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HABITAT FOR HUMANITY

Garrett County Habitat for Humanity

August 14, 2014

On Thursday and Friday, August 14th & 15th, members of ICRI once again travelled to Garrett County, MD for the 6th year in a row to assist Habitat for Humanity.

Along with working on installing fascia board around the perimeter of the house, painting doors and shelves and hanging cabinets, the main accomplishment was completing the roof! The start of our efforts began with the crane bringing the materials to the roof and finished with the installation of the last shingle, complete with the necessary drip edges and flashing. The weather was beautiful and facilitated the efforts of our crew.

Habitat for Humanity is a nonprofit, Christian ministry that seeks to eliminate poverty and homelessness. This is accomplished through the efforts of volunteers working alongside the prospective Habitat homeowners to build the Habitat homes. In addition to volunteer labor, donations of money and materials are also accepted and appreciated to help build the homes.

This annual event is for a very worthy cause and was a successful effort by the group of ICRI volunteers that participated. It provided our members with an opportunity to give back to our communities by helping those that are less fortunate. The Industry Outreach Committee of the ICRI BW Chapter is extremely thankful to all the volunteers that donated their time, skills and efforts to the Garrett County Habitat for Humanity organization.



Be sure to join us in Garrett County next year, or look for the announcements for another Habitat trip here in Montgomery County.

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THE AGGREGATE INSIDE

Check Out Our Upcoming Events

Local & National Events

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ICRI MISSION STATEMENT

The mission of the International Concrete Repair Institute is to be a leading resource for education and information to improve the quality of repair, restoration, and protection of concrete and other structures in accordance with consensus criteria.

ICRI is an organization composed of Engineers, Consultants, Contractors, Manufacturers and other Material Suppliers, Property Managers and Owners all working together for the betterment of the industry and of all involved. Providing an open forum to speak about our work, new technologies and methods, exchange ideas. Creating and following standards to produce the best results for all involved.

PRESIDENT'S MESSAGE



Dear ICRI-BW Chapter Members,

It is hard to believe that we are more than half way through the year. It seems like just yesterday we were shoveling snow and rescheduling meetings. We hope that the year is progressing well and the restoration projects are both

plentiful and profitable.

For those who were able to attend the May Dinner Meeting you are well aware of how good our speaker was. Anthony Sandone of Resiplast gave a spirited, practical, highly technical presentation about urethane injection grouting in both concrete and soil. Though many contractors perform injection work, Mr. Sandone gave quite a few helpful tips that he currently uses and has developed through years of field experience that were new and innovative to those in attendance.

Our joint meeting with the American Concrete Institute (ACI) that was originally scheduled in February) was moved to September 11th at Maggiano's in Tysons Corner. Our presenters were Keith Kesner of Whitlock Dalrymple and Poston Associates and Rick Edelson of Edelson Consulting Group.

Our annual Golf Outing is Thursday, October 2nd. It will be held at Glenn Dale Golf Club in Glenn Dale, MD.

The Fall ICRI National Convention is being held in Kansas City, MO on November 12-14th at the Intercontinental Hotel. The convention theme is "Mega Projects". As always we are looking for as many Baltimore/Washington members to attend. Looking way ahead, the Spring National Convention will be held in New York City on March 25-27th. The theme will appropriately be "High Rise Repairs".

It would not be a Presidential Message without reminding all our members of the committees that our Board Members oversee as listed below. Our hope is that some of you will consider being a Board Member in the future to help sustain our excellent chapter and work on these committees.

We will be having an election in the Fall for new Board Members. If you are interested in being a Board Member, let us know and we will include you on the ballot.

- Newsletter & Communications - publishing The Aggregate
- Education & Scholarship - providing scholarships to ICRI members and their families)
- Meeting and Facilities - planning our dinner meetings and technical seminars
- Sponsorship - recruiting companies to sponsor chapter events
- History - keeping track of all we have accomplished over the years
- Industry Outreach - working with Carver HS students and volunteering for Habitat for Humanity
- National - corresponding with the National Organization
- Awards & Programs - reviewing project awards
- Finance – keeping our Chapter fiscally sound
- Golf – planning and organizing our golf outing
- Chapter Awards – preparing forms for National awards
- Technical – locating and qualifying articles with regard to materials and methods
- Nominating – finds new candidates for future officers and board members

See you at the September 11th meeting.

If you have any questions, comments or suggestions, please give me a call or email me @ mikeprizzi@metrosealant.com.

Mike Prizzi

ICRI-BWC President 2014

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UPCOMING CHAPTER EVENTS

- Oct 2, 2014 **2014 Annual Golf Tournament**
Location: Glenn Dale Golf Club, Glenn Dale, MD
- Nov 6, 2014 **2014 ICRI-BWC Awards Banquet**
Location: Maggiano's Little Italy, McLean, VA
- Dec 5, 2014 **Fall Technical Seminar**
Location: Concrete Protection & Restoration, Baltimore, MD

UPCOMING NATIONAL EVENTS

- Nov 12-14, 2014 **ICRI 2015 FALL CONVENTION**
Theme: "Mega Projects"
InterContinental Kansas City at the Plaza
Kansas City, MO
- Mar 25-27, 2015 **ICRI 2015 SPRING CONVENTION**
"High Rise Repairs"
Millennium Broadway Hotel
New York, NY
- Oct 14-16, 2015 **ICRI 2015 FALL CONVENTION**
Hilton Ft. Worth
Ft. Worth, TX



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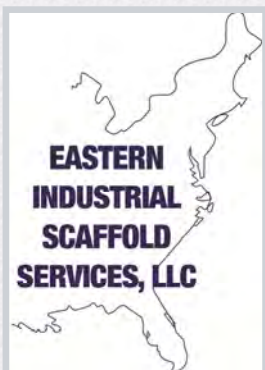
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SAFETY COLUMN

CONFINED SPACE IN CONSTRUCTION

By David Caple, COHC, CEAS, Pinnacle Safety Network, LLC

Although it has been twenty years in the making, the construction industry may finally have a new confined space standard. It has been rumored that the standard could be rolled out as soon as August this year, but many in the safety industry are skeptical because we have heard this before.

In case you are not aware, there is not a confined space regulation for the construction industry. The only mention of confined space in the Construction Standard is 29CFR1926.21(6)(i),(ii). Literally, only 115 words to direct our industry on how to work in and around a hazard that seriously injures approximately 950 construction workers a year. Now granted, in an attempt to follow best practices or do the right thing, construction companies and safety professionals turn to the General Industry Standard (1910.146) or resources other than OSHA. Here is some of what OSHA had to say in the proposed rule:

The Agency recognizes that a number of requirements of the proposed standard for confined spaces in construction duplicate, or are similar to, the provisions of the general industry standard for permit-required confined spaces. Nevertheless, OSHA does not believe that the general industry standard addresses adequately the unique characteristics of confined spaces in construction. Compared to general industry, the construction industry experiences higher employee turnover rates, with construction employees more often working at multiple worksites performing short-term tasks. Unlike most general industry worksites, construction worksites are continually evolving, with the number and characteristics of confined spaces changing as work progresses. Multiple contractors and controlling contractors are found more often at construction worksites than at general industry worksites.

I think many of us in the construction industry can understand and agree with this assessment. I have reviewed the proposed standard and found the following elements to be very helpful in addressing the unique situations found in construction as an alternative to relying on current General Industry Standards. (See Table 1, on page 8)

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SAFETY COLUMN

TABLE 1

Key Differences in Regulatory Provisions between the General Industry and Proposed Construction Standards

General Industry Standard	Proposed Construction Standard
<i>Organization of the Standard</i>	
The standard begins with requirements for entering a Permit Required Confined Space (PRCS).	The proposed standard takes a step by step approach, explaining how to assess hazards, determine the classification for the space, and how to safely enter it.
<i>Information Exchange</i>	
The standard requires the host employer to coordinate entry operations with a contractor when the host employer and the contractor both have employees working in or near a permit space.	The proposed standard requires the controlling contractor to coordinate entry operations among contractors who have employees in a confined space regardless of whether or not the controlling contractor has employees in the confined space.
<i>Confined Space with Hazards Isolated</i>	
Does not address working in confined spaces in which the hazard has been isolated.	Allows employers to establish an Isolated-Hazard confined Space by isolating or eliminating all physical and atmospheric hazards in a confined space.
<i>Controlled-Atmosphere Permit-Required Confined Space</i>	
Monitoring required as necessary.	Continuous monitoring required unless the employer demonstrates periodic monitoring is sufficient.
<i>Permit Required Confined Space</i>	
No explicit requirement for entry supervisor to monitor PRCS conditions during entry.	Explicit requirements for entry supervisor to monitor PRCS conditions during entry.
Requires a written PRCS plan.	No written plan required when employer maintains a copy of the standard at the worksite.
No specific early-warning requirements for upstream hazards.	Early warning requirements for up-stream hazards in sewer-type spaces.

Under the proposed rule, employers would first determine whether there is a confined space at a job site. If there is a confined space, the employer would determine if there are existing or potential hazards in the space. If there are such hazards, the employer then would classify the space according to the physical and atmospheric hazards found in it. The four classifications are: Isolated-Hazard Confined Space, Controlled-Atmosphere Confined Space, Permit-Required Confined Space, and Continuous System-Permit-Required Confined Space. The proposed requirements for each type of confined space are tailored to control the different types of hazards.

Of course, a regulation by itself will not reduce workplace injuries and casualties; however, a regulation provides a foundation for contractors to build a confined space program which will address more specifically the types of hazards associated with confined spaces in construction. Considering the investment in twenty years of bureaucracy, a loss of 950 injuries annually, with an average of six deaths a year, it's clear that this regulation makes dollars and "sense" to finally be adopted.

Reference: Federal Register: November 28, 2007 (Volume 72, Number 228)
Proposed Rules - Page 67351-67425



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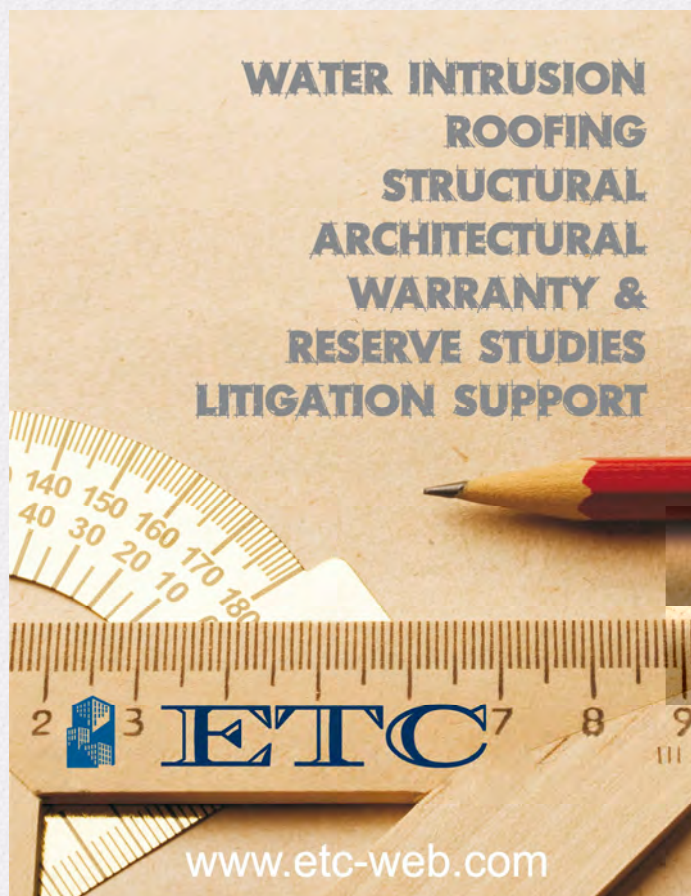


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Imposing Personal Liability on Owners and General Contractors on Virginia Projects

By Jennifer Mahar, Smith Pachter McWhorter, PLC

One payment security tool often overlooked by subcontractors, laborers, and suppliers on Virginia projects is the provision found in Virginia's Mechanic's Lien statute that creates personal liability on the part of the project owner or general contractor for amounts due subcontractors, laborers, and suppliers even though there is no contract between them. Section 43-11 of the Virginia Code applies to "any subcontractor or person furnishing labor or material to the general contractor or subcontractor" on a project.

The benefits of 43-11 are only available to those completing the provision's mandatory two-step written notice process. Step one requires a written preliminary notice to the owner or the general contractor before work begins. The preliminary notice should refer to 43-11 and the intent to hold the project owner or general contractor personally liable, and must state the nature and character of the contract and the probable amount of the claim. To be effective, the preliminary notice must be served on the owner and the general contractor using the specific procedures prescribed in Va. Code § 43-11(4).

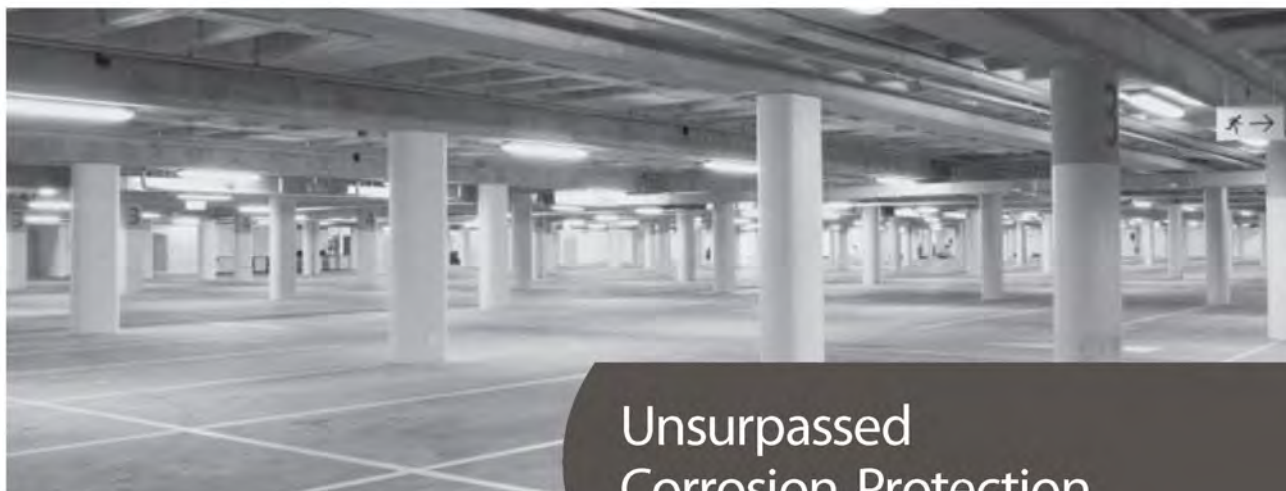
Step two requires a second written notice to the owner and the general contractor after the work is done or the material is furnished "before the expiration of thirty days from the time such building or structure is completed or the work thereon otherwise terminated." Va. Code § 43-11(2). The second notice must provide more specific details, including the correct claim amount, verified by affidavit. To be effective, the second notice also must be served on the owner and the general contractor using the specific procedures prescribed in Va. Code § 43-11(4).

There are limitations on the personal liability of the owner and general contractor. The owner's liability is limited to the amount the owner is indebted to the general contractor at the time the second notice is given or may thereafter become indebted by virtue of its contract with the general contractor. Similarly, the general contractor's liability is limited to the amount the general contractor is indebted to the first-tier subcontractor at the time second notice is given or may thereafter become indebted by virtue of its subcontract with the first-tier subcontractor. Va. Code § 43-11(2). In short, neither the owner nor general contractor will be made to pay twice.

Strict compliance with the two-step written notice process is necessary for this provision to work. Recently, a Virginia Circuit Court rejected a subcontractor's attempt to hold an owner personally liable for payment of an outstanding subcontract balance because the subcontractor did not comply with the two-step notice process. The subcontractor served the first and second written notices together in the same certified mail envelope. Additionally, the subcontractor's second notice failed to state the actual claim amount and did not include a verifying affidavit. *Best G.C., Inc. v. J.M. Turner & Co., Inc.*, Circuit Court for the City of Waynesboro, Case No. CL10-214 (Apr. 2, 2014). As such, it is imperative that those wishing to take advantage of the payment security offered by Va. Code § 43-11 understand the statute's requirements and strictly comply with them.

For further questions, Jennifer can be reached at jmahar@smithpachter.com or 703-847-6300. Jennifer, a member of Smith Pachter McWhorter, PLC, focuses her law practice on advising construction industry clients in all phases of project development and construction including contract formation, project management, and dispute resolution.





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