



A bold voice for transportation workers

August 18, 2022

Polly E. Trottenberg
Deputy Secretary
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

**RE: Construction Materials Used in Federal Financial Assistance Projects for Transportation Infrastructure in the United States under the Build America, Buy America Act; Request for Information
Docket DOT-OST-2022-0047**

Dear Deputy Secretary Trottenberg:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the U.S. Department of Transportation's (DOT) Request for Information regarding Buy America Requirements for Construction Materials. TTD consists of 37 affiliate unions representing workers in construction and manufacturing who are directly impacted by Buy America policies.¹

In its notice, DOT requests information regarding a variety of topics relating to the Buy America waiver process and availability of materials. TTD appreciates DOT's continued engagement and commitment to implement the Buy America provisions included in the Bipartisan Infrastructure Law (BIL), which represents a historic step toward making necessary and long-overdue investments across all sectors of our nation's infrastructure. In addition to making once-in-a-generation investments that will reach every corner of this country and benefit every American, the BIL will create hundreds of thousands of good jobs for American workers, and contains a number of long-sought priorities that benefit and protect workers across every mode of our transportation network, including strengthened Buy America preferences to include construction materials and manufactured products. These preferences include that all of the iron, steel, manufactured products, and construction materials used in federally-assisted infrastructure projects are produced in the United States.

¹ Attached is a list of TTD's affiliated unions.

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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer



TTD has [long supported strong Buy America provisions](#). As [we stated in May](#), it is crucial to begin disbursing funds appropriated in the BIL subject to domestic content preferences that will create high-quality, American jobs with the option of a union. DOT should move quickly to begin a transparent, narrow waiver process, which includes specific product waivers and posting those waivers publicly through the mandated central clearinghouse website. Domestic manufacturers need strong evidence, such as time limited non-availability waivers, to make commercial and workforce investments that would grow our nation's manufacturing capabilities using American labor. Posting individual, narrowly tailored waivers provides valuable information on the frequency, value, and nature of purchases that are not being supplied by domestic producers, which would enable domestic manufacturers to make informed investment decisions that will fill gaps in our production capabilities. Many manufacturers have unused factory capacity that could be reallocated quickly to meet domestic production needs, but these steps will only be taken if business-owners see demonstrated need for their products. For compliance, a good-faith certification process would not need to be completely re-invented. Existing procedures such as step-certification could be used to ensure that federally-assisted projects are meeting Buy America requirements.

TTD appreciates the opportunity to comment on DOT's request for information and looks forward to working with DOT on this and other issues in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Regan', enclosed within a simple circular outline.

Greg Regan
President