



**WaterSense[®] Program Guidelines
Version 5.0**

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WaterSense® Program Guidelines

1. Introduction	3
2. General Program Information	3
2.1. Program Overview.....	3
2.2. Authority.....	4
2.3. Roles and Functions.....	4
2.4. Third-Party Certification.....	6
3. WaterSense Specifications	6
3.1. Evaluation Factors.....	6
3.1.1. Evaluation Factors for Products and Homes.....	6
3.1.2. Evaluation Factors for Professional Certification Programs.....	8
3.2. Specification Development Process.....	8
3.3. Revisions to Specifications.....	9
3.3.1. Technical Clarifications.....	9
3.3.2. Editorial Revisions.....	9
3.3.3. Technical Revisions.....	9
4. WaterSense Program Marks: Process, Use, and Monitoring/Enforcement	11
4.1. Process for Obtaining the WaterSense Label.....	12
4.1.1. Products.....	12
4.1.2. New Homes.....	13
4.1.3. Programs.....	13
4.2. Using the WaterSense Label.....	14
4.2.1. Products.....	14
4.2.2. New Homes.....	15
4.2.3. Programs.....	15
4.3. Monitoring and Enforcement of Proper Label Use.....	16
4.3.1. Products.....	17
4.3.2. New Homes.....	20
4.3.3. Programs.....	21
4.4. Monitoring and Enforcement of Proper Use of Other Program Marks.....	21
5. Partnerships	23
5.1. Partner Eligibility.....	23
5.2. Partnership Agreements.....	25
5.3. Recognition.....	28
5.4. Dispute Resolution and Partnership Termination.....	28
6. Measurement, Data Reporting, and Confidential Business Information	30
6.1. Program Measurement.....	30
6.2. Data Reporting and Confidential Business Information.....	30
6.3. Ongoing Product/Program Certification.....	31
7. Definitions	31

1. Introduction

The U.S. Environmental Protection Agency (EPA) developed the *WaterSense Program Guidelines* to provide guidance on eligibility criteria, conditions for participation, and general information about WaterSense. The *WaterSense Program Guidelines* are also intended to be a roadmap for navigating various aspects of WaterSense, including partnership with EPA, the specification development process, use of the WaterSense label and other program marks, and program measurement. The *WaterSense Program Guidelines* serve as one of the controlling documents for WaterSense, along with the following:

- [WaterSense Product Certification System](#)
- [WaterSense New Home Certification System](#)
- [WaterSense Program Mark Guidelines](#)

These documents answer many questions participants may have about the program. Participants with more in-depth questions about the *WaterSense Program Guidelines* should contact WaterSense at watersense@epa.gov or (866) WTR-SENS (987-7367).

Several changes have been made to the format and layout of Version 5.0 of the *WaterSense Program Guidelines* to accommodate program growth and improve readability. Additionally, the following content has been added or changed to reflect updates to the program:

- Clarification of the definition of third-party certification.
- Additional information on the *WaterSense Single-Family New Home Specification* and use of the WaterSense label and WaterSense promotional label.
- Additional information on private labeling of products.
- Clarification of the specification revision process for products, new homes, and programs.
- Clarification of the eligibility requirements for WaterSense partnership.

2. General Program Information

2.1. Program Overview

WaterSense is a partnership program sponsored by EPA that is designed to protect the future of our nation's water supply by promoting and enhancing the market for water-efficient products, new homes, and programs. WaterSense aims to help consumers use water resources more efficiently to preserve them for future generations and to reduce water and wastewater infrastructure costs by decreasing unnecessary water consumption. Through this program, EPA provides reliable information on water-efficient, high-performing products, homes, and practices; raises awareness about the importance of water efficiency; ensures water-efficient product performance; helps consumers identify products and services that use less water; promotes innovation in product development; and supports state and local water-efficiency efforts.¹

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

2.2. 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.

2.3. Roles and Functions

To achieve the mission of the WaterSense program, EPA establishes partnerships with interested stakeholders, such as product manufacturers, retailers, builders, water utilities, and other organizations. EPA provides and maintains the WaterSense brand and develops national specifications for water-efficient products, homes, 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 *Partner Eligibility* (Section 5.1).

- **EPA:** Sponsors WaterSense; promotes the WaterSense brand and water efficiency; recruits partners; updates stakeholders on the program; develops product and program specifications; approves organizations that administer WaterSense certifications through either the *WaterSense Product Certification System* or the *WaterSense New Home Certification System*; licenses certifying bodies and certification providers; evaluates applications submitted by professional certifying organizations; signs partnership agreements; maintains the Web registry of labeled products and certification programs; monitors use of the WaterSense program logos and labels; and recognizes participants.
- **Manufacturers** (companies that manufacture, produce, assemble, or import products that meet WaterSense specifications): Promote technology, improve product performance, make products certified to WaterSense criteria, maintain product certification, advertise/promote WaterSense labeled products, and provide product data.
- **Professional Certifying Organizations (PCO):** 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.

- **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 sell WaterSense labeled products under a private label.
- **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.
- **Associations, Nonprofit Organizations, and State and Federal Government Agencies:** Conduct education and awareness campaigns, raise awareness of the WaterSense program, assist EPA with recruitment, publish materials, provide data, and conduct constituent surveys.
- **Irrigation and Landscape Professionals:** Use and promote water-efficient technology, obtain certification, and conduct education on water-efficient irrigation practices.
- **Licensed Certification Providers (LCP):** Either directly employ or contract with water-efficiency inspectors, train inspectors, oversee new home inspections, and issue certification for inspected homes.
- **Builders:** Build new homes in accordance with the *WaterSense Single-Family New Home Specification*, promote WaterSense labeled products and WaterSense labeled homes to consumers, and provide other support as specified in the *WaterSense New Home Certification System*.
- **Other Organizations:** Additional organizations with which EPA does not have partnership agreements, but with which it signs other types of agreements:
 - **Program Administrators (PA):** Train certification providers (who support the new homes program) in accordance with training materials prepared by WaterSense. Approve and oversee the certification providers' certification process as it relates to WaterSense.
 - **Accreditation Bodies (AB):** Convey formal demonstration that licensed certifying bodies are competent to carry out product certification activities in accordance with WaterSense product specifications and the *WaterSense Product Certification System*.
 - **Licensed Certifying Bodies (LCB):** Conduct product testing and certification to demonstrate that a product meets WaterSense requirements for water efficiency and performance in accordance with the *WaterSense Product Certification System* and the relevant WaterSense product specification. Licensed certifying bodies also authorize manufacturers of certified products to use the WaterSense label and police the label in the marketplace.

2.4. Third-Party Certification

Products and new homes bearing the WaterSense label are certified to meet the relevant WaterSense specification by third parties that are approved under the *WaterSense Product Certification System* or the *WaterSense New Home Certification System*. Under no circumstances can a first or second party (see definitions below) serve as the third party in relation to a specific product or home (i.e., a manufacturer or builder is not eligible to certify its own product or home under any circumstances).

- **First Party:** The party responsible for the creation of a product or home. Manufacturers, manufacturer private labelers, and builders are considered first parties for purposes of the WaterSense program.
- **Second Party:** The person or organization that has a user interest in the object (e.g., the procurer, purchaser, or user). Consumers, retailers, retailer/distributor private labelers, and other entities involved but not directly affiliated with first-party producers are considered second parties for the purposes of the WaterSense program.
- **Third Party:** An entity independent of the first or second party. Licensed certifying bodies and licensed certification providers are both third-party entities that perform assessments, tests, inspections, and other services to determine if a given product or home meets the criteria to earn the WaterSense label.

3. WaterSense Specifications

WaterSense evaluates, selects, and develops voluntary specifications for water-efficient products, homes, and professional certification programs (hereafter referred to as “programs”) based on a variety of factors and in accordance with specific guidelines outlined in this section. EPA may revise a specification or issue technical clarifications at any time after a specification is final.

3.1. Evaluation Factors

WaterSense has adopted overarching evaluation factors that will guide EPA in selecting products, homes, and programs for specification development and labeling.

3.1.1. Evaluation Factors for Products and Homes

In general, when developing specifications, WaterSense evaluates products and homes for:

- **Water Savings:** Provides significant water savings on a national basis.
- **Performance:** Performs as well as or better than standard models or typical homes, assuming proper installation, operation, maintenance, and/or construction. Products and homes will be easy to find and require no consumer sacrifice in terms of convenience, comfort, hygiene, health, safety, or availability.
- **Variety of Technology Options:** Achieves water efficiency through several technology options. WaterSense will not label a category or specify a technology that has only one proprietary product or design.

- **Efficiency Differentiation:** Be effectively differentiated from standard models by a label that purchasers can recognize. Typically, the specification is set to label products or homes that are at least 20 percent more water-efficient than conventional or standard products or homes in that category.
- **Independent Third-Party Certification:** Products and homes must be certified by an EPA licensed certifying body or EPA licensed certification provider, respectively, to confirm that the product or home meets EPA's 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 to the extent possible.
- **Stakeholder Support:** Supported by a broad set of stakeholders, meaning there is a general consensus that the efficient products or homes will be promoted by a cross-section of stakeholders (e.g., manufacturers, retailers, distributors, utilities, builders, or irrigation professionals).

As the evaluation factors listed above demonstrate, WaterSense will direct its limited resources to areas where the program can have a significant impact on improving the efficiency of products that use or directly control the use of water. There are often alternative technologies that serve a similar purpose as labeled products but use no water as part of the process. Because WaterSense has no basis to propose improvements to the existing water use, the program has chosen not to use its limited funding to develop specifications for these products.

In addition, WaterSense evaluates whether a product can deliver both water efficiency and expected performance. Certain retrofit or component products that are designed to modify or control the water use of a base product, but that cannot ensure an expected level of performance of the base product, are generally not candidates for specification development. All labeled products must be able to deliver all the efficiency and performance criteria established in the WaterSense specification.

Manufacturers of these products (e.g., non-water using, retrofit devices) should note that it is not the intent of the WaterSense program to place these products at any disadvantage in the marketplace, nor to affect their eligibility for water conservation incentives, purchasing guidelines, or specifications. EPA recognizes that many of these products may meet applicable national standards and can be appropriate water efficiency options. Decision-makers should consider them as equally eligible for the same rebates, tax incentives, procurement guidelines, and other conservation incentives as WaterSense labeled products. Where a desired product category is covered by a WaterSense specification, EPA encourages use of the WaterSense label to identify water-efficient products.

3.1.2. Evaluation Factors for Professional Certification Programs

In general, when developing specifications, WaterSense evaluates programs for:

- **Water Savings:** Promotes efficient practices resulting in water savings (i.e., professionals in the given industry must employ practices that address the efficient use of water).
- **Performance:** Promotes efficient industry practices resulting in a system that does not sacrifice performance (e.g., an irrigation system must perform well). Services provided by certified individuals will be easy to find and practices will require no 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 industry 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, utilities).

3.2. Specification Development Process

EPA develops specifications that describe the attributes required for products, homes, or programs to be WaterSense labeled. Specifications for products or homes generally describe both water use and performance attributes. However, specifications for programs describe the attributes that must be followed to demonstrate compliance with the requirements described in the specification. All specifications are developed with stakeholder input. The process is described in detail below.

After conducting initial technical and market research, EPA applies the evaluation factors above to determine if a specification should be developed. If enough support exists to consider a specification, EPA typically issues a notification of intent (NOI) announcing its plans to develop a specification for a given product, home, or program. The NOI outlines the efficiency and performance criteria WaterSense is working to define and the technical issues that still need to be resolved related to the given product, home, or program. There is no commitment on the part of the Agency to develop a specification within a certain time period after release of the NOI, if at all.

If the Agency receives information to answer remaining technical issues, EPA then prepares a draft specification based on market research and discussions with industry and interested stakeholders. Where possible, WaterSense will work with other standards bodies (e.g., American Society of Mechanical Engineers [ASME], American Society for Testing and Materials [ASTM International], Canadian Standards Association [CSA]) to help develop the efficiency and

performance criteria.² Once a draft specification is complete, EPA releases it publicly via the WaterSense website, holds conference calls and/or public meetings, and requests written public comments. EPA considers all comments, refines the specification as appropriate, and then re-releases the specification in either a revised draft or final form. The number of rounds of public review before the specification is finalized depends on the nature and extent of comments on the prior draft. EPA considers all comments on key technical issues and requirements in the development of the final specification, as it strives to maintain a balance between environmental benefits and market factors. EPA has the ultimate authority in setting specification requirements, after carefully considering all stakeholder input.

3.3. Revisions to Specifications

EPA reserves the right to issue technical clarification(s) or revise WaterSense specifications should technological and/or market changes affect the relevance and/or effectiveness of current specifications to consumers, industry, or the environment. Revisions or clarifications made to specifications would include discussions with industry and other interested parties and would adhere to the following guiding principles.

3.3.1. Technical Clarifications

In some cases, a technical clarification may be issued instead of a specification revision. 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 the WaterSense website associated with the affected specification. EPA notifies stakeholders and licensed certifying bodies by email when clarification documents are posted to the WaterSense website.

3.3.2. Editorial Revisions

EPA may sometimes find it necessary to issue an editorial update to an existing specification. These updates will generally include changes to citations in the specification, previously released technical clarifications, and/or other changes to content not directly related to the efficiency or performance criteria. When it becomes necessary to make an editorial change, WaterSense will work with affected stakeholders but, at its discretion, may not request public comment on the changes.

3.3.3. Technical Revisions

At its discretion, EPA may choose to revise a specification. Any final decision to revise a specification is also contingent on the resources available to the WaterSense program to undertake the technical work needed to complete a revision. Conditions that may trigger a technical revision to a specification are described below.

² The National Technology Transfer and Advancement Act (NTTAA) and OMB Circular A-119 direct the federal government to use, participate in the development of, and reference standards developed in voluntary consensus processes, where those standards meet government needs.

3.3.3.1. Product Specifications

- WaterSense labeled products in a specific category comprise a significant portion of the market share based on the number of units shipped as reported by WaterSense partners. In this instance, market share means the ratio of WaterSense labeled units to non-WaterSense labeled units sold in the same product category.
- EPA identifies significant and broadly available improvements in technology or product design in any labeled product category that improves the product's water efficiency. In this context, significantly improved products would be products that are approximately 10 percent more efficient or higher performing than current WaterSense labeled products, are offered by multiple manufacturers, and/or capture approximately 10 percent or more of the total market share for that product category.
- EPA becomes aware of performance issues associated with products that are currently labeled under the specification.
- A water efficiency standard is adopted nationally that would mandate product efficiency equivalent to that in the specification, such that the WaterSense label would no longer be able to differentiate products that were more efficient than those meeting the national standard.

3.3.3.2. New Home Specification

- EPA identifies significant and broadly available improvements in technology or design that positively impact a home's water efficiency.
- EPA becomes aware of performance issues associated with products, technologies, or designs that are currently included under the *WaterSense Single-Family New Home Specification*.
- A WaterSense specification is finalized for a residential product or certification program, and adequate time has elapsed to ensure availability of that product or certified professionals to builders in the marketplace.

3.3.3.3. Program Specifications

- EPA identifies significant and broadly available improvements in technology or professional practice in any labeled professional certification program category that positively impact its ability to deliver water efficiency.
- The requirement of certified professionals is adopted as a national standard, such that the WaterSense labeled programs would no longer be able to differentiate professional proficiency.

Revisions will only be made to specifications after open dialogue with interested stakeholders, and provided that the more water-efficient products, homes, or programs continue to meet the WaterSense product evaluation factors contained in this section. Any proposed revisions to a specification will undergo public review and comment. For existing labeled products and programs, EPA will provide a grace period for compliance with the revised specification, during which time they can continue to bear the WaterSense label. The timeline for compliance will be specified in the revised specification, after careful consideration of the concerns of all interested parties. The length of the grace period is dependent on the impact of the specification change to the associated sector (e.g., manufacturer or professional certification program). Following the


expiration date of the grace period, products or programs will be required to meet the revised specification criteria in order to bear the WaterSense label.





For those products or programs 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, as described in Section 4.3.

4. WaterSense Program Marks: Process, Use, and Monitoring/Enforcement

The WaterSense program has several different program marks used for different purposes. The WaterSense label was created as the cornerstone to differentiate products, new homes, and programs in the marketplace that meet EPA’s criteria for efficiency and performance. The WaterSense label itself looks significantly different than other WaterSense program marks, such as the WaterSense program logo, partner logo, and promotional labels, and it varies among products, new homes, and programs. See Table 1 for images of the assorted WaterSense program marks and requirements for use. Specific prerequisites and limitations for using the WaterSense program marks are provided in the *WaterSense Program Mark Guidelines*.

Table 1 – WaterSense Program Marks

Mark	Description	Who Can Use It	Reminders
<p data-bbox="272 1020 337 1041">Label</p> 	<p data-bbox="448 1020 743 1178">Identifies a water-efficient product that has been independently certified to meet WaterSense criteria for efficiency and performance.</p> <p data-bbox="448 1209 743 1283">Identifies a certification program that has met WaterSense specifications.</p> <p data-bbox="448 1314 743 1482">Identifies a new home that has been inspected and certified to meet WaterSense criteria (appears on a certificate or sticker only).</p>	<ul data-bbox="773 1020 1101 1325" style="list-style-type: none"> • Manufacturers • Retailers, wholesalers, and distributors • (if given by a manufacturer) • Certifying organizations • Media (media label only); this label has separate instructions for use • Licensed certification providers for new homes <p data-bbox="773 1356 1101 1524">NOTE: Manufacturers receive label artwork from approved licensed certifying bodies and can share it only with retailers, distributors, and wholesalers for promotional purposes.</p>	<p data-bbox="1122 1020 1430 1125">Only products independently certified to meet a WaterSense specification can bear the label.</p> <p data-bbox="1122 1157 1430 1377">When used in conjunction with products, the label must have the words “Certified by” and the name of the certifying body underneath and must be used on or directly adjacent to the certified product.</p> <p data-bbox="1122 1409 1430 1703">Manufacturers must include the WaterSense label on product packaging for all products certified to meet a WaterSense specification, unless the packaging is too small, and should display the WaterSense label in association with any labeled product listed on the organization’s website.</p>

<p>Promotional Label</p> 	<p>Advertises the availability of WaterSense labeled products and encourages consumers to “look for” or “ask about” products with the WaterSense label. A “we sell” version is also available.</p> <p>A house-shaped version has the same uses as above, but for WaterSense labeled new homes.</p>	<ul style="list-style-type: none"> • All WaterSense partners • Non-WaterSense partners who are promoting the availability of WaterSense labeled products or new homes • Media of any kind who are telling audiences to look for the label 	<p>This promotional label does not designate a product, new home, or program as labeled by the WaterSense program. The label itself must be used for that purpose.</p>
<p>Builder Promotional Label</p> 	<p>Advertises that a builder is constructing homes that meet the WaterSense specification for single-family new homes.</p>	<ul style="list-style-type: none"> • WaterSense builder partners 	<p>Only WaterSense builder partners can use this label to promote the fact that they construct homes to earn the WaterSense label.</p>
<p>Program Logo</p> 	<p>Promotes the WaterSense program in general, but is not meant to promote labeled products, homes, or services.</p>	<ul style="list-style-type: none"> • Promotional partners • EPA • Media 	<p>This mark should be used sparingly to talk about the program as a whole.</p>
<p>Partner Logo</p> 	<p>Signifies an organization's commitment to promoting water efficiency and formal partnership with the WaterSense program.</p>	<ul style="list-style-type: none"> • All WaterSense partners 	<p>Use of this logo requires a signed partnership agreement with EPA. The partner logo should never be used to infer that an organization or product is labeled or endorsed by EPA.</p>

4.1. Process for Obtaining the WaterSense Label

The following sections describe the specific requirements for obtaining the WaterSense label for products, new homes, and programs:

4.1.1. Products

To ensure the integrity of the WaterSense label for products in the marketplace, EPA has established specific requirements to control how it is accessed and used. Use of the

WaterSense label on products is limited to manufacturers, retailers, and distributors under the following conditions:

- Manufacturers and retailers and/or distributors who have private labels for WaterSense labeled products must have a signed a partnership agreement with EPA that includes an agreement to abide by the *WaterSense Program Mark Guidelines*.
- Any product that receives the label must have been certified to conform to the relevant WaterSense specification by a licensed certifying body in accordance with the *WaterSense Product Certification System*.

The licensed certifying body provides the WaterSense label and authorization for its use to manufacturers, retailers, and distributors that have met the above criteria. Procedures for product certification and labeling, including the certification of private labeled products, are described in the *WaterSense Product Certification System*.

4.1.2. New Homes

To ensure the integrity of the WaterSense label applied to new homes, use of the label is limited to builders under the following conditions:

- Builders must have a signed partnership agreement with EPA that includes an agreement to abide by the *WaterSense Program Mark Guidelines*.
- The homes must be located in the United States or its territories.
- The homes must be certified to conform to the *WaterSense Single-Family New Home Specification* by an EPA licensed certification provider in accordance with the *WaterSense New Home Certification System*.

WaterSense approves program administrators to evaluate, approve, and oversee licensed certification providers. The licensed certification provider issues the WaterSense label in the form of a certificate and sticker (optional) to builders who have met the above criteria and constructed homes that pass the required inspection. Procedures for new home inspection, certification, and labeling, including procedures for sampling of multiple homes within the same subdivision or planned community, are described in the *WaterSense New Home Certification System*.

4.1.3. Programs

To ensure the integrity of the WaterSense label with regard to programs, EPA has established specific requirements to control how the label is accessed and used (for more details, see the *WaterSense Program Mark Guidelines*).

Use of the WaterSense label in relation to programs is limited to professional certifying organizations under the following conditions:

- Professional certifying organizations must have a signed a partnership agreement with EPA.
- Professional certifying organizations must have a program that conforms to the relevant WaterSense specification.

Organizations wishing to earn the WaterSense label for a program shall first submit a [Notification of Interest](#) via the WaterSense website. After the Notification of Interest Form is approved by EPA, the professional certifying organization shall submit an application packet to EPA, including the documentation detailed in the WaterSense specification applicable to its program. EPA accepts forms submitted via email, 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 program for WaterSense labeling. If the program is accepted, the certifying organization shall complete and sign a WaterSense partnership agreement with EPA. WaterSense will then provide the professional certifying organization with the label and associated materials.

Potential reasons for rejection of an application include incomplete information, failure to meet required/specified criteria for that program category, or that the submission was received prior to the release of a final specification for that certification program category. If an application is rejected, WaterSense explains the deficiencies in the application so they can be resolved. EPA updates the WaterSense Web registry on a monthly basis to add newly labeled programs. EPA does not publish information about non-qualifying certification programs. Partners are responsible for informing EPA when their programs are no longer available or compliant with WaterSense specifications and should be removed from the Web registry.

4.2. Using the WaterSense Label

EPA has established specific guidelines for using the WaterSense label to identify water-efficient, high-performing products, new homes, and programs. For more details, see the *WaterSense Program Mark Guidelines*.

4.2.1. Products

When using the WaterSense label to identify products that have been independently certified to meet EPA's criteria for efficiency and performance, the manufacturer, retailer, and distributor partners must adhere to the following requirements:

- In all instances, the manufacturer of a WaterSense labeled product is responsible for ensuring that the label is used in accordance with the *WaterSense Program Mark Guidelines*.
- Any manufacturer partner wishing to use the label must have received the appropriate notification of third-party certification from the relevant product(s).
- Specifically, the WaterSense label **must** be included on product packaging for all products certified to meet a WaterSense specification unless the packaging is too small. The label should also be displayed in association with any labeled product listed on the organization's website or other promotional materials. The label may be used in promotional literature published about the product by the manufacturer or private labeler, as long as it is in direct association with a certified product.
- 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. The certifying body's name must appear directly under the label with the words "Certified by" in Helvetica Light Standard Condensed font.

- Distributors and retailers who are distributing or selling WaterSense labeled products for which they are not a private labeler are only allowed to use the label when it is supplied directly by a WaterSense manufacturer partner. All parties should review the *WaterSense Program Mark Guidelines* prior to using the WaterSense label.

To ensure the integrity of the WaterSense brand, and as a service to assist manufacturers, distributors, and retailers with proper use of the WaterSense label, EPA encourages each participating manufacturer, distributor, or retailer to provide WaterSense 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 prior to publishing. EPA also provides a promotional label to all of its partners for use in promoting WaterSense labeled products in general when a specific product label is not available or appropriate. When using the WaterSense promotional label, partners should adhere to the *WaterSense Program Mark Guidelines*.

4.2.2. New Homes

The WaterSense label is provided to builders in the form of a certificate and sticker (optional) to identify new homes that have been independently inspected and certified to meet EPA's specification criteria for single-family new homes. The WaterSense label in the form of a certificate or sticker must be used in accordance with the *WaterSense Program Mark Guidelines*.

In addition to the WaterSense label certificate and optional sticker, EPA allows builders to use the WaterSense promotional labels to identify themselves as builders of WaterSense labeled new homes. The house-shaped WaterSense "we build" promotional label should only be used by WaterSense builder partners who are building in accordance with the *WaterSense Single-Family New Home Specification*. When using a WaterSense promotional label, builder partners must adhere to the *WaterSense Program Mark Guidelines*.

To ensure the integrity of the WaterSense brand, and as a service to assist builder partners with proper use of the builder promotional label, EPA encourages each participating builder partner to provide WaterSense pre-press samples of any promotional materials or Internet files used to promote and identify themselves as builders of WaterSense labeled new homes. EPA will provide prompt review (within five business days) of any pre-press materials provided to the Agency prior to publishing.

4.2.3. Programs

When using the WaterSense label to identify programs that have been approved by EPA, the professional certifying organizations must adhere to the terms of the *WaterSense Program Mark Guidelines*. Specific requirements include:

- Any certifying organization partner must have received appropriate notification of WaterSense program acceptance.
- The WaterSense label can be used on promotional materials, brochures, advertisements, and websites promoting certification program(s) that meet EPA's WaterSense criteria, in direct association with the qualified program.

- The label may not be used to imply direct endorsement of a certification program or organization by EPA.

Note to certified professionals:

Individuals who become certified under a WaterSense labeled certification program are not allowed to use the WaterSense label; 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 Program Mark Guidelines*.

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

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

Irrigation professional partners must associate the partner logo with the individual's name, not the company.

EPA will also add partners who are certified under a WaterSense labeled program to its WaterSense Web registry. However, under no circumstances can those individuals promote themselves or their work product as being certified and/or endorsed by EPA or the WaterSense program.

EPA requests that each participating professional certifying organization provide WaterSense 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 prior to publishing.

4.3. Monitoring and Enforcement of Proper Label Use

Proper use of the WaterSense label will be monitored and enforced by EPA in relation to products, new homes, and programs. In the case of products and new homes, the licensed certifying body or licensed certification provider that conducted the certification will provide additional oversight. Specific procedures for monitoring and enforcing the use of other WaterSense program marks are described in more detail in Section 4.4.

4.3.1. Products

4.3.1.1. Label Use Monitoring

As described in the *WaterSense Product Certification System*, licensed certifying bodies monitor and enforce the use of the WaterSense label for the products that they certify in accordance with the *WaterSense Program Mark Guidelines*. Licensed certifying bodies monitor the use of the label through:

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

EPA reserves the right to conduct additional oversight of the product certification and labeling process as necessary, which may include, but is not limited to:

- Review of accreditation body and certification body documents.
- Accompanying inspectors and/or auditors on site visits.
- Retesting of products.
- Discussions with consumers, building owners, or other users of WaterSense labeled products.

EPA also conducts its own label use monitoring activities, including:

- Literature/website 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.

4.3.1.2. Label Use Enforcement

EPA and the licensed certifying bodies are responsible for handling corrective actions for label misuses identified from the monitoring activities described above. The specific instances when EPA and/or the licensed certifying bodies handle corrective action are described in the *WaterSense Product Certification System*.

For any label misuse or 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 investigate and resolve the complaint in accordance with the *WaterSense Product Certification System* and the licensed certifying body's policies and procedures. If no licensed certifying body is associated with the program mark 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.

In addition, the licensed certifying body retains the right to suspend the use of the WaterSense label for any products that it certifies, as described in the *WaterSense Product Certification System*, if it discovers product nonconformance during ongoing surveillance, improper use of the WaterSense label on products or promotional materials, or infringement of the certification requirements. If the WaterSense label is withdrawn from a product for any reason, the licensed certifying body shall ensure that the manufacturer and its wholesalers, distributors, and retailers immediately cease to use the mark in conjunction with that product, and the label is to be eliminated from product packaging and promotional materials within six months from the date of withdrawal notification.

WaterSense label monitoring and enforcement actions for products are summarized in Table 2.

Table 2 - 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/website reviews • Review of media clips • Review of pre-print materials • Partner alerts • Google image searches • Reports from licensed certifying bodies 	<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 														
EPA Handles Corrective Action	Licensed Certifying Body Handles Corrective Action														
<div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Label used in conjunction with uncertified product </div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border: 1px solid black; padding: 5px; vertical-align: top;"> Manufacturer does not have any certified products (e.g., no LCB identified with label) </td> <td style="width: 50%; border: 1px solid black; padding: 5px; vertical-align: top;"> Manufacturer has other products certified (e.g., LCB name identified with label) </td> </tr> <tr> <td></td> <td style="border: 1px solid black; padding: 5px; text-align: center;"> Continued use of label on suspended/withdrawn products </td> </tr> <tr> <td></td> <td style="border: 1px solid black; padding: 5px; text-align: center;"> Use of WaterSense label prior to receiving certification </td> </tr> </table> <div style="text-align: center; border: 1px solid black; padding: 5px; margin-bottom: 10px;"> Label used incorrectly; e.g., to endorse a product or company </div> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; border: 1px solid black; padding: 5px; text-align: center;"> EPA endorsement </td> <td style="width: 50%; border: 1px solid black; padding: 5px; text-align: center;"> LCB endorsement </td> </tr> <tr> <td style="border: 1px solid black; padding: 5px; vertical-align: top;"> Label used incorrectly in promotional materials by a wholesaler, distributor, or retailer </td> <td style="border: 1px solid black; padding: 5px; text-align: center;"> Label used on general water-efficient promotional material </td> </tr> <tr> <td></td> <td style="border: 1px solid black; padding: 5px; text-align: center;"> Label altered from original provided by LCB </td> </tr> <tr> <td></td> <td style="border: 1px solid black; padding: 5px; text-align: center;"> Label not used in conjunction with a specific certified product </td> </tr> </table>		Manufacturer does not have any certified products (e.g., no LCB identified with label)	Manufacturer has other products certified (e.g., LCB name identified with label)		Continued use of label on suspended/withdrawn products		Use of WaterSense label prior to receiving certification	EPA endorsement	LCB endorsement	Label used incorrectly in promotional materials by a wholesaler, distributor, or retailer	Label used on general water-efficient promotional material		Label altered from original provided by LCB		Label not used in conjunction with a specific certified product
Manufacturer does not have any certified products (e.g., no LCB identified with label)	Manufacturer has other products certified (e.g., LCB name identified with label)														
	Continued use of label on suspended/withdrawn products														
	Use of WaterSense label prior to receiving certification														
EPA endorsement	LCB endorsement														
Label used incorrectly in promotional materials by a wholesaler, distributor, or retailer	Label used on general water-efficient promotional material														
	Label altered from original provided by LCB														
	Label not used in conjunction with a specific certified product														

4.3.2. New Homes

4.3.2.1. Label Use Monitoring

EPA is responsible for ensuring proper use of the WaterSense label for new homes and the builder promotional label. EPA has several mechanisms for monitoring label use.

EPA reserves the right to conduct oversight of the new homes certification and labeling process as necessary, which may include, but is not limited to:

- Review of program administrator and certification provider documents.
- Accompanying inspectors and/or auditors on site visits.
- Re-inspection of sites.
- Discussions with home buyers of WaterSense labeled new homes.

EPA will also monitor use of the builder promotional label in accordance with the *WaterSense Program Mark Guidelines* and determine whether uses of this and other WaterSense promotional labels are appropriate. Specifically, EPA's WaterSense promotional label use monitoring activities include:

- Literature/website reviews.
- Review of media clips.
- Internet image searches.
- Follow-up on alerts and reports from stakeholders, licensed certification provider partners, and other partners.

4.3.2.2. Label Use Enforcement

If, during its label use monitoring activities, EPA discovers a misuse of the WaterSense label or promotional label, EPA will follow up with the offending party 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.

EPA reserves the right to suspend or withdraw the WaterSense label from new homes that have previously been certified by a licensed certification provider but have not been sold and occupied. The conditions and procedures for label suspension, reinstatement, and withdrawal are described in the *WaterSense New Home Certification System*. The program administrator is responsible for taking corrective action in the event that a licensed certification provider or water-efficiency inspector provides a builder with the label certificate for a home that does not meet the *WaterSense Single-Family New Home Specification*.

EPA also reserves the right to suspend or withdraw a builder's WaterSense partnership or the rights to use the WaterSense marks based on issues of nonconformity, including misuse of the WaterSense label or other marks. Any builder partner whose partnership agreement or use of the WaterSense program marks has been revoked for any reason must remove any program marks from its print and Web-based materials.

4.3.3. Programs

EPA routinely monitors use of the WaterSense label, including, but not limited to:

- Review of professional certification program documents.
- Discussions with consumers, building owners, or other customers of WaterSense irrigation partners.

Note: Certified professionals cannot use the mark to denote their relationship with WaterSense; they can only use the partner logo.

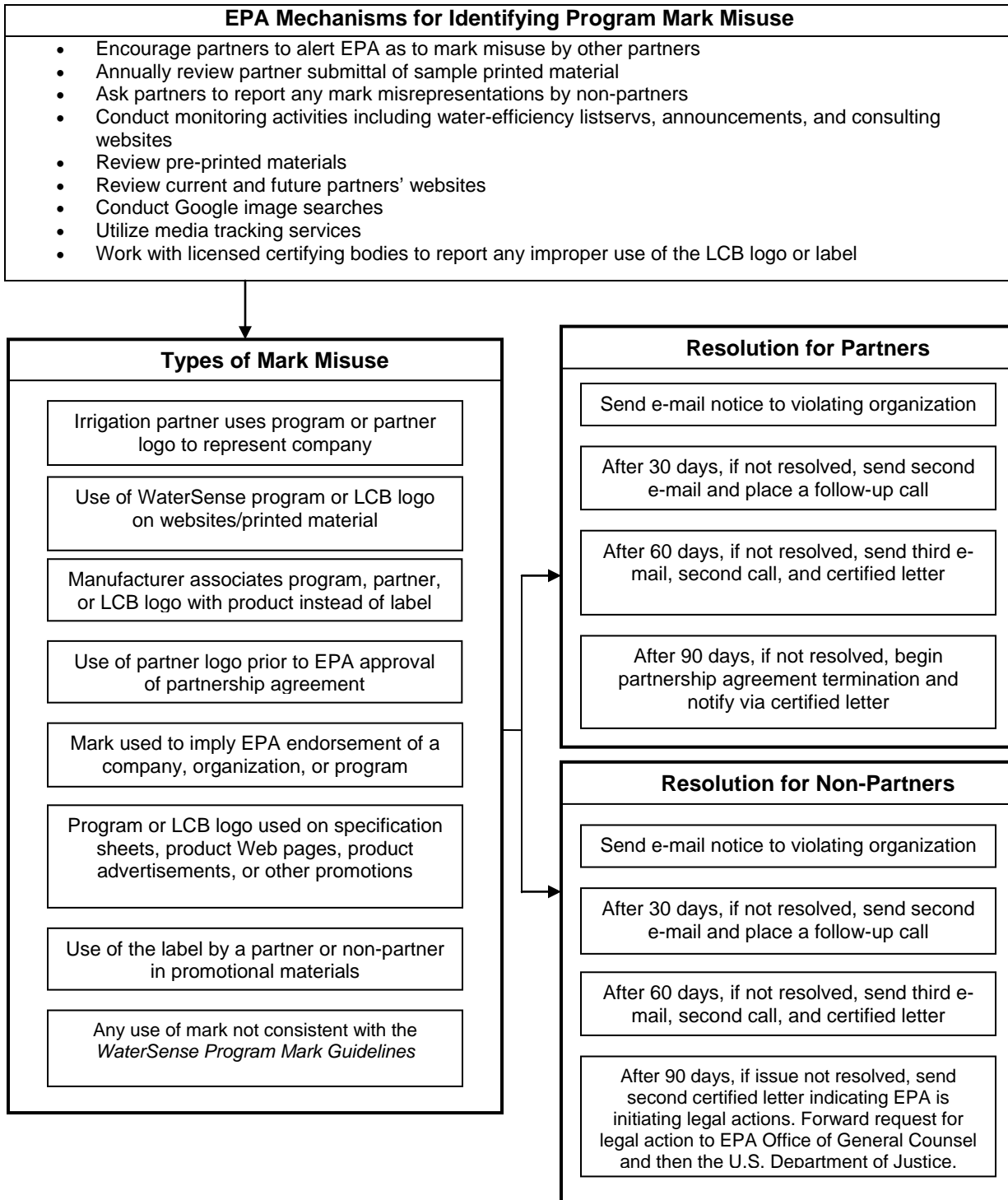
For any use violations of the WaterSense label that come to EPA's attention, the Agency sends a letter to the professional certifying organization asking that improper uses cease immediately. EPA may request proof of such a change within 90 days of the request. If a certification program is disqualified 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. Unresolved, egregious, or protracted issues will be referred to the EPA Office of General Counsel or the U.S. Department of Justice for resolution.

4.4. Monitoring and Enforcement of Proper Use of Other Program Marks

Proper use of the WaterSense program marks (e.g., WaterSense logo, WaterSense partner logo) will be monitored and enforced by EPA using the procedures outlined in the *WaterSense Mark Policing and Corrective Action Decision Diagram for Promotional Activities*, detailed in Table 3.

EPA requests that certified professionals using the WaterSense partner logo to promote their certification provide WaterSense pre- or post-press samples of promotional materials or Internet files. EPA will provide prompt review (within five business days) of any pre-press materials provided to the Agency prior to publishing. Other partners may also provide promotional materials to EPA for review if they want to ensure proper use of other program marks.

Table 3 - WaterSense Non-Label Mark³ Policing and Corrective Action Decision Diagram for Promotional Activities



³ Refers to all WaterSense marks with the exception of the WaterSense label for products, programs, and new homes.

5. Partnerships

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

5.1. Partner Eligibility

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

Promotional Partners: Promotional partners assist EPA in educating others about the value of water, water efficiency, and the WaterSense brand. Organizations are prohibited from earning a profit from the use of WaterSense program tools and materials. To be eligible to become WaterSense partners, organizations must educate or work with consumers or organizations located in the United States and Canada. These partners fall into one or more of the following organization types:

- **Nonprofit Organizations:** Examples include environmental organizations, nonprofit certifying organizations, and consumer advocacy groups.
- **Professional and Trade Associations:** Associations whose members are eligible to join as a WaterSense partner may also join as promotional partners. For example, because water utilities are eligible for partnership, the American Water Works Association, whose membership includes several thousand utilities, is also eligible. Home builder associations are also eligible for WaterSense partnership.
- **Utilities/Water Districts/Government Agencies:** Environmental departments, municipal programs, water agencies, water districts, wholesalers, public utilities, private utilities, wastewater treatment facilities, water boards, and public utility commissions of federal, state, provincial, and local agencies.

Manufacturers: Upon issuance of specifications for new product categories, EPA will announce a timeline for organizations that produce products in those categories to join as partners. This timeline may be released with the draft or final specification depending on the product category. All manufacturing partners must manufacture at least one WaterSense labeled product that will be sold in the United States or Canada within 12 months of execution of a partnership agreement. Manufacturers will agree to abide by the *WaterSense Program Mark Guidelines*. Specifically, all manufacturer partners must include the WaterSense label on product packaging for all products certified to meet a WaterSense specification unless the packaging is too small. Manufacturer partners must also display the WaterSense label in association with any labeled product listed on the organization's website or other promotional materials. Manufacturers of component parts of a labeled product category are not eligible to sign on as WaterSense partners.

Retailers/Distributors: Upon issuance of specifications for new product categories, EPA will announce a timeline for organizations that sell products in those categories to join as partners. This timeline may be released with the draft or final specification depending on the product category. All retailer and distributor partners must sell, market, and encourage the use of WaterSense labeled products to customers in the United States or Canada within 12 months of

execution of a partnership agreement. Partners must sell directly to consumers (e.g., retail stores, showrooms, online stores, or another type of public interface) without requiring installation or consulting services along with the products. Types of eligible organizations include, but are 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) agree to work with the manufacturer(s) of any labeled products to ensure that both the retailer/distributor's and the manufacturer's information are included in the WaterSense certification file and that the *WaterSense Program Mark Guidelines* are followed.

Professional Certifying Organizations: Organizations that sponsor professional programs in the United States that meet WaterSense specifications for certification programs.

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 can join WaterSense. To be eligible for partnership, the certified professional must provide service to at least one customer in the United States or Canada. At present, irrigation partners are the only type of certified professional covered under the WaterSense program.

Licensed Certification Providers: Organizations that commit to hire or contract with water-efficiency inspectors can partner with WaterSense. Licensed certification providers are also approved to train inspectors, oversee new home inspections, and issue certification decisions for inspected homes in the United States in accordance with the *WaterSense New Home Certification System*. The certification provider must signify such commitment by signing a licensing agreement and a WaterSense partnership agreement with EPA and must be approved by a program administrator.

Builders: Home builders that construct or plan to construct new homes in accordance with the *WaterSense Single-Family New Home Specification*, promote WaterSense labeled products and WaterSense labeled homes to customers, and provide other support as specified in the certification system can join WaterSense. To be eligible for partnership, the builder must commit to build at least one single-family home or townhome that is certified to conform to EPA's WaterSense new homes criteria within 12 months of execution of the partnership agreement and at least one single-family home or townhome in the United States each year thereafter.

Ineligible organizations: In the future, EPA may invite additional types of organizations and individuals to partner with the WaterSense program. The following types of entities are ineligible for participation as partners until such time when EPA has established a formal role and/or draft specification for these new types of partners:

- Consultants
- Home inspectors
- Realtors
- Commercial, institutional, and industrial facility owners and operators
- Plumbers

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 at watersense@epa.gov or (866) WTR-SENS (987-7367) to discuss other ways they would like to collaborate with EPA on water efficiency.

5.2. Partnership Agreements

Each organization interested in promoting the WaterSense brand, earning the WaterSense label for its products or new homes, 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 this document and the *WaterSense Program Mark Guidelines*.

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. Table 4 below briefly describes the differences in expectations for different partner types.

Table 4 – Partnership Pledge

Partnership Pledge:	Nonprofit Organizations	Utilities & Governments	Trade Associations	Manufacturers	Retailers & Distributors	Certifying Organizations	Certified Professionals	Builders	Certification Providers
Produce product(s), home(s) or program(s)				X		X		X	
Promote value of water efficiency and the meaning of the WaterSense label	X	X	X	X	X	X	X	X	X
Sell and market WaterSense labeled products or homes				X	X			X	
Encourage eligible constituents to participate in WaterSense	X		X			X			X
Provide data on shipment or sale of labeled products				X	X				
Provide annual data about water promotional activities	X	X	X	X	X			X	
Provide data on WaterSense labeled products or homes built				X	X	X		X	X
Train staff on WaterSense program					X				X
Adhere to <i>Program Mark Guidelines</i>	X	X	X	X	X	X	X	X	X
Feature WaterSense on website/related promotional materials	X	X	X	X	X	X	X	X	X
Update EPA on continued availability of labeled products/homes				X	X	X			X
Allow EPA to promote partner’s participation in program	X	X	X	X	X	X	X	X	X

In addition to partner pledges, all partnership agreements include the following EPA commitments to partners:

- Develop national specifications for water-efficient products/programs.
- Increase awareness of water efficiency and the WaterSense brand.
- Provide current WaterSense program news.
- Provide public recognition to partners.
- Respond swiftly to partner requests for information.
- Provide materials, templates, and marks for promotional use.
- Review WaterSense promotional materials developed by partners.
- Provide tools for training sales staff on WaterSense labeled products and water-efficiency inspectors on water-efficiency inspections for new homes.
- Provide guidelines on appropriate use of the WaterSense label and advertisement of WaterSense labeled new homes.

The following general terms and disclaimers are included in WaterSense 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.
- Nothing in the agreements, in and of themselves, obligates EPA to expend appropriations or enter into any contract, assistance agreement, or interagency agreement, or to incur other financial obligations that would be inconsistent with Agency budget priorities. The partner agrees not to submit a claim for compensation for services rendered to EPA or any federal agency in connection with any activities it carries out in furtherance of this agreement.
- 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. EPA reserves the right to delay partnerships for some categories of products. If additional WaterSense partner categories become available, affected organizations will be required to reapply for partnership in the new category.
- The partner will adhere to all requirements contained in the WaterSense Program Guidelines.
- No product, program, home, or other structure will be labeled as a result of signing a partnership agreement.
- The partner and the EPA WaterSense program 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 the 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.
- The EPA WaterSense program will actively pursue resolution of noncompliance related to the use of the program marks.
- 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 program marks in a timely manner, consistent with the *WaterSense Program Mark Guidelines*.

5.3. Recognition

EPA recognizes WaterSense partners for their achievements in manufacturing, promoting, building with, 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 website. For more in-depth case studies, awards, and other promotions, EPA allows partners to review information before it is made public.

EPA's awards program recognizes WaterSense partners who help advance the overall mission of WaterSense and increase awareness of the WaterSense brand in a measurable way. Application materials, information on eligibility, evaluation criteria, and the schedule for the current award cycle are posted to the WaterSense website. A team of EPA staff evaluates applications submitted by eligible partners according to the criteria described in the application instructions. Specific criteria and point distributions may change from year to year, but broad examples of evaluation criteria include:

- Demonstrating measurable results.
- Showing creativity and innovation in implementing the WaterSense program.
- Forging partnerships with manufacturers, retailers, utilities, governments, builders, and other WaterSense partners.
- Furthering WaterSense goals and leveraging the national WaterSense brand.
- Enhancing product labeling efforts.
- Achieving effectiveness in advertising and other outreach designed to educate consumers and organizations about the WaterSense program.

EPA holds an annual ceremony to recognize award winners; posts a list of award winners on the WaterSense website; and publicizes award winners in EPA press releases, journal articles, and other announcements when possible. Winners are allowed to promote their award via press releases and in paid advertisements. WaterSense Partner of the Year award winners also receive a special logo to use for promotional purposes.

5.4. Dispute Resolution and Partnership Termination

Partners and EPA assume good faith as a general principle for resolving conflicts under the WaterSense program. Both parties endeavor to resolve all matters informally, so as to preserve maximum public confidence in the WaterSense program. In the event that 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 its intent to terminate the partnership agreement, unless specific corrective actions sought are undertaken.

Termination initiated by EPA for failure to meet terms of agreement: Within 20 days of receiving formal notification from EPA indicating intent to terminate the partnership agreement, 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. If the partner fails to respond within 20 days or fails to undertake the requested corrective actions in a timely manner, the partnership agreement will be terminated.

Termination initiated by a partner for failure to meet terms of agreement: Within 20 days of receiving formal notification from the partner indicating its intent to terminate the partnership agreement, 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.

Termination for failure to label a product or new home within the required timeframe: Within 90 days of receiving notification from EPA indicating intent to terminate the partnership agreement, 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. If the partner fails to respond within 90 days or fails to undertake the requested corrective actions in a timely manner, the partnership agreement will be terminated.

Additional requirements and procedures apply to professional certifying organizations and associated WaterSense labeled programs:

Program Disqualification. Labeled certification programs may be disqualified from the WaterSense program after presentation and evaluation of credible evidence that the 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 program does not conform to the specification, EPA submits a request to the professional certifying organization seeking explanation and satisfactory resolution of the issue. The professional certifying organization has 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 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.

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. Such disqualification also may trigger termination of the partnership agreement of the professional certifying organization and the professionals certified under that program.

Program Requalification. 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. Programs will be requalified, at EPA's discretion, upon such a successful demonstration.

6. Measurement, Data Reporting, and Confidential Business Information

6.1. Program Measurement

EPA has developed a series of performance measures for the WaterSense program. EPA focuses on measuring national water and energy savings associated with labeled products, as well as other program outputs, such as the number of program partners and labeled products.

In addition to the savings and output metrics, EPA also tracks changes in awareness and understanding of the WaterSense label; changes in market share for labeled versus non-labeled products, as reported by WaterSense manufacturer partners; and avoided costs on consumer water, wastewater, and energy utility bills. Additionally, the Agency examines customer satisfaction with the WaterSense program and reviews trends in national daily water usage. EPA also assesses program efficiency (e.g., value of earned media/investment in media outreach).

6.2. Data Reporting and Confidential Business Information

EPA relies on partners to provide data to enable it to estimate water savings and the associated avoided costs related to WaterSense labeled products and new homes. EPA understands that, as part of their participation in this program, partners may provide the Agency with confidential business information (CBI), including product shipment/sales data. Partners may claim such information as CBI under 40 Code of Federal Regulations (CFR) Part 2, Subpart B. CBI is protected from public disclosure according to 40 CFR Part 2, Subpart B.

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 estimating the savings associated with 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. EPA does not release individual manufacturer data but rather, will report aggregated industrywide data.
- **Sales Data:** Retailers and distributors agree to provide data on sales of water-efficient products (WaterSense labeled and non-WaterSense labeled) or other market indicators to assist in determining the impact of the program in promoting labeled products. The data is treated as CBI. EPA does not release individual retailer or distributor data but rather may report aggregate industrywide data if desired.
- **Utility Data:** WaterSense asks utility and government partners to report data on the results of promotional activities and aggregate data on rebates offered (e.g., number of rebates processed). EPA uses these data to inform future program planning and document water savings associated with rebate programs.
- **New Homes Data:** WaterSense asks licensed certification provider partners for quarterly data on new homes labeled and marketing activities undertaken to track the market penetration of the program.

In addition to the above annual data, EPA may also request historical data on product shipments from manufacturers and/or industry experts to assess a baseline of market penetration of water-using products. EPA uses the historical shipments data and reported data from partners to estimate the annual water savings associated with the program, and the Agency will calculate the associated environmental and economic benefits associated with these water savings. EPA also uses 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.

6.3. Ongoing Product/Program Certification

On an ongoing basis, EPA requests that licensed certifying bodies and professional certifying organizations update EPA on the status of WaterSense labeled products and programs, respectively. In particular, EPA requires that the licensed certifying bodies inform EPA if labeled products lose their certification. This information allows EPA to keep the WaterSense Web registry up-to-date. EPA also checks the licensed certifying body websites periodically to ensure that the WaterSense Web registry is up-to-date. As necessary, EPA also requests data from professional certifying organizations and certified professionals to determine the implementation status of WaterSense labeled professional certification programs.

7. Definitions

Accreditation Body: An authoritative body approved by EPA that performs accreditation of licensed certifying bodies in accordance with the *WaterSense Product Certification System*. The accreditation body's accreditation conveys formal demonstration that the licensed certifying body is competent to carry out product certification activities in accordance with WaterSense product specifications.

Builder/Builder Partner: For purposes of this program, WaterSense defines a builder as a building company or developer responsible for the design and construction of a new home. Builder partners construct new homes in accordance with the *WaterSense Single-Family New Home Specification*, promote WaterSense labeled homes to consumers, and provide other support as specified in the *WaterSense New Home Certification System*.

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

Label Certificate: A document signed by a licensed certification provider and water-efficiency inspector upon inspection and certification of a new home and given to a builder partner, signifying the home meets the *WaterSense Single-Family New Home Specification*.

Label Sticker: An optional sticker signed by a licensed certification provider and water-efficiency inspector upon inspection and certification of a new home and given to a builder partner, signifying the home meets the *WaterSense Single-Family New Home Specification*.

Labeling: The act of applying the WaterSense label (see definition below) to products, product packaging, and accompanying promotional materials to market a specific product, new home, or professional certification program.

Licensed Certification Provider: An independent third-party that is licensed by EPA to hire or contract with water-efficiency inspectors, train inspectors, oversee new home inspections, and issue the label certificate for inspected homes in accordance with the *WaterSense New Home Certification System*. The certification provider must signify such commitment by signing a licensing agreement and a WaterSense partnership agreement with EPA. Licensed certification providers also authorize builders of certified homes to use the WaterSense label.

Licensed Certifying Body: An independent third-party that is licensed by EPA to conduct product certification to demonstrate that a product meets WaterSense's requirements for water efficiency and performance in accordance with the *WaterSense Product Certification System* and the relevant WaterSense product specification. Licensed certifying bodies also authorize manufacturers of certified products to use the WaterSense label.

Manufacturer: Any organization that produces, assembles, or imports a consumer product for market that might be eligible to meet WaterSense criteria for efficiency and performance. Manufacturers often produce “private labeled” products that are sold under the brand name of a separate organization. In this case, the organization branding/selling the product (the private labeler) is treated as a separate manufacturer or retailer/distributor partner/application from the original product manufacturer. See also *Partner Eligibility* (Section 5.1).

New Home: A newly constructed, single-family residence (including townhomes) three stories or less in height.

Nonconformity: Failure of a WaterSense labeled product, new home, or program to conform to the terms of the applicable WaterSense specification.

Nonprofit Organization/Trade Association: See *Partner Eligibility* (Section 5.1).

Partner: Any organization or eligible professional that voluntarily signs a partnership agreement with EPA to participate in WaterSense. See *Partner Eligibility* (Section 5.1).

Partnership Agreement: The formal agreement between EPA and its WaterSense partners that delineates activities to be conducted by each party and benefits and exclusions. Partnership agreements are signed by appropriate representatives at EPA and organizations outlined in *Partner Eligibility* (Section 5.1).

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 factors.

Private Labeled Product: Any product produced by a manufacturer for labeling under a separate operation/brand from the manufacturer's operation/brand. Private labeled products are

treated as separate from a manufacturer's products for purposes of partnership agreement signing and application for the WaterSense label. A consumer product bears a private label if:

- The product or its container is labeled with the brand or trademark of an entity other than a manufacturer of such product.
- The entity with whose brand or trademark a product or container is labeled has authorized or caused the product to be so labeled.
- The brand or trademark of a manufacturer of the product does not appear on the product or container label.

Private Labeler: An owner of a brand or trademark on the label of a consumer product for market that might be eligible to meet WaterSense criteria for efficiency and performance, and which is private labeled. A private labeler is included as an additional company on a WaterSense certification file or has its own WaterSense certification file (as a listee) that is linked to the manufacturer's/submittor's WaterSense certification file. To be included on a WaterSense certification file, a private labeler must have either an EPA-signed manufacturer (manufacturer private labeler) or retailer/distributor (retailer/distributor private labeler) partnership agreement with WaterSense.

Program Administrator: An independent organization that is approved by EPA to oversee licensed certification providers. The program administrator trains certification providers in accordance with training materials prepared by WaterSense and approves and oversees the licensed certification providers' certification process as it relates to WaterSense.

Promotional Partner: See *Partner Eligibility* (Section 5.1).

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 (e.g., controllers, sensors); and other mechanical and commercial water-using products and processes.

Promotional Materials: Brochures, advertisements, flyers, catalogs, circulars, websites, displays, and related materials used to sell products, programs or new homes.

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 Eligibility* (Section 5.1).

Specifications: A document describing 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 Eligibility* (Section 5.1).

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 *Guideline for Using WaterSense Program Marks*, the WaterSense label must be used on product packaging 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, websites, or point-of-purchase materials to distinguish a WaterSense labeled product, and on program materials, brochures, or websites of certification programs that meet WaterSense criteria.

WaterSense Labeled New Home: A home that has been independently certified via procedures described in the *WaterSense New Home Certification System* and found to meet WaterSense criteria for efficiency and performance, as defined in the *WaterSense Single-Family New Home Specification*.

WaterSense Labeled Product: A product that has been independently certified via procedures described in the *WaterSense Product Certification System* 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 the criteria outlined in the WaterSense program 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 the *WaterSense Product Certification System*. 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 a product as certified or associating the WaterSense label in conjunction with a product for which the label has been withdrawn; further, once the label is withdrawn, the manufacturer 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, has signed a partnership agreement with EPA, and is committed 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,” “we sell,” or “we build.” The promotional label can be used by WaterSense partners, including promotional partners, builders, licensed certification providers, retail/distributor partners, manufacturers, professional certifying organizations, and irrigation partners. Only WaterSense builder partners, however, can use the version with “we build” in the box.

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