mica messenger

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VOLUME 55 NO. 08
AUGUST 2021

WHAT'S INSIDE THIS MONTH:

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- **President's Message.**
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- **U.S. Department of Labor Issues Updated Guidance on Protecting Unvaccinated and Other At-Risk Workers from the Coronavirus.**
- **U.S. Department of Labor Proposes $1.3M in Penalties for Contractor with Extensive History of Violations After Two Workers Die at Boston Dig Site.**
- **Construction Association Launches New Initiative to Address Climate Change by Pushing for Construction of Less Carbon-Intensive Projects.**
- **Nonresidential Construction Adds Only 2,900 Jobs in July, Says ABC.**
- **Dodge Momentum Index Pulls Back in July.**

FALL BUSINESS MEETING OF MICA

The 2021 Fall Business Meeting of MICA is scheduled for **Thursday**, October 14, and **Friday**, October 15, 2021, in Omaha, Nebraska [**Please note the change in days from previous years. We are starting a day later in the week than in past years**]. Board and Committee members should plan to arrive on Wednesday, October 13, 2021. The site of this fall's meeting is the **Marriott Omaha Downtown Capitol District Hotel in Omaha. This will be our first year at this hotel**. The hotel is located across the street from the CHI Health Convention Center. The new Capitol District area has numerous restaurants and bars for your entertainment pleasure.

The past several years, we have combined an educational seminar with the fall business meeting. This year, the Board decided to host a half-day educational seminar on Wednesday afternoon, October 13, 2021. If you wish to attend this **free** seminar, you need to register for it. Registration information regarding this seminar will be sent to you as a separate item.

This year's fall business meeting will include updates and discussions on several topics crucial to your business operations. We will focus on providing the membership with new insights on these current issues as we continue to focus on President Nigl's theme of "Here and Now" in your industry and in your businesses.

On average, 1 in 5 U.S. adults will have some form of mental illness in their lifetimes. Of those, approximately two-thirds won't receive treatment, according to the National Institute of Mental Health (NIMH). Among full-time workers, 1 in 10 will be affected by substance abuse, which often occurs in conjunction with a mental health disorder. Employee mental health and substance abuse issues cost U.S. employers between $80 billion and $100 billion a year, according to NIMH. Given these striking statistics, it's clear that employers are making a mistake if they ignore the psychological well-being of their employees. We will hear from **Joe Chavis**, Director of Driving and Behavior Programs, with the National Safety Council of Nebraska, on what companies can do to help their employees to better understand and address mental illness – which will also improve a company's health. Joe is a Licensed Alcohol and Drug Counselor.

Insurance, in its many forms, is a necessary and vital cost for all of us. This is especially true for our businesses. Workers' comp is one of those forms of insurance that is necessary and, at times, onerous to manage. This can be especially onerous when contractors take projects that take their employees across state lines. This situation alone raises a whole host of questions and concerns such as, "If I am based in state A, but I send my employee to state B to work on a project and he/she gets hurt – which state's workers' comp laws will govern any decision on compensability, benefit rates, types of benefits he/she may receive? If the state my employee is sent to work in is an OSHA state plan state and I am based in a federal OSHA state and the state plan state has different safety requirements than federal OSHA, which state's requirements will I have to comply with? To help answer these and other questions relating to the difference in state laws that may impact on how you administer your employees in states other than your home state, we will have a

(Continued on page 10)

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PRESIDENT'S MESSAGE

TO: THE MICA MEMBERSHIP

Greetings MICA Members

Hello Members

It's hard to believe that kids are already starting to return to school for the fall and the last few weeks of summer are coming to a close soon. Our three children will be starting the new school year in 1st grade, 4-year-old kindergarten and 3-year-old preschool. They can't wait to get back into the classroom to see their friends and meet their new teachers. Throughout all the hustle and bustle of summer, my wife, Courtney, somehow has found the time to train for her second Ultra-Marathon; a 50-mile trail race in Wisconsin in September!

The MICA Board and Past Presidents had a great meeting in Duluth in early August. The group was able to plan out the agenda for the Fall Business Meeting in October, and interviewed potential candidates to replace our amazing Executive Secretary, Tom Shimerda and his wife, Cindy, that are planning to retire next summer. We hope to have an update for the membership at the Fall Business Meeting, so stay tuned!

The Board is excited to be able to get the membership together for the first time in nearly 2 years when we meet in Omaha this October – the agenda is full of talented speakers and presentations, and we can't wait to get everyone together for some quality time with good friends.

As summer winds down, vacations come to an end, and we get back into some routines around school and work, I encourage everyone to explore how comfortable you are in different aspects of your everyday work life. A Great way to practice being "Here and Now" is to work on challenging yourself exactly where you are every day.

Do you just walk into the office and say "hi", or do you ask how your co-workers are doing that day? Do you send out quotes and wait by the phone to get a response, or do you follow up with a question and a conversation with the customer? Do you wait for personnel issues to come to you, or do you check on your employees, managers, supervisors to see how they and the rest of the crews are doing?

How comfortable do we get with our routines? Do the routines make us better, or just keep us where we are at?

It's time to make that change (small change) and step outside of your routine once in a while. It can be as simple as taking a different route to work, sit in a different place at that meeting, pick up the phone to call that customer instead of just emailing them. Start with small ideas like these and then you can move into bigger changes – like above. Making small changes/adaptations to our normal can help us become better at improvising and reacting on the fly – which can make us better leaders and employees.

I wish everyone a wonderful end of summer, and a special "good luck" to all those parents sending their kids back to school, or getting ready for another semester of at-home learning.

Sincerely,

Rudy Nigl
MICA President

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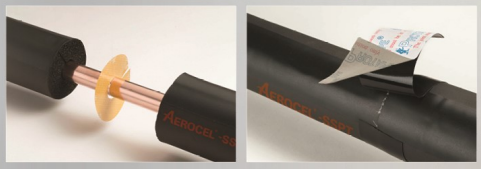

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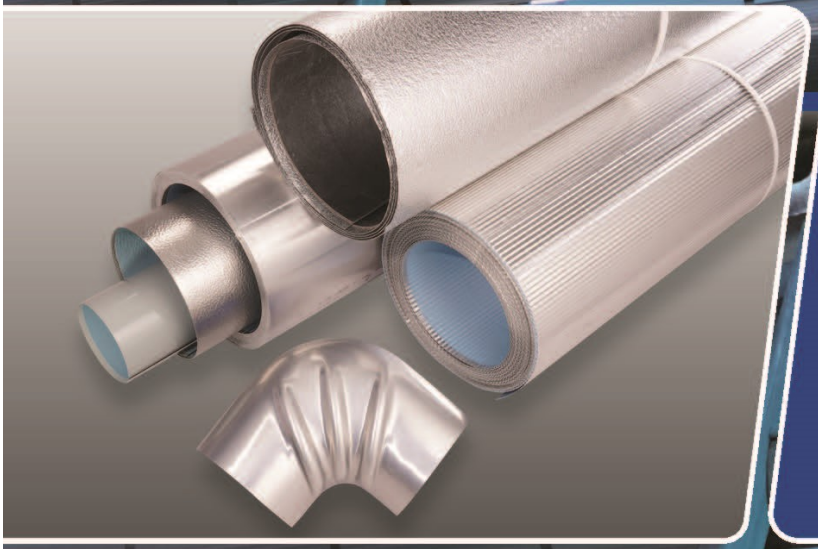

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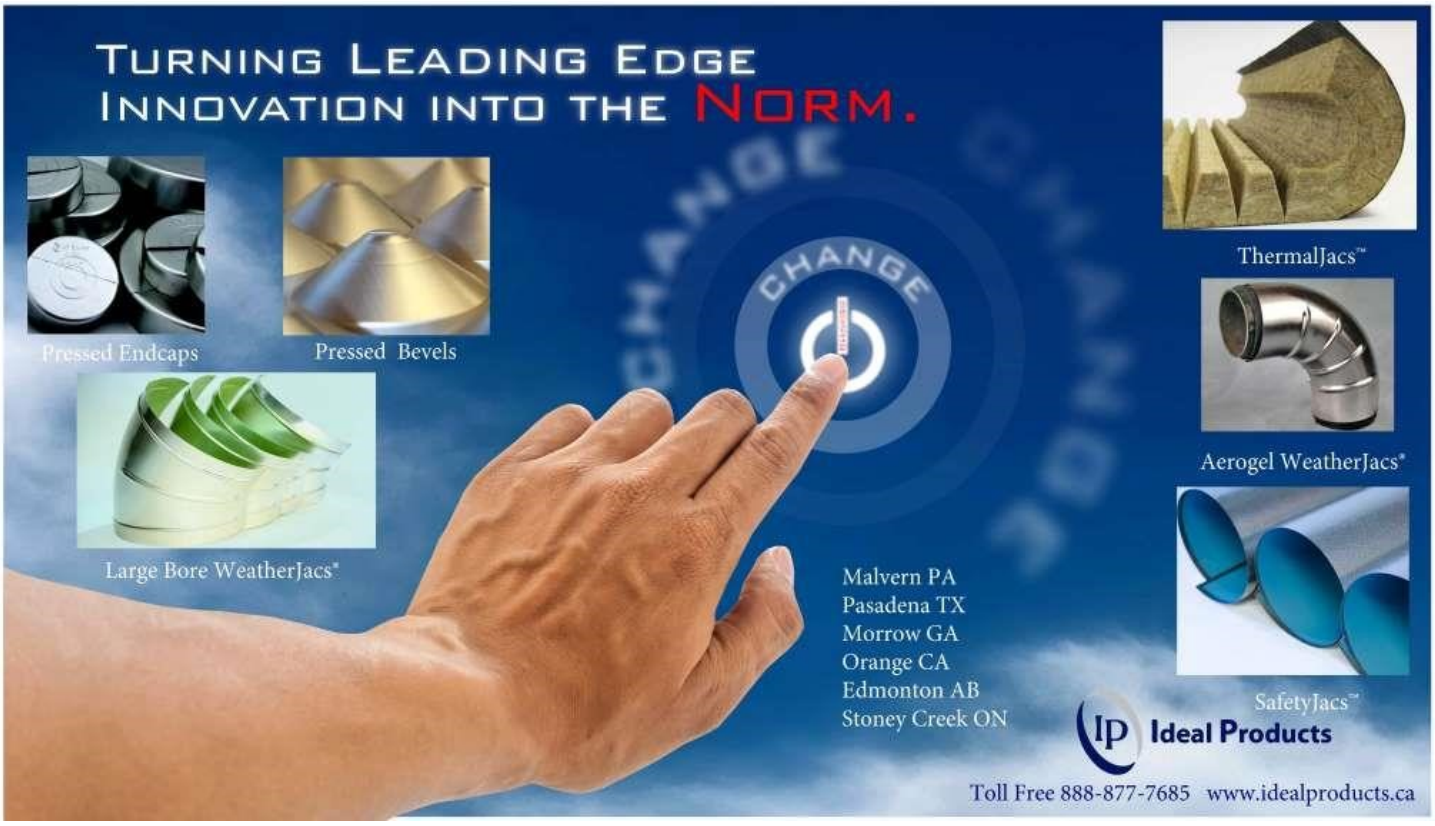

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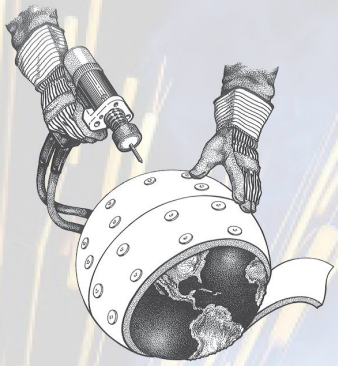

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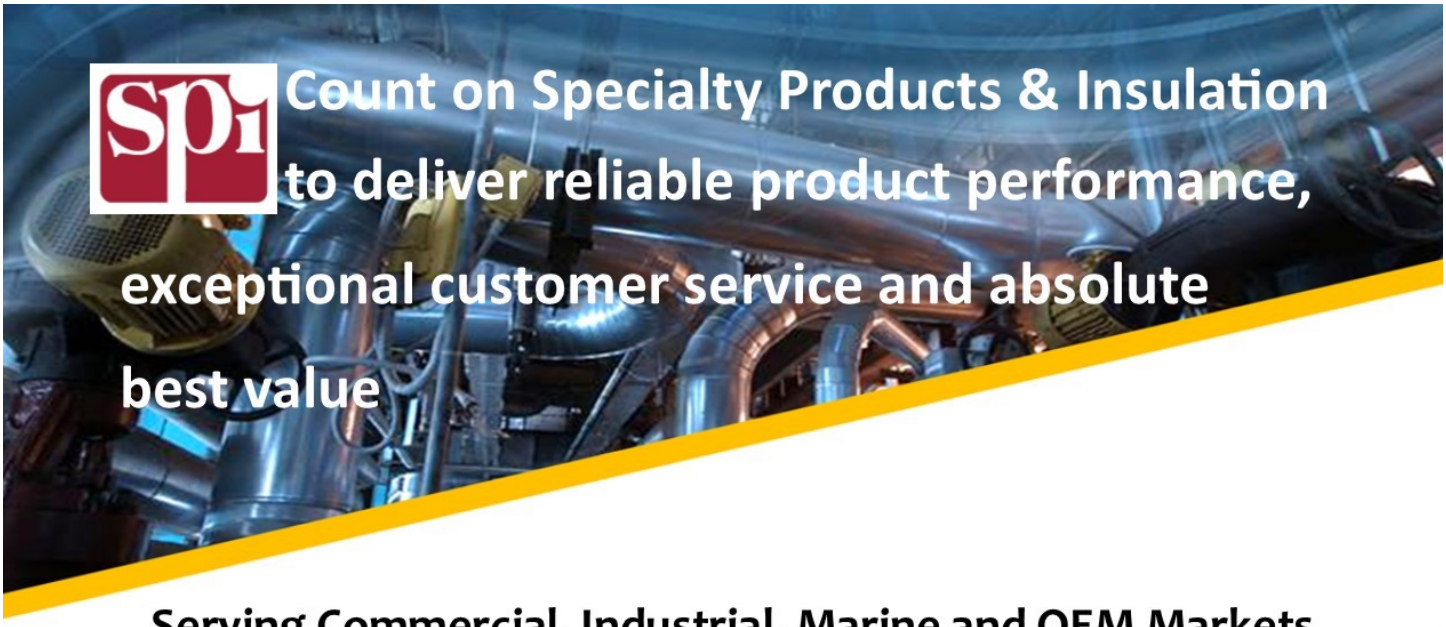

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(Continued from page 1)

presentation from **Ms. Vicki Simpson**, Sr. Manager Corporate Insurance with Performance Contracting Group.

CO^2 emissions and the impact on global warming and our environment is no longer a myth. Dave Cox, current President of the National Insulation Association, is championing the importance of insulation in helping reduce the CO^2 carbon footprint. We will have a presentation on this topic by **Frank Obrien Bernini**, Chief Sustainability Officer Worldwide for Owens Corning. **Dave Cox**, as President of NIA, will follow Frank with an update on insulation activities at the National level.

Gary Auman, MICA's legal counsel, with Auman, Mahan & Furry, will provide an extended update on any OSHA rule changes that will be affecting our members during our Environmental and Safety Committee meeting on Thursday morning. He will then provide an abbreviated update to the general membership on pertinent OSHA regulations that will have a direct impact on our businesses. **The Safety Committee meeting is a "do not miss" session for you and your key safety professionals**.

In 2019, our associate members classified as manufacturer member firms were invited to display their products at our fall business meeting. The table top displays were available for viewing by our membership during our extended welcome reception. We will continue with such displays again this year for our **fabricators, distributors or independent reps**. These table top displays will be open for viewing during this year's **Thursday evening reception**. We will continue with the early start for the Thursday reception. In order to accommodate earlier dinner reservations, our reception will begin at 5:00 p.m. and conclude at 6:30 p.m. This will still leave you with plenty of time for dinner, networking, and socializing with your fellow MICA members.

The discounted room rate at the Omaha Mariott is $144.00 per night, single or double occupancy. Included in this rate is complimentary wireless internet in your guestroom. **Room reservations are to be made using the Marriott Central Reservation number**. You should call the reservations department at **(844) 696-3779** to make your individual room reservations. To receive the contract rate, you need to identify that you are with the **Midwest Insulation Contractors Association** group. **Please reserve your room as soon as possible, but no later than September 22, 2021**.

This year's program is a must attend for you and your key employees. We have tiered this year's registration fee to encourage more participation by individual firms. The registration fee is $260.00 for the first attendee from a member company. Registration for all additional attendees from a given company is reduced to $250. Please complete the enclosed fall business meeting registration form and e-mail/mail/fax it to the MICA office by **October 1, 2021**.

The fall business meeting is designed to help you to become a better, more educated business professional. We have designed a program that not only addresses problems but also provides you with solutions. Do not miss this opportunity to come together to share business concerns with your fellow MICA members. Make your plans now to attend the 2021 Annual Fall Business Meeting this October in Omaha!

FUTURE MICA MEETING DATES

CANCELED — 64th Annual Spring Convention — June 21 — 24, 2021, Hyatt Regency Coconut Point Resort, Bonita Springs, FL.

Fall 2021 Annual Fall Business Meeting — October 14 & 15, 2021, Omaha Marriott Downtown, Omaha, NE.

2022 Winter Meetings — January 2022, Scottsdale, AZ.

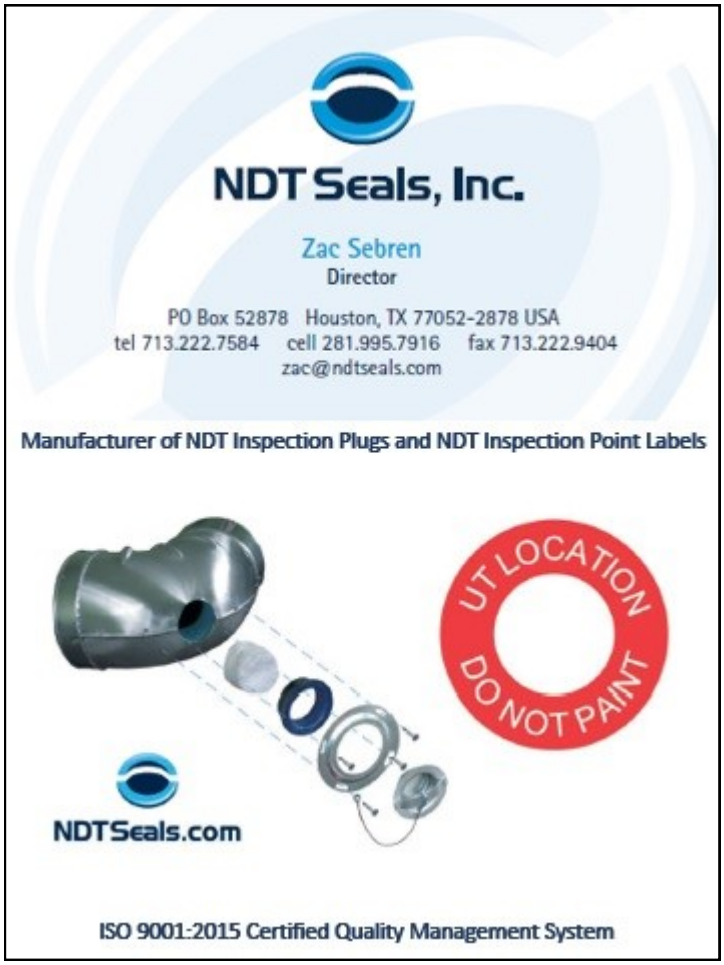
65th Annual Spring Convention — June 19 — 22, 2022, Hyatt Regency Coconut Point Resort, Bonita Springs, FL.

Fall 2022 Annual Fall Business Meeting — October 13 & 14, 2022, Omaha Marriott Downtown, Omaha, NE.

68th Annual Spring Convention — June 16 — 19, **2025**, Hyatt Regency Coconut Point Resort, Bonita Springs, FL.

MICA MEMBER ADDRESS/INFO. UPDATES

Be sure to inform the MICA office of any changes or corrections to your listing for either the MICA Directory, e-mail correspondence or mailing address. **Even if you update your company listing on the MICA website, please inform the MICA office of the changes.** We try to be as current as possible with your help.



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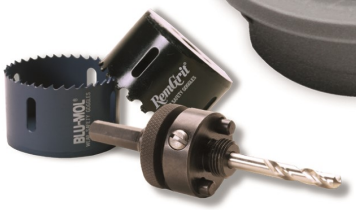

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U.S. DEPARTMENT OF LABOR ISSUES UPDATED GUIDANCE ON PROTECTING UNVACCINATED AND OTHER AT-RISK WORKERS FROM THE CORONAVIRUS

WASHINGTON, DC – The U.S. Department of Labor's Occupational Safety and Health Administration today issued updated guidance to help employers protect workers from the coronavirus. The updated guidance reflects developments in science and data, including the Centers for Disease Control and Prevention's updated COVID-19 guidance issued July 27.

The updated guidance expands information on appropriate measures for protecting workers in higher-risk workplaces with mixed-vaccination status workers, particularly for industries such as manufacturing; meat, seafood and poultry processing; high volume retail and grocery; and agricultural processing, where there is often prolonged close contact with other workers and/or non-workers.

OSHA's latest guidance:

- Recommends that fully vaccinated workers in areas of substantial or high community transmission wear masks in order to protect unvaccinated workers;
- Recommends that fully vaccinated workers who have close contacts with people with coronavirus wear masks for up to 14 days unless they have a negative coronavirus test at least 3-5 days after such contact;
- Clarifies recommendations to protect unvaccinated workers and other at-risk workers in manufacturing, meat and poultry processing, seafood processing and agricultural processing; and
- Links to the latest guidance on K-12 schools and CDC statements on public transit.

OSHA continues to emphasize that vaccination is the optimal step to protect workers and encourages employers to engage with workers and their representatives to implement multi-layered approaches to protect unvaccinated or otherwise at-risk workers from the coronavirus.

As part of the agency's ongoing commitment to review the COVID-19 Healthcare Emergency Temporary Standard every 30-days, OSHA also said that the safeguards set forth by the standard remain more important than ever. After reviewing the latest guidance, science and data, and consulting with the CDC and partners, OSHA has determined the requirements of the healthcare ETS remain necessary to address the grave danger of the coronavirus in healthcare. OSHA will continue to monitor and assess the need for changes in the healthcare ETS each month.

Our priority is the safety and health of workers, and we will continue to enforce the law to ensure workers are protected from the virus while they are on the job, including through OSHA's National Emphasis Program on COVID.

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U.S. DEPARTMENT OF LABOR PROPOSES $1.3M IN PENALTIES FOR CONTRACTOR WITH EXTENSIVE HISTORY OF VIOLATIONS AFTER TWO WORKERS DIE AT BOSTON DIG SITE

Serial violator Atlantic Coast Utilities LLC/Advanced Utilities Inc. cited for 28 violations

BOSTON – On Feb. 24, 2021, at a sewer repair worksite on High Street in downtown Boston, Jordy Alexander Castaneda Romero, 27, and Juan Carlos Figueroa Gutierrez, 33, died after a dump truck struck and pushed them into a nine-foot deep trench. For their employer, Atlantic Coast Utilities LLC/Advanced Utilities Inc., its predecessor company Shannon Construction Corp., their owner Laurence Moloney and successor company, Sterling Excavation LLC the incident is the latest in a long history of ignoring the safety and health of its employees.

After an investigation by the U.S. Department of Labor's Occupational Safety and Health Administration, the agency cited the Wayland, Massachusetts, trenching, excavation and underground construction contractor for 28 willful, repeat, serious and other-than-serious violations.

Given the severity and nature of the recent hazards, and Atlantic Coast Utilities LLC/Advanced Utilities Inc. and its predecessor company's history of violations, OSHA used its egregious citation policy, which allows the agency to propose a separate penalty for each instance of a violation. OSHA has proposed a total of $1,350,884 in penalties.

Chief among the violations was the company's refusal to train Romero, Gutierrez and other workers to recognize and avoid work-related hazards. OSHA also found Atlantic Coast Utilities LLC/Advanced Utilities Inc. failed to conduct worksite inspections to identify and correct hazards, including the risks of being struck by construction vehicles and other traffic, crushed or engulfed in an unguarded trench, and being overcome by oxygen-deficient or toxic atmospheres in the trench and an adjacent manhole.

"Two hardworking people lost their lives because Atlantic Coast Utilities put its own profits over workers' safety and health," said U.S. Secretary of Labor Marty Walsh. "The failure of employers to follow federal safety and health regulations designed to keep workers out of harm's way is absolutely unacceptable. This is yet another reminder of why the department's mission to protect workers' rights and ensure safe working conditions is so important."

Prior to the February incident, OSHA inspected Atlantic Coast Utilities LLC/Advanced Utilities Inc. and Shannon Construction Corp. six times and cited them for a total of 14 violations, including willful, repeat and serious violations, with fines of $81,242, of which $73,542 was unpaid and has been referred to debt collection. Moloney and his companies ignored the OSHA citations and repeated demands for abatement of the hazards.

"While two families still mourn the loss of their loved ones, this employer has ignored safety violations, failed to pay fines and shown a total disregard for the safety of its employees. OSHA will use every enforcement and legal tool available to hold scofflaw companies such as this and their owners accountable," said Acting Assistant Secretary of Labor for Occupational Safety and Health James Frederick.

"When you fail to train your employees properly, you deny them the most valuable tool they can have, knowledge. Knowledge to do their work correctly and safely, knowledge to understand the hazards that accompany their job and knowledge of how to identify and eliminate those hazards before they injure, sicken or kill workers," said OSHA Acting Regional Administrator Jeffrey Erskine in Boston.

In a separate enforcement activity, OSHA opened an inspection of successor company Sterling Excavation LLC on Aug. 13, in response to a complaint of excavation hazards at a worksite at 18 Crestway Road in East Boston. That inspection is ongoing.

In addition to OSHA's inspections, the department's Wage and Hour Division is currently investigating Atlantic Coast Utilities LLC for possible violations of federal wage law. Workers or anyone else with information that may be pertinent to the division's investigation may contact its Boston District Office at 617-624-6700.

The employer has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director, or contest the findings before the independent Occupational Safety and Health Review Commission.

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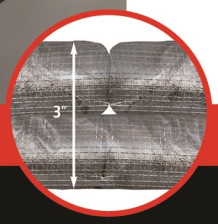

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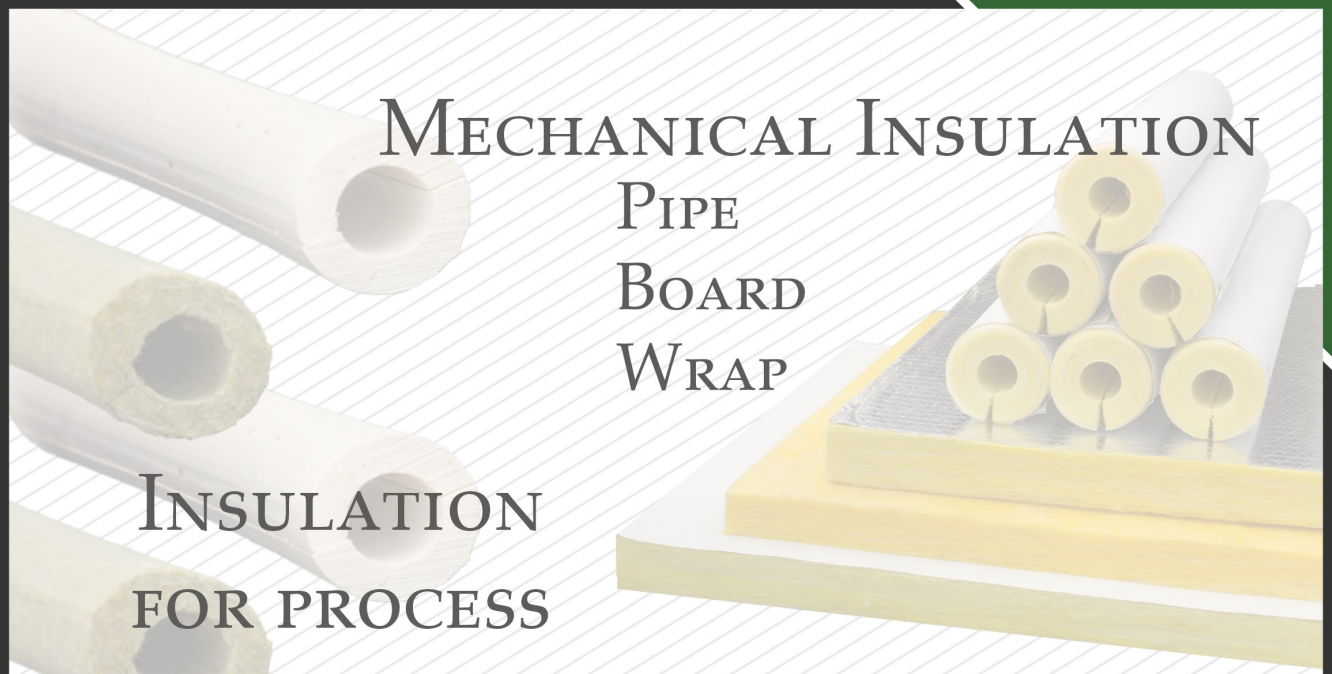

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CONSTRUCTION ASSOCIATION LAUNCHES NEW INITIATIVE TO ADDRESS CLIMATE CHANGE BY PUSHING FOR CONSTRUCTION OF LESS CARBON-INTENSIVE PROJECTS

Construction officials outlined a series of steps public officials and the construction industry should take to address the impacts of the built environment on climate change. The new initiative from the Associated General Contractors of America is designed to lessen the carbon footprint of the built environment while also making the process of building projects even more efficient.

"The construction industry is the delivery vehicle for building a greener, more climate friendly future," said Stephen E. Sandherr, the association's chief executive officer. "Finding a way to ensure that what our members build is more efficient will have a significant impact on climate change."

Sandherr noted that construction activity accounts for less than two percent of greenhouse gas emissions in the United States. Meanwhile, the built environment accounts for approximately one-third of greenhouse gas emissions. As a result, while the new initiative includes steps construction firms can take to operate more efficiently, the bulk of the effort is focused on pushing for public and private project owners to build more efficient projects and discovering how we can also support them in that process.

Among the measures outlined in the new initiative include calling for a national strategy to invest in physical infrastructure that will make communities more resilient. The association is also calling for an increase in investments and funding opportunities for public and private infrastructure to build more efficient highways, water plants and other facilities.

Public officials should also invest in modernizing federal buildings to make them more efficient. The association is also calling for expanding tax incentives and deductions to encourage the private sector to build more efficient buildings. And the group is calling for expedited permitting for projects that improve efficiency and reduce greenhouse gas emissions.

Association officials also identified steps contractors can take to operate more efficiently. This includes encouraging equipment manufacturers to improve the fuel efficiency of their equipment, helping firms learn how to reduce equipment idling and sharing information about industry innovations like solar powered job site trailers and energy efficient job site lighting.

The new initiative was crafted by a special climate change task force for the association created earlier this year. Representatives from 18 different member firms participated in the task force meetings and helped craft the recommendations outlined in the initiative. "You can't wish for a greener future, you have to build it," said Les Snyder, the president of Shikun & Binui America in Pittsburgh and the chair of the association's climate change task force.

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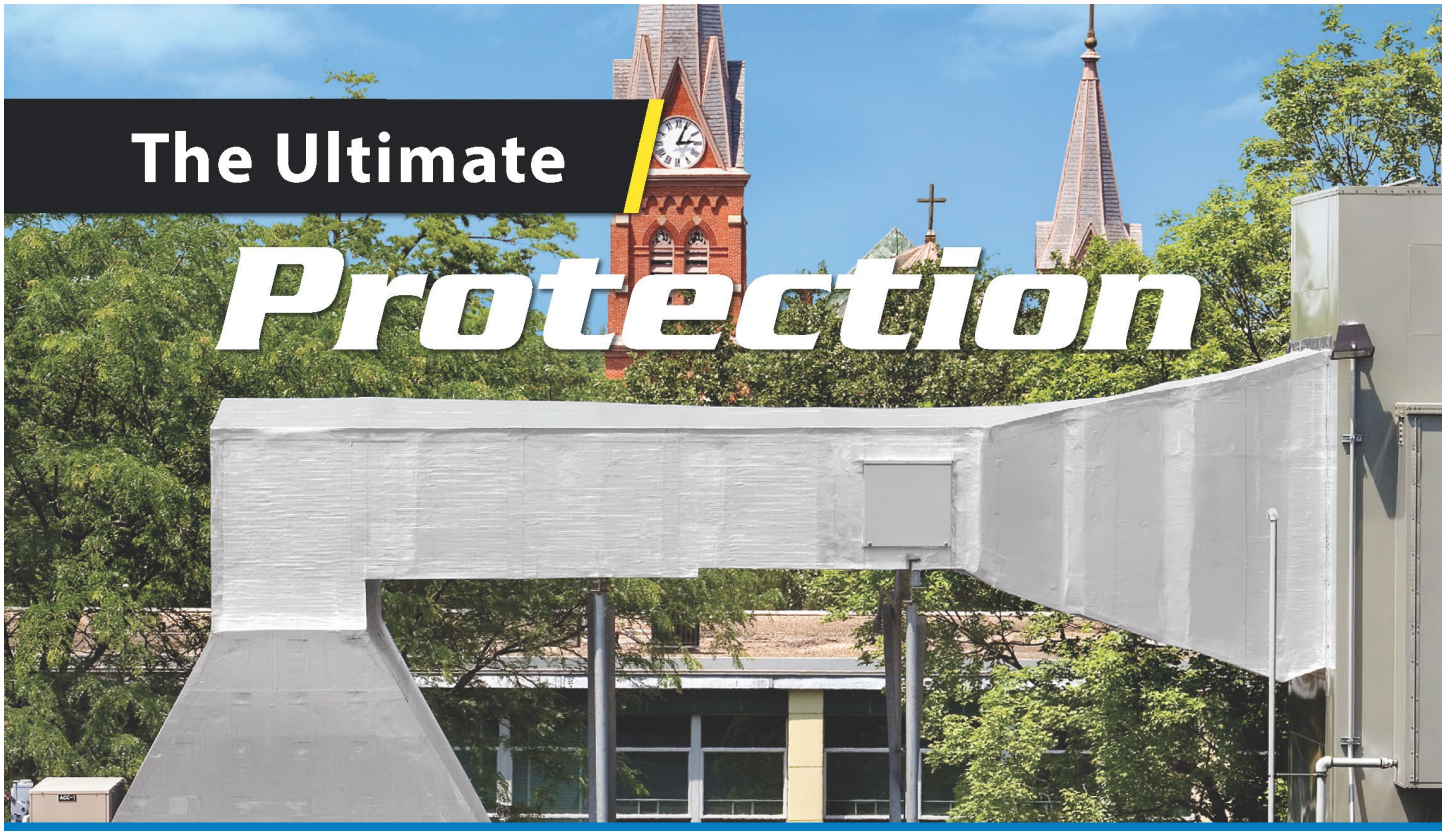

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NONRESIDENTIAL CONSTRUCTION ADDS ONLY 2,900 JOBS IN JULY, SAYS ABC

WASHINGTON, Aug. 6 – The nation's construction industry added 11,000 jobs on net in July, according to an Associated Builders and Contractors analysis of data released today by the U.S. Bureau of Labor Statistics. Overall, the industry has recovered 886,000 (79.6%) of the jobs lost during earlier stages of the pandemic.

Nonresidential construction employment expanded by 2,900 positions on net, though more than 100% of the gains were among nonresidential specialty trade contractors, which added 7,500 jobs. The nonresidential building (-2,500) and heavy and civil engineering (-2,100) segments both lost jobs in July.

The construction unemployment rate fell to 6.1% in July. Unemployment across all industries declined from 5.9% in June to 5.4% last month.

"While it is easy to identify numerous challenges in the current economic environment, including inflation, input shortages and the delta variant, there is one driving factor that countervails them all and then some," said ABC Chief Economist Anirban Basu. "That factor is liquidity. With so much money working its way through financial systems, including liquidity injected on a monthly basis by the Federal Reserve, America is in rapid recovery mode with interest rates remaining at absurdly low levels.

"Some of the capital that investors seek to deploy is invested in real estate, which translates into additional construction work," said Basu. "While construction of new structures remains suppressed in a number of segments like lodging and office due to the dislocating effects of the COVID-induced downturn, there is considerable work underway in terms of modernizing existing structures. That helps explain why nonresidential specialty trade contractors added thousands of jobs last month while general contractors did not."

"Evidence of ongoing rapid recovery is consistent with the upbeat assessments contractors have put forth in ABC's Construction Confidence Index regarding revenue, staffing and profit margin prospects over the balance of 2021," said Basu. "Indeed, there is evidence that the lack of growth in nonresidential construction spending observed in recent months is due to supply constraints as opposed to a lack of demand for construction services. Some contractors are noticing that there are fewer bidders on emerging projects, suggesting that many contractors can no longer pursue additional work."

Construction Employment Statistics: July 2021

	July 2021	June 2021	July 2020	1-Month Net Change	12-Month Net Change	12-Month % Change
Employment						
Construction	7,421,000	7,410,000	7,197,000	11,000	224,000	3.1%
Nonresidential	4,381,300	4,378,400	4,329,000	2,900	52,300	1.2%
Nonresidential Building	813,400	815,900	785,700	-2,500	27,700	3.5%
Nonresidential Specialty Trade Contractors	2,524,800	2,517,300	2,514,300	7,500	10,500	0.4%
Heavy & Civil Engineering	1,043,100	1,045,200	1,029,000	-2,100	14,100	1.4%
Residential	3,039,700	3,031,400	2,868,000	8,300	171,700	6.0%
Residential Building	882,500	874,200	814,200	8,300	68,300	8.4%
Residential Specialty Trade Contractors	2,157,200	2,157,200	2,053,800	0	103,400	5.0%
Average Hourly Earnings						
All Private Industries	$30.54	$30.43	$29.37	$0.11	$1.17	4.0%
Construction	$32.93	$32.86	$31.74	$0.07	$1.19	3.7%
Average Weekly Hours						
All Private Industries	34.8	34.8	34.6	0.0	0.2	0.6%
Construction	38.9	38.6	38.9	0.3	0.0	0.0%

Source: Bureau of Labor Statistics

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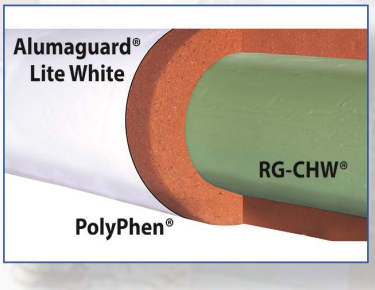

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DODGE MOMENTUM INDEX PULLS BACK IN JULY

Commercial planning pushes Index to seventh consecutive monthly gain

HAMILTON, New Jersey – August 6, 2021 – The Dodge Momentum Index fell to 155.8 (2000=100) in July, a 6% decline from the revised June reading of 164.9. The Momentum Index, issued by Dodge Data & Analytics, is a monthly measure of the first (or initial) report for nonresidential building projects in planning, which have been shown to lead construction spending for nonresidential buildings by a full year.

Both components of the Momentum Index fell in July. Commercial planning fell 3%, while institutional planning dropped 9%.

The Momentum Index posted strong gains through much of the winter and spring as the economy and building markets began to stabilize following the recession. While the economy has continued its forward progress through the summer, the Index has regressed somewhat as higher material prices and shortages of skilled labor continue to exert a strong influence over the construction sector. Despite the declines in June and July, the Momentum Index remains near levels last seen in 2018. Compared to a year earlier, the Momentum Index was 25% higher than in July 2020 — institutional planning was up 27% and commercial planning was 25% higher than last year.

A total of 11 projects with a value of $100 million or more entered planning during July. The leading commercial projects were a $240 million Microsoft Data Center in San Antonio, TX and a $200 million Amazon, Inc. fulfillment center (Project Basie) in Woodburn, OR. The leading institutional projects were the $225 million Baptist Health Hardin Medical Pavilion in Elizabethtown, KY and the $200 million AdventHealth Narcoossee campus in Orlando, FL.

The pressures caused by higher material prices and labor are unlikely to ease anytime soon and, when added to the rising number of COVID-19 cases caused by the Delta variant, raises concerns that the nascent recovery in construction may stall in the months ahead.

DODGE MOMENTUM INDEX

(2000=100, Seasonally Adjusted)

	Jul-21	Jun-21	% Change
Dodge Momentum Index	155.8	164.9	-5.5%
Commercial Building	182.4	189.0	-3.5%
Institutional Building	122.8	135.0	-9.0%

Source: Dodge Data & Analytics

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