

NSSGA

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

What's Going on in Washington: It's Still Infrastructure Week!

Austin Bone, Director of Government Affairs

Setting the Stage

Last 14 months saw herculean legislative action:

- **December 2020:** 2021 Appropriations Package - \$1.5 trillion
- **March 2021:** American Rescue Plan - \$1.5 trillion
- **November 2021:** Infrastructure Investment and Jobs Act - \$1 trillion
- Significant time spend on multi-trillion Build Back Better agenda

All this during one of the most partisan environments in our Congress's history.....

So What's Left:

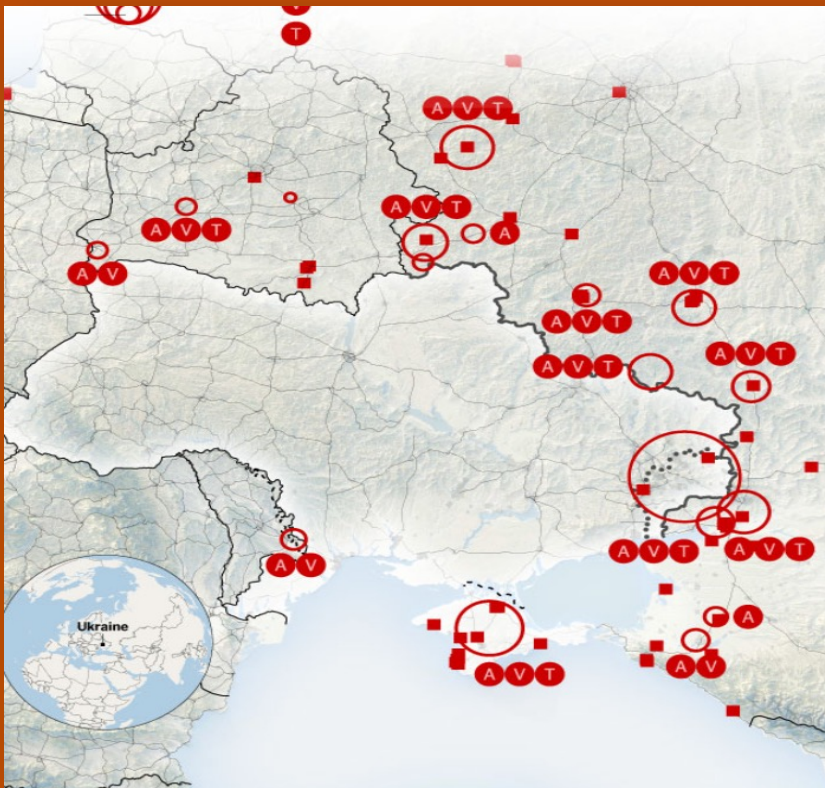
Congress:

- Appropriations for 2022 – February 18th Deadline
- China Competition Legislation
- Get reelected!

Administration:

- Implement Infrastructure Law
- Regulations (WOTUS, NEPA, ESA, Clean Air Act, others)

Wild Cards.....



NSSGA

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

Review: Infrastructure Investment and Jobs Act

Infrastructure Investment and Jobs Act

NSSGA®

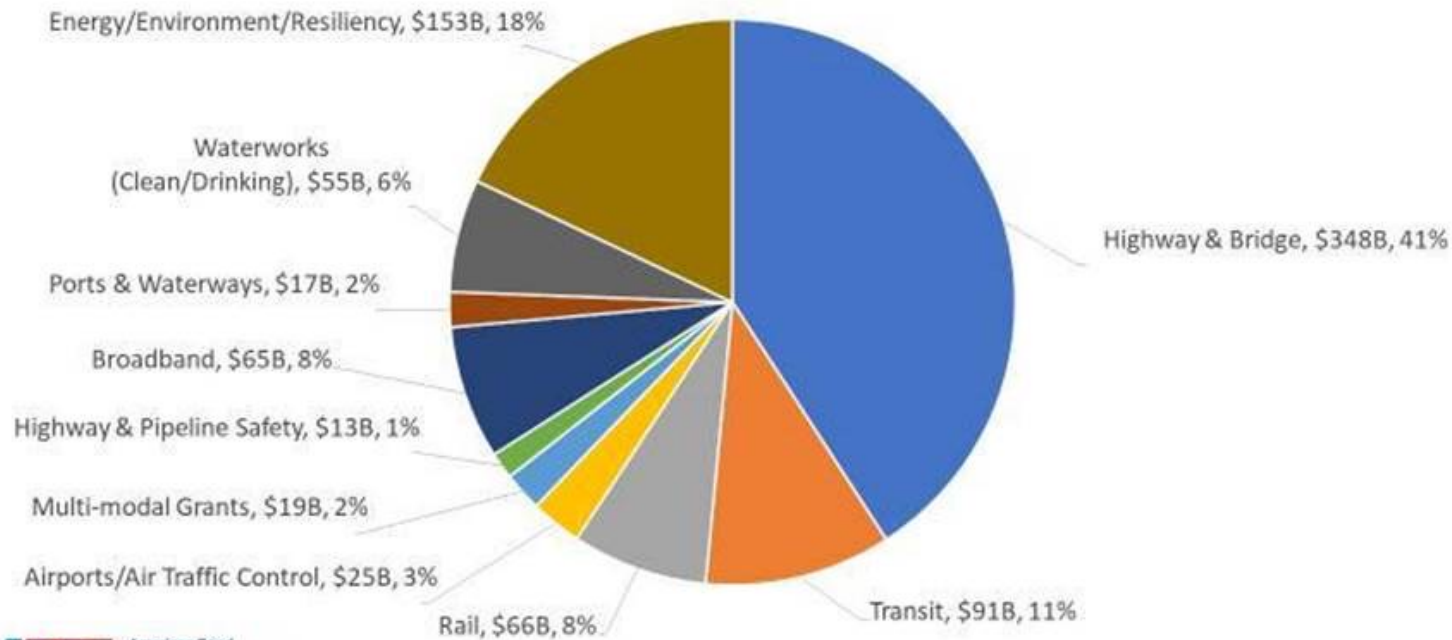
NATIONAL STONE, SAND
& GRAVEL ASSOCIATION



The core of IIJA is a five year, \$350 billion reauthorization of surface transportation programs

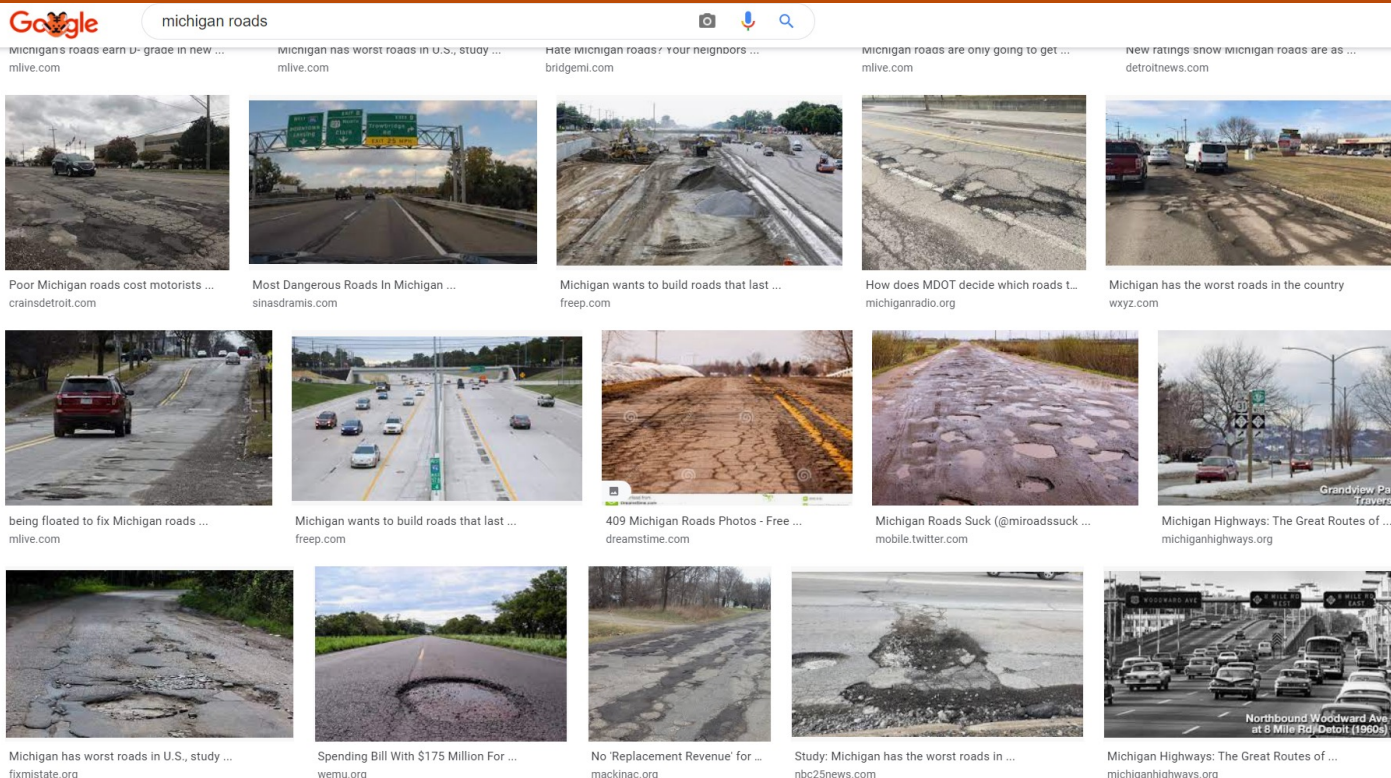
\$950 Billion for Infrastructure

Breakdown Guaranteed Funding in the
Infrastructure Investment & Jobs Act



Michigan Breakdown

NSSGA®
NATIONAL STONE, SAND
& GRAVEL ASSOCIATION



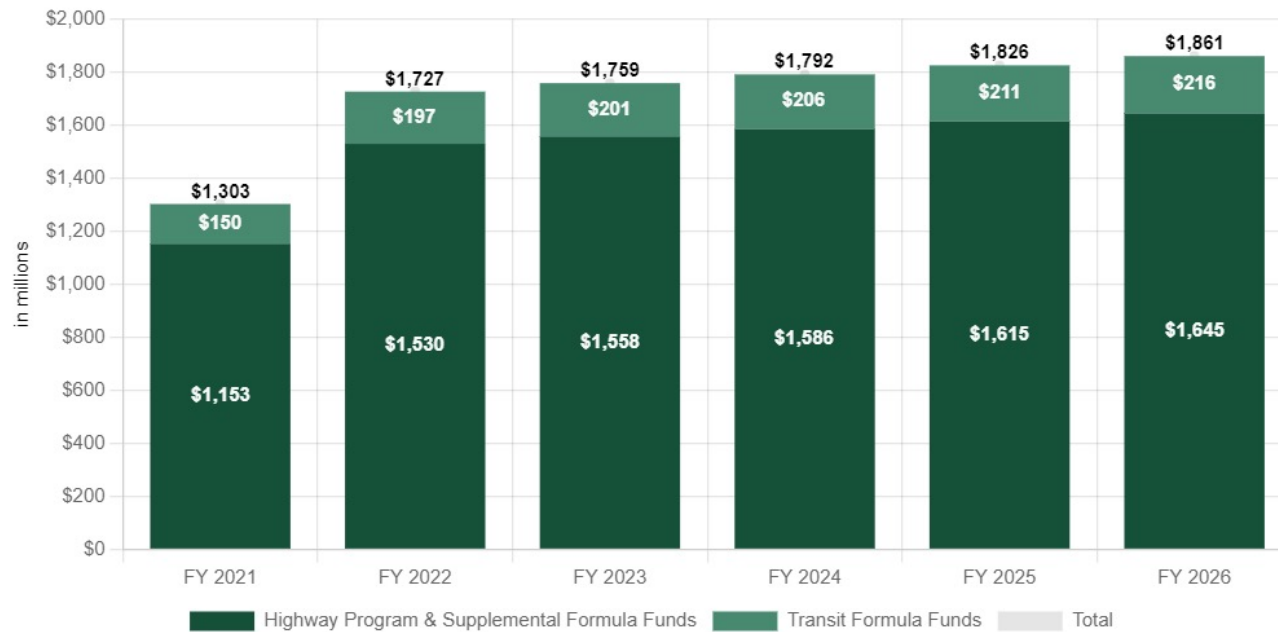
33%

The Infrastructure Investment & Jobs Act (IIJA) will provide **\$8.97 billion** in state formula funds for highway, bridge, and transit investment in Michigan over the next five years, including a **33 percent** funding increase in FY 2022.

ARTBA State by State Impacts: <https://www.artba.org/economics/iija-impact/>

Michigan Apportionment

Michigan Apportionments Under IIJA and Continuing Appropriations Act, 2021



Source: Data from Federal Highway Administration, Senate EPW Committee. Highway includes core highway funds, supplemental bridge formula funds, and EV charging station formula funds. Transit includes formula grant funds.

The Infrastructure Law Was Paid For!

	<u>Amount Raised</u>	<u>CBO Score</u>
Reclaim COVID family leave tax credits	106	0.000
Reclaim COVID employer tax credits	67	0.000
Return of unused enhanced UI	53	0.000
Dynamic scoring	56	0.000
C-Band spectrum auction	67	0.000
Medicare Part D rebate rule	51	50.807
COVID aid rescissions	21.4	13.783
Future spectrum sales	10.2	10.175
Cryptocurrency reporting	28	27.970
GSE fee extension	21	21.000
Superfund fees	14.5	14.450
Mandatory sequester extension	8.7	8.731
Customs fee extension	6	6.177
Strategic Petroleum Reserve sales	6.1	6.100
Medicare drug vial size	3.2	3.160
Miscellaneous		8.289
TOTAL OFFSETS	519.1	170.642

Overall Construction Wins

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

- Historic transportation investments
- Five-year, funded authorization of HTF
- Maintains formal funding ratios
- “One Federal Decision” and other permitting reforms
- No harmful pay-fors or tax increases
- No restrictions on highway capacity
- No environmental mandates



Mar 11, 2021

Infrastructure

DAVIS INTRODUCES ONE FEDERAL DECISION ACT TO EXPEDITE MAJOR INFRASTRUCTURE...

U.S. Representative. Rodney Davis (R-III.) today introduced the One Federal Decision Act (OFDA) to make the federal permitting and environmental...

[SEE MORE](#)

Key Aggregates Wins

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

Policies NSSGA fought for:

- Buy America Exemption
- ROCKS Act is Now LAW
- Permitting Reform
- REGROW Act (\$\$ for O&G plugging wells)

SEC. 11526. WORKING GROUP ON COVERED RESOURCES.

(a) DEFINITIONS.—In this section:

(1) COVERED RESOURCE.—The term “covered resource” means a common variety material used in transportation infrastructure construction and maintenance, including stone, sand, and gravel.

† HR 3684 EAS

Buy America Sourcing Requirements

- Sec. 70917, p. 867

(c) LIMITATION WITH RESPECT TO AGGREGATES.—In this part—
 (1) the term “construction materials” shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives; and
 (2) the standards developed under section 70915(b)(1) shall not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives as inputs of the construction material.

SEC. 11526. WORKING GROUP ON COVERED RESOURCES.

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

SEC. 11526. WORKING GROUP ON COVERED RESOURCES.

(a) DEFINITIONS.—In this section:

(1) COVERED RESOURCE.—The term “covered resource” means a common variety material used in transportation infrastructure construction and maintenance, including stone, sand, and gravel.

AKA: Rebuilding Our
Communities by Keeping
aggregates Sustainable
(ROCKS Act)

How did we get here:

- **November 2019** – ROCKS Act introduced by Rep. Stanton (AZ) and Rep. Troy Balderson (OH)
- **January** - Reintroduced in as HR 611 – 23 cosponsors
- **May** - Introduced in the Senate by Sen. Kelly (AZ) and Sen. Portman (OH)
- **May** - Included in Senate EPW Highway Reauthorization
- **June** - Included in House T&I Highway Reauthorization
- **July** – included in bipartisan infrastructure bill text, Infrastructure Investment and Jobs Act

Other Impacts on Industry

- Energy provisions
 - Resilience provisions
 - Rural programs
- = Markets for our products!



When Will You See it?

- Money and Programs Starting to Flow:
 - The U.S. Army Corp of Engineers announced a long list of projects that will finally be funded with \$23 billion from IIJA
 - the Department of Transportation (DOT) announced the rollout of its \$27 billion program to repair and upgrade roughly 15,000 highway bridges. Nearly \$5.5 billion will be released this fiscal year (FY 2022).
 - On January 25th DOT announced \$1.2 billion for highways in Rural Appalachia, again new projects that are funded through the infrastructure law.
 - The Department of Interior has rolled out \$1 billion to build water projects in Western states that are facing drought conditions, the funding was also a part of IIJA.
- Appropriations issue needs to be worked out
 - \$10 billion in HTF being held up = \$242 million for MI


Key Issue: ensuring the law is actually enacted as written!



Memorandum

Subject: **INFORMATION: Policy on Using
Bipartisan Infrastructure Law
Resources to Build a Better America**

Date: December 16, 2021

From: Stephanie Pollack 
Deputy Administrator

In Reply Refer To:
HPL-1 and HCC-1

To: Associate Administrators
Chief Counsel
Chief Financial Officer
Directors of Field Services
Division Administrators

The recently enacted Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58 (Nov. 15, 2021), will deliver generational investments in our roads and bridges, promote safety for all road users, help combat the climate crisis, and advance equitable access to transportation. The BIL also presents the Federal Highway Administration (FHWA) with a unique opportunity: to exercise our stewardship and oversight responsibilities and evolve the century-old relationship with State departments of transportation and other stakeholders in a way that takes advantage of the tools Congress has provided and prioritizes investments that align with the underlying policies evident throughout the BIL to help our states and communities Build a Better America.

The logo for the National Stone, Sand & Gravel Association (NSSGA) is located in the top right corner. It features the acronym "NSSGA" in a large, bold, orange serif font. Below the acronym is a horizontal bar composed of two segments: a shorter orange segment on the left and a longer light gray segment on the right.

NSSGA

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

The background of the slide is a solid orange color. In the lower half, the letters "NSSGA" are written in a very large, light orange, semi-transparent serif font, spanning most of the width of the slide. In the center of this large text, the words "What's Next?" are written in a smaller, white, bold sans-serif font.

What's Next?

2022 Congressional Priorities

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

1 Voting rights

2 Social spending
package

3 FY22 appropriations

4 Competition with
China

2022 and Beyond

Here are some of the key issues NSSGA and industry will be working. Your input is always welcomed and needed!

- IIJA implementation
- Workforce development policy and regulations
- Material promotion and access
- New regulatory/permitting burdens
- Promoting resiliency efforts

WOTUS #4....and maybe #5 or #6

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

- EPA 4th WOTUS rule in 10 years
- Dry creek beds and isolated waters = WOTUS
- Would impact most facility expansions and new facility permitting
- #3 WOTUS removal and return to #1 WOTUS
- Comments due February 7
- NSSGA comments focus on infrastructure implications
- Very active on Capitol Hill



OSHA Emergency Temporary Standard

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

- Supreme Court Stayed Rule
- OSHA Withdrawals Standard
- Continuing with Broader “Infectious Disease Rule Making
- NSSGA Comments and Two Years of Advocacy
- MSHA: Not Interested **at this time*



MSHA Regulatory Updates

- Powered Haulage Proposed Rule
 - Proposed rule would require sites with 5+ miners to create their own powered haulage safety program
 - NSSGA submitted substantive comments in 2021
 - MSHA reopened comment period until Feb. 11, 2022
- Silica
 - Request for information in 2019; NSSGA submitted comments
 - Proposed rule is anticipated in summer 2022
 - NSSGA has been actively advocating for common-sense regulations

MSHA Nominee Named

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION



- Chris Williamson, a WV native, was named to be the head of MSHA.
- He has worked in the Senate and across the Department of Labor, including a senior leadership role at MSHA during the Obama Administration.
- Nomination moves through Senate HELP committee
- NSSGA focus: What happens in a WV coal mine, shouldn't impact the entire mining sector.

Mass Timber

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

- NSSGA, NRMCA, teamed up to stop a mass timber construction pilot program from being established in Congress's annual defense policy bill.
- We are seeing increasing legislative activity to establish mass timber preference for construction activates.
- NSSGA working with partners to broaden outreach and will continue to address these concerns in 2022

Pilot program on increased use of mass timber in military construction

The House bill contained a provision (sec. 2861) that would require the military departments to conduct a pilot program for the use of mass timber products in military construction.

The Senate amendment contained no similar provision. The agreement does not include this provision.

We note that elsewhere in this Act the Secretaries of the military departments are directed to conduct a pilot program to evaluate the effect that the use of sustainable building materials as the primary construction material in military construction may have on the environmental sustainability, infrastructure resilience, cost effectiveness, and construction timeliness of military construction.

Text from the Fiscal Year 2022 National Defense Authorization Act final agreement

Mining Withdrawal Bills

NSSGA®
NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

- On Nov. 18 Senate Energy and Natural Resource Committee approved the “Buffalo Tract Protection Act”
- Legislation targets aggregates developments on federal lands in Central New Mexico
- NSSGA driving opposition, pulling in local stakeholders, as the House Natural Resources Committee looks to act on the measure.
- Focus on disputing false claims that aggregates mining is toxic or pollutes local communities



November 18, 2021

The Honorable Joe Manchin
Chairman
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Manchin and Ranking Member Barrasso:

On behalf of the over 20 members of the New Mexico Senate, I am writing to express our strong opposition to S. 180, the “Buffalo Tract Protection Act,” as it would severely limit critical resources needed for the state and Congress permanently limiting access to needed resources to implement the historic infrastructure investments.



November 17, 2021

The Honorable Joe Manchin
Chairman
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20515

The Honorable John Barrasso
Ranking Member
Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20515

Dear Chairman Manchin and Ranking Member Barrasso:

I am writing on behalf of the New Mexico Mining Association (NMMA), and our almost one hundred members and 4,000 employees that work throughout the State of New Mexico, to voice our strong opposition to S. 180, the “Buffalo Tract Protection Act.”

This legislation would prohibit aggregate production on specifically designated tracts of federal land in Sandoval County, New Mexico. Aggregate material from this land is crucial to support affordable, future growth in Sandoval and Bernalillo counties, as well as other parts of the state.

Workforce Development

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

- 30+ volunteer NSSGA members
- Three target teams:
 - Survey/Data
 - To increase understanding of issue and industry needs.
 - Marketing
 - To increase awareness, image, and understanding of the industry overall and value as a career.
 - Training and Development
 - To increase training opportunities for current and future aggregates workforce

How do we fill the skills gap and address workforce challenges?



Sustainability TF

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

- Member opportunities within IIJA
- Greenhouse gas baseline project
- Sustainability stories



Plug: Local Engagement is Key to National Success

NSSGA®

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION



- Freshman Rep. Byron Donalds visits NSSGA member quarry last week
- Michigan will see changes to Congressional Delegation after 2022 midterms

Thank You!

Questions?

NSSGA

NATIONAL STONE, SAND
& GRAVEL ASSOCIATION

Austin Bone
abone@nssga.org