

# 2019 NATIONAL POLICY AGENDA









## About NDA

The National Demolition Association (NDA) is a non-profit trade organization representing approximately 600 U.S. and Canadian companies and many international firms that are involved in the demolition process. Membership includes demolition contractors, general contractors, civil engineering firms, and recycling, landfill, and architectural salvage operations. The association's efforts help members stay abreast of environmental, regulatory and safety matters, keep regulators informed about issues facing the industry, increase public and industry awareness, and provide members with networking opportunities and information on the latest technical advances in equipment and services. For more information on NDA, please visit [www.demolitionassociation.com](http://www.demolitionassociation.com).

Dear Policymakers:

As Congress and President Trump’s administration consider policies that will sustain economic growth, ensure workforce safety, and further environmental stewardship, the United States demolition industry is ready and willing to work with policymakers to strengthen our industry and do our part to stimulate jobs and business growth in the United States.

Lawmakers are focused on ensuring what is best for the American workforce overall, however, decisions are often made with only the large corporations in mind. The members of the National Demolition Association (NDA) represent small to medium sized businesses that are often impacted by these decisions.

NDA believes policy makers and the Administration should balance the needs of small business owners with the regulations that impact the industry. Unnecessary taxes, excessive regulations on labor and human resources, and uncertainty in healthcare gravely impact our members who have the right to determine, within the boundaries of the law, what is best for their employees and organization. These policies hinder our members’ ability to create jobs and stimulate growth for our economy.

NDA members support worker safety and environmental stewardship. As an industry, we establish checks and balances to ensure demolition professionals are safe and accounted for at our job sites, and we are dedicated to providing high quality products and services that aid in curbing our society’s impact on the environment. NDA members are business owners actively interested in aiding our country’s economic growth and are ready to work with lawmakers and regulators to ensure economic success for years to come. The enclosed policy positions outline the top priorities of the demolition industry for the first session of the 116th Congress. We look forward to working with you to create meaningful demolition jobs in 2019.

Sincerely,

Scott Knightly, President  
*National Demolition Association*

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## WORKPLACE SAFETY & HEALTH

NDA is committed to the safety and protection of workers at all times and takes that responsibility seriously. NDA member companies have an excellent record of providing a safe environment and work with government officials regularly to mitigate hazards. Laws and regulations relating to demolition safety are necessary but should remain practical and not impose undue burdens on industry practitioners. In particular, we believe that the Occupational Safety and Health Administration (OSHA) has a responsibility to balance regulations that provide for a safe and healthy work environment while considering effects on small businesses. OSHA should focus on achieving a more efficient workforce and minimal workplace injuries by promoting approaches to safety and health through partnerships with employers who take safety programs seriously, while making sure enforcement violations are tailored to non-compliant companies. OSHA and other federal agencies must fully consider the costs and benefits of proposed regulations prior to proposal to ensure that federal and private resources are utilized efficiently to improve safety.

- NDA appreciates OSHA's efforts to address ongoing concerns with the final rule to restrict the permissible exposure limit (PEL) of respirable crystalline silica.
- NDA believes the government should consider the economic effects of the silica rule on the demolition industry as it pursues solutions, as experts estimate that over \$3.9 billion per year will be spent on compliance.
- NDA supports efforts to address the health of workers, including from exposure to harmful levels of toxins. Government action must be grounded in sound science, sustainable, and a proven benefit to the public.
- NDA is committed to providing industry expertise to ensure rules and standards are workable and effective, such as the crane and derricks standard.
- NDA supports an employers' right to screen employees for substances that pose a risk to the worksite and other employees. Drug testing greatly improves workplace safety, a priority for the demolition industry, and reduces worker's compensation costs.
- NDA opposes overly burdensome recordkeeping requirements that unduly burden small businesses. Government regulation should balance effective safeguards with feasibility and fairness to the regulated community.



## LABOR & HUMAN RESOURCES

NDA member companies firmly believe that employees and employers are the best parties to determine issues ranging from wages and working conditions, through either individual or collective bargaining, within the boundaries of the law. The employer is responsible for observing the welfare of the employee and there must be adequate compensation for work performed. On the same note, NDA believes that the employee has an obligation to perform work in a satisfactory manner. Over time, government policies have steadily increased the administrative costs on employers and new regulations must consider this reality when proposing additional burdens.

- NDA opposes the joint employer standard established by the National Labor Relations Board (NLRB) in 2015, and support the definition where the entity would be required to exercise “direct” and “immediate” control over the employees at issue.
- NDA opposes action by the NLRB that eviscerates employers’ free speech and other legal rights and hamstringing their ability to respond to union organizing in any meaningful way.
- NDA supports the preservation of secret ballot elections and recognize that they facilitate the fairest method to guarantee the employee is free to choose whether to be represented by a union.
- NDA opposes mandatory binding arbitration in union representation disputes and any effort that would affect employers’ ability to communicate with their employees.
- NDA opposes all other proposals that attempt to confer a tactical advantage on organizers and that deprive the employer and employees of the time to get factual information before an election is held.
- NDA supports government policies addressing the shortage of qualified candidates for high-skilled jobs by improving the STEM (Science, Technology, Engineering and Mathematics) education system and other efforts to increase the pool of qualified candidates for technical jobs on demolition sites.
- NDA opposes the expansion of the Family Medical Leave Act (FMLA) and other government mandates that eliminate employers’ ability to negotiate flexible leave policies with their employees. A fair and considerate leave policy should be between employers and their employees.



## TAX POLICY

A fair and workable tax code is essential to the success of American business. Federal tax policy needs to grow and sustain the competitiveness of America's businesses. Most demolition contractors conduct business in such a way that their income is taxed at the individual level, commonly referred to as pass-through entities. These small and medium-sized employers would be significantly affected by higher marginal tax rates, taxes and fees on assets, and other confiscatory proposals. Over one half of the private sector workforce is employed by pass-through entities and higher taxes affect the job market. NDA supports a simplified tax code that does not place an unnecessary burden on job-creating member companies.

- NDA supports tax policy that enables the demolition industry to compete and provide quality jobs across America.
- NDA supports tax reform set by the Tax Cuts and Jobs Act in 2017 and opposes attempts to weaken or repeal the law.
- NDA opposes increases to personal income tax rates that are also tax hikes on the many small businesses that are structured as pass-through entities (S-Corporations, partnerships, and sole proprietorships).
- NDA supports tax policy that continues to provide for accelerated and bonus depreciation which incentivizes capital investments, as well as new and used equipment purchases.
- NDA supports the recent changes to the tax code that doubles the combined gift and estate tax exemption and the generation-skipping transfer (GST) tax exemption, from \$5.49 million for 2017 to \$11.18 million for 2018. NDA supports the permanent repeal of the estate tax.
- NDA supports continued alterations to the tax code that will boost the US economy and provide much needed relief to small and medium sized businesses and their assets.



## ENVIRONMENTAL STEWARDSHIP

NDA is committed to practices that protect our environment and NDA member companies have a reputable track record of commendable environmental stewardship. NDA, however, is concerned that certain regulations, while well-intentioned, will place a significant administrative burden on demolition contractors. In recent years, federal agencies have enacted costly and burdensome regulations with little consideration for the impact they would have on American businesses and their workers. NDA remains committed to working with the federal government to ensure environmental regulations are effective and considered with the demolition industry and employees in mind.

- NDA supports balanced, scientifically-based environmental stewardship policies with measurable and attainable goals for American companies without putting them at a disadvantage.
- NDA believes new environmental regulations must reflect sound science and take into account the impacts on the regulated community.
- NDA supports the continued implementation of laws reforming the Toxic Substances Control Act and will assist federal agencies with their role as necessary.
- NDA supports the EPA's efforts and other initiatives to encourage water conservation and use-efficiency in new and existing structures as long as those programs are voluntary, cost-effective, affordable, and consider consumer preferences.
- NDA supports the Environmental Protection Agency's Brownfield Grant Program and is committed to working with the federal government to facilitate the appropriate handling of hazardous areas.





## HEALTHCARE

The availability of quality health care benefits is a priority for NDA and its member companies. NDA supports common-sense proposals that would address the increasing costs of health insurance, particularly for employer-sponsored arrangements and the rising number of uninsured Americans. Unfortunately, the provisions contained in the Patient Protection and Affordable Care Act did little to provide relief to demolition contractors. NDA urges Congress and the Administration to provide more choices to employers and workers and allow private insurers to compete in the market.

- NDA supports reforms to the system, including the Patient Protection and Affordable Care Act (ACA), that will reduce the impact on employers' ability to provide quality and affordable health coverage to employees and their families.
- NDA remains concerned with tax changes brought forward by healthcare reform, namely the 3.8 percent tax included in the Affordable Care Act. The tax affects net investment income for those who earn more than \$200,000 per year and couples who earn more than \$250,000 per year. Under this system, individuals and couples making \$400,000 and \$450,000 respectively will pay a capital gains tax rate of more than 23 percent.
- NDA is concerned about the effect of the high cost plan tax (HCPT), also known as the Cadillac tax, contained in the Affordable Care Act and, though currently delayed, Congress should take steps to repeal it.
- NDA opposes the law's tax on health insurance companies that offer fully insured plans, which is passed on to employers, and ultimately employees, through increased premiums.
- NDA opposes any government efforts to restrict the availability of self-insured group health plans, including stop-loss insurance.



## DISASTER RESPONSE

A modern professional industry exists with perfectly suited tools and equipment, appropriate and comprehensive training, and a wealth of day-to-day experience to safely, rapidly, and effectively assist with rescue, recovery and clean-up operations following large-scale disasters, and historically this industry's resources go largely untapped.

NDA is firmly committed to assisting communities in the wake of devastating natural disasters and recovering in the most effective and efficient manner possible. NDA supports lowering barriers so that recovery can take place quickly and efficiently, and the tremendous unseen cost of using ill-equipped, under-trained, and inexperienced contractors could be significantly reduced.

- NDA supports voluntary public-private programs within the federal government to address the following issues related to disaster response and cleanup: lack of protection from liability, insufficient compensation for labor and equipment, and the lack of qualitative standards for determining awarded contracts.
- NDA is committed to working with the Federal Emergency Management Agency (FEMA) & the System for Award Management (SAM) to ensure NDA members are the go-to entities in the wake of natural disasters.
- NDA supports the adoption of regulatory and legislative measures such as temporary waivers and/or permit streamlining, and expanding their ability to address the demand for multiple victims' assistance programs such as financial assistance for repair and replacement of housing, rental assistance and other emergency housing funds for the rebuilding of businesses.
- NDA supports disaster recovery assistance that returns displaced residents to their homes and encourages the timely rebuilding of disaster-impacted areas.

For more information, please contact NDA's Government Affairs Director, Kevin McKenney at [KMCKenney@demolitionassociation.com](mailto:KMCKenney@demolitionassociation.com).







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