News Release

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Colorado Water Conservation Legislation Impacts Manufacturing, Distribution, Sale of Select Residential Fenestration Products

SCHAUMBURG, IL – A new Colorado law setting environmental standards for residential products will likely impact the fenestration and glazing industry, participants at the Fenestration and Glazing Industry Alliance (FGIA) Fall Conference learned. Jeremy Neustifter, Air Quality Policy Director at the [Colorado Department of Public Health and Environment](https://cdphe.colorado.gov/) (CDPHE), spoke about the legislation in his presentation titled, “Laying Down the Law to Drive ENERGY STAR Requirements in Colorado.” This session was sponsored by the [FGIA Western Region](https://fgiaonline.org/pages/western-region).

HP23-1161, the Appliance Standards Bill, was signed into law June 1 in Colorado. It expands upon a 2019 bill that previously adopted standards and expanded a list of products allowed to be sold in Colorado from a 2014 statute. While the 2019 version added plumbing fixtures, air compressors and portable AC units, the new 2023 bill includes certain windows, doors and skylights. This legislation expands the list of products subject to statutory water and energy efficiency standards and applies to new products sold, leased or rented in the state.

“Historically, we have not regulated products,” said Neustifter of his department. “This is a whole new program for us.”

Residential windows, doors and skylights are affected. This law does not apply to products held in inventory on or before the effective date for each category. Per Neustifter, this law does not specify a specific standard, such as ENERGY STAR®. There will be a one-year delay between the adoption by rule and the enforcement of any new standard or test method.

“There will be a relatively robust compliance spot checks process,” said Neustifter. “Online checks will be done to see what products are for sale in Colorado. [CDPHE] will have a reporting system.”

Neustifter reported that the law’s broad intent is to improve water efficiency and to conserve water in Colorado. The sale of noncompliant products after the effective date of the applicable standard is punishable through a civil enforcement action by the Attorney General, with penalties of up to $2,000 per violation or, in the case of the sale of a noncompliant product to an elderly person, $10,000 per violation.

Manufacturers, suppliers and dealers need to comply with the new requirements beginning one year after January 1, 2026, and within one year after the adoption of a more recent version of any standard or test method. Compliance evaluations will be conducted in the form of online “spot-checks” by Air Pollution Control Division staff at CDPHE. An anonymous reporting system will be established by the division for the public and consumers to report suspected violations. Findings of confirmed violations will be delivered to the Attorney General’s Office. The Office of the Attorney General is the lead for enforcement of the statute and 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 this bill.

When asked about options for countering this law before it takes effect, Neustifter noted that could be an uphill battle. “The legislative process is the only way to change this law,” Neustifter said. “There are two legislative sessions before 2026, but I don't know if this law will change before then.”

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