

THE AGGREGATES INDUSTRY **ON THE ISSUES**



PASS KEY TRANSPORTATION LEGISLATION

Pass a reauthorization of our FAA programs that support robust airport construction and research.

■ Our organizations support H.R. 3935, the Securing Growth and Robust Leadership in American Aviation Act, as it provides a 19 percent increase in funding for airport construction and continues for another five years the Airfield Pavement Technology Program.

Address rail service delays that create bottlenecks for delivery of materials needed to build.

■ Inadequate rail service has severe impacts on our industries, hampering vital aggregates and industrial sand resources, which are crucial for creating infrastructure, building resilient communities, and producing American energy.

■ We support S.2071, Reliable Rail Service Act (Baldwin/Marshall), which establishes specific criteria for the Surface Transportation Board (STB) to consider when evaluating whether carriers are meeting their common carrier obligation to give shippers much-needed certainty that is currently lacking.

■ We support the STB moving ahead with the proposed reciprocal switching rule that promotes competition and improves service.



KEEP INFRASTRUCTURE FUNDING FLOWING

Support delivery of the historic investments provided by the Infrastructure Investment and Jobs Act (IIJA).

■ As year three of implementation of the IIJA investments begins we remain concerned with project lettings and that IIJA funding obligation rates are slipping.

■ Congress must conduct continued oversight to ensure tax dollars are moving to infrastructure projects.

■ The IIJA expires in the next Congress, with a roughly \$200 billion shortfall in transportation funding.

Complete the annual appropriations bills and avoid a government shutdown.

■ If Congress does not act by Jan. 1, the Fiscal Responsibility Act triggers “across the board” budget reductions to key highway, port, airport, rails, bridge, energy, water and infrastructure programs.

■ Congress needs to fulfill its Article 1, Section 9 responsibility to fund our government and enact targeted, responsible funding priorities and important policy changes championed by the aggregates, asphalt and concrete industry.

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REMOVE HARMFUL RED TAPE IMPEDING MATERIAL SUPPLIERS

We support the revised Build America, Buy America guidance from OMB.

■ We appreciate the work of Congress and the administration to revise the Build America, Buy America Act (BABAA) guidance issued by OMB on Aug. 14 to ensure aggregates, concrete and asphalt are excluded from domestic sourcing requirements, required by law.

■ It is critical that Congress establish strict oversight of BABAA implementation to address the implementation and enforcement challenges, as well as lingering confusion, that remain ahead.

Support a clear and reasonable WOTUS definition.

■ Unfortunately, the revised rule issued by the Army Corp of Engineers and the Environmental Protection Agency (EPA) on Aug. 29 does not fully adhere to the Supreme Court's Sackett v. EPA decision.

■ The new rule provides new ambiguities that will allow regulators to expand WOTUS beyond Congressional intent. For example, WOTUS should not include dry areas, but the new rule does not define terms like "relatively permanent flow" which is critical to determinations related to dry streams and beds.

■ More clarity that aligns with congressional and judicial interpretation is desperately needed to give material suppliers certainty.

Enact Effective Heat Illness Prevention Standard

■ As OSHA works to implement their Heat Illness Prevention standard, we urge the utilization of industry's leading practices that are effective at keeping outdoor road construction workers safe.

Streamline the permitting process to expedite project delivery.

■ Congress took action to improve red tape by enacting policies like "one-federal decision" in IIJA. The Fiscal Responsibility Act included bipartisan changes to NEPA to reduce permit time and page limits.

■ Unfortunately, even with these changes, we are facing bureaucratic headwinds that will hamper project delivery like the proposed Phase 2 changes to NEPA.

SUPPORT LEGISLATION THAT PROMOTES THE FUTURE GENERATION OF CONSTRUCTION AND MINING PROFESSIONALS AND REFORM OUR OUTDATED IMMIGRATION SYSTEM

■ *The Jumpstart Our Businesses by Supporting Students Act of 2023* (H.R. 793/S. 161) would expand Pell Grant eligibility to cover high-quality and rigorous short-term job training programs.

■ *The Freedom to Invest in Tomorrow's Workforce Act* (H.R. 1477/S. 722) would expand 529 plans for all recognized postsecondary credentials as defined by the Workforce Innovation and Opportunity Act.

■ *Mining Schools Act* (S. 912/H.R.2685) would establish federal grants to support mining programs across the U.S.

■ We call on Congress to make changes to our outdated immigration system to ensure our operations have the workforce needed to build by increasing annual quotas for employment-based immigrant and nonimmigrant visas and



expanding H-2B visas and reforms to the overall program.

■ We support the establishment of a new, market-driven visa program for foreign workers that will further help to address the workforce shortage like

the *Essential Workers for Economic Advancement Act* (H.R. 3734), introduced by Rep. Lloyd Smucker (PA).

MSHA SHOULD ALIGN ITS NEW PROPOSED SILICA STANDARD WITH OSHA'S

■ Our member companies are committed to protecting the safety and health of its most precious resource: their workers. Further, aggregates mining is inherently different than coal and there is no silicosis crisis in our industry.

■ We urge the Mine Safety and Health Administration (MSHA) to incorporate our industry's comments into their final rulemaking by separating Metal and Nonmetal (MNM) from provisions intended for coal operations.

■ MSHA should follow the Occupational Safety and Health Administration's (OSHA) sampling and medical surveillance procedures that are more flexible and protective of worker health and give the industry 24 months to come into compliance, which is particularly necessary for small businesses.

