

NDA Reviewing Proposed FTC Rule to Ban Noncompete Agreements

NDA is currently reviewing a recently [proposed rule](#) by the Federal Trade Commission (FTC) which would ban noncompete agreements between nearly all employers and their workers. Under the proposed rule, employers would be restricted from entering into non-compete clauses with workers and are also required to rescind any existing noncompete agreements. In its findings, the FTC claims that noncompetes constitute an unfair method of competition and violate Section 5 of the Federal Trade Commission Act

Specifically, the FTC's new rule would make it illegal for an employer to:

- enter into or attempt to enter into a noncompete with a worker;
- maintain a noncompete with a worker; or
- represent to a worker, under certain circumstances, that the worker is subject to a noncompete.

The proposed rule would apply to independent contractors and anyone who works for an employer, whether paid or unpaid. It would also require employers to rescind existing noncompetes and actively inform workers that they are no longer in effect. The proposed rule would generally not apply to other types of employment restrictions, like non-disclosure agreements. However, other types of employment restrictions could be subject to the rule if they are so broad in scope that they function as noncompetes.

NDA is currently analyzing the impact of the proposed rule on demolition contractors and will be prepared to respond to the Administration on behalf of the industry.

Biden Administration Announces \$1 Billion for Superfund Cleanups

Today, the U.S. Environmental Protection Agency (EPA) [announced](#) approximately \$1 billion in funding from the 2021 Bipartisan Infrastructure Law to start new cleanup projects at 22 Superfund sites and expedite over 100 other ongoing cleanups across the country. The \$1 billion investment announced is the second wave of funding from the \$3.5 billion allocated for Superfund cleanup work in the Bipartisan Infrastructure Law. The full list of new projects can be [found here](#).

Superfund cleanups help transform contaminated properties and create jobs in overburdened communities, while repurposing these sites for a wide range of uses, including public parks, retail businesses, office space, residences, warehouses, and solar power generation. In addition, these sites can support natural areas, parks, and recreation facilities, providing greenspace and safe places for families to play outside.

White House Highlights Progress on Infrastructure Projects

This week, the White House released information highlighting implementation progress of projects from the 2021 Bipartisan Infrastructure Law. To date, the Administration has announced nearly \$200 billion in funding and over 20,000 projects or awards. The White House has released a [new progress map](#) showcasing all projects and funding awards in all 50 states and territories. In addition, the White House Infrastructure Implementation Team released new [state-by-state fact sheets](#) which outline the progress in all 50 states, DC and the territories as of January 13, 2023.

Report: Secretary of Labor Set to Depart Biden Administration

This week, multiple outlets reported that U.S. Secretary of Labor Marty Walsh will be departing the Biden Administration to become the new head of the NHL Players' Association. It is now yet known when Secretary Walsh will be departing his post. His departure would leave Deputy Labor Secretary Julie Su as the Acting Secretary. President Biden must then nominate a permanent secretary who will need confirmation by the U.S. Senate.