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Permitting Reform and the United Association

A COMPREHENSIVE GUIDE



INTRODUCTION

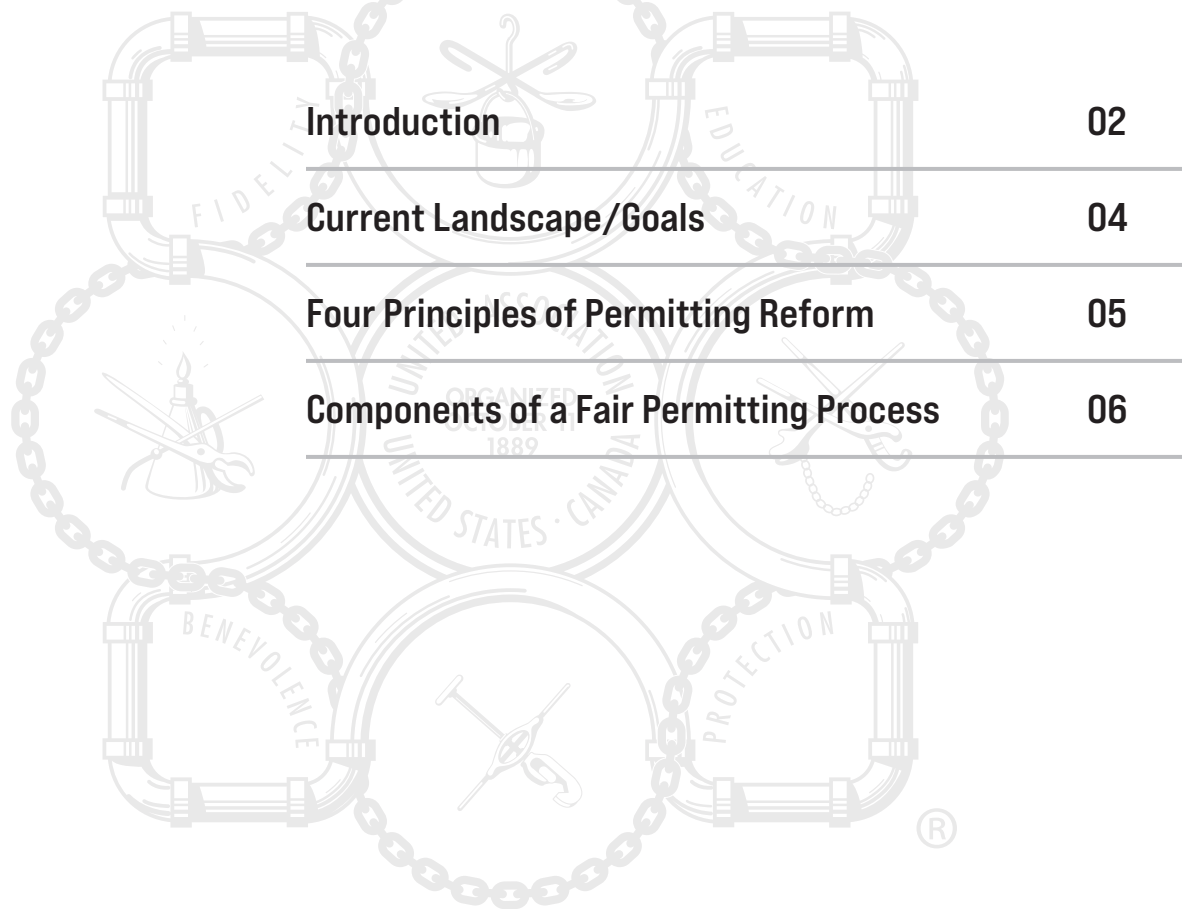
The UA Department of Legislative and Political Affairs worked closely with UA Director of Energy and Infrastructure Gary Arnold and UA Director of Pipeline and Gas Distribution Chad Gilbert to put together a comprehensive guide on the current reality of federal permitting reform – and to provide local unions with helpful talking points to educate elected officials on the reality of an overly complicated permitting process riddled with uncertainty in our industry.

For more than 136 years, the United Association has proudly built and maintained the essential energy sources that power North America. Our all-of-the-above approach to energy ensures that American communities can keep the lights on and costs down, all while creating good-paying jobs for UA members. Unfortunately, both parties in Congress have failed to deliver on their promises of enacting meaningful permitting reform to cut down on unnecessary red tape and delays to our projects.

In this guide, you will find an overview of the permitting process and the role it plays shaping UA projects and job stability. We provide four main principles that the UA believes should guide the legislative process, which the Department uses in every meeting on Capitol Hill and with the White House. Plus, we provide a further set of thirteen essential components that will ensure projects are started on time, frivolous lawsuits cannot be filed at the last minute, and that UA members have stability from one job to the next throughout the entire permitting process.



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**Brought to you by
the UA Department
of Legislative and
Political Affairs:**

Our nation's energy needs continue to increase with the rapid growth of AI, onshoring of industrial manufacturing facilities, and electrification of various sectors of our economy. We need significant investments in our aging infrastructure to protect our job opportunities and safeguard the country against unexpected events like the continuing conflict in the Middle East. These upgrades and expansions need to happen now, and we can't continue to lose precious time with an outdated and out of touch permitting system. My team put together this guide to ensure future energy projects not only create good-paying jobs for UA members, but that we cut down on uncertainty in the permitting process to keep our members where they belong: on the jobsite.



General President, United Association

CURRENT LANDSCAPE

The men and women of the United Association are the best trained and the highest skilled craftspeople in the world. We go to work each day building and modernizing our infrastructure, providing safe and clean water, and delivering affordable and reliable energy to communities across the country. Unfortunately, outdated permitting systems that do not meet the demands of modern technology mean more projects are tied up in unnecessary delays. In our industry, uncertainty goes by another name: unemployment.

When projects are tied up in regulatory limbo, our Brothers and Sisters suffer. Local unions are forced to adjust plans for incoming apprentice classes, and inconsistent work for the current classes significantly reduces our ability to meet future manpower needs, which has a direct impact on our ability to gain or maintain UA market share. In some cases, last minute lawsuits from activist groups with no ties to the projects themselves can sidetrack the process for years at a time – putting our members out of work and preventing our local unions from realizing significant benefits for hard working members.

Presidents and Congresses of both parties have promised to enact meaningful permitting reform. Unfortunately, those efforts have stalled and energy projects across the nation are subject to a process that is difficult to navigate, easy to delay, and constantly changing. Project investment shouldn't be wasted in a courtroom. They should be spent delivering wages and benefits to UA members while providing our country with badly needed energy assets. As a result, the UA Department of Legislative Affairs and our General Officers have made it a top priority to work with our allies on both sides of the aisle in Congress to establish basic reforms and ensure projects move forward while still meeting strict standards.

GOALS OF LEGISLATION:

The basis of our approach to permitting reform is simple:

We must streamline the federal permitting process to ensure consistent standards are applied across the country, cut down on unnecessary red tape causing delays, and enact these reforms via bipartisan legislation to ensure future administrations cannot unfairly pick and choose project approvals based on who contributed to their campaign rather than factual realities.

Permitting reform will not only lead to greater stability for our members, but better outcomes for everyone involved.

To be clear, permitting reform does not mean weakening standards. Instead, it means creating a level playing field that is fair to all parties. It means more investment in our shared infrastructure due to project certainty. It means starting work sooner on projects that meet the highest standards – or rejecting projects that do not. Increased clarity and a streamlined, modernized process will help remove the delays and instability that lead to smaller paychecks, fewer hours worked, and less food on the table.

THE UA'S FOUR PRINCIPLES OF PERMITTING REFORM LEGISLATION

- **NEPA Reform**

- Narrows the scope of what constitutes a “major Federal action” to avoid unnecessary bureaucracy.
- Authorizes agencies to evaluate only environmental impacts directly related to the project to reduce the inclusion of speculative, distant, or tangential effects.
- Establishes firm, actionable deadlines for federal agencies to complete environmental impact statements and authorizations.
- Prohibits federal agencies from reopening, rescinding, or amending completed environmental documents for projects that have already passed review.

- **Judicial Reform**

- Shorten the timeline when lawsuits can be brought forward on a project from 6 years to 180 days. Project investment and certainty are greatly jeopardized when projects can be tied up in court for more than half a decade before litigation risks are nullified.
- Limit who can bring lawsuits forward from anyone who doesn't like the project to only those that have actually engaged in the permitting process. This strategy has been utilized countless times and with great success by activists without legitimate legal arguments. They understand the goal is not to win in court, but to simply tie things up so long and make the project so expensive that owners abandon their permitting approval efforts.

- **Clean Water Act Reform**

- Reforms to Sections 401 & 404 of the Clean Water Act from the Promoting Efficient Review for Modern Infrastructure Today (PERMIT) Act, that was passed by the US House in December of 2025.
- Clarifies the scope of “navigable waters” under the CWA excluding certain groundwater, ephemeral streams, and waste treatment systems.
 - Speeds up projects for construction of energy and infrastructure projects by reducing regulatory hurdles.
 - Prevents states from weaponizing the CWA for political reasons outside of legitimate environmental concerns.

- **Project Certainty Reform**

- Once a project has been approved and received its permits it should no longer be subject to suspension by any regulatory body or presidential administration.
 - We cannot allow projects that have hard working construction professionals onsite performing work to be subject to politically motivated suspensions or shutdowns.

ESSENTIAL COMPONENTS OF A STREAMLINED AND FAIR PERMITTING PROCESS

1. **Establish a timeline for NEPA reviews** detailing a deadline for environmental impact statements and environmental assessments, which the SPEED Act provides.
2. Empower the President to designate and update a diverse list of **critical infrastructure projects to prioritize** federal permitting on.
3. **Expand eligibility, including under FAST-41**, for the Federal Permitting Improvement Steering Council programs to include energy projects, new technologies, critical minerals and mining, data centers, and others.
4. **A single lead agency** should be designated following a project application to oversee and issue a single environmental review and a uniform purpose of need statement.
5. **Clarify FERC jurisdiction on interstate pipelines**, associated facilities, and the economic factors associated with these assets.
6. **Strengthen FERC's authority** as the lead agency to permit electric transmission and natural gas pipeline projects and require federal, state and tribal agencies with a review role to participate simultaneously with and on a timeline determined by FERC, instead of on a separate and staggered basis. Additionally, Congress, to the greatest extent possible, should expand categorical exclusions for the building of transmission lines.
7. **Establish a statute of limitations and deadline to file lawsuits** against issued permits and establish reasonable limits on who has standing to bring lawsuits against issued permits and projects.
8. Congress should codify and **encourage the use of tiering, allowing projects of similar types to build their analysis on previous environmental assessments** and existing studies.
9. Develop a process with **greater transparency and oversight**. Combining this process with public notifications would aid in ensuring projects are easily and closely tracked by stakeholders and government officials.
10. Congress must **fully fund CEQ, FPISC, Department of Commerce and other federal agencies**, and the various agency staff with NEPA responsibilities to ensure timely completion of reviews. Further, Congress must ensure these funds are not bottlenecked and are distributed in a timely manner.
11. Allow applicants, contractors, and local communities to **participate in the preparation of documents** for the NEPA review process.
12. **Section 401 of the Clean Water Act must be revised** to limit the timeline for certification decisions by states, and Section 401 must be revised to limit veto power. Both of these reforms would be provided for under the PERMIT Act.
13. **Establish certainty for approved projects** so that once final permits are issued and funding is allotted, permits cannot be rescinded or further challenged and funding cannot be halted.