HOUSE COMMITTEE OF REFERENCE REPORT

	March 9, 2023
Chair of Committee	Date
Committee on Energy & Environment.	
After consideration on the merits, the Comfollowing:	nmittee recommends the
HB23-1161 be amended as follows, and as so the Committee on Appropries recommendation:	
Amend printed bill, page 4, after line 6 insert:	
"(2) "AHRI 1430" MEANS THE AIR-CONE REFRIGERATION INSTITUTE STANDARD FOR DEA STORAGE WATER HEATERS.".	
Page 4, line 7, strike "(2)" and substitute "(2) (3)".
Renumber succeeding subsections accordingly	.
Page 4, line 9, strike ""ANSI/APSP/ICC-14"".	4-2019"" and substitute
Page 4, line 17, strike ""ANSI C79.1-2002"" C79.1"".	" and substitute ""ANSI
Page 4, strike lines 19 through 21 and substite September 16, 2002.".	tute: "Lamps". approved
Renumber succeeding subsections accordingly	
Page 8, after line 19 insert:	
"(29) "GAS LOG SET" MEANS A FIREPLACE BE USED AND INSTALLED IN A WORKING MASO	ONRY OR FACTORY-BUILT

NATURAL DRAFTING OR POWER VENTING.".

- 1 Renumber succeeding subsections accordingly.
- 2 Page 12, strike lines 14 through 18 and substitute:
- 3 "(38) "IRRIGATION CONTROLLER" MEANS A STANDALONE
- 4 CONTROLLER, AN ADD-ON DEVICE, OR A PLUG-IN DEVICE THAT IS USED TO
- 5 OPERATE AN AUTOMATIC IRRIGATION SYSTEM SUCH AS A LAWN SPRINKLER
- 6 OR DRIP IRRIGATION SYSTEM DESIGNED AND INTENDED FOR
- 7 NONAGRICULTURAL PURPOSES. "IRRIGATION CONTROLLER" INCLUDES:
- 8 (a) A SOIL MOISTURE-BASED IRRIGATION CONTROLLER THAT
- 9 INHIBITS OR ALLOWS AN IRRIGATION EVENT BASED ON A READING FROM A
- 10 SOIL MOISTURE SENSOR MECHANISM; AND
- 11 (b) A WEATHER-BASED IRRIGATION CONTROLLER THAT USES
- 12 CURRENT WEATHER DATA AS A BASIS FOR SCHEDULING IRRIGATION.".
- Page 16, strike lines 10 through 13 and substitute:
- "(61) "SMART THERMOSTAT" MEANS A THERMOSTAT THAT:
- 15 (a) IS ENABLED FOR WIRELESS CONNECTIVITY;
- 16 (b) ALLOWS THE USER TO CONTROL HOME HEATING AND COOLING
- 17 TEMPERATURE SETTINGS FROM A COMPUTER OR FROM A PHONE, A TABLET,
- 18 OR ANOTHER COMPUTER-ENABLED DEVICE; AND
- 19 (c) CAN AUTOMATICALLY ADJUST HEATING AND COOLING
- 20 TEMPERATURE SETTINGS BASED ON USER PREFERENCES, DAILY
- 21 SCHEDULES, WEATHER CONDITIONS, OCCUPANCY, OR OPTIMAL ENERGY
- 22 SAVINGS.".
- Page 16, line 15, strike "sprinkler," and substitute "sprinkler DESIGNED
- 24 AND INTENDED FOR NONAGRICULTURAL USES,".
- 25 Page 18, strike lines 7 through 10.
- 26 Page 18, strike lines 25 and 26 and substitute "(1)(i), (1)(o), (1)(p), and
- 27 (2)(c); **repeal** (1)(a) and (1)(h); and **add** (1)(a.3), (1)(a.6), (1)(d.5),
- 28 (1)(f.2), (1)(f.5), (1)(j.5), (1)(j.7),".
- 29 Page 19, strike line 15.
- Page 19, line 20, after "and" add "THERMOSTATS;".
- Page 20, strike line 16 and substitute "(1), (3) introductory portion, (3)(a),
- 32 (3)(b), (3)(c), (3)(d), (3)(h), (3)(i), (3)(j), (3)(k), and (3)(m) introductory
- 33 portion; repeal".

- 1 Page 21, strike lines 1 through 8 and substitute:
- 2 "(a) (I) A PRIVATE LAVATORY FAUCET.
- 3 (II) This subsection (1)(a) is repealed, effective January 1,
- 4 2025.

- (b) A PUBLIC LAVATORY FAUCET;
- 6 (c) A SHOWERHEAD;
- 7 (d) (I) A URINAL.
- 8 (II) This subsection (1)(d) is repealed, effective January 1,
- 9 2025.
- 10 (e) A WATER CLOSET.".
- Page 21, after line 19 insert:
- 12 "(a) Commercial dishwashers included in the scope of the Energy
- 13 Star program requirements product specification for commercial
- dishwashers version 2.0, must meet the qualification criteria of that
- 15 specification.
- 16 (b) Commercial fryers included in the scope of the Energy Star
- 17 program requirements product specification for commercial fryers version
- 18 2.0, must meet the qualification criteria of that specification.".
- 19 Page 21, line 26, strike "requirements" and substitute "requirements".
- 20 Page 22, strike line 2 and substitute "2025.
- 21 (d) Commercial steam cookers must meet the requirements of the
- 22 Energy Star program requirements product specification for commercial
- steam cookers. version 1.2.".
- Page 22, strike lines 14 through 26 and substitute "2025."
- 25 (i) Portable electric spas must meet the requirements of the 26 "American National Standard for Portable Electric Spa Energy
- 27 Efficiency" ANSI/APSP/ICC-14.
- 28 (i) New residential ventilating fans must meet the FAN MOTOR
- 29 EFFICACY qualification criteria of the Energy Star program requirements
- product specification for residential ventilating fans. version 3.2.
- 31 (k) (I) Spray sprinkler bodies that are not specifically excluded
- 32 from the scope of the WaterSense PROGRAM PRODUCT specification for
- 33 spray sprinkler bodies,".
- Page 23, strike line 4 and substitute "2025.".
- Page 23, after line 14 insert:

- "(m) Water coolers included in the scope of the Energy Star program requirements product specification for water coolers version 2.0, must have an "on" mode with no-water-draw energy consumption less than or equal to the following values as measured in accordance with the test requirements of that program:".
- 6 Page 23, line 26, strike "2024," and substitute "2025,".
- Page 24 strike lines 5 through 20 and substitute "THE CERTIFICATION REQUIREMENTS OF THE ENERGY STAR PROGRAM PRODUCT SPECIFICATION FOR ROOM AIR CLEANERS.
 - (b) COMMERCIAL HOT FOOD HOLDING CABINETS MUST MEET THE QUALIFICATION CRITERIA OF THE ENERGY STAR PROGRAM PRODUCT SPECIFICATION FOR COMMERCIAL HOT FOOD HOLDING CABINETS.
 - (c) COMMERCIAL OVENS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM PRODUCT SPECIFICATION FOR COMMERCIAL OVENS MUST MEET THE QUALIFICATION CRITERIA OF THAT SPECIFICATION.
- 16 (d) ELECTRIC STORAGE WATER HEATERS MUST HAVE A MODULAR
 17 DEMAND RESPONSE COMMUNICATIONS PORT COMPLIANT WITH AHRI
 18 1430.".
- 19 Page 24, line 22, strike "REQUIREMENTS".

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- Page 24, line 23, strike "EQUIPMENT, VERSION 1.0," and substitute "EQUIPMENT".
- Page 25, strike lines 2 through 25 and substitute "EXTINGUISHED OR MUST PREVENT ANY IGNITION SOURCE FOR THE MAIN GAS BURNER FLAME FROM OPERATING CONTINUOUSLY FOR MORE THAN SEVEN DAYS FROM THE LAST USE OF THE MAIN GAS BURNER;
- 26 (II) DECORATIVE GAS FIREPLACES MUST HAVE A DIRECT VENT OR
 27 POWER VENT CONFIGURATION, UNLESS THE DECORATIVE GAS FIREPLACE
 28 IS MARKED FOR REPLACEMENT USE ONLY OR OUTDOOR USE ONLY OR IS A
 29 GAS LOG SET; AND
- 30 (III) HEATING GAS FIREPLACES MUST HAVE A FIREPLACE
 31 EFFICIENCY OF AT LEAST FIFTY PERCENT WHEN TESTED IN ACCORDANCE
 32 WITH CANADIAN STANDARDS ASSOCIATION P.4.1-15, "TESTING METHOD
 33 FOR MEASURING FIREPLACE EFFICIENCY", AS AMENDED OR REVISED.
- (g) HIGH CRI, COLD-TEMPERATURE, AND IMPACT-RESISTANT
 FLUORESCENT LAMPS MUST MEET THE MINIMUM EFFICACY REQUIREMENTS
 CONTAINED IN 10 CFR 430.32 (n)(4), AS MEASURED IN ACCORDANCE WITH
 10 CFR 430, SUBPART B, APPENDIX R, "UNIFORM TEST METHOD FOR
 MEASURING AVERAGE LAMP EFFICACY (LE), COLOR RENDERING INDEX

- 1 (CRI), AND CORRELATED COLOR TEMPERATURE (CCT) OF ELECTRIC LAMPS".
- 3 (h) IRRIGATION CONTROLLERS MUST COMPLY WITH THE 4 FOLLOWING REQUIREMENTS:
- 5 (I) WEATHER-BASED IRRIGATION CONTROLLERS INCLUDED WITHIN 6 THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT SPECIFICATION FOR
- 7 WEATHER-BASED IRRIGATION CONTROLLERS MUST MEET THE WATER".
- 8 Strike page 26.

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- 9 Page 27, strike line 1 and substitute:
- "(II) SOIL MOISTURE-BASED IRRIGATION CONTROLLERS INCLUDED
 WITHIN THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT
 SPECIFICATION FOR SOIL MOISTURE-BASED IRRIGATION CONTROLLERS
 MUST MEET THE WATER EFFICIENCY AND PERFORMANCE CRITERIA AND
 OTHER REOUIREMENTS FOR THAT SPECIFICATION.
 - (i) PRIVATE LAVATORY FAUCETS, TUB SPOUT DIVERTERS, SHOWERHEAD TUB SPOUT DIVERTER COMBINATIONS, AND URINALS MUST MEET THE REQUIREMENTS IN 20 CCR SEC. 1605.3, AS MEASURED IN ACCORDANCE WITH THE TEST METHODS PRESCRIBED IN 20 CCR SEC. 1604, AS AMENDED.
- 20 (j) RESIDENTIAL WINDOWS, RESIDENTIAL DOORS, AND RESIDENTIAL
 21 SKYLIGHTS INCLUDED IN THE SCOPE OF THE ENERGY STAR PROGRAM
 22 PRODUCT SPECIFICATION FOR RESIDENTIAL WINDOWS, DOORS, AND
 23 SKYLIGHTS MUST SATISFY THE NORTHERN".
- 24 Page 27, after line 6 insert:
- "(k) SPRAY SPRINKLER BODIES THAT ARE NOT SPECIFICALLY
 EXCLUDED FROM THE SCOPE OF THE WATERSENSE PROGRAM PRODUCT
 SPECIFICATION FOR SPRAY SPRINKLER BODIES MUST INCLUDE AN INTEGRAL
 PRESSURE REGULATOR AND A CHECK VALVE AND MUST MEET THE WATER
 EFFICIENCY AND PERFORMANCE CRITERIA AND OTHER REQUIREMENTS OF
 THAT SPECIFICATION.
- 31 (1) THERMOSTATS MUST BE PROGRAMMABLE THERMOSTATS OR SMART THERMOSTATS.".
- Page 27, strike lines 9 through 20 and substitute:
- 34 "6-7.5-106. New and revised standards rules. (1) The 35 executive director may adopt by rule a more recent version of any 36 standard or test method established in section 6-7.5-105, including any

- 1 product definition associated with the standard or test method, in order to
- 2 maintain or improve consistency with other comparable standards in other
- 3 states, so long as the resulting efficiency is equal to or greater than the
- 4 efficiency achieved using the prior standard or test method. The executive
- director shall allow at least a one-year delay between the adoption by rule
- 6 and the enforcement of any new standard or test method.".
- 7 Page 27, line 27, strike "STATES." and substitute "STATES OR ARE
- 8 PUBLISHED IN FINALIZED FORM BY THE ENERGY STAR PROGRAM OR THE
- 9 WATERSENSE PROGRAM.".
- Page 28, strike lines 1 through 8 and substitute:
- 11 "(3) AFTER JANUARY 1, 2025, THE EXECUTIVE DIRECTOR SHALL
- 12 ALLOW A ONE-YEAR GRACE PERIOD AFTER ANY STANDARD, STANDARD
- 13 VERSION, DEFINITION, OR TEST METHOD REFERENCED IN THIS ARTICLE 7.5
- 14 IS UPDATED, DURING WHICH TIME A PRODUCT MAY MEET EITHER THE
- 15 PREVIOUS STANDARD OR THE UPDATED STANDARD, STANDARD VERSION,
- 16 DEFINITION, OR TEST METHOD, AS APPLICABLE.
- 17 **SECTION 6.** In Colorado Revised Statutes, 6-7.5-109, **amend** (1)
- introductory portion; and **add** (3), (4), and (5) as follows:
- 19 6-7.5-109. Testing, certification, labeling, and enforcement -
- 20 rules verifications of compliance publication of material
- 21 incorporated by".
- Page 28, strike lines 17 through 20 and substitute:
- "(3) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR".
- 24 Page 28, strike lines 26 and 27.
- 25 Page 29, strike lines 1 through 14 and substitute:
- 26 "(4) The executive director shall:
- 27 (a) VERIFY MAJOR RETAILERS' AND DISTRIBUTORS' COMPLIANCE
- 28 WITH THE PROVISIONS OF THIS ARTICLE 7.5 THROUGH ONLINE
- 29 SPOT-CHECKS, COORDINATION WITH OTHER STATES THAT HAVE SIMILAR
- 30 STANDARDS, OR BOTH;
- 31 (b) CONDUCT SUCH VERIFICATIONS AT LEAST ONCE BEFORE
- JANUARY 1, 2026, AND AGAIN AT LEAST ONCE BEFORE JANUARY 1, 2031;
- 33 (c) Deliver a report on the method and findings of the
- 34 VERIFICATIONS TO THE ENERGY AND ENVIRONMENT COMMITTEE OF THE
- 35 HOUSE OF REPRESENTATIVES AND TO THE TRANSPORTATION AND ENERGY

- 1 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, AND
- 2 POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND
- 3 ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION;
- 4 AND

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- 5 (d) Deliver any findings of violations to the attorney 6 general.
- 7 (5) ON OR BEFORE JANUARY 1, 2025, THE EXECUTIVE DIRECTOR".
- 8 Page 35, strike lines 15 through 27.
- 9 Page 36, strike lines 1 through 9 and substitute:
- 10 "25-5-1405. Prohibited lamps. (1) ON AND AFTER JANUARY 1,
- 11 2025, A PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OR OFFER
- 12 FOR SALE IN COLORADO ANY:
 - (a) LINEAR FLUORESCENT LAMP; OR
 - (b) COMPACT FLUORESCENT LAMP.
 - **25-5-1406.** Enforcement verifications of compliance civil action by attorney general penalties. (1) THE EXECUTIVE DIRECTOR SHALL:
- 18 (a) VERIFY MAJOR RETAILERS' AND DISTRIBUTORS' COMPLIANCE
 19 WITH THE PROVISIONS OF THIS PART 14 THROUGH ONLINE SPOT-CHECKS,
 20 COORDINATION WITH OTHER STATES THAT HAVE SIMILAR STANDARDS, OR
 21 BOTH;
 - (b) CONDUCT SUCH VERIFICATIONS AT LEAST ONCE BEFORE JANUARY 1, 2026, AND AGAIN AT LEAST ONCE BEFORE JANUARY 1, 2031;
- 24 (c) Deliver a report on the method and findings of the 25 Verifications to the energy and environment committee of the 26 House of representatives and to the transportation and energy
- 27 COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR COMMITTEES, AND
- POST THE REPORT TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT'S WEBSITE WITHIN ONE MONTH AFTER ITS COMPLETION;
- 30 AND
- 31 (d) Deliver any findings of violations to the attorney
- 32 GENERAL.".
- 33 Page 36, line 10, strike "2024," and substitute "2025,".
- Page 38, after line 4 insert:
- "(e) MITIGATE THE EFFECTS OF CLIMATE CHANGE;".
- 36 Reletter succeeding paragraphs accordingly.

- 1 Page 38, strike lines 12 through 15 and substitute:
- 2 "(1) (a) "BOILER" MEANS A DEVICE THAT HEATS WATER BY
- 3 COMBUSTION OF FUEL OR THROUGH THE USE OF ELECTRICITY AND FROM
- 4 WHICH THE HEATED WATER EXITS FOR USE IN VARIOUS PROCESSES OR
- 5 HEATING APPLICATIONS.
- 6 (b) "BOILER" DOES NOT INCLUDE A STEAM BOILER.".
- 7 Page 38, after line 19 insert:
- 8 "(3) "ENERGY STAR PROGRAM" HAS THE MEANING SET FORTH IN
- 9 SECTION 6-7.5-102 (24).".
- 10 Renumber succeeding subsections accordingly.
- Page 38, strike lines 24 through 26 and substitute "SPACE HEATER THAT
- 12 PROVIDES".
- Page 38, line 27, strike "(b) PROVIDES".
- 14 Page 40, line 7, strike "SECTION," and substitute "SECTION AND AS
- 15 MODIFIED BY RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OR THE
- 16 COMMISSION PURSUANT TO SECTION 25-7-1506,".
- 17 Page 40, line 27, strike "OR".
- Page 41, strike lines 1 through 21 and substitute:
- 19 "(d) PRODUCTS THAT DO NOT BURN FOSSIL FUELS; OR
- 20 (e) PRODUCTS THAT ARE CERTIFIED TO THE ENERGY STAR 21 PROGRAM PRODUCT SPECIFICATION FOR WATER HEATERS, BOILERS, OR
- 22 FAN-TYPE CENTRAL FURNACES.
- 23 **25-7-1504. Emission standards for new products.** (1) ON AND
- 24 AFTER JANUARY 1, 2025, EXCEPT AS DESCRIBED IN SECTION 25-7-1506, A
- 25 PERSON SHALL NOT MANUFACTURE, DISTRIBUTE, SELL, OFFER FOR SALE,
- 26 LEASE, OR OFFER FOR LEASE IN COLORADO ANY OF THE FOLLOWING NEW
- 27 PRODUCTS UNLESS THE EMISSIONS OF THE PRODUCT DO NOT EXCEED THE
- 28 FOLLOWING EMISSIONS LIMITS, AS APPLICABLE:
- 29 (a) TEN NANOGRAMS OF NOX PER JOULE FOR WATER HEATERS AND
- 30 BOILERS WITH A RATED HEAT INPUT CAPACITY OF UP TO SEVENTY-FIVE
- 31 THOUSAND BTUS PER HOUR AND FOR ANY UNIT WITH POWER ASSIST;
- 32 (b) FOURTEEN NANOGRAMS OF NOX PER JOULE FOR WATER
- 33 HEATERS AND BOILERS WITH A RATED HEAT INPUT CAPACITY OF MORE

- 1 THAN SEVENTY-FIVE THOUSAND AND LESS THAN TWO MILLION BTUS PER HOUR; OR
- 3 (c) FOURTEEN NANOGRAMS OF NOX PER JOULE FOR FAN-TYPE 4 CENTRAL FURNACES.".
- 5 Page 42, strike line 21 and substitute "EACH MODEL BY EITHER:".
- 6 Page 42, strike line 27 and substitute "PART 15; OR".
- 7 Page 43, strike lines 5 through 27.

- Page 44, strike lines 1 through 17 and substitute "DESCRIBED IN THIS PART 15.
 - **25-7-1506. Rules analysis.** (1) Notwithstanding any provision of this part 15, the executive director may promulgate rules updating any emission standard, definition, or test method established in this part 15 in order to maintain or improve consistency with other comparable standards in other states so long as the updated version results in air quality that is equal to or better than air quality achieved using the prior standard.
 - (2) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO ENSURE THE PROPER IMPLEMENTATION AND ENFORCEMENT OF THIS PART 15.
 - (3) On or before January 1, 2030, the executive director shall conduct an analysis to determine whether statewide greenhouse gas emissions from water heaters, boilers, and fan-type central furnaces are declining in comparison to emission levels in 2023 in a manner that comports with the statewide greenhouse gas reduction goals set forth in section 25-7-102 (2)(g). Unless the analysis determines that the emissions trajectory is consistent with achieving the statewide greenhouse gas reduction goals, the executive director shall propose to the commission rules to bring the emission levels in line with the reduction goals. The executive director shall ensure that such rules:
 - (a) TAKE INTO ACCOUNT ANY EMISSION STANDARDS THAT ARE IN EFFECT OR UNDER DEVELOPMENT IN OTHER JURISDICTIONS OR AT THE FEDERAL LEVEL FOR NEW WATER HEATERS, BOILERS, AND FAN-TYPE CENTRAL FURNACES;
 - (b) ARE ACHIEVABLE WITH AVAILABLE TECHNOLOGY; AND
 - (c) DO NOT PLACE AN UNDUE COST BURDEN ON CONSUMERS.
 - **25-7-1507.** Enforcement verifications of compliance civil action by attorney general penalties. (1) THE EXECUTIVE DIRECTOR

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- (a) VERIFY MAJOR RETAILERS' AND DISTRIBUTORS' COMPLIANCE WITH THE PROVISIONS OF THIS PART 15 THROUGH ONLINE SPOT-CHECKS, COORDINATION WITH OTHER STATES THAT HAVE SIMILAR STANDARDS, OR BOTH;
- (b) CONDUCT SUCH VERIFICATIONS AT LEAST ONCE BEFORE JANUARY 1, 2026, AND AGAIN AT LEAST ONCE BEFORE JANUARY 1, 2031;
- (c) Deliver a report on the method and findings of the verifications to the energy and environment committee of the house of representatives and to the transportation and energy committee of the senate, or to any successor committees, and post the report to the department of public health and environment's website within one month after its completion; and
- 15 (d) Deliver any findings of violations to the attorney 16 general.".
- 17 Page 44, line 18, strike "2024," and substitute "2025,".

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