



**ZERO EMISSION
TRANSPORTATION
ASSOCIATION**

September 29, 2023

Council on Environmental Quality
730 Jackson Place NW
Washington, DC 20503

RE: Docket No. CEQ–2023–0003
National Environmental Policy Act Implementing Regulations Revisions Phase 2
Submitted via Rulemaking Portal: <http://www.regulations.gov>.

The Zero Emission Transportation Association (ZETA) is an industry-backed coalition of over 60 member companies advocating for 100% electric vehicle (EV) sales. ZETA is committed to enacting policies that drive EV adoption, create hundreds of thousands of jobs, dramatically improve public health, and significantly reduce emissions. Our coalition spans the entire EV supply chain including vehicle manufacturers, charging infrastructure manufacturers and network operators, battery manufacturers and recyclers, electricity providers, and critical minerals producers, among others.

We thank the Council on Environmental Quality (CEQ) for the opportunity to comment on its notice of proposed rulemaking to revise the National Environmental Policy Act (NEPA) implementing regulations. The success of the Bipartisan Infrastructure Law (BIL) and the Inflation Reduction Act (IRA) in reducing transportation emissions by rapidly accelerating the adoption of zero-emission vehicles hinges upon our ability to supply critical and other hardrock minerals needed to manufacture batteries and renewable energy equipment. ZETA urges CEQ to ensure that the final regulations are consistent with the substance and intent of the Fiscal Responsibility Act to reduce permitting burdens related to development of a domestic critical mineral supply chain.

As a result of a global shift toward clean energy technologies, worldwide demand for critical minerals is expected to grow exponentially by 2040 relative to 2020 levels of production.¹ Securing a domestic supply chain for the minerals needed to facilitate the transition to a fully electrified transportation system will create well-paying U.S. jobs, ensure production and processing are held to the highest environmental standards, and reduce our dependence on foreign adversaries.²

¹ <https://www.iea.org/data-and-statistics/charts/mineral-demand-growth-from-new-ev-sales-by-scenario-2040-compared-to-2020>

² <https://www.zeta2030.org/white-paper-fostering-an-electric-future-a-federal-perspective-on-the-us-critical-mineral-supply-chain>

ZETA recommends the following as part of a designated project-based approach to permitting reform—analogue in concept to a lands bill—focused on increasing the domestic production of critical and other hard rock minerals for the electric vehicle supply chain:³

- Appoint a single lead Federal agency to oversee the application process from start to finish for designated projects. Information such as deadlines, descriptions of documents required for environmental reviews, and other relevant materials should be provided to the applicant by the Federal lead agency.
- Address the recent *Rosemont* decision⁴ by the 9th Circuit Court to ensure domestic lithium production and other critical minerals are not constrained. Senator Cortez-Masto and Senator Risch recently authored the Mining Regulatory Clarity Act, which provides a solution by “reaffirm[ing] long-held practice and previous legal interpretation that some public land use under a mining claim inherently accompanies exploration and extraction activities for other mining-support activities.”
- Identify a specific set of EV and electrification mineral projects designated as important to national security and thus eligible for a reformed and streamlined review process. If a critical minerals project has already been supported by the Defense Production Act, it would automatically be designated as a project of national importance.
- Align permitting review timelines for hardrock mineral projects with the Fiscal Responsibility Act by creating a two-year maximum deadline for the lead agency to review projects and issue a final decision for an Environmental Impact Statement and one year for an Environmental Assessment.
- Create a 150-day deadline for legal appeal of the lead agency’s final decision to ensure litigation risk does not unnecessarily delay properly permitted, high-priority EV and electrification mineral and battery projects.
- Direct the federal permitting agency to issue a Record of Decision on proposed critical mineral production projects, thereby eliminating the requirement to review “no action” alternatives.
- Direct appeals of such decisions directly to the D.C. Circuit Court to ensure a timely judicial review process.
- Support, align, and facilitate the build out of electric vehicle charging infrastructure consistent with the administration’s stated goals by listing federally-funded charging stations as categorical exclusions for all agencies.
- Properly address and quantify GHG emissions and climate change impacts of federal projects.

ZETA and its member companies thank you for your attention to these comments and are available should you have any additional questions.

³ <https://www.zeta2030.org/insights/critical-mineral-permitting-reform-framework>

⁴ <https://www.reuters.com/legal/government/9th-circuit-rules-against-rosemont-copper-mine-2022-05-13/>

Sincerely,

A handwritten signature in black ink, appearing to be 'AG', written in a cursive style.

Albert Gore
Executive Director
Zero Emission Transportation Association (ZETA)