



June 30, 2021

The Honorable Peter DeFazio  
Chairman  
Committee on Transportation and Infrastructure  
2165 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman,

On behalf of the 1,200 member companies of the National Asphalt Pavement Association (NAPA), which represents asphalt producers and contractors throughout the United States, I am writing to express our support and urge the House of Representatives to pass H.R. 3684, the "Investing in a New Vision for the Environment and Surface Transportation in America Act" or the "INVEST in America Act." We very much appreciate your leadership in crafting a bill that will increase investments to rebuild America's highways, roads, and bridges for the 21<sup>st</sup> Century. I will start by noting our support of the funding levels and key specific provisions and conclude with a couple of important requests that we would very much appreciate your consideration.

Foremost, I want to highlight NAPA's strong support for the robust funding levels proposed in H.R. 3684. The increase in federal-aid highway funding will enable communities to address critical highway and bridge needs and will pave the way for the nation's economic recovery.

The asphalt pavement industry appreciates that H.R. 3684 is neutral on highway materials issues, leaving it to each state to determine the most cost-effective and efficient pavement type for each project. We strongly support the fact that H.R. 3684 does not mandate a specific selection process for highway pavement materials. We also welcome and commend the Committee's decision to increase the federal share for safety contingency funds to improve safety enhancements in work zones.

NAPA strongly supports Section 5202 reauthorizing the Accelerated Implementation and Deployment of Pavement Technologies (AID-PT) program, which advances the latest innovations, best practices, and technologies for constructing and maintaining high-quality, long-lasting pavements. The continuation of the AID-PT program is supported by NAPA, the American Concrete Pavement Association, and the Portland Cement Association. We share the belief that reauthorizing the AID-PT program will ensure the continued advancement of highways and roadways by deploying pavement technologies through partnership among the Federal Highway Administration, industry, and academia.

NAPA would like to share two concerns with the legislation that we urge be addressed when a joint House-Senate conference committee meets to finalize H.R. 3684. First, Section 1112 of H.R. 3684 expands the scope of Buy America to include construction materials that are commonly used in highway construction. The two primary components of asphalt pavements are liquid asphalt binder and aggregates. The majority of these two materials are produced in the United States; however, in certain regions, there is not enough supply to meet the demand for a number of reasons. For example, some regions simply do not have sound rock that can be mined and used as aggregates for pavement

June 30, 2021

Page 2

construction. Aggregate materials are imported from American owned quarries in Western Hemisphere countries (Canada, Mexico, and the Caribbean) to ensure timely delivery and maximize cost-effectiveness. Further, the Northeast and East Coast regions of the United States rely on imported liquid asphalt from Canada for a significant portion of its paving activities, with the Midwest not far behind. According to Energy Information Administration (EIA) data, there has never been a time when domestic producers of liquid asphalt supplied the entire domestic demand for liquid asphalt, and due to refining capacity and logistics, it is unlikely to change for the foreseeable future.

While NAPA supports the intent of Buy America, there are very real, negative impacts if these regions are forced to rely solely on domestic production of liquid asphalt, additives, and aggregates. These consequences include increased project costs, project delays and cancellations, quality concerns, and potential job losses for American workers in our industry. In addition to these negative impacts, a U.S. imposed ban on liquid asphalt from Canada and imported aggregates would be counterproductive toward meeting your goal to invest smartly in bringing our highways and roads up to a state of good repair. **It is vital that an exemption be provided in H.R. 3684 for liquid asphalt, polymers, additives, and aggregates.** While H.R. 3684 allows for a waiver, state DOTs and contractors will bear the burden of filing thousands of waivers to use imported asphalt and aggregates with no guarantee or track record of approval. This solution is unworkable, burdensome, and costly to the taxpayer.

Second, Section 1213 of H.R. 3684 establishes a new carbon pollution reduction apportionment program, which funds projects that reduce greenhouse gas (GHG) emissions. As currently drafted, the bill provides no eligibility – much less incentive – to reduce carbon emissions associated with road paving activities. **We would like to work with you to expand the eligibility of this program to include roadway paving activities that reduce carbon emissions.** For example, NAPA members have led the pavement industry in using reclaimed pavement, recycled materials in pavements, and reducing production temperatures and fuel use with warm mix asphalt – all reducing carbon emissions. We believe State DOTs should have the flexibility under this new Federal-aid Highway program to use lower carbon emitting paving materials as a tool for reducing GHG emissions. This change to expand the program's eligibility would encourage industry progress in reducing its carbon footprint while allowing State DOTs to carry out their primary obligation to build and maintain highways and roads.

We appreciate your leadership in advancing this surface transportation reauthorization. We urge all members to support this bill and look forward to working with you to address the issues noted above as the bill advances through the legislative process. It is an important step in ensuring that a multi-year bill addressing our nation's transportation infrastructure needs is enacted in a timely and successful manner.

Sincerely,



Audrey Copeland, Ph.D., P.E.  
President & CEO

cc: U.S. House of Representatives