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The EPA Office of Inspector General Identifies Lapse in EPA Tracking of Build America, Buy America Act Waivers for Infrastructure Projects

WASHINGTON – The U.S. Environmental Protection Agency Office of Inspector General today issued a [report](#) identifying that the EPA risks being unable to determine whether it is meeting the intent of the Build America, Buy America Act, or BABA, because it is not consistently tracking the use of BABA waivers for EPA-funded infrastructure projects. Failure to develop and implement a method for tracking waivers could undermine the EPA’s ability to maximize the use of U.S. goods, products, and materials in the over \$60 billion of Infrastructure Investment and Jobs Act projects potentially subject to BABA requirements.

Intended to create demand for domestically-produced goods, BABA provides that U.S. taxpayer dollars should not be spent procuring infrastructure project materials that were not made in the United States unless there is a reasonable justification. While waivers to the Made in America requirement are allowable, they are intended to be time-limited, targeted, and conditional.

The EPA had approved 11 waivers for infrastructure projects as of December 2023 but tracked use for only one of these waivers. The Agency determined that this single tracked waiver has been used for 26 infrastructure projects. However, due to a lack of tracking on the remaining waivers, the EPA is unable to determine how extensively the other waivers have been used. While BABA does not explicitly require the Agency to track the use of each waiver, without such, the EPA is not effectively monitoring BABA and minimizing the use of waivers.

“Strict monitoring of Build America, Buy America Act waivers can ensure the EPA is meeting the intent of the IIJA to maximize domestic investment in job-creating infrastructure projects,” said EPA Inspector General Sean W. O’Donnell. “EPA oversight of waivers is vital, regardless of legal obligation, to hold infrastructure projects accountable for growth in American jobs and markets.”

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About the EPA OIG

The OIG is an independent office within the EPA that performs audits, evaluations, and investigations of the EPA and the U.S. Chemical Safety and Hazard Investigation Board. For more information, visit [our website](#) and follow the OIG on [X](#), [LinkedIn](#), and [Instagram](#). Anyone with knowledge of potential waste, fraud, and abuse relating to EPA operations and programs is encouraged to report it to the [OIG Hotline](#) at (888) 546-8740 or OIG.Hotline@epa.gov.