



March 16, 2026

VIA ELECTRONIC FILING

U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: FHWA 2025-0070, Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle Chargers

Enclosed for filing in the above-referenced matter please find the comments of the Alliance for Transportation Electrification.

Respectfully,

A handwritten signature in black ink, appearing to read 'Elizabeth Turnbull', written in a cursive style.

Elizabeth Turnbull
Director, Policy and Regulatory Affairs

A handwritten signature in black ink, appearing to read 'Philip B. Jones', written in a cursive style.

Philip B. Jones
Executive Director

Alliance for Transportation Electrification
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COMMENTS OF THE ALLIANCE FOR TRANSPORTATION ELECTRIFICATION (ATE)

Introduction and Background

The Alliance for Transportation Electrification (ATE) is pleased to submit these comments on the Federal Highway Administration's (FHWA's) Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle (EV) Chargers (Proposed Modification).

ATE is a 501(c)(6) non-profit corporation established in early 2018 with the goal of promoting policies and regulatory measures to accelerate the pace of EV adoption and of charging infrastructure deployment. We have over 50 members across North America that include electric utilities; automobile, truck and bus manufacturers; EV charging hardware and service providers; and related trade associations and non-profit organizations.

General comments on the Proposed Modification

ATE supports federal programs that provide financial assistance to install EV charging, as we view expanded EV charging as an essential component of consumer choice as to the fuel type and drivetrain of their vehicles. We have supported the use of well-balanced Buy America standards to advance the goal of onshoring the manufacturing of EV chargers and their components. We believe that the EV and EV charging industries will play an essential role in strengthening and expanding domestic manufacturing, and we and our member companies are proud to be part of that effort.

We oppose, however, the Proposed Modification as written. We are concerned that the Proposed Modification is too open-ended and is not grounded in current market realities. Therefore, it risks both the broad public interest and the good progress that has been made under this Administration to accelerate EV charging deployments with federal funding.

I. The Proposed Modification Lacks Grounding in Market Data

The existing Waiver of Buy America Requirements for Electric Vehicle Chargers (Final Waiver), issued in February 2023, was put in place following extensive consultation from industry and stakeholders. This consultation included a Request for Information (RFI) issued in November 2021. It also included a proposed waiver of Buy America requirements for EV chargers (Proposed Waiver) issued in August 2022, in response to which more than 90 public comments were filed. After the issuance of the Final Waiver, a second RFI was issued in November 2023, to ensure that FHWA received up-to-date information on the status of the EV charging industry. This industry is nascent and fast-moving, and has been evolving rapidly to achieve compliance with the existing Final Waiver. ATE believes that reasonable progress has been made in the intervening years since the most recent RFI. Yet without a rigorous process to collect and assess updated industry data, it is impossible to

know the true trajectory of the industry, or when increased thresholds of domestically-produced components may be commercially feasible across a broad enough range of vendors to support choice and competition.

FHWA also lacks information about the projected increases in EV charger pricing associated with increased domestic production, and thus the opportunity to weigh these price increases with the benefits that a higher Buy America threshold would provide.

II. The Proposed Modification Lacks Specificity

The Proposed Modification contemplates increasing the cost threshold of components manufactured domestically from the current 55 percent to “up to” 100 percent of the cost of all components. This ambiguity leaves industry challenged to weigh in on questions of commercial feasibility, let alone plan for compliance. ATE believes that federal rulemaking, as a general matter, should provide specific dates and requirements for compliance, along with an appropriate waiver process. These are indeed principles of administrative law and common business practices that require certainty.

The past evidentiary record does not indicate that the domestic EV charging industry can meet a 100 percent component cost threshold, nor that the industry will be able to come even close to that threshold anytime soon. EV charger manufacturers have instead been investing and planning toward compliance with the existing Final Waiver. Abrupt modifications to the regulatory framework undermine these efforts and risk leaving these investments stranded.

III. The Proposed Modification Would Disrupt In-Progress Projects

Significant work goes into federally funded projects before the funds are formally obligated, including design, engineering, scoping, evaluation and contracting. Modifying the existing Final Waiver and applying new provisions immediately upon issuance of the final notice (including to projects not yet obligated) would mean significant disruption for existing projects that are in development and have been awarded but are not yet obligated, all of which are designed to achieve compliance with the existing Final Waiver. Such an outcome would be harmful to job creation and economic development in the states, as these projects stimulate economic activity in a variety of sectors.

For example, this disruption would impact the National Electric Vehicle Infrastructure (NEVI) plans that have been submitted by the states and approved by FHWA, which is consistent with the Interim Final Guidance issued by FHWA in August 2025. Moreover, if the Proposed Modification is adopted as written, it will increase the risk of stranded

investments or sunk engineering costs, and will delay the completion of NEVI projects in states with approved plans and obligated funding.

Overall Impact

The overall impact of the Proposed Modification is not entirely obvious, largely due to the lack of market data in the evidentiary record and lack of specificity included in the Proposed Modification. However, the trajectory is clear: the Proposed Modification will slow the significant progress that has been made on NEVI and other programs; will harm the EV charging industry, which has made substantial investment to comply with the current standards and which relies on private market demand to support continued investment in domestic manufacturing; will impact states and communities that rely on federal funding; and will harm consumers who drive (or wish to drive) EVs but lack sufficient charging infrastructure and who will be faced with fewer choices for electric fueling. The Proposed Modification, as written, is not in the broad public interest.

Recommendations

ATE recommends that FHWA take the following steps to address the Buy America standards for EV chargers in a way that supports the public interest:

1. Issue an RFI and conduct a structured data collection process to better understand, and put into the evidentiary record, information on the current market and the commercial feasibility of increased domestic cost component thresholds.
2. If the market indicates that increasing the domestic cost component threshold is feasible, issue a Proposed Waiver with specific thresholds phased in over time, and allow opportunity for public comment before issuing a new Final Waiver.
3. Within the new Final Waiver, include future date(s) certain for implementation of the domestic cost component thresholds, so that states and the EV charging industry may plan their obligations and investments accordingly.

Conclusion

ATE continues to support federal funding for EV charging, and FHWA's efforts to efficiently and timely deploy such funding to the states. We believe that the federal government has been, is, and can continue to be a key catalyst for private investment in domestically manufactured EV chargers across the United States, supporting American jobs and enabling freedom of choice for American drivers. We see the value in grounded, specific, and implementable policy and regulation to support these investments. We therefore urge you to keep the public interest in mind as you consider changes to Buy America requirements for EV chargers.