



Appliance Sellers, Energy Consumers and Energy Conversation Partners

FROM: John Putnam, Environmental Programs Director

DATE: March 17, 2020

RE: HB 19-1231 New Appliance Energy And Water Efficiency Standards Implementation

HB 19-1231 was signed by Governor Polis on May 30, 2019; the law went into effect on August 2, 2019. Key components of the law are:

- This bill adopts updated water and energy efficiency standards for certain consumer and commercial products. The standards are phased-in over a three-year period and apply to new products sold in the state.
- The Department of Public Health and Environment (department) is to publish and make the standards available.
- The Office of the Attorney General is the lead for enforcement of the statute. The Attorney General is authorized to bring a civil action against anyone who sells or offers to sell a new consumer product when the person knows the product is not compliant with the efficiency standards established by the bill.

Partners and entities interested in HB 19-1231 have sought clarification of the department's role under HB 19-1231. Section 6-7.5-105, C.R.S., requires the department to, "collect and make publicly available in hardcopy through a website, or both, the federal rules and other rules and standards referred to in this section." The department implemented this requirement in August, 2020; The standards are posted on the department's [website](#).

Section 6-7.5-106, C.R.S., authorizes the department to adopt rules to cover new and revised standards. Similarly, Section 6-7.5-109(2), C.R.S., authorizes the department to adopt rules as necessary to ensure proper implementation and enforcement. Though authorized, the department did not receive resources to establish a program.

Though the department does not have a program to implement HB 19-1231, water and energy efficiency has a nexus to our air quality and sustainability activities. The department partners with the Colorado Energy Office and the Public Utilities Commission on a variety of shared objectives and statutory implementation. At this point, neither these activities nor any civil litigation suggest that existing resources need to be shifted to act on the authorizations included in HB 19-1231, the statute needs to be revised, or the department needs to pursue resources to develop a HB 19-1231 program.

Until then, please know that pursuant to Section 6-7.5-110, C.R.S., the Attorney General may bring a civil action against anyone who sells or offers to sell a new consumer product when the person knows the product is not compliant with the efficiency standards established by the bill.

John Putnam
Environmental Programs Director

