



August 20, 2020

The President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear Mr. President:

I am writing today on behalf of the demolition industry to submit policy recommendations for your consideration as you work with Congress to continue the economic recovery from COVID-19. NDA represents nearly 500 U.S. and Canadian companies that offer standard demolition services as well as a full range of demolition-related services and products. NDA educates members on the latest advances in equipment and services, provides educational programs and tools to stay abreast of regulatory and safety matters and keeps regulators informed about issues in our industry. NDA also increases public awareness of the economic and societal benefits of demolition.

These recommendations are focused on short-term solutions to help demolition contractors and construction/demolition as a whole, as well as longer-term solutions that will continue the recovery in the future. Below are our recommendations:

1. Maximizing Small Business Relief

Protect employers from unwarranted lawsuits

As the pandemic recovery continues, employers are facing the threat of unnecessary lawsuits related to COVID-19. NDA members take health and safety seriously and have numerous examples of this commitment. At the same time, while bad actors should be accountable, we do not feel that employers should be held liable when making good-faith efforts to follow applicable public health guidelines.

Congress has the opportunity to provide a safe harbor that will ensure negligent employers can be held accountable while simultaneously protecting those who are working to follow public health guidance. As such, NDA supports the language of the Safe to Work Act as part of any additional relief legislation.

Craft an appropriate balance for unemployment insurance

Contractors across the U.S. want to ensure that employees are safe and able to continue receiving income during these difficult times. As the pandemic recovery continues, demolition contractors support the appropriate balance of robust federal unemployment assistance and incentives to return to the workplace.



As such, NDA supports reasonable limitations on the expanded unemployment insurance and specifically calls on Congress to help employers and employees return to more stable working conditions through the following solutions:

- Provide a variable supplement to state unemployment benefits designed to replace 80 to 90% of individual's prior covered wages up to a maximum federal benefit of an additional \$400 per week;
- Phase down the additional benefit based on a state's unemployment, providing the maximum benefit (\$400) for unemployment rates above 15% and eliminating the bonus when unemployment falls below 7%.

Improve SBA's Paycheck Protection Program (PPP) for demolition contractors and other businesses

Businesses around the U.S. have utilized PPP funding to sustain their businesses and retain employees during the pandemic. NDA supports several reasonable proposals to protect construction and demolition contractors as the economy works to recover. As such, we urge you to support the following solutions:

- Allocate an additional \$250 million for PPP loans so that all businesses have access;
- Issue clearer and more precise guidance on implementation, specifically on the question of liquidity;
- Ensure that businesses have flexibility for loan forgiveness up to three months;
- Allow businesses to select an alternative 8-week period to cover payroll expenses;

Allow applicants to receive the maximum \$10,000 for the Economic Injury Disaster Loan (EIDL) program

EIDL allows businesses to receive economic relief for purposes other than just payroll expenses. Guidance stated that businesses would receive an advance of \$1,000 per employee, up to \$10,000. This fails to allow small businesses to receive funding that other businesses could receive simply for having more employees. The government should advance the maximum \$10,000 to applicants within three days.

Make the Federal Reserve's "Main Street Lending Program" accessible and effective for the demolition industry

The Federal Reserve recently began implementing a program that will provide loans to businesses, states and municipalities. Under the Main Street Lending Program, small and mid-sized businesses may obtain loans from any U.S. federally insured depository, bank holding company or savings and loan holding company to maintain business operations. NDA supports a minimum loan amount to be less than \$1 million. NDA also supports considering full or partial forgiveness of loans.



Ensure that businesses do not face continued hardship

Businesses across the U.S. have utilized several relief programs made available by the federal government. As the COVID-19 recovery evolves, America's demolition contractors should not face undo penalties or ambiguous regulatory guidance. As such, we recommend the following:

- Prohibit PPP loan recipients from debt collection activities that negatively impact credit;
- Cut employer-paid payroll taxes through December 31, 2020;

2. Strengthening Construction

Boosting our nation's infrastructure

The recovery from COVID-19 should include needed funding for our nation's infrastructure. As such, the federal government should enact legislation that provides immediate appropriations to programs including the Highway Trust Fund, USACE Military Construction and Civil Works Programs; and the EPA Brownfield Program, among others.

Taking action on these needed programs will help to rebuild America and provide our industry with the certainty needed to maintain and expand its workforce. Below are several priorities NDA supports and should be enacted into law:

- Increase investments, specifically facility rehabilitation and construction, in schools, hospitals, water/wastewater, electricity, airports and inland waterways, ports and other public facilities;
- Permitting: Expedite environmental reviews by giving the Army Corps of Engineers primary authority to make jurisdictional determinations under the Clean Water Act (CWA) and removing the Environmental Protection Agency's authority to veto a CWA Section 404 permit;
- Continue to streamline the federal permitting process, including the use of concurrent reviews and reasonable time limits for agency decisions;
- Encourage similar permitting reforms at the state and local levels;
- Increase funding for the Airport Improvement Program, which funds improvements at airports across the nation and supports more than 100,000 jobs annually;
- Vocational Training: Support proposals to help alleviate the labor shortage in the construction industry;



- Expand educational programs, such as Pell Grants and alter the Carl D. Perkins Career and Technical Education program to boost and encourage apprenticeships, work-based learning and others;
- Complement and strengthen existing infrastructure tools, such as Private Activity Bonds;

Return to a bi-annual process for approving the Water Resources Development Act (WRDA), which authorizes important navigation, flood control, recreation, and environmental protection projects. Congress also should fully fund the projects through the Energy & Water Appropriations bill.

Providing schedule adjustments

NDA supports providing project schedule adjustments and financial compensation to contractors for losses incurred when federal, state, or local owners who utilize federal funding delay, terminate, or limit access to projects as a result of any government directive in response to the COVID-19 outbreak.

Improve safety in the workplace

Demolition contractors place a serious emphasis on the health and safety of their employees. To protect demolition workers, NDA suggests:

- Boosting PPE availability for both demolition contractors and the construction industry;
- Regulatory agencies, such as OSHA, should emphasize assistance and consultations to businesses rather than emphasizing enforcement.
- Increase COVID-19 testing, specifically funding and access to tests and empower states and localities to distribute tests according to their specific needs and logistics.

NDA will continue to monitor the changing conditions and will provide additional recommendations to you as needed.

Thank you for your consideration of this important matter. Please contact NDA's Director of Government Affairs Kevin McKenney at kmckenney@demolitionassociation.com with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lambert", is positioned below the word "Sincerely,".

Jeff Lambert
CEO