

## Clarification on BPA's Energy Efficiency Programs and Marijuana

Washington and Oregon have recently adopted laws legalizing the cultivation, distribution and sale of marijuana. As a federal entity, BPA follows the legal direction provided by the U.S. Department of Energy and the U.S. Department of Justice as it pertains to marijuana-related business loads.\* Because the cultivation, distribution and sale of marijuana remains prohibited by federal law, federally owned, controlled or administered resources may not be purposely provided to facilitate the commission of a federal offense.

As a result, BPA's guidance regarding energy-efficiency activities related to marijuana-related business load at this time is as follows:

- BPA will not knowingly pay any incentives to customers for measures or projects involving marijuana-related business load. As such, we will not allow for Energy Efficiency Incentive reimbursement for the implementation of a project at a site involved in the growth, distribution or sale of marijuana or products containing marijuana. Should we learn that federal funds have been provided to measures or projects involving marijuana-related business load, we will seek to recover those funds.
- Additionally BPA staff, contractors or organizations acting on our behalf, such as ESI personnel, will not support the origination, development or implementation of measures or projects involving marijuana-related business load. This includes the review of custom project proposals, engineering review and technical support for these projects, including Measurement & Verification support.
- Though BPA will not provide funding or support for measures or projects involving marijuana-related business load, BPA will allow customers to report self-funded activities that meet the rules and requirements of the Implementation Manual. BPA will count those savings towards the region's savings goals. Should it be necessary, BPA may conduct oversight and impact evaluation on self-funded savings involving marijuana-related business load — including site visits — to ensure the savings reported to BPA comply with Implementation Manual requirements and are reliable.
- Upon learning of a marijuana-related business load, BPA staff, contract employees, and third-party contractors will not take action to report this information to management or other authorities, unless they have a concern that the operation is illegal and or illegitimate by state and federal law (e.g., cultivation operations on federal lands).

\* For the purpose of this guidance, "marijuana-related business loads" does not include businesses that (a) are engaged in the cultivation, processing or sale of hemp and hemp-derived products and (b) are licensed to conduct such business in the state under a USDA-approved plan.

For more information, please refer to BPA's [Hemp in the Energy Efficiency Program](#) guidance and [Hemp Frequently Asked Questions](#).



