



Buy American

Trying to Make Sense out of the ARRA
Buy American Requirement

ARRA Buy American Requirement

- Use U.S.-made iron, steel, and manufactured products in ARRA-funded water projects

OR

- Request a waiver to allow use of foreign-made products

What is a Buy American Waiver?

- A waiver allows you to use foreign-made products on an ARRA-funded water project

Basis for Issuing Waivers

- **Public Interest.** Use of U.S. made product would be inconsistent with public interest
- **Availability.** Product not produced in sufficient quantity or quality in the U.S.
- **Cost.** Use of U.S. product would increase cost of overall project by more than 25%

Existing National Waivers

- **Refinancing waiver** (for projects that incurred debt obligations between 10/1/2008 and 2/17/09 that were refinanced by the SRF using ARRA funds).
- **Bid waiver** (for projects that solicited bids between 10/1/2008 and 2/17/09).
- **Revised De Minimus waiver** (for de minimus incidental components of projects that comprise no more than 5% of total materials cost).

How to Apply for a Waiver

- **Already Covered?** If you are already covered by a national waiver you don't have to do anything except maintain documentation showing that you are covered. But it is a very good idea to email someone in the state SRF program (who will email someone in the EPA SRF program) to confirm that you are actually covered.

How to Apply for a Waiver

- **Not Already Covered.** If you are not already covered by a national waiver and your project involves use of foreign-made goods, you need to apply.

Here's how:

1. Fill out the Buy American waiver checklist and assemble the required documentation. Specific details (and the checklist) can be found at:
http://www.epa.gov/water/eparecovery/docs/04-29-2009_BA_waiver_process_final.pdf
2. Submit the application materials in electronic format to: region10waiver@epa.gov
3. Goal is for EPA to process waiver request within 2 weeks of receiving complete application.

Not Sure If You Need a Waiver?

- Review the Buy American waiver guidance documents, national waivers, and regional waivers. All of these can be found at:
 - <http://www.epa.gov/water/eparecovery>

If You Still Have Questions

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