



Clean Water  
State Revolving Fund

# DOMESTIC PREFERENCE OVERVIEW

PREPARED FOR OREGON DEQ  
DECEMBER 2023

# DOMESTIC PREFERENCE OVERVIEW

- Domestic Preference History
- American Iron and Steel (AIS)
  - Product coverage
  - Certifying compliance
- Bipartisan Infrastructure Law (BIL)
- Build America, Buy America Act (BABA)
  - BABA covered items
  - BABA waivers
  - Guidance
  - Request for Information
- Resources

# EPA WATER – DOMESTIC PREFERENCE TIMELINE



# AIS BASICS: WHAT IS AIS?

"American Iron and Steel"(AIS) requires the use of iron and steel products that are produced in the United States for the construction, alteration, maintenance, or repair of a public water system or treatment works

- Applies to projects for *public water systems* (DWSRF), *treatment works* (CWSRF), and all WIFIA projects



# AIS BASICS: WHAT IS AN IRON AND STEEL PRODUCT?

<sup>YES</sup> Is the product “primarily” iron or steel?

<sup>YES</sup> Is the product a “listed” product?

<sup>YES</sup> Is the product “permanently incorporated” in the project?

If the product meets all the criteria above  <sup>YES</sup> then it is an iron and steel product under the AIS requirement and must be “produced in the United States”.



## AIS BASICS: PRIMARILY IRON OR STEEL

- Products greater than 50% iron or steel, measured by material costs only (not labor, overhead, shipping, etc.).
- Who determines if a product is primarily iron and steel?
  - Product manufacturers certify that their product is AIS compliant or does not need to meet AIS requirements.
- How do you calculate material cost?
  - Fire hydrant example:
    - Iron or steel components – bonnet, body and shoe
    - Other material costs – stem, coupling, valve, seals, and other non-iron or steel internal workings
    - Assembly of the internal workings into the hydrant body would not be included in cost calculation





## AIS BASICS: COVERED PRODUCTS

- Lined or unlined pipes or fittings
- Manhole Covers
- Municipal Castings\*
- Hydrants
- Tanks
- Flanges
- Pipe clamps and restraints
- Valves
- Structural steel
- Reinforced precast concrete\*
- Construction materials\*

# AIS Listed Products:

- Municipal Castings
- Manhole Covers







## AIS BASICS: PERMANENT PRODUCTS

- Products that are permanently incorporated into the project, including:
  - Spare parts or backup equipment
  - Iron or Steel materials buried or left in place (intentional or not)
    - Examples: sheet piling, bypass valves, drains, etc.
- Temporary, non-permanent item examples:
  - Trench boxes, forms, scaffolding, etc.



# AIS BASICS: PRODUCTS THAT DO NOT HAVE TO BE PRODUCED IN THE U.S.

- Raw materials, such as iron ore, limestone and iron and steel scrap
- Non-iron or non-steel components of a primarily iron and steel product
- Products that do not fall under any of the listed products
- Mechanical or electrical equipment
- Appurtenances of assemblies
  - Where the main component is not a covered product
    - Example: factory delivered pump skid with fittings, valves, controls

# AIS BASICS: WHAT IS “PRODUCED IN THE UNITED STATES?”

- Manufacturing and processing of iron or steel must occur in the U.S, including:
  - **Melting**
  - Refining
  - Forming
  - Rolling
  - Drawing
  - Finishing
  - Fabricating
  - Assembly
- All processes must take place in the U.S., except:
  - Steel additives refining
  - External coating surface of iron/steel components (rare)

# HOW CAN PROJECTS COMPLY?

## 1. Certification Letter

- Letter asserting that all manufacturing processes for the purchased product occurred in the U.S.

## 2. Waiver

- EPA has authority to waive the AIS requirement and to issue waivers for a case or category of cases

# AIS BASICS: CERTIFICATION LETTER – 5 KEY ELEMENTS

1. What is the product
  - List product(s) delivered to the project site
2. Where was it made
  - Location(s) of the foundry/mill/factory where the product was manufactured (City and State)
3. To whom was it delivered
  - Name of the project and/or jurisdiction delivered
4. Signature of company representative
  - Certifying official on company letterhead
5. Reference AIS requirements
  - OK if lists more, but AIS required

# AIS BASICS: CERTIFICATION LETTER – 5 KEY ELEMENTS



**MINAS MORGUL**

August 29, 2017  
Gondor Supply Co.  
3477 One Ring Ln.  
Fort Tirth, IA 50501

**RE: Job Name: Saruman Contracting**  
**Project#: Hobbiton Water Treatment Plant, The Shire, WY**  
Order Type: Submittal

<u>QUANTITY</u>	<u>DESCRIPTION</u>
30	8550350 66-S VLV BOX 26T 36B 1.5 WTR

Dear Valued Partner:

We hereby certify that the iron used to make the construction castings manufactured by MMS for the above referenced project is in full compliance with ASTM A48, Class 35B and AASHTO M105 for gray iron castings and ASTM A536, Grade 70-50-05 for ductile iron castings. Thank you for specifying and using products manufactured by Minas Morgul Steel, Inc.

The above listed castings are melted and manufactured 100% in the United States of America at our foundries in Moria, OK and Isengard, MI. These castings comply with the applicable provisions of the Code of Federal Regulations 23 CFR 635.410 BUY AMERICA Requirements.

We also certify that the above listed products supplied to the subject project are in full compliance with the American Iron and Steel (AIS) requirement as mandated in EPA's State Revolving Fund Programs.

*Meriadoc Brandybuck*  
Product Quality Manager  
Minas Morgul Steel, Inc.

Minas Morgul Steel, Inc.  
1245 Barad Dur Ave.  
Mordor, Middle Earth  
+1 555 867 5309

## Material Certification

- AIS elements:
- Project reference
  - Specific list of products
  - Location of manufacturing (city and state)
  - Signature of a company representative
  - AIS reference
  -

# AIS: GENERAL APPLICABILITY WAIVERS

- *De Minimis* public interest waiver
  - Allows SRF project a small percentage of incidental products of unknown or non-domestic origin
  - 5% total material cost
  - 1% max for any single item
  - Users of the de minimis waiver should maintain documentation of all the de minimis items in a project
- Minor Components public interest waiver
  - Allows the product manufacturer to include non-domestic, minor iron/steel components in AIS-compliant products (up to 5% of material cost of the product)
  - Example: a valve with stainless steel pins and springs could make use of the waiver.

# AIS: PROJECT/PRODUCT-SPECIFIC WAIVERS

- Availability Waiver
  - Common in small percentage of AIS projects ...more expected for BABA
  - Product(s) is not available or will not be available in a reasonable time
- Public Interest Waiver
  - High Bar (Executive Order 14005, Jan 2021)
  - Evaluation can be complicated, longer decision time
- Cost Waiver
  - Increases the total project cost more than 25%
  - To date, only one AIS cost waiver has been approved ...more expected for BABA



# BIPARTISAN INFRASTRUCTURE LAW (BIL) (IIJA)

- Signed by President Biden on November 15, 2021.
- Historic investment in key programs and initiatives implemented by the U.S. Environmental Protection Agency to build safer, healthier, cleaner communities.
- Includes \$50 billion to EPA to strengthen the nation's drinking water and wastewater systems – the single largest investment in water that the federal government has ever made.



# BUILD AMERICA, BUY AMERICA (BABA) ACT

- “[N]one of the funds made available for a Federal financial assistance program for infrastructure...may be obligated for a project unless all of the **iron, steel, manufactured products, and construction materials** used in the project are **produced in the United States.**”
- “Project” means any activity related to the construction, alteration, maintenance, or repair of infrastructure in the U.S.
- “Infrastructure” means anything fixed, permanent, and that serves the public interest.

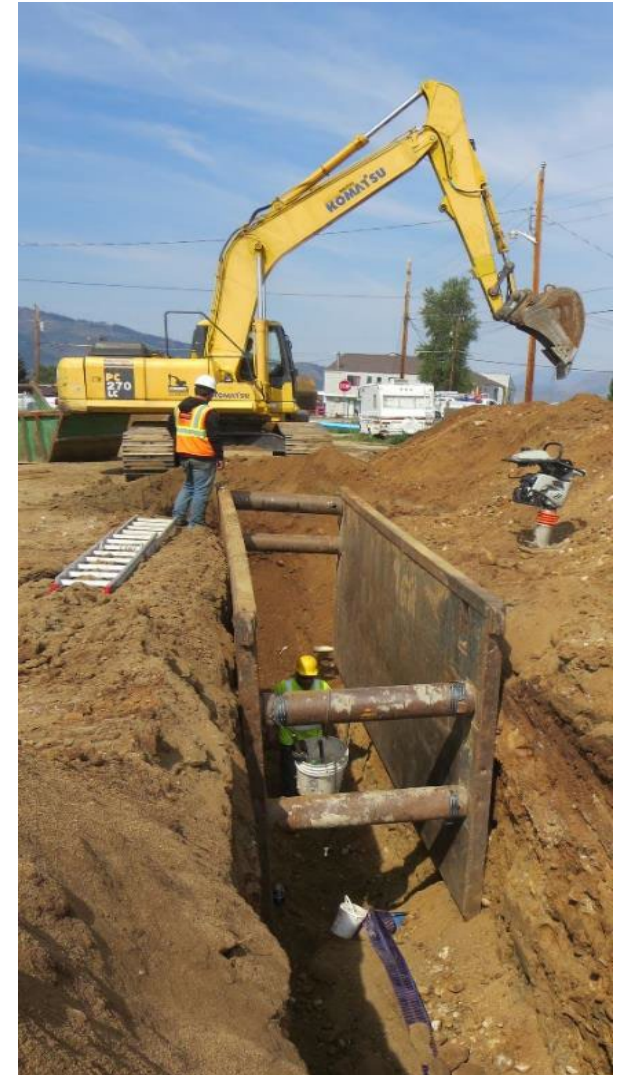
# BUILD AMERICA, BUY AMERICA (BABA) ACT

Where does BABA apply?

- Applies to **all Federal financial assistance** infrastructure programs
- Specific to CWSRF and DWSRF, the BABA requirement applies to SRF projects in an amount equivalent to the federal capitalization grant (aka **equivalency**) in a given year.
  - Example: if a State got a \$100M dollar Cap Grant this year, they need to find \$100M in projects in the same year equivalent to the Fed grant. The rest of their projects are "non-equivalency" or "revolving" moneys.
  - So, for that \$100M of fed funding, BABA applies. Above and beyond the \$100M, no BABA... but AIS applies to all.

# BABA: COVERED ITEMS

- Iron and steel + manufactured products + construction materials (non-ferrous)
- Items classified into only ONE of the three categories
- Applies to items consumed in, incorporated into or affixed to a project (aka permanently incorporated)
  - Similar to American Iron and Steel (AIS)
  - Scaffolding, Trench Boxes, Sheet Piling removed - Excluded



## SO, NOW WHAT? AIS + BABA?

- Individual projects will **not** be required to demonstrate compliance with AIS and BABA at same time
- AIS will continue to apply to Public Water and Treatment Works projects
- BABA applies to federally funded projects and SRF equivalency projects
- BABA did not apply to SRF projects or community grants projects immediately (more later!)

# BABA: IRON AND STEEL

- Similar to American Iron and Steel (AIS)
- BABA Iron and Steel  $\Leftrightarrow$  AIS products
- Items that are primarily / predominantly iron or steel, unless another standard applies under law or regulation
- All manufacturing processes, from the initial melting stage through the application of coatings, must occur in the U.S.
  - Coatings change minor difference to AIS



# BABA: MANUFACTURED PRODUCTS

- Final Manufacturing in the United States
- Cost of components that are mined, produced, or manufactured in the U.S. is **greater than 55% of the total cost of all components of the manufactured product**



# BABA: CONSTRUCTION MATERIALS (NON-FERROUS)

- Includes:
  - **Non-ferrous** metals
  - Plastic and polymer-based products (including PVC, composite building materials, and polymers used in fiber optics)
  - Glass (including optic glass)
  - Lumber
  - Engineered wood
  - Drywall
- Excludes:
  - Items made primarily of iron or steel
  - Manufactured products
  - Cement and cementitious materials
  - Aggregates such as stone, sand, or gravel
  - Aggregate binding agents / additives
  - Flora (plantings, landscaping)
  - Non-permanent / temporary items



# CONSTRUCTION MATERIALS

Construction material	“Produced in the U.S.” means all manufacturing processes occurred in the U.S.
Non-ferrous metals	From initial smelting or melting through final shaping, coating, and assembly
Plastic and polymer-based products	From initial combination of constituent plastic or polymer-based inputs, or, where applicable, constituent composite materials, until the item is in its final form
Glass	From initial batching and melting of raw materials through annealing, cooling, and cutting
Fiber optic cable	From the initial ribboning (if applicable), through buffering, fiber stranding and jacketing, occurred in the United States.
Optical fiber	From the initial preform fabrication stage through the completion of the draw
Lumber	From initial debarking through treatment and planing
Drywall	From initial blending of mined or synthetic gypsum plaster and additives through cutting and drying of sandwiched panels
Engineered wood	From the initial combination of constituent materials until the wood product is in its final form

# HOW CAN PROJECTS COMPLY?

## 1. Certification Letter

- Letter asserting that all manufacturing processes for the purchased product occurred in the U.S.

## 2. Waiver

- EPA has authority to waive the BABA requirement and to issue waivers for a case or category of cases

# HOW CAN PRODUCT COMPLIANCE BE DEMONSTRATED?

Similar to the AIS requirements, manufacturer's documentation for the product(s) to include:

1. A project identifier (name, location, contract number, or project number)
2. The identity of the product(s) being supplied to the project (can be simple)
3. A statement attesting that the products supplied are compliant with BABA requirements (the "certification")
  - a. Will list which category of product they are certifying (e.g., meets component cost test for manufactured products).
4. Location(s) of manufacturing being certified (city and state)
  - a. Minimum: documenting final point of manufacturing in the United States
5. Signature of company representative making the certification (on company letterhead, signature can be electronic)

# COMPLIANCE ROLES

- Manufacturer's provide signed certification letter(s) for the product (most effective method of product compliance demonstration).
- Contractors verify products used on-site are compliant prior to their installation.
- Assistance recipients (and their representatives) collect compliance documentation for products received at the project site.
- Projects maintain documentation from manufacturers, which should be made available to the funding authority upon request.
  - Documentation may be received and maintained in hard copy, electronically, or could be embedded in construction management software.
- States support projects and oversee compliance

# THE CERT LETTER HOLY GRAIL



**MINAS MORGUL**

Minas Morgul Steel, Inc.  
1245 Barad Dur Ave.  
Mordor, Middle Earth  
+1 555 867 5309

## Material Certification

August 29, 2017  
Gondor Supply Co.  
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*Meriadoc Brandybuck*  
Product Quality Manager  
Minas Morgul Steel, Inc.

- Key Elements:
- Project reference
  - Specific list of products
  - Location of manufacturing (city and state)
  - Signature of representative
  - Dom Pref. requirement reference  
**(+BABA Category Reference)**

# BABA: AGENCY-WIDE GENERAL APPLICABILITY WAIVERS

- *De Minimis* public interest waiver
  - Agency-wide; Approved
    - All projects may use 5 percent non-domestic products (% of project cost)
- Small Award Threshold – agreements under \$250K threshold
  - Agency-wide; Approved
- Minor Components Waiver for Iron and Steel Products
  - Agency-wide; Approved; Same as AIS waiver
- Pacific Islands Territories Waiver
  - Agency-wide, Approved; excludes the three remote pacific territories

# BABA: PROGRAM GENERAL APPLICABILITY WAIVERS

- For SRF: Amended Design Planning Waiver; Approved
  - EPA recently amended this waiver to extend coverage to water infrastructure projects subject to SRF requirements funded outside SRF appropriations (i.e., Community Grants projects). More on the next slide!
- For WIFIA: Design Planning Waiver; Approved
- For Selected OW programs: 6-month Adjustment-Period Waiver; Approved (now expired – Mar 2, 2023)

# SRF BABA DESIGN PLANNING WAIVER

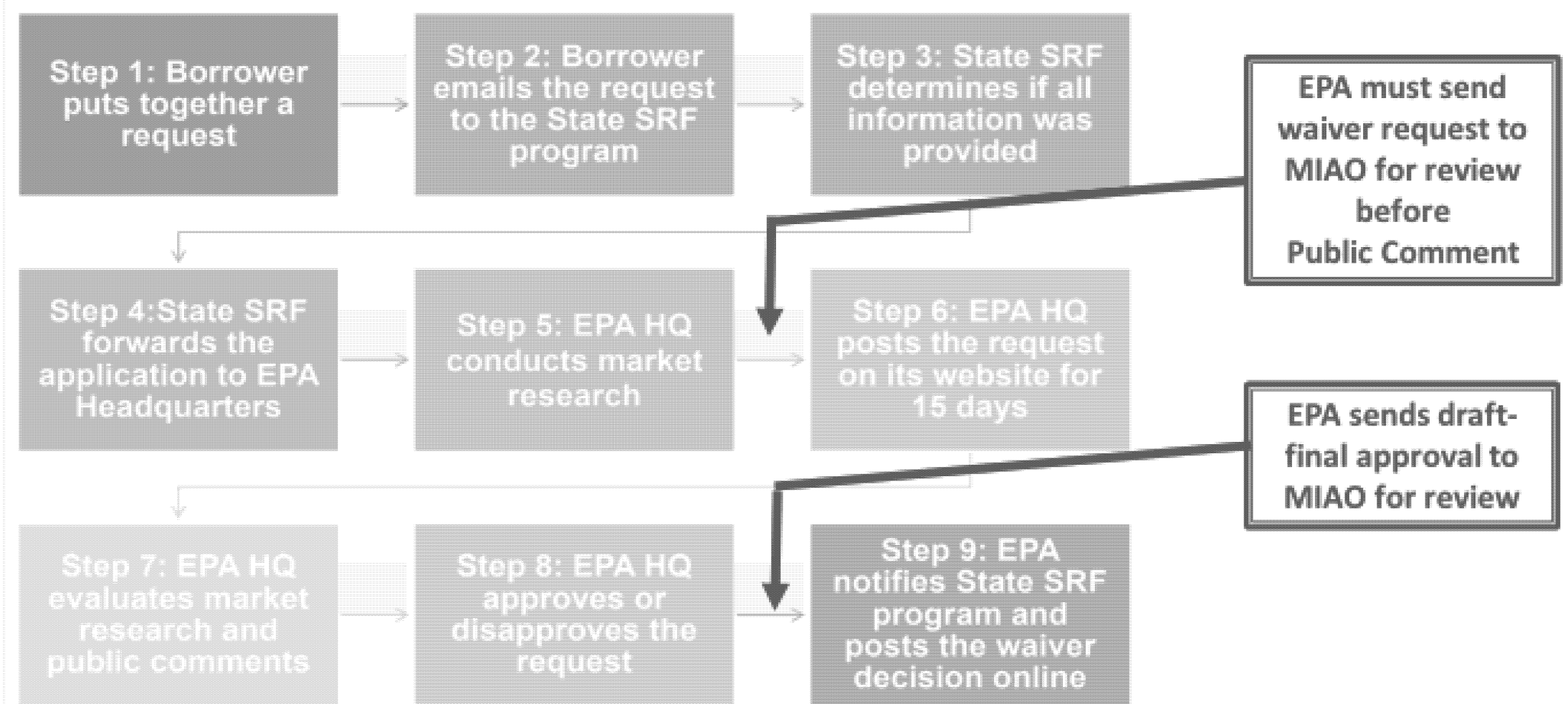
- Waives projects that initiated design planning prior to May 14, 2022
  - “Documentable efforts made...to evaluate and identify...viable options”
  - Provides 8 “prescriptive” categories of qualifying documentation:
    1. Submitted PER or equivalent (to state or to recipient);
    2. Issued RFP or executed contract for design or engineering services;
    3. Executed SRF assistance agreement that includes design;
    4. For projects designed by recipient: documented initiating design (such as PER);
    5. Solicitation of construction contract bids;
    6. Submitted plans and specifications to state (do not need to be complete);
    7. Held public referendum or public meeting on proposed project; or
    8. Evidence of new bonds passed or other new funding backing secured.
  - Alternative option to request case-by-case evaluation review from EPA



# BABA: PROJECT/PRODUCT-SPECIFIC WAIVERS

- Just like in AIS:
  - Nonavailability Waiver
    - Product(s) is not available or will not be available in a reasonable time
  - Public Interest Waiver
    - High Bar
    - Evaluation can be complicated, longer decision time
  - Unreasonable Cost Waiver
    - Increases the total project cost more than 25%

# NEW STEPS IN WAIVER PROCESSING THROUGH MIAO



## BABA: OTHER POTENTIAL WAIVERS

- OMB BABA guidance lists other public interest waivers for agency consideration:
  - Program Priority Waivers –other program waivers unlikely
- Short-term product-specific waivers (Nonavailability)
  - Short-term, targeted, conditional – required by guidance/OMB
  - General waivers for products not currently manufactured in U.S.
    - EPA Initiating research for many complex manufactured products

# WHO MAY APPLY FOR A WAIVER AND HOW?

- Assistance Recipients and their authorized representatives
- EPA does not process waiver requests from suppliers, distributors, or manufacturers (we do consider manufacturer's product information)
  - Exception: the assistance recipient endorses it and submits the request on its behalf to the funding authority
- If co-funded project, "cognizant" program coordinates the waiver request
- Approved general-applicability and Agency-wide waivers do not require a separate waiver request
  - De Minimis Waiver – executed by the Assistance Recipient (representatives)
  - Minor Components Waiver – for Iron and Steel product manufacturers

# EPA OW IMPLEMENTATION MEMO

- Released November 3, 2022
- “Build America, Buy America Act Implementation Procedures for EPA Office of Water Federal Financial Assistance Programs”
- Additive to OMB M-22-11 guidance
- <https://www.epa.gov/system/files/documents/2022-11/OW-BABA-Implementation-Procedures-Final-November-2022.pdf>
- Supplemental Q&As (Section 8) – May 2023



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF WATER

November 3, 2022

## MEMORANDUM

**SUBJECT:** Build America, Buy America Act Implementation Procedures for EPA Office of Water Federal Financial Assistance Programs

**FROM:** Radhika Fox  
Assistant Administrator

A handwritten signature in black ink, appearing to be "Radhika Fox".

**TO:** EPA Regional Water Division Directors, Regions I – X  
EPA Office of Water Office Directors

## OVERVIEW

The Biden-Harris Administration recognized the Nation's critical need for infrastructure investment, championing the Bipartisan Infrastructure Law (BIL), which Congress passed on November 15, 2021 (also known as the Infrastructure Investment and Jobs Act (IIJA)). The BIL will provide an unprecedented level of federal investment in water and wastewater infrastructure in communities across America.

In Title IX of the IIJA, Congress passed the Build America, Buy America (BABA) Act, which establishes strong and permanent domestic sourcing requirements across all Federal financial assistance programs for infrastructure. The U.S. Environmental Protection Agency (EPA) Office of Water is honored to help lead the implementation of these provisions and is proud of its near decade of successful implementation of the American Iron and Steel (AIS) provisions for its flagship water infrastructure programs.

This is a transformational opportunity to build a resilient supply chain and manufacturing base for critical products here in the United States that will spur investment in good-paying American manufacturing jobs and businesses. EPA's efforts to implement BABA will help cultivate the domestic manufacturing base for a wide range of products commonly used across the water sector but not currently made domestically. This will take time, and flexibility will be important to ensure that EPA can leverage critical water investments on time and on budget to protect public health and improve water quality.

# EPA OW BABA IMPLEMENTATION MEMO

- Section 1: General
- Section 2: Product Coverage
- Section 3: Co-funding
- Section 4: Waivers
- Section 5: Documenting Compliance
- Section 6: Programs with AIS Requirements
- Section 7: Program-Specific Issues
- Appendix 1: Example BABA Construction Contract Language
- Appendix 2: Example BABA Assistance Agreement Language



# OMB BABA GUIDANCE M-24-02

- Effective October 25, 2023
- “Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure”
- Supplemental to initial OMB M-22-11 guidance
- Incorporates final guidance from the 2CRF184
- [M-24-02](#)



THE DIRECTOR

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

October 25, 2023

M-24-02

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Shalanda D. Young *Shalanda D. Young*

SUBJECT: Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure

This memorandum provides supplemental implementation guidance to Federal agencies on: (1) the application of a Buy America preference<sup>1</sup> to Federal financial assistance programs for infrastructure; and (2) the process for waiving such a Buy America preference — including the circumstances under which waivers may be justified as consistent with applicable law and policy.<sup>2</sup> This memorandum rescinds and replaces Office of Management and Budget (OMB) Memorandum M-22-11. In addition, this memorandum removes direct conflicts between the earlier Memorandum M-22-11 and subsequent guidance issued by OMB in part 184 of Title 2 of the Code of Federal Regulations (“CFR”).<sup>3</sup> This memorandum also provides updated guidance on a limited number of topics — including the waiver process — which modifies earlier guidance provided by OMB in Memorandum M-22-11. To the extent that any guidance provided in this memorandum conflicts with guidance in 2 CFR part 184, the guidance in part 184 prevails.

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act (“BABA”). Pub. L. No. 117-58, §§ 70901-27. BABA strengthens Buy America preferences associated with Federal financial assistance for infrastructure and will bolster America’s industrial base, protect national security, and support high-paying jobs. BABA requires that the head of each covered Federal agency<sup>4</sup> must ensure that none of the funds made available for a Federal financial assistance program for infrastructure are obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.<sup>5</sup>

BABA affirms, consistent with Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America’s Workers* (“the Executive Order”), this Administration’s priority to

<sup>1</sup> 2 CFR 184.3.

<sup>2</sup> 2 CFR 184.7; Executive Order 14005, “Ensuring the Future Is Made in All of America by All of America’s Workers,” 86 FR 7475 (Jan. 28, 2021).

<sup>3</sup> 88 FR 57750 (Aug. 23, 2023).

<sup>4</sup> For the purposes of this guidance, the terms “Federal agency” and “agency” mean any authority of the United States that is an “agency” (as defined in section 3502 of title 44, United States Code), other than an independent regulatory agency (as defined in that section). IIJA, § 70912(3).

<sup>5</sup> IIJA, § 70914(a).

# OMB – FINAL GUIDANCE – 2 CFR 184

- Published Aug 23, 2023: [federalregister.gov/d/2023-17724](https://www.federalregister.gov/d/2023-17724)
- Final guidance for manufactured products cost test, product categorization, and non-ferrous construction materials
- Effective for BABA projects October 23, 2023
- Includes definitions for and determining the cost of components for manufactured products
  - Definition of “cost of components” mirrors Federal Acquisition Regulation (FAR) with some key changes/differences



# OMB MADE IN AMERICA – FINAL GUIDANCE HIGHLIGHTS

- OMB requested comments addressing 11 topics
  - Preamble summarizes response to ~ 2000 comments
  - Guidance text = last 10 pages (skip to page 126)
- Section 184.3 - definitions of key terms, including:
  - Manufactured Product means –
    - (1) Articles, materials, or supplies that have been:
      - (i) Processed into a specific form and shape; or
      - (ii) Combined with other articles, materials, or supplies to create a product with different properties than the individual articles, materials, or supplies.

# OMB MIAO – FINAL GUIDANCE HIGHLIGHTS, CONT.

- Component –
  - an article, material, or supply, whether manufactured or unmanufactured, incorporated directly into: (i) a manufactured product; or, where applicable, (ii) an iron or steel product.
- Manufacturer –
  - the entity that performs the final manufacturing process that produces a manufactured product.
- Produced in the United States –
  - (i) The product was manufactured in the United States; and
  - (ii) The cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product.

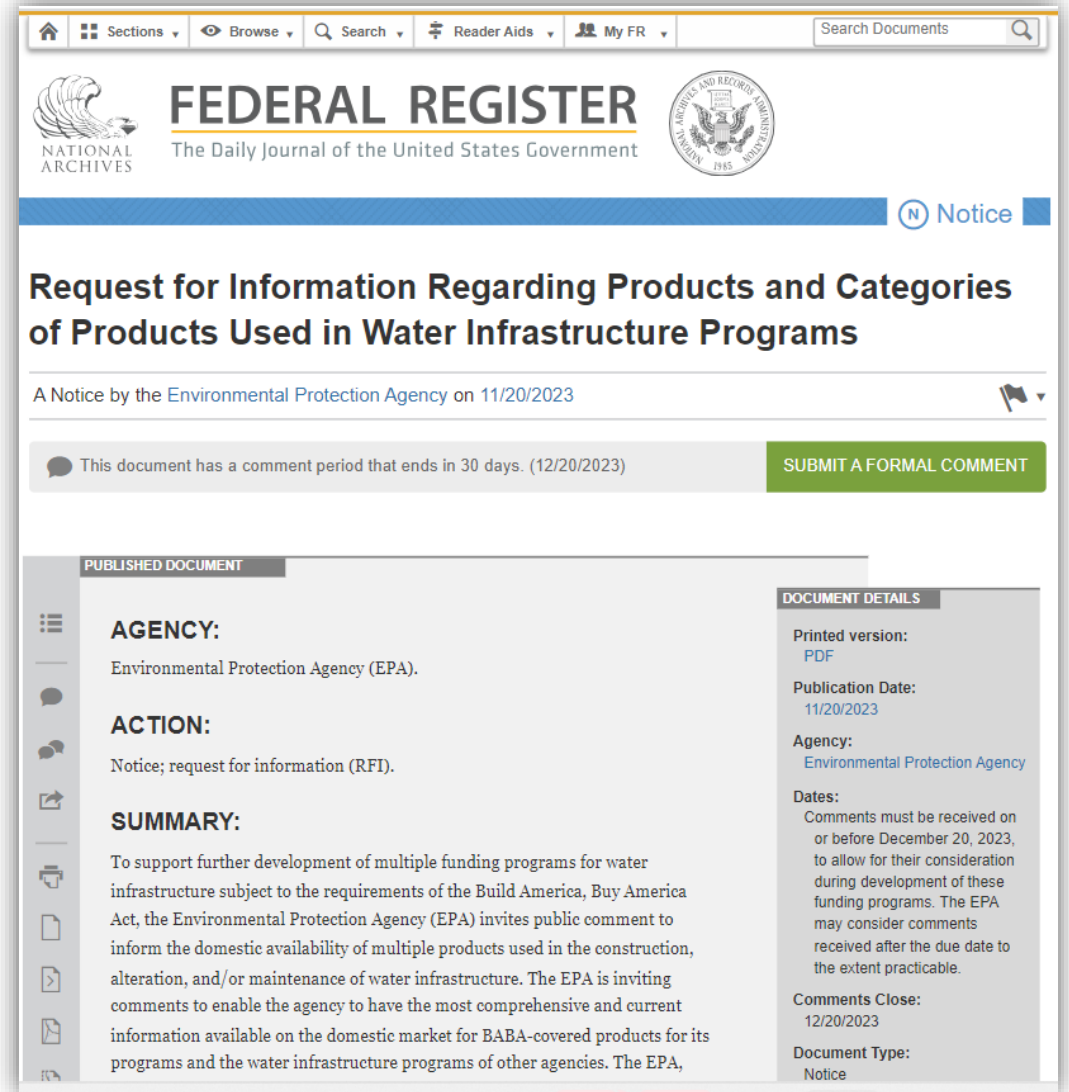
# OMB MIAO – FINAL GUIDANCE HIGHLIGHTS, CONT.

## §184.5 Determining the cost of components for manufactured products

- (a) For components purchased by the manufacturer, the acquisition cost, including transportation costs to the place of incorporation into the manufactured product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or
- (b) For components manufactured by the manufacturer, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (a) of this section, plus allocable overhead costs, but excluding profit. **Cost of components does not include any costs associated with the manufacture of the manufactured product.**

# REQUEST FOR INFORMATION (RFI)

- EPA, Published November 20, 2023
- “Request for Information Regarding Products and Categories of Products used in Water Infrastructure Programs”
- EPA and other federal water infrastructure programs requesting comment for 30 days
- [Federal Register](#) - RFI



The screenshot displays the Federal Register website interface. At the top, there are navigation menus for Sections, Browse, Search, Reader Aids, and My FR, along with a search bar. The main header features the National Archives logo, the text "FEDERAL REGISTER The Daily Journal of the United States Government", and the Presidential Seal. A blue banner indicates a "Notice".

The main content area shows the title "Request for Information Regarding Products and Categories of Products Used in Water Infrastructure Programs" and the text "A Notice by the Environmental Protection Agency on 11/20/2023". A green button labeled "SUBMIT A FORMAL COMMENT" is visible. A message states "This document has a comment period that ends in 30 days. (12/20/2023)".

The document details are as follows:

PUBLISHED DOCUMENT		DOCUMENT DETAILS	
<b>AGENCY:</b>	Environmental Protection Agency (EPA).	<b>Printed version:</b>	PDF
<b>ACTION:</b>	Notice; request for information (RFI).	<b>Publication Date:</b>	11/20/2023
<b>SUMMARY:</b>	To support further development of multiple funding programs for water infrastructure subject to the requirements of the Build America, Buy America Act, the Environmental Protection Agency (EPA) invites public comment to inform the domestic availability of multiple products used in the construction, alteration, and/or maintenance of water infrastructure. The EPA is inviting comments to enable the agency to have the most comprehensive and current information available on the domestic market for BABA-covered products for its programs and the water infrastructure programs of other agencies. The EPA,	<b>Agency:</b>	Environmental Protection Agency
		<b>Dates:</b>	Comments must be received on or before December 20, 2023, to allow for their consideration during development of these funding programs. The EPA may consider comments received after the due date to the extent practicable.
		<b>Comments Close:</b>	12/20/2023
		<b>Document Type:</b>	Notice

# REQUEST FOR INFORMATION - BACKGROUND

- Agencies: EPA, USDA, USACE, HUD, FEMA, DOT, and DOI
- The RFI requests information specific to several topics
  1. Domestic Materials Sourcing and Manufacturing
    - identify manufacturers meeting requirements; production capacity; anticipated growth; support/incentives needed
  2. Market Readiness (current and near-term expectations)
  3. Timing (e.g., delivery timeframes)
  4. Other Practical Considerations

# COMMENTING ON THE RFI

- Note: submit comments button does a pretty good job of hiding in plain sight!
- Electronic comments submitted here will be public and cannot be changed. Multiple comments are allowed.
- Do not submit CBI through this electronic portal.

The screenshot shows the Federal Register website interface. At the top, there is a navigation bar with links for Sections, Browse, Search, Reader Aids, and My FR. Below this is the Federal Register logo and the text 'The Daily Journal of the United States Government'. A blue bar with a 'Notice' icon is visible. The main heading is 'Request for Information Regarding Products and Categories of Products Used in Water Infrastructure Programs'. Below the heading, it states 'A Notice by the Environmental Protection Agency on 11/20/2023'. A grey box contains the text 'This document has a comment period that ends in 30 days. (12/20/2023)'. A green button labeled 'SUBMIT A FORMAL COMMENT' is circled in red. Below this, there are two sections: 'PUBLISHED DOCUMENT' and 'DOCUMENT DETAILS'. The 'PUBLISHED DOCUMENT' section lists 'AGENCY: Environmental Protection Agency (EPA)' and 'ACTION: Notice; request for information (RFI)'. The 'DOCUMENT DETAILS' section lists 'Printed version: PDF', 'Publication Date: 11/20/2023', and 'Agency: Environmental Protection Agency'.

# RESOURCES

- EPA Websites:
  - [www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement](http://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement)
  - [www.epa.gov/cwsrf/build-america-buy-america-baba](http://www.epa.gov/cwsrf/build-america-buy-america-baba)
- Email Inboxes:
  - [SRF\\_AIS@epa.gov](mailto:SRF_AIS@epa.gov) (underscore!)
  - [BABA-OW@epa.gov](mailto:BABA-OW@epa.gov) (hyphen!)



# Questions and Discussion