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Draft Revised WaterSense Product Certification System Public Meeting

July 13 and July 19, 2011

Housekeeping

- **All participants will be muted until called upon**
  - Press *6 to unmute your line. When finished speaking, press *6 to mute your line.

- **Do not place the call on hold**
  - **If you need to take a call, please disconnect from the conference line and call back when you are finished**

- **Ask questions between sections or type your name in the 'question' box to the right to be called on**

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Meeting Objectives

- The purpose of the meeting is to review:
  - The draft revisions to the WaterSense Product Certification System
  - The proposed product notification process and draft notification templates
- WaterSense will not be discussing:
  - Issues related to individual product specifications
  - The new homes program or certification process
  - New product categories for consideration

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Meeting Agenda

- Product Certification and Labeling Background
- Overview of Draft Revisions to WaterSense Product Certification System
- Overview of new product notification process

Background

- All products bearing the WaterSense label <u>must</u> be certified for efficiency and performance

- EPA released Version 1.0 of the WaterSense product certification system in March 2009 to guide the certification process

- More than 3,800 products have been certified and labeled

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Background

- **U.S. EPA**
  - Develops product certification requirements and specifications
  - Oversees product certification process/system
- **Accreditation Body**
  - Approves and oversees licensed certifying bodies
- **Licensed Certifying Body**
  - Third-party that oversees the testing and certification of products and provides WaterSense label to manufacturers of compliant products
- **Manufacturer**
  - Designs, manufactures, and has products certified to comply with the relevant specification

Background

- EPA is revising its product certification system to:
  - Allow for program growth and expansion
  - Better manage the volume of certifications
  - Better focus and more efficiently use program resources
  - Streamline and improve the certification process
  - Clarify the intent of vague or unclear requirements
  - Align with the new and revised ENERGY STAR Third-Party Certification Procedures to facilitate future joint product labeling
  - Simplify the product notification and listing process

OVERVIEW OF DRAFT REVISIONS TO PRODUCT CERTIFICATION SYSTEM

SECTIONS 1-4

- Reorganized some of the sections and subsections within the product certification system

  - A track changes version of the draft revisions is available for review

- Reference Guidelines for Using WaterSense Program Marks

  - Will replace the *WaterSense Label Use Guidelines*

  - Are now available on the web site along with revised Program Guidelines

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Effective Date

- Effective date will be established with release of final version of the revised product certification system

- LCBs must become accredited to and begin certifying products in accordance with the revised product certification system within one year of the effective date

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- EPA is updating its website to provide better access to technical information

- EPA will establish a "compendium" that will provide access in one place to final specifications, technical clarifications, and product certification information

- LCBs and manufacturers will be required to comply with all of the relevant documents contained in this compendium

References & Definitions

- Clarified that references to ISO/IEC Guide 65 will be superseded by ISO/IEC 17065 when available
- Added definitions for:
  - Independent Testing Laboratory
  - Witnessed Manufacturer's Testing Laboratory
  - Supervised Manufacturer's Testing Laboratory

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Accreditation Body Requirements

- Removed transitional approval option for Accreditation Bodies (ABs)
  - All current EPA-approved ABs have met the final accreditation body requirements
- Any new AB must be approved in accordance with the final accreditation body requirements

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Questions

- Background
- General changes
- Effective date
- Scope
- References and Definitions
- AB requirements

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OVERVIEW OF DRAFT REVISIONS TO PRODUCT CERTIFICATION SYSTEM

SECTION 5

The Product Certifying Body

- Consolidated into Section 5.0 all of the requirements for product certifying bodies
- Added clarifications and additional requirements to ensure the capabilities and competencies of product certifying bodies

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General LCB Requirements

- Added a new section providing a consolidated list of general eligibility requirements for licensed certifying bodies (LCBs)

- Retained requirements for:
  - LCB accreditation in accordance with the product certification system and relevant product specification
  - LCB licensing by EPA for the relevant product specification

- Added requirements for:
  - LCB evaluation resources to ensure testing is done by a qualified, competent laboratory
  - LCB impartiality to ensure that certification decisions are unbiased

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General LCB Requirements (Cont'd)

- **LCB impartiality requirements**
  - Does not allow commercial, financial, or other pressures to compromise its impartiality.
  - Identifies risks to its impartiality and demonstrates how it eliminates or minimizes such risks
  - Does not design, manufacture, install, distribute, maintain, or act as an advocate for the certified product in the marketplace, or provide consultancy to its clients related to the products it certifies

LCB Accreditation

- Clarified that LCBs only need to update scopes of accreditation when a major change is made to a specification test method

- EPA will notify stakeholders when a major change requires an updated scope of accreditation

LCB Licensing

- Moved transitional approval requirements from the Appendix to this section

- Clarified EPA's right to terminate the LCB's licensing agreement

- Removed requirement for LCB to:
  - Submit an annual report
  - Notify EPA of suspensions or withdrawals (covered in Section 6.7)

LCB Evaluation Resources

- **Under Version 1.0 of the product certification system**
  - All test facilities must demonstrate compliance with ISO/IEC 17025
  - LCB may use in-house testing, subcontract testing, or onsite (witness) testing

- **Requirements proved**
  - Costly to manufacturers
  - Subject to misinterpretation
  - Provided insufficient guidance on laboratory qualifications
  - Began to cause delays in the certification process

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- **Internal Resources**
  - Must be accredited by an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA) Signatory to ISO/IEC 17025 for the relevant product specification

- **External Resources (Outsourcing)**
  - LCBs may accept test data from:
    - Independent Testing Laboratories
    - Witnessed Manufacturer's Testing Laboratories (WMTL)
    - Supervised Manufacturer's Testing Laboratories (SMTL)

- **Independent Testing Laboratories**
  - Laboratory independent of manufacturer's interest recognized by LCBs to test specified product categories
- **Witnessed Manufacturer's Testing Laboratories (WMTL)**
  - Manufacturer's laboratory that conducts testing that is 100% witnessed by the LCB
- **Supervised Manufacturer's Testing Laboratories (SMTL)**
  - Manufacturer's laboratory that conducts testing under supervision of an LCB; LCB's supervision includes reviews, audits, and periodic witness testing

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LCB Evaluation Resources (Cont'd)

- **General Requirements for External Resources**
  - External resource activities must be managed to provide confidence in the test results
  - LCB must have a legally binding contract with the external resource
  - LCB is responsible for all evaluation activities outsourced
  - External resource must conform to ISO/IEC Guide 65 and this product certification system
  - External resource must not be involved in activities that could compromise the credibility of the test results
  - LCB must have documented policies and procedures for the qualifying, assessing, and monitoring all external resources
  - External resources must participate in proficiency testing in accordance with ISO/IEC 17043
  - LCB must maintain a list of all external resources and make it available to the AB

- **Requirements for External Independent Testing Laboratories**
  - Must be accredited by an ILAC MRA to ISO/IEC 17025 for the relevant product specification

- **Requirements for External First-Party Manufacturer Testing Laboratories (WMTLs or SMTLs)**
  - Must demonstrate compliance with ISO/IEC 17025 and the relevant product specification

- **WMTL Requirements**
  - LCB witnesses and checks all critical aspects of test and final data acquisition
  - LCB ensures quality of testing and competence of lab personnel

- **SMTL Requirements**
  - LCB must have a contractual relationship with manufacturer for at least two years
  - LCB must supervise and document its confidence in the laboratory's quality process
  - LCB verifies that the laboratory is operated independently of other departments, ensuring laboratory staff do not report to and are not influenced by interests outside of the laboratory structure
  - LCB annually audits the SMTL's procedures and witnesses testing onsite
  - LCB independently reviews all test reports

- To further discourage tampering with or falsification of test data, EPA is also proposing to require all test reports to include the statement:

  - *"I understand that intentionally submitting false information to the U.S. government or its agent is a criminal violation of the False Statements Act, Title 18 U.S.C. section 1001."*

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- **EPA also evaluated two other options for testing:**
  - Continue to allow only in-house testing, subcontract testing, and witness testing
  - Require ISO/IEC 17025 accreditation for all laboratories
- **These changes clarify:**
  - The allowable testing options
  - Provide greater flexibility to manufacturers and LCB's
  - Align with Energy Star, OSHA and ICEEE requirements
  - Maintain testing rigor and consistency of the program

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Questions

- LCB requirements
- LCB accreditation
- LCB licensing
- LCB evaluation resources

OVERVIEW OF DRAFT REVISIONS TO PRODUCT CERTIFICATION SYSTEM

SECTION 6

General Product Certification

- Removed "Appeals to the Licensed Certifying Body" and "Confidentiality" from Section 6.0
  - Requirements are incorporated by reference in ISO/IEC Guide 65 (ISO/IEC 17065)

Manufacturer Application

- Revised requirements for the manufacturer's application to the LCB
  - Application must include the information contained in the product-specific notification templates provided by EPA
  - Application must also include this information for any private labeled products
  - Product information should match how the products are advertised to consumers
- LCB will verify partnership of manufacturer and any private labelers at time of application

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LCB Product Listing

- Removed list of specific requirements for the LCB's product listing

- Listing must include all information required on the product-specific notification forms and collected as part of the manufacturer's application

- Listing must also contain a key or legend defining model prefixes or suffixes for non-performance - related attributes

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Use of the WaterSense Label

- Require use of the WaterSense label, use of the label is no longer voluntary

- Clarified the LCB must evaluate how the manufacturer and any private labelers intend to use the WaterSense label prior to marketing the product

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Reporting Products to WaterSense

- EPA is revising its product notification process

- LCBs, not manufacturers, will be required to submit product information to EPA to update the WaterSense product registry

- LCB will complete and submit to EPA the product-specific notification templates for all products they have certified

Market Surveillance

- Integrated product retesting and label use surveillance
  - Product retesting and label use surveillance is conducted annually using the same sampling procedures and set of products
- Clarified that samples may be obtained from off-the-line if it is not feasible to collect the sample from retail or the manufacturer's warehouse

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Market Surveillance (Cont'd)

- Removed 5 year recertification requirement for all products

- Changed the structure for annual market surveillance
  - Under Version 1.0 LCB tested one unit of one model of each product category per manufacturer
  - EPA is proposing that the LCB test 15% of all models certified in each product category

Market Surveillance (Cont'd)

- Models must be selected at random and must include original manufacturer and private labeled products
- EPA reserves the right to dictate the selection of up to 50% of the models retested annually based on:
  - Previous product failures
  - Preferred location (e.g., retail outlet vs. warehouse)
  - Referrals from third parties
  - Models with high sales volume

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Market Surveillance (Cont'd)

- **Product retesting**
  - Removed allowance for LCB to use just one sample for product retesting
  - LCB shall not use an SMTL or WMTL for product retesting

- **Surveillance of label use**
  - LCB must also assess all products selected for market surveillance for proper use of the WaterSense label

Misuse of WaterSense Label

- Added Policing and Corrective Action Decision Diagram identifying party responsible (EPA or LCB) for corrective actions under various scenarios

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- Manufacturer application
- LCB product listing
- Reporting products to WaterSense
- Market surveillance
- Misuse of the label

OVERVIEW OF PRODUCT NOTIFICATION PROCESS

- EPA is revising the product notification form process to:
  - Streamline the flow of information
  - Improve data quality
  - Accommodate the growth of the program
  - Reduce administrative burden on EPA and its partners

The proposed product notification process will:

- Allow EPA to more accurately verify a product's certification

- Significantly reduce reporting errors and the amount of time it takes to update products on the WaterSense labeled product Web registry Reporting products to WaterSense

- Facilitate joint labeling of products between the WaterSense and ENERGY STAR programs

Product Notification Process for New Certified Products

1. In application to LCB, manufacturers will submit product information for all fields included in the WaterSense product notification templates

2. LCBs will use this information as they certify products and create/update certification files

3. LCBs will submit product information to WaterSense using product notification templates
   - One template for all manufacturers of each product type every 2 weeks

4. WaterSense will use the template information to update the WaterSense product registry

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Product Notification Templates

- Requesting feedback on data requested and clarity of instructions for:
  - Tank-type toilets
  - Faucets
  - Showerheads
  - Flushing urinals

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Transitional Product Notification Process

- LCBs and manufacturers work together to update current certification listings to include all information on WaterSense product notification templates

- Make sure the info on the templates/certification file matches what the consumer will see advertised

- Anticipate 2 to 3 month lag in listing updates as we transition
  - WaterSense will not accept old product notification forms from manufacturers during this time

New Product Notification Process Timeline

- **July 2011**: Submit public comments to watersense-products@erg.com through July 25
- **Sept 2011**: WaterSense posts Version 2.0 of product certification system and new product notification templates on public site
- **Oct 2011**: WaterSense hosts LCB and manufacturer training calls
- **Nov 2011**: Manufacturers submit all product information included in the product notification templates for both **current and new** products to LCBs
- **Dec 2011**: LCBs submit first product list to WaterSense using new product notification template and process
- **Dec 2011/Jan 2012**: WaterSense works with LCBs to review and assimilate product information
- **Jan 2012**: WaterSense posts new list of WaterSense labeled products

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Other Questions and Considerations

- **New notification process**
  - Tracking discontinued or non-conforming products
- **New notification templates**
  - Inclusion of non-specification-related information on templates and certification files: do LCBs verify?
    - ADA compliance, mount type, bowl type

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Questions

- Proposed product notification process
- Transitional notification process
- Timeline

Final Questions

- Draft revisions to the certification system
- Product notification process
- Next steps/timeline

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More Information

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