

## **NDA Achieves Advocacy Win with NLRB Joint Employer Decision**

Last Friday, NDA achieved a significant win when the National Labor Relations Board (NLRB) decided to withdraw its appeal of a federal court decision that vacated the Board's joint employer rule. In 2023, the NLRB proposed a rule that would have expanded the traditional definition of joint employer status. As a result, this proposed rule could have made general contractors liable for every subcontractor employee on a construction site, even if the general contractor had no direct control over these employees.

The NLRB's proposed rule was challenged in federal court and eventually blocked from taking effect by the U.S. District Court for the Eastern District of Texas. The NLRB's decision to not appeal the court's ruling will effectively kill the proposed rule as drafted.

NDA has [led advocacy efforts](#) to oppose the NLRB's joint employer rule and supported a bipartisan resolution passed by Congress earlier this year that urged Biden administration to withdraw the proposed rule.

## **NDA Submits Comments to OSHA on Proposed Emergency Response Standard**

Earlier this week, NDA [submitted comments](#) to the Occupational Safety and Health Administration (OSHA) on its proposed rule to alter emergency response regulations. While the proposed rule does not directly impact the construction industry, OSHA asked stakeholders if the agency should create a separate rule for protecting workers involved in the clean-up of disaster sites and associated recovery efforts.

In its comments, NDA highlighted several safety standards that already protect demolition workers during disaster recovery and clean-up efforts, including OSHA's Hazardous Waste Operations and Emergency Response (HAZWOPER) standard. Given that HAZWOPER and other industry regulations are already in place to protect workers during emergency response efforts, NDA urged OSHA to not create a separate rule for disaster clean-ups as any such regulations would be duplicitous and unnecessary.