



National Association of State Energy Officials

January 10, 2022

Brian Hodge
U.S. Department of Transportation
Federal Highway Administration Office of Infrastructure
1200 New Jersey Ave. SE, W12-140
Washington DC 20590

RE: Comments for U.S. Department and Transportation and U.S. Department of Energy Buy America Request for Information Docket number FHWA-2021-0015

Dear Mr. Hodge,

The National Association of State Energy Officials (NASEO) appreciates the opportunity to submit comments in response to the Buy America Request for Information (RFI) regarding electric vehicle service equipment (EVSE) installations facilitated through the Infrastructure Investment and Jobs Act of 2021 (IIJA). NASEO represents the governor-designated State Energy Directors and their offices from each of the 56 states, territories, and District of Columbia. We commend the efforts of the U.S. Department of Transportation (DOT) and U.S. Department of Energy (DOE) to better understand the impact of and approach to Buy America enforcement, and to develop clear compliance options for states and their partners as they begin to deploy IIJA-funded EVSE infrastructure. The goal of purchasing and installing American-made EVSE is central to maximizing the long-term economic, security, and social benefits of these investments, and it provides needed support in building America's EVSE manufacturing capacity.

Over the past decade, NASEO has worked with State Energy Offices regionally and nationally as they have installed EVSE infrastructure. Our members have leveraged state, federal, and private investment, as well as funds from the Volkswagen Settlement. State Energy Offices are the national leaders in EVSE deployment, managing corridor charging programs, governor-led and regional partnerships, urban hub charging, rural and remote charging solutions, and electric grid planning, security, resilience, and integration.

State Energy Offices and many of their partners have identified clarity on Buy America compliance as among the most significant near-term challenges in deploying IIJA-funded EVSE. By working with American EVSE suppliers, DOT, DOE, and consumer, municipal, and investor-owned utilities, near-term challenges can be navigated in ways that ultimately grow the U.S. EVSE supply chain and auto industry. To that end, NASEO encourages DOT and DOE to define how Buy America applies across the EVSE supply chain, develop compliance options including verified product lists, and support consistency of implementation throughout Federal Highway Administration (FHWA) offices. Consistency and clarity will enable states and their partners to quickly and effectively deploy IIJA funds, support America's EVSE and EV manufacturers, and avoid the potential duplication of each state conducting market analyses and product verifications. Below are additional details on our recommendations.

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Defining When and Where Buy America Applies – Cost Match and Security Implications

The first step in Buy America compliance is providing a consistent understanding of when requirements will be applied, and to which project components. EVSE deployment through IIJA will rely on non-federal match and existing relationships among state agencies, EVSE providers, electric utilities, and local governments. If project components purchased through non-federal matching funds are also subject to Buy America requirements, states have expressed concern that Critical Energy Infrastructure Information (CEII) security requirements will be implicated. CEII rules, present in 31 states, prohibit the disclosure of critical electric equipment to enhance grid security. If non-federal cost match is subject to Buy America rules, some utility contributions could come into conflict with Buy America verification.

Compliance Options and Verified Product Lists

Compliance options will be needed for efficient implementation. NASEO recommends that DOT and DOE consider preparing a list of pre-verified EVSE components and products which could be used for charging stations, as well as a system to keep the list verified and up-to-date. This pre-verified list could bring many deployment advantages and efficiencies and could aid in identifying supply chain constraints early for more rapid private and public-sector solutions. It will also avoid 50 states duplicating work to determine which specific equipment is IIJA eligible. In addition, there is the near-term potential for elevated pricing and deployment barriers in cases where some Buy America EVSE components are unavailable in a timely manner. Identifying these issues as soon as possible allows for more robust private and public-sector solutions and, if necessary and appropriate, a determination that the use of alternative supplies on a temporary basis is warranted.

Consistency Across FHWA and DOE

Clear and consistent guidance for Buy America boundaries and compliance options can enable a more efficient nationwide deployment of IIJA funds. It would also mitigate unintended differences in how Buy America requirements are applied across FHWA offices, by other relevant federal partners, states, and the private sector. Clear and consistent federal direction can aid in reducing the costs of deployment planning, verification, and monitoring and can speed EVSE installations. The cooperative and collaborative approach being employed by DOT and DOE in planning for these historic investments with the states has been exceptional and we encourage a continuation of these efforts.

NASEO appreciates the opportunity to provide input on upcoming Buy America federal guidance and requirements. NASEO members are working with their counterparts at the state and local level, and in the private sector, to identify rational solutions to our energy problems. EVs infrastructure development must be seen in the broader context of not only transportation policy, but also energy and environmental policy. Buy America is a piece of this bigger puzzle and must not be addressed in isolation. We look forward to continuing our partnership with DOT and DOE in supporting states around the country as they implement IIJA investments in support of economic growth and affordable and sustainable transportation solutions.

Best regards,



David Terry
Executive Director
National Association of State Energy Officials