



Oppose Harmful Air Regulations Impacting U.S. Metalcasters

Metalcasters continue to make critical investments to effectively reduce air emissions. Today, our manufacturing processes are cleaner and greener than at any other time in history. Yet, new proposed regulations from the federal government will work against these efforts instead of bolstering them, stymying progress, and destabilizing economic growth at a time when both are more important than ever.

The Environmental Protection Agency (EPA) has proposed a new rule that would impose stricter air standards for fine particulate matter, known as PM_{2.5} National Ambient Air Quality Standard (NAAQS), on U.S. businesses. Specifically, EPA proposes to lower the current standard from 12.0 ug/m³ to a range of 9.0 ug/m³ to 10.0 ug/m³. EPA has also solicited comment on revising the standard to as low as 8.0 ug/m³.

The impact: These new stringent standards are at or below background levels of PM_{2.5} in many areas, leaving facilities with little or no room for expansions or job growth. In addition, even with the removal of all PM_{2.5} emissions from stationary sources like metalcasting operations, the new PM_{2.5} standards would not be attained in many areas due to existing PM_{2.5} emissions from naturally occurring sources such as wildfire, unpaved roads, and bare agricultural soils.

A new PM_{2.5} rule could be economically devastating for all industry sectors, including metalcasters. If the standard is set at 9 ug/m³ or below, approximately 50 percent of counties nationwide could be designated as nonattainment areas for PM_{2.5} and subject to stringent regulatory requirements that would severely limit manufacturing activity and make it extraordinarily difficult to create new manufacturing jobs and protect existing manufacturing jobs.

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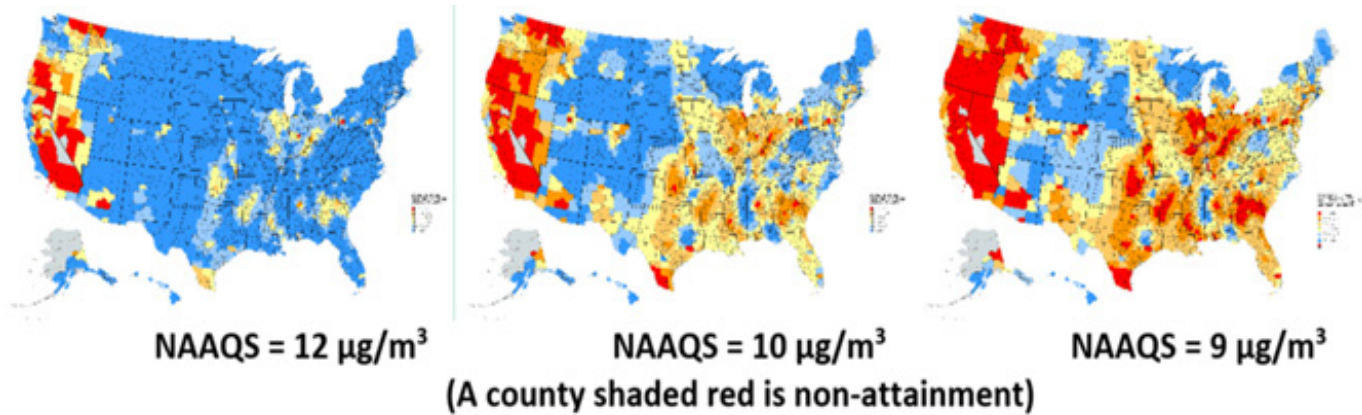
Facilities located in nonattainment areas would face further restrictions on production, bans on new facilities or expansions of existing facilities, stringent new emission limits for PM_{2.5}, and increased regulatory oversight on facility operations and air permits. These restrictions would impose significant burdens on facilities located in nonattainment areas and do little or nothing to achieve attainment due to the uncontrolled nonpoint sources of PM_{2.5}.

A lower PM_{2.5} standard will also:

- **Make permitting more challenging.**
 - Manufacturers, including foundries, will be required to demonstrate further reductions of PM_{2.5} emissions for air permit renewals, plant expansions and for siting new manufacturing facilities – even those reductions in and of themselves will do little to attain the new PM_{2.5} standards.
- **Hinder onshoring.** The proposal will result in encouraging manufacturing abroad – which is more polluting than manufacturing in the U.S .
- **Make it more difficult to build and site new power generation assets, especially in urban areas that have a larger power demand.**
 - Grid reliability may be impacted as fossil fuel-fired units retire and it becomes more difficult and time-consuming to permit and build new power generation facilities

A final decision by EPA on where to set the limit is expected by this fall.

Counties Out of Attainment under EPA's Current Annual PM_{2.5} & Two Proposed Values



PM_{2.5} Annual NAAQS is 12 ug/m³ (Current):

<https://www.mapchart.net/usa-counties.html?shareId=dbUBwFTWLWhhmSaN2gtrwFv3lbt2&config=-NLhYXxnF56OcdFNEhMg>

PM_{2.5} Annual NAAQS is 10 ug/m³:

<https://www.mapchart.net/usa-counties.html?shareId=dbUBwFTWLWhhmSaN2gtrwFv3lbt2&config=-NLhRCrS6X7VVBK2T3Uk>

PM_{2.5} Annual NAAQS is 9 ug/m³:

<https://www.mapchart.net/usa-counties.html?shareId=dbUBwFTWLWhhmSaN2gtrwFv3lbt2&config=-NLhRUVeC7BbOz7m-MEz1>

Message to Congress

The American Foundry Society (AFS) requests Congress to:

Urge EPA to reconsider its proposal and to oppose new PM_{2.5} regulations.

- Protecting metalcasters' ability to grow and invest in innovative, modern technologies that improve air quality and reduce emissions, while also protecting U.S. manufacturing jobs and growing the economy, should be a top priority.
- As an industry vital to our nation's national security¹ and our industrial base, creating more onerous standards and additional permitting challenges is the wrong way to go.
- EPA's proposal undercuts U.S. competitiveness and will not further the goal of global emissions reduction.

For further information, contact:

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¹ Cast and forged (C&F) parts are critical to the development, procurement, and sustainment of all major defense systems by the Defense Industrial Base. They are used in almost all platforms (e.g., ships, submarines, aircraft, ground combat vehicles, spacecraft, etc.), kinetic weapons and weapon systems (e.g., guns, missiles and rockets, bombs, ammunition, artillery pieces, etc.), and many supporting systems (e.g., vehicles, powered support equipment, etc.) - Securing Defense-Critical Supply Chains, U.S. Department of Defense, Feb. 2022.



ADVOCATE. EDUCATE. INNOVATE.



Strengthen U.S. Trade Laws and End Offshoring Loopholes

As Congress debates legislation to strengthen U.S. trade laws, it is critical to consider ways to effectively address the growing challenge posed by foreign producers and U.S. importers that circumvent our laws to the detriment of American workers and industries.

American manufacturers devote extensive time and resources to obtain remedies under various trade laws designed to level the playing field in the marketplace. However, the offending parties frequently begin unlawful efforts to evade those orders almost immediately after the entry of an order.

Although the Trade Facilitation and Trade Enforcement Act of 2015 granted U.S. Customs and Border Protection (CBP) new tools to combat such evasion, such as Enforce and Protect Act (EAPA) investigations, those tools have proven inadequate in the face of determined evasion efforts. CBP may only pursue EAPA investigations against the importer of record, not its affiliates, related persons, or successors.

Bad actors have become increasingly adept at forming multiple shell companies with no assets to serve as the importers of record, often with the same principals and affiliates. This sets up a continuing game of “whack-a-mole” that CBP and the Department of Justice, with their limited resources, are inadequately equipped to play.

Bipartisan legislation, the **Fighting Trade Cheats Act**, was recently introduced in both chambers, to hold accountable bad actors that engage in customs fraud, increases the penalties for repeat offenders, and supplements Customs’ resources dedicated to the number and frequency of evasion efforts. Furthermore, it allows U.S. manufacturers to sue foreign producers for customs fraud.

In addition, the U.S. metalcasting industry is alarmed by the Federal Highway Administration’s (FHWA) continued use of a 1983 general applicability waiver of manufactured products (which includes nonferrous metal castings) under its Buy America waiver authorities. As a result, for over 40 years, manufactured products used in FHWA-funded projects have

been exempt from the Buy America restrictions (except for iron and steel components of a manufactured product, which have been subject to Buy America restrictions).

Despite explicit statutory language in Section 165 of the 1982 Surface Transportation Assistance Act (STAA) and again in the 2021 Bipartisan Infrastructure Law (BIL) directing the agency to apply a domestic content preference to manufactured products, FHWA has continued to use this offshoring loophole. In recent comments to the agency, we urged FHWA to discontinue immediately its general waiver of Buy America for manufactured products. The continued existence of this waiver discourages capital investments in U.S. manufacturing and represents a missed opportunity to create more resilient domestic supply chains.

Message to Congress

The American Foundry Society (AFS) urges lawmakers to:

- **Co-sponsor and Support Passage of The Fighting Trade Cheats Act (H.R. 2667/ S. 805)**
This bipartisan bill will strengthen trade remedy laws by holding China and other bad actors accountable for unfair trade practices by:
 - Increasing penalties for bad actors engaging in customs fraud and gross negligence
 - Providing a new five-year prohibition on importing products from known violators
 - Improving enforcement regarding customs fraud
 - Allowing private companies to sue foreign producers that have been injured by customs fraud
- **Ensure that the U.S. Department of Transportation’s Federal Highway Administration (FHWA) discontinues use of its 1983 general waiver for manufactured products and require that all manufactured products used in FHWA projects be “produced in the United States,” in accordance with the new Build America, Buy America (BABA) provisions of the Bipartisan Infrastructure Law.**

Urge your House lawmakers to co-sponsor and support passage of the Fighting Trade Cheats Act of 2023 (H.R. 2667). Thank the following House lawmakers for co-sponsoring:

Rep. Mike Bost (R-IL-12) *	Rep. Frank Mrvan (D-IN-1) *	Rep. Terri Sewell (D-AL-7) *
Rep. Dan Kildee (D-MI-8)	Rep. Gregory Murphy (R-NC-3) *	Rep. Claudia Tenney (R-NY-24) *

**Original sponsors*

To cosponsor the Fighting Trade Cheats Act of 2023 (H.R. 2667), contact:

Noah Barger, noah.barger@mail.house.gov, Office of Rep. Mike Bost (R-IL), or
Rob Nuttall, robert.nuttall@mail.house.gov, Office of Rep. Terri Sewell (D-AL)

Urge your Senators to co-sponsor and support passage of the Fighting Trade Cheats Act of 2023 (S. 805). Thank the following Senators for co-sponsoring:

Sen. Tammy Baldwin (D-WI)	Sen. Sherrod Brown (D-OH) *	Sen. Mike Braun (R-IN)
Sen. Thomas Tillis (R-NC) *	Sen. Katie Britt (R-AL)	Sen. J.D. Vance (R-OH)

**Original sponsors*

To cosponsor the Fighting Trade Cheats Act of 2023 (S. 805), contact:

Carolina Young, carolina_young@brown.senate.gov, Office of Sen. Sherrod Brown (D-OH), or
Ryan Adam, ryan_adam@tillis.senate.gov, Office of Sen. Thom Tillis (R-NC)

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ADVOCATE. EDUCATE. INNOVATE.



Support Tax Policies That Promote Investment, Development, and Expansion

A competitive tax system is critical to growth of the U.S. manufacturing base. Higher income taxes reduce a company's cash flow, thereby shrinking the amount of money available to expand, purchase equipment, hire more workers, and reduce debt. The passage of the 2017 Tax Cuts and Jobs Act (TCJA) has allowed manufacturers and U.S. metalcasters to make significant investments in their plants and employees. However, significant tax law changes embedded in the TCJA are already leaving many metalcasters and their suppliers with higher federal income tax bills.

As several key provisions of the 2017 tax reform legislation are set to expire at the end of 2025, action to ensure the competitiveness of our nation's tax system is critical to providing the stability U.S. metalcasters, small and large, need to continue to invest, innovate, and grow. Rolling back these key pro-growth provisions costs jobs, slows the economy, favors our competitors abroad, and discourages investment in the United States.

Congress can provide much-needed relief and certainty for metalcasters by working to improve and make permanent the following pro-growth provisions in the tax code that are set to expire:

- Ensure that key incentives for capital equipment purchases remain in the tax code.
- Fix provisions of the tax law that make research more expensive.
- Make permanent and expand the 20% deduction for business income earned through a pass-through entity.
- Permanently repeal the federal estate tax.
- Preserve business interest deductibility.

If Congress does not reverse course, these changes will lead to significantly higher tax burdens —particularly for our small and medium-sized metalcasters. That means fewer jobs and opportunities for manufacturing workers and their families.

Message to Congress

AFS urges lawmakers to cosponsor and support passage of the following pro-growth tax bills to boost U.S. manufacturing competitiveness and innovation:

- **Accelerate Long-Term Investment Growth Now (ALIGN) Act (H.R. 2406 / S. 1117)**
 - *Makes permanent the 100 percent bonus depreciation provision of the 2017 TCJA that allowed businesses to immediately and fully deduct costs associated with the purchase of capital assets, including manufacturing equipment.*
 - Beginning this year, businesses are able to deduct only 80% of their capital investments, which will fall to 60% in 2024, and then 40% in 2025, before reverting to pre-reform depreciation rules in 2026.
 - As a capital-intensive industry, limiting this critical deduction for capital investment will reduce investments, resulting in fewer jobs, lower wages, and slower economic growth.
 - Urging Congress to immediately reverse and suspend the phasedown of full expensing.
- **Main Street Tax Certainty Act (S. 1706)**
 - *Makes the Section 199A Deduction for Pass-Through Businesses Permanent.*
 - Metalcasters organized as S-Corporations have benefited from this 20% pass-through business tax deduction, using the funds to invest in employees, benefits, and their plants.
 - Unfortunately, this deduction implemented in the TCJA will expire at the end of 2025 and would result in a massive tax hike for metalcasters that are structured as pass-through entities and would face a competitive disadvantage to companies organized as C-Corporations.

- **American Innovation and R&D Competitiveness Act (H.R. 2673) & American Innovation and Jobs Act (S. 866)**
 - **Restores the immediate deductibility of R&D expenses.**
 - As of January 2022, manufacturers can no longer deduct the full value of R&D investments made in the first year, and instead use a five-year depreciation schedule. making R&D significantly more costly to conduct in the U.S.
 - The U.S. is one of just two developed nations that requires the amortization of R&D expenses and given that China actually provides a 200 percent super-deduction for R&D investments, it simply makes no sense to impose this limitation on manufacturers here at home.
 - Failing to reverse this change will cost well-paying jobs and reduce future innovation-directed R&D.
- **Death Tax Repeal Act (S. 1108)**
 - **Permanently repeals the federal estate tax and ends this purely punitive tax.**
 - The TCJA increased the estate tax exemption from \$5 million to \$10 million, but that tax relief will expire in 2025, without congressional action. This increases uncertainty and planning costs for family-owned businesses.
 - While AFS supports making this important estate tax relief permanent, a better outcome would be full repeal.
 - The value of family-owned foundries is usually tied to illiquid assets such as land, buildings, and equipment. When estate taxes on a family business exceed cash and other liquid assets, surviving family partners often are forced to sell buildings or equipment needed to keep their businesses running.

Urge your Senators to cosponsor and support passage of the Main Street Tax Certainty Act (S.1706). Thank you to the following Senators for co-sponsoring:

Sen. John Barrasso (R-WY)	Sen. Ted Cruz (R-TX)	Sen. James Risch (R-ID)
Sen. Marsha Blackburn (R-TN)	Sen. Steve Daines (R-MT) *	Sen. Tim Scott (R-SC)
Sen. Mike Braun (R-IN)	Sen. Chuck Grassley (R-IA)	Sen. Thom Tillis (R-NC)
Sen. Katie Britt (R-AL)	Sen. Bill Hagerty (R-TN)	Sen. Roger Wicker (R-MS)
Sen. Bill Cassidy (R-LA)	Sen. Cynthia Lummis (R-WY)	
Sen. Kevin Cramer (R-ND)	Sen. Roger Marshall (R-KS)	

**Original sponsors*

To cosponsor the Main Street Tax Certainty Act (S.1706), contact:

PJ Austin, pj_austin@daines.senate.gov, Office of Sen. Steve Daines (R-MT).

Message To Congress

Urge your House lawmakers to co-sponsor and support passage of the **American Innovation and R&D Competitiveness Act (H.R. 2673)**, which permanently allows for immediate research and development expensing. Thank the following House lawmakers for co-sponsoring:

Rep. Jodey Arrington (R-TX-19)	Rep. Glenn Grothman (R-WI-6)	Rep. Bill Pascrell (D-NJ-9)
Rep. Don Bacon (R-NE-2)	Rep. Diana Harshbarger (R-TN-1)	Rep. Brittany Petterson (D-CO-7)
Rep. Troy Balderson (R-OH-12)	Rep. Kevin Hern (R-OK-1)	Rep. Dean Phillips (D-MN-3)
Rep. Andy Barr (R-KY-6)	Rep. Chrissy Houlahan (D-PA-6)	Rep. Bill Posey (R-FL-8)
Rep. Donald Beyer (D-VA-8)	Rep. Bill Huizenga (R-MI-4)	Rep. Guy Reschenthaler (R-PA-14)
Rep. Earl Blumenauer (D-OR-3)	Rep. Bill Johnson (R-OH-6)	Rep. Deborah Ross (D-NC-2)
Rep. Lisa Blunt Rochester (D-DE-At Large)	Rep. John Joyce (R-PA-13)	Rep. Dutch Ruppersberger (D-MD-2)
Rep. Suzanne Bonamici (D-OR-1)	Rep. Marcy Kaptur (D-OH-9)	Rep. Hillary Scholten (D-MI-3)
Rep. Mike Bost (R-IL-12)	Rep. Mike Kelly (R-PA-16)	Rep. Kim Schrier (D-WA-8)
Rep. Julia Brownley (D-CA-26)	Rep. Ro Khanna (D-CA-17)	Rep. David Schweikert (R-AZ-1)
Rep. Vern Buchanan (R-FL-16)	Rep. Daniel Kildee (D-MI-8)	Rep. Pete Sessions (R-TX-17)
Rep. Ken Calvert (R-CA-41)	Rep. Derek Kilmer (D-WA-6)	Rep. Terri Sewell (D-AL-7)
Rep. Mike Carey (R-OH-15)	Rep. Ann Kuster (D-NH-2)	Rep. Mikie Sherrill (D-NJ-11)
Rep. Earl Carter (R-GA-1)	Rep. David Kustoff (R-TN-8)	Rep. Elissa Slotkin (D-MI-7)

Rep. Gerald Connolly (D-VA-11)	Rep. Darin LaHood (R-IL-16)	Rep. Adrian Smith (R-NE-3)
Rep. Joe Courtney (D-CT-2)	Rep. John Larson (D-CT-1) *	Rep. Lloyd Smucker (R-PA-11)
Rep. Angie Craig (D-MN-2)	Rep. Jake LaTurner (R-KS-2)	Rep. Eric Sorensen (D-IL-17)
Rep. Eric Crawford (R-AR-1)	Rep. Susie Lee (D-NV-3)	Rep. Greg Stanton (D-AZ-4)
Rep. Dan Crenshaw (R-TX-2)	Rep. Debbie Lesko (R-AZ-8)	Rep. Michelle Steel (R-CA-45)
Rep. Henry Cuellar (D-TX-28)	Rep. Nicole Malliotakis (R-NY-11)	Rep. Haley Stevens (D-MI-11)
Rep. Sharice Davids (D-KS-3)	Rep. Tracey Mann (R-KS-1)	Rep. Linda Sánchez (D-CA-38)
Rep. Warren Davidson (R-OH-8)	Rep. Michael McCaul (R-TX-10)	Rep. Claudia Tenney (R-NY-24)
Rep. Danny Davis (D-IL-7)	Rep. Daniel Meuser (R-PA-9)	Rep. Dina Titus (D-NV-1)
Rep. Suzan DelBene (D-WA-1)	Rep. Carol Miller (R-WV-1)	Rep. David Trone (D-MD-6)
Rep. Tom Emmer (R-MN-6)	Rep. John Moolenaar (R-MI-2)	Rep. Beth Van Duyne (R-TX-24)
Rep. Ron Estes (R-KS-4) *	Rep. Blake Moore (R-UT-1)	Rep. Marc Veasey (D-TX-33)
Rep. Dwight Evans (D-PA-3)	Rep. Joseph Morelle (D-NY-25)	Rep. Brad Wenstrup (R-OH-2)
Rep. Randy Feenstra (R-IA-4)	Rep. Seth Moulton (D-MA-6)	Rep. Jennifer Wexton (D-VA-10)
Rep. A. Drew Ferguson (R-GA-3)	Rep. Kevin Mullin (D-CA-15)	
Rep. Michelle Fischbach (R-MN-7)	Rep. Joe Neguse (D-CO-2)	
Rep. Brian Fitzpatrick (R-PA-1)	Rep. Donald Norcross (D-NJ-1)	
Rep. Tony Gonzales (R-TX-23)	Rep. Jimmy Panetta (D-CA-19)	
Rep. Josh Gottheimer (D-NJ-5)	Rep. Chris Pappas (D-NH-1)	

* Chief sponsors

To cosponsor the American Innovation and R&D Competitiveness Act (H.R. 2673), contact:

Nick O'Boyle, nicholas.oboyle@mail.house.gov, Office of Rep. Ron Estes (R-KS), or
Mike Dunn, mike.dunn@mail.house.gov, Office of Rep. John Larson (D-CT)

Urge your Senators to cosponsor and support passage of the **American Innovation and Jobs Act (S. 866)**, which permanently allows for immediate research and development expensing. Thank you to the following Senators for co-sponsoring:

Sen. Tammy Baldwin (D-WI)	Sen. Bill Hagerty (R-TN)	Sen. Patty Murray (D-WA)
Sen. John Barrasso (R-WY)	Sen. Maggie Hassan (D-NH) *	Sen. Alex Padilla (D-CA)
Sen. John Boozman (R-AR)	Sen. Tim Kaine (D-VA)	Sen. Gary Peters (D-MI)
Sen. Katie Boyd Britt (R-AL)	Sen. Mark Kelly (D-AZ)	Sen. Jacky Rosen (D-NV)
Sen. Ted Budd (R-NC)	Sen. John Kennedy (R-LA)	Sen. Krysten Sinema (I-AZ)
Sen. Shelley Moore Capito (R-WV)	Sen. Angus King (I-ME)	Sen. Thomas Tillis (R-NC)
Sen. Christopher Coons (D-DE)	Sen. Amy Klobuchar (D-MN)	Sen. Tommy Tuberville (R-AL)
Sen. Catherine Cortez Masto (D-NV)	Sen. Roger Marshall (R-KS)	Sen. Mark Warner (D-VA)
Sen. Steve Daines (R-MT)	Sen. Robert Menendez (D-NJ)	Sen. Roger Wicker (R-MS)
Sen. Dianne Feinstein (D-CA)	Sen. Jerry Moran (R-KS)	Sen. Todd Young (R-IN) *
Sen. Deb Fischer (R-NE)	Sen. Markwayne Mullin (R-OK)	

* Chief sponsors

To cosponsor the American Innovation and Jobs Act (S. 866), contact:

Jay Weismuller, jay_weismuller@hassan.senate.gov, Office of Sen. Maggie Hassan (D-NH), or
Jessica Helmers, jessica_helmerts@young.senate.gov, Office of Sen. Todd Young (R-IN)

Message To Congress

Urge your Senators to co-sponsor and support passage of the **Death Tax Repeal Act (S.1108)**. Thank you to the following Senators for co-sponsoring:

Sen. John Barrasso (R-WY)	Sen. Deb Fischer (R-NE)	Sen. Markwayne Mullin (R-OK)
Sen. Marsha Blackburn (R-TN)	Sen. Lindsey Graham (R-SC)	Sen. Pete Ricketts (R-NE)
Sen. John Boozman (R-AR)	Sen. Chuck Grassley (R-IA)	Sen. James Risch (R-ID)
Sen. Mike Braun (R-IN)	Sen. Bill Hagerty (R-TN)	Sen. Mike Rounds (R-SD)
Sen. Katie Britt (R-AL)	Sen. Josh Hawley (R-MO)	Sen. Marco Rubio (R-FL)
Sen. Ted Budd (R-NC)	Sen. John Hoeven (R-ND)	Sen. Eric Schmitt (R-MO)
Sen. Shelley Moore Capito (R-WV)	Sen. Ron Johnson (R-WI)	Sen. Rick Scott (R-FL)
Sen. John Cornyn (R-TX)	Sen. John Kennedy (R-LA)	Sen. Tim Scott (R-SC)
Sen. Tom Cotton (R-AR)	Sen. James Lankford (R-OK)	Sen. Thom Tillis (R-NC)
Sen. Kevin Cramer (R-ND)	Sen. Mike Lee (R-UT)	Sen. John Thune (R-SD) *
Sen. Mike Crapo (R-ID)	Sen. Cynthia Lummis (R-WY)	Sen. Tommy Tuberville (R-AL)
Sen. Ted Cruz (R-TX)	Sen. Roger Marshall (R-KS)	Sen. J.D. Vance (R-OH)
Sen. Steve Daines (R-MT)	Sen. Mitch McConnell (R-KY)	Sen. Roger Wicker (R-MS)
Sen. Joni Ernst (R-IA)	Sen. Jerry Moran (R-KS)	

** Chief Sponsor*

To cosponsor the Death Tax Repeal Act (S.1108), contact:

James Williams, james_williams@thune.senate.gov, office of Sen. John Thune (R-SD)

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Fix The Broken Permitting Process

Some of the biggest obstacles preventing U.S. manufacturers and metalcasters — and therefore the entire American economy — from reaching our full potential are the permitting delays, red tape, and complicated bureaucracy that have plagued our country for decades. Today, though, as we work to modernize our infrastructure and shore up our supply chains, the need for reform is more urgent than ever. Manufacturers rely on roads, rails, airports, and ports for everything from employees' access to facilities to getting raw materials to shop floors and finished products to customers.

Streamlining the nation's permitting process is one of the key actions that the Congress and Administration can take this year to bolster the economy, American workers, and manufacturers. According to government data, it now takes an average of 4.5 years¹ 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. Public transit? 5.3 years.

As an energy-intensive industry, metalcasters remain concerned that even projects to connect renewable energy to the grid by building electricity transmission infrastructure are subject to delays, with some projects taking a decade or more. Renewable and other emerging energy technologies face similar, steep permitting challenges.

An important first step in permitting reform were provisions included in the debt ceiling legislation signed into law on June 3. It does contain the first meaningful updates to the National Environmental Policy Act (NEPA) in more than 40 years, paving the way to get some shovels in the ground faster to rebuild America's infrastructure.

While the legislation in the debt ceiling bill sets two-year time limits for environmental impact statements (EISs), and one year for more modest "environmental assessments," there is a catch: agencies need only "consult" with permit applicants in the event those deadlines will be missed. What form such

consultations will take is unknown, but it creates a significant opportunity for agencies to slow walk the process. The debt deal includes pages limits on NEPA documents, but they do not apply to appendices or speak to whether the analysis of a potential impact is sufficient.

Critical permitting reform provisions were left out of the debt ceiling deal that need to be enacted, including, among others:

- **Predictability** – Project developers and financiers must have an appropriate level of certainty regarding the scope and timeline for project reviews, including any related judicial review.
- **Litigation Reform**
 - **It is critically important to limit judicial review vulnerabilities under NEPA** – This could be everything from limiting the statute of limitations from the current six years to 150 days, restricting court shopping, and limiting who can litigate if not substantively involved in commenting/public engagement on draft environmental documents.
- **Resource Development**
 - Metalcasters strongly believe that permitting, leasing, exploration and development of the nation's resources must be done in an environmentally sound and responsible manner. But unnecessarily restricting access to America's abundant natural resources hinders our ability to strengthen domestic supply chains. It also makes manufacturers more reliant on raw material imports.

Demand for critical minerals is also at an all-time high. Critical minerals are used in everything from cell phone batteries and appliances to wind turbines. Unfortunately, some 80 percent of these materials are produced, refined, and processed by China, raising serious questions about the stability and dependability of the supply chain. Recent attempts by

¹https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timeline_Report_2020-6-12.pdf

other countries to catch up with China have met mixed results. Canada and Australia, however, seem to understand the problem, and a mining permit in those nations averages about two years. But in the United States, those same permits — if possible to secure at all — can take 7-10 years, placing us at a massive disadvantage.

Over the past year, we have seen Congress and the Biden Administration signal support for further development of stable mineral supply chains on which our national security, economy and energy future rely, through tax incentives, loan programs and grants. But if we can't get a mine permitted, the money is irrelevant.

Our out-of-date permitting laws and procedures are holding back progress and restricting our country's ability to compete globally. Metalcasters depend on access to reliable and affordable energy to expand, which is why we support reforms that would foster transparent, streamlined, and timely federal regulatory processes for the siting, permitting, and licensing of energy delivery infrastructure of all types. Metalcasters also rely on roads, rails, and ports for everything from employees' access to facilities to getting raw materials to shop floors and finished products to customers. Basic infrastructure must be developed before ground can ever be broken on a major facility. Yet, obtaining permit approvals for these projects often takes years, especially when reviews are piecemeal and duplicative.

MESSAGE TO HOUSE

The American Foundry Society (AFS) urges House lawmakers to reform the nation's broken permitting and environmental review processes this year, which are currently delaying key energy, infrastructure, and transportation projects across America. It is critically important to adopt the other key provisions included in H.R. 1, the Low Energy Costs Act, not captured in the debt ceiling package.

Message To Congress

Urge your Senators reform the nation's broken permitting and environmental review processes this year, which are currently delaying key energy, infrastructure, and transportation projects across America. In addition, cosponsor and support passage of the Spur Permitting of Underdeveloped Resources (SPUR) Act (S. 1456). Thank the following Senators for cosponsoring:

Sen. John Barrasso (R-WY) *	Sen. Josh Hawley (R-MO)	Sen. Mike Lee (R-UT)
Sen. Shelley Moore Capito (R-WV)	Sen. John Hoeven (R-ND)	Sen. Lisa Murkowski (R-AK)
Sen. Bill Cassidy (R-LA)	Sen. Cindy Hyde-Smith (R-MS)	Sen. Pete Ricketts (R-NE)
Sen. Steve Daines (R-MT)	Sen. James Lankford (R-OK)	Sen. James Risch (R-ID)

** Original sponsor*

MESSAGE TO SENATE

Our current permitting system stifles development and undermines American national security and energy security. The American Foundry Society (AFS) urges support passage of permitting reform in 2023, including the key provisions contained in the following bills:

- Spur Permitting of Underdeveloped Resources (SPUR) Act (S. 1456)
 - Increases domestic energy and mineral development.
 - Ensures federal lands remain open to productive uses.
 - Streamlines permitting of energy infrastructure.
 - Directs the U.S. Geological Survey to consider projected declines in U.S. production of a mineral when evaluating whether a mineral should be considered a "critical mineral."
 - Requires an environmental impact statement under NEPA to be completed within two years and an environmental assessment to be completed within one year for mineral projects.
 - Requires lawsuits against permits and licenses for mining projects to be filed within 60 days.
- Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act (S. 1449)
 - Establishes time limits to prevent endless legal battles, requiring courts to process NEPA challenges and issue a final judgment within 180 days.
 - Enacts a stricter statute of limitations for filing court challenges to NEPA documents and instructs courts to set deadlines for agency action.
 - Allows projects to advance if an agency misses a deadline without threat of judicial review.
 - Shortens timelines for consultations under the Endangered Species Act (ESA), makes the process more efficient, and allows states to take over administration of consultations.
 - Applies the Clean Air Act policy review process to legislation, not projects or regulations.



ADVOCATE. EDUCATE. INNOVATE.

To cosponsor the **Spur Permitting of Underdeveloped Resources (SPUR) Act (S. 1456)**, contact:

Brad Bunning, brad_bunning@barrasso.senate.gov, Office of Sen. John Barrasso (R-WY)

Urge your Senators to cosponsor and support passage of the Revitalizing the Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act (S. 1449)

Sen. John Barrasso (R-WY)	Sen. Cynthia Lummis (R-WY)	Sen. Lindsey Graham (R-SC)
Sen. John Boozman (R-AR)	Sen. Pete Ricketts (R-NE)	Sen. James Lankford (R-OK)
Sen. Shelley Moore Capito (R-WV) *	Sen. James Risch (R-ID)	Sen. Roger Wicker (R-MS)
Sen. Kevin Cramer (R-ND)	Sen. Dan Sullivan (R-AK)	

** Original sponsor*

To cosponsor the Revitalizing the **Economy by Simplifying Timelines and Assuring Regulatory Transparency (RESTART) Act (S. 1449)**, contact:

James Longley, james_longley@capito.senate.gov, Office of Senator Capito (R-WV)

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