

**U.S. Department of Energy - Energy Efficiency and Renewable Energy  
American Recovery & Reinvestment Act**



**Waivers Issued by DOE under the Buy American Provisions**


This list includes all waivers that have been issued for the Buy American Recovery Act provisions under projects funded by the American Recovery and Reinvestment Act of 2009 and administered by the Office of Energy Efficiency and Renewable Energy (EERE).

**All waivers are "blanket" waivers, and are both retrospective and prospective. They cover all procurement past, present, and future.**

**Grantees who need a product already covered in a waiver must document compliance, consistent with the guidance, but do not need to apply for a new waiver.**



**Non-Availability Waivers**

<b>Date</b>	<b>Item</b>	<b>Description</b>
<b>February 11, 2010</b> <a href="#">Nationwide Categorical Waiver</a> 	Electronic Dimming Ballasts for Florescent Lamps	Electronic dimming ballasts with the exception of those for florescent lamps that are capable of operating the lamps below 50% of their rated light output
	Plug-in CFLs of 10 inches or less	With the exception of CFLs greater than 10 inches in length have a 4-pin base and are rated from 18 to 27 watts. They are available in a range of color temperatures and are used, for example, in facilities, offices, warehouses and display cases. Lengths range from 10.5 in (266.7 mm) to 22.5 in (571.5 mm), and rated life ranges from 10,000 to 20,000 hours.
	Traffic Light Fixtures (LED)	Includes LED lights and any adjacent wires and electronic parts necessary for the functionality of LED traffic lights, arrows and crosswalk signals — but excludes the metal or plastic fixtures (also referred to as the "housing" or "shell")
<b>May 24, 2010</b> <a href="#">Non-availability Waiver</a> 	Programmable Thermostats	Includes devices that permit adjustment of heating or air-conditioning operations according to a pre-set schedule. <i>Applies only to nonresidential programmable thermostat units.</i>
	Commercial Scale Fully-Automatic Wood Pellet Boiler System	Includes wood pellet boilers featuring a pneumatic conveyance system to transport wood pellets to the boiler, an automatic ignition system, continuously monitored and optimized combustion, ash removal/management system and the ability to control and integrate with other existing heat systems.
	Facility and Small District Wood Pellet and Chip Boiler Furnaces	Includes high efficiency, ultra-low emission biomass boilers for facility and small district heating, ranging from 35,000 Btu – 15,000,000 Btu.
		Includes variable refrigerant flow (VRF) multi-split

	Variable Refrigerant Flow Zoning HVAC Systems and Inverter-Driven Ductless Mini-Split HVAC Systems	heat pump (with or without heat recovery) and air conditioning systems; and inverter-driven ductless mini-split heat pump and air conditioner systems. This waiver includes the main condenser and heat pump units, wall and fan coil units, zone controllers, remote controls, and any other component of the larger HVAC system.
	Electrical "Smart" Strips/Surge Protectors	Includes power strips that detect activity in the attached equipment and cut power during periods of inactivity.
	Gas or Propane Tankless Water Heaters up to 200,000 BTUs	<i>Does not apply to electric tankless water heaters, which are widely manufactured in the United States.</i>
	Fully-Enclosed Continuous Composting Systems	Includes multi-zone, continuous loading, odor and moisture controlled composter with leachate recirculation and in-situ mixing capabilities.
<b>August 11, 2010</b> <a href="#">Non-availability Waiver (2)</a> 	24-leaf, motorized DMX iris units	These items are used in conjunction with a Source 4 lighting instrument in the theatrical lighting business.
	Induction lamps and ballasts	The lamps (bulbs) and ballasts for induction lighting systems. <i>This waiver does not include fixtures for induction lighting, which are readily available from domestic manufacturers.</i>
	Enphase Micro-inverters for solar photovoltaic systems	Micro-inverters shift DC to AC power conversion from a large, centralized inverter to a series of compact units attached directly to each solar module. Micro-inverters allow for higher efficiency energy conversion and increased reliability as compared to traditional inverter systems.
	Commercial-scale high efficiency condensing boilers with indirect water heaters	Gas or propane, high efficiency condensing wall hung boiler with indirect water heater, 94% or greater efficiency and a BTU output below 350,000, constructed with SA240-316 Ti stainless steel.
	Large-format solar thermal collectors for integrated district heating systems	Includes only high-performance flat plate solar collectors that possess three technical characteristics: 1) Limit the convective heat loss from the absorber plate to the cover glass, effectively minimizing heat losses to less than 2.6 W/m <sup>2</sup> K; 2) Capable of sustaining output temperatures of 195 degrees F; 3) Gross collector area of greater than 150 ft <sup>2</sup>
	Turbocharger for Mitsubishi/Man 52/55B diesel generator engine	To replace an existing MAN/NA48T turbocharger

### Public Interest Waivers

Date	Item	Description
<b>May 24, 2010</b> <a href="#">De Minimis</a>	De Minimis	incidental items that comprise in total a <i>de minimis</i> amount of the total cost of the iron, steel, and manufactured goods used in a project; that is, any such incidental items up to a limit of no more than 5

<a href="#">Waiver</a> 		percent of the total cost of the iron, steel, and manufactured goods used in and incorporated into a project.
<b>August 6, 2010 (valid until February 6, 2011)</b> <a href="#">Solar Public Interest Waiver</a> 	Incidental and/or ancillary solar Photovoltaic (PV) equipment, when this equipment is utilized in solar installations containing domestically manufactured PV cells or modules (panels).	Includes: 1) Domestically-manufactured modules containing foreign-manufactured cells, 2) Foreign-manufactured modules, when comprised of 100 percent domestically-manufactured cells, and 3) Any ancillary items and equipment (including, but not limited to, charge controllers, combiners and disconnect boxes, breakers and fuses, racks, trackers, lugs, wires, cables and all otherwise incidental equipment with the exception of inverters and batteries) when utilized in a solar installation involving a U.S. manufactured PV module, or a module manufactured abroad but comprised exclusively of domestically-manufactured cells.
<b>March 19, 2010 (Expired March 31, 2010)</b>	<i>(No longer in effect)</i> Limited Public Interest Waiver for LED lights and HVAC units	<i>ONLY applicable from February 17, 2009 until March 31, 2010.</i>

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