

115TH CONGRESS  
1ST SESSION

# S. 1700

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

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## IN THE SENATE OF THE UNITED STATES

AUGUST 2, 2017

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 Environment and Public Works

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## 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

- 1 U.S.C. prec. 6201) is amended by inserting after the item
- 2 relating to section 324A the following:

“Sec. 324B. WaterSense.”.

