

1978—Subsec. (a)(1), (2). Pub. L. 95-619, § 425(b), struck out labeling rule exception where Administrator had determined under section 6293(a)(6) of this title that test procedures could not be developed pursuant to section 6293(b) of this title.

Subsec. (a)(3). Pub. L. 95-619, § 691(b)(2), substituted “Secretary” for “Administrator”, meaning Administrator of the Federal Energy Administration, in cls. (A) and (B).

Subsec. (c)(1)(A)(i). Pub. L. 95-619, § 691(b)(2), substituted “Secretary” for “Administrator”.

Subsec. (c)(5). Pub. L. 95-619, § 425(c), inserted “including instructions for the maintenance, use, or repair of the covered product,” after “energy consumption”.

Subsecs. (e), (f). Pub. L. 95-619, § 691(b)(2), substituted “Secretary” for “Administrator” wherever appearing.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-210 effective as if included in the Energy Independence and Security Act of 2007, Pub. L. 110-140, see section 10(a)(13) of Pub. L. 112-210, set out as a note under section 6291 of this title.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub. L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

MARKET ASSESSMENTS AND CONSUMER AWARENESS PROGRAM

Pub. L. 110-140, title III, § 321(c), Dec. 19, 2007, 121 Stat. 1584, provided that:

“(1) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Federal Trade Commission, lighting and retail industry associations, energy efficiency organizations, and any other entities that the Secretary of Energy determines to be appropriate, the Secretary of Energy shall—

“(A) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps—

“(i) to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and nonresidential consumers; and

“(ii) to better understand the degree to which consumer decisionmaking is based on lamp power levels or watts, light output or lumens, lamp lifetime, and other factors, including information required on labels mandated by the Federal Trade Commission;

“(B) provide the results of the market assessment to the Federal Trade Commission for consideration in the rulemaking described in section 324(a)(2)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)(iii)); and

“(C) in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties, carry out a proactive national program of consumer awareness, information, and education that broadly uses the media and other effective communication techniques over an extended period of time to help consumers understand the lamp labels and make energy-efficient lighting choices that meet the needs of consumers.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$10,000,000 for each of fiscal years 2009 through 2012.”

§ 6294a. Energy Star program

(a) In general

There is established within the Department of Energy and the Environmental Protection Agency a voluntary program to identify and promote energy-efficient products and buildings in order

to reduce energy consumption, improve energy security, and reduce pollution through voluntary labeling of, or other forms of communication about, products and buildings that meet the highest energy conservation standards.

(b) Division of responsibilities

Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency in accordance with the terms of applicable agreements between those agencies.

(c) Duties

The Administrator and the Secretary shall—

(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for—

- (A) achieving energy efficiency; and
- (B) reducing pollution;

(2) work to enhance public awareness of the Energy Star label, including by providing special outreach to small businesses;

(3) preserve the integrity of the Energy Star label;

(4) regularly update Energy Star product criteria for product categories;

(5) solicit comments from interested parties prior to establishing or revising an Energy Star product category, specification, or criterion (or prior to effective dates for any such product category, specification, or criterion);

(6) on adoption of a new or revised product category, specification, or criterion, provide reasonable notice to interested parties of any changes (including effective dates) in product categories, specifications, or criteria, along with—

- (A) an explanation of the changes; and
- (B) as appropriate, responses to comments submitted by interested parties; and

(7) provide appropriate lead time (which shall be 270 days, unless the Agency or Department specifies otherwise) prior to the applicable effective date for a new or a significant revision to a product category, specification, or criterion, taking into account the timing requirements of the manufacturing, product marketing, and distribution process for the specific product addressed.

(d) Deadlines

The Secretary shall establish new qualifying levels—

(1) not later than January 1, 2006, for clothes washers and dishwashers, effective beginning January 1, 2007; and

(2) not later than January 1, 2008, for clothes washers, effective beginning July 1, 2009.

(Pub. L. 94-163, title III, § 324A, as added Pub. L. 109-58, title I, § 131(a), Aug. 8, 2005, 119 Stat. 620; amended Pub. L. 110-140, title III, § 311(b), Dec. 19, 2007, 121 Stat. 1564.)

AMENDMENTS

2007—Subsec. (d)(2). Pub. L. 110-140 substituted “July 1, 2009” for “January 1, 2010”.

EFFECTIVE DATE OF 2007 AMENDMENT

Amendment by Pub. L. 110-140 effective on the date that is 1 day after Dec. 19, 2007, see section 1601 of Pub.

L. 110-140, set out as an Effective Date note under section 1824 of Title 2, The Congress.

§ 6294b. WaterSense program

(a) Establishment of WaterSense program

(1) In general

There is established within the Environmental Protection Agency a voluntary program, to be known as the WaterSense program, to identify and promote water-efficient products, buildings, landscapes, facilities, processes, and services in order to, through voluntary labeling of, or other forms of communications regarding, such products, buildings, landscapes, facilities, processes, and services while meeting strict performance criteria, sensibly—

- (A) reduce water use;
- (B) reduce the strain on public water systems, 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

Categories of products, buildings, landscapes, facilities, processes, and services that may be included under the program include—

- (A) irrigation technologies and services;
- (B) point-of-use water treatment devices;
- (C) plumbing products;
- (D) water reuse and recycling technologies;
- (E) landscaping and gardening products, including moisture control or water enhancing technologies;
- (F) xeriscaping and other landscape conversions that reduce water use;
- (G) whole house humidifiers; and
- (H) water-efficient buildings or facilities.

(b) Duties

The Administrator of the Environmental Protection Agency, in coordination with the Secretary of Energy as appropriate, shall—

- (1) establish—
 - (A) a WaterSense label to be used for products, buildings, landscapes, facilities, processes, and services meeting the certification criteria established pursuant to this section; and
 - (B) the procedure, including the methods and means, and criteria by which products, buildings, landscapes, facilities, processes, and services may be certified to display the WaterSense label;
- (2) enhance public awareness regarding the WaterSense label through outreach and public education;
- (3) preserve the integrity of the WaterSense label by—
 - (A) establishing and maintaining feasible performance criteria so that products, buildings, landscapes, facilities, processes, and services certified to display the WaterSense label perform as well or better than less water-efficient counterparts;
 - (B) overseeing WaterSense certifications made by third parties, which shall be inde-

pendent third-party product certification bodies accredited by an accreditation entity domiciled in the United States;

(C) using testing protocols, from the appropriate, applicable, and relevant consensus standards, for the purpose of determining compliance with performance criteria; and

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

(4) not more frequently than every 6 years after adoption or major revision of any WaterSense performance criteria, review and, if appropriate, revise the performance criteria to achieve additional water savings;

(5) in revising any WaterSense criteria—

(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 product, building, landscape, process, or service category being addressed; and

(6) not later than December 31, 2019, consider for review and revise, if necessary, any WaterSense performance criteria adopted before January 1, 2012.

(c) Transparency

The Administrator of the Environmental Protection Agency shall, to the extent practicable and not less than annually, estimate and make available to the public the relative water and energy savings attributable to the use of WaterSense-labeled products, buildings, landscapes, facilities, processes, and services.

(d) Distinction of authorities

In setting or maintaining specifications and criteria for Energy Star pursuant to section 6294a of this title, and WaterSense under this section, the Secretary of Energy and the Administrator of the Environmental Protection Agency shall coordinate to prevent duplicative or conflicting requirements among the respective programs.

(e) No warranty

A WaterSense label shall not create any express or implied warranty.

(f) Methods for establishing performance criteria

In establishing performance criteria for products, buildings, landscapes, facilities, processes, or services pursuant to this section, the Administrator of the Environmental Protection Agency shall use technical specifications and testing protocols established by voluntary consensus standards organizations relevant to specific products, buildings, landscapes, facilities, processes, or services, as appropriate.

(g) Definition of feasible

The term “feasible” means feasible with the use of the best technology, techniques, and