

Such process took place at the following location: _____.

If any of the above compliance statements change while providing material to this project, we will immediately notify the prime contractor and the engineer.

Signed by company representative

FEMA BABAA Waivers

Waivers

FEMA has the authority to waive the BABAA requirement when: (1) applying the requirement is inconsistent with the public interest (a “public interest waiver”); (2) types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality (a “nonavailability waiver”); or (3) inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25% (an “unreasonable cost waiver”).

If a project cannot comply with the BABAA requirements, recipients and subrecipients must seek a waiver from FEMA. There are two categories of waivers: General Applicability Waivers and Project-Specific Waivers.

General Applicability Waivers

The term “general applicability waiver” refers to a waiver that applies generally across multiple awards. A general applicability waiver can be “product-specific” (e.g., applies only to a product or category of products) or “non-product specific” (e.g., applies to all “manufactured products”). Award recipients subject to BABAA may use general applicability waivers and do not require a separate application or approval by FEMA prior to use. These may cover categories of products known to be unavailable domestically or are intended to ease the burden of compliance.

For example, FEMA has issued one general applicability waiver to date, the [FEMA General Applicability Public Interest Waiver](#). Although the BABAA requirements went into effect on May 14, 2022, FEMA determined that it was in the public interest to issue a general applicability waiver of the BABAA requirements to allow for an adjustment period for FEMA, its recipients/subrecipients, industry partners, and other stakeholders to develop and transition to the new compliance and certification process for iron, steel, manufactured products, and construction materials. This waiver is effective from July 1, 2022, until Jan. 1, 2023. The domestic preference requirements will not attach to awards or funding obligated during this waiver period and will only attach to awards or funding obligated on or after Jan. 2, 2023.

FEMA anticipates issuing additional general applicability waivers related to *de minimis*, minor components, adjustment period for tribes, and small projects. As FEMA proposes and issues these waivers, they will be available for review on the [FEMA BABAA website](#).