

Sent via email - [stefanie.shoup@state.co.us](mailto:stefanie.shoup@state.co.us); [megan.eastment@state.co.us](mailto:megan.eastment@state.co.us)

November 6, 2025

Stefanie Shoup, Deputy Director of Regulatory Affairs  
Megan Eastment, Policy Analyst III  
Colorado Department of Public Health and Environment (CDPHE)  
4300 Cherry Creek Drive South  
Denver, CO 80246

**Re: Moving Forward Under HB23-1161 – Irrigation controllers & Check Valves**

Dear Ms. Shoup and Ms. Eastment,

The Irrigation Association and its members appreciate the intent behind the irrigation controller and check valve requirements in HB23-1161 and are committed to supporting water efficiency in Colorado. Over the past year, we have sought flexibility and clarification on certain provisions of the law to ensure our industry can comply effectively. We have received some limited guidance, and we understand the complexity of implementing new requirements and value CDPHE's role here. We are sending this letter outlining our understanding and a path forward.

As we've discussed, irrigation controllers are a complex product category with a wide variety of product types and a diverse range of applications. Furthermore, a common approach to irrigation controllers is to use a modular design for the base controller that can be combined with various plug-in and add-on devices that allow for customization and cost-effective consumer choice.

Additionally, HB23-1161 requires check valves to be integrated into spray sprinkler bodies, and this severely limits and, in some cases, eliminates entire product categories, like shrub-style spray bodies. Furthermore, check valves are not advisable in certain applications given Colorado's cold climate and the increased likelihood of breaks and leaks.

HB23-1161 does not clearly address the above complications, and Colorado is the only state in the nation that has attempted to impose these requirements through legislation regulating products at the point of sale.

To maintain business continuity and serve our customers responsibly, we plan to proceed based on our understanding of the requirements given the limited guidance provided so far. Specifically:

- The WaterSense requirement applies to standalone controllers that already have weather- or soil-moisture-based functionality, not all standalone or base controllers. So, if a controller has weather- or soil-moisture-based functionality built into it on a standalone basis, then it must meet WaterSense requirements.

- Base controllers, by their nature, do not have weather- or soil-moisture-based functionality, so they may continue to be sold. This is consistent with the definition of irrigation controllers in the law, which only references “standalone controllers.”
- WaterSense also labels plug-in and add-on devices that provide weather- or soil-moisture-based functionality that can be added to base controllers. We understand that the law requires plug-ins and add-on devices with this functionality to be WaterSense labeled. It does not restrict plug-ins and add-ons that provide other capabilities.
- Because the definition of irrigation controller is limited to “standalone controllers” all base controllers can continue to be sold without being packaged with WaterSense plug-ins and add-ons.

We are not aware of any shrub-style bodies that are manufactured with integrated check valves and, therefore, we assume that the requirement is not intended to cover this variation of spray bodies. Furthermore, distributors will need to have the option to continue selling spray bodies without check valves to allow for applications where pipe freezing is of greater concern. This can be done for a while from existing inventories.

Lastly, we understand that products in inventory as of January 1, 2026 can continue being sold until exhausted irrespective of whether these products in inventory are compliant.

We share our understandings in the spirit of transparency and invite CDPHE to confirm or correct them. The understandings above reflect the Irrigation Association’s understanding informed by its members, but members have been encouraged to consult with their in-house counsel to make their own interpretations, judgments and plans for compliance. If additional guidance becomes available, we will share it with our members.

We are also having discussions with industry partners and others in Colorado about potential legislative changes in 2026 that would remove the irrigation controller requirement given the complexity of the product category and the poor fit with the point-of-sale style requirements in HB23-1161. We are also seeking to have the check valve requirement removed.

Our goal until further agency or legislative action is taken is to align with the law’s intent while minimizing unintended impacts on Colorado businesses and consumers. We welcome any opportunity to collaborate on practical solutions and remain available for discussion at your convenience.

**Sincerely,**

*Andrew D. Morris*

Andrew D. Morris  
Irrigation Association  
Associate Director, Regulatory and Technical Affairs