

WaterSense® Product Certification System

1.0 INTRODUCTION

WaterSense is a partnership program sponsored by the U.S. Environmental Protection Agency (EPA) created to protect the future of our nation's water supply by promoting and enhancing the market for water-efficient products and programs. To achieve the mission of the WaterSense program, EPA establishes partnerships with interested stakeholders, such as product manufacturers, retailers, and water utilities. EPA provides and maintains the WaterSense brand and develops national specifications for water-efficient products and programs.

EPA requires all products bearing the WaterSense label to be assessed for conformance to the relevant WaterSense product specification by an accredited third-party product certifying body. Accredited product certifying bodies will be licensed by EPA to certify that products conform to applicable specifications and to authorize the use of the WaterSense label in conjunction with the certified product.

The international criteria for the accreditation of product certifying bodies operating product certification programs for tangible products, processes, and services are detailed in International Organization for Standardization/International Electrotechnical Commission ISO/IEC Guide 65, *General requirements for bodies operating product certification systems* and the International Accreditation Forum (IAF) Guidance on the Application of (ISO/IEC) Guide 65.

This WaterSense product certification system specifies the minimum requirements that EPA licensed product certifying bodies (licensed certifying bodies) shall observe when operating third-party certifications of product conformance to WaterSense product specifications and authorizing the use of the WaterSense label. It provides specific requirements in the application of ISO/IEC Guide 65 in order to satisfy the requirements implicit in the certification of products for WaterSense and provides the basis for consistent application of WaterSense certification by licensed certifying bodies.

This document, in respect to the certification and labeling of products for WaterSense, shall be read in conjunction with ISO/IEC Guide 65 and IAF Guidance on the Application of ISO/IEC Guide 65.

The requirements of this WaterSense product certification system are applicable to the licensed certifying bodies and do not apply to the manufacturers that are obtaining product certification. The WaterSense requirements applicable to the manufacturers are outlined in the WaterSense manufacturer partnership agreement and the WaterSense program guidelines. Figure A-1 portrays the key elements of this product certification process and the relationships between EPA, the manufacturer, the licensed certifying body, and the accreditation organization.

Certification by a licensed certifying body is not a statement that it guarantees the efficiency and performance of a WaterSense labeled product. It is also not a guarantee that all of the aspects of a relevant WaterSense product specification are being met or will continue to be met, at all times. The certification and labeling of a product for WaterSense is a statement that the manufacturer's products have been demonstrated to conform to the relevant WaterSense

product specification, and that the validation and verification of conformance to the WaterSense product specification has been evaluated and determined to meet the necessary requirements. It is also a statement of the manufacturer's commitment to:

- Manufacture water-efficient products in accordance with relevant WaterSense product specifications; and
- Comply with requirements of the manufacturer partnership agreement and WaterSense program guidelines.

2.0 EFFECTIVE DATE

This WaterSense product certification system shall be effective on April 1, 2009. Certifying bodies not currently licensed by EPA to operate under the WaterSense interim certification process should be accredited directly to these requirements.

3.0 TECHNICAL REQUIREMENTS

3.1 Scope

The WaterSense product certification system applies to the certification of product conformance to the technical requirements of relevant WaterSense product specifications and includes all processes and services used to make a final product.

WaterSense product specifications, this WaterSense product certification system, and the WaterSense program guidelines outline the purpose and the minimum requirements for certification by a licensed certifying body. WaterSense product specifications are developed by EPA for various products or product categories and detail the required attributes of products that are allowed to bear the WaterSense label. Current WaterSense product specifications are available in the compendium of WaterSense product specifications, found on the WaterSense Web site. As additional WaterSense product specifications are developed, or modifications are made to existing WaterSense product specifications, the compendium will be modified to incorporate the new or updated WaterSense product specifications.

3.2 References

The following referenced documents are indispensable for the application of this WaterSense product certification system. Undated references indicate that the latest edition of the referenced document applies.

WaterSense product specifications developed and maintained by EPA and contained in the online compendium.

WaterSense program guidelines developed and maintained by EPA.

Manufacturer partnership agreement between EPA and the manufacturer of certified and WaterSense labeled products.

WaterSense label guidelines developed and maintained by EPA.

ISO/IEC Guide 65, *General requirements for bodies operating product certification systems*.
Note: This reference will be revised when ISO/IEC Guide 65 is superseded by a relevant ISO/IEC standard.

ISO/IEC 17000, *Conformity assessment – Vocabulary and general principles*.

ISO/IEC 17011, *Conformity assessment – General requirements for accreditation bodies accrediting conformity assessment bodies*.

ISO/IEC 17025, *General requirements for the competence of calibration and testing laboratories*.

IAF Guidance on the Application of ISO/IEC Guide 65.

4.0 THE ACCREDITATION BODY

4.1 Final Accreditation Body Requirements

4.1.1 Requirements

By April 1, 2011, accreditation of product certifying bodies in accordance with this WaterSense product certification system shall be offered by an EPA approved, U.S. domiciled accreditation body that:

- Operates in accordance with the requirements of ISO/IEC 17011, *General requirements for accreditation bodies accrediting conformity assessment bodies*;
- Offers accreditation services to ISO/IEC Guide 65 and the IAF Guidance on the Application of ISO/IEC Guide 65;
- Is an IAF Multilateral Recognition Agreement (MLA) signatory for products; and
- Has procedures for recognizing and accepting accreditations for licensed certifying bodies previously accredited by another EPA approved accreditation body. This must include a process for disclosing these procedures and associated costs to certifying bodies at the time of application or upon any subsequent changes to the procedures.

4.1.2 Application

Accreditation bodies that would like to accredit product certifying bodies for WaterSense should apply to EPA via an application letter. The applicant shall demonstrate in its application that it has met the criteria outlined in Section 4.1.1 and shall provide proof of its IAF MLA for products. EPA will enter into a Memorandum of Understanding (MOU) with the approved accreditation body, which will outline the roles and responsibilities of both parties under these final accreditation body requirements.

4.2 Transition to Final Accreditation Body Requirements

In order to allow sufficient time for accreditation bodies to meet the final requirements outlined in Section 4.1 for a limited period as specified in this section, EPA has established the following transitional process.

4.2.1 Application Requirements

Accreditation bodies that do not meet the requirements under Section 4.1 may apply to EPA to participate in the WaterSense program provided they demonstrate that they:

- Operate in accordance with the requirements of ISO/IEC 17011, *General requirements for accreditation bodies accrediting conformity assessment bodies*;
- Offer accreditation services to ISO/IEC Guide 65 and the IAF Guidance and have accredited product certification bodies in another area; and
- Are an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA) signatory.

As part of the application and approval process under this transition, applicant accreditation bodies shall apply to EPA to become an approved accreditation body for the WaterSense program by no later than April 30, 2009. The application shall be in the form of a letter and shall include:

- Documentation that the applicant is an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA) signatory, as proof that it operates in accordance with the requirements of ISO/IEC 17011, *General requirements for accreditation bodies accrediting conformity assessment bodies*;
- Proof that the applicant offers product certification services in accordance with ISO/IEC Guide 65 in another program area;
- Procedures for recognizing and accepting accreditations for licensed certifying bodies previously accredited by another EPA approved accreditation body. This must include a process for disclosing these procedures and associated costs to certifying bodies at the time of application or upon any subsequent changes to the procedures.

Provided the above requirements are met, EPA will approve the application and enter into a MOU with the approved accreditation body, which will outline the roles and responsibilities of both parties under these transitional accreditation body requirements. This MOU will also specify the terms and conditions for maintaining approval, which includes progress toward and ultimate achievement of an IAF MLA for products, including progress reports and milestones toward obtaining the IAF MLA by April 1, 2011.

As of April 1, 2011, any accreditation body approved under these transition requirements, but not meeting the final requirements for accreditation bodies outlined in Section 4.1, will be removed from the WaterSense program as an approved accreditation body.

5.0 THE PRODUCT CERTIFYING BODY

By no later than April 1, 2010, product certifying bodies shall be accredited in accordance with ISO/IEC Guide 65 and IAF Guidance on the Application of ISO/IEC Guide 65 to operate the WaterSense product certification system and certify products to the relevant WaterSense product specifications contained in the compendium posted online. The accreditation shall be

issued by an EPA approved accreditation body. A list of EPA approved accreditation bodies that are authorized to provide accreditation services in accordance with this WaterSense product certification system will be available on the WaterSense Web site.

Product certifying bodies can seek accreditation for any or all of the WaterSense product specifications contained in the online compendium. The product certifying body shall have listed in its scope of accreditation the specific WaterSense product specifications relevant to the products it intends to certify.

In the event an accreditation body loses its EPA approval to accredit product certifying bodies for WaterSense, the WaterSense program will notify its affected licensed certifying bodies and will provide them with a transition period of one year (from the termination date of the approval of its accreditation body) to seek and obtain accreditation by another currently EPA approved accreditation body and to reapply to EPA to certify products for WaterSense. After this transition period, if the licensed certifying body does not obtain accreditation by an EPA approved accreditation body and reapply to EPA for licensure, EPA may terminate the certifying body's licensing agreement.

The licensed certifying body shall have procedures in place to accept the certification for a manufacturer's products that were previously certified by another EPA licensed certifying body. This should generally include the acceptance of all data and information generated from the certification, so as to reduce or eliminate requirements for product reevaluation. This acceptance is contingent upon the manufacturer's good standing with its previous licensed certifying body and its licensed certifying body's loss of accreditation as a result of its accreditation body losing its status as an EPA approved accreditation body.

6.0 PRODUCT CERTIFICATION

6.1 Application

Manufacturers seeking WaterSense certification and the WaterSense label for their products shall apply directly to a product certifying body that is accredited for the relevant WaterSense product specification and is licensed by EPA. A list of licensed certifying bodies will be maintained on the WaterSense Web site along with the WaterSense product specifications for which they have been accredited to provide product certification services. The application shall be accompanied by an executed copy of the manufacturer's partnership agreement, signed by both EPA and the applicant manufacturer. The application shall also be made on a form supplied by the licensed certifying body and shall contain at a minimum:

- Manufacturer contact information;
- Manufacturing locations;
- Product brand name, model name, and model number(s); and
- Manufacturer partner's Web site.

The application shall relate to the specific product or group of products for which certification is requested by the applicant. Once the application is accepted, the licensed certifying body shall provide the applicant with an estimate of the time required to conduct the initial evaluation, and any further information necessary for the application process.

For manufacturers with products already listed by a licensed certifying body, subsequent requests for listing of new models for listed products shall be made on separate forms.

6.2 Private Labeled/Rebranded Products

If a manufacturer intends to have its products private labeled or rebranded under a separate organization/brand from the manufacturer's, when the manufacturer applies for certification, it shall acknowledge such organization(s) as an "additional company" on its application and shall include the brand name and model numbers that the additional company will use to identify and sell the WaterSense labeled products.

6.3 Initial Production Inspection and Product Testing

6.3.1 General

The licensed certifying body shall comply with the requirements of ISO/IEC Guide 65 and IAF Guidance on the Application of ISO/IEC Guide 65.

Upon confirmation of the acceptance of the application, the licensed certifying body shall make the necessary arrangements with the manufacturer for the initial evaluation in accordance with this WaterSense product certification system.

The licensed certifying body is responsible for all actions included in the WaterSense product certification system, including product sampling and testing, assessment of the production process or quality system, if applicable, and the surveillance of certified products.

6.3.2 Initial Production Inspection

The WaterSense program does not require an initial production inspection (i.e., audit of production process and quality management system). If the licensed certifying body has no prior certification relationship with the manufacturer in the specific product area, the licensed certifying body may conduct an initial production inspection at its own discretion to audit the manufacturer's capability for production and quality management. The purpose of this inspection is to give the licensed certifying body confidence that the manufacturer's system has the capability to produce products that conform to the technical requirements of the WaterSense specification.

6.3.3 Initial Product Testing

6.3.3.1 Selection of Samples

Samples for testing and examination shall be selected in accordance with the requirements specified in the relevant WaterSense product specification and this WaterSense product certification system.

The licensed certifying body shall determine the appropriate method for the selection of samples of products for testing that are representative of the model to be certified and made using components and subassemblies identical to those used in production. The samples selected shall be made from production tools and assembled using methods established for the production run.

6.3.3.2 Conduct of Initial Testing

The initial testing shall be carried out in accordance with the relevant WaterSense product specification and with this WaterSense product certification system. All test facilities used by the licensed certifying body shall demonstrate compliance to ISO/IEC 17025, *General requirements for the competence of calibration and testing laboratories*.

The licensed certifying body shall determine the means it will use to conduct the initial testing. Allowable options include:

- In-House Testing: The licensed certifying body performs all product testing in its own facilities.
- Subcontract Testing: The licensed certifying body subcontracts another party to conduct product testing and/or evaluation.
- Onsite Testing (Witness Testing): Qualified staff from the licensed certifying body oversee testing conducted by the manufacturer at its own facility.

6.3.4 Product Evaluation

6.3.4.1 Preparation for Evaluation

Prior to initiating product testing or a production inspection, if applicable, the licensed certifying body shall complete a comprehensive review of quality management documentation and product literature and schematics to ensure that there is substantiated evidence to show that the product is manufactured in accordance with the relevant WaterSense product specification, and that a proper production system and quality management system are established. The licensed certifying body shall also verify that the manufacturer has in place a partnership agreement signed by both EPA and the applicant manufacturer. In the event that the manufacturer intends to have its products private labeled or rebranded under a separate organization/brand from the manufacturer's (i.e., an additional company), the licensed certifying body shall also verify that the manufacturer has provided the brand name and model numbers that the additional company will use to sell the WaterSense labeled products.

6.3.4.2 Evaluation

The licensed certifying body shall carry out the product evaluation by determining if the evaluation criteria are satisfactorily met and that the results of the initial product testing meet the requirements of this WaterSense product certification system and the relevant WaterSense product specification. If an initial production inspection is conducted, the licensed certifying body may also use in the certification decision the information developed during the initial production inspection.

6.3.4.3 Evaluation Report

The licensed certifying body shall inform the applicant via a full report on the outcome of the initial evaluation, including product testing and, if applicable, assessment of production process. If the licensed certifying body is not satisfied that all of the requirements have been fulfilled, it shall inform the manufacturer of the aspects for which it does not comply. If the manufacturer shows that corrective action has been taken to meet the requirements within a time limit specified by the licensed certifying body in the evaluation report, the licensed certifying body shall repeat only the necessary aspects of the initial evaluation. It is up to the discretion of the licensed certifying body to determine whether a repeat of the assessment is necessary for subsequent submittals of the same product.

6.3.5 WaterSense Labeled Product Listing

As part of the responsibilities for certifying products and authorizing the use of the WaterSense label, the licensed certifying body shall maintain on its Web site a certification file for each manufacturer, which shall contain a listing of WaterSense labeled products. EPA will utilize this listing to verify the information submitted by manufacturers. The listing shall include at a minimum:

- A statement that only WaterSense labeled products are listed;
- Manufacturer name and contact information;
- Brand/model/model number for every certified model;
- Certification file number;
- Certification date; and
- Any additional companies that intend to private label or rebrand the manufacturer's products and the brand name and model numbers that the additional company will use to identify and sell the labeled products.

The manufacturer, or party that owns the certification file and WaterSense labeled product listing, shall maintain responsibility for product certification, including submitting the product for certification to a licensed certifying body, receiving authorization to use the WaterSense label, and adhering to any ongoing surveillance required by the licensed certifying body. Upon notice of certification, the manufacturer and an additional companies listed may both be authorized to use the WaterSense label under the original manufacturer's agreement with the licensed certifying body. The manufacturer, or party that owns the WaterSense labeled product listing, is responsible for ensuring the label is used properly. In all cases, a WaterSense labeled product shall bear the name of a WaterSense partner that holds or is included on a WaterSense labeled product listing.

If separate listings are necessary for the manufacturer and the additional company that is private labeling or rebranding the manufacturer's products, the licensed certifying body shall keep a record of the linkage between the two files and provide the cross-referenced list of brand names and model numbers to EPA upon request. If requested by the licensed certifying body, this information will be kept confidential.

6.4 Licensing

6.4.1 Licensing Agreement Between Product Certifying Body and EPA

The product certifying body shall sign a licensing agreement with EPA after receiving accreditation to certify and label products for WaterSense but prior to issuing authorization to use the WaterSense label. This licensing agreement shall provide the conditions for authorizing the use of the WaterSense label to manufacturers of certified products and shall contain in its scope each product specification for which the product certifying body is licensed to certify.

As part of the responsibilities for certifying products and authorizing the use of the WaterSense label, the licensed certifying body shall also provide EPA with ongoing support including:

- Provide EPA with an annual report: The report shall be made on a form provided by EPA and shall contain information regarding numbers of products tested, certified, failed, or reinstated. In addition, the annual report shall contain a summary of common label misuses or dispute actions. EPA may utilize this information to generally track the certifications of specific products and evaluate the effectiveness and continued applicability of its WaterSense specifications.
- Notify EPA of any WaterSense label suspensions or withdrawals: EPA will rely on the licensed certifying bodies to address product nonconformance, label misuse, and dispute resolution. Accordingly, licensed certifying bodies shall provide EPA with notification of any WaterSense label suspensions or withdrawals within 30 days of occurrence.
- Allow EPA to accompany the accreditation organization on routine assessments: EPA reserves the right for EPA staff or agents acting on behalf of EPA to accompany the accreditation organization on any routine or follow-up assessments of the licensed certifying body's accreditation, including any contracted testing laboratories, as it relates to the WaterSense program.

6.4.2 Licensing Agreement Between Licensed Certifying Body and Manufacturer

When the certification decision and report has been made, the licensed certifying body shall provide a certification decision to the manufacturer and authorize the use of the WaterSense label in conjunction with that certified product. The manufacturer and the licensed certifying body shall enter into a licensing agreement, which shall outline the terms and conditions for certification and authorization to use the WaterSense label in accordance with the relevant WaterSense product specification, this WaterSense product certification system, and the WaterSense label guidelines.

The licensed certifying body shall adhere to the following conditions for issuing the certification and authorizing the use of the WaterSense label:

- Verify that the manufacturer has in place a partnership agreement signed by both EPA and the manufacturer.
- Ensure that the manufacturer of a WaterSense labeled product abides by the policies outlined in the WaterSense label guidelines.

6.5 Appeals to the Licensed Certifying Body

The licensed certifying body shall exercise an appeals procedure in accordance with ISO/IEC Guide 65 and IAF Guidance on the Application of ISO/IEC Guide 65.

6.6 Confidentiality

The licensed certifying body shall establish confidentiality procedures in accordance with ISO/IEC Guide 65 and IAF Guidance on the Application of ISO/IEC Guide 65.

6.7 Use of the WaterSense Label

The licensed certifying body shall provide a unique identifier to be displayed in conjunction with the WaterSense label. The identifier shall be the licensed certifying body's registered name or official acronym and shall be formatted and centered directly beneath the WaterSense label. The identifier shall be legible and shall be no wider than the WaterSense label itself. EPA will provide to the licensed certifying body a copy of the label the licensed certifying body shall authorize manufacturers to use in conjunction with WaterSense labeled products.

The licensed certifying body shall provide to the manufacturer of a certified product the appropriate WaterSense label artwork and shall ensure that the manufacturer applies and uses the WaterSense label in accordance with the WaterSense label guidelines. Use of the WaterSense label by a manufacturer is voluntary.

6.8 Publicity About a WaterSense Labeled Product

The manufacturer of a certified product shall have the right to publish the fact that it has been authorized to apply the WaterSense label to its certified products. The label may be used, in accordance with the WaterSense label guidelines, in promotional literature published about the product by the manufacturer, its wholesalers, distributors, or retailers, as long as it is in direct correlation to the certified product. The WaterSense label only applies to products that have been certified to a relevant WaterSense product specification, and shall not be used to signify WaterSense labeling of every product from the manufacturer, wholesaler, distributor, or retailer, and may never be used to imply direct endorsement of a manufacturer or product by EPA.

The licensed certifying body shall assist EPA in ensuring that the manufacturer adheres to the policies outlined in the WaterSense label guidelines.

6.9 Misuse of the Certification or WaterSense Label

The licensed certifying body shall take appropriate action when a manufacturer of a product it has certified engages in unauthorized, incorrect, or misleading use of the certification or WaterSense label, whether the issue is discovered by the licensed certifying body or is brought to its attention by another party. Circumstances for unauthorized, incorrect, or misleading use of the certification or WaterSense label are described in the WaterSense program guidelines and the WaterSense label guidelines.

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

WaterSense label for the product in question. The licensed certifying body shall then engage in investigation and resolution of the complaint in accordance with ISO Guide 65, IAF Guidance on the Application of ISO/IEC Guide 65, and the licensed certifying body's policies and procedures.

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

6.10 Extending a Certification

Manufacturers shall apply to the licensed certifying body to obtain an extension of an existing certification for additional types or models of products or intended modifications to previously certified models. The licensed certifying body, based on engineering judgment, shall determine if the additional types or models of products are significantly different than the products covered by the existing certification, to the extent that the modifications to the design would impact conformance to the relevant WaterSense specification. Based on this determination, the licensed certifying body shall decide whether to require additional testing to the relevant WaterSense specifications and/or an assessment of the manufacturer's production process or quality system.

6.11 Surveillance

To meet the requirements of this section, licensed certifying bodies may reduce the number of samples required for the conduct of ongoing surveillance to a minimum of one. For example, if during the initial product testing, as described in Section 6.3.3, the relevant WaterSense product specification required the licensed certifying body to select and test four product samples, for the purposes of any ongoing surveillance for that certified product, the licensed certified body would only need to select and test a single product sample. The licensed certifying body is free, however, to select and test, during any ongoing surveillance, as many product samples as is necessary to provide adequate assurance that the product continues to conform to the relevant WaterSense product specification.

6.11.1 Periodic Production Inspection and Product Testing

The licensed certifying body shall, at a minimum, on an annual basis, audit the production process and quality management of each manufacturer of a certified product(s). The purpose of this audit shall be to:

- Verify that the manufacturer continues to operate production and quality management in a manner that will maintain a product's conformance with relevant WaterSense specifications; and
- Consider and take appropriate action where changes to the manufacturer's operations are made that may impact a product's conformance with relevant WaterSense specifications.

The licensed certifying body shall also, at a minimum, every fifth year, retest each model of each product it has certified, if the manufacturer wishes to maintain certification. Retesting for conformance with the relevant WaterSense specification shall be conducted following the same

procedures outlined in Section 6.3.3, Initial Product Testing. Testing of products from the marketplace, per Section 6.11.2, may satisfy this recertification requirement.

6.11.2 Market Surveillance of Products

Except when the WaterSense specification indicates otherwise, the licensed certifying body shall conduct annual market surveillance of the product. The surveillance shall be conducted by an inspector appointed by the licensed certifying body, and shall include randomly selecting and testing one unit of one model of each certified product per manufacturer (e.g., for a manufacturer of A, B, C faucets and X, Y, Z toilets, the licensed certifying body would select one model A faucet and one model Z toilet for testing), either from the manufacturer's warehouse or at the project site or retail outlet where the product is being used or sold. Where purchase of the product is required, the manufacturer shall pay for the product.

Sampled products shall be tested for conformance with the relevant WaterSense product specification following the same procedures outlined in Section 6.3.3, Initial Product Testing.

6.11.3 Surveillance of Label Use in the Marketplace

The licensed certifying body shall conduct, at a minimum, annual surveillance of WaterSense label use in the marketplace. The licensed certifying body shall conduct this surveillance at the manufacturer's warehouse or project site or retail outlet where products are being used or sold.

Reviewing a random sample of WaterSense labeled products, the surveillance shall include an assessment as to whether the manufacturer(s) is using the WaterSense label on product packaging or in advertising materials in accordance with the WaterSense label guidelines.

If the licensed certifying body discovers during this surveillance that the manufacturer of a product it has certified is engaging in unauthorized, incorrect, or misleading use of the certification or WaterSense label, as described in the WaterSense label guidelines, it shall take appropriate corrective action. This can include, as necessary, suspension or withdrawal of use of the WaterSense label in accordance with Sections 6.12 and 6.13 of this WaterSense product certification system, respectively.

If during this surveillance the licensed certifying body discovers any instances of unauthorized, incorrect, or misleading use of a WaterSense label by a manufacturer of a product that it has not certified, it shall immediately notify EPA. EPA will engage in appropriate corrective action with the infringing manufacturer.

6.12 Suspension of the Use of the WaterSense Label on Products

The licensed certifying body shall determine when the use of the WaterSense label shall be suspended due to product nonconformance, improper use of the WaterSense label, or infringement of the WaterSense product certification system. Label suspension can occur for a limited period of time as specified by the licensed certifying body. During the period of suspension, the manufacturer is prohibited from using the WaterSense label in conjunction with any product associated with the suspended WaterSense label.

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

6.13 Withdrawal of the WaterSense Label From Products

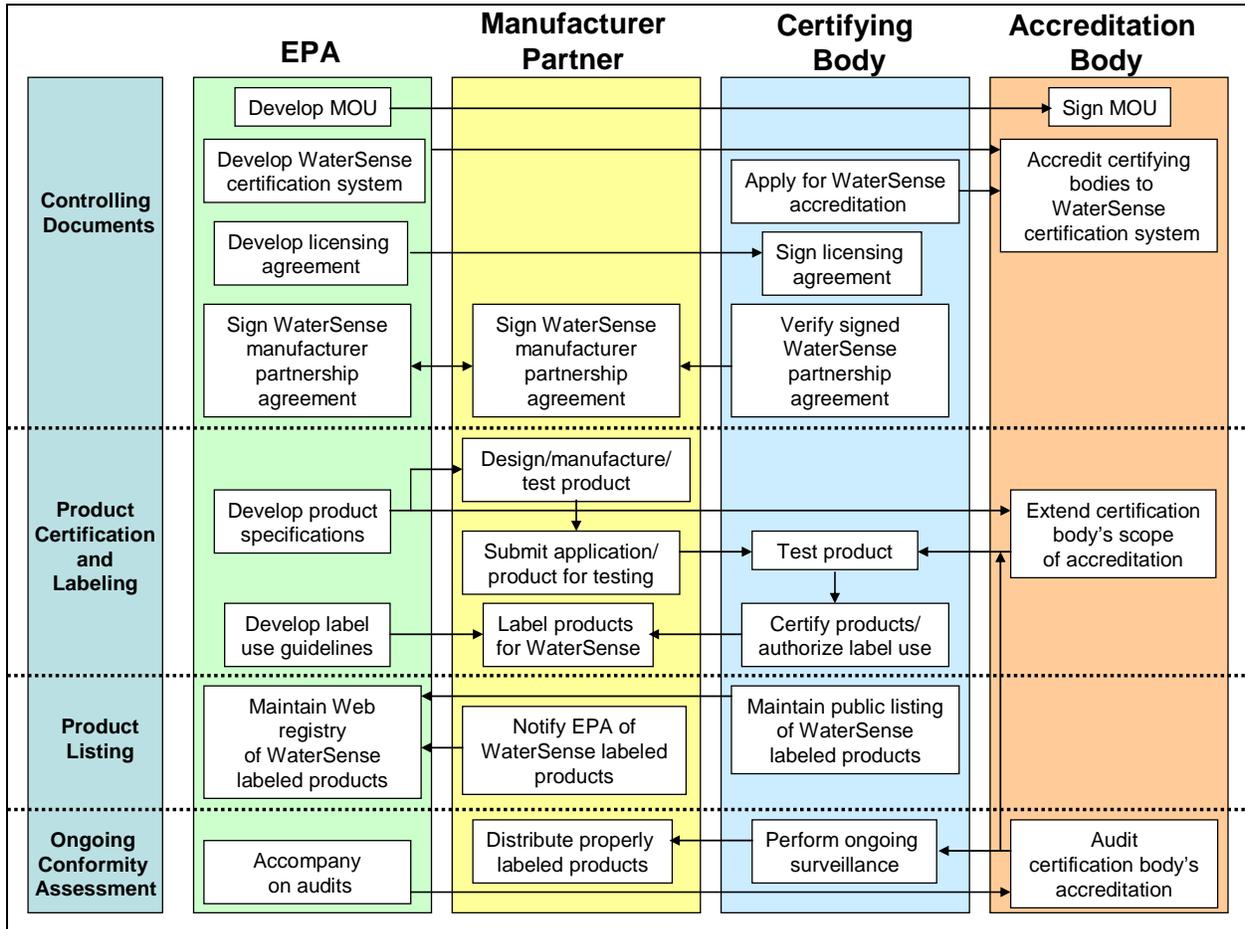
In more severe or repeated instances of product nonconformity, misuse of the WaterSense label, or failure to meet the requirements for reinstatement of a suspended WaterSense label, the licensed certifying body shall withdraw products' certification and the use of the WaterSense label. The licensed certifying body shall inform the manufacturer that the certification and WaterSense label are being withdrawn via a withdrawal notification. If the WaterSense label is withdrawn from a product for any reason, the licensed certifying body 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. The licensed certifying body shall immediately notify EPA of any product withdrawals and EPA shall decide whether termination of the partnership agreement or other corrective action is warranted. The WaterSense label may not be used for any reason by, or in conjunction with a product of, a manufacturer with a terminated partnership agreement.

7.0 AMENDMENTS TO THESE RULES OF PROCEDURE

EPA reserves the right to amend these rules of procedure, which may include amending the WaterSense product certification system, the WaterSense program guidelines, or revising any of the WaterSense product specifications contained in the compendium. Major amendments to these procedural documents would only be made following an open public process, including discussion with industry and other interested partners.

Revisions to any of the WaterSense product specifications can occur due to technological and/or market changes that affect the usefulness of current specifications to consumers, industry, or the environment. Revisions to specifications would require recertification of products to the new specifications. The transition period will be identified in the relevant product specification, but will normally be one year.

Figure A-1. WaterSense Product Certification Process Flow Diagram



Appendix A: Transitional Approval and Licensing of Certifying Bodies

As a part of the process for obtaining accreditation to certify specific products for the WaterSense program, interested certifying bodies may seek transitional approval and licensing from EPA if they wish to certify products to the relevant WaterSense specifications. EPA will offer this transitional approval initially as final product specifications are released and prior to the certifying body's ability to obtain the appropriate scope extension to certify the relevant products for WaterSense, as required in Section 5.0 of this *WaterSense Product Certification System*.

1.0 General Eligibility

In order to be eligible to certify products under this transitional approval process, certifying bodies must:

- Be currently accredited and licensed to certify products in accordance with the *WaterSense Product Certification System*;
- Use only those test facilities that demonstrate compliance to ISO/IEC 17025;
- Comply with EPA's labeling requirements; and
- Attend training or participate in the EPA's test method and specification development process for the relevant product specification.

2.0 Transitional Approval Requirements

Upon EPA's written notification that the transitional approval and licensing for the relevant WaterSense product specification is available, interested and qualified certifying bodies may submit to EPA an application letter indicating they meet the following requirements, including appropriate supporting documentation as described below.

- Document its application to the appropriate accreditation body for a scope extension to include the relevant WaterSense product specification;
- Submit to EPA a declaration of competence (the specific components of this declaration will be identified by EPA for each relevant product specification);
- Provide to EPA the name and contact information for the responsible official that will be in charge of product testing (this may be the same point of contact that will be listed on the WaterSense Web site).
- Submit a signed a licensing agreement to EPA identifying the relevant WaterSense product specification to which they wish to certify products.¹

3.0 EPA Approval and Licensing

EPA will notify certifying bodies that are approved under this transitional process and will sign and return the executed licensing agreement signifying the certifying body's ability to begin certifying products to the relevant product specification. This transitional process will remain in effect for six months to one year, as specified by EPA, from the date EPA opens the transitional approval and licensing process for a specific product category or until the certifying body obtains

¹ Copies of the licensing agreement may be requested from EPA by contacting the WaterSense Helpline at watersense@epa.gov or (866) WTR-SENS (987-7367).

and submits to EPA documentation of the appropriate scope extension from its accreditation body for the relevant WaterSense product specification, whichever occurs first. Once the certifying body submits to EPA documentation of the appropriate scope extension from its accreditation body for the relevant WaterSense product specification, EPA will remove the transitional status from the certifying body's records and the certifying body will continue to be eligible to offer certifications as outlined in this *WaterSense Product Certification System*. The existing licensing agreement signed under the transitional approval will remain in full force and effect.

4.0 Conditions for Licensing Termination

EPA reserves the right to terminate the licensing agreement for any certifying body that is approved and licensed under this transitional process, but that does not obtain the appropriate scope extension from its accreditation body for the relevant WaterSense product specification within the timeframe specified.

5.0 Eligibility of Certifying Bodies Not Meeting Transitional Requirements

At any time, any certifying body that wishes to certify products to a relevant WaterSense specification, but that does not meet the requirements for transitional approval and licensing, may still apply for licensure from EPA once they have obtained accreditation and the appropriate scope extension from an EPA approved accreditation body for the relevant WaterSense product specification, as outlined in Section 5.0 of this *WaterSense Product Certification System*.