



June 13, 2024

The Honorable Jay Obernolte
Chair
House Committee on Science, Space and
Technology
Subcommittee on Investigations and Oversight
U.S. House of Representatives
Washington, DC 20515

The Honorable Valerie Foushee
Ranking Member
House Committee on Science, Space and
Technology
Subcommittee on Investigations and Oversight
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Obernolte, Ranking Member Foushee and members of the House Committee on Science, Space and Technology Subcommittee on Investigations and Oversight:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 67 chapters representing more than 23,000 members, I appreciate the opportunity to comment on today's hearing, "[Environmentalism Off the Rails: How CARB will Cripple the National Rail Network.](#)"

On Nov. 7, 2023, the California Air Resources Board requested that the U.S. Environmental Protection Agency authorize its In-Use Locomotive Regulation pursuant to section 209(e) of the Clean Air Act. This regulation would ban all locomotives 23 years or older from operating within California and mandate zero-emissions locomotives by 2030.

To date, no commercially viable, zero-emission locomotives exist that would comply with CARB's rule, imposing unfeasible restrictions that could have a devastating impact on the construction industry. EPA's authorization of the CARB rule would impose enormous compliance costs and likely have national impacts on the railway system, creating new logistical challenges for a key part of the supply chain. This could potentially lead to significantly increased construction materials prices, which are already [41% higher](#) than they were at the start of the pandemic.

While ABC joined a wide range of industry stakeholders in submitting [comments](#) urging the EPA to deny this request, it remains critical that the EPA understands the significant risks associated with authorizing this rule, including closure of short-line operators unable to afford compliance, soaring supply chain costs and delays to critical infrastructure projects.

While ABC recognizes the importance of maintaining environmental safeguards, CARB's regulatory overreach threatens America's contractors that work to deliver federal construction projects on time and on budget. ABC appreciates the subcommittee's efforts to investigate this harmful rule and our members stand ready to build and maintain America's infrastructure without undue regulatory burdens.

Sincerely,

Kristen Swearingen
Vice President, Legislative & Political Affairs