

(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, build-

ings, 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 independent 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 other means that the Administrator of the Environmental Protection Agency finds, after examination for efficacy under field conditions and not solely under laboratory conditions, are available (taking cost into consideration).

(Pub. L. 94-163, title III, §324B, as added Pub. L. 115-270, title IV, §4306(a), Oct. 23, 2018, 132 Stat. 3884.)

**§ 6295. Energy conservation standards**

**(a) Purposes**

The purposes of this section are to—

- (1) provide Federal energy conservation standards applicable to covered products; and
- (2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

**(b) Standards for refrigerators, refrigerator-freezers, and freezers**

(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

|   | Energy Standards Equations |
|---|----------------------------|
| Refrigerators and Refrigerator-Freezers with manual defrost ..... | 16.3 AV+316                |
| Refrigerator-Freezers—partial automatic defrost .....             | 21.8 AV+429                |
| Refrigerator-Freezers—automatic defrost with:                     |                            |
| Top mounted freezer without ice ...                               | 23.5 AV+471                |
| Side mounted freezer without ice ...                              | 27.7 AV+488                |
| Bottom mounted freezer without ice .....                          | 27.7 AV+488                |
| Top mounted freezer with through the door ice service .....       | 26.4 AV+535                |
| Side mounted freezer with through the door ice .....              | 30.9 AV+547                |
| Upright Freezers with:  |                            |
| Manual defrost .....  | 10.9 AV+422                |
| Automatic defrost .....   | 16.0 AV+623                |
| Chest Freezers and all other freezers ...                         | 14.8 AV+223                |

(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.

(II) If the Secretary does not publish a final rule before January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.