



Sept. 27, 2022

The Honorable Shelly Moore Capito  
Ranking Member  
U.S. Senate Committee on Environment and Public Works

Dear Ranking Member Capito and Members of the U.S. Senate:

On behalf of Associated Builders and Contractors, a national construction industry trade association with 68 chapters representing more than 21,000 members, I write to offer our support for the Simplify Timelines and Assure Regulatory Transparency Act, which addresses many of the priorities of the merit shop construction industry to reforming the permitting process for critical energy and natural resource construction projects.

The START Act would implement many of the critical reforms that ABC has advocated for, as it represents the best opportunity to streamline the federal permitting process while avoiding unnecessary and overly burdensome considerations that cause significant delays to construction projects throughout the country.

The START Act codifies the [ABC-supported](#) National Environmental Policy Act regulations implemented under the Trump administration, which would modernize NEPA by creating a coordinated, predictable and transparent method for permitting. ABC will continue to [oppose](#) the Biden administration's NEPA revisions, which would undermine the 2020 rule's efforts to modernize the federal environmental review process.

ABC has advocated for sensible reforms, such as One Federal Decision language that was included in the 2021 Infrastructure Investment and Jobs Act, to ensure that projects are completed on time and on budget while protecting communities and the environment. The START Act would codify key elements of the One Federal Decision framework for energy projects, including timely approvals for projects, permitting review schedules for projects that are no longer than two years and limitations on the page length of environmental documents. Additionally, by offering clear timelines for litigation and judicial challenges to energy project approvals, the START Act would provide certainty for contractors and developers to plan and execute projects.

The START Act would also codify the [ABC-supported](#) Navigable Waters Protection Rule's definition of "waters of the United States" under the Clean Water Act. For decades, uncertainty surrounding the scope of federal authority under the Clean Water Act has resulted in litigation, regulatory uncertainty and confusion in the business community. ABC supports the EPA and the Corps maintaining the clear, concise definition of WOTUS implemented in the 2020 NWPR final rule so its members have the information they need to comply with the law while also serving as good stewards of the environment. The START Act would also codify the Trump administration's Section 401 Certification Rule under the Clean Water Act to prevent state actions that unreasonably block energy projects.

While ABC supports the Endangered Species Act's purpose of protecting species threatened with extinction and recognizes the need for science-based, data-driven actions that conserve those species and the habitat on which they depend, much-needed reforms to the ESA have been difficult to achieve. By shortening ESA consultation timelines from 90 to 60 days while shortening thresholds for ending or extending consultation times from 150 to 100 days, the START Act offers an improved pathway to more efficient permitting.

As Congress continues to debate permitting reform efforts, ABC urges action on the START Act, as it represents the best and most comprehensive federal regulatory permitting and project review reform legislation of this Congress.

ABC and our members are committed to building our nation's energy infrastructure projects with the highest standards of safety and quality. ABC members stand ready for the opportunity to build and maintain America's energy infrastructure to the benefit of the communities that it will serve.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristen Swearingen". The signature is written in a cursive, flowing style.

Kristen Swearingen  
Vice President, Legislative & Political Affairs