



August 22, 2022

Stephanie Pollack
Acting Administrator
Federal Highway Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Re: National Electric Vehicle Infrastructure Formula Program, Docket No. FHWA-2022-0008

Dear Ms. Pollack,

I write on behalf of Opportunity America (OA) to comment on the Federal Highway Administration's proposed rule setting minimum standards for the construction and maintenance of electric vehicle charging stations funded by the National Electric Vehicle Infrastructure (NEVI) Formula Program.

Opportunity America is a Washington-based nonprofit promoting economic mobility – work, skills, careers, ownership and entrepreneurship for poor and working Americans. The organization's principal activities are research, policy development, dissemination of policy ideas and working to build consensus around policy proposals.

Among other activities, we spearhead the Opportunity America Jobs and Careers Coalition, an alliance of Washington-based business groups focused on career education and workforce development. Members include employers and employer associations from a range of industries experiencing skills mismatches and worker shortages – construction, manufacturing, hospitality, retail, health care and IT among others. The coalition's principal goals: to shine light on the need for more ample and effective workforce training and drive a skills agenda on Capitol Hill.

Opportunity America appreciates the proposed rule's attention to workforce issues and the FHWA's efforts to create incentives for more widespread training of electric vehicle technicians. Like the FHWA, OA would like to see more widely available career preparation for the thousands of well-paying, in-demand jobs likely to be created in years ahead by the EV industry.

But we are concerned that the proposed rule will have just the opposite effect. Specifically, we worry that what we see as the overly specific and prescriptive training requirements in section 680.106(j) could limit the number and types of workers who can be hired for EV projects, undermining opportunity for thousands of Americans.

Apprenticeship is the gold standard of workforce preparation. Registered apprenticeships guarantee training quality and fair employment standards, adding value for both employers and employees. The International Brotherhood of Electrical Workers' electric vehicle infrastructure training program singled out by the proposed rule may provide some benefit.

But there are many other kinds of training available to prepare Americans to work as EV technicians, and we fear that the FHWA's specifications will exclude many quality programs,

limiting options for potential trainees and hindering the development of the EV industry, as employers struggle to find qualified workers to install and maintain charging stations.

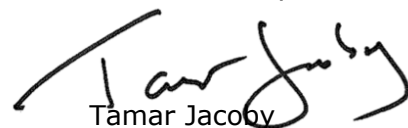
More broadly, Opportunity America questions the scope and reach of the proposed rule. As a general principle, the federal government leaves it to the states – and in some cases, local authorities – to mandate requirements for certification, licensure and other professional qualifications. To our knowledge, most states and local areas do a more than adequate job of ensuring that electricians meet professional standards, and we see no need for the federal government to step in with nationally mandated training requirements.

What's more, we see no language in the Infrastructure Investment and Jobs Act authorizing the FHWA to upset this traditional federalist balance, and we are concerned about the precedent set by the training requirements in the final rule. What occupations and industries will be next? How far will the federal government go in setting standards usually left to state and local authorities more familiar with regional industries and the workforce needs of local employers?

Opportunity America looks forward to working with the Biden administration as it expands a national infrastructure to support electric vehicles and creates incentives for training in this important emerging industry. We believe the federal government has an essential role to play in advancing both aims, but not in overreaching to specify or restrict the types of worker training that should be required by private employers.

Opportunity America urges the FHWA to reconsider its final rule for the National Electric Vehicle Infrastructure Formula Program, eliminating the training requirements outlined in Section 680.106(j).

Yours sincerely,

A handwritten signature in black ink, appearing to read "Tamar Jacoby". The signature is fluid and cursive, with a long horizontal stroke at the beginning.

Tamar Jacoby
President