



June 29, 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 21st Century. I'll 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 majority of liquid asphalt used to manufacture and construct pavements

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is produced in the United States; however, there is a portion (about 12 percent) imported, mainly from Canada. The East Coast relies on Canadian liquid asphalt for a significant portion of its paving activities, with the Midwest not far behind. While NAPA supports the intent of Buy America, there are very real, negative impacts if these states and others (at least one-third of our country) are forced to rely solely on domestic production of liquid asphalt and other additives. These consequences include increased project costs, project delays and cancellations, quality concerns (Canadian asphalt has specific qualities that may not be available in the US), and potential job losses in our industry. 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 it is unlikely to change for the foreseeable future.

In addition to the negative impacts discussed above, a U.S. imposed ban on liquid asphalt from Canada 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 and additives. 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 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 greatly 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