



March 16, 2026

Department of Transportation  
Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: Docket No. FHWA-2025-0070**

**Notice of Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle Chargers**

*Submitted via Rulemaking Portal: <http://www.regulations.gov>.*

The Zero Emission Transportation Association (ZETA) is an industry coalition representing companies spanning the domestic electric vehicle (EV) supply chain end-to-end, including raw and processed critical mineral and material producers, cell and battery manufacturers, vehicle manufacturers, charging companies, and electric vehicle supply equipment (EVSE) providers, utility companies, and battery recyclers.

### ***Overview***

In February 2023, the Federal Highway Administration (FHWA) issued a public interest waiver under Build America Buy America (BABA) requirements specifically for electric vehicle (EV) chargers used on Federal-aid highway projects. Under the current status of the waiver, 55 percent of EV charging components, by cost, must be manufactured and final assembly must occur in the United States for all federally funded EVSE projects. The proposed modification of the waiver would increase the cost threshold of components manufactured in the United States from 55 percent up to 100 percent of all components. While the industry supports increasing domestic manufacturing to create American jobs and address concerns about relying on foreign supply chains, it also relies on regulatory certainty to build domestic capacity and, as a result, to reach the shared goals of onshored manufacturing. As the recently published notice states “...the November 28, 2023, RFI suggested that manufacturers have capabilities to manufacture EV Chargers wholly within their facilities located within the United States.”

This waiver was designed to accelerate the deployment of charging infrastructure while domestic manufacturing capacity scaled up to meet demand. The proposal to modify from 55 percent “up to 100 percent” is significantly higher than the current 55 percent threshold. Such an immediate and steep increase would create supply chain disruptions, increase costs for manufacturers, and negatively impact manufacturing and installation jobs across the country. ZETA strongly opposes

modifying the waiver to up to 100 percent and recommends that the FHWA establish a process to set a domestic content percentage that is feasible with the current state of the supply chain.

### ***Direct Impacts to Manufacturing and Installation Jobs***

The current domestic threshold of 55 percent, which included a meaningful consultation process and was phased-in over 15 months to send a clear and interpretable market signal is estimated to have catalyzed around \$426 million in private domestic spend.<sup>1</sup> As FHWA considers whether to increase the domestic content threshold, they should again seek meaningful consultation from industry stakeholders to assess the current market reality or the direct impacts of modifying the waiver. In the current market landscape, there are currently no manufacturers able to comply with 100 percent, and there are clear supply chain and technological constraints that make any onerous threshold infeasible. Creating a stricter requirement will affect the sourcing of specific components and coordination with States that have obligated funding under the current threshold, which will put manufacturing facilities and projects at great risk. Proposing a waiver without a proper feedback procedure creates exceptional regulatory uncertainty and puts projects and American manufacturing and installation jobs at risk, and could inadvertently lead to products with less domestic content—including American-made steel—if minimums cannot be met.

### ***Risks of Supply Chain Disruptions and Consequences***

Across the supply chain, a variety of components are either close to or completely infeasible to source domestically in such a short time frame. Power electronics such as modules, LED screens, printed circuit boards components, LTE routers, and DC link capacitors pose a significant challenge to source from suppliers that would meet 100 percent compliance requirements, or have limited domestic supply but without the requisite level of quality or scale for high-power EVSE. These components are not unique to EVSE, and a stricter waiver will not create more opportunity for the onshoring of these productions. As with any supply chain adjustment, manufacturers need an appropriate amount of lead time to adequately vet suppliers with their respective components. Without a viable domestic market, there is an opportunity for markets to be ceded to foreign supply chains that are not required to adhere to BABA requirements. This poses an opportunity for increased vulnerabilities in the market and potential cybersecurity risks related to critical infrastructure. For example, if critical infrastructure is controlled or hosted outside the United States, it could create real national security and data sovereignty risks. Federal programs already have minimum standards for EV chargers that require states to develop physical and cybersecurity strategies to mitigate charging infrastructure, grid, and consumer vulnerabilities associated with the operation of charging stations. A more effective approach

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<sup>1</sup> CHARGE analysis. October 2025. <https://www.chargingusforward.com/charging-forward-report>

would continue the phased domestic content compliance already in place for hardware to reduce the risk of supply chain disruptions or unintended consequences.

### ***Modifying Federal-aid Programs and Supply Chain Choice***

Moreover, such an immediate and infeasible ramp-up actually undermines BABA's goal of inducing investment in domestic manufacturing. By setting a target that, to the best of ZETA's knowledge, is unattainable by any manufacturer of EVSE equipment, the proposed modification effectively freezes statutory federal funding programs, thereby removing the incentive to maintain compliance with the current 55 percent requirement. Absent this financial incentive, charging providers will likely revert to lowest-cost component sourcing from foreign suppliers, and recent investments in domestic manufacturing—including not only for chargers themselves but also for upstream inputs like American steel—may become stranded or shut down.

If finalized as proposed, a more stringent waiver will inevitably raise the cost of chargers and put manufacturers at risk of losing their ability to meet the domestic content requirement. Setting the domestic content standard too high risks raising pricing and lessening the impact of federal funds. While duplicate manufacturing of raw materials is not commercially viable, manufacturers substantially transform components in the U.S. into subassemblies to meet final assembly requirements. On average, BABA-certified chargers are approximately 30-40 percent more expensive than non-compliant charging infrastructure. ZETA estimates that increasing the domestic content as proposed by this policy would raise EV charger costs drastically, with each incremental increase more costly and more likely to reverberate up and down the value chain.

With over 800 connector ports at over 160 locations across the country, installed under federal programs since the passage of IIJA as of March 1, 2025, and hundreds of charging stations set to start construction soon, the industry has built critical infrastructure while remaining in compliance with the existing domestic content thresholds.<sup>2</sup> Research suggests that if federal EV charging programs were fully funded, it could create 13,000 jobs.<sup>3</sup> Applying an unattainable BABA requirement of EVSE for federal programs would slow or completely halt the expansion of these jobs tied to the buildout and maintenance of EV charging infrastructure across the country. Furthermore, this potential change in policy could hamper future innovation, particularly as the private-sector is working to improve the private EV charging consumer experience, such as scale-up charging for medium- and heavy-duty vehicles and develop charging hubs for large-scale autonomous vehicle fleets.

### ***Disruption to Private-Sector Innovation and Mobility Policy***

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<sup>2</sup> Paren. 2026. Latest published research:

<https://www.paren.app/reports/state-of-the-industry-report-us-ev-fast-charging-full-year-2025>

<sup>3</sup> ICCT. March 2025.

<https://theicct.org/evs-could-create-hundreds-of-thousands-of-jobs-in-the-us-if-policies-hold-mar25/>

There are thousands of potential jobs and new technologies that could develop in the U.S. As such, consistent regulatory certainty will be necessary to develop these sectors, while a strict BABA domestic content threshold would make some of these investments infeasible. Another point to consider is the need to redesign and recertify products, which would incur extra costs and take time. Without a clear phase-in period and acknowledgement of cost increases, as provided by the 2023 waiver, this change would effectively render the waiver useless for EVSE installation for federally-funded projects.

As a result, EVSE developers unable to meet a stricter BABA requirement with the available domestic supply chain will choose to wholly forgo federal funding and state projects that contain these requirements. As previously mentioned, these entities would have no incentive to purchase EVSE with any domestic content. This would have the opposite of the desired impact, leaving gaps in the national EV charging network, while also making it less likely for the industry to meet the Administration's goal of on-shoring and scaling up domestic manufacturing. Hundreds of manufacturing jobs and downstream construction jobs remain reliant on regulatory certainty to advance projects. The domestic EV and battery industry stands ready to discuss smart manufacturing policies that create more jobs and opportunities here in the United States.

### ***Conclusion***

We hope to engage the Administration in a process that could build upon this success, while strengthening our supply chains. Ultimately, a rapidly increased and unattainable threshold for domestic components will weaken these efforts. We urge the Administration to reject such an approach and work with industry on a path forward.

Sincerely,



Albert Gore  
Executive Director  
ZETA



Erika Myers  
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CharIN North America