



# WATERREUSE®

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May 20, 2022

The Honorable Radhika Fox

Assistant Administrator

Office of Water

U.S. Environmental Protection Agency

William Jefferson Clinton Building

1201 Pennsylvania Avenue, N.W.

Washington, D.C. 20460

Dear Assistant Administrator Fox:

Thank you for your commitment to swiftly implementing the historic Infrastructure Investment and Jobs Act (IIJA), and for meaningfully engaging stakeholders throughout the process. We write today to express our support for the proposed waiver concerning the application of Buy America, Build America Act (BABAA) requirements to WIFIA-funded projects that have initiated project design planning prior to May 14, 2022.

The WateReuse Association is a not-for-profit trade association for water utilities, businesses, non-profit organizations, and research entities that advocate for policies and programs to advance water recycling. WateReuse and its state and regional sections represent nearly 250 water utilities serving over 60 million customers, and over 200 businesses and organizations across the country.

WateReuse and our members were deeply involved in the development and enactment of the IIJA. We worked closely with Congress to ensure that the legislation supports water recycling as a resiliency tool.

The proposed waiver program addresses a number of the concerns raised by water reuse and recycling utilities, including the importance of establishing a phased approach to implementation of BABAA requirements, a recognition of the labor and design costs associated with project development prior to application for WIFIA loans, and that water reuse and recycling facilities utilize certain equipment and advanced water treatment technologies that include products not yet able to be sourced in the United States, with no equally efficient and effective alternatives.

As EPA moves forward with broader BABAA implementation, we urge you to develop a similar waiver process for the Clean Water and Drinking Water State Revolving Fund programs. The WIFIA waiver creates a phased implementation approach that allows essential water projects to continue to be funded as the U.S. builds capacity. We believe taking the same approach and incorporating flexibility for additional water project funding programs such as the State Revolving Funds is essential to supporting communities in meeting their infrastructure needs. We thank EPA for the continued engagement with the water stakeholder community through the implementation of BABAA.

WateReuse looks forward to working with you and your team to ensure that EPA programs effectively support water reuse projects across the United States.

Sincerely,



Patricia L. Sinicropi, J.D.  
Executive Director

