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MICA’s 63rd Annual Convention Update

The Executive Committee and the Board of Directors had a lengthy meeting concerning the upcoming June spring convention at Lake of the Ozarks. With the convention being over two months away, we have decided against a knee jerk panic reaction and have NOT canceled the conference at this time. The health of our contractor members, associate members and guests are our utmost priority.

We are continuing to monitor the ever changing landscape of dealing with the COVID-19 pandemic, and its impact on our country and our industry. If we find it necessary to cancel the June convention due to the resort’s inability to provide the services necessary or the inability of our members to attend due to the ongoing concern of this pandemic, we will inform you of that decision as soon as possible.

We hope, God willing, that by mid June, a clearer picture of the impact of the pandemic will emerge, and we will be able to “Move Forward” with a celebration of life and survival of this horrific pandemic.

We ask that you continue your plans to join us in this celebration of “Moving Forward” by reserving your room at the resort and completing your registration information. Full refunds of your registration fees will be honored up to June 1st or to the date that we and the resort deem it necessary to cancel the convention.

Until that time, President Matt Hymer and his wife, Holly, wish to extend a warm MICA invitation to you to join them as our association engages in “Moving Forward”. One of the key benefits of belonging to MICA is your ability to work with fellow members to improve your business acumen and to better your industry. Come and participate as we share ideas at our annual convention this June 22 – 25, 2020, at the Lodge of Four Seasons Resort, in Lake Ozark, Missouri. Our 63rd Annual Spring Convention will be a special event, and one that you do not want to miss! The timing and location of this year’s meeting is designed to allow those of you who would like to extend the meeting into a vacation time for the entire family to do so. The Lake of the Ozarks area, coupled with the Lake, is ideal for a family getaway. The Lodge of Four Seasons has been serving guests since 1965. The 3,500-acre community of Four Seasons provides a family

(Continued on page 6)
Bet this was a St. Patty’s day like you’ve never experienced before!

COVID-19……

Without question, it has changed our lives and needs to be taken seriously. While the media is vital in providing information to assist in educating the public about how the virus spreads and how to avoid the disease, it has also done a fantastic job of scaring the shit out of everyone! Providing important information is one thing. Fearmongering and adding to the panic are something completely different. People out and about patronizing things like restaurants, bars, movie theaters, concerts, hotels, is what makes this economy hum. The severe curtailing of that, not to mention jobs lost or eliminated, is going to hurt millions of Americans.

While this is unprecedented territory, ironically it ties into my theme of “Moving Forward”. As rough as it may get here for the next few months, I promise you the sun will rise in the East; Every day. It really does tie into a few points we discussed over the last several months:

**Change how you think about hardship.** We are the most spoiled generation EVER. Buckle down and adjust to what’s happening around you. Sometimes it’s easier said than done but remember, IT COULD ALWAYS BE FAR WORSE.

**Learn from this experience.** I could insert some comments about the government and media here, but I’ll hold my tongue…..for now. Be better prepared for the next thing to knock you off your feet. Not if it comes around, but when.

**Don’t evade the problem.** You can’t hide from this. Deal with it. Don’t rely on or expect someone else to do it for you! BE RESPONSIBLE FOR YOURSELF!

**Take advantage.** There is always a silver lining in every downturn. Find it and take advantage. Grow from this difficult row.

**KEEP MOVING FORWARD!!!**

The executive board had a lengthy meeting concerning the upcoming June spring convention at Lake of the Ozarks. With the convention being right at 3 months away, we have decided against a knee jerk panic reaction and have NOT canceled the conference at this time. The health of our contractor members, associate members and guests are our utmost priority. As you well know, information concerning the virus is changing by the hour, and we will keep you advised of any changes that may develop.

Stay safe, wash your hands, use some common sense, DON’T PANIC! We WILL get through this.

On a lighter note, one thing that has not changed, KC CHIEFS ARE SUPERBOWL CHAMPIONS!!!!!!

Holly and I plan to see you in June.

I’ll keep you posted.

Matt Hymer
MICA President
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We have reserved a block of rooms at the Lodge. Our convention rate is $179 per night plus tax, single or double occupancy, including the resort fee for run of the house rooms. Specific room types are available upon request. It is highly suggested that you book your hotel reservations now! Call the reservations office at 888-265-5500 and ask for the Midwest Insulation Contractors Block. Please note that we have blocked a limited number of rooms. If you wait until the last minute to reserve your room, you run the risk that our block will be filled, and the hotel will not have any additional rooms available. As we have stated in the past, if you reserve your hotel room now, you can always cancel it later, but you may not be able to reserve a room if you wait too long. We will be monitoring our block and making room adjustments accordingly. Our block of rooms will be released on May 20, 2020, but if you wait until May 20th, the block of rooms will be filled, and we may not be able to accommodate your needs.

All reservations must be guaranteed by a valid major credit card at the time of reservation. Check in time is 4:00 p.m. and check out time is 11:00 a.m. Any guaranteed reservation not cancelled prior to 5 days of arrival will be subject to a one night room and tax cancellation fee. Any reservations that fail to arrive on the scheduled arrival date will be considered a “No-Show” and one night’s room and tax will be posted to the individual’s credit card on file.

The Board of Directors is most excited about the technical topics and speakers for the spring convention. The topics and speakers were selected to help educate and inform you on a variety of industry topics pertinent to our current business climate. We are going to have presentations that cover a wide array of topics that will help you grow your knowledge as a business professional. Our opening keynote speaker is Dan Meers. Dan Meers has been KC Wolf, the mascot of the Kansas City Chiefs, for more than 25 years. In 2006, he was selected as the first NFL mascot inducted into the Mascot Hall of Fame. Dan travels throughout the United States and the world entertaining thousands of people both in and out of costume. He has performed in over 30 states and six different countries.

On November 23, 2013, Dan Meers came within inches of losing his life while practicing a bungee jump and zip line stunt at Arrowhead Stadium... home of the Kansas City Chiefs. What Dan anticipated being the thrill of a lifetime, ended up being the spill of a lifetime. The stunt went terribly wrong, and Dan plummeted 75 feet before crashing into the stadium seats. Miraculously, Dan survived. He spent 9 days in the hospital and got some really big scars. Dan smiles when he says, “Scars are just Tattoos that come with a Cool Story”. During this powerful presentation, Dan shares his incredible story and the important lessons that he learned during his long road to recovery about leadership and about life. His enthusiasm, optimism and love for life are contagious and make Dan an inspiration to all those he meets. Whether you’re a Kansas City Chiefs fan or not, you’ll enjoy Dan Meers as he shares his unique wit and wisdom about life.

It is well known that first-aid training saves lives. It is a common component of many companies’ wellness efforts. Yet few organizational leaders choose to educate their workforces about mental illness, a set of conditions that cause more lost workdays and impairment than arthritis, asthma, back pain, diabetes, high blood pressure and heart disease.

On average, 1 in 5 U.S. adults will some form of mental illness in their lifetimes. Of those, approximately two-
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FUTURE MICA MEETING DATES

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.

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.
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 a healthcare specialist on what companies can do to help their employees better understand and address mental illness—which will also improve a company’s health.

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? My state does not permit the use of marijuana, but the state my employees will be working in does permit medical and/or recreational marijuana — so can I enforce my drug free workplace program in the state in which my employee will be working?” 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 presentation from Ms. Vicki Simpson, Sr. Manager Corporate Insurance with Performance Contracting Group.

Gary Auman will provide an update on OSHA requirements that will include a presentation on the ever changing landscape of OSHA. Mr. John Lamberton, NIA President for 2020 – 2021, will give us an update on our industry activities at the national level.

We will have a union contractor forum, an open shop contractor forum, and an associate member forum all running simultaneously. This approach allows more of the members to participate in craft issues without being part of a formal committee. You will have the opportuni-

(Continued on page 12)
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ty to interact with other MICA members with similar business concerns.

The New/Young Professionals Committee was established to give those individuals who are new to the insulation industry a forum to meet and discuss issues unique to their position in the industry. Rudy Nigl with L & C Insulation and a member of the Board of Directors, is serving as this year’s chairperson of the committee. This committee will meet on Tuesday morning, June 23, 2020, as part of this year’s spring convention. **If you are new to the industry: within 5 years, or under 40 years of age, you qualify for participation in this committee.** If you are interested in participating, come to the June convention. Be sure to contact Rudy Nigl by email at rudyn@lcinsulation.com, or the MICA office at mica@micainsulation.org, and let us know of your interest and that you will be attending the June meeting.

We will recognize those companies that participated in our twelfth annual **“Best Practices in Safety” Award**. This award was established to formally recognize our member firms’ efforts in safety and safety practices. This year, we again will use the grading system that recognizes each applicant’s achievement in developing a quality safety program. On our second day of meetings, representatives of the participating firms will meet in a **roundtable discussion on safety**. They will share with us their efforts in promoting safety and establishing best practices in safety.

The Board of Directors feels that each presentation will add value to your understanding of the technical topics discussed. You will come away from the convention more informed and better prepared to successfully manage your business. It is the Board’s intent to make this convention attractive to our membership in its location, cost and program content. In this light, our registration fee has been adjusted to encourage additional member participation. The registration fee is $625.00 for the first attendee from a member company. Registration for all additional attendees from a given company is reduced to $600. The registration fee is $1,200.00 for the first member and spouse registered from a member company. Registration for all additional registered couples from a given company is reduced to $1,150.00. This year we have included a children’s registration for the **Welcome Reception and Farewell Brunch** events only. The fee is $30.00 to $60.00 per child. The Board is delighted to offer this incentive for multiple attendees from member companies. The benefit of joining an association comes from participating in association activities.

The twenty-second annual **“Mick Van Horn Memorial Golf Tournament”** is set for Tuesday afternoon, June 23, 2020, at The Lodge’s Cove Golf Course. We will have a box lunch available beginning at 12:00 p.m. followed by a shotgun start at 1:00 p.m. The course is located only minutes from our hotel, and the hotel does provide a complimentary shuttle to the course. We still have the four-person scramble format for you to enjoy. This year’s fee is $105.00 per golfer, which includes a box lunch, cart, green fees, complimentary use of practice and range area, and of course, prizes. Please read the golf registration carefully. Payment for golf must accompany the registration fee. Please complete the golf portion of the registration form as fully as possible, especially the handicap information. This is essential for us to properly match the foursomes. **You need to register for the golf tournament by May 15, 2020.**

The entire program also affords you ample time for fun and relaxation and to interact with your fellow contractors and distributors. We have the traditional opening evening Welcome Reception. This year’s reception is sponsored in part by the contributing associate members. We will feast on hors d’oeuvres, libations, and renew friendships. Our gala dinner and dance will be on Wednesday evening. This year’s gala is **casual** with a western theme. Jeans and casual western shirts are in order. But please, no shorts and tee shirts.

Complete registration material was mailed to the general membership earlier this month. Your cooperation in **completing the pre-registration material early** and making your hotel reservations **early** is most appreciated. We ask that your registration be completed and payment made to the MICA office **no later than May 15, 2020 if you wish to receive a complimentary sport shirt**. We will work with you on refunds if you inform us on a timely basis. Your help and understanding on this matter is most appreciated.

Now is the time to plan for your participation at MICA’s 63rd annual spring convention. Please join Matt, Holly, the entire Board of Directors and fellow MICA members in Lake Ozark, MO, June 22 – 25, 2020, for our annual spring convention and be a part of “Moving Forward”.
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NIA CANCELS ANNUAL CONVENTION TO PROTECT THE HEALTH AND SAFETY OF MEMBERS

For the safety of our members, the NIA Executive Committee has canceled the NIA Annual Convention due to coronavirus (COVID-19) overwhelming concerns. Thank you for your patience as we navigated and negotiated with the hotel. NIA will be issuing full registration and golf tournament refunds to all registrants over the next few weeks. You do not need to contact us to receive your refund.

For some good news, we were notified that hotel reservations have been automatically canceled for NIA Convention attendees who booked their rooms within NIA’s discounted room block at the JW Marriott Scottsdale Camelback Inn Resort & Spa. The hotel has emailed a notification of the cancellation. If you have any doubt regarding your reservation, please contact the hotel directly at 1-800-582-2169.

The Silent Auction has been postponed to the 2021 Convention in Hawaii and the NIA staff will be reaching out to the donors. The charities will remain the same in 2021. NIA will also be reaching out to all 2020 Convention sponsors on an individual basis.

Again, thank you for your patience as we worked diligently with the hotel to protect the health and safety of our members and their membership dollars from devastating penalties. Fortunately, we were successful with these efforts. We look forward to seeing you at the NIA Fall Summit and at the 2021 Convention in Hawaii.

Should you have any questions, please contact the NIA staff for assistance. For your health and safety, we will continue to post resources and safety advice on the website. Information from the CDC, WHO, and OSHA is available on the NIA website.

7TH ANNUAL NATIONAL SAFETY STAND-DOWN TO PREVENT FALLS POSTPONED DUE TO COVID-19

WASHINGTON, DC – The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) announced that it has postponed the 7th annual National Stand-Down to Prevent Falls in Construction, originally scheduled for May 4-8, 2020, due to the COVID-19 pandemic. The event will be rescheduled this summer.

Falls remain the leading cause of fatal injuries to workers in the construction industry. While the National Stand-
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(Continued from page 14)

Down is postponed, OSHA encourages employers to remain vigilant and to use all available resources, including those at https://www.osha.gov/StopFallsStandDown/ to enhance worker safety.

For the latest on coronavirus, and for tools and resources to prevent worker exposure, OSHA encourages employers and the public at-large to visit the OSHA COVID-19 and the CDC COVID-19 webpages.

WHY MULTISTATE?

In an email to the membership earlier this month, we informed you of a website that regularly updates information on state orders for essential businesses and closures. The website address is https://www.multistate.us/pages/covid-19-policy-tracker. This site is developed by MultiState. The paragraphs below are taken from their website and explains who they are and what they do as a company. This is an FYI regarding the source of the email notice that was sent to the general membership of MICA.

MultiState is a full service state and local government relations company. At MultiState, we deliver extraordinary solutions so our clients can act with confidence to achieve their goals. Our team is here every step of the way providing the tools and expertise you need. Do you need to track mission-critical issues? Launch an advocacy campaign? Find the right lobbyist? Streamline your compliance process? We’ve got you covered. And that’s just the start.

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U.S. DEPARTMENT OF LABOR ADDS TO GUIDANCE FOR WORKERS AND EMPLOYERS EXPLAINING PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE BENEFITS UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

WASHINGTON, DC – On March 28, 2020, the U.S. Department of Labor’s Wage and Hour Division (WHD) published more guidance to provide information to employees and employers about how each will be able to take advantage of the protections and relief offered by the Families First Coronavirus Response Act (FFCRA) when it goes into effect on April 1, 2020.

The latest round of guidance includes questions and answers addressing critical issues such as the definition of a “health care provider,” and the scope of the small business exemption for purposes of exclusion from the provisions of the Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act, as well as whether public sector employees may take paid family and medical leave. In addition, WHD posted its two recently released posters and fact sheets in Spanish on its COVID-19 website.

This guidance adds to a growing list of compliance assistance materials published by WHD, including the English-language versions of a Fact Sheet for Employees, a Fact Sheet for Employers, and two new required posters—one for federal workers and one for all other employees, as well as Questions and Answers about posting requirements, and a Field Assistance Bulletin describing WHD’s 30-day non-enforcement policy.

“The response to the guidance we’ve published so far has illustrated the critical need that workers and employers have for this important information,” said Wage and Hour Division Administrator Cheryl Stanton. “This round includes some of the most common questions we are receiving and will help ensure that the American workforce has all the tools and information needed in these very trying times. We encourage everyone to check the Wage and Hour Division website at https://www.dol.gov/agencies/whd/pandemic frequently, as we continue to add guidance to help everyone understand what they are entitled to as we prepare for these vital new benefits to go into effect on April 1, 2020.”

FFCRA will help the United States combat and defeat COVID-19 by offering all American businesses with fewer than 500 employees tax credits to provide employees with paid leave, either for the employee’s own health needs or to care for family members. The legislation will enable employers to keep their employees on their payrolls, while at the same time ensuring that employees are not forced to choose between their paychecks and the public health measures needed to combat the virus.

WHD provides additional information on common issues employers and employees face when responding to COVID-19, and its effects on wages and hours worked under the Fair Labor Standards Act and job-protected leave under the Family and Medical Leave Act at https://www.dol.gov/agencies/whd/pandemic.

For more information about the laws enforced by the WHD, call 866-4US-WAGE, or visit www.dol.gov/agencies/whd.

For further information about COVID-19, please visit the U.S. Department of Health and Human Services’ Centers for Disease Control and Prevention.

WHD’s mission is to promote and achieve compliance with labor standards to protect and enhance the welfare of the nation’s workforce. WHD enforces Federal minimum wage, overtime pay, recordkeeping and child labor requirements of the FLSA. WHD also enforces the Migrant and Seasonal Agricultural Worker Protection Act, the Employee Polygraph Protection Act, the FMLA, wage garnishment provisions of the Consumer Credit Protection Act, and a number of employment standards and worker protections as provided in several immigration related statutes. Additionally, WHD administers and enforces the prevailing wage requirements of the Davis Bacon Act and the Service Contract Act and other statutes applicable to federal contracts for construction and for the provision of goods and services.

IRS UNVEILS NEW PEOPLE FIRST INITIATIVE; COVID-19 EFFORT TEMPORARILY ADJUSTS, SUSPENDS KEY COMPLIANCE PROGRAMS

WASHINGTON – To help people facing the challenges of COVID-19 issues, the Internal Revenue Service announced a sweeping series of steps to assist taxpayers by providing relief on a variety of issues ranging from eas-
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The IRS is taking extraordinary steps to help the people of our country,” said IRS Commissioner Chuck Rettig. “In addition to extending tax deadlines and working on new legislation, the IRS is pursuing unprecedented actions to ease the burden on people facing tax issues. During this difficult time, we want people working together, focused on their well-being, helping each other and others less fortunate.”

“The new IRS People First Initiative provides immediate relief to help people facing uncertainty over taxes,” Rettig added “We are temporarily adjusting our processes to help people and businesses during these uncertain times. We are facing this together, and we want to be part of the solution to improve the lives of all people in our country.”

These new changes include issues ranging from postponing certain payments related to Installment Agreements and Offers in Compromise to collection and limiting certain enforcement actions. The IRS will be temporarily modifying the following activities as soon as possible; the projected start date will be April 1 and the effort will initially run through July 15. During this period, to the maximum extent possible, the IRS will avoid in-person contacts. However, the IRS will continue to take steps where necessary to protect all applicable statutes of limitations.

“IRS employees care about our people and our country, and they have a strong desire to help improve this situation,” Rettig said. “These new actions reflect just one of many ways our employees are working hard every day to assist the nation. We care, a lot. IRS employees are actively engaged, and they have always delivered for their communities and our country. The People First Initiative is designed to help people take care of themselves and is a key part of our ongoing response to the coronavirus effort.”

More specifics about the implementation of these provisions will be shared soon. Highlights of the key actions in the IRS People First Initiative can be found at the IRS website at: https://www.irs.gov/newsroom/irs-unveils-new-people-first-initiative-covid-19-effort-temporarily-adjusts-suspends-key-compliance-program
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WASHINGTON – The Treasury Department and Internal Revenue Service announced that the federal income tax filing due date is automatically extended from April 15, 2020, to July 15, 2020.

Taxpayers can also defer federal income tax payments due on April 15, 2020, to July 15, 2020, without penalties and interest, regardless of the amount owed. This deferment applies to all taxpayers, including individuals, trusts and estates, corporations and other non-corporate tax filers as well as those who pay self-employment tax.

Taxpayers do not need to file any additional forms or call the IRS to qualify for this automatic federal tax filing and payment relief. Individual taxpayers, who need additional time to file beyond the July 15 deadline, can request a filing extension by filing Form 4868 through their tax professional, tax software or using the Free File link on IRS.gov. Businesses who need additional time must file Form 7004.

The IRS urges taxpayers who are due a refund to file as soon as possible. Most tax refunds are still being issued within 21 days.

“Even with the filing deadline extended, we urge taxpayers who are owed refunds to file as soon as possible and file electronically,” said IRS Commissioner Chuck Rettig. “Filing electronically with direct deposit is the quickest way to get refunds. Although we are curtailing some operations during this period, the IRS is continuing with mission-critical operations to support the nation, and that includes accepting tax returns and sending refunds. As a federal agency vital to the overall operations of our country, we ask for your personal support, your understanding — and your patience. I’m incredibly proud of our employees as we navigate through numerous different challenges in this very rapidly changing environment.”

The IRS will continue to monitor issues related to the COVID-19 virus, and updated information will be posted on a special coronavirus page on IRS.gov.

This announcement comes following the President’s emergency declaration last week pursuant to the Stafford Act. The Stafford Act is a federal law designed to bring an orderly and systematic means of federal natural disaster and emergency assistance for state and local governments in carrying out their responsibilities to aid citizens. It was enacted in 1988.

Treasury and IRS will issue additional guidance as needed and continue working with Congress, on a bipartisan basis, on legislation to provide further relief to the American people.
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NEW CORONAVIRUS WARNING LETTERS: WHO CAN IT BE NOW?

Years ago, the Australian group Men at Work asked the musical question “Who Can It Be Now?” In the ongoing battle against Coronavirus scams, FTC staff just sent warning letters to nine companies reminding them of the potential ramifications of behind-the-scenes involvement in illegal COVID-19 promotions. The more appropriate name for the group now would be Men and Women at Work from Home, but when it comes to the conduct targeted in the letters and the companies that received them, “Who Can It Be Now?” remains a relevant question.

The recipients of the warning letters are providers of Voice over Internet Protocol (VoIP) services and companies that license telephone number who have customers that may be involved in the recent onslaught of robocalls used to further Coronavirus scams. The letters remind the VoIP providers that under the FTC Act and the Telemarketing Sales Rule, “assisting and facilitating” others involved in illegal robocalling is illegal, too. (And just as a refresher, for commercial calls, “initiating or causing the initiation of calls that deliver prerecorded messages” is illegal unless the person has given their express written permission to receive robocalls from the person or company making the calls.)

In addition, under the TSR, it’s unlawful “to provide substantial assistance or support to a seller or telemarketer” when you know or consciously avoid knowing that the seller or telemarketer is violating certain provisions of the Rule – for example, if they:

- Make false or misleading statements to get a person to buy a product;
- Make false or misleading statements to get charitable contributions;
- Misrepresent a seller or telemarketer’s affiliation with a government agency;
- Transmit false or deceptive caller ID information; or
- Initiate or cause the initiation of telemarketing calls to numbers on the National Do Not Call Registry.

Why do the warning letters focus on those examples? Because the Coronavirus robocalls consumers are receiving often involve violations of those provisions. The companies that received the letters are VoIPMax, SIPJoin Holding, IFly Communications, Third Rock Telecom, Bluetone Communications, VoIP Terminator a/k/a BLMarketing, J2 Web Services, VoxBone US, and Comet Media.

You’ll want to read the letters for more information, but the legal fundamentals of the FTC Act and Telemarketing Sales Rule shouldn’t come as a surprise to VoIP providers – or to any other business. As part of its robocall enforcement efforts, the FTC has brought assisting and facilitating claims against technology companies that knowingly provided software and servers used by illegal robocallers, even though the companies didn’t contract directly with the illegal robocallers. In addition, in a case filed with the Ohio Attorney General, the FTC alleges that a VoIP provider assisted and facilitated telemarketers which it knew or consciously avoided knowing barraged people with robocalls for bogus products.

Other actions of note: civil cases filed by the Department of Justice against VoIP companies and their owners, alleging the defendants committed wire fraud by knowingly transmitting robocalls that impersonated government agencies.

Consumers are fed up with illegal robocalls, but illegal robocalls that further Coronavirus-related deception? To quote the letters, practices that “prey upon consumer fear of the pandemic to perpetrate scams or disseminate disinformation” take things to a whole new level.

DODGE MOMENTUM INDEX INCHES LOWER IN FEBRUARY

NEW JERSEY – March 6, 2020 – The Dodge Momentum Index moved 1.8% lower in February to 148.7 (2000=100) from the revised January reading of 151.4. 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 drop in February was the result of declines in both components of the Momentum Index, with the commercial component losing 2.1% and the institutional component declining by 1.2%.

While the overall Momentum Index has declined for two consecutive months, it remains 11% higher on a year-over-year basis. The commercial component is 20% higher than a year ago, while the institutional component.
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COVID-19 cases include those among travelers, cases among close contacts of a known case, and community spread. Many types of workers may have similar exposure risks as other members of the general American public. Exposure risk may be elevated for workers who interact with potentially infected individuals, including those involved in:

- Healthcare
- Deathcare
- Laboratories
- Airline operations
- Border protection
- Solid waste and wastewater management
- Travel to areas where the virus is spreading

There is much more to learn about the transmissibility, severity, and other features associated with COVID-19 as the outbreak investigation continues. Infected people can spread COVID-19 through their respiratory secretions, especially when they cough or sneeze. According to the CDC, spread from person-to-person is most likely among close contacts (about 6 feet). Person-to-person spread is thought to occur mainly via respiratory droplets produced when an infected person coughs or sneezes, similar to how influenza and other respiratory pathogens spread. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. It’s currently unknown if a person can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or possibly their eyes.

In addition to this OSHA guidance, employers and workers should consult interim CDC guidance specific to COVID-19. CDC also provides tips on what the general public should do during the ongoing outbreak.

**U.S. DEPARTMENT OF LABOR OFFERS GUIDANCE FOR PREPARING WORKPLACES FOR CORONAVIRUS**

WASHINGTON, DC – The U.S. Department of Labor’s Occupational Safety and Health Administration (OSHA) on March 9, 2020, published “Guidance on Preparing Workplaces for COVID-19” to help companies respond in the event of coronavirus in the workplace. The guidance was developed in collaboration with the U.S. Department of Health & Human Services (HHS).
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The document provides practical guidance for preventing the spread of COVID-19, also known as novel coronavirus, and contains information on safe work practices and appropriate personal protective equipment based on the risk level of exposure.

“Protecting the health and safety of America’s workforce is a key component of this Administration’s comprehensive approach to combating the coronavirus,” said Principal Deputy Assistant Secretary for Occupational Safety and Health Loren Sweatt. “This guidance outlines practical ways that employers and workers can address potential health risks from the coronavirus in their workplaces.”

This guidance is part of the Department of Labor’s ongoing efforts to educate the workers and employers about the COVID-19 outbreak.

In addition to the guidance, OSHA recently launched a COVID-19 webpage that provides infection prevention information specifically for workers and employers, and is actively reviewing and responding to any complaints regarding workplace protection from novel coronavirus, as well as conducting outreach activities.

The Wage and Hour Division is providing information on common issues employers and employees face when responding to COVID-19, including effects on wages and hours worked under the Fair Labor Standards Act and job-protected leave under the Family and Medical Leave Act.

The Office of Workers’ Compensation Programs has also published guidance for federal employees and outlines Federal Employees’ Compensation Act coverage as it relates to the novel coronavirus.

For further information about Coronavirus, please visit the HHS’s Centers for Disease Control and Prevention.
MICA SAFETY PROGRAM REVIEW AND AWARD

This article was written by Gary Auman, MICA Legal Counsel, Auman, Mahan & Furry

MICA has always understood the importance of safety on the job site. As a result of this, MICA implemented a safety award program seven years ago. The MICA Board asked me again to prepare some comments for your consideration as to the value of participating in our safety award program. If you don’t have a good plan for getting a job done, the outcome is going to be less than satisfactory. I believe, as you should that this applies to safety - good safety performance starts with a good safety program.

I titled this article as I did because this is more than a safety award program; it is a safety program review. Try to analogize having your safety program reviewed annually to other things that you do in your life to ensure that your company’s equipment operates as intended. For those of you who passed your fiftieth birthday, I am sure that you have been advised by your family physician to have an annual or bi-annual physical. Your doctor recommends this, because he is aware that as you get older you become more prone to some of the physical problems that are connected with aging. You take a physical to make sure you have an early warning of anything that needs to be addressed before it becomes a significant problem.

This year the MICA Safety Committee is modifying our past approach to try to be more relevant and helpful to you our members. In the past we posed several questions to you as to how you approach different safety issues that confront your business. We told you to just answer the questions and not attach your safety program. For this year there is a SIGNIFICANT change. This year we are addressing only two or three safety topics and we DO WANT YOU TO ATTACH THE PART OF YOUR SAFETY PROGRAM THAT ADDRESSES THOSE TOPICS. All you have to do is attach a portion of your program (for contractors this may be your fall protection program and then TELL US WHERE in that portion of your program we will find how you deal with a particular issue. FOR EXAMPLE suppose we ask your to attach your fall protection program and then we ask you to give us the page and/or section that addresses “determining the integrity of walking and working surfaces” – you would
just give us a page and section number. We will find it, read it and grade it.

In your business, I would be surprised if any of you do not perform preventive maintenance on the equipment that you depend on to be successful as a contractor. In addition, you most likely perform other preventive maintenance such as tire rotation, etc., in order that you can avoid any significant problems.

Well, your safety program is also an integral part of your business. It too can deteriorate with age and lack of use. It too needs preventive maintenance to avoid catastrophic failure. When a safety program fails you, someone can get seriously injured or killed. Or, you can be confronted with an OSHA inspection and find out through the citations issued that your safety program is not what you thought it was and is not as effective as it needs to be.

You could pay hundreds or even thousands of dollars to have a safety consultant review your safety program. Through the MICA safety program review and awards opportunity, you can have portions of your safety program reviewed, and receive written comments from individuals who have a wealth of experience in dealing with safety issues. You will receive valuable feedback from the reviewing panel with regard to those aspects of your program which are in the competition, and you will receive recognition from MICA for your achievement in developing a quality safety program.

When you look at the MICA safety program review and awards opportunity, you have to agree that there is absolutely no reason why you should sit on the sidelines while other members of MICA, some of whom are your competitors, take advantage of this MICA member benefit. Take a few minutes, pull out the application, complete it, and send it in to MICA’s general counsel along with your check for $100.00 made payable to MICA. Be sure that it is received in time for the review committee to take a look at it and provide you with their valuable comments concerning the effectiveness of your safety program.

REMEMBER — The application submittal deadline is April 17, 2020. Your completed application form must be received by the end of the business day on April 17th. The application form is available from the MICA office. Just call or e-mail us, and we will send you a copy of the application form.