



May 13, 2024

The Honorable Jay Obernolte  
U.S. House of Representatives  
Washington, DC 20515

Dear Rep. Obernolte and Members of the U.S. House Energy and Commerce Committee Environment, Manufacturing, and Critical Materials Subcommittee:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 23,000 members, I write to comment on the U.S. House Committee on Energy and Commerce's Environment, Manufacturing and Critical Materials Subcommittee hearing, "The Fiscal Year 2025 Environmental Protection Agency Budget."

As the committee continues to lead Congress' oversight of the EPA, ABC appreciates the opportunity to further comment on the EPA's consideration of an authorization request by the California Air Resources Board pertaining to rail locomotive emission regulations.

On Nov. 7, 2023, CARB requested that the EPA authorize its In-Use Locomotive Regulation pursuant to section 209(e) of the Clean Air Act. This regulation, representing the first time that the CARB has attempted to regulate the rail industry despite clear federal statutory mandates that regulations should be promulgated on a national basis, would ban all locomotives 23 years or older from operating within California and mandate zero-emissions locomotives by 2030.

On Feb. 27, 2024, the EPA published a [notice and request for comment](#) regarding whether to approve, deny or approve in part and deny in part CARB's request. ABC joined a wide range of industry stakeholders in submitting [comments](#) urging the EPA to deny this request. The public comment period closed on April 22.

ABC strongly opposes CARB's regulation. The 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 and potentially leading to significantly increased construction material prices. To date, no commercially viable zero-emission locomotives that would comply with CARB's rule exist. ABC and our members understand the importance of maintaining important environmental safeguards, but CARB's regulation massively overreaches by imposing unfeasible restrictions.

ABC would recommend that you and your fellow members of the committee strongly question Administrator Regan regarding the direction the EPA will take with the CARB's request for authorization of the In-Use Locomotive Regulation under the CAA. The committee should ensure that the EPA understands the potential for severe ramifications if this unprecedented rulemaking is approved, including closure of short-line operators unable to afford compliance, soaring supply chain costs and delays to critical infrastructure projects.

ABC urges you to oppose the major overreach of CARB's restrictions on railway emissions. Instead, Congress and regulators should promote reasonable regulations that ensure our nation's infrastructure can continue to be rebuilt in a cost-effective and efficient manner, while still maintaining protections for our environment. ABC appreciates the opportunity to comment on this important issue.

Sincerely,

Kristen Swearingen  
Vice President, Legislative & Political Affairs