



Response to Public Comments
Received on December 2008
Draft WaterSense[®] New Home Certification System

June 25, 2009

Background

This document provides WaterSense's responses to public comments received on the December 18, 2008 *Draft WaterSense New Homes Certification and Labeling System*. The actual comments can be viewed at http://www.epa.gov/watersense/specs/homes_certification.htm.

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I. General Comments

Relationship to Other Building Programs

- a. One commenter asked if the draft proposal was a completely free-standing and self-contained certification system or whether there were opportunities for existing green building raters to inspect homes for WaterSense.

Response: WaterSense has adopted a free-standing, self-contained new homes certification system. This stand-alone structure is important for those builders who may be interested only in addressing the water efficiency of their homes. EPA does not want to force builders to build and obtain certifications for other building programs as a pre-requisite for participating in the WaterSense program. However, the structure mirrors that of other green building programs so that existing raters can easily participate in the WaterSense new home certification system. The availability of inspectors that are approved to conduct multiple inspections will reduce costs for builders and encourage their involvement in the WaterSense program.

- b. One commenter suggested that WaterSense work with existing new homes programs that include water efficiency measures to encourage their participation.

Response: WaterSense agrees with this recommendation and also plans to conduct outreach at green building workshops and various conferences that staff members from these programs are likely to attend.

Sampling Protocol

- a. Some commenters recommend that the certification system include sampling requirements similar to those allowed by the ENERGY STAR program.

Response: WaterSense agrees with this recommendation and has added a sampling protocol that licensed certification providers can choose to adopt that will allow a sample of constructed homes to be inspected. While the protocol is allowed by comparable green building programs and can decrease potential costs for production builders, it is important to allow licensed certification providers flexibility.

Due to differences from lot to lot that could impact the installation and operation of an irrigation system, WaterSense has decided to retain the requirement that each irrigation system be audited, regardless of whether or not the associated home is directly inspected or certified through a sampling protocol.

Cost

- a. Some commenters requested that WaterSense provide an estimated cost range for the certification of new homes.

Response: WaterSense has had conversations with potential program administrators and certification providers, including certification providers that have inspected and certified new homes under the WaterSense new homes pilot program, regarding the cost of the inspection and certification process for WaterSense. WaterSense estimates that the stand-alone cost to have a home certified for this program may range from approximately \$250 to \$400. The cost may be significantly reduced if the builder is participating in other green building programs and is utilizing the same inspectors for multiple certifications. EPA does not have an estimate for the cost of an irrigation system audit at this time. The installation of an irrigation system is optional and the pricing of the audit will be dictated by the market.

- b. One commenter suggested clarifying that the payment for a home's inspection not be contingent upon the home passing its inspection.

Response: The timing, method, and amount of the inspection payment is dictated by the market and set by the licensed certification provider. WaterSense has clarified that the payment is for certification services, regardless of an inspection's outcome.

Certification Structure

- a. One commenter was concerned that the certification system contained too many roles, creating an unnecessary overlap in hierarchy and increasing the costs associated with certification. The commenter suggested that EPA serve as the program administrator.

Response: WaterSense developed the proposed new home certification system after careful consideration of how other green building programs operate in order to ensure the consistency of requirements for certification providers operating programs for multiple green building programs. This increases the likelihood that existing certification providers will provide services for multiple programs, leading to reduced costs for builders.

Furthermore, the structure of the certification system allows WaterSense to concentrate its resources on future specification development, outreach to industry professionals, and related marketing efforts. Also, the structure allows those groups with experience in the oversight of similar programs to continue to serve that role, maximizing the efficiency of the process.

- b. One commenter requested that WaterSense remove the requirement for both the licensed certification provider and the inspector to sign the certificate for labeled homes.

Response: WaterSense has decided to maintain the requirement for both parties to sign the certificate, as the licensed certification provider is the party authorized by EPA to issue the certificate and the inspector is the party responsible for verifying that the home meets EPA criteria. However, WaterSense has clarified that the label may be signed using an electronic signature or stamp to avoid delays in this process.

Certification System Layout

- a. One commenter noted that the draft certification system was hard to follow and suggested addressing each party's role from the top down, from program administrator through builder partner.

Response: WaterSense agrees with this comment and has adjusted the order of the certification system accordingly.

WaterSense Web Site Clarification

- a. One commenter noted that the certification system made references to Web pages that did not exist yet on the WaterSense Web site.

Response: EPA intends to update its Web site with the release of the final specification, at which time all links will be made available and active. These links will direct users to the appropriate Web pages for more information on the certification system and other aspects of the new homes program.

Alternative Methods for Certification

- a. One commenter suggested that EPA consider the NAHB Research Certification to the ANSI approved National Green Building Standard to be sufficient as an alternative method of compliance in attaining the WaterSense certification.

Response: The WaterSense specification is comprehensive in terms of ensuring a home's water-efficiency. While there may be some overlap in the water efficiency requirements between the *National Green Building Standard* and the specification, NAHB's standard is a point-based system that does not require compliance with all of the criteria designated in the WaterSense specification. NAHB Green Building Verifiers may become trained and approved to perform inspections for WaterSense, which would allow builders to seek both certifications in a streamlined manner.

WaterSense does not intend to compete with existing green building programs, but instead offers a designation that differentiates water-efficient new homes. Existing programs can incorporate the WaterSense specification into their guidelines to ensure water efficiency similar to how ENERGY STAR's new homes program has been adopted by other green building programs to ensure energy efficiency.

WaterSense Label/Certificate

- a. One commenter requested that WaterSense clarify what type of label will be used to certify the home.

Response: The WaterSense label will be imprinted on a certificate provided to the builder partner upon certification.

III. Procedures and Requirements for Builder Partners

Builder Partner Registry

- a. One commenter asked if builder partners will be required to actually deliver a WaterSense labeled new home within a specific period of time.

Response: The builder partnership agreement will specify that the builder must have at least one home certified within one year of partnership and that the builder must continue to have at least one home certified in each following year.

- b. One commenter suggested that WaterSense insert “if applicable” in reference to a builder partner’s Web site.

Response: EPA agrees with this comment and has updated the certification system.

Builder Partner Marketing Tools

- a. One commenter suggested that WaterSense provide guidance on how to refer to a home under construction as being a “candidate” for the WaterSense label.

Response: Builder partners cannot refer to a home as WaterSense labeled before it has been certified. However, EPA will provide guidelines and sample materials for builder partners that discuss marketing of homes throughout the construction process.

Certification Options for Builder Partners

- a. One commenter suggested that WaterSense clarify that builders can “opt-in/opt-out” on an individual house basis.

Response: WaterSense will not require builders to label every home they build in order to become partners. The aggregate number of homes submitted to each licensed certification provider for inspection that do and do not receive certification will be reported to WaterSense. This procedure provides an incentive for builder partners to build the home to meet the specification requirements, correct nonconformities, and follow through with the requirements for labeling,

while providing WaterSense with important feedback about the attainability of the certification.

IV. Procedures and Requirements for Water-Efficiency Home Inspectors

Inspector Training

- a. One commenter suggested that WaterSense provide training materials for home inspectors.

Response: WaterSense and/or the program administrator will train licensed certification providers to train their inspectors on the WaterSense new homes program and will provide applicable materials.

Inspector Conflicts of Interest

- a. One commenter suggested that WaterSense provide examples of conflicts of interest and define which conflicts of interest would bar a potential inspector from participating in the WaterSense program.

Response: WaterSense has provided specific examples of conflicts of interest in the certification system. However, WaterSense has decided to let the builder partner and/or the homeowner determine whether to use a particular inspector's services, given his/her conflict of interest. In addition, WaterSense clarified that the licensed certification provider shall ensure that all disclosures are adequately addressed by its quality control procedures.

V. Procedures and Requirements for Licensed Certification Providers

Criteria for Licensed Certification Providers

- a. One commenter asked if utilities could serve as licensed certification providers.

Response: Any organization that can hire or contract with inspectors, train inspectors, designate quality assurance personnel, oversee the inspections, and maintain files on certified new homes can apply to serve as a licensed certification provider. This may include utilities.

- b. One commenter was concerned with the burden that could be caused by not allowing an organization's quality assurance personnel to also be an inspector and thought this prohibition would decrease the number of organizations able to serve as licensed certification providers.

Response: WaterSense agrees and has modified the certification system so that a quality assurance designee can conduct inspections, as long as they do not provide quality assurance functions, including oversight, of any of the inspections in which they are involved.

Licensed Certification Provider Training

- a. One commenter requested that all trainings required for this program be designed by WaterSense to ensure consistency.

Response: WaterSense agrees and will prepare training and applicable materials for licensed certification providers.

VI. Procedures and Requirements for Program Administrators

Criteria for Program Administrators

- a. Several commenters suggested that WaterSense remove the requirement for the program administrator to operate at a national level.

Response: EPA agrees and has modified the certification system accordingly.

- b. One commenter expressed concern that the draft certification system appears to require program administrators to establish new boards of directors/executive committees and revise their by-laws and governing policies in order to be eligible.

Response: WaterSense did not intend that new organizations would need to be established or that significant changes would need to be made to their existing policies; rather the criteria for program administrators were developed with careful consideration of the operation of existing programs to ensure that these organizations would be able to meet the requirements with little to no effect on their current operation. WaterSense does want to ensure that the organizations are capable and competent to serve in the role of program administrator and are represented by individuals with knowledge of water efficiency. Also, WaterSense expects that organizations currently serving in a similar role for other green building programs will apply to serve this role for WaterSense, facilitating the ability of existing certification providers to certify homes for multiple programs.

VII. Suspension and Withdrawal of the WaterSense Label from New Homes

Handling Complaints

- a. One commenter suggested that the section on receipt of complaints was unnecessary and that misrepresentation or fraudulent activities surrounding the

WaterSense program were unlikely to occur. The commenter also asked for examples of “fraudulent activity”.

Response: WaterSense determined that it is necessary to have a mechanism to receive notification of label misuse, especially if the home buyer feels that the home was not built to EPA’s water-efficiency criteria as they expected. In addition, since WaterSense has modified the certification system to allow sampling, the ability to report misrepresentation is even more important, as not every home may be inspected.

WaterSense has clarified that fraudulent activity means “falsely claiming” that the builder’s home(s) have been certified in accordance with the specification and this certification system.