



September 2, 2025

The Honorable Shelley Moore Capito
Chair, Committee on Environment
& Public Works
United States Senate
Washington, D.C. 20510

The Honorable Sheldon Whitehouse
Ranking Member, Committee on
Environment & Public Works
United States Senate
Washington, D.C. 20510

Dear Chair Capito and Senator Whitehouse:

I write on behalf of the 3,000 specialty construction contracting employers of the Mechanical Contractors Association of America (MCAA) to urge your committee to advance legislation to revise and streamline federal permitting processes, and to advise you of our views and priorities on this important topic. The MCAA has local affiliates in every state across the country. MCAA members deliver top-quality, high-tech services on mechanical system, plumbing, piping, HVAC, and refrigerant system projects for public and private sector clients building all manner of infrastructure and energy projects, including data centers, commercial buildings, pharmaceutical facilities, nuclear plants, and other energy facilities.

As an organization representing contractors of all sizes, and in all areas of the United States, we know that in far too many instances, projects across the nation are delayed for years or cancelled outright due to the complex, time consuming, and redundant requirements for multiple administrative and legal reviews to obtain the necessary approvals to break ground on a project.

MCAA acknowledges that some progress has been made to improve the federal permitting processes. In 2023, Congress passed the *Fiscal Responsibility Act* with language amending the National Environmental Policy Act (NEPA) to clarify the scope, level, and timelines of NEPA reviews. The Supreme Court's unanimous decision earlier this year in *Seven County Infrastructure* further clarified that while NEPA reviews must consider both the direct and indirect environmental effects of proposed projects, they do not have to consider the effects of ancillary or unrelated activities. Federal agencies have also been working to reform federal permitting processes as they implement President Trump's executive orders on energy, artificial intelligence, and related NEPA review directives. While these efforts have helped advance necessary reforms, additional congressional action is necessary if we are to achieve comprehensive and permanent solutions to timely deploy 21st century technologies and infrastructure required to reshore American manufacturing. There are many commonsense steps Congress can take to strike a better balance between protecting America's natural resources and fostering America's economic growth and competitiveness.



As the Committee considers additional federal permitting reforms, it should closely examine the need for harmonizing agencies' procedural requirements under NEPA, and further clarify the scope of environmental reviews in light of the *Seven County Infrastructure* decision. Congress should establish shorter, more appropriate timelines for judicial review of agency decisions, and expand agencies' authority to use categorical exclusions whenever practical and feasible. The MCAA also urges lawmakers to address any statutory barriers to fully implementing the President's executive orders. This includes President Trump's executive orders to expand domestic infrastructure and expedite American energy development, particularly as it relates to nuclear, natural gas, and geothermal energy projects. It also includes reforming the permitting process to support implementation of the President's July 23, 2025, Executive Order 14318 "Accelerating Federal Permitting of Data Center Infrastructure." Clearly defined, timely review procedures under NEPA, the Clean Water Act, the Clean Air Act, and related statutes that do not lead to years of litigation are essential to ensuring the U.S. remains the leader in artificial intelligence by building out data centers nationwide and related energy generation.

Thank you in advance for your consideration of our views on these matters. The MCAA stands ready to work with the Committee to enact meaningful, comprehensive, and permanent permitting reforms that will protect America's natural resources while also facilitating economic growth, technological modernization, energy independence, and the reshoring of manufacturing to America.

Sincerely,

A handwritten signature in black ink, reading "James R. Gaffney". The signature is written in a cursive, flowing style.

James Gaffney
Chairman
MCAA Government Affairs Committee