WHAT’S INSIDE THIS MONTH:

- Executive Committee Summer Planning Meeting.
- President’s Message.
- Button Up Your Coating Claims Before Making Energy Representations.
- MICA Future Meeting Dates.
- U.S. Dept. of Labor Issues Revised Rule Concerning OSHA Access to Employee Medical Records.
- U.S. Department of Labor Publishes Frequently Asked Questions and Answers to Help Keep Workers Safe During the Coronavirus Pandemic.
- Virginia is the First State to Implement COVID-19 Emergency Standard.
- 2020 CIRT Sentiment Index: Third Quarter Report.
- JM Launches Complete Portfolio of Water Repellent Mineral Wool Products.
- IRS Provides Guidance on Recapturing Excess Employment Tax Credits.
- Dodge Momentum Index Loses Ground in June.

EXECUTIVE COMMITTEE SUMMER PLANNING MEETING

The MICA Board and Executive Committee is scheduled to meet on August 5, 2020, at the Stoney Creek Hotel & Conference Center in Johnston, IA. The meeting’s main focus will be to plan the fall business meeting of MICA. President Steve Sack has invited the Board of Directors, his Executive Committee, and Committee Chairs to attend. The major concern will be the potential impact of the continuing COVID-19 pandemic on MICA’s ability to conduct the meeting. The MICA office emailed the general membership a link to a six question survey asking for member responses on whether they will/would attend the fall business meeting and the pre-meeting educational seminar. If you have not completed the survey, we encourage you to do so. Your input is vital for the Board to make an informed decision on the fall business meeting. If you deleted the earlier email and want to participate, contact the MICA office and we will send you another link to the survey. The survey is only six questions and will take you a couple of minutes to complete.

At its June meeting, the Board approved a pre-meeting educational seminar “specification reading”. 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.

This year’s fall business meeting is tentatively scheduled for October 15 & 16, 2020, Omaha Marriott Downtown, Omaha, NE. The room rate for this year is $139 per night, single or double occupancy. The seminar is tentatively scheduled for Wednesday afternoon, October 14, 2020.

The Board will be reviewing several technical topics for presentations but is open to suggestions from the general membership. President Sack will be developing the technical program and the pre-meeting seminar around his theme. He has already heard from some of the members regarding topics for the fall meeting. If you have a topic that you feel would be of interest to the membership, please contact President Sack or the MICA office. Steve can be reached at Sprinkmann Insulation (309) 674-5112. Steve values your suggestions and input, so please call him with your ideas. He will be delighted to visit with you!

The Executive Committee has several items of business to conduct in addition to setting the technical program for the fall business meeting. We will share the Board’s decision on the fall business meeting by email. If you have not been receiving emails from the MICA office, please send us your email address, and we will add you to our email listserv.
PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

“The only thing you sometimes have control over is your perspective. You don’t have control over your situation. But you have a choice about how you view it.”

Chris Pine, American Actor

I hope everyone had a happy and safe Fourth of July! I can’t believe we are halfway through July. Not having our Spring convention was a disappointment, but the board met on a Zoom call and has some great ideas moving forward to keep the members engaged. My family spent the Fourth in Louisville, Kentucky, for my son’s baseball tournament. It was great to see live sports again and some sort of normalcy, but there was social distancing, masks and no concessions.

During the lockdown, I fed my addiction for sports by watching ESPN’s 30 for 30 and e:60. One of the episodes of e:60 I watched was about Alex Smith, the then, Washington Redskins starting quarterback in 2018. On November 18th that year, he suffered a leg injury similar to Joe Thiesmann, another Washington quarterback. Both injuries happened on November 18th, on the opponent’s 24 yard line, on third and nine. After several surgeries, Alex was about to go into surgery to save his leg. His wife was upset and crying because there was a possibility he could die during surgery. She wanted him to have his leg amputated, which was less risky, but he wanted to play football again. Sitting on his hospital bed, he looked at his wife and said, “Do you know how many millions of people would love to trade places with me?” Talk about perspective! After watching that episode, I wondered how many people would love to trade places with me. My first thought was not many, if anyone, but the more I thought about it, I began to realize that I have had a very blessed life, with a wonderful wife, great kids, and a great job in an awesome industry. I believe all of us are blessed to work in a great and unique industry that has provided so much for each of us and our families. Once again, I want to thank Gess Kremers for introducing me to the insulation industry, and to Ed Morrow, for introducing me to MICA.

The point of all this is to remember, no matter how bad life or work has gotten, it could always be worse. I say all the time when I hear people at work complaining, “Don’t focus on what you don’t have, and focus on what you do have.” The next time you get frustrated or upset, just think about how many people would love to switch places with you.

I hope we are able to finally meet in August for the summer planning meeting, and in October for the Fall business meeting. If not, I hope all the members participate in whatever the Board puts together in place of our in-person meetings. If we are able to meet, I would love to see everyone in Omaha in October.

“Gratitude is one of the strongest and most transformative states of being. It shifts your perspective from lack to abundance and allows you to focus on the good in your life, which in turn pulls more goodness into your reality.”

Jen Sincero, American Author

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Ask consumers what would make their lives easier and some lists might include a more comfortable home and lower bills. Four cases just filed by the FTC challenge allegedly deceptive R-value, energy-savings, or money-savings claims by unrelated companies that sell a variety of architectural coatings for houses and other structures.

First, a little R-value refresher. Most consumers are out in the cold when it comes to evaluating insulation claims, but a product’s R-value – a measure of its resistance to heat flow – offers some insights. The higher the R-value, the greater the insulating power. By using the R-value and other information to choose products that suit their needs, consumers can improve the energy efficiency of their homes and bring down their bills. When it comes to insulation, most people are familiar with the fluffy stuff – fiberglass batt – and perhaps foam products. But those aren’t the only kind. The coatings at issue in these cases are typically applied like house paint, although at a slightly greater thickness, and are all marketed to insulate walls and roofs.

FG International. F & G International Group Holdings, LLC, FG International, LLC, and J. Glenn Davis manufacture and market coatings, including one called FGI-4440. The Georgia-based defendants claimed that FGI-4440 applied at a thickness of 0.25 millimeter provides “extreme insulation value” and offers “an equivalent R value greater than 30.” Citing the results of purported ASTM Thermal Conductance and Thermal Conductivity tests, the defendants further claimed that tests support what they said about their product. But the FTC alleges that when applied at the recommended thickness, the product yields an R-value significantly less than one – and nowhere near the advertised R-30. Furthermore, according to the complaint, the purported test results don’t support the defendants’ R-value claims.

SPM Thermo-Shield. In ads, packaging, and promotional materials, Florida-based SPM Thermo-Shield, Inc., Peter J. Spiska, and George P. Spiska made R-value and energy-savings claims for their Thermo-Shield Roof Coat, Thermo-Shield Exterior Wall Coating, and Thermo-Shield Interior Wall Coating. The defendants represented that Thermo-Shield coatings are “a thermal barrier that is reluctant to conduct heat and reflects as well as dissipates heat away from the surface,” and that they have “an insulation equivalent to an R-22 against solar heat.” In addition, the defendants said that using Thermo-Shield “CAN SAVE UP TO 50% ON YOUR HEATING AND COOLING COSTS.” But according to the FTC, the R-value of Thermo-Shield coatings applied as instructed isn’t R-22, but actually is considerably less than one. What about those money-savings claims? Unsubstantiated, says the FTC. The lawsuit also alleges that by giving promotional materials that included deceptive claims to resellers like builders, dealers, installers, and building supply stores, the defendants provided them with the means and instrumentalities for violating the law.

Superior Products International II. The FTC’s action against Kansas-based Superior Products International II, Inc. and Joseph E. Pritchett challenges representations for Super Therm and Sunshield roof and wall coatings. The defendants said their products provide energy savings of “between 40% and 70%,” a claim the FTC alleges is unsubstantiated. They also represented that Super Therm provides a “benefit comparable to R 19,” has “a R-19 Equivalent Rating,” and has the same insulating qualities as six inches of “traditional fiberglass insulation.” What’s more, they described Sunshield as a “[c]ost-efficient alternative with similar performance characteristics to Super Therm.” The complaint challenges the defendants’ representations as deceptive. According to the FTC, the defendants lacked support for their energy savings claims and the coatings actually have R-values of much less than one – not the claimed R-19. The complaint also includes a “means and instrumentalities” count, alleging the defendants gave their distributors brochures, charts, videos, etc., that contained similar misrepresentations – claims the distributors passed on to consumers.

SuperTherm. Based in Arizona, SuperTherm, Inc., Roberto Guerra, and Susana Guerra sell MultiCeramics Insulation. Advertising “R Equivalent INSULATION COATING THAT REALLY WORKS!”, the defendants’ promotional materials refer to the coating as “RE19” – meaning the equivalent of R-19. But according to the FTC, the coatings don’t significantly restrict heat flow and certainly don’t perform to the standard the defendants claim. The complaint alleges that when applied at the recommended thickness, the coatings offer an R-value of considerably less than one.

(Continued on page 9)
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FUTURE MICA MEETING DATES

CANCELED — 63rd Annual Spring Convention — June 22 — 25, 2020, Lodge of the Four Seasons, Lake Ozark, Missouri.

Fall 2020 Annual Fall Business Meeting — October 15 & 16, 2020, Omaha Marriott Downtown, Omaha, NE.

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.

65th Annual Spring Convention — June 20 — 23, 2022, TBD.

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.
Accurate R-values are essential to consumers trying to stave off the summer heat and keep things cozy when it gets cold. If you want to tout the energy-saving properties of your products, you need solid scientific support for what you say. Even at this preliminary stage, these cases serve as a reminder for companies to substantiate their R-value, energy-savings, and money-savings claims.

U.S. DEPARTMENT OF LABOR ISSUES REVISED RULE CONCERNING OSHA ACCESS TO EMPLOYEE MEDICAL RECORDS

WASHINGTON, DC – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has revised the Rules of Agency Practice and Procedure Concerning Occupational Safety and Health Administration Access to Employee Medical Records. The rule describes internal procedures that OSHA personnel must follow when obtaining and using personally-identifiable employee medical information.

OSHA has identified and amended several provisions of the regulation in order to improve efficiency in implementing these internal procedures. The final rule:

- Transfers the approval of written medical access orders (MAOs) from the Assistant Secretary of Occupational Safety and Health to the OSHA Medical Records Officer (MRO). The MRO is responsible for determining the transfer and public disclosure of personally-identifiable employee medical information in OSHA's possession;
- Clarifies that a written MAO does not constitute an administrative subpoena; and
- Establishes new procedures for the access and safeguarding of personally-identifiable employee medical information maintained in electronic form.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to help ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.
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WASHINGTON, DC - On July 13th, The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) published a final rule revising the beryllium standard for general industry. The final rule includes changes designed to clarify the standard, simplify or improve compliance. These changes maintain protection for employees while ensuring that the standard is well understood and compliance is simple and straightforward.


The compliance date of this final standard as modified is September 14, 2020. OSHA has been enforcing most of the provisions for general industry since Dec. 12, 2018. The agency began enforcing the provisions for change rooms and showers on March 11, 2019, and engineering controls on March 10, 2020. The final standard will affect approximately 50,500 workers employed in general industry and is estimated to yield minor net cost savings to employers.

WASHINGTON, DC – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has published frequently asked questions and answers to help employers and workers from exposure to the coronavirus.

"OSHA developed these FAQs based on inquiries received from the public," said Principal Deputy Assistant Secretary of Labor for Occupational Safety and Health Loren Sweatt. "OSHA is committed to giving employers and workers the information they need to work safely in this rapidly changing situation."

The FAQs provide guidance to employers and employees about topics such as the best practices to prevent the spread of infection during the coronavirus pandemic, (Continued on page 14)
workers' rights to express concerns about workplace conditions, testing for the coronavirus, worker training and returning to work.

These FAQs are the latest effort by OSHA to educate and protect America's workers and employers during the coronavirus pandemic. OSHA has also published Guidance on Preparing Workplaces for COVID-19, and more recently, Guidance on Returning to Work to assist employers reopening non-essential businesses and their employees resuming operations and reopening workplaces during the evolving coronavirus pandemic.

For further information and resources about the coronavirus disease, please visit OSHA's coronavirus webpage.

VIRGINIA IS THE FIRST STATE TO IMPLEMENT COVID-19 EMERGENCY STANDARD

By Brad Hammock, Lauren M. Bridenbaugh, and Melissa Harclerode on July 16, 2020

On July 15, 2020, Virginia became the first state in the nation to implement an emergency temporary standard (“ETS”) to address the COVID-19 pandemic. The ETS covers every employer in the Commonwealth and includes mandatory requirements for all employers (with additional requirements for workplaces with certain exposure risk levels), training and leave requirements, and an anti-discrimination provision.

The ETS will take effect the week of July 27, 2020 on a date to be determined. Once in effect, employers will have 30 days to comply with the training requirements on the ETS and 60 days to comply with the training requirements on the employer’s infectious disease preparedness and response plan (“Plan”).

The ETS requires each employer to assess the “exposure risk level” of disease-related hazards present for job tasks undertaken by employees at each place of employment. The exposure risk levels articulated in the ETS are “very high,” “high,” “medium,” and “lower.” The ETS defines factors that employers should consider when assessing their exposure risk levels but also defines these risk levels.

The ETS indicates that, to the extent an employer “actually complies with requirements contained in CDC publications, whether mandatory or non-mandatory to mitigate SARS-CoV-2 virus and COVID-19 disease related hazards or job tasks addressed by this [ETS], the employer’s actions shall be considered in compliance with this [ETS].” The ETS does not, however, identify what constitutes a “CDC publication” nor does it explain how the state will decide whether an employer is complying with any such CDC publications.

Despite the exposure risk levels that a workplace falls under, the ETS contains certain mandatory requirements for all em-
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Employers in Virginia. These include:

- Conducting an exposure assessment of all workplaces and classifying each job task according to the exposure hazards.
- Developing and implementing policies and procedures for employees to report when they are experiencing symptoms consistent with COVID-19 when no alternative diagnosis has been made.
- Prohibiting employees or other persons known or suspected to be infected with the virus from reporting to or remaining at the work site until cleared to return to work.
- To the extent feasible and permitted by law, ensuring that sick leave policies are flexible and consistent with public health guidance and that employees are aware of these policies.
- Discussing with subcontractors and companies providing contract or temporary employees about the importance of employees staying home if they are suspected or known to have COVID-19.
- To the extent permitted by law, establishing a system to receive notice of any positive SARS-CoV-2 tests by employees, subcontractors, contract employees, and temporary employees who were present at the place of employment within the 14 days preceding the positive test and provide certain notifications to their own employees, the employees of others, the building/facility owner, the Virginia Department of Health, and the Virginia Department of Labor and Industry, depending on specific circumstances articulated in the ETS.
- Ensuring employees have access to their own virus and disease-related exposure and medical records.
- Developing and implementing policies and procedures for employees to return to work.
- Ensuring employees observe physical distancing on the job and during paid breaks.
- Closing or controlling access to common areas.
- Ensuring compliance with respiratory protection when multiple employees are occupying a vehicle for work purposes.
- Ensuring compliance with respiratory protection when the nature of an employee’s work or work area does not allow physical distancing.
- Complying with specific sanitation and disinfection requirements articulated in the ETS.

The ETS also requires additional engineering and administrative controls to be implemented depending on the job task or hazard’s exposure risk level.

As for training requirements, Virginia employers must train their employees on the ETS and may also be required to develop and implement a written Plan with very specific issues to be addressed in such Plan and to train their employees on this Plan as well.

Finally, the ETS contains an anti-discrimination provision that prohibits employers from discharging or discriminating against employees exercising their rights under the ETS, voluntarily wearing their own personal protective equipment, and raising a “reasonable concern about infection control related to COVID-19.”
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The third quarter of 2020 experienced a return of optimism in both the overall Sentiment Index and in the Design Index segment when compared with last quarter’s results. The Sentiment Index surged from 21.6 to 52.1, while the Design Index increased from 39.8 to 49.3, historic rises in both measures. This rebound appears to reflect improved confidence through the end of the year, particularly compared to the significant losses experienced during the second quarter. Government stimulus, relaxing of social distancing restrictions, states reopening businesses and travel, as well as improved client confidence have all contributed to improved expectations, especially across construction-focused members. However, if the Design Index continues to remain below 50, it would tend to indicate or suggest fewer construction opportunities in the future.

Over the past quarter, CIRT members were asked, on an ongoing basis a series of questions addressing organizational response and industry impact of the various economic disruptions seen through the first half of the year (including COVID-19, depressed oil prices, market volatility, etc.). Since March, nearly all respondents have limited business travel and staff exposure both on-site and at the office, while nearly half have reduced staff and overhead.

Notwithstanding over time, it is encouraging to track receding organizational response, particularly fewer postponed spending decisions, meetings and project schedules. Similarly, fewer project disruptions over time have been associated with state and local restrictions, resource availability and/or decline in labor productivity. However, industry demand modifications over the same periods indicate an increasing share of respondents have experienced postponed or canceled projects due to shifting owner- or economy-related dynamics.

Current issues topics in this quarter’s survey addressed perceived change in worker productivity, compensation adjustments, sources of news information and U.S. versus international recovery. Just over half of all respondents reported productivity declines on active job sites following social distancing policies (52%), and just under one-third reported lower productivity among office staff (31%). Going forward, most remote work policies will include more flexibility (89%). For domestic and international social, economic and political news, respondents primarily rely on newspapers (62%) and television news networks (52%). For design and construction industry news, respondents most frequently utilize internet news aggregators (65%) and magazines (59%). Lastly, fifty percent of respondents expect the U.S. will recover faster compared to other foreign countries, while (23%) see the timing about the same with another (21%) that suggest recovery timing and performance will be mixed. Only (5%) expect U.S. will be slower compared to other foreign countries.

Among the industries represented by CIRT’s member base, lodging, office, education and international work are projected to experience the biggest short-term declines across both the design and construction industries. The design industry’s long-term view of project growth remains positive, with every sector tracking above 3.0. The construction industry’s long-term view is similarly optimistic, with just two of the 10 sectors projected below 3.0 (lodging and office).
COVID-19 CRUSHES CONSTRUCTION STARTS IN MOST METRO AREAS DURING FIRST-HALF 2020

NEW JERSEY—July 22, 2020—The COVID-19 pandemic and resulting recession have wreaked havoc on U.S. building markets. According to Dodge Data & Analytics, commercial and multifamily starts were quite healthy during January and February but stalled as the pandemic hit the nation in March. For the first three months of 2020, U.S. multifamily and commercial building starts inched up 1% from the same period of 2019. The commercial and multifamily group is comprised of office buildings, stores, hotels, warehouses, commercial garages, and multifamily housing. Not included in this ranking are institutional building projects (such as educational facilities, hospitals, convention centers, casinos, transportation terminals), manufacturing buildings, single family housing, public works, and electric utilities/gas plants.

The full force of the pandemic bore down on U.S. construction starts in April as economic activity virtually shut down and local restrictions on construction took effect. Construction resumed in some areas in May allowing starts to post a mild gain over the month. Advances continued in June. However, the damage to commercial and multifamily construction during the first half of the year was palpable. Starts plunged 22% below the first half of 2019, with only warehouse construction posting a very small gain. Commercial and multifamily construction starts in the top 20 metropolitan areas posted a similar drop of 22% through the first six months of 2020.

In the top 10 metro areas, commercial and multifamily starts slid 21% and only one metro area posted an increase. The New York metro area held on to its top spot, despite falling 24% below year-ago levels to $11.5 billion. Washington DC held to second place even though commercial and multifamily construction starts fell 42% to $4.2 billion. The Dallas TX metro area rounded out the top three, with commercial and multifamily activity dropping just 2% to $3.8 billion. The remaining markets in the top 10 were Los Angeles CA (-18% to $3.3 billion), Chicago IL (-9% to $3.0 billion), Boston MA (-31% to $3.0 billion), Miami FL (-16% to $2.8 billion), Phoenix AZ (+82% to $2.8 billion), Austin TX (-12% to $2.4 billion), and Houston TX (-38% to $2.4 billion).

Among the second-tier (ranked 11-20) metro areas, commercial and multifamily starts plummeted 25% with just one metro area posting an increase. The second tier metros include Atlanta GA (-32% to $2.4 billion), Philadelphia PA (-25% to $2.1 billion), Seattle WA (-26% to $1.6 billion), Orlando FL (-28% to $1.3 billion), Nashville TN (-45% to $1.3 billion), Portland OR (-33% to $1.1 billion), Denver CO (-15% to $1.1 billion), Kansas City MO (-20% to $1.1 billion), Tampa FL (-19% to $941 million), and Detroit MI (+96% to $929 million).

“The COVID-19 pandemic and recession have devastated most local construction markets,” stated Richard Branch, Chief Economist for Dodge Data & Analytics. “Across the board, building projects have been halted or delayed with virtually no (Continued on page 22)
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sector immune from damage. Construction starts have begun to increase from their April lows and there is cautious optimism that as the year progresses construction markets around the country will begin a modest recovery. However, the recent acceleration of COVID-19 cases in the South and West as well as the upcoming expiration of expanded unemployment insurance benefits (from the CARES Act) puts the recovery at significant risk and could undermine the construction sector’s ability to grow."

JOHNS MANVILLE LAUNCHES COMPLETE PORTFOLIO OF WATER-REPELLENT MINERAL WOOL PRODUCTS

DENVER – Monday, July 20, 2020 – Johns Manville (JM), a leading global manufacturer of energy-efficient building and industrial insulation products and a Berkshire Hathaway company, announced today the launch of a complete portfolio of water-repellent, mineral wool industrial insulation materials, adding v-groove pipe, industrial board, blankets and fittings.

JM broadened its portfolio of MinWool-1200® water-repellent products in response to growing demand for water-repellent materials in the industrial insulation market. Water repellent MinWool-1200 insulation will now be available in the following products:

- MinWool-1200® Pipe
- MinWool-1200® Mitered Fittings
- MinWool-1200® Industrial Board
- MinWool-1200® Flexible Batt
- MinWool-1200® Pipe and Tank Wrap
- MinWool-1200® Lamella Tank Wrap
- MinWool-1200® Metal Mesh Blanket
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(Continued on page 24)
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Long known for its weatherproof cladding and vapor barriers, Polyguard’s Mechanical Division now offers superior insulation systems (including corrosion protection for CUI) targeting below ambient and chilled water applications.

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Increasing the number of products in our water-repellent mineral wool portfolio is an important step toward supporting the evolution of the industrial insulation industry,” said Jeff Semkowski, Industrial Portfolio Manager for Johns Manville. “We are seeing an increased emphasis on water-repellent insulations as a method of defense against corrosion under insulation (CUI), and our water-repellent MinWool-1200® portfolio can support this shift. An additional line of defense against potential water ingress on an industrial system is a benefit for the engineers, contractors, and owners who design, build, and operate it.”

The launch of a complete MinWool-1200 water-repellent portfolio follows the 2019 release of water-repellent MinWool-1200® Pipe insulation. Each of JM’s MinWool-1200 water-repellent products are tested in accordance with either BS EN 13472 (pipe) or BS EN 1609 (board), a British Standard test method that measures weight gain by partial immersion in water.

Jack Bittner, Senior Industrial Product Manager for Johns Manville, explained that MinWool-1200 insulation materials will continue to offer the same, reliable performance JM customers have come to expect from the product.

“MinWool-1200 insulation remains unchanged in its performance characteristics. It can still be used in applications with operating temperatures up to 1200°F, and it is still lightweight; the only difference is that our MinWool-1200 insulations now also inhibit water intrusion,” Bittner said. “Beyond the benefits of traditional mineral wool insulation, our water-repellent, v-grooved insulation ships flat, saving on shipping costs and jobsite storage.”

JM will begin producing the new line of water-repellent MinWool-1200 products on July 20 in Phenix City, Alabama and in Houston, Texas (fabricated pipe, lamella wrap and fittings).

IRS PROVIDES GUIDANCE ON RECAPTURING EXCESS EMPLOYMENT TAX CREDITS

WASHINGTON – The Internal Revenue Service issued a temporary regulation and a proposed regulation to reconcile advance payments of refundable employment tax credits and recapture the benefit of these credits when necessary.

The regulations authorize the assessment of erroneous refunds of the credits paid under both the Families First Coronavirus Response Act (Families First Act) and Coronavirus Aid, Relief and Economic Security Act (CARES Act).

The Families First Act generally requires employers with fewer than 500 employees to provide paid sick leave for up to 80 hours and paid family leave for up to 10 weeks if the employee
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is unable to work or telework due to COVID-19 related reasons. Eligible employers are entitled to fully refundable tax credits to cover the cost of the leave required to be paid.

The CARES Act provides an additional credit for employers experiencing economic hardship due to COVID-19. Eligible employers who pay qualified wages to their employees are entitled to an employee retention credit.

The IRS has revised or is in the process of revising the Form 941, Form 943, Form 944 and Form CT-1, so that employers may use these returns to claim the paid sick and family leave and employee retention credits.

Employers may also receive advance payment of the credits up to the total allowable amounts. The IRS has created Form 7200, Advance Payment of Employer Credits Due To COVID-19, which employers may use to request an advance of the credits. Employers are required to reconcile any advance payments claimed on Form 7200 with total credits claimed and total taxes due on their employment tax returns.

Any refund of these credits paid to a taxpayer that exceeds the amount the taxpayer is allowed is an erroneous refund for which the IRS must seek repayment.

For more information on the employer credits, see Employer Tax Credits on the IRS website.

(Continued from page 24)

DODGE MOMENTUM INDEX LOSES GROUND IN JUNE

The Dodge Momentum Index dropped 6.6% in June to 121.5 (2000=100) from the revised May reading of 130.1. 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. The institutional component of the Momentum Index fell 11.7% while the commercial component declined by 3.5%.

The Momentum Index has shifted noticeably lower as the fallout from recession continues to hold its grip on the construction sector. The overall Momentum Index fell 13% in the second quarter from the first three months of the year, with the commercial component 14% lower and the institutional component down 11%. While the recession has ended and recovery underway, the return from one of the steepest downturns in U.S. history will be slow and fraught with risk. This holds true for the construction sector as well. While projects continue to enter planning, the slower pace suggests that recovery in the construction sector will be modest in coming months.

In June, seven projects each with a value of $100 million or more entered planning. The leading commercial projects were a $200 million warehouse in Windsor CT and a $200 million office building in Somerville MA. The only institutional project over $100 million was a $115 million emergency room addition in Johnson City NY.
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