



Advocacy Alert: Victory on Permitting Reform

THE ISSUE

Current wait times for the approval of manufacturing facilities, roads, bridges, and more are needlessly lengthy and have plagued our country for decades. Project developers are routinely ping-ponged between conflicting agencies (federal and state), before being caught up in court challenges of indeterminate number and duration.

According to government data, it now takes an average of 4.5 years for a project to obtain a federal permit. For roads or bridges, the story is even worse—those projects take an average of 7.4 years.

U.S. metalcasters rely on roads, rails, and ports for everything from employees' access to the workplace to getting raw materials to shop floors and finished products to customers. As an energy intensive industry, metalcasters are very concerned that projects connecting renewable energy to the grid and the building of new electricity transmission infrastructure remain subjected to major delays, with some projects taking a decade or more.

AFS ADVOCACY

During the 117th and 118th Congress, AFS has been urging federal lawmakers to pass legislation to rectify the broken permitting system including consolidating permitting processes, with enforceable deadlines, for the siting of new energy projects and their infrastructure, speeding up the approval process for transportation-infrastructure projects, ramping up critical mineral production vital to our national security, and other key provisions.

AFS actively lobbied in support of the Lower Energy Costs Act (H.R. 1), the energy and permitting legislation that the House passed in March. Key portions of the permitting provisions of H.R. 1 were included in the debt ceiling legislation, which is likely to expedite the process of obtaining federal approvals. During the 2023 Government Affairs Fly-In on Capitol Hill in June, AFS members discussed the importance of the permitting provisions included in the debt ceiling package but called on lawmakers to build on this momentum and enact comprehensive permitting, including the passage of the Spur Permitting of Underdeveloped Resources (SPUR) Act (S. 1456) and Revitalizing

the Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act (S. 1449).

THE POSITIVE OUTCOME

An important first step in permitting reform were provisions included in the debt ceiling package signed into law on June 3, 2023. It contains the first meaningful updates to the National Environmental Policy Act (NEPA) in more than 50 years, paving the way to get some shovels in the ground faster to rebuild America's infrastructure.

Key permitting reform provisions in the debt ceiling agreement of interest to AFS members includes:

- **Updates to the National Environmental Policy Act (NEPA) Permitting Process:**

1. **Impose Time Limits:** Environmental Impact Statements (EISs) would be required to be completed within two years of the date the agency determines that an EIS is required. Environmental Assessments (EAs) would be required to be completed within one year.
 2. **Impose Page Limits:** In most cases, EISs would be limited to 150 pages (not including appendices), with a 300-page limit for analyses of "extraordinary complexity." EAs would be limited to 75 pages.
 3. **Lead Agency:** Where more than one agency is involved in a decision, the federal government would be required to designate a lead agency to conduct any required environmental analysis to ensure a better coordinated process. Requires the development of a single environmental permitting document when more than one federal agency is involved in the permitting process to reduce preparation costs and conflicting information.
 4. **Missed Deadlines:** Allows project sponsors to petition a court if the agency misses the deadline.
 5. **Revisions to Core NEPA Mandate:** The core requirements of NEPA would be amended, primarily to limit the obligation to consider environmental impacts to those that are "reasonably foreseeable."
- **Electric Transmission:** Within 18 months, the North American Electric Reliability Corporation (NERC), the entity responsible for ensuring the reliability of the nation's electric grid), regional transmission organizations (Independent System Operators and Regional Transmission Organizations that administer the operation of much of the nation's electric grid), and transmission utilities would be required to conduct studies of transfer capacity between different planning regions which ultimately would lead a recommendation to Congress from the Federal Energy Regulatory Commission (FERC) on legislation to encourage

construction of interregional transmission links.

- **Energy Storage:** Energy storage would be added to the types of major infrastructure projects subject to FAST 41 rules that permit the [Federal Permitting Improvement Steering Council](#) to oversee the permitting process.

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