



Notice of Direction

2017/3.0

Improved WaterMark Certification Scheme Transition Arrangements

Level 12, 224 Bunda Street
Canberra ACT 2600
GPO Box 2013
CANBERRA ACT 2601 Australia
Phone: 1300 134 631
Email: NCC@abcb.gov.au
Web: www.abcb.gov.au

Intent

The intent of this notice is to provide direction on the transition arrangements following implementation of the improved WaterMark Certification Scheme (Scheme) on 1 August 2017.

This notice details arrangements for stakeholders of the Scheme during the transition from a two level scheme, based on the requirements of systems 1b and 5 of ISO/IEC Guide 67, to a single level scheme based on ISO/IEC 17067.

Background

This Notice of Direction is provided in accordance with clause 5 of the Rules for the WaterMark Certification Trade Marks.

The improved Scheme commenced progressive implementation from 1 August 2017. The improved Scheme was developed following a review of the old Scheme by the ABCB in 2014 and a decision by the Building Ministers Forum in 2015 to amend the Scheme to improve its effectiveness.

Key features of the improved Scheme include:

- a single-level of certification for all products evaluated to prescriptive requirements
- consolidation of the Scheme Rules and other reference documents into single document titled the Manual for the WaterMark Certification Scheme
- a revised and tightened risk assessment process
- greater alignment of the scope and objectives of the Scheme with the mission and objectives of the ABCB and the Plumbing Code of Australia.

The Manual for the WaterMark Certification Scheme (Manual) details the operating structure of the improved Scheme, and the process and procedural requirements for the certification of plumbing and drainage products. The Manual includes the Rules for the WaterMark Certification Scheme (Rules) and the Approved Certifier and Approved User Agreements, as approved by the Australian Competition and Consumer Commission, as well as the Protocol for the Assessment of Risks of Plumbing Products and the Protocol for Developing Product Specifications.

The improved Scheme will be implemented over a period of time to allow for industry adjustment, including transitional arrangements for existing Approved Certifiers, Approved Users, and certified products affected by changes to the Scheme.

Transition arrangements for all existing Approved Certifiers, Approved Users, and certified products are in place to ensure that WaterMark stakeholders have sufficient time to make any necessary changes, such as to accreditation, documentation and procedures, and to undertake testing and audit. These arrangements are important, especially for transitioning Level 2 products where the extent of change is greatest, to ensure the continuity of certification, and authorisation for use, for products that have already been certified under the old Scheme.

The existing WaterMark Scheme Rules remain current in whole or in part until progressive implementation of the improved Scheme has been completed.

Reference Documents

Primary

- The Manual for the WaterMark Certification Scheme
- NCC 2016, Volume Three – Plumbing Code of Australia (PCA)

Direction

The directions are as follows:

- 1.0 Transition arrangements for the improved Scheme commence on 1 August 2017.
- 2.0 The meaning of words used in this Notice are as per the Manual clause 1.3 Definitions.

3.0 DOCUMENTATION

3.1 *Rules for the WaterMark Certification Scheme and the Manual for the WaterMark Certification Scheme*

The Manual consolidates a suite of individual documents into one primary document. The Manual includes the Rules; the Approved Certifier and Approved User Agreements; and the operating requirements for evaluation, certification, risk assessment and developing product specifications.

Transition –

- 3.1.1 from implementation of the improved Scheme, the Rules and the Manual will take effect for **new** applications for Approved Certifier accreditation and new applications for WaterMark Licences; however, **existing** Approved Certifiers cannot issue WaterMark Certificates of Conformity or Licences under the improved Scheme until their scope of accreditation with the Accreditation Body includes the improved Scheme
- 3.1.2 from implementation of the improved Scheme, the Rules and the Manual will take effect upon granting of improved Scheme scope of accreditation to **existing** Approved Certifiers. Existing Approved Certifiers must commence work toward achieving compliance with the requirements of the improved Scheme, however they cannot issue

WaterMark Certificates of Conformity or Licences under the improved Scheme until their scope of accreditation with the Accreditation Body includes the improved Scheme.

3.2 *Risk Assessment Process*

The risk assessment process of the improved Scheme comprises two stages as follows:

- Stage one - determines the inherent risks associated with the product and assesses whether it should be included in or excluded from the improved Scheme; and where a product is to be included in the improved Scheme
- Stage two - determines the nature and propensity for it failing to be fit for purpose and what the product specification needs to include to mitigate these risks. The extent and/or frequency of product testing will vary in order that identified risks can be mitigated.

Transition – from implementation of the improved Scheme, the above risk assessment process will apply to **new** risk assessments undertaken for new or innovative products.

3.3 *Development of Product Specifications*

ABCB will continue to publish WaterMark Technical Specifications and stakeholders will also have the opportunity to have product specifications published through a 3rd party considered for acceptance into the Scheme. In both scenarios, public consultation will be undertaken for new, amended or revised product specifications, including peer review via the WaterMark Technical Advisory Committee and the Plumbing Code Committee, prior to Administering Body acceptance for inclusion in the improved Scheme.

Progressive transition to the improved Scheme requirements for the development of product specifications commenced on 1 January 2017.

Transition – from implementation of the improved Scheme, **all** applications for a new, amended or revised specification will be processed under the improved Scheme requirements.

3.4 *WaterMark Schedules of Products and Excluded Products*

A risk based review of all products that were included or exempted from the old Scheme has been undertaken to determine their inclusion/exclusion status in the improved Scheme. The outcomes of this review have been published on the ABCB website www.abcb.gov.au in the WaterMark Schedule of Products (WMSP) and the WaterMark Schedule of Excluded Products (WMEP).

A small number of products will require a full risk assessment to be undertaken to confirm their status. These products have been annotated by # on the two schedules. This work will be undertaken in 2017/18 and the two schedules will be amended at the conclusion of the work.

Transition –

- 3.4.1 from implementation of the improved Scheme, the WaterMark Schedule of Products and the WaterMark Schedule of Excluded Products will replace the WaterMark Schedule of Specifications and the WaterMark List of Exempt Materials and Products
- 3.4.2 from implementation of the improved Scheme, products included on the WMSP will require WaterMark certification; products included on the WMEP will not be permitted to obtain or renew WaterMark certification
- 3.4.3 from implementation of the improved Scheme, if a product was previously included in the Scheme but has been confirmed as being excluded from the improved Scheme, the product will no longer require WaterMark certification; issued certification may be retained until its date of expiry provided the requirements of the Approved User Agreement are met, including payment of all Approved User fees due; issued certification will not be permitted to be renewed upon expiry; new products will not be permitted to be included on the WaterMark Licence
- 3.4.4 from implementation of the improved Scheme, products that are excluded will still be required to meet the evidence of suitability requirements of Part A2 of the PCA
- 3.4.5 following implementation of the improved Scheme, it is recommended that prior certification in the Scheme be taken into consideration when excluded products are being evaluated under other evidences of suitability
- 3.4.6 from implementation of the improved Scheme, if a product was exempted from the Scheme but has been confirmed as being included in the improved Scheme, the product will require WaterMark certification
- 3.4.7 from implementation of the improved Scheme, products awaiting confirmation of their status in the improved Scheme (annotated # in the WMSP and WMEP) will retain their existing status and will not be required to transition to the improved Scheme requirements until after their status has been confirmed.

4.0 APPROVED CERTIFIERS AND APPROVED USERS

4.1 *Approved Certifier Accreditation*

All Approved Certifiers will be required to include the improved Scheme in their scope of accreditation with the Accreditation Body.

Transition –

- 4.1.1 from implementation of the improved Scheme, new Approved Certifier applicants will be required to obtain accreditation to the improved Scheme from the Accreditation Body

4.1.2 within 12 months of implementation of the improved Scheme, existing Approved Certifiers will be required to include the improved Scheme in their scope of accreditation with the Accreditation Body.

4.2 *Approved Certifier Agreements*

To evaluate and certify WaterMark products in accordance with the improved Scheme **all** Approved Certifiers are required to enter into a new Approved Certifier Agreement with the Scheme Owner.

Transition –

4.2.1 from implementation of the improved Scheme, new Approved Certifier applicants will be required to enter into a new Approved Certifier Agreement

4.2.2 within 12 months of implementation of the improved Scheme, existing Approved Certifiers will be required to enter into a new Approved Certifier Agreement. To be eligible to enter into a new Approved Certifier Agreement, the Approved Certifier must have included the improved Scheme in their scope of accreditation with the Accreditation Body.

4.3 *Approved Certifier Fees*

The amended Approved Certifier fee was implemented on 1 January 2017. The fee is \$10,000 plus GST per annum. The fee will be invoiced quarterly in advance (i.e. \$2500 plus GST per quarter) with payment terms of 30 days.

4.4 *Approved User Agreements including WaterMark Licence*

Approved User Agreements, which include the granting of a Licence to use the WaterMark trademark at clause 2.1, are granted by Approved Certifiers for a period of 1 year. Where Annual Product Conformity Surveillance requirements are met, including the requirement for the Approved User to make an annual declaration that the products comply with the relevant applicable specification, the agreement may be renewed annually.

Transition –

4.4.1 from implementation of the improved Scheme, once certification to the improved Scheme has been issued, new and existing Approved Users:

- where the Approved Certifier has the improved Scheme in their scope of accreditation, will be required to enter into a **new** Approved User Agreement in accordance with the requirements of the improved Scheme, OR
- where the Approved Certifier does not have the improved Scheme in their scope of accreditation, will be required to enter into an Approved User Agreement, or renew an **existing** Approved User Agreement, in accordance with the requirements of the old Scheme, for a maximum period of 12 months. On or before the

expiry of that 12 month period, the Approved User must enter into a **new** Approved User Agreement in accordance with the requirements of the improved Scheme.

4.5 *Approved User Fees*

The amended Approved User fee was implemented on 1 January 2017. The fee is \$500 plus GST per annum per WaterMark Licence.

The fee will be invoiced quarterly in arrears, based on previous quarter Licence renewals or new Licences as advised by Approved Certifiers to the Administering Body, with payment terms of 30 days.

As outlined in clause 2.1 of the Approved User Agreement, the WaterMark Licence is granted by the Approved Certifier to the Approved User.

The term of the Approved User Agreement, and subsequently the term of the WaterMark Licence, is one year. This term is not to be confused with the term of certification.

5.0 PRODUCTS AND CERTIFICATION

5.1 *Term of WaterMark Certification*

The previous terms for WaterMark Certification were a maximum of 5 years for WaterMark Level 1 and 3 years for Level 2. The improved Scheme is a single level scheme with a single term for WaterMark Certification of 5 years maximum. This term is not to be confused with the term of the Approved User Agreement which includes the WaterMark Licence.

Transition –

- 5.1.1 from implementation of the improved Scheme, where the Approved Certifier has the improved Scheme in their scope of accreditation, initial certification and renewals shall be issued for a maximum term of 5 years
- 5.1.2 from implementation of the improved Scheme, where the Approved Certifier does not have the improved Scheme in their scope of accreditation, initial certification associated within existing applications shall be issued for a maximum period of 3 or 5 years in accordance with the old Scheme
- 5.1.3 renewals shall be issued as an extension of existing certification for a maximum period of 12 months.

5.2 *Initial Evaluation and Certification*

The improved Scheme is a prescriptive single level scheme for certain plumbing and drainage products.

The initial evaluation and certification requirements of the improved Scheme are outlined in section 8.5.1 (I. – IV.) of the Manual.

Note: for re-certification of existing products refer Section 5.3.

Transition –

5.2.1 from implementation of the improved Scheme, new applications for certification shall:

- where the Approved Certifier has the improved Scheme in their scope of accreditation, be assessed in accordance with the prescribed requirements of the improved Scheme, OR
- where the Approved Certifier does not have the improved Scheme in their scope of accreditation, have evaluation commenced in accordance with the requirements of the improved Scheme, the issue of certification and Licence will be pending inclusion of the improved Scheme in the Approved Certifier's scope of accreditation

5.2.2 from implementation of the improved Scheme, existing applications for certification shall continue to be assessed by existing Approved Certifiers in accordance with the requirements of the old Scheme, and for the term specified in clauses 5.1.2 and 5.1.3.

5.3 *Re-certification*

The re-certification requirements of the improved Scheme are outlined in section 8.5.1 (IV) of the Manual.

Note: for initial evaluation and certification of new products refer Section 5.2.

Transition –

5.3.1 from implementation of the improved Scheme, existing certified product will not be required to transition to the improved Scheme until issued certification falls due for renewal and product status in the Scheme has been confirmed as included (refer Section 3.4)

5.3.2 from implementation of the improved Scheme all existing Level 1 or Level 2 products, whose status has been confirmed on the WMSP as being included in the improved Scheme and:

- where the Approved Certifier has the improved Scheme in their scope of accreditation, will be re-certified in accordance with the prescribed requirements of the improved Scheme; OR
- where the Approved Certifier does not have the improved Scheme in their scope of accreditation, will, within 12 months of

implementation of the improved Scheme, be issued an extension of issued certification for a maximum period of 12 months, after which re-certification will be accordance with the prescribed requirements of the improved Scheme

- 5.3.3 from implementation of the improved Scheme, existing Level 2 products will be required at re-certification to undergo initial evaluation (including on site assessment at each location) and re-certification as per section 8.5.1 (I. – IV.) of the Manual prior to transitioning to the improved Scheme
- 5.3.4 within 3 years of implementation of improved Scheme, all Level 2 products shall be re-certified in accordance with the requirements of the improved Scheme
- 5.3.5 within 5 years of implementation of the improved Scheme, all Level 1 products shall be re-certified in accordance with the requirements of the improved Scheme.

5.4 *Annual Product Conformity Surveillance*

The annual product conformity surveillance requirements of the improved Scheme are outlined in section 8.5.1 (VI) of the Manual.

Transition –

- 5.4.1 from implementation of improved Scheme, new certifications will have annual product conformity surveillance conducted under the improved Scheme requirements
- 5.4.2 from implementation of improved Scheme the annual product conformity surveillance requirements will not be mandatorily applicable for existing certified Level 1 or Level 2 products. These products may remain under the old Scheme's surveillance regime until they are re-certified, or their transitional certification terms expire.

5.5 *Products without Specified Batch Testing Requirements*

Under the improved Scheme, initial certification and annual product conformity surveillance requirements include developing, assessment, approval, implementation and surveillance of a batch testing regime. However, the Administering Body has identified a number of products which do not have batch testing requirements specified in their relevant applicable specifications.

Following confirmation of product status as being included in or excluded from the Scheme during 2017-18, the ABCB will, in consultation with key stakeholder representatives, develop and publish minimum batch testing requirements for applicable specifications.

Transition –

- 5.5.1 until relevant batch testing requirements have been published by the Administering Body, Approved Certifiers are to use their own judgement when developing batch testing requirements
- 5.5.2 upon publication by the Administering Body of minimum batch testing requirements, those batch testing requirements must be used by Approved Certifiers when assessing, approving and undertaking surveillance.

Further Information

Should any WaterMark Certification Scheme stakeholder require further clarification, they should contact the ABCB office directly for further advice on 1300 134 631 or email watermark@abcb.gov.au.

- END -