



February 22, 2023

Representative Cathy Kipp
200 East Colfax, Room 307
Denver, CO 80203

PMI 2023
Board of
Directors

RE: COLORADO HB 1161 – CONCERNING ENVIRONMENTAL STANDARDS FOR CERTAIN PRODUCTS

Sal Gattone
LIXIL
President

Dear Chair Kipp and Members of the House Energy and Environment Committee,

Chip Way
Lavelle
Industries
Vice President

Plumbing Manufacturers International (PMI) appreciates this opportunity to provide comments regarding Colorado House Bill 1161, that your committee will be considering on February 23rd, which looks to adopt new appliance energy and water efficiency standards within the state.

Cambria McLeod
Kohler Co.
Secretary-
Treasurer

Regarding the proposed bill, PMI **supports** the efficiency standards for plumbing products that are in line with the flow rates of the EPA WaterSense® program. We submit the following comments to further strengthen the proposed legislation (**Please note:** PMI’s proposed text changes are indicated in **red**):

Martin Knieps
Viega, LLC
Immediate Past
President

- On page 16, lines 2-6, Revise the proposed definition of showerhead for consistency with the National standard used for certifying this product, ASME A112.18.1/CSA B125.1 "Plumbing Supply Fittings" as follows:

Belinda Wise
KEROX LTD

(58) "SHOWERHEAD" MEANS **an accessory to a supply fitting for spraying water onto a bather, typically from an overhead position** ~~A DEVICE THROUGH WHICH WATER IS DISCHARGED FOR A SHOWER BATH. "SHOWERHEAD" INCLUDES A HANDHELD SHOWERHEAD BUT DOES NOT INCLUDE AN EMERGENCY SHOWERHEAD SUCH AS A SHOWERHEAD USED IN A LABORATORY OR INDUSTRIAL SETTING.~~

Bob Neff
Delta Faucet Co.

Daniel
Gleiberman
Sloan Valve Co.

Kevin Campbell
MOEN

- On page 17, lines 2-9, Revise the proposed definition of urinal and water closet for consistency with the National standard used for certifying these products, ASME A112.19.2/CSA B45.1 " Ceramic plumbing fixtures".

(64) "URINAL" MEANS A PLUMBING FIXTURE THAT RECEIVES **only** LIQUID BODY WASTE AND CONVEYS THE WASTE THROUGH A TRAP ~~SEAL~~ INTO A ~~GRAVITY~~-DRAINAGE SYSTEM.

(65) "WATER CLOSET" MEANS A PLUMBING FIXTURE ~~THAT HAS~~ **with** A WATER-CONTAINING RECEPTOR THAT RECEIVES LIQUID AND SOLID BODY WASTE **and on actuation conveys the waste** THROUGH AN EXPOSED INTEGRAL TRAP ~~AND CONVEYS THE WASTE~~ INTO A DRAINAGE SYSTEM. "WATER CLOSET" INCLUDES BOTH TANK-TYPE AND FLUSHOMETER-VALVE WATER CLOSETS.

- On page 20, lines 1-2, PMI supports the sell through provision currently included in the legislation, however one aspect of tracking the inventory sell through is by identifying the products manufacturing date. PMI recommends including the manufacturing date in this provision as follows:

(2) This article 7.5 does not apply to:

(c) Products manufactured or held in inventory on or before:

(l) The effective date of the applicable standard for each category of product set forth in this article 7.5;
OR

- On page 21, line 1, Revise to remove Public Lavatory Faucet from the requirement to be WaterSense- Listed as indicated below. On page 26 the proposed bill requires Public Lavatory Faucets to comply with 20 CCR SEC. 1605.3, which requires a maximum flow rate of 0.5 gpm for all Public Lavatory Faucets. However, the scope of the WaterSense specification for High-Efficiency Lavatory Faucet Specification states the following: “This specification applies to lavatory faucets in private use, such as in residences, and private restrooms in hotels and hospitals. Metering faucets, lavatory faucets in public use, and residential kitchen faucets are not covered by this specification.” The WaterSense specification limits both the minimum and maximum flow rates for these products. Therefore, it is technically impossible for a faucet with a 0.5 gpm flow rate to comply with the requirements of WaterSense specification. PMI recommends removing Public Lavatory Faucet from the text as follows:

(a) (l) A ~~PUBLIC OR~~ PRIVATE LAVATORY FAUCET;

- On page 23, lines 26 – 27 and page 24, lines 1-3, based on the proposed text, a distributor could not sell a product after January 1, 2024. Given that this act if approved would take effect in the later part of 2023 it would allow 3-4 months for the industry to make a significant shift to ensure only compliant products are delivered and sold in Colorado. Due to the short time allowance between the new requirements and the sell through date PMI recommends revising the text to January 1, 2025 to allow a reasonable amount of time for these changes and prevent financial hardship for manufacturers, retailers, and distributors as follows:

(5) ON AND AFTER JANUARY 1, ~~2024~~2025, A PERSON SHALL NOT SELL, OFFER TO SELL, LEASE, OR OFFER TO LEASE ANY OF THE FOLLOWING NEW PRODUCTS IN COLORADO UNLESS THE EFFICIENCY OF THE NEW PRODUCT MEETS OR EXCEEDS THE FOLLOWING EFFICIENCY STANDARDS, AS APPLICABLE:

- On page 26, lines 8 – 12, The new text changes the requirements for Tub Spout diverters from the industry practice of compliance with the national standard for these products ASME A112.18.1/CSA B125.1 to compliance with the California requirements. The national standard includes operational requirements of the product, a life cycle test with a maximum leakage rate allowance and markings, packaging and installation instruction requirements. The California requirements in 20 CCR SEC. 1604 only specify that the product is required to be tested in accordance with the life cycle test of ASME A112.18.1/CSA B125.1. The differences in the leakage rate for ASME A112.18.1/CSA B125.1 and 20 CCR SEC 1605.3 is 0.1 gpm versus 0.01 gpm. PMI recommends removing the limitation for Tub Spout Diverters and Showerhead Tub Spout Diverter Combinations as follows:

(j) PUBLIC OR 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.

PMI is an international, U.S.-based trade association representing manufacturers that provide 90% of the plumbing products sold in the United States. We have made the promotion of water safety and efficiency a top priority and have included this in our mission statement¹. PMI's members are industry leaders in producing safe, reliable and innovative water efficient plumbing technologies and have supported the U.S. EPA WaterSense® program since its inception. **In Colorado, plumbing manufacturers contribute \$1.5 billion to the economy, provide more than 7,900 jobs (direct and indirect), and generate \$466.3 million in wages.**

Thank you for considering our comments. If you have any questions regarding our comments, please do not hesitate to contact me.

Sincerely,



Kyle Thompson
Technical Director
Plumbing Manufacturers International
Office: 847-217-7212
kthompson@safep plumbing.org

cc: Members

PMI Members

*Bradley Corporation *Brasscraft Manufacturing Company *CSA Group *Delta Faucet Company *Dornbracht Americas, Inc. *Duravit USA, Inc.
*Fisher Manufacturing Company *Elkay Manufacturing Company *Fluidmaster, Inc. *Gerber Plumbing Fixtures, LLC *Hansgrohe, Inc.
*Haws Corporation *IAPMO *International Code Council – Evaluation Service (ICC-ES) *KEROX *Kohler Company
*Lavelle Industries, Inc. *LIXIL *Moen Incorporated *NEOPERL, Inc. *NSF International *Pfister
*Reliance Worldwide Corporation *Similor AG *Sloan Valve Company *Speakman Company
*Sprite *Symmons Industries, Inc. *T & S Brass and Bronze Works, Inc. *TOTO USA *UL, LLC
*Uponor *Viega, LLC *Water Pick, Inc. *WCM Industries, Inc.

¹ PMI's Mission: To promote the water efficiency, health, safety, quality and environmental sustainability of plumbing products while maximizing consumer choice and value in a fair and open marketplace. To provide a forum for the exchange of information and industry education. To represent openly the members' interests and advocate for sound environmental and public health policies in the regulatory/legislative processes. To enhance the plumbing industry's growth and expansion.

February 23, 2023

Chairwoman Kipp
Vice-Chair Willford

RE: HB 23-1161 – Environmental standards for appliances

Dear Members of the House Energy and Environment Committee:

Please accept this testimony on behalf of the Appliance Standards Awareness Project (ASAP). We are a project of the American Council for an Energy Efficient Economy (ACEEE) dedicated to advancing cost-effective appliance and lighting standards at both the national and state level.

HB 23-1161 seeks in part to transition Colorado away from mercury-containing fluorescent light bulbs. In 2022, ASAP and ACEEE published a joint report - *Farewell to Fluorescents: How a Phaseout Can Cut Mercury Pollution, Protect the Climate, and Save Money* – detailing research findings that Light Emitting Diodes (LEDs) are ready to widely replace common fluorescent light bulbs.¹ We also published analysis showing savings states could see from transitioning common fluorescent light bulbs to LEDs, including for Colorado.² These savings are described further below. We would be happy to provide additional information about this analysis or answer any questions.

Additionally, HB 23-1161 would continue Colorado’s leadership on appliance efficiency standards, adopting new and updated energy and water efficiency standards for certain products. In 2017, ASAP and ACEEE published a joint report, *States Go First: How States Can Save Consumers Money, Reduce Energy and Water Waste, and Protect the Environment with New Appliance Standards*, and created savings analyses for each state which have also been updated annually.³ We would be happy to provide additional information about this analysis as well.

HB 23-1161 WOULD SAVE RESIDENTS AND BUSINESSES MONEY

The bill would transition off the sales of common fluorescent light bulbs, allowing LEDs to take their place. Because LEDs are twice as energy efficient as fluorescents, they generate significant electricity bill savings. ASAP estimates by 2030 Colorado would see \$46 million in annual, statewide electricity bill savings due to transitioning from fluorescents to LEDs.⁴ By 2050 this would result in cumulative savings of \$572 million statewide on electricity bills.

Additionally, the majority of fluorescent light bulb sales today are for commercial buildings. ASAP estimates for the most common fluorescent light bulb, the 4-foot T8, the commercial sector would see a payback period of less than one month. Each 4-foot T8 LED would then go on to save \$21 per bulb over its lifetime, resulting in significant economic savings for any building.

¹ For the 2022 ASAP/ACEEE report and state savings analysis visit <https://appliance-standards.org/clean-lighting>

² See <https://appliance-standards.org/sites/default/files/Colorado.pdf>

³ For the 2017 ASAP/ACEEE report and subsequent updates, see: <https://appliance-standards.org/document/report-overview-states-go-first>

The bill would also set new or updated minimum energy or water efficiency standards for 11 of ASAP’s recommended products. If adopted, our analysis shows these standards would save Colorado residents and businesses \$33 million annually on utility bills by 2040. Additionally, by 2040 Colorado could cumulatively save 2,036 gigawatt hours of electricity while avoiding 893,000 metric tons of CO₂ emissions.

HB 23-1161 WOULD REMOVE A SOURCE OF TOXIC MERCURY POLLUTION

All fluorescent light bulbs contain mercury, a potent neurotoxin that threatens human health and the environment. When fluorescent bulbs are accidentally broken—whether in homes, businesses, or the waste management system—they present a health hazard to those nearby. LEDs do not contain mercury, therefore transitioning away from fluorescents would avoid a source of mercury pollution coming into Colorado. ASAP estimates by 2050 Colorado would cumulatively avoid 167 pounds of mercury waste from transitioning off of fluorescent light bulbs, enough to contaminate 8.3 billion gallons of water.

Furthermore, LED’s increased energy efficiency means the state would see reduced energy consumption and thereby also avoid greenhouse gas emissions. ASAP estimates in 2030 Colorado would see annual savings of 559 gigawatt hours of electricity from transitioning off of fluorescent light bulbs. From this, by 2050 Colorado could cumulatively avoid the release of 2.1 million metric tons of carbon dioxide per year, the equivalent of 452,000 gasoline-powered passenger vehicles driven for one year.

**LEDs ARE READY TO REPLACE COMMON
FLUORESCENT LIGHT BULBS**

LEDs have advanced tremendously over the last 10 years. Our lighting market research found that today LEDs are widely available and cost effective as replacements for general-purpose, white light fluorescent light bulbs across the different sizes and shapes.⁵ General-purpose, white light bulbs are most commonly found in office building settings or in certain residential situations like a kitchen or basement (see Figure 1). LEDs were found to produce the same or better light quality, last 2-3 times longer, have positive economic outcomes for consumers, and not contain mercury. HB 23-1161 only proposes to transition out these general-purpose, white light fluorescents and would not cover specialty fluorescents, such as ultraviolet (UV) fluorescents used for tanning booths or other specialty purposes.



Figure 1. General-purpose, white light fluorescent light bulbs.

HB 23-1161 WOULD CONTINUE COLORADO’S LEADERSHIP ON ENVIRONMENTAL STANDARDS

In 2019, Colorado passed efficiency standards for 15 products, becoming one of the first states in the nation to do so and putting the state on the path toward saving millions of dollars from decreased utility

⁵ See “Farewell to Fluorescent Lighting: How a Phaseout Can Cut Mercury Pollution, Protect the Climate, and Save Money.” 2022. Found at <https://www.aceee.org/research-report/b2202>

bills. Since then, 12 other states have also adopted appliance standards, creating a “strength in numbers” effect that is helping states with the policy’s implementation.⁶

We would be happy to provide further information, answer questions, or provide technical assistance.

Thank you,



Brian Fadie, State Policy Manager
Appliance Standards Awareness Project

⁶ Washington, Oregon, California, Nevada, Hawaii, New York, New Jersey, Maryland, Rhode Island, Massachusetts, Maine, and Vermont.



[HB23-1161 Environmental Standards For Appliances](#)

House Energy & Environment Committee Hearing

Bill Sponsors: Rep Cathy Kipp, Rep Jenny Willford, Sen Kevin Priola

Testimony by Susan Nedell, Mountain West Advocate for E2 - Environmental Entrepreneurs
February 23, 2023

My name is Susan Nedell. I am the Mountain West Advocate for E2 - Environmental Entrepreneurs. E2 is a national, nonpartisan group of business leaders who advocate for policies that are good for the economy and good for the environment. I am writing on behalf of E2 Colorado members and supporters.

Updating our existing appliance, energy and water standards and adding additional products is a critical path towards lowering utility bills by saving electricity and fuel consumption. It will also benefit workers in the clean economy and will help to lower pollution and Greenhouse Gas emissions in Colorado.

E2's [2022 Clean Jobs Colorado factsheet](#) shows there are more than 61,000 full-time clean jobs in Colorado, thanks to thoughtful state climate policy leadership. Over half of these jobs - 34,200 - are in the Energy Efficiency sector: 6,640 of those are in high-efficiency HVAC and renewable heating and cooling and 10,470 are in ENERGY STAR and Efficient Lighting. Colorado's clean energy economy has proven to be a core part of the state's economy— It has been resilient and robust during the recovery from the pandemic.

This bill will support the transition to cleaner, healthier built environment, while providing good paying jobs in the clean economy.

I encourage all members of this committee to vote in favor of this forward-looking policy.



TO: Bill Sponsors: Cathy Kipp, Jenny Willford, Lisa Cutter
House Energy & Environment Committee: Ken DeGraaf, Ruby Dickson, Gabe Evans, Meg Froelich, Alex Valdez, Elizabeth Velasco, Stephanie Vigil, Mike Weissman, Ty Winter

FROM: The Colorado Renewable Energy Society (CRES)

DATE: February 21st, 2023

RE: HB23-1161 Environmental Standards for Appliances

Dear Bill Sponsors and Members of the House Energy & Environment Committee:

CRES would like to thank the sponsors of HB23-1161 for bringing this bill forward. It puts many important environmental standards in place for certain new products in Colorado, bringing clarity for manufacturers, retailers, and consumers.

We note the effort to align with other existing national standards where possible, such as those issued by CFR, NEEP, and Energy Star. This will aid the manufacturing processes and help ensure product availability in Colorado.

CRES supports HB23-1161 as another step to proactively address an ever-increasing need for environmental action and transparency in Colorado. We look forward to following this bill through the revision process, noting that it needs some minor edits on the bill structure and date references.

Thanks again for bringing this bill forward, and thank you for your support of strong climate action.

Sincerely,

Vincent P. Calvano
CRES Policy Committee
Colorado Renewable Energy Society



1111 19th Street NW > Suite 402 > Washington, DC 20036
t 202.872.5955 f 202.872.9354 www.aham.org

TESTIMONY

Jacob Cassady
Director, Government Relations

On Behalf of
Association of Home Appliance Manufacturers

Before the Colorado General Assembly
Energy and Environment Committee

HEARING

HB 23-1161
Environmental Standards for Appliances

February 16, 2023

Chair Kipp, Vice Chair Willford, and members of the Committee, the **Association of Home Appliance Manufacturers (AHAM) strongly urges the committee to oppose HB 23-1161**. Although AHAM understands the bill’s intent to save energy, an objective we not only support, but have been key in advancing under the Federal Appliance Standards Program, the legislation has a number of problems relating to home appliances that need to be addressed, specifically with respect to consumer room air cleaners.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers’ lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion.

In Colorado, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to Colorado is \$1.7 billion, more than 11,800 direct and indirect jobs, \$260.9 million in state tax revenue and more than \$610.5 million in wages. The home appliance industry, through its products and innovation, is essential to consumer lifestyle, health, safety and convenience. Home appliances also are a success story in terms of energy efficiency and environmental protection. The purchase of new appliances often represents the most effective choice a consumer can make to reduce home energy use and costs.

On January 18, 2023, the Department of Energy (DOE) sent the final standards rule for consumer room air cleaners¹ to the White House Office of Information and Regulatory Affairs (OIRA).² The final standards rule is the result of a 2022 determination by DOE that air cleaners qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), effective September 13, 2022. After OMB approval, DOE can publish final rule and air cleaners would be pre-empted from state laws and regulations regarding minimum energy conservation standards. **This federal regulatory action makes the inclusion of consumer room air cleaners in the legislation unnecessary.**

Energy efficiency advocates and AHAM have worked for the past year towards an agreement on a national minimum energy standard for room air cleaners. That negotiated agreement, which we expect to be implemented by DOE’s upcoming direct final rule, is a win-win for a national marketplace and energy savings, including for consumers in Colorado. AHAM and the efficiency and consumer advocates that jointly submitted agreed upon standards and accompanying test procedures to DOE are unified in support of implementing this agreement on a national minimum energy standard either through a DOE regulatory process or legislatively

¹ In the “Energy Conservation Program: Final Determination of Air Cleaners as a Covered Consumer Product” the US Department of Energy uses the term “consumer room air cleaner,” which is also known as an “air purifier.” <https://www.federalregister.gov/documents/2022/07/15/2022-13655/energy-conservation-program-final-determination-of-air-cleaners-as-a-covered-consumer-product>

² OIRA regulatory announcement: <https://www.reginfo.gov/public/do/eoDetails?rrid=293065>

through Congress. Also, as part of this agreement, we are supporting a new national EnergyGuide label for air cleaners.

Importantly, absent federal rulemaking and the bill is enacted, Colorado consumers will be faced with fewer options at higher cost, potentially putting them out of reach for lower-income residents. Air cleaners are a critical tool in the fight against COVID-19, asthma, allergies, and other health risks. Now, especially for people with health concerns, is the wrong time to limit the availability of the lower cost products by setting unnecessarily strict requirements with a product people depend on for their health at home. This is especially true given the unprecedented demand for these products coupled with severe supply chain challenges all industries are facing and which are significantly impacting air cleaner manufacturers' ability to provide an adequate supply of these products which are critical to consumers' health.

The legislation also completely undercuts the very purpose of the ENERGY STAR program, which has successfully created a label designating the more efficient products in the marketplace. ENERGY STAR standards are not intended to serve as a minimum, but are a goal for companies to strive towards by maximizing a product's efficiency. The ENERGY STAR label designation informs the consumer about the more efficient products that are available. Current ENERGY STAR criteria are not intended to be and never should be used as a mandatory minimum.

The legislation's January 1, 2024 requirement for residential room air cleaners to be in compliance is insufficient. Under Federal law, manufacturers have five years to comply with energy conservation standards for new products and three years to comply with amended energy conservation standards, both of which allow for redesign, retooling of factories, pilot product testing, safety testing, and many other requirements to ensure the product is ready for the market. This bill should not continue to include energy conservation standards for room air cleaners, but if it does, it should provide a minimum of five years for compliance.

Clean Air Delivery Rate (CADR)

CADR indicates the volume of filtered air delivered by an air cleaner. The higher the tobacco smoke, pollen and dust numbers, the faster the unit cleans the air in the room. The AHAM label (below) is found on the packaging of more than 15 million air cleaners shipped per year and lists the three CADR particulate reduction numbers — one for tobacco smoke, one for pollen and one for dust. But even more importantly, this label indicates the suggested room size, as tested, that is appropriate for the consumer, avoiding the tendency to just buy bigger and bigger units. This rating system, which indicates performance at the most efficient room size, greatly advantages the people with limited financial resources.



AHAM’s Verifide program provides a uniform and practical verification of energy, volume and certain performance criteria for each product, with an independent laboratory performing the verification testing. AHAM is recognized by the EPA as a Certification Body and is approved to administer verification testing for purposes of the ENERGY STAR program. Manufacturers that participate in the programs are identified by the AHAM Verifide Mark (see below) that appears on the product packaging or rating label.



For purchasing the right air cleaner, a person can easily find the AHAM suggested room size noted prominently on the label. This suggested sizing should match the size of the room the consumer is trying to clean. Air cleaners today exist across the full range of CADR. If the CADR rating, which is directly linked to performance and room size, is limited based on wattage as a result of this bill, it will likely cause customers to buy multiple or bigger air cleaners to obtain the performance they were trying to achieve. The reason for this is because any air cleaner first and foremost has to move air across a filter to clean it. The denser the filters, the more watts are needed to move the air through the filtration system. In order to reduce the wattage of the fan/motor system, the filters could be made either less dense or move less air. For example, an optimal air cleaner for a small bedroom for a child that is 10 x 10 feet, or 100 square feet; is a unit with a smoke CADR of 65. In order to be ENERGY STAR in that small size, the product’s wattage would be limited to half the smoke CADR. If the smoke CADR were 65, then the product would be limited to 32 watts. On 120 volts power, that means it would have to operate at less than 1/4 of an amp. That is not many amps to move air through a filter.

The electricity cost for the needed wattage is very low when compared to the important health benefits. For example, if one unit used 100 watts and another used 40 watts, and even assuming

it runs 12 hours a day, 365 days a year, the energy difference is only 263 kWh/year or \$2.77/month.

Conclusion

AHAM appreciates the opportunity to provide comments on HB 23-1161 and strongly urges the Energy and Environment Committee to oppose the bill. The goal of saving energy is important but should not be considered irrespective of other consequences, such as impacts to healthy indoor air quality and the products' availability to lower income and disadvantaged populations. AHAM strongly urges you to reconsider this bill for the reasons set forth in this testimony. For future reference, my contact information is 202.872.5955 x327 or via electronic mail at jcassady@aham.org.



14 February 2023

House Committee on Energy & Environment
LSB A
Colorado General Assembly
200 E Colfax Avenue
Denver, Colorado 80203

RE: Comments on HB23-1161, Environmental Standards for Appliances

Dear Committee Members:

The Home Ventilating Institute (“HVI”) is an ISO 17065 compliant certification body and a trade association representing over 100 manufacturers located in North America, South America, Asia, and Europe. Our manufacturer members provide the residential and light commercial ventilating products that deliver essential indoor air quality to homes and businesses throughout North America. HVI is pleased to partner with Colorado on the new standards for Residential Ventilating Fans (“RVFs”).

About the HVI Certified Products Directory

HVI certifies RVFs and publishes energy efficiency information in its Certified Products Directory (“CPD”) (<https://www.hvi.org/hvi-certified-products-directory/>). HVI accepts for listing in its CPD only those RVFs which have been tested using HVI Publication 916, “HVI Airflow Test Procedure,” the same testing standard for RVFs selected by Colorado. HVI works only with laboratories approved in accordance with ISO 17065 and verifies the test results of listed products using a third-party lab accredited in accordance with ISO 17025. HVI selects 10% of each of its members’ products in each category for annual verification. As an accredited certification body, HVI is accountable to the American National Standards Institute.

Use of HVI’s Certified Product Directory to Meet Certification and Labeling Requirements

Under Colorado’s proposed law, any product listed in the Northeast Energy Efficiency Partnership’s State Appliance Standards Database (SASD) is deemed to be in compliance with Colorado’s testing, certification, and labeling requirements. Proposed Legislation, Section 6.

SASD and other multi-state databases are useful for one-stop confirmations of compliance for multiple types of products. In the case of RVFs, HVI is partnering with the SASD to allow SASD to source its RVF energy efficiency information from HVI’s CPD. Through this relationship, SASD will rely on HVI’s certification process for RVFs, and will simply provide HVI’s published ratings to retailers, distributors, regulators, and consumers.

Given that SASD will source its RVF efficiency data from HVI’s CPD and considering HVI’s testing procedure is an element of compliance with Colorado standards, and that HVI maintains a “public database of compliant products,” which other states reference for certification, HVI requests that HVI’s

Advancing the Value of Residential Ventilation for Healthier Living®

Tel: 855.HVI.VENT • Fax: 480.559.9722 • www.hvi.org

CPD be explicitly recognized as a “public database of compliant products” by the State of Colorado in CRS § 6-7.5-109(1). If Colorado accepts HVI’s Certified Products Directory as an additional certification database, HVI will add a field to its Directory for directly determining Colorado compliance. See the screenshot below from Section I of HVI’s CPD for an example of how HVI communicates compliance with one state’s (i.e., Vermont’s) RVF performance requirements.

HVI Publication 911: Certified Home Ventilating Products Directory®
Section I - Complete Product Listing

Please note that Model Numbers are shown with spaces and dashes removed in order to facilitate the sorting function within the directory.

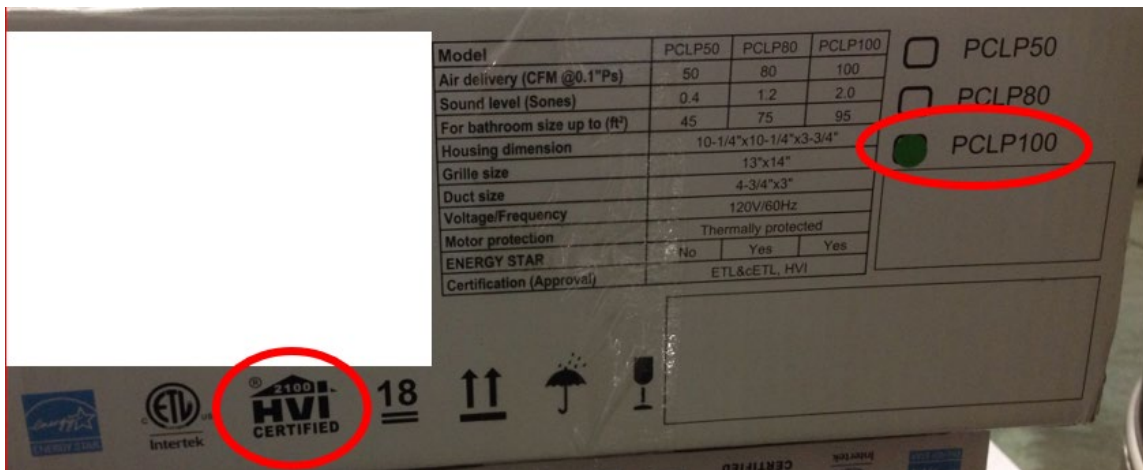
* Some HVI-Certified Models are also ENERGY STAR-rated as indicated by a "Yes" in the "ENERGY STAR" column. This field is provided for information only. To confirm the current ENERGY STAR listings, visit the [Ventilating Fans Product Finder](#).

 Save HVI Product Directory as a spreadsheet

Search:

Product Category	Product Subcategory	Brand Owner	Brand Name	Model	Rated Airflow (cfm)	Rated Sound (Sones)	Input Power (Watts)	* Energy Star	Meets Vermont Efficiency Reqs
Bathroom Exhaust Fans		Homewerks Worldwide, LLC	Homewerks Worldwide	7140-50-G3	50	1	17	No	
Bathroom Exhaust Fans		Homewerks Worldwide, LLC	Homewerks Worldwide	7140-50-G3	27			No	No
Bathroom Exhaust Fans		Homewerks Worldwide,	Homewerks Worldwide	7140-80-G3	80	1.5	28	Yes	Yes

Each HVI certified product is already labeled as such, and a regulator, retailer, installer, or consumer will be able to easily confirm, by looking up the model number on the product packaging (see image below for an example) within the HVI CPD, whether the product complies with Colorado’s RVF standards.



HVI is eager to support Colorado’s Efficiency Standards through clearly communicating to the Colorado Department of Public Health and Environment and the general public whether a listed RVF is certified as complying with Colorado’s requirements. We hope that the Committee will consider our recommendation, and we would be glad to discuss these matters further should you have any questions. Please feel free to reach out to Matt Matheny, HVI Engineering Director, at iaq@hvi.org.

Advancing the Value of Residential Ventilation for Healthier Living®

Respectfully submitted,

A handwritten signature in blue ink that reads "Jacki Donner". The signature is fluid and cursive, with the first name "Jacki" and last name "Donner" clearly legible.

Jacki Donner, HVI CEO/Secretary

Advancing the Value of Residential Ventilation for Healthier Living®

Tel: 855.HVI.VENT • Fax: 480.559.9722 • www.hvi.org



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TESTIMONY

Jacob Cassady
Director, Government Relations

On Behalf of
Association of Home Appliance Manufacturers

Before the Colorado General Assembly
Energy and Environment Committee

HEARING

HB 23-2261
Environmental Standards for Appliances

February 16, 2023

Chair Kipp, Vice Chair Willford, and members of the Committee, the **Association of Home Appliance Manufacturers (AHAM) strongly urges the committee to oppose HB 23-2261**. Although AHAM understands the bill’s intent to save energy, an objective we not only support, but have been key in advancing under the Federal Appliance Standards Program, the legislation has a number of problems relating to home appliances that need to be addressed, specifically with respect to consumer room air cleaners.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM represents more than 150 member companies that manufacture 90% of the major, portable and floor care appliances shipped for sale in the U.S. Home appliances are the heart of the home, and AHAM members provide safe, innovative, sustainable and efficient products that enhance consumers’ lives. The home appliance industry is a significant segment of the economy, measured by the contributions of home appliance manufacturers, wholesalers, and retailers to the U.S. economy. In all, the industry drives nearly \$200 billion in economic output throughout the U.S. and manufactures products with a factory shipment value of more than \$50 billion.

In Colorado, the home appliance industry is a significant and critical segment of the economy. The total economic impact of the home appliance industry to Colorado is \$1.7 billion, more than 11,800 direct and indirect jobs, \$260.9 million in state tax revenue and more than \$610.5 million in wages. The home appliance industry, through its products and innovation, is essential to consumer lifestyle, health, safety and convenience. Home appliances also are a success story in terms of energy efficiency and environmental protection. The purchase of new appliances often represents the most effective choice a consumer can make to reduce home energy use and costs.

On January 18, 2023, the Department of Energy (DOE) sent the final standards rule for consumer room air cleaners¹ to the White House Office of Information and Regulatory Affairs (OIRA).² The final standards rule is the result of a 2022 determination by DOE that air cleaners qualify as a covered product under Part A of Title III of the Energy Policy and Conservation Act (EPCA), effective September 13, 2022. After OMB approval, DOE can publish final rule and air cleaners would be pre-empted from state laws and regulations regarding minimum energy conservation standards. **This federal regulatory action makes the inclusion of consumer room air cleaners in the legislation unnecessary.**

Energy efficiency advocates and AHAM have worked for the past year towards an agreement on a national minimum energy standard for room air cleaners. That negotiated agreement, which we expect to be implemented by DOE’s upcoming direct final rule, is a win-win for a national marketplace and energy savings, including for consumers in Colorado. AHAM and the efficiency and consumer advocates that jointly submitted agreed upon standards and accompanying test procedures to DOE are unified in support of implementing this agreement on a national minimum energy standard either through a DOE regulatory process or legislatively

¹ In the “Energy Conservation Program: Final Determination of Air Cleaners as a Covered Consumer Product” the US Department of Energy uses the term “consumer room air cleaner,” which is also known as an “air purifier.” <https://www.federalregister.gov/documents/2022/07/15/2022-13655/energy-conservation-program-final-determination-of-air-cleaners-as-a-covered-consumer-product>

² OIRA regulatory announcement: <https://www.reginfo.gov/public/do/eoDetails?rrid=293065>

through Congress. Also, as part of this agreement, we are supporting a new national EnergyGuide label for air cleaners.

Importantly, absent federal rulemaking and the bill is enacted, Colorado consumers will be faced with fewer options at higher cost, potentially putting them out of reach for lower-income residents. Air cleaners are a critical tool in the fight against COVID-19, asthma, allergies, and other health risks. Now, especially for people with health concerns, is the wrong time to limit the availability of the lower cost products by setting unnecessarily strict requirements with a product people depend on for their health at home. This is especially true given the unprecedented demand for these products coupled with severe supply chain challenges all industries are facing and which are significantly impacting air cleaner manufacturers' ability to provide an adequate supply of these products which are critical to consumers' health.

The legislation also completely undercuts the very purpose of the ENERGY STAR program, which has successfully created a label designating the more efficient products in the marketplace. ENERGY STAR standards are not intended to serve as a minimum, but are a goal for companies to strive towards by maximizing a product's efficiency. The ENERGY STAR label designation informs the consumer about the more efficient products that are available. Current ENERGY STAR criteria are not intended to be and never should be used as a mandatory minimum.

The legislation's January 1, 2024 requirement for residential room air cleaners to be in compliance is insufficient. Under Federal law, manufacturers have five years to comply with energy conservation standards for new products and three years to comply with amended energy conservation standards, both of which allow for redesign, retooling of factories, pilot product testing, safety testing, and many other requirements to ensure the product is ready for the market. This bill should not continue to include energy conservation standards for room air cleaners, but if it does, it should provide a minimum of five years for compliance.

Clean Air Delivery Rate (CADR)

CADR indicates the volume of filtered air delivered by an air cleaner. The higher the tobacco smoke, pollen and dust numbers, the faster the unit cleans the air in the room. The AHAM label (below) is found on the packaging of more than 15 million air cleaners shipped per year and lists the three CADR particulate reduction numbers — one for tobacco smoke, one for pollen and one for dust. But even more importantly, this label indicates the suggested room size, as tested, that is appropriate for the consumer, avoiding the tendency to just buy bigger and bigger units. This rating system, which indicates performance at the most efficient room size, greatly advantages the people with limited financial resources.



AHAM’s Verifide program provides a uniform and practical verification of energy, volume and certain performance criteria for each product, with an independent laboratory performing the verification testing. AHAM is recognized by the EPA as a Certification Body and is approved to administer verification testing for purposes of the ENERGY STAR program. Manufacturers that participate in the programs are identified by the AHAM Verifide Mark (see below) that appears on the product packaging or rating label.



For purchasing the right air cleaner, a person can easily find the AHAM suggested room size noted prominently on the label. This suggested sizing should match the size of the room the consumer is trying to clean. Air cleaners today exist across the full range of CADR. If the CADR rating, which is directly linked to performance and room size, is limited based on wattage as a result of this bill, it will likely cause customers to buy multiple or bigger air cleaners to obtain the performance they were trying to achieve. The reason for this is because any air cleaner first and foremost has to move air across a filter to clean it. The denser the filters, the more watts are needed to move the air through the filtration system. In order to reduce the wattage of the fan/motor system, the filters could be made either less dense or move less air. For example, an optimal air cleaner for a small bedroom for a child that is 10 x 10 feet, or 100 square feet; is a unit with a smoke CADR of 65. In order to be ENERGY STAR in that small size, the product’s wattage would be limited to half the smoke CADR. If the smoke CADR were 65, then the product would be limited to 32 watts. On 120 volts power, that means it would have to operate at less than 1/4 of an amp. That is not many amps to move air through a filter.

The electricity cost for the needed wattage is very low when compared to the important health benefits. For example, if one unit used 100 watts and another used 40 watts, and even assuming

it runs 12 hours a day, 365 days a year, the energy difference is only 263 kWh/year or \$2.77/month.

Conclusion

AHAM appreciates the opportunity to provide comments on HB 23-2261 and strongly urges the Energy and Environment Committee to oppose the bill. The goal of saving energy is important but should not be considered irrespective of other consequences, such as impacts to healthy indoor air quality and the products' availability to lower income and disadvantaged populations. AHAM strongly urges you to reconsider this bill for the reasons set forth in this testimony. For future reference, my contact information is 202.872.5955 x327 or via electronic mail at jcassady@aham.org.

League of Women Voters of Colorado

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Testimony Re: HB 1161 Environmental Standards for Appliances, (Rep. Kipp, Wilford) (Sen. Cutter, Priola) SUPPORT

Dear Legislator,

The League of Women Voters appreciates this bill being put forward. The expansion of electrical appliances added to the list of existing energy efficient and safer environmental appliances as well as heating, cooling and plumbing equipment aligns with our positions on climate change, health, energy, air quality and water conservation. These will help reduce energy growth rates. The bill will help clean our indoor and outdoor air by lowering the methane emissions. It will help protect citizens from poisonous mercury and nitrogen dioxide. In the end it is a win-win for Colorado's health and safety. We are proud to support the hard work you put in to writing this bill that expands the use of electrical appliances, the plumbing and heating specifications as well as new home buyers options information upon purchase. All of the identified enforcement will help consumers be more protected in their purchases as well improve their quality of life.

Thank you for your attention,

Amy Sherwood

League of Women Voters of Colorado

Legislative Action Committee