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Eric M. Dean
General President

NATIONAL INFRASTRUCTURE ALLIANCE

November 28, 2023

Mr. Eric Beightel
Executive Director
Federal Permitting Improvement Steering Council
1800 M Street, NW Suite 6006
Washington, D.C. 20036

Attention: RIN 3121-AA04

RE: Comments on Revising the Scope of the Mining Sector of Projects That Are Eligible for Coverage under Title 41 of the Fixing America's Surface Transportation Act
Submitted electronically via <https://www.regulations.gov>

Dear Mr. Beightel:

The National Infrastructure Alliance opposes the Federal Permitting Improvement Steering Council's proposal limiting the coverage of Title 41 of the Fixing America's Surface Transportation Act to apply solely to critical mineral mining projects. The Council should support all mining infrastructure projects.

The National Infrastructure Alliance (NIA) is a coalition of North America's leading construction unions – the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers Union, the International Union of Operating Engineers, the Laborers' International Union of North America, and the United Brotherhood of Carpenters and Joiners of America – representing over 1.7 million hardworking men and women in the United States and Canada. NIA unions build North America's transportation, energy, and water infrastructure, and the continent's abundant natural resources play a vital role in virtually all aspects of our work.

The Council unanimously voted to include mining as a covered sector under Title 41 of the Fixing America's Surface Transportation Act (FAST-41) back in January 2020. The vote clearly recognized that mining projects involve the complex permitting processes that the Act was designated to facilitate. By designating all mining as FAST-41 sector in the 2020 vote, the Council chose not to pick winners and losers among potentially qualified mining projects. The addition of mining as a covered sector provides a pathway to reduce permitting inefficiencies while retaining environmental protections.

Building America's Infrastructure

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The proposed rulemaking to limit the scope of the mining sector to only apply to critical mineral projects is short sighted. There are many minerals that are of vital importance to our economic and national security that are absent from the United States Geological Survey's (USGS) Critical Minerals List, which was recently updated in 2022. The most glaring omissions to the list are copper, silver, gold, lead, zinc, phosphate, and other minerals, which are indispensable to our infrastructure and are essential components of consumer products, military and defense equipment, numerous manufacturing sectors, medical applications, and other uses. Copper, for example, is the most widely used mineral for clean energy technologies, and it has a broad range of electronic and industrial applications, from batteries and motors to wind turbines. One modern offshore wind turbine requires over five tons of copper. In contrast to the USGS, the Department of Energy recently added copper to its list of critical materials.

Today, many minerals come from countries with the most egregious environmental and labor standards in the world – countries like Argentina, Chile, China, and the Democratic Republic of the Congo. Nearly 40% of the world's copper is mined in Chile and Peru, and most of the global supply is refined in China. The South American countries' environmental and labor records, where workplace hazards and occupational deaths frequently occur, raise significant concern. China's prominence in the sector presents a raft of policy considerations related to labor and human rights abuses, environmental degradation, national security threats, and more. The federal government's goal should be reducing our dependence on these countries and creating a stable, domestic supply chain and an efficient permitting process for mining minerals.

The National Infrastructure Alliance urges the Council to abandon this proposal limiting the coverage of Title 41 of the Fixing America's Surface Transportation Act to apply solely to critical mineral mining projects and maintain coverage for all mining projects.

Thank you for your consideration.

Sincerely,



Terry T. George
Executive Vice President

cc: Eric M. Dean, General President, Iron Workers
James T. Callahan, General President, IUOE
Brent Booker, General President, LIUNA
Douglas J. McCarron, General President, Carpenters