

SMRCA Roving Roofer

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DOL Officially Voids Threat to Union Training Standards

Washington, D.C.—Buh bye, IRAPs. And don't let the door hit you in... well you know.

The U.S. Department of Labor on Sept. 23 stuck a final dagger into Industry-Recognized Apprenticeship Programs, a Trump-era proposal seen as an existential threat to decades-old building trades union apprenticeship programs.

The DOL had been proposing to replace the current apprenticeship model for construction and other industries with an anything-goes employee training system—conceived, guided and standardized by employers. (You want a journeyman title after six months of training? Why not?)

Passage of the plan would have severely watered down training standards upheld by standardized union programs that are registered with the federal government, threatening one of the pillars of the collective union-employer model.

"The Biden Administration made a major step to uphold (union apprenticeship) protections today by getting rid of the sketchy IRAP model and refocusing on the registered model," said North America's Building Trades Unions President Sean McGarvey. "The repealing of this rule protects the integrity of the registered model."

He added: "For over 80 years, North America's Building Trades Unions have been fierce advocates for and leading practitioners in the registered apprenticeship system. "Our robust labor-management commitment to and private multibillion-dollar investment in craft training ensure workers of all backgrounds including veterans, women and minority communities, can meet the demands of our competitive industry."

The DOL on Sept. 23 officially rescinded the Industry-Recognized Apprenticeship Program, and said it would direct the department's resources toward Registered Apprenticeships.

Howls of protest were heard from building trades unions from across the nation when President Trump issued an executive order in 2017 for the DOL to develop a new kind of apprenticeship system that could be designed and overseen solely by employers and employer groups. It would have basically privatized the entire system of U.S. apprenticeship programs—allowing individual employers the authority to decide a worker training regimen and how and when an apprentice would be considered a journeyman.

A massive campaign led by NABTU to exempt the building trades from IRAP rules eventually worked. The Labor

Department received some 326,000 comments from union members who opposed the rules—historically a huge amount of input. In March 2020, the agency exempted construction unions. On Feb. 17, 2021, Biden's Department of Labor took the exemption even further, suspending the IRAP concept for new applications for all employment sectors, while leaving in place those programs that have been approved, and relaunching the federal Advisory Committee on Apprenticeship.

The threat of imposing IRAPs on the construction industry was simple: building trades unions and their contractors spend \$1.6 billion every year on apprenticeship training and journeyman upgrading, which is the bedrock upon which the union industry exists.

The Sept. 23 statement by the Department of Labor pledged to refocus on the "proven registered apprenticeship model," while citing an "85-year record of promoting higher quality training, workers protection standards."

"After reviewing the previous rule, the department determined EO 13801 had created a duplicative, lower-quality system that was not in the best interest of workers and industries," the DOL statement said. "By contrast, the registered apprenticeship system has an established 85-year record of promoting apprentices' welfare and ensuring program quality in an expanding number of diverse occupations and industries. The RA system offers higher quality training and worker protection standards, including progressively increasing wages and equal employment opportunity requirements."

NABTU's Sullivan used the occasion to urge Congress "to take the next step and pass the National Apprenticeship Act, which would expand the benefits of apprenticeship to new industries, strengthen the quality and training of workforce development, and put more Americans on a career pathway to the middle class."

The anti-union Associated Builders and Contractors' most recent statement on rescinding the IRAP rules was in March 2020. "All U.S. workers," the ABC said, "should have the opportunity to participate in DOL's new industry programs, particularly as federal registered apprenticeship programs supply only a small fraction of the construction industry's workforce. ABC, our 69 chapters and 21,000-plus members will continue to utilize an all-of-the-above education approach to

'Sketchy' IRAP model for employer-led training laid to rest

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ensure our workforce meets the highest standards for safety and quality craftsmanship, which has been and will remain our top priority.”

Congressman Bobby Scott (D-Va.), chairman of the House Education and Labor Committee celebrated the DOL’s decision, and said “Every dollar spent on IRAPs was a dollar not spent on established, high-quality apprenticeship opportunities that provide apprentices with decent wages, portable skills, and nationally recognized credentials.”

By: Marty Mulcahy, Editor, The Building Tradesman
October 7, 2022

OSHA Issues Compliance Directive for Cranes and Derricks

The Occupational Safety and Health Administration has released a new compliance directive, CPL 02-01-063, for cranes and derricks, according to nccco.org.

The directive replaces the 2014 compliance directive CPL 02-01-057 and addresses the changes OSHA made to the crane rule in 2018. The new compliance directive only revises the existing section about operator training, certification and evaluation and leaves the other sections of the 2014 directive unchanged.

The compliance directive focuses on:

- When to initiate an inspection into an operator’s training, certification and evaluation.
- How to approach an inspection involving multi-purpose equipment and multi-employer work sites.
- How to determine whether an operator has received training that meets the requirements of the standard.
- What steps to take when inspecting the certification/license of an operator.
- How to address certification concerns such as fraudulent certifications or testing organizations not meeting requirements.
- When an employer would need to conduct additional evaluations for an operator.

For additional information, view “Understanding the OSHA Compliance Directive” at nccco.org/nccco/news-center/news-headlines.



PIMA Issues New and Updated Polyisocyanurate Technical Resources

The Polyisocyanurate Insulation Manufacturers Association has issued several new technical and performance bulletins, as well as updated versions of previously issued bulletins. PIMA publishes bulletins to increase the building industry’s understanding of polyisocyanurate insulation, its applications and benefits.

One new resource, Technical Bulletin 204, Comparing Fire Performance of Polyiso and Competitive Board Insulation Products, compares certain fire performance advantages for polyisocyanurate, mineral wool board, XPS and EPS insulations. A new performance bulletin, Comparing the GWP of Common Exterior Wall Insulation Materials: An Overview of Global Warming Potential, assesses the global warming potential effect of polyisocyanurate wall insulation versus other common insulation products used for exterior walls across the products’ full life cycles.

Technical Bulletin 112, Moisture Generated During Construction, and Technical Bulletin 108, Tapered Insulation Systems, have been updated. Technical Bulletin 112 highlights how moisture generated during construction can affect roof systems and construction practices that can be implemented to reduce problems associated with moisture in systems. Technical Bulletin 108 offers performance details about polyisocyanurate tapered roof insulation products and systems, why tapered insulation is used and design considerations for installing tapered insulation systems.

“PIMA strives to be a go-to resource for the roofing, building envelope and general construction industries for technical information on the performance of polyisocyanurate insulation products,” says PIMA Technical Director Marcin Pazera. “Maintaining a current library of bulletins is a key part of our strategy to serve the industry and its stakeholders.”

NRCA Responds to Regulatory Actions

It has been a busy regulatory season, and NRCA has been actively providing public comments on a variety of issues:

- NRCA is participating in public comments and stakeholder meetings regarding OSHA’s Heat Stress Advanced Notice of Proposed Rulemaking. NRCA will continue to educate members on how to avoid heat stress among workers.
- NRCA opposes the proposed revocation of the final approval of Arizona’s state plan and submitted public comments in support of Arizona.
- Injury and illness recordkeeping rule proposed changes are coming soon, and NRCA has raised concerns about duplicative reporting and recordkeeping and the handling of sensitive employee and employer data.
- OSHA is proposing changes to its lead standard, which would lower the threshold for blood lead levels requiring removing an exposed worker from a job. NRCA is reviewing the proposal and the potential effects on roofing contracting companies.

Roofing Coatings and Code Compliance

The latest International Building Code® provides clearer guidance

Until the publication and adoption of the *International Building Code*,® 2021 Edition, building code requirements for roof coating products and applications were somewhat vague and sometimes led to inconsistent interpretations. Beginning with IBC 2021, the code's requirements for roof coatings became clearer and more streamlined, which means interpretations should now be more consistent and what is required of roof coating manufacturers and roofing contractors involved in roof coating applications should be better defined.

Previous editions

In IBC's previous editions, code requirements for roof coatings are addressed in the sections addressing built-up membrane roof systems, spray polyurethane foam roof systems and liquid-applied membrane roof systems. As a result, it has sometimes been unclear which of these sections' requirements apply to new applications of membrane and SPF roof systems and which apply to roof coating applications.

Beginning with IBC 2018 and the *International Residential Code*,® 2018 Edition, a clarifying statement was added indicating the addition of a new protective roof coating to an existing roof system need not be considered an additional roofing layer when determining the maximum two-roof layer before complete roof system removal and replacement would be required by the code. However, the codes did not specify which of the products in the liquid-applied membrane roof system section were considered protective roof coatings to take advantage of the clarifying statement.

IBC 2021

In IBC 2021, Chapter 2-Definitions, the term roof coating is defined as "a fluid-applied, adhered coating used for roof maintenance or *roof repair*, or as a component of a *roof covering* or *roof assembly*." The italicized words denote specific terms also defined in Chapter 2.

In IBC 2021's Chapter 15-Roof Assemblies and Rooftop Structures, a new section, Section 1509-Roof Coatings, was added to specifically address roof coatings.

Section 1509-1-General indicates the application of a roof coating on a roof covering is required by the code to comply with other requirements in the section and the code's requirements in Section 1505-Fire Classification.

Section 1505 requires roof assemblies to be classified for their external fire resistances. The code requires fire classification to be determined and listed using ASTM E108, "Standard Test Methods for Fire Tests of Roof Coverings," or UL 790, "Standard Test Methods for Fire Tests of Roof Coverings." These are the test methods from which Class A, B and C fire classifications are determined.

Section 1509.2-Material Standards indicates roof coating materials are required to comply with one of the product standards listed in Table 1509.2-Roof Coating Material Standards. This table lists the following coating products:

- Acrylic roof coatings complying with ASTM D6083, "Standard Specification for Liquid Applied Acrylic Coating Used in Roofing"
- Asphalt emulsion coatings complying with ASTM D1227, "Standard Specification for Emulsified Asphalt Used as a

Protective Coating for Roofing"

- Asphalt coatings complying with ASTM D2823, "Standard Specification for Asphalt Roof Coatings, Asbestos Containing"
- Asphalt roof coatings complying with ASTM D4479, "Standard Specification for Asphalt Roof Coatings—Asbestos-Free"
- Aluminum-pigmented asphalt coatings complying with ASTM D2824, "Standard Specification for Aluminum-Pigmented Asphalt Roof Coatings, Non-fibered, and Fibered without Asbestos"
- Silicone coatings complying with ASTM D6694, "Standard Specification for Liquid-Applied Silicone Coating Used in Spray Polyurethane Foam Roofing Systems"
- Moisture-cured polyurethane coatings complying with ASTM D6947, "Standard Specification for Liquid Applied Moisture Cured Polyurethane Coating Used in Spray Polyurethane Foam Roofing System"

These product standards generally require roof coating product packaging to include markings indicating compliance with the applicable standard. Also, code-approved testing agencies providing fire classifications generally require listed products to bear the agency's label (UL mark, FM Approvals' diamond) on product packaging.

In Section 1512-Reroofing, Item 4 under Section 1512.2.1-Roof Recover indicates a new roof coating being applied over an existing roof covering or roof coating is permitted by the code without tearing off existing roof coverings.

NRCA was the proponent of the code change that added IBC 2021's Section 1509. This effectively separates the code's requirements for roof coatings from the code's other requirements for membrane and SPF roof systems.

NRCA has submitted a similar code change proposal in the International Code Council's current code development cycle for inclusion into IRC 2024.

NRCA's recommendations

NRCA encourages roof coating manufacturers to make proof of compliance with the applicable ASTM International product standards and code-required fire classifications more readily accessible. Also, manufacturers need to provide the necessary product markings to facilitate code compliance.

NRCA also encourages roof system designers and contractors to seek out and use products that comply with the applicable ASTM International product standards and bear an agency label.

Additional information about specifying and using roof coatings is provided in NRCA Guidelines for the Application of Roof Coatings and Chapter 7-Surfacings of The NRCA Roofing Manual: Membrane Roof Systems. NRCA members can access electronic versions of both documents for free, and nonmembers can purchase hard copies from shop.nrca.net

By: Mark S. Graham, NRCA's vice president of technical services
Professional Roofing Magazine—September 2022

DOL Issues Rulemaking Regarding Determining Independent Contractor Status

On Oct. 13, the Department of Labor published a [Notice of Proposed Rulemaking](#) that modifies the rules for determining independent contractor status under the Fair Labor Standards Act. This rule would rescind the previous standard, which focused on employers' level of control of work and contractors' opportunities for profit or loss. The new proposal would implement a "totality-of-circumstances" analysis that contains six factors used to determine independent contractor status, including:

- The opportunity for profit or loss depending on managerial skill
- The investments by the worker and the employer
- The degree of permanence of the work relationship
- The nature and degree of employer control
- The extent to which the work performed is an integral part of the employer's business
- The worker's use of skill and initiative

The proposal also provides additional factors that may be relevant to the final determination on a case-by-case basis. DOL officials indicate the new standard is designed to combat misclassification of employees as independent contractors. Public comments regarding the proposed rule are due Nov. 28. NRCA is reviewing the Notice of Proposed Rulemaking and will submit comments reflecting the views of member companies.

By: "This Week In DC" from NRCA

Department of Homeland Security Announces 64,716 additional H-2B Visas for Fiscal Year 2023

On Oct. 12, the [Department of Homeland Security announced](#) it will issue an additional 64,716 visas for the H-2B Temporary Non-Agricultural Worker program during fiscal year 2023 (Oct. 1, 2022-Sept. 30, 2023). These additional visas will supplement the 66,000 visas authorized statutorily and represents the maximum number allowed by law. DHS will make the additional visas available by publishing a regulation expected later this fall. NRCA is pleased the supplemental visas are being issued much earlier in the fiscal year than previously because it will help employers meet peak workforce needs. NRCA will continue urging Congress to increase the number of H-2B visas on an annual or permanent basis to help the roofing industry meet its seasonal workforce needs.

By: "This Week In DC" from NRCA

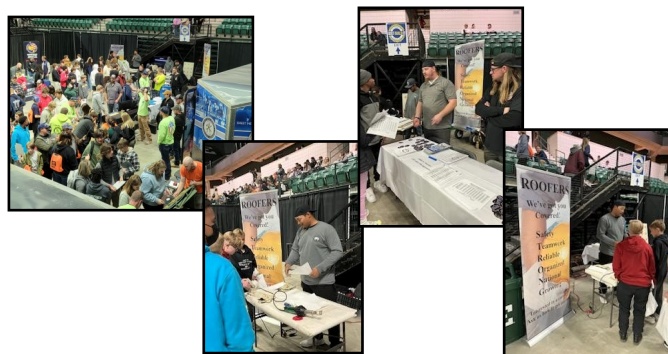


Please visit www.nrca.net/roofingday to view testimonials from last year's event and learn more. Sign up today!

JUST BUILD IT CAREER EXPO 2022

The "Just Build It!" Construction Career Expo provides students in grades 8-12, their counselors and teachers with hands on activities with skilled trade apprenticeship programs: demonstrations by industry professionals such as architects and engineers; and exhibits by construction firms, educational institutions and industry organizations.

The SMRCA and Roofers Union Local #149 had a booth providing information and hands on activities pertaining to roofing for students, counselors and teachers. There were approximately 1400 students at this event.



EPA Forced to Make Ruling Soon Regarding Regulation of PVC as Hazardous Waste

In 2014, the Center for Biological Diversity petitioned the Environmental Protection Agency to regulate discarded PVC as a hazardous waste under the Resource Conservation and Recovery Act and the Toxic Substances Control Act. The EPA swiftly denied the petition under TSCA but never ruled on the regulation under the Resource Conservation and Recovery Act. [The Center for Biological Diversity sued the EPA in August 2021](#) to force the agency to act under the Resource Conservation and Recovery Act petition.

After being compelled recently to address this matter by a court and to avoid further legal action, the EPA proposed a consent decree that includes deadlines for the agency to act. It committed to make a preliminary decision regarding the Center for Biological Diversity's petition by Jan. 20, 2023, and a final decision by April 12, 2024. NRCA will be engaged in this process with the EPA during the coming year by providing comments and information and working with coalition partners to amplify our message. We will ensure we continue engagement with our coalition partners to inform the EPA regarding how this proposed regulation would affect our industry (and the broader economy). If you would like to share how this regulation could affect your business, please reach out to Deb Mazol at dmazol@nrca.net.

By: "This Week In DC" from NRCA

~ SAVE THE DATES ~

2023 SMRCA Golf Outing

~ SAVE THE DATE ~

2023 SMRCA Annual Golf Outing will be held at
Links of Novi
 on
Monday, May 22, 2023



2023 MiRCA Convention

~ SAVE THE DATE ~

2023 MiRCA Annual Convention
 will be held at
Crystal Mountain Resort
August 3-6, 2023



**Upcoming Industry
 Trade Shows 2022-2023**

- Nov. 14-15 2022 Building Enclosure Symposium
 Milwaukee, WI
www.greenbuildexpo.org
- Jan. 13-15 2023 2023 SPRI Annual Conference
 Phoenix, AZ
www.spri.org
- Jan. 18-20 2023 2023 CRCA Trade Show & Seminars
 Oakbrook Terrace, IL
www.crca.org



Birthday Wishes



George Schena - Schena Roofing & S/M
 November 13

Jim Coppens - Mid Michigan Roofing
 November 15

Brian Moore - Schreiber Corporation
 November 29

Roger LaDuke - LaDuke Roofing & Sheet Metal
 December 13

Kathy LaDuke - LaDuke Roofing & Sheet Metal
 December 21

Dan Casey - T.F. Beck Company
 January 7

Congratulations on Your Retirement!

Congratulations on your retirement!

Ron Shubnell
Beacon Building Products

Deepest Sympathy



Our deepest sympathy's are extended to
 the family and friends of:

Scott Ballard
Roof Management LLC

JATC Training Center

Journeyworkers Skill Advancement Training Classes are available
 at no cost to all Detroit 149 members.

Dues must be current in order to enter the Training Center.

All classes begin at 6:30 pm.

- | | |
|-----------------------------------------|--------------------|
| Apprentice Two & Single Ply One | Monday Evenings |
| Apprentice One & Single Ply Two | Tuesday Evenings |
| BUR One & Steep Slope | Wednesday Evenings |
| BUR Two & Steep Slope, Apprentice 7 & 8 | Thursday Evenings |

If you are interested in any of these classes, contact Thomas
 Jaranowski at the Training Center, 248-543-3847, or
TJaranowski@DetroitRoofers.org to make arrangements.

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- S**AFETY A safe jobsite is assured because SMRCA crews complete the M.U.S.T. Safety Training and Drug Testing.
- M**ULTIPLE SERVICES A SMRCA Roofing Contractor has the ability to provide the roof you need because of our expertise in a variety of roofing applications and techniques.
- R**ELIABLE SMRCA Contractors are Union trained professionals bringing an Industry leading standard of service, quality and knowledge to every project.
- C**ONFIDENCE Projects completed by SMRCA Contractors provide a Michigan roofing contractor 2 year standard workmanship warranty.
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Call us today at 586-759-2140 to receive our free "Roofing Facts" brochure or contact one of the SMRCA Contractors below for a no-cost estimate on your next roofing project.

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