



June 24, 2022

Radhika Fox
Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Subject: Proposed Program Waiver of Section 70914 of P.L. 117-58, Buy America, Build America Act, 2021 for State Revolving Fund Projects with Submitted Engineering Plans and Specifications

Dear Assistant Administrator Fox:

The Water Infrastructure Finance Authority (WIFA) of Arizona, which manages the State's Clean Water and Drinking Water State Revolving Funds (SRFs), opposes the proposed waiver of domestic procurement requirements for construction materials and manufactured goods in the Build America, Buy America Act (BABAA) for the Clean Water and Drinking Water SRFs.

The proposed waiver only exempts projects that meet narrowly defined parameters before the law's effective date and offers no adjustment period to implement the new mandates for construction materials and manufactured products. Instead, WIFA urges the U.S. Environmental Protection Agency (EPA) and OMB to issue a public interest waiver of domestic preference requirements for construction materials and manufactured goods for SRF borrowers who initiated design planning before the effective date of the law during the period from the effective date of the law until EPA issues comprehensive implementation guidance, and for at least six months after the EPA gives final comprehensive implementation guidance that clearly defines the rules of compliance.

"Initiated design planning" should include efforts to procure services related to the water infrastructure project, such as the date of a bid or execution of a contract for rates studies, feasibility studies, design, planning, or engineering services, whether funded by SRFs or conducted independently. An executed assistance agreement with the SRF or inclusion on the SRF Project Priority List or approved Capital Improvement Plan can also reflect the "initiation" of design planning. This temporary waiver for construction materials and manufactured products will provide a minimal adjustment period for developing policies and procedures to implement these new mandates in our program.

Successful implementation of the law requires comprehensive implementation guidance to be issued first, followed by a temporary adjustment period that provides sufficient time for the SRFs to educate



Douglas A. Ducey, Governor
Daniel A. Dialessi, Executive Director

borrowers on the procedures for complying with the new federal mandates. Additionally, clarity on the rules, consistency across programs, and continuity of policy through implementation will ensure critical water infrastructure projects remain on track, on time, and within budget.

Thank you for the opportunity to comment on this proposed waiver. WIFA looks forward to working with the Biden-Harris Administration to deliver the benefits of the Bipartisan Infrastructure Law to communities and meaningfully support American jobs through a practicable implementation of BABAA.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel A. Dialessi".

Daniel A. Dialessi, CFA
Executive Director