

November 30, 2016

Federal Highway Administration  
Attn: Mr. Gregory G. Nadeau, Administrator  
1200 New Jersey Ave. SE  
Washington, DC 20590

**RE: CRSI Comments in Response to Docket Number: FHWA-2016-0028,  
Proposed Buy America Waivers**

Dear Mr. Nadeau:

The Concrete Reinforcing Steel Institute (CRSI) is a technical institute and Standards Developing Organization (SDO) that stands as the authoritative resource for steel reinforced concrete construction. Founded in 1924, CRSI is among the nation's oldest trade associations whose members represent over 80% of the U.S. manufacturers, fabricators and placers of steel reinforcing bar and related products with over 600 locations in 49 states with over 15,000 employees. CRSI members can produce over eight million tons of reinforcing steel per year and impact the livelihood of tens of thousands of people. CRSI staff comprises a nationwide regional network of industry professionals. Our supplier members manufacture concrete accessories including reinforcement bar supports, tie wire, splicing systems, lifting anchors and bridge hangers which would be affected by the proposed waivers to the Buy America requirements.

CRSI supports strong and effective Buy America requirements. These requirements were drafted by our elected representatives to ensure that tax dollars contribute to our national prosperity. The requirements include specific provisions for waivers when supported by evidence of conflict with the public interest, domestic product unavailability, or excessive cost.

*Proposed Nationwide Waiver for Commercially Available  
Off-the-Shelf Products (COTS) with Steel or Iron Components*

The proposed waiver for COTS products is purportedly based on public interest, citing the administrative burden associated with documentation and tracking. The very nature of the Buy America Program contemplates that the overall burdens of compliance will be

outweighed by the overall benefits to the country by supporting the domestic iron, steel and steel products industries. Therefore, the mere existence of compliance burdens does not justify exclusion of iron, steel or steel products from Buy America requirements, particularly when those burdens are unsubstantiated.

The arbitrary definition of COTS products in the proposed waiver does not logically derive from Buy America requirements, nor does it do anything to distinguish products which are expected to place undue administrative burden on federal aid recipients versus those that are not. Specifically, a product's retail availability, degree of customization, and breadth of use do not bear on the administrative burden of tracking the product. Therefore, these criteria are not useful in determining whether the product should be subject to Buy America requirements.

Traceability does not pose a hardship to our industry. Daily requests for mill certificates and Certificates of Origin have become ordinary requirements for conducting business. **FHWA should not issue a nationwide waiver for COTS products as defined in FHWA-2016-0028.**

*Proposed Temporary Nationwide Waiver for Steel Tie Wire  
Permanently Incorporated in Precast Concrete Products, and  
Contemplated Waiver for Other Steel and Iron Products  
Permanently Incorporated in Precast Concrete Products*

The proposed waivers for tie wire and construction accessories permanently incorporated in precast concrete products are purportedly based on domestic product unavailability. Our membership includes companies that have indicated their ability and capacity to supply tie wire compatible with tying guns, and lifting anchors and other accessories for precast elements. These members have the domestic capacity to support the demand that would be created by the proper and intended enforcement of Buy America requirements. **We are aware of five U.S. tie wire manufacturers who are capable of and have the capacity to supply the quantities of tie wire for projects meeting Buy American requirements.**

Typically, a project-level request for waiver based on domestic product unavailability is denied when a domestic source is found. Similarly, **FHWA should not issue a temporary nationwide waiver for tie wire permanently incorporated in precast concrete products when domestic supply is available.**

The legislative, administrative and judicial histories of the Buy America Program make clear that the law requires that, to the maximum extent possible, iron, steel and steel

products permanently incorporated into a federally-funded transportation construction project must be American-made. Concrete accessories like reinforcement bar supports, tie wire, splicing systems, lifting anchors and bridge hangers are available from domestic manufacturers in forms and quantities sufficient to support these projects. The burden of administering the program was understood from the beginning, and is more than offset by the public's interest in using tax money to benefit to American industry.

Sincerely,



David McDonald, PhD, PE, FACI  
President and CEO  
Concrete Reinforcing Steel Institute

cc: The Honorable Bill Shuster, Chairman,  
United States House Committee on Transportation and Infrastructure