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New OSHA Confined Space Standard for the Construction Industry

By: Gary W. Auman



Construction Confined Space Standard – This standard has been in the works for several years. The standard was finally published as a final rule on May 4, 2015 with an effective date of August 3, 2015. Recently OSHA issued a stay of enforcement until October 2, 2015. During this period OSHA will not issue citations to employers making a good faith effort to comply with the new standard as long as the employer is in compliance with the training requirements for a competent person under Section 1926.21(b)(6)(i) or those found in Section 1926.1207. During this 60-day period employers not in compliance with either of these standards may be cited for a violation of Section 1926.1207(a). While this rule is being touted as very similar to the General Industry Confined Space Standard, it does contain some nuances that are unique to it and to the construction industry.

The first thing we need to look at in this standard is the definition of confined space. The standard defines a confined space as any space which is either:

1. Large enough and so configured that an employee can bodily enter it;
2. Has limited or restricted means for entry and exit; and
3. Is not designed for continuous occupancy.

As you can see, even someone who thought the confined space standard could have little impact on them, such as a roofing contractor, could have employees who might encounter a confined space during their normal work activities. This definition could well encompass attic areas or any other area that meets the definition stated above. So, since the possibility of encountering a confined space exists for just about anyone in the construction trades at any time what obligations do you have as the employer?

The first basic requirement can be found in Section 1926.1203(a) of the new standard. This section requires “Before it begins work at a worksite, *each*

employer must *ensure* that a *competent* person *identifies all confined spaces* in which one or more of the employees it directs may work; *and* identifies each space that is a permit space, through consideration and evaluation of the elements of that space, including testing as necessary.” I have highlighted the critical language in this section to emphasize the responsibility on every employer. Some feel that the controlling contractor on the site has the responsibility to make the determinations regarding confined space and permit confined space, but I believe that the language of this section is clearly much broader than that. Take another look at the language; the standard refers to “each” employer. So, while it does address the controlling employer, you cannot escape the basic obligation for each employer. And, as we all know, you, as an employer, have the obligation to ensure your employees have a **safe place to work**.

In light of the above, you as a contractor should have a competent person for confined space on each job site. On each jobsite that individual should consider all locations in which your employees may find themselves. To the extent he/she determines that a permit confined space may be entered by any employee all of the steps that are required to be taken for permit confined spaces need to be implemented.

A permit confined space is defined in section 1926.1202 as having one or more of the following:

1. Contains or has a potential to contain a hazardous substance.
2. Contains material that has the potential for engulfing an entrant
3. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls; or
4. Contains any other recognized safety or health hazard (this includes such things as a high heat index environment).

If the competent person identifies a permit space the employer is required to:

1. Inform exposed employees by posting danger signs or by any other equally effective means; and
2. Inform, in a timely manner and in a manner other than posting it, employees’ authorized representatives and the controlling contractor of the existence and location of, and the danger posed by, each permit space;

In your permit-required confined space program each entry employer must implement any means necessary to prevent unauthorized entry; identify and evaluate the hazards of permit spaces before employees enter them; and develop and implement the means, practices and procedures necessary for safe entry operations.

So, what are you to do as a construction contractor? Well, the first thing you have to establish is that if there are any confined spaces (within the definition in the standard) on or in your jobsite. According to the new standard this determination must be made by a competent person. While this same standard adopts the definition of competent person found in Section 1926.20(b)(2), the competent person needs to have the training and knowledge necessary to identify confined spaces and permit confined spaces. Understand that the standard provides definitions for host employer and controlling contractor. The host employer owns and/or manages the property on which the construction is occurring. The controlling contractor is the employer with overall responsibility for construction at the worksite. While these terms are used in the standard, Section 1926.1203 (a) is very clear that **each employer** shall have a competent person identify all confined spaces in which one or more of its employees may work. Following this the competent person shall identify each space that is a permit space.

If you are an employer on a site in which a permit space has been identified and your employees have not been authorized to enter that space you must take effective steps to prevent your employees from entering that space. On the other hand, if you decide to permit your employees to enter the permit space, you must have a permit space program that complies with the requirements of Section 1926.1204.

There is an alternate procedure that can be adopted by an employer if certain conditions are met. These conditions require that you can demonstrate that all physical hazards within the space have been eliminated or isolated through engineering controls so the only remaining hazard would arise from a hazardous atmosphere. You must also demonstrate that continuous forced air ventilation alone is sufficient to maintain that the permit space is safe for entry. You must also develop monitoring and inspection data that confirms compliance with the requirements regarding how you addressed any physical hazards. The preceding determinations must be documented and made available to any employee who is to enter the space.

If permit spaces are identified the employer must have in place a permit-required confined space program. This program includes, at a minimum: (1) implementing measures necessary to prevent unauthorized entry; (2) identifying and evaluating the hazards of the permit spaces; and (3) developing and implementing the procedures and practices necessary to safely enter the permit space. In addition the permit space must be evaluated when entry operations are conducted and certain specified equipment must be provided. This includes testing and monitoring equipment. Finally, when entry is made one attendant must be provided for the permit space.

The permitting process is quite detailed. An entry supervisor must monitor the entry and be prepared to terminate the entry under certain conditions. The entry permit, once completed, must be made available at the time of entry to all authorized entrants or their authorized representatives.

The standard has a significant training obligation for the employer. Training must be provided to each employee whose work is regulated by this standard at no cost to the employee. You, the employer must ensure that the employee possesses the understanding, knowledge and skills necessary for the safe performance of the duties assigned under the standard. Retraining must be provided whenever there is a change in permit space entry operations that represents a hazard about which the employee has not been previously trained.

The attendant has specified duties. One interesting requirement is that the attendant may have no duties that “might” interfere with his/her primary duty to assess and protect the authorized entrants. For those familiar with the requirements for a safety monitor in a low-sloped roof fall protection program using safety monitors and warning lines – the safety monitor may have no responsibilities that might interfere with his duties as a safety monitor. In confined space the requirement does not seem as onerous. The standard itself implies that the attendant may have other duties, but reminds us that his/her primary duty is as attendant. So, while the safety monitor in the low-slope roof situation may have no other duties (he/she may not even use a cell phone), the permit confined space attendant may be permitted some other duties within the parameters of the standard. The attendant must remain outside the confined space until he/she is relieved.

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CSIA PRESIDENT'S MESSAGE

Brian Willett, Gribbins Insulation Co.



Brian Willett
Gribbins Insulation
Exec. Vice President



Summer is in full swing! Now that everyone's kids are out of school, I hope that you are all finding the time to enjoy it with friends and family. These are truly great times that are going by too fast...my parents were correct, again.

Our CSIA Spring Outing was a great one! We had record numbers in almost all aspects of attendance so I would like to say thanks for your time in supporting our group. All of the speakers were engaging and informative. Dave McCoy added a different twist to our labor section that encouraged group interaction and consideration of old issues at new angles. Despite the cool weather and brisk breezes we had more golfers than ever. The format of requesting your own 4-some was well received, and we will most likely continue in the future. If you don't have a 4-some, don't worry - we will pair you up with others.

We have finalized the agenda for the CSIA/ESICA Fall Conference this year in Naples, Florida, on September 10th-12th at the Ritz Carlton. We plan on efficiently utilizing all of the available time for quality educational content to attract as many members to this year's conference as possible. The attendance by our CSIA group members versus ESICA at last year's fall conference was lacking, so I encourage everyone to set some time aside this year for better representation. Partnering with the ESICA group for the fall convention has offered both parties many benefits, and we need to show them our commitment to continue this down the road. It is a perfect opportunity to receive some education and to see what is going on in other parts of the country in our industry.

Also consider attending some of the many joint training opportunities that our CSIA office passes on to us. Their involvement with multiple trade associations gives us the unique opportunity for shared learning. These webinar sessions provide quality training at a low cost from the comfort of your desk.

Have you visited the CSIA website lately? There is a lot of information on the website that is a benefit to you as a member so please check it out periodically.

Hope to see everyone this fall.

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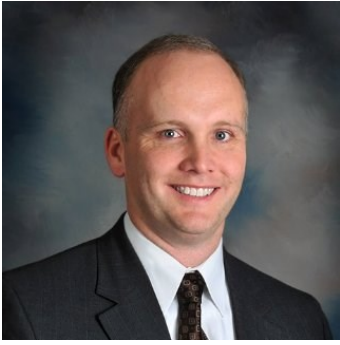


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Random Payroll Audits from Multiemployer Funds- Are they Really Necessary?



From: Michael Ledbetter

Contractors frequently raise questions and complaints over the necessity or scope of random employer payroll audits. The process can be invasive and cause disruption to a contractor's normal business operations. Additionally, large contractors may face multiple audits from

different plans each year. The purpose of this article is to provide an overview of the process and answer questions frequently raised by employers.

What is the Reason for Employer Payroll Audits?

Plan fiduciaries have an obligation under ERISA to ensure employers are abiding by the terms of collective bargaining agreements and contributing all monies owed to the fringe benefit plans. If the fiduciaries fail to conduct payroll audits, the Department of Labor can reject the DOL Form 5500 (Annual Report) and levy a fine of \$1,100 per day. Plan trustees can be held personally liable for violating their fiduciary obligations. This obviously creates a strong incentive for plan fiduciaries to fulfill their collection obligations.

What Right Does a Board Have to Audit My Records?

When an employer makes a contribution to a plan, it is bound by the terms of that plan's trust document. Nearly every trust document grants fiduciaries the right to audit an employer's records to determine compliance with the collective bargaining agreement-- but regardless of the trust language, most court decisions recognize the authority of the trustees to conduct regular payroll audits.

How Often Should Random Audits Be Conducted?

The plan's auditor has some leeway in determining the number of audits to be conducted per year. However, AICPA guidelines and the Department of Labor suggest that plans should attempt to audit every employer within a 3-6 year window.

Are there Other Types of Employer Audits?

In addition to the random program many plans will require audits of all new contractors during their first year of participation and those contractors who stop contributing to the plan. Also, if the fiduciaries have questions about an employer's contributions, they may request a "for cause" audit.

Who Pays for the Employer Audits?

In most cases the plan itself will bear the costs of the audits (typically \$1,500 to \$2,500). However, if the audit reveals a material underpayment from a contractor, the costs of the audit will become the responsibility of the contractor.

What Should I Expect During a Payroll Audit? The auditor will contact your office and set a mutually agreeable time to visit your office to review a list of documents. Alternatively, the auditor may ask that several documents be scanned and provided electronically. You will need to have someone available to answer questions and supply any additional information requested by the auditor. At the conclusion of the initial process the auditor will typically conduct an exit interview and present the contractor with a list of potential issues. The goal is to address these items before a final report is issued. If there are problems, the contractor will be contacted directly by the trustees or the plan administrator.

What Information is Typically Requested by the Auditor?

Keep in mind that the auditor has an obligation to go beyond the standard payroll records and search for problems like independent contractors performing bargaining unit work, improper subcontracting, employees being worked out of classification, etc. Auditors will request the documents they believe are most likely to uncover these problems, including: contribution reports, W-2s, state returns, federal returns, payroll journals, cash disbursements journal, accounts payable, 1099s, subcontracting information and/or the general ledger.

What if I Object to an Auditor's Request or Finding?

Any dispute concerning the audit process should be put in writing and sent to the administrator as soon as possible—with a copy to the employer trustees. Plan fiduciaries are almost always willing to work with contractors to resolve legitimate disputes. However, if a contractor refuses to cooperate or provide records, the fund attorney will likely file an action in federal court to force compliance.

Is More Information Available?

If you have additional questions about the audit process, contact the plan administrator. Nearly every fringe benefit plan maintains detailed collection and audit policies. As a contractor you are entitled to a copy of these documents.

Random employer payroll audits are costly to plans and burdensome for contractors. Nonetheless, the DOL requires that plan fiduciaries maintain a regular auditing program. If you have an additional questions about the audit process, please contact the Association Office.

This article is being provided by CSIA for their Members that are signatory to union bargaining agreements that include Taft-Hartley multi-employer pension and hospitalization plans. Mike serves as Fund Counsel to multi-employer Taft-Hartley Funds across the country. He is also a frequent speaker for the International Foundation of Employee Benefits.



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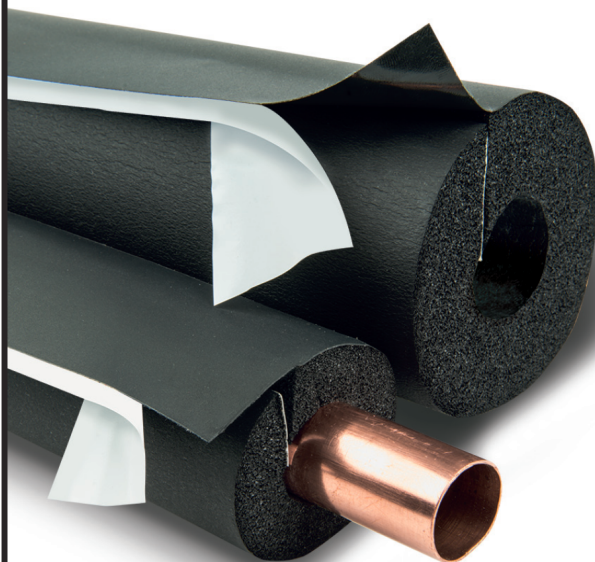
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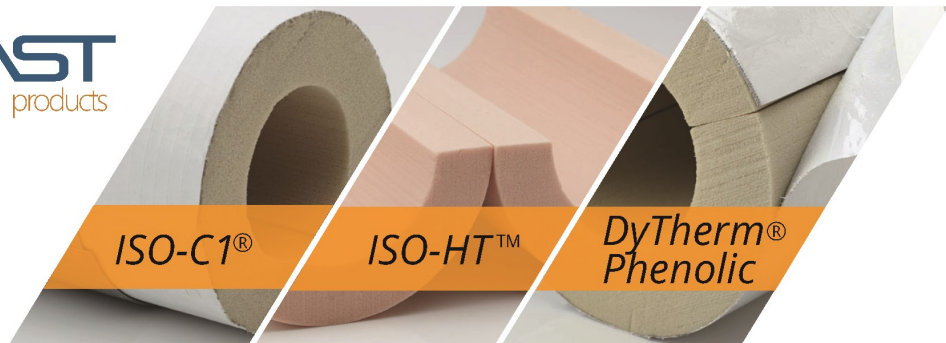


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Mandated Group Health Plan Design Changes in the Works

Many employers have adopted high deductible health plans (“HDHPs”) in conjunction with health savings accounts or HSAs and those programs may have to be revamped next year.

A high deductible health plan or HDHP is a plan with relatively high deductibles which, in turn, translates into lower premiums than traditional health plans. The employee then establishes a health savings account or HSA and the employer and/or employee can contribute money into the HSA. That money accumulates in the HSA to help pay claims that are not reimbursed under the HDHP. HSAs receive favorable tax treatment. The amounts contributed to the HSA are tax deductible, the amounts accumulate tax-free and the distributions are nontaxable as long as the amounts are spent on medical expenses.

The Department of Labor and Department of Health and Human Services have recently indicated health care reform is imposing new restrictions on these health plan designs. One of the new provisions under health care reform places limits on the maximum out-of-pocket amounts people have to pay with respect to in-network benefits under non-grandfathered health plans. That is, there are caps on how much people have to pay before the health plan kicks in and starts paying benefits. Previously, some health plans established the plan’s maximum out-of-pockets on a “non-embedded basis.” Under this approach, the plan did not pay any benefits until the plan’s total out-of-pocket was satisfied.

For example, a high deductible health plan may have a \$6,000 out-of-pocket maximum for single coverage and a \$12,000 maximum out-of-pocket for family coverage. Under a “non-embedded” approach, the plan would not begin paying benefits for an employee that elected family coverage until one or more family members incurred \$12,000 in expenses. In other words, the plan did not begin paying benefits until the family unit, as a whole, hit the \$12,000 maximum out-of-pocket. So, if one individual incurred \$8,000 in medical expenses, the plan did not pay anything because the family maximum out-of-pocket of \$12,000 had not yet been satisfied. Of course, the \$8,000 the person paid would go towards meeting the family maximum out-of-pocket.

The government is saying that, for plan years beginning on or after January 1, 2016, plans have to adopt an “embedded” approach. Under this scenario, the plan has to begin paying benefits for each individual under family coverage once that person hits the maximum out-of-pocket for single coverage.

Using the previous example, the high deductible health plan has a \$6,000 out-of-pocket maximum for single coverage and a \$12,000 maximum out-of-pocket for family coverage. Under the “embedded” approach, the plan has to begin paying benefits whenever an individual satisfies the maximum out-of-pocket for single coverage. So, in the previous example where the employee elected family coverage and an individual incurred medical expenses of \$8,000, the plan has to pay \$2,000 (i.e. the amount exceeding the single maximum out-of-pocket \$6,000) even though the family, as a whole, has not yet satisfied the \$12,000 family maximum out-of-pocket. Note that only \$6,000 counts towards satisfying the family maximum out-of-pocket because that is all the individual paid before the plan started paying.

Once the family, as a whole, incurs expenses meeting the family maximum out-of-pocket, the plan begins paying benefits whether the plan is embedded or non-embedded. However, many families do not hit the family maximum out-of-pocket so the recent change could impact a significant number of employees. On the other side of the coin, if the plan ends up paying more claims, the premiums will go up. That is, there are no free lunches when it comes to health care and if the plans pay more claims, the premiums will increase.

The government has indicated these rules apply to all non-grandfathered health plans regardless of the employer’s size or if the plan is fully insured or self-funded. Therefore, all employers should review their current plan designs to determine if the plan will have to be modified next year to comply with health care reform. Here are the links to the government’s webpages talking about this rule.

https://www.regtap.info/uploads/library/Embedded_MOOP_FAQ_V1_CR_050815.pdf

<http://www.dol.gov/ebsa/faqs/faq-aca27.html>

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The United States Supreme Court Decision on Same-Sex Marriage: Impact for Employers



From: Rachel Parisi

The Ruling

On June 26, 2015, the United States Supreme Court issued a landmark decision when it ruled that the U.S. Constitution requires that all states must permit marriage between same-sex couples

and that all states must recognize marriages lawfully performed in other states, including marriages between same-sex couples. The decision was a close one, with the Justices ruling 5-4. The primary basis of the decision was the majority's ruling that marriage is a fundamental right that is protected by the Constitution and cannot be denied because both partners are of the same-sex. At the time of the ruling, 14 states had bans in place against same-sex marriage.

Impact on Employers

What should employers be doing as a result of the decision in *Obergefell*? Make sure your policies treat same-sex and different-sex married couples the same. Your company may have leave policies, non-discrimination policies or spousal benefits that need to be modified to ensure that equal treatment is afforded to same-sex married couples. This is especially true for employers based in one of the 14 states that banned same-sex marriage pre-*Obergefell* (including Ohio). For larger employers with an in-house human resources department, ensure your staff is aware that the same enrollment and verification processes are to be used for all married individuals. In other words, a married same-sex employee cannot be required to provide "extra" verification of a valid marriage if the same steps are not taken for all employees.

For those participating in multiemployer benefit plans, your fund counsel has likely already taken care of the changes needed for your plans after an earlier Supreme Court decision in 2013 regarding same-sex marriages (the *Windsor* decision). In particular, tax-qualified retirement plans must recognize same-sex marriages for purposes of spousal rights. While it is not clear whether same-sex marriages must be recognized for rights that are not legally mandated, such as self-funded health plan coverage, it would seem that there is a near-certain risk of discrimination litigation by not

offering such coverage in the wake of *Windsor* and *Obergefell*. Your plan's benefit office will also likely be updating its enrollment and other forms to ensure that same-sex married couples are correctly identified and represented.

When in doubt, always check with your attorney on how to ensure that your company is in compliance and take care of both its business and employees.

This article is being provided by CSIA for their Members that are signatory to union bargaining agreements that include Taft-Hartley multi-employer pension and hospitalization plans. Mike serves as Fund Counsel to multi-employer Taft-Hartley Funds across the country. He is also a frequent speaker for the International Foundation of Employee Benefits.

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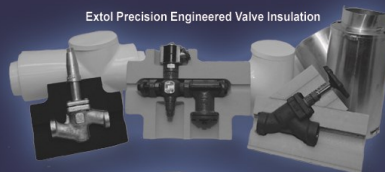
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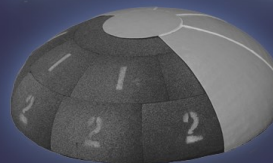
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2015 FALL CONFERENCE SCHEDULE

THURSDAY, SEPTEMBER 10, 2015

1:00 - 5:00 PM	Registration (Royal Poinciana)
2:00 - 4:30 PM	ESICA Board Meeting (Port Royal I)
3:00 - 4:30 PM	CSIA Board Meeting (Port Royal II)
5:00 - 7:00 PM	Associates Reception & Mesothelioma Research Fundraiser - Resort Casual Attire (Artisans)

FRIDAY, SEPTEMBER 11, 2015

7:00 AM	Registration Open (Estuary Foyers)
7:00 AM - 8:00 AM	Attendee Breakfast (Estuary)
7:30 AM - 7:45 AM	President's Welcome and Introductions (Estuary) With CSIA President, Brian Willett of Gribbins Insulation Co., and ESICA President, Jerry McCaffrey of Thermal Solutions Contracting, Inc.
7:45 AM - 8:15 AM	NIA Update With NIA Executive Vice President / CEO, Michele Jones, and NIA President, J. Kenneth Freeman of Petrin Corp.
8:15 AM - 9:30 AM	Keynote Speaker - How to Find, Train, Motivate and Retain Employees With Monroe Porter of PROOF Management. Addressing proven recruiting methods, leadership skills, productivity enhancement, and motivational techniques, this program is designed for anyone who manages people, including business owners, field foremen, office managers, department heads, superintendents, and estimators. Understand how recruiting challenges have changed and what you must do to attract and retain good people.
9:30 AM - 9:45 AM	Break
9:45 AM - 12:00 PM	Associates And Sales Force Related Attendees General Session (Room TBA) With Tim Wackel, <i>The Sales Expert</i>
9:45 AM - 10:45 AM	Contractor General Session 1 Confessions of A Construction Management Consultant With Monroe Porter of Proof Management
10:45 AM - 11:00 AM	Break
11:00 AM - 12:00 PM	Contractor General Session 2 "Market Share Analysis" With Carey L. Peters, Ph.D., of the Construction Labor Resource Council Contractors, associations, owners, unions, and labor-management groups increasingly are seeing the necessity of understanding their market share. Measuring market share trends using an experienced, objective third party such as CLRC helps labor and management understand the effectiveness of their current business practices.
12:30 PM	Spouse/Guest Outing
1:00 PM	Golf & Box Lunch - Shotgun Start at 1:00 PM
7:30 PM - 10:00 PM	Farewell Dinner - Resort Dress Attire Golf Awards & CSIA Scholarship Winners

SATURDAY, SEPTEMBER 12, 2015

8:00 AM - 10:00 AM	Attendee Breakfast Begins (Estuary Foyers)
8:30 AM - 10:30 AM	Break-out Meetings - CSIA and ESICA Contractors (Estuary I) Associates & Distributor/Fabricators (Estuary II)
10:30 AM - 11:00 AM	CSIA Board Meeting (Boardroom)
10:30 AM - 11:00 AM	ESICA Board Meeting (Pelican Bay)
11:00 AM - End	Joint Board Meeting (Pelican Bay)

Events listed in Yellow are Open to ALL Registered Attendees and their Guests and is included in the Registration Fee.

FEATURED SPEAKERS



NIA Executive Vice President/CEO, Michele Jones, will be presenting an overview of NIA's current programs and legislative activities. This exciting and educational update will inform attendees on their efforts as well as the association's overall structure and process to help grow our industry. Michele will be joined



by current NIA President, J. Kenneth Freeman. Kenny Freeman is President and Co-owner of Petrin Corp., an industrial insulation, painting, heat tracing, and scaffolding company located



in Port Allen, Louisiana, with branch offices in El Dorado, Arkansas; West Monroe, Louisiana; and LaPorte, Texas. A full-line distributor and fabricator of insulation materials, Petrin Corp. also manufactures and sells removable insulation covers. Mr. Freeman has decades of experience in the insulation industry and has been involved with the NIA for many years through numerous leadership positions and committee membership. In addition, he has held a variety of leadership positions in many insulation-related associations and groups.



Monroe Porter is president of PROOF Management Consultants, headquartered in Richmond, Virginia. Monroe has worked with PROOF Management since 1976. Starting at age 23 and working his way through the company, he has developed into one of the construction industry's premier consultants, facilitators and speakers. Monroe has literally lived, breathed and taught contractor business skills throughout his career. He has conducted over 1,500 workshops in the United States, Canada, the UK, New Zealand, Australia and even China. Under his direction, PROOF Management has directly helped scores of professional contractors organize their business, manage employees and priorities and address difficult decisions to build their business and have the time to build a life outside their companies as well. Since 1976, he has: Traveled over 2 million miles to teach over 1,500 seminars for clients ranging from Fortune 500 giants such as W. R. Grace and 3M, to business associations like the National Plumbing, Heating and Cooling Contractors Association. Trained tens of thousands of businesspeople in the U.S., Canada, the United Kingdom, Australia, and New Zealand. Developed powerful, time-tested solutions for issues ranging from



marketing profit analysis, employee recruiting, and business strategies. Created PROSULT™, a networking concept bringing small business owners from around the world together to share solutions and support one another in the achievement of their respective goals. In addition to his work as a consultant and speaker, he regularly contributes columns to several leading trade magazines about small business management.



Tim Wackel is one of today's most popular speakers because he makes information entertaining, memorable and easy to understand. He combines more than 25 years of successful sales leadership with specific client research to deliver high-impact programs that go beyond today's best practices. Tim's workshops are insightful, engaging and focused on providing real world success strategies that audiences can (and will!) implement right away.

His success as a speaker and trainer is built upon a lifetime of accomplishments and first-hand experiences that include:



- Being recognized as the number one producer in a 10,000 person sales organization
- Helping lead a Silicon Valley startup through a successful IPO
- Directing a 50 million dollar sales organization for a Fortune 500 Company

Today Tim is hired by clients who want their managers and salespeople to succeed in business and in life. His list of clients includes organizations like Allstate, BMC Software, Cisco, Dow Chemical, Fossil, Philips Healthcare, Hewlett Packard, Toshiba and Wells Fargo as well as many professional and trade associations.



The Construction Labor Resource Council (CLRC) has become the nation's foremost source of labor cost and related information for the unionized sector of the construction industry. The CLRC is a not-for-profit membership organization that provides labor-related research and consulting services to the construction industry. It serves as a resource for data on labor costs, market share, labor contract terms, safety, and associated topics. Members consist of management associations whose member firms employ union construction craft workers. Carey L. Peters, Ph.D. is the Executive Director of the Construction Labor Research Council (CLRC). Peters, who started with CLRC on April 4, 2011, previously spent 14 years with the Tennessee Valley Authority, the nation's largest public power company. While there, he conducted extensive market studies on wages/salaries and benefits, led all compensation related negotiations with the construction trades, and implemented a wide variety of human resources initiatives. He earned his doctoral degree in industrial/

organizational psychology at the University of Tennessee and has a Bachelor's degree from Taylor University. Carey will be presenting a market share for the mechanical insulation industry according to our geographical location. He will then teach attendees how to take this information and use it to better understand the effectiveness of their current business practices.

Breath of Life FOUNDATION

Our mission is to prevent and cure mesothelioma and other asbestos related diseases by providing critical funding, monitoring, early detection and cutting-edge research at leading medical and academic institutions.

The Breath of Life Foundation was established through a cooperative effort of the insulating industry – including insulating companies and their Union partners who represent workers in that field, as well as other providers that serve the industry. The Foundation acts in concert with other similar institutions in seeking a cure for mesothelioma and asbestos related diseases. Because asbestos and similar carcinogenic materials were long used as key components of insulation products, everyone in that industry has potentially been exposed to one degree or another – from the worker, to the end user and even their family members. Even though new safety measures have been developed recently to deal with asbestos, the lingering health effects of this material will be felt for generations. Curing mesothelioma, the cancer that is known to be caused by asbestos, along with other diseases which are triggered by, or advanced by asbestos, is the primary focus of the Breath of Life Foundation. In this time of reduced public funding for medical research, the Breath of Life Foundation was established to make sure that asbestos exposure is properly treated and that the search for a cure for mesothelioma goes on.

100% of fundraising proceeds from the CSIA/ESICA Silent Auction are donated to research.



Beats Pill By Dr. Dre 2.0



Blue Nile Peridot Drop Necklace

“To know even one life has breathed easier because you have lived. This is to have succeeded.”

~ Ralph Waldo Emerson



Seasonal (4 Month) Beer Club



Apple Watch Sport



Michael Kors Handbag

Auction Prizes

100% of fundraising proceeds from the CSIA/ESICA Auction are donated to research.



Tiburón Golf Course

With all of its exquisite amenities, Tiburón's main attraction remains the two superb golf courses. The Gold and The Black, designed by golf legend Greg Norman. Tiburón golfers enjoy unique stacked sod wall bunkers, coquina shell waste bunkers and the absence of conventional rough. Following Greg Norman's philosophy of maximizing the natural allure of the land, each element has been carefully integrated to produce a pleasing atmosphere in which to appreciate the finer aspects of the game. Designated as a Certified Audubon Cooperative Sanctuary by Audubon International, Tiburón strives to protect and enhance its natural surroundings.



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Uptown Naples Food Tour HUNGRY FOR SOMETHING DIFFERENT?

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Gumbo Limbo - Casual Floridian cuisine, tropical drinks and sumptuous desserts with spectacular views of the Gulf sunsets

Terrazza - Italian family-friendly cuisine

The Grill - Aged prime meats, chops and fresh seafood paired with exceptional wines all in a romantic atmosphere with nightly piano entertainment and a cozy fireplace

Bites - Featuring flavorful small tastes, or tapas, from an innovative menu of global cuisine. Live Latin music played 7-10 p.m. nightly, 6-12 p.m. Friday & Saturday.

DUSK - DUSK is a cocktail lounge open from 5 p.m. to 10 p.m. nightly. After 8 p.m., the bar is for those 21+ years of age. Featuring nightly music and a selection of assorted Sashimi, Nigiri and Maki Rolls.

The Poolside Café - Outdoor dining in the warm Florida sunshine overlooking two beautiful pools and lush greenery. A light menu featuring creative salads and sandwiches, Bento Boxes, fruit and frozen cocktails.



The Spa

Escape to The Ritz-Carlton, Naples, one of the most soothingly elegant spas in South Florida where gentle Gulf breezes drift through the cypress, mangrove and palm trees. The resort and spa beckons guests to enjoy rejuvenating and healing steam rooms, saunas and aqua lounges, along with an outdoor mineral pool to complete the holistic experience.

Replenish with a simple treatment or immerse yourself in total relaxation. The Ritz-Carlton Spa, Naples offers a complete range of services for body, mind and spirit. View a menu of services at: <http://www.ritzcarlton.com/en/Properties/Naples/Spa/Menu.htm>

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vue, virtual user experience provides a luxurious, comfortable setting, where your senses are stimulated through the latest in game entertainment technology. The high tech lounge features all of the popular interactive virtual-reality games played via consoles hooked up to 40" Samsung LCD TVs and includes Xbox One, Sony Playstation 4, and Nintendo Wii.

Serious gamers will also enjoy access to high performance Alienware gaming computers with ultra widescreen gaming monitors. Additionally, vue features Cinemizers, virtual reality video glasses that provide brilliant 3-D image perfect of watching movies or gaming. The vue's lounge area also offers a 63-inch LCD TV with a Blue-ray player

The resort features a heated family pool, a relaxation pool, and an interactive children's pool. Swimming lessons are available for smaller guests as well as water aerobic classes for a low-impact workout.

Four lighted Har-Tru Tennis courts - Fitness Center - On-site Resort Shopping

2015 CSIA/ESICA FALL CONFERENCE
September 10th - 12th, 2015
The Ritz Carlton, Naples, FL

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Fill out the form below or go to:
www.csiaonline.org or www.esica.org to register securely online!

Name: _____ Badge Name: _____
Spouse/Guest Name: _____ Badge Name: _____
Company: _____
Company Address: _____
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Fees: Please Circle	by 8/19	after 8/19
Contractor Member	\$725.00	\$775.00
Contractor Member & Guest	\$925.00	\$975.00
Associate Member	\$875.00	\$925.00
Associate Member & Guest	\$1025.00	\$1075.00
Distrib./Fabricator Member	\$875.00	\$925.00
Dis./Fab. Member & Guest	\$1025.00	\$1075.00
Non-Members	\$1300.00	\$1350.00
Conference Sponsorship	\$500.00	\$500.00

Credit (for an Associate or Distributor Fabricator who sponsors this conference) \$(100.00) \$(100.00)

Total Registration: \$ _____ \$ _____

Golf Registration \$250.00 x # people _____ = _____
Handicap _____ Guest Handicap _____

Naples Tasting Tour \$95.00 x # people _____ = _____

Total Due: \$ _____

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Signature _____ Billing Zip _____

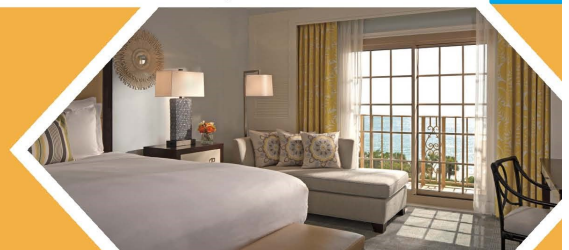
Register securely online at www.csiaonline.org or www.esica.org!

Or Please Return Registration and Sponsor Forms To:

CSIA- 2077 Embury Park Rd. Dayton, Ohio 45414 ESICA - 123 South Street, Suite 112 Oyster Bay, NY 11771
(937) 278-0317 Fax rpinkus@assnsoffice.com (516) 922-1414 Fax info@esica.org

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NIA Announces New 2015-2015 Board of Directors and Executive Committee

San Antonio-March 26, 2015-NIA is pleased to announce its officers for 2015-2016. The officers will be led by NIA's new President, J. Kenneth Freeman. The new slate of officers and representatives assumed their positions following a unanimous vote by the NIA membership during NIA's Business Session, which took place on March 26, 2015, at NIA's 60th Annual Convention in San Antonio, Texas.

J. Kenneth Freeman is President and Co-owner of Petrin Corp., an industrial insulation, painting, heat tracing, and scaffolding company located in Port Allen, Louisiana, with branch offices in El Dorado, Arkansas; West Monroe, Louisiana; and LaPorte, Texas. A full-line distributor and fabricator of insulation materials, Petrin Corp. also manufactures and sells removable insulation covers. Mr. Freeman has decades of experience in the insulation industry and has been involved with NIA for many years through numerous leadership positions and committee membership. In addition, he has held a variety of leadership positions in many insulation-related associations and groups.

During his term as President, Mr. Freeman plans to focus on promoting the global benefits of thermal insulation. His term will conclude at NIA's 61st Annual Convention and World Insulation and Acoustic Congress (WIACO) at the Boca Raton Resort and Club in Boca Raton, Florida, from April 20-23, 2016.

The 2015-2016 Executive Committee

- President: J. Kenneth Freeman, Petrin Corp.
- President-Elect: Steve Luse, Luse Thermal Technologies
- Secretary/Treasurer: Darrel Bailey, Performance Contracting, Inc.
- Assistant Treasurer: Dan Bofinger, Winroc-SPI
- Immediate Past President: David Dzina, Selle Insulation Co./PBI Supply

Past President Advisors

- P. Thomas Fraatz
- Ronald King

Regional Board Representatives

- Jim Gribbins, Gribbins Insulation Company, Inc., representing the Central States Insulation Association (CSIA)
- Joe Leo, Atlantic Contracting & Specialties, LLC, representing the Eastern States Insulation Contractors Association (ESICA)
- Jeffrey DeGraaf, Industrial Construction & Engineering, representing the Midwest Insulation Contractors Association (MICA)
- Matt Caldwell, Caldwell Insulation, Inc., representing the Southeastern Insulation Contractors Association (SEICA)
- J. David Gottlich, Brace Integrated Services, representing the Southwest Insulation Contractors Association (SWICA)
- Tim Stout, Hudson Bay Insulation Company, representing the Western Insulation Contractors Association (WICA)

At-Large Representatives

- Mike Bedford, Shook & Fletcher Insulation Co.
- Mark Duppler, Bay Industries, Inc.
- John Lamberton, Irex Contracting Group
- Ed Mahoney, Regal Insulation
- Mark Reed, Zampell Companies
- Dana Vlk, Distribution International, Inc.

Associate Representatives

- Doug Bolen, Knauf Insulation
- Dave Cox, Owens Corning

Michele M. Jones, NIA Executive Vice President/CEO, and General Counsel Gary Auman, Dunlevey, Mahan & Furry, will be advising and counseling the Executive Committee and the Board of Directors.

2013-15 NIA President David Dzina Honors Gary W. Auman with NIA's President's Award

Reston, VA - April 14, 2015 - At the National Insulation Association's (NIA's) recent 60th Annual Convention in San Antonio, Texas, 2013-15 NIA President David Dzina presented NIA's General Counsel Gary W. Auman with the 2014-15 President's Award.

The President's Award can be given by the outgoing president to an individual whose dedication, service, leadership, and actions have brought forth positive changes for NIA and the mechanical insulation industry. Since the award was first presented in 1971, there have only been 20 men and 1 woman who have received this prestigious lifetime achievement award.

In choosing to surprise Mr. Auman with the President's Award, Mr. Dzina said, "Since 1993, Gary has played an instrumental role within our association. His passion and dedication have led him to become our association's OSHA expert, and he has used that role to place safety as one of NIA's strategic initiatives. His leadership and activities with the Health and Safety Committee have provided our members with immeasurable opportunities to better their safety programs for the benefit of both the member companies and their employees. The Theodore H. Brodie Distinguished Safety Award would not be what it is today if it were not for his leadership and involvement."

Mr. Auman is a Director with Dunlevey, Mahan & Furry in Dayton, Ohio, and concentrates his practice on occupational safety and health law and workers' compensation defense for small and large companies. With over 37 years of experience, Mr. Auman is a frequent speaker on occupational safety and health topics at seminars and conferences throughout the United States.



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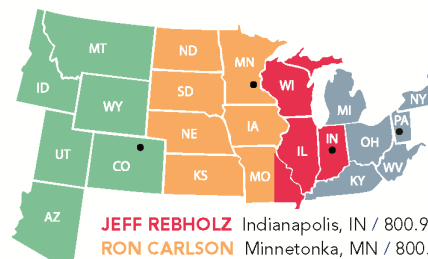
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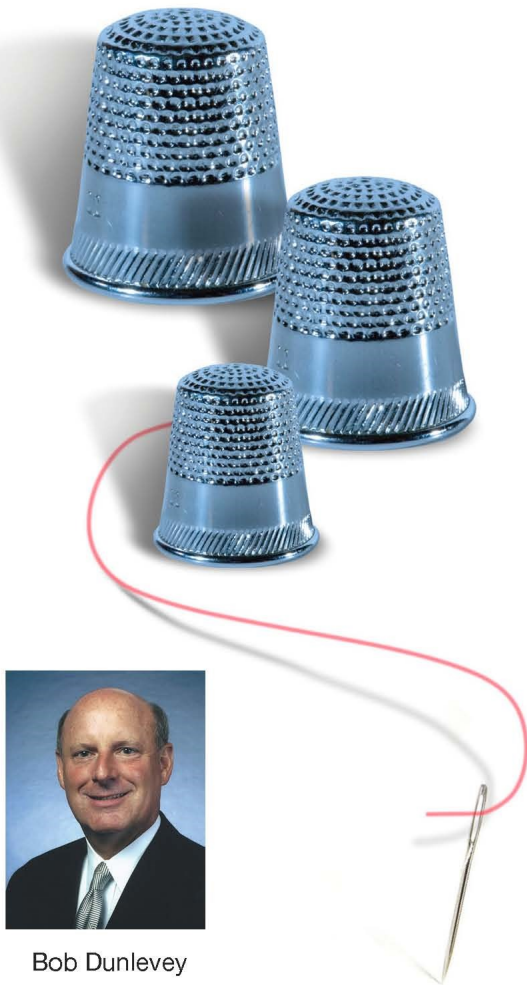
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CSIA SCHOLARSHIP PROGRAM

The purpose of this Scholarship Program is to supplement financially up to two (2) college students per year in a field of study that is relevant to the

Mechanical Insulation Industry directly or indirectly. Each scholarship shall be a one-time payment of \$1000 that will be paid on or about September 30th to each recipient. The scholarship will be paid to the student(s) for payment of tuition, books, and/or fees.

I. Eligibility will be based on the following criteria:

- a) Student must be the child of or under legal guardianship of a full-time employee not under Trade Agreement of a current **CSIA** member.
- b) Must be currently enrolled or preparing to enroll in undergraduate study at an accredited college, university or technical institute.
- c) Not previously awarded a **CSIA** scholarship.

II. Scholarship(s) will be awarded based on the following criteria:

- a) A type-written essay of 500-800 words, regarding importance of insulation and how it affects the student's life and the lives of others.
- b) Field of study.
- c) Past academic achievement and leadership qualities.

An independent group shall make selection by the 2015 CSIA/ESICA Fall Conference. All selections are final. The application form and essay are due by August 15th of each calendar year. **CSIA** is not obligated to present a scholarship each year. Awards will be presented based on the criteria.

For your convenience, an application form is posted at www.csiaonline.org.

CENTRAL STATES INSULATION ASSOCIATION
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Dayton, OH 45414

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FAX: 937-278-0317
csia@assnsoffice.com
www.csiaonline.org

CSIA SCHOLARSHIP APPLICATION

Name _____

Address _____

City, State, Zip Code _____

Telephone Number ____ (____) _____

E-mail Address _____

Relationship to CSIA Member Employee _____

CSIA MEMBER INFORMATION

Name of **CSIA** Member Employee _____

Employer's Name _____

Address _____

City, State, Zip Code _____

Telephone Number ____ (____) _____

Fax Number ____ (____) _____

E-mail Address _____

EDUCATIONAL BACKGROUND

High School Name _____

Address _____

City, State, Zip Code _____

Telephone Number ____ (____) _____

Office Contact / Guidance Counselor _____

Current Grade Point Average: _____ out of a _____ scale

Extra Activities, sports, clubs, achievements (*use separate sheet if necessary*) _____

Probable Field of Study _____

Educational Goals (*use separate sheet if necessary*) _____

Selected University, College, or Institute _____

Date Classes Begin _____ / _____ / _____

Applicant Signature

Print or type name and date

Signature of Corporate Officer

Print or type name and date

**Please include your 500-800 word essay and photo with this form when you return it to the CSIA Office
2077 Embury Park Rd. - Dayton, Ohio 45414**

CONTINUED FROM PAGE 5

In addition the attendant, among other duties, must be familiar with the hazards that might be face during entry, be aware of any possible behavioral effects of hazard exposure in authorized entrants, consistently maintain an accurate count of authorized entrants in the space, and perform not-entry rescues as specified by the employer's rescue procedures. The attendant is also required to summon rescue and other emergency services as soon as he/she determines that the authorized entrants may need assistance to escape from permit space hazards. There are several more requirements, but the preceding are probably the most important.

This standard also has a requirement for a permit confined space entry supervisor. This individual has duties similar to the attendant, only more in a supervisory role. He/she, among other duties, is to be familiar with and understand the hazards of the permit confined space, verify that appropriate entries have been made on the permit, and verifies that rescue services are available, and remove unauthorized individuals. The supervisor also is authorized to terminate the entry and cancel or suspend the permit as required by Section 1926.1205(e).

As an employer who is going to rely on outside rescue services in case of an emergency you have several responsibilities. First, you are required to evaluate a prospective rescuer's ability to respond to a rescue summons in a timely manner. This is an interesting requirement, which actually depends on the kind of hazard (s) in the confined space. For example, Section 1926.103 requires that whenever employees are wearing respirators and are working in an atmosphere that is immediately dangerous to life or health (IDLH) there must be at least one rescuer immediately outside that area who is equipped with the necessary respiratory protection to perform a rescue if necessary. I suggest that each time you evaluate the capabilities of whomever you intend to rely upon for rescue that you document your evaluation and conclusions drawn. You must also provide the agency selected access to all permit confined spaces so that they can develop an appropriate rescue plan for each such space. There are several other requirements for the employer who chooses to use an outside agency to provide rescue services.

For the employer who chooses to use its own employees to perform a rescue there is a separate set of requirements. These include in addition to providing each member of your rescue team with all of the necessary PPE, to training each affected employee to perform his/her

assigned rescue duties. Each affected employee must also be trained in CPR and first aid. If you are going to organize and rely on your won rescue team you are required by this standard to have the team practice making permit spaces rescues. At least one time every twelve (12) months these teams must practice making a simulated rescue using manikins, dummies or actual persons from actual confined spaces similar to those which might be encountered in an actual rescue operation.

The first consideration in rescue operations is that non-entry rescue is the preferred means of rescue. Non-entry rescue is to be used: "unless the retrieval equipment would increase the overall risk of entry or would not contribute to the rescue of the entrant;" Section 1926.1211(c). This decision must be made before any one enters the permit space because if non-entry rescue is designated the employer must designate an entry rescue service using either its own employees or an outside agency.

This article is intended to cover the high points of the new standard. There are many more details to the standard that mandate a close reading before and while developing your confined space program. The employer is cautioned to keep complete and accurate records. I suggest maintaining a complete record of the competent person's evaluation of all confined spaces on **all** job sites. The record should also include the evaluation of each confined space and the reason(s) it was determined to be or not to be a permit confined space. For each permit confined space a record of compliance of all of the procedures required by the standard should be maintained along with all entry permits. Remember if you are inspected between August 3, 2015 and October 2, 2015, you will not be cited for a violation of the construction confined space standard if you are making a good faith effort to comply with the new standard and you are in compliance with the training requirements of either 1926.1207 or 1926.21(b)(6)(i).

Gary Auman is a Director with Dunlevey, Mahan & Furry. Gary Auman concentrates his practice on occupational safety and health law and workers' compensation defense. Visit their website at www.dmfdayton.com. DM+F sponsors the Legal Services Plan available to all members. Contact Bob Dunlevey at (937) 223-6003.

REGISTER TODAY!

Breath  Life
FOUNDATION

3rd Annual Motorcycle
Rally and Car Show



Saturday
August 8, 2015

IBEW Local 82 6550 Poe Ave.
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Food and Festivities Noon-3:00 PM!
2:00 PM RAFFLE
Group Ride at 3:00 PM

Breath  Life
FOUNDATION

7th Annual Mesothelioma Charity
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Belterra Casino Resort
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Florence, IN 47020

August 31, 2015

To Register Contact: Tina Jordan with Heat & Frost Insulators Local No. 80. PH: (304) 586-4780 or tjlocal80@aol.com

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Major food producers in North America, who have been long-time users of Polyguard's ReactiveGel® corrosion preventer in combination with Polyguard's ZeroPerm® vapor barriers can now specify an entire insulation system to minimize downtime and extend the productive life of their low temp pipe installations.

The optimal Cold Service System starts with RG-2400® gel on the pipe to prevent corrosion. Dow® Styrofoam™ insulation provides long-term stable R values and is the preferred product for low temp applications. Cover the insulation with either Polyguard's ZeroPerm® or Insulrap™ vapor retarders to keep the insulation dry and then complete the system with Polyguard's Alumaguard® family of flexible weatherproof cladding products.

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CENTRAL STATES INSULATION ASSOCIATION MEMBERSHIP APPLICATION

APPLICANT INFORMATION

Company Name: _____
 Address: _____
 City, State & Zip: _____
 Telephone: _____ Fax: _____
 Contact Name: _____
 Email: _____ Website: _____

TYPE OF MEMBERSHIP REQUESTED (*check only one*)

- | | | | | | |
|---|----------|---------------------------------------|---|------------------------------------|--------------------------------|
| <input type="checkbox"/> Contractor | \$425.00 | <input type="checkbox"/> Insulation | <input type="checkbox"/> Abatement | <input type="checkbox"/> Unionized | <input type="checkbox"/> Merit |
| <input type="checkbox"/> Distributor/Fabricator | \$425.00 | | | | |
| <input type="checkbox"/> Associate | \$513.00 | <input type="checkbox"/> Manufacturer | <input type="checkbox"/> Sales Manufacturing Representative | | |
| <input type="checkbox"/> Engineer/Specifier | \$ 95.00 | | | | |

APPLICANT INFORMATION

Please Answer the following questions so that we may get to know you better, and feel free to use additional sheets is necessary.

- Type of Work in which your company is engaged: _____
- Length of time company has been in business; date established: _____
- Primary geographic area of operation: _____
- Brief history of company: _____

- Identify Principals of Company and Titles: _____

- Number of Employees: _____
- Labor Organizations representing your employees: _____
- Is your company a member of NIA? Yes No

This application for membership is made subject to the Bylaws governing such membership. It is understood and agreed that, if and when approved by the association's Board of Directors, the applicant shall maintain membership in good standing and shall terminate it only in writing, and only after all obligations to the association have been met. The undersigned company and its representatives agree to abide by all terms and conditions of the association's bylaws.

Membership Proposed by: _____
Existing CSIA Member

Signature of Applicant: _____ Date: _____

*Make dues check payable to CSIA and return with application.
Payment via Visa, MasterCard, Discover and American Express are also accepted.*

Card Number _____ Expiration Date _____

Name on Card _____ Authorized Signature _____

Send back completed form and payment to:

FAX: (937) 278-0317 or MAIL: 2077 Embury Park Road - Dayton, Ohio 45414



Central States Insulation Association
2077 Embury Park Road
Dayton, Ohio 45414

PH: 937-278-0308

www.csiaonline.org

Email: csia@assnsoffice.com



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