



reporter

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MCAA Safety Bulletin
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 Subject: NFPA 70E – 2009 Standard for Electrical Safety in the Workplace
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MCAA and Marriott—Partners for Success



CYNTHIA BUFFINGTON AND J.W. "BILL" MARRIOTT FINALIZE MULTI-YEAR AGREEMENT THAT WILL HELP MCAA EXCEED OUR MEMBERS' EXPECTATIONS FOR FUTURE CONVENTIONS.

Mark your calendar and plan to join MCAA for what's sure to be a stellar convention experience. Registration will open on October 15. The full brochure will be available October 15 at www.mcaa.org/mcaa2010. Complete details to help you build your personal convention experience will also be mailed. ■

AEC Conference Provides Education to Local Affiliates

Representatives from MCAA affiliated associations gathered to learn about association management, accountability and contractor rights at the 2009 Association Executives Council (AEC) Conference, which took place August 2-5.

The program opened with an update from AEC Chairman Monty Johnson (MCA of Iowa) on his and Vice Chairman Gary Fowler's (MCA of Georgia) activities over the past year, which included representing the AEC at MCAA's Board of Directors meetings.

MCAA President Lonnie Coleman, President-Elect Robert Armistead, and Executive Vice President and CEO John Gentile updated the group on MCAA activities and provided an open forum discussion on issues being faced by affiliated associations around the country.

National Pension Fund Representative Mike Gossman (P1 Group, Lawrence, KS) and Harry Reid, Fund counsel, provided a status report on the National Pension Fund. Their report included projections of the National Pension Fund as well as plans to improve the fund's status.

The day concluded with MSCA Executive Director Barb Dolim's presentation on MSCA's new educational offerings and resources. Among these are MSCA's new Green Preventative Maintenance Plan, green building seminars for service contractors, and the MSCA GreenStar designation.

MCAA Senior Executive Director Cynthia Buffington began the next day with a preview of the 2010 convention. She also updated the group on MCAA's plans to roll out new programs in the next 16 months. The day's program also included a presentation on accountability by Mike Scott, principal of Mike Scott & Associates, who explained how to be accountable for your own work, and how to hold your employees accountable.

The final day's program opened with a presentation by Scott Kamins on contractor rights, responsibilities and responses in tough times. He talked about a number of labor issues stemming from new legislation, and provided advice to help contractors groups prepare for them.

The program concluded with a business meeting
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»» Visit www.mcaa.org/reporter for additional content

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PRESIDENT-ELECT

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TREASURER

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VICE PRESIDENT &
ASSISTANT TREASURER

John B. Wilhelmi
PAST PRESIDENT

John R. Gentile
EXECUTIVE VICE PRESIDENT & CEO

reporter

MCAA Reporter showcases educational offerings, services, and products available from MCAA and its subsidiaries—the Mechanical Service Contractors of America, the Plumbing Contractors of America, and the National Certified Pipe Welding Bureau—to empower our industry to create a better future.

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President's Message



The Power of MCAA— Your Involvement

During the first half of my year as MCAA's President, I have had the opportunity to travel and to meet with many members of our affiliated local associations. I have been privileged to attend membership meetings, dinner dances (with my lovely wife Fran), student events and golf outings. I have often been invited to present an update on MCAA's activities and programs, and even more frequently have listened as our members have shared with me their local successes and also their concerns.

As contractors we certainly have challenges.

Economic conditions are as difficult as at any point in our lifetimes. We are challenged to keep the work coming in the door and to ensure that our industry evolves in a way that maximizes our competitiveness. And we face the challenge of training new talent to meet future needs, both in the field and in the office.

As a result of these many miles and visits, I have realized what is the secret to our meeting so many of these challenges successfully—now and in the future.

The secret power of MCAA is simply *your* ongoing involvement in *your* association.

The challenges are immense, change continues to occur at an alarming rate, and no one individual can hope to succeed in isolation. But when each of us contributes even a small share of our time, talent, and energy to the greater good, our association and industry are so much stronger.

In MCAA, I have seen many of our members continuing a long tradition of involvement on behalf of all of us.

At our affiliated local associations, I have seen members taking their turn in leadership positions.

They work with their UA locals on apprenticeship training and serve as trustees on benefit funds. They collectively bargain to improve the terms of their labor agreements. They support student chapters that prepare the next generation for the mechanical contracting industry. With highly talented and dedicated local executives assisting at every turn, they shape the local business climate.

At the national association, member involvement is also the key to our continued success.

MCAA's many educational programs are crafted largely by contractors for contractors, from specific programs like BIM 101 to the new Institute for Project Acquisition to the Advanced Leadership Institute to our annual Convention. Members help develop our services and programs, from safety resources to the web-based *Labor Estimating Manual*. With the United Association we work in Washington to advocate for a fair competitive environment and additional markets in high performance facilities.

And, as seen on page 3, a growing number of our members are leveraging their involvement by supporting the MCAA Political Action Committee. As former chairman of the Government Affairs Committee, I know how important our PAC is to our presence in Washington.

Other groups may go through the motions, but not MCAA. Other groups may see attendance at events plunging in this recession, but not MCAA. Other groups may be cutting their services, but not MCAA.

There is amazing talent, energy, and commitment among our membership. We are moving forward as an association—despite the downturn—primarily because of the active involvement of the MCAA membership.

I salute each of you for your contributions.

Sincerely,

Lonnie Coleman
President

PAC Update

Below is a list of those who have answered the call for PAC contributions so far this year. Learn more about the MCAA PAC at www.mcaa.org/reporter.

2009 PAC Contributors

John E. Ahern, J.F. Ahern Co.

William Albanese, A & A Industrial Piping

Robert T. Armistead, Armistead Mechanical

John A. Barrasso, MCA of Connecticut

Ronald R. Bassak, Meccon

Stanley A. Bassak, Bassak Bros.

Smitty Belcher, P1 Group

Scott L. Berger, Arista Air Conditioning Corporation

Stanley Berger, Arista Air Conditioning Corporation

Robert G. Bergman, Utah MCA

Robert M. Berkmoes, James T. Kay Company

Peter S. Bordas, Western Allied Corporation

Ralph D. Brill

Timothy J. Brink, MCA of Eastern Pennsylvania

Santo Buongiorno, Barr Engineering

Charlie Butts, Jr., Johnson Controls

Michael R. Cables, Kinetics

Michael A. Candido, J. Moore & Company

D. Carman, Gowan, Inc.

Brett W. Christiansen, Palmer-Christiansen Company

Marvin Cochran, Jr.

Lonnie Coleman, Coleman Spohn Corporation

Peter Comeau, Refrigeration Engineering & Contracting Company

Richard G. Cowley, Mechanical Service & Systems

Michael Cullinane, Mechanical, Inc.

Stephen R. Dawson, Harrell-Fish

Salvatore L. Derelict, Enterprise Plumbing & Heating

Kenneth A. Durr, Durr Mechanical Construction

Robert J. Durr, Durr Mechanical Construction

William N. Erickson, C.J. Erickson Plumbing Co.

Charles Fell, CFI Mechanical

John Ferrucci, F+F Mechanical Enterprises

Gary P. Finkle, Finkle & Sons Service Company

Christopher W. FitzGerald, FitzGerald Contractors

Robert W. FitzGerald, FitzGerald Contractors

Gary P. Fowler, MCA of Georgia

John R. Gentile, MCAA

Donald R. Giarratano, D/K Mechanical Contractors

Judith A. Gober, MCA of Chattanooga, Tennessee

Michael W. Gossman, P1 Group

William R. Grimes, A & G Piping

Jeffrey A. Grodsky, Harry Grodsky & Company

Ronald Grodsky, Harry Grodsky & Company

Aaron Hall, MCA of Akron, Ohio

Hal W. Hansen, Alternative Mechanical Contractors

Roy E. Iverson, Louis A. Roser Company

John Jankovich, Buckingham Routh Company

Dee Kennedy, Coutts Heating & Cooling

Howard Krisher, Starco, Inc.

David Kruse, L.J. Kruse Company

Robert A. Lake, EMCOR Services Mesa Energy Systems

Steven S. Lakin, MCA of Maryland

Ronald G. Ledoux, J.C. Higgins Corporation

Mark S. Letsos, Letsos Company

D.P. Lynch, CCI Mechanical

William J. Lynch, William F. Lynch Company

Kenneth R. Marino, Wayne Crouse

Sherman L. Mattocks, S.A. Comunale Company

John P. McKenney, McKenney Mechanical Contractors

Gary M. Moore, Victaulic

Frank V. Moss, Jr., Moss Industrial

George Mulvaney, Mulvaney Mechanical

Ted Daniel Mumma, Air Comfort

Clifton D. O'Donal, Cobra Pipe Supply

Richard U. Perosa, H.T. Lyons

David J. Raposa, Montle Plumbing & Heating Co.

Mark A. Rogers, West Chester Mechanical Contractors

Richard J. Sawhill, ARCA

Daniel J. Scarpitti, S.A. Comunale Company

Adam E. Snavely, The Poole & Kent Corporation

Thomas J. Stone, Braconier Plumbing & Heating Company

Wayne P. Turchetta, HMC Service Company

John A. Turley, The Middleton Corporation

Robert E. Turner, Jr., Tucker Mechanical, An EMCOR Co.

Joseph F. Urban, Air-Ex Air Conditioning

John B. Wilhelmi, Waldinger Corporation – Omaha

Evan R. Williams, MCA of Chicago

Thomas L. Williams, Aberly Group

Thomas A. Young, T.G. Young Contracting ■

PCA Reports

PCA Teams with ASPE for Fall Technical Symposium

PCA has been working with the American Society of Plumbing Engineers (ASPE) to develop a technical symposium aimed at plumbing contractors and engineers. The symposium will take place October 23–25 in Dearborn, MI. A series of breakout sessions will cover building information modeling (BIM), green building, advanced technologies, and practical engineering.

Because the symposium was jointly

developed by PCA and ASPE, it will deliver the technical information on systems design with new products and technology that PCA contractors have requested. Learning side-by-side will give both contractors and engineers an opportunity to understand one another's thought processes.

The symposium will feature a presentation on International Water Efficiency by Jerry Yudelson

of Yudelson & Associates, the author of the soon-to-be-released MCERF-funded research study, *Water-Efficiency Technologies for Mechanical Contractors: New Business Opportunities*.

Registration is now open at www.mcaa.org/education.

For more information, contact Sean McGuire at smcguire@mcaa.org. ■

Welcome New Members

MCAA/MSCA MEMBERS

2H Mechanical

Grand Junction, CO

A & J Mechanical Contractors Inc.

Green Bay, WI

A & R Mechanical Contractors, Inc.

Urbana, IL

AC Systems Service LLC

Maryland Heights, MO

American Mechanical Service

Gypsum, CO

Benchmark Mechanical Inc.

Kokomo, IN

BP Mechanical Corp.

Glendale, NY

Commercial Design Engineering

Grand Junction, CO

Copper Smith Plumbing

Grand Junction, CO

Critchfield Pacific Inc.

Honolulu, HI

Detroit Piping Group Mechanical Contractors, Inc.

Detroit, MI

Drummond Mechanical Contractors, Inc.

Columbia, MO

Dunbar Mechanical Contractors

Memphis, TN

EMCOR Services Arizona

Phoenix, AZ

Farmer & Irwin Corporation

Riviera Beach, FL

Graycor Industrial Constructors Inc.

Homewood, IL

Gregory Piping Systems

Cheyenne, WY

Herbig Mechanical, Inc.

Old Monroe, MO

Industrial Piping Service Inc.

Rockwell, IA

Infinity Mechanical, Inc.

Garden City Park, NY

J & R Mechanical

Papillion, NE

Kruse Corporation

Wichita, KS

Langford Mechanical & Sheet Metal

Jackson, MO

Meeh Climate Service LLC,

dba MC Service LLC

Fenton, MO

Mechanical Solutions, Inc.

Saint Louis, MO

MWH Constructors

Broomfield, CO

Orion Mechanical Systems, Inc.

Long Island City, NY

Pallante Plumbing & Heating

Montrose, CO

Power Source Services

Craig, CO

Redlands Plumbing & Heating

Grand Junction, CO

Reigles Mechanical

Grand Junction, CO

River City Mechanical

Jackson, MO

RJM Plumbing & Heating

Glenwood Springs, CO

Schneider Service Co. Inc.

St. Charles, MO

Senco Construction Inc.

Robinson, IL

Simpson Enterprises, Inc.

Glenwood, IA

T.H. Martin Inc.

Cleveland, OH

R.M. Thornton, Inc.

Capitol Heights, MD

Total Facility Solutions, Inc.

Durham, NC

TSI Mechanical, LLC

La Vista, NE

TUSCA II

Grand Junction, CO

Wein & Shearer Mechanical Inc.

Fort Wayne, IN

Wiegmann & Associates

Saint Charles, MO

J. Williams Mechanical Contracting

Saint Louis, MO

MANUFACTURER/SUPPLIER MEMBERS

Buckaroos Inc.

Indianapolis, IN

GPS Insight, LLC

Scottsdale, AZ

Project DocControl

Tampa, FL

United Rentals - Power & HVAC

Forest Park, GA

F.W. Webb Company

Bedford, MA



MSCA News

MCAA Calendar

October

- 1-3
Student Chapter Summit
Denver, CO

- 5
BIM 101 for Mechanical Contractors
Denver, CO

- 14
HVAC 101 Webinar: Air Flow – Types and Systems
Online

- 18-21
MSCA Educational Conference
Bonita Springs, FL

- 22
Green Building Webinar: Australian Water Efficient Solutions
Online

- 22-25
ASPE/PCA Plumbing Engineering and Contracting Technical Symposium
Dearborn, MI

- 25-29
Institute for Project Management, Class 47, Week 1
Austin, TX

- 28-30
Collective Bargaining Seminar
Indianapolis, IN

November

- 8-13
Advanced Leadership Institute, Week 2
Wellesley, MA

- 8-13
Institute for Project Acquisition
Rockville, MD

FOR MORE INFORMATION ON THESE EVENTS, CONTACT MCAA AT 800-556-3653.

MSCA Set to Honor New STARs, GreenSTARs at Annual Conference

MSCA expects to honor at least 18 more MSCA STAR contractors and 12 more GreenSTARs at its upcoming conference (October 18-21 in Bonita Springs, FL).

In July, Day & Nite Air Conditioning Service Corp. (New Hyde Park, NY) and Tozour-Trane (King of Prussia, PA) received the MSCA STAR qualification, bringing the total number of contractors reaching this level to 122. The addition of several new GreenSTARs in the past two months raised the number of contractors in this elite group to 22, each an MSCA STAR contractor that has demonstrated an advanced commitment to sustainability and environmental stewardship.

Tozour-Trane has been involved in many exciting and high profile projects in the Philadelphia region, including 1000 Continental, Marina Thermal Chilled Water Plant, the Comcast World Headquarters Center, and Princeton University's Energy Plant. Day and Nite's 22,000-square-foot facility in New Hyde Park, NY, includes a fully bar coded and automated warehouse. All technicians are CFC- and New York City Fire Department-certified and provide service for Carrier, Trane, York, Mitsubishi, and others.

Since 2003, the MSCA STAR qualified contractor program has been producing impressive results for those contractors that took the initiative to become STARs. The program, designed to recognize companies that are committed to the industry and exhibit exemplary business practices, is making a difference around the country.

Many MSCA STARs have shared success stories about how their MSCA STAR status has been instrumental in attaining new customers and growing existing business. MSCA STARs continue to receive marketing information and materials from MSCA and this year we held our second MSCA STAR Summit. All STARs were invited

to attend the Summit, which featured a tour of the largest LEED® certified building in the world and a marketing kit most put into use as soon as they got home.

GreenSTARs newly designated this summer include: William F. Lynch Co., Inc. Worcester, MA; Arista Air Conditioning, Long Island City, NY; McKenney's Mechanical Contractors & Engineers, Atlanta, GA; A.O. Reed & Company, San Diego, CA; and Control Services, Omaha, NE.

The William F. Lynch Co. is working on the Hamberlin Hall Science Building renovation and new addition at the College of the Holy Cross, a project designed and built to attain LEED Silver certification. Arista Air Conditioning is working on registering their 90-year-old headquarters for LEED certification. (In the meantime, the company has switched to 100 percent green e-certified wind power with an aim to minimize its carbon footprint.) LEED Gold certification also is pending for McKenney's rebuild of its company headquarters.

A.O. Reed has worked on a variety of LEED projects, including the LEED Gold Rancho Bernardo Summit. The company's UC Irvine Stem Cell Research project also is seeking LEED Gold. Control Services has been involved in the LEED-NC certified Morrissey Engineering project, installing a computerized, web-based system that works with HVAC, ground source heat pumps, energy recovery system, and wireless temperature sensor technology.

For more information about either of these programs, please contact Barbara Dolim at bdolim@mcaa.org. ■

Attention Service Contractors: NCPWB Offers Brazing Tools, Too!

Learn more at www.mcaa.org/reporter.

Legislative Update

Despite the summer recess for lawmakers, there is plenty of activity on legislative and regulatory issues of interest to MCAA and its allied associations in the Campaign for Quality Construction (CQC).

HEALTHCARE REFORM

At the end of July, MCAA and the CQC sent a letter to lawmakers pointing out that the one-size-fits-all exemptions proposed for small businesses pose a serious risk of undermining the high standards of health care benefits offered by small business construction industry employers who, despite relatively low employment levels, provide top health care benefits through the pooled and portable collective bargaining system.

Analysis of industry census data by the Construction Labor Research Council, MCAA and CQC showed that under all the proposals being considered, some 85–90 percent of employers in construction industrial classification codes would escape the employer mandates. The analysis caught the attention of the Obama Administration, and MCAA and CQC staff were invited to meet with Administration health policy officials to discuss the detrimental impact of exempting so many employers in the construction industry—against whom CQC contractors would compete while still offering health care benefits in their bargaining agreements.

Administration officials granted the need to consider the competitive position of small business employers who provide benefits now, and encouraged the CQC to go to Congress to seek a better way to broaden coverage and shore up high standards. Since then, MCAA and the CQC, along with Building Trades representatives, have been actively engaged in Hill meetings, seeking ways to make small business exemptions based on the different aspects of various industry classifications. For example, in construction industry classifications, the exemption would be eliminated or lowered to preserve the widespread benefits provided in the specialty trades. Other industries (retail, commercial, restaurants and the

like) would receive exemption levels that apply based on the benefits standards prevailing in those industries.

MCAA and the CQC also emphasize that the financial assessment provided for covered employers who don't provide health care benefits is well below specialty construction industry standards. One proposal in Congress is a payment of 8 percent of wages as the pay-or-play assessment. MCAA and CQC noted that the standard average among specialty contractor health plans ranges from 12 to 20 percent of total compensation.

Moreover, the 8 percent remains too low because it averages in all employers, even those who don't pay for health care.

It also appears that MCAA and CQC members in some cases are taking advantage of the Congressional recess and calling their lawmakers back home. They are making the point that the overbroad small business exemption presents a real threat to the viability of the competitive position of small business employers in the construction industry that currently provide top-notch health benefits under their collective bargaining agreements. That message is being heard by members of the Small Business Committee, fiscally conservative Blue Dogs, and members of the Senate.

PENSION REFORM

MCAA and the CQC members who are part of the National Coordinating Committee for Multiemployer Plans continue to do the ground work for another round of pension funding relief legislation later in the fall. Lawmakers are aware that the multi-employer pension system fell victim to the unprecedented asset crash last year and early this year.

BID LISTING

MCAA and CQC procurement proposals are moving well. Representative Paul Kanjorski, (D-PA-11) introduced the federal project bid listing bill (H.R. 3492, the Construction Quality Assurance Act of 2009), which is

gaining prominence thanks to overall industry recognition that fundamental changes in procurement practices warrant a careful reexamination of low-bid procurement methods. MCAA, SMACNA and the other CQC members are pressing vigorously for wide co-sponsorship of the long-overdue good government reform measure to shore the flagging use of the low-bid procurement system by federal agencies that are growing ever more averse to the negative effects of bid shopping on federal projects. For the same reasons, the proposal to ban internet reverse auction procurement for federal construction projects is gaining wider currency.

FEDERAL PROJECT LABOR AGREEMENTS

Federal agencies are moving ahead on considering comments on ways to implement the Obama Administration's Executive Order re-granting federal agencies the proprietary discretion to consider use of project labor agreements (PLA). Discretion would be used on projects in the best interest of the agency mission and the taxpayers. MCAA and the CQC filed initial comments on the Executive Order asking that all PLAs require contractors to pay into the local industry improvement funds set out in local collective bargaining agreements. With the extension of the comment period, MCAA and the CQC will be considering further comments along those lines.

E-VERIFY

Beginning on contract awards on or after September 8, contractors are required to use the E-Verify employment verification system. The requirement applies to direct federal contractors on prime contracts of \$100,000 or more and subcontracts of \$3,000 or more under covered prime contracts. Watch the Reporter Online Extras for information about compliance assistance and Department of Homeland Security contract requirements.

Questions about any of MCAA's legislative activities may be directed to John McNerney at jmcnerney@mcaa.org. ■

Mechanical Careers

2009 Grants Awarded, MCERF Establishes Foster McCarl, Jr., Scholarship

MCAA MEMBERS RECEIVE 53 GRANTS

MCAA's Career Development Committee awarded 2009 grants to 53 contractor members and 10 MCAA student chapters. The committee decided the awards over a teleconference held in early June.

The MCAA contractor members that received the \$1,000 Student Internship Grants were: Aker Construction, Inc. (Canonsburg, PA); Alexander Mechanical Contractors (Kansas City, MO), Anderson, Rowe & Buckley (San Francisco, CA); Braconier Plumbing & Heating Company (Englewood, CO); CCI Mechanical, Inc. (Salt Lake City, UT); Charter Mechanical (Tualatin, OR); Control Services, Inc. (Omaha, NE); Cool Air Mechanical, Inc. (St. Paul, MN); Critchfield Mechanical, Inc. (Costa Mesa, CA); John W. Danforth Company (Tonawanda, NY); DeBra-Kuempel (Cincinnati, OH); D.A. Dodd, Inc. (Lafayette, IN); Dressler Mechanical, Inc. (Marquette, MI); Egan Company (Brooklyn Park, MN); Franklin Holwerda Company (Wyoming, MI); Golden Refrigerant (Livonia, MI); Hardy Services (Birmingham, AL); Harris Companies (St. Paul, MN); Hermanson Company, LLP (Kent, WA); Hill Mechanical Corporation (Franklin Park, IL); Hill York (Fort Lauderdale, FL); Hudson Piping, Inc. (Dayton, KY); Ideal Heating Company (Brookfield, IL); Illingworth/Kilgust Mechanical, Inc. (McFarland, WI); Linc Mechanical, LLC (Dayton, OH); Lyles Mechanical Co. – Fresno Div. (Fresno, CA); Mainelli Mechanical Contractors, Inc. (Omaha, NE); Maxair Mechanical, Inc. (Marietta, GA); McKinstry Company (Seattle, WA); Midwest Mechanical Contractors, Inc. (Kansas City, MO and Omaha, NE); MLP Plumbing & Mechanical, Inc. (Cheektowaga, N.Y.); Murphy Company (Denver, CO); Newjac, Inc. (Lebanon, IN); Northland Mechanical Contractors, Inc. (New Hope, MN); P1 Group, Inc. (Lenexa, KS); Pierce Associates, Inc. (Alexandria, VA); Performance Mechanical, Inc. (Pittsburg, CA); PPMI Construction

Company (Evansville, IN); Roberts Environmental Control Corporation (Tinley Park, IL); Ryan & Associates, Inc. (Lincoln, NE); Sauer Incorporated (Jacksonville, FL); Shinn Mechanical, Inc. (Kent, WA); Smith & Oby Company (Walton Hills, OH); W. Soule & Company (Kalamazoo, MI); Southland Industries (Union City, CA); Total Mechanical Services, Inc. (St. Paul, MN); Tower's Construction, LLC (Westwego, LA); Tweet/Garot Mechanical, Inc. (Green Bay, WI); University Mechanical Contractors, Inc. (Mukilteo, WA); U.S. Engineering Company (Loveland, CO); Voris Mechanical, Inc. (Glendale Heights, IL); and Wolin Mechanical-Electrical Contractors (West Des Moines, IA).

10 GRANTS AWARDED TO MCAA STUDENT CHAPTERS

The committee awarded grants to 10 MCAA student chapters—five Chapter of Excellence Grants and five Emerging Chapter Grants—for \$3,000 each. Each chapter that receives a grant is to award 50 percent of the funds in scholarships to deserving students.

Chapters that received the 2009 Chapter of Excellence Grant were: Greater Michigan MSCA Student Chapter at Ferris State University; University of Washington Mechanical Contractors Student Chapter; MCAA Student Chapter at California Polytechnic State University at Pomona; the MCA of Indiana Student Chapter at Purdue University; and the Student Chapter for Mechanical/Electrical Specialty Contracting at the University of Nebraska – Lincoln.

Chapters that received a 2009 Emerging Chapter Grant were: Sacramento State Chapter of the Mechanical Contractors Association of America; Northern California MCA-Construction Management Student Chapter at Chico State; MCA of Cleveland Student Chapter at Kent State University; Utah MCA Student Chapter at Weber State; and Mechanical Contractors Association of Hamilton Student Chapter at McMaster University.

ALL GRANTS WERE FUNDED BY MCERF

The grants were funded by the Mechanical Contracting Education & Research Foundation (MCERF) under its Funding Educational Excellence Initiative (FEE). MCERF established FEE five years ago to help support the development of future young professionals and attract them to our industry. Based on employment data submitted by chapter faculty advisors in their annual grant requests, the FEE program is making an impact. Each year, more and more students are landing summer internships and full-time professional positions after graduating.

MCERF ESTABLISHES FOSTER McCARL, JR., MEMORIAL SCHOLARSHIP

MCERF is creating a national scholarship to honor the memory and legacy of Foster McCarl, Jr. and to expand its support for deserving students majoring in disciplines related to mechanical contracting. Foster McCarl, Jr., one of our industry's most revered and honored leaders, is widely regarded as the "father of the Mechanical Contracting Foundation" (now known as MCERF).

The scholarship, in the amount of \$2,500, will be awarded annually to a deserving student during the Student Chapter Luncheon at the MCAA convention. Its creation will be officially announced at the 2009 Student Chapter Summit in Denver, CO, on October 2. Only juniors or fourth-year students in a five-year program will be eligible for the scholarship. Student chapter faculty advisors will be provided with a complete list of criteria to select their nominee for the scholarship.

For more information about the Foster McCarl, Jr., Memorial Scholarship, please contact Dennis Langley (dlangley@mcaa.org). For more information about Student Internship Grants or Student Chapter Grants, please contact Ann Mattheis (amattheis@mcaa.org). ■

Speaking of Safety

MCAA ISSUES BULLETIN COVERING CHANGES TO NFPA 70E

Recent revisions to NFPA 70E, a voluntary standard developed by the National Fire Protection Association (NFPA) to address electrical workplace hazards, led MCAA to release a *Safety Bulletin* describing how the standard affects mechanical service companies. The bulletin provides a side-by-side comparison of key changes that MCAA/MSCA believes are likely to affect mechanical service work on units/equipment pushing 480 volts or less. Please visit www.mcaa.org/ reporter to read the full bulletin.

COMING SOON—TWO ADDITIONAL SAFETY PUBLICATIONS

The Safety and Health Committee is developing two new publications in addition to those that were advertised previously. *The Model NFPA 70E—Electrical Safety in the Workplace—2009 Revision* will reflect recent revisions to the NFPA 70E standard (see previous article). The guide, which will be free to MCAA/MSCA members, will be available online in October. A concise, user-friendly, illustrated MCAA Rigging Guide covering best practices for safe rigging for mechanical construction and service work will be available online in December at no charge to MCAA/MSCA members.

NEW OSHA CHIEF NOMINATED

Research professor David Michaels was nominated recently to become the Assistant Secretary of Labor for OSHA. Michaels is an epidemiologist conducting research at the Department of Environmental and Occupational Health at George Washington University's School of Public Health and Health Services. It is likely that the nomination

will be confirmed. MCAA believes that under Michaels' tutelage OSHA will shift its focus to occupational health issues, reduce outreach to employers and increase enforcement practices. There is already some controversy regarding Michaels' position on establishing sound science before proceeding with OSHA standards and regulations. Michaels believes the time it takes to establish sound science is unnecessary, and somewhat responsible for OSHA's slow regulatory process. He wants OSHA to be able to produce standards and regulations without scientific certainty.

OSHA'S SPECIAL EMPHASIS ENFORCEMENT PROGRAM FOR CHEMICAL FACILITIES

OSHA is preparing to kick off a National Emphasis Program (NEP) targeted at chemical facilities, which are covered by the agency's *Process Safety Management of Highly Hazardous Chemicals Standard*. The intent of this NEP is to conduct quick inspections at a large number of facilities, to be selected randomly. The program will start as a one-year pilot project in OSHA Regions 1, 7, and 10. Similar inspections will be conducted in other regions when worker complaints, referrals, accidents or catastrophes occur. Contractors and subcontractors working in these types of facilities should be certain that their written process safety management policies and programs are current, and are being fully implemented by all affected employees.

OSHR DECISION ON OSHA'S MULTI-EMPLOYER WORKSITE ENFORCEMENT POLICY

Longtime controversy over whether OSHA has the right to issue citations and fines to "controlling employers" whose own employees are not exposed to a hazard may finally be settled.

Controlling employers include general contractors, construction managers, and other contractors with supervisory authority over subcontractors. Controlling employers have argued for years that the OSH Act that created OSHA requires employers to protect only their own employees. However, the results of a recent case, which went through a lengthy process of reversed decisions and appeals, held the controlling employer accountable. General contractor *Summit Contractors, Inc.* hired subcontractor *All Phase* to perform work on a dormitory in Little Rock, AK. The subcontractor was cited and fined by OSHA for a scaffolding/fall protection violation in June 2003. Summit also received a citation based on the same event even though its own workers were never exposed to the hazard. *All Phase* did not contest its citation. *Summit* did contest its citation, but an administrative law judge (ALJ) upheld OSHA's citation. Subsequently, *Summit* contested the ALJ's ruling before the Occupational Safety and Health Commission (OSHRC), which reversed the ALJ's ruling. However, OSHA appealed to the Eighth Circuit Court of Appeals, which rejected the OSHRC ruling remanding the case. Ultimately, the OSHRC released its changed decision on July 27, 2009, stating that *Summit* had been properly cited by OSHA. The commission agreed with the Eighth Circuit that the agency may issue citations to general contractors who have the ability to prevent hazardous conditions created by subcontractors through the reasonable exercise of supervisory authority, regardless of whether the GC's own employees were exposed to the hazard.

For additional information about any of these items, please contact Pete Chaney at pchaney@mcaa.org. ■

AEC CONFERENCE

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presided over by Chairman Johnson. Committees presented reports on resolutions, site selection, and nominating. Nominations for the leadership of next year's AEC were: Gary Fowler for chairman, Marsha Babcock (MCA of Omaha) for vice chairman, and Dana

Taylor (MCA of British Columbia) for program chairman. All nominations were approved unanimously.

In closing, Chairman Johnson thanked the council for the opportunity to represent the AEC with the MCAA Board of Directors and leadership. He then turned things over to new AEC Chairman Gary Fowler, who presented him

with a plaque honoring his contributions to the council. Chairman Fowler then concluded the meeting, thanking Marsha Babcock, the program committee, and MCAA for the time and effort put forth in planning the meeting.

For additional information about the AEC, contact Sean McGuire at smcguire@mcaa.org. ■