

# ABC TODAY



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## Remembering 50 Years Of Proud ABC History



ABC President W. Thomas Musser poses with a commemorative, three-dimensional historical collage that was developed by ABC to highlight 50 years of building merit shop. You can see the collage at the 50th anniversary celebration May 31-June 3 in Baltimore.

## New OSHA Ergonomics Policy Increases Risk of Injury, Study Shows

An analysis of a controversial OSHA working-group policy on repetitive motion injuries suggests that the group's recommendations on ergonomics as described in a brochure posted on the agency's website could actually cause more harm than good.

Ergonomist Jeff Fernandez, Ph.D., and Dr. Michael Goodman said the *Construction Industry Ergonomics Problems and Practices* brochure, developed by the Advisory Committee on Construction Safety and Health to help construction employers prevent ergonomics injuries, "recommends controls or solutions that have no scientific basis and as a result, their implementation could possibly lead to an increased injury risk instead of a decreased injury risk."

The analysis was commissioned by ABC and nine other associations and forwarded to the chairman of ACCSH. In the letter accompanying the study, the associations urged ACCSH to remove the brochure from OSHA's website and said that the working group should postpone addressing ergonomics until "the agency is willing to commit resources to developing a sound scientific basis for such efforts."

In their analysis, Fernandez and Goodman concluded that the brochure is "based largely on anecdotes rather than well-designed, scientifically sound research studies." They called for more rigorous research to create a better understanding of "the biomechanics of various construction tasks, the mechanisms of resultant

injuries and the role of various risk factors in injury causation before appropriate interventions can be discussed."

Specifically, the study's authors said:

- the brochure takes a "one-size-fits-all" approach to an industry that is heterogeneous and diverse;
  - the brochure bases its conclusions on studies that are flawed because of small and non-randomly selected study populations, lack of control groups and subjective data collection;
  - the checklists included in the brochure, designed to educate construction workers on how to prevent musculoskeletal disorders, are "vague and incomplete;"
  - the brochure does not provide enough information on risk factors found
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## Senate to Introduce Bill to Allow Entry-Level Helpers on Federal Jobs

Sen. Sam Brownback (R-Kan.) said he plans to introduce legislation to allow entry-level "helpers" on Davis-Bacon projects.

"Changing the rules to allow 'helpers' on federal construction projects would provide good-paying jobs to those seeking to reach the first rung on the job ladder," Brownback said in a letter to colleagues in the Senate. "In fact, studies have shown that allowing helpers on jobsites has a significant positive impact on minority participation in the construction industry."

ABC supports the Helpers Job Opportunity Act, which is the companion bill to legislation introduced by Rep. Charlie Norwood (R-Ga.) last spring.

"Allowing helpers on federal construction projects gives semi-skilled workers, many of whom are low-income minorities, entry into the industry and helps small employers better compete," said ABC President W. Tho-

mas Musser. "Some small employers find it difficult to compete when they are forced to pay skilled workers high wages to perform unskilled tasks."

The Brownback-Norwood legislation would require the Labor Department to abandon its existing regulation, which reverts to an outdated, pre-1980s definition of helpers that permits them only in limited circumstances.

Several studies have shown that the Davis-Bacon Act has a negative effect on minority employment on federal projects. One study found it reduces the number of minority workers in the construction industry by 25,000 per year. Another showed that black employment in states with prevailing wage laws was less than half that in states without the law.

ABC stated its opposition to the Labor Department's current regulation in comments submitted to the

agency last spring and testified at a congressional hearing last summer. ABC members generated more interest in the bill on Capitol Hill through their congressional visits during the Legislative Conference.

In the fiscal 2000 appropriations report, the Appropriations Committee urged the Labor Department to reexamine the current regulations and seek further study on the issue.

### Send Chapters Your Email Address

Please send your email address to your chapter so that ABC can respond to your requests in a more timely way. Also, beginning June 1, ABC will send out *Newsline* via email only.

## House Passes Estate Tax Relief In \$45.7 Billion Tax Package

The House this month passed a \$45.7 billion tax package as part of a minimum wage bill. The package would offset some of the cost to small business of a \$1 minimum wage increase.

The Small Business Tax Fairness Act (H.R. 3832) would:

- reinstate the installment method of accounting;
  - provide estate and gift tax relief totaling \$26.9 billion;
  - provide pension reforms and simplifications for small business;
  - accelerate 100 percent deductibility of health insurance for the self-employed as of 2001; and
  - increase the business meal deduction and the expensing deduction for small business.
- A House-

Senate conference committee will reconcile the bill with the version approved by the Senate last year. The Senate bill would provide \$18.4 billion in relief. It departs from the House bill in that it does not include estate tax relief or a reinstatement of the installment method of accounting.

ABC is working with key lawmakers to ensure that any tax legislation that advances contains these provisions.

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10. New focus on military construction

**ABC's 50th Anniversary: Join the Celebration. Baltimore, May 31-June 3.**

## Grassroots Effort Pays Off

*Mississippi Chapter Instrumental in Introduction of Apprenticeship Bill*

Sometimes it is hard to see how one individual or group can make a difference. But members of ABC's Mississippi Chapter learned firsthand that they can make an extraordinary impact on the political process when they persuaded Rep. Roger Wicker (R-Miss.) to introduce legislation that would benefit merit shop apprenticeship programs.

### Laying the Groundwork

The chapter's efforts began during ABC's 1999 Legislative Conference, when a delegation from the Mississippi Chapter told Wicker about the need for more timely approval of merit shop apprenticeship programs as a way to address the current worker shortage. The approval process is governed by the National Apprenticeship Act, which has not been updated since it was enacted in 1937.

"Rep. Wicker was very responsive to our concerns

and agreed to do something about the issue," said Mississippi Chapter Executive Director Lloyd Spivey.

Over the next several months, Mississippi Chapter members, ABC staff and Rep. Wicker's office worked together to craft a bill. Rep. Wicker's office also gathered input from other ABC chapters that have had difficulty having their own or the apprenticeship programs of their members approved by their local state apprenticeship council and the Department of Labor's Bureau of Apprenticeship and Training.

### The Bill

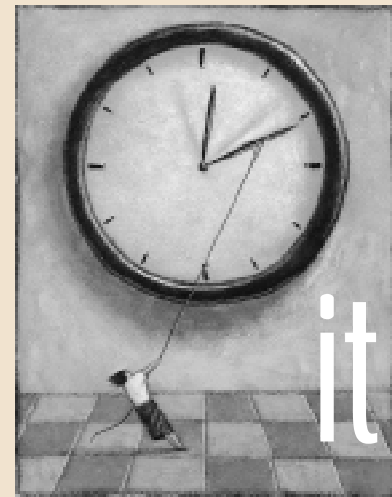
Wicker's bill, which is expected to be introduced soon, would bring more accountability and efficiency to the approval of apprenticeship programs by requiring the local BAT offices or SACs to act on applications within a specified time limit after an application is

submitted. It would require the BAT office or SAC to provide written justification for its decision and allow applicants the opportunity for a hearing if there is a factual dispute.

If an application were denied by the SAC or the state BAT, the applicant would be able to appeal to the secretary of labor, who would be required to act on the appeal within 30 days.

"This legislation is an important first step in modernizing the apprenticeship program," Wicker said. "Bringing accountability into the application process will ease the costly and lengthy delays which have prevented the program from reaching its fullest potential. Making it easier for apprenticeship programs to gain approval will increase job training opportunities for thousands of Americans."

For more information, contact Erika Baum, (703) 812-2044, baum@abc.org.



## Putting it Briefly

### ABC Wisconsin Signs Agreement with OSHA

ABC's Wisconsin Chapter has established a partnership with the Wisconsin branch office of the Occupational Safety and Health Administration that is modeled after ABC's national partnership with the agency.

The partnership recognizes ABC's Platinum STEP program as a benchmark standard for safety. Platinum STEP contractors will not receive a programmed OSHA inspection for 12 months after it is verified that the contractor has met all requirements of the Platinum STEP program.

The Wisconsin Chapter is the second chapter to establish a partnership with OSHA. The Ohio Valley Chapter was the first. Other chapters moving toward establishing partnerships include the Kentuckiana, Mississippi, New Orleans/Bayou, Pacific Northwest and Pelican chapters.

### ABC Urges OSHA to Abandon Efforts To Enact Ergonomics Regulation

ABC told OSHA the proposed ergonomics standard should be discarded so the agency can focus more of its energies on preventing "more serious" workplace injuries and illnesses.

In comments submitted to the agency, ABC said the proposal would do more harm than good and that OSHA lacks the scientific basis to enact the regulation.

Specifically, ABC said:

- The scope of the proposal is overly broad and confusing, and lacks essential definitions;
- Under the proposal, a complaint about symptoms would trigger "an expensive and time-consuming program." The program would not necessarily have any effect on preventing similar complaints because there are no data available that "tie every such symptom to work activities;"
- Too little attention is paid to non-workplace factors, such as age, illness, obesity, prior injury, non-work activity and psychosocial factors, all of which contribute to symptoms of musculoskeletal disorders. "Existence of an injury does not prove existence of a hazard."

ABC also dissected the regulation section by section, outlining areas where the regulation would be particularly problematic for the construction industry.

### ABC Seeking Applications: Craft Instructor of the Year

ABC is seeking applications for the Craft Instructor of the Year award, given each year to the individual who "best embodies the ideals of the merit shop craft instructor through superior efforts and applied talents as recognized by others."

To be eligible for the award, the instructor must:

- teach at an ABC chapter or ABC member-firm that is accredited as a National Center for Construction Education and Research sponsor or sponsor candidate;
- be a NCCER-certified craft instructor; and
- have taught for a minimum of three years.

Instructors who have previously received the award are ineligible.

The entry form and instructions for submitting an application are available through ABC's Education and Workforce Department. Applications must be received by April 17.

### Meet ABC's 2000 Executive Committee

Back row, from left: Jack Darnall, Brasfield & Gorrie General Contractors; Treasurer David Malcolm, Lanigan, Ryan, Malcolm & Doyle, P.C.; Executive Director Liaison Dick Johnson, Cornhusker Chapter; Dennis Weller, Structural Associates, Inc.; ABC Executive Vice President Bob Hepner; Carole Bionda, Nova Group; Edward Rispone, Industrial Specialty Contractors; Jim Franken, Interstates Electric & Engineering Co., Inc.; Front row: Mark Small, Cleveland Construction, Inc.; Immediate Past President David Bush, Adena Corp.; ABC President W. Thomas Musser, Tri-M Corporation; President-Elect Henry Kelly, Austin Industrial; Ken Adams, Pace Electric.



### Construction Tops List Of Worker Shortages

Construction leads all other industries in plans to hire workers in the second quarter of 2000, according to a report released by Manpower, Inc.

The Milwaukee-based temporary staffing firm said approximately 39 percent of the construction firms surveyed plan to hire workers during the second quarter and only 6 percent said they expected cutbacks.

Manpower said demand for construction workers was greatest in the Midwest, where 50 percent of those surveyed said they planned to hire workers. Demand for workers was lowest in the Northeast, where 31 percent of those surveyed said they planned to hire workers during the second quarter.

Across all industries, approximately 32 percent said they needed additional workers.

## ENR Editorial:

### Co-op Safety Programs Can Be A Winner for All

When like-minded people and organizations get together, they can accomplish more together than they can separately. This is the case with a new partnership between the Occupational Safety and Health Administration and the **Associated Builders and Contractors** that was kicked off Feb. 14. Under the agreement, OSHA will give ABC's safest contractors a one-year exemption from programmed or planned inspections, not issue penalties for nonserious violations that are promptly abated, and reduce any citation by the maximum amounts for good faith, size and history. Inspections would only be initiated in response to an immediate danger, signed complaint or fatality or catastrophic accident.

In return, contractors reaching the required "platinum" status in the ABC program must have an occupational injury and illness rate of less than 8.0, a site-specific safety and health program that includes employee involvement, hazard training, designated safety personnel and a safety record that shows no willful or repeated serious violations in the past three years. Also, they must not have any fatalities or catastrophic accidents in the last three years that resulted in serious citations.

OSHA Administrator Charles N. Jeffress says the agency will be creating local partnerships between its area offices and ABC chapters to implement the program and that this will be "a template for future collaborations." Local ABC safety committees will visit jobsites to verify data and national ABC will conduct random verification visits. OSHA will inspect less than 10 percent of the sites.

The objective of any safety program is to reduce jobsite injury and illness. Companies that have demonstrated that they are committed to this end should receive a benefit from government regulators and the one worked out by OSHA and ABC appears to be a reasonable one. It should be replicated with other construction trade associations that are serious about safety. This way, valuable resources can be dedicated to targeting companies that run their operations down, dirty and dangerous. There are plenty of these still around and we would like to see them stamped out.

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### New Study Debunks Ergonomics Brochure

(Continued from page one)

outside the work environment and on a person's risk of developing these conditions in the construction industry.

ABC Director of Legal and Regulatory Affairs Charley Maresca said the new study could mean the end, at least for now, of an

ergonomics proposal for the construction industry since Fernandez is a respected ergonomist who also has served as a consultant for OSHA.

For more information, contact Charley Maresca at ABC, (703) 812-2039.



Are you an accredited quality contractor? To find out if you qualify, call (703) 812-2025.

### ABC Partners with McGraw-Hill On Construction Marketing Book

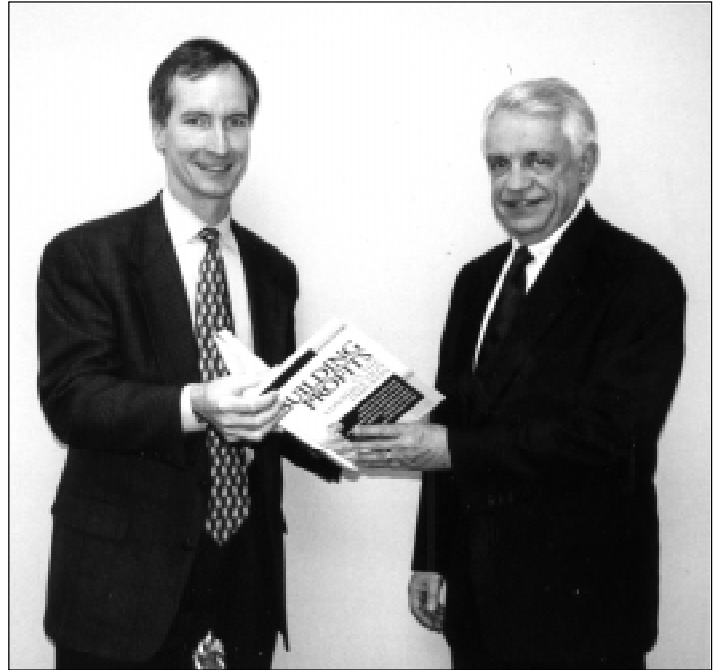
ABC worked with McGraw-Hill to develop *Building Profits in the Construction Industry* and is now offering the marketing book targeted to the construction industry at a 25 percent discount to ABC members.

The 416-page book, which was reviewed by several ABC contractors, covers a wide-range of topics, from how to establish a marketing plan to how to write news releases. The book comes with a CD-ROM that provides examples of marketing materials and offers web links to more than 250 resources.

ABC 1999 National President David Bush is quoted on the book back cover as saying, "This is the first construction industry book I've seen in a long time that puts it all together—technology, marketing, communication, delivery systems and more. It's a very useful reference for anyone in our industry."

ABC Vice President of Education and Workforce Development Dan Mosser, who worked out the arrangement with McGraw-Hill, called the book a "must-read for anyone in the industry."

To order a copy, call ABC's Ordering Department, (703) 812-2000. Cost for ABC members: \$60.



ABC President Musser, right, with one of the book's authors, Kevin Miller.

### Construction Education Professionals Rejuvenate Certification Program

A group of individuals involved in construction education met at ABC National recently to discuss ways ABC's education directors and others involved in training can "raise the bar" in terms of professionalism.

A facilitator helped the group define the skills and duties of an ABC education director and develop programs geared to the "construction education professional"—any individual involved in construction education.

The group, which consisted primarily of Directors of Education Advisory Committee members, also renamed the Directors of Education Certification Program to the Construction Education Professional Certification Program to reflect the program's expansion. "We really would like to bring a higher level of quality to chapter training by rejuvenating the Directors of Education Certification Program," said Vince Franco, ABC education field representative and management education director.



ABC Education Field Representative Vince Franco, left, with Dave Perrin, Western Washington CITC, and Al Iannone, Central Texas Chapter, at meeting.

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