

Summary of Revisions to the WaterSense® Product Certification System

The U.S. Environmental Protection Agency's (EPA's) WaterSense program is announcing the release of Version 2.1 of its *WaterSense Product Certification System* (product certification system).

EPA requires all products bearing the WaterSense label to be independently certified for efficiency and performance. In September 2011, EPA updated its independent, third-party product certification process with the publication of the *WaterSense Product Certification System* (Version 2.0). Since that time, EPA has identified several provisions that warrant clarification in order to ensure that licensed certifying bodies are equitably interpreting and consistently enforcing the requirements. The purpose of this document is to summarize the revisions made, share the reasoning for the changes, and provide a timeline for compliance with the revised requirements.

EPA considers the revisions made in Version 2.1 of the product certification system to be minor in nature. The revisions are meant to provide clarification of the existing requirements and do not materially affect the product certification process or requirements. The revisions also do not affect the current status of licensed certifying bodies or WaterSense labeled products.

General Revisions

In September 2012, the International Organization for Standardization/International Electrotechnical Commission (ISO/IEC) released ISO/IEC 17065 *Conformity assessment—Requirements for bodies certifying products, processes, and services*. This document supersedes ISO/IEC Guide 65 and now serves as the international criteria for the accreditation of product certifying bodies operating certification programs. EPA has revised the product certification system to make reference to compliance with ISO/IEC 17065 as the basis for accreditation. EPA has removed references to ISO/IEC Guide 65, as well as the International Accreditation Forum (IAF) Guidance on the Application of ISO/IEC Guide 65. It is EPA's understanding that all licensed certifying bodies should have transitioned to compliance with and accreditation to ISO/IEC 17065 by September 2015. Therefore, this change should not affect the status of any existing licensed certifying bodies for the WaterSense program.

Section 2.0 Effective Date

Version 2.1 of the product certification system is effective immediately upon its release. Certifying bodies currently licensed by EPA to certify products shall begin complying with Version 2.1 of the product certification system no later than January 31, 2016.

Because the revisions are minor and serve to clarify existing requirements, licensed certifying bodies do not need to be fully reaccredited for compliance with this version of the product certification system as of the effective date, January 31, 2016. However, as part of its future routine assessment for WaterSense, the accreditation body will evaluate the licensed certifying body's compliance with any clarified requirements. Once this evaluation is complete, the accreditation body will update the licensed certifying body's certificate of accreditation to

indicate compliance with Version 2.1 of the product certification system. The certification of accreditation shall be updated within one year of the effective date. The licensed certifying body shall notify EPA at watersense@epa.gov when its certificate of accreditation is updated.

Section 3.1 Scope

EPA receives questions from its licensed certifying bodies periodically regarding issues that are not explicitly described in the product certification system or other governing program documents. It is EPA's intent to defer to ISO/IEC 17065 for guidance on any issues not specifically addressed in the product certification system, relevant product specification, technical clarifications, *WaterSense Program Guidelines*, or *WaterSense Program Mark Guidelines*. EPA has added clarification to this effect. It is EPA's intent that the licensed certifying body should work with the accreditation body to ensure that its policies and procedures align with the requirements of ISO/IEC 17065 and the product certification system.

Section 3.2 References and Definitions

EPA has added a new definition for "Product Packaging" as follows:

Product Packaging: Includes the physical product package, as well as technical documentation about the product, generated by the manufacturer or private labeler (e.g., product specification sheet).

This definition serves to clarify and more clearly bound the scope of what EPA intends for the licensed certifying bodies to include in their review of the relevant marking requirements, both at the time of initial certification and for any ongoing market surveillance activities. Specifically, as described in subsequent sections of the product certification system, EPA intends for the licensed certifying bodies to evaluate the physical product packaging and any technical documentation provided with the product, such as product specification sheets, to:

- Ensure proper use of the WaterSense label;
- Confirm that the marking requirements outlined in the relevant product specification are satisfied; and
- Confirm that the brand name and model number combination associated with the product are clearly included on the relevant WaterSense labeled product listings.

This clarification will help EPA ensure that the information provided on, or directly associated with the product, is in accordance with its requirements and that the product's certification can be clearly traced.

Section 4.0 The Accreditation Body

EPA has added a new section (4.3 Accreditation Requirements) that more explicitly requires the accreditation body to maintain and regularly update the licensed certifying body's certificate of accreditation. The certificate of accreditation shall now include the name and version number for all documents governing accreditation and scope extensions for WaterSense, including the product certification system and relevant product specification. In addition, the accreditation body shall maintain on its website an updated listing of the accreditation information for each licensed certifying body.

EPA has added this clarification to ensure that all accreditations for EPA licensed certifying bodies are up to date and reflect the most current versions of the WaterSense program documents. EPA also wants to ensure completeness and consistency of the accreditation records and ensure traceability of accreditation determinations.

Section 5.2 Accreditation

EPA has reiterated in this section that the licensed certifying body's certificate of accreditation shall now include the name and version number for all documents governing accreditation and scope extensions for WaterSense, including the product certification system and relevant product specification.

Section 5.3.1.3 EPA Transitional Approval and Licensing

EPA is now requiring transitionally approved and licensed certifying bodies to submit proof of scope extensions relating to WaterSense product specifications within 60 days of receipt. This proof includes an updated certificate of accreditation indicating the version number and name of the relevant WaterSense product specification. This will help EPA ensure that transitionally approved licensed certifying bodies are obtaining the appropriate accreditation and scope extensions in a timely manner.

Section 5.4 Testing and Evaluation Resources

EPA has added a footnote to this section clarifying that registration for ISO 9001 *Quality Management Systems* is not a substitute for, or equivalent to compliance with ISO/IEC 17025, *General requirements for the competence of calibration and testing laboratories*. All testing resources, whether internal or external, must demonstrate compliance with ISO/IEC 17025, which provides EPA with assurance that the entities involved in testing products for WaterSense are generally capable and competent.

Section 5.4.1 Internal Resources

EPA has clarified the competence and expertise requirements for any internal personnel that the licensed certifying body uses in making certification decisions. Specifically, the personnel conducting the testing and releasing the completed test data, including any personnel from the laboratory in charge involved in additional technical review, must have the necessary competence and expertise in terms of earned education, experience in the relevant field, and any applicable certifications and/or licenses. This requirement reaffirms requirements in both ISO/IEC 17065 and ISO/IEC 17025.

5.4.2.2 Supervised Manufacturer's Testing Laboratory Programs

EPA has removed from this section the requirement that the licensed certifying body shall ensure that the manufacturer maintains responsibility for the product and its continued compliance with the relevant product specification. EPA has determined that this requirement applies more broadly to all manufacturers, not just those that operate a supervised manufacturer's testing laboratory. EPA has moved this requirement to a new Section 6.0, which describes general requirements for manufacturers.

To better ensure the integrity of the testing, EPA has also clarified that the manufacturer's laboratory must have adequate resources for each test method. Those resources must include proper test setup and data collection capabilities, in addition to trained and qualified personnel, calibrated testing equipment, and a proper testing location.

Section 6.0 Manufacturers and Private Labelers (New)

EPA has created a new section to consolidate and clarify requirements for both manufacturers and private labelers. For the purpose of the product certification system, EPA has defined the two parties as:

- **Manufacturer:** Any party who intends to own or maintain a WaterSense labeled product listing.
- **Private Labeler:** Any company that intends to market another manufacturer's WaterSense labeled products under its own brand.

In addition, EPA has clarified the eligibility requirements relative to each type of party. Specifically, EPA has more clearly defined the type of partnership agreement that is required (e.g., manufacturer or retailer/distributor partnership agreement) and each party's responsibilities in the product certification process.

EPA has also generally clarified that the product information that manufacturers or private labelers provide to the licensed certifying body, specifically the combination of brand name and model number, shall match the information that identifies the WaterSense labeled product on packaging or other materials purchasers will see. EPA's intent with this clarification is to ensure that the information it displays on the WaterSense Product Search Tool, specifically the product's brand name and model number combination, convey the information that prospective purchasers need to identify WaterSense labeled products in the marketplace, particularly for purchases tied to a utility rebate.

Section 7.1 Application (for Product Certification)

EPA has removed the requirement that the manufacturer or private labeler's application to the licensed certifying body be accompanied by an executed hard copy of the relevant partnership agreement. EPA no longer provides physical signed copies of partnership agreements to its partners; partnership agreements are submitted via an online form. In lieu of obtaining a copy of an executed partnership agreement, licensed certifying bodies must verify partnership via the WaterSense Manufacturer ID Number Lookup tool.

Section 7.2.3.1 Selection of Samples

EPA has clarified that the licensed certifying body shall not depend upon a manufacturer's pre-selected sample for the initial product testing, unless the licensed certifying body has conducted an adequate construction review of the sample and selected the model/types from the respective product family. This ensures that the sample selected for testing is representative of the model being certified.

Section 7.2.3.3 Conduct of Initial Testing

Certain WaterSense product specifications reference compliance with the general requirements of relevant national standards [e.g., American Society of Mechanical Engineers (ASME) or other American National Standards Institute (ANSI) standards] in addition to the specific requirements EPA has established to ensure the product's water efficiency and performance. For example, the *WaterSense Specification for Tank-Type Toilets* indicates that the toilet shall conform to applicable water closet requirements in ASME/Canadian Standards Association (CSA) standard A112.19.2/CSA B45.1. In this particular example, these general requirements include things like trap seal restoration, surface wash, and fill-valve shut-off integrity; requirements that are critical to the performance of all toilets, not just WaterSense labeled models. In many instances, licensed certifying bodies might already have test data available from previous testing and certification related to the referenced standards for a specific product. It is not EPA's intent to require the licensed certifying body to redo that general testing for the purpose of certification for WaterSense.

EPA has clarified that for the purpose of demonstrating a product's conformance with the relevant WaterSense product specification, the licensed certifying body can rely on otherwise available, current test data generated prior to the application for certification (e.g., testing related to referenced ASME and other ANSI Standards). However, EPA has placed several constraints on the use of otherwise available test data:

- The licensed certifying body shall ensure the data consider the latest version of the referenced standard and any subsequent modification to the product that would affect the data's representativeness.
- EPA has constrained that the data shall not be used if it was generated more than five years prior to the date of initial testing.
- EPA reserves the right to designate specific sections or requirements of a given product specification that must be tested, regardless of whether relevant test data are otherwise available.
- In addition, the use of otherwise available test data shall be supported by technical justification, which must include a statement concerning the validity of the data and its applicability to the products submitted for certification.

This modification to the product certification system is intended to eliminate redundant testing and reduce the cost and burden of certification, while maintaining assurance that all aspects of the relevant product specification have been verified and that the data supporting the certification decision can be fully documented and traced.

Section 7.2.4.1 Preparation for Evaluation

EPA has clarified that the licensed certifying body shall provide and communicate to the applicant manufacturer at the outset of the evaluation an evaluation plan describing all involved activities.

Section 7.2.4.3 Evaluation Report

EPA has clarified that when the evaluation is outsourced (e.g., to an external testing laboratory), the licensed certifying body shall maintain responsibility for communicating the outcome of the evaluation to the applicant. This communication shall not be the responsibility of the testing laboratory.

7.2.5 Licensed Certifying Body's WaterSense Labeled Product Listing

EPA has clarified in this section that the information on the licensed certifying body's WaterSense labeled product listing (i.e., certification listing) shall match the information that identifies the WaterSense labeled product on the product packaging. EPA has also clarified that the licensed certifying body shall maintain a key or legend on its certification listing for products that have placeholders that indicate the existence of model number prefixes or suffixes that are used to denote variations in non-performance-related attributes (e.g., color and finish). The key or legend shall define the anticipated prefixes or suffixes so that WaterSense can clearly trace the certification of all related models in a family. These clarifications reiterate the importance that the product information the licensed certifying body is collecting and subsequently relaying to EPA for inclusion on the WaterSense Product Search Tool matches the product information used to advertise to perspective purchasers. This is particularly important in order to convey accurate and useful information for utility rebate lists.

7.2.6 Agreement Between Licensed Certifying Body and Manufacturer

EPA has clarified that the licensed certifying body and manufacturer must have an agreement in place prior to the manufacturer's authorization to use the WaterSense label.

The previous requirements indicated that the agreement had to be in place after the certification decision and report were issued. However, in practice, the agreement can be made at any point in the process, provided it is in place prior to the licensed certifying body authorizing the manufacturer to use the WaterSense label. EPA has further clarified that the agreement means a signed contract for services with the manufacturer.

7.4 Extending a Certification

EPA has clarified that the determination to extend an existing certification to cover additional types or models of products must be supported by documented technical justification. This clarification ensures that the licensed certifying body is maintaining records to support its determinations related to all product models and facilitates the traceability of its certification decisions.

7.5 Reporting WaterSense Labeled Products to EPA

EPA has reiterated the requirement that the product information reported to EPA matches what prospective purchasers will see on product packaging and at the point of purchase. EPA has further iterated its policies for handling product certification inquiries. Specifically, if EPA cannot readily match the brand name and model number of a product in question to the information on the licensed certifying body's certification listing, it will not confirm that the model is WaterSense

labeled. Further, EPA will notify the licensed certifying body and manufacturer/private labeler of the product in question of the possible discrepancy.

7.6.2 Market Surveillance of Products

EPA has clarified that it is acceptable for the licensed certifying body to obtain samples for market surveillance from online retail/distribution sites. EPA is also maintaining that samples can only be selected from off the line when it is not feasible for the licensed certifying body to collect samples from one of the preferred sources, including the retail outlet/distribution center or project site where the product is being sold or used, or from the manufacturer's warehouse. This ensures that the product selected is representative of a finished unit that is ready to be received by the end user and provides the licensed certifying body the opportunity to ensure the product packaging and documentation is correctly marked and labeled. If it is not feasible to obtain the sample from a preferred source, the licensed certifying body shall notify EPA and provide documentation as to the reason the product was sampled off the line.

EPA has also clarified that annual market surveillance activities include both product retesting and label use and marking surveillance. In addition to retesting at least 15 percent of all of the models the licensed certifying body has certified for each relevant product category, it must also assess those models for how the label is used and that the product and packaging are marked as required by the relevant WaterSense product specification.

EPA has clarified that the licensed certifying body shall determine and provide annually the full list of models that it has determined are eligible for market surveillance, as opposed to the number of models requiring retesting. This will better enable EPA to identify and designate from the list its selection of products that require retesting.

EPA has also added a requirement that the licensed certifying bodies provide a report each year summarizing the previous year's market surveillance activities. This report shall include a list of the products that failed retesting, a list of the products with label use violations, and a brief description of the issues, and any steps the manufacturers plan to take to address the issues. EPA has requested such a report from its licensed certifying bodies for the previous two years of continuous compliance and is now making the report a specified part of the product certification system. This report will enable EPA to better understand the types of issues that are identified during annual surveillance and address common deficiencies through better guidance or clarifications.

EPA has stipulated that it will notify the relevant accreditation body if it does not receive the continuous compliance lists and reports from the licensed certifying bodies in a timely manner.

7.6.2.1 Product Retesting

As with the initial product testing, EPA has clarified that, for the purpose of market surveillance, the licensed certifying body can rely on otherwise available, current test data generated during compliance testing to referenced ASME and other ANSI Standards. The use of such test data shall consider the latest version of the referenced standard and any subsequent modifications to the product that would affect the data's representativeness. Further, the licensed certifying body shall not use data that were generated more than five years prior to the date of retesting. The

use of otherwise available test data shall be supported by technical justification, which must include a statement concerning the validity of the data and its applicability to the retested product's continued certification for WaterSense. This clarification is intended to reduce the cost and burden associated with product retesting, while maintaining assurance that products continue to conform to all aspects of the relevant product specification.

EPA has also clarified that the licensed certifying body can use a supervised manufacturer's testing laboratory (SMTL) for product retesting, provided the retesting is directly witnessed by the licensed certifying body. This provides consistency with EPA's previous allowance of the use of a witnessed manufacturer's testing laboratory (WMTL) for product retesting. It is also intended to reduce the cost and burden associated with retesting, while continuing to provide oversight of and assurance for the validity of the retesting process and results.

7.6.2.2 Surveillance of Product Packaging Marking and Label Use

EPA has expanded the surveillance of label use to also include product packaging marking. Specifically, EPA has clarified that the licensed certifying body shall assess the packaging for proper use of the WaterSense label and marking in accordance with the relevant product specification. In addition, the licensed certifying body shall verify that the brand name and model number combination that appears on the packaging is reflected on the relevant certification listing.

The WaterSense Helpline often fields questions from the public regarding whether specific products are WaterSense labeled. When the specific brand name and model number combination advertised on or associated with the product are not explicitly listed on the manufacturer's certification listing with the licensed certifying body and the WaterSense Product Search Tool, the Helpline is often unable to confirm whether the product is labeled. The intent with these additional surveillance requirements is to ensure that products are being marked and labeled in accordance with program requirements and that the product certifications can be clearly traced.

8.0 Amendments, Modifications, and Revisions

EPA has added clarification that it reserves the right to make adjustments to the product certification system on a case-by-case basis as necessary and where it is technologically reasonable and appropriate to do so. This provides EPA with the flexibility to slightly modify the process when needed to account for certification nuances associated with specific product categories, or work with specific manufacturers or licensed certifying bodies as unique situations arise.

Figure 2. WaterSense Label Policing and Corrective Action Decision Diagram for Products

EPA has clarified in this figure the specific instances where EPA and the licensed certifying body are responsible for handling corrective actions associated with label misuse on uncertified products. Specifically, EPA will handle corrective action where the label is used in conjunction with an uncertified product when the licensed certifying body is unknown (e.g., a licensed certifying body's name is not identified underneath the label, and the manufacturer has no known relationship with any of the licensed certifying bodies). The licensed certifying body is

responsible for handling corrective action where the label is used in conjunction with an uncertified product and the licensed certifying body is known.