

December 20, 2023

Radhika Fox
Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OW-2023-0396:
Request for Information: Products and Categories of Products Used in Water Infrastructure Programs

Dear Administrator Fox:

[COMPANY] appreciate the opportunity to offer comments on the proposed guidance implementing the Build America, Buy America Act (BABAA) provisions contained within the Infrastructure Investment and Jobs Act (IIJA). As an industry stakeholder and a member of the National Utility Contractors Association, [COMPANY] wishes to offer the following comments regarding the availability of certain products used in water infrastructure construction projects.

- I. About [COMPANY]
- II. Domestic Materials Sourcing and Manufacturing
 - a. Products manufactured, distributed, and/or used by [COMPANY] under scope of RFI
 - i. Categories of product above (construction material, manufactured product, iron and steel)
 - b. Current expected domestic capacity and lead times
 - c. Do products meet BABA standards?

EPA Questions:

1. Domestic Materials Sourcing and Manufacturing:

- a. For each of the products or categories of products you identified, please specify whether the product meets BABA requirements (described above) or is currently manufactured in the United States to meet a domestic final assembly condition. (Yes or no).
- b. Please identify whether the products in your response fall within the iron and steel, manufactured products, or construction materials categories of BABA.
- c. If you answered "Yes" to Topic 1(a), to the best of your knowledge.
 - i. Please identify all manufacturers that can either meet BABA requirements or can currently manufacture products or categories of products you specified in the United States. For products that meet the condition of manufactured in the United States, please identify the manufacturing location and percentage of components manufactured in the United States as calculated by cost of components (if known).
 - ii. What is the current production capacity of the products that can meet BABA requirements?

iii. What is the anticipated growth in BABA-compliant capacity over the next five years? Does this anticipated growth consider the more than \$50 billion in increased funding described above? Please explain.

iv. For products able to meet BABA requirements, what is the estimated lead time from purchase order to delivery to the project site? Has this lead time increased or decreased in recent years?

d. If you answered “No” to Topic 1a:

i. What actions are manufacturers taking/could take to increase the manufacturing of products that will meet BABA requirements?

ii. What additional support or incentives (e.g., financial, rulemaking certainty, etc.) are needed to ensure a sufficient supply of products that meet BABA requirements?

iii. How long might it take to implement the steps needed to increase or begin production of BABA compliant products?

iv. If a plan is in place to manufacture BABA compliant products, what is the volume of specific products that will follow BABA requirements and in what time frame?

v. Will the volume of BABA compliant products be ramped up over time, and, if so, at what annual growth rate?

vi. What are the limiting factors for the product's ability to meet criteria for BABA compliance? For example, are there components of these products for which it is hard to meet BABA requirements? Please describe each component separately and indicate approximately what percent of component value it represents.

2. Market Readiness:

a. For all products specified in Topic 1(a), provide your observations on the current and near-term demand expected for these products or categories of products. Does this estimate of future demand consider the more than \$50 billion in increased funding described above? Please explain.

b. Provide information regarding whether the current and/or near-term manufacturing capacity would be adequate to meet the expected market demand.

Please specify any factors helping or preventing the industry from meeting the expected demand today and in the near-term and provide information on the current and expected availability or unavailability of key components or sub-components of the product or category of products you specified.

c. Are there supply chain issues that make it difficult to credibly communicate the existence of increased demand, or to credibly commit that such demand will be forthcoming? If so, please describe as specifically as possible.

3. Timing:

a. Where known, for each product/category of products specified in Topic 1, specify the current range of expected product delivery timeframes. Are any existing supply chain delays applicable or anticipated for the product(s) or critical components of the product(s)?

b. Provide information, if available, on expected delivery timeframe outlooks through the near-term future. Provide information, if known, on whether current timing delivery concerns are related to a temporary disruption.

c. Provide information on the current and expected near-term average customer delivery time.

d. Provide information regarding global supply chain constraints, local permitting, safety requirements and needs that may affect delivery timeframes or extend installation time.

4. *Other Practical Considerations:* Please specify any other considerations for the EPA regarding production, products, systems, equipment, or components of products used in water infrastructure.

Thank you for your consideration,