

March 13, 2026

Department of Transportation

Federal Highway Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590-9898



**RE: Docket No. FHWA-2025-0070**  
**Proposed Modification of the Waiver of Buy America Requirements for Electric Vehicle Chargers**  
*Submitted via Rulemaking Portal at <https://www.regulations.gov>.*

On behalf of the Michigan Energy Innovation Business Council (“Michigan EIBC”) and Clean Fuels Michigan, we thank the Federal Highway Administration (“FHWA” or “Administration”) for the opportunity to comment on its proposed increase to domestic manufacturing requirements for electric vehicle (“EV”) chargers used in Federal-aid highway projects from 55 percent to up to 100 percent of the cost of all components.<sup>1</sup> Michigan EIBC and Clean Fuels Michigan collectively represent nearly 200 companies in the advanced energy and transportation sectors, spanning the EV supply chain and include prominent EV charging manufacturers and network operators whose investments will help ensure the future of transportation is electric and accessible to all. Our organizations and our members are committed to enacting policies that drive economic competitiveness, access to advanced mobility solutions, and create thousands of jobs across the State of Michigan.

We believe continued, efficient deployment of public EV charging is critical to enabling EV adoption, thereby strengthening economic competitiveness by attracting investment, supporting domestic manufacturing, creating jobs, and positioning regions to lead in the rapidly growing global clean transportation market. Furthermore, EV charging companies play a pivotal role in realizing a future of energy independence by expanding access to reliable, domestically generated electricity for transportation. Because electricity prices tend to be more stable and affordable than fossil fuel markets, widespread EV charging infrastructure can also help protect consumers from the price volatility that often affects gasoline and diesel. As such, we have considerable concerns regarding the FHWA’s proposal to modify the Buy America public interest waiver and dramatically raise the domestic content requirements for EV chargers. No EVSE manufacturer can currently meet a 100% domestic content requirement. Consequently, implementing this modification to the Build America, Buy America Act would effectively halt federal funding for EV charging deployments, trigger job losses as businesses are forced to pivot or shut down, and cede technological leadership to China and across Europe while the United States falls behind. We expand upon our concerns in our comments below.

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<sup>1</sup> United States Department of Transportation. “Trump’s Transportation Secretary Sean P. Duffy Updates EV Charger Program to Include Buy America Requirements.” February 10, 2026. Available at <https://www.transportation.gov/briefing-room/trumps-transportation-secretary-sean-p-duffy-updates-ev-charger-program-include-buy>.

## **Abrupt changes to manufacturing content requirements are bad for business.**

The Administration’s proposal to increase domestic manufacturing requirements for federally funded EV charging equipment from 55% to 100% risks slowing the very infrastructure deployment goals it is meant to support. Under the Administration’s current framework for implementing the Infrastructure Investment and Jobs Act, the 55% threshold has provided a workable balance between strengthening domestic supply chains and maintaining project momentum. Charging network developers and equipment manufacturers have made capital allocation decisions based on the existing standards. A sudden shift to 100% domestic content, however, would undoubtedly undermine private-sector investment certainty.

In fact, we already saw evidence of this in 2023 with the initial implementation of the *Build America, Buy America Act* (“BABA”) 55% domestic content requirements. The abrupt increase resulted in a 25-30% increase in costs and a procurement and manufacturing slowdown of 12-18 months.<sup>2</sup> Raising the requirement to 100% without a phased transition or demonstrated domestic supply chain capacity would therefore increase manufacturing costs, slow production and deployment timelines, and significantly narrow the pool of eligible suppliers, particularly for specialized components that currently rely on global inputs.

## **Shifting domestic content requirements would increase costs for state departments of transportation.**

An immediate change to the domestic content requirements would also be costly to federal and state agencies leading EV charger deployment efforts, and would be a waste of time and money already spent establishing and operating programs under existing guidance. State governments have already invested substantial time, funding, and administrative resources to stand up and implement these programs under the existing framework. Through the National Electric Vehicle Infrastructure (“NEVI”) Program and related initiatives, states have developed implementation plans, conducted procurements, awarded contracts, and begun construction based on clearly defined compliance requirements. Agencies have invested in workforce training, technical assistance, and compliance oversight systems tailored to current standards. Changing the rules midstream would require revising guidance, amending contract blueprints, delaying awards, and potentially re-bidding projects—wasting taxpayer dollars and diverting limited staff capacity. Not only would such disruptions slow deployment timelines and erode confidence in the stability of federal infrastructure programs, but it would mean that taxpayer dollars spent to stand up these critical programs were wasted.

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<sup>2</sup> Roy, A. and H. Jin. “Focus: EV charger makers brace for slowdown as new Made In America rules kick in.” *Reuters*. March 21, 2023. Available at <https://www.reuters.com/business/autos-transportation/ev-charger-makers-brace-slowdown-new-made-america-rules-kick-2023-03-21/>.

## **Adjusting the requirements would rob local economies of critical investment and growth opportunities.**

Increasing domestic content mandates at this stage would have tangible negative impacts on local communities and businesses that depend on timely EV charging deployment to support economic development. Retail centers, restaurants, hotels, and small businesses are incorporating EV charging to attract customers, increase dwell time, and remain competitive in a rapidly electrifying transportation market. For example, Kohl's, a major national retailer, has indicated that the financial benefits of installing EV chargers at stores are clear, measuring that customers spend approximately 50 minutes longer at a store and \$1 for every minute of charging in a Kohl's parking lot.<sup>3</sup> Additionally, a 2025 JD Power report found that 82% of EV drivers prefer hotels with EV charging, and 50% will make their accommodation choice based on EV charging availability.<sup>4</sup> These examples illustrate that EV charging drives investment into local economies, thereby supporting local businesses and jobs.

Increasing the domestic content requirements would result in reduced, inconsistent EV charging deployment, thus impeding tourism and regional connectivity, and constraining local efforts to position themselves as investment-ready communities. This would also disproportionately affect rural and underserved areas that are just beginning to benefit from corridor buildout under programs like NEVI. Furthermore, while the stated objective of increasing the domestic content requirements is to create domestic manufacturing opportunities and spur job creation, such an abrupt policy shift would actually have the opposite effect. In reality, the higher cost of inputs and procurement lags would likely result in project delays and cancelled contracts, yielding job losses in construction, engineering, and project management. Therefore, stable, predictable policy is essential to ensure these critical economic opportunities are realized.

## **Conclusion**

Given the role that EVs will continue to play in the national transportation sector, we believe that significantly expanding the nation's charging network and facilitating greater EV adoption will only bolster the automotive industry's global competitiveness. Adopting this immediate change to BABA, however, would stall continued public and private investment in EV charging infrastructure, leading to job losses as companies are forced to scale back, pivot, or close. At the same time, it would risk surrendering technological leadership to China and Europe while the United States falls further behind in the global transition to electric transportation. Regardless of the pathway that the Administration ultimately pursues, no decision should be made without

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<sup>3</sup> Babar, Y. and G. Burtch. Boston University Questrom School of Business. "Recharging Retail: Estimating Consumer Demand Spillovers from Electric Vehicle Charging Stations." Research Paper No. 4235748. October 2022. Available at [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4235748](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4235748).

<sup>4</sup> Teal Communications. "Why Consistent EV Charging Availability Matters for Hotel Guests." August 5, 2025. Available at <https://tealcom.io/post/why-consistent-ev-charging-availability-matters-for-hotel-guests/>.

robust input from industry stakeholders to ensure the policy is practical, effective, and reflective of current market and manufacturing realities.

We appreciate the opportunity to respond to the Administration's proposal to change domestic content requirements for federally-supported EV chargers. Our organizations and our membership are united behind a commitment to enabling economic competitiveness, access to advanced mobility solutions, and job creation across the State of Michigan. We thank the Administration for its careful consideration of our comments and look forward to engaging with it in the future to ensure continued, efficient EV charger deployment.

Sincerely,  
The Michigan Energy Innovation Business Council  
Clean Fuels Michigan