

# North America's Building Trades Unions

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Before the  
Committee on Homeland Security and Government Affairs  
United States Senate

Roundtable on  
FAST-41 and the Federal Permitting Improvement Steering Council: Progress and  
Next Steps

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Good afternoon. Senator Portman, Senator McCaskill, thank you both for your leadership on this issue and for convening this roundtable to discuss permitting reform. As president of North America's Building Trades Unions, and on behalf of the three million construction workers in North America that I proudly represent, thank you for allowing me to join this distinguished panel to discuss an issue that directly impacts building and construction trades men and women across the nation. Before we begin, I would like to take a very brief moment to make a few comments.

America's labor leaders and businesses agree: the permitting process for major U.S. infrastructure projects must continually be modernized to ensure efficiency, safety, accountability, and transparency. These projects employ hundreds of thousands of building trades members, and the sooner projects can break ground, the sooner our members can get to work applying their crafts and providing for their families.

The general problem with the permitting process is this: project owners in public and private sectors often confront an overly complex, slow and inconsistent federal permitting process. Gaining approval for a new bridge or factory typically involves negotiating a maze of review by multiple federal agencies with overlapping jurisdictions and no real deadlines. Usually, no single federal entity is responsible for managing the process. Even after a project has cleared extensive review and a permit is granted, lawsuits and judicial intervention can stymie effective approval for years – or, worse, halt a half-completed construction project in its tracks. This problem still needs more attention.

Senators, your bipartisan work and leadership on the Federal Permitting Improvement Act, which we were proud to support through several sessions of Congress, demonstrated a steadfast commitment to cutting red tape in order to get much needed infrastructure projects moving forward. NABTU, and the entire building trades community, was tremendously grateful that these efforts were finally enacted and resulted in Title 41 of the FAST Act (FAST-41). Already, Title 41 has started streamlining the federal permitting process, providing new hope for construction workers project owners and industry leaders across the country that our system can be transparent and efficient.

The reforms instituted in FAST-41 were designed to take steps to rectify the problem. We believe the creation of the Federal Permitting Improvement Council was a long-overdue step in the right direction. We are confident that the new procedures set forth in FAST-41 to standardize interagency coordination and consultation will ultimately lead us toward the better coordination among agencies and deadline setting that has been lacking in the permitting process and frustrating construction owners, contractors, and workers for years. As an organization that relies upon standards, we welcome this. Furthermore, by tightening litigation timeframes surrounding some permitting decisions, major infrastructure projects may one day no longer be subject to the seemingly never-ending cycle of lawsuits project opponents advocate. This new process is working not only to the benefit of the construction industry, but also to the nation at large.

However, as with any program or agency, there is always room for improvement and innovation. I commend you on your continued efforts to address this critical work in improving the permitting process with your introduction of S. 3017, the Federal Permitting Reform and Jobs Act. I must

also acknowledge the Trump Administration's efforts to help alleviate some of the logjams in the permitting system as a whole. We have supported the thoughtful steps they've taken to reform the system while maintaining the underlying regulations that protect the health and safety of our members on the jobsite and the environmental and human impacts of projects on communities across the country.

I know there has been much confusion on the issue of permitting reform versus regulatory reform, and it is important to note that while permitting and regulations are intertwined, they are still exclusive of one another. We can reform the permitting process without sacrificing the integrity of the underlying regulations. We have testified before the Senate on this point, and I want to be very clear: North America's Building Trades Unions support responsible regulations that protect the environment, public health and worker safety.

We believe these regulations are critical to responsible infrastructure development that lasts for decades and allows for future generations to use these invaluable assets. What we are opposed to is the lack of certainty and transparency in the process and the unnecessary delay and redundancy in the permitting process. These unnecessary barriers coupled with the constant stream of endless lawsuits that project opponents rely upon because they cannot defeat a project on the merits of the project itself leads to a loss of investment and job opportunities. When projects are tied up in the courts, our members are not working, they are not putting food on the table, and they are not providing for their families.

North America's Building Trades Unions strongly supported the FAST-41 reforms because they lead us toward a path of standardization and finality in the permitting process. That pathway has created a floor on which future streamlining efforts can build upon. But more must be done, and we are committed to advancing practical, bipartisan solutions to further improve this process. We welcome collaboration from all interested parties who are serious about advancing this issue.

With that, I look forward to this discussion.