

CRCA TODAY

SUMMER 2018

The Magazine
of Roofing and
Waterproofing
in Illinois
and Beyond

**Construction Contracts:
Liquidated Damage Provisions**

Boom Truck Safety

Ladder Safety

Captive: Risk vs. Reward



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What Is CRCA Membership and Why Is It Important?

By CRCA Leadership

The word “membership” has more options than most nouns in the English language! There are over 25 other nouns describing membership in a typical thesaurus such as affiliation, involvement, connection, supporters, links, participation, belonging and more. All these define *CRCA Membership*. When asked, several CRCA leaders commented on what CRCA membership meant to them and to their firms.

CRCA Brings the Roofing Industry Together

Spending over twenty years as CRCA’s program chair as well as serving thirteen years on CRCA’s Board, when asked what CRCA membership means to him, Mike McMillin stated “CRCA brings the roofing industry together” and provides a place where roofers and suppliers can go for assistance with code questions, legislation support and a sense of community. “CRCA brings the roofing industry to you and you can watch for it to continue to grow”, stated McMillin. His advice to new CRCA members is “Get Involved”. This connection will help the individual as well as the company with roofing specific legislation, code education and assistance as well as developing valuable relationships within the roofing industry.

Advice to a Potential Member

Like McMillin, Jay Adler, a third-generation roofing contractor as well as a CRCA Board Member, feels that CRCA membership gives a snapshot of the roofing industry in the past, how the professional roofing contractor has evolved and then providing the tools for the future. “I’ve been told numerous times from sources nationwide that the ‘must know’ people in the industry are involved with CRCA and that it’s the best regional association in the country”, Adler commented. He also feels that joining CRCA is what professional roofing contractors do. When a situation pops up in a contractor’s business, there are people and other resources at CRCA to help navigate around or over the obstacle.

CRCA Is a Single Resource

When Past President Rod Petrick was asked what value CRCA brings to members, he stated that “CRCA provides a venue to getting in front of those who affect

the Roofing and Waterproofing Industry... the State of Illinois, the City of Chicago, National and International Code Bodies, OSHA and more.” These entities develop, pass and maintain the structure that mandate what the contractors can and can’t do. When asked why a contractor should be part of CRCA, he stated “Because *you can’t afford not to be part of this association*”, especially in the Chicago and Chicagoland market. Petrick continually gives back to CRCA and other entities. He is part of the newly launched CRCA Foundation, a 501(c)(3) entity, with a mission to support philanthropic causes, research and education to further the roofing and waterproofing industry and community.

One Big Family Driving the Industry

2018 CRCA President Troy Wormley has seen some of the largest CRCA membership growth in the past several years. His goals include to build CRCA’s reach beyond Chicagoland, further into Illinois. He stated that “CRCA drives the success of the industry by being one big family.” Wormley also sees benefit to strong retention and getting CRCA members more involved. With over 100 active committee members, CRCA volunteers provide the help needed for the events, education and outreach this association provides.

CRCA Member Benefits

2018 CRCA Membership Co-Chair Brad Schwab stated “I feel proud to be part of CRCA and the efforts to create a community of roofing professionals that help one another and elevate the industry.” Schwab is a second generation CRCA member and joined the CRCA board in 2018 as an Associate Director. He feels that some member benefits include networking, education and advocacy.

Schwab announced the 2018 “Septembership” promotion at the recent industry day golf outing. He encourages roofing contractors to seriously consider joining CRCA, one of the oldest roofing contractor associations in the United States. Join now for 2018/2019 and get four months of membership for free! To learn more, visit www.CRCA.org today or contact info@crca.org. 

Liquidated Damages Provisions in Construction Contracts

By Trent Cotney

Liquidated damages are a fact of life in modern construction contracting. However, even if your contract contains a liquidated damages provision and the owner has assessed liquidated damages, that does not mean the assessment is valid or enforceable. There are a number of ways you might be able to prevent an owner from keeping contract proceeds that are rightfully yours. This article will provide the reader with an idea or two that will help keep hard earned contract proceeds in the contractor's pocket.

In a breach of contract situation, liquidated damages are designed to provide a means to compensate the non-breaching party when the actual damages are not readily ascertainable. In other words, when the non-breaching party's actual damages will be difficult to determine in the event of a breach, then the parties are allowed to stipulate in their contract that a set sum of money will be paid in lieu of having to prove up the actual damages. In construction contracts, the liquidated damages clause is usually tied to timely completion of the work by the contractor and usually allows the project owner to collect liquidated damages upon late completion. For example, for each day that the work is not complete past an agreed upon date, the contractor will have to pay the owner \$x per day. Liquidated damages can be agreed to in any type of contract, and not just construction contracts. In a real estate sales contract, the parties might stipulate in their contract that if the buyer reneges and fails to close, then the seller gets to keep the earnest money deposited by the buyer.

A liquidated damages amount is intended to compensate the owner for the other party's breach of the contract. If the provision seeks to do anything other than provide reasonable compensation, then the clause is really a penalty, and as such, will not be enforced. Merely because the parties title the provision as a "liquidated damages" provision is not determinative

of whether it is really a penalty. Whether a provision is a valid liquidated damages clause or an unenforceable penalty depends on the facts of each case.

For example, if a provision that is labeled "liquidated damages" is not intended to compensate the owner, but is really intended to coerce the contractor into completing the work on time, rather than compensating the owner for delay damages, then the clause is a penalty. Similarly, if at the time the parties entered into the contract, the owner's actual damages are "reasonably ascertainable," then there is no reason to stipulate to the liquidated damages amount and it will not be enforced.

Another argument that has succeeded in avoiding an otherwise valid liquidated damages clause is where the liquidated damages amount "shocks the conscience" of the court. In other words, if the stipulated sum is simply too great in comparison to the contract value itself, then the liquidated damages will not be enforced. This analysis compares the stipulated sum with the contract value. For example, in *Hook v. Bomar*, 320 F.2d 536 (5th Cir. 1968), the loss of a \$30,000 deposit on a \$95,000 contract was found unconscionable, and the liquidated damages provision was not enforced.



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Furthermore, liquidated damages also are not enforceable if the non-breaching party contributed to the other party's default. In a construction contract setting, if the owner contributed to the delay in the completion of the contract, then the owner is not permitted to assess the daily liquidated damages for those delay days caused or contributed to by the owner.

Liquidated damages tied to completion of the work generally cannot be assessed after the project has reached substantial completion. Liquidated damages are intended to compensate the owner for late completion, and by definition at substantial completion the owner has functional use of the project. Thus, at substantial completion, the owner is no longer incurring damages.

By way of illustration, on a construction project an owner may want \$1000/day in liquidated damages to compensate the owner for lost rent and extended project administration for each day the work is not complete. However, once the project is substantially completed, the owner can rent the property, so that portion of the owner's damages included within the stipulated \$1000/day is no longer being incurred. If the owner seeks the entire liquidated damages amount for days after substantial completion until final completion, a strong argument can be made that no post-substantial completion liquidated damages

are allowed even if the owner is incurring continued administration costs. The better liquidated damages clause would state that upon substantial completion, the liquidated damages will be reduced to \$500/day or some other reasonable figure to compensate the owner for the extended project administration required to obtain final completion of the project.

Owners routinely withhold contract proceeds under the argument that the contractor is liable for liquidated damages. However, even if it appears that the liquidated damages are proper, the prudent contractor will not accept the assessment at face value because there are many ways to defeat a liquidated damages clause. Hopefully, this article will provide the reader with a way to recover the withheld funds. 

Author's note: The information contained in this article is for general educational information only. This information does not constitute legal advice, is not intended to constitute legal advice, nor should it be relied upon as legal advice for your specific factual pattern or situation.

Cotney Construction Law is an advocate for the roofing industry, General Counsel of National Women in Roofing (NWIR), Tile Roofing Institute (TRI), Florida Roofing & Sheet Metal Contractors Association (FRSA), Roofing Technology Think Tank (RT3), Tennessee Association of Roofing Contractors (TARC), and several other local roofing associations and is a member of the Chicago Roofing Contractors Association. For more information, call 866.303.5868 or visit www.cotneycl.com.



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Another Change to the OSHA Crane Operator Certification Requirements? . . . Here We Go Again!

By Frank Marino, CSP



Frank Marino, CSP


Back in 2010, OSHA came out with a new standard that addressed the operation and use of cranes on construction sites. This standard was certainly a game changer and modified the way many roofers utilize their equipment. One specific area the new standard addressed, that of operator requirements,

never went into effect. The original requirement gave employers four years to get their operator's certified to comply with the new rule. This requirement was then pushed off two more times with a final date of November 10, 2018 for employers to come into compliance. Well, it's quite possible that date may go the way of previous operator certification deadlines.

On May 18, 2018, The U.S. Department of Labor's Occupational Safety and Health Administration announced a proposed rule they believe will increase the safety of America's construction sites. In addition to providing long-term clarity regarding crane operator certification requirements, the proposal reinstates the employer duty to ensure that a crane operator is qualified to safely operate equipment. (OSHA,2018).

Under the proposed rule, a change to the categories of certifications for crane operators would ensure more operators are able to meet the requirement. More specifically, the new proposal revises the certification requirement to the type of crane. The proposal discontinues a 2010 requirement, which as was mentioned above, never went into effect, that crane operator certification must include the crane lifting capacity for which the operator is certified. The proposal would expand the type of certification programs for crane operators. (OSHA,2018).

As it stands now, employers have the requirement to ensure operator competency during the phase in period leading up to the date operator certification is required. This has meant complying with two broad provisions: To ensure that crane operators were competent to operate the equipment safely and, if necessary, to train and evaluate employees who did not have the required knowledge or ability to operate the equipment safely (§ 1926.1427(k)(2)(i) and (ii)) ("employer duties"). (OSHA,2018)

We should know shortly if the new proposal will be adopted or not. Please note that as of right now, the current deadline for operator certification is November 10, 2018. But if the eight-year history of this standard has taught us anything, it has taught us that all dates are subject to change. 

Reference:
www.OSHA.gov

Frank Marino is Vice President at Safety Check, Inc., a safety consulting firm in the Chicago area and CRCA Associate Member. Contact Frank at fmarino@safetycheckinc.com. Frank has extensive experience in roofing safety.

Focus on Crane Safety—Boom Trucks

By Brad Runnion and Mike Prochot

Many roofing contractors realize the advantage of owning or renting boom-truck cranes because of the flexibility of having the crane available on multiple job sites throughout the day—morning deliveries of roofing materials and safety equipment transits to using the crane for roof tear-offs in the afternoon. Depending on the day and size of the tear-off jobs, that crane can turn around and be delivering materials in the evening to have jobs ready to go the when crews arrive the next morning.

With the crane moving from jobsite to jobsite and setting up multiple times a day, there are several key safety related issues unique to boom trucks that your driver/operator and crew foremen need to be concerned with:

1. **PLAN YOUR ROUTE**—While driving to a jobsite, a driver should be constantly aware of low clearances, particularly bridges. Your State Dept. of Transportation website is a source of information for vertical height restrictions and cell phone apps such as SmartTruckRoute and BridgeBypass will do the hard work for you.



(Daily Gazette Photo, Schenectady, New York)

2. **IDENTIFY OVERHEAD RESTRICTIONS**—Once on the job, the operator has to look up and identify any overhead obstacles that might have an effect on the lifts. One example an operator needs to be keenly aware of is power lines. The closest any part of the crane should get to any powerline under 350 kV is

20 feet. On a National Crane with a LMI computer, an operator can program the crane to alert them as they approach a pre-determined point such as power lines. If the crane will have to operate closer than 20 feet, OSHA 1926.1407 outlines the steps to take.



(©WorkSafe BC—Workers' Compensation Board—used with permission)

3. **ESTABLISH THE WORK ZONE**—OSHA requires roofing contractors to install roof warning line systems to establish the safe working zone and it is equally important to identify the crane's safe working area on the ground. OSHA recommends establishing the work zone by utilizing flags, barriers, tape, etc., in order to prevent non-authorized people from entering the crane zone. While OSHA 1926.1424 does not define an actual perimeter, NCCCO recommends a minimum of 10 feet.
4. **CHECK THE LIFTING EQUIPMENT**—Even before the first pick is made, the crane operator needs to ensure their lifting equipment such as the wire rope, slings, rigging, and hook is safe to use. A competent person needs to check the wire rope on a daily and monthly basis and ensure that it is free of kinks, bird caging, or excessive broken wires (documentation of the monthly inspection is required). The hooks must be equipped with a working latch and the ID tags on the hook and straps must be legible. If lifting straps are damaged in any way, they must be taken out of service (OSHA 1910.184)



(Runnion photo)

5. CHECK GROUND CONDITIONS—The controlling entity of the jobsite is responsible to inform the crane operator of the location of hazards beneath the equipment set-up area (such as voids, tanks, utilities) (OSHA 1926.1402). Ultimately, however, the crane operator must examine the ground conditions and determine if the ground can withstand the pressure exerted by the crane’s outriggers in order to prevent the crane from sinking into the ground. Always carry a good set of outrigger pads onboard to help spread the load across a greater area—and use them.



(Runnion photo)

The time and money saved by operating a boom truck over the course of the year can be significant. Keep in mind however that those savings can quickly evaporate if the crane is used improperly and “safety first” is not appropriately factored in. Crane safety starts even before the first pick is made!

Runnion Equipment Company partners with many CRCA members during the year to help educate roofing contractor employees on more in-depth information about operator’s responsibilities and how to ensure a safer job site when using cranes. 



(Runnion photo)

Brad Runnion is the Sales Support Manager and Mike Prochot is the President for CRCA Member Firm Runnion Equipment Company which specializes in sales and service of National Crane Boom-Trucks and Palfinger knucklebooms. Runnion Equipment also sells Elliott and Dur-A-Lift man lifts and bucket trucks and services all types and manufacturers of cranes. For more information, call 708-447-3169 or visit <http://www.runnionequipment.com>.

Ladder Safety Tips for Indoor and Outdoor Use

By Mark Peters

Ladders are a fact of life for both construction and home improvement projects. From cleaning gutters to painting walls and trim, ladders are an everyday necessity. With an average of 242,000 home-related ladder injuries* every year and 113 fall fatalities for the construction sector**, it's important to take precautions before stepping on and off a ladder.

Ladder injuries are preventable if you think before you climb. Werner Co. recommends the following techniques and tips for consumers and construction professionals alike:

- Select the ladder that is right for the job—**
 The first step in ladder selection is choosing the right style of ladder for the job, from a stepladder to an extension ladder—there are a variety of options from which to choose. Different styles of ladders are designed to keep you safe and productive when climbing or standing. Using the wrong ladder or simply ignoring the limitations of climbing equipment can result in a fall or serious injury.
- Select the height—how high do you need to reach:** Generally speaking, a person should first understand what height they need to reach to achieve the given activities. For example, if they have low ceilings and/or tall cabinets, then a step stool with three steps would be an adequate choice, otherwise a two-step stool will work. For extension ladders, look at the height reference chart below and consider how the ladder is to be used. If you intend to use the ladder to get on a roof, the ladder must be able to extend three feet beyond the roofline. If the ladder will be leaned against a gutter or roofline, but you will be working on the ladder, it must be able to extend one foot above the roofline. The ladder can also be leaned against a wall or other surface. The "Maximum Reach" and "Height to Gutter or Top Support Point" figures in the chart below take into account the length for proper setup, overlap of ladder sections, height restrictions of the highest standing level, and where appropriate, the extension of the ladder above the roof-line. Remember, the highest standing level is four rungs down from the top.

EXTENSION LADDERS		
Ladder Height	Maximum Reach*	Height to Gutter or Top Support Point
16'	15'	9' max
20'	19'	9' to 13'
24'	23'	13' to 17'
28'	27'	17' to 21'
32'	31'	21' to 25'
36'	34'	25' to 28'
40'	37'	28' to 31'


- Select Performance—**how much weight will be on the ladder? Ladders are designed and constructed to safely hold a specific amount of weight. Ladders come in different duty ratings identified by their grade and type. The Duty Rating is defined as the maximum safe load capacity of the ladder. A person's fully clothed weight plus the weight of any tools and materials that are carried onto the ladder must be *less* than the duty rating.

Approximate weights commonly carried onto ladders and included below for reference include:

APPROXIMATE MATERIAL WEIGHTS	
Portable Sprayer	20 lbs.
Ceiling Fan	30 lbs.
Tool Box with Tools	35 lbs.
Garage Door Opener	40 lbs.
5 Gallons of Paint	60 lbs.
Basketball Hoop	60 lbs.
Bundle of Shingles	70 lbs.
5 Gallon Roof Coating	70 lbs.
3 x 4 Window	80 lbs.
Sheet of Plywood	80 lbs.
(3) 4x4s	80 lbs.

• **Use Common Sense When Climbing An Extension Ladder**—Ladders are such common

everyday tools that many people take them for granted. Werner provided a few tips for the “right way” and “wrong way” to use a ladder include:

The “RIGHT” Way	The “WRONG” Way
<ul style="list-style-type: none"> • Properly set up and use the ladder in accordance with safety instructions and warnings. Also, it’s important to wear shoes with non-slip soles. • Prior to using a ladder or step stool, be certain that it is on a completely flat surface to prevent tipping. Also, ensure that the latch is completely engaged prior to standing on a step stool. • Center your body on the ladder and keep your waist between the rails while maintaining a firm grip on the ladder. • Climb facing the ladder, move one step at a time and firmly set one foot before moving the other one. This is important to remember on your descent as well—don’t take any short cuts to get down quicker! • If possible, have one person hold the ladder at the bottom while the other one performs the task. • Move materials with extreme caution so as not to lose your balance or tip the ladder. 	<ul style="list-style-type: none"> • Don’t stand above the fourth rung from the top of an extension ladder. This is very important as you can easily lose your balance and fall. • Don’t climb a ladder if you are not physically and mentally up to the task. • Don’t place the base of an extension ladder too close to, or too far away from, the house. • Don’t over-reach or lean to one side. • Don’t try to move a ladder while on it or from above. Climb down and then reposition the ladder closer to where you are working. • Don’t exceed the maximum weight of a ladder. DO NOT permit more than one person on an extension ladder. 

Resources:

- * CPSC’s National Electronic Injury Surveillance System (NEISS), 2011 Report
- ** CDC, Occupational Ladder Fall Injuries, 2011 Report

Mark Peters is the Director of Marketing at Werner Co, the world leader in the manufacturing and distribution of ladders and climbing equipment. All Werner ladders and climbing equipment meet or exceed applicable Occupational Safety and Health Administration (OSHA) and American National Standards Institute (ANSI) codes and standards for strength and structural integrity.

For more information, contact Mark Peters, 847-212-7890, markpeters@wernerco.com or CRCA Member Mike Schremp (Bird Ladder and Equipment Co.), 773-725-8585 or mike@birdladder.com.



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Roof Talk—CRCA Member Spotlight



Company: Elens & Maichin Roofing & Sheet Metal, Inc.

Location: Joliet, Illinois

Business Founded: 1954

Number of Employees: 45

Joined CRCA: April 1, 1989

What services does your business offer?

Elens & Maichin is a commercial roofing and sheet metal company serving the Chicagoland area for over 60 years. As a commercial roofing contractor, we install many different types of roofing systems including Built-Up, Modified and Single Ply. We also perform roof repairs, offer roof maintenance programs and have an architectural sheet metal shop.

Where do you see your business in 5-10 years?

Elens & Maichin will strive to be an industry leader in safety, quality and performance by retention of employees and continuing to take a hands-on approach to servicing our clients.

What is your best business memory to date?

There are many good memories to date, but one of the best is probably continuing to keep Elens & Maichin a family business, as it has been for over thirty years!

How did you learn about CRCA?

Elens & Maichin has been a member of CRCA for twenty-nine years and is a known partner!


If you attend CRCA events, can you describe a benefit of attendance?

There are quite a few benefits to attending CRCA Events—educational, beneficial networking and shared knowledge to just name a few.

What value does CRCA membership bring to you?

Industry insight and the shared knowledge of the roofing industry as a whole.

What advice would you give a new CRCA member?

Get involved, through being part of a committee, attending the luncheons and the annual trade show and more. There is a lot to be gained by being a CRCA member! 

Editor's Note: Elens & Maichin is currently a second generation, family owned business. Owners Mark and Luke Duffy have over thirty years of combined experience in the roofing and sheet metal industry. Both believe strongly in giving back to the industry; Luke serves as a National Roofing Contractor Association (NRCA) director and Mark serves on the CRCA Health & Safety Committee, the Chicagoland Roofing Council Joint Safety Committee, the CRCA board since 2010 and is currently CRCA's 1st Vice President.



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Roofing & Sheet Metal, Inc.

Roof Talk—CRCA Member Spotlight



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Number of Employees: 250+

Joined CRCA: March 2, 2004

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How did you learn about CRCA?

Industry associates


If you attend CRCA events, can you describe a benefit of attendance?

CRCA provides excellent opportunities to share new products and services with our Midwest & Central customer base and end-users.

What value does CRCA membership bring to you?

Yearly opportunities to connect with our customer base.

What advice would you give a new CRCA member?

Book your booth space for the annual CRCA Trade Show early! Spaces go fast and you don't want to miss out on this well-attended event! 



Captives: Risk vs. Reward

By Rob Metzler

Captives, both group and single member micro captives, are alternative risk management programs that can offer **significant benefits for roofing contractors**. This article will attempt to address both the benefits and risks associated with captives.

Types of Captives:

- Group Captives include liability coverages: contractors, general liability, workers compensation and auto liability and physical damage.
- Single Member Micro Captives have limitless coverages available, such as deductible reimbursements, subcontractor and cyber liability.

Captives, by design, should only be considered by companies with a *proven safety program and track record*. Furthermore, only companies in business for a minimum of five years with combined traditional market premiums of \$200,000 are eligible.

So why should you explore captives?

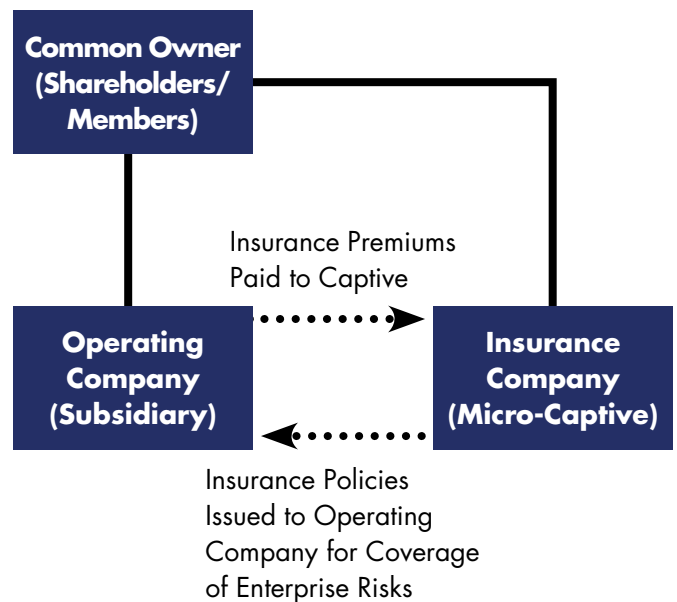
- **Entrepreneurs/business owners want absolute control**—and that is what they provide.
- **When it comes to insurance premiums, claims processes and payments**, captives transfer control to their members. The icing on the cake is profit is also retained 100% by the owners.

To further explain, premiums in a captive are calculated **based on your (only your) loss/claims history**. The rates used are not the high roofing rates tied to our industry, but rates dictated only by your specific claims history. Claims settlement is dictated and controlled by the member. No claim can be paid without member authorization.

Captives invest member premiums, reserving amounts to be paid for real claims and return unused premiums with invest income to their members. The trade is the assumption of a large, typically \$100,000–\$300,000 retention/deductible per claim. Thus, this risk/reward mention earlier.


How are Micro Captives different? Micro (single member) captives differ substantially from group captive. They are designed to lower traditional market premiums, absorb potential group captive assessments and offer unlimited policy design for coverages not available in the traditional market. The 831B election allows non taxed profits to grow with only investment income taxed and thus can provide a unique owner wealth accumulation strategy.

The Basics of a Micro Captive



Below are some key criteria on micro captives:

- A micro captive is a real insurance company, with **reserves, surpluses, policies and claims**, formed by a business owner(s) to insure and underwrite the risks of their operating company (or multiple operating companies).
- The operating company pays premiums to the captive and the captive insures the risks of the operating company. The premiums paid must correlate with the underlying risks.
- A micro captive **DOES NOT** replace your existing insurance but is tailored to work in conjunction with and enhance your existing insurance coverages.

- A company commonly forms micro captives to insure uninsured or underinsured risks other than standard market exposures (such as workers comp, property/equipment, auto and general liability).
- A micro captive provides a mechanism for the company to finance and plan for their self-insured risk and retain profit from policies otherwise insured in the traditional market.
- An 831(b) micro captive is an election created by the federal government to allow companies to pay for uninsured or underinsured (self-insured) risks with pre-tax dollars.
- Micro captives with less than \$2,300,000 in net annual premiums (indexed for future inflation) and which meet certain diversification requirements and are adequately capitalized may elect to be taxed under Internal Revenue Code §831(b). 

Rob Metzler, principal at BPM Insurance and Metzler Captive Solutions, is a roofing construction risk manager with a specialty in captive placement. As a proud CRCA associate member and with over a dozen years in captive management, Rob is a top broker for Roofers Insurance Ltd. managed by Captive Resources. Rob also offers his clients 831b captive opportunities through MCS. For more information, contact rmetzler@bpminsurance.com.

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CRCA Code Corner

CRCA & State of Illinois Energy Code—CRCA’s Industry Affairs Committee and Executive Director Bill McHugh have testified on several code proposals that CRCA submitted for the Illinois Adoption of the 2018 International Energy Conservation Code. So far, we have had positive support from the Residential and Commercial Code Development Committees codifying certain situations with roofs on existing buildings. Watch for more as the process wraps up this summer. The final voting takes place at the Illinois Capital Development Board and Joint Committee on Administrative Rules before the Governor signs the new code into law.

CRCA at ICC—CRCA and many other organizations, code officials, fire marshals and interested parties participated with at the International Code Council (ICC) Committee Action Hearings in Columbus, Ohio, in April. This is the second step in the process to the 2021 International Family of Codes. The first step was in January 2018 when proposals were submitted to the ICC. The next steps are public comments submitted in July. Then, there’s another group of hearings in October followed by the Online Governmental Consensus Vote, finishing sometime in December.

Leading up to the hearings for the past 2 years, the ICC Board organized Code Action Committees, (CAC’s) that have had conversations about several issues that needed longer discussion than the limited debate that takes place at the ICC Code Development Hearings.

CRCA’s 2018 Proposals were to add that a deck could be concrete or metal deck and concrete, which was APPROVED at the Committee Action Hearings in April. Other issues that CRCA submitted on were fire-resistance related. The fire-resistance proposals offered options to have a minimum 30-minute fire-resistance-rated roof assembly or a ½” layer of gypsum board to prevent fire from the underside of the roof from getting to firefighters on the roof.

While supporters from the governmental fire-marshals and building officials said “CRCA’s heart is in the right place”, the proposals were not successful in April. Suggestions from the ICC’s Code Action Committee were to move the proposal to the ICC’s Chapter 6 where fire-resistance is assigned instead of Chapter 26.

Tall Wood Buildings—There were fourteen different proposals in the subject of **Tall Wood Buildings** using three types of heavy timber and increases in heights of these buildings. The Tall Wood Building proposals were submitted by the ICC’s Adhoc Committee on Tall Wood Buildings. Using protected wood components, the code proposal meant that a gypsum encapsulated wood assembly might be built up to 18 stories high, up from the current allowable 6 stories.

Opposition was from the Steel, Concrete Industries and the Fire Service. The Fire Service mentioned that they were concerned with fighting a fire in a high-rise building where the structural elements are combustible. The series of proposals including an 18-story wood structure was APPROVED by the code committees.

The metal composite panel industry submitted a proposal dealing with Metal Composite Material (MCM) Panels. The proposal removed the unlimited height exception in the Code for MCM used on the exterior of buildings without more rigorous testing when the building is fully sprinklered. This proposal was APPROVED.

Another APPROVED proposal F263 requires the owner of a building under construction to designate a fire prevention program superintendent who is responsible for performing daily fire inspections at the construction site. Plus, F264 clarified the role and training requirements for fire watch personnel and now requires a fire watch both when the construction exceeds 40’ above lowest grade level for multistory buildings where any story exceeds 50,000 SF. Previously, it was based on height alone. Also, proposal F268 addressed minimum fire flows for construction sites for Type III, IV and V construction.

Look for public comments on this subject and more to be heard at the Richmond VA Public Comment Hearings this October.



NFPA 101/5000 Process Starting—NFPA's development process starts this June with public inputs for the Code Committees to review. A meeting is scheduled for late July in Minneapolis to review proposals. Watch the next issue of *CRCA Today* for reports on the process. Chapter 38 of the NFPA 5000 covers Roof Assemblies and Roof Structures.

In NFPA 5000 Chapter 38, is a great definition of Roof Covering. "38.1.1.10 Roof Covering. The membrane, which may also be the roof assembly, that resists fire and provides weather protection to the building against water infiltration, wind and impact." This really speaks to the roofing membrane. NRCA's Mark Graham is a principal voting member on this key NFPA committee and had a hand in the definition. Thanks Mark for keeping the definitions clear.



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NRCA
National Roofing Contractors Association

Industry News

By CRCA Staff

CRCA Meets with Chicago's Building

Commissioner—Led by CRCA's Industry Affairs Chairs Tony Roque and Rod Petrick, Troy Wormley and George Patterson, CRCA had a very productive session with Judy Frydland, Chicago's Building Commissioner and Matt Beaudet, Deputy Building Commissioner. CRCA's takeaway was that the City is interested in making sure the Crane Operatory License Practical Examinations are fair and transparent. She offered that if there are issues, we can watch recorded Practical Exam Video together to establish fairness. CRCA thanked the City for the collaborative approach we've had developing the Chicago Code Memorandum. Check it out at CRCA.org's Resources pages.

Lunch with CRCA & Chicago's Mayor—CRCA's President Troy Wormley, with Board Members Dominic Dunlap, Brian Cronin, and Mitch Rabin, met with construction industry leaders and Chicago Mayor Rahm Emanuel in late May. Hosted by the Association of General Contractors (Chicago Chapter), CRCA's leaders also met with members from the Underground Contractors Association, ASA Chicago, the Plumbing Council of Chicagoland, and others. We were able to discuss some of the challenges and possible solutions in the roofing and construction industry due to a shortage of skilled workers and other key topics.



With CRCA Board Member
Dominic Dunlap



With CRCA 2nd VP Brian Cronin



With CRCA President
Troy Wormley



With CRCA Board Member
Mitch Rabin

Congratulations to the 2018 CRCA and CRC

Scholarship Recipients! Chicago Bears Great Kevin Butler shared his inspiration life story with the graduates, their families and CRCA members, including his early struggles growing up in Georgia and triumphs as the Chicago Bears Place Kicker and beyond. He was later joined by Matt Suhey, also a Chicago Bears Great and a CRCA Member. CRCA Recipients include Madelyn Moy and Vincent D'Angelo. CRC Recipients include Jackson Cler, Alexander Dubin, Kylie McCarthy, Breanne Morrissey and Lizett Muro.



Matt Suhey, Walter Payton Power Equipment and Kevin Butler
(CRCA Photo)

CRCA Associate Member ACT Metal Deck

Supply announced in June the grand opening of its newest location in Milan, TN. President Nick V. Polizzi announced that this 15th location will help " . . . serve our customers in the region including Western Tennessee, Arkansas and Mississippi." Other locations include Albany, NY; Atlanta, GA; Aurora IL; Columbus, OH; Fort Worth, TX; Greensboro, NC; Hagerstown, MD; Houston, TX; Indianapolis, IN; Jacksonville, FL; Kansas City, MO; Knoxville, TN; San Antonio, TX and St. Louis, MO. For more information, contact sales@metaldecksupply.com.

The July 12th CRCA Golf Outing was a great success! With over 270 golfers, the course champions were:

- North: Matt Adler, Ryan Harreld, Nate Tomich and Brandon Wilson
- South: Ben Biedrzyski, Nick Frane, Eric Hurst and Patrick Johnson

CRCA thanks the Grand Raffle Sponsors Hunter Panels, Vac-It-All and Paramount Consulting. For a complete list of all sponsors and view the event photos, visit www.CRCA.org/events! A great big "thanks" to all who donated to the CRCA Foundation during the outing . . . \$3,000 was raised!



Hunter Panels Dan Flickenger and Ed Krusec congratulate Ken Stratman (Custom Roofing)

CRCA at RCMA—CRCA's Executive Director Bill McHugh presented at the Roof Coatings Manufacturers Association Conference in Chicago in late July. Since the program was in Chicago, the presentation was on the Chicago Energy Code Urban Heat Island (UHI) Ordinance requirements. Many in the industry say, 'Chicago has a white roof requirement'. That's not true. Chicago's UHI Ordinance requires that either a .72 solar reflectance OR .50 solar reflectance after three years aging, for rooftop surfaces. The exceptions include 15 lbs. of ballast, vegetative roof assemblies and rooftop decks. Look for an article on the Urban Heat Island Ordinance in a future issue of *CRCA Today*.

CRCA Foundation Announces New Members! Sterling Roofing, Pine Roofing and Roofs Inc. joined M.W. Powell as inaugural members of CRCA's New Foundation. With a mission to advance and support the construction, roofing and waterproofing industry through the funding and support of philanthropic causes,

research and education, the CRCA Foundation is looking for more members to support the cause! To learn more, contact info@crca.org today! Watch for information on this fall's kick-off event!

UPCOMING CRCA EVENTS

Register today for the August 25th CRCA Foundation 5K and also 100-meter Fun Run for the kids! The important fundraising event will be held at Busse Woods, Grove 26, Elk Grove Village. Race Day Packet Pickup is at 7:30 am, Kids Fun Run at 8:30 am and the 5K to follow. Stay for the BBQ, sponsored by CRCA's Emerging Leader Committee. While there is a charge for the run, the BBQ is free! To Register, visit www.CRCA.org/Events today! All CRCA Members, employees and families welcome. Become a sponsor and join.



Register today for the September 18th CRCA Membership Lunch and Meeting. Alisa Arnoff, Scalabrino & Arnoff LLP, will be presenting on the importance and navigation of employee handbook development and maintenance for your firm. While a tool to educate employees on what they can expect from management and to outline key company policies, they also help insure compliance with federal and state laws. Is your handbook up to date? Does it comply? Attend the lunch and meeting to learn more. Arnoff specializes in employment and labor law, recruitment, employment discrimination, harassment and breach of contract issues and is known as one of the top female lawyers in Illinois. Register today at www.CRCA.org/events.

The CRCA Emerging Leader Committee is spearheading a mentoring program to be launched at the October 18 event at TopGolf in Naperville. As a mechanism to develop and build stronger relationships within the Roofing and Waterproofing industry, the committee felt that the shared knowledge of industry education, career support and face to face interaction will be a powerful tool for CRCA's growth. Contact jessica@CRCA.org if you are interested in being a mentor or mentee.

CRCA Membership Committee Announced 2018 Fall Member Drive! Dubbed "Septembership" by CRCA President Troy Wormley, CRCA members are asked to be ambassadors of the association to find those who have not yet joined but would benefit

greatly from the networking, industry knowledge and relationships gained. Plus, CRCA recognizes those who promote CRCA membership with a \$100 incentive! To learn more, contact info@crca.org or contact CRCA Membership Chairs Jay Adler (Adler Roofing) or Brad Schwab (The Schwab Group.)

CRCA Industry Affairs Works with the State of Illinois—CRCA’s Industry Affairs Committee worked with the Illinois Energy Advisory Council over the past few months. We were successful adding a new definition for Roof Membrane Peel and when on existing buildings, there are flashing height limitations. These will allow the building official the power to reduce the thickness of insulation from the International Energy Code required R-30 to the maximum amount possible. These important changes have passed the Illinois Energy Conservation Advisory Council and now on to the Illinois Capital Development Board and the Joint Commission on Administrative Rules (JCAR) before becoming law. Watch for more information in the *CRCA Today’s* Fall and Winter issues.

CRCA’s Newest Committee, the Affiliates Relations, has been launched. With the goal of developing relationship with others in the Illinois Construction Industry, Shawn Sullivan (Olsson Roofing), Paul Larson (Comstruct Sales), Kevin Froeter (Sterling Roofing), Carol Ceja (RRJ) and Kim Kwasiborski (SJ Mallein) are planning a social event for this fall to start this important dialogue. Watch www.CRCA.org/Event for more information soon!

CRCA Legislative Corner:



Margaret Vaughn

CRCA Legislative Consultant reported in June that the SB 3052 has been sent for Governor Rauner’s signature. She thanked all who reached out to Illinois legislators to pass this important bill that addresses retention on commercial projects. While 10% can still be retained, this amount would be reduced

once the project is 50% completed. This frees up valuable funds for the Illinois Construction Industry.

SB 2620 Construction Code Notification Also Sent to the Governor

This is an initiative of the IL Council of Code Administrators and requires any state agency that is planning to update any kind of construction related code to notify the Capital Development Board 30 days prior to the Rules being filed with JCAR so that can put

it on their website (with links to the agency contact and text of the rule changes) and also halfway through the JCAR process, as well as once the code is adopted. The purpose is so that the website can serve as a one stop shop for state building code updates. State law already requires units of local government to notify CDB 30 days prior to a local building code ordinance changes, this just requires the state to do the same thing.

Watch for key updates on these and other Illinois based legislation in the Fall *CRCA Today* issue.

CRCA Remembers . . .



CRCA lost a great leader on June 9th with the death of Joseph L. “Joe” Adler. He was the past president of long time CRCA Contractor Member, J.L. Adler Roofing & Sheet Metal, which started by his father in 1926. Adler served on the CRCA Board for 17 years and was CRCA President from 1995-1996. He was the 1998 Clyde Scott Recipient, CRCA’s highest award.

Adler believed strongly in giving back to the community and to those less fortunate. He was one of the founding members of the Will County Habitat for Humanity, past president of the George Werden Boys & Girls Club of Joliet and charter member of Notre Dame’s Fighting Irish Retired Service Team. Many will remember Joe’s program “Tip the Maids” to encourage guests’ recognition of hotel maids by leaving gratuities. He was instrumental in CRCA’s support of Hurricane Katrina Relief in New Orleans and was recognized by the Joliet Chamber of Commerce with a Lifetime Achievement Award in 2015 as well as by Joliet Catholic High School in 2012.

Jeff Litaker, Mule-Hide Territory Manager for the Greater Chicago area passed away on July 25, 2018. He worked for Mule-Hide Products for 15 years. The Chicago Roofing Community extends deep condolences to his wife Dani and his family.

NRCA’s Mid-Year meetings—The National Roofing Contractors Association brought its Committee Meetings to Chicago in mid-July. CRCA Members Trent Cotney, Tom Dessent, Phil Diederich, Luke Duffy, Alex Hernandez, George Patterson, Rod Petrick and others participated in NRCA Committees. Thanks for your leadership.



NRCA

National Roofing Contractors Association

NRCA & CRCA Relationships—The CRCA Leadership has been involved at NRCA since the NRCA's very beginnings. Many CRCA leaders were on the original NRCA charter. That tradition continues as CRCA continues to support NRCA's initiatives.

If you are not a NRCA Member, consider joining. CRCA works closely with NRCA on various code and standards issues in Chicago, at the State of Illinois and the International Code Council's International Building and Energy Codes.

OSHA's Safe + Sound Week—OSHA's nationwide event August 13–19 to raise awareness and understanding of the value of safety and health programs is coming soon. The program includes management leadership, worker participation, and a systematic approach to finding and fixing hazards in workplaces. Check out the programs at <https://www.osha.gov/safeandsoundweek/index.html>.



The Slate Roofing Contractors Association (SRCA) will host its annual conference, meeting, trade show, training, and demonstrations September 20-23, 2018 at its Grove City, PA. For more information, visit www.slateroofers.org/conference_2018.html or call 814-786-7015.

Illinois Workers' Compensation
In the recent Illinois Workers' Compensation Commission Insurance Compliance Newsletter, Illinois Contractors were reminded of the requirement to provide workers compensation insurance. A case came to the attention of the commission when a worker filed a compensation claim after a fall with serious injuries. The owner did not have the mandated workers' compensation insurance. The newsletter reported that the resulting fines and penalties were over \$700,000. If an employer knowingly operated without this insurance, the fine is \$500 per each day of non-compliance! Below are some common questions asked about Workers' Compensation in Illinois:

How is this coverage obtained? Contact any insurance agent that is authorized to sell Illinois workers' compensation insurance.

How do I verify if a business has workers' compensation

insurance? Visit www.iwcc.com and click on "Employer Insurance Coverage Search" and enter the date of coverage and the name of the business.

Does an out of state company have to provide Illinois workers' compensation insurance for employees working in Illinois? Yes, if an out of state company conducts business with its employees in Illinois, that company must provide workers' compensation insurance that includes Illinois coverage.

IAS President's Retirement—The International Code Council paid tribute to International Accreditation Services President, Chuck Ramani, on his retirement recently. ICC and Code Development, Accreditation Industry Leaders including CEO Dominic Sims, ICC President Jay Elbetta, IAS Board Chairs Jim Toscas and Rocco Davis, and many others attended the event. CRCA's Executive Director, Bill McHugh was in attendance as well representing our industry at this great celebration.



(ICC Image)



ANSI Celebrates 100 Years—This voluntary standards coordination organization celebrates 100 years of standards and conformity assessment. Check out their video gallery at <https://youtu.be/2EFJatfXSRg>.

NIBS President & CEO to Retire—After nearly a decade of leading National Institute of Building Sciences, President and Chief Executive Officer (CEO) Henry L. Green, Hon. AIA, announced his plan to retire. Over his tenure at the National Institute of Building Sciences, Green reinvigorated the Consultative Council; worked to expand collaboration across the building industry, initiated new Institute councils and committees, and restarted the Institute's own independent conference. Congrats Henry on a great career.

CRCA Contractor Members

The Contractor Members of the Chicago Roofing Contractor Association install all types of roofs, including reflective single ply, modified bitumen, built up, gravel, reflective coatings, shingle, shake, slate and tile, vegetative garden or photovoltaic coverings. From formation following the Great Chicago Fire of 1871, CRCA Members have moved with the times and technology, yet continue to maintain some of the same goals set forth over 140 years ago. To find a CRCA Professional Contractor, visit www.CRCA.org.

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Roofing Products Group.....(517) 841-7000

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—Portals Plus, RPS & Milcor.....(800) 624-8642

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Vac-It-All Services, Inc......(314) 487-5600
Velocity Roof Vac Service Inc......(630) 936-2421

Industry Calendar

August 25, 2018

CRCA Foundation 5K/Emerging Leader BBQ*
Busse Woods, Elk Grove Village, IL
www.CRCA.org

September 14, 2018

CAC—RCI Summer Meeting
www.cac-rci.org

September 18, 2018*

CRCA Membership Meeting & Lunch
Maggiano's Schaumburg, IL
Topic: Employee Handbook Development,
Alisa B. Arnoff, Scalabrino & Arnoff
www.CRCA.org

Sept. 21–23, 2018

Slate Roofing Contractors Association
(SRCA) Conference
Grove City, PA
www.slateroofers.org

September 25, 2018

CRCA Webinar: Harassment
Katherine A. Manuel and Norma Manjarrez
Ogletree Deakins
www.CRCA.org

September 25, 2018

CSI Chicago Meeting, Topic: Prefab Construction
www.csiresources.org

October 2, 2018

ALA Midwest Conference
Drury Lane,
Oakbrook Terrace
www.alatoday.org/architecture-conference

October 4, 2018

CRCA Chicagoland Women in Roofing
(CWIR) Meeting
www.CRCA.org

October 10, 2018

CRCA Foundation Launch Event
The Drake, Oak Brook, IL

October 16, 2018

CRCA 101
Maggiano's Oak Brook, IL

October 18, 2018

CRCA Emerging Leader Event
TopGolf, Naperville, IL
Topic: Mentorship
www.CRCA.org

October 24–26, 2018

MRCA Conference, Omaha, NE
www.mrca.org

October 30, 2018

CRCA Webinar: Cyber Security
Connor & Gallagher
www.CRCA.org

November 13, 2018*

CRCA Membership Meeting & Lunch
Maggiano's Oak Brook, IL
Topic: TBD
www.CRCA.org

December 7, 2018

CRCA Annual Awards Dinner
Eaglewood Resort, Itasca, IL*

January 17–18, 2019

CRCA Annual Trade Show & Seminars
Drury Lane, Oakbrook Terrace, IL

February 11–13, 2019

NRCA Annual Convention, Nashville, TN
www.theroofingexpo.com

*CRCA Members only and their guests.

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CRCA welcomes the following new members since the Spring CRCA Today Issue!

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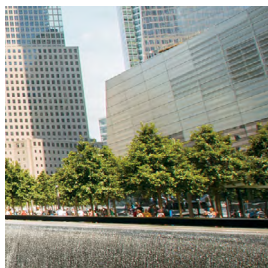
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