

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.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Water Efficiency Im-

5 provement Act of 2017”.

6 **SEC. 2. WATERSENSE.**

7 (a) IN GENERAL.—Part B of title III of the Energy

8 Policy and Conservation Act is amended by adding after

9 section 324A (42 U.S.C. 6294a) the following:

1 **“SEC. 324B. WATERSENSE.**

2 “(a) ESTABLISHMENT OF WATERSENSE PRO-
3 GRAM.—

4 “(1) IN GENERAL.—There is established within
5 the Environmental Protection Agency a voluntary
6 WaterSense program to identify and promote water-
7 efficient products, buildings and building landscapes,
8 facilities, processes, and services that, through vol-
9 untary labeling of, or other forms of communications
10 regarding, products, buildings and building land-
11 scapes, facilities, processes, and services while meet-
12 ing strict performance criteria, sensibly—

13 “(A) reduce water use;

14 “(B) reduce the strain on public and com-
15 munity water systems and wastewater and
16 stormwater infrastructure;

17 “(C) conserve energy used to pump, heat,
18 transport, and treat water; and

19 “(D) preserve water resources for future
20 generations.

21 “(2) INCLUSIONS.—The Administrator of the
22 Environmental Protection Agency (referred to in
23 this section as the ‘Administrator’) shall, consistent
24 with this section, identify water-efficient products,
25 buildings and building landscapes, facilities, proc-
26 esses, and services, including categories such as—

1 “(A) irrigation technologies and services;

2 “(B) point-of-use water treatment devices;

3 “(C) plumbing products;

4 “(D) reuse and recycling technologies;

5 “(E) landscaping and gardening products,

6 including moisture control or water-enhancing

7 technologies;

8 “(F) whole house humidifiers; and

9 “(G) water-efficient buildings or facilities,

10 and building or facility landscapes.

11 “(b) DUTIES.—The Administrator, coordinating as

12 appropriate with the Secretary, shall—

13 “(1) establish—

14 “(A) a WaterSense label to be used for

15 items meeting the certification criteria estab-

16 lished in accordance with this section; and

17 “(B) the procedure, including the methods

18 and means, and criteria by which an item may

19 be certified to display the WaterSense label,

20 minimizing unintended or negative impacts to

21 wastewater treatment works, recycled water

22 quality, or water quality in receiving water;

23 “(2) enhance public awareness regarding the

24 WaterSense label through outreach, education, and

25 other means;

1 “(3) preserve the integrity of the WaterSense
2 label by—

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

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

11 “(C) as determined appropriate by the Ad-
12 ministrator, using testing protocols, from the
13 appropriate, applicable, and relevant consensus
14 standards, for the purpose of determining
15 standards compliance; and

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

19 “(4) not more often than 6 years but not less
20 often than 10 years after adoption or major revision
21 of any WaterSense specification, review and, if ap-
22 propriate, revise the specification to achieve addi-
23 tional water savings;

24 “(5) in revising a WaterSense specification—

1 “(A) provide reasonable notice to inter-
2 ested parties and the public of any changes, in-
3 cluding effective dates, and an explanation of
4 the changes;

5 “(B) solicit comments from interested par-
6 ties and the public prior to any changes;

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

10 “(D) provide an appropriate transition
11 time prior to the applicable effective date of any
12 changes, taking into account the timing nec-
13 essary for the manufacture, marketing, train-
14 ing, and distribution of the specific water-effi-
15 cient product, building and building landscape,
16 process, or service category being addressed;

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

19 “(A) the best available peer-reviewed
20 science and supporting studies conducted in ac-
21 cordance with sound and objective scientific
22 practices; and

23 “(B) data collected by accepted methods or
24 best available methods (if the reliability of the

1 method and the nature of the decision justifies
2 use of the data); and

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

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

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

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

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

“Sec. 324B. WaterSense.”.