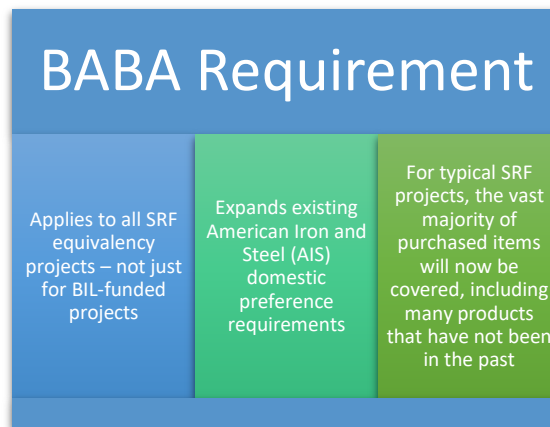




Build America, Buy America Requirement

The Build America, Buy America Act (BABA), a component of the Bipartisan Infrastructure Law (BIL), requires that “none 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.”

Funding made available by the Alaska Department of Environmental Conservation’s State Revolving Fund (SRF) Program includes a combination of federal and state funds, as well as repayments from previous loans. Annually, the SRF Program is required to apply the BABA requirements to projects in an amount equal to the federal capitalization grant (also known as “equivalency projects”). Non-equivalency projects are not subject to BABA requirements.



Definition of “Project”

Any activity related to the construction, alteration, maintenance, or repair of infrastructure in the U.S.

BABA Waivers

EPA have not yet finalized all BABA waivers. EPA finalized an “adjustment period” waiver on September 2, 2022. Pursuant to Section 70914(c) of the BABA Act, EPA may waive Buy America preference for the following:

- Public Interest
 - Small project general applicability
 - De minimis general applicability
- Nonavailability
- Unreasonable cost

Additional information can be found at:

<https://www.epa.gov/cwsrf/build-america-buy-america-baba>

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Iron and Steel

- Items that are 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.



Manufactured Products

- Cost of components that are mined, produced, or manufactured in the U.S. is greater than 55 percent of the total cost of all components of the manufactured product.
- The manufactured product category includes, but is not limited to, motors, blowers, pumps, aerators, generators, gauges, meters, measurement equipment, instrumentation and control systems, treatment equipment, actuators, and other mechanical and electrical items.

CONSTRUCTION MATERIALS

Includes:

- Non-ferrous metals
- Plastic and polymer-based products (including PVC composite building materials, and polymers used in fiber optic cable)
- Glass (including optic glass)
- Lumber and drywall

Excludes:

- Items made primarily of iron or steel
- Manufactured products
- Cements and cementitious materials
- Aggregates (stone, sand, or gravel)
- Aggregate binding agents/additives