



Statement for the Record from Associated Builders and Contractors

Testimony of
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Before the
**U.S. House Committee on Education and the Workforce
Workforce Protections Subcommittee**

Hearing on
**Regulatory Reform: Unleashing Economic
Opportunity for Workers and Employers**

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Chairman Byrne, Ranking Member Takano, and members of the subcommittee, thank you for the opportunity to be with you today to discuss the important issues facing our nation's workforce. My name is Ryan Odendahl, and I am the president of Kwest Group, a civil and environmental, merit shop, construction firm based in Perrysburg, Ohio. I also serve as the Chairman of the Associated Builders and Contractors (ABC) National Safety Committee.

Today's hearing focuses on the need for regulatory reform to further unleash economic opportunity in the United States. Providing a safe workplace that supports the health and wellness of employees is vital to a productive and efficient workforce that increases our industry's economic impact. It is also undeniably the right thing to do.

My company and many employers in the construction industry work diligently to ensure the safety of our workforce, and I believe we share this concern with our federal agencies. While we must enforce the law and ensure that bad actors are held accountable for their actions, it is my experience that our federal agencies are most effective when they collaborate with employers to focus on proven, data-driven, and common-sense measures that support safe workplaces and effectively reduce the rates of injury, illness, and fatalities. The welfare of our workforce is best preserved by promoting best practices and genuine leadership that establish a culture of safety in the workplace.

My entire organization is committed to upholding the stellar safety requirements that are also espoused by ABC. At Kwest Group, we have a saying that "safety excellence requires shared responsibility," and I am proud to state that our employees have achieved more than 2 million person-hours worked without a lost-time incident. Our sustained performance can be attributed to a vigorous

safety culture that engages associates throughout the organization with an understanding that safety excellence and the welfare of our team members requires that each person has the responsibility to be a safety leader. Several core elements of this program include:

- Extensive safety training required by all employees throughout the progression of their careers;
- A standardized, pre-shift planning process used on every project, every day;
- Safety performance monitoring of leading indicators in real time, using state-of-the-art software and technology; and
- Incident investigation incorporating root cause analysis and corrective actions.

Through our membership with ABC, we also participate in the association's Safety Training Evaluation Process (STEP). Established in 1989, STEP serves as a benchmarking and improvement tool for achieving world-class safety performance in construction. Members measure their safety processes and policies on 20 Key Components through a detailed questionnaire and learn to implement or enhance safety programs. The best performing ABC STEP participants have been shown to have workplaces far safer than the industry average, with an 85 percent reduction in Total Recordable Incident Rates (TRIR), making them 670 percent safer than the industry average.¹

Leaders in our industry are striving to drive a culture of accident prevention. I believe that all accidents are preventable, and the right leadership and culture that invests in employee safety education and engagement will lead to safer projects, increased economic output, and success in our industry.

¹ <http://www.abc.org/Safety> (accessed May 18, 2018)

While it is my firm belief that most agency professionals share this view, we are all subject to the changing priorities of different administrations. In its worst form, counterproductive methods can place a greater value on excessive fines and enforcement used to shame companies into compliance than they do preventative measures. As a U.S. Marine, I was trained to lead from the front; this philosophy feels much like leading from behind.

The collective goal of zero harm can best be achieved as a collaborative effort between regulators and industry professionals. Burdensome and confusing obligations on our employers often do nothing to improve jobsite safety, but instead stifle our workforce and ignore insightful input from our industry experts. Congress and this administration have already taken important steps toward correcting the workplace safety culture, including this Committee’s important work to repeal the controversial “Volks” Rule. To further ensure collaboration, it would also be helpful for our federal agencies, including the Occupational Safety and Health Administration (OSHA), to provide more compliance assistance and compliance related Frequently Asked Questions (FAQs) when it comes to some of the complex rules and regulations facing our industry.

Our companies and industry experts, I firmly believe, are anxious to share their valuable experiences to promote workplace safety. In this spirit, OSHA currently has a panel review process under the Small Business Regulatory Enforcement Fairness Act, that allows for the agency to “meet with representatives of directly regulated small entities and offers an opportunity to provide advice and recommendations on regulatory alternatives to minimize the burden on small entities.”² These panel reviews can provide vital insight from top safety experts in our business communities and help guide the

² <https://www.sba.gov/category/advocacy-navigation-structure/regulatory-affairs/small-business-statutes/sbrefa/osha-sbrefa-panels> (accessed May 18, 2018)

development of workable regulations that will lead to the improvement of workplace safety throughout the country.

OSHA has also led important initiatives, including the National Safety Stand Down to reinforce the importance of fall prevention in the construction industry, and many ABC member companies participated in this important week of awareness across the country. At Kwest Group, our participation in the initiative included the review of several case studies of fall related incidents and the inspection and inventory of all fall protection equipment. Initiatives like this help not only build awareness for safety in the workplace, but also build trust and much-needed collaboration between our federal agencies and industry.

The construction industry continues to see the benefits that have come from a common-sense regulatory agenda and pro-growth tax policies that have allowed us to hire and train more workers and reinvest in our businesses and communities. I applaud this committee for its work to address these critical issues, and thank you for being invited to speak on this panel. I look forward to answering any questions that the members may have.