

URCA Viewpoint

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NEWS AND VIEWS FOR THE UNION ROOFER

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OSHA's Final Silica Regulation

The Occupational Safety and Health Administration (OSHA) released its final rule on worker exposure to crystalline silica on March 25th.

According to OSHA, about 2.3 million workers (including roofers) are exposed to respirable silica, which is an occupational disease known as silicosis, which often does not manifest itself until many years following exposure.

The new rule dramatically reduces the permissible exposure limit (PEL) from 250 (ug/m³) to 50 (ug/m³) of air calculated as an eight-hour time-weighted average.

The new rule requires contractors to include respirable crystalline silica in a hazard communication program and specifically address cancer, lung, immune system and kidney issues related to exposure.

However, the new rule does allow the use of "objective data" to exempt a contractor from air-monitoring requirements. As a result, NRCA plans to conduct air monitoring on select roofing job sites with the assistance of its members. The goal

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SCAQMD 2016 Air Quality Plan— SCAQMD and Other Entity Partnerships seeking reduction in greenhouse gases and toxic risk.

The 2016 Air Quality Management Plan is a regional blueprint for achieving the federal air quality standards and healthful air. While significant progress has been to achieve the aforementioned standards, the basin still exceeds federal public health care standards for both ozone and particulate matter (PM) and experiences some of the worst air pollution in the nation.

The 2016 SCAQMD Plan relies on significant integration and coordination with other agencies in order to successfully meet the Basin's clean air goals. This integration includes the traditional collaboration between the District, CARB, EPA, SCAG (Southern California Association of Governments) as well as collaborative efforts of the SCAQMD Advisory

Panel, which is comprised of a wide range of non government stakeholders.

The 2016 Plan represents a "broad spectrum" approach, focusing on available, proven and cost effective alternatives to traditional



SCAQMD TECHNICAL, SOCIOECONOMIC ADVISORY GROUP. Left to right- Elaine Shen-supervisor, Anthony Oliver-staff specialist, Shah Dabirian-supervisor, and Priscilla Hamilton-staffing specialist.

strategies, while seeking to achieve multiple goals in partnership with a wide range of entities promoting reductions in greenhouse gases and toxic risk, as well as efficiencies in energy use, transportation and

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Delta Airlines Terminal at LAX
URCA Member Best Contracting, Inc.



Ronald D. Johnston, Ph.D.
Executive Vice President



Left to right: Bill Callahan-Executive Director-ARCBAC, Bill Good-Executive Vice President NRCA, Ron Johnston-Executive Vice President URCA attending NRCA National Meeting in Chicago.

Approximately 2,200 bills have been introduced for review and consideration during this calendar year legislative session; an exceptionally high number considering this is an election year where every Assembly seat is up for election as well as a high number of Senate seats.

The State Legislature is in recess during the month of July and reconvenes after a well deserved respite from “conducting the populace’s” business? The legislature reconvenes August 1st; needless to say, it will be a hectic month of lobbying, negotiating and cajoling in order to meet the deadline of August 31st when all bills must pass both houses of the legislature before they are sent to the Governor for veto or passage.

This year, URCA has targeted and is actively lobbying three bills:

AB 626 (Chiu)- SUPPORT WITH RESERVATION: This bill is a carry over from last year’s AB 1347, which was vetoed by the Governor. It would establish, for contracts entered into on or after January 1, 2017, a claim resolution process applicable to any claim by a contractor in connection with a public works project. The bill would define a claim as a separate demand by the contractor for one or more of the following: a time extension for relief from damages or penalties for delay; payment of money or damages arising from work done pursuant to the contract for local public work, or payment of an amount disputed by the public local entity. This bill, which was originally an education bill, was “gutted” on June 15th and became a Public Contracts Claims Resolution Process bill. The bill passed out of the Assembly Judiciary Committee on June 28th and is now residing in the Assembly Appropriations Committee. URCA and the American Subcontractors Association of California proposed amendments to the sponsors and author, which would “clean up” some ambiguous language that might be problematic to subcontractors. In as much as the sponsors and author have not yet accepted our amendments, URCA’s current position is still in place. On August 1st, the bill was heard by the Senate Appropriations Committee. Pursuant to the author’s request, the bill was placed in the Suspense file for future review and consideration. On August 11th, the bill passed out of the Committee by a vote of 7-0 and ordered to third reading.

AB 1963 (Calderon)- SUPPORT: Existing law, the Davis-Stirling Common Interest Development Act requires specified conditions to be met before an association may file a com-

plaint for damages against a builder, developer or contractor of a common interest development based upon a claim for defects in the design or construction of the common interest development. This bill extends the sunset of the aforementioned provisions from July, 2017 and make them inoperative on July 1, 2024 and would repeal the provisions as of January 1, 2025. The bill has passed both houses of the Legislature and has been enrolled and sent to the Governor for his signature or veto.

SB 1170 (Wieckowski)- SUPPORT: This bill would prohibit a public entity, charter city, or charter county from delegating to a contractor the development of a plan used to prevent or reduce water pollution or runoff on a public works contract. Also, the bill would prohibit a public entity, charter city or charter county from requiring a contractor on a public works contract that includes compliance with a plan to assume responsibility for the completeness and accuracy of a plan developed by that entity. However, the bill stipulates that these prohibitions do not apply to contracts that use specified procurement methods if the contractor or construction manager at risk is required by the bid or procurement documents to retain a plan developer for the project owners. This bill easily passed through all assigned Senate committees and passed out of the Senate Floor by a vote of 36-1. From the Senate, it moved to the Assembly and was assigned to the Committee on Local Government where it passed out of committee on June 29th. On August 3rd, the bill was heard by the Assembly Appropriations Committee. Pursuant to the author’s request, the bill was placed in the Suspense file for future review and consideration.

SB 1387 (DeLeon)- OPPOSE: As background, California has led the nation in employing state-of-the-art market based incentive programs as exemplified by the SCAQMD’s RECLAIM program, which was approved by the California Air Resources Board (CARB) and the U.S. EPA and was included within the California State Implementation Plan several years ago. RECLAIM was implemented to cost-effectively achieve emission reduction in Southern California. Its primary purpose was to achieve reductions equivalent to command and control programs with fewer resources while maintaining or enhancing the State’s economy. While not perfect, it is a far more beneficial alternative to the business community than that which is proposed by Senate Pro-Tem Kevin DeLeon. SB 1387 completely deletes economic protec-

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SCQMD Continued

goods movement. The plan recognizes the critical importance of incentives that encourage the accelerated transfixion of vehicles, buildings and industrial facilities to cleaner technologies in a manner that benefits not only air quality, but also the local businesses and the regional economy.

The Federal Clean Air Act (FCAA) requires areas not attaining the national ambient air quality standards (NAAQS) to develop and implement an emission reduction strategy that will bring the area into attainment in a timely manner. Each national air quality region is given a classification that describes the degree of nonattainment. This classification dictates specific requirements under the FCAA, including the time provided to attain the standard.

In order to meet the District's timeframe for "attainment" regarding NAAQS, the 2016 District Plan includes both stationary and mobile source strategies to ensure that rapidly approaching attainment deadlines are met, that public health is protected to the maximum extent feasible, and that the District region is not faced with burdensome sanctions if the Plan is not approved or if the NAAQS are not met on time.

The most significant air quality challenge in the Basin is to reduce nitrogen oxide (NOx) emissions sufficiently to meet the upcoming ozone standard deadlines. Based on the inventory and modeling results analysis, the total Basin emissions of NOx must be additionally reduced by 43% in 2023 and in additional 55% beyond 2031 levels.

As a newly appointed member of the 2016 Air Quality Management Panel, as well as a member of the Panel's Technical Socio-Economic Sub-Committee, there is no question

in my mind, that in order to meet the aforementioned "Draconian" NOx reductions standard, the Plan, in its final form for presentation and approval by the SCAQMD's Governing Board, will place its emphasis on mobile not stationery sources.

This emphasis on mobile sources will surely bring into play a review and potential modification of the current "Truck and Bus Regulation," which was adopted by the California Air Resources Board on December 12, 2008 to significantly reduce particulate matter and NOx emissions from existing on-road heavy-duty diesel vehicles. This regulation requires diesel trucks and buses to be upgraded to reduce emissions. Newer and heavier diesel trucks and buses were required to be retrofitted with a filter that would cost as much as \$15,000.00 beginning January 1, 2012; lighter and older heavier duty trucks and buses by January 1, 2015 and, by January 1, 2023 nearly all trucks and buses would need to have 2010 model year engines or equivalent.

The SCAQMD faces the daunting task of finding a balance between cleaning the air and maintaining economic growth and job creation and, as a member of the Advisory Panel and its Technical Socio-Economic Sub-Committee, I am encouraging my colleagues to do that as we move forward in finalizing the Plan, which will be reviewed by the Governing Board in December.

The final plan must emphasize several key points and the District should establish benchmarks and assumptions that are accountable to the public regarding the balance between cleaner air and economic growth.

There is no question that dirty air impacts public health, but the most significant predictor of poor health is poverty. When people do not have jobs or have poor paying jobs to provide the necessities of life, their health and their families' health suffers. This must be considered in the final 2016 Air Quality Plan.



Pictured left to right: Mark Troyer-Troyer Contracting, Inc., Ron Johnston-EVP of URCA, Duane Hewlett, Bruce Silver. ASAC (American Contractors Association, OC-LA Chapter) annual golf tournament at Black Gold Golf Course, Yorba Linda. May 12th.



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Exec VP Message Continued

tion and economic benefits and calls for reductions greater than can be achieved by command and control measures. The bill would add a new provision allowing CARB, under the anti-business leadership of Mary Nichols, to revise any market-based incentive plan provision with a simple notification to the affected air quality district. This provision takes planning out of local hands and gives it to CARB. Just as importantly, the second part of the bill is equally repugnant. For years, the 13 member Governing Board was comprised of 10 members representing cities and counties in the District and 3 appointed by state officials.

At the beginning of this year and, for the first time in decades, the 13 member board consisted of a conservative majority, which realizes that it is advantageous to the populace and state economy to promote a balance between "environment and business. Its first action taken was to fire the current Executive Director of the SCAQMD, Barry Wallerstein. AB 1387 adds a provision, (completely motivated by politics) to increase the number on the Governing Board by adding 3 new members appointed by state officials, thus diluting local control of those responsible to the communities they were elected to represent. In URCA's

opinion, it is entirely irresponsible to shift local control over critical regional air quality planning to state lawmakers in Sacramento. AB 1387 did pass out of all assigned committees, as well as the Senate Floor but with strong opposition from a coalition of over 70 state associations (including URCA) and regional chambers of commerce. On August 3rd, the bill was heard by the Assembly Appropriations Committee. Pursuant to the author's request, the bill was placed in the Suspense File for future review and consideration. On August 12th, the bill passed out of the Committee by a vote of 11-4 and ordered to third reading.



Silica Regulation Continued

will be to catalog details of roofing tasks and processes that could form the basis for industry-wide "objective data" and possibly reduce the burden of the new regulation on the roofing industry. URCA, along with numerous roofing associations across the country, will help fund this testing.

The new rule is effective June 23rd, but compliance does not begin until June 23, 2017.

If you would like more detailed information, please call the URCA office.



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The mission of the Union Roofing Contractors Association is to promote quality construction utilizing highly trained and skilled employees. The URCA is dedicated to the highest standards of professional integrity.

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