

Part I Chapter 46 Trade Practices Act

- A. Prohibition.** The *Trade Practices Act* prohibits purchasing agencies from specifying, purchasing, or permitting to be furnished or used, in any public works, aluminum or steel products made in a foreign country which has been determined as "discriminating" by the court. It is also unlawful for any importer to sell or offer for sale to any person for use in any public works aluminum or steel products made in a foreign country which has been determined as "discriminating."
- B. Requirement.** Public agencies must include in all their IFBs, schedules, forms of proposal, or purchase orders issued for public works, a listing of the foreign countries which have been found by the Court to discriminate.
- 1. Public Works** means any structure, building, highway, waterway, street, bridge, pier, transit car or system, airport or other betterment, work or improvement whether of a permanent or temporary nature and whether for governmental or proprietary use contracted for by any public agency or financed in whole or in part by any public agency.
 - 2. Aluminum or Steel Products** means aluminum or steel products rolled, formed, shaped, drawn, extruded, forged cast, fabricated, or otherwise similarly processed, or processed by a combination of two or more of such operations, from aluminum or steel not made in the United States.
 - 3. Discriminating Countries.** The countries of Brazil, South Korea, Spain, and Argentina have been found to discriminate against certain aluminum and steel products made in Pennsylvania. Therefore, the purchase or 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 bar; stainless steel wire rod and cold-form 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; pre-formed stainless steel bars; pre-stressed concrete steel wire strand; 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 sheet.
 - 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.
- C. Effect.** Since no country has been found to be discriminating against Pennsylvania made aluminum and the *Steel Products Procurement Act* prohibits the procurement of foreign steel products, the statutory prohibition is really of no effect.