



December 4, 2017

WaterSense®: Water-Efficiency Label and Partnership Program

WaterSense® is a voluntary labeling and partnership program created by the U.S. Environmental Protection Agency (EPA) to promote water efficiency. The program initially focused on labeling water-efficient consumer products and has expanded to include labeling of new homes as well as certifying irrigation professionals. There are now 16,000 WaterSense-labeled products. Issues of possible consideration for Congress include the program's authorization, appropriations, and oversight.

- **Authorization:** WaterSense is not explicitly authorized in law. Rather, EPA implements WaterSense using broad authorities to reduce unnecessary water consumption (Clean Water Act, §104(a), (b), and (o)) and to provide a dependably safe supply of drinking water (Safe Drinking Water Act, §1442(a)). Legislation proposed in the 115th Congress would formally authorize the program. Similar proposals in previous Congresses were not enacted.
- **Appropriations:** In FY2017, EPA operated WaterSense with \$3.1 million from the agency's discretionary appropriations. The President's FY2018 budget request proposed to eliminate funding for the program. EPA and other federal agencies are currently operating under a continuing resolution (P.L. 115-56) generally at FY2017 levels, minus rescissions, through December 8, 2017.
- **Oversight:** In August 2017, EPA's Office of Inspector General (OIG) released a report, *EPA's Voluntary WaterSense Program Demonstrated Success*. The OIG found that the program had adequate controls to ensure that the water savings it reported as accomplishments were reasonable. The report recommended improving controls for tracking the number of program partners, such as manufacturers who use the WaterSense label and nonprofits that promote the program.

WaterSense Origins

Congress first enacted statutory water-use conservation measures in 1992 by amending the Energy Policy and Conservation Act (42 U.S.C. §6295(j)-(k)) to address toilets, showerheads, faucets, and urinals. Subsequent actions have added dishwashers, clothes washers, and pre-rinse spray valves to the act.

In 2006, EPA launched the WaterSense program to encourage further reduction of water use. The program was in part a response to stakeholder requests for a program for water similar to the ENERGY STAR® program for energy. Both programs use public-private partnerships intended to educate consumers and simplify the identification of high-efficiency products. Unlike WaterSense, ENERGY STAR is authorized in law (Energy Policy Act of 2005, P.L. 109-

58, 42 U.S.C. §6294a). EPA and the U.S. Department of Energy (DOE) jointly manage ENERGY STAR.

Program Design

WaterSense certifies labeling for products that are at least 20% more efficient than federally mandated water-use conservation standards and perform as well as or better than regular models. EPA has issued WaterSense specifications for eight product categories, including all products that have federal water-use conservation standards (except for dishwashers and clothes washers, which have voluntary standards through ENERGY STAR) as well as some that do not have federal standards. For products without federal standards, such as irrigation equipment, WaterSense certifications are based on calculations of average efficiency.

EPA also established WaterSense specifications for non-product categories. A "New Home Specification" incorporates criteria such as hot water delivery speed and landscape design as well as use of WaterSense products. WaterSense also has specifications for certifying irrigation professionals. WaterSense program guidelines do not define a timeline for review but do reserve EPA's right to revise specifications in response to technological or market changes. To date, EPA has not revised any product specifications, although it has made technical clarifications. However, the national standards for plumbing products have not changed since the specifications were developed.

Figure 1. WaterSense: Promotional Label



Source: EPA.

Obtaining a WaterSense Label

EPA requires all products, homes, and certification programs bearing the WaterSense label to be independently certified. For products, manufacturers must apply directly to a third-party certifying body that is licensed by EPA. The certifying body and the manufacturer test the product in accordance with methods in the EPA's specification. EPA does not require product recertification. Instead, certifying bodies must conduct annual market surveillance on at least 15% of the models it has certified for each product category. For homes, a third-party certifying body must approve an inspection determining that the home meets

necessary criteria to obtain a label. For certification of irrigation professionals, the program requires professionals to have certain irrigation experience and pass an exam.

Manufacturers and other applicants are responsible for costs associated with WaterSense certification, including testing and inspections. There are no publicly available cost estimates for obtaining a WaterSense certification, in part because WaterSense testing may be combined with testing for other health and safety compliance requirements.

Partnership Elements

EPA establishes partnerships with interested stakeholders, such as product manufacturers, local governments, water utilities, and nonprofit organizations. The three categories of partners are (1) those who manufacture or distribute products; (2) those who promote the WaterSense brand specifically and water efficiency in general; and (3) those who certify products, homes, and irrigation professionals. In addition to using the WaterSense label, partners receive access to marketing materials, opportunities to collaborate with other partners, and recognition for achievement.

WaterSense Implementation

EPA uses its discretionary appropriations to fund implementation of its WaterSense program. Federal funding for the program peaked in FY2011 at \$3.6 million. In FY2017, WaterSense was supported by \$3.1 million in appropriations. Roughly one-third of these funds are used for developing the technical specifications, approving and auditing certifying bodies, and consumer marketing. Another third is spent on developing partnerships, surveillance of how the label is being used, and administration (e.g., website, helpline). The final third covers the salaries of eight full-time employees. The OIG's 2017 report estimated that consumers saved \$1,100 for every federal dollar spent on the program.

EPA estimated that in 2016, Americans saved 534 billion gallons of water through the WaterSense program. The savings calculation model considered WaterSense product shipment data as well as assumptions about water use and product lifetimes. For comparison purposes, the U.S. Geological Survey estimated that in 2010, public water systems in the U.S. withdrew roughly 15 trillion gallons of water for domestic, commercial, and industrial uses.

Although WaterSense is a voluntary program, it has been adopted more formally in several contexts:

- Some states (e.g., California, Colorado, Georgia, New York, and Texas) have incorporated WaterSense into aspects of their minimum standards for products.
- Some states (e.g., Georgia, Pennsylvania, Texas, and Virginia) have provided tax holidays or other incentives for purchases of WaterSense products.
- Executive Order 13693, *Planning for Federal Sustainability in the Next Decade* (March 25, 2015), directs federal agencies to give purchase preference to WaterSense-certified products and services.

Some organizations have raised concerns about individual specifications, and EPA has largely addressed these concerns through the specification development process. For example, EPA modified turf grass requirements in the new home specification to address builders' concerns about varying climates. EPA also halted efforts to develop water-softener specifications in response to wastewater utility concerns about effects on discharges.

The American Water Works Association stated in its newsletter that WaterSense products are “a vital part of many water utility conservation programs.” Although some groups such as Plumbing Manufacturers International have expressed concern about the potential for WaterSense specifications to be incorporated into a national requirement or formal code, as long as the program remains voluntary, they find it to be a positive alternative to what could be a patchwork of state and local requirements.

WaterSense Legislation

In the 115th Congress, WaterSense provisions have been included in several bills (e.g., H.R. 3248, H.R. 3275, S. 1137, S. 1460, S. 1700). Although the details differ, the bills would generally do the following:

- The bills would authorize the WaterSense program in statute. Support for authorization is broadly based on facilitating appropriations and providing clear program direction.
- Each bill would direct the EPA Administrator to establish and maintain water-efficiency performance standards and promote the WaterSense label. The bills use similar language and generally reflect the program as it is currently implemented. A primary difference is that, unlike the current program, they would all require review of product specifications within a certain time frame ranging from four to 10 years.
- Most of the bills would direct EPA to coordinate with DOE to avoid duplication with ENERGY STAR. Only H.R. 3275 would authorize appropriations for the program (\$50 million over four years). H.R. 3248 would also require WaterSense products to receive preference in certain federal procurement and would authorize incentive programs for residential water efficiency based on WaterSense products.

WaterSense appropriations are under consideration in the 115th Congress. In its report (H.Rept. 115-238) accompanying H.R. 3354 as reported on July 21, 2017, the House Committee on Appropriations stated that it “rejects the proposed elimination of the WaterSense program.” The same expression of support for the program is included in the explanatory statement accompanying the Senate Appropriations Committee chairman's draft FY2018 Interior, Environment Appropriations bill, released on November 20, 2017. Additionally, the explanatory statement recommended funding at FY2017 levels.

Keara B. Moore, Analyst in Environmental Policy

IF10787

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.