

## **Results of Electronic Ballot of RESNET Board of Directors on Authorizing the RESNET Executive Director to Enter into an Agreement with the Environmental Protection Agency for the Water Sense for Homes Program**

August 12, 2009

***Shall the RESNET Board of Directors authorize the RESNET Executive Director to enter into an agreement with the Environmental Protection Agency for the Water Sense for Homes Program (Attachment A)?***

Yes (19)

No (0)

Abstain (0)

Not Voting (2)

Ben Adams  
Steve Byers  
Dennis Creech  
Richard Faesy  
Philip Fairey  
David Goldstein  
Andy Gordon  
Tom Hamilton  
Mark Jansen  
C.T. Loyd  
Greg Nahn  
Lee O'Neal  
Kelly Parker  
Bill Prindle  
Robert Scott  
Daran Wastchak  
Erin Wiggins  
David Wilson  
Barb Yankie

Bruce Harley  
Michael Holtz

The board authorized the RESNET Executive Director to enter into an agreement with EPA for the Water Sense for Homes Program.

# Attachment A

## MEMORANDUM OF AGREEMENT

Between

**RESNET and the United States Environmental Protection Agency (US EPA)**

### Preamble

The Residential Energy Services (RESNET) and the United States Environmental Protection Agency (US EPA) hereby signal their commitment to cooperate in the administration of certification providers for the WaterSense new homes program in accordance with the WaterSense New Home Certification System.

The purpose of the cooperative relationship between US EPA and is to assess the competence of certification providers that provide services for the WaterSense new homes program.

### 1.0 Definitions

- 1.1 Certification provider - An organization licensed by US EPA to hire or contract with water-efficiency home inspectors, oversee new home inspections, and provide builder partners of certified new homes with the WaterSense label.
- 1.2 Program administrator - An independent organization that is approved by US EPA to oversee businesses, organizations, and individuals who inspect and certify homes to meet the *Water-Efficient Single-Family New Home Specification* and issue the WaterSense label.
- 1.3 Water-efficiency home inspector – An individual who provides inspection services of new homes in accordance with the *Water-Efficient Single-Family New Home Specification*.

### 2.0 Purpose

- 2.1 Federal agencies are required by Section 12(b) and (d) of the National Technology Transfer and Advancement Act 15 U.S.C. 3701 to use technical standards developed or adopted by voluntary consensus standards bodies and conformity assessment standards if compliance would not be inconsistent with applicable law or otherwise impracticable; and consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate in the development of technical standards. With this agreement, US EPA is in compliance with this requirement.
- 2.2 RESNET and US EPA agree on the need for an independent, third-party to approve and oversee certification providers that will be conducting new home certifications in accordance with the US EPA WaterSense New Home Certification System.

- 2.3 RESNET and the US EPA agree to monitor and oversee certification providers for continuous compliance with the US EPA WaterSense New Home Certification System.
- 2.4 Certification providers approved by are expected to demonstrate compliance with the US EPA WaterSense New Home Certification System.
- 2.5 Through this cooperative agreement, certification providers approved by RESNET are expected to demonstrate a level of competence in delivering effective new home certification services in accordance with the US EPA WaterSense New Home Certification System.

### **3.0 Eligibility**

This agreement should be accompanied by documentation of the program administrator's qualifications, including:

#### **3.1 Demonstration of impartial governance**

The organization must prove impartial governance by demonstrating that it:

- Does not directly inspect or certify new homes for the WaterSense program or issue the WaterSense label to builder partners;
- Maintains open membership for all potential licensed certification providers; and
- Has established a governing board of directors or executive committee composed of a diverse group of members representing various aspects of the home building industry, which may include, but is not limited to, water-efficiency and home-energy experts, architects, engineers, landscape designers, certification providers for other green building programs, and/or other stakeholders as appropriate.

#### **3.2 Demonstration of policies and procedures governing oversight of certification providers**

The organization must provide documentation that its by-laws, governing policies and procedures are applicable and effective for the approval and oversight of providers that provide services for the WaterSense program. This documentation must include:

- A copy of its technical standards for approval of and oversight procedures for certification providers;
- Record-keeping procedures to document and track certification providers; Quality control procedures for managing certification providers, including procedures for disciplining certification providers that do not follow the quality control procedures;
- Procedures to investigate the complaints, dismissal, and appeals of certification providers;
- A business code of ethics to which certification providers must agree to abide; A complaint resolution process for the certification provider and the program administrator;

- Documentation of its policies and procedures for ensuring that each certification provider meets the requirements specified in Section III.C.ii. of the WaterSense New Home Certification System; and
- Any other specific quality assurance steps that the program administrator will undertake to ensure the quality of the certification provider's work.

#### **4.0 Program Administrator Responsibilities**

- 4.1 RESNET agrees to train, assess the competence of, and approve certification providers in accordance with the requirements of the US EPA WaterSense New Home Certification System.
- 4.2 RESNET agrees to verify that the certification providers it approves seek and obtain partnership and licensure from the US EPA before they offer certification services for the WaterSense program.
- 4.3 RESNET agrees that it will maintain a registry of approved certification providers.
- 4.4 RESNET agrees that it will implement oversight procedures for certification providers to ensure compliance with the requirements of the US EPA WaterSense New Home Certification System requirements.
- 4.5 RESNET expects to update its approved certification providers on any relevant changes to the WaterSense program, as indicated by US EPA.
- 4.6 Certification providers approved by that do not demonstrate compliance with RESNET and US EPA WaterSense program requirements may be subject to sanctioning in accordance with RESNET's policies and procedures. These procedures stipulate possible suspension and eventual withdrawal of approval, based on outstanding non-conformities or violations of policies. agrees to notify US EPA prior to any such suspension or withdrawal.
- 4.7 RESNET and US EPA agree to refer disputes between the parties to the WaterSense Program Division Director.
- 4.8 RESNET expects to provide, as requested, a report on all certification provider approval and oversight activities related to the US EPA WaterSense program, any issues that have arisen, and recommendations for improvements to the WaterSense new homes program. RESNET will have the opportunity to review any sanctioning activity related to certification providers.
- 4.9 RESNET expects to designate a specific liaison to work with US EPA on implementation of this MOA.

- 4.10 RESNET expects to participate in training offered by US EPA relevant to their training of certification providers to certify new homes in accordance with WaterSense program requirements.
- 4.11 RESNET may use any logos provided by EPA to advertise its services for WaterSense, and agrees to use the logo(s) in accordance with the relevant WaterSense logo use guidelines.

## **5.0 US EPA Responsibilities**

- 5.1 US EPA expects that its certification providers will be approved by a program administrator that operates in accordance with the WaterSense New Home Certification System.
- 5.2 US EPA expects to prepare and provide to any relevant materials necessary to train certification providers.
- 5.3 US EPA expects to prepare and provide to any relevant materials for approved certification providers to use to train their water-efficiency home inspectors.
- 5.4 US EPA expects to share relevant information with regarding certification providers approved by RESNET.
- 5.5 US EPA expects to notify in a timely manner of any changes to the specification, training, inspection, or certification requirements that impact or its approved certification providers.
- 5.6 US EPA expects to designate a specific liaison to work directly with on implementation of this MOA.
- 5.7 US EPA expects to maintain a list of all approved program administrators and all approved/licensed certification providers on its Web site.
- 5.8 US EPA may request a report on all certification provider approval and oversight activities related to the US EPA WaterSense program, any issues that have arisen, and recommendations for improvements to the WaterSense new homes program. USEPA may provide the opportunity to review any sanctioning activity related to certification providers.
- 5.9 US EPA expects to supply with a logo(s) that it may use to advertise its service for WaterSense, along with a copy of the WaterSense logo use guidelines for that specific logo. EPA expects RESNET to uphold the logo use guidelines and may periodically monitor logo use.

## **6.0 Other Understandings, Agreements, and Arrangements**

- 6.1 Nothing in this MOA precludes either RESNET or US EPA from entering into other MOAs, agreements or arrangements related to the same objectives.
- 6.2 This MOA does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not party to this agreement, against RESNET or US EPA, their officers or employees, or any other person. This MOA does not direct or apply to any person outside of or US EPA.
- 6.3 Under Federal ethics rules, US EPA may not endorse products or services provided by private entities. Nothing in this MOA constitutes an endorsement by either party of the products, services and/or fundraising activities of the other. agrees not to make statements to the public at workshops and meetings, in promotional literature, on its web site, or through any other media that imply that US EPA endorses or any service or product offered by RESNET. In addition, agrees not to make statements that imply US EPA supports 's efforts to raise public or private funds. Any statements or promotional materials prepared by RESNET that describe this MOA and/or its relationship with US EPA must be approved in advance by US EPA.

## **7.0 Reviews**

- 7.1 Officials of RESNET and US EPA will endeavor to meet at least once per year to review this MOA and discuss specific opportunities and challenges facing the ongoing program for certification providers.

## **8.0 Finance**

- 8.1 This MOA does not bind signatories to any financial obligations of any kind.

## **9.0 Term**

- 9.1 This MOA will remain in effect for a period of five (5) years from the date of the last signature below. It may be extended or amended by mutual agreement of the two parties. Either party can terminate this MOA with thirty (30) days written notice.
- 9.2 Should either party exercise their rights to termination, the parties agree that the responsibilities, agreements, arrangements or understandings as defined by the scope and terms of this MOA, including its purpose, are hereby relinquished.

Signed on behalf of RESNET on this    of August, 2009.  
Steve Baden, Executive Director

Signed on behalf of US EPA on this    of August, 2009.  
Sheila E. Frace Director, Municipal Support Division US EPA