CFSO
Consortium of Forensic Science Organizations

American Academy of Forensic Sciences
American Society of Crime Laboratory Directors
International Association for Identification
International Association of Coroners and Medical Examiners
National Association of Medical Examiners
Society of Forensic Toxicologists/ American Board of Forensic Toxicology

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Buy America Act Position

Request:
Create a waiver exempting Mass Spectrometry instrumentation from the Buy America Act.

Background:
Mass spectrometers are used in forensic casework primarily for prescription and illicit drug identification recovered from a crime scene or from a body (toxicology). Very few mass spectrometers are manufactured in the United States. Many state and local forensic science laboratories use Department of Transportation grant or other funding to purchase instruments to perform drug testing. The Department of Transportation is the only federal government agency that requires United States manufacturing of scientific equipment purchased by state and local forensic science labs on federal grant funding. DOT's strict adherence to this Act narrows the pool of available suppliers for toxicology drug screen testing instrumentation. This limitation results in fewer choices for high-quality equipment, reducing the forensic science service providers ability to find the best products on the market. Specific concerns include:

Reduced competition: With a limited number of domestic suppliers, the competition in the market decreases. As a result, suppliers may have less incentive to offer competitive prices for their products, leading to potential price inflation for toxicology drug screen testing instrumentation.

Impact on international suppliers: The Buy America Act discourages international suppliers from bidding on federal contracts and state contracts using federal funding, reducing the potential for cost-effective options from reputable manufacturers around the world. Without access to a broader range of international suppliers, we may miss out on cutting-edge technologies and innovations.

Delayed technology adoption: If domestic suppliers are unable to offer the latest advancements in toxicology drug screen testing instrumentation, our ability to stay at the forefront of technological advancements may be hindered. This delay in technology adoption could impact the accuracy and efficiency of our drug screening processes.

Increased costs: The limited supplier options and reduced competition resulting from the Buy America Act may lead to higher prices for toxicology drug screen testing instrumentation. These increased costs strain budgetary allocations, potentially affecting other important areas of healthcare and research. Forensic toxicology labs often choose a particular vendor to reduce training time, supplies, maintenance costs, and method development time.

Lower product quality: In some cases, domestic suppliers may not have the expertise or capacity to manufacture toxicology drug screen testing instrumentation of the same quality as international counterparts. Consequently, the Act's preference for domestically produced goods may compromise the overall quality and reliability of the equipment we can acquire.

Lengthy procurement processes: The Buy America Act requires additional documentation and compliance checks to ensure products meet domestic content requirements. This bureaucratic process may lengthen the procurement timeline, delaying our ability to acquire essential toxicology drug screen testing instrumentation promptly.

Potential compromise on research outcomes: If forensic science providers are forced to settle for suboptimal or outdated equipment due to limited supplier options, there could be implications for research outcomes and the accuracy of toxicology screening results. This could hinder our ability to make well-informed decisions related to public health and safety.

Summary:
The Buy America Act, as implemented by USDOT, prevents the sourcing of toxicology drug screen testing instrumentation by US forensic science laboratories from acquiring the newest and most advanced technologies. A single US vendor for a particular technology negates competitive instrument procurement processes, increases pricing, and creates a defacto sole source contract. Limiting competition to potentially only a single US vendor negatively impacts the efficiency of drug screening processes and research outcomes. The availability to source all manufacturers of scientific instrumentation leads to increased testing capacity, thereby improving turnaround times and reducing current and projected backlogs.

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