



Response to Public Comments Received on
June 2011 WaterSense® Draft
Revised Product Certification System

September 29, 2011

Background

This document provides WaterSense's responses to public comments received on the June 23, 2011 Draft Revised Product Certification System. For purposes of this document, the comments are summarized. The actual comments in their entirety can be viewed at <http://www.epa.gov/watersense/partners/certification.html>.

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I. General Comments

Accuracy of Reported Numbers

- a. One commenter suggested that WaterSense clarify the type and implied accuracy of the reported performance number for the WaterSense program. The commenter indicated that there is confusion and variability in the reported numbers for WaterSense due to inconsistency in terms of decimal versus fraction and implied level of accuracy in the number of decimal places reported.

Response: This commenter is specifically referring to the discrepancy in the accuracy of the reporting requirements required by the U.S. Department of Energy (DOE) through its *Energy Conservation Program: Certification, Compliance, and Enforcement for Consumer Products and Commercial and Industrial Equipment* and those required by WaterSense's product specifications. While WaterSense understands these concerns, DOE, as the regulatory authority, has precedence with regards to how manufacturers mark and report the efficiency of their products. At this time, WaterSense will allow manufacturers to report and mark products to one decimal place in accordance with the DOE rulemaking, although the WaterSense product specifications typically require products to be marked with at least two decimals. For example, tank-type toilets meeting EPA's criteria of 1.28 gallons per flush (gpf) may now be marked as 1.3 gpf. Note, however, that products must still be tested to the specific volume identified within the specification.

Waterborne Pathogen Warning Labels

- b. One commenter indicated that extreme low-flow faucet restrictors and complex faucets such as electronic sensors and thermostatic faucets are known to significantly add to waterborne pathogens' (*Legionella*, *Pseudomonas*, etc.) colonization risk. The commenter suggested that manufacturers be required to add a "Waterborne Pathogen Risk" warning label that lists the inherent risks of these products.

Response: WaterSense appreciates the concerns raised, however, these comments pertain to *WaterSense High-efficiency Lavatory Faucet Specification* and not the draft revisions made to the *WaterSense Product Certification System*, which was the subject of this request for public comments. In addition, this issue is not unique to WaterSense labeled faucets, as the commenter points out that it also applies to other types of faucets, including electronic sensor and thermostatic faucets. Because this issue extends to products outside of the program's scope, WaterSense will refer these concerns to the American Society of Mechanical Engineers/Canadian Standards Association (ASME/CSA) A112.18.1 Joint Harmonization Task Group, the body responsible for the development of plumbing fixture and fittings-related standards in the United States and Canada.

General Support for Revisions

- c. One commenter said that the WaterSense program has been gaining credibility since its infancy and consumers are becoming more comfortable with the label and the certified products it identifies. As WaterSense partner, this commenter noted the value this program represents to community water conservation efforts. WaterSense specifications, for example, have changed the way this partner secures its plumbing fixture procurement bids, and the program has provided tools to promote products that perform well.

In the past, this commenter had expressed concerns regarding the integrity and credibility of the program. EPA's well organized open forum process have helped this commenter improve its confidence and comfort level with revised certification process. With fail safe measures in place, the commenter said, the WaterSense certification system can address new product types without reducing the ability of products to obtain certification, which the commenter noted had occurred previously.

As WaterSense moves into its next phase, the commenter noted, many challenges still exist, including how to ensure flapper style fixtures maintain their water savings over time, how questionable test results will be handled, and how to take water efficiency and performance to a higher level, i.e., introducing a tiered system for higher performing products.

The commenter agreed to continue to find ways to incorporate the WaterSense specifications and program values into its water conservation planning efforts.

Response: WaterSense appreciates the work this commenter and many of its partners have done to promote the program and understands their initial concern regarding the changes to the *WaterSense Product Certification System*. Through careful consideration of the history and future of the program, WaterSense has attempted to balance the needs of all of its partners. The adopted revisions to the *WaterSense Product Certification System* will allow the program to more easily expand into new product categories and market sectors, make the program more affordable and accessible to manufacturers of all sizes, reduce delays in the certification process, and, most importantly, will continue to provide the necessary rigor to ensure the integrity of the WaterSense label.

II. Comments on Section 3.0 Technical Requirements

Section 3.2 References and Definitions

- a. During the public meetings held June 13 and 19, 2011, one commenter requested clarification regarding the definition of supervised manufacturer's testing laboratory. The commenter indicated that the definition implied that the certifying body's staff needed to be there physically to supervise the testing.

Response: WaterSense agrees that the definition of Supervised Testing Manufacturer’s Laboratory requires clarification. The original proposed definition was adopted from the IEC (*International Electrotechnical Commission*) *System for Conformity Testing and of Electrotechnical Equipment and Components CB Scheme*, which is an internationally recognized certification system for conformity testing and certification of electrotechnical equipment and components. Several of EPA’s licensed certifying bodies are currently accredited to certify products in accordance with IEC’s certification system, and as such, operate in accordance with its definitions. As a result, WaterSense did not want to revise the original language contained in the IEC’s definition, but has clarified that an SMTL does not require 100 percent witnessing of product testing. The revised language is as follows:

“Supervised Manufacturers Testing Laboratory (SMTL): A manufacturer’s laboratory being used by the licensed certifying body to conduct agreed upon testing within categories of products for which the manufacturer has design and production responsibility, generally with licensed certifying body supervision of tests and quality processes. All product testing done as part of the product’s certification ~~are~~ is supervised by a competent member of the licensed certifying body’s staff. Supervision ~~focuses on~~ includes a review and auditing of the laboratory procedures, including periodic (but not necessarily 100 percent) witnessing of product testing.”

III. Comments on Section 4.0 The Accreditation Body

Section 4.2 Application

- a. One commenter suggested the following editorial clarification in the first sentence:

“Accreditation bodies intending to accredit product certifying bodies for WaterSense ~~should~~ shall apply to EPA for approval via an application letter.”

Response: WaterSense agrees with this comment and has incorporated the suggested change.

IV. Comments on Section 5.0 The Product Certifying Body

Section 5.1 Requirements

- a. One commenter suggested that this section is not needed since ISO (International Organization for Standardization)/IEC Guide 65 covers the certifying body’s impartiality requirements in detail. In addition, ISO/IEC 17065 (which will supersede ISO/IEC Guide 65) covers these impartiality requirements verbatim.

Response: WaterSense disagrees with this comment and will retain this section and the impartiality requirements specifically listed. Although impartiality is addressed in ISO/IEC Guide 65 and WaterSense has extracted some of the specific impartiality requirements from the draft ISO/IEC 17065, it maintains that these requirements are important enough

to warrant specific mention in the *WaterSense Product Certification System*. In addition, WaterSense has added an impartiality requirement not specifically addressed by ISO/IEC Guide 65 or 17065 that ensures that the licensed certifying body is not acting as an advocate for the certified products in the marketplace. This is an important requirement for WaterSense because several of its licensed certifying bodies also operate as industry trade associations.

Section 5.2 Accreditation

- b. One commenter requested clarification of what “update its scope of accreditation” means and what constitutes “major changes” in the third sentence of the third paragraph:

“The licensed certifying body is only required to update its scope of accreditation related to a specific product category when major changes to the test methods identified in the relevant WaterSense product specifications are made, as indicated by EPA.”

Response: WaterSense has clarified that a scope of accreditation update is required when it issues a revised specification that contains major changes to the required test methods. Major changes to a specification’s test methods would only be made following an open public process, including discussion with industry and other interested partners. Further, as previously indicated, this updated scope of accreditation is only required when EPA indicates to its licensed certifying bodies and accreditation bodies that it is necessary. WaterSense has revised the language is as follows:

“The licensed certifying body is only required to update its scope of accreditation to include a revised specification for a specific product category when major changes to the test methods identified in the relevant WaterSense product specification are made, as indicated by EPA.”

Section 5.3 Licensing

- c. One commenter suggested the following editorial change in the last sentence of the first paragraph:

“This licensing agreement shall provide the conditions for authorizing the use of the WaterSense label to manufacturers of certified products.”

Response: WaterSense agrees with this editorial comment and has incorporated the suggested change.

- d. One commenter requested clarification on the third paragraph, which states:

“EPA reserves the right to terminate the licensing agreement for any certifying body that does not continue to meet or maintain the requirements for accreditation as outlined in this product certification system.”

The commenter asked if EPA has a procedure for determining whether the licensed certifying body is meeting or not meeting the requirements (i.e. accreditation body's audit results, etc.).

Response: WaterSense agrees with this comment and has clarified that it reserves the right to terminate the licensing agreement when the licensed certifying body fails to maintain an active accreditation. WaterSense's accreditation bodies will notify the program in such instances. Further, WaterSense has clarified that the accreditation must be maintained for the relevant WaterSense product specification. WaterSense has updated the language as follows:

"EPA reserves the right to terminate the licensing agreement for any certifying body that does not ~~continue to meet or maintain the requirements for an active~~ accreditation for the relevant product category as outlined in this product certification system."

Section 5.3.1.1 Transitional Approval Eligibility

- e. One commenter requested clarification on the fourth bullet point:
- "Demonstrate competence to perform testing by one of three methods:
 - Provide proof of an existing accreditation for the test methods used in the relevant WaterSense product specification.
 - Attend training on the test methods to be used in the WaterSense product specification.
 - Participate in EPA's test method and specification development process for the relevant WaterSense product specification."

The commenter indicated that this is confusing because it requires the certification body to be competent to perform testing.

Response: WaterSense agrees with this comment, as the original language required the licensed certifying body to be directly competent to perform testing even though it may outsource the testing to an external laboratory. WaterSense has revised the language as follows to indicate that the licensed certifying body must demonstrate competence to perform certification (which would encompass demonstration of competence for any testing outsourced):

- "Demonstrate competence to perform ~~testing~~ certification by one of three methods:
 - Provide proof of an existing accreditation to certify products in accordance with the ~~or the~~ test methods used in the relevant WaterSense product specification.
 - Attend training on the test methods to be used in the relevant WaterSense product specification.
 - Participate in the development of the EPA's test method and ~~specification development process~~ for the relevant WaterSense product specification."

Section 5.3.1.2 Transitional Approval Requirements

- f. One commenter requested clarification on the third bullet point:
- “The name and contact information for the responsible official that will be in charge of product testing (this should be the same point of contact that will be listed on the WaterSense website).”

The commenter indicated that this is confusing because it requires the certifying body’s contact person to be “in charge of product testing.” The commenter suggested the following change:

- “The name and contact information for the responsible official that will be in charge of ~~product testing~~ **of certification.**”

Response: WaterSense agrees with this comment and has incorporated the suggested change.

Section 5.4 Evaluation Resources

- g. One commenter suggested that the title of this section “Evaluation Resources” needs clarification and suggested the following change: “**Testing and** Evaluation Resources”.

Response: WaterSense agrees with this comment and has modified the title of this section as suggested to clarify that the requirements apply to testing and evaluation resources.

- h. During the public meetings held June 13 and 19, 2011, one commenter indicated that the language regarding the falsification statement seems to imply that only the certifying bodies’ laboratories need to include this statement on test reports.

Response: WaterSense disagrees with this comment, and has determined that a clarification is not necessary. The language clearly states that all test reports generated shall include the falsification statement.

- i. One commenter requested that WaterSense allow the falsification statement to be written in an alternate location such as a WaterSense product cover sheet. The commenter indicated that this change will provide an option for manufacturers and alleviate the need to change a generic test report form used for all products. The commenter suggested the following language revision:

“In addition, all test reports shall be accompanied by the following statement, located either on the test report or an attached cover sheet:”

Response: WaterSense agrees with this comment and has incorporated the suggested change.

Section 5.4.1 Internal Resources

- j. Two commenters noted that ISO/IEC 17025 refers to testing and not evaluation and requested clarification regarding the application of ISO/IEC 17025 to the evaluation activities.

One of the commenters suggested the following change for clarification:

“If the licensed certifying body performs ~~evaluation~~ **testing** activities with its own resources, it shall ensure that those resources are accredited by an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA) Signatory to ISO/IEC 17025...”

The other commenter requested clarification on the second usage of word “resources” in the first sentence of Section 5.4.1:

“If the licensed certifying body performs evaluation activities with its own resources, it shall ensure that those resources are accredited by an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA) Signatory to ISO/IEC 17025 with a scope of accreditation to include the relevant WaterSense product specification(s) and ensure that the personnel conducting the testing have the necessary competence and expertise.”

The commenter suggested that it is not clear if “resources” is referring to an internal laboratory or not. The commenter suggests that if “resources” is referring to a laboratory, then WaterSense should change the word “resources” to “laboratory.”

Response: WaterSense agrees with these comments and has clarified that the ISO/IEC 17025 requirements apply specifically to testing activities and laboratories and not evaluation activities. WaterSense has made this clarification in conjunction with the change discussed in comment IV.k below.

- k. Several commenters indicated that the certifying bodies should have more options for complying with the requirements for displaying competency to test products to WaterSense product specifications. While an independent, third-party accreditation is one method of proof, it should not preclude additional alternatives for demonstrating proficiency. Restricting the evaluation activities by the certifying body’s own resources to mandating independent accreditation will add an unnecessary cost burden. The commenters suggested the following language changes:

“If the licensed certifying body performs evaluation activities with its own resources, it shall ensure that those resources are either:

- Accredited by an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA) signatory to ISO/IEC 17025 with a scope of accreditation to include the relevant WaterSense product specification(s) and ensure that the personnel conducting the testing have the necessary competence and expertise,

- Trained on the test methods to be used in the WaterSense product specification, or
- Participants in the EPA's test method and specification development process for the relevant WaterSense product specification."

Response: Upon further reflection, WaterSense has decided not to require ISO/IEC 17025 accreditation for any testing laboratories (whether internal or external to the licensed certifying body). Instead, WaterSense is requiring all testing laboratories to demonstrate compliance with ISO/IEC 17025. WaterSense has determined that ISO/IEC 17025 accreditation is overly burdensome and adds significant costs, complication, and potential delays to the certification process. In addition, WaterSense does not have the resources to manage the accreditations of individual laboratories. Although this is a change from what was proposed in the *Draft Revised WaterSense Product Certification System*, it remains consistent with the original requirements under Section 6.3.3.2 of Version 1.0 of the *WaterSense Product Certification System*. In maintaining this requirement and in accordance with ISO/IEC guidelines, WaterSense intends to continue to rely on its licensed certifying bodies to determine and manage the competence of the laboratories they use.

WaterSense has revised the language to address this change as follows:

5.4 Testing and Evaluation Resources

~~Once accredited and licensed,~~ The licensed certifying body shall determine the means it will use to generate and/or accept test data. All resources used to generate test data (e.g., testing laboratories) shall demonstrate compliance with ISO/IEC 17025 and the relevant WaterSense product specification, and meet the relevant requirements outlined in this section....

5.4.1 Internal Resources

If the licensed certifying body performs ~~evaluation~~ testing activities with its own resources, it shall ensure ~~that those resources are accredited by an International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Agreement (MRA) Signatory to ISO/IEC 17025 with a scope of accreditation to include the relevant WaterSense product specification(s) and ensure that the personnel conducting the testing have the necessary competence and expertise."~~

Section 5.4.2 External Resources (Outsourcing)

- I. One commenter suggested that this section is not needed since ISO/IEC Guide 65 and other referenced documents will cover it.

Response: WaterSense disagrees with this comment. Though ISO/IEC Guide 65 addresses subcontracting, it does not explicitly identify all of the items included in Section 5.4.2 that WaterSense has determined are necessary to ensure that the

licensed certifying body is outsourcing the testing to capable and competent external laboratories.

- m. During the public meetings held June 13 and 19, 2011, one commenter asked for clarification regarding proficiency testing in accordance with ISO/IEC 17043. Specifically, the commenter indicated that it understood that this ISO standard specifies to the requirements for proficiency test developers and does not specify the requirements for how to conduct proficiency testing.

Response: Upon further investigation of the requirements contained in ISO/IEC 17043, WaterSense agrees with this comment and has determined that ISO/IEC 17043 does not specify, nor can it be directly referenced to indicate the requirements for how to conduct proficiency testing for the WaterSense program. Further, through discussions with its licensed certifying bodies, WaterSense has determined that certifying bodies are already required to have proficiency testing procedures and policies in place under ISO/IEC Guide 65. WaterSense has clarified that when EPA or the accreditation body deems that it is necessary, external resources must participate in proficiency testing in accordance with the licensed certifying body's policies and procedures. WaterSense has revised the language as follows:

- “Require its external resources to participate in proficiency testing in accordance with ~~ISO/IEC 17043~~ the licensed certifying body's policies and procedures, when deemed necessary by EPA or the accreditation body.”

Section 5.4.2.1 Independent Testing Laboratories

- n. Several commenters suggested that the independent testing laboratories should not have to be accredited by ILAC to ISO/IEC 17025.

One commenter indicated that this requirement should be made consistent with the requirements of ISO/IEC Guide 65 and suggested changing the language to:

“Licensed certifying bodies may allow an independent testing laboratory to conduct evaluation activities, provided that the licensed certifying body evaluates the laboratory's competency is accredited by an ILAC MRA Signatory to ISO/IEC 17025 ~~with a scope of accreditation to include~~ and the relevant WaterSense product specification.”

Another commenter suggested changing the language to:

“...provided the laboratory is in conformance with ISO/IEC 17025 with a scope to include the relevant WaterSense product specification.”

Several other commenters indicated that EPA should allow some alternatives for complying with the requirements for displaying competency to test products for the WaterSense program. An independent third-party accreditation is one method of proof, but should by no means preclude alternatives for demonstrating proficiency. This

accreditation may eliminate smaller independent laboratories from the program and may add additional costs for certification. Furthermore, independent testing laboratories must currently undergo annual auditing by the certifying body to demonstrate compliance to ISO/IEC 17025. The commenters suggested the following language change:

“Licensed certifying bodies may allow an independent testing laboratory to conduct evaluation activities, provided the laboratory is either:

- Accredited by an ILAC MRA signatory to ISO/IEC 17025 with a scope of accreditation to include the relevant WaterSense product specification,
- Trained on the test methods to be used in the WaterSense product specification as determined by the licensed certifying body, or
- A participant in the EPA’s test method and specification development process for the relevant WaterSense product specification.”

Response: WaterSense has decided not to require ISO/IEC 17025 accreditation for any testing laboratories (whether internal or external to the licensed certifying body). Instead, WaterSense is requiring all testing laboratories to demonstrate compliance with ISO/IEC 17025. WaterSense has determined that ISO/IEC 17025 accreditation is overly burdensome and adds significant costs, complication, and potential delays to the certification process. In addition, WaterSense does not have the resources to manage the accreditations of individual laboratories. Although this is a change from what was proposed in the *Draft Revised WaterSense Product Certification System*, it remains consistent with the original requirements under Section 6.3.3.2 of Version 1.0 of the *WaterSense Product Certification System*. In maintaining this requirement and in accordance with ISO/IEC guidelines, WaterSense intends to continue to rely on its licensed certifying bodies to determine and manage the competence of the laboratories they use.

WaterSense has revised the language to address this change as follows:

“**5.4 Testing and Evaluation Resources**

~~Once accredited and licensed,~~ The licensed certifying body shall determine the means it will use to generate and/or accept test data. All resources used to generate test data (e.g., testing laboratories) shall demonstrate compliance with ISO/IEC 17025 and the relevant WaterSense product specification, and meet the relevant requirements outlined in this section....

Note that WaterSense has removed the Independent Testing Laboratories section (Section 5.4.2.1 under the *Draft Revised Product Certification System*) in order to further streamline Section 5.4.2 External Resources (Outsourcing) and has clarified under Section 5.4.2 that independent testing laboratories must meet all of the general requirements outlined for external resources.

- o. One commenter asked why ILAC is the only body that can accredit the laboratory. APLAC (Asia Pacific Laboratory Accreditation Cooperation) can also provide that service.

Response: WaterSense appreciates this comment and wants to ensure that the process is open to the participation of all qualified and applicable organizations. However, due to a change that was made to remove the requirement for testing laboratories to be accredited by an ILAC MRA signatory to ISO/IEC 17025 (see response to comment IV.n. above), WaterSense has not addressed this comment, as it is no longer germane to the product certification system.

Section 5.4.2.2 First-Party Manufacturer Testing Laboratories

- p. One commenter indicated that EPA should not allow manufacturers to conduct their own testing. The commenter indicated opposition to the WaterSense product certification system going in this direction, even if it does add costs to manufacturers, particularly given historical issues related to ENERGY STAR and elsewhere with manufacturer self-certifications (with or without certified bodies observing). The commenter indicated that the WaterSense brand should be a premium label. It should be understood that premium labels are more expensive than non-labeled products. Independent laboratory certification of the majority of a manufacturers' models will add significantly to the testing costs, the commenter noted, but mass labeling defeats the intended purpose of WaterSense to certify only the most efficient models. The commenter suggested that manufacturers be selective in the models they want to be certified if they want to keep their costs lower, not look for ways to lower certification costs.

Response: The commenter submitted a subsequent comment on a later date, which superseded this comment, therefore no response is necessary. (See response to comment j. under Section 5.0 of this document).

Section 5.4.2.2.1 General Requirements

- q. One commenter requested clarification on the intent of this section. This commenter asked why the requirements for first party manufacturing test laboratories are less stringent than the requirements for a third-party laboratory. This commenter pointed out that it seems a third-party laboratory must be accredited but a first party manufacturing test laboratory does not.

Response: WaterSense agrees with this comment and, as discussed above in the response to comment IV.n, has removed the requirement for testing laboratories to be accredited by an ILAC MRA signatory to ISO/IEC 17025. Now, consistent with the requirements for witnessed and supervised manufacturer testing laboratories, independent third-party laboratories and internal licensed certifying body testing laboratories both need to demonstrate compliance with ISO/IEC 17025.

Section 5.4.2.2.2 Witnessed Manufacturer's Testing Laboratory (WMTL) Programs

- r. One commenter indicated that EPA needs to ensure that applicable requirements of ISO/IEC 17025 are compiled and that a full test program witness schedule is agreed upon. This will enable EPA to avoid a situation where a test facility is not deemed fit to be used for witness testing unless a specific verification statement is made by the

certifying body's witnessing staff. A partly witnessed test program may jeopardize the intent. The commenter suggested that EPA add the following bullets to this section:

- “Ensure that applicable requirements of ISO/IEC 17025 are compiled
- A full test program as envisaged in the plan for certification activities (witness schedule as an example) is agreed upon.”

Response: WaterSense has determined that the requirements for a WMTL program are currently clear with respect to ensuring that the manufacturer complies with ISO/IEC 17025 and has decided not to make any further revisions to this section.

Section 5.4.2.2.3 Supervised Manufacturer's Testing Laboratory (SMTL) Programs

- s. One commenter expressed appreciation for allowing the manufacturer's laboratory to conduct the testing provided the laboratory is in compliance to ISO/IEC 17025 and is under the supervision of the certifying body. The commenter indicated this will allow manufacturers to introduce WaterSense labeled products quickly and will give consumers more choice.

Response: WaterSense appreciates this comment. As mentioned in the *Summary of Draft Revisions to the WaterSense Product Certification System*, EPA expanded the program to include supervised manufacturers' testing laboratory programs because this option will build more flexibility into the product certification process, reduce testing costs and the time it takes for products to obtain certification, free up certification resources for suggesting future WaterSense labeled products and product categories, and align the WaterSense product certification system with ENERGY STAR's *Third-Party Certification Procedures* to facilitate future joint labeling opportunities between the two programs. In addition, EPA has received several comments from utilities that support this change, given that proper fail safe measures have been established for ongoing market surveillance to ensure that products continue to comply with the relevant WaterSense specifications.

- t. One commenter requested clarification on the intent of the following bullet points in this section:
- “Have a contractual relationship with the manufacturer for at least two years.
 - Document its confidence in the SMTL's quality process. As the experience of the SMTL develops, and confidence in the management of the laboratory grows, the focus of supervision visits may gradually shift away from witnessing of tests towards the examination and improvement of the overall quality process.”

The commenter indicated that this requirement in the second bullet point in particular seems to imply that in order to enroll in the SMTL program, the manufacturer's in-house testing laboratory must first enroll in the WMTL program.

Response: WaterSense agrees that the intent of the requirements in the first and second bullet points with regard to the participation in a WMTL program prior to entering an SMTL program were not clear. To clarify its intent, WaterSense has created a separate section outlining the eligibility requirements for manufacturers who may participate in an SMTL program. Specifically, a manufacturer is eligible to participate in an SMTL program if it is currently enrolled in an SMTL program with the licensed certifying body OR if it participates in a WMTL program with the licensed certifying body for the relevant product category for at least two years. This will ensure that the manufacturer has had a longstanding relationship with the licensed certifying body under which it has demonstrated that it has the capabilities and competence to the perform product testing. WaterSense has revised the language as follows:

“To be eligible to participate in an SMTL program, a manufacturer shall have a contractual relationship with the licensed certifying body for at least two years and:

- Be currently enrolled in an SMTL program with the licensed certifying body for the relevant product category; OR
- Participate in a WMTL program for the relevant product category for at least two years.

When operating an SMTL program, the licensed certifying body shall:

- ~~Have a contractual relationship with the manufacturer for at least two years.”~~

- u. One commenter indicated that EPA needs to avoid a situation where a supervised manufacturer’s test facility has a new status (testing location moved to another location, equipment out of calibration/non-functional/inadequate, or trained testing technicians left the organization and new personnel have yet to be trained and qualified to perform the test). The commenter suggested that EPA add an additional bullet as follows:

- “Ensure that resources (manpower, testing facility) are adequate for each test methods for each applicable EPA Product Specification and other relevant standards, cross referred therein as a testing method”

Response: WaterSense agrees with this comment and has included a new bullet in this section as follows:

- “Ensure that the manufacturer’s laboratory has adequate resources (e.g., trained and qualified personnel, calibrated equipment, proper testing location) to conduct the testing in accordance with the relevant WaterSense product specification.”

V. Comments on Section 6.0 Product Certification

Section 6.1 Application

- a. One commenter requested clarification in the second paragraph on whether EPA allows the product notification template to be a part of the licensed certification body's application packet.

Response: WaterSense does allow the licensed certifying body to include the product notification templates as part of its application packet for the manufacturer. However, this is not a requirement, provided the licensed certifying body is able to collect the relevant information from the manufacturer that is necessary to complete the product notification template once the product has been certified. Because WaterSense does not want to prescribe specifically what is included in the application packet or the format in which the information must be collected, it has not revised the language in this section. WaterSense has determined that it is currently clear in the second paragraph that the licensed certifying body must collect all of the relevant product information from the manufacturer as required by the product notification template. It is the responsibility of the licensed certifying body to determine how to collect that information.

Section 6.2.4.3 Evaluation Report

- b. One commenter suggested the following editorial change to the first sentence, because the information the commenter suggests removing is implied and explained in the subsequent text in this section:

~~“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.”~~

Response: WaterSense agrees with this comment and has made the suggested revision.

Section 6.2.5 Licensed Certifying Body's WaterSense Labeled Product Listing

- c. Several commenters requested clarification or removal of the following language in the second sentence of the first paragraph:

~~“The listing shall contain at a minimum, all of the information collected as part of the application process and as included in the relevant product-specific notification template available on the WaterSense website.”~~

The commenters were concerned about potentially having to include confidential business information on the certification listing. Specifically, one commenter pointed out that the product notification templates include manufacturer contact information, which the certifying bodies claim as confidential.

Response: WaterSense understands the concern regarding the requirement to display potentially confidential information on a publically available listing. As such, WaterSense clarified that the information to be displayed on the licensed certifying body's certification listing is limited to only what is required by the product notification templates and not all of the information collected as part of the application process. Further, WaterSense recognizes that, within the templates themselves, there could be some cases where the information is confidential in nature (e.g., manufacturers name or contact information). As a result, WaterSense has also revised the product notification templates to clearly indicate which specific pieces of information must be displayed on the licensed certifying body's certification listing. WaterSense has revised the language as follows:

"The certification listing shall contain, at a minimum, all of the information collected as part of the application process and as included on that is required to be displayed on the certification listing as indicated in the relevant product notification template, available on the WaterSense website."

Section 6.5 Reporting WaterSense Labeled Products

- d. One commenter stated that the streamlining of the product notification process will allow for information to remain accurate as it is being sent from manufacturers to the licensed certifying bodies to EPA. The commenter indicated that this comprehensive process allows for the licensed certifying bodies to have direct responsibility for relaying correct information to EPA, decreasing the incidences of WaterSense labeling misuse in the future.
- e. Several commenters stated that the requirement for licensed certifying bodies to report WaterSense labeled products to EPA instead of manufacturers is burdensome and costly. Further, commenters were concerned that this requirement has not been fully reviewed by the certifying bodies to assess the effort, logistics, and costs involved. The commenters indicated this will add cost to the manufacturers, which will become unnecessarily burdensome for smaller manufacturers.

Some of the commenters requested that EPA offer manufacturers the option to report their WaterSense labeled products directly instead of requiring the licensed certifying body to report on their behalf. Other commenters suggested that only the newest models for listing should be necessary for reporting at each interval. One commenter suggested that only the new basic models be reported to EPA. One commenter offered the following suggested language change:

"The licensed certifying body shall notify EPA of the products that it has certified. This notification shall be made on a product-specific notification template available on the WaterSense website and shall contain the relevant product information for ~~all~~ any WaterSense labeled products not currently listed on the licensed certifying body's certification listing, including information for private labeled products. EPA will use this information to update its WaterSense labeled product Web registry."

Response: While WaterSense understands the concerns of its manufacturer partners that this new process will be costly and burdensome, once the initial implementation period ends and the process is fully established, WaterSense is confident that the burden and cost to both the program and its partners will significantly decrease, as compared to the previous product notification process. Under the previous product notification process, manufacturers were required to report information to EPA that had already been reported to their respective licensed certifying bodies, and EPA needed to verify and correct information with manufacturers, many of whom are located around the world. In addition, the manual nature of the process made it subject to numerous reporting errors. Correcting these errors was costly to the manufacturers if changes to the certification files were required and would significantly delay the listing process with WaterSense.

The new product notification process will allow EPA to more accurately verify a product's certification, because the information included on the licensed certifying body's certification listing will match the information reported to EPA. It will also significantly reduce reporting errors and the amount of time it takes to update products on the WaterSense product registry, as product information will be provided directly by the licensed certifying body requiring minimal coordination with manufacturers to verify that the information is correct.

To ensure that the new process is not introducing unnecessary and additional reporting requirements and costs into the certification process, WaterSense has held conversations with many of its licensed certifying bodies to assess the logistics, effort, and costs involved. As a result, WaterSense has worked to narrow down the product notification templates to only include essential information. Further, WaterSense has reduced the frequency the licensed certifying bodies need to report, from every two weeks to once per month. Even with this extended reporting timeframe, manufacturers should be able to get their products listed on the WaterSense product registry faster than they could under the old product notification process.

WaterSense disagrees with the comment that the listing reported by the licensed certifying bodies should only include new basic models. Requiring the licensed certifying bodies to report all of the products that they have certified, including any new products, will allow WaterSense to more accurately capture updates to model information for existing certified products (e.g., model name changes) and track when products are discontinued and/or no longer certified. If only newly certified models were reported, WaterSense would not be able to identify these key changes, and it would be difficult or impossible to maintain an accurate listing of WaterSense labeled products on the WaterSense product registry.

Section 6.6 Surveillance

- f. One commenter indicated that the surveillance requirements place an extra cost burden on manufacturers and licensed certifying bodies. The commenter also expressed concern about how the products would be chosen for surveillance and questioned EPA's

trust in manufacturers to keep their products in continuous compliance with WaterSense specifications.

Response: Surveillance is a critical component for ensuring that products continue to meet EPA's requirements for water efficiency and performance once the products appear on the market. Although surveillance does add cost to the certification process, it also provides necessary assurance to consumers and other WaterSense partners and stakeholders who spend their valuable resources helping to promote WaterSense labeled products.

Regarding the concern for how the products would be chosen for surveillance, EPA has clarified some of the specific selection criteria, as discussed in comment V.j. below.

Section 6.6.2 Market Surveillance of Products

- g. One commenter supported the increase in the testing requirement percentages from one unit of each one model certified per manufacturer to 15 percent of all the licensed certifying body's certified products, as well as the increase in testing requirements to 50 percent to cover any discrepancies with sample size, product reliability, and product availability. The commenter indicated that these changes will enhance product reliability, consumer satisfaction, and product placement issues while making the testing more cost-effective and quicker (versus of the five-year recertification period).
- h. Several commenters questioned the source of the 15 percent value for annual market surveillance. These comments indicated that the 15 percent annual market surveillance requirement is excessive, significantly increases the economic burden of the program, or could cause a backlog in the ability of the certifiers to certify new products. One commenter noted that this change would pose a severe economic burden on larger manufacturers in particular in the form of testing costs, lost project time, and scrap costs.

One commenter suggested that this requirement be deleted altogether and that certifiers should be allowed to continue to monitor compliance through their established surveillance auditing procedures.

Several commenters indicated the requirement should be aligned with ENERGY STAR's 10 percent annual market surveillance requirement.

One commenter provided an alternative suggestion that EPA should limit the number of products retested per year to five products per category, as this should be confirmation of the manufacturers' continued compliance.

Response: In considering changes to the surveillance program, WaterSense attempted to balance the requirements and costs of both the initial testing and ongoing surveillance to streamline the process, reduce burden where appropriate, and maintain the integrity of the WaterSense label. For example, WaterSense now allows manufacturers to participate in an SMTL program, which will significantly reduce the cost and time it takes to get products certified for some manufacturers (particularly larger manufacturers that

have the resources to conduct product testing). In addition, WaterSense has eliminated the five-year recertification requirement, which required each manufacturer to have all of their certified products retested over the course of a five-year period. However, in order to balance those changes and provide adequate assurance that products continue to conform to the requirements of the WaterSense product specifications, WaterSense has made the annual surveillance requirements more rigorous and representative of products available on the market. The change to require the licensed certifying bodies to retest 15 percent of the products they certify each year also more equally and fairly distributes among small and large manufacturers the burden and proportion of products that are retested.

However, given the concerns expressed, WaterSense has made some additional changes to the surveillance requirements to further reduce the burden and costs associated with annual retesting without changing the rigor or representation of the process. Specifically, WaterSense now allows the surveillance testing to be conducted by a WMTL (although an SMTL is still not eligible to retest products) as discussed in comment V.m. below and has clarified that retesting does not have to be conducted on products tested within the previous two years, as discussed in comment V.k. below. These changes will provide manufacturers with more of an economical retesting option and some indication from year to year as to which products are eligible to be selected for retesting.

In response to the question regarding the source of the 15 percent retesting requirement, WaterSense chose this specific percent retesting target to align with ENERGY STAR's annual market surveillance requirements under its new *Third-Party Certification Procedures*. Although ENERGY STAR only requires 10 percent retesting annually, DOE conducts additional verification testing of ENERGY STAR qualified products. WaterSense does not have access to this additional testing, and thus has increased the total percent of products selected for retesting to 15 percent, so that the two programs will have roughly the same proportion of products retested each year.

- i. Several commenters expressed concern regarding the allowance of sample selection from retail outlets for the purposes of product retesting. The cost of purchasing the product retail can be very high, particularly given the number of samples that must be retested for some manufacturers. One manufacturer suggested that the certifiers should be allowed to obtain samples from the most cost-effective source, which may include gathering random samples from the manufacturer's assembly lines.

Response: Over the course of the program's history, many of WaterSense's utility partners have requested that samples only be obtained from retail, as these products are truly representative of what is being sold to consumers. WaterSense also understands the costs and resources involved with selecting and retesting samples solely from retail and, as a result, continues to allow several sampling options, which include the retail/distribution outlet, the manufacturer's warehouse, or off the line if there are no other alternatives. Further, WaterSense does not specify the specific number of products that must be obtained from retail. This percent will be determined by the licensed certifying bodies. However, in its effort to balance the needs of all its

stakeholders and ensure that at least some products are selected from retail each year, as stated in Section 6.6.2, WaterSense also continues to reserve the right to require the licensed certifying bodies to sample at least some portion of the products from retail (i.e., as the preferred sampling location).

- j. Several commenters asked for clarification regarding which products would be subject to annual market surveillance and how specifically the 15 percent would be applied.

One commenter asked for specific clarification on the following market surveillance requirements:

- Whether the certifying body is to select 15 percent of all products listed under a given product category, or 15 percent from each manufacturer.
- How EPA intends to address grouping/families of models (e.g., does a family of models count as one model).
- How EPA intends to address private labeled products and whether these need to be counted as part of the 15 percent.

Another commenter indicated that random market surveillance on 15 percent of the all models could result in a statistically small number of models never being re-tested, while many models could be re-tested multiple times and/or with high annual frequency. The commenter specifically questioned if 15 percent of the models are randomly selected for surveillance, how will additional selection criteria be added by EPA? The commenter suggested deleting this paragraph or clearing up this confusion by segregation of the re-testing sample as follows:

- “15 percent of all labeled models in each category shall be re-tested annually. This 15 percent will consist of two components.
- 7.5 percent of all labeled models in each category shall be randomly selected for re-testing from all labeled models.
- Up to 7.5 percent of all labeled models in each category may designated for re-testing by EPA based upon these criteria:
 - Product categories for which previous models have failed market surveillance.
 - Preferred location, such as a retail outlet/distribution center.
 - Referrals from third parties, such as consumers, consumer groups, or regulatory agencies regarding the accuracy of certifications.
 - Models with high sales volumes (see note below).
 - The oldest of the models not re-tested randomly in the past 3 or more years.

If fewer than 7.5 percent of all labeled models are designated by EPA based on the criteria above, the remaining number of models will be added to the random 7.5 percent drawing, to total 15 percent of all labeled models re-tested annually.”

Regarding the requirement for retesting of models with high sales volume, the commenter also indicated that sales data may or may not be available to the licensed certifying body, and that leaving this particular selection criterion to the licensed

certifying body is not appropriate. EPA should designate for re-testing models having major marketshare, since these are likely to have more impact to the WaterSense brand, should they fail testing, than models infrequently sold.

Response: WaterSense agrees that the requirements and structure of this section were vague and provided inadequate guidance regarding which products would be subject to annual market surveillance and how specifically the 15 percent would be applied.

Specifically, WaterSense has clarified that:

- The 15 percent applies to all of the models the licensed certifying body has certified for each product category and not to each manufacturer.
- The licensed certifying body may count as a single model all models covered under a base model or family of models that have the same efficiency and performance, but with variations in other non-performance related attributes.
- Private labeled models are not to be counted separately from the original manufacturer's products when selecting models for retesting.
- The annual market surveillance timetable runs from October 1 through the following September 30. The licensed certifying body shall determine the number of models eligible for surveillance for that year based on the models that are certified as of September 30 of the preceding year.

Further, WaterSense has clarified how the 15 percent is to be specifically distributed between models randomly selected by the licensed certifying body and models designated for retesting by EPA.

The revised language clarifying each of the above concerns is as follows:

"The licensed certifying body shall conduct Annual market surveillance shall be conducted on at least 15 percent of the all models it has certified for each relevant product category type certified (e.g., tank-type toilets, lavatory faucets, flushing urinals, showerheads) by the licensed certifying body, taking into consideration products that have been recently subject to market surveillance. These models shall be randomly selected and shall include a representation of both original equipment manufacturer and private labeled products. Note that not every manufacturer will have models retested each year. The number of models requiring retesting shall be based on the following criteria:

- Only models that have not been tested or retested within the previous two years may be subject to retesting.
- Privately labeled models shall not be counted as separate models from the original manufacturer's models for this determination.
- Base models or families of products that demonstrate the same efficiency and performance, but that may have variations in color, finish, or other non-performance related attributes may be counted as a single model for this determination. Only one of the models covered by the base model would be subject to retesting.

Of the 15 percent of eligible models, up to half (i.e., 7.5 percent of the eligible models) may be designated for retesting by EPA based on the following criteria: For up to 50 percent of the models chosen for annual market surveillance, EPA reserves the right to require the licensed certifying body to select models based on:

- Models that have previously Product categories for which previous models have failed market surveillance.
- Preferred location, such as a retail outlet/distribution center.
- Referrals from third parties, such as consumers, consumer groups, or regulatory agencies regarding the accuracy of certifications.
- Models with high sales volumes, if this data is available to WaterSense the licensed certifying body.

The remainder of the eligible models required to comprise the 15 percent shall be randomly selected for retesting by the licensed certifying body.

The licensed certifying body shall retest a minimum of one model or the appropriate number of models required to comprise the 15 percent retesting requirement, rounded to the nearest whole number, whichever is greater. If the licensed certifying body determines that no products are eligible for annual retesting (e.g., all products have been tested within the previous two years), the licensed certifying body does not need to retest any products.

The licensed certifying body shall determine and notify EPA of the number of models requiring retesting by September 30 of each year for all annual market surveillance activities to be conducted between October 1 of that year and September 30 of the following year. EPA will in turn notify the licensed certifying body by November 1 of that year of the details of its allotted designation.”

To further clarify its intent, WaterSense has added an example annual market surveillance sampling scheme as Appendix A to the *WaterSense Product Certification System*.

- k. One commenter indicated that it is unclear exactly what the consideration will be in the following statement: *“taking into consideration products that have been recently subject to market surveillance”*. This vague statement should be made clear. The commenter suggested removing the term “products” because the paragraph refers to models, not products. The commenter indicated it is a waste of laboratory and manufacturer resources to re-test models that have recently been re-tested while ignoring models that have never been re-tested. In addition, the commenter suggested exempting models that have been re-tested less than three years from the date of random selection.

Response: WaterSense agrees that it was previously vague in its requirement for the licensed certifying body to take into consideration products that have been recently subject to market surveillance, and that it is a waste of resources to retest models that have recently been tested. WaterSense has clarified that licensed certifying bodies shall only retest products that have not been tested or retested within the previous two years, as shown above in comment V.j. While the commenter suggested three years,

WaterSense has determined that two years is more than sufficient time to exempt recently tested products from retesting.

- I. One commenter suggested that the term “randomly selected” as used in 6.6.2 doesn’t need the qualification “and shall include ...”. If models are truly randomly selected, the commenter said, they should include all labeled models. Although unlikely, it is possible not to have representation of both original equipment manufacturer and private labeled models for some WaterSense labeled products, particularly in new WaterSense model categories, the commenter indicated.

Response: Although the licensed certifying body’s selection of products for retesting shall be random, through the changes discussed above in comment V.j., WaterSense has clarified what specific groups of models shall be included in or exempt from the random selection and retesting. The licensed certifying body must still randomly select specific models for retesting, but within the confines of the specified inclusions or exclusions.

Section 6.6.2.1 Product Retesting

- m. Several commenters expressed concern regarding the prohibition of witness testing for market surveillance and product retesting. The commenters remarked that this is a deviation from the current process and that it will add significant cost to the value proposition of the voluntary WaterSense mark. One commenter suggested that the costs of shipping and retesting would be about \$50,000 for one manufacturer and that in the end the consumer will pay. As a result, manufacturers may decide not to participate in the program. The commenter noted that it will increase costs for shipping, the occurrence of breakages and reshipping, and also noted that this will increase the overall environmental impact due to the carbon footprint, culling the samples, and overflow of the landfill.

Commenters suggested that there should be allowances for more economic options and requested that EPA allow witness testing to be utilized for market surveillance and product retesting. Further, one commenter indicated that it should be left to the certifier to determine how to ensure products continue to be in compliance.

Response: With the exclusion of WMTL and SMTL as options for annual market surveillance, WaterSense’s intent was to ensure that products were at some point retested by an independent laboratory. However, WaterSense recognizes that significant resources are involved in shipping products to an independent laboratory for retesting. After careful consideration, WaterSense has decided to allow WMTLs to retest products. Use of an SMTL is still not permitted and has revised the language as follows:

“All retesting shall be done by a licensed certifying body’s internal resources or by an independent testing laboratory or WMTL as described in Sections 5.4.1. and 5.4.2.1, and 5.4.2.2.2, respectively. Use of an ~~WMTL or SMTL~~ is not permitted for product retesting.”

WaterSense has determined that allowing WMTLs to retest products remains consistent with the original intent to have products independently tested, as all testing is directly witnessed by the licensed certifying body. In addition, this allowance will provide a more economic option for manufacturers and licensed certifying bodies that will help to reduce costs and delays associated with the certification process.

Section 6.7 Misuse of the Certification or WaterSense Label

- n. One commenter suggested an editorial change to add “/IEC” in the second sentence in the second paragraph.

“The licensed certifying body shall then engage in investigation and resolution of the complaint in accordance with ISO/IEC Guide 65, IAF (International Accreditation Forum) Guidance on the Application of ISO/IEC Guide 65, and the licensed certifying body’s policies and procedures.”

Response: WaterSense agrees with this comment and has made the suggested editorial revision.

Section 6.8 Suspension of the Use of the WaterSense Label on Products

- o. One commenter requested EPA include the contact information and/or e-mail address where the certifying body should send notification within 30 days of WaterSense label suspension and reinstatement.

Response: It has always been WaterSense’s policy that all official correspondence, including notifications of WaterSense label suspensions or withdrawals, be sent to the WaterSense Helpline at watersense@epa.gov or 866-WTR-SENS (987-7367).

WaterSense has created a new section, Section 8.0 For More Information, to further clarify that all inquiries should be sent to the WaterSense Helpline. This new section also contains a link to the compendium of WaterSense product and program specifications, which licensed certifying bodies and other interested parties should reference for the most complete and up to date product specification and technical clarification information.

VI. Comments on Product Notification Templates and Process

- a. During the public meetings held June 13 and 19, 2011, WaterSense requested feedback on the draft product notification templates and specifically sought clarification regarding the collection of marketing/product characteristic information not required by or specifically addressed in the relevant product specifications (e.g., toilet ADA compliance, bowl type, mount type, and faucet flow type).

Response: Based on the feedback received during the public meeting and subsequent conversations with its licensed certifying bodies, WaterSense has decided to remove any marketing/product characteristic information fields from its product notification templates. Licensed certifying bodies will not be required to collect or report this type of information to WaterSense and WaterSense will no longer display this information on its WaterSense product registry.

WaterSense recognizes that utilities and consumers may find marketing/product characteristic information informative when trying to determine which WaterSense labeled products are available to meet their specific needs. Therefore, the decision not to collect and display this information on the WaterSense product registry was not made lightly. First, collecting this type of marketing/product characteristic information has complications from a technical perspective. In some instances the characteristics cannot easily be verified by the licensed certifying body, as they are not part of the specification and no specific standards or guidance are provided for determining whether products have those characteristics. Second, WaterSense has decided that philosophically the purpose of its WaterSense product registry is to convey basic model information to enable consumers or other users to determine which products are WaterSense labeled. The WaterSense product registry should serve as a launching point for a search of WaterSense labeled products and is not intended to be an exhaustive or comprehensive listing of information about the products. Consumers should check with the manufacturers of specific products to determine if there are any additional features available.

VII. Other Changes Not Specifically Commented On

- a. WaterSense has decided to include in Section 3.2 References and Definitions of the *WaterSense Product Certification System* a reference to this *Response to Public Comments Received on June 2011 WaterSense Draft Revised Product Certification System* (comment response) in order to ensure that the intent of specific product certification system requirements are clear. Licensed certifying bodies may find the information contained in the comment response useful in the interpretation of requirements, particularly since it provides additional context and rationale for changes made.
- b. Given questions regarding its recent minor revisions to the *WaterSense Specification for Tank-Type Toilets*, WaterSense has modified Section 6.0 Amendments, Modifications, and Revisions of the *WaterSense Product Certification System* to clarify what it considers to be major or minor revisions to product specifications. WaterSense has also clarified that major revisions will require currently certified products to be recertified to the new specification requirements, whereas minor revisions will not require recertification.

In addition, WaterSense has clarified that it reserves the right to modify its product certification requirements as they apply to specific product categories. Such modifications will be identified with the release of the final product specification for that

specific product category. This will ensure that WaterSense has the flexibility to adapt the process to fit within the certification infrastructure available for the specific industry/product category.

Lastly, WaterSense has provided guidance as to how it will designate program document versions to facilitate version control. All documents will have a clear title, version number, and date.

Specifically, WaterSense has revised this section as follows:

" 7.0 AMENDMENTS, MODIFICATIONS, AND REVISIONS TO THESE RULES OF PROCEDURE

~~EPA reserves the right to amend these rules of procedure, which may include amending or revising this the WaterSense product certification system, the WaterSense program guidelines, or revising any of the WaterSense product specifications, or issuing technical clarifications as provided in the compendium of WaterSense product and program specifications available on the WaterSense website. 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 or to clarify vague requirements.

Major revisions to product specifications will generally include changes to the water efficiency or performance requirements and/or related test methods. Major revisions will only be made following an open public process, including discussion with industry and other interested partners. Major Rrevisions to specifications would will typically require recertification of products currently certified models to the new specifications. The transition period will be identified in the relevant product specification, but will normally be one year.

Minor revisions to product specifications will generally be more editorial in nature and serve to clarify vague or unclear requirements. Minor revisions will typically not require recertification of currently certified models. EPA will notify stakeholders when product specification revisions are considered major or minor.

As deemed necessary, EPA also reserves the right to modify these rules of procedure as they apply to specific categories of products. Any modifications will be identified at the release of the product specification for the relevant product category.

To facilitate version control, EPA will designate a title, version number, and date for all of the relevant documents it produces, as indicated below:

- WaterSense Specification for [Product Category] or WaterSense Product Certification System
- Version X.Y
- Month, Day, Year”