature intends to cover with the best practices for community engagement requirements. Referencing individual agencies' enabling statutes would make it very clear what types of actions the engagement actions apply to. For example, the legislature could reference an agency's enabling act that authorizes it to conduct rulemaking, rather than the Administrative Procedure Act's rulemaking provision, C.R.S. § 24-4-103, to be clear that the agency should engage DI communities in various stages of a rulemaking process for potential regulations that may significantly impact or potentially harm the environment or public health in a DI community. The Task Force does not intend for the best practices to be applied in emergency rulemaking actions given their time sensitivity.

D. Cross-Cutting Recommendations About Community Engagement

1. Capacity Building to Conduct Meaningful Community Engagement [Preliminary Consensus]

The Legislature should provide funding for agencies to build funds into their budgets for outreach, engagement, and education. Agencies should also be provided with additional resources to hire dedicated personnel to address capacity concerns, which should include funding for a range of appropriate outreach methods depending on the nature and importance of the agency action or project to a DI community. This reflects the intention to build community partnerships and harness support to create meaningful change. To effectively leverage resources, agencies should coordinate and communicate with each other about outreach events to ensure community time is used wisely, and agencies should partner on events where possible.

Agencies should establish on-going relationships with community connectors. Community connectors should be compensated for their important contribution in strengthening community engagement and tailoring engagement to reflect community needs and interests.

State agencies should also leverage trusted relationships with local public health agencies to help add capacity for and remove barriers to community engagement.

State agencies should engage in meaningful and effective relationship building with Tribal nations and American Indian and Alaska Native communities in Colorado to further understand the impact that policymaking at their agency has on the Indigenous population statewide. State agencies should also conduct formal Tribal consultations and community engagement with federally recognized Tribes and American Indian/Alaska Native community members, respectively.

2. Making Technical Decision Making Processes Accessible [Preliminary Consensus]

CDPHE should build on the existing list of pro bono air quality attorneys and produce a list of other subject matter experts that might be willing to provide pro bono technical, legal, and regulatory information to DI communities. The experts could provide information about a range of EJ issues to communities. CDPHE should also conduct workshops on how to effectively engage and advocate in decision making processes so that community members can learn how to participate in a way that their input can effectively be used by decision makers. In addition to or instead of holding its own workshops, CDPHE could partner with community organizations that are already conducting similar workshops as a way to build trust with community members and assure them that their voices will be heard in decision making processes.

3. Implementing Best Practices for Community Engagement [Preliminary Consensus]

To facilitate implementation by that agency's staff, each agency should develop centralized guidance and ongoing training on how to implement the best practices for community

engagement (e.g., lists of community centers to host meetings, community connectors, and organizations that are working in the area).

To make this process more efficient and coordinate efforts, the EJP should develop a master document(s) that all agencies have access to with information about the best locations for meetings, a list of recognized community based organizations, and other relevant factors. Some agencies have already created similar lists, and this centralization process would create an opportunity to avoid duplication, improve efficiency, and make resources available to agencies that have less staff time and resources to develop such a document. Agencies should coordinate their engagement efforts to avoid overwhelming local communities with multiple agencies conducting outreach about multiple topics at the same time.

4. Role of Regulated Entities [Preliminary Consensus]

In some circumstances, regulated entities should play a role in conducting community engagement and/or Tribal Consultation, particularly around proposals for new projects that must be considered by a regulatory agency. For example, many of COGCC's regulations for community engagement around new permit applications apply to operators rather than the agency itself.

5. Participation Incentives [Preliminary Consensus]

Consistent with CDPHE's existing pilot efforts, agencies should make participation incentives available to compensate community members for their time providing feedback and input, as funding and authorization allows. Agencies should create appropriate criteria to limit access to participation incentives to qualifying individuals who live in Colorado and are not compensated by their employer to participate in a meeting. Agencies should only provide participation incentives where consistent with and allowable by applicable fiscal statutes, regulations, and policies.

Participation incentives may include compensation in the form of cash/direct gift cards, as well as other types of incentives such as ride share service vouchers, bus passes, childcare, reimbursements for services needed to make meetings accessible to individuals of all abilities (e.g., paratransit, direct support professionals), and meals/refreshments at meetings. A recommended range for monetary compensation is $20 to $30 per hour, to be reevaluated if needed based on inflation. Community connectors may also recommend additional innovative types of incentives for the community. One example of an innovative incentive is making free rapid-COVID testing and masks, or other relevant supplies to protect public health, available for people who attend in person, as appropriate. Additionally, where available, agencies should provide communities with grants to support participation, such as EPA's technical assistance grants for Superfund Community Advisory Groups.

The EJP could consider developing processes that are legally vetted that other agencies could use to provide compensation in a way that is consistent with state fiscal policy. The EJP could also provide standardized guidance and criteria for when the use of participation incentives are appropriate. The EJP should consider recommending changes to state fiscal rules about

providing participation incentives, if modifications to the rules are needed for state agencies to provide incentives.

6. Indigenous Community Engagement [Preliminary Consensus]

a. Historical Context

The land that is now called Colorado was historically inhabited by 48 Tribes, including but not limited to the Apache, Arapaho, Cheyenne, Comanche, Kiowa, Lakota, Navajo, Pueblo, Shoshone, and Ute Tribes. Historic laws and practices by the United States, Mexican, and Spanish governments resulted in the removal of many of these Tribes from Colorado, including through legal agreements such as treaties, acts of violence, assimilation, genocide, and the loss of many Tribal members to disease and epidemics. Many treaties signed between 1849 and 1880 had a direct impact on Tribes losing access to their lands in Colorado, including the Treaties of Abiquiú, Conejos, Fort Laramie, and Fort Wise. Subsequent acts of Congress during the allotment era of federal Indian policy, including the Dawes Act of 1887 and Hunter Act of 1895, resulted in further loss of land by the Ute Nations. In the late 1800s and early 1900s, other federal policies and practices, such as boarding schools, adopted the same ideologies, thus furthering the assimilation process and contributing to the continued loss of Indigenous culture and language. During the termination era of federal Indian policy, Congress passed the Indian Relocation Act of 1956 and Denver was made an urban relocation city where the federal Bureau of Indian Affairs encouraged or forced Indigenous people from many different Tribes to relocate. Today there are two federally recognized Tribes whose sovereign territory is within the external boundaries of Colorado–the Southern Ute Indian and Ute Mountain Ute Tribes. Additionally, there are over 200,000 people who identify as American Indian/Alaska Native alone or in combination with one or more races living throughout Colorado, many of whom live in Denver which continues to be a metropolitan hub for Indigenous people.

b. Recommendations

i. Tribal Liaisons

All state agencies should eventually have paid, full-time Tribal liaison(s) on their staff to facilitate formal government-to-government relationships with Tribal nations as well as provide guidance on engagement with other Indigenous populations and coordinate closely with the Colorado Commission on Indian Affairs ("CCIA"). CCIA should be deferred to in identifying an appropriate timeline for when each state agency should have a Tribal liaison, recognizing the need to consider both state agency funding and Tribal government capacity and interests. All state departments should have a dedicated point of contact that establishes relationships with Tribal staff pertinent to their agency's area of focus. The Tribal liaison or point of contact should work closely with CCIA to ensure cross-agency coordination with Tribal council and American Indian/Alaska Native community members. The Task Force recognizes that some agencies may not have funding or capacity to hire full-time Tribal liaisons in the immediate future, and should continue to partner with CCIA's Interagency Tribal Liaison to guide their interaction with Tribal governments. Additionally, the Task Force recognizes that having a large number of Tribal liaisons could prove overwhelming for Tribal governments, and that there may be additional

capacity building needs for Tribal governments to successfully engage with a large number of state agencies.

ii. Facility and Location Names

State agency Tribal liaisons should work to create avenues for Tribal governments and Indigenous Coloradans to formally raise concerns about potentially harmful names of industrial facilities. Additionally, agencies should continue implementing practices such as the Public Utility Commission's practice of referring to power plants by non-Indigenous names in short form (for example, replacing the name of a unit at a power plant that is named after a Tribe, if done without the Tribe's explicit consent, by instead referring to the city or county where the power plant is located). The Task Force recognizes that decisions about facility names may ultimately rest with the private companies that own the facilities who may be in a position to voluntarily change facility names, and that agencies may not be the ultimate decision makers.

Conversely, state agencies should, following appropriate Consultation with Indigenous communities who were the original namers of an area, use Tribal names for places and areas alongside non-Indigenous names. When appropriate, state agencies should consider working with Tribal partners and CCIA on the use of original Indigenous language place names to promote language equity, following appropriate Consultation with relevant Tribal governments.

iii. Land Acknowledgments

Agencies should continue to acknowledge the Tribal nations that historically inhabited and continue to inhabit Colorado at appropriate times, like the beginning of public meetings. When doing so, agencies should consider going beyond land acknowledgements by using tools like the Native Governance Center's Beyond Land Acknowledgment Guide. Acknowledgements can consider the history of cultural erasure and should be trauma-informed and culturally sensitive for Indigenous communities and communities with mixed Indigenous identities. Beyond land acknowledgement, agencies should explore opportunities for co-management and restoring land rights to Tribal governments (possibly including those that no longer have sovereign territory within the boundaries of Colorado).

iv. Engagement and Consultation with Indigenous Communities and Tribal Governments

All arms of the Colorado state government should continue respecting the sovereign rights of the Ute Mountain Ute Tribe and the Southern Ute Indian Tribe while working in equal partnership with their Tribal governments. State agencies should partner with CCIA to ensure appropriate Tribal Consultation and/or American Indian/Alaska Native community engagement is completed. Agencies should adhere to CCIA's guidelines and recommendations for government to government Consultation, and should specifically use CCIA's State-Tribal Consultation Guide as a resource. Agencies should work with the Colorado Commission on Indian Affairs' Consultation guidance not only when engaging and Consulting with the Southern Ute and Ute Mountain Ute Tribal governments, but also when engaging and Consulting with

Tribal governments of the 46 Tribes with historic ties to Colorado that no longer have sovereign territory within Colorado's boundaries.

The legislature should work with CCIA and Tribal governments to explore increasing funding opportunities, including set-asides specific to environmental partnership and collaboration.

In future legislation, the Legislature should consider distinguishing between outreach and engagement requirements for federally recognized Tribes and Indigenous populations more broadly. Federally recognized Tribes have sovereignty rights and there are specific protocols that should be followed to ensure the appropriate government-to-government relationship with Tribal governments. The legislature should consider the potential impact that legislation has on the Tribes and American Indian/Alaska Native communities, and host Tribal Consultation and/or Indigenous community engagement respectively.

Agencies should improve engagement with Indigenous populations by establishing positive allyship through active collaboration and listening to the concerns and goals of Indigenous communities. Agencies should understand the intent for engaging by utilizing cultural humility. Agency staff should receive education about the historical context for the current relationship between federal and state governments and Tribal governments, and the Tribes, Tribal sovereignty, and the Indigenous communities statewide before taking action. Agency staff should work closely with CCIA and engage in best practices for respectful Tribal engagement.

Agencies should use innovative strategies for engaging with Indigenous populations statewide and formal, sovereignty-affirming strategies for engaging with Tribal governments. This can include making resources and funding available to community connectors and Indigenous groups to facilitate participation in agency decision making processes.

The use and sharing of data should be guided by community perspectives and priorities and honor Tribal data sovereignty. Agencies should be educated on Tribal data sovereignty and challenges with data collection and self reporting in American Indian/Alaska Native communities. The agencies must complete formal consultations with Tribes and American Indian/Alaska Native community organizations to agree on what information can be shared and how to be respectful of that data. State agencies should follow specific guidelines from the Urban Indian Health Institute, or any future guidelines put forth by CCIA, when collecting data on urban American Indian/Alaska Native populations. When Tribal governments provide specific guidelines and principles for working with Tribal members (e.g., the Navajo Nation Human Research Review Board), these Tribal-specific guidelines should be followed. Agencies should prioritize Indigenous knowledge, lived experiences, and ways of knowing and doing (e.g., talking circles) by utilizing Indigenous Research Methodologies. Agencies should consider opportunities to use qualitative data (e.g., recorded interviews to allow Indigenous people to tell their own stories), and find appropriate ways to incorporate this qualitative data into their work.

Agencies should continuously and actively reach out to American Indian/Alaska Native organizations and Urban Indigenous organizations and communities. A first step would be to

formally ask for an introduction meeting and then attend a public forum or open listening session to learn more about the Indigenous community. This provides insight into Indigenous communities statewide and it would provide knowledge about their concerns and goals. Agencies should ensure there is accountability and a timeline to implement this type of outreach.

Agencies should recognize the value of pursuing relationship building opportunities without a specific goal in mind, and engage in Tribal or Indigenous events without having to have a specific agenda. Agencies may accomplish this by asking permission from organizers to respectfully attend and conduct outreach at Indigenous events, Tribes, and urban Indigenous centers. For example, it may not be appropriate to perform outreach at particular powwow events, and would be important to match themes with powwow events. If an event is organized by a Tribal government, it would be important to take the necessary steps to affirm the government to government relationship with the Tribal government. For example, agency staff should not cold email a Tribal Chairperson or the Director of a Tribal government program, but instead should work through appropriate channels such as the agency's Tribal liaison or CCIA. CCIA serves as the official liaison to the Tribes and their respective councils. CCIA should be informed and used as a resource when reaching out to Tribal council and staff in order to provide additional support and considerations.

E. Specific Recommendations About Best Practices for Community Engagement Currently Listed in the Environmental Justice Act [Preliminary Consensus]

In addition to the cross-cutting recommendations discussed above, the Task Force has developed specific recommendations for changing or improving several of the best practices for community engagement that are already listed in the EJ Act. C.R.S. § 24-4-109(3)(b). As discussed above, the Task Force does not envision that agencies would apply every one of these best practices in every circumstance. Instead, as discussed in Section B, above, these recommendations could be used to establish baseline standards and guidance for agencies to follow when possible.

1. ***Timing of Meetings:***
    a. The Task Force recommends changing the current requirement for three meetings to a more flexible requirement that requires a different number of meetings depending on the nature of the agency action that the meetings are about.
        i. The more important and far reaching the subject of the agency action, the more meetings would be warranted.
        ii. The specific timing of meetings (i.e., time of day and day of the week) for the meetings should reflect data about past turnout, and local community preference and availability that is informed by engaging community connectors, community feedback, agency experience, and considering meeting fatigue.
    b. Scheduling Meetings: State agencies should coordinate with another to avoid scheduling meetings at the same time as other state agencies, or at the same time as regular meetings of local government bodies in the area.

2. ***Notice***: Notice should include location, time, duration and available incentives (including interpretation services, participant compensation, childcare, and food offered)
3. ***Outreach Methods***
    a. Depending on the nature and importance of the agency action, agencies should consider using the following types of outreach methods not currently listed in the statute to target outreach to specific communities. Which methods are used should be determined on a case-by-case basis considering the impact the agency action could have on a DI community, available funding, data, and other information about which channels are most effective to reach specific communities.
        i. Radio and/or t.v. advertisements
        ii. Text messages
        iii. Organic and/or paid posts on the most locally-used social media applications
        iv. Phonebanking
        v. Locally-relevant channels for news and community announcements
        vi. Newspapers
    b. The legislature should also provide funding for agencies to train or guide community connectors to broadcast meetings announcements and encourage engagement through other methods, such as:
        i. Handouts and fliers
        ii. Posting on local bulletin boards
        iii. Local organization gatherings/meetings
4. ***Methods for Receiving Input from Communities***
    a. In an effort to receive input and plan community engagement in a manner that reflects community input and concerns, agencies should work with compensated community connectors to consider locally-appropriate ways to:
        i. Invite community input early on in the process, including in the initial planning stages
        ii. Invite community input on the meeting format, notices, demographic questions and agenda
        iii. Partner with community members on meeting facilitation and leadership
        iv. Invite community input on upcoming meetings at regularly occurring events like parent-teacher meetings, neighborhood meetings, and “cafecitos” (monthly coffee meetings)
        v. Receive community input via diverse and accessible manners
        vi. Provide follow-up with communities within 4-6 weeks after community engagement and document and inform community members about how their input will be used or implemented.
    b. Recognizing that communities have wide-ranging digital literacy skills and technology access, the Task Force supports the methods for receiving input that are currently included in the EJ Act, which include:
        i. In-person meetings
        ii. Virtual and online meetings
        iii. Online comment portals
        iv. Emails
        v. Call in meetings

c. The Task Force would recommend adding the following methods of input:
    i. Hybrid meetings. The legislature should provide adequate funding for agencies to purchase technology and allocate staff time to effectively facilitate hybrid meetings.
    ii. Video comments
d. Agencies should consider using the following methods to receive public input outside of public comment periods:
    i. Open office hours
    ii. Periodic listening sessions in different communities across the state that are broad in nature and not necessarily tied to specific agency actions.
    iii. Phone hotline
    iv. One-on-one meetings
    v. A public cloud-based folder for feedback and designated staff to compile information and turn it into a presentation
    vi. Mail surveys or other fillable documents to people with return postage included to ensure no cost to the person is incurred.
    vii. Focus groups

5. ***Locations of Meetings***
    a. The Task Force supports the list of meeting locations that are currently included in the EJ Act for community town halls and other public meetings to encourage agencies to host meetings in impacted communities, e,g., urban centers, predominantly Black, Indigenous, and People of Color communities, below-average income communities, and rural locations
        i. If agencies are holding multiple meetings about the same topic, the agency should choose a variety of locations (different locations for each meeting)
    b. Agencies should consider the following when selecting in-person meeting locations:
        i. Close/convenient for the target community to access
        ii. Free parking (where not in conflict with other best practices such as access to bike paths and public transportation)
        iii. Choosing a safe location
        iv. Access to public transportation
        v. Near bike paths
        vi. Local businesses can economically benefit from the meeting
        vii. Availability of space for child care
        viii. Accessibility for people with disabilities (ADA accessibility)
        ix. Technology barriers and internet access issues that may make digital participation more difficult for people living in rural areas
    c. If recommended by a community connector, create a meeting hub (e.g., in a community center or library) where community members can gather to join an ongoing online meeting. This can help in areas where reliable internet is lacking.
6. ***Outreach Materials***
    a. When creating outreach materials, agencies should consult with community connectors to:
        i. Where appropriate, consider creating an outreach plan that promotes effective connections with the community.

ii. Use accessible language that is easily readable and understandable by the community.
iii. Make materials highly visible on platforms most relevant and used by the local community, including by creating physical flyers or posters to distribute at local businesses and community centers.
iv. Make materials (including meeting notice) available in the top 3 spoken languages in an area, as funding is available.
v. Share meeting materials across diverse platforms as recommended in the community outreach methods above.
vi. Use graphic communication wherever possible to break down complex concepts, which helps address language barriers and makes content more easily shareable through social media and viewed on phones.
vii. Develop easily digestible materials.
viii. Ensure that all materials are inclusive and accessible to community members with disabilities including the visually impaired.

b. Recognizing that the timeline and scope of projects may adjust throughout a project's life cycle, outreach materials should be updated as changes occur.

7. Accessibility

a. When planning outreach meetings, agencies should proactively ensure the meeting format, location, and materials are accessible to people with disabilities.
b. Agencies should rely on existing resources and guides, such as the Ford Foundation's Disability Inclusion Toolkit, to identify best practices.
c. Captioning and sign language translation should be provided upon request.
d. Written materials should be provided in large type that can be read by screen readers to accommodate individuals with a visual impairment.

Section 6: Supplemental Environmental Projects ("SEPs")

Supplemental Environmental Projects (SEPs) should continue to play a role in negotiated enforcement settlements where appropriate. SEPs should be structured to benefit communities that are harmed by violations. There should be appropriate community involvement in the SEP process, considering the specific nature of the area where the violation(s) occurred, the nature of the harm, and the size of the penalty. Agencies should continue to have flexibility regarding when and how to utilize SEPs.

A. Raise Awareness about SEPs and the Idea Library Within DI Communities

CDPHE should conduct proactive education, outreach, and engagement within DI communities about the existence and purpose of SEPs, how to apply for SEPs, and about community-based SEPs to raise more awareness about SEP funding opportunities. These outreach and engagement activities should adhere to the best practices for community engagement recommended by the Task Force in Section 5, above. The legislature should provide CDPHE with appropriate funding to support this expanded engagement activity.

CDPHE should specifically make the SEP Idea Library readily accessible and easy to find. The SEP Idea Library should include criteria and categories of projects that relate to specific categories of violations to help keep a close connection between the nature of the violation and the project chosen. The SEP Idea Library should also include instructions for identifying whether a location is within a DI community. The Task Force recognizes that submitting ideas to the SEP Idea Library that have a sufficient degree of specificity to be selected for funding is a complex process that requires developing a budget and explaining environmental and public health benefits. Accordingly, the legislature should provide CDPHE with funding to provide additional staff support and assistance to community members for adding project proposals to the SEP Idea Library.

Ideas that were not selected by community SEP selection committees should also be included in the Idea Library so they can potentially be funded by other SEPs in the future. The Environmental Justice Advisory Board should frequently review projects in the SEP Idea Library to inform the Board's choice of projects to fund through the EJ Grant Program.

CDPHE should conduct outreach, including public meetings about the existence of community-based SEP processes and the SEP Idea Library, to raise awareness about the Idea Library and get community feedback on ideas that should be included in the Library. The Environmental Justice Advisory Board should help facilitate or contribute to this outreach process. Regulated entities should also engage local health departments and community-based organizations to seek input on environmental and public health priorities for SEPs.

B. Ensuring SEPs Benefit Impacted Communities

1. Allocating Penalty Revenue Between SEPs and the CICF

When a violation occurs in a DI community, priority should be given to enforcement penalty revenue going back to the DI community where the violation occurred, either through a SEP or by funds going into the Community Impact Cash Fund ("CICF") in the case of Air Pollution Control Division penalties, or both.

Starting in Fiscal Year 25-26, the Air Pollution Control Division should prioritize SEPs that go through a community selection process, or where a community requests a SEP through the process by submitting a project to the SEP Idea Library. Enforcement settlements for lower amounts of money should generally not go through a SEP process, and instead, the penalty revenue should presumptively be redirected to the CICF for distribution through the EJ Grant Program by the Environmental Justice Advisory Board. The Task Force recommends encouraging SEPs to go through a community selection process, but recognizes that this may not be advisable in all circumstances.

2. Prioritizing Project Benefits Within DI Communities

SEP Request for Applications ("RFA") should be selected by prioritizing projects that will take place in or benefit DI communities (e.g., projects that affect water quality downstream in the affected community), including communities with higher Colorado EnviroScreen scores. When a violation happens outside a DI community, there should be incentives to prioritize projects that also provide benefits to a nearby DI community through the supplemental environmental projects process.

The Environmental Justice Advisory Board should similarly prioritize funding projects through the EJ Grant Program that will redirect revenue to DI communities that were adversely impacted by the action that led to the enforcement penalty. In its annual grant report, the Environmental Justice Advisory Board should document a geographic comparison of where penalty revenue came from, compared to where grants are distributed, to provide accountability and transparency about the effectiveness of the Advisory Board redistributing penalty revenue in DI communities.

3. Accountability to Ensure that SEPs Benefit DI Communities

CDPHE should track data and information on how successful SEP projects are in providing benefits to DI Communities. This information tracking should help identify any systemic challenges for projects and help CDPHE and communities benefit from lessons learned and understanding what was successful or unsuccessful in the past. Tracking metrics of what worked well and didn't work well can provide accountability to help ensure that SEPs ultimately provide benefits to DI Communities.

CDPHE should continue to work efficiently in the SEP development and selection process to ensure that SEPs provide benefits to communities in a timely way.

C. Procedural Requirements for Community SEP Selection Processes

CDPHE should revisit conflict of interest requirements for community-based SEP selection processes to avoid unintended barriers while maintaining safeguards to prevent misuse of funds. CDPHE should clearly explain conflict of interest requirements and other procedural aspects to community members participating in SEP selection committees at the outset of the process.

Similarly, CDPHE should revisit confidentiality requirements to ensure they are not unduly restrictive, while ensuring the requirements are still sufficiently robust to avoid misuse of SEP funds and avoiding practices that could disincentivize the voluntary use of SEPs. CDPHE should ensure that community members fully understand the implications of their participation and what it means for their future participation with SEP-funded projects and interaction with SEP funding applicants during the SEP selection process. Where possible, CDPHE should ensure that community members participating in the selection process are a representative cross-section of the community.

In choosing community members to serve on the selection committee, CDPHE should strive to identify individuals who are representative of the community that was directly impacted by the violation.

D. Role of the Regulated Entity in Community SEP Selection Processes

The Task Force has extensively discussed the role of a regulated entity in the selection committee for community-based SEP processes. The Task Force has also administered two surveys to the public on this topic.

Question & Results from First Survey (on Draft 1 Recommendations, July 2022): When an entity violates the terms of their permit, an environmental law or regulation, they are sometimes required to pay a penalty as part of an enforcement action. Instead of paying the penalty, the entity has the option to pay funds directly to a community organization or local government to fund a project in the community. For large penalties, there is the option for community members to participate in the process of choosing which projects will be funded. When this community-based selection process occurs, do you think the entity that is paying the penalty should have a voting role in the selection committee?

A. 59.3% (118/199 responses) answered No
B. 28.6% (57/199 responses) answered Yes
C. 12% (24/199 responses) answered Maybe

Question & Results from Second Survey (on Draft 3 Recommendations, October 2022): When a regulated entity violates an environmental law, they sometimes must pay a penalty. Instead of paying the penalty, the entity has the option to instead fund a project that benefits the impacted community. Sometimes, community members help choose which projects will be

funded. Should the entity that is paying the penalty have a voting role in the selection committee for which projects are funded along with the community members?

A. 46.3%- (25/54) No- the regulated entity should not have a voting role in selecting which projects to fund.
B. 33.3%- (18/54) CDPHE should consult with the community where the violation occurred about whether the regulated entity should have a voting role on a case by case basis
C. 11.1%- (6/54) Yes- the regulated entity should have a voting role in selecting which projects to fund.
D. 9.3%- (5/54) Other

At the August 25 meeting, the Task Force conducted a straw poll about the question below regarding the role of regulated entities in community-based SEP selection processes. The Task Force did not establish a clear preference among these options. Option 1 (the regulated entity not having a voting role on the selection committee) received 1 vote, Option 2 (the regulated entity having a voting role) received 7 votes, Option 3 (consulting the community about whether the regulated entity should have a voting role) received 6 votes, and 4 Task Force members abstained.

During the subsequent Subcommittee meeting, Task Force members unanimously agreed to remove Option 1 given the significant risk this poses of the entity not agreeing to voluntarily serve on the selection committee, and the lack of Task Force support for this option at the August meeting. However, the Task Force members recommended that Option 2 be amended to reflect that community members should consist of a majority on the selection committee so that they are not outnumbered by representatives of the regulated entity and CDPHE.

At the October Task Force meeting, Task Force members decided to add Option 1 back in and made further modifications to each of the options. In the straw poll at the October meeting, 47% of Task Force members voted in favor of Option 1, 27% of Task Force members voted in favor of Option 2, and 27% of Task Force members voted in favor of Option 3. A new Option 4 was suggested by a Task Force member in writing between the October and November meeting. At the November meeting, the Task Force should decide between the following four options:

- Option 1: No - the regulated entity should not have a voting role in selecting which projects to fund.
- Option 2: The entity that is the subject of the enforcement action should continue to be able to participate with one voting role on the selection committee in recognition that SEPs are voluntary actions by the regulated entity. However, community members who are not affiliated with the regulated entity or CDPHE should comprise a majority of the selection committee.

Option 3: The community where the enforcement action is taking place (meaning the community members participating in the selection committee) should determine whether the entity that is the subject of the enforcement can participate on the selection committee and whether they will have a voting or non-voting role.

E. Simplifying SEP Applications

CDPHE should simplify SEP applications to make them more accessible to small community groups with limited staff capacity and/or limited English proficiency. This could be accompanied by further simplifying SEP reporting requirements to avoid discouraging community groups from applying for SEPs. The Task Force recognizes that grassroots community groups will need more support to develop and implement SEP projects. The legislature should therefore fund additional SEP staff within CDPHE to conduct outreach and engagement to raise awareness around the SEP process and to support community groups with grant writing, offering relevant types of training (e.g., budgeting and reporting) and other technical support. The Task Force recognizes that these additional resources are necessary for smaller community groups to be on an equal footing with larger organizations when applying for SEPs, especially through community-based SEP selection processes.

Section 7: Just Transition

The legislature should adequately fund on a consistent basis the Colorado Just Transition Action Plan as it exists now to maintain and increase funds for communities and workers currently undergoing the transition away from coal for economic development, workforce development, public benefits, capacity building, and infrastructure. Federal funding opportunities should continue to be explored as a source of funding.

During the October meeting, the Task Force reached preliminary consensus about the concept discussed above of recommending that the legislature fully fund the existing Colorado Just Transition Action Plan. The Task Force also reached a preliminary consensus on the idea of expanding the scope of just transition, but did not reach consensus on the details of what that expansion in scope should entail. Options the Task Force discussed during the October meeting and should discuss further during the November meeting include:

- Ensuring that expanding the scope does not interfere with or prevent the legislature from adequately funding on a consistent basis and agencies fully implementing the existing Just Transition Action Plan.
- Recommending that the legislature should also consider studying how to accomplish and fully fund just transition initiatives and efforts in other industries that rely on fossil fuels given the impacts that are expected due to policy changes to reduce reliance on fossil fuels in the coming decades as those industries face transitions in the future.
- Recommending that the legislature should evaluate additional opportunities for just transition in other sectors
- The legislature should evaluate additional opportunities for the just transition of workers and communities in the oil and gas industry and the legislature should consider whether this scope should be added to the Office of Just Transition. The legislature should ensure that expanding the scope does not interfere with or prevent the legislature from adequately funding on a consistent basis, and agencies fully implementing, the existing Just Transition Action Plan.

The legislature should evaluate additional opportunities for the just transition of workers and communities, including in the oil and gas industry (upstream, downstream, midstream, and supply chain workers in peripheral industries) and the legislature should consider whether this scope should be added to the Office of Just Transition. The legislature should ensure that expanding the scope does not interfere with or prevent the legislature from adequately funding on a consistent basis, and agencies fully implementing, the existing Just Transition Action Plan.