

WINTER 2008

OFF THE WALL

An Industry Publication by the Wall-Ceiling & Carpentry Industries of New York, Inc.



CITI FIELD SITE

**New Mets Stadium
Is One Of Many
Construction Projects
Keeping New York
Union Contractors
in High Gear**

...see page 6

**USCIS Revises
Employment Eligibility
Verification Form I-9**

— See Page 8

CALENDAR

2008				
FEB	26 (TUES)	6:00 PM	MEMBERSHIP MEETING	CARACALLA
MAR	23-27 (SUN-THURS)		AWCI CONVENTION	PARIS HOTEL LAS VEGAS
	28 (FRI)	7:30 PM	WCC DINNER DANCE	TERRACE ON THE PARK
APRIL	9 (WED)	7:30 AM	BOARD MEETING	OFFICE
	15 (TUES)	6:00 PM	MEMBERSHIP MEETING	TBA-MANHATTAN
MAY	13 (TUES)	4:00 PM	BOARD MEETING	TBA
	13 (TUES)	6:00 PM	MEMBERSHIP MEETING	TBA
MAY	21-25 (WED-SUN)		WCC CONVENTION	RITZ-CARLTON AMELIA ISL, FL
JUNE	11 (WED)	7:30 AM	BOARD MEETING	OFFICE
	16 (MON)	6:30 AM - TIL	GOLF OUTING	NO. HEMP. CC

OFF THE WALL

Off the Wall is published through the Promotional Fund by the Association of Wall-Ceiling & Carpentry Industries of New York for the benefit of the membership. It is distributed to members, associate members, union affiliates, and legislators. Editorial contributions, including pictures and story ideas, are welcome and should be forwarded to the WC&C office, 125 Jericho Tpke., Suite 301, Jericho, NY, 11753.

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*From the
Executive Director
Joseph Olivieri*

We're Helping Our Members Promote Safety In Their Organizations

ON THE JOB ACCIDENTS IN THE METROPOLITAN AREA AND ELSEWHERE, ESPECIALLY ON NON-UNION JOB SITES, keep happening at an alarming rate. Non-union accidents account for over 80 percent of these occurrences. Everyone in the union construction industry must understand that safety is the KEY element on every job site. THINK AND TALK SAFETY!

Your association conducted a safety seminar on January 29th with the AWCI safety consultant INTEC Corp. This seminar, "Building and Maintaining a Safety Program with AWCI's SAFETY LINE Software", was conducted by Joe O'Connor and Diane Kelley from INTEC. The safety disk, which is available to all WCC members is a compliance guide to a basic safety program and describes a five-point workplace program that is based on the Safety & Health Management Guidelines issued by OSHA. Safety programs are essential to your company's prosperity and save lives. Financial stability for your corporation depends on SAFETY PROGRAMS for your employees.

We have begun accreditation programs in conjunction with the New York City District Council of Carpenters on drywall walls and ceilings. The major requirement for certification is the 10-hour OSHA Safety Course. Additionally, a HILTI permit issued by the NYFD is required for carpenters to use power-activated tools on the job site. Carpenters who have worked 10,000 hours in the carpentry trades will not have to complete a written test or mock exercise for certification. All other carpenters will satisfactorily complete a written test plus a mock

exercise to qualify for certification.

The NYCDC Labor Technical College, under the guidance of the Board of Trustees, has applied for and received a favorable evaluation for NPOISI (National Program on Noncollegiate Sponsored Instruction – New York State Board of Regents) and awarded the NYCDC and your carpentry apprenticeship program 30-36 college credits, recognizing that our rigorous technical training is comparable to college level instruction. These credits correspond to almost half of a two-year associate degree.

The Labor Technical College is currently applying for a two-year degree at Harry Van Ardsdale Center for Labor Studies (SUNY) and pursuing opportunities for our apprentices on college courses in Construction Management. Information on these education initiatives is on page 24 of this issue.

The New York Labor-Management Corporation continues our **Build It Union** program. Together with the NYC District Council of Carpenters, the Empire Regional Council of Carpenters and affiliated management groups, we are putting forward the image of quality, safety and opportunity that labor and management working together represents. If you haven't done so, visit the website at www.builditunion.com and remind yourself of how over 21,000 strong, union carpenters and contractors are building the future of New York.

Cooperation of labor and management has also been responsible for exposing bogus apprentice programs throughout New York State. By effectively working together with

union representatives, your association is helping to assure that proper language is applied to apprenticeship requirements for construction projects, and is implemented by the various agencies in towns and counties throughout all of New York.

We are working closely with Local 1974 of the Tapers on upgrading their program for Journeymen and Apprentices. We have also attended international meetings with the Brotherhood of Painters and Allied Trades on their FCA program dealing with training in their trade.

A test program with ADR insurance is beginning in the first quarter. We will keep you updated on all results.

We need to keep our website current with the latest information. If you have not yet sent us your updated email address, please do it today. Our website upgrade will go live by the end of the first quarter. It will include lien list reports with each member having sign-on security.

In this issue of Off The Wall we are promoting the AWCI Convention and INTEX Expo on page 25. Our own WC&C Convention will be held on May 21 through 25 at Amelia Island, Florida. (See our promotion on the back page of this issue.) Situated between the Intracoastal Waterway and the Atlantic Ocean, Amelia Island is about 30 miles north of Jacksonville. During May its Chamber of Commerce boasts a temperature range of between 63° and 85°. Pretty nice. Details have been sent to our members. Please take the time to respond immediately.

We are currently working with the political directors of the unions on our latest legislative agendas which include:

- Prompt pay law
- Hold harmless bill
- A new bill that will require owners and developers to insure payments are made for Workers Comp insurance plus city, state and federal taxes on their projects. This will help level the playing field as our members bid on new jobs.

So the year is in full swing. As always, your association is working diligently for its contractors and unions, seeking new ways to increase market share throughout New York State and across the U.S.

We are looking forward to 2008 as a great year for all our members.

— Joe Olivieri



*From the
PRESIDENT
Michael Weber*

2008 — We're Doing Good Things!

With a strong 2007 behind us and a promising outlook for 2008, I look forward to meeting the challenges our association will encounter this upcoming year.

To help in accomplishing these, I'm pleased to announce the appointment of John Rappaport of Component Assemblies to a seat on the board of our parent AWCI as *Contractor at Large*. John brings passion and enthusiasm for education and technology to our industry and our association, enabling him to hit the ground running as he works with AWCI Executive Director Steve Etkin in forming a new technology committee. My sincere thanks to John for accepting the challenge and I look forward to his contribution in the coming years.

Preserving our Mobility as outlined in our current collective bargaining agreement with the New York City District Council of Carpenters remains a priority. We remain committed and will press along with three other contractor associations to achieve a satisfactory remedy to comply with the summary order filed by the Second Circuit Court on April 18th 2007.

On a national level the realignment of trade unions happening throughout the

country has the potential to be a healthy change in our industry and is certainly long overdue. It's critical that we as contractors and trade associations collaborate with our partners on national and local levels to find meaningful, constructive solutions which meet the needs of both Labor and Management in preserving our respective jurisdictions and market share. We will continue our efforts to work closely with all parties that share a common goal of rebuilding market share for our respective memberships.

I am pleased to report that the New York City District Council of Carpenters Certification Program is in its final stages of implementation. We are looking forward to rolling it out during the first quarter of 2008.

Join us in March for the AWCI 2008 Annual Convention & INTEX Expo in Las Vegas. WC&C board member and safety committee chairman Lee Zaretsky will be a featured speaker at a key session, *Improving Profitability through Safety*. Lee is president of Ronsco, Inc. and was awarded AWCI's Excellence in Construction Safety Award in 2006. He will be joined by Joe O'Connor, president of INTEX and AWCI's safety consultant. The convention and expo is an event every WC&C member

can benefit from. There is a wealth of information and expertise to be gained in a comfortable, enjoyable surrounding. For more information on attending the Convention and INTEX Expo, call AWCI at 703-538-1600.

Finally, with the mortgage crisis putting a pinch on the U.S. economy and construction loans tightening up, I am cautiously optimistic our market in New York City will remain strong this coming year. I encourage members to participate in the monthly WC&C meetings where you can stay updated, network and compare notes with other union contractors. Let's do everything we can to maximize our possibilities for successes.

Good luck in 2008 and have a healthy and prosperous year.



*More
Christmas Party
Photos on pages
10-13*

In The NEWS

WC&C members are often involved in activities or achieve goals which bring credit to themselves, their companies and their workers. We would like to let other members know of your exploits by publishing an "In The NEWS" segment in each issue of Off The Wall.

We invite you to send us your news. It can be as simple as a few lines or it can be a complete press release. We do reserve the right to edit as necessary. If there is a photo available in conjunction with the item, please include that too.

Please email your material to dgumbrecht@aol.com.

Ronsco Raises \$60,000 For Autism Speaks

WC&C member Ronsco, Inc. (Ronsco's president, Lee Zaretsky, is a WC&C Director), recently raised over \$60,000 for Autism Speaks as part of a philanthropic initiative supporting the 2007 Annual Autism Speaks "Walk Now for Autism" event. Held in Battery Park, participants in the 5K walk raised over \$1 million to fund medical research into the causes, prevention, treatments and cure for autism, as well as to raise public awareness about the disorder. The 2008 NYC Walk is tentatively scheduled for Sunday June 1. Ronsco's goal is \$100,000.

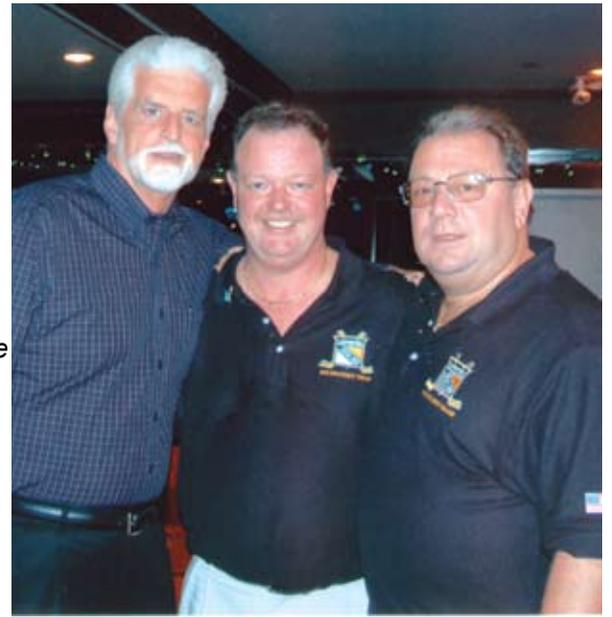


Ronsco's dedication to Autism Speaks has been recognized by AWCI and the builditunion.com campaign and is another example of the many charitable initiatives supported by the members of the unionized construction industry which has been involved in numerous community based philanthropic projects. Union labor and management continue to lead the way in skilled and safe craftsmanship and in providing charitable contributions to our communities.

Ronsco Earns BTEA's Labette Safety Award

The NYC BTEA recently conferred its prestigious Charles Labette Safety Award on Ronsco and its president, Lee Zaretsky. Ronsco is among the leading companies in employee safety within New York's construction community. Lee is chairman of the WC&C Safety Committee and was the 2006 recipient of AWCI's Excellence in Construction Safety award. The company maintains a comprehensive safety program that has resulted in an 80 percent decrease in accidents. Zaretsky is joined in Ronsco's safety activities by Anthony Berardo, the firm's Director of Construction and Safety who accepted the BTEA award on behalf of the company.

Douglas McCarron, General President of the United Brotherhood of Carpenters and Joiners, left, Michael Forde, Executive Secretary/Treasurer of the New York City District Council of Carpenters, center, and Joseph Olivieri, Executive Secretary of the Wall-Ceiling & Carpentry Industries of New York met recently and discussed labor-management issues.



WC&C's Joseph Olivieri also met recently with New York Senator Hillary Clinton.



Shown l-r: William Banfield, President, Empire State Regional Council of Carpenters; Peter Thomassen, President, NYC District Council of Carpenters; Patrick Morin, Executive Secretary/Treasurer, Empire State Regional Council of Carpenters; United States Senator Hillary Clinton; Michael Forde, Executive Secretary/Treasurer, NYC District Council of Carpenters; Joseph Olivieri, Executive Director, Association of Wall-Ceiling and Carpentry Industries of NY; Denis Sheil, Vice President, NYC District Council of Carpenters.

New York Construction Soars...

Visionaire at Battery Park City



Anyone looking for proof that New York construction industry has shifted into high gear has only to look around to see the large number of construction sites humming away in the city.

According to McGraw Hill's New York Construction, while two years ago there were only eleven project starts valued at over \$200 million, and eighteen in 2006, twenty projects went underway in 2007 valued at \$220 million or above, including three topping out at \$1 billion.

From new stadiums for the Yankees, Mets, Jets, and Giants, to New York City's first major expansion of its subway system in decades with the start of work on the Second Avenue Subway. Major bridge, residential tower, office complex, courthouse, and railyard projects roundout the construction surge. But those were only the bigger, most notable.

Throughout the city all sizes of construction sites, new and renovating, are humming to satisfy the growing demands of the city. It is a great time to be a union contractor in New York.



Citi Field Stadium



East River Plaza

Top NYC Projects Started In 2007

1. Second Avenue Subway
2. New Meadowlands Stadium
3. Yankee Stadium
4. Citi Field
5. River Place
6. Beekman Tower
7. Gateway Center at Bronx Terminal Market
8. John Jay College of Criminal Justice Expansion
9. East River Science Park
10. The Edge
11. Visionaire
12. East River Plaza
13. Harlem Hospital Center
14. Riverside South Rushmore
15. Thurgood Marshall U.S. Courthouse Rehabilitation
16. Memorial Sloan-Kettering Cancer Center Breast & Imaging Center

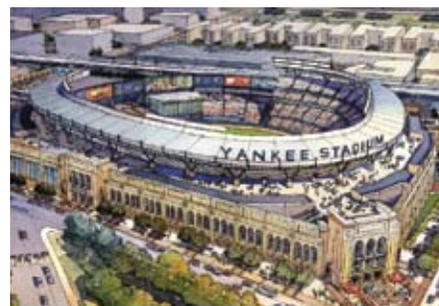
Source: McGraw Hill New York Construction



John Jay College of Criminal Justice Expansion



Gateway Center at Bronx Terminal Market



Yankee Stadium



Harlem Hospital Center

...and We're Telling New York about us!

Construction in New York City is in full swing and we're telling New Yorkers about the important role union carpenters and contractors are playing. With signs, buses, and endorsements from key people appearing in the city's business publications, our NYC Labor-Management team is making New Yorkers aware of the 21,000 union carpenters and contractors who are responsible for the outstanding quality our city enjoys in "the finest buildings in the world."

In the ads on this page well-know building executives testify to the advantages our city enjoys using union carpenters and contractors.

Visit the New York City Labor-Management website at www.builditunion.com and get excited about what we do.

WE'RE BUILDING A GREENER NEW YORK

...
CONSTRUCTING ONE OF THE MOST ADVANCED SUSTAINABLE BUILDINGS REQUIRES THE LATEST TECHNOLOGY AND INNOVATION. UNION CARPENTERS AND CONTRACTORS ARE BUILDING 1 BRYANT PARK, INVESTING IN OUR FUTURE WITH ENVIRONMENTALLY RESPONSIBLE CONSTRUCTION.

DOUGLAS DURST, CO-PRESIDENT, THE DURST ORGANIZATION

1 BRYANT PARK
 OUR LEGACY TO NEW YORK

UNION CARPENTERS AND CONTRACTORS ARE PLAYING A CENTRAL ROLE IN BUILDING A GREENER NEW YORK. THE PLATINUM LEED-CERTIFIED 1 BRYANT PARK IS RISING WITH THE HELP OF SKILLED CARPENTERS, MILLWRIGHTS, DOCKBUILDERS, TIMBERMEN, CABINETMAKERS AND FLOOR COVERERS.

VISIT BUILDITUNION.COM FOR YOUR **FREE** REBUILDING NEW YORK PIN



BUILDING THE FUTURE OF NEW YORK

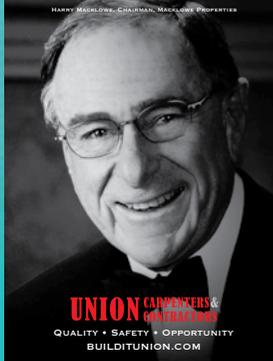
...
"IN NEW YORK, IT'S ALL ABOUT MAKING THINGS HAPPEN. UNION CARPENTERS AND CONTRACTORS ARE WORKING TO MAKE 510 MADISON AVENUE A LANDMARK TO LAST FOR GENERATIONS."

HARRY MADDLOW, CHAIRMAN, MADLOW PROPERTIES

510 MADISON AVENUE
 OUR LEGACY TO NEW YORK

NEW YORK CITY UNION CARPENTERS AND CONTRACTORS ARE BUILDING THE ICONIC 510 MADISON AVENUE UTILIZING THE WORK OF SKILLED CARPENTERS, MILLWRIGHTS, DOCKBUILDERS, TIMBERMEN, CABINETMAKERS AND FLOOR COVERERS.

VISIT BUILDITUNION.COM FOR YOUR **FREE** REBUILDING NEW YORK PIN



WE'RE BUILDING THE FUTURE OF NEW YORK

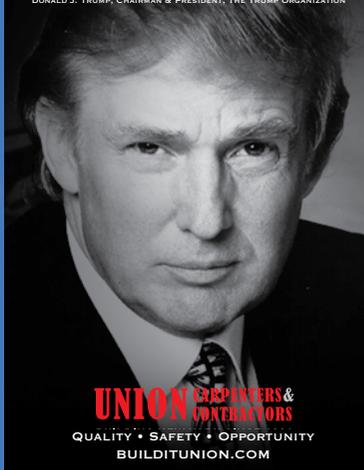
...
"AT OUR ORGANIZATION, THERE'S NO ROOM FOR SECOND BEST. I COUNT ON UNION CARPENTERS AND CONTRACTORS TO DELIVER TOP QUALITY FOR THE FINEST BUILDINGS IN THE WORLD."

DONALD J. TRUMP, CHAIRMAN & PRESIDENT, THE TRUMP ORGANIZATION

TRUMP SOHO
 OUR LEGACY TO NEW YORK

NEW YORK CITY UNION CARPENTERS AND CONTRACTORS ARE BUILDING THE FUTURE BY CONTRIBUTING TO THE CONSTRUCTION OF OUR CITY'S ICONIC BUILDINGS. TRUMP SOHO IS RISING WITH THE SAFE, QUALITY WORK OF SKILLED CARPENTERS, MILLWRIGHTS, DOCKBUILDERS, TIMBERMEN, CABINETMAKERS AND FLOOR COVERERS.

VISIT BUILDITUNION.COM FOR YOUR **FREE** REBUILDING NEW YORK PIN



BUILDING A STRONGER NEW YORK

...
"WE'RE REBUILDING NEW YORK TOGETHER WITH UNION CARPENTERS AND CONTRACTORS AND I WOULDN'T HAVE IT ANY OTHER WAY."

LARRY SILVERSTEIN, PRESIDENT, SILVERSTEIN PROPERTIES, INC.

THE WORLD TRADE CENTER
 OUR LEGACY TO NEW YORK

NEW YORK CITY UNION CARPENTERS AND CONTRACTORS BUILT THE ICONIC 7 WORLD TRADE CENTER AND ARE CONTRIBUTING TO THE CONSTRUCTION OF THE NEW WORLD TRADE CENTER TOWERS UTILIZING THE WORK OF SKILLED CARPENTERS, MILLWRIGHTS, DOCKBUILDERS, TIMBERMEN, CABINETMAKERS AND FLOORCOVERERS.

VISIT BUILDITUNION.COM FOR YOUR **FREE** REBUILDING NEW YORK PIN



WE'RE BUILDING A QUALITY NEW YORK

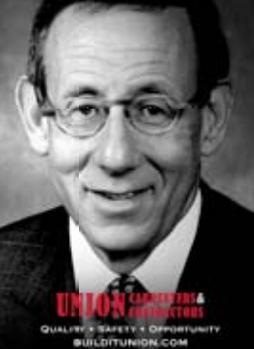
...
"NEW YORK'S ICONIC BUILDINGS WILL STAND THE TEST OF TIME. TIME WARNER CENTER AND MANY OTHER RELATED LANDMARKS HAVE BEEN BUILT WITH THE HELP OF UNION CARPENTERS AND CONTRACTORS."

ROBERT M. GILL, CHIEF OF GILL BUILDERS

TIME WARNER CENTER
 OUR LEGACY TO NEW YORK

NEW YORK CITY UNION CARPENTERS AND CONTRACTORS ARE BUILDING THE FUTURE BY CONTRIBUTING TO THE CONSTRUCTION OF OUR CITY'S ICONIC BUILDINGS. TIME WARNER CENTER IS RISING WITH THE SAFE, QUALITY WORK OF SKILLED CARPENTERS, MILLWRIGHTS, DOCKBUILDERS, TIMBERMEN, CABINETMAKERS AND FLOOR COVERERS.

VISIT BUILDITUNION.COM FOR YOUR **FREE** REBUILDING NEW YORK PIN



WC&C's Zaretsky To Present During AWCI Convention's Safety and Profitability Session

AWCI's 2008 Annual Convention is expected to be the biggest and best yet. The focus will be on education and networking – elements that business owners can use to boost company profitability, improve management skills and enhance leadership strategies.

A key educational presentation will be "Improving Profitability Through Safety."

An effective safety program does more for your business than you think. In addition to reducing accidents, safety improves the bottom line. This session will identify how safety can save you money, increase company profits and make your company more marketable.

Making a joint presentation will be AWCI's safety consultant Joe O'Connor who will review the costs associated with accidents and the cost-effective elements of an effective safety program, and WC&C's Lee Zaretsky, president of Ronsco, Inc., who will share with you his success and advise how you can improve your company's profitability through safety.

Lee Zaretsky is president of Ronsco, Inc., a 47 year-old New York City third generation family owned drywall and acoustical specialty subcontracting company. Ronsco was awarded AWCI's Excellence in Construction Safety Award in 2006. The firm has been without a reportable injury since November 2005 and is a major proponent of Zero Injury Program mentality. Ronsco implemented its "Off the Job Safety Program" almost two years ago, and the results have been incredible.

Zaretsky sits on the board of directors of AWCI's chapter, the Association of Wall-Ceiling & Carpentry Industries of New York, where he chairs the Safety Committee. He is also on the board of directors of AWCI and a member of AWCI's Safety & Insurance Committee, as well as a member of the U.S. Green Building Council. He is in the process of becoming a LEED-Commercial Interiors Accredited Professional.

Joe O'Connor is president of INTEC. He is an authorized OSHA Train-the-Trainer

USCIS Revises Employment Eligibility Verification Form I-9

Revision will eliminate certain documents for employment verification

U.S. Citizenship and Immigration Services (USCIS) have announced that a revised Employment Eligibility Verification Form (I-9) is now available for use. All employers are required to complete a Form I-9 for each employee hired in the United States.

The revision seeks to achieve full compliance with the document reduction requirements of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which reduced the number of documents employers may accept from newly hired employees during the employment eligibility verification process. The revised Form I-9 is a further step in USCIS' ongoing work toward reducing the number of documents used to confirm identity and work eligibility.

Key to the revision is the removal of five documents for proof of both identity and employment eligibility. They include: Certificate of U.S. Citizenship (Form N-560 or N-570); Certificate of Naturalization (Form N-550 or N-570); Alien Registration Receipt Card (Form I-151); the unexpired Reentry Permit (Form I-327); and the unexpired Refugee Travel Document (Form I-571). The forms were removed because they lack sufficient features to help deter counterfeiting, tampering, and fraud.

Additionally, the most recent version of the Employment Authorization Document

(Form I-766) was added to List A of the List of Acceptable Documents on the revised form. The revised list now includes: a U.S. passport (unexpired or expired); a Permanent Resident Card (Form I-551); an unexpired foreign passport with a temporary I-551 stamp; an unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-688A, or I-688B); and an unexpired foreign passport with an unexpired Arrival-Departure Record (Form I-94) for nonimmigrant aliens authorized to work for a specific employer.

As of November 7, 2007, the Form I-9 with a revision date of June 5, 2007 is the only version of the form that is valid for use. However, DHS will publish a Notice in the Federal Register that provides employers with a 30-day period, beginning on date of publication of the Notice, to transition to the new Form I-9. The revision date of the Form I-9 is printed on the lower right corner of the form and states "(Rev. 06/05/07)N". Both the revised form and the "Handbook for Employers, Instructions for Completing the Form I-9" are available online at www.uscis.gov.

To order forms, call USCIS toll-free at 1-800-870-3676. For forms and information on immigration laws, regulations, and procedures, call the National Customer Service Center at 1-800-375-5283.

and has served on various work groups for OSHA's Advisory Committee for Construction Safety and Health. He has provided safety training and/or developed safety programs for associations, private industry and government agencies. In addition to AWCI, these include the National Electrical Contractors Association and Painting and Decorating Contractors of America, BMW of North America and NASA's Goddard Space Flight Center. AWCI projects O'Connor has been

involved with include AWCI's safety Web site and the AWCI Safety Software.

The "Improving Profitability Through Safety" presentations will be held Thursday, March 27th from 8 am through 9:30 am.

Be sure to take in all the educational sessions and make time for INTEX EXPO 08, networking and enjoying the wonders of Las Vegas. For a brochure on the AWCI 2008 Convention + INTEX go to the AWCI website at www.awci.org. •

NYC Buildings Department Expands Stop Work Order Patrol To Manhattan

Buildings Commissioner Patricia J. Lancaster, FAIA, and Finance Commissioner Martha E. Stark announced that the Stop Work Order Patrol has begun proactively sweeping construction sites in Manhattan to halt builders until they bring their work sites into compliance. The Stop Work Order Patrol partners Department of Finance deputy sheriffs with Buildings inspectors to conduct unannounced inspections of construction sites with active Stop Work Orders. The Patrol issues follow-up violations with escalated civil penalties if work continues while the Stop Work Order is in effect. The Stop Work Order Patrol was initially launched in Queens as an enforcement pilot program in November 2006, and was expanded to Brooklyn, the Bronx, and Staten Island during the past year. Now operating citywide, the Stop Work Order Patrol is an integral component of Phase One of the Buildings Department's Special Enforcement Plan, which utilizes Stop Work Orders to crack down on violators disregarding building and zoning regulations.

"Cracking down on illegal construction activity in New York City calls for the use of innovative enforcement tools that disrupt the business models of those flouting the law. Expanding the Stop Work Order Patrol means that more construction sites are being proactively monitored and immediate enforcement action is being taken when construction continues in violation of a Stop Work Order," said Buildings Commissioner Lancaster. "Through the Stop Work Order Patrol and our new Special Enforcement Plan, we're making it too costly for builders and developers to disregard Stop Work Orders."

"Disobeying Stop Work Orders is a serious violation and will not be tolerated," said New York City Sheriff Lindsay Eason. "We will do everything we can do as the City's chief civil enforcement officers to support Building inspectors and ensure that New York grows safely and responsibly."

To catch offenders in the act, the Stop Work Order Patrol tracks sites with active Stop Work Orders and conducts unannounced inspections of these sites. When builders are caught working against the Stop Work Order, the Buildings Department issues violations carrying immediate civil penalties that must be paid before the Stop Work Order may be lifted. Ranging from \$2,000 for a first offense to \$10,000 for a third or subsequent offense, these civil penalties and the costs caused by delays from the Stop Work Order are strong financial disincentives for builders considering violating a Stop Work Order. In addition, for those builders who continuously disobey a Stop Work Order, the Buildings Department may pursue criminal prosecutions.

"More unannounced inspections on construction sites mean fewer chances for builders to break the rules," Council Member Dan Garodnick, co-Chair of the Council's Manhattan Delegation. "We've seen that this has proved effective in other boroughs, and now it's time for Manhattan to benefit from this new enforcement tool. The expansion of this program citywide is an important step toward the transformation of the Buildings Department from a reactive agency to a proactive one."

Stop Work Orders can be issued for a range of violating conditions, such as working without a permit, failing to provide approved plans on site, and working contrary to approved plans. Since the program's launch in 2006, the Stop Work Order Patrol has conducted 3,417 unannounced inspections and issued 196 violations to property owners and builders in Brooklyn, Queens, the Bronx, and Staten Island for working in violation of a Stop Work Order. In Queens, where the Stop Work Order Patrol has been in effect for 11 months, the rate of builders found working in violation of a Stop Work Order has decreased to 2% from 9% when the program started, even while the number of building permits issued for new buildings and major alterations during that same time has remained relatively constant. In Brooklyn, where the Patrol has been working for six months, the rate of builders found working in violation of a Stop Work Order remains high at 14.6%.

The Stop Work Order Patrol plays a key role in the enforcement model outlined in Phase One of the Buildings Department's Special Enforcement Plan. The Special Enforcement Plan is the result of a collaborative effort by Mayor Michael R. Bloomberg, City Council Speaker Christine Quinn, Housing and Buildings Chair Erik Martin Dilan, City Councilman James Oddo, and Buildings Commissioner Patricia J. Lancaster to support the continual transformation of the Buildings Department. Under Phase One of the Enforcement Plan, the Buildings Department has created three new units: the Special Enforcement Team; the Excavations Inspections & Audits Team; and the Professional Certification Review & Audits Team. When Stop Work Orders are issued by any of these three teams, the Stop Work Order Patrol ensures there are consequences for contractors who fail to halt construction work.

New Yorkers have been encouraged to call 3-1-1 to report noncompliant conditions or 9-1-1 to report emergencies at construction sites or buildings. New Yorkers who suspect a building or property has been structurally compromised should call 9-1-1. •



**WC&C Christmas Party
North Hempstead County Club
December 11, 2007**









N.Y.'s Prevailing Wage Law Amended to Expand Its Scope and the Obligations It Imposes

By Charles Fastenberg

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New York's prevailing wage law, Labor Law §220, was amended recently to significantly expand the scope of the law and the obligations it imposes. One amendment requires contractors and subcontractors to notify workers of their rights under the prevailing wage law, and the other expands the category of contracts subject to the prevailing wage law.

Overview of §220

Under New York Labor Law §220, laborers and workers on public projects must be paid "prevailing wages" – i.e., wages and benefits equivalent to those paid to laborers and workmen performing the same types of work on private projects. Labor Law §(3), (5) (a). The prevailing wage for a job classification at a particular time is determined by the designated financial officer for the relevant municipal entity (e.g., the Comptroller of the City of New York) and is required to be made a part of public contracts let by that municipal entity. Labor Law §220 (3-a). Determination of the prevailing wage typically is based on labor union rates for comparable job classifications and frequently is adjusted as the union rates change. Labor Law §220 (5) (a).

The consequences of a contractor's (or subcontractor's) failure to pay prevailing wages can be severe – in addition to making up the underlying underpayment itself, the statute authorizes assessment of a civil penalty of up to 25 percent together with interest at the current rate against the contractor. The interest rate assessed by the Comptroller of the City of New York has been as high as 16 percent. Labor Law §220 (8). In addition, the statute provides that if a violation is a second willful violation or if the violation involves falsification of records, the contractor must be debarred from bidding for public work in New York for five years. Labor Law §220-b (3) (b).

New Notification Requirements

Effective February 24, 2008, §220 (3-a) expands employers' obligation to notify workers that public projects are covered under the prevailing wage laws and of workers' rights under those laws. Before the amendment, a contractor's §220 notification obligation consisted chiefly of incorporating prevailing wage schedules and requirements into contracts into which it entered, of posting conspicuous notices at the jobsite that the project was a "prevailing wage" project and of conspicuously posting the applicable prevailing wage schedule.

Now, contractors and subcontractors must individually notify each worker of the particular prevailing wage for his or her job classification. In fact, such notification must appear "on" each pay stub. In addition, the first paycheck given to workers at a project and, thereafter, the first paycheck given to workers at the project after each successive July 1 must be accompanied by a notice identifying the public body that has jurisdiction over the project for prevailing wage purposes and the contact information for that public body. Such notice also must inform workers of their right to contact the designated public body if prevailing wages are not paid.

Under the amended Subsection 3-a, failure to comply with the statutory notification requirements may result in a civil penalty ranging from \$50 to \$500, depending on a number of factors, including whether the non-compliance was a good faith oversight and whether there has been a history of such non-compliance. However, it is unclear whether a simultaneous failure to notify multiple employees of the required information will be considered

WC&C Attorney Erwin Popkin reports on the new amendment to New York's Prevailing Wage Law §220 in his legal column "It's The Law" on page 20.

a single non-compliance or multiple non-compliances for each employee involved.

The new notification requirements should be taken seriously and steps taken to assure compliance, even if the financial penalties for non-compliance are not considered to be substantial. A contractor that fails to provide the required notifications to employees may be inviting scrutiny of its payroll practices in general and, moreover, may be creating evidence of non-compliance, or even willful non-compliance, with far more serious ramifications later on if a question of underpayments is raised.

Expanded Scope of Covered Contracts

Another amendment, effective for five years starting on October 27, 2007, expands the category of “contracts” that are covered by the statute. The statutory definition of covered contract now is expanded to include “any contract for public work entered into by a third party acting in place of, on behalf of and for the benefit of such public entity pursuant to any lease, permit or other agreement between such third party and the public entity....” Labor Law §220 (2) [emphasis added].¹

The amendment closes a loophole occurring when public entities do not enter into public works contracts directly with contractors but request private intermediaries to do so on their behalf – for example, a construction manager acting on behalf of a municipal entity. In such cases, coverage of the construction work under Labor Law §220 has been drawn into question, if not precluded altogether, by the absence of a direct contractual relationship between the public entity and the contractor actually performing the work. Thus, before the amendment, the class of contracts covered by the statute was limited to contracts involving the employment of workers to which the municipal entity “is a party.” Consequently, a contract for public works, if such contract was entered into by a person other than the municipality itself, arguably was not subject to the prevailing wage law. Labor Law §220(2).

The loophole that the new and expanded definition of “contracts” seeks to overcome is illustrated by the Third Department’s holding in *Matter of Pyramid Co. v. New York State Department of Labor*, 223 A.D.2d 285, 645 N.Y.S.2d 633 (3d Dept.1996). There, the New York State Department of Transportation issued two highway work permits to the private owner of a shopping mall authorizing the construction of access routes from the shopping mall to a public highway. The work largely was constructed on land owned by the state and was performed by a contractor that entered into a contract with the mall owner rather than with the state. Although the project in *Pyramid* was held to be a “public work,” the Third Department found that the project was not subject to Labor Law §220 because the state itself “was not a party to any contract involving the construction of the project” As the Third Department wrote:

It is well settled that two conditions must be met before the prevailing wage provisions of Labor Law 220 will be applied to a particular project: “(1) the public entity agency must... be a party to a contract involving the employment of laborers, workmen, or mechanics, and (2) the contract must concern a public works project....” Here, it is undisputed that DOT was not a party to any contract involving the construction of the project....²

The expanded definition of “contracts” is significant in view of the current practice by some public entities of engaging construction managers or other private entities to enter into contracts with contractors on their behalf. Compare, 24 CFR 5.108 (b) and (c) [construction manager may award a construction contract to a government contractor on behalf of a grantee of the U.S. Department of Housing and Urban Development].

Conclusion

The amendments to Labor Law §220 should be understood not only as calling for corresponding changes in the employment and payroll practices that are used on New York public works but

also as possible indicators of an even stricter enforcement of the prevailing wage laws in the near future. It is advisable for contractors, subcontractors and all others who may be subject to §220 to carefully review the amendments, to modify their payroll and related practices as may be needed, and generally to take all necessary steps to pay prevailing wages.

For more information about the issues covered in this report, please contact Charles Fastenberg in the New York office of Thelen Reid Brown Raysman & Steiner LLP at 212-895-2870 or at cfastenberg@thelen.com or contact your Thelen attorney. For more information about Thelen’s Construction and Government Contracts Department, go to www.thelen.com.

ENDNOTES

¹ *Although on its face Subparagraph (2) of §220 pertains to the number of hours permitted in a workday, the definitions under it generally are referred to in the subparagraphs that pertain to wages paid. In any event, Subparagraph (3) of §220, which pertains to wages and supplements to be paid to workers, was similarly amended to expand the class of covered “contracts” to include “any public work performed under a lease, permit or other agreement pursuant to which the department of jurisdiction grants the responsibility of contracting for such public work to any third party....”*

² *But see Bridgestone/Firestone, Inc. v. Hartnett*, 175 A.D.2d 495, 497, 572 N.Y.S.2d 770, 770 (3d Dept. 1991) [“we reject petitioners’ contention that because the State was not a named party to the sales contract...respondent is precluded from applying Labor Law §220....”]; *60 Market Street Associates v. Hartnett*, 153 A.D.2d 205, 207, 551 N.Y.S.2d 346 (3d Dept.), *aff’d* 76 N.Y.2d 993, 564 N.Y.S.2d 713 (1990) [although a lease agreement between the municipality and a private entity was not itself the construction contract, the lease agreement met the “contract” requirement because it “necessarily involved the employment of workers....”] •

Understanding Market Changes in 2008

By Donald Boyken

Historically, the residential construction market leads the commercial market by 12 to 18 months. By most measures, the residential market began its downturn around the end of the first quarter or start of the second quarter of 2007, meaning we should see the commercial market impacted sometime between spring and fall of 2008.

Everybody blames it all on housing, but what does that mean? Here's one industry observer's how-and-why look at how the residential market forecasts commercial construction.

By all accounts, the residential construction market for 2007 experienced challenges — and those challenges will continue into 2008. The collapse in the sub-prime lending market, an abundance of standing inventory, price corrections, and an overall lack of consumer confidence factor into what has become a significant downturn. While there are some aspects of the market that will always remain unique to residential construction, it does provide strong indicators as to how the commercial market will fare in the not-too-distant future.

Historically, the residential construction market leads the commercial market by 12 to 18 months. By most measures, the residential market began its downturn around the end of the first quarter or start of the second quarter of 2007, meaning we should see the commercial market impacted sometime between spring and fall of 2008.

The Labor Market

One of the first indicators of a commercial decline is the shift in trade contractors from residential to commercial. Some trades cannot transition from one to the other due to the unique demands of commercial work, but others will.

Site work crews are typically first to transition, and do so as early as three to four months into a residential decline. We are already seeing this trend. As the residential market tightens, crews that handle clearing, grading and paving begin seeking commercial work, resulting in increased competition for contracts. Residential trade contractors typically work at a lower cost structure than commercial crews, resulting in lower bids that drive down pricing. It's the simple economic principle of supply and demand.

Other trades follow the shift to commercial, including drywall contractors, mechanical trades and electricians. Some of these trades must focus on light commercial as opposed to heavy commercial, but the shift still has a significant impact on the market as a whole.

Owners and project managers will need to increase their scrutiny of contractors as market dynamics change. Some contractors now entering the market, while having applicable skill sets, are not accustomed to the requirements of commercial work. Using earthworks as an example, the requirements for compaction and backfill services are far more rigid for commercial work. The same level of inspection simply does not exist in residential. Low price doesn't always equal best value. Owners should consider budgeting for testing and inspection because the cost of correcting improper work can be crippling.

What we will likely see in 2008 may best be described as a correction in the commercial construction labor market. In the fall of 2004, commercial labor costs began trending upward. The rise was dramatic and continued over the last several years. Simply put, there was more demand for construction labor than could be supported by the marketplace's workforce. Contractors became more selective about the work on which they bid, resulting in higher pricing. That is now changing.

Materials Production And Availability

2004 also brought run-ups in material costs. New housing starts continued to grow year after year, and the commercial side followed suit. Producers had a hard time keeping up with the demand, which dictated that pricing would rise.

There were other influences that drove materials price increases such as hurricane damage across the southeast and unprecedented foreign demand, but simple growth across the board led the trend.

Anticipating a 2008 downturn, manufacturers will shift production to match the changing marketplace. For example,

drywall manufacturers will shift production from residential 1/2 inch to commercial 5/8 inch. As a result, prices decrease as manufacturers flood the market with additional product.

Lumber has already dropped in price with the downturn in residential construction. Light construction relies on lumber in some degree, but lumber producers do not have the same opportunities to shift production to commercial uses.

One of the saving graces for the lumber industry is the boom in apartment construction. As mortgage rates increase, demand for rental property grows, resulting in increased apartment construction.

The Lending Market

The downturn in residential construction was heavily impacted by the lending market. Lenders are often accused of operating in a herd mentality, sometimes offering questionable products because competitors do the same. As the residential bubble began to burst, lenders could no longer collateralize mortgages.

Now, lenders are becoming more conservative in supporting commercial construction. A year ago, most hotel projects could easily be financed. Now equity requirements are being increased as the market tightens.

One of the best ways to account for the lag between residential market performance and that of the commercial market is the impact of the financial industry. A typical commercial project takes 12 to 18 months to construct. Once a project has started, the money most often remains available throughout the construction cycle. As the residential market moves into a downturn, the financial market becomes conservative; however, previously secured financing is still disbursed, creating the lag in the commercial construction market.

Recession-Proof Sectors

Even in an overall economic downturn, there will be sectors that continue to perform. Government work will continue

throughout 2008 and beyond. Whether at the municipal, state or federal level, governments will be in the best position to capitalize upon the reduction in material costs and the rise in available labor. Because governments are less reliant on the lending market, they are in a position to better weather the downturn. The effect of government spending is greater market stability and the potential for more contracts to be let as spending dollars go further.

Another solid sector will be healthcare. The demand for healthcare facilities is on the rise and projected to continue for years to come. The marketplace has nowhere near the capacity to meet the healthcare needs of aging baby boomers. The need exists for hospitals, clinics, outpatient services, and assisted living facilities.

One of the major challenges of working within each of the government and healthcare sectors is the unique expertise required. The nuances of managing government contracts and the highly technical requirements of working within the healthcare sector mean that not all contractors can easily make the transition.

Managing Projects Through The Downturn

Program management companies will ultimately experience greater demand during the downturn. Because there will be expanded focus on sectors like government and healthcare, specialized expertise is required to deliver projects on time and on budget.

Beyond program management, we anticipate an increase in mid-project intervention services as lenders begin turning up the heat on developers whose projects fall behind or look to be headed toward falling behind schedule. The risk of having developers default on loans will increase throughout 2008 as a function of a tightening market, yet lenders are in no position to allow construction loans to remain outstanding — especially following the residential downturn. They simply cannot take on the added risk.

Managing The Contractor's Business Through The Downturn

Smart contractors will adjust expectations for the next two years and manage their business accordingly. They cannot expect to achieve the same year-over-year growth that many have enjoyed over the last several years.

What general and trade contractors do now will determine how successfully they weather the downturn. That means streamlining staff levels and slowing reinvestment in new equipment.

The decision must be made between bidding on work to keep crews productive, often reducing profit margins just to obtain the work, or cutting overhead and staff. Bidding on projects that don't cover costs provides no benefit to a company and depresses the industry as a whole. Ultimately, cost stability will be achieved, but only when contractors bid realistically.

Gazing Into The Crystal Ball

While there are significant factors that will impact the 2008 residential market — elections, evolving global demand for materials and a rebounding residential mortgage industry — the single greatest factor in the residential market is consumer confidence. If the general consumer confidence levels out or rises, the market will rebound. The commercial market will follow in 12 to 18 months.

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It's Way Too Easy Being Green

The decidedly dupable system for rating a building's greenness.

By Daniel Brook

Slate

Critics of LEED — many of them architects who were green before green was cool — see a system that's easy to game and has more to do with generating good PR than saving the planet.

In a high-end Mumbai neighborhood, Indian billionaire Mukesh Ambani's personal high-rise, named Antilia, is under construction. When completed, the 24-story Ambani family home will include its own health club, terraced sky-gardens, and 50-seat screening room (the reclusive Ambani is reputed to be a huge Bollywood fan). Antilia also boasts three helipads and a 168-car garage. This may sound like transportation overkill, if not outright eco-terrorism, for a family of six. But despite its 38-to-1 car-to-person ratio, Antilia has been billed by its American architects as a "green building." And under the leading standards for green architecture, the building will likely qualify.

Antilia's architects, Perkins + Will of Chicago, plan to evaluate its greenness based on the criteria of the U.S. Green Building Council, a nonprofit founded in 1993 "to advance structures that are environmentally responsible, profitable, and healthy places to live and work." The group's Leadership in Energy and Environmental Design rating system, launched in 2000, has become the widely accepted standard. Using its "Rating System Checklist," the USGBC evaluates a building's water and energy efficiency, land use, choice of materials, and indoor environmental quality. Based on the results, it certifies buildings on a scale from simply "LEED Certified" up through Silver, Gold, and Platinum. But because of the checklist-based system, even a building like Antilia loses only a single point for parking capacity.

Critics of LEED—many of them architects who were green before green was cool—see a system that's easy to game and has more to do with generating good PR than saving the planet. Just a few years ago, such criticisms were limited to architectural and environmental circles, but the loopholes in LEED are no longer a trivial problem. Green building has gone mainstream. Early adopters of LEED certification included usual suspects like the Natural Resources Defense Council, whose

Southern California office was among the first LEED-certified buildings in the country. Today, seeking LEED certification is becoming standard practice for Fortune 500 companies, including many that don't have particularly good records on environmental issues. Goldman Sachs, a financier of the environmentally challenged Three Gorges Dam project in China, is seeking a Gold rating from LEED for its new Manhattan headquarters. Several cities, including Seattle, Chicago, and New York, now require all of their public buildings to be LEED certified. So does the General Services Administration, the agency that manages the federal government's real-estate needs. Even more striking, cities like Washington, D.C., and Santa Monica, Calif., now require that all major projects—public and private—meet LEED certification standards.

But the growth of green design renders the loopholes in LEED more serious than ever. The point system creates perverse incentives to design around the checklist rather than to build the greenest building possible. Consider the example of the University of Michigan architecture school, whose dean, Doug Kelbaugh, is a lifelong believer in green architecture. His school is embarking on a major addition to its facilities, but Kelbaugh told me he's on the fence about going for LEED certification. The addition is planned for the roof of an existing building—the greenest site possible, given that heat will rise up through the floor and no new land will be used. But LEED gives points for water-efficient landscaping, so a rooftop project that by definition has no landscaping is already down two points out of a possible 69.

A true believer like Kelbaugh will end up doing the right thing by the environment. But what about builders who set out to exploit the checklist system? Installing a \$395 bike rack is worth the same under the LEED checklist system as installing a \$1.3 million environmentally sensitive heating system. Which is the cynical builder going to choose? A builder more interested

in good PR than being good to the environment can even get points purely by chance. A new casino project in Philadelphia, which the city is requiring to pursue LEED certification, is located, like most downtown buildings, within a quarter-mile of a subway stop, earning a LEED point for transit accessibility. But the developer on the project, which includes a 3,200-car garage, won't commit to running a shuttle bus between the subway stop and the casino to encourage customers to take transit. No points in that.

The LEED certification process may seem woefully oversimplified, yet it doesn't even have the benefit of being cheap. Certification can cost more than \$100,000 with all the paperwork and consultants. While this may be no big deal for Goldman Sachs, for smaller firms and nonprofits, it's real money. (And for public institutions, it's taxpayer money.) Wouldn't these dollars be better spent on features that actually make a building green rather than certify it as such? Why not spend that \$100,000 on photovoltaic technology or better windows and insulation?

USGBC officials retain their faith that their program can turn cynics into true believers. "People who in the past have had

no environmental concern, because they want the LEED plaque and the marketing that goes along with that, they're thinking about these things," Scott Horst, chair of the LEED steering committee told me when I called him recently. "Even though they may still have a full parking lot, they had to think about how they sized that parking lot, which is something they didn't have to think about in the past."

The USGBC has tweaked its checklist in response to criticism. LEED's revised standards have added so-called innovation points, a catchall category for design concepts that go above and beyond the checklist. The new standards also disqualify any building that doesn't score at least a two out of 10 for energy efficiency. Horst says the next revision of the standards, due out in 2008, will be weighted to give even more importance to energy use.

But closing the loopholes in the checklist will take the USGBC only so far. In Europe, which has had baseline standards for energy efficiency since the mid-1990s, all new buildings are green buildings, at least to some extent. So while American buildings are green by the grace of Goldman Sachs, London offices are green regardless of whether the client cares about

the environment, or needs a shot of good PR.

Lately, even the USGBC seems to realize the solution lies not in giving out medals for greenness one building at a time, but in encouraging greener communities. Density is why the average resident of Tokyo uses as much energy in a week as the average resident of Houston uses in a day. The USGBC has launched a pilot program with the Congress for New Urbanism and the Natural Resources Defense Council to grade entire neighborhoods. Rather than looking at green building as a personal (or corporate) virtue, the neighborhood program encourages planners and builders to make more integrated, systematic changes in the way we live. In the meantime, Mukesh Ambani will keep building his very own green skyscraper—and his company will keep building the world's largest oil refinery.

About the Author

Daniel Brook is the author of *The Trap: Selling Out To Stay Afloat in Winner-Take-All America*. His writing on architecture has appeared in *Harper's*, *Metropolis*, and *the Next American City*. •

USGBC to Revamp Green Building Rating System

ENR.com

By Nadine M. Post in Chicago

The U.S. Green Building Council is planning to revamp its popular Leadership in Energy and Environmental Design green building rating system, in an effort to make it more user-friendly. USGBC, which hopes to create, with some exceptions, one LEED system instead of having LEED for residential and LEED for commercial, for example, expects to roll out the new system next fall.

Another likely change is that LEED will address life cycle analysis, something many of the users would welcome.

USGBC is "harmonizing and aligning credits" across all LEED rating systems, says the group. This will make the system more "adaptive and flexible." It will still allow additional credits that need to cover existing building types.

To accomplish this, USGBC is reorganizing its committee structure. The new structure will focus on technical, market and certification committees, says the group. The market committee will identify market expansion opportunities; the technical committee will steer LEED's development; and the certification committee will ensure credits deliver on their intent across the rating system.

In addition to adding life cycle analysis to LEED, there

will be credits given based on geographic region. The goal is to certify and connect design, construction and operations and maintenance.

On Thursday, Nov. 8, at the annual Greenbuild International Conference and Expo in Chicago, the USGBC announced a green building research agenda. The group is investing \$1 million into the effort.

"The National Green Building Research Agenda challenges government, foundation, industrial, academic and other sectors to devote the resources commensurate with the scale of the environmental, economic and social opportunities we face as a planet," said Gail Brager, a professor at the University of California at Berkeley and chair of the USGBC research committee, in a press release.

Meanwhile, the pilot for LEED for health care is about to be released. The LEED for health care rating system is based on an existing greening health care guide. LEED for health care is expected to be released next year.

The convention drew a record 20,500 attendees, up from 13,300 last year. There were 850 exhibitors, up from 477 last year

New Credentialing Organization Launched for Green Building Professionals

A NEWLY INCORPORATED ENTITY, THE GREEN BUILDING CERTIFICATION INSTITUTE (GBCI), has been established with the support of the U.S. Green Building Council to administer credentialing programs related to green building practice and standards. GBCI was created to develop and administer credentialing programs, such as the LEED Accredited Professional program, aimed at improving green building practice.

“Credentialing programs support the application of proven strategies for increasing and measuring the performance of buildings and communities as defined by industry systems such as the LEED Green Building Rating Systems,” commented Peter Templeton, Vice President of Education & Research, U.S. Green Building Council.

GBCI will ensure that the LEED Accredited Professional (LEED AP) program will continue to be developed in accordance with best practices for credentialing programs. To underscore this commitment, GBCI will undergo the ANSI accreditation process for personnel certification agencies complying with ISO Standard 17024.

In January 2008, USGBC will transfer responsibility for the ongoing administration of the LEED Professional Accreditation program to GBCI; GBCI will manage all aspects of the LEED

AP program including exam development, registration and delivery. GBCI will also oversee the development of the maintenance program for LEED AP credential holders.

The GBCI Web site, launched today: www.gbci.org, provides credential-related information for LEED Accredited Professionals and interested candidates.

www.gbci.org is the place to learn about LEED Professional Accreditation; register for the LEED AP Exam; find LEED Accredited Professionals in your area; access your LEED AP exam records and manage your LEED AP Directory listing

GBCI will serve as the independent administrator of the LEED Professional Accreditation program. USGBC will continue to manage the development of the LEED Green Building Rating System and to provide related resources and educational offerings. LEED Accredited Professionals will not have to do anything and their credential will not be affected with this change. Candidates for LEED Professional Accreditation will be able to access information and resources readily on the GBCI Web site. All activities related to the development and delivery of the LEED AP program will be managed by GBCI staff and volunteers. GBCI encourages LEED AP credential holders to volunteer to support the continuous improvement of the program.

—From *Building Design and Construction*

Bim Adoption Accelerating, Owners Study Finds

More than a third of the construction project and program owners responding to the Eighth Annual CMAA/FMI Survey of Owners say they have used Building Information Modeling (BIM) on one or more projects. The rate at which BIM is being adopted in the industry is also accelerating, the survey reports.

The study was conducted by FMI with the support of the Construction Management Association of America, and focused on perceptions and implementation of BIM among construction owners, including public- and private-sector owners who are members of CMAA.

FMI notes that the roughly 200 survey respondents collectively represent approximately \$115 billion in annual construction spending.

About 35% of the respondents said they have used BIM on one or more projects.

The rate at which newcomers join the ranks of BIM users has been increasing, FMI reported. BIM usage grew by three percent in 2003, six percent in 2005 and 11 percent in 2006, the study found.

The basis for the survey was this definition of BIM: Building Information Modeling (BIM)

refers to the creation and coordinated use of a collection of digital information about a building project. The information can include cost, schedule, fabrication, maintenance, energy, and 3-D models. The information is used for design decision-making, production of high-quality construction documents, predicting performance, cost estimating, and construction planning, and, eventually, for managing and operating the facility.

CMAA has held a number of full-day workshops around the country during 2007 to update members on BIM, and the association's Emerging Technologies Committee has recently posted a BIM White Paper at www.cmaanet.org.

The Owners Survey found that users of BIM:

Are much more likely to have a construction program with greater than 50 projects.

Have capital construction programs nearly one-third larger than non-users.

Are much more likely to hire a firm/person to act as construction manager or program manager.

In the Owners Survey, both BIM users and

non-users were asked to identify the greatest benefits derived from the new technology, and FMI derives an interesting conclusion from the fact that the rankings among the two groups were not very different. This congruence of perceptions, FMI says, means “these organizations are reading the same material and buy into the logical concepts laid out of how BIM use can drive performance improvement in the face of a disruptive and changing industry.”

Detailing the benefits realized by BIM users, FMI also reported: “Highest ranked by both non-BIM and BIM users is improved communication followed by higher quality project execution and decision making.”

About 74 percent of BIM users said they would recommend BIM to others.

However, significant impediments still remain in the path of broader implementation. “Lack of expertise and industry standards are two of the greatest hurdles to collaborative construction processes and BIM adoption,” the survey report concluded.

The preliminary findings of the Eighth Annual Owners Survey were presented at the CMAA National Conference in Chicago in early October.

—From *Building Design and Construction*

Workers Compensation — Controverted Claims

Follow the Yellow Brick Road

“Impossible...it couldn't happen...no one saw it happen...he was always clumsy...he had prior accidents...he shouldn't have done it that way...he didn't work for me...he wasn't working that day...he had this all planned...it's not work related...he had a terrible attitude...he knew he was going to be laid off...they were fighting because they hate each other...” and my all time favorite, “he is my ex-wife's brother and he staged this accident to get even with me.”

Are some of these reasons sufficient to controvert a claim and valid enough to bring before the Workers Compensation Law Judge? Sure, even the last one, provided there is one key element: **evidence.**

Many times our office is contacted to instruct the carrier to question the validity of a Workers Compensation claim. My response is always the same, “Do you have any proof, did you speak to anyone that might know about the alleged claim, are you or are any employees willing to testify to what they know, heard, or witnessed? What documentation can you provide that will convince me, and the carrier to proceed with the controversy?”

Even if the evidence is “skimpy” we may decide to push for testimony of the claimant and raise the issue of **his** credibility. Agreed it is an uphill battle with a very low success rate, but one that from time to time at which we have been successful. However, I must stress that there needs to be convincing testimony on behalf of the employer and some evidence produced in order to proceed with a trial and persuade the Law Judge that the claimants story is

less than credible.

There is a very important section of the Workers Compensation Law (Section 21) titled “Presumptions”. This section of the law assumes the following: The accident did happen, that the claimant reported the accident, that the accident was not caused by the claimant's willful intention, that the accident did not arise **solely** from intoxication and that all the medical reports the claimant produces are prima facie evidence. Section 21 dictates that we, the employer, must prove the accident did not actually take place.

Now we can begin our metaphorical road trip along the yellow brick road to the Emerald City otherwise known as the Workers Compensation Board. Let us say that the claimant alleges he was hurt when Dorothy's house fell near him after the tornado. You and your trusted company associates are questioning the validity of this claim. You contact the good claims people to help you down the yellow brick road. Skip the ruby slippers, he or she will tell you and your partners about the bumpy road you have ahead of you. They will help you collect all the evidence to assist you in your defense when you appear before the Wizard, aka, the Workers Compensation Law Judge.

Along the way you must have the “brains” to gather all the evidence you can to aid you in navigating this road. You must fend off personal feelings and animosities and get to the truth of what did or did not happen. Speak to everyone and anyone that can shed some light as to the circumstances surrounding the alleged accident. Was the claimant practicing the night before for the big Emerald City body building contest at the castle? It is also helpful to pass along to the claims person anything in your personnel file that may demonstrate a pattern or a reason for filing a bogus claim. It could be medical notes, excessive time off, refused requests for time off, planned retirement, disciplinary actions, concurrent employment, or notice to leave your employment. Remember we want to question the claimant's credibility. Timelines can be important as well. How and when were you made aware of this claim, who told you even if it was someone other than the claimant? If you feel due to the location, time, or some other factor that this could not have taken place, you must be specific and have evidence either through pictures, diagrams, or

your experience and expert testimony to support your position at a hearing.

This brings us to another important aspect in your defense of this claim: **your** credibility. Please do not come or send someone before the “great and powerful wizard” (Law Judge) who is unprepared, arrogant, argumentative, and less than forthcoming. You are not the great and powerful one in this city and the Law Judge will make you aware of this as you stand before him, the claimant, and his attorney. The judge rules and he will not be hiding behind a curtain.

In addition to ‘brains’, you will need “heart” to follow up and take the time that is necessary to complete your evidence gathering. If you lose heart halfway through this process and leave it up to what you believe is the obvious, you will run off the road.

Lastly you need “courage” to persevere in a city that is totally unfamiliar to you. You are not in Kansas any more, Toto. You are now in the Emerald City known as the Workers Compensation Board and must abide by its rules and regulations. In order to navigate at this point, you need to rely upon the insurance company's hearing representative. Ask questions before the hearing regarding procedure and how to testify. Speak to whoever else will testify so that you are all on the same page. When you go before the Law Judge you will be confronted by the claimant's attorney. They may appear to be emissaries of the wicked witch but in reality are very specialized attorneys. Not special but very knowledgeable when it comes to the Workers Compensation Board and its law, rules and regulations. Their job is to convince the judge that the claimant is telling the truth and you are not. Remember they have the presumptions on their side and will challenge your testimony and evidence as unsubstantiated and flawed. Fortunately in most cases you will be represented by an equally experienced and knowledgeable hearing representative from the insurance carrier.

If your testimony is perceived as clear and credible and your evidence is solid, you will be successful and you may click your heels and go home unscathed. If not, you may still go home but your dog must stay.

By Paul Garritan
Vice President
Hamond Safety Management LLC



It's The Law

By Erwin Popkin

Erwin Popkin is legal counsel to the Association of Wall-Ceiling & Carpentry Industries of New York, Inc. and maintains practice in Mineola, NY.

New York Department of Labor official anticipate concluding a review of apprenticeship programs operated by businesses in the state by spring. Gov. Eliot Spitzer, on August 28, 2007, announced a one-year moratorium and "thorough review" of apprenticeship programs with the goal of overhauling the state's apprenticeship training.

The Department of Labor suspended the development and approval of apprenticeship training programs in all trades and halted the addition of new participating employers to existing apprenticeship programs following the governor's announcement. There are approximately 350 apprenticeship programs offered in New York.

...

A Federal Court Judge (Charles R. Beyer) on November 23, 2007, granted a stay requested by the Department of Homeland Security (DHS) putting on hold a lawsuit brought by a consortium of labor, civil rights, and business groups challenging a DHS rule under which the Social Security Administration would include in its "no-match" letters language on employer liability for violating immigration laws (AFL-CIO v Chertoff).

DHS requested that the lawsuit be put on hold while the department revises the no-match rule in an effort to address concerns raised by Judge.

On October 10, 2007, Judge Breyer granted a preliminary injunction to prevent the implementation of the rule that could render employers liable for violating federal immigration law if they have been notified of a discrepancy in a worker's Social Security number and they fail to follow specific "safe-harbor" procedures.

In his latest decision, Judge Breyer ordered the lawsuit stayed until March 24, when DHS anticipates the new rulemaking proceedings will be complete.

...

New York's prevailing wage law, Labor Law §220, was amended recently to significantly expand the scope of the law and the obligations it imposes. One amendment requires contractors and subcontractors to notify workers of their rights under the prevailing wage law, and the other expands the category of contracts subject to the prevailing wage law.

Effective February 24, 2008, §220 (3-a) expands employers' obligation to notify workers that public projects are covered under the prevailing wage laws and of workers' rights under those laws. Before the amendment, a contractor's §220 notification obligation consisted chiefly of incorporating prevailing wage schedules and requirements into contracts into which it entered, of posting conspicuous notices at the jobsite that the project was a "prevailing wage" project and of conspicuously posting the applicable prevailing wage schedule.

Now, contractors and subcontractor must individually notify each worker of the particular prevailing wage for his or her job classification. In fact, such notification must appear "on" each pay stub. In addition, the first paycheck given to workers at a project and, thereafter, the first paycheck given to workers at the project after each successive July 1 must be accompanied by a notice identifying the public body that has jurisdiction over the project for prevailing wage purposes and the contact information for that public body. Such notice also must inform workers of their right to contact the designated public body if prevailing wages are not paid.

Under the amended Subsection 3-a, failure to comply with the statutory notification requirements may result in a civil penalty ranging from \$50 to \$500, depending on a number of factors, including whether the non-compliance was a good faith oversight and whether there has been a history of such non-compliance. However, it is unclear whether a simultaneous failure to notify multiple employees of the required information will be considered a single non-compliance or multiple non-compliances for each employee involved.

...

On November 7, 2007, the U.S. Citizenship and Immigration Services (USCIS) issued a new version of the Employment Eligibility Verification

Form (Form I-9). Since 1986, employers have been required to complete the I-9 for each new hire to verify the person's identity and work eligibility.

The new version deleted from the list of acceptable documents the following:

- i. Certificate of US Citizenship (Form N-560 or N561)
- ii. Certificate of Naturalization (Form N-550 or N570)
- iii. Alien Registration Receipt Card (I-151)
- iv. Unexpired Reentry Permit (Form I-237)
- v. Unexpired Refugee Travel Document (Form I-571)

The remaining five documents from List A are acceptable documents that the employee can show to prove both identity and work eligibility as well as a U.S. Passport.

The new form will officially take effect and become mandatory in all workplaces, once the USCIS publishes a notice in the Federal Register, which could occur any day. After that notice is published, the USCIS will grant a 30-day grace period for employers before it issues any fines for using the old form.

Finally, you only need to use the new I-9 version for new hires. You don't need to complete new forms for existing employees. However, you must use the new I-9 when employees require reverification.

•••

The federal Family and Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks of unpaid, job-protected leave each year for their own "serious health condition," or to care for a parent, spouse or child with a serious condition.

To help determine whether an ailment rises to the level of a "serious condition," you can require employees to provide an FMLA medical certification. Essentially, that's a doctor's note that

lays out the facts of the ailment, how long it's likely to last and more.

•••

Effective July 18, 2007, the New York Legislature amended the New York Correction Law to extend employment protection to current employees in addition to job applicants. By amending the law to prohibit unfair discrimination against current employees who have been convicted of one or more criminal offenses, legislators reasoned that they were simply correcting an inadvertent omission from the existing statute and that the law's antidiscrimination provisions would have no real significance if they protected only job applicants and not current employees as well.

New York law prohibits "unfair" discrimination against someone who was previously convicted of one or more

criminal offenses. It isn't "unfair" or unlawful to reject a job applicant or discharge a current employee under any of the following three situations:

1. *if there's a direct relationship between the criminal offenses and the job sought or held;*
2. *if granting or continuing employment would involve an unreasonable risk to property or to the safety or welfare of certain people or the general public, or*
3. *if the job applicant or current employee "improperly denied" or "intentionally misrepresented" his previous criminal convictions in response to legal inquiries from the employer and his rejection or discharge was based on that denial or misrepresentation.* •

Gauging Website Performance

From ConstrucTech

It's hard to have a strong presence in the market without an effective Website. The Web has become a major component for helping builders attract potential customers, as well as continuing to serve current customers. But how can builders be assured their strategy for the Web is effective?

Custom builder Stanley Martin, www.stanleymartin.com, Reston, Va., is working with ForeSee Results, www.foreseeresults.com, Ann Arbor, Mich., to help identify how its Website aligns with the overall goals and objectives of its business.

"We view our Website as the 'front door' to Stanley Martin for our customers," says company president Steve Alloy. "Now more than ever, it's critical that we greet them properly and use their insight to develop a Web experience that is consistent with the Stanley Martin brand promise so that our customers will 'Feel Right at Home.' Since most of our customers do visit the site, we can also use customer feedback to see which marketing programs send the best traffic to the Website."

ForeSee Results uses the methodology of American Customer Satisfaction Index from the University of Michigan, www.umich.edu, Ann Arbor, Mich. This allows the company to assess how customer satisfaction with the Website

influences future behaviors, such as the likelihood to register for promotional emails or even visit the builder's physical sales center. With this insight, ForeSee Results can subsequently help the builder prioritize improvements needed for the Website.

For some builders, the key to success on the Web is ensuring Internet leads are converted into customers. Information technology solutions are available to help make the right connection on this front.

For example, Customer Velocity, www.customervelocity.com, The Woodlands, Texas, provides lead management and Website/content management software for builders and developers. Its Web Velocity product helps builders capture buyer information via a customer designed Website that builders can control. Builders are able to manage data by market, community, model, elevation, and floor plan.

According to the company, sales methods embedded in the product can be of the builder's own design, or Customer Velocity can implement pre-designed processes developed by leading sales trainers. Recent research by Customer Velocity has found that its users convert Internet leads to sales at rates as high as 50%—a very strong percentage given current market conditions. •

NYC District Council's Labor Technical College Gains College Level Credits From NYS Regents and Favorable Evaluation for National Program on Noncollegiate Sponsored Instruction (NPONSI)

On Friday, November 2, 2007, history was made at the Labor Technical College. After months of hard work reviewing and upgrading the carpentry apprenticeship program curriculum, the Labor Technical College received a favorable evaluation from NPONSI (National Program on Non-Collegiate Sponsored Instruction - New York State Board of Regents). NPONSI awarded the 4 year carpentry apprenticeship program 30-36 college credits, recognizing that the rigorous technical training is comparable to college level instruction. These credits correspond to almost half of a two year associate degree.

Furthermore, the Labor Technical College has negotiated with NPONSI a back dating of credit recommendations to 2002, which means that all carpentry apprentices inducted into the Labor Technical College program since 2002 will be eligible to apply their apprenticeship toward a college degree program.

College credit for apprenticeship training adds value and raises the bar for the training programs for the union's membership. Members now have the opportunity to learn a skilled trade, earn a good living as a tradesperson and pursue a college degree.

College credit for apprenticeship opens the door for members to enroll in two and four year degree tracks within the City (CUNY) and State (SUNY) systems which will advance members' careers in the building trades.

With technology changing every day and new materials and work processes being introduced in the workplace, the need for managerial staff that has a building trade's background is essential. The District Council's success as a trade union depends on its ability to support its membership and its signatory contractors.

The Labor Technical College is currently negotiating the requirements and conditions for apprentices to complete a two year associate degree at the Harry Van Arsdale Center for Labor Studies (SUNY). In addition, the Labor Technical College is negotiating two and four year degree

The ability to think critically and to read and write at the college level are essential skills for all citizens of a modern democratic society. But especially for trade unionists. The NYC District Council of Carpenters college program enables trade unionists to acquire the skills and knowledge required of them to be leaders at their work sites, in their communities and in their union.

The program emphasizes collective learning, student-faculty interaction, and class discussion. Students learn to think, read, and

Educational Requirements for the Associate Degree

An Associate in Science degree requires 64 credit hours, of which at least 32 must be in liberal arts and at least 24 must have been earned through Empire State College.

The National Program on Non-collegiate Sponsored Instruction has evaluated the carpenter's education program to be worth 30 college credits, which Empire State College will accept toward its 64-credit associate degree when the apprenticeship is complete.

In addition, it is possible for a student to transfer up to 10 credits in liberal arts from an accredited college and still earn the minimum 24 required from Empire State College for a degree:

Required Credits for Associate Degree...	64
Carpentry Apprenticeship.....	30
Maximum Additional Transfer Credits.....	10
Minimum Empire State College Credits.....	24

RETURN ON INVESTMENT		
Value of Union's contribution to college education per apprentice	\$9,000.00	\$300 average tuition per credit hour x 1 graduate x 30 apprenticeship credits
Annualized value of Union's contribution to college education	\$1,800,000.00	\$300 average tuition per credit hour x 200 graduates x 30 apprenticeship credits
Value of Union's contribution to college education with 5-year backdating (benefits '06 and '07 graduating classes)	\$2,700,000.00	\$300 average tuition per credit hour x 300 graduates x 30 apprenticeship credits

tracks with the city (CUNY) and the state (SUNY) university systems to provide opportunities for its members to pursue college course work in construction management.

The value of this college credit initiative is considerable. The average cost of a college credit across the country is \$300.00 per credit.

write at the college-level in a "hands on," active fashion, with their instructors functioning as "learning coaches," who foster their student's active engagement with the issues and arguments in the required texts and offer guidance. With the diploma, students can continue with the college for a 4-year bachelor's degree, or transfer to another college or university. All students have the opportunity along the way to think about their options and plan for their educational future.

All eligible candidates, including carpenter apprenticeship graduates from 2005, 2006 and 2007 will receive information by mail on college application procedures and how to apply their apprenticeship training to a college degree as soon as the information becomes available.

Course listings providing an overview of the Labor Technical College's carpentry courses as they will be listed in NPONSI's national directory are available from the WC&C office.

This is only the beginning. The Labor Technical College staff is working to introduce college degree programs for all of our New York State Department of Labor registered apprenticeship programs. The future belongs to the educated.

Under the direction of the Labor and Management Trustees, the Labor Technical College will continue to introduce training to create and extend employment opportunities for union membership. •



AWCI's
CONVENTION + **INTEX** **EXPO 2008**
Interior Exterior | Commercial Construction

Paris/Ballys Las Vegas
March 23-27, 2008 • Las Vegas, Nevada

INTEX Expo 2008

While you are at the AWCi Convention, make sure you spend time at INTEX Expo 2008, co-sponsored by the Association of the Wall and Ceiling Industry and the Ceilings & Interior Systems Construction Association. More than 400 booths and 200 exhibitors offer new technologies, products and tools to enhance your productivity and strategies to give you the competitive edge in your market.

TWO NEW PRODUCTS FROM APLA-TECH

Continuous Flow Handle on Mechanical Boxes

New for those finishers that run me-



chanical and automatic drywall finishing tools, you can now attach your mechanical box and angle head to the Apl-Tech Continuous Flow System (CFS) Box Handle and Pole and can coat non-stop

throughout your entire job. Boxing takes only about 1/2 the effort, angles 1/50th the effort. Cut your box weight in half, work up to 153 feet away from the pump and double your production each day. The CFS Tape Apl-Cator weighs only 12 lbs loaded, stops every 500' to change the roll of tape and has no drag feeling while taping.

Continuous Flow System (CFS) with Apl-Tech Coaters

New for those finishers that are tired of the physical strain of mechanical and automated drywall wall finishing tools or the slow speed of hand finishing tools, we can provide the both of you! The CFS drywall finishing tools with Apl-Tech Coaters increases your speed up to double over boxes and up to 4 times over hand finishing. And it is much easier on the body. The CFS Tape Apl-Cator works the same as the system above. The coaters have hand finish, stainless steel blades for the feather/trowel finish. Angles are again the easiest part of finishing you can do with this system.



For information on both products visit www.apla-tech.com

FROM ARMSTRONG COMMERCIAL FLOORING COMES BIOBASED TILE™

A revolutionary new flooring made with rapidly renewable resources

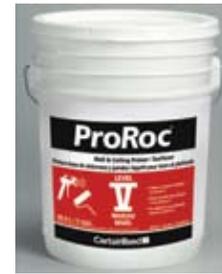
Armstrong makes a giant LEAP with BioStride™, a breakthrough patent-pending polymer that contains biobased, rapidly renewable ingredients. BioStride's unique plant-based composition reduces the reliance on petroleum and fossil fuels.

The first use of BioStride is in MIGRATIONSTMBBTTM—a new category of tile. MIGRATIONS TRANSFORMS what's possible in resilient flooring by providing additional environmental attributes and combining them with enhanced performance over composition tile with classic looks and affordability. Visit Armstrong.com.



high-quality wall finish using traditional methods.

"The introduction of Level V Wall & Ceiling Primer/Surfacer to our line of ProRoc® Brand Finishing Products provides applicators with a value-added solution as the demand increases for Level 5 wall finishes," says George Watt-



man, General Manager, Finishing Products. "This versatile primer/surfacer has numerous features that save valuable time and effort."

ProRoc® Level V Wall & Ceiling Primer/Surfacer has exceptional hide and self-leveling characteristics, while meeting American Society for Testing and Materials (ASTM) and Gypsum Association (GA) specifications for Level 5 finishes. This product is now available at building materials dealers who stock ProRoc Finishing products in the Pacific Northwest region of the United States and from coast to coast within Canada.

CertainTeed Gypsum also offers a variety of other quality interior finishing products, including ProRoc® ready-mix joint compounds, ProRoc® LITE Sand setting compounds and ProRoc® walls and ceilings textures.

For more information go to www.certainteed.com.

Introducing CertainTeed's ProRoc® Brand Level V Wall & Ceiling Primer/Surfacer

CertainTeed has announced the addition of Level V Wall & Ceiling Primer/Surfacer to its ProRoc® Brand Finishing Products portfolio.

ProRoc® Level V Wall & Ceiling Primer/Surfacer, suitable for spray and roll-on applications, is a polyvinyl alcohol (PVA) product that creates a smooth wall finish. In fact, it takes a Level 4 finish to Level 5 without the need to putty or skim coat. This innovative product eliminates the intensive labor necessary to achieve a

New Packaging For CertainTeed's Restoration Millwork™ PVC Trimboard

New CertaPak™ packaging from CertainTeed Corporation helps ensure Restoration Millwork™ cellular polyvinyl chloride (PVC) trimboards and corners are delivered

to the jobsite free from scuffs, dust and dirt. CertainTeed created the new shrink-wrap



packaging to help decrease contractor time spent on home improvement installations.

“The shrink-wrap

CertaPak packaging keeps Restoration Millwork beautiful and helps speed installation,” says Rick Brinton, Business Manager, CertainTeed Restoration Millwork. “With CertaPak our trimboards are stored and transported with clean, scuff-free surfaces, which keeps the material in top shape and helps eliminate jobsite cleaning.”

Restoration Millwork, a solid finish trim line that looks and feels like top-grade lumber, comes ready to install in a classic Natural White color. It lasts longer than wood and can be used in place of wood in any exterior trim application. With the new CertaPak packaging, Restoration Millwork trimboards are bundled in sets of two and four to make unloading and installation fast and easy.

Restoration Millwork is available in a variety of dimensional lumber and sheet widths and thicknesses with consistent dimensions for accurate fit and finish. It cuts, shapes, routes and mills with ordinary woodworking tools and fastens with nails or screws. It can be bent for geometric window surrounds and arches and can be painted to coordinate with a home's exterior.

Restoration Millwork carries a 25-year limited warranty and Class A (Class1) flame spread classification. It is available through lumberyards and building products distributors. For more details, see printed warranty where product is sold.

To receive a free sample from Restoration Millwork, call 800-233-8990 or visit www.certainteed.com.

FLEX-C TRAC®

Now Available With New HAMMER-LOCK

Flex-Ability Concepts, Oklahoma City, has introduced Hammer-Lock, a new feature for Flex-C Trac® that significantly reduces

installation time and labor.

Flex-C Trac provides an easy way for builders

to frame high quality curves by utilizing a simple, flexible metal track for use with wood or metal studs.

Hammer-Lock allows the shaped flexible track to be held in place by simply hammering down tabs in each link of the track. The previous system of securing the track by placing screws in the steel strap in the track flanges can still be utilized depending upon contractor preference and application.

Hammer-Lock is available on 20 gauge 2 1/2", 3 5/8" and 6" Flex-C Trac. It is also available on Flex-C Angle.

“This design innovation has been in the works for nearly two years,” according to Robert Widmer, marketing manager. “We’ve tested it in the field with key contractors and they love the fact that Hammer-Lock significantly speeds up the time to secure the shape. When the tabs are hammered down, the shape of the track is firmly held in place. This feature makes Flex-C Trac vastly superior to competing products that claim to hold their shape without the use of screws.”

The locked tabs do not interfere with stud placement. For maximum lateral load capacity, securing screws should still be used in the flanges.

For more information on Hammer-Lock and the Flex-Ability Concepts family of products for both commercial and residential applications, call 405-996-5343 or visit www.flexabilityconcepts.com.



DUST CONTROL™ Drywall Compound To Reduce Airborne Dust

If you've sanded drywall compound, you know drywall dust goes everywhere and settles on everything; not to mention clogging masks and coating goggles. It's a mess that takes hours, even days, to clean up. Well finally, there's a solution.

CGC is pleased to introduce a revolutionary new drywall compound that dramatically reduces airborne dust. Its unique “heavy dust”



particles bind together and drop straight to the floor, ready to vacuum or sweep up in no time at all. That's good, clean science that makes for less prep and



fast, easy cleanup.

And there's no sacrifice in performance. DUST CONTROL™ Drywall Compound provides outstanding performance for any drywall finishing application:

- The compound provides low shrinkage and usually requires just two coats over beads and trim.
- DUST CONTROL has excellent bond for both taping and finishing coats.
- You get an advanced product that works and sands very easily; it is a true all purpose product.

So whether you're a renovation contractor trying to keep your customers happy or a do-it-yourselfer trying to keep the house cleaner, all you need to remember is “With DUST CONTROL, dust falls straight to the floor!”

For more information go to www.cgcin.com.

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DAP® CONSTRUCTION ADHESIVES NOW OFFER A COMPLETE LINE UNDER BEATS THE NAIL® BRAND

The DAP line of professional quality, superior performance construction adhesives has been rebranded, repackaged and expanded. All DAP construction adhesives have been rebranded under the Beats The Nail® brand of professional construction adhesives, a brand known and trusted by DIYers and Pros for years.

The line has been repackaged with bold new eye-catching designs that clearly communicate the product attributes. The color-coded packaging allows for fast and easy product selection and impactful on shelf merchandising. Furthermore, the line has been expanded to include the latest innovations in construction adhesives technology.

New products include Beats The Nail® Heavy-Duty Projects Construction Adhesive with Instant Grab technology and Beats The Nail® Molding & Trim Adhesive with Instant Grab technology. The Instant Grab technology acts just like a second pair of hands by holding projects in place instantly. It drastically reduces bracing and nailing requirements and is repositionable for up to 15 minutes. Plus, these products are VOC compliant and clean up easily with soap and water.

All DAP Beats The Nail® construction adhesives offer exceptional holding power for every project and provide a permanent, weatherproof bond to a wide variety of building materials. The line features solvent and latex-based formulas, easy gunnability even in cold weather and clean-up with mineral spirits, or soap and water with the latex-based products.

New Products

The new Beats The Nail® Heavy-Duty Projects Construction Adhesive with Instant Grab technology holds projects in place instantly, reducing bracing and nailing requirements. It is a high strength weatherproof adhesive specifically formulated for heavy-duty general construction, remodeling, maintenance and repair projects both indoors and out. It bonds to a wide variety of substrates and provides a heat and water resistant bond. It is VOC compliant, has low odor, and features easy water clean-up. It meets ASTM Spec. C 557 and is available in 10.3 fl. oz. & 28 fl. oz. sizes.

The new Beats The Nail® Moulding & Trim Adhesive with Instant Grab technology holds projects in place instantly, reducing bracing and nailing requirements. It is repositionable for up to 15 minutes. It is perfect for installing decorative moulding, medallions, domes, niches and other trim to ceilings and walls. It is paintable, VOC compliant with low odor, and offers easy water clean-up. It meets ASTM Spec. C 557 and is available in 10.3 fl. oz. size.

The new Beats The Nail® All Purpose Construction Adhesive comes in a new translucent color, is VOC compliant, has low odor and cleans up with water. It is available in 3.5 fl. oz. size squeeze tube.

In addition to the new products, the full line of Beats The Nail® construction adhesives includes All-Purpose Construction Adhesive (with VOC compliant version); All-Purpose Trowelable Construction Adhesive (new formula); Subfloor & Deck (with VOC compliant version), Paneling & Foam Adhesive (with VOC compliant version); Tub Surround Adhesive (with VOC compliant version); Cove Base VOC compliant Adhesive; and Drywall Construction Adhesive.

Visit the "Where to Buy" section of the DAP Web site at www.dap.com.

New KHE 96 Combination Hammer from Metabo

Large-scale penetration work is part of everyday life for the new "KHE 96" combination hammer from Metabo. The "KHE 96" is currently one of the most powerful machines in the 10 kg class, with 27 joules of single-blow energy and a maximum impact rate of 1,950 rpm. Even heavy-duty chiselling work can be carried out with ease. Aside from the use of Metabo VibraTech (MVT) technology for protection against dangerous vibrations, the new model stands out through its long, slim design. The new machine enables a virtually upright working position, which relieves the back noticeably when working at ground level. The 1,700 watt model is one of the new generation of large hammers introduced by Metabo, with four new SDS-max combination and chiselling hammers came on to the market in Autumn 2007.

Visit Metabo at www.metabo.com.

Milwaukee Introduces New 12-volt Sub-Compact Driver

Milwaukee Electric Tool introduces a powerful, new professional-grade 12-volt Sub-Compact Driver that is ideal for a variety of applications including electrical work, installation, finish carpentry and other drill/driving tasks.



Delivering 100-in/lbs. of torque in a compact, lightweight package weighing

only two pounds, the 2401-22 is powerful enough to drive 130 3" screws in a single battery charge and provides the speed (0-500 RPM) to finish jobs faster. Leveraging Milwaukee's legendary fade-free lithium-ion technology, the 12-volt Sub-Compact Driver utilizes a 1.4 Ah battery to run longer without sacrificing the compact and ergonomic balance end users prefer, and it fits easily in a pocket or tool belt.

Additional features include an LED light to illuminate tight spaces and a built-in battery fuel gauge, which accurately displays the amount of remaining run-time. A one-handed chuck allows for quick bit changing, and the variable speed trigger provides increased control, especially when working in small spaces or at awkward angles.

"Our new 12-volt driver features more power, more speed and the longest runtime available in its category," says Rick Gray, Director of Cordless Tools. "As the leaders in lithium-ion, we're pleased to bring legendary Milwaukee durability into a compact, lightweight workhorse our professional users can carry around comfortably all day."

The 2401-22 includes a soft carrying case, two batteries, 30 minute charger, a standard #2 Phillips and flat bit; and is backed by Milwaukee's five year tool warranty and two year battery warranty.

Visit www.milwaukeetool.com.

Drywall Lifts from Telpro

The PANELLIFT® World's Best Drywall Lift is a time-saving device to help you load wallboard safely. Quickly raise board without straining your back! The adjustable cradle accommodates various wallboard sizes and the built-in outriggers provide a solid supporting base.

Work on walls & ceilings: sloped, angled, flat, or cathedral. There are different models available to accommodate all types of drywall installations. Assembles easily- no tools required.

Specifications of each model can be viewed on the company web site at www.telproinc.com.

Fi-Foil's RetroShield® System Increases Thermal Efficiency In Metal Buildings

Can business owners reduce labor costs, increase energy efficiency, and qualify for LEED Green Building Rating System by installing a single product? It can be done with Fi-Foil's RetroShield® System. It is the ideal solution for the retrofitting and upgrading of insulation systems in new and existing metal buildings.

Developed primarily for the metal building industry, the RetroShield® System is an exclusive system that incorporates the RBI Shield, which features Fi-Foil's revolutionary reflective insulation technology and a clip & pin component.

"Fi-Foil's patented system really performs, and is simple to install," states Bill Lippy, Senior Vice President & Chief Marketing Officer for Fi-Foil. "RetroShield® provides energy efficiency and ease of installation for reduced construction and operating costs." The system gives superior thermal performance by reflecting 97% of radiant heat and by covering the entire bottom of the purlin surface, a weak area in metal building systems in regards to thermal performance. Other benefits include its ability to reduce sound transmission and the fact that it qualifies projects for LEED Green Building Rating System credits such as Energy and Atmosphere, Material and Resources, Building Reuse and Construction Waste Management, and Recycled Content.

The components of the system are what make the RetroShield® System such a highly effective product. A reflective insulation, called RBI Shield, is used to maximize energy efficiency for any roof or wall retrofit application. The high reflectivity and low emissivity of RBI Shield® provides superior thermal performance and cost efficiency that is environmentally friendly. This type of reflective insulation is highly effective in commercial building walls because it delays the rise in temperature that occurs during afternoon hours in hot climates and it reflects the radiant energy striking the surfaces on the building and is a low emitter of radiant

energy. Building occupants have the environmental benefit in that the product does not emit fumes, particles or other toxins that could degenerate the indoor air quality of the building.

The clip & pin component allows for simple installation on roof purlins and side walls. It easily attaches to the lip of the purlin to mechanically secure the reflective insulation without the need for glue and support cables like other insulation systems. Another advantage of this feature is that it facilitates quick installation. In some cases buildings were ready in less than six weeks. Overall, the clip & pin component reduces expensive labor costs, and eliminates the need for additional framing or other alterations to complete the retrofit process.

Fi-Foil Company, Inc. is one the nation's largest manufacturers and distributors of energy-efficient reflective insulation and radiant barriers for residential, commercial, and agricultural buildings. Fi-Foil is firmly committed to the principles of sustainable construction, including energy conservation, life-cycle performance, and minimal landfill impact. Their radiant barrier and reflective insulation products are Energy Star® compliant and meet or exceed various performance and code criteria established by national, regional and local governing bodies. For detailed information about the Fi-Foil and all its product offerings, visit their web site at www.fifoil.com.

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New StoGuard™ Tape Enhances Waterproofing/Air Barrier Protection for Rough Openings, Sheathing Joints

Sto Corp. recently introduced StoGuard Tape, a self-adhering waterproof air barrier material for multiple substrates that adds additional solutions to the StoGuard Waterproofing/Air Barrier system.

It is composed of spunbond polyester fabric laminated to rubberized asphalt adhesive that strengthens the material while providing a surface to which most coatings will bond. In addition, the rubberized asphalt adhesive provides a waterproof membrane that sticks to most clean, dry, smooth surfaces, including prepared concrete and concrete masonry, plywood and OSB sheathings, DensGlass Gold®, gypsum sheathing, cement board, asphalt saturated felt and most housewraps.

StoGuard Tape is designed to be used on above grade vertical wall surfaces as:

- Rough opening protection at windows, doors, and other openings
- Waterproofing and air barrier for sheathing joints
- Waterproofing and air barrier for minor cracks in concrete and CMU wall construction
- Secondary seal behind sealant joints
- Air barrier connection material at dissimilar materials

“The addition of the StoGuard Tape is another innovation for the StoGuard line,” said Lisa Petsko, Sto product manager. “It not only allows contractors to

ensure a total coverage, including a comprehensive moisture protection warranty, but provides one source for the entire assembly and gives owners the peace of mind they come to expect from Sto.”

Visit www.stocorp.com for more information.

Paperless Soundproof Drywall from Georgia-Pacific and Quiet Solution

Georgia-Pacific Gypsum LLC and Quiet Solution announced they have partnered on a paperless soundproof drywall panel. The new product, QuietRock DensArmor Plus 528, combines the moisture and mold resistance, fire resistance, abuse resistance and low indoor air emissions of paperless DensArmor Plus wallboard, with the proven noise reduction of QuietRock, the leading soundproof drywall.

A single layer of the new product on a single wood stud wall provides an STC rating of 50 – a noise reduction of 75% compared to many other interior wall systems. QuietRock DensArmor Plus 528 is 5/8” thick, Type X, UL-classified, contains no metal inside the panel, and installs in the same manner as standard drywall.

“This product can be used where wallboard is vulnerable to moisture and help avoid major delays and costly rework. Ceilings and walls can trap moisture during construction. Coastal projects deal with fog and rain; many parts of the country have high humidity. Individual homes need this in bathrooms, basements and laundry rooms, where high humidity can occur. And customers are looking for quieter buildings. This product is the answer,” said Steve Weiss, vice president of marketing, Quiet Solution.

QuietRock DensArmor Plus 528 is an easy choice in green construction, and may contribute to LEED points. For

example, LEED for Schools recognizes the importance of good acoustics, and components of the panel have low indoor air emissions.

Detailed product information is now available at www.QuietSolution.com.

New Environment Friendly FlexGreen From Kerfkore

The Kerfkore Company is now offering a 3/4” FlexGreen product that is free of any added formaldehyde making it better for your customer and the environment.

FlexGreen is an environmentally



friendly, bendable 3/4” product that can be used for diverse radius applications. Your customers

will also appreciate that using FlexGreen can contribute to LEED credit points for MR 4.1, MR 4.2 and EQ 4.4

The new 3/4” FlexGreen is available in 4x8, 8x4, 4x10 and 10x4 dimensions. It is made with a face of Eucalyptus fiber Hardboard which is then attached to a particleboard substrate made from 100% recovered and recycled fiber. The face, core, and glue used contain no added formaldehyde, so the entire product is free of any added formaldehyde.

FlexGreen allows for normal fabrication methods of attaching to a rigid structure and application of face material. It is designed to bend down to a 10” radius prior to lamination. Due to the stable hardboard face, it is possible to laminate a single-ply veneer or other thin materials directly to the hardboard by use of a cold press or hot press. This process will result in a bending radius of 16” to 18”.

Visit the Kerfkore website at www.kerfkore.com.

Insulation Blower - SERIES 600 from Meyer

Big Machine Performance In A Compact, Simple And Economical Package

For the mid-sized or entry-level contractor, no other insulation blower provides this level of performance, reliability and versatility at such an affordable price. The SERIES 600 delivers fast and accurate all-fiber performance for many applications.

The SERIES 600 is built on the same platform as Meyer's larger contractor-proven blowing machines-

Meyer® Designed with contractor productivity in mind, the SERIES 600 integrates:

- A simplified mechanical drive minimizing maintenance, maximizing reliability



- Streamlined controls & simple 3-way remote switch to control air and material flow
- Re-calibrated factory settings assuring accurate coverage and optimum production rates

The SERIES 600 reflects Meyer's total commitment to the highest standards of quality, craftsmanship and customer support.

Backed by the most comprehensive 2-year warranty in the industry, the SERIES 600 will serve the professional applicator for years to come.

For more information go to www.meyerinsulation.com

SHEETROCK Paper-Faced Metal Bead Effectively and Efficiently Prevents Corner Cracking

Builders, contractors and homeowners all agree that corner cracking is unsightly—and that this small but annoying problem can easily damage hard-earned reputations. Yet a simple solution exists to combat corner cracking and to help builders and contractors avoid costly callbacks: USG Corporation's SHEETROCK™ brand paper-faced metal bead. Made with strong paper tape laminated to a sturdy, rust-resistant metal form and backed by a limited lifetime warranty for long-term performance, SHEETROCK paper-faced metal bead effectively and efficiently creates beautiful, problem-free and crack-free corners.

Providing superior resistance to edge cracking and chipping despite normal building movement and everyday wear and tear, SHEETROCK paper-faced metal bead ensures excellent adhesion of joint compounds, textures, and paints to produce a strong, smooth finish. It also offers high-quality straight lines for interior architectural features, and comes in a variety of trims to maximize design flexibility. A unique paper tape "nose coating" resists scuffing and fuzzing from knives and sanding during installation.

When bare metal bead is attached to a drywall corner, the nails or screws used to hold it in place penetrate both the drywall and the framing. If the wood warps, shrinks or swells, the fasteners pull and stress the bead with it. This often results in both a corner crack and a homeowner callback.

In contrast, SHEETROCK paper-

Continued on following page

NEW FIVE-PLY VENTURECLAD™ INSULATION FACING TAPE

Venture Tape Corp. has enhanced its line of insulation tapes by introducing VentureClad(tm) (1577CW), a UV resistant, five-ply laminate made with three layers of aluminum foil (including the outer layer), and two layers of tough polyester film. The insulation facing tape is ideal for interior and exterior applications.

Coated with Venture Tape's special CW Cold Weather acrylic pressure-sensitive adhesive system, the new tape combines excellent quick stick at normal temperatures with superior, field-proven application performance at temperatures below freezing. It can be used for exterior finishing of air ducts, pipes and other open air installations as well

as interior protection of insulation systems.

VentureClad provides contractors with a low-maintenance alternative to traditional finishing materials such as mastics, PVC, foil, metal cladding, glass fabric, butyl duct wrap, and other types of materials. It also is very quick and easy to install without special tools or training making it very cost effective versus other competitive materials. The all-purpose insulation facing tape is weather resistant and exhibits high puncture and tear resistance. With zero permeability, VentureClad can be used as a low temperature, vapor barrier for cryogenic systems and as a weather proofing covering for most insulation materials. It is highly conformable and can be applied to foam glass, mineral fiber insulation, fiber glass, nitrile rubber foam, and semi-rigid and rigid foam insulation. VentureClad is UL listed and is fire rated in the United Kingdom (BS 476, Part 6&7, Class 1).

For more information, contact Venture Tape at 800 343-1076 (

Continued from preceding page

faced metal bead is attached directly to the drywall itself using the bonding strength and flexibility of joint compound instead of nails or screws. The special paper facing adheres superbly to joint compounds, textures and paints, and since fasteners are not needed, installation and corner alignment are easier. As a result, minor shifts in the frame do not affect the bead and there are no nail pops.

For additional information on SHEETROCK paper-faced metal bead, please call 800-USG-4YOU (800.874.4968) or visit usg.com/pfbead.

New SigmaStud®

SigmaStud is a breakthrough in the load-bearing steel stud industry, producing significant increases in load capacity when compared with conventional “cee” shaped

studs. SigmaStud’s unique configuration provides installation and design advantages which create efficiency no other light steel framing load-bearing wall stud can provide.

The Steel Network, Inc.
Your Link To The Steel Industry



Each bend made to a flat LSF element increases load capacity over a standard stud section with the same material thickness. The return lips present in SigmaStud also increase capacity, delivering the most efficient LSF load-bearing stud member available.

Engineering Advantages

- Load tables contain recent code changes
- Redefines previous limitations considered for utilization of steel studs in building construction
- Fastener Efficiencies
 - Screw size may decrease with thinner material thickness
 - Larger flange width increases area for fasteners
 - Thinner material facilitates faster connections
- Performance Improvements

- Increased load capacity over SSMA “cee” shape stud of similar thickness
 - Reduces overall material used
 - May eliminate double studs and their attachments to each other.
- Visit www.steelnetwork.com.

Series 44 Modular Grid System

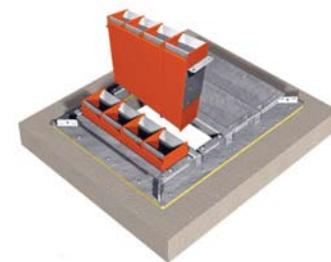
From Specified Technologies, an EZ-Path® Solution for High Volume Cable Penetrations through

Now there is a bolt-in solution for riser applications that brings the safety and simplicity of EZ-Path® to your vertical cable installations.



The EZ-Path® Modular Floor Grid System can handle literally thousands of cables. Modular Floor Grid Systems utilize the high volume, EZ-Path® 44 Series Pathways installed in banks of four to provide your cabling systems with room to grow.

Add Capacity as you need it Pathways in banks of four, form modules that easily install through slots provided in the Grid. Grid sizes are available to accommodate one, two, or four



modules. All grid sizes may be purchased as complete kits including pathway modules. Multi-slot grids may be purchased with blank firestop filler panels allowing modules to be purchased and installed at a later date as needed.

For information visit www.stifirestop.com.

Postage Stamp Featuring Hilti Combihammer Now Available

For those those philatelists among us, postage stamps from Liechtenstein are valued collectors items, making them outstanding ambassadors. Last September 3rd marked the release of the second part of the stamp series entitled “Technical innovation from Liechtenstein.”



Four different subjects carry the message from Liechtenstein’s industrial center throughout the world. One of the stamps shows the Hilti TE 56-ATC combihammer.

“We are very pleased that the postage stamp showing one of our flagship tools is appearing during the year we celebrate a milestone anniversary,” said Hilti Chief Executive Officer Bo Risberg. “Forty years ago Hilti introduced the first rotary hammer having an electropneumatic hammering mechanism suitable for construction sites. This system has been consistently refined and further developed since then.” The Hilti TE 56-ATC is not only robust and reliable, it is also equipped with the TPS theft protection service that blocks the tool if unauthorized persons try to use it.

The stamp, having a value of 1.30 francs, is available individually, as a cancelled initial issue, in a sheet of 20 and in maxi-card format, which shows the combihammer in use during construction of the new parliament building in Vaduz.



Thermafiber Replaces Curtain Wall Insulation Line with FIRESpan™ 90 and FIRESpan™ 40

Thermafiber, Inc. announces FIRESpan™ 90 and FIRESpan™ 40 insulation will replace all Curtain Wall (CW) insulations.

This represents the final elimination phase of the Curtain Wall product line (CW90, CW70, and CW40) in favor of the Underwriters Laboratories (UL) and Intertek (OPL) tested, listed, and labeled FIRESpan insulation. FIRESpan insulation provides highly effective fire- and smoke-resistant qualities for tested curtain wall assemblies.

FIRESpan 90 and FIRESpan 40 provides 1, 2, or 3-hr. fire protection in a variety of rated exterior curtain wall assemblies tested per ASTM E 2307.

On December 1st, 2007, Thermafiber exclusively began producing FIRESpan 90 and FIRESpan 40 insulation for rated curtain wall assemblies and commercial thermal applications. This change will eliminate the risk of using an unrated insulation product in a rated assembly. FIRESpan 90 and FIRESpan 40 offer the same thermal conductivity and thermal resistance as CW90, CW70, and CW40.

FIRESpan 90 and FIRESpan 40 are continuously tested by independent third-parties to ensure a high level of quality and performance. Like all Thermafiber mineral wool, FIRESpan insulation is a "GREEN" product that contains greater than 80% post-industrial recycle content.

For additional information about FIRESpan Insulation or other products contact Thermafiber Technical Service at 1-888-TFIBER1 (1-888-834-2371).

FAVORSEA ENGINEERED WOOD FLOORING

Favorsea engineered wood flooring is totally unique in the world featuring an inert core with plastic strip jointing system for a tight glueless fit. This revolutionary product is manufactured in their state-of-the-art high tech plant, bringing new innovations to the flooring industry.

1) DIMENSIONAL STABILITY: Because of the revolutionary high strength bonding system, and the inert core that doesn't absorb water, Favorsea engineered wood flooring is dimensionally stable, hence, irrespective of the seasonal changes, the floor is moisture resistant and cannot, expand, contract, shrink, crack, cup or bow. Unlike all other flooring products on the market, Favorsea can be installed tightly fitting, making ugly expansion joints and gaps a thing of the past.



2) HUGE DIMENSIONS: Favorsea Engineered flooring comes in the largest sizes available from any 3-layer manufacturer worldwide. Standard production sizes are 500 x 500 x 18mm, 1200 x 200 x 18mm, 1830 x 200 x 18mm. Jumbo sizes are 1000 mm x 1000 mm and 2400mm x 200mm. It's Favorsea engineered flooring state of the art technology and manufacturing that guarantees 100% dimensional stability.

3) FIRE RESISTANT: The inorganic core of Favorsea floor is classified "A" (non combustible) accounting for 92% of the total floor area. Making Favorsea engineered wood flooring the only product in the world that is truly fire resistant.



4) ENVIRONMENTALLY FRIENDLY: All raw materials used in Favorsea engineered flooring is sourced to meet international standards And the floor are classed as E0.

5) WIDE SELECTION OF PATTERN: A huge range allows for thousands of color and patterns combinations to be created. Each plank or panel reflects the exquisite workmanship and expertise of Favorsea.

6) EASY INSTALLATION: Unlike the traditional T&G system, the groove has been milled on all edges of the boards. A tooth-like plastic jointer connects boards together. As the jointer can run through lots of boards, the flooring tiles in one room are jointed together as a whole. So the level of the sub floor has no real influence on the installation of floor. As an added bonus all the floor tiles can be taken apart and easily reassembled elsewhere. The big advantage Favorsea jointer system has over T&G system is the edges of the boards are all the same. No need to find groove side or tongue side.



No glue, grid or nails are required in the installation, so there's no messy clean up and you can walk on it right away!

7) WORK WITH HEATING SYSTEMS: Due to Favorsea engineered wood flooring best dimensional stability in the world, all Favorsea flooring products are recommended and fully guaranteed for use with under floor heating systems.

For more information go to www.favorsea.com.

OSHA NEWS

OSHA Announces Employer-paid Personal Protective Equipment Final Rule

WASHINGTON -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) today announced a final rule on employer-paid personal protective equipment (PPE). Under the rule, all PPE, with a few exceptions, will be provided at no cost to the employee. OSHA anticipates that this rule will have substantial safety benefits that will result in more than 21,000 fewer occupational injuries per year. The rule will be published in the Federal Register on November 15, 2007.

"Employees exposed to safety and health hazards may need to wear personal protective equipment to be protected from injury, illness and death caused by exposure to those hazards," said Assistant Secretary of Labor for OSHA Edwin G. Foulke Jr. "This final rule will clarify who is responsible for paying for PPE, which OSHA anticipates will lead to greater compliance and potential avoidance of thousands of workplace injuries each year."

The final rule contains a few exceptions for ordinary safety-toed footwear, ordinary prescription safety eyewear, logging boots, and ordinary clothing and weather-related gear. The final rule also clarifies OSHA's requirements regarding payment for employee-owned PPE and replacement PPE. While these clarifications have added several paragraphs to the regulatory text, the final rule provides employees no less protection than they would have received under the 1999 proposed standard.

The rule also provides an enforcement deadline of six months from the date of publication to allow employers time to change their existing PPE payment policies to accommodate the final rule. •

Confined Spaces in Construction Proposed Rule

WASHINGTON -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) today published in the Federal Register a proposed rule to enhance the protection provided to construction employees working in confined spaces. The agency is accepting public comments on the proposed standard until January 28, 2008.

"The existing construction standard for confined spaces would be updated and comprehensively revised to better protect construction employees from atmospheric and physical hazards," said Assistant Secretary of Labor for OSHA Edwin G. Foulke, Jr. "This rule will reduce the number of construction injuries and fatalities and greatly improve safety and

health in the workplace."

The proposed rule addresses construction-specific issues and uses a comprehensive, step-by-step approach to confined space safety by setting out how to assess the hazards, classify the space, and implement effective procedures to protect employees. The proposed rule would require controlling contractors to coordinate confined space operations among a site's multiple employers.

Interested parties are invited to submit comments on the proposed rule by January 28, 2008. Comments may be submitted electronically at <http://www.regulations.gov>, the Federal eRulemaking Portal; send three copies to the OSHA Docket Office, Room N-2625, U.S. Department of Labor, 200 Constitution Ave., N.W., Washington, D.C., 20210; telephone 202-693-2350; or fax to 202-693-1648. Comments must include the agency name and the docket number of this rulemaking, Docket No. OSHA-2007-0026. See the Federal Register notice for more information on submitting comments.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthful workplace for their employees. OSHA's role is to assure the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov. •

OSHA Issues New Combustible Dust Instruction

WASHINGTON -- The Department of Labor's Occupational Safety and Health Administration (OSHA) today issued a new safety and health instruction that details OSHA policies and procedures for inspecting workplaces that handle combustible dusts and that may have the potential for a dust explosion.

"With this National Emphasis Program, we will focus our efforts on the fire and explosion hazards that may exist at facilities where combustible dusts accumulate," said Assistant Secretary of Labor for OSHA Edwin G. Foulke, Jr. "A combustible dust fire and/or explosion is a potential hazard to America's working men and women. This instruction will be a valuable resource for those who inspect industrial facilities in the United States."

Combustible dusts are often either organic or metal dusts that are finely ground into very small particles, fibers, chips, and/or flakes. These dusts can come from metal, wood, plastic and organic materials such as grain, flour, sugar, paper, soap and dried blood. Dusts can also come from textile materials. Some of the industries in which combustible dusts are particularly prevalent include agriculture, chemical, textile, forest and the furniture industry.

The instruction provides detailed information on OSHA's inspection scheduling, resource allocation, inspection resources and procedures. This information is particularly useful in educating businesses on how to achieve compliance with OSHA requirements in advance of any inspection.

The instruction is available on OSHA's Web site at http://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-006.pdf.

New OSHA Publications Web Page Responds to Audience Needs

WASHINGTON -- The Occupational Safety and Health Administration (OSHA) today unveiled a new [Publications page](#) on its Web site at www.osha.gov that allows visitors to access OSHA's resources in an efficient and user friendly way.

"The OSHA Publications page is one of the most popular pages on the agency's Web site. In fact, the agency's Publications page receives more than 300,000 visits per month," said Assistant Secretary of Labor for OSHA Edwin G. Foulke, Jr. "The page was redesigned in an effort to make the site's content easier to access, while maintaining OSHA's commitment to providing valuable safety and health materials."

OSHA undertook the redesign to give the Publications page a more user-friendly look and feel, and to make the page the

comprehensive resource for the agency's extensive number of safety and health products. Visitors may now search by the publication number or keyword; from an alphabetical listing; by industry or topic, and by type of publication. In addition to new releases, the revamped page highlights publications "Recommended by OSHA" that may interest visitors and "Most Frequently Viewed OSHA Publications."

The new design is based on feedback from OSHA customers. Visitors may order up to 25 copies of up to five publications using the new ordering capability. This feature is similar to "shopping carts" found on commercial Web sites and helps visitors keep track of the publications they are ordering and the number of copies ordered. •

OSHA Quick-Takes

Editor: Elaine Fraser, OSHA Office of Communications, 202-693-1999

BLS Reports Workplace Injury and Illness Overall Rate Lowest Ever Recorded

The rate of workplace injuries and illnesses in private industry declined in 2006 for the fourth consecutive year, the Labor Department's Bureau of Labor Statistics (BLS) reported. Approximately 4.1 million injuries and illnesses occurred in 2006. The number translates to a rate of 4.4 cases per 100 full-time employees, slightly less than the 4.6 rate reported last year. Secretary of Labor Elaine L. Chao said that "workplace injuries and illnesses declined three percent in 2006 over the previous year against the backdrop that overall hours worked increased (two percent). The Department of Labor continues to focus on ensuring that workplace injury and illnesses rates continue to decline and that workers are healthy and safe on the job."

Latest Events Information

OSHA updated its events Web page with new safety- and health-related meetings and training information. Check the site for events near you.

"QuickTips"

- Molds are found almost everywhere and can grow on virtually any substance as long as moisture and oxygen are present. Molds can damage building materials and, if left unchecked, can eventually cause structural damage. Some molds have the potential to cause adverse health effects, including asthma attacks in some people who are allergic to mold. Exposure to mold can also cause other types of allergic reactions, including hay fever-type symptoms, skin rashes, and irritation to the eyes, nose, throat, and

lungs in both mold-allergic and non-allergic people. That is why OSHA encourages building managers, custodians, and others responsible for building maintenance to learn how to avoid, control and remove mold in buildings leading to the reduction of health risks. Moisture control is the key to mold control. Here are a few tips on mold prevention: Repair plumbing leaks and leaks in the building structure as soon as possible.

- Perform regularly scheduled building/heating, ventilation, air conditioning (HVAC) inspections and maintenance, including filter changes.
- Clean and dry wet or damp spots as soon as possible, but no more than 48 hours after discovery.
- Pinpoint areas where leaks have occurred, identify the causes, and take preventive action to ensure that they do not reoccur.

OSHA's Safety and Health Information Bulletin entitled A Brief Guide to Mold in the Workplace offers more recommendations on how to prevent mold growth, the proper use of personal protective equipment, ways to assess mold or moisture problems, and methods to cleanup damage caused by moisture and mold growth. OSHA's guide on Preventing Mold-Related Problems in the Indoor Workplace, Safety and Health Topics page on Molds and Fungi, and Mold QuickCard? (English/Spanish/Vietnamese) are additional resources for protecting employees involved in the prevention and cleanup of mold. Look in your next issue of QuickTakes for new "QuickTips" on another safety and health topic. Quick Takes appears regularly on the OSHA web site at www.osha.gov. •



The Ritz-Carlton, Amelia Island, Florida



**WCC Convention Locale
To Be
AMELIA ISLAND, FL
MAY 21 – 25**

**Details Have
Been Sent To
Members
Please
Respond
Immediately!**

The Association of Wall-Ceiling & Carpentry
Industries of New York, Inc.
125 Jericho Tpke., Suite 301, Jericho, NY 11753

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