

I. WaterSense® Program Guidelines

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I. General Program Information

A. Program Overview

WaterSense is a partnership program sponsored by the U.S. Environmental Protection Agency (EPA) designed to protect the future of our nation's water supply by promoting and enhancing the market for water-efficient products and programs. The WaterSense program goals are to use water resources more efficiently to preserve them for future generations and reduce water and wastewater infrastructure cost by reducing unnecessary water consumption. Through WaterSense, EPA provides reliable information on high-performing, water-efficient products and practices, raises awareness about the importance of water efficiency, ensures water-efficient product performance, helps consumers differentiate products and programs that use less water, promotes innovation in product development, and supports state and local water efficiency efforts.¹

B. Authority

- Sections 104(a) and (b) of the Clean Water Act (CWA) broadly authorize the EPA Administrator to “establish national programs” for the reduction of pollution, which may include cooperation with, encouragement of, and assistance for public and private efforts to prevent, reduce, and eliminate pollution.
- Section 104(o) of the CWA also authorizes the EPA Administrator to conduct research on methods of reducing the total flow of sewage, including unnecessary water consumption, which is a recognition by Congress that water consumption is directly related to sewage flow and thus to potential water pollution.
- Sections 1442(a)(1) and (2) of the Safe Drinking Water Act (SDWA) authorize the EPA Administrator to provide demonstrations relating to the provision of a dependably safe supply of drinking water. Because both a dependable and a safe supply of drinking water depend on water availability, water conservation demonstrations could be authorized under these sections.

C. Roles and Functions

To achieve the mission of the WaterSense program, EPA establishes partnerships with interested stakeholders, such as product manufacturers, retailers, and water utilities. EPA provides and maintains the WaterSense brand and develops national specifications for water-efficient products and programs. Partners develop products and programs meeting the specifications and promote and distribute them to customers. Partners also assist EPA in promoting water efficiency, in general, as well as the WaterSense brand, specifically. Following are the roles anticipated for each participant category. For more information about partnership eligibility, see the *Partner Types/Eligibility Section*.

¹ Note: WaterSense is NOT a technology development program; rather, it focuses on ready-for-market products.

- i. **EPA:** Sponsors WaterSense, promotes the WaterSense brand and water efficiency, recruits partners, updates stakeholders on the program, develops product and program specifications, approves and licenses certifying bodies (as described in Appendix A), evaluates applications submitted by certification programs, signs partnership agreements, maintains the Web registry of labeled products and certification programs, monitors usages of the WaterSense program logos and labels, and recognizes participants.
- ii. **Manufacturers** (companies that produce their own products that meet WaterSense specifications): Promote technology, improve performance, make products certified to WaterSense criteria, advertise/promote WaterSense labeled products, and provide market data.
- iii. **Professional Certifying Organizations:** Sponsor professional certification programs that meet WaterSense criteria, provide water efficiency education, promote WaterSense partnerships to certified professionals, and help promote WaterSense and water efficiency.
- iv. **Retailers/Distributors:** Provide shelf space and in-store promotion and identification of WaterSense labeled products, train sales staff, conduct consumer workshops, encourage cross-promotion and advertising/discounts, and provide sales data where appropriate. May also private label WaterSense labeled products.
- v. **Utilities, Water Boards, and Local Governments:** Support water efficiency programs, promote the WaterSense brand through education and awareness, sponsor rebates and financial incentives, conduct public outreach and business education, and provide water supply and conservation program data.
- vi. **Associations, Nonprofit Organizations, and State Government Agencies:** Conduct education and awareness campaigns, participate in bulk purchasing, endorse/adopt/promote the WaterSense program, assist EPA with recruitment, publish materials, provide data, and conduct member surveys.
- vii. **Irrigation and Landscape Professionals:** Use and promote technology, obtain certification and conduct consumer education.

II. Product Labeling

A. WaterSense Product Evaluation Factors

WaterSense has adopted overarching evaluation factors that will guide EPA in selecting products for specification development and labeling. In general, WaterSense evaluates each product or product category for:

- **Water Savings:** Provides significant water savings on a national basis.
- **Performance:** Performs as well as or better than their less efficient counterparts, assuming proper installation and operation. Products will be easy to use and find,

requiring no consumer sacrifice in terms of convenience, comfort, hygiene, health, safety, or availability.

- **Variety of technology options:** Achieves water efficiency through several technology options (i.e., WaterSense will not label a category that has only one proprietary product).
- **Efficiency Differentiation:** Effectively differentiated by a label that is recognized by purchasers. Typically, the specification is set to label products that are 20 percent more water-efficient than conventional products in that category.
- **Independent Third-Party Certification:** Can be certified by a licensed certifying body to confirm that the product meets EPA criteria for efficiency and performance.
- **Measurable Results:** Provides measurable results, quantifiable in terms of water saved/water use avoided compared to conventional models, as well as level of desired performance achieved.
- **Cost-Effectiveness:** Provides a cost-effective alternative to consumers.
- **Stakeholder Support:** Supported by a broad set of stakeholders, meaning there is a general consensus that the efficient products in the product category will be promoted by a cross-section of stakeholders (e.g., manufacturers, retailers, distributors, and utilities).

B. Specifications

The required attributes of products that are allowed to bear the WaterSense label are described in product specifications developed by EPA. Specifications describe the attributes of products that can be WaterSense labeled. Specifications will generally describe both water use and product performance attributes and will be developed with stakeholder input. After conducting initial technical and market research and determining that there is a sufficient basis for a specification, EPA will typically issue a notice of intent (NOI) announcing that it plans to develop a specification for a product category. EPA will then prepare draft specifications based on market research and informal discussions with industry and interested stakeholders. Once a draft specification is available, EPA will make it public via the program's Web site and request comment through conference calls and public meetings. EPA also welcomes written feedback on draft specifications. EPA will consider all comments and refine the specification as it deems appropriate and then re-release the specification in either draft or final form. The number of rounds of public review before the specification is finalized will depend on the nature and extent of comments on the prior draft. EPA will consider all comments on key technical issues and requirements in the final specifications, as it strives to maintain a balance between environmental benefits and market factors. EPA will have the ultimate authority in setting specification requirements, after carefully considering all stakeholder input.

C. WaterSense Label Requirements for Products

The WaterSense label was created to differentiate products in the marketplace that meet EPA criteria for efficiency and performance. The mark itself looks significantly different from the WaterSense program logo. There are several prerequisites/limitations for use of the label (for more details, see the *WaterSense Label Use Guidelines* in Appendix B):

- The manufacturer wishing to use the label must have signed a partnership agreement with EPA.

- Retailers or distributors wishing to use the label on their own private labeled products must also have a signed retail partnership agreement with EPA that includes an agreement to abide by the *WaterSense Label Use Guidelines*. Retailers or distributors must also have a signed private labeling addendum in place with EPA *prior* to applying the WaterSense label to products or product packaging.
- Any product to which the label is applied must be certified to conform to the relevant WaterSense specification by a licensed certifying body either accredited in accordance with the WaterSense certification scheme or otherwise approved for that purpose by WaterSense.
- The manufacturer must have applied for and received approval from a licensed certifying body to use the WaterSense label. Procedures for product certification and labeling, including certification of private labeled products, are described in Appendix A.
- The label may be used on product cartons and packaging or adhered directly to the product.
- The label may be used in promotional literature published about the product by the manufacturer, as long as it is in direct correlation to the product, but it must not be used to signify WaterSense labeling of every product from the manufacturer.
- Wholesalers, distributors, and retailers are only allowed to use the WaterSense label in two instances:
 - a. When supplied directly by a WaterSense manufacturer partner, wholesalers, distributors, and retailers may use the WaterSense label in direct correlation with a certified product. The label must not be used to signify WaterSense labeling of every product from the manufacturer, or used with other products that have not been certified to a WaterSense specification. All parties should review the *WaterSense Label Use Guidelines* prior to using the WaterSense label.
 - b. Wholesalers, distributors, and retailers who have a signed partnership agreement amended for private labeling are allowed to use the label. The label should only be used in direct correlation to the product, and must not be used to signify WaterSense labeling of every product under the private label brand. All parties should review the *WaterSense Label Use Guidelines* prior to using the WaterSense label.
- Wholesalers, distributors, and retailers should use the WaterSense promotional label to promote the WaterSense labeled products they carry in general.
- The WaterSense label may never be used to imply direct endorsement of a manufacturer or product by EPA.
- If the WaterSense label is withdrawn for any reason, the manufacturer and its wholesalers, distributors, and retailers must immediately cease to use the mark in conjunction with that product, and the label must be eliminated from product packaging/promotional materials within six months from the date of withdrawal notification.
- If EPA finds that the manufacturer or its wholesalers, distributors, and retailers are at any time using the mark incorrectly, those entities must immediately cease to use the mark in conjunction with that product, and the label must be eliminated from product packaging/promotional materials within six months from the date of withdrawal notification.

- The label may never be used in connection with products that have not met the WaterSense criteria for efficiency and performance, nor for products for which a final, product-specific specification does not exist.

D. WaterSense Label Suspension and Withdrawal from Products

The WaterSense label will be suspended or withdrawn from a product if it is found not to conform to the relevant WaterSense specification and/or *WaterSense Label Use Guidelines*. Specifically, use of the WaterSense label on a product will be suspended by the licensed certifying body for product nonconformance identified during ongoing surveillance, improper use of the WaterSense label on products or promotional materials, or infringement of the certification requirements as described in Appendix A. Use of the label on a suspended product can resume once the areas of concern are corrected to the satisfaction of the licensed certifying body. The WaterSense label will be withdrawn from a product for more severe or repeated instances of product nonconformance or misuse of the WaterSense label. Such WaterSense label withdrawal also can trigger termination of the partnership agreement by EPA. Products for which use of the WaterSense label has been withdrawn will not be reinstated into the program. Procedures describing WaterSense product label suspension and withdrawal are described in further detail in Appendix A.

E. WaterSense Mark Monitoring, Violations, Enforcement, and Discontinuation

Proper use of the WaterSense label on products and product packaging will be monitored and enforced by EPA and/or the licensed certifying bodies that certify these products as described in the *WaterSense Mark Policing and Corrective Action Decision Diagram for Promotional Activities* (Appendix C) and the *WaterSense Label Policing and Corrective Action Decision Diagram for Products* (Appendix D). EPA's monitoring activities include:

- Literature/Web site reviews.
- Review of media clips.
- Internet image searches.
- Follow-up on alerts and reports from stakeholders, licensed certifying bodies, and partners.
- Periodic visits to retail establishments across the country to review use of program marks on product packaging and in stores.

Licensed certifying bodies conduct their own monitoring activities, including:

- Annual post-market product surveillance: facility/warehouse audits, product retesting, retail outlet audits.
- Review of pre-press materials.
- Follow-up on alerts from manufacturers, EPA, and stakeholders.

In order to ensure the integrity of the WaterSense brand and as a service to assist manufacturers, wholesalers, distributors, and retailers with proper use of the WaterSense label, EPA encourages each participating manufacturer, wholesaler, distributor, or retailer to provide pre-press samples of any promotional materials or Internet files used to promote its WaterSense labeled product(s). EPA will provide prompt review (within five business days) of any pre-press materials provided to the Agency for quick turnaround review prior to publishing.

Violations of the proper use of the WaterSense label include, but are not limited to:

- Use of the label in conjunction with products that are not certified to WaterSense specifications.
- Use of the label on promotional materials that falsely imply every product on that page/within that section/in that promotional piece meets the WaterSense criteria.
- Use of the WaterSense program or partner logo (instead of the WaterSense label or promotional label) to promote a product.
- Use of some portion of the WaterSense label, but not the label in its entirety (e.g., omitting the name of the licensed certifying body underneath the label in conjunction with a certified product).

EPA reserves the right to collect samples of WaterSense marks including the label used on promotional materials. For any of the above violations that come to EPA's attention, the Agency will notify the licensed certifying body that authorized the use of the WaterSense label for the product in question. The licensed certifying body will then engage in investigation and resolution of the complaint in accordance with ISO Guide 65 and the licensed certifying body's policies and procedures. If no licensed certifying body is associated with the logo or label used, EPA will follow up with the violating organization directly. EPA will endeavor to resolve violation cases informally, however, if the violation is not corrected within 90 days, EPA will resort to formal legal action. Manufacturers may not, under any circumstances, continue to use the WaterSense label in conjunction with products for which the WaterSense label has been suspended or withdrawn.

F. Revisions to WaterSense Product Specifications

- i. **Technical Clarifications:** From time to time, EPA receives questions regarding the applicability of existing specifications or the intended meaning of specification requirements. In an effort to answer such questions and clarify the intent of the specifications, EPA may periodically publish technical clarification or interpretation documents on its Web page associated with the affected specification. EPA will notify stakeholders and licensed certifying bodies by e-mail when clarification documents are posted to the WaterSense Web site.
- ii. **Specification Revisions:** EPA reserves the right to revise WaterSense product specifications should technological and/or market changes affect the relevance and/or effectiveness of current specifications to consumers, industry, or the environment. Revisions to specifications would only be made following the open process described below, including discussions with industry and other interested partners.
 - a. At least annually, EPA will evaluate which (if any) specifications are candidates for revision based on the following guiding principles:
 - i. Specifications for product categories for which WaterSense labeled products make up more than 50 percent of marketshare, based on units sold, are automatically considered as candidates for revision. In this instance, marketshare means the ratio of WaterSense labeled

- units to non-WaterSense labeled units sold in the same product category.
- ii. Specifications will be considered candidates for revision if EPA identifies significant and broadly available improvements in technology or product design in any labeled product category that positively impact its water efficiency. In this context, significantly improved products would be approximately 10 percent more efficient or higher performing than current WaterSense labeled products, be offered by multiple manufacturers, and capture approximately 10 percent or more of the total marketshare for that product category. Other equivalent shifts in the market would also be considered a significant improvement.
 - iii. Specifications will be considered candidates for revision if EPA becomes aware of performance issues associated with products that are currently labeled under the specification.
 - iv. Specifications will be considered candidates for revision if a water efficiency standard is adopted nationally that would mandate equivalent product efficiency as specified in the specification, such that the WaterSense label would no longer be able to differentiate product efficiency at the current level specified.
 - v. Revisions will only be made to specifications upon open dialogue with interested stakeholders and provided the more water-efficient products in the product category continue to meet the WaterSense product evaluation factors contained in Section II.A.
- b. The results of the annual evaluation will be made available to the public via the WaterSense Web site.
 - c. Any proposed revisions to a specification will undergo public review and comment.
 - d. Products labeled after the effective date of a revised specification would need to be certified to meet the requirements of the revised specification.
 - e. For existing labeled products, EPA will provide a grace period for compliance with the new specification and labeling of new certified products that is dependent upon the impact of the specification change to the specific manufacturing sector. The timeline for compliance will be specified in the revised specification, after careful consideration of all interested party concerns. Following the expiration date of the grace period, products will be required to be independently tested and certified to meet the revised specification criteria in order to bear the WaterSense label. For those products that do not meet the revised specification, the same requirements and timeframes for removal of the WaterSense label shall apply as when the WaterSense label is withdrawn from the product (see Appendix A, Section I.D. for more information).

III. Professional Certification Program Labeling

A. WaterSense Program Evaluation Factors

WaterSense has adopted overarching evaluation factors that guide EPA in selecting professional certification program categories for specification development and labeling. In general, WaterSense evaluates service industry categories for:

- **Water Savings:** Efficient industry practices result in water savings (i.e., professionals in the given industry must interact with the application or use of publicly supplied water; and practices employed by these professionals must address water efficiency).
- **Performance:** Water-efficient practices in the industry will result in a system that does not sacrifice performance (e.g., a high-performing irrigation system or plumbing system). Services provided by certified individuals will be easy to find and require no consumer sacrifice in terms of convenience, hygiene, health, safety, or availability.
- **Availability of Relevant Certification Programs:** The industry category must offer at least one certification program to their professionals that results in demonstrated knowledge of water efficiency related to the professional's practice.
- **Stakeholder Support:** Supported by a broad set of stakeholders, meaning there is a general consensus that the programs and professionals in this category will be promoted by a cross-section of stakeholders (e.g., retailers, distributors, builders, architects, and utilities).

B. Specifications

The required attributes of certification programs that can be promoted as WaterSense labeled programs are described in the WaterSense certification program specifications. Specifications describe the attributes of the programs and the program development process that must be followed to demonstrate and document that a program is compliant with the attributes described in the specification. Specifications generally describe criteria to be met by each certification program and are developed with stakeholder input. EPA typically prepares draft specifications based on market research and informal discussions with interested stakeholders. Once a draft specification is available, EPA makes it public via the WaterSense Web site and requests comment through conference calls and public meetings. EPA also welcomes written feedback on draft specifications. The draft specifications are refined based on these comments and feedback, and then released again in either draft or final form. The number of rounds of public review before the specification is finalized will depend on the nature and extent of comments on the prior draft. EPA has the ultimate authority in setting specification requirements, after carefully considering all stakeholder input.

C. Labeling Process, Timing, Requirements, and Notification

Organizations wishing to earn the WaterSense label for a certification program must first complete and sign a WaterSense partnership agreement with EPA, then complete an application packet, including the documentation detailed in the WaterSense specification applicable to their certification program. EPA will accept forms submitted via e-mail, fax, and mail. Within five business days, EPA (or its agent) will acknowledge receipt of the application packet. Within four weeks, EPA will notify applicants of the Agency's acceptance or rejection of the certification program for WaterSense labeling.

Potential reasons for rejection include incomplete application information, failure to meet required/specified criteria for that certification program category, submissions received prior to the release of the final specification for the certification program category, or failure to submit a WaterSense partnership agreement prior to submitting the application packet. If an application is rejected, explanation on the application deficiencies will be provided. EPA will update the WaterSense Web registry on a monthly basis to add newly labeled certification programs. EPA will not publish information about non-qualifying certification programs. Partners are responsible for informing EPA when their programs are no longer available or are no longer compliant with WaterSense specifications and should be removed from the Web registry.

D. WaterSense Labeling Requirements for Certification Programs and Professionals

EPA's WaterSense label was also created to differentiate certification programs in the marketplace that meet EPA criteria for water efficiency. There are several prerequisites and limitations for use of the WaterSense label (for more information, see the *WaterSense Label Use Guidelines*):

- The professional certifying organization wishing to use the label must have signed a partnership agreement with EPA.
- The professional certifying organization must have applied for and received EPA approval to use the WaterSense label for one or more programs, through the procedures described above in Section III.C.
- The certification program for which the label is used must meet or exceed the WaterSense criteria for that type of certification program.
- The WaterSense label can be used on promotional literature, advertisements, and Web sites in direct association with a WaterSense labeled program.
- The label may not be used to imply direct endorsement of a certification program or organization by EPA.
- If a certification program is disqualified from EPA's WaterSense program for any reason, the professional certifying organization must immediately cease to use the label in conjunction with that certification program, and the label must be eliminated from all promotional materials within six months.
- The label may never be used in connection with certification programs that have not received EPA approval or for certification programs for which a final specification does not exist.

Individuals who become certified under a WaterSense labeled certification program are not allowed to use the WaterSense label directly on their business cards, vehicles, promotional materials, etc.; however, there is a process by which certified professionals who achieved their certification from WaterSense labeled programs can apply to become WaterSense partners and use the WaterSense partner logo, as described in the *WaterSense Partner Logo Use Guidelines* (Appendix F). EPA will also add partners that are certified under a WaterSense labeled program to its WaterSense Web registry. Under no circumstances can those individuals promote themselves or their work product as being certified and/or endorsed by EPA or the WaterSense program.

E. Disqualification of WaterSense Labeled Certification Programs

Labeled certification programs may be disqualified from the WaterSense program after presentation and evaluation of credible evidence that the certification program does not conform to the applicable WaterSense specification. EPA staff will evaluate evidence that supports claims of nonconformance. If there is sound, credible evidence that the certification program does not conform to the specification, EPA will submit a request to the professional certifying organization seeking explanation and satisfactory resolution of the issue. The professional certifying organization will have 20 days to successfully resolve the nonconformance issue, or refute the claim of nonconformance with sound, credible supporting evidence. If not satisfactorily addressed within that timeframe, the certification program in question will be disqualified and removed from the Web registry of WaterSense labeled certification programs, as will WaterSense partners who are professionals certified under that program. Such disqualification also may trigger termination of the partnership agreement of the professional certifying organization and the professionals certified under that program, as described in the dispute resolution discussion in Section IV.

F. Requalification of WaterSense Labeled Certification Programs

Disqualified certification programs may be requalified into the program, upon submittal and approval of a new application package. The application for requalification should be supported with documentation proving that the factors leading to initial disqualification have been remedied. Certification programs will be requalified, at EPA's discretion, upon such a successful demonstration.

G. WaterSense Mark Monitoring, Violations, Enforcement, and Discontinuation

As discussed above in Section II.E (and in Appendixes C and D), EPA routinely monitors use of the WaterSense logos and labels. EPA requests that each participating professional certifying organization provide pre- or post-press samples of any promotional materials or Internet files using the WaterSense label to promote its recognized certification program, and that certified professionals using the WaterSense partner logo to promote their certification do the same. EPA will provide prompt review (within five business days) of any pre-press materials provided to the Agency for quick turnaround review prior to publishing.

Violations to the proper use of the WaterSense marks include, but are not limited to:

- Use of the label in conjunction with certification programs that have not successfully completed the application process.
- Use of the label in conjunction with a program for which no current specification exists.
- Use of the label (instead of the approved partner logo) on promotional materials of certified professionals.
- Use of the approved partner logo "EPA WaterSense Partner" in conjunction with an entire company or professionals who are not all certified under WaterSense labeled programs.

For any use violations of WaterSense marks that come to EPA's attention, the Agency will send to the professional certifying organization (or certified professional) a letter asking that improper uses cease immediately. EPA may request proof of such a change within 90 days of the request.

In the event that improper use of WaterSense marks continues, EPA may disqualify from using the marks any or all of the professional certifying organization's program(s), until such time as the issue has been resolved. Professional certifying organizations may not, under any circumstances, continue to use the WaterSense label in conjunction with disqualified certification programs.

H. Revisions to Specifications

EPA reserves the right to revise certification program specifications should technological and/or market changes affect the usefulness of current specifications to consumers, practicing professionals, or the environment. Revisions to specifications would only be made using the same public process described above, including discussions with affected professional organizations and other interested partners. Currently labeled programs would have to reapply for the WaterSense label under the new specifications.

IV. Partnerships

As described above, EPA partners with numerous organizations to ensure the success of the WaterSense program.

A. Partner Types/Eligibility

The following categories reflect the types of organizations that are currently eligible to become partners in the WaterSense program.

Professional Certifying Organizations: Any organization that sponsors a professional program that meets WaterSense specifications for certification programs.

Promotional Partners: Promotional partners assist EPA in educating others about the value of water, water efficiency, and the WaterSense brand. These partners include:

- **Nonprofit Organizations** such as environmental organizations, nonprofit certifying organizations, and consumer advocacy groups.
- **Professional and Trade Associations** whose members are eligible to join as a WaterSense partner may also participate as promotional partners. For example, since water utilities are eligible for partnership, the American Water Works Association, whose membership includes 4,700 utilities, is also eligible.
- **Utilities/Water Districts/Government Agencies** (state, federal, and local agencies) such as environmental departments, municipal programs, water agencies, water districts, wholesalers, public utilities, private utilities, wastewater treatment facilities, water boards, and public utility commissions.

Manufacturers: Upon issuance of draft specifications for new product categories, EPA invites organizations who produce products in those categories to join as partners. Manufacturers based outside of the United States are eligible to participate as long as the labeled products will

be sold within the United States. Manufacturers of component parts of a labeled product category are not eligible to sign on as WaterSense partners based on this relationship alone. For example, if the sole product manufactured by a company is a toilet tank, it is not eligible for partnership, as WaterSense has not issued specifications for toilet tanks. This company, may, however, join WaterSense if it begins to manufacture entire toilets, as described in the “Tank-Type High-Efficiency Toilet Specification.”

Retailers/Distributors: Any retail or wholesale distribution organization selling WaterSense labeled products, including but not limited to home improvement stores, hardware stores, appliance retailers and distributors, plumbing supply houses, decorator showrooms/specialty stores, and commercial irrigation distributors. Retailers/distributors wishing to sell WaterSense labeled products under their own brand (private labeled products) must sign an amendment to their partnership agreement indicating that retailer will abide by the *WaterSense Label Use Guidelines*.

Irrigation Partners (Certified Professionals): Individuals who have been certified under a WaterSense labeled program and agree to promote water efficiency to customers and provide water-efficient services to customers. To be eligible for partnership, the certified professional must service at least one U.S. customer.

In the future, EPA may invite additional types of organizations and individuals to partner with the WaterSense program, such as new home builders, commercial buildings, institutional buildings (e.g., universities, municipalities), and federal agencies. Until such a time when EPA has established a formal role and/or draft specification for these new types of partners, these entities are ineligible for participation as partners. In the interim, EPA encourages ineligible stakeholders to sign up to receive the *WaterSense Current* newsletter, participate in the specification development process and/or contact the WaterSense Helpline on other ways they would like to collaborate with EPA on water efficiency.

B. Partnership Agreements

Each organization interested in promoting the WaterSense brand, earning the WaterSense label for its products, working with EPA to promote sales of WaterSense labeled products, and labeling certification programs that promote water efficiency (as well as certified professionals under WaterSense labeled programs interested in promoting water efficiency) are required to sign a WaterSense partnership agreement with EPA. Partnership agreements are tailored to each partner type and outline the requirements of participating in the program for each category type. Each organization or certified professional signing a partnership agreement agrees to uphold the requirements of the guidelines for use of the WaterSense label, promotional label, partner logo, or program logo, as appropriate.

WaterSense partnership agreements include a discussion of the WaterSense program goals, a partner pledge, EPA’s commitment to WaterSense partners, and general terms and disclaimers. The partner pledge varies slightly, depending on the type of partner. The following table briefly describes the differences in expectations for different partner types, as well as EPA’s commitment to its partners.

	Certifying Organizations	Manufacturers	Nonprofit Organizations	Retailers & Distributors	Certified Professionals	Trade Associations	Utilities & Governments
Partnership Pledge:							
Label product(s) or program(s)	x	x					
Promote value of water efficiency and WaterSense labeled products/programs	x	x	x	x	x	x	x
Sell, market, and promote WaterSense labeled products		x		x	x		
Encourage eligible constituents to participate in WaterSense	x		x			x	
Provide data on sales of labeled products		x		x		x	
Provide annual data about water promotional activities		x	x	x		x	x
Provide data on WaterSense labeled products carried	x	x		x			
Train staff on WaterSense program		x		x			
Adhere to label, promotional label, and partner/program logo guidelines	x	x	x	x	x	x	x
Feature WaterSense on Web site/related promotional materials	x	x	x	x	x	x	x
Update EPA on availability of labeled products	x	x		x			
Allow EPA to promote partner's participation in program	x	x	x	x	x	x	x
EPA Commitments:							
Develop national specifications for water-efficient products/programs	x	x	x	x		x	x
Increase awareness of water efficiency and the WaterSense brand	x	x	x	x	x	x	x
Provide current WaterSense program news	x	x	x	x	x	x	x
Provide public recognition to partners	x	x	x	x	x	x	x
Respond swiftly to partner requests for information	x	x	x	x	x	x	x
Provide materials, templates, and marks for promotional use	x	x	x	x	x	x	x
Review WaterSense promotional materials developed by partner	x	x	x	x	x	x	x
Provide tools for training sales staff on WaterSense labeled products				x			

The general terms and disclaimers are consistent across all partnership agreements:

- The partner will not construe, claim, or imply that its participation in the EPA WaterSense program constitutes federal government (EPA) approval, acceptance, or endorsement of anything other than the partner's commitment to the program.
- The partner understands that the activities it undertakes in connection with the program are voluntary and not intended to provide services to the federal government. As such, the partner will not submit a claim for compensation to any federal agency.

- Manufacturers, retailers, distributors, and professional certifying organizations may not sign WaterSense partnership agreements with EPA unless there has been a draft specification released for a product they produce/carry or for a relevant professional program.
- The partner and WaterSense will assume good faith as a general principle for resolving conflict and will seek to resolve all matters informally, so as to preserve maximum public confidence in the program.
- Failure to comply with any of the terms of this partnership agreement can result in its termination and cessation of access to the benefits of the program, including use of the WaterSense label or partner logo.
- WaterSense will actively pursue resolution of noncompliance related to the use of the label and logo(s).
- Both parties concur that this agreement is wholly voluntary and may be terminated by either party at any time, and for any reason, with no penalty. Termination will begin effective immediately upon written notice to or from the EPA WaterSense program. Upon termination from the program, partners agree to remove the WaterSense label and/or logos in a timely manner, consistent with the WaterSense label, promotional label, partner logo, and program logo use guidelines.

C. Recognition

EPA will recognize WaterSense partners for their achievements in manufacturing, promoting, and using water-efficient products and practices. By signing a partnership agreement, each partner agrees to share information, when appropriate, with EPA and allows the Agency the right to publish its partner status on the WaterSense Web site. For more in-depth case studies, awards, and other promotions, EPA will allow partners to review information before it is made public.

In January 2008, EPA launched a formal awards program designed to recognize WaterSense partners who help advance the overall mission of WaterSense, increase awareness of the WaterSense brand in a measurable way, and demonstrate overall excellence in the water efficiency arena. Information on eligibility, evaluation criteria, and schedule for the current award cycle is posted to the WaterSense Web site. A team of EPA staff evaluate applications submitted by eligible partners according to the criteria described in the application instruction manual. Examples of potential evaluation criteria include:

- Demonstrating measurable results.
- Showing creativity and innovation in implementing the WaterSense program.
- Forging partnerships with manufacturers, retailers, utilities, governments, and other WaterSense partners.
- Furthering WaterSense goals and leveraging the national WaterSense brand.

- Enhancing product labeling efforts.
- Achieving effectiveness of advertising and other outreach designed to promote the WaterSense brand.

EPA will hold an annual ceremony to recognize award winners at an appropriate venue (e.g., WaterSmart Innovations Conference), on the WaterSense Web site, and in EPA press releases. Winners are also allowed to promote their award via press releases and in paid advertisements.

D. Dispute Resolution and Partnership Termination

Partners and EPA will assume good faith as a general principle for resolving conflicts under the WaterSense program. Both parties will endeavor to resolve all matters informally, so as to preserve maximum public confidence in the WaterSense program.

In the event informal channels do not produce a mutually agreeable resolution to a matter in dispute, either party should notify the other in writing as to the nature of the dispute, the specific corrective action sought, and their intent to terminate the partnership agreement, either as a whole or in part, unless specific corrective actions sought are undertaken. Within 20 days of receiving formal notification from EPA indicating intent to terminate the partnership agreement, either as a whole or in part, the partner should reply, agreeing to either (1) undertake in a timely and effective manner the corrective actions sought by EPA, or (2) terminate the partnership agreement.

Within 20 days of receiving formal notification from the partner indicating its intent to terminate the partnership agreement, either as a whole or in part, EPA will reply either by (1) agreeing to undertake in a timely and effective manner the corrective actions sought by the partner, or (2) explaining why such corrective actions cannot be undertaken.

If the partner fails to respond within 20 days of receiving formal notification of EPA's intent to terminate the partnership agreement, either as a whole or in part, or if the partner responds but does not agree to undertake corrective actions sought by EPA, or if the partner agrees but does not initiate the corrective actions in a timely manner, the partnership agreement will be terminated, either as a whole or in part.

V. Measurement, Data Reporting, and Confidential Business Information

A. Program Measurement

EPA developed a series of performance measures for the WaterSense program. In the initial years of the program, EPA will focus on measuring program outputs, such as number of program partners, number of final specifications completed, number of labeled products, number of labeled programs, number of Web user sessions/pages viewed, and number of WaterSense Helpline calls received and addressed.

Over time, EPA also plans to track changes in awareness and understanding of the WaterSense label; track changes in marketshare for labeled versus non-labeled products;

estimate national water savings through WaterSense labeled products; determine water/wastewater infrastructure costs avoided; examine customer satisfaction with the WaterSense program; and review trends in national daily water usage. In later years, EPA will also assess program efficiency (e.g., water saved per full-time employee; value of earned media/investment in media outreach).

B. Data Reporting

EPA will rely on partners to provide data to enable it to estimate water savings and the associated avoided infrastructure costs. Specifically, WaterSense asks selected partners to submit the following data on an annual basis:

- **Product Data:** Manufacturers agree to make data or other marketing indicators available to EPA on an annual basis to assist in determining the market penetration of WaterSense labeled products, including unit shipment data and, where appropriate, aggregate product data. For example, manufacturers may be asked to provide unit shipment data for WaterSense labeled products, total unit shipments for each model in the product line, and percent of total unit shipments that are WaterSense labeled. These data may be provided directly to EPA or to a third-party organization with the understanding that individual manufacturer data will not be released, but rather aggregated industry-wide to define the relative market share of labeled versus non-labeled products.
- **Sales Data:** Retailers and distributors agree to provide data to a third party on sales of water-efficient products or other market indicators to assist in determining the impact of the program in promoting labeled products. The data will only be reported to EPA in aggregate by the third party and treated as confidential business information.
- **Utility Data:** WaterSense also asks utility and government partners to report data on results of promotional activities and aggregate data on rebates offered (e.g., number of rebates processed). EPA will use these data to inform future rebates, document water savings associated with rebate programs, and assess changes in water consumption over time.

In addition to the above data, EPA may also request historical data on product shipments from manufacturers to assess a baseline of market penetration of water-using products. EPA will use the historical shipments data and the above information to estimate the annual water savings associated with the program and will calculate the associated environmental and economic benefits associated with this water savings. It will also use these figures to calculate the program's efficiency. In addition to the above, EPA may also request data on partners' satisfaction with the program to improve program services.

C. Ongoing Product/Program Qualification

On an ongoing basis, EPA requests that manufacturers and professional certifying organizations update EPA on the status of WaterSense labeled products and programs. In particular, EPA requests that partners tell EPA if labeled products or programs are modified or

discontinued. This information will allow EPA to keep the Web-based registry up to date. EPA will also check the licensed certifying body Web sites periodically to ensure that the Web registry is up to date. As necessary, EPA will also request data of professional certifying organizations and certified professionals to determine implementation status of the WaterSense labeled professional certification programs.

D. Confidential Business Information

EPA understands that, as part of their participation in this program, partners may provide the Agency with confidential business information (CBI), including test results and examinations for certification programs. Any item designated as “confidential business information” by a participant in the WaterSense program will be handled through EPA’s pre-determined CBI procedures, including assurance that the information will not be made public, included on the WaterSense Web site, or shared with other program participants. Information such as certification examinations that must be tracked and monitored by participants will be returned to the sender as soon as practicable. Program partners will also be offered an opportunity through a separate agreement with EPA to report confidential data (e.g., product sales and shipment data) to EPA via a third party, bound to maintaining confidentiality and who reports data to EPA solely in aggregate form.

VI. Definitions

Certification Program or Professional Certification Program: A program that requires a combination of experience and testing to verify a professional’s knowledge.

High-Efficiency: A measurement of product performance, typically established through testing to a specification, that considers both water use and product function. WaterSense labeled products are generally 20 percent more water-efficient compared to average products in that category, with no sacrifice in performance or user satisfaction.

Labeling: The act of applying the WaterSense label (see below) to products, product packaging, and accompanying promotional materials to market a specific product.

Licensed Certifying Body (also known as Product Certifying Body): An independent conformity assessment body licensed by EPA to certify products to WaterSense specifications and authorize the use of the WaterSense label.

Manufacturer: Any organization that produces a product for market that might be eligible to meet WaterSense criteria for efficiency and performance. Manufacturers may also produce “private labeled” products that are sold under the brand name of a separate organization. In this case, the organization branding/selling the product is treated as a separate partner/application from the original product manufacturer. See also *Partner Types/Eligibility Section*.

Nonprofit Organization/Trade Association: See *Partner Types/Eligibility Section*.

Partner: Any organization or eligible professional that voluntarily signs a partnership agreement with EPA to participate in WaterSense. See *Partner Types/Eligibility Section*.

Partnership Agreement: The formal agreement between EPA and its WaterSense partners that delineates activities to be conducted by each party, benefits, and exclusions. Partnership agreements are signed by appropriate representatives at EPA and organizations outlined in the *Partner Types/Eligibility Section*.

Performance Criteria: A benchmark by which products are measured for both water efficiency and functionality for intended use. Performance criteria may address water use, flow capacity, efficiency, or other product functions and other factors.

Promotional Partner: See *Partner Types/Eligibility Section*.

Private Labeled Product: Any product produced by a manufacturer for labeling under a separate organization/brand from the manufacturer's; private labeled products are treated as separate from a manufacturer's products for purposes of partnership agreement signing and application for the WaterSense label.

Product: Merchandise, ware, or commodity offered for sale. WaterSense plans to consider the following categories of products during the lifetime of the program: commercial and residential plumbing products, commercial and residential irrigation products (controllers, sensors), and other mechanical and commercial water-using products and processes.

Product Promotional Materials: Brochures, advertisements, flyers, catalogs, circulars, Web sites, displays, and related materials used to sell products.

Professional Certifying Organization: An organization that certifies individuals on a professional level. A certifying organization's certification program can earn the WaterSense label if it meets the WaterSense specification for certification programs.

Retailer/Distributor: See *Partner Types/Eligibility Section*.

Service Area: Work areas that are conducted by one or more persons that benefit another person or group, including irrigation professionals, landscapers, and other individuals.

Specifications: Describe the water use and product performance attributes of products eligible to bear the WaterSense label, as well as how the attributes should be measured.

Utility/Government Agency: See *Partner Types/Eligibility Section*.

WaterSense Label: A service mark that contains the words "WaterSense" and "Meets EPA Criteria" in a circular pattern around the EPA WaterSense graphic "water drop" image. In conjunction with a product, the WaterSense label must also include the words "Certified by" and the name of a licensed certifying body underneath the circle. As described in more detail in the *WaterSense Label Use Guidelines*, the WaterSense label may be used on product packaging and labeling or directly imprinted on or adhered to the product, to demonstrate that the product meets WaterSense criteria for efficiency and performance. It can be used on manufacturer, distributor, or retailer brochures, advertisements, trade show displays, Web sites, or point-of-

purchase materials, to distinguish a WaterSense labeled product, and program materials, brochures, or Web sites of certification programs that meet WaterSense criteria.

WaterSense Labeled Product: A product that has been independently certified via procedures described in Appendix A and found to meet WaterSense criteria for efficiency and performance, as defined in product-specific specifications.

WaterSense Labeled Certification Program: A program (e.g., certification program for irrigation professionals) that has been approved by EPA as meeting WaterSense criteria outlined in program-specific specifications.

WaterSense Label Suspension: Temporary invalidation of product certification and subsequent WaterSense labeling as a result of product nonconformity, improper use of the WaterSense label, or infringement of the certification requirements as described in Appendix A. The manufacturer is prohibited from identifying as certified or associating the WaterSense label in conjunction with a product for which the WaterSense label has been suspended.

WaterSense Label Withdrawal: Revocation of product certification and use of the WaterSense label as a result of severe or repeated instances of product nonconformance or misuse of the WaterSense label. The manufacturer is prohibited from identifying as certified or associating the WaterSense label in conjunction with a product for which the label has been withdrawn and is ineligible for reinstatement of the WaterSense label for the product in question.

WaterSense Irrigation Partner (Certified Professional): An individual who has been certified under a WaterSense labeled program who has signed a partnership agreement with EPA committing to promoting and practicing water-efficient irrigation techniques.

WaterSense Program Logo: A logo defined by a combination leaf/water droplet and the words “WaterSense” and “EPA” used to promote and brand the WaterSense program.

WaterSense Partner Logo: A logo made up of the WaterSense program logo and the word “Partner,” for use by organizations or individuals that have signed partnership agreements with EPA. The partner logo may not be used for WaterSense labeled products or certification programs, but it can be used in conjunction with individuals who are WaterSense irrigation partners.

WaterSense Promotional Label: A promotional mark that encompasses the WaterSense label with a box that includes the words “ask about,” “look for,” or “we sell.” The promotional label can be used by WaterSense partners including promotional partners, retail/distributor partners, manufacturers, professional certifying organizations, and irrigation partners.

Web Listing/Registry: A listing of WaterSense labeled products and programs on the EPA Web site, including name/model numbers of products, certification programs, certified professionals that are WaterSense partners, and links to manufacturers, organizations, or individuals.

Appendix A

WaterSense Product Certification and Labeling Procedures

This appendix is meant to supplement the *WaterSense Program Guidelines* and specifically outlines the interim process for WaterSense product certification and labeling, including the general procedures for manufacturers' application and receipt of authorization to use the WaterSense label on products. This appendix also describes the interim general procedures for applying to become a licensed certifying body in order to certify and authorize the use of the WaterSense label on products.

I. WaterSense Product Certification and Labeling Procedures for Manufacturers

A. Partnership Agreements with EPA

Manufacturers must first sign a partnership agreement with EPA as described in Section IV of the *WaterSense Program Guidelines* if they wish to apply the WaterSense label to products. Retailers or distributors wishing to sell WaterSense labeled products under their own brand (private labeled products) must sign an amendment to their partnership agreement with EPA indicating that they will abide by the *WaterSense Label Use Guidelines*.

B. Selection of an Approved Licensed Certifying Body

In order to use the WaterSense label on products, manufacturer partners must have their products certified for conformance to the relevant WaterSense specification by a certifying body licensed by EPA for that purpose.

EPA intends to develop a third-party certification program for WaterSense labeled products according to a WaterSense certification scheme (hereafter referred to as WaterSense accreditation). In the interim, as the full WaterSense accreditation requirements are developed, WaterSense will rely on current ANSI-accredited, EPA-licensed certifying bodies to certify products in accordance with their existing certification schemes and authorize the use of the WaterSense label (hereafter referred to as interim approval).

Each certifying body that is licensed by EPA during the interim period or ultimately fully accredited to the WaterSense certification scheme will certify conforming products and authorize the use of the WaterSense label.

EPA maintains a list of licensed certifying bodies along with the specific WaterSense specifications for which they are approved to perform certifications. The list of licensed certifying bodies is available on the WaterSense Web site at <www.epa.gov/watersense/basic/cert_bodies.htm>. This information may also be obtained from the WaterSense Helpline at (866) WTR-SENS (987-7367). The interim approval of licensed certifying bodies will be effective from the initial date of posting until the WaterSense certification scheme is fully developed and implemented.

Once the full WaterSense accreditation process is established, only certifying bodies licensed by EPA and accredited in accordance to the WaterSense certification scheme will be able to certify products to demonstrate that they meet WaterSense specifications. The interim approval process will no longer be applicable.

C. Product Certification and Labeling

Achieving and using the WaterSense label in conjunction with water-efficient products is contingent upon product certification and ongoing assessment of product conformance by a licensed certifying body. Figure A-1 portrays the key elements of the product certification process and the relationships between EPA, the licensed certifying body, and the manufacturer partner.

i. Application Submission to a Licensed Certifying Body

Manufacturer partners must select and submit an application to a product certifying body that is licensed by EPA to certify products to the relevant WaterSense specification(s). Each licensed certifying body will have its own application and application procedures. The licensed certifying body that is selected should be contacted directly for more information.

If a manufacturer intends to have its products private labeled under a separate organization/brand from the manufacturer's, when the manufacturer applies for certification, it must acknowledge such organization as an "additional company" on its application and must include the model numbers that the additional company will use to identify and sell the certified products. The manufacturer must maintain responsibility for product certification and ownership of the product certification listing. This includes submitting the product for certification to a licensed certifying body, receiving authorization to use the WaterSense label, and adhering to any ongoing surveillance required by the licensed certifying body. Upon notice of certification, the manufacturer and additional company may both be authorized to use the WaterSense label under the original manufacturer's agreement with the licensed certifying body, provided each company has in place a signed partnership agreement with WaterSense indicating that it will abide by the *WaterSense Label Use Guidelines*. The manufacturer is responsible for ensuring the label is used properly.

ii. Product Submission for Testing

Under the interim approval, the licensed certifying body will sample, test, and certify products in accordance with its existing ANSI-accredited certification scheme and the relevant WaterSense specification. Upon implementation of WaterSense accreditation, the licensed certifying body will sample, test, and certify products in accordance with the WaterSense certification scheme and the relevant WaterSense specification.

iii. Authorization to Use the WaterSense Label

Once the licensed certifying body has certified that the product conforms to the relevant WaterSense specification, it will provide the manufacturer partner (and additional company, as appropriate) authorization to use the WaterSense label in conjunction with the certified product. The licensed certifying body shall provide to the manufacturer partner of a certified product the appropriate graphic artwork of the WaterSense label. Once the use of the WaterSense label has been authorized, the manufacturer partner (and additional company, as appropriate) is allowed to properly label a product that conforms to the WaterSense specification and use the label in promotional materials directly related to the certified product. The manufacturer partner and/or additional company shall at all times use the label in accordance with the *WaterSense Program Guidelines* and *WaterSense Label Use Guidelines*.

iv. WaterSense Labeled Product Registry

EPA will maintain an updated list of WaterSense labeled products at www.epa.gov/watersense/pp/index.htm. The manufacturer partner of a relevant product shall inform EPA when a new product or product model has been certified and when products are discontinued and are no longer labeled. EPA will supply a WaterSense new certified product notification form, which is available on the WaterSense Web site. Specifically, the manufacturer partner shall provide, at a minimum:

- Manufacturer contact information;
- Product brand name, model name, and model number(s);
- Manufacturer partner's URL; and
- Name of the licensed certifying body, associated file number, and certification date.

Each licensed certifying body will also maintain a public listing of all products for which it has authorized the use of the WaterSense label. EPA will periodically review the information contained in this listing in order to maintain an accurate registry of WaterSense labeled products on the WaterSense Web site.

v. Ongoing Surveillance

The licensed certifying body that authorized the use of the WaterSense label is responsible for performing ongoing surveillance of proper label use in the marketplace, proper reference to the label in any promotional materials, and for continued assessment of product conformance to the relevant WaterSense specification. Under the interim approval, the licensed certifying body will perform ongoing surveillance in accordance with its existing ANSI-accredited certification scheme. These requirements may include:

- Facility inspections to assess production process and quality management system;
- Product retesting for continued conformance to WaterSense specifications;
- Warehouse/retailer inspections for proper label use; and
- File review.

Upon implementation of WaterSense accreditation, the licensed certifying body will follow specific criteria for ongoing surveillance, guided by the WaterSense certification scheme.

In addition to this surveillance, EPA will also conduct periodic Web and in-store reviews of label usage. If violations are discovered, EPA will contact the licensed certifying body and/or the infringing organization, per the WaterSense label and logo monitoring strategies described in Appendixes C and D.

D. Suspension and Withdrawal of WaterSense Labeled Products

The licensed certifying body is responsible for determining when the use of the WaterSense label should be suspended or withdrawn due to product nonconformance or improper use of the WaterSense label. Label suspension can occur for a limited period of time as specified by the licensed certifying body. During the period of suspension, the manufacturer partner is prohibited from using the WaterSense label in conjunction with any product associated with that suspended WaterSense label.

The licensed certifying body will provide the manufacturer partner of a suspended WaterSense label the conditions under which the suspension can be removed (e.g., corrective actions that shall be taken). At the end of the suspension period, the licensed certifying body will investigate whether the indicated conditions for reinstating the WaterSense label have been fulfilled. Upon receiving proof of fulfillment of these conditions, the licensed certifying body will notify the manufacturer partner that the suspension has been removed. The licensed certifying body will notify EPA within 30 days of both WaterSense label suspension and reinstatement.

In more severe or repeated instances of product nonconformity, misuse of the WaterSense label, or failure to meet the requirements for reinstatement of a suspended WaterSense label, the licensed certifying body will withdraw the product's certification and the use of the WaterSense label. The licensed certifying body shall inform the manufacturer that the certification and WaterSense label are being withdrawn via a withdrawal notification. If the WaterSense label is withdrawn from a product for any reason, the licensed certifying body will ensure that the manufacturer partner and its wholesalers, distributors, and retailers immediately cease to use the mark in conjunction with that product, and the label must be eliminated from product packaging/promotional materials within six months from the date of withdrawal notification from the licensed certifying body. The licensed certifying body will immediately notify EPA of any product withdrawals and EPA will decide whether termination of the partnership agreement or other corrective action is warranted. The WaterSense label may not be used for any reason by, or in conjunction with a product of, a manufacturer with a terminated partnership agreement.

The licensed certifying body shall bring to EPA's attention any instances of unauthorized use of a WaterSense label by a manufacturer of a product that has not been certified. EPA will engage in appropriate action with the infringing manufacturer.

When issues related to product nonconformity or improper use of the WaterSense label come to the attention of EPA, EPA will notify the licensed certifying body that authorized the use of the

WaterSense label for the product in question. The licensed certifying body will then engage in investigation and resolution of the complaint in accordance with its existing policies and procedures.

II. Interim Requirements and Application Procedures for Licensed Certifying Bodies

As the full WaterSense accreditation requirements are developed, WaterSense will license current ANSI-accredited certifying bodies to certify products in accordance with their existing certification schemes, authorize the use of the WaterSense label, and provide EPA ongoing support as described below.

These application procedures apply only to certifying bodies licensed under the interim certification process. Once the full WaterSense accreditation process is established, only a licensed certifying body accredited in accordance to the WaterSense certification scheme will be able to certify products to meet WaterSense specifications. This interim approval process will no longer be applicable.

A. Interim Application Procedures and Approval by EPA

In order for a licensed certifying body to certify products to WaterSense specifications during the interim period, it must submit an application to EPA and receive approval. The application shall include the following documentation:

i. A Letter Declaring Intent to Participate in the WaterSense Program as a Licensed Certifying Body

The letter shall contain declarations and/or attached documentation to support the following requirements:

- Shall demonstrate that it is accredited by ANSI in accordance with ISO/IEC Guide 65, *General requirements for bodies operating product certification systems*;
- Shall have plumbing products or other product categories directly related to WaterSense specifications included in its scope of accreditation;
- Shall declare that the laboratories used by the licensed certifying body have the competence and capability to conduct tests in accordance with relevant WaterSense specifications;
- Shall declare that it has the technical expertise required in the evaluation of relevant products for WaterSense;
- Shall declare that its ongoing surveillance requirements of products for WaterSense will be equivalent to current surveillance requirements for the certification of similar products; and
- Shall indicate which WaterSense specification(s) are relevant to its current ANSI-accredited scope.

ii. A Signed Copy of a Licensing Agreement

A copy of the licensing agreement may be obtained from WaterSense program staff.

iii. **A Copy of the Label the Licensed Certifying Body Intends to Use in Conjunction With WaterSense Labeled Products**

Once EPA has received the above documentation, it will sign the licensing agreement and return a copy to the applicant licensed certifying body. Upon receipt of a fully executed licensing agreement, EPA will provide the licensed certifying body with a copy of the label graphic artwork, which includes the licensed certifying body's registered name or official acronym, formatted and centered directly beneath the WaterSense label. This signifies the licensed certifying body's approval to certify and authorize use of the provided WaterSense label on products for the WaterSense program. EPA will also provide the licensed certifying body with a "Licensed Certifying Body" logo, which the licensed certifying body can use to promote its services for WaterSense. The licensed certifying body must use the "Licensed Certifying Body" logo in accordance with the *WaterSense Program Logo Use Guidelines for Certifying Bodies* (Appendix H). The licensing agreement will become null and void at the conclusion of the interim approval process.

B. **Certification Requirements**

Under the interim approval process, an EPA licensed certifying body will certify products and provide WaterSense label and promotional material surveillance in accordance with its current ANSI-accredited certification scheme. In addition to the licensed certifying body's existing certification procedures, the following apply:

i. **Manufacturers Partnership Agreement With EPA**

Manufacturers are required to sign a partnership agreement with EPA as a condition for applying for the WaterSense label. EPA will rely on the licensed certifying body to verify that this partnership agreement is in place prior to authorizing the use of the WaterSense label. Manufacturers with partnership agreements in place are listed on the WaterSense Web site at <www.epa.gov/watersense/partners/partners.htm> (partner type is manufacturer).

If a manufacturer intends to have its products private labeled under a separate organization/brand from the manufacturer's, when the manufacturer applies for certification, it must acknowledge such organization as an "additional company" on its application and must include the model numbers that the additional company will use to identify and sell the certified products. The licensed certifying body must also verify that the additional company listed on the application has in place a signed partnership agreement with EPA. If the additional company is a retailer/distributor, the licensed certifying body must verify that the additional company has signed an addendum to its partnership agreement agreeing to abide by the *WaterSense Label Use Guidelines*. The licensed certifying body should contact the WaterSense Helpline at (866) WTR-SENS (987-7367) for this verification.

ii. Initial Production Inspection

The WaterSense program does not require an initial production inspection for products currently certified for sale in the United States. If the licensed certifying body has no prior certification relationship with the manufacturer in the specific product area, the licensed certifying body may conduct an initial production inspection at its own discretion to assess the manufacturer's capability for production and quality management.

iii. Initial Product Testing and Authorization to Use the WaterSense Label

Under the interim process, the licensed certifying body will sample, test, and certify products in accordance with its existing ANSI-accredited certification scheme and the relevant WaterSense specification. Upon implementation of WaterSense accreditation, the licensed certifying body will sample, test, and certify products in accordance with the WaterSense certification scheme and the relevant WaterSense specification.

Once the licensed certifying body has certified that the product conforms to the relevant WaterSense specification, it will provide the manufacturer partner authorization to use the WaterSense label in conjunction with the certified product. The licensed certifying body shall provide to the manufacturer partner of a certified product the appropriate WaterSense label graphic artwork that was provided by EPA as part of its licensing agreement. Once the use of the WaterSense label has been authorized, the manufacturer partner is allowed to properly label a product that conforms to the WaterSense specification, and use the label in promotional materials directly related to the certified product. The licensed certifying body shall ensure that the manufacturer partner uses the label in accordance with the *WaterSense Program Guidelines* and *WaterSense Label Use Guidelines*.

In the case of products that are to be private labeled by an additional company, the manufacturer must maintain responsibility for product certification and ownership of the product certification listing. This includes submitting the product for certification, adhering to any ongoing product surveillance as required by the licensed certifying body, and ensuring proper use of the WaterSense label. Once the licensed certifying body has certified that the product conforms to the relevant WaterSense specification, it may provide the manufacturer partner and additional company, under the manufacturer's agreement with the licensed certification body, authorization to use the WaterSense label in conjunction with the certified product. The licensed certifying body may provide both the original manufacturer and the additional company with access to the WaterSense label.

iv. Ongoing Surveillance

The licensed certifying body will perform ongoing surveillance of proper label use in the marketplace, proper reference to the label in any promotional materials, and for continued assessment of product conformance to the relevant WaterSense specification for any products that it has certified. Under the interim approval, the licensed certifying

body will perform ongoing surveillance in accordance with its existing ANSI-accredited certification scheme.

Upon implementation of WaterSense accreditation, the licensed certifying body will follow specific criteria for ongoing surveillance, guided by the WaterSense certification scheme.

C. Ongoing Support

Under the interim approval process, EPA anticipates that the licensed certifying body will provide ongoing support in the following areas:

i. Provide Data on Certified Products

The licensed certifying body shall maintain a listing of all WaterSense labeled products on its respective Web sites. EPA will utilize this information to verify the information submitted by manufacturers. Information contained in the listing shall include at a minimum:

- Manufacturer name and contact information;
- Brand/model/model number;
- Certification file number; and
- Certification date.

ii. Provide EPA with an Annual Report

The report shall be made on a form provided by EPA and shall contain information regarding numbers of products tested, certified, failed, or reinstated. In addition, the annual report shall contain a summary of common label misuse or dispute actions. EPA may utilize this information to generally track the certifications of specific products and evaluate the effectiveness and continued applicability of its WaterSense specifications.

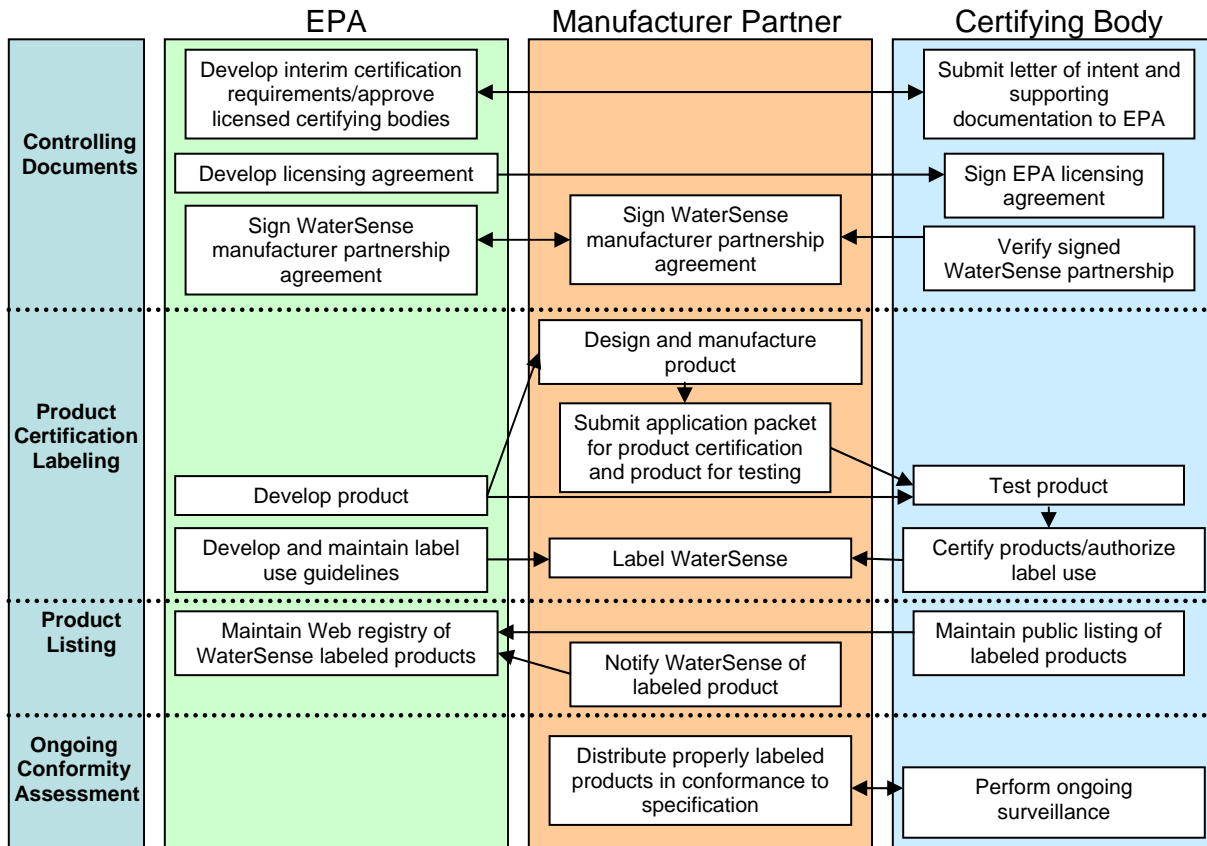
iii. Notify EPA of any WaterSense Label Suspensions or Withdrawals

EPA will rely on the licensed certifying body to handle product nonconformance, label misuse, and dispute resolution for products that they certify. Accordingly, EPA will rely on the licensed certifying body to provide EPA with notification of any WaterSense label suspensions or withdrawals (including voluntary withdrawals) within 30 days of occurrence.

iv. Allow EPA to Accompany Accreditation Organization on Routine Assessments

EPA reserves the right, for its staff or its agents, to accompany the accreditation organization on any routine or follow-up assessments of the licensed certifying body's accreditation as it relates to the WaterSense program.

Figure A-1. Interim Product Certification Process Flow Diagram



Appendix B

WaterSense Label Use Guidelines

What is the WaterSense label?

The WaterSense label is a certification mark, backed by the credibility of EPA, identifying a water-efficient product or program that meets EPA criteria for water efficiency and performance. It is being registered with the U.S. Patent and Trademark Office.

What does the WaterSense label look like?

The words “WaterSense” and “Meets EPA Criteria” are arranged in a circular pattern around the WaterSense image. The colors used to make the label are Pantone 364 (green) and Pantone 641 (blue), and the fonts are Rotis Semi Serif – 65 and Helvetica Roman. The WaterSense label must be reproduced so that all of its components are legible. The label should not be distorted or altered in any way. In the case of printing on packaging or application directly to a product, the label can be used in black or one color. In cases where products have been certified by a licensed certifying body, the certifying body’s name will appear directly under the label with the words “Certified by” in Helvetica Light Standard Condensed.



Are there any prerequisites for using the WaterSense label?

Any organization that wishes to use the WaterSense label must be a program partner in good standing. The partner must have in place a signed, current partnership agreement with EPA. The label may only be used in conjunction with a product or program for which EPA has issued a final specification. Any manufacturer or certifying organization partner wishing to use the label must have received the appropriate notification of WaterSense program acceptance and/or third-party certification from a licensed certifying body of the relevant product(s) or program(s). When EPA specifications require third-party certification for a product to earn the label, the name of the licensed certifying body will be included as text under the label. The WaterSense label may not be used in conjunction with any product that has not been certified, nor with any product or program that has been disqualified from the WaterSense program.

Where can we use the WaterSense label?

The WaterSense label should only be used in conjunction with and directly adjacent to a specific WaterSense labeled product or professional program. In the case of separately packaged and sold components that make up a labeled product, the manufacturer should clearly indicate which items and/or model numbers are necessary to complete a WaterSense labeled product. Partners can use the WaterSense label on various materials, such as:

- For professional certification programs: In program materials, brochures, or Web sites promoting certification program(s) that meet EPA's WaterSense criteria, in direct association with the qualified program(s).
- For products: On product packaging, labels, or, at the manufacturer's discretion, directly imprinted on or adhered to the product, in direct association with the certified product(s), as long as the product maintains its certification to the WaterSense criteria for efficiency and performance. (Upon notification of a disqualification, manufacturers must immediately cease using the label on a product.)
- Manufacturer, distributor, or retailer brochures, advertisements, trade show displays, or point-of-purchase materials, where clearly associated with a specific certified product or professional program to indicate that the product or professional program meets the WaterSense criteria for efficiency and performance.
- Manufacturer, distributor, or retailer Web sites, to clearly distinguish products that meet WaterSense criteria for efficiency and performance, and in direct association with those products.

Is there anywhere we may NOT use the WaterSense label?

The WaterSense label may not be used in any way to imply that other products produced by the manufacturer that have not met WaterSense certification criteria are labeled, or that EPA endorses the labeled product(s), manufacturer, or, in the case of certification programs, the program itself or any certified professional. The WaterSense label should not be used on promotional materials that promote water efficiency in general. The label should only be used in association with and directly adjacent to a specific WaterSense labeled product or certification program. For general water efficiency promotional materials, the WaterSense program logo or partner logo might be appropriate.

How can we be sure we are using the WaterSense label properly?

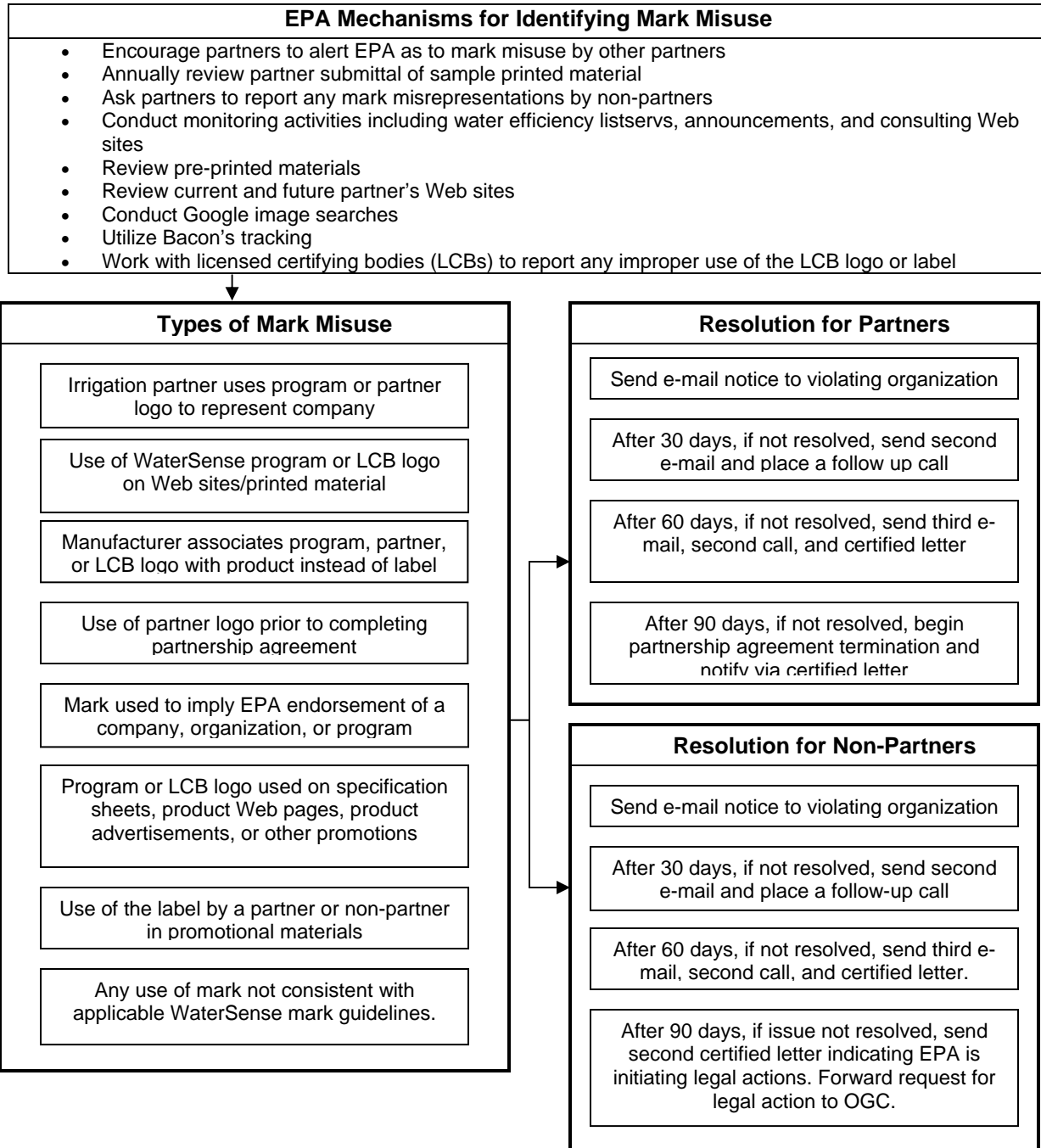
EPA is happy to review your pre-press promotional items, draft Web sites, packaging, or other materials that use the WaterSense label. To help us maintain the integrity of the program and its identity, we also ask that you alert the Agency to any concerns you might have or possible misuse of the WaterSense label in your industry.

How are WaterSense label use violations handled?

WaterSense is a partnership among businesses, organizations, and the federal government. As part of the partnership, business and organizational partners may use the WaterSense name and label. To protect the integrity of the WaterSense label, EPA will enforce these label use guidelines and determine whether uses of the label are appropriate. EPA (or the appropriate certifying body) will contact anyone who misuses the label in writing or by phone. Violators will be given time to correct the error(s), depending on the severity of the violation and the medium in which the violation appeared. Dispute resolution procedures, outlined in the *WaterSense Program Guidelines*, will go into effect if a correction is not made to EPA's satisfaction.

Appendix C

WaterSense Mark² Policing and Corrective Action Decision Diagram for Promotional Activities

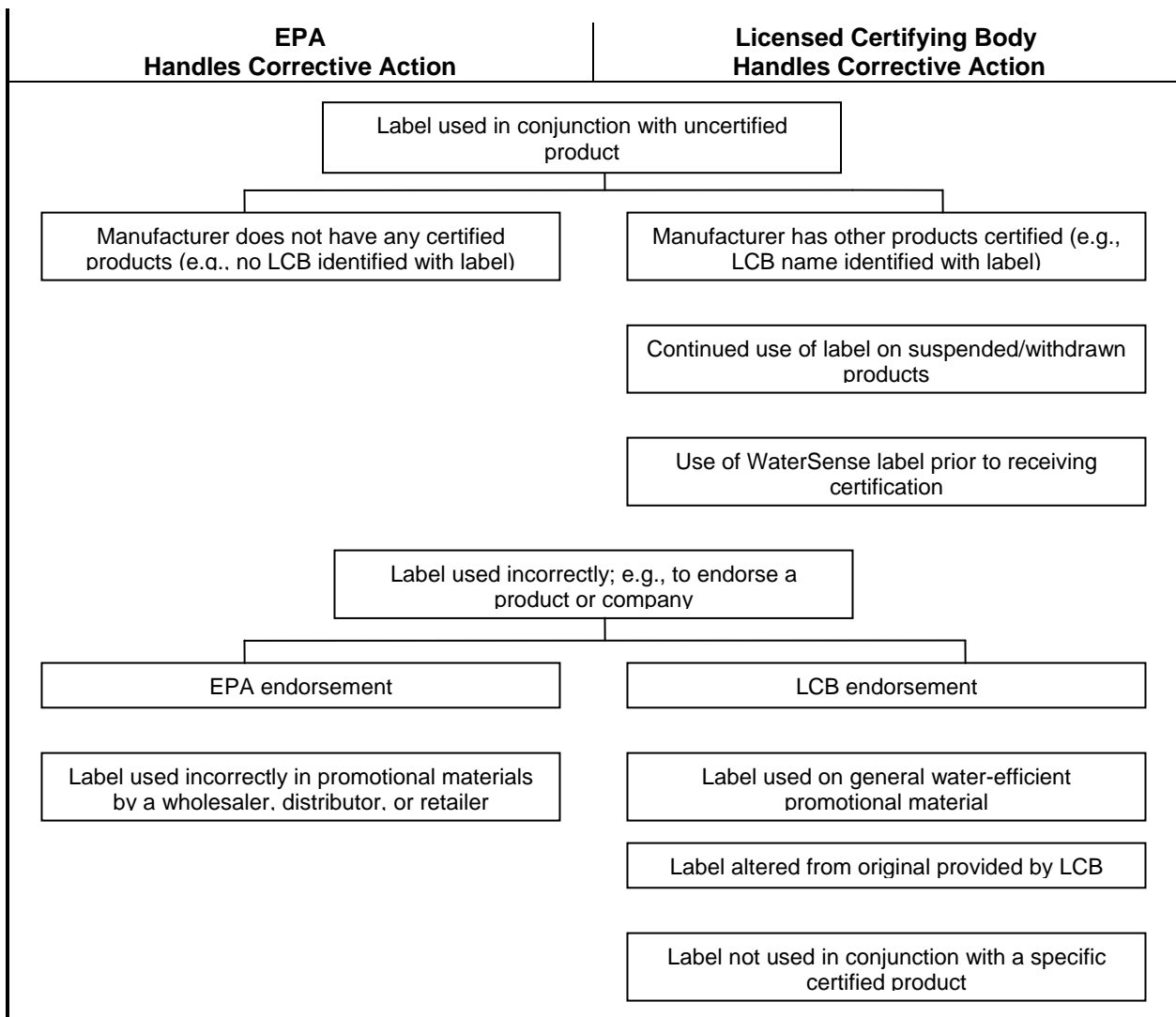


² Refers to the WaterSense promotional label, WaterSense partner logo, WaterSense program logo, WaterSense label used in conjunction with professional certification programs, the WaterSense licensed certifying body logo, and the WaterSense label used in promotional materials. Does not cover the WaterSense label used on products.

Appendix D

WaterSense Label Policing and Corrective Action Decision Diagram for Products

EPA Mechanisms for Identifying Label Misuse	Licensed Certifying Body Mechanisms for Identifying Label Misuse
<ul style="list-style-type: none"> Literature/Web site reviews Review of Bacon’s media clips Review of pre-print materials Partner alerts Google image searches Reports from LCBs 	<ul style="list-style-type: none"> Annual post-market product surveillance—facility/warehouse audits, product retesting, retail outlet audits Review of pre-print materials Manufacturer alerts Reports from EPA



Appendix E

WaterSense Promotional Label Use Guidelines

What is the WaterSense promotional label and how is it different from the WaterSense label?

The WaterSense promotional label is a tool designed to help advertise WaterSense labeled products and certification programs to consumers and other purchasers. EPA created the promotional label as a way for partners to incorporate the WaterSense label into their marketing and advertising materials and increase the brand's visibility. The promotional label can be used anywhere in promotional materials. On the other hand, the WaterSense label, as a certification mark, may only be used directly on or adjacent to the specific WaterSense labeled products it identifies.

What does the WaterSense promotional label look like?

The promotional label includes the WaterSense label, wherein the words “WaterSense” and “Meets EPA Criteria” are arranged in a circular pattern around the WaterSense image. The colors used to make the label are Pantone 364 (green) and Pantone 641 (blue), and the fonts are Rotis Semi Serif – 65 and Helvetica Roman. The promotional label also includes a black or Pantone 641 (blue) box with one of the following phrases:

- “look for”
- “ask about”
- “we sell”

The WaterSense promotional label must be reproduced so that all of its components are legible. The promotional label should not be distorted or altered in any way. Pictured below is the promotional label with a blue and a black background, as well as a pure black and white version.



Who is eligible to use the WaterSense promotional label?

Any manufacturer, retailer, distributor, utility, community, state, or other organization or certified professional partner that wishes to use the promotional label may do so, as long as they have in place a signed, current WaterSense partnership agreement with EPA.

How and where can the WaterSense promotional label be used?

The promotional label should only be used to generally promote the purchase or use of WaterSense labeled products or programs, for example: by organizations that want to tell

consumers to look for the label; by stores that want to promote the fact that they sell or make it easy for customers to find WaterSense labeled products; by certifying organizations that want to promote a WaterSense labeled certification program to irrigation professionals; or by manufacturers who make a variety of labeled products.

Partners can use the WaterSense promotional label on various materials, such as:

- Brochures
- Advertisements
- Circulars
- Trade show displays
- Point-of-purchase materials
- Web sites

Is there anywhere we may NOT use the WaterSense promotional label?

The promotional label, like the WaterSense label, may not be used in any way to imply that products or programs that have not met WaterSense certification criteria are labeled, or that EPA endorses the labeled product(s), manufacturers, retailers, distributors, organizations, or other partners, or, in the case of certification programs, the program itself or any certified professional. NOTE: Although the promotional label is appropriate for directing your customers to WaterSense labeled products and programs in general, it might be more appropriate to use the WaterSense program logo or partner logo for general water efficiency promotional materials.

How can we be sure we are using the WaterSense promotional label properly?

EPA is happy to review your pre-press promotional items, draft Web sites, retail point-of-purchase promotions, or other materials that use the WaterSense promotional label. To help us maintain the integrity of the program and its identity, we also ask that you alert EPA to any concerns you may have or possible misuse of the WaterSense promotional label in your industry.

How are WaterSense promotional label use violations handled?

WaterSense is a partnership among businesses, organizations, and the federal government. As part of the partnership, business, organizational, and professional partners may use the WaterSense promotional label. To protect the integrity of the promotional label, EPA will enforce these promotional label use guidelines and determine whether uses of the promotional label are appropriate. EPA will contact anyone who misuses the promotional label in writing or by phone. Violators will be given time to correct the error(s), depending on the severity of the violation and the medium in which the violation appeared. Dispute resolution procedures, outlined in the *WaterSense Program Guidelines*, will go into effect if a correction is not made to EPA's satisfaction.

Appendix F

WaterSense Partner Logo Use Guidelines

What is the WaterSense partner logo?

The WaterSense partner logo signifies an organization's or individual's commitment to promoting water efficiency, demonstrated by a signed partnership agreement between that organization and EPA. The partner logo in no way signifies that an organization's product or program is WaterSense labeled; rather, it signifies an organization's (or an individual's) commitment to work with EPA to advance the goals of the program.

What does the WaterSense partner logo look like?

The WaterSense partner logo consists of the WaterSense program logo with the word "PARTNER" underneath the lower right corner in Rotis Semi Serif – 65 font. The partner logo may be printed in black, grayscale, or Pantone 641 (blue) / 364 (green). The partner logo should not be distorted or altered in any way, and if scaled smaller must be legible and keep the same ratio dimensions.



Are there any prerequisites for using the WaterSense partner logo?

Any organization or individual who wishes to use the WaterSense partner logo must be a WaterSense program partner in good standing. The partner must have in place a signed, current WaterSense partnership agreement. The partner organization must adhere to each of the conditions of that agreement, including actively promoting water efficiency and/or producing products that are independently tested to determine if they meet the WaterSense efficiency and performance criteria. In addition, individuals who have been certified through a WaterSense labeled professional certification program and who are committed to advancing the goals of the WaterSense program may sign a partnership agreement and use the WaterSense partner logo.

Where can I use the WaterSense partner logo?

The WaterSense partner logo can be used on many different documents:

- Partner Web sites, promotional materials, and exhibit booths.*
- Letterhead, business cards, and external correspondence.
- Internal communications, posters, flyers, and brochures to educate/update employees, consumers, and customers about the WaterSense program and water efficiency.
- Advertisements (e.g., trade press, consumer magazines, yellow pages, television spots) to promote the partner's commitment to the program.*

* For individual certified professional partners (e.g., irrigation professionals), the partner logo must be associated with the individual's name, not the company name.

Is there anywhere I may NOT use the WaterSense partner logo?

Partners may not use the WaterSense partner logo in any way that implies EPA endorses a product, program, individual, service, or organization. For example, the partner logo may not be placed next to the name or picture of a specific product. The partner logo may not be used to imply that a product or service is water-efficient or meets the criteria set forth by EPA's WaterSense program. Do not use the partner logo on specification sheets, product Web pages, product advertisements, or other promotions directly for a WaterSense labeled product. Instead, where appropriate, use the WaterSense label.

How are WaterSense partner logo use violations handled?

Maintaining the credibility of the WaterSense partner logo depends on enforcing these use guidelines. As the program's sponsor, EPA will determine whether uses of the partner logo are appropriate. EPA will contact anyone who misuses the partner logo in writing or by phone. Violators will be given time to correct the error(s), depending on the severity of the violation and the medium in which the violation appeared. Dispute resolution procedures, outlined in the *WaterSense Program Guidelines*, will go into effect if a correction is not made to EPA's satisfaction.

Appendix G

WaterSense Program Logo Use Guidelines

What is the WaterSense program logo?

The WaterSense program logo will be used by EPA and its promotional partners to show that they are dedicated to the WaterSense program's mission to transform the marketplace for water-efficient products, practices, and programs. Use of the program logo is restricted to eligible partners, who must adhere to the guidelines set forth in this document. The program logo is being registered with the U.S. Patent and Trademark Office.

What does the WaterSense program logo look like?

The WaterSense program logo consists of the WaterSense image and text in Rotis Semi Serif – 65 font oriented horizontally. Blue and green were chosen for the program logo because they represent water and the environment. Black or reversed white versions of the program logo are also allowed. The program logo should be reproduced large enough for "EPA" to be legible. The program logo should not be distorted or altered in any way.



Are there any prerequisites for using the WaterSense program logo?

WaterSense promotional partners, including communities, states, government agencies, utilities, and nongovernmental organizations, willing to promote the benefits of WaterSense labeled products and water-efficient practices through education campaigns or other activities may use the program logo on outreach/promotional materials. To preserve the credibility of the program logo, organizations must adhere to government regulations on the uses of the program logo as indicated in this document. Promotional partners must have in place a current, signed partnership agreement with EPA in order to use the program logo. In addition, promotional partners are asked to complete a WaterSense promotional plan checklist prior to using the WaterSense program logo or materials, and annually thereafter. All uses of the WaterSense program logo in educational and promotional campaigns should be consistent with the WaterSense brand. EPA reserves the right to review and approve uses of the program logo on promotional materials.

Where can I use the WaterSense program logo?

WaterSense partners may use the program logo in the following ways:

- As a visual identifier in educational campaigns that demonstrate the benefits of water-efficient products, practices, and/or services, in accordance with WaterSense goals and objectives.
- Program brochures, fact sheets, and other printed materials and promotional items containing messages about the WaterSense program or messages consistent with the WaterSense brand.

- Web sites of partners that promote WaterSense labeled products and water-efficient practices.
- Public service announcements and advertisements that promote WaterSense approved messages.
- Press materials and other items that support WaterSense campaigns.

While EPA realizes there are many valuable and effective water efficiency campaigns and programs underway across the United States today, the program logo should only be used by partners in conjunction with programs or campaigns that are consistent with WaterSense messages and program goals. These include promoting products and programs that use water more efficiently while offering the same or better performance.

Is there anywhere I may NOT use the WaterSense program logo?

The WaterSense program logo may not be used to imply EPA endorsement of an organization, company, product, or professional program. The program logo may not be used to disparage WaterSense or EPA or any other government body. The program logo may never be associated with products or services that do not meet the criteria of the WaterSense program. The program logo should not be used to imply that a product or service is water-efficient or meets the criteria set forth by EPA's WaterSense program. Instead, where appropriate, use the WaterSense label.

How are WaterSense program logo use violations handled?

Maintaining the credibility of the WaterSense program logo depends on enforcing these use guidelines. As the program's sponsor, EPA will determine whether uses of the program logo are appropriate. EPA will contact anyone who misuses the program logo in writing or by phone. Violators will be given time to correct the error(s), depending on the severity of the violation and the medium in which the violation appeared. Dispute resolution procedures, outlined in the *WaterSense Program Guidelines*, will go into effect if a correction is not made to EPA's satisfaction.

Appendix H

WaterSense Program Logo Use Guidelines for Certifying Bodies

WaterSense is a partnership program sponsored by EPA designed to enhance the market for water-efficient products and programs by making it easier for consumers and others to find products that use less water. Any certifying body party to a licensing agreement with EPA is permitted to use a specific WaterSense program logo designed for licensed certifying bodies in order to highlight its certification services for WaterSense labeled products. A separate label is used to identify water-efficient products themselves.

What is the WaterSense program logo for licensed certifying bodies?

The WaterSense program logo is used as a brand identifier for the program by EPA and its partners. Use of the program logo for licensed certifying bodies is restricted to EPA and licensed certifying bodies as described above. The WaterSense program logo for licensed certifying bodies should only be used on informational materials and should not be disseminated to other entities to use for their promotional purposes.

What should the WaterSense program logo for licensed certifying bodies look like?

The program logo for licensed certifying bodies consists of the WaterSense image and text in Rotis Semi Serif – 65 Bold font oriented horizontally. The words “Licensed Certifying Body” follow the WaterSense program logo. The colors used to make the label are Pantone 364 (green) and Pantone 641 (blue), representing water and the environment. Black or reversed white versions of the program logo are also allowed for use. The program logo should be reproduced large enough for “EPA” to be legible. Use only the original art files as provided by EPA. The WaterSense program logo for licensed certifying bodies may not be altered, cut, separated, or otherwise distorted in perspective or appearance. This includes stretching the logo, changing the logo colors, or inserting text into the logo.

Where to use the WaterSense program logo for licensed certifying bodies

- Licensed certifying bodies may use this WaterSense program logo on informational materials focusing on their organizational capabilities as demonstrated by their involvement with the WaterSense program.
- When licensed certifying bodies use the program logo it should be accompanied by a brief description of the program and an explanation of the licensed certifying bodies association with the program. For example, “WaterSense is a partnership program sponsored by the U.S. Environmental Protection Agency. [Insert licensed certifying body name] offers WaterSense certifications for the following products: [insert product categories].”

Reminder: The WaterSense program logo may not be distributed or used to imply EPA endorsement of a company, organization, product, or service, and may never be associated with products or services that do not meet the criteria of the WaterSense program.

WaterSense program logo for use by licensed certifying bodies:

There is one version of the WaterSense program logo that can be used by licensed certifying bodies:



To receive an electronic copy of the program logo, please contact the WaterSense Helpline at (866) WTR-SENS (987-7367) or send an e-mail to watersense@epa.gov. The program logo is available in three different file types—GIF, JPG, and EPS. Each type is best used with a different medium:

- GIF – for use on Web pages
- JPG – for use in PowerPoint presentations
- EPS – for use in printing or incorporating into Photoshop, Illustrator, QuarkXpress, etc.

When possible, the full color WaterSense program logo should be used.