

NIA | News

THE OFFICIAL NEWS PUBLICATION OF THE NATIONAL INSULATION ASSOCIATION® (NIA)
REPRESENTING THE MECHANICAL AND SPECIALTY INSULATION INDUSTRY

VOL. 30, 2023, ISSUE 3

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EVP/CEO MESSAGE

Will I See You at the Fall Summit?



I hope so! As the busy summer travel season winds down, now is the perfect time to finalize your plans to join your NIA community at our next members-only meeting—Fall Summit 2023 takes place October 25–26 at the MGM National Harbor in Maryland. You may notice that it is earlier than we typically hold it. This is to accommodate a schedule conflict with MICA, to allow all our industry partners to attend both meetings. If you have never joined us at a Fall Summit, you should know that this meeting will be a fabulous opportunity to engage with your peers through networking and industry sessions. If you have attended before, make sure that you note the updated schedule for this year's Summit.

To fully participate, plan to arrive no later than 4:00 p.m. ET on Wednesday, October 25, as our first networking event begins at 5:30 p.m. that evening. Thursday, October 26, starts early and offers a full day of education and networking opportunities. Turn to [page 5](#) to see what we have in store for attendees, including updates on recent industry research. Fall Summit attendees will get an insider's look at these groundbreaking studies—you do NOT want to miss out!

Looking back to this time last year, our Education and Training team was working hard to build and launch NIA's Education Center, and wow, what a difference a year makes! Currently, we have 55 microlearning courses totaling 22 hours of educational content. More than 850 unique users have logged onto the platform to access content that is free for all NIA members, as well as content that is for Premier Training Subscribers, and I'm proud to say that 54 NIA member companies have become subscribers! Turn to [page 17](#) to learn what's new with the Education Center, including the opportunity to earn professional development hour credits.

As always, this issue of *NIA News* is packed with information designed to help our members maximize their NIA membership and improve their businesses. Turn to [page 12](#) to see a legislative roundup of federal and state initiatives directly related to mechanical insulation. For information on the remaining virtual and in-person certification-level courses for 2023, turn to [page 8](#). As we have mentioned before, we are starting to see Certified Inspector requirements in specifications for projects, so now is a great time to have at least one person on your team take either the in-person course this September or the December virtual course.

Related to education and training, see [page 18](#) to read an update from the Board of the Foundation for Mechanical Insulation

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Michele M. Jones

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Bill Gregg, *Promat, Inc.*

Fall Summit

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Union Contractors

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Health and Safety

Mike Hill, *Performance Contracting, Inc.*

Young Professional Advisory

Collin Smith, *Owens Corning*

EVP/CEO Message, continued

Education, Training, and Industry Advancement. In addition, OSHA has been quite active lately, and the Safety Corner on [page 13](#) provides an update on items related to our industry.

Looking ahead to spring 2024, NIA's 68th Annual Convention is in Naples, Florida, April 17–19, and it is a Silent Auction year. We are lucky to have phenomenally discounted rooms again this year, and with this beach location, we expect to sell out again so book early to guarantee your spot! Find out more on [page 10](#).

The Fall Summit will be here before you know it, and I cannot wait to see you there!



Michele M. Jones

Executive Vice President/Chief Executive Officer

PEOPLE & PLACES IN THE NEWS

Johns Manville Wins Platinum Safety Award

Due to a clerical error made when Auman, Mahan, and Furry transmitted the report of the winners to NIA, Johns Manville was incorrectly noted as a Gold-level recipient, when in fact they achieved Platinum. Both NIA and the office of Auman, Mahan, and Furry apologize for this error. For the full, corrected list of Safety Stars, visit <https://tinyurl.com/yxwcvan7>.

Honoring Mike Feehery through Continuing Education and Training



The Southwest Insulation Contractors Association (SWICA) Board of Directors recently established the Mike Feehery Memorial Scholarship Fund. Mike was a Past President of SWICA and represented SWICA on the NIA Board of Directors until he passed away May 13, 2022.

Mike was often the first to step up and give a helping hand, and it seems fitting to honor his memory with a scholarship fund that will support industry training and continuing education, thereby strengthening the mechanical insulation industry.

continued on next page

WELCOME NEW MEMBERS

5/31/23

Associate (Manufacturer)

Thermobreak (Sekisui Voltek)

Attn: Hari Nair

17 Allen Ave.

Coldwater, MI 49036

Phone: 657-252-3030

www.thermobreak.com

Products: Acoustical Insulation and Noise Barriers, Duct Insulation, Insulation Blanket, Metal Building Insulation, Preformed Pipe Insulation, Tapes

5/31/23

International Affiliate

Supros Engineering & Supply

Attn: Aibat Yesset

113 B Kulmanov St.

Atyrau City, Republic of Kazakhstan, 060000

Phone: +7-777-611-8596

www.supros.kz

5/31/23

International Affiliate

Shanghai SyLoLink Material Technology Co. Ltd.

Attn: Yuanjie Zou

No. 333 Kngqiao East Rd.

Pudong District

Shanghai, P.R. China 201315

Phone: +86-21-3812-2192

www.sylolink.com

6/28/23

Associate (Manufacturer)

Insu-W-Rapid Americas, LLC

Attn: Joel Madrid

15055 West Dr.

Houston, TX 77053

Phone: 832-672-8752

www.insu-w-rapid.com

Products: Acoustical Insulation and Noise Barriers, Fastening Systems, Insulated Pipe Access Plugs (Inspection Plugs), Jacketing and Flexible Facings, Manufacturer's Representative

6/30/23

Fabricator

Insufab Systems, Inc.

\$1–3 Million

Attn: Sohail Khan

246 Arvin Ave.

Stoney Creek, ON L8E 2L8

Canada

Phone: 905-664-9696

www.insufab.com

Products: Fabrication and Removable Insulation

continued on next page

People & Places, continued

Both NIA and the Foundation for Mechanical Insulation Education, Training, and Industry Advancement made donations to the scholarship fund in honor of Mike Feehery and his family.

Donations can be made by contacting admin@swicaonline.org.

Saint-Gobain Upgrades Key Equipment in Georgia Insulation Plant

Saint-Gobain North America, through its building products subsidiary CertainTeed LLC, has upgraded key equipment at its insulation plant in Athens, Georgia, which is projected to save more than 7,300 megawatt-hours of energy and 20 million gallons of water annually, while reducing landfill waste by more than 5,000 metric tons.

The project—honored by Saint-Gobain North America as its top overall sustainability project for 2023—is part of the company’s continued efforts to implement its global “Grow and Impact” strategy, which includes ambitious environmental sustainability goals, such as reducing the company’s consumption of energy and water at its facilities, and diverting waste from landfills.

The Athens facility, which began operations in 1975, has upgraded key equipment used in the production of loose-fill insulation, including modifications to the facility’s loose-fill recycling machine. In addition, the plant has installed several new pieces of equipment, including a new baler, a water sub-metering system, three air compressors, efficiency pumps on cooling towers, and a cooling wind fan.

“While Saint-Gobain is focused on providing... sustainable building solutions to customers around the world, we are also committed to minimizing the environmental impact of our production processes,” said Jay Bachmann, Vice President and General Manager of CertainTeed Interior Products Group. “The work of our insulation plant in Athens is the perfect example of what sustainability looks like for industrial manufacturing operations, where a series of small changes brought together can make a huge impact.”

This project is in keeping with several other recent sustainability actions:

- In July 2023, Saint-Gobain announced the opening of a new CertainTeed Architectural facility in Conyers, Georgia, which will be co-located with finishing partner QPC, allowing the company to reduce the distance products must travel to finalize production, reducing carbon emissions by more than 50 million pounds per year.
- In December 2022, Saint-Gobain announced the launch of a recycling program at two locations in California, where windshield glass scraps from the company’s Sekurit facility will be recycled and reused in the production of insulation.

For more information, visit www.saint-gobain-northamerica.com.

WELCOME NEW MEMBERS

continued

7/21/23

Contractor

Calvert Specialties, LLC

Attn: Steve Pumphrey

841 Keith Lane

Owings, MD 20736

Phone: 443-926-2067

\$1–3 Million

www.calvertspecialties.com

Products: Firestopping, Heat Tracing, HVAC Insulation, Plumbing Insulation, Refrigeration Insulation

7/24/23

Contractor

Cascade Insulation Company, Inc.

Attn: Carl E. Hughes II

4173 Sunnybrook Rd.

Kent, OH 44240-7321

Phone: 330-678-2594

\$1–3 Million

Products: Commercial Insulation, HVAC Insulation, Industrial Insulation, Plumbing Insulation

Do you know of a company that could benefit from becoming a member of NIA?

For more information or to refer a potential member, please call Rianna Gleeson at 703-464-6422, ext. 113, or email membership@insulation.org.

An Invitation to Connect and Collaborate with YOUR NIA COMMUNITY AT FALL SUMMIT 2023

Fall Summit 
EDUCATE | ENGAGE | ELEVATE

KEY DATES AND DEADLINES

October 2, 2023: Fall Summit Early-Bird Registration and Hotel Reservation Deadline

October 16, 2023: Regular Registration Closes

October 25–26, 2023: Fall Summit 2023

As summer winds down, it is time to finalize your plan to attend NIA's next members-only meeting—Fall Summit 2023—that takes place over less than a day and a half, October 25–26, at the MGM National Harbor in Maryland.

Be sure to make the most of your time with these Fall Summit schedule highlights:

- Two Networking Social Hour events on Wednesday and Thursday,
- Two Keynote Presentations on Thursday,
- Forum-style sessions with industry-specific speakers (all on Thursday), and
- Open time for lunch and dinner with clients on Thursday.

Make Note of the New Schedule for 2023

The Fall Summit schedule is significantly different this year—reconfigured to maximize networking and industry sessions. To fully participate, plan to arrive no later than 4:00 p.m. ET on Wednesday, October 25. Thursday offers a full day of education and networking

opportunities. Most attendees can plan to depart Friday morning. Committee Chairs and the Board of Directors have several meetings Friday morning. Please visit www.insulation.org/fallsummit2023/schedule to plan your travel and schedule your client meetings.

Who Can Attend NIA Committee Sessions?

All registered members can! At the core of the members-only Fall Summit meeting are the highly targeted industry forums and committee meetings for each sector of the mechanical insulation industry. If you have never attended a NIA committee meeting, plan to attend the session that matches your company's member type. Closed sessions are noted on the schedule. Not sure which session to attend? Email membership@insulation.org prior to the meeting, or stop by the NIA Registration Desk when you arrive. Once you attend a committee meeting, your name will be added to the list of participants, and you will have the chance to get involved with the committee and increase your opportunities to connect with your peers.



SPOTLIGHT ON EDUCATION AND INDUSTRY SESSIONS

Mechanical Insulation Energy Savings and Carbon Reduction Impact Study

Speaker: Ron King, NIA Consultant and Past President



NIA commissioned—for the first time in the history of the mechanical insulation industry—a study from the industry’s perspective to determine the impact mechanical insulation systems can have on reducing the demand for energy and reducing greenhouse gas emissions. This study of higher-service temperature ranges (150°F–800°F) examines and interprets an 11-year window of information. Join us for a comprehensive overview of the study results and learn how this information can help you inform your customers of the important role mechanical insulation can play in helping their companies and our country achieve and maintain their respective decarbonization goals.

Distributors/Fabricators Session: Develop a Next-Gen Sales Talent Strategy

Speaker: Doug Wyatt, Vice President, Sales and Marketing, SPARXiQ



Digitization, labor constraints, retirement waves, and shifts in buyer preferences are all converging forces prompting companies to take a fresh look at their sales organizations. To meet the moment, you need to adopt a sales talent strategy that ensures you will be able to attract, hire, develop, and retain top performers. In this session, Doug Wyatt will share emerging trends around these topics, as well as playbooks and best practices that top companies are employing to build market-leading sales teams of the future.

Health and Safety Session: Hard Hats to Helmets—What’s the Difference?

Speaker: Justin Azbill, Director, National Environment, Health, and Safety, Milwaukee Tool



Personal protective equipment (PPE) is essential on construction sites, and understanding the design differences and pros and cons between hard hats and helmets is important. During this session, Justin Azbill will provide attendees with statistical data and case studies on why a shift to helmets may be a key to keeping employees safe on the job. Justin will also provide a general overview of additional PPE trends.

Union Contractors Subcommittee Session: An Update and Q&A with the International

Speakers: Terrence Larkin, General President, International Association of Heat and Frost Insulators and Allied Workers, and Robert Reap, General Secretary–Treasurer, International Association of Heat and Frost Insulators and Allied Workers



NIA’s union contractors are invited to join a conversation on industry topics, including updates from the International, emerging issues for union contractors, and a Q&A opportunity. (This is a closed meeting—open only to signatory contractors of the International Association of Heat and Frost Insulators and Allied Workers.)





Young Professional Advisory Committee Session (open to members under 40 years of age or new to the industry): Sustainable Strategic Planning

Speakers: Ashley Luse DeBoer, Luse Thermal Technologies and Rick Sutphin, PCI



Luse Thermal Technologies', Ashley Luse DeBoer and PCI's Rick Sutphin paired up for YPAC's Mentoring Program. Hear their top takeaways from exploring the strategic planning process, including concepts and best practices to get started, establishing goals, monitoring progress, and ultimately creating a sustainable system for success.



More sessions will be added to the Fall Summit schedule.

Check www.insulation.org/fallsummit2023/sessions for the latest details.



Build Your Brand at Fall Summit by Becoming a Sponsor

NIA has created a variety of unique options for sponsors and advertisers that include on-site, digital, and print promotion opportunities. There is an option for every budget, and all packages include pre-event, on-site, and post-event recognition for your company. Email events@insulation.org or visit www.insulation.org/fallsummit2023/sponsorship for details.

October 2 Is the Last Day to Save:

Early-Bird Registration and Hotel Reservation Deadline

Register by October 2 to receive the \$310 early-bird registration rate. An additional discount is available for check payments. You can register online at www.insulation.org/fallsummit2023/registration.

NIA has blocked rooms at the MGM National Harbor at a discounted rate of \$249 per night, plus fees and taxes. These rooms are available on a first-come, first-served basis. For online hotel reservations in NIA's discounted room block, visit www.insulation.org/fallsummit2023/hotel, or call 877-646-6847 and mention NIA's Fall Summit.

All-Access Pass to Fall Summit Information

We invite you to make the most of your NIA membership by engaging with your peers from across the United States at Fall Summit 2023. For the latest details on speakers, schedules, and everything related to this event, visit www.insulation.org/fallsummit2023, or email events@insulation.org.

Thank You to Our Fall Summit Sponsors!



Level Up Your Team This Fall:

In-Person, Virtual, and Hosted Opportunities to Gain a New Certification



Thermal Insulation Inspector Certification™

This certification-level course is for experienced insulation professionals who are ready to learn a new specialty, and for companies ready to add insulation system inspection as part of their services.

Who should take this course? Anyone who has responsibility for contracts, maintenance, business development, quality assurance/quality control, project oversight, safety, inspections, estimating, management, product development, mechanical insulation system design, and specification development.

Training Level: Advanced/Certification

Course Length: 4 days

In-Person Course

(this is the last one for 2023 and will sell out!)

September 18–21

Last Chance! Registration Deadline: September 5

Location: Houston, Texas

Virtual Course

December 5–6 and December 12–13

Registration Deadline: November 13

To register, access NIA member discounts, and learn more, visit www.insulation.org/inspector.



Insulation Energy Appraisal Program™

This certification-level course teaches students how to determine the optimal insulation thickness and corresponding energy and dollar savings for a project. Learn how to conduct a facility walk-through, use 3E Plus® software, understand steam efficiencies, analyze and complete an appraisal spreadsheet, and present your customer with a final report that outlines the potential savings and emission reductions that mechanical insulation can provide.

Training Level: Advanced/Certification

Course Length: 2 days

Upcoming Course Dates

October 4–5 (virtual course)

Registration Deadline: September 12

To register, access NIA member discounts, and learn more, visit www.insulation.org/ieapclass.

Hosted Courses: Bring NIA's In-Person or Virtual Training to Your Team

You can host any of NIA's courses for your employees, members, or clients. Hosted courses are a cost-effective way to bring industry training to your team and guests, providing an avenue for your company's end-user and engineer clients to learn more about the value of appraisals and inspections. Each course can be presented in person at your location or hosted virtually, and they can be held anywhere within the United States or Canada. NIA staff members will ensure you receive your member discounts. Contact NIA at training@insulation.org for pricing and more information.

Coming this Fall: On-Demand Specifications and Submittals Courses

NIA's courses Understanding Specifications and Understanding the Submittal Process are moving to the Education Center this fall. These courses will be available for members and non-members for an additional fee.

NIA | Understanding SPECIFICATIONS

In the **Understanding Specifications Course**, users will learn about the purpose and complexity of specifications, how they vary between market segments, and how to apply that knowledge to benefit their company.

NIA | Understanding the SUBMITTAL PROCESS

Understanding the Submittal Process teaches participants how to identify the type and scope of submittal requirements, the components and importance of the submittal package, and the purpose of the submittal process.

NIA | Understanding MECHANICAL INSULATION

Understanding Mechanical Insulation

If you are not ready for the full Thermal Insulation Inspector Certification course, take this 2-day course instead. It is an excellent training option for new employees to gain an overview of the mechanical insulation industry and products, focusing on a review of industry market segments; the need for and importance of inspection; the purpose of mechanical insulation systems, and why that is important to the inspection process; primary insulation materials and protective coverings; the importance of Safety Data Sheets; and codes, standards, regulations, and guidelines, and how they are intertwined.

Training Level: Intermediate

Course Length: 2 days

In-Person Course
(last chance in 2023)

September 18–19

Last Chance! Registration Deadline: September 5

Location: Houston, Texas

Virtual Course

December 5–6

Registration Deadline: November 13

To register, access NIA member discounts, and learn more, visit www.insulation.org/understandingmi. ●

NIA | 68th Annual Convention Naples, Florida

We Are *Better Together!*

An Invitation to Join Your Insulation Industry Network for NIA's 68th Annual Convention and Silent Auction

April 17–19, 2024

**Naples Grande
Beach Resort
Naples, Florida**

Key Dates and Deadlines

March 15, 2024: Early-Bird, Hotel Reservation, and Golf Tournament Deadlines

March 25, 2024: Silent Auction Donation Deadline

April 1, 2024: Regular Registration Closes

Registration is now open for NIA's 68th Annual Convention and Silent Auction—the annual spring gathering for all segments of the mechanical insulation industry. When you combine all the networking and educational events with an incredible South Florida beach location and NIA President Laura Dover's theme of *Better Together*, the 2024 Convention is a must-attend event! There is truly something for all attendees and guests in Naples, Florida—from the white, sandy beaches to world-class golf, fine dining, and outdoor adventures. Visit www.insulation.org/convention2024 to learn more and register.

NIA's Convention Planning Committee members met in July and have a terrific program in the works, with Keynote Speaker Kyle Scheele, who will help spark creativity and drive innovation. Networking plans are well underway, with a kickoff Cocktail Reception followed the next evening by a White Linen Welcome and Appreciation Evening Party on the beach! The grand finale includes the Farewell Reception and Dinner, Hosted Dessert Hospitality Suites, and NIA's Silent Auction. Many more sessions and educational programming will be added in the coming months, so stay tuned to *NIA News* and check out the Convention website, where you can find all the latest information.

At the Naples Grande Beach Resort, You Can:

- Enjoy 3 miles of powdery white-sand beachfront, including an option for private cabanas;
- Unwind in an aquatic paradise at your choice of three pools;
- Refresh and renew at the Naples Day Spa;
- Experience one of the top 50 tennis resorts in the world, with 15 championship courts;
- Select from six on-site restaurants and lounges;
- Challenge yourself at the Naples Grande Golf Club, where NIA's Golf Tournament will take place; and
- Take in amazing views—all guest rooms feature a view of the water and a large balcony.





Bring Your Family and Experience the Beauty of Naples

With the Wednesday to Friday schedule, many attendees choose to take advantage of the option to add a relaxing (or exciting) beach getaway! Area attractions include:

- Water sports, such as snorkeling, fishing, kayaking, and stand-up paddle boarding;
- Historic Naples downtown and pier;
- Waterside Shops at Pelican Bay (just steps from the resort); and
- Much, much more!

Additional online resources are available on NIA's Convention website. Visit www.insulation.org/convention2024 and click on "Naples Area."



NIA's Silent Auction

NIA will host our 6th Silent Auction in Naples, featuring an evening of competitive bidding, fundraising, and industry connections. The net proceeds from the Silent Auction will be split evenly between the Foundation for Mechanical Insulation Education, Training, and Industry Advancement and a second charitable organization.

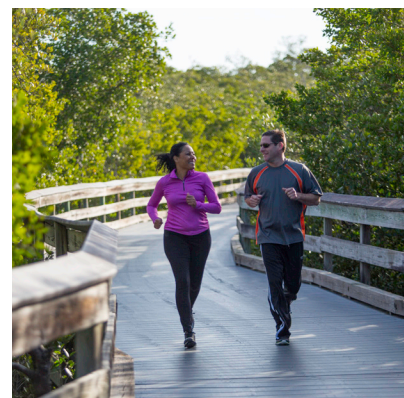
NIA's Silent Auction Task Force is reviewing charity options, and more information will be available this fall. Suggested donations include golf equipment or outings, trips or vacation-home stays, jewelry, designer handbags, hunting/fishing excursions, electronic items, artwork, Broadway show tickets, sporting event tickets, spa packages, fine wine and spirits, sports/entertainment memorabilia, credit card loyalty program gifts, hotel or airline loyalty reward credits/miles, and external industry consulting hours. Donors may also make cash donations, which NIA staff will use to purchase items for the auction on their behalf.

The deadline to send a donation for the auction is March 25, 2024. For donations or more information, please contact Ashley Bartley at events@insulation.org or 703-464-6422, or visit www.insulation.org/convention2024/networking/silent-auction.

Reserve Your Discounted Room

NIA has blocked rooms at the Naples Grande Beach Resort at a discounted rate of \$269 per night, plus state and local taxes. The hotel service fee has been waived (normally \$40 per room, per night). These rooms are available on a first-come, first-served basis. Take advantage of NIA's (pre-Covid) negotiated discount rate, which saves attendees close to \$300 per night off the hotel's regular rates! Make your reservation before March 15, 2024. NIA's discounted room block will sell out—make your reservation early!

For more information, visit www.insulation.org/convention2024 or email events@insulation.org. ●



Mechanical Insulation Promoted in Legislation

The benefits of insulation are overwhelming and are in tune with today's goals. NIA is delighted to share the latest legislation and is working for a future where insulation is more widely recognized.

Bipartisan Federal Mechanical Insulation Act (FMIA) of 2023 Introduced in U.S. House of Representatives

The FMIA, House Resolution 4663, will advance federal energy efficiencies, save tax dollars, and reduce energy loss and emissions for the approximately 350,000 federal buildings in the United States. It also will add an important audit metric for regulators to include when assessing federal buildings' measure of mechanical insulation efficiencies. The FMIA was introduced on July 14, 2023, by Rep. Randy Weber (R-TX) and Rep. Linda Sanchez (D-CA) to the House of Representatives.

Currently, the National Energy Conservation Policy Act (NECPA), part of the National Energy Act of 1978, sets out an array of measures intended to promote energy conservation in all three sectors of U.S. energy use: buildings, industry, and transport.

Section 432 of the Energy Independence and Security Act of 2007 (EISA) makes changes to Section 543 of the NECPA and creates a statutory requirement for federal agencies to conduct energy and water use evaluations, which include energy audits, of federal buildings.

While Section 432 of EISA does not define "comprehensive energy and water evaluations," Department of Energy guidance provides some guidelines for audits as part of these evaluations. The new legislation would clarify that mechanical insulation energy audits qualify under "comprehensive energy and water evaluations."

In recognition of the important role that mechanical insulation plays in lowering operating expenses, reducing energy loss, and decreasing emissions, the legislation makes the following specific changes to portions of the EISA:

- Defines "mechanical insulation property" as materials, facings, and accessory products that are part of a mechanical system and that reduce energy loss from that mechanical system, thereby allowing for the inclusion of these items as qualifying energy and water efficiency measures.

- Expands the definition of "energy and water evaluations" to include identification of energy- and water-saving measures (including installation of mechanical insulation property, if applicable).

Read a press release at <https://tinyurl.com/2p8frnkw>, and track the bill at <https://tinyurl.com/yck2uh7w>.

Mechanical Insulation Energy Audit Act Awaits Illinois Governor's Signature

In its 2023 session, the Illinois General Assembly passed the Mechanical Insulation Energy Audit Act. Once signed into law by the Governor, the legislation will:

- Create the Mechanical Insulation Energy and Safety Assessment Act,
- Provide that the Capital Development Board shall contract with a qualified mechanical insulation contractor on a commission basis to perform a mechanical insulation energy and safety assessment of every public building within 10 years after the effective date of the Act,
- Contain provisions requiring mechanical insulation remediation in specified circumstances, and
- Provide that the findings of the assessments shall be a matter of public record and shall be posted on the Board's website no later than 30 days after the completion of the assessment.

To view the bill, visit <https://tinyurl.com/e8jcbfsb>.

Maryland Energy Administration— Mechanical Insulation Installation Grant Program

Effective July 1, 2022, and terminating June 30, 2027, this legislation passed by the Maryland General Assembly established the Mechanical Insulation Installation Grant Program in the Maryland Energy Administration to provide grants to individuals, nonprofit organizations, and business entities for a portion of certain qualified expenses paid or incurred for the installation of certain mechanical insulation in a certain manner on certain types of property. The legislation also established the Mechanical Insulation Installation Grant Fund, which may be used to provide grants to eligible applicants and support the administrative costs of the program, etc.

Additional details include:

- The program funds up to the lesser of 30% or \$20,000 of qualified expenses.
- Qualified expenses are a capital investment of at least \$10,000 for the installation of mechanical insulation on a commercial or industrial building consistent with the minimum ASHRAE standard for certain buildings.

More details are available in the fiscal and policy note available at <https://tinyurl.com/pubf48sk>.

See the final bill here: <https://tinyurl.com/mw8z85dy>. ●



Safety Corner

OSHA and Other Federal News

By Gary Auman

OSHA issued a National Emphasis Program (NEP) on fall protection, effective May 1, 2023. In the 90 days after May 1, and prior to implementation, OSHA area offices were to draft compliance information to give employers during or following an inspection being made under the NEP. The NEP gives OSHA compliance officers authority to enter and inspect any site/location where they observe any employee working more than 6 feet above the level below them, even if the employee is in compliance with fall protection rules. Once a compliance officer has access to the site, however, they may cite the employer for *any* OSHA violations observed.

On March 27, 2023, OSHA began applying a new policy for inspections, known as the “Instance by Instance” citation procedure. Under this procedure, OSHA compliance officers have authority to issue multiple citations on any inspection site where they observe employers are repeatedly exposing workers to life-threatening hazards or failing to comply with certain workplace safety and health requirements. Following a catastrophic injury—i.e., one involving hospitalization for treatment of at least one employee, a fatality, the loss of an eye, or the amputation of any extremity—if a compliance officer is inspecting a site and they find that employees have been exposed to life-threatening hazards, they may issue individual citations for each employee exposed to the hazard(s). Life-threatening

hazards include fall protection hazards, ladder safety hazards, excavation hazards, machine guarding hazards, lockout tag-out hazards, etc. An instance-by-instance set of citations also may be issued if a compliance officer observes employees exposed to such hazards and determines that the employer had received a willful, repeat, or failure to abate violation for any OSHA violation during the preceding 5 years; or the employer had at any time failed to report a fatality, in-patient hospitalization, amputation, or loss of an eye pursuant to the requirements of 29 CFR 1904.39.

Additional developments include the following.

- OSHA is examining expanding current enforcement of combustible dust hazards to the manufacture of trusses and the secondary cutting or sawing of pre-cut lumber.
- A recent decision by the U.S. Supreme Court in the *Glacier Northwest, Inc. v. International Brotherhood of Teamsters* found the Teamsters liable for damages caused to the employer while members of the bargaining unit were striking. The pro-management decision has been decried by organized labor because it removes one of the strategies used to push employers into agreeing to terms to settle strikes.

- The Department of Labor has joined with the Federal Trade Commission in efforts to prohibit noncompete agreements or such clauses in contracts/hiring documents. Counsel is not aware of a final rule being issued.
- The Equal Employment Opportunity Commission held hearings on the application of artificial intelligence in employment decision making by company management.
- A recent National Labor Relations Board decision revises the framework for determining independent contractor status under the National Labor Relations Act, overruling a 2019 decision that emphasized entrepreneurial opportunity as a key factor when evaluating a worker's independence to pursue economic gain. The board returned to a traditional, common-law test that requires consideration of several factors, not placing greater weight on any one factor. The independent business analysis considers whether the worker has a significant entrepreneurial opportunity, has a realistic ability to work for other companies, has proprietary or ownership interest in their work, and has control over important business decisions such as the scheduling of the contractor's performance; hiring, selection, and assignment of employees; purchase and use of equipment; and commitment of capital. ●

NIA provides the following information as an educational resource to promote a safer industry. While the information provided is based on the NIA's and the author's best judgment and the best information available at the time the article was prepared, NIA encourages all readers to consult with their safety experts and legal counsel for their unique business circumstances or when making changes to their safety programs.



GARY AUMAN (www.amfd Dayton.com) is a Partner in the law firm of Auman, Mahan, and Furry in Dayton, Ohio. He graduated with an electrical engineering degree from the University of Louisville in 1969 and a law degree from The Ohio State University in 1976. He served in the U.S. Air Force from 1969–1973. His practice focuses on counseling and defending employers in safety and health matters. In 2002, Auman was awarded the Distinguished Service to Safety Award by the National Safety Council. He is a staunch advocate for safety in the workplace and is an aggressive advocate for employers who have been cited by OSHA, defending employers across the United States. He has worked with OSHA in its development of safety and health standards and frequently works with employers and OSHA to find workable solutions to OSHA enforcement actions. Auman also represents four national and regional trade associations in the construction industry. He can be reached at gwa@amfd Dayton.com.

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**NIA'S SAFETY
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membership@insulation.org.



DOL Releases New Rule to Boost Pay Rates for Construction Workers

By Leah Shepherd from www.SHRM.org

The U.S. Department of Labor (DOL) issued a final rule on August 8 to raise the prevailing wage standard for approximately 1 million construction workers under the federal Davis-Bacon Act.

The number of construction workers affected by the new prevailing wages is likely to increase in light of the Bipartisan Infrastructure Law of 2021, which funded many federal infrastructure projects, senior Biden administration officials said.

The final rule will provide periodic updates for non-collectively bargained wages. It also adds anti-retaliation provisions and strengthens the DOL's ability to withhold money from a federal contractor in order to pay employees their lost wages.

The final rule gives the DOL authority to adopt prevailing wages determined by state and local governments, issue wage determinations for labor classifications where insufficient data was received through the wage survey process, and update outdated wage rates.

The Davis-Bacon regulations have not been comprehensively updated in 40 years.

Background

The Supreme Court has described the Davis-Bacon Act as "a minimum wage law designed for the benefit of construction workers," the DOL noted in its summary of the proposed rule. The law, enacted in 1931, requires the payment of locally prevailing wages and fringe benefits on federal contracts for construction. It applies to workers on contracts in excess of \$2,000 entered into by federal agencies and the District of Columbia for the construction, alteration, or repair of public buildings or public works.

The law's purpose is to protect local wage standards by preventing contractors from basing their bids on wages lower than those prevailing in the area, the Supreme Court has noted.

In the new rule, the DOL recommended returning to a three-step process previously used to identify the most frequently used wage rate for each classification of workers in a locality.

This three-step process identified as prevailing:

- Any wage rate paid to a majority of workers.
- If there was no wage rate paid to a majority of workers, then the wage rate paid to the greatest number of workers, provided it was paid to at least 30 percent of workers—the so-called 30% rule.
- If the 30% rule was not met, the weighted average rate.

The three-step process relegated the average rate to a final, fallback method of determining the prevailing rate. The average wage can pull down the prevailing wage if some employers pay workers significantly less.

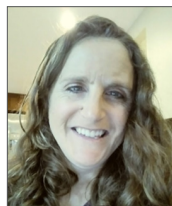
A rule that took effect in 1983 eliminated the second step in the process. At the time, the DOL said that the 30% rule may be inflationary, and may give undue weight to collectively bargained wages.

But now the DOL has concluded that this change was mistaken or resulted in outcomes that did not align with the Davis-Bacon Act.

Recent research shows that wage increases, particularly at the low end of the distribution, do not cause significant economy-wide price increases, the DOL has said.

The DOL said the use of weighted averages has increased from 15% of classification rates across all wage determinations before 1982 to 64% of classification determinations now. This overuse is inconsistent with the text and purpose of the law, the DOL noted.

The final rule comes as inflation has fallen by two-thirds over the last year, and inflation-adjusted wages are up 2.4% for nonsupervisory construction workers. ●



LEAH SHEPHERD is the Senior Legal Editor for the Society for Human Resource Management (SHRM). She has been covering employment law and employee benefits for 18 years. Prior to joining SHRM, she was the Managing Editor for Employee Benefit News. She is Co-author of “The Three Rs of Employee Benefits.” She earned a bachelor’s degree in journalism from the University of Maryland, College Park. Reprinted with permission from SHRM at www.SHRM.org, © 2023. All rights reserved.

OSHA Announces Final Rule Requiring Electronic Submissions for Employers in Certain High-Hazard Industries

By Gary Auman and Lindsey Deck of Auman, Mahan, and Furry

“Congress intended for the Occupational Safety and Health Act to include reporting procedures that would provide the agency and the public with an understanding of the safety and health problems workers face, and this rule is a big step in finally realizing that objective. OSHA will use these data to intervene through strategic outreach and enforcement to reduce worker injuries and illnesses in high-hazard industries.”

~ Doug Parker, Assistant Secretary for Occupational Safety and Health, July 17, 2023

A new rule will require certain employers in designated high-hazard industries to electronically submit injury and illness information to OSHA. The rule, effective January 1, 2024, includes the following requirements:

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300, Log of Work-Related Injuries and Illnesses, and Form 301, Injury and Illness Incident Report, to OSHA once a year. (Note: This is in addition to required submission of Form 300A, Summary of Work-Related Injuries and Illnesses.)
- Establishments will be required to include their legal company name when making electronic submissions, rather than their Employer Identification Number.

Previously, two groups of establishments were required to electronically submit information from their Form 300A annual summary: (1) establishments with 20-249 employees in certain designated industries, and (2) establishments with 250 or more employees in industries required to routinely keep OSHA injury and illness records. New is the requirement that establishments with 100 or more employees in certain designated high-hazard industries electronically submit information from their OSHA 300 and 301 to OSHA annually. The industries included were chosen based on industry hazardousness and will be listed in the new Appendix B to 1904 Subpart E.

The Final Rule includes employers that had 100 or more employees **at any point during the previous calendar year**, including all full-time, part-time, temporary, and seasonal employees. Submissions will be due by March 2 for the previous calendar year.

OSHA plans to publish some of the data collected on its website to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers, and the general public to make informed decision about a company’s workplace safety and health record.

With the Final Rule not in effect until January 1, 2024, affected employers should have time to prepare for the new requirements and establish a process to ensure timely electronic submissions. ●

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1. Increase employee productivity and retention;
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3. Obtain professional development hour (PDH) credits, new credentials, and certificates of completion.

Fast Facts about NIA's Education Center

- **Continuously Updated Content:** Nearly 55 microlearning courses (ranging from a few minutes to an hour to complete) are now available, totaling 22 hours of educational content.
- **Growing User Base:** More than 850 unique users have logged onto the platform.
- **Free and Paid Access:** All NIA members can access free member content, and 54 NIA member companies have become Premier Training Subscribers.

Earn PDH Credits through NIA's Education Center

NIA's Education Center now includes 12 courses that offer PDH credits and digital completion certificates, including:

- **Free for NIA Members**
 - 3E Plus® Basics
 - Hitting the Jackpot with DOE's Carbon Emissions Reduction Program
 - Passive Fire Protection in Industrial Applications
 - Safety Update: Heat Illness Prevention
 - What's New in Version 5.1 of 3E Plus
- **Included as Part of NIA's Premier Training Subscription**
 - 5 Keys to Selling Success
 - 21st Century Prospecting
 - Human Resources for Small Contractors
 - The Importance of a Written Safety Program
 - Selling in a Virtual World



Savvy Safety Tip from a NIA Member

One member suggested having your team complete the Health and Safety courses to possibly help lower insurance premiums. Check with your own insurance carriers for potential savings. Currently, there are six courses available.

- What You Need to Know Before an OSHA Compliance Inspection
- What Does the Future of Transportation Look Like?

New Courses Coming This Fall

- Insulation Product Categories
- Weather Barriers, Vapor Retarders, and Condensate Barriers—What Are the Differences?
- How to Launch a Social Media Channel
- Introduction to Social Media

Got Questions? We Have Answers!

- For information on becoming a Premier Training Subscriber, including pricing, visit www.insulation.org/niaeducationcenter.
- Visit our FAQ web page for a list of common questions, or check out a 4-minute demo on NIA's Education Center.
- Interested in a custom package or in learning more about sponsorship? Erin Penberthy can help! (See her contact info below).
- NIA's training team is happy to answer any questions. Contact them at training@insulation.org, or call 703-464-6422 and ask for Ashley Bartley (ext. 118) or Erin Penberthy (ext. 114). •

From the Foundation Board of Directors

Update on the Foundation for Mechanical Insulation Education, Training, and Industry Advancement



Mechanical Insulation
EDUCATION TRAINING ADVANCEMENT

The Foundation's Board of Directors met in July and continued discussions on initiatives for 2023, including:

- Planning a town hall-type stakeholder meeting, to be held during the 2024 NIA Annual Convention in Naples, Florida, to discuss current and future initiatives, engage with current contributors on the needs of the industry, and share the importance of Foundation endeavors to companies and individuals who are not yet Foundation contributors.
- Developing an Endowment Program.
- Continuing support of the development of training courses and customized training options for NIA's Education Center (see page 15 for new courses launching later this year).
- Adding ex-officio positions to the Board.
- Discussing the Industry Measurement Survey, which the Foundation conducts every 2 years to gauge the size of the insulation industry. The survey began in 1997 and sought to gain data about the size of the insulation industry and growth rates for the U.S. commercial and industrial mechanical insulation markets. Companies that participate in the survey provide information to an independent, third-party company.
- Continuing development of the Mechanical Insulation Energy Savings and Carbon Reduction Impact Study, which—for the first time in the history of the mechanical insulation industry—will determine the impact mechanical insulation

systems can have on reducing the demand for energy and, as a result, reducing greenhouse gas emissions. This study of higher-service temperature ranges (150°F–800°F) examines and interprets an 11-year window of information.

Thank You to Our Contributors

The Foundation extends its sincerest thanks for the support received from the following companies and industry organizations.

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Southeastern Insulation Contractors Association
Western Insulation Contractors Association

Consider joining these leaders in supporting the development of resources that will improve our industry and provide valuable training. We would love to welcome your company as a contributor! For answers to questions, please contact Kristin V. DiDomenico, Program Manager, foundation@insulation.org, 703-464-6422. ●

NIA Safety Handbooks

Safety Handbook for Distributors and Fabricators

This pocket-sized handbook, produced by NIA, offers practical tips for maintaining a safe environment for distributor and fabricator workers. This handbook contains both English and Spanish versions of the text. Topics include general safety rules, compressed gases, hand and power tools, lockout/tag-out, tarpot safety, and much more. An employee acknowledgement form makes it appropriate for use in a company safety program.

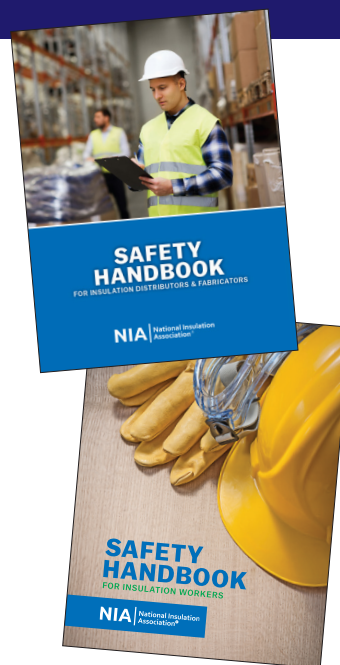
Members: \$4.20* **Non-members:** \$8.35*

Safety Handbook for Insulation Workers

Newly updated, this pocket-sized handbook, produced by NIA, offers practical tips for workers looking to maintain a safe working environment. The handbook contains both English and Spanish versions of the text. New sections include heat-illness prevention, fall protection, and distracted driving. An employee acknowledgement form makes it appropriate for use in a company safety program.

Members: \$4.20* **Non-members:** \$8.35*

* Discounts are available for check payments and bulk orders.



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www.insulation.org/events/calendar
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NIA MEETINGS

NIA's Fall Summit 2023

October 25–26, 2023

MGM National Harbor
National Harbor, Maryland

NIA's 68th Annual Convention

April 17–19, 2024

Naples Grande Beach Resort
Naples, Florida

NIA EDUCATION AND TRAINING

For information about education programs and training opportunities, please visit www.insulation.org/training-tools

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REGIONAL INSULATION MEETINGS

www.insulation.org/events/regionalcalendar
events@insulation.org

Central States Insulation Association (CSIA)

Contact: Rachel Pinkus
937-278-0308, www.csiaonline.org
CSIA/ESICA 2023 Fall Conference
September 6–8, 2023
The Ritz-Carlton
Naples, Florida

Eastern States Insulation Contractors Association (ESICA)

Contact: John F. DeLillo
516-922-7855, www.esica.org
ESICA/CSIA 2023 Fall Conference
September 6–8, 2023
The Ritz-Carlton
Naples, Florida

Midwest Insulation Contractors Association (MICA)

Contact: Rachel Pinkus
937-278-0308, www.micainsulation.org
MICA 2023 Fall Business Meetings
November 7–9, 2023
Omaha Marriott Downtown
at Capitol District
Omaha, Nebraska

Southeastern Insulation Contractors Association (SEICA)

Contact: Erin Penberthy
571-266-3129, www.seica.org
SEICA 2023 Fall Conference
October 8–10, 2023
Omni Nashville Hotel
Nashville, Tennessee

Southwest Insulation Contractors Association (SWICA)

Contact: Lindsay Konlande
832-971-5989, www.swicaonline.org
SWICA Golf Tournament
October 19, 2023
Kingwood Country Club
Kingwood, Texas

Thermal Insulation Association of Canada (TIAC)

Contact: Robin Baldwin
613-724-4834, www.tiac.ca
2024 TIAC Conference
August 21–24, 2024
Delta Hotels St. John's Conference Centre
St. Johns, Newfoundland

Western Insulation Contractors Association (WICA)

Contact: Robert Bergman
801-364-0050, www.wica1.com
WICA Annual Convention
September 10–12, 2023
Big Sky Resort
Big Sky, Montana

NIA'S ONLINE RESOURCES

Insulation.org
InsulationOutlook.com
www.niaeducationcenter.org
InsulateMetalBuildings.org
www.linkedin.com/company/NIAinfo
www.twitter.com/niainfo
www.youtube.com/NIAinfo

Instructions on how to use NIA's new membership and educational portals are available at:

<https://insulation.org/about-nia/makingthemostofyourmembership>