115TH CONGRESS
1ST SESSION

S.

To amend the Energy Policy and Conservation Act to establish a WaterSense program within the Environmental Protection Agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. Udall (for himself, Mr. Portman, Mr. Peters, Mr. Wyden, Mr. Graham, Mr. Gardner, Mr. Brown, Mr. Franken, Ms. Baldwin, and Mr. Alexander) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend the Energy Policy and Conservation Act to establish a WaterSense program within the Environmental Protection Agency, and for other purposes.

Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Efficiency Im-

provement Act of 2017".

SEC. 2. WATERSENSE.

(a) In General.—Part B of title III of the Energy

Policy and Conservation Act is amended by adding after

section 324A (42 U.S.C. 6294a) the following:
"SEC. 324B. WATERSENSE.

(a) ESTABLISHMENT OF WATERSENSE PROGRAM.—

"(1) IN GENERAL.—There is established within the Environmental Protection Agency a voluntary WaterSense program to identify and promote water-efficient products, buildings and building landscapes, facilities, processes, and services that, through voluntary labeling of, or other forms of communications regarding, products, buildings and building landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

"(A) reduce water use;

"(B) reduce the strain on public and community water systems and wastewater and stormwater infrastructure;

"(C) conserve energy used to pump, heat, transport, and treat water; and

"(D) preserve water resources for future generations.

"(2) INCLUSIONS.—The Administrator of the Environmental Protection Agency (referred to in this section as the ‘Administrator’) shall, consistent with this section, identify water-efficient products, buildings and building landscapes, facilities, processes, and services, including categories such as—
“(A) irrigation technologies and services;
“(B) point-of-use water treatment devices;
“(C) plumbing products;
“(D) reuse and recycling technologies;
“(E) landscaping and gardening products, including moisture control or water-enhancing technologies;
“(F) whole house humidifiers; and
“(G) water-efficient buildings or facilities, and building or facility landscapes.

“(b) DUTIES.—The Administrator, coordinating as appropriate with the Secretary, shall—
“(1) establish—
“(A) a WaterSense label to be used for items meeting the certification criteria established in accordance with this section; and
“(B) the procedure, including the methods and means, and criteria by which an item may be certified to display the WaterSense label, minimizing unintended or negative impacts to wastewater treatment works, recycled water quality, or water quality in receiving water;
“(2) enhance public awareness regarding the WaterSense label through outreach, education, and other means;
“(3) preserve the integrity of the WaterSense label by—

“(A) establishing and maintaining feasible performance criteria so that products, buildings and building landscapes, facilities, processes, and services labeled with the WaterSense label perform as well or better than less water-efficient counterparts;

“(B) overseeing WaterSense certifications made by third parties;

“(C) as determined appropriate by the Administrator, using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining standards compliance; and

“(D) auditing the use of the WaterSense label in the marketplace and preventing cases of misuse;

“(4) not more often than 6 years but not less often than 10 years after adoption or major revision of any WaterSense specification, review and, if appropriate, revise the specification to achieve additional water savings;

“(5) in revising a WaterSense specification—
“(A) provide reasonable notice to interested parties and the public of any changes, including effective dates, and an explanation of the changes;

“(B) solicit comments from interested parties and the public prior to any changes;

“(C) as appropriate, respond to comments submitted by interested parties and the public; and

“(D) provide an appropriate transition time prior to the applicable effective date of any changes, taking into account the timing necessary for the manufacture, marketing, training, and distribution of the specific water-efficient product, building and building landscape, process, or service category being addressed;

“(6) use, to the extent that an agency action is based on science—

“(A) the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

“(B) data collected by accepted methods or best available methods (if the reliability of the
method and the nature of the decision justifies
use of the data); and

"(7) not later than December 31, 2022, con-
sider for review and revision any WaterSense speci-
fication adopted before January 1, 2012.

"(c) TRANSPARENCY.—The Administrator shall, to
the maximum extent practicable and not less than annu-
ally, regularly estimate and make available to the public
the estimate aggregate production, aggregate market pen-
etration, and savings of water, energy, and capital costs
of water, wastewater, and stormwater attributable to the
use of WaterSense-labeled products, buildings and build-
ing landscapes, facilities, processes, and services.

"(d) DISTINCTION OF AUTHORITIES.—In setting or
maintaining specifications for Energy Star pursuant to
section 324A, and WaterSense under this section, the Sec-
retary and Administrator shall coordinate to prevent du-
plicative or conflicting requirements among the respective
programs.

"(e) NO WARRANTY.—A WaterSense label shall not
create an express or implied warranty.”.

(b) CONFORMING AMENDMENT.—The table of con-
tents for the Energy Policy and Conservation Act (42
U.S.C. prec. 6201) is amended by inserting after the item
relating to section 324A the following:

"See. 324B, WaterSense.”.