

DEPARTMENT OF ENVIRONMENTAL PROTECTION

1. Steel Products Procurement Act

In accordance with the Act of March 3, 1978 (P.L. 6, No. 3), as amended, known as the “Steel Products Procurement Act” (73 P.S. Section 1881 et seq.), the Contractor, subcontractors, materialmen or suppliers shall use only steel products produced in the United States. “Steel products” means products rolled, formed, shaped, drawn, extruded, forged, cast, fabricated or otherwise similarly processed by a combination of two or more of such operations, from steel made in the United States by the open hearth, basic oxygen, electric furnace, Bessemer, or other steel making process, including cast iron products. With each shipment of steel or cast iron products delivered to the project site, the Contractor shall provide evidence to the Department’s Field Representative that such steel products comply with the Act. When unidentified steel products are supplied, the Contractor must provide documentation which includes, but is not limited to: invoices, bills of lading, and mill certification that the steel was melted and manufactured in the United States, which establishes that the Contractor has fully complied with the Act. If a steel product is identifiable from its face, the Contractor must provide certification that it has fully complied with the Act.

The definition of steel products shall include machinery and equipment listed in United States Department of Commerce Standard Industrial Classification 25 (furniture and fixture), 35 (machinery, except electrical) and 37 (transportation equipment) and made of, fabricated from, or containing steel components. If a product contains both foreign and United States steel, such product shall be determined to be a United States steel product only if at least 75% of the cost of the articles, materials and supplies have been mined, produced or manufactured, as the case may be, in the United States. Transportation equipment shall be determined to be a United States steel product if it complies with Section 165 of Public Law 97-424 (96 Stat. 2136).

Compliance with the Steel Products Procurement Act will not be required for steel products used as construction tools and which will not serve a permanent functional use in the project. Steel casing must comply with the Steel Products Procurement Act only when it is permanently incorporated into the project such as a water well for a permanent water supply.

The Department shall not provide for, or make any payments to, any person who has not complied with the Act. Any such payments made to any person by the Department which should not have been made as a result of the Act shall be recoverable directly from the Contractor or subcontractor who did not comply with the Act. In addition to the above penalties, any person who willfully violates the provisions of the Act shall be subject to other penalties outlined in the Act.

2. Trade Practices Act

In accordance with the Act of July 23, 1968 (P.L. 686, No. 226), as amended, known as the “Trade Practices Act” (71 P.S. Section 773.101 et seq.), the Contractor shall not use or permit to be used in the work any aluminum or steel products made in a foreign country which is listed below as a foreign country which discriminates against aluminum or steel products manufactured in Pennsylvania. The countries of Brazil, Spain, South Korea, and Argentina have been found to discriminate against

certain products manufactured in Pennsylvania. Therefore, the use of those countries' products, as listed below, is not permitted:

- a. Brazil: welded carbon steel pipes and tubes; carbon steel wire rod; tool steel; certain stainless steel products including hot-rolled stainless steel bar; stainless steel wire rod and cold-formed stainless steel bar; prestressed concrete steel wire strand; hot-rolled carbon steel plate in coil; hot-rolled carbon steel sheet; and cold-rolled carbon steel sheet.
- b. Spain: certain stainless steel products, including stainless steel wire rod, hot-rolled stainless steel bars, and cold-formed stainless steel bars; prestressed concrete steel wire strand; and certain steel products including hot-rolled steel plate, cold-rolled carbon steel plate, carbon steel structural shapes, galvanized carbon steel sheet, hot-rolled carbon steel bars, and cold-formed carbon steel bars.
- c. South Korea: welded carbon steel pipes and tubes; hot-rolled carbon steel plate; hot-rolled carbon steel sheet; and galvanized steel sheet.
- d. Argentina: carbon steel wire rod and cold-rolled carbon steel sheet.

Penalties for violation of this paragraph may be found in the Trade Practices Act, which penalties include becoming ineligible for public works contracts for a period of three (3) years. This paragraph in no way relieves the Contractor of responsibility to comply with the provisions of the Steel Products Procurement Act described herein.