

April 10, 2020

Gov. Jared Polis
Colorado State Capitol
200 E. Colfax Ave.
Denver, CO 80203

Re: Urgent Request for a Temporary Suspension of Construction Activity on I-70 Central Between I-25 and Colorado Blvd.

Dear Governor Polis:

In the midst of an unprecedented public health threat, state and local governments have taken drastic but necessary action to protect Coloradans from the spread of COVID-19. Slowing the spread of this illness warrants sacrifice from individuals and the business community if we are to save lives and lower the risk of serious illness. We write to you as already-overburdened and vulnerable communities whose risk is compounded by the negative impacts of the I-70 construction project in our neighborhoods.

Request. In accordance with your stay-at-home orders and other emergency measures, the undersigned North Denver community members, organizations and supporters (“Community”) urgently and respectfully request that you immediately initiate a temporary pause of all demolition and construction activity on the I-70 Central Project in northeast Denver along the section bounded by I-25 on the west and Colorado Blvd. on the east. Further, we request that this suspension of activity remain in place until the statewide shelter in place order has been lifted. The construction activities create airborne dust, pollution, and nighttime noise and chronic sleep deprivation, all of which puts our health at increased risk of infection, serious complications, and death from COVID-19.

Rationale. A nationwide study just published by Harvard University found that exposure to air pollution increases the risk of dying from COVID-19 by 15%.¹ This study, which ruled out the effects of smoking and other variables, found that even a slight increase in exposure to very fine particles, or PM_{2.5}, “leads to a large increase in COVID-19 death rate,” and that areas with higher pollution levels have higher rates of hospitalizations and death.² The study concluded that the most severe outbreak in the country, in Manhattan, where death rates are “five times higher than anywhere else,” is related to the particularly high air pollution levels in New York City.^{3, 4} Significantly, the study found that if the PM_{2.5} pollution in Manhattan were even just slightly lower (i.e., around 1 microgram per cubic meter lower), the borough would have seen around 248 fewer COVID-19 deaths, as of April 5, 2020.⁵

¹ Friedman, Lisa, (April 7, 2020) “New Research Links Air Pollution to Higher Coronavirus Death Rates,” *New York Times*. [hereinafter Friedman, “New Research Links Air Pollution to Higher Coronavirus Death Rates.”] Available at: <https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html?smtyp=cur&smid=tw-nytimes> (Accessed April 8, 2020)

² Xiao Wu et al., *Exposure to Air Pollution and COVID-19 Mortality in the United States* 1 (2020). [hereinafter Xiao Wu et al., *Exposure to Air Pollution and COVID-19 Mortality*.] Available at: https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf. (Accessed April 8, 2020)

³ *Id.* at 7

⁴ Friedman, “New Research Links Air Pollution to Higher Coronavirus Death Rates.”

⁵ Xiao Wu et al., *Exposure to Air Pollution and COVID-19 Mortality*, at 9.

PM_{2.5} Pollution Poses Particular Health Threat to GES Residents. Globeville and neighboring Elyria-Swansea are already counted among the neighborhoods in Denver with the highest infection rates of COVID-19, as are other primarily African-American and Latino neighborhoods.⁶ The specific type of pollution found to dramatically increase the risks of death and serious complications from COVID-19—PM_{2.5} pollution—also plagues the Globeville-Elyria-Swansea (“GES”) neighborhoods. Residents have long been concerned about, and suffered the impacts of, the expansion of I-70 through their neighborhoods and the resulting exposure to increased PM_{2.5} pollution from the construction activities. Sadly, our concerns are now proving more valid than ever.

This PM_{2.5} pollution has increased over the past 18 months of construction. In addition, the relentless noise, daily disruptions, and related stress contribute to exhaustion and likely weakens our immune function. These impacts are now exacerbating the risks to the community from the COVID-19 crisis.

We have borne the brunt of Denver’s pollution for decades, and our communities are among the most polluted residential zip codes in the country.⁷ Health surveys confirm that our communities already face higher rates of heart disease, asthma, diabetes and obesity.⁸ According to a 2014 City of Denver study, residents of these neighborhoods have some of the highest rates of cardiovascular disease in the Denver area.⁹ The study also found that children in Elyria-Swansea are 40% more likely to visit the emergency room as a result of an asthma attack than children in Denver overall, and children in Globeville are 20% more likely to do so. A 2019 study shows that these problems are only getting worse. Elyria-Swansea’s asthma hospitalization rate is 75% higher than the state average, and Globeville’s is 94% higher.¹⁰

Unsurprisingly, air pollution can cause asthma, heart disease, cardiovascular disease, diabetes, and obesity¹¹—conditions which themselves are the primary risk factors for severe complications from COVID-19.¹²

⁶ Hernadez, Esteban L., (April 9, 2020), “Breaking down coronavirus infections in Denver by neighborhood,” *Denverite*. Available at: <https://denverite.com/2020/04/09/breaking-down-coronavirus-infections-in-denver-by-neighborhood/> (Accessed April 9, 2020)

⁷ Svaldi, Aldo, (Feb 16, 2017) “Northeast Denver neighborhood is nation’s most polluted,” *The Denver Post*. Available at: <https://www.denverpost.com/2017/02/16/denver-most-polluted-zip-code/> (Accessed April 8, 2020)

⁸ Denver Department of Environmental Health, (Sept., 2014) How Neighborhood Planning Affects Health in Globeville and Elyria Swansea, at p. 14. Available at: https://www.denvergov.org/content/dam/denvergov/Portals/746/documents/HIA/HIA%20Composite%20Report_9-18-14.pdf (Accessed April 7, 2020)

⁹ *Id.* at 16-17.

¹⁰ Kevin Hamm, (June 30, 2019) “Asthma in Denver: Search Rates By Neighborhood,” *Denver Post*. Available at: <http://tinyurl.com/y3r2y4tn> (Accessed April 9, 2020)

¹¹ Khazan, Olga, (July 5, 2018), “A Frightening New Reason to Worry About Air Pollution,” *The Atlantic*. [hereinafter Khazan, “A Frightening New Reason to Worry About Air Pollution.”] Available at: <https://www.theatlantic.com/health/archive/2018/07/a-frightening-new-reason-to-worry-about-air-pollution/564428/> (Accessed April 9, 2020)

¹² Centers for Disease Control and Prevention, COVID-19 Response Team, (March 31, 2020), “Preliminary Estimates of the Prevalence of Selected Underlying Health Conditions Among Patients with Coronavirus Disease,” *Morbidity and Mortality Weekly Report*. Available at: https://www.cdc.gov/mmwr/volumes/69/wr/mm6913e2.htm?s_cid=mm6913e2_w (Accessed April 9, 2020)

Racial and Ethnic Dimensions of the Pandemic. Although Colorado does not include racial or ethnic identifiers in its reporting of COVID-19 morbidity and mortality data, some states do. In New York City, for instance, the virus is killing Black and Latino residents at twice the rate it is claiming the lives of Euro-American residents.¹³ The GES neighborhoods are primarily minority populations—principally Latino. As elsewhere, it is likely that a similar racial disparity is occurring in Colorado, as suggested by the high rate of infection in the GES neighborhoods and given the severe environmental stressors, inadequate access to health care, and higher rate of poverty in these neighborhoods.

Furthermore, the demolition and construction activity on I-70 through the GES corridor now takes place both night and day. There is never a time when GES residents now confined to their homes are not being subjected to multiple impacts of the project, including noise. Exposure to excessive and uncontrollable noise is a powerful stressor that has been linked to a variety of physical and mental health problems.¹⁴

The Community is also concerned about workers on the I-70 Project, who are at the epicenter of this pollution source, and who may also be unable to effectively practice social distancing.

We are living through a time of crisis. And as Rev. King has reminded us, our actions in response to such circumstances will ultimately be judged by how well we care for the least fortunate and most vulnerable among us.

Additional Health Effects. Voluminous research conducted in recent years shows the causal link between air pollution and myriad, serious health issues, including stroke, dementia and Alzheimer's,¹⁵ brain cancer, asthma, heart disease,¹⁶ and diabetes.¹⁷ We hope that in the future, government bodies will more appropriately consider the effects of pollution, development, and infrastructure decisions on public health, and public expenses, before approving harmful projects.

Offer to Meet in Good Faith. We appreciate your prompt attention to this urgent matter, and look forward to discussing the particulars of this urgent request. As you may note, some signatories to this request were plaintiffs in *Sierra Club et al v. Chao and CDOT* (2018), in which plaintiffs sought to enjoin initiation of the I-70 central project. Unsuccessful in that effort, all parties to the dispute entered into an agreement to not re-litigate the issues before us, and to work collaboratively toward the goal of seeing that the project would be managed in a way to inflict the least possible additional environmental harm on GES residents.

¹³ Jeffrey Mays and Andy Newman, "Virus Is Twice As Deadly for Black and Latino People Than Whites in NYC", *New York Times*, April 8, 2020. Available at: <https://www.nytimes.com/2020/04/08/nyregion/coronavirus-race-deaths.html> (Accessed April 9, 2020)

¹⁴ World Health Organization, "Burden of Disease From Environmental Noise—Quantification of Healthy Life Years Lost in Europe" (2011). Available at: https://www.who.int/quantifying_ehimpacts/publications/e94888/en/ (Accessed April 9, 2020)

¹⁵ Stevens, Alison, (Dec. 17, 2014), "Nano air pollutants strike a blow to the brain," *Science News for Students*. Available at: <https://www.sciencenewsforstudents.org/article/nano-air-pollutants-strike-blow-brain?fbclid=IwAR2SomX9mShiVLwOy7k6tYtV8pPIJTND0QICYLPSaM9yRjer-I8Gw5ycB7g> (Accessed April 9, 2020)

¹⁶ Carrington, Damian, (Nov. 13, 2019), "Air pollution particles linked to brain cancer for the first time," *The Guardian*. Available at: https://www.theguardian.com/environment/2019/nov/13/air-pollution-particles-linked-to-brain-cancer-in-new-research?fbclid=IwAR0E_3XG-efuwF7a0I2zGZefa4ZwHPoICkeSVFD4UCnUT_GRfCvCv2RjRQc (Accessed April 9, 2020)

¹⁷ Khazan, "A Frightening New Reason to Worry About Air Pollution."

We wish to reassure you that this urgent request is being made in that collaborative spirit of doing everything possible to protect the residents of GES during this public health emergency. Those of us among the signatories to this request who entered into that settlement agreement in good faith intend to continue to honor its implementation in good faith. And your decision to temporarily suspend work on the cited segment of the project would certainly signal the State of Colorado's intention to do the same.

As chief executive of our state, in our view you have made a series of wise, foresightful, and courageous, if politically difficult, decisions in guiding us through this nearly unprecedented public health emergency. We laud the efforts you have made so far, and look forward to continuing to be able to support your leadership.

When you were campaigning for the office of governor, you met with some of us at a GES community center in the spring of 2018. We were impressed with your knowledge of the environmental justice issues we deal with on a daily basis, and of your commitment to addressing these issues. Granting our request is one very powerful means at your disposal to manifest that commitment.

Respectfully,

Ean Tafoya, Colorado Latino Forum Co-Chair
Lloyd Burton, Colorado Sierra Club Environmental Justice Committee

Co-signers:

Organizations

Be the Change Colorado
Call to Action Colorado
Clean Energy Action
Colorado Latino Forum
Colorado Rising
Colorado Sierra Club
Community Activism for Progress & Equity
Denver Catholic Network
Denver D.S.A.
Earthjustice
GES Coalition
GreenLatinos
Healthier Colorado
Indivisible Colorado Action Network
Indivisible Denver
Mom's Clean Air Force
Natural Grocers
Physicians for Social Responsibility CO
Resilient Denver
Sustainable Food Trade Association
Sunrise Movement
Wall of Women Colorado
WildEarth Guardians
350 Denver

Neighborhood Organizations

Chaffee Park Neighborhood Association
Elyria, Globeville, Swansea and Partners
Elyria Swansea Neighborhood Association
Globeville First
Inter-Neighborhood Cooperation, Bd. of Directors
North Range Concerned Citizens
Northeast Denver Friends and Neighbors
Unite North Metro Denver
VB/I-70 Citizen's Advisory Group

Elected Officials and Candidates

Amanda Sawyer, Denver City Council District 5
Candi CdeBaca, Denver City Council District 9
Lorena Garcia, Candidate for U.S. Senate
Paul Kashman, Denver City Council District 6
Rev. Brad Laurvick, Denver Bd. of Ed. District 5
Shontel Lewis, RTD Bd. of Directors District B
State Rep. James Coleman, HD7, Maj. Co-Whip
State Rep. Lisa Cutter, HD25
State Rep. Mike Weissman, HD36
Stephany Rose Spaulding, Candidate for U.S. Senate