Clarification on BPA’s EE 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 Department of Energy and the 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 business load at this time is as follows:

BPA will not knowingly pay any incentives to customers for measures/projects involving marijuana-related business load, as such we will not allow for EEI 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/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, or engineering review and technical support for these projects, including measurement & verification support.

Though BPA will not provide funding or support for measures/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, and we 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 business load (including site visits) to ensure the savings reported to BPA comply with the IM requirements and are reliable.

Upon learning of a marijuana business load, BPA staff, contract employees (CFTE), 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 both state and federal law (e.g., cultivation operations on federal lands).