



NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

May 17, 2023

The Honorable Tom Carper
Chairman
Senate Committee on Environment and
Public Works

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment and
Public Works

Dear Chairman Carper, Ranking Member Capito and Members of the Senate Committee on Environment and Public Works:

On behalf of the 450 members of the National Stone, Sand, & Gravel Association I am writing to thank the Environment and Public Works Committee for holding today's hearing on Federal Actions to Improve Project Reviews for a Cleaner and Stronger Economy.

NSSGA members consist of stone, sand and gravel producers; industrial sand suppliers; and the equipment manufacturers and service providers who support them. With upwards of 9,000 locations, the aggregates industry produces 2.5 billion tons of materials used annually in the United States. Aggregates are the building blocks of our modern society and are needed to construct and maintain roads, railways, bridges, tunnels, water supply, sewers, electrical grids and telecommunications.

Over the last two years, Congress has adopted the largest infrastructure investment in our nation's history, a revitalization of our domestic manufacturing base and a reshaping of our energy future. Our industry is instrumental to delivering these results, as we provide the billions of tons of aggregates that will be used to pave new transportation networks; build new manufacturing hubs; and construct the networks that deliver reliable and renewable energy to every American home.

However, burdensome and duplicative permitting hurdles are stopping the thousands of transformative projects from coming to fruition. They also make it harder for our members to access and bring to market the materials needed to build. Every day we wait, it places more strain on our industry, as prices increase and uncertainty compounds.

Here are key policy actions we encourage Congress and the Administration to undertake to better streamline permitting actions needed to build:



Simplify the NEPA Process

The White House Council on Environmental Quality (CEQ) has issued a number of actions that complicates the permitting process for large infrastructure projects under the National Environmental Permitting Act (NEPA). By broadening definitions, adding more criteria, and duplicative federal agency reviews, are hindering the development of infrastructure projects that seek to improve environmental outcomes. What is more frustrating is that these new actions run counter to the bipartisan NEPA reforms that were included in the Infrastructure Investment and Jobs Act (IIJA).

Aggregates suppliers across the country crave certainty, as we work to supply the billions of tons of essential materials needed to improve roads; upgrade bridges; advance transportation systems and ports; and advance our modern energy infrastructure that will be funded by the investments provided by the bipartisan IIJA. This is especially important in the current economic environment where needless red tape will delay project implementation and drive-up costs of construction materials.

Address Duplicative Jurisdictional Review

One size fits all requirements and over-zealous regulators are risking project development across the nation. We are constantly hearing about unnecessary complexity and costs being added to infrastructure projects. For example, delays and added costs to flood control projects are putting vulnerable communities and citizens at risk. In the desert southwest, duplicative and contradicting state, local and federal red tape are making public works less efficient and more costly, meaning that fewer projects can be completed. For example, over \$200,000 was required to be spent on a detention basin, that will not improve outcomes, because arbitrary one size fits all requirements required by local permitters. In other cases, local enforcement agencies cost the regional flood control and an additional \$300,000 for items not required by the permit.

Excess enforcement outside of authority with disregard for consistency across local, state and federal agencies and regulations continues to add unnecessary costs to public works and transportation projects. Rogue inconsistent enforcement makes it impossible to capture all the costs of a project in the design, planning and budgeting phase, thus causing disruptive cost overruns for public works projects that are needed to meet permit requirements.

Address Regulatory Overreach

Federal regulations are distinctly problematic for our ability to source and supply materials needed to build. Our members' capacity to contribute to critical infrastructure projects is currently threatened by the latest Waters of the United States (WOTUS) rule, which is an unclear, overly expansive, and arbitrary interpretations of the Clean Water Act (CWA). While the CWA is an essential instrument for protecting our water resources, the ambiguous interpretation, particularly regarding the definition of 'waters of the United States,' has created a climate of uncertainty for aggregate producers. This is especially problematic given the regulatory patchwork where 3 courts have put the

rule on hold due to its overreach and lack of clarity. This makes it even harder given the purportedly “durable” rule is anything but, and regulators and the public are even more confused about what features are jurisdictional. NSSGA has members who have been trying to permit projects for years under multiple rules. This situation could potentially delay or halt essential projects that are central to public health, the economy, and the environment. Unclear guidance impedes the effective use of aggregate materials, undermining our collective goal of sustainable development and environmental protection.

Further, EPA’s proposal to reduce the National Ambient Air Quality Standard for fine particulate matter (PM2.5) will create massive problems for economic development and competitiveness. A recent study by the National Association of Manufacturers shows that if finalized as proposed, the change could threaten at least 852,100 jobs and \$162.4 billion in economic activity in the US. from manufacturing and supply chain spending. Additionally, the rule would drastically curtail infrastructure improvements.

We appreciate the Committee reviewing these important issues and look forward to continue working together to advance our infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Johnson', with a long horizontal flourish extending to the right.

Michael W. Johnson
President and CEO
National Stone, Sand & Gravel Association