



June 6, 2022

Thank You - 2022 CWCC PRIORITIES

Thank you for everyone who participated in our recent DC “Fly-In.” We ask that you continue to push our Coalition priorities:

OVERALL GOAL - To ensure that commitments for robust funding for programs of interest to the Coalition are met and expanded. More funding means more projects and more projects means more jobs.

PRIORITY #1: Fully Fund Commitments (IIJA + Base FY Appropriation) and Increase Funding

- Fund Drinking Water, Wastewater, Stormwater, Water Reuse Programs to IIJA levels + Base FY Appropriation Levels for FY23;
 - **Clean Water SRF Funding at minimum of \$4.38 B** (\$2.75 B IIJA + \$1.63 B FY Base)
 - **Drinking Water SRF Funding at minimum of \$3.82 B** (\$2.72 B IIA + \$1.10 B FY Base)
- Inclusion of additional funding for the Safe Drinking Water SRF and the Alternative Water Source Program in the final version of what emerges from the Build Back Better framework;
- Inclusion of additional funding for other water programs of interest in the final version of what emerges from the Build Back Better framework; and
- Enactment of Title XVI WIIN grant funding and Federal share increase.

PRIORITY # 2: Accelerate the Work

- Enactment of legislation, policies, regulations, and specifications that accelerate the project pipeline and bring more water projects to construction in a timely manner. Advocate that EPA require State SRF’s to streamline review and approval processes for the replacement or improvement of existing water infrastructure assets.

PRIORITY #3: Price Escalation / Build America, Buy America Requirements

- Recognize near-term challenges, such as inflation, disruptions to supply chains, and lack of domestic capacity or supply when implementing new domestic preference procurement requirements for construction materials and manufactured products. Protecting public health and the environment, while maintaining affordable user rates, requires the flexibility to source the most cost-effective materials and best available technologies.

PRIORITY #4: Offset Decreased Revenues

- Water utilities nationwide are experiencing decreased revenues from customers for various reasons. This matter must be addressed in infrastructure legislation. If this issue is not resolved, planned capital programs will undoubtedly suffer.

cleanwaterconstructioncoalition.org | P.O. Box 728 | Allenwood, NJ 08720 | Office: (732) 292-4300 | Fax: (732) 292-4310

Robert Briant, Jr. – Chairman

AGC of America • AGC of Texas • Alabama Utility Contractors Association • Arizona Utility Contractors Association • Associated Pennsylvania Constructors • Associated Utility Contractors Of Maryland* • Connecticut Construction Industries Association • CIC of Westchester County & Hudson Valley* • Engineering Contractors Association • General Contractors Association Of New York • Georgia Utility Contractors Association • Indiana Constructors Inc. • Long Island Contractors Association • Maryland Transportation Builders & Materials Association • Michigan Infrastructure & Transportation Association • Minnesota Utility Contractors Association* • National Rural Water Association • New Mexico Utility Contractors Association • NYSLECET • Ohio Contractors Association • Public Works Contractors Association of Maryland • Tennessee RoadBuilders Association • Underground Contractors Association of Illinois* • United Contractors* • UCA of Anne Arundel County • Utility Contractors Association of New England* • Utility & Transportation Contractors Association of New Jersey* • Contractors Association of West Virginia • Wisconsin Underground Contractors Association

* Steering Committee Member



For Awareness – USDOL “Davis-Bacon” Rulemaking

Although the CWCC’s advocacy does not touch on labor issues, we would like to share with you that the U.S. Department of Labor (DOL) has [announced](#) proposed rulemaking to update and expand the prevailing wages and other regulations under the Davis-Bacon Act, which applies to federal and federally assisted construction projects. CWCC is not engaging in this matter but we have been asked by a member to share this information for awareness.

The Davis-Bacon Act was created in 1931 to require contractors and subcontractors performing on federally funded or assisted contracts for the construction, alteration, or repair (including painting and decorating) of public buildings or public works to pay employees wages and benefits locally “prevailing” for similar work on projects in the area.

Historically, the Davis-Bacon Act has applied only to onsite construction work. The DOL’s [proposed rule](#) includes changes to long-standing definitions that would significantly expand the coverage of the Davis-Bacon Act to reach work not previously covered or for which coverage was not always clear.

To illustrate, the DOL proposed a change in the definition of covered “building or work” by including solar panels, wind turbines, broadband installation, and installation of electric car chargers to the list of construction activities. The proposed rule changes clarify that “building or work” and “public building or public work” also include construction activity involving a portion of a building, structure, or improvement, or the installation of equipment or components into a building, structure, or improvement.

Another example is the proposed inclusion of new language on when demolition and similar activities meet the definition of covered “construction, prosecution, completion, or repair,” which would add, among other circumstances, where subsequent covered construction is planned at the site of demolition or removal. The proposed rule indicates that Davis-Bacon would likely not cover such activity if it were to make the land more desirable for sale to private parties for a purely private construction.

Some offsite manufacturing or fabrication of building materials also could be affected by the proposed revisions to the “site of the work” requirement. Under these proposals, the definition of “site of the work” would be changed to apply to off-site construction of “significant portions” of a building or work. Presently, these are usually excluded from coverage unless the work is performed at facilities established by the contractor specifically for the performance of a contract or project.

Further, for truck drivers, the proposed rule seeks to amend the definition of “construction, prosecution, completion, or repair” to include transportation that takes place entirely on the site of work, between a secondary construction site and primary construction site, and between a dedicated support site and a primary or secondary construction site, as well as onsite activities essential or incidental to offsite transportation, and under any other statute that extends coverage to laborers and mechanics employed in the construction or development of a project.

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PRESIDENT’S FY23 PROPOSED “WATER” BUDGET

On March 28, the President released his FY23 Budget. It includes \$1.638B for the Clean Water SRF, \$1.126B for the Safe Drinking Water SRF and \$4M for WIIN grants. Amounts are in addition to the SRF funding in the Bipartisan Infrastructure Law. The Budget provides roughly \$4B for water infrastructure, an increase of \$1B over the 2021 enacted level. These resources would advance efforts to upgrade drinking water and wastewater infrastructure nationwide, with a focus on underserved communities that have historically been overlooked. The budget funds all of the authorizations in the original Drinking Water and Wastewater Infrastructure Act of 2021, including the creation of 20 new targeted water grant programs and an increase of over \$160M above 2021 enacted levels for the Reducing Lead in Drinking Water grant program. The budget also maintains funding for EPA’s State Revolving Funds (SRF) at 2021 enacted levels, which would complement the \$23.4B provided for the traditional SRF programs in the Bipartisan Infrastructure Law.

KEY ADVOCATES REPORT

Included with this notice is Key Advocates recent report which is current to May 31, 2022.

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