



Rural Development

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NATIONAL PRODUCT WAIVER OF AMERICAN IRON AND STEEL REQUIREMENTS FOR STAINLESS STEEL NUTS AND BOLTS USED IN PIPE COUPLINGS, RESTRAINTS, JOINTS, FLANGES AND SADDLES.

BACKGROUND:

Section 746 Division A Title III the Consolidated Farm and Rural Development Acts of 2017 states:

(a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the “Secretary”) or the designee of the Secretary finds that—

- (1) applying subsection (a) would be inconsistent with the public interest;
- (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

DEFINITIONS:

“Stainless Steel Nuts and Bolts” are defined as steel nuts and bolts that are used in bolting-type pipe couplings, restraints, joints, flanges and repair saddles.

JUSTIFICATION:

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

Rural communities frequently leverage USDA's funding on individual projects with the EPA's State Revolving Fund programs, which have similar AIS requirements. A consistent approach to implementing AIS requirements between the two agencies greatly facilitates such cooperation and minimizes the regulatory and logistical burden, supporting Rural Development's mission of improving the quality of life in rural communities. Section 746 (b) (2) of the 2017 Appropriations Act confers authority to the Secretary, delegated by memorandum to the RUS Administrator, to grant a waiver in cases where "iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality."

WAIVER:

This waiver permits the purchase and use of stainless steel nuts and bolts of unknown or non-domestic origin in bolting-type pipe couplings, restraints, joints, and repair saddles for water and waste projects funded by WEP. Approval of this stainless steel nuts and bolts waiver is supported by Section 746 (b)(2), which allows for a waiver in cases where "...iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality."

The effective date of this waiver will be retroactive to 5 May 2017. This waiver will expire on 24 February 2020, concurrent with the EPA's national short-term waiver for stainless steel nuts and bolts. Concurrence of the content and sunset dates of the two agencies' waivers will facilitate continued coordination between the two agencies on co-funded projects, while providing certainty to domestic manufacturers to enable plans for ramping up production.