President Rich Huseman and his wife, Judy, wish to extend a warm MICA invitation to you to join them as our association engages in “Growth Through Participation”. 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 17 – 20, 2013, at the four-star, four-diamond Waldorf Astoria Naples in Naples, Florida. Set on 23 waterfront acres, this eco-smart beach resort offers a Golden Door spa, championship golf and tennis, three pools, and modern accommodations. Flawless service is woven intricately with eco-modern design and premium facilities to create a unique luxury experience at a price you can’t imagine! The hotel is also a 2012 TripAdvisor Certificate of Excellence Award recipient.

Our 56th Annual Spring Convention will be a special event, and one that you do not want to miss! The convention will follow a new format with a Monday to Thursday pattern. Based on feedback from our members, we have moved the arrival date from Sunday of Father’s Day to Monday. This will allow our members to possibly spend Father’s Day at home with family and friends.

The 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. Naples is the perfect Florida retreat for a relaxing vacation or business trip. Idyllic Gulf of Mexico surrounds, four-season sunshine, and a welcoming ambience in the city give Naples its unsurpassable charm. Naples has been ranked in the top 15 happiest places to live on the coast by Coastal Living Magazine. The city of Naples, Florida, attracts travelers with its understated sophistication and charming locals. Located on the Paradise Coast in Southwest Florida, the city plays host to miles and miles of pristine beaches and palm-lined streets. Naples’ tropical climate means year-round sunshine with only the occasional shower.

Naples’ elegant surrounds is made up of prestigious neighborhoods including Pelican Bay and Park Shore. Downtown Naples holds on to its historical roots while looking to the future with luxury stores and fine dining establishments. There is an eclectic mix of activities and attractions in Naples, providing something to keep everyone in the family entertained. Dining is varied, with everything from beachside restaurants to fine dining in the city. Sporting activities range from world-class golf courses to some of the best fishing in Florida. Naples is renowned for its art and culture with many galleries, quaint antique shops and exhibitions in the city.

Indulge yourself in luxury at the Waldorf Astoria Naples. Come prepared for some special pampering during your stay. We have reserved a block of rooms at the hotel. Our convention rate is $135 per night plus tax, single or double occupancy. It is highly suggested that you book your hotel reservations now! Call the reservations office at 888-722-1270 and ask for the Midwest Insulation Contractors Block, Reference Number MICA13. Please note that we have blocked a limited number of rooms. If you wait until the last minute to reserve your

(Continued on page 4)
PRESIDENT’S MESSAGE

TO: THE MICA MEMBERSHIP

HELLO MICA FAMILY,

I want to talk a little in this newsletter about our ever changing market and customer base. I am sure many of you encountered serious budget belt tightening with your customers of late. They invite you and maybe some your competitors to a pre-bid meeting for a job walk-through to get pricing on one of the maintenance-related insulation projects they would like done. You go through the motions of compiling your estimate and getting material pricing together. You then write your proposal explaining your scope of work along with your details and price breakdown only to find out later that they tell you that the project is canceled because of lack of funds.

Do you find yourself asking, “If its lack of funds, then why did they waist our time inviting us to the bid walk-through and having us go through the motions of putting together a competitive quote if they did not have the money”? We all know that we could have given them a budget number on the project and saved everyone a lot of time in the process if only to find out later that they never had the money to do the project anyway.

We are seeing this happen on a more regular basis due to much tighter budgets that our clients are experiencing. Did it ever occur to any of you that when your customers are telling you this that maybe they really want to do this work but need your help? Yes, the budgets have tightened up severely but maybe they just need some help from you, as the insulation expert, to justify the cost you are proposing for the project so they can take the justification back to their boss and get the project approved or moved up on the priority list of projects to do.

Think about that for a minute. What can we all do to give our customers additional help to show justification to do this project? Let me give some ideas that may help.

Can you ask your customer for any additional information that would allow this project to be capitalized so it’s not coming out of OEM money? Can you use the Certified Energy Appraisal approach to show them how much they are losing on BTU heat loss or explain to them how much carbon emissions credit they could get by doing the project? Can you get with the local utility providers (gas and electric) in the area and see if they have any incentive programs or rebates for commercial or industrial users for upgrading the insulation in these facilities? My point being, don’t be too eager to take “no” for an answer. Even more important, be a professional at what you are doing and be prepared for these objections by providing your customers this information without being asked.

The worst that could happen is they still say “NO MONEY”. But, they could say, “Hey the money that you saved me by getting us a rebate on this project is going to be spent on upgrading more of the insulation in our facility”. Who wins?????

If any of you need information on ways to get gain education on any of these ideas, I have a suggestion. You can get help on these ideas by being a MICA member and attending the MICA meetings twice a year. MICA really does have a huge value for the investment. Grab the newbie’s and grab the dinosaurs in the office and get registered for the upcoming meeting in Naples.

Judy and I, as well as the whole MICA board of directors, hope to see all you members and your families in June.

Thanks for reading, and I will talk at you all next month.

Regards,

Rich Huseman
President of MICA
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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 adjust-
ments accordingly. **Our block of rooms will be released on May 24, 2013**, but if you wait until May 24th,
the block of rooms will be filled, and we may not be
able to accommodate your needs.

The Board of Directors is most excited about the tech-
nical 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 presen-
tations that cover a wide array of topics that will help you
grow your knowledge as a business profession-
al. **Blaine Millet**, President and Chief Advocate of
WOM 10 will provide the keynote address at our open-
ing breakfast with a presentation on how to effectively
use **social media channels** in your business and at
home. He will follow up the breakfast session with a
more focused discussion of social media and its poten-
tial impact on your business. **David A. Harvey**, CEBS
will update us on all of the important decision dates in the
Affordable Care Act that will affect you in 2013.
David is a Sales Associate with the International
Foundation of Employee Benefit Plans (IFEBP). Founded in
1954, the IFEBP is the oldest and largest non-profit, non-
lobbying organization in North America whose sole
mission is employee benefits education and training.
We will hear from **Angus Crane** with NAIMA discuss
the current Administration’s viewpoint on the EPA’s vast
power, agenda, and the impact on both solar alter-
nate energy sources and on coal fired power plants.
Mr. Crane is Executive Vice President, General Counsel
to the North American Insulation Manufacturers Associ-
Prior to joining NAIMA, Mr. Crane was an environmen-
tal lawyer with the Washington, D.C. law firm of Dick-
stein, Shapiro & Morin (1990-95). Angus brings a
wealth of experience and expertise in the insulation in-
dustry to our convention. **Gary Auman** will update us
on OSHA requirements and the potential impact on your
business that will be coming from the Mine Safety and
Health Administration’s (MSHA) rulings. You will
be updated on the new MICA plates that have been add-
d to the 7th edition of the National Commercial & In-
dustrial Insulation Standards manual in 2013.

We will have a union contractor forum, an open shop
contractor forum, and an associate member forum all
(Continued on page 7)
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NEW MEMBER COMPANY

The MICA office has received the application for membership from our newest active member firm MECHANICAL SYSTEMS, INC., in Dundas, Minnesota. Joel Pumper, President, and Mike LeTempt, Insulation Division Manager, are excited about their company’s participation in MICA. Joel established Mechanical Systems Incorporated in September 2001, and the company remains family owned and operated still today. Mechanical Systems Incorporated is based on Joel’s values of honesty and ethical conduct. They work directly with a company to make sure its objectives are their objectives. They provide each company with up-front cost estimates, efficient turnaround/shutdown schedules, and detailed planning. Mechanical Systems is a merit shop contractor that operates primarily in the industrial market.

Please welcome Mechanical Systems, Inc., into MICA and add the following contact information to your MICA Directory:

Mechanical Systems, Inc.
800 Weaver Lane
Suite A
Dundas, MN 55019
Joel Pumper, President
Mike LeTempt, Insulation Division Manager
507-645-5675
Web address: www.mechanicalsystemsminnesota.com
running simultaneously. This approach allows more of the members to participate in craft issues without being part of a formal committee. This spring, neither the labor committee nor the merit shop committee will formally meet during the convention. This format will give each of you the opportunity to interact with other MICA members with similar business concerns. The associate member forum will discuss several issues of interest to our associate members regarding their membership status in MICA.

In June, we will recognize those companies that participated in our eighth 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 use the changes that we made to the “Best Practices in Safety” Award program last year. We will use the grading system that recognizes each applicant’s achievement in developing a quality safety program. With this system, companies are not competing against each other for awards. Instead each applicant will try to achieve the highest award level where multiple applicants can receive the same award level. 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 $525.00 for the first attendee from a member company. Registration for all additional attendees from a given company is reduced to $500. The registration fee is $900.00 for the first member and spouse registered from a member company. Registration for all additional registered couples from a given company is reduced to $875. This year we have included a children’s registration for the Welcome Reception and Farewell Brunch events only. The fee is $100.00 per child. The Board is delighted to offer this new incentive for multiple attendees from member companies. The benefit of joining an association comes from participating in association activities.

The fourteenth annual “Mick Van Horn Memorial Golf Tournament” is set for Tuesday afternoon, June 18, 2013, at the Naples Grande Golf Club. We have a lunch cookout beginning at 12:00 p.m. followed by a shotgun start at 1:00 p.m. The course is about a 20 minute drive (Continued from page 9)
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from our hotel, and a shuttle to the course will be provided for those who do not want to drive to the course. We still have the four-person scramble format for you to enjoy. This year’s fee is $150.00 per golfer, which includes a lunch, cart, green fees, complimentary use of practice and range area, and, of course, prizes.

The 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 dress with a topical theme in keeping with our Florida location. No suit and tie, but no jeans, shorts, or t-shirts either!

Your cooperation in completing the pre-registration material early and making your hotel reservations early is most appreciated. Your promptness helps us to plan a better, more efficient and effective convention for you. We ask that you complete and mail your registration material along with payment to the MICA office no later than May 24, 2013. It is MICA’s policy to refund 90% of your registration fee if we are notified prior to June 1, 2013. Once we have committed to the hotel with meal guarantees, we are then obligated to pay these guarantees. 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. Make plans to bring your family to the MICA convention and extend your business to include some quality family time. Now is the time to plan for your participation at MICA’s 56th annual spring convention. Make your hotel reservations today by calling the Waldorf Astoria reservation line at 888-722-1270. Please join Rich, Judy, the entire Board of Directors and fellow MICA members in Florida, June 17 – 20, 2013, for our annual spring convention and be a part of “Growth Through Participation”.

(Continued from page 7)
Wayne Worden Killion, Past President of the National Insulation Association, passed away on March 31, 2013. He was 87 years old.

Wayne was born on August 28, 1925 in Irwin, Iowa. He served in the U.S. Navy during World War II as a Line Officer on the USS Ozark. In 1964, Wayne became Vice President of Finance for Shook & Fletcher Supply Company, which he purchased three years later with five partners. Wayne served in multiple positions on the Shook & Fletcher Supply Co. Board of Directors, eventually becoming Chairman of the Board before his retirement in 2002. Wayne played a crucial role in transforming Shook & Fletcher Supply Co. (now Shook & Fletcher Insulation Co.) into one of the largest industrial insulation companies in the Southeast.

Wayne also served as President of both the Southeastern Insulation Contractors Association as well as the National Insulation Association, and received the NIA President's Award in 2004 -- the organization's highest honor. A very active advocate for the insulation industry, Wayne served as a delegate in the World Insulation Acoustical Congress Organization, and also as a treasurer for the International Insulation Contractors Organization. In recognition of his many accomplishments and dedication to his industry, he was inducted into the Birmingham Business Hall of Fame in 2011.

Wayne also enjoyed a very active civic and political life. One of Wayne's proudest accomplishments was creating the Christine Cooper Killion Scholarship Fund at Birmingham Southern College and the Christine and Wayne Killion Student Progress Scholarship at the University of Montevallo.

Wayne is survived by Christine Howard Killion, his loving wife of 67 years; his two sons, Wayne Worden Killion Jr. and Christopher Howard Killion; his five grandchildren, Wayne W. Killion III, Charles David Killion, Cooper Reever Killion, Judson Shores Killion, and Graham Shores Killion; and his sister Marjorie Lowery.

Services were held April 4 at Canterbury United Methodist Church. The family requests that, in lieu of flowers, memorials be made to the Birmingham Area Command of the Salvation Army, P.O. Box 11005 Birmingham, AL 35202.
OSHA SCHEDULES MEETING OF THE ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

The Occupational Safety and Health Administration will hold a meeting of the Advisory Committee on Construction Safety and Health May 23-24, 2013, in Washington, D.C.

ACCSH, established under the Contract Work Hours and Safety Standards Act and the Occupational Safety and Health Act of 1970, advises the secretary of labor and assistant secretary of labor for occupational safety and health on construction standards and policy matters.

The full committee agenda includes remarks from Dr. David Michaels, assistant secretary of labor for occupational safety and health and updates from the Directorate of Construction. In addition, the committee will consider six items from the proposed Standards Improvement Project IV and discuss occupational exposure to beryllium, two possible technical amendments and corrections to the Cranes and Derricks standards, the Federal Agency Procurement Construction, Health and Safety Checklist, and the two-hour introduction to the OSHA 10- and 30-hour training courses.

The meeting will be held from 10 a.m. to 1 p.m. ET, May 23 and 24 in Room C-5521, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, DC 20210. Some committee members will participate by teleconference. The meeting is open to the public.

Comments and requests to speak may be submitted electronically at http://www.regulations.gov, the Federal e-Rulemaking Portal. Comments may also be submitted via mail or facsimile. See the Federal Register notice for details. Comments and requests to speak must be submitted by May 16, 2013.

OSHA ISSUES FINAL RULE TO PROTECT WORKERS USING CRANES AND DERRICKS IN DEMOLITION AND UNDERGROUND CONSTRUCTION

The Occupational Safety and Health Administration today issued a final rule that applies the requirements of the (Continued on page 17)
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FUTURE MICA MEETING DATES

56th Annual Spring Convention — June 17 — 20, 2013, Waldorf Astoria Naples, Naples, Florida. [Please note that the convention will begin on the Monday after Father’s Day. This slight change in the schedule is the direct result of member feedback to the Board].

Fall 2013 Annual Fall Business Meeting — October 16 & 17, 2013, Embassy Suites Downtown, Omaha, NE.

57th Annual Spring Convention — June 16 — 19, 2014, Eagle Ridge Resort, Galena, Illinois. [Please note that the convention will begin on the Monday after Father’s Day. This slight change in the schedule is the direct result of member feedback to the Board].

Fall 2014 Annual Fall Business Meeting — October 22 & 23, 2014, Embassy Suites 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.
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August 2010 cranes and derricks in construction standard to demolition work and underground construction. Application of this rule will protect workers from hazards associated with hoisting equipment used during construction activities.

"It is important that construction workers in these sectors receive the same safety protections as other construction workers," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "Extending this rule to demolition and underground construction work will help save lives and prevent injuries."

This final rule applies the same crane rules to underground construction and demolition that are already being used by other construction sectors, and streamlines OSHA’s standards by eliminating the separate cranes and derricks standard currently used for underground and demolition work. The rule also corrects errors made to the underground construction and demolition standards in the 2010 rulemaking.

The final rule becomes effective May 23, 2013.

PRESIDENT OBAMA ANNOUNCES INTENT TO NOMINATE THREE ADDITIONAL BOARD MEMBERS

President Barack Obama announced his intent to nominate three additional individuals to serve as Members of the National Labor Relations Board, which will bring the number of pending nominations to a full complement of five.

In making the announcement, the president said, “I am pleased to nominate these individuals to serve on the National Labor Relations Board. By enforcing workplace protections, upholding the rights of workers and providing a stable workplace environment for businesses, the NLRB plays a vital role in our efforts to grow the economy and strengthen the middle class. With these nominations there will be five nominees to the NLRB, both Republicans and Democrats, awaiting Senate confirmation. I urge the Senate to confirm them swiftly so that this bipartisan board can continue its important work on behalf of the American people.”

The three nominees are: Current NLRB Chairman Mark Gaston Pearce, attorney Harry I. Johnson, III, and attorney Philip A. Miscimarra.

Mark Gaston Pearce has served as NLRB Chairman since August 2011, and served as a Member of the NLRB since March 2010. Previously, Mr. Pearce was a founding partner of Creighton, Pearce, Johnsen & Giroux from 2002 to 2010. Before founding the Creighton, Pearce firm, Mr. Pearce worked as an associate and junior partner at Lipsitz, Green, Farnham, Roll, Salisbury & Cambria LLP from 1994 to 2002. From 1979 to 1994, he was a district trial specialist for the NLRB in Buffalo, NY. He has been a Board Member of the New York State Industrial Board of Appeals, and he has taught labor studies courses at Cornell University’s School of Industrial Labor Relations Extension. Mr. Pearce received a B.A. from Cornell University and a J.D. from State University of New York at Buffalo.

Harry I. Johnson, III is currently partner with Arent Fox LLP, a position he has held since 2010. Previously, Mr. Johnson worked at Jones Day as partner from 2006 to 2010 and as an associate from 1994 to 2005. In 2011, he was recognized by The Daily Journal as one of the “Top Labor & Employment Attorneys in California”. Mr. Johnson received a B.A. from Johns Hopkins University, an M.A.L.D. from Tufts University’s Fletcher School of Law and Diplomacy, and a J.D. from Harvard Law School.

Philip A. Miscimarra is partner in the Labor and Employment Group of Morgan Lewis & Bockius LLP, a position he has held since 2005. Since 1997, Mr. Miscimarra has been a senior fellow at the University of Pennsylvania’s Wharton Business School. Mr. Miscimarra worked at Seyfarth Shaw LLP as partner from 1990 to 2005 and associate from 1987 to 1989. Mr. Miscimarra received a B.A. from Duquesne University, an M.B.A. from the University of Pennsylvania’s Wharton School of Business, and a J.D. from the University of Pennsylvania Law School.

Nominations for the five-member Board had previously been submitted by the White House and are now pending for Richard F. Griffin, Jr. and Sharon Block, who are currently serving as Board Members under recess appointments.
NLRB JUDGE FINDS UNION UNLAWFULLY CAUSED DISCHARGE OF HR MANAGER

An NLRB Administrative Law Judge has found that a labor union violated the National Labor Relations Act when it conditioned the granting of concessions in collective-bargaining with the discharge of a member of the employer’s negotiating team.

In his decision issued April 4, 2013, Judge Arthur Amchan found that Council 30 of the United Catering, Cafeteria and Vending Workers International Union unlawfully caused the employer, Awrey Bakeries, LLC, to fire its Director of Human Resources on the same day the union membership ratified a new contract.

The Union had represented employees at the Livonia, Michigan facility for decades, and was bargaining for a successor contract. After union members rejected the first proposal, which called for significant reductions in hourly pay rates and lay-offs, the union indicated that it could win membership support if the employer agreed to discharge two members of the negotiating team, including its HR Director.

The revised contract proposal provided for the immediate termination of one top manager, and the termination of another manager within 60-days.

Judge Amchan noted that under well-established Board precedent, unions and employers must deal with each other’s chosen representatives for the purposes of collective-bargaining, and that a union violates Section 8(b)(1)(B) of the Act when it takes action to interfere with the employer’s representatives in order to adversely affect the manner in which they perform their duties.

The Judge rejected the union’s arguments that the evidence did not establish a nexus between the union’s conduct and the HR Director’s functions as the employer’s collective bargaining representative. Instead he determined that the evidence presented at the hearing showed a sufficient link, assuming such a showing was required to establish the violation.

Since the union’s unlawful coercion was at least a contributing factor in the discharge, it must pay the HR Director any wages and benefits lost as a result of the union’s actions.
ANNUAL PUT-IN-PLACE CONSTRUCTION SHOULD TOP $900 BILLION

FMI, the largest provider of management consulting and investment banking services to the engineering and construction industry released today its Q1-2013 Construction Outlook. Although the strength of individual markets is shifting, the forecast for total construction-put-in-place for 2013 continues to show an increase of 8% over 2012 levels. The $918,897 million estimate is a solid improvement, but FMI does not expect to return to the days of annual construction above the trillion-dollar mark until 2015.

The star of the show is residential buildings with a 23% rise in single-family buildings. While much of business sector is still in wait-and-see mode, some industries are breaking the mold and planning for growth. Commercial, lodging and office construction are starting to pick up.

The rich shale regions of the country are seeing a lot of construction activity. With oil and gas exploration booming, these regions are in need of housing, as well as the construction of roads, rail and pipelines to move the product from the fields to refining and distribution sites.

In addition, the potential for greater energy independence and lower energy prices is helping to make the U.S. more competitive in the global market and enticing more manufacturing to relocate in the U.S.

Residential Construction — Single-family housing put in place grew 19% in 2012, and FMI expects another 23% growth to reach $161 billion by the end of 2013. Multi-family construction improved a whopping 47% in 2012, with FMI looking for another 31% in 2013.

Nonresidential Construction Trends and Forecasts by Sector:
Lodging — After three years of steep declines, the market for lodging construction came back a strong 25% in 2012 and FMI expects another 10% growth in construction put in place for 2013.
Office — Office construction is finally showing a solid but slow turnaround with 5% growth in 2012 and another 5% increase expected in 2013.
Commercial — Commercial construction is the third largest nonresidential construction market behind education construction and manufacturing construction. That is why it is good to see that it continues into its third year of good growth, moving up 8% in 2012 and looking for another 7% to reach $50.3 billion in 2013.

(Continued on page 26)
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Health care — Health care construction was moderate in 2012, growing only 3%, but FMI expects it to pick up in 2013 to 8% to $44.2 billion construction put in place for the year.

Manufacturing — Manufacturing construction increased 17% in 2012. It will continue with another 6% increase for 2013 through 2014.

Power-related — Construction for the power market grew 9% in 2012 and will continue to grow between 8% and 9% through 2017.

FEDERAL HIGHWAY ADMINISTRATION’S MODEL PUBLIC-PRIVATE PARTNERSHIP CONTRACTS MUST INCLUDE PAYMENT PROTECTION PROVISIONS FOR SUBS, ASA TELLS THE U.S. DOT

The U.S. Department of Transportation’s Federal Highway Administration should include payment protection provisions for subcontractors in the model contracts for public-private partnerships that the agency is developing, ASA told the U.S. DOT in an April 10, 2013, letter.

Such model contracts are required by Section 1534 (Public-Private Partnerships) of Public Law 112-141 (Moving Ahead for Progress in the 21st Century Act, or “MAP-21”).

“ASA strongly urges that the proposed text of the model contracts must reflect a requirement for surety bonding on contracts for construction awarded in furtherance of the P3 project being undertaken,” ASA wrote. “Such provision should provide payment protections to subcontractors and suppliers at least as effective as those provided by the 1935 Miller Act on construction undertaken directly by a Federal agency or by the so-called Little Miller Acts of the various States for construction projects undertaken by a state agency.”

Depending on how a construction project funded by both public and private sources is structured, the project may be exempt from both mechanic’s liens and payment bond requirements, leaving subcontractors and suppliers without adequate payment assurances.

Given the unpredictable diversity of P3s, ASA explained in the letter, subcontractors and suppliers too frequently encounter a dangerous void in essential payment protections for work performed: “The severe risk inherent in the absence of reliable payment protection can only reasonably be expected to increase costs for the overall construction project being undertaken through the public-private partnership as subcontractors and suppliers seek to accommodate the increased risk or even completely deter bidding by the most-skilled subcontractors and suppliers, whose resources can be directed at projects in which solid payment protections are available.”

On Sept. 7, 2012, ASA urged the U.S. DOT to seek early public participation in its formulation of model contracts for P3s, and the U.S. DOT accepted ASA’s recommendation. “ASA appreciates that the request was given favorable consideration,” ASA wrote in the April 10 letter. “ASA would urge that the Federal Highway Administration (FHWA) make available for public input its draft of the actual text of the proposed contracts. ASA is certain that comments on specific draft contractual language would elicit equally detailed comments from the public.”

OSHA ISSUES NEW RESOURCE TO PROTECT EMERGENCY WORKERS AT COMBUSTIBLE DUST FIRES

The Occupational Safety and Health Administration today published *Firefighting Precautions at Facilities with Combustible Dust*, a new, informative booklet that outlines safe procedures for emergency responders who may face fires and explosions caused by combustible dust.

“This booklet will keep both emergency response and facility workers safe by giving them a framework to prepare for potential emergencies involving combustible dust,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “Stakeholders that have reviewed the booklet, including fire chiefs and union health and safety representatives, describe it as an excellent resource for explaining the hazards associated with combustible dust and outlining the best practices for pre-incident operational preparation by emergency responders.”

Since 1980, more than 130 workers have been killed and more than 780 injured in combustible dust explosions. The publication describes how combustible dust explosions occur and uses previous incidents to illustrate how firefighting operations can prevent combustible dust explosions. The booklet explains the preparations emergency responders can make before a response and how these preparations will affect the operational plan during a response.

Combustible dusts include fine particles, fibers, chips, chunks or flakes that, under certain conditions, can cause a fire or explosion when suspended in air. Types of dusts include metal (for example, aluminum and magnesium), wood, plastic, rubber, coal, flour, sugar and paper, among others. OSHA’s Combustible Dust Web page provides employers and workers with additional information and resources for preventing and minimizing the effects of combustible dust fires and explosions.

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