



WWEMA Position
on
“Iron and Steel” Language in FY-14 Appropriations Bill for
Drinking Water and Clean Water State Revolving Loan Funds (SRFs)

The Water and Wastewater Equipment Manufacturers Association (WWEMA) has been opposed to “Buy American” language since it was first included in the American Recovery and Reinvestment Act (ARRA) of 2009. These provisions create “protectionism” policies that impact the ability of American companies to export American goods overseas. In the case of the 2014 Appropriations language, these restrictions are now being placed on U.S. manufacturers by our own Government. While this language is now in force, WWEMA strongly urges EPA to take the following approach in implementing the provisions:

- 1) The “iron and steel” language should apply only to those items listed specifically in the legislation – not other manufactured items like pumps, blowers, analytical instrumentation, biological and aeration equipment, disinfection equipment, filtration equipment, and ultrafiltration and reverse osmosis membrane equipment.
- 2) The language should be read as “unless all of the iron and steel **products** used in the project are **produced** in the U.S.” EPA should refer back to its guidance and question and answer documents under ARRA for the definition of “produced.” While this will restrict compliance to U.S.-based manufacturers, it will allow more manufacturers to sell products and more products to be available.
- 3) If EPA intends for “primarily” to mean content-based, the percent should be high – akin to 90%.
- 4) EPA should develop a short, workable list of “construction materials” based on industry definitions (e.g., grates, ladders, roofing, railings, stairwells).
- 5) Documentation of compliance should be provided by the manufacturer through a short, standardized one-page verification form and maintained on file by the utility for impacted projects.
- 6) EPA should consider issuing across-the-board Availability Waivers for any product listed that is not currently produced in the U.S. or not produced in sufficient quantity to meet project requirements. Pipe fittings, flanges, and valves may be good examples of the types of products that may need waivers.
- 7) If waivers are needed, the process should be fast and the results readily available to the public, engineering firms, manufacturers, utilities, and all other interested stakeholders.