SUMMER EXECUTIVE COMMITTEE PLANNING MEETING

The Executive Committee of MICA is scheduled to meet on August 17, 2015, at the Chateau on the Lake Resort in Branson, Missouri. The Chateau will be the site of our June 2016 spring convention. This meeting will give the Executive Committee the opportunity to review the property prior to the fall business meeting. They will share their observations of the property with you in October. President Nathan Heilman has invited the Board of Directors, his Executive Committee, and Committee Chairs to attend the meeting so that they can plan the fall business meeting of MICA. This year, the Board has approved a pre-meeting educational seminar in conjunction with the fall business meeting. The Board will finalize the agenda for this seminar. There is no charge to attend the seminar but space is limited. Be sure to register early for the seminar.

The Board and Executive Committee will have several items to discuss. The main purpose of the meeting is to set the budget and technical program for the annual fall business meeting of MICA. This year’s fall business meeting is scheduled for October 21 & 22, 2015, at the Embassy Suites Downtown Omaha. The venue was well accepted by the members, and we have renewed our contract with the Embassy Suites for two more years. The room rate for this year is $154 per night, single or double occupancy.

The Board will be reviewing several technical topics for presentations but is open to suggestions from the general membership. President Heilman will be developing the technical program and the pre-meeting seminar around his theme to “Think Safety”. He has already heard from some of the members regarding safety topics for the fall meeting, but he is open to all suggestions. If you have a topic that you feel would be of interest to the membership, please contact President Heilman or the MICA office. Nathan can be reached at 712-255-7739. Nathan values your suggestions and input, so please call him with your ideas. He will be delighted to visit with you!

For the past seven years, we have held a table top display show for our associate members during our fall business meeting. The displays have been very well received by both the contractors and associate members. During their spring meeting, the associate members discussed ways to improve the table top show. These suggestions will be reviewed by the Board and Executive Committee at the planning meeting. We will keep you informed of the Board’s decision on the format for the mini tabletop trade show for this fall’s business meeting. This year the manufacturer member firms will participate in the tabletop show.

The Executive Committee has several items of business to conduct in addition to setting the technical program for the fall business meeting. President Heilman will have the Committee review ongoing operating policies of MICA and review the budget summary from the spring convention. We will share the fall business program with you next month.
PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

Hello MICA!!!

I hope everyone had a great 4th of July. What a great holiday to celebrate our great nation and spend with family and friends. Amanda and I have gone to her hometown for years to enjoy the day, and we look forward to it every year with our kids. We enjoy the parade, food, craft vendors and the fireworks.

Why does it always seem like summer goes by so fast? Here we are in the dog days of summer with just about a week left in July, and August will soon be upon us. It won’t be long now and school will be starting back up for my children. Nolan is so excited to start preschool and ride the school bus. Adeline is starting middle school and will be a 5th grader!

If school is about to start then that means football season is also just around the corner. NFL training camps will be starting soon and then college football. I should let everyone know that I am an Iowa Hawkeye fan! Their first game is September 5th. I know that is a little over a month away, but I can’t wait.

With summer in full swing, now is a great time to review warm weather safety precautions and strategies. Temperatures can quickly climb, putting our family members as well as our workers in a dangerous situation. It is important to know the signs of heat related illness and the best way to prevent it. The National Weather Service website at www.nws.noaa.gov is a good resource to get weather reports and safety tips. You can also go to the Occupation Safety and Health Administration website at www.osha.gov/SLTC/heatillness/index.html for information and tools to help identify and prevent heat related illnesses. https://itunes.apple.com/us/app/osha-heat-safety-tool/id469229784?mt=8

Next month, the MICA board of directors will be meeting in Branson, MO, to start planning the fall business meeting. We have a few topics that were suggested at the MICA spring meeting, but we can always use some more. Please send Tom and Cindy any topics that are of interest to you, and we will see what we can get put together.

Go Hawkeyes!!!!!

Nathan Heilman
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FUTURE MICA MEETING DATES

Fall 2015 Annual Fall Business Meeting — October 21 & 22, 2015, Embassy Suites Downtown, Omaha, NE.

59th Annual Spring Convention — June 20 — 23, 2016, Chateau on the Lake, Branson, Missouri.

Fall 2016 Annual Fall Business Meeting — October 19 & 20, 2016, Embassy Suites Downtown, Omaha, NE.

60th Annual Spring Convention — June 19 — 22, 2017, Location under consideration. San Diego, CA, is a possibility. Contact a member of the Board of Directors with your suggestion.

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.

NEW OSHA CONFINED SPACE STANDARD FOR THE CONSTRUCTION INDUSTRY

OSHA issued the Confined Spaces in Construction final rule on May 4, 2015. The rule provides construction workers with protections similar to those manufacturing and general industry workers have, with some differences tailored to the construction industry. These include requirements to ensure that multiple employers share vital safety information and to continuously monitor hazards as a safety option made possible by technological advances after the manufacturing and general industry standards were created. The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) announced a 60-day temporary enforcement policy of its Confined Spaces in Construction standard, which becomes effective Aug. 3, 2015. The agency is postponing full enforcement of the new standard to Oct. 2, 2015, in response to requests for additional time to train and acquire the equipment necessary to comply with the new standard.

Because of its potential impact on the insulation industry and MICA members, our legal counsel, Gary Auman, has written the article below that describes in detail the final rule and how it may impact you and your business:

Construction Confined Space Standard – This standard has been in the works for several years. The standard was finally published as a final rule on May 4, 2015 with an effective date of August 3, 2015. Recently OSHA issued a stay of enforcement until October 2, 2015. During this period OSHA will not issue citations to employers making a good faith effort to comply with the new standard as long as the employer is in compliance with the training requirements for a competent person under Section 1926.21(b)(6)(i) or those found in Section 1926.1207. During this 60-day period employers not in compliance with either of these standards may be cited for a violation of Section 1926.1207(a). While this rule is being touted as very similar to the General Industry Confined Space Standard, it does contain some nuances that are unique to it and to the construction industry.

The first thing we need to look at in this standard is the definition of confined space. The standard defines a confined space as any space which is either:

1. Large enough and so configured that an employee can bodily enter it;
2. Has limited or restricted means for entry and exit; and
3. Is not designed for continuous occupancy.

As you can see, even someone who thought the confines space standard could have little impact on them, such as a roofing contractor, could have employees who might encounter a confined space during their normal work activities. This definition could well encompass attic areas or any other area that meets the definition stated above. So, since the possibility of encountering a confined space exists for just about anyone in the construction trades at any time what obligations do you have as the employer?

(Continued on page 7)
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The first basic requirement can be found in Section 1926.1203 (a) of the new standard. This section requires “Before it begins work at a worksite, each employer must ensure that a competent person identifies all confined spaces in which one or more of the employees it directs may work; and identifies each space that is a permit space, through consideration and evaluation of the elements of that space, including testing as necessary.” I have highlighted the critical language in this section to emphasize the responsibility on every employer. Some feel that the controlling contractor on the site has the responsibility to make the determinations regarding confined space and permit confined space, but I believe that the language of this section is clearly much broader than that. Take another look at the language; the standard refers to “each” employer. Some feel that the controlling contractor on the site has the responsibility to make the determinations regarding confined space and permit confined space, but I believe that the language of this section is clearly much broader than that. Take another look at the language; the standard refers to “each” employer. Some feel that the controlling contractor on the site has the responsibility to make the determinations regarding confined space and permit confined space, but I believe that the language of this section is clearly much broader than that. Take another look at the language; the standard refers to “each” employer. So, while it does address the controlling employer, you cannot escape the basic obligation for each employer. And, as we all know, you, as an employer, have the obligation to ensure your employees have a safe place to work.

In light of the above, you as a contractor should have a competent person for confined space on each job site. On each jobsite that individual should consider all locations in which your employees may find themselves. To the extent he/she determines that a permit confined space may be entered by any employee all of the steps that are required to be taken for permit confined spaces need to be implemented.

A permit confined space is defined in section 1926.1202 as having one or more of the following:

1. Contains or has a potential to contain a hazardous substance.
2. Contains material that has the potential for engulfing an entrant
3. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls; or
4. Contains any other recognized safety or health hazard (this includes such things as a high heat index environment).

If the competent person identifies a permit space the employer is required to:

1. Inform exposed employees by posting danger signs or by any other equally effective means; and
2. Inform, in a timely manner and in a manner other than posting it, employees’ authorized representatives and the controlling contractor of the existence and location of, and the danger posed by, each permit space;

In your permit-required confined space program each entry employer must implement any means necessary to prevent unauthorized entry; identify and evaluate the hazards of permit spaces before employees enter them; and develop and implement the means, practices and procedures necessary for safe entry operations.
So, what are you to do as a construction contractor? Well, the first thing you have to establish is that if there are any confined spaces (within the definition in the standard) on or in your jobsite. According to the new standard this determination must be made by a competent person. While this same standard adopts the definition of competent person found in Section 1926.20(b)(2), the competent person needs to have the training and knowledge necessary to identify confined spaces and permit confined spaces. Understand that the standard provides definitions for host employer and controlling contractor. The host employer owns and/or manages the property on which the construction is occurring. The controlling contractor is the employer with overall responsibility for construction at the worksite. While these terms are used in the standard, Section 1926.1203(a) is very clear that each employer shall have a competent person identify all confined spaces in which one or more of its employees may work. Following this the competent person shall identify each space that is a permit space.

If you are an employer on a site in which a permit space has been identified and your employees have not been authorized to enter that space you must take effective steps to prevent your employees from entering that space. On the other hand, if you decide to permit your employees to enter the permit space, you must have a permit space program that complies with the requirements of Section 1926.1204.

There is an alternate procedure that can be adopted by an employer if certain conditions are met. These conditions require that you can demonstrate that all physical hazards within the space have been eliminated or isolated through engineering controls so the only remaining hazard would arise from a hazardous atmosphere. You must also demonstrate that continuous forced air ventilation alone is sufficient to maintain that the permit space is safe for entry. You must also develop monitoring and inspection data that confirms compliance with the requirements regarding how you addressed any physical hazards. The preceding determinations must be documented and made available to any employee who is to enter the space.

If permit spaces are identified the employer must have in place a permit-required confined space program. This program includes, at a minimum: (1) implementing measures necessary to prevent unauthorized entry; (2) identifying and evaluating the hazards of the permit spaces; and (3) developing and implementing the procedures and practices necessary to safely enter the permit space. In addition the permit space must be evaluated when entry operations are conducted and certain specified equipment must be provided. This includes testing and monitoring equipment. Finally, when entry is made one attendant must be provided for the permit space.

The permitting process is quite detailed. An entry supervisor must monitor the entry and be prepared to terminate the entry under certain conditions. The entry permit, once completed,
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<th>R-value, 1 Inch</th>
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must be made available at the time of entry to all authorized entrants or their authorized representatives.

The standard has a significant training obligation for the employer. Training must be provided to each employee whose work is regulated by this standard at no cost to the employee. You, the employer must ensure that the employee possesses the understanding, knowledge and skills necessary for the safe performance of the duties assigned under the standard. Retraining must be provided whenever there is a change in permit space entry operations that represents a hazard about which the employee has not been previously trained.

The attendant has specified duties. One interesting requirement is that the attendant may have no duties that “might” interfere with his/her primary duty to assess and protect the authorized entrants. For those familiar with the requirements for a safety monitor in a low-sloped roof fall protection program using safety monitors and warning lines – the safety monitor may have no responsibilities that might interfere with his duties as a safety monitor. In confined space the requirement does not seem as onerous. The standard itself implies that the attendant may have other duties, but reminds us that his/her primary duty is as attendant. So, while the safety monitor in the low-slope roof situation may have no other duties (he/she may not even use a cell phone), the permit confined space attendant may be permitted some other duties within the parameters of the standard. The attendant must remain outside the confined space until he/she is relieved.

In addition the attendant, among other duties, must be familiar with the hazards that might be face during entry, be aware of any possible behavioral effects of hazard exposure in authorized entrants, consistently maintain an accurate count of authorized entrants in the space, and perform not-entry rescues as specified by the employer’s rescue procedures. The attendant is also required to summon rescue and other emergency services as soon as he/she determines that the authorized entrants may need assistance to escape from permit space hazards. There are several more requirements, but the preceding are probably the most important.

This standard also has a requirement for a permit confined space entry supervisor. This individual has duties similar to the attendant, only more in a supervisory role. He/she, among other duties, is to be familiar with and understand the hazards of the permit confined space, verify that appropriate entries have been made on the permit, and verifies that rescue services are available, and remove unauthorized individuals. The supervisor also is authorized to terminate the entry and cancel or suspend the permit as required by Section 1926.1205(e).

As an employer who is going to rely on outside rescue services in case of an emergency you have several responsibilities. First, you are required to evaluate a prospective rescuer’s ability to respond to a rescue summons in a timely manner. This is an interesting requirement, which actually depends on the kind of hazard(s) in the confined space. For example, Section 1926.103 requires that whenever employees are wearing respirators and are working in an atmosphere that is immediately dangerous to life or health (IDLH) there must be at least one rescuer immediately outside that area who is equipped with the necessary respiratory protection to perform a rescue if necessary. I suggest that each time you evaluate the capabilities of whomever you intend to rely upon for rescue that you document your evaluation and conclusions drawn. You must also provide the agency selected access to all permit confined spaces so that they can develop an appropriate rescue plan for each such space. There are several other requirements for the employer who chooses to use an outside agency to provide rescue services.

For the employer who chooses to use its own employees to perform a rescue there is a separate set of requirements. These include in addition to providing each member of your rescue team with all of the necessary PPE, to training each affected employee to perform his/her assigned rescue duties. Each affected employee must also be trained in CPR and first aid. If you are going to organize and rely on your own rescue team you are required by this standard to have the team practice making permit spaces rescues. At least one time every twelve (12) months these teams must practice making a simulated rescue using manikins, dummies or actual persons from actual confined spaces similar to those which might be encountered in an actual rescue operation.

The first consideration in rescue operations is that non-entry rescue is the preferred means of rescue. Non-entry rescue is to be used; “unless the retrieval equipment would increase the overall risk of entry or would not contribute to the rescue of the entrant;” Section 1926.1211(c). This decision must be made before any one enters the permit space because if non-entry rescue is designated the employer must designate an entry rescue service using either its own employees or an outside agency.

This article is intended to cover the high points of the new standard. There are many more details to the standard that mandate a close reading before and while developing your confined space program. The employer is cautioned to keep complete and accurate records. I suggest maintaining a complete record of the competent person’s evaluation of all confined spaces on all job sites. The record should also include the evaluation of each confined space and the reason(s) it was determined to be or not to be a permit confined space. For each permit confined space a record of compliance of all of the procedures required by the standard should be maintained along with all entry permits. Remember if you are inspected between August 3, 2015 and October 2, 2015, you will not be cited for a violation of the construction confined space standard if you are making a good faith effort to comply with the new standard and you are in compliance with the training requirements of either 1926.1207 or 1926.21(b)(6)(i).
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OSHA ISSUES PROPOSED RULEMAKING CLARIFYING THE ONGOING OBLIGATION TO MAKE AND MAINTAIN ACCURATE RECORDS OF WORK-RELATED INJURIES AND ILLNESSES

The Occupational Safety and Health Administration today issued a Notice of Proposed Rulemaking that clarifies an employer’s continuing obligation to make and maintain an accurate record of each recordable injury and illness throughout the five-year period during which the employer is required to keep the records.

“Accurate records are not simply paperwork, but have an important, in fact life-saving purpose,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “They will enable employers, employees, researchers and the government to identify and eliminate the most serious workplace hazards - ones that have already caused injuries and illnesses to occur.”

OSHA is issuing this proposed rule in light of the decision of the U.S. Court of Appeals for the D.C. Circuit in AKM LLC v. Secretary of Labor (Volks) to clarify its long-standing position that the duty to record an injury or illness continues for as long as the employer must keep records of the recordable injury or illness. The proposed amendments add no new compliance obligations; the proposal would not require employers to make records of any injuries or illnesses for which records are not already required.

The proposed rule will be published in the July 29, 2015, issue of the Federal Register. Members of the public can submit written comments on the proposed rule at http://www.regulations.gov, the Federal e-Rulemaking Portal. See the Federal Register notice for submission details. Comments must be submitted by Sept. 27, 2015.

OSHA PROVIDES GUIDANCE TO OSHA COMPLIANCE OFFICERS FOR ENFORCING THE REVISED HAZARD COMMUNICATION STANDARD

The Occupational Safety and Health Administration today issued instructions to compliance safety and health officers on how to ensure consistent enforcement of the revised Hazard Communication standard. OSHA revised the Hazard Communication standard in March 2012 to align with the United Nations Globally Harmonized System of Classification and Labeling of Chemicals. The revised standard improved the quality, consistency and clarity of chemical hazard information that workers receive.

This instruction outlines the revisions to the HCS, such as the revised hazard classification of chemicals, standardizing label
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elements for containers of hazardous chemicals, and specifying the format and required content for safety data sheets. It explains how the revised standard is to be enforced during its transition period and after the standard is fully implemented on June 1, 2016.

Under the standard, employers were required to train workers on the new label elements and safety data sheets by Dec. 1, 2013. Chemical manufacturers, importers and distributors had to comply with revised safety data sheet requirements by June 1, 2015. Manufacturers and importers had to comply with new labeling provisions by June 1, 2015. Distributors have until Dec. 1, 2015, to comply with labeling provisions as long as they are not relabeling materials or creating safety data sheets, in which case they must comply with the June 1 deadline.

Additional information on the revised Hazard Communication Standard may be found on OSHA’s Hazard Communication Safety and Health Topics page at http://www.osha.gov/dsg/hazcom/index.html.

NIA’S 2015 FALL SUMMIT AND INSULATION EXPO USA TO BE HELD OCTOBER 27 – 28, NEAR CHICAGO, ILLINOIS

The National Insulation Association’s (NIA’s) Fall Summit, formerly Committee Days, will take place October 27–28, 2015, at the Donald E. Stephens Convention Center in Rosemont, Illinois, which is adjacent to O’Hare Airport and 20 minutes from downtown Chicago. As part of the 2015 Fall Summit, NIA is collaborating with Reed Exhibitions to host Insulation Expo (IEX) USA, the first North American international tradeshow for the mechanical insulation industry.

For more than a decade, NIA’s Committee Days has been a successful committee-focused event. Now, NIA is excited to announce a value-added and open format to provide even more targeted opportunities for NIA members and mechanical insulation professionals to improve their craft, develop professional networks, and grow their businesses. NIA’s Fall Summit is an annual 2-day event that includes topical speakers, open committee meetings, tailored industry sessions, and networking opportunities to develop new business relationships. NIA’s goal is to provide actionable content that companies can implement immediately to improve their businesses.

NIA’s Executive Vice President/CEO Michele Jones noted, “NIA’s Fall Summit will bring a new format that will focus on member-driven educational programming and increased business networking opportunities together with an opportunity to be with mechanical insulation end users. This is an audience that has been missing from our event programming thus far. We are excited about the collaboration with Reed Exhibitions to launch IEX USA, and by our members’ response to this new opportunity to build their businesses by reaching engineers and mechanical insulation end users. This opportunity serves our mission to increase awareness of our industry’s products and services, and we encourage all members to attend this exciting new industry event.”

At NIA’s recent 60th Annual Convention in San Antonio, Texas, NIA members discussed the new Fall Summit format at each committee meeting and provided suggestions for the event.

NIA was also pleased to have representatives from Reed Exhibitions onsite in San Antonio to share the latest information about IEX USA to Convention attendees. The IEX USA tradeshow will bring mechanical insulation product supply-chain exhibitors, such as manufacturers, distributors, fabricators, and contractors to name a few, together with mechanical insulation end-users, such as engineers, specifiers, plant managers, architects, contractors, building inspectors, and code officials representing the commercial, industrial, and manufacturing sectors. The IEX USA tradeshow will take place every other year.

For more information about exhibiting at IEX USA, please visit www.iexusa.com or contact Reed Sales Manager Mark Swagerty at mswagerty@reedexpo.com or 203-840-5847. Visit www.insulation.org/events/ for more information about NIA’s upcoming events or contact events@insulation.org.

STATEMENT OF U.S. LABOR SECRETARY ON THE 25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

In honor of the 25th anniversary of the signing of the Americans with Disabilities Act, Secretary of Labor Thomas E. Perez released the following statement:

"A quarter century after its passage, the Americans with Disabilities Act remains one of the most far-reaching and groundbreaking civil rights laws in American history. The ADA has opened doors — literally and figuratively — for millions. It has leveled the playing field for people with disabilities in nearly every facet of their lives — at home, at work, at school and at play. It has given them the dignity of equal treatment and fair accommodations. It has allowed so many of our friends, neighbors and family members to come out of the shadows and realize their dreams. By changing the law, the ADA has also changed hearts and minds. It has revolutionized the way society thinks about people with disabilities.

"This anniversary is an opportunity both for reflection and renewal. While we celebrate the courage of the trailblazers who made the ADA possible and mark the momentous progress of the last 25 years, we must also be resolute about meeting the challenges that remain. Employment remains the unfinished business of the ADA. With labor force participation of people with disabilities hovering around 20 percent, we still have our work cut out for us. People with disabilities can work and want to work, just like everyone else. As a matter of basic fairness, but also to keep our economy strong, we need more of them on the job. The nation is strongest when we field a full team, when we embrace the contributions of every one of our people. We don’t have a person to spare in America."
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