

March 7, 2023

The Honorable Bruce Westerman
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

The Honorable Raúl Grijalva
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Westerman and Ranking Member Grijalva:

The undersigned associations urge you to support the “Building United States Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act of 2023.” The BUILDER Act would reduce permitting delays and create more certainty from the beginning of an agency environmental review through any potential judicial review.

Investments in renewable energy and lower emissions technologies, critical mineral mining, and forestry to transportation projects are taking four to ten years to complete permitting. These delays serve only to impede critical improvements now and in the future. Projects intended to diversify and drive a cleaner economy, support small business growth, and move goods more efficiently need to traverse an increasingly complex and opaque permitting process. This process holds projects captive and sometimes ends up terminating them altogether.

The BUILDER Act would help address these delays by setting helpful timelines for agency environmental reviews under the National Environmental Policy Act (NEPA) and more importantly defines the timeframe during which project-level judicial review can be filed. Tying projects up in endless litigation increases pre-construction costs and heightens investment risk. Because of the complex NEPA process, litigation is often the tool used by certain groups to block projects of all kinds, sometimes litigating even after a project has been built. These proposed legislative boundaries will support investment certainty without barring legitimate legal disputes brought by parties that were active participants in the NEPA review.

The BUILDER Act would also help clarify when and at what level an agency should conduct an environmental review. Mindful of limited agency resources, it will direct agencies to focus on projects that may have significant effects as opposed to those that do not or qualify for a categorical exclusion. It would expressly empower agencies to use existing information and more concise documents while avoiding excessive documentation.

In addition, the bill would clarify the process for interagency coordination as well as the duties of each level of government in the process. Better coordination will ensure applicants and the public are better informed. It will also help create a more predictable environment concerning which agency is the lead and would establish a more organized schedule for all stakeholders.

The undersigned organizations all agree upon the need to improve the predictability of the permitting process while supporting economic productivity and environmental stewardship. Permitting modernization has bipartisan support and the BUILDER Act would move the United

States in the direction of a better, more efficient permitting process that will accelerate a broad range of overdue infrastructure and other improvements.

Sincerely,

Agricultural Retailers Association
American Chemistry Council
American Conservation Coalition Action
American Coke and Coal Chemicals Institute
American Council of Engineering Companies
American Exploration and Production Council
American Farm Bureau Federation
American Forest Resource Council
American Fuel & Petrochemical Manufacturers
American Petroleum Institute
American Pipeline Contractors Association
American Public Gas Association
American Road & Transportation Builders Association
American Short Line and Regional Railroad Association
American Trucking Associations
Associated Builders and Contractors
Associated General Contractors of America
Consumer Energy Alliance
Distribution Contractors Association
Energy Equipment & Infrastructure Alliance
Federal Forest Resource Coalition
The Fertilizer Institute
GPA Midstream Association
Hardwood Federation
Horizontal Directional Drilling Association
Independent Petroleum Association of America
Interstate Natural Gas Association of America
Liquid Energy Pipeline Association
LNG Allies, The USLNG Association
National Mining Association
National Ocean Industries Association
National Stone, Sand, and Gravel Association
Plastics Pipe Institute
Portland Cement Association
U.S. Chamber of Commerce

cc: Members of the Committee on Natural Resources