



## **ALERT: Requirements of HB23-1161 – Environmental Standards for Appliances – Will Soon Become Effective**

### **What You Need to Know:**

During the 2023 Legislative session, [HB23-1161](#), Environmental Standards for Appliances was adopted by the General Assembly and became law. The requirements for appliances outlined in the bill **will become effective on January 1, 2026.**

### **How This Affects You:**

These requirements could put strain on the supply chain or impact your ability to secure specific products for your builds. They could significantly limit the products that are available for purchase and use in Colorado.

### **What You Should Do:**

The Colorado Association of Home Builders recommends builders and design professionals read the pertinent provisions of HB23-1161 below and then contact their suppliers to ensure they have products available that comply with the requirements outlined in the bill. The statute places the onus on manufacturers to ensure they have products that meet or exceed the standards set forth in the bill.

If you hear from your suppliers and manufacturers that they do not have sufficient inventory available to meet the requirements, we request you inform us so we can facilitate additional conversations at the state.

### **Relevant Provisions:**

Current law sets water and efficiency standards for certain appliances and fixtures sold in Colorado. This bill makes several changes to these provisions of law by expanding the appliances and fixtures subject to the standards and updated the standards to make them more stringent.

**Specifically, Section 3 of the bill adds the following appliances and products to the current efficiency standards:**

- Air purifiers
- Cold-temperature fluorescent lamps
- Commercial ovens
- Electric storage water heaters
- Electric vehicle supply equipment
- Gas fireplaces

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**Questions about this alert or HB23-1161 in general? Please contact Rachel Lee at [rachel@goldleafstrat.com](mailto:rachel@goldleafstrat.com)/303-807-7465 or Ted Leighty at [ted@hbacolorado.com](mailto:ted@hbacolorado.com)/303-910-7419**

- Impact-resistant fluorescent lamps
- Irrigation controllers
- Residential doors\*
- Residential skylights\*
- Residential windows\*
- Showerheads
- Thermostats
- Tub spout diverters and showerhead tub spout diverter combinations
- Urinals
- Water closets

**Section 4** of the bill prohibits the sale of certain plumbing fixtures in the state unless they are WaterSense-listed fixtures. That new prohibition applies to:

- A public lavatory faucet
- A showerhead
- A water closet

Section 4 changed the standards for:

- Portable electric spas from the “American National Standard for Portable Electric Spa Energy Efficiency” to ANSI/APSP/ICC-14.
- New residential ventilating fans by requiring those products meet the fan motor efficacy qualifications in Energy Star.
- Removing air compressors, general service lamps, and uninterruptible power supplies from the standards.

Section 4 of the bill creates new standards for certain appliances and fixtures sold in the state after January 1, 2026 and prohibits the sales of those products that do not meet or exceed the state efficiency standards. Specific standards apply to these appliances and fixtures:

- Air purifiers (except industrial air purifiers) must meet Energy Star program specifications for room air cleaners.
- Commercial hot food holding cabinets must meet Energy Star program specifications.
- Commercial ovens must meet Energy Star program specifications.
- Electric storage water heaters must have modular demand response communications port compliant with AHRI 1430.
- Electric vehicle supply equipment must meet Energy Star program specifications.
- Gas fireplaces must be capable of automatically extinguishing any pilot flame if the fireplace was not used for more than 7 days; have direct vent or power vent configuration for decorative fireplaces; have a fireplace efficiency of at least 50% when tested in accordance with Canadian Standards Association P.4.1-15.
- High CRI, cold-temperature, and impact-resistant fluorescent lamps must meet the minimum efficacy requirements contained in 10 CFR 430.32(n)(4).
- Irrigation controllers must comply with the WaterSense program water efficiency and performance criteria for weather-based irrigation controllers; WaterSense water efficiency and performance criteria for soil moisture-based irrigation controllers.
- Private lavatory faucets, tub spout diverters, showerheads tub spout diverter combinations, and urinals must meet the requirements in 20 CCR Sec. 1605.3.

- Residential windows, doors, and skylights must satisfy the northern climate zone qualification criteria of the Energy Star program. \*
- Spray sprinkler bodies must include an integral pressure regulator and check valve and meet water efficiency and performance criteria of WaterSense program requirements.
- Thermostats must be programmable or be smart thermostats.

The bill provides the Colorado Department of Public Health and Environment (CDPHE) with rule-making authority to adopt the standards and establish standards for appliances and other devices not subject to the standards if standards would improve energy and water conservation and exist in at least three other states or are published by the Energy Star or WaterSense programs. The bill also requires that CDPHE allow a one-year grace period.

**CDPHE is directed to verify compliance through spot checks of retailers and submit to the Attorney General any violations.** The Attorney General is given enforcement and fining authority for violations.

**Section 8** of the bill is referred to as the Clean Lighting Act and **accelerates the phase out of general-purpose fluorescent light bulbs that contain mercury.** It prohibits the manufacture, distribution, and sale in the state of fluorescent lamps after January 1, 2026. The bill tasks the CDPHE with verifying that suppliers are complying with this section and the Attorney General with enforcement authority.

**Section 9 (Part 15)** of the bill establishes standards for **heating and water heating appliances.** It directs the Air Quality Control Commission in CDPHE to promulgate rules for lowering emission limits on these products. The bill tasks the CDPHE with verifying that suppliers are complying with this section and the Attorney General with enforcement authority.

This section applies to the following new products:

- Water heaters with a rated heat input capacity of two million BTUs per hour or less.
- Fan-type central furnaces that require either single-phase or three-phase electric supply; are used for comfort heating; and have a rated heat input capacity of less than one hundred seventy-five thousand BTUs per hour.

Beginning January 1, 2026, the products listed above must not exceed the emission limits below. If the products do exceed the limits, beginning January 1, 2026, they are prohibited from being manufactured, distributed, and sold in Colorado:

- Ten nanograms of NOx per joule for water heaters with a rated heat input capacity of up to 75,000 BTUs per hour and for any unit with power assist.
- Fourteen nanograms of NOx per joule for water heaters with a rated heat input capacity of more than 75,000 and less than two million BTUs per hour.
- Fourteen nanograms of NOx per joule for fan-type central furnaces.

**Equipment that is certified to the most recent version of the Energy Star program for the relevant equipment type is deemed to comply with the requirements of the bill.**

Manufacturers are required to test products for compliance and submit certification to the CDPHE or affix a label to the product.

Finally, by January 1, 2030 the Department is required to conduct an analysis to determine if state greenhouse gas emissions from water heaters and fan-type central furnaces are declining in comparison to 2023 levels.

\*[SB24-214](#), Implement State Climate Goals, provided the Executive Director of CDPHE authority to set alternative standards for residential windows, residential doors, and residential skylights if it can be reasonably determined that the standards cannot be met by manufacturers. The CDPHE, through rule-making, set alternative standards for residential windows, doors, and skylights through [5 CCR 1004-2](#).

Additional information on appliance standards can be found on the Department's [Efficiency Standards for Appliances](#) website.