April 2, 2021

Colorado Attorney General Philip J. Weiser
Office of the Colorado Attorney General
Ralph L. Carr Colorado Judicial Center
1300 Broadway, 10th Floor
Denver, CO 80203

Re: Demand for criminal investigation or transparent independent investigation

Dear Attorney General Weiser:

As you are aware, a disturbing story was reported in the news on March 30, 2021, related to a Request for Review filed by Public Employees for Environmental Responsibility (“PEER”) concerning allegations involving the CDPHE issuing “a blanket prohibition on air quality modeling staff from reviewing NAAQ’s compliance for hourly Nitrogen Dioxide (NO$_2$) and Sulfur Dioxide (SO$_2$) limits, 3-hour standards for SO$_2$, and daily standards for particulate matter smaller than 2.5 micrometers (PM$_{2.5}$).”¹ Essentially, PEER filed this Request for Review with the Environmental Protection Agency (“EPA”) to advise that certain Colorado Department of Public Health & Environment (“CDPHE”) Air Pollution Control Division (“APCD”) employees were ordered by management “to not perform certain” legally required duties.² The allegations and corresponding evidence provided in the Request for Review raise serious questions about whether CDPHE management engaged in criminal conduct.

The purpose of this letter is to demand that the Colorado Attorney General’s Office submit the information found in the PEER Request for Review to the Denver District Attorney’s Office for criminal investigation. Colorado law charges state employees to carry out their duties for the benefit of the people of the state, § 24-18-103(1) and (2), C.R.S. (2020). A state employee who violates their fiduciary duty “is liable to the people of the state as a trustee of property and shall suffer such other liabilities as a private fiduciary would suffer for abuse of his trust. The district attorney of the district where the trust is violated may bring appropriate judicial proceedings on behalf of the people.” Id. As your office may know, a breach of fiduciary duty

² Id. at p. 1.
If your office is not willing to refer this matter to the Denver District Attorney, please advise if your office is willing to conduct its own transparent independent investigation into the allegations raised in the Request for Review. It is incumbent upon our state’s highest law enforcement officer to fully engage in an investigation of these charges against state employees, particularly since statutory duties were ignored that placed the public health and welfare at risk. One of the major duties of the Colorado Attorney General is to protect the rights of the public. People ex rel. Ken Salazar v. Davidson, 79 P.3d 1221, 1229 (Colo. 2003); People ex rel. Miller v. Tool, 35 86 P. 231, 235 (Colo. 1905) (“The state, in its sovereign capacity, by the very terms of its being, is intrusted with powers and duties to be exercised and discharged for the general welfare, and for the protection of the rights and liberties of its citizens.”).

It would not be acceptable for the Colorado Attorney General’s office to turn a blind eye to these allegations, particularly since numerous Coloradans and environmental organizations have spent hundreds of hours testifying in front of various commissions within the CDPHE and in front of the Colorado Oil and Gas Conservation Commission (“COGCC”) about air quality and air quality monitoring, and have been ignored and maligned by appointed officials. The cat is now out of the bag demonstrating that state employees have placed their finger on the scale in favor of polluters and against the health and welfare or Coloradans.

Attorney General Weiser, please advise if your office is either willing to refer this matter for a criminal investigation to the Denver District Attorney, or, if your office is willing to conduct its own independent investigation into these allegations. We look forward to hearing your response on or before close of business on April 9, 2021. Should you have any questions, please do not hesitate to contact Joe Salazar, Executive Director of Colorado Rising, at (303) 895-7044. We appreciate your time and attention in this matter.

Sincerely,

[Signature]
Joseph A. Salazar
Executive Director, Colorado Rising
350 Colorado
Micah Parkin
Executive Director

Be the Change - Colorado
Barbara Mills-Bria
Member

Broomfield Health & Safety First
Neil Allaire
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Human Race Clinging to Hope
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**Indivisible Denver**  
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**North Range Concerned Citizens**  
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**Our Health, Our Future, Our Longmont**  
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**Our Revolution Metro Denver**  
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**Weise Consulting**  
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**What the Frack, Arapahoe?!**  
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**WildEarth Guardians**  
Jeremy Nichols  
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**Words to Power**  
Ara Cruz  
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