



ZERO EMISSION
TRANSPORTATION
ASSOCIATION

May 22, 2023

Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

RE: Docket No. FHWA-2022-0027
Notice and Request for Comment on FHWA's Review of its General Applicability
Waiver of Buy America Requirements for Manufactured Products
Submitted via Rulemaking Portal: <http://www.regulations.gov>.

The Zero Emission Transportation Association (ZETA) is an industry-backed coalition of member companies advocating for 100% electric vehicle (EV) sales. ZETA is committed to supporting 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, encompassing critical minerals developers, original equipment manufacturers, charging infrastructure network operators, utility providers, and battery recyclers, among others.

We thank the Federal Highway Administration (FHWA) for the opportunity to comment on its review of the general applicability waiver of Buy America requirements for manufactured products. ZETA supports a continuation of the existing general applicability waiver for manufactured products and has encouraged our individual member companies to submit specific information to help inform FHWA's decision making. We also encourage FHWA to ensure that its application of Buy America requirements is consistent with its sector-specific implementation of Buy America requirements and with those of other relevant federal agencies. ZETA looks forward to continuing to engage with FHWA on this topic to bring forward perspectives representing the entire EV supply chain.

In particular, ZETA would like to respond to General Consideration Question #9 regarding rolling stock. We would like to request clarity regarding how FHWA funds may be used by recipients to support EV deployment under programs such as CMAQ. Due to an uncertain policy landscape, state and local governments interested in using FHWA funds to support EV deployment have lacked the clarity necessary to confidently apply for funding.¹ This uncertainty has left crucial emissions reductions on the table. Clarifying language that ensures state and local governments may use FHWA funding to support EV deployment along with a reasonable Buy America threshold (below the current 100% requirement) will promote improvements in air

¹ See "D. Vehicles and Rolling Stock" (p.19) <https://nap.nationalacademies.org/read/25799/chapter/5#19>

quality while working towards the Biden-Harris Administration's goal of increasing the number of EVs on the roads. In addition, we also ask that a standard for rolling stock be appropriate to the category being funded and the market behind it. For example, the same Buy America requirements for transit vehicles may not necessarily be appropriate for refuse trucks or long haul trucks.

As EV adoption continues to grow in the United States, FHWA investments will present economic growth and public service opportunities for communities across the country. In addition, Buy America requirements will encourage domestic production and incentivize the development of a domestic supplier ecosystem and workforce. ZETA and its members stand ready to help FHWA implement a path forward that ensures that statutory intent is met while also ensuring the requirements do not impede the momentum behind transportation electrification and decarbonization.

ZETA and our member companies appreciate the opportunity to respond to this request for comment. If you have any questions or concerns, please contact me at al@zeta2030.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'AG', with a long, sweeping horizontal stroke extending to the right.

Albert Gore
Executive Director