

September 29, 2022

Stephanie Pollack, Acting Administrator
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

*Re: Notice of Proposed Waiver of Buy America Requirements for Electric Vehicle Chargers,
Docket No. FHWA-2022-0023*

Dear Acting Administrator Pollack:

The Northeast States for Coordinated Air Use Management (NESCAUM) offers the following comments in response to the notice of proposed waiver of Buy America requirements for electric vehicle (EV) chargers issued by the Federal Highway Administration (FHWA) in 87 Fed. Reg. 53539 (August 31, 2022). The proposed waiver would initially waive all Buy America requirements for EV chargers and all components of EV chargers that are installed in FHWA-assisted infrastructure projects during calendar year 2022 and then partially phase-out the waiver in two steps beginning on January 1, 2023, and on January 1, 2024. In the proposed final phase, the waiver would only be applicable if the final assembly occurs in the United States and the cost of components manufactured in the United States exceeds 55 percent of the cost of all components.

NESCAUM is the regional association of air pollution control agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.¹ NESCAUM serves as a technical and policy advisor to its member agencies on a wide range of air pollution and climate issues. NESCAUM also facilitates and guides the Multi-State Zero Emission Vehicle (ZEV) Task Force, which now includes 17 states, the District of Columbia, and the Canadian province of Quebec. Established in 2013, the Task Force drives ZEV adoption through analysis and peer-to-peer discussion of innovative policies and programs, rapid dissemination of tested models, and development of consensus recommendations for state action. With NESCAUM's support, the Task Force has developed two action plans for accelerating adoption of light-duty ZEVs, a regional strategy for charging infrastructure deployment, and an action plan for accelerating adoption of medium- and heavy-duty ZEVs.²

¹ These comments are being submitted by NESCAUM as an organization and reflect the NESCAUM members' consensus views. Individual NESCAUM members may hold views different from the NESCAUM majority consensus.

² See ZEV Task Force, *Multi-State ZEV Action Plan*, 2018, www.nescaum.org/documents/2018-zev-action-plan.pdf; NESCAUM, *Northeast Corridor Regional Strategy for Electric Vehicle Charging Infrastructure 2018 – 2021*, May 2018, www.nescaum.org/documents/northeast-regional-charging-strategy-2018.pdf; and ZEV Task Force, *Multi-State Medium- and Heavy-Duty Zero-Emission Vehicle Action Plan*, 2022, <https://www.nescaum.org/documents/multi-state-medium-and-heavy-duty-zero-emission-vehicle-action-plan/>.

NESCAUM generally supports Buy America requirements but also shares FHWA's concern about the near-term availability of EV chargers that meet these requirements. This is especially true given the scale and timeline of EV charger deployment anticipated under the National Electric Vehicle Infrastructure Formula Program. Therefore, NESCAUM is supportive of a temporary waiver of Buy America requirements for EV chargers that is phased out over time provided that it is carefully crafted to facilitate the acceleration of domestic manufacturing capacity, while ensuring an adequate supply of EV chargers in the near-term.

NESCAUM appreciates the opportunity to provide input on FHWA's proposed waiver of Buy America requirements for EV chargers.

Sincerely,



Paul J. Miller

Executive Director

cc: NESCAUM Directors
Lynne Hamjian, Cynthia Greene, EPA R1
Richard Ruvo, Kirk Wieber, Matthew Laurita, EPA R2