



FOR IMMEDIATE RELEASE

John Birks, Atmospheric Scientist and CPR Initiative Board Member,

October 25, 2022

CITY OF BOULDER AND CPR INITIATIVE TO HOST PUBLIC-INPUT EVENT, ON THE QUESTION
What more should the US do on climate?

November 1, 2022, 10am to 1pm: Boulder City Council Chambers

Renowned climate scientist James E. Hansen slated to testify first

Opportunity for Public Testimony-Statements: Up to 5 minutes for Pre-registered Speakers

Background: On June 16, 2022, the public interest, non-profit group Climate Protection & Restoration Initiative (CPR Initiative) filed a [citizens' petition with the federal Environmental Protection Agency \(EPA\)](#) to phase out greenhouse gas pollution. The City of Boulder was one of several parties to endorse the petition.

Ninety-days later, on September 14, the EPA rejected the Petition on the ground that the federal government was doing enough already to meet its short-term, medium-term, and mid-century climate goals, including by its recent passage of the Inflation Reduction Act (IRA).

In response to the EPA's rejection, CPR Initiative will host an opportunity for the public to provide testimony to the EPA on Tuesday, Nov. 1 from 10 a.m. to 1 p.m. Participants are encouraged to discuss what more the federal government can do to address climate change. CPR Initiative will convey a record of the hearing to the EPA. All perspectives are welcome. Members of the public can register to provide testimony in-person, remotely or in written form. People unable to attend the hearing can provide written testimony on the CPR Initiative website.

[View the agenda online.](#)

Quotes

According to Jonathan Koehn, Director of the City of Boulder [Department of Climate Initiatives](#):
"The new federal climate investments in the IRA and the earlier Bipartisan Infrastructure Law should accelerate the transition to clean, sustainable energy. however, we know that far more needs to be done to secure a stable and healthy climate."

According to Dan Galpern, General Counsel and Executive Director of CPR Initiative:

Commented [SE1]: Insert phone or email

Deleted: Emily Sandoval, City of Boulder, SandovalE@bouldercolorado.gov, 303.441.1927

Deleted: ¶

Deleted: City of

Deleted: See here. ¶

Deleted: soon endorsed

Deleted: , among others,

Deleted: On Tuesday, Nov. 1 from 10 a.m. to 1 p.m.,

Commented [SE2]: Add link

Commented [SE3]: Add link to agenda for the day

Deleted: accelerate

Deleted: .

Deleted: Still, h

Deleted: H

"The IRA should help reduce continuing emissions, but the relevant science is clear: We need to phase out continuing GHG pollution and remove a substantial share of the overburden that is now overheating the entire planet and poisoning the ocean."

About CPRI Initiative

INSERT BOILERPLATE LANGUAGE

- END -

Deleted: Detail¶

CPR Initiative will convey a record of the hearing to the federal Environmental Protection Agency (EPA). We welcome all perspectives and answers to the question. [See here](#) for more detail on the hearing.

Formatted: List Paragraph, Centered, Bulleted + Level: 1 + Aligned at: 0.03" + Indent at: 0.28", Tab stops: Not at 1.76"



To: CC4CA Policy Committee
From: CC4CA Staff
Date: 9/XX/22
Re: Three New Policy Topics

DRAFT

At least three policy issues have been surfacing more prominently lately on which CC4CA hasn't not yet established a clear sense of direction and sideboards. Because the Policy Committee oversees CC4CA's overall advocacy strategy and efforts, this is the right venue for higher-level discussions about where CC4CA might want to land.

1. Land Use

The relationship between land use policy and GHG emissions is one of the better understood and yet politically most challenging climate policy arenas. A wide range of land use policy approaches can be utilized to reduce GHG emissions (often with substantial co-benefits on health and mobility), including transit-oriented development, reducing or eliminating minimum parking requirements, and improving multi-modal infrastructure. While CC4CA's Policy Statement is very clear on general support for these types of policies, it is unclear on the balance between absolute local control and state-level requirements on these types of issues.

CC4CA has never been reflexively opposed to state control in the way that an organization like Colorado Municipal League tends to be, presumably because CC4CA jurisdictions recognize how critical statewide requirements and state-level action can be on climate-related issues. At the same time, CC4CA has still recognized the importance of local control in some contexts, and the importance of striking a reasonable balance between the two. For instance, twice in the past several years CC4CA supported legislation that established new or strengthened statewide requirements for local building codes, most recently in this past session with legislation establishing a forward-leaning energy code floor while giving local governments the flexibility to adopt more stringent local codes if they wish. We took a similar stance on single-use plastics, arguing that minimum statewide requirements are appropriate and extremely valuable while still enabling local governments to adopt more protective local requirements. And while we did not weigh in on the portion of SB19-181 empowering local governments to adopt their oil and gas regulations, CC4CA has supported strengthening statewide rules on emissions and safety.

It will probably be useful for CC4CA staff and the Legislative Group to have the Policy Committee provide some high-level guidance on an appropriate statewide standards-vs-local control balance.

Adams County · Aspen · Avon · Basalt · Boulder · Boulder County · Breckenridge · Broomfield
Carbondale · Clear Creek County · Crested Butte · Dillon · Durango · Eagle County · Edgewater · Erie · Fort Collins
Frisco · Gilpin County · Glenwood Springs · Golden · Lafayette · Longmont · Louisville · Lyons · Mountain Village
Nederland · Northglenn · Ouray County · Pitkin County · Ridgway · Salida · San Miguel County
Snowmass Village · Summit County · Superior · Telluride · Vail · Wheat Ridge

For one thing, there is growing buzz about the potential for major legislation around land use and climate, perhaps addressing affordability as well. Additionally, these types of statewide-vs-local questions are already a prominent part of the ongoing implementation of the Transportation Commission's new GHG rules, which we have been deeply involved with.

Finally, it is worth noting that the current political discussions about land use and climate change tend to refer to questions of zoning, compact development, transportation and transit, and other public infrastructure. It does not tend to include discussions about oil and gas regulations, which tend to fall under "air quality" conversations despite that they are sometimes technically about land use, as well.

2. Water and Climate Change

The nexus between water and climate change is wide-reaching, and we have heard growing interest in having CC4CA engage more directly on water-related issues. There are at least three main types of water-related issues that could be of interest to CC4CA members.

a) Impacts of water use on climate change

This refers to water use decisions with significant energy use impacts, from an efficiency standpoint or from a power generation standpoint. Some examples include the energy efficiency of water treatment facilities, minimizing the use of treated water (the treating of which requires significant energy) for lawns, and minimizing water loss in stormwater and water treatment systems. This is narrower in terms of policy, and it is where we already engage to some extent.

b) Impacts of climate change on water (i.e., climate resilience)

The water dimensions to climate resilience are wide-ranging, including the challenges of decreasing water supply and extended drought, increasing water quality challenges, and increasingly intense weather events. The policy issues here are expansive, ranging from water storage to flood-resistant infrastructure to protecting agricultural economies to elevated wildfire risk to the impacts on winter recreation-dependent communities.

One key consideration for CC4CA is simply defining the scope of our involvement in these issues. From a mission standpoint, we can probably justify engaging in any of the aforementioned policy arenas, but from a bandwidth and advocacy effectiveness standpoint, we probably will want to be very strategy and very specific about the circumstances under which we will want to consider engaging.

c) Impacts of fossil fuel use on water supply

Most energy development – conventional fossil, nuclear, renewables – has water supply impacts. And some energy development requires particularly large amounts of water, such as the water use related to fracking and to nuclear power generation.

There isn't an immediate, pressing need to more clearly define our scope of engagement on water issues, but we anticipate that opportunities will continue to expand and pressures will continue to grow in the coming months and years. It would be helpful to tackle this so that staff has a clearer sense of how to prioritize among water-related policy issues and between water-related and the other climate policy issues we are engaging on.

3. PERA

Climate activists have long recognized the potential value of strategies aimed at encouraging divestment from fossil fuel companies and investment in clean energy companies. One particular divestment strategy focuses on state pension funds, and there have been occasional attempts here in Colorado to push Public Employee's Retirement Association (PERA) to use stronger climate-friendly investment screens or to divest from the fossil industry entirely. For instance, in 2019 we saw a bill that would have required PERA to conduct a study analyzing climate-related financial risk to its assets. The bill was killed. A 2021 bill would have required PERA to fully divest from fossil fuel stocks and securities. It was killed. And last year, similarly, Senator Hansen's omnibus climate bill (SB22-138) included a provision that would have required PERA to prepare a climate risk assessment as part of its annual investment stewardship report. The bill, which include a range of other GHG emissions provisions, died.

Efforts that are viewed (fairly or not) as an attack on PERA tend to provoke extremely strong political reactions. The fundamental political challenge for divestment advocates is that labor stakeholders tend to fiercely oppose any provisions that they feel might harm PERA. The only legislators who might plausibly carry legislation like this are Democrats, and Democrats tend to take labor concerns very seriously.

There has been some occasional interest among one or possibly several CC4CA member jurisdictions in exploring a PERA-focused strategy. Given the complexity of the politics, the potential risks to other elements of CC4CA's policy agenda, and the potential capacity demands on CC4CA of effective divestment-oriented advocacy, it seems appropriate for the Policy Committee to provide some high-level guidance.

Boulder County Climate and Economy meeting 6-1-2022 Questions on 2022 passed bills:

- 1) Can we get additional details on implementation timeframes for each of the bills? Especially grant fund availability/applications.
 - a. Since there are 45 bills in this category that we tracked, I'd refer people to the final fiscal note which can easily be accessed from the legislative wrap-up spreadsheet I compiled. If there are questions on specific bills, I'm happy to track down the answers.

(Collin already compiled:)

SB22-051 Policies to Reduce Emissions from the Built Environment

*** Heat pump systems and heat pump water heaters (residential or commercial buildings):**

- Tax credit of 10% of purchase price
 - Credit allowed for income tax year in which system is purchased
 - Effective income tax years 2023-2024 (repealed 1/1/2028)
- Exempt from sales and use tax on or after 1/1/2023 (repealed 1/1/2033)

*** Residential Energy storage system:**

- Tax credit of 10% of purchase price
 - Credit allowed for income tax year in which system is purchased
 - Effective income tax years 2023-2024 (repealed 1/1/2028)
- Exempt from sales and use tax on or after 1/1/2023 (repealed 1/1/2033)

*** Eligible Decarbonizing Materials on the list maintained by Office of the State Architect**

- Exempt from sales and use tax on or after 7/1/2024 (repealed 7/1/2034)

- 2) Can you include which of these are also endorsed/worked on by CC4CA and which squarely fell in to Boulder County's interest? *Tyler Kesler (Erie, Sustainability Coordinator)*
 - a. Please see the legislative wrap-up spreadsheet for the 45 bills that we supported or opposed. For CC4CA members, see CC4CA's legislative wrap-up for a review of the bills they were active on.
- 3) Is the \$65m for school bus electrification possible to expand to other fleet vehicles (such as food delivery for BVSD School Food Program)? *Miles Hoffman (Superior Sustainability Advisory Committee)*
 - a. No, this is just for school buses due to the desire to focus on the fine particulate pollution impacts to children while riding diesel school buses.
- 4) For HB22-1362 can the \$3M be used for hiring muni staff or simply for education for developers and workforce? Compliance vs enforcement *Tyler Kesler*
 - a. The grants to local governments support their adoption and enforcement of energy codes and don't support hiring new staff.
- 5) Can the tax incentives for heat pumps be claimed by undocumented residents? *Berenice Garcia-Tellez*
 - a. Purchases of air-source heat pumps, ground-source heat pumps, and heat pump water heaters, and residential energy storage systems are point-of-sale sales and use tax exemptions, so anyone who purchases these products can benefit. The income tax incentives for heat pumps and residential energy storage are in the form of refundable tax credits, so a person would have to file taxes to receive the benefit.

- 6) Would the HB22-1218 require municipalities to adopt these standards in their building code? Lafayette is increasing our EV Charging requirements this year. *Elizabeth Szorad, Lafayette Sustainability Coordinator*
- a. Unfortunately, HB1218 was vetoed by the Governor.
- 7) HB21-1162 Management Of Plastic Products – is there any penalty or requirement for municipalities to enforce this? Would rather incentivize and help people than enforce.
- a. The bill authorizes local governments to enforce against violations of the bill in a manner that they choose. Counties are authorized to seek injunctive relief against a store or retail food establishment and impose a civil penalty. I didn't work on this bill but it doesn't appear to include any incentive programs.

BILL TOPIC: "Utilities Energy Upgrade Programs"

[Context: this is the draft bill with recommended edits incorporated, numbering/spacing may be off, but should be fixed in final draft. The draft is tied up in legislative drafting and so we are going ahead and sharing this version. The actual version may be slightly different, but should be very similar.]

A BILL FOR AN ACT

CONCERNING REQUIRING CERTAIN UTILITIES TO ALLOW CUSTOMERS TO PARTICIPATE IN ENERGY UPGRADE PROGRAMS THAT REDUCE ENERGY COSTS AT CUSTOMER LOCATIONS .

Bill Summary

[Bill summary to be drafted following revisions to draft.]

Be it enacted by the General Assembly of the State of Colorado:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SECTION 1. In Colorado Revised Statutes, add part 3 to article 2 of title 40 as follows:

PART 3

ENERGY EFFICIENCY UPGRADE PROGRAMS

40-2-301. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) COLORADO HOMES AND BUSINESSES CAN CONTRIBUTE TO THE CREATION OF A CLEAN ENERGY ECONOMY, CONSERVATION OF NATURAL RESOURCES, AND RELIABILITY OF THE ELECTRICITY GRID THROUGH THE INSTALLATION OF COST-EFFECTIVE RENEWABLE ENERGY GENERATION, ENERGY EFFICIENCY AND DEMAND RESPONSE EQUIPMENT, AND ENERGY STORAGE SYSTEMS; AND

(b) MANY COLORADO RESIDENTS AND BUSINESSES THAT WOULD BENEFIT FROM COST-EFFECTIVE RENEWABLE ENERGY GENERATION, ENERGY EFFICIENCY AND DEMAND RESPONSE EQUIPMENT, AND ENERGY STORAGE SYSTEMS ARE UNABLE TO PURCHASE SUCH SYSTEMS DUE TO CAPITAL OR CREDIT BARRIERS.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT COLORADO SHOULD PURSUE OPTIONS TO ENABLE MORE COLORADANS TO ACCESS THE HEALTH, ENVIRONMENTAL, AND FINANCIAL BENEFITS OF NEW CLEAN ENERGY TECHNOLOGY.

40-2-302. Definitions. AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSION" MEANS THE PUBLIC UTILITIES COMMISSION CREATED IN SECTION 40-2-101.

(2) "ELIGIBLE CUSTOMER" MEANS A CUSTOMER OF A UTILITY, WHICH CUSTOMER:
(a) OWNS THE PROPERTY AT WHICH THE CUSTOMER RECEIVES UTILITY SERVICE; OR
(b) RENTS THE PROPERTY AT WHICH THE CUSTOMER RECEIVES UTILITY SERVICE, PAYS ALL OR SOME OF THE REGULAR BILL FOR THE UTILITY SERVICE, AND HAS THE WRITTEN PERMISSION OF THE PROPERTY OWNER TO PARTICIPATE IN A PROGRAM.

(3) "ENERGY PROJECT" MEANS AN UPGRADE OF THE EFFICIENCY OF ENERGY USAGE AT A PARTICIPANT'S LOCATION, INCLUDING THE ADDITION OF RENEWABLE ENERGY GENERATION SYSTEMS, INCLUDING SOLAR PROJECTS, ENERGY EFFICIENCY IMPROVEMENTS, ENERGY STORAGE SYSTEMS, DEMAND RESPONSE EQUIPMENT, AND ANY COMBINATION OF THESE THINGS.

(4) "PARTICIPANT" MEANS AN ELIGIBLE CUSTOMER WHO ELECTS TO PARTICIPATE IN A UTILITY'S PROGRAM. PARTICIPANTS AT A LOCATION WITH AN ENERGY PROJECT ARE RESPONSIBLE FOR THE ACTIONS OF ANY OCCUPANTS AT THEIR LOCATION.

(5) "SUCCESSOR CUSTOMER" MEANS A CUSTOMER OF A UTILITY TAKING OCCUPANCY AT A LOCATION AT WHICH AN ENERGY PROJECT WAS INSTALLED AND WHERE TARIFFED CHARGES ARE STILL IN EFFECT. SUCCESSOR CUSTOMERS AT A LOCATION WITH AN ENERGY PROJECT ARE RESPONSIBLE FOR THE ACTIONS OF ANY OCCUPANTS AT THEIR LOCATION.

(6) "PROGRAM" MEANS AN ENERGY EFFICIENCY UPGRADE PROGRAM OFFERED BY A UTILITY PURSUANT TO SECTION 40-2-303.

(7) "PROGRAM CONTRACTOR" MEANS A CONTRACTOR THAT IS SELECTED BY A PROGRAM OPERATOR TO PERFORM AN ENERGY PROJECT.

(8) "PROGRAM OPERATOR" MEANS A STATE AGENCY, BUSINESS, OR NONPROFIT ORGANIZATION RESPONSIBLE FOR IMPLEMENTING A UTILITY'S PROGRAM.

(9) "TARIFF" AS DEFINED IN COMMISSION RULES 4-CCR-723-1, PART 1004 (hh) MEANS A SCHEDULE THAT IS FILED WITH THE COMMISSION PURSUANT TO § 40-3-103, C.R.S. SHOWING ALL RATES AND CLASSIFICATIONS COLLECTED OR ENFORCED, OR TO BE COLLECTED OR ENFORCED, AND/OR RULES, REGULATIONS, TERMS, AND CONDITIONS, THAT IN ANY MANNER AFFECT OR RELATE TO RATES,

CLASSIFICATIONS, OR SERVICE. FOR THIS PART 3, A TARIFF MORE SPECIFICALLY REFERS TO A SCHEDULE THAT IS ESTABLISHED BY A UTILITY IN ORDER TO RECOVER ITS COSTS INCURRED IN OFFERING ONE OR MORE ENERGY PROJECTS AND THAT IS CALCULATED IN ACCORDANCE WITH SECTION 40-2-303 (3)(c).

(10) "TARIFF CHARGE" MEANS A MONTHLY OR OTHER REGULAR CHARGE THAT IS ASSOCIATED WITH ONE OR MORE ENERGY PROJECTS AND THAT A PARTICIPANT OR A SUCCESSOR CUSTOMER AT A LOCATION PAYS TO A UTILITY PURSUANT TO A TARIFF. TARIFF CHARGES ARE AUTOMATICALLY BINDING ON SUCCESSOR CUSTOMERS IN LOCATIONS WHERE ENERGY PROJECTS HAVE BEEN INSTALLED.

(11) "UTILITY" MEANS A PUBLIC UTILITY AS DEFINED IN SECTION 40-1-103 PROVIDING ELECTRIC SERVICES AS AN INVESTOR-OWNED UTILITY IN COLORADO.

40-2-303. Energy efficiency upgrade programs required - implementation plans - duties of utilities.

(1) ON AND AFTER THE DATE THAT OCCURS __ DAYS AFTER THE EFFECTIVE DATE OF THIS PART 3, THE COMMISSION SHALL REQUIRE EACH UTILITY IN THE STATE TO HIRE A PROGRAM OPERATOR TO IMPLEMENT A PROGRAM THAT SATISFIES THE REQUIREMENTS DESCRIBED IN THIS PART 3.

(2) ON OR BEFORE [120 DAYS AFTER THE COMMISSION PROMULGATES RULES], EACH UTILITY SHALL SUBMIT AN IMPLEMENTATION PLAN TO THE COMMISSION THAT DESCRIBES THE UTILITY'S PLAN FOR IMPLEMENTING A PROGRAM. IF THE COMMISSION FINDS THAT THE CONTENT OF THE IMPLEMENTATION PLAN DOES NOT COMPLY WITH THIS PART 3 OR WITH ANY RULE PROMULGATED BY THE COMMISSION, THE COMMISSION MAY REQUIRE THE UTILITY TO MODIFY ITS IMPLEMENTATION PLAN.

(3) A PROGRAM OFFERED BY A UTILITY PURSUANT TO THIS PART 3 MUST:

- (a) ALLOW THE PROGRAM OPERATOR TO IMPLEMENT ENERGY PROJECTS AT CUSTOMER LOCATIONS AND RECOVER THE COSTS OF SUCH ENERGY PROJECTS BY IMPOSING A TARIFF CHARGE THAT IS PAYABLE DIRECTLY THROUGH EACH CUSTOMER'S UTILITY BILL;
- (b) ALLOW ELIGIBLE CUSTOMERS OF THE UTILITY TO REQUEST AND AGREE TO THE INSTALLATION OF AN ENERGY PROJECT;
- (c) SET PROGRAM PARTICIPANT'S TARIFF CHARGE BASED ON THE PROGRAM OPERATOR COST CALCULATIONS AS DESCRIBED IN 40-2-307 (3). THE PROGRAM PARTICIPANT'S FIRST-YEAR TARIFF CHARGES CANNOT EXCEED 90 PERCENT OF THE PARTICIPANT'S ESTIMATED FIRST-YEAR COST SAVINGS UNDER UTILITY RATES IN PLACE AT THE TIME OF INSTALLATION. THE TERM OF COST-RECOVERY SHALL BE NO MORE THAN 90 PERCENT OF THE ESTIMATED LIFE SPAN OF THE INSTALLED UPGRADE. THE COMMISSION MAY SET THE PERCENTAGES FOR TARIFF CHARGES AND TERM AT A LOWER NUMBER IF THE COMMISSION DETERMINES THAT PERCENTAGE IS MORE BENEFICIAL FOR

COLORADANS. THE COMMISSION MAY SET DIFFERENT PERCENTAGES FOR DIFFERENT TYPES OF ENERGY UPGRADE TECHNOLOGIES.

(d) ELIGIBLE CUSTOMERS MAY VOLUNTARILY PROVIDE PAYMENT TO A PROGRAM CONTRACTOR TO ENSURE THAT ENERGY PROJECTS WOULD MEET 40-2-303 (3)(c).

(e) ALLOW PROJECTS THAT CONVERT GAS APPLIANCES TO ELECTRIC TO BE CONSIDERED AS ENERGY PROJECTS UNDER A PROGRAM;

(f) REQUIRE PARTICIPANTS TO AGREE TO ALLOW THE UTILITY TO RECOVER ITS COSTS FOR INVESTMENTS AT PARTICIPANTS' LOCATIONS BY COLLECTING A TARIFF CHARGE THROUGH THE PARTICIPANTS' ELECTRICITY BILLS.

(4) IN OFFERING A PROGRAM, A UTILITY SHALL APPLY THE TARIFF CHARGE TO A PARTICIPANT'S BILL NO SOONER THAN FORTY-FIVE DAYS AFTER AN ENERGY PROJECT IS INSPECTED AND APPROVED BY A PROGRAM OPERATOR OR A PROGRAM OPERATOR'S DESIGNEE.

(5) IN SELECTING ELIGIBLE CUSTOMERS FOR PARTICIPATION IN A PROGRAM, A UTILITY MAY GIVE HIGHER PRIORITY TO CUSTOMERS WITH FAILED ESSENTIAL EQUIPMENT SUCH AS SPACE AND WATER HEATING EQUIPMENT.

(6) IN OFFERING A PROGRAM, A UTILITY SHALL NOTIFY EACH ELIGIBLE CUSTOMER THAT IS INTERESTED IN PARTICIPATING THAT, IF THE ELIGIBLE CUSTOMER IS INCOME-QUALIFIED, THE ELIGIBLE CUSTOMER MAY BE ELIGIBLE FOR UTILITY BILL DISCOUNTS OR SUBSIDIES AND FREE ENERGY IMPROVEMENTS. THE UTILITY SHALL PROVIDE EACH CUSTOMER CONTACT INFORMATION CONCERNING SUCH RESOURCES AT THE ELIGIBLE CUSTOMER'S REQUEST.

(7) A UTILITY OFFERING A PROGRAM SHALL NOT DIRECTLY OPERATE THE PROGRAM AND IS ENCOURAGED TO HIRE ONE OR MORE EXPERIENCED PROGRAM OPERATORS, IN ACCORDANCE WITH RULES PROMULGATED BY THE COMMISSION.

(8) IN IMPLEMENTING A PROGRAM, A PROGRAM OPERATOR SHALL PRIORITIZE THE USE OF PROGRAM CONTRACTORS THAT HAVE EMPLOYEES WHO HAVE RECEIVED TRAINING THROUGH STATE-CREATED JOB TRAINING PROGRAMS.

(9) A UTILITY SHALL NOT REQUIRE AN ELIGIBLE CUSTOMER TO CONTINUE PAYING FOR ANY ENERGY PROJECT THAT FAILS AND IS NOT REPAIRED WITHIN TWENTY-ONE DAYS AFTER THE UTILITY RECEIVES NOTICE OF THE FAILURE UNLESS THE ENERGY PROJECT HAS BEEN DAMAGED OR FAILED TO BE MAINTAINED BY THE PARTICIPANT OR OCCUPANTS AT THE LOCATION. THE PROGRAM OPERATOR IS RESPONSIBLE FOR VERIFYING ANY FAILURE AND ITS COST. IN THE CASE OF SUCH A FAILURE, THE UTILITY MAY RESUME APPLYING CHARGES AFTER THE ENERGY PROJECT IS REPAIRED AND FUNCTIONING, AND THE UTILITY MAY EXTEND THE TERM

OF PAYMENTS TO RECOVER THE UTILITY'S COSTS FOR MISSED PAYMENTS AND REPAIRS, BUT ONLY FOR AS LONG AS THE ENERGY PROJECT CONTINUES TO FUNCTION.

(10) CUSTOMERS WHO DAMAGE OR FAIL TO MAINTAIN AN ENERGY PROJECT WILL BE RESPONSIBLE FOR THE BALANCE OF UTILITY COST RECOVERY.

40-2-304. Capital investment requirements for utilities -recovery of costs of capital - rules.

(1) THE COMMISSION SHALL ESTABLISH PROGRAM GUIDELINES WITH THE ANTICIPATED SCHEDULE OF PROGRAM AVAILABILITY AS FOLLOWS:

(a) ON AND AFTER ____, AND UNTIL ____, [THE FIRST TWO YEARS OF OPERATION] EACH UTILITY SHALL INVEST CAPITAL IN AN AMOUNT EQUAL TO ONE PERCENT OF THE NUMBER OF THE UTILITY'S TOTAL RESIDENTIAL METERS MULTIPLIED BY TEN THOUSAND DOLLARS. THE UTILITY SHALL USE THIS MONEY FOR INVESTMENTS IN ENERGY PROJECTS IMPLEMENTED UNDER THE UTILITY'S PROGRAM.

(b) ON AND AFTER ____, AND UNTIL ____, [THE THIRD YEAR OF OPERATION] EACH UTILITY SHALL INVEST CAPITAL IN AN AMOUNT EQUAL TO TWO PERCENT OF THE NUMBER OF THE UTILITY'S TOTAL RESIDENTIAL METERS MULTIPLIED BY TEN THOUSAND DOLLARS. THE UTILITY SHALL USE THIS MONEY FOR INVESTMENTS IN ENERGY PROJECTS IMPLEMENTED UNDER THE UTILITY'S PROGRAM.

(c) ON AND AFTER ____, [THE FOURTH YEAR OF OPERATION AND BEYOND], EACH UTILITY SHALL INVEST CAPITAL IN AN AMOUNT THAT ALLOWS THE UTILITY TO IMPLEMENT ALL ENERGY PROJECTS REQUESTED BY ANY CUSTOMER OF THE UTILITY.

(2) A UTILITY MAY RECOVER THE COMMISSION'S APPROVED COST OF CAPITAL FROM ITS CUSTOMERS; HOWEVER, PARTICIPANTS MAY ONLY BE CHARGED 3% INTEREST ON THE COST OF THEIR ENERGY PROJECTS.

(3) EACH UTILITY SHALL INFORM ITS CUSTOMERS ABOUT THE AVAILABILITY OF THE UTILITY PROGRAM AND THEIR POTENTIAL ELIGIBILITY TO PARTICIPATE.

(4) THE COMMISSION SHALL PROMULGATE RULES ALLOWING EACH UTILITY TO RECOVER ALL OF THE INCURRED COSTS OF OFFERING A PROGRAM SO LONG AS THE UTILITY MEETS COMMISSION-DETERMINED THRESHOLDS FOR THE NUMBER OF CUSTOMERS SERVED AND THE AMOUNT OF ITS INVESTMENTS IN THOSE CUSTOMERS' LOCATIONS.

(5) IN THE EVENT THAT A PARTICIPANT FAILS TO PAY THE PARTICIPANT'S UTILITY BILLS RELATING TO THE PROGRAM, THE UTILITY MAY RECOVER THE REMAINING BALANCE OF THE UTILITY COSTS FROM SUCCESSOR CUSTOMERS AT THE PARTICIPANT'S LOCATION. A UTILITY SHALL TREAT A COMPLETED ENERGY PROJECT AS AN ESSENTIAL UTILITY SERVICE AND SHALL TREAT NON-PAYMENT FOR A COMPLETED ENERGY PROJECT AS IT DOES ALL OTHER ESSENTIAL UTILITY SERVICES.

40-2-305. Sharing of utility profits from electrification of gas-fired heating appliances. THE COMMISSION MAY CREATE SPECIFIC RATES AND INCENTIVES TO PROMOTE ADDITIONAL OR MORE COMPREHENSIVE ENERGY PROJECTS OR REFUNDS TO ALL CUSTOMERS BY REQUIRING UTILITIES TO ALLOCATE A PERCENTAGE OF THE FUNDS THAT THEY REALIZE FROM INCREASED SALES RESULTING FROM ELECTRIFICATION OF GAS-FIRED HEATING APPLIANCES.

40-2-307. Program operators - duties.

(1) A PROGRAM OPERATOR SHALL IMPLEMENT A UTILITY'S PROGRAM BY CONTACTING POTENTIAL PARTICIPANTS, ASSESSING WHICH ENERGY PROJECTS QUALIFY FOR THE PROGRAM AT A LOCATION, ENSURING THAT ENERGY PROJECTS ARE COMPLETED BY PROGRAM CONTRACTORS, OVERSEEING ENERGY PROJECT INSTALLATIONS, RESOLVING DISPUTES BETWEEN PARTIES, AND ENSURING THAT PROGRAM CONTRACTORS' LICENSES AND CERTIFICATES OF INSURANCE ARE MAINTAINED.

(2) A PROGRAM OPERATOR MAY NEGOTIATE WITH DISTRIBUTORS OR PROGRAM CONTRACTORS TO OBTAIN DISCOUNTS FOR SERVICES FROM PROGRAM CONTRACTORS IN ORDER TO LOWER COSTS FOR THE UTILITY AND PARTICIPANTS;

(3) IN CALCULATING THE COST EFFECTIVENESS OF A PROPOSED ENERGY PROJECT AT AN ELIGIBLE CUSTOMER'S LOCATION, A PROGRAM OPERATOR SHALL USE THE PROCESS ESTABLISHED BY RULES PROMULGATED BY THE COMMISSION PURSUANT TO SECTION 40-2-308 (2)(c). A PROGRAM OPERATOR SHALL DETERMINE A PROPOSED ENERGY PROJECT IS SUFFICIENTLY COST EFFECTIVE ONLY IF THE PROGRAM OPERATOR DETERMINES THAT THE ENERGY PROJECT WILL IMMEDIATELY PRODUCE NET SAVINGS BASED ON RATES IN EFFECT AT THE TIME OF INSTALLATION.

(4) A PROGRAM OPERATOR SHALL CREATE AND ADMINISTER AN AUTHORIZED CONTRACTOR PROGRAM TO PROVIDE AUTHORIZED CONTRACTORS TO THE UTILITY OR UTILITIES THAT OFFER PROGRAMS PURSUANT TO THIS PART3.

(a) THE COMMISSION SHALL ESTABLISH MINIMUM CRITERIA FOR CONTRACTORS WHO WISH TO PARTICIPATE IN THE AUTHORIZED CONTRACTOR PROGRAM, INCLUDING REQUIRING PARTICIPATING

CONTRACTORS TO DEMONSTRATE SPECIFIC SKILLS, LICENSURE, OR CERTIFICATION AND POSSESS ADEQUATE INSURANCE OR BONDING COVERAGE.

(b) IN ANY LIST OF PROGRAM CONTRACTORS PRODUCED BY A PROGRAM OPERATOR, THE PROGRAM OPERATOR SHALL HIGHLIGHT ANY CONTRACTOR THAT IS INCLUDED IN THE CERTIFIED CONTRACTOR LIST DESCRIBED IN SECTION 40-3.2-105.6 (3).

(5) TO PROTECT CONSUMERS, THE COMMISSION SHOULD ESTABLISH COMPENSATION FOR A PROGRAM OPERATOR TIED TO ITS COST FOR THE PROVISION OF SERVICES AND NOT TO THE SIZE OF THE INVESTMENTS MADE.

40-2-308. Commission duties - stakeholder hearing - rules.

(1) NOT LATER THAN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS PART 3, THE COMMISSION SHALL CONVENE A HEARING AT WHICH INTERESTED PARTIES MAY DISCUSS ISSUES AND SUBMIT COMMENTS RELATED TO THE IMPLEMENTATION OF PROGRAMS BY UTILITIES PURSUANT TO THIS PART 3.

(2) NOT LATER THAN 365 DAYS AFTER THE EFFECTIVE DATE OF THIS PART 3, THE COMMISSION SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF PROGRAMS BY UTILITIES. IN PROMULGATING THE RULES, THE COMMISSION SHALL REVIEW THE INPUT OF STAKEHOLDERS EXPRESSED DURING THE HEARING DESCRIBED IN SUBSECTION (1) OF THIS SECTION. THE RULES, AT A MINIMUM, MUST INCLUDE:

(a) RULES FOR DETERMINING WHICH POTENTIAL ENERGY PROJECTS ARE ELIGIBLE PROJECTS; EXCEPT THAT ENERGY PROJECTS THAT ARE INTENDED TO DIRECTLY IMPROVE GAS WATER AND SPACE HEATING APPLIANCE EFFICIENCY OR REDUCE GAS HEATING APPLIANCE OPERATING COSTS ARE NOT ELIGIBLE PROJECTS IF CONVERTING TO ELECTRIC HEAT PUMP TECHNOLOGY WILL BE LESS EXPENSIVE FOR THE PARTICIPANT.

(b) RULES ESTABLISHING CONDITIONS UNDER WHICH UTILITIES MAY SECURE CAPITAL TO FUND ENERGY PROJECTS, AS REQUIRED BY SECTION 40-2-304. IN PROMULGATING RULES PURSUANT TO THIS SUBSECTION (2)(b), THE COMMISSION SHALL:

- (I) ALLOW UTILITIES TO RAISE CAPITAL INDEPENDENTLY OR WORK WITH THIRD-PARTY LENDERS TO SECURE CAPITAL;
- (II) REQUIRE A UTILITY TO IDENTIFY THE LEAST COSTLY SOURCES OF CAPITAL SUITABLE FOR THE DURATION OF COST RECOVERY AS SPECIFIED IN SECTION 40-2-303 (3); AND
- (III) ALLOW THE COLORADO CLEAN ENERGY FUND TO PROVIDE THE LOWEST COST CAPITAL FOR A UTILITY'S PROGRAM.

(c) RULES ESTABLISHING A PROCESS FOR PROGRAM OPERATORS TO USE TO CALCULATE THE COST EFFECTIVENESS OF PROPOSED ENERGY PROJECTS AT A CUSTOMER'S LOCATION, AND THE COMMISSION MUST APPROVE EACH PROGRAM OPERATOR'S COST EFFECTIVENESS ANALYSIS PROTOCOLS AND SOFTWARE PRIOR TO THEIR USE IN ONE OR MORE PROGRAM(S);

(d) RULES ESTABLISHING GUIDELINES FOR UTILITIES TO USE COMMUNICATING WITH CUSTOMERS ABOUT THE UTILITIES' PROGRAMS;

(e) RULES REQUIRING EACH UTILITY TO HIRE ONE OR MORE EXPERIENCED PROGRAM OPERATORS TO PERFORM THE DUTIES DESCRIBED IN SECTION 40-2-307. THE PROGRAM OPERATOR SHALL NOT BE PARTIALLY OR WHOLLY OWNED BY THE HIRING UTILITY NOR OWNED BY COMPANIES THAT THE HIRING UTILITY PARTIALLY OR WHOLLY OWNS.

(f) ESTABLISHING RULES AND STANDARDS FOR VERIFICATION, EVALUATION, AND MONITORING OF UTILITY PROGRAMS.

(3) IN PROMULGATING RULES FOR THE UTILITY PROGRAMS, THE COMMISSION SHALL DETERMINE HOW TO BEST SERVE RESIDENTS OF DISPROPORTIONATELY IMPACTED COMMUNITIES, AS DEFINED IN SECTION 24-4-109 (2)(b)(II). THE COMMISSION MAY CONSIDER:

- (a) TARGETED MARKETING EFFORTS;
- (b) ENGAGEMENT AND COMMUNICATION WITH GROUPS AND PROGRAMS THAT SERVE DISPROPORTIONATELY IMPACTED COMMUNITIES; AND
- (c) REQUIRING EACH UTILITY TO ENSURE THAT A MINIMUM PERCENTAGE OF ITS CUSTOMERS WHO PARTICIPATE IN THE UTILITY'S PROGRAM ARE MEMBERS OF A DISPROPORTIONATELY IMPACTED COMMUNITY.

(4) IN PROMULGATING RULES FOR THE UTILITY PROGRAMS, THE COMMISSION SHALL DETERMINE HOW TO BEST INCLUDE ACCESS TO THE PROGRAM FOR UTILITY CUSTOMERS WHO NEED EMERGENCY UPGRADES; EMERGENCY UPGRADES ARE NEEDED WHEN A CUSTOMER HAS ONE OR MORE EXISTING MAJOR APPLIANCES FAIL THAT NEED TO BE QUICKLY REPLACED.

40-2-309. Equitable energy upgrade and acceleration programs -evaluations. THE COMMISSION SHALL EVALUATE EACH PROGRAM EIGHTEEN MONTHS AFTER A UTILITY OFFERS A PROGRAM.

SECTION 2. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the

state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2022 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

ACTION ON CLIMATE: WHAT MORE MUST WE DO?

Co-hosted by CPR Initiative and the City of Boulder, Colorado



**Climate Protection &
Restoration Initiative**

— CPRclimate.org —

On June 16, 2022, CPR Initiative filed its [Petition](#) to EPA to Phase Out Greenhouse Gas (GHG) Pollution under the Toxic Substances Control Act (TSCA).

The Petition garnered over a thousand [endorsements from individuals](#), and over a hundred [endorsements from climate organizations](#), as well as hundreds of favorable public comments. The City of Boulder was an early and critical endorser.

Despite our demonstration of [broad public support](#), a strong legal foundation and overwhelming scientific evidence that the unregulated production and release of GHG pollution into our oceans and atmosphere clearly present “an unreasonable risk” to both health and the environment, EPA declined to take up our urgent call for rulemaking under **TSCA**.

Commented [KJ1]: Lets be clear on the feedback we are seeking from speakers... Is it the broad "what more should the federal government do?", or is it what more should the EPA be doing, or is it specific to the use of TSCA? I think being specific will be important to guide speakers.

But Petitioners, CPR Initiative and our supporters will not take “No” for an answer (See our [Sept. 16 blog post](#), and [Sep. 19 Press Release](#)).

Deleted: [ember](#)

Deleted: [tember](#)

The devastating effects of climate change are already upon us, and time is of the essence.

Together, we will conduct the necessary information gathering that EPA could and should be doing to establish a public record aimed at a strong rule to phase out greenhouse gas pollution. Once the Agency decides — or is pressed by a court to commence — such a rulemaking, it will then be ahead of the game.

We will hold our first climate action public hearing, in conjunction with the City of Boulder, Colorado, on Nov. 1, 2022 in the City Council [Chambers](#).

Register to Attend and Speak

We welcome all points of view, and invite you to join us either in-person or remotely. Registration is *strongly encouraged*, but optional and free to all participants, whether you intend to participate in-person or remotely. The [virtual](#) link is provided in the confirmation email.

Commented [SE2]: Feels like we need to add a stronger call to action here. What type of feedback should people provide? On what issues? Who is listening? What will happen to the feedback?

Commented [KJ3]: Thanks Emily, I agree with this comment. I think this is where we want to say something to the effect of: CPR representatives will gather all of the feedback and deliver it to the EPA or something to that effect. Without this explicit framing, a speaker may think he's speaking to reps from the EPA, or the federal government. If they aren't there to gather feedback officially, then speakers need to know that we are there to listen and package the testimony.

Deleted: via Zoom

Deleted: webinar

Deleted: Zoom

[REGISTER TO ATTEND](#)

[REGISTER TO SPEAK](#)

EVENT DETAILS

Location

[Penfield Tate II](#) Boulder Municipal Building
1777 Broadway
Boulder, CO 80302

Date & Time

Tuesday, November 1, 2022

9:00am – 3:00pm

Commented [SE5]: Confirm time

Contact

info@CPRclimate.org

NOTES FOR SPEAKERS & ATTENDEES



- Registered Speakers will have 5 minutes;
- A microphone will be provided, but in the interest of time, we ask that Speakers not rely on any presentation materials;
- All participants may submit written testimony up to one week after the event (Submit your written testimony below);

- ;
- Following the registered speaker line-up, all **unregistered** attendees, whether in-person or remote, will each have an opportunity to speak for **two minutes**.

SUBMIT WRITTEN TESTIMONY

Whether you register to speak or to attend, in-person or remotely, you may submit written testimony to the public record up to one week after the event. The deadline to submit your testimony here is **5pm PDT on November 7, 2022**.

Thank you for your participation.

Register to Attend and Speak

Registration is *strongly encouraged*, but optional and free to all participants, whether you intend to participate in-person or remotely. The **participation** link is provided in the confirmation email.

REGISTER TO ATTEND

REGISTER TO SPEAK

Deleted: Attendees, either in-person or by remote Zoom webinar chat may submit questions directed to Speakers

Deleted: <#>Speakers will have additional time to answer questions if they are willing;¶

Deleted: <#>S

Deleted: <#>2 minutes if they wish

Formatted: Centered, Space Before: Auto, After: Auto

Deleted: ¶

Deleted: via Zoom webinar

Deleted: Zoom

Commented [SE6]: Working to get you a zoom registration link ASAP



**Climate Protection &
Restoration Initiative**
CPRclimate.org



**City of
Boulder**

October 21, 2022

Michael S Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Regan.Michael@epa.gov

Dear Administrator Regan,

We are pleased to invite you to a joint public hearing event on Nov. 1, 2022, starting at 10am, Boulder City Council Chambers, on the topic: ***What more should the United States do on climate?***

The event is co-sponsored by the City of Boulder, Colorado, and Climate Protection & Restoration Initiative, a public-interest, nonprofit group. We anticipate that a number of people, experts and lay, from the public and private sectors, will speak for up to 5 minutes each.

New federal investments contained in the IRA and the Bipartisan Infrastructure, alongside existing and proposed EPA rules to control GHG emissions from various sectors, may be necessary and yet still insufficient to meet our obligation to protect and restore a viable climate system for present and future generations. Accordingly, the City of Boulder and CPR Initiative believe that additional action, including additional federal action, is needed on climate.

To help identify additional actions that the federal government should take on climate, we are turning to the public to garner at least some of its best thinking. We invite you, or your designee, to receive the testimony (preferably with us at the head table), to provide a statement, or both.

Please let us know at your earliest convenience and thank you for your consideration.

Dan Galpern, General Counsel & Director
Climate Protection & Restoration Initiative
2495 Hilyard St., Suite A
Eugene, Oregon 97405
541.968.7164
dan.galpern@CPRclimate.org

Jonathan Koehn, Director
City of Boulder Climate Initiatives
1101 Arapahoe
Boulder, CO 80302
303.441.1915
koehnj@bouldercolorado.gov

Cc: KC Becker, Administrator, EPA Region 8, Becker.KC@epa.gov

Tuesday, November 1, 2022

Boulder Climate Action Hearing

Event Agenda

1. Welcome & opening remarks from Jonathan **(5 minutes)**
2. Welcome & opening remarks from Dan **(5 minutes)**
3. Petitioners' testimony **(25 - 30 minutes)**
 - A. Donn J. Viviani **(In-person)**
 - B. James E. Hansen **(In-person or remote or pre-recorded)**
 - C. John Birks **(In-person)**
 - D. Lise Van Susteren **(Remote or pre-recorded)**
 - E. Richard Heede **(Remote or pre-recorded)**
4. Registered In-person Speakers Testimony **(5 minutes each)**
6. Registered Remote Speakers Testimony **(5 minutes each)**
7. Non-registered In-person Speakers Testimony **(2 minutes each)**
8. Non-registered Remote Speakers Testimony **(2 minutes each)**
9. Closing Remarks from Dan **(2-5 minutes)**

PowerPoint Presentation Order

PPT Slide #	Approximate Time	Speaker(s)
1	9:30 – 10:00 am	None – just while people are entering
2, 3, 4	10:00 – 10:15 am	Jonathan & Dan
4	10:15 – 11:55 pm	Petitioners & Registered Speakers
4	11:55 – 12:05 pm	Dan – transition period
4	12:05 – 12:45 pm	Walk-in Speakers
5	12:45 – 1:00 pm	Dan – Closing remarks
5	1:00 – 1:15 pm	None – just while people are leaving

Good morning,

I'd like to get things started and welcome you all to this important and exciting hearing focusing on the role of the federal government in accelerating our response to climate change. My name is Jonathan Koehn, and I'm honored to serve the boulder community as the director of the city's climate initiative department.

I want to start by thanking our colleagues at the Climate Protection and Restoration Initiative for coordinating today's hearing. I'd also like to thank all of today's speakers, especially the petitioners for sharing your valuable time hanging out in city council chambers on such a beautiful fall day is a bit painful...I also want to thank my colleagues in the in City's climate initiatives department and our entire community who continue to lead on actions to preserve the environment, reduce greenhouse gas (GHG) emissions and tackle climate change — with City Council and the community consistently demonstrating support for these efforts.

It not circumstantial that this hearing is being held less than a week before the 27th conference of parties is set to take place in Egypt. As we close out another year marked by record-breaking floods, deadly heat waves, and other extreme weather events on top of a global energy crisis, representatives will gather, this time not with the intention of making any new pledges, but to focus on whether countries are following through with their commitments made last year.

Meanwhile, last week, with much fanfare, the UN released its Emissions Gap Report, which looks at what countries are doing to address the climate crisis and what they promise to do in the future. Despite the increasing intensity of climate impacts around the globe, the report finds that many countries are still falling far short of their Paris Agreement goals.

The report also finds that “urgent sector and system-wide transformations...are essential to avoid climate disaster.” Such sweeping transformations require large-scale, rapid, and systemic change – making the role of the federal government even more critical.

In Boulder, we deeply understand the urgency of addressing the climate crisis. Close to home, the impacts are undeniable. The horrific Marshall Fire burned through suburban neighborhoods, displacing thousands of our Boulder County neighbors. And in the recent NCAR and North Shanahan Ridge fires, Boulder experienced frightening close calls. From catastrophic fires and floods to blistering, extended heat waves, the past months have provided a chilling reminder of the need to prepare for this ‘new normal’ of extreme weather events fueled by climate change. And of course, boulder is in no way unique...every community is responding to what people are seeing firsthand... that climate disruption is not looming in some imagined future, it is here and now. That's a justifiably frightening thing.

We also know that climate driven impacts will impact our community members disproportionately, and hit at the heart of the local economies, requiring cities to undertake unprecedented levels of planning and spending. communities will face increased harms, and their costs to adapt to and mitigate the impacts of climate change will continue to climb. it's

those escalating costs in fact, that forced boulder, along with our partners boulder and San Miguel counties to take legal action against Exxon Mobile and Suncor Energy so that taxpayers are not stuck footing the bill alone.

Despite the clarity of what needs to happen, there's uncertainty about how we'll get it done. The UN, in unusually blunt language, has recently called for "political courage" and the "ability to look beyond current interests." In today's political climate, this is no simple request. and even with the growing engagement of cities, the scale of the climate crisis is far too great for local or even regional collaborations to solve the climate crisis on their own.

Cities simply do not control or have enough resources to direct or manage the enormous changes necessary to strengthen our economies, improve community health, strengthen our resilience, and protect our vulnerable populations.

We can recognize the administration's efforts to date in elevating the urgency of the climate crisis. The federal government was essential in enacting solutions to past large-scale environmental crises—from the Dust Bowl to toxic pollution that poisoned our waters and air. It is time now, again, for a clear vision that allows federal, state, and local leaders to work together more closely, particularly to help states and cities to access billions of dollars in new federal funding.

Recent federal legislative accomplishments like the Bipartisan Infrastructure Law are stunning, and there's no question the IRA is a step toward greater federal action on both climate change and addressing some of the administration's commitments on environmental justice. But we also need to change the baseline for rulemakings across federal agencies so rules can be designed that are both ambitious and legally durable.

As I conclude my remarks today, I want to emphasize that Boulder is not alone in its efforts. Increasingly, cities and counties are making big changes and pressing other levels of government and the private sector to do much more to combat climate change. The IPCC reports reinforce that the coming decade will be one of transitions – for good or for ill. The world's scientists are clear on the dangers. They have done their part to inform us as to what needs to be done. It's our job to put that knowledge into action.

On behalf of the Boulder community, I welcome you to today's hearing, and want to sincerely thank everyone for your important participation. I'd like to turn the mic over to my colleague Dan Galpern, general counsel and Executive Director for the Climate Protection and restoration Initiative.

On June 16, 2022, Climate Protection & Restoration Initiative (CPR Initiative), along with five renowned climate experts, filed a citizens' petition under the Toxic Substances Control Act (TSCA).

The Petition seeks action, under law, by the Environmental Protection Agency (EPA), to phase out greenhouse gas (GHG) pollution and compel major climate polluters to clean up their mess. Over a thousand individuals and more than hundred organizations endorsed the effort.

And yet, despite the Petition's strong legal foundation and its summary of the overwhelming evidence, EPA declined to act. Instead of opening a rulemaking proceeding to develop a new federal rule to phase out GHG pollution, the Agency asserted it was (and will be) doing enough under other law.

But Petitioners believe that real, concrete action to actually phase out climate pollution is required. (See our September 16 blog post, and our September 19 Press Release.) Indeed, because devastating climate impacts are upon us already, and far worse is yet to come, further delay in undertaking real climate action is no longer tenable.

AND SO: In partnership with key allies – including the City of Boulder, Colorado – CPR Initiative will take public testimony in recorded and written form on this question:

What More Must the United States Do To Confront the Climate Crisis?

We have invited EPA's participation, but either way we will make the full record available to the Agency. That way, when it voluntarily reconsiders its present position – or is forced to do so by a federal court – it will be ahead of the game.

Give us your considered thoughts. We welcome all points of view. Your statement can be in-person or remote, and in oral or written form (or both).

Our first such public hearing on climate action, co-sponsored by the City of Boulder, Colorado, is slated for Nov. 1, 2022, in the Boulder City Council Chambers, from 9am to 1pm. Tell your friends and colleagues; we will see you there.

October 26, 2022

Dear Governor Polis,

We are writing to bring to your immediate attention new research that finds disturbingly high levels of per- and polyfluoroalkyl substances (PFAS) in widely used pesticides and request that the state limit the use of these pesticides in Colorado.

Colorado is a leader in the country in protecting public health by controlling PFAS contamination in the state. With the lack of EPA regulation of PFAS, the Colorado Department of Public Health and Environment developed Narrative water quality Standards to use in permitting. Last year, the legislature passed, and you signed, ground breaking legislation intended to prevent PFAS from entering the water stream. In 2019 and 2021 the legislature passed bills to limit the use of PFAS laden fire-fighting foam, one of the known major contaminants in the state. The state is spending vast amounts of money to test and filter water contaminated with PFAS. After all of this movement forward on this issue, it is counter-intuitive to simultaneously allow for the use of pesticides containing PFAS.

Published September 2022, in the Journal of Hazardous Materials Letters, the study (“Targeted Analysis and Total Oxidizable Precursor Assay of Several Pesticides for PFAS”) <https://www.sciencedirect.com/science/article/pii/S266691102200020X> found–

- PFOS in 6 out of 10 tested insecticides at incredibly high levels, ranging from 3,920,000 to 19,200,000 parts-per-trillion (ppt). This June the U.S. Environmental Protection Agency (EPA) updated its Health Advisory for PFOS to 0.02 ppt;
- These PFAS are being taken up into the roots and shoots of plants, which means that they are entering our food supply through contaminated soils; and
- A non-targeted PFAS analysis indicates that there are far more additional unknown PFAS in 7 out of 10 tested insecticides.

These findings strongly suggest that EPA’s approach to preventing PFAS contamination of registered pesticides has been wholly inadequate. It is up to the state to protect public health.

Further, the level of PFAS absorption by plants detected in this study suggests that this exposure pathway poses a major threat to the safety of our food supply. For this reason, it is quite possible that PFAS in our food is a bigger PFAS exposure pathway than water. This threat is not merely to the safety of U.S. agriculture but of the world’s food supply, as these pesticides are widely applied in other countries.

EPA considers any level of PFAS to be potentially toxicologically significant. Thus, the presence of PFAS in pesticides at levels that are ***hundreds of thousands of times higher*** than EPA’s Health Advisories for water should be cause for our immediate concern.

On behalf of my organization, Public Employees for Environmental Responsibility (PEER), and the following groups, -----, we are writing to ask you to examine this study and take these three actions on an urgent basis:

1. The state of Colorado stop using and applying pesticides containing PFAS on state lands;
2. The Colorado Department of Agriculture require that every pesticide manufacturer test every registered product and certify that they do not contain PFAS; and
3. Ban the use of any pesticide containing any form of PFAS.

Regarding this second request, the study's detection of unknown PFAS suggests that many of the PFAS found in the pesticides tested fall outside the narrow definition of PFAS that EPA and the state of Colorado is developing for regulatory purposes. Once again, PEER urges the State to regulate all PFAS as a category, rather than on a chemical-by-chemical approach for the hundreds of PFAS that are now in use and the unknown number of these chemicals being developed.

Should you want any additional information on any aspect of this matter, we will be more than happy to provide it.

Sincerely,

Director Jill Hunsaker-Ryan, Colorado Department of Health and the Environment
Tracie White, Hazardous Materials and Waste Management Division Director, CDPHE
Nicole Rowan, Clean Water Program Manager, CDPHE
Kristy Richardson, State Toxicologist, CDPHE
Director Dan Gibbs, Department of Natural Resources
Alice Horgan, Acting Assistant Director for Parks, DNR
Kelly Romero-Heaney, Assistant, Director for Water, DNR
Commissioner Kate Greenberg, Department of Agriculture
John Scott - Pesticide Programs Section Chief, DOA
Jolynn Morris - Pesticide Registration Coordinator, DOA
Representative Lisa Cutter
Representative Mary Bradfield
Senator Chris Hansen
Representative Steven Woodrow

Saturday, December 10, 22

Boulder Climate Action Hearing

Event Agenda

1. **(2-5 minutes)** (Optional) Welcome / opening remarks
 - **(In-person)** Johnathan Koehn, Chief Sustainability & Resilience officer for the City of Boulder
2. **(2-5 minutes)** Welcome / opening remarks
 - **(In-person)** Dan Galpern, General Counsel & Executive Director of CPR Initiative
3. **(2-5 minutes each)** Petitioners' testimonies
 - A. **(In-person)** Donn J. Viviani, Board President of CPR Initiative and 35+ year veteran EPA scientist including service as Director of EPA's Climate Policy Division
 - B. **(In-person or remote or pre-recorded)** James E. Hansen, Director of Climate Science Awareness & Solutions (Columbia University), and former Director of NASA Goddard Institute for Space Studies
 - C. **(In-person)** John Birks, Co-Founder & Chief Scientist of 2B Technologies, a company that develops & manufactures air quality measurement monitors
 - D. **(Remote or pre-recorded)** Lise Van Susteren, Physician and Author, Board Member of Physicians for Social Responsibility, Earth Day Network, Climate Psychiatry Alliance, Chesapeake Climate Action Network, CPR Initiative
 - E. **(Remote or pre-recorded)** Richard Heede, Climate Accountability Institute & principal investigator for the widely-cited "Carbon Majors" project, which traces historical CO₂ emissions to oil, natural gas & coal companies
4. **(5 minutes each)** Registered in-person Speakers
6. **(5 minutes each)** Registered remote Speakers
7. **(2 minutes each)** Non-registered in-person Speakers
8. **(2 minutes each)** Non-registered remote Speakers
9. **(2-5 minutes)** Closing Remarks
 - Dan Galpern, General Counsel & Executive Director of CPR Initiative

Tuesday, November 1, 2022

Boulder Climate Action Hearing

Event Agenda

1. Welcome & opening remarks from Jonathan **(5 minutes)**
2. Welcome & opening remarks from Dan **(5 minutes)**
3. Petitioners' testimony **(25 - 30 minutes)**
 - A. Donn J. Viviani **(In-person)**
 - B. James E. Hansen **(In-person or remote or pre-recorded)**
 - C. John Birks **(In-person)**
 - D. Lise Van Susteren **(Remote or pre-recorded)**
 - E. Richard Heede **(Remote or pre-recorded)**
4. Registered In-person Speakers Testimony **(5 minutes each)**
6. Registered Remote Speakers Testimony **(5 minutes each)**
7. Non-registered In-person Speakers Testimony **(2 minutes each)**
8. Non-registered Remote Speakers Testimony **(2 minutes each)**
9. Closing Remarks from Dan **(2-5 minutes)**

PowerPoint Presentation Order

PPT Slide #	Approximate Time	Speaker(s)
1	9:30 – 10:00 am	None – just while people are entering
2, 3, 4	10:00 – 10:15 am	Jonathan & Dan
4	10:15 – 11:55 pm	Petitioners & Registered Speakers
4	11:55 – 12:05 pm	Dan – transition period
4	12:05 – 12:45 pm	Walk-in Speakers
5	12:45 – 1:00 pm	Dan – Closing remarks
5	1:00 – 1:15 pm	None – just while people are leaving

Good morning,

I'd like to get things started and welcome you all to this important and exciting hearing focusing on the role of the federal government in accelerating our response to climate change. My name is Jonathan Koehn, and I'm honored to serve the boulder community as the director of the city's climate initiative department.

I want to start by thanking our colleagues at the Climate Protection and Restoration Initiative for coordinating today's hearing. I'd also like to thank all of today's speakers, especially the petitioners for sharing your valuable time hanging out in city council chambers on such a beautiful fall day is a bit painful...I also want to thank my colleagues in the in City's climate initiatives department and our entire community who continue to lead on actions to preserve the environment, reduce greenhouse gas (GHG) emissions and tackle climate change — with City Council and the community consistently demonstrating support for these efforts.

It not circumstantial that this hearing is being held less than a week before the 27th conference of parties is set to take place in Egypt. As we close out another year marked by record-breaking floods, deadly heat waves, and other extreme weather events on top of a global energy crisis, representatives will gather, this time not with the intention of making any new pledges, but to focus on whether countries are following through with their commitments made last year.

Meanwhile, last week, with much fanfare, the UN released its Emissions Gap Report, which looks at what countries are doing to address the climate crisis and what they promise to do in the future. Despite the increasing intensity of climate impacts around the globe, the report finds that many countries are still falling far short of their Paris Agreement goals.

The report also finds that “urgent sector and system-wide transformations...are essential to avoid climate disaster.” Such sweeping transformations require large-scale, rapid, and systemic change – making the role of the federal government even more critical.

In Boulder, we deeply understand the urgency of addressing the climate crisis. Close to home, the impacts are undeniable. The horrific Marshall Fire burned through suburban neighborhoods, displacing thousands of our Boulder County neighbors. And in the recent NCAR and North Shanahan Ridge fires, Boulder experienced frightening close calls. From catastrophic fires and floods to blistering, extended heat waves, the past months have provided a chilling reminder of the need to prepare for this ‘new normal’ of extreme weather events fueled by climate change. And of course, boulder is in no way unique...every community is responding to what people are seeing firsthand... that climate disruption is not looming in some imagined future, it is here and now. That's a justifiably frightening thing.

We also know that climate driven impacts will impact our community members disproportionately, and hit at the heart of the local economies, requiring cities to undertake unprecedented levels of planning and spending. communities will face increased harms, and their costs to adapt to and mitigate the impacts of climate change will continue to climb. it's

those escalating costs in fact, that forced boulder, along with our partners boulder and San Miguel counties to take legal action against Exxon Mobile and Suncor Energy so that taxpayers are not stuck footing the bill alone.

Despite the clarity of what needs to happen, there's uncertainty about how we'll get it done. The UN, in unusually blunt language, has recently called for "political courage" and the "ability to look beyond current interests." In today's political climate, this is no simple request. and even with the growing engagement of cities, the scale of the climate crisis is far too great for local or even regional collaborations to solve the climate crisis on their own.

Cities simply do not control or have enough resources to direct or manage the enormous changes necessary to strengthen our economies, improve community health, strengthen our resilience, and protect our vulnerable populations.

We can recognize the administration's efforts to date in elevating the urgency of the climate crisis. The federal government was essential in enacting solutions to past large-scale environmental crises—from the Dust Bowl to toxic pollution that poisoned our waters and air. It is time now, again, for a clear vision that allows federal, state, and local leaders to work together more closely, particularly to help states and cities to access billions of dollars in new federal funding.

Recent federal legislative accomplishments like the Bipartisan Infrastructure Law are stunning, and there's no question the IRA is a step toward greater federal action on both climate change and addressing some of the administration's commitments on environmental justice. But we also need to change the baseline for rulemakings across federal agencies so rules can be designed that are both ambitious and legally durable.

As I conclude my remarks today, I want to emphasize that Boulder is not alone in its efforts. Increasingly, cities and counties are making big changes and pressing other levels of government and the private sector to do much more to combat climate change. The IPCC reports reinforce that the coming decade will be one of transitions – for good or for ill. The world's scientists are clear on the dangers. They have done their part to inform us as to what needs to be done. It's our job to put that knowledge into action.

On behalf of the Boulder community, I welcome you to today's hearing, and want to sincerely thank everyone for your important participation. I'd like to turn the mic over to my colleague Dan Galpern, general counsel and Executive Director for the Climate Protection and restoration Initiative.

ACTION ON CLIMATE: WHAT MORE MUST WE DO?

Co-hosted by CPR Initiative and the City of Boulder, Colorado



**Climate Protection &
Restoration Initiative**

— CPRclimate.org —

On June 16, 2022, CPR Initiative filed its [Petition](#) to EPA to Phase Out Greenhouse Gas (GHG) Pollution under the Toxic Substances Control Act (TSCA).

The Petition garnered over a thousand [endorsements from individuals](#), and over a hundred [endorsements from climate organizations](#), as well as hundreds of favorable public comments. The City of Boulder was an early and critical endorser.

Despite our demonstration of [broad public support](#), a strong legal foundation and overwhelming scientific evidence that the unregulated production and release of GHG pollution into our oceans and atmosphere clearly present “an unreasonable risk” to both health and the environment, EPA declined to take up our urgent call for rulemaking under **TSCA**.

Commented [KJ1]: Lets be clear on the feedback we are seeking from speakers... Is it the broad "what more should the federal government do?", or is it what more should the EPA be doing, or is it specific to the use of TSCA? I think being specific will be important to guide speakers.

But Petitioners, CPR Initiative and our supporters will not take “No” for an answer (See our [Sept. 16 blog post](#), and [Sep. 19 Press Release](#)).

Deleted: [ember](#)

Deleted: [tember](#)

The devastating effects of climate change are already upon us, and time is of the essence.

Together, we will conduct the necessary information gathering that EPA could and should be doing to establish a public record aimed at a strong rule to phase out greenhouse gas pollution. Once the Agency decides — or is pressed by a court to commence — such a rulemaking, it will then be ahead of the game.

We will hold our first climate action public hearing, in conjunction with the City of Boulder, Colorado, on Nov. 1, 2022 in the City Council **Chambers**.

Register to Attend and Speak

We welcome all points of view, and invite you to join us either in-person or remotely. Registration is *strongly encouraged*, but optional and free to all participants, whether you intend to participate in-person or remotely. The virtual link is provided in the confirmation email.

Commented [SE2]: Feels like we need to add a stronger call to action here. What type of feedback should people provide? On what issues? Who is listening? What will happen to the feedback?

Commented [KJ3]: Thanks Emily, I agree with this comment. I think this is where we want to say something to the effect of: CPR representatives will gather all of the feedback and deliver it to the EPA or something to that effect. Without this explicit framing, a speaker may think he's speaking to reps from the EPA, or the federal government. If they aren't there to gather feedback officially, then speakers need to know that we are there to listen and package the testimony.

Deleted: via Zoom

Deleted: webinar

Deleted: Zoom

REGISTER TO ATTEND

REGISTER TO SPEAK

EVENT DETAILS

Location

Penfield Tate II Boulder Municipal Building
1777 Broadway
Boulder, CO 80302

Date & Time

Tuesday, November 1, 2022

9:00am – 3:00pm

Commented [SE5]: Confirm time

Contact

info@CPRclimate.org

NOTES FOR SPEAKERS & ATTENDEES



- Registered Speakers will have 5 minutes;
- A microphone will be provided, but in the interest of time, we ask that Speakers not rely on any presentation materials;
- All participants may submit written testimony up to one week after the event (Submit your written testimony below);

- ;
- Following the registered speaker line-up, all **unregistered** attendees, whether in-person or remote, will each have an opportunity to speak for **two minutes**.

SUBMIT WRITTEN TESTIMONY

Whether you register to speak or to attend, in-person or remotely, you may submit written testimony to the public record up to one week after the event. The deadline to submit your testimony here is **5pm PDT on November 7, 2022**.

Thank you for your participation.

Register to Attend and Speak

Registration is *strongly encouraged*, but optional and free to all participants, whether you intend to participate in-person or remotely. The **participation** link is provided in the confirmation email.

REGISTER TO ATTEND

REGISTER TO SPEAK

Deleted: Attendees, either in-person or by remote Zoom webinar chat may submit questions directed to Speakers

Deleted: <#>Speakers will have additional time to answer questions if they are willing;¶

Deleted: <#>S

Deleted: <#>2 minutes if they wish

Formatted: Centered, Space Before: Auto, After: Auto

Deleted: ¶

Deleted: via Zoom webinar

Deleted: Zoom

Commented [SE6]: Working to get you a zoom registration link ASAP



FOR IMMEDIATE RELEASE

Emily Sandoval, City of Boulder, SandovalE@bouldercolorado.gov, 303.441.1927
John Birks, Atmospheric Scientist and CPR Initiative Board Member,

October 25, 2022

City of BOULDER AND CPR INITIATIVE TO HOST PUBLIC-INPUT EVENT, ON THE QUESTION *What more should the US do on climate?*

November 1, 2022, 10am to 1pm: Boulder City Council Chambers

Renowned climate scientist James E. Hansen slated to testify first

Opportunity for Public Testimony-Statements: Up to 5 minutes for Pre-registered Speakers

Background: On June 16, 2022, the public interest, non-profit group Climate Protection & Restoration Initiative (CPR Initiative) filed a citizens' petition with the federal EPA to phase out greenhouse gas pollution. [See here](#).

The City of Boulder soon endorsed.

Ninety-days later, on September 14, EPA rejected the Petition on the ground, among others, that the federal government was doing enough already to meet its short, medium, and mid-century climate goals, including by its recent passage of the Inflation Reduction Act (IRA).

Quotes

According to Jonathan Koehn, Director of the City of Boulder Climate Initiatives:

"The new federal climate investments in the IRA and the earlier Bipartisan Infrastructure Law should accelerate the transition to clean, sustainable energy. Still, however, we know that far more needs to be done to secure a stable and healthy climate."

According to Dan Galpern, General Counsel and Executive Director of CPR Initiative:

"The IRA should help reduce continuing emissions, but the relevant science is clear: We need to phase out continuing GHG pollution and remove a substantial share of the overburden that is now overheating the entire planet and poisoning the ocean."

Detail

CPR Initiative will convey a record of the hearing to the federal Environmental Protection Agency (EPA). We welcome all perspectives and answers to the question. [See here](#) for more detail on the hearing.

Rep. Hooton meeting 1/14/22

Goals: Touch base with Rep. Hooton as CC4CA (I know many of you talk to her regularly already wearing your individual jurisdiction hat), give her a heads up about our priorities, and talk about her priorities and where we might be able to help.

Participants: Carl Castillo, Cindy Copeland, Anita Seitz, Jacob Smith, Rep. Hooton

General Thoughts

- Lots of caution about running bills that might be really tricky for election campaigns, so many tough races
- Leadership is going to work hard to rein in on legislation
- Bennett is probably working closely w/ Hansen on her big bill
- Also a soil sequestration/regeneration bill ? – Bennett? – they are working on something but not sure yet if they are going to introduce it
- She appreciates that we are really good about providing positions and explanations/rationales

Her Bills

Microgrid bill w/ Bennett

– She prefers a study bill, Bennett prefers the road map approach – her vision is a 2-year timeline for CEO to figure this out and develop a road map but not being overly prescriptive on technology (understanding that the tech is changing rapidly)

Their main goal is put the microgrid discussion in the public policy space - two objectives:

- Encourage IOUs to use microgrids as part of their grid hardening strategy (not just as a boutique accessory)
- Bennett and Hooton have talked a lot with Xcel, they are excited about the bill and feels it can be really compatible w/ Xcel's mission, could be a great national model, but they aren't excited about us wanting them to use microgrids to harden the grid
- Been working closely with WRA, great input from them, they are supportive
- Also NRDC
- Haven't engaged CoCo much yet but they are likely available/supportive of whatever it is
- She was just on a call with IEBW (the workforce for Xcel)
 - They want to make sure she is considering these issues
 - Plus they have Rule 111 that they are concerned about (their responsibility toward workforce and other safety issues)
- Anything the utility contracts for will be regulated by the PUC
- But Bennett and Hooton also want to look at free-standing microgrids (universities, hospitals, etc. already have microgrids/backup generation based on gasoline or diesel) – want to see what it would look like
 - Don't want these to compete w/ the grid or replace the grid
 - Rather want to give communities/neighborhoods to have access to power when the big generation goes down

- Xcel is pushing back on oversight: they want all microgrids in Colorado be under their supervision (but Bernett and Hooton aren't sure that this is justified or makes sense – existing microgrids like hospital diesel generators are not under their supervision, so why should these be?)
- So Xcel's two major concerns:
 - They want it to just be boutique offering, not part of grid hardening
 - They want oversight over all microgrids
- They expect their next draft next week – they will share it to Carl as soon as they have it and he can share w/ us
- Their goal is maximum feedback before they introduce and then avoid/minimize amendments

She has qualms about the other microgrid bill because it includes fossil fuel. She likes most everything about the bill except this. we shouldn't allow state grant money to be used to build new fossil generation.

Clean Air and Equity Act (her 5th bill)

Say that the AQCC cannot issue coal permits that go beyond 2025 without the PUC's authorization

- She will send us a draft of the bill

Maybe Rep. Sirota is running a bill to expand the Office of Just Transition to cover gas ?

Securitization bill

She is working on one, isn't cured yet enough to share

Wants to make sure that what she envisions won't blow up things for Chris

Tammy's bill

Require utilities to establish a warning system for their major customers (including all their communities and large business customers) when they know about bad weather that might impact the grid, Edie will probably carry this, her main worry is that the ratepayers shouldn't haven't to pay for it.

Carbon fee and dividend effort

Amabile and Hooton – resolution in support of federal carbon fee and dividend effort

Hooton's husband is the state lead for citizens climate lobby

Energy performance contracting

Hooton will be working her expert Larry on a more robust program for energy performance contracting (which happens through CEO)

- She feels very encouraged about the current PUC and their commissioners

Followup

- She will confirm she has Carl's comments on the microgrid bill
- She will send us the most current carbon-fee-and-dividend info
- She will send us her Clean Air and Equity Act draft