

Process for Requesting a Variance to Test Methods Included in WaterSense® Product Specifications

1.0 Purpose

WaterSense, a partnership program sponsored by the U.S. Environmental Protection Agency (EPA), seeks to protect the future of our nation's water supply by offering people a simple way to use less water with water-efficient products, homes, and services. To achieve the mission of the WaterSense program, EPA develops specifications for different product categories that stipulate the water efficiency and performance criteria the products must meet to earn the WaterSense label. These specifications include test methods, often established based on existing consensus-based product standards, that third-party licensed certifying bodies use to evaluate a product's ability to meet the specification's criteria.

From time to time, EPA receives requests to clarify the application and/or requirements of test methods to accommodate new products that fit within the scope of the applicable specification, but may not be capable of meeting the specification criteria using the prescribed test method(s), based on specialized design, unique installation instructions, or intended configurations. EPA also periodically issues technical clarifications to WaterSense product specifications to explain vague or unclear requirements. As outlined in the *WaterSense Product Certification System*, manufacturers and licensed certifying bodies must adhere to these clarifications when certifying products to meet the relevant WaterSense product specification. To accommodate requests for test method variances, EPA has formalized the process by which a product manufacturer may request a test method variance for its product(s). EPA intends to incorporate approved test method variances within its [Compendium of WaterSense Specification, Certification, and Labeling Clarifications](#). Licensed certifying bodies may apply the test method variance when conducting the testing for the relevant specification for similar products.

To be considered for a test method variance, a product must clearly fall within the existing scope of one of WaterSense's product specifications. Further, EPA will only accept variance requests related to the relevant specification test method. To earn the WaterSense label, products are still required to demonstrate their compliance with the specification's efficiency and performance criteria (or equivalent, as determined by EPA based on the test method variance).

This process enables WaterSense to recognize and respond to innovation within the marketplace. Similarly, it will allow EPA to continue to evaluate and label products that demonstrate the requisite water efficiency and performance criteria, even as market trends evolve.

2.0 Variance Request and Approval Process

Many WaterSense product specifications reference existing consensus-based product standards. Therefore, it is EPA's preference for manufacturers (or other stakeholders) to work within the applicable standard development body or technical committee to modify the relevant referenced test method, as appropriate. However, EPA understands that revisions to existing

consensus-based standards are only made periodically. Therefore, to accommodate these requests in a timelier manner, EPA is formalizing the following process:

1. Manufacturer submits an initial inquiry to EPA explaining the need for a variance and providing the proposed test method variance; EPA reviews and, if appropriate, approves for further data collection.
2. Manufacturer submits product(s) to a licensed certifying body for testing using the proposed test method variance.
3. EPA evaluates test data and makes a final determination regarding use of the test method variance.
4. If approved, the product is eligible to obtain certification and the WaterSense label from a licensed certifying body using the approved test method variance.
5. EPA will issue a technical clarification making the test method variance available on the WaterSense public website for other manufacturers to use, as applicable.

Each step is further expanded upon below.

2.1 Manufacturer's Initial Inquiry

A manufacturer or other stakeholder interested in requesting a variance to a test method must submit an initial inquiry to the WaterSense Helpline at watersense@epa.gov. The inquiry shall include the following:

- Defined "scope" or description of the product or subcategory of products that would be accommodated by the test method variance.
- Summary explanation of why the current test method does not work for the product or subcategory of products.
- Detailed description of the proposed test method variance (e.g., marked up version of existing test method), which would allow the product(s) to be tested as intended.
- Demonstration that the test method variance would produce results that are directly comparable to the criteria in the WaterSense specification and do not materially affect the intended outcome of the product's compliance with the water efficiency and/or performance requirements (i.e., the product must have an equivalent efficiency and performance to other products labeled under the relevant specification).

EPA will review the manufacturer's inquiry and provide a response regarding whether the manufacturer should proceed with product testing using the test method variance. EPA may also provide feedback on the proposed variance to the test method, if it has specific concerns regarding the ability to generate results comparable to the water efficiency or performance criteria in the relevant WaterSense specification.

2.2 Product Test Data

Following initial discussion with EPA, the manufacturer must coordinate with one of EPA's [licensed certifying bodies](#) to identify a testing laboratory to test the product(s) using the proposed test method variance and generate detailed test data. The manufacturer and the

licensed certifying body may also use this opportunity to further refine and document the test method variance.

Following testing, the manufacturer will submit the detailed test method variance that was used and the associated testing data to EPA for final review, along with the generated test data.

2.3 EPA Determination

EPA will review the detailed test method variance and product test data and determine whether the data demonstrate the product's equivalent compliance with the WaterSense specification's water efficiency and/or performance criteria. At EPA's discretion, it will provide written approval to the manufacturer that will include a copy of the final agreed-upon test method variance, any stipulations regarding the application of the variance, and specific parameters associated with WaterSense certification and labeling. EPA reserves the right to reject any test method variance requests. Submission of an inquiry and/or test data does not guarantee accommodations will be made for a manufacturer's product(s). However, if a variance is rejected by EPA, either EPA or the manufacturer can submit it to the governing standard development committee for consideration.

2.4 Certification Using the Modified Test Method

Once the manufacturer receives EPA's written approval, it can supply the approval to a licensed certifying body that has been approved by EPA to conduct certification of the specific product category. The product(s) are eligible for certification and labeling in accordance with the conditions of the approval, the criteria of the applicable WaterSense specification, and the *WaterSense Product Certification System*. As applicable and at the discretion of the licensed certifying body, the test data collected and submitted to EPA to justify the test method modification may be used for the purpose of certification. Further, all continuous compliance testing related to the product may be conducted in accordance with the modified test method.

2.5 EPA Issuance of Technical Clarifications

EPA will include approved test method variances, along with any specific stipulations for certification and labeling, as clarifications in its [Compendium of WaterSense Specification, Certification, and Labeling Clarifications](#), which incorporates the requirements by reference into the relevant specification. Each approved test method variance will be available to any manufacturers of products that fall within the scope identified for the test method variance. EPA will notify manufacturers and licensed certifying bodies when clarifications, including test method variances, are available. Per the *WaterSense Product Certification System*, manufacturers should coordinate with a relevant licensed certifying body for product certification, including certification in accordance with any clarifications and test method variances, as appropriate.



3.0 For More Information

If you have questions about this process, please contact the WaterSense Helpline at watersense@epa.gov or (866) WTR-SENS (987-7367).