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Written Testimony of  
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U.S. House of Representatives, Committee on Natural Resources

Hearing on

“The Role of Public Relations Firms in Preventing Action on Climate Change”

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My name is Anne Lee Foster and I am the former Director of Communication and Community Engagement for Colorado Rising and one of two ballot initiative proponents of Proposition 112. This was an unpaid position and a role I never expected to find myself in.

Before moving to Colorado in 2016, I attended Mary Baldwin University for Art Management and was working for a small university art museum in collections located in Williamsburg, Virginia. Although I was working a wonderful job with many benefits, I was living in my hometown and needed to make a big change. Right after my 29<sup>th</sup> birthday, I made the decision to follow my partner at the time and move to Boulder, Colorado.

Having a passion for the outdoors, I was looking forward to many days under the clear blue skies of my new home state, but when I arrived I realized that was not the reality. In reality, the air was heavily polluted. Boulder and the Denver Metro area have an F air quality rating according to the American Lung Association. Studies by the National Oceanic and Atmospheric Association and the National Center for Atmospheric Research have found that about 50% of this comes from the fracking industry.

While living on the front range, I learned of the many studies demonstrating the negative health impacts of living near fracking and heard countless stories of children suffering from nosebleeds, asthma and coughing episodes from being exposed to pollution from these sites.

I was stunned by this and began looking into it more. Local governments had no power to stop massive fracking sites that were moving closer and closer to neighborhoods and the state agency that oversaw fracking was a rubberstamp operation having never denied a permit. I learned about efforts to bring a ballot initiative that would limit fracking in Colorado at a gathering of friends and I volunteered for a campaign organized by concerned parents, schoolteachers, and other impacted citizens and started off managing signature gathering efforts.

In 2016, our signature gatherers dealt with strangers following them around in public and strongly discouraging citizens from signing the petitions. This effort fell short of making the ballot and we decided to try again in 2018 when I was chosen to be an official proponent of the initiative.

I was harassed starting the very first weekend of signature gathering throughout the campaign and afterward. It started at Boulder Creek Festival my first time gathering signatures when young men carrying signs reading "Save Colorado Jobs" targeted me. What happened was, I would approach someone to sign my petition and they would yell at them to not to sign and then physically stand between me and the individual. This was very uncomfortable for the person trying to sign and resulted in most people not wanting to engage at all and walking away.

This type of behavior escalated throughout the campaign and there are many accounts of our volunteers, particularly women, being followed around by multiple aggressive male protesters while gathering signatures for extended periods of time. Many of these women reported being intimidated and even frightened for their safety. These incidents are documented in our campaign log of harassment events and although that is not an exhaustive list, it shows that this kind of activity persisted throughout the four months we gathered signatures throughout the state of Colorado, primarily in Boulder, Denver, and Fort Collins. In one account, a volunteer was followed home. The protesters were also known to wait outside of campaign offices and follow signature gatherers as they left to go to their posts.

On one occasion, two protesters came into the Boulder campaign office and asked for resumes to apply to gather signatures. They were then seen the next day in front of the Boulder Library targeting our signature gatherers with opposing messaging.

When asked about the issue, the protesters were ill-informed, knowing very little about the details of the ballot initiative, the practice of fracking, or the climate crisis. When questioned, I never heard substantial opinions about the science, the initiative, or real statistics regarding impacts on the job market or economy. We did, however, hear the same two talking points repeatedly, "Save Colorado's economy," and "250,000 jobs lost." Additionally, many of these protesters were quick to present the same preprinted document, declaring their constitutional right to participate in this type of behavior.

While signature gathering was taking place, a document was leaked to our campaign from an employee of Anadarko, an oil and gas producer in Colorado, instructing any employees of the company to text the location of our signature gatherers if they saw any. Sam Brasch of Colorado Public Radio tested the number given in the document and aggressive protesters showed up within 10-15 minutes each time.

To garner enough signatures to reach the ballot, we hired a well-known professional signature gathering firm based out of Oregon and signed a contract with estimates of the number of signatures they would collect and the cost of collection. During our first few meetings with this firm, they indicated that they had experience dealing with opposition tactics and specifically had "dealt" with PacWest Communications, a public relations firm based in Oregon with well known ties to the oil and gas industry operators in Colorado. However, soon after implementing the signature gathering efforts, the firm started billing Colorado Rising at much higher rates than agreed to and producing significantly fewer signatures. The reason they cited for increased costs was "harassment from protestors". Furthermore, there were many issues with the validity of the signatures they did provide.

Several weeks into signature gathering the firm contacted Colorado Rising and informed us that they had to break our contract immediately and they no longer had our deposit to return to us. They also wanted to bill us another substantial amount of money over the previously quoted amount. Colorado Rising negotiated that the firm stays on for another week in order to transfer the operation over to our campaign's management.

The next day, we received a call from contracted office staff with the firm who informed us that they had been told our signature gathering campaign was over and the office was closed. These staff shared with us that they had gone to the office and had seen the principal of the firm removing signed petitions and relevant paperwork from the office. The firm then informed us that the boxes containing approximately 15 thousand signatures had been taken out of state and we would have to pay another \$40,000 to get them back. The signatures were eventually recovered after Colorado Rising went public with the details of the incident in a press conference. At that point, the firm's attorney called Colorado Rising's counsel to inform him the petitions were at a Denver Greyhound station. The campaign was still unable to recover them until Colorado State Representative Joe Salazar intervened and requested their release from Greyhound staff.

In addition, we heard from dozens of signature gatherers, there were over 150 of them, that their final paychecks from the firm bounced, leaving them in a bad position. Many of these signature gatherers live in temporary housing or are officially unhoused and this left them in very difficult and precarious positions. Many of these unpaid workers filed complaints with the Colorado Department of Labor that were left unresolved because the firm was dissolved by its principals soon after the campaign ended.

We contracted with two other firms after this to gather the remaining signatures. After just a few days of working with one of the firms, they informed us they could no longer continue working with us. A few weeks later the gentleman who ran that firm was seen outside of our signature gathering office. Two Colorado Rising volunteers approached him and asked what happened. He then informed them that he had taken payment to stop working with us.

We had a third signature gathering firm end their relationship with us earlier as well, resulting in us taking on the entire statewide signature gathering effort ourselves because we felt we couldn't trust another firm.

I personally suffered from what I feel is stalking or harassment in a number of other circumstances throughout this campaign. In one instance a gentleman in his mid to late twenties came to my signature gathering training and exhibited what I would call "suspicious" behavior. I made a mental note of him. When we went to turn in the signatures at the Secretary of State's Office I noticed this same individual sitting outside seemingly waiting for us. I engaged with him

and informed him that I recognized him and he nodded at me but didn't verbally respond. A few weeks later I received a text from an unknown number congratulating me on our success in making the ballot. When I asked who it was he identified himself as the person I recognized at the SoS office, he congratulated me and called me "kid" and told me he was working for a "neutral third party". He then asked me out to coffee or ice cream which I found odd and unsettling.

Despite, these challenges we qualified for the ballot.

During the next phase of the campaign, there was extensive advertising declaring Prop 112 a "ban" on oil and gas development in Colorado. To be clear, the ballot initiative would have required a 2500 ft setback for new oil and gas development from homes, schools, waterways, and other sensitive areas. There was another document leaked from Anadarko at this point. This document was an analysis from RS Energy Group which estimated the total developable land area that would be affected by Prop 112. The report illustrates that the industry was aware of the fact that this was not a full ban. You can see the discrepancy between actual estimated impacts and the claims they were making in the media about how they would be impacted. {Exhibit A}

I found out two weeks before the election that we were being sued for defamation by the principal operator of the signature-gathering firm, the President, the person who took the boxes full of petition signatures, via a press notice. I was not actually served until election night at our election night party. The damages that were cited in the suit were based mostly on the allegation that the firm's president had lost one contract with PacWest. The case never had merit because we were all volunteers with the campaign and therefore protected by good samaritan laws and the First Amendment. I felt this was another form of harassment. One that lasted 1.5 years and cost nearly \$50,000 before it was withdrawn when it was shown to be baseless. I am sure this committee has heard of the huge problem of SLAPP suits and how they chill public participation in the resolution of important issues such as the ones we were attempting to address. We had recordings of all the conversations proving the firm's president took the boxes containing petition signatures against our will and the attempts to coerce us into paying many thousands of dollars to get them back.

We lost the initiative by a little less than 4.5 points but earned over a million votes, more votes than the Republican candidate for Colorado Governor. As a result, elected officials recognized that this was an important issue to Colorado voters, and the following year Senate Bill 181 (Protect Public Welfare Oil And Gas Operations) was introduced. Immediately after SB 181 was introduced a FOIA request by the Colorado Oil and Gas Association was made for all communications between myself and the legislative authors of the bill.

It was at this time I noticed more strangers exhibiting what I found to be suspicious activity at coffee shops where we had Colorado Rising staff meetings. On one occasion a gentleman was at the coffee shop for several hours while we were there. I began to be suspicious when I noticed that he was looking at the same documents from the Colorado Oil and Gas Conservation Commission that we were discussing and viewing and when he stayed the full duration of our meeting.

On another occasion when I was visiting the Colorado State Capitol a man I did not know began to follow me through the building. When I noticed this I attempted to lose him by ducking down hallways and changing floors but he continued to follow me until my friend confronted him. This same gentleman also showed up at a press conference that Colorado Rising hosted and recorded it on his phone and I also saw him at an Adams County Commissioners hearing. He never stated who he was or why he was attending any of these events. I also saw him at a local coffee shop I frequented which was very unsettling for me as I was not there in any professional capacity and no official events were taking place there, it was just me on my personal time.

Soon after the pandemic, I left Colorado Rising. I started to encounter several symptoms of adrenal fatigue including hair loss, unexplained weight gain, and panic attacks. I sought the guidance of several health professionals including a psychologist and therapist. I eventually moved out of Boulder to a small town because I could no longer handle the stress. Prior to this, I was known in my personal and professional life as someone who could be trusted to handle crises and emergency response, something I could no longer do.

Despite all that we endured, the strength and persistence of Coloradans volunteering their time to protect their families and communities from this destructive, boom-and-bust industry was deeply inspiring and something I will never forget. In the end, this isn't about my story or even Prop 112. It's about what we all are going to experience because of the damage these industries have wrought.

I leave you with this quote that has inspired me throughout this experience from Nathaniel Rich's book, *Losing Earth*.

*“Everything is changing about the natural world and everything must change about the way we conduct our lives. It is easy to complain that the problem is too vast, and each of us is too small. But there is one thing that each of us can do ourselves, in our homes, at our own pace — something easier than taking out the recycling or turning down the thermostat, and something more valuable. We can call the threats to our future what they are. We can call the villains villains, the heroes heroes, the victims victims and ourselves complicit. We can realize that all this talk about the fate of Earth has nothing to do with the planet's tolerance for higher temperatures and everything to do with our species' tolerance for self-delusion. And we can*

*understand that when we speak about things like fuel-efficiency standards or gasoline taxes or methane flaring, we are speaking about nothing less than all we love and all we are.”*

EXHIBIT A: RS Energy Group Report:

[https://drive.google.com/file/d/1HNC5cHKxEkD2diBo0SWgdqxgagR\\_5yoy/view?usp=sharing](https://drive.google.com/file/d/1HNC5cHKxEkD2diBo0SWgdqxgagR_5yoy/view?usp=sharing)

Heartland Institute, a pro-oil and gas think tank, claims about 112:

<https://www.heartland.org/publications-resources/publications/research--commentary-proposition-112-would-negatively-impact-colorados-economy>