Introduction

Despite the climate crisis and Colorado's worsening air quality, a package of anti-smog bills in the state legislature is facing stiff opposition from fossil fuel lobbyists. (See Figure 1.) Research by F Minus and Brown University's Climate and Development Lab finds that many of these lobbyists also represent local governments, health care organizations, and other clients who are being harmed by air pollution. This report explores the extent to which these lobbyists are “double agents” working for fossil fuel clients at the same time they are working for victims of the climate crisis—and in some cases, even lobbying for and against the same environmental bill at the same time on behalf of different clients.

The climate crisis is holistic, which means that emissions from one project or one company ultimately increase warming and climate impacts for everyone. A local government employing a fossil-fuel-affiliated firm is helping to normalize and legitimize the work of that firm and send the message that “oil and gas and their pollutants are okay.” For climate-stricken Coloradans dealing with cascading impacts such as floods, fires, drought, and worsening air quality, living in a city or county that employs a fossil fuel firm creates a situation in which their own tax dollars are going to pay the salaries of lobbyists working to further the state's dependence on fossil fuels.

This report focuses on the lobbying relationships of four Colorado firms: Capitol Focus, 5280 Strategies, Politicalworks, and the Nexus Policy Group. But many other firms working to influence policy in Colorado have also taken “double agent” roles. A full list of Colorado’s double agents can be found on the F Minus website. A record of past lobbying activity by these four firms can be found here, or by all Colorado firms through the Climate and Development Lab’s How Do They Lobby? website.
Fossil Fuels and Local Governments

Local governments whose residents suffer some of the worst air quality in the state are perversely employing lobbyists who are working to defeat air pollution bills on behalf of their fossil fuel clients. City and county governments in Arapahoe, El Paso, Jefferson, and Weld Counties currently share lobbying firms with such fossil fuel companies, and Denver County did so from 2020-22.

Higher temperatures have brought consistently higher concentrations of ground-level ozone to many Colorado communities, resulting in higher levels of pollution and greater risks to human health. In 2023, the American Lung Association found that among 19 Colorado counties reporting ozone levels, 11 received failing grades for ozone and 5 received failing grades for particle pollution.

Denver County received a failing grade for both ozone and particulate matter, and between 2020-2022 shared the firm of Brandenberg McKenna with fracking company Crestone, which is now owned by Civitas. Fracking is a significant source of air pollution, and in 2023 the 10th Circuit Court of Appeals found that Colorado should have included fracking emissions in its air pollution reduction targets.

Student climate activists in Denver have staged climate strikes and pressured the Denver Public School System (DPSS) to transition to 100% clean energy by 2030. And yet in 2023, DPSS shared the Nexus Policy Group with Kinder Morgan–developer of Canadian tar sands oil–and Tri-State Generation, which in 2024 has been lobbying against a bill (SB24-165) that would empower the state’s Air Quality Control Commission to better control emissions during ozone season, which the bill defines as May 1 - September 30 of each year.

For both Denver County and DPSS, employing a fossil fuel firm would seem to be a short-sighted and self-defeating strategy, given that Denver County is ranked the most at-risk county in the state (tied with Arapahoe) for suffering future climate-related disasters, according to the Atlas of Disaster.

Weld County received a failing grade for both ozone and particle pollution in 2023. In 2023-24, it shared the firm of Colorado Legislative Strategies with four fossil fuel companies: Kinder Morgan, NextEra Energy, Holcim Participation, and the Colorado Oil & Gas Association. Weld County also shares the firm of Capitol Solutions with the Kiewit Corporation, developer of LNG projects.

El Paso County received a failing grade for ozone and shared the firm of 5280 Strategies with Xcel Energy, while Jefferson County failed on ozone and employed a different Xcel Energy lobbying firm, JLH Consulting.
Fossil Fuels and Cancer

Anti-cancer organizations such as the Rocky Mountain Cancer Centers (RMCC) warn that fossil fuels and the climate crisis are increasing people’s exposure to carcinogens. But RMCC and other anti-cancer organizations in Colorado share lobbying firms with fossil fuel companies who oppose new legislation to reduce air pollution.

Air pollution can damage our DNA, warn the RMCC, and this damage can result in cancer. Indoor exposure to radon can also cause cancer, as can common chemicals like benzene. And yet, despite these warnings, and despite growing evidence linking exposure to fossil fuel extraction and transmission projects with cancer, RMCC have since 2017 shared the lobbying firm of Capitol Focus with the American Petroleum Institute (API). API has been a leading voice of climate denialism and is currently employing Capitol Focus to lobby against a package of four anti-smog bills that would help reduce air pollution (see Figure 1).

Nationally, a March 2024 report by F Minus found that the American Cancer Society shares lobbying firms with fossil fuel companies in ten states, while the Tobacco-Free Kids Action Fund does so in four states, including Colorado.
Capitol Focus: Fossil Fuels, Health Care

The Rocky Mountain Cancer Centers (RMCC) warn that high levels of ozone and particulate matter can cause lung cancer. This warning is strikingly at odds with RMCC’s employment of a lobbying firm, Capitol Focus, that also lobbies on behalf of the American Petroleum Institute, which has been promoting climate denialism since the 1970s and has consistently opposed measures to slow oil and gas development, reduce air pollution, and reduce greenhouse gas emissions. In 2024, Capitol Focus has lobbied against SB 165, SB 166, HB 1330, and HB 1339 on behalf of API. From 2020-23, the firm was paid $319,000 by API to lobby on 108 different bills, dozens of which dealt directly or indirectly with greenhouse gas emissions and air pollution. RMCC paid the firm $93,000 during this period.

A growing body of evidence suggests that humans are being exposed to carcinogens released during every phase of the gas product cycle. Fracking has been correlated with increased instances of childhood cancer in southwestern Pennsylvania. Gas compressor stations have been found to release carcinogenic chemicals. And a 2023 study by Stanford University found that benzene leaking from gas stoves can pose a cancer risk comparable to secondhand smoke. API’s mission is to promote oil and gas use and defeat regulation, and its hundreds of member companies operate projects that expose people to carcinogens in each of these three ways—gas extraction, gas transmission, and promoting the use of gas-burning stoves.

The RMCC also warn that indoor exposure to radon can cause cancer. A 2015 study by the Johns Hopkins University correlated increasing radon levels in Pennsylvania with increased levels of fracking activity. API maintains that fracking is “safe.” But API member Occidental Petroleum has used a loophole in state law to conduct fracking within 900 feet of residences in Erie, CO, and Erie residents have complained of headaches, dizziness, nausea, and asthma attacks since Occidental began fracking.

Given these links between fossil fuels and cancer, RMCC is effectively trying to help cancer patients by employing a firm whose fossil fuel advocacy is responsible for Coloradans’ continued and increasing exposure to certain types of carcinogens. Conversely, retaining RMCC as a client enables Capitol Focus to claim to be “fighting cancer” at the same time it is lobbying against legislation to reduce carcinogenic air pollution.

“Victory will be achieved when average citizens ‘understand’ (recognize) uncertainties in climate science… Unless ‘climate change’ becomes a non-issue... there may be no moment when we can declare victory.”

The American Petroleum Institute, 1998

“Exposure to air pollution throughout your lifetime can damage DNA. This damage can result in the development of cancer later in life.”

Rocky Mountain Cancer Centers, 2024
Xcel Energy operates 58,000 miles of gas pipelines in the U.S., and in Colorado it operates seven gas-fired power plants whose total capacity is 4.4 gigawatts (GW). In June 2023, 55 state elected officials called on Xcel to reduce its reliance on gas because of environmental and health risks.

"Xcel already has gas plants operating and burning harmful pollution in our Colorado communities," said Aurora City Council Member Juan Marcano in 2023. "Methane gas plants exacerbate inequalities in our communities, creating more energy burden when bills increase and disproportionately polluting low income and BIPOC communities. Rather than expanding gas infrastructure, this unjust pattern needs to be corrected through stopping investments in gas."

In 2024, 5280 Strategies disclosed that it was "Monitoring" SB 165 and HB 1339 on behalf of Xcel Energy, and working to amend SB 166. 5280 was also monitoring HB 1330; however a different firm, JLH Consulting, has been working to amend this bill on behalf of Xcel. From 2010-24, 5280 Strategies lobbied on 346 bills for Xcel, including opposition to Colorado’s landmark bill controlling toxic air contaminants (HB22-1244) and opposition to a bill to strengthen protection for environmental justice communities (HB21-200).

5280 Strategies clients facing health risks from fossil fuels and the climate crisis include El Paso County, which got a failing grade for ozone levels in 2023, and the Littleton Public Schools. All three of the counties in which Littleton sits–Arapahoe, Douglas, and Jefferson–received failing grades on ozone in 2023, while Douglas also received a failing grade on particulate matter. The firm’s advocacy for El Paso County has included work on legislation dealing with air pollution, parks funding, and wildlife protection. For the Littleton Public Schools, the firm’s advocacy has included work on bills dealing with energy efficiency standards for school buildings, lead paint exposure, and plastic waste.

The firm also lobbied on behalf of the Denver Zoological Foundation, the funding arm of the Denver Zoo, whose $2 million annual spending on conservation programs includes work on “restoring wild lands, saving precious natural resources, decreasing waste.”

As reported by Fast Company in February 2024, Politicalworks has also engaged in the seemingly incredible—but, for Colorado, actually routine—practice of lobbying for and against the same pieces of legislation at the same time on behalf of different clients. In 2022, the firm lobbied for the Nature Conservancy in support of HB22-1244, a bill to regulate toxic contaminants, while lobbying against the bill on behalf of Onward Energy.

In 2024, the firm continued to represent the Nature Conservancy and the Pew Charitable Trusts, whose environmental research and funding includes a focus on ocean conservation. The firm also represented Chevron, a company with a record of oil spills in the Gulf of Mexico. Chevron’s El Segundo, California oil refinery was recently found to be the biggest emitter of two water pollutants, selenium and nitrogen, among 80 U.S. oil refineries. In Aug. 2023, Chevron and the state of Louisiana sued the Biden Administration for limiting oil and gas leasing in the Gulf of Mexico as part of an effort to protect the endangered Rice’s whale.

Politicalworks also lobbies on behalf of the Colorado Competitive Council, a business association that has frequently lobbied against climate legislation in the last several years, including lobbying against all four of the anti-smog bills discussed in this study.
Nexus Policy Group: Fossil Fuels, Public Schools, Tobacco Control

The Nexus Policy Group’s current position on strengthening protections against different kinds of air pollution could be characterized as “indoor yes, outdoor no.”

In 2023-24, the firm lobbied on behalf of the Tobacco-Free Kids Action Fund against limiting taxes on premium cigars and against exempting remote retail sale locations from tobacco taxes. Higher tobacco taxes have been shown to reduce smoking rates, which in turn reduces people’s exposure to secondhand smoke. The firm has also previously lobbied for tobacco control measures on behalf of the Denver Public School System, which it represented from 2015-2020, the American Heart Association, and the Colorado Alliance of Boys & Girls Clubs.

Nexus also lobbies for Tri-State Generation, which operates three gas plants producing a combined 700 megawatts (MW) in Colorado and has complete or partial ownership of 1,700 MW of coal plants in Colorado, Wyoming, and Arizona. In 2024, Tri-State retained Nexus to lobby against HB 1330, SB 165, and SB 166, in addition to work on dozens of other climate-related bills since the company began working with Nexus in 2013.

Nexus represents the local governments of Centennial, Cherry Hills, and Greenwood, all of which are in Arapahoe County, which scored a failing grade on ozone in 2023. Nexus also lobbies on behalf of the Colorado Competitive Council, but not on climate legislation, for which the Council is currently retaining Politicalworks to oppose the four anti-smog bills.
Colorado’s culture of double-dipping

The [F Minus database](#) tracks more than 1,500 examples of fossil fuel lobbyists simultaneously representing victims of the climate crisis. In Colorado, some lobbying firms take this business model of simultaneously lobbying for-and-against climate one step further by “double-dipping” or simultaneously lobbying for and against the same piece of legislation on behalf of different clients.

All four of the lobbying firms profiled in this report have engaged in double-dipping. In some cases, lobbying firms double-dipped on bills regarding environmental pollution—representing both the entity facing potential regulation and an environmental group working to protect the environment. These conflicts happened on bills related to greenhouse gas emissions, energy efficiency, air pollution, recycling, and other topics. In 2023, OnTheBallot Consulting lobbied for and against SB 16, “Greenhouse Gas Emission Reduction Measures,” both opposing the bill on behalf of the Colorado Alliance of Mineral and Royalty Owners and supporting the bill on behalf of Interwest Energy Alliance (which represents large-scale renewable energy companies). And in 2024, Bowditch & Cassell Public Affairs lobbied for an air quality bill on behalf of the city of Fort Collins while opposing it on behalf of the Economic Development Council of Colorado.

Lobbying firms defend the practice of representing clients with inimical interests by claiming to have a “firewall” that separates their activities on behalf of such clients. But the timing of Politicalworks’s advocacy for and against HB22-1244 (Public Protections From Toxic Air Contaminants) demonstrates that any firewall may be illusory. Disclosure records show that the firm’s Kelli Kelty opposed the bill on behalf of Onward Energy for three days in February 2022, then switched sides and supported the bill on behalf of The Nature Conservancy between March 8 and the end of June. Meanwhile two other lobbyists at the firm, Travis Berry and Scott Chase, opposed the bill on behalf of Onward and the Colorado Competitive Council.

Colorado’s culture of double-dipping is immoral and contributes to a consequence-free environment in which lobbyists are not held accountable for their behavior or the behavior of their clients. This culture also opens the door for unscrupulous lobbyists to game the system and encourage one or more clients to introduce legislation for the purpose of opposing it on behalf of another client or clients. In Maryland, a 2000 scandal involving two lobbyists engaged in this practice led to changes in state ethics law that prohibit “bell-ringing,” which is the practice of a lobbyist supporting the introduction of a bill for the purpose of then opposing that bill on behalf of a client. A review of Colorado lobbying activity shows that Colorado’s problem runs deeper, involving firms playing both sides of bills that have already been introduced.

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**ABOUT THE AUTHORS**

**James Browning** is the Founder and Executive Director of F Minus, a climate accountability group that is calling for divestment from fossil fuel lobbyists.

**Trevor Culhane** is a Senior Research Assistant in the [Climate and Development Lab](#), a think tank at Brown University informing a more just, equitable, and effective global climate change policy.