



National Association of State Energy Officials

March 16, 2026

Sean McMaster
Administrator, Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Ave. SE, W112-140
Washington, D.C. 20590

RE: Comments for Federal Highway Administration’s Notice of Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle Chargers [Docket No. FHWA–2025–0070]

Dear Administrator McMaster,

The National Association of State Energy Officials (NASEO) appreciates the opportunity to submit comments in response to the Notice of Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle (EV) chargers [Docket No. FHWA–2025–0070]. We commend the U.S. Department of Transportation and Federal Highway Administration (FHWA) for the strong commitment to maximize the use of domestically produced goods, products, and materials to support American manufacturing and job creation, and to address national security concerns associated with reliance on foreign equipment. NASEO is also strongly committed to increasing U.S. manufacturing and provides the recommendations below for consideration.

Program Implementation Clarification

The FHWA Proposed Modification of Waiver states that “the proposed modification would be immediately applicable to projects for EV Charger acquisition or installation that are obligated after publication of a final notice.” We understand this to mean that funds that have already been obligated under previous rules are not subject to the proposed modification. If FHWA applies the modification immediately and includes existing state contracts with private sector firms for equipment and installation, it would cause immediate U.S. job losses under these contracts because there are no U.S.-produced products to complete previously agreed upon installations by U.S. workers. New contracts and installations by U.S. workers would also be negatively impacted until U.S. manufacturers begin production which will likely take years. For these reasons, we request clarification on: 1) the anticipated timeline of program implementation; 2) the definition of “obligated projects;” and 3) what constitutes a component versus a subcomponent in adherence to the proposed waiver modification.

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Near-Term Market and Supply Chain Concerns

Key product manufacturers and suppliers indicate there are no EV chargers on the market that would meet FHWA's proposed modified requirement, and we have been informed that there are no credible U.S. manufacturers with plans to meet this proposed requirement. To address this issue and ensure new U.S. manufacturing jobs are created without losing existing assembly and installation jobs, NASEO recommends that rather than modifying the waiver for EV chargers, it could be discontinued and chargers could be treated the same as all other manufactured products under CFR Part 635. Using this approach, EV chargers would be required to have final assembly in the United States and have greater than 55 percent of the manufactured product's components by cost be mined, produced, or manufactured in the United States.

BABA Compliance

NASEO recommends that BABA compliance include the creation of a federal repository of BABA-compliant products to aid states and private firms in procurement and compliance. This approach can also leverage the impact of FHWA's domestic manufacturing goals by enabling state and local government purchases of compliant products using non-federal funds to help "jump start" new American manufacturing in this sector. The lack of a repository of products that meet federal BABA requirements creates a significant administrative and cost burden for both states and companies.

Best regards,

A handwritten signature in black ink, appearing to read 'David Terry', with a stylized flourish at the end.

David Terry
President, NASEO