



ROOFLOPPER

Roofing & Sheet Metal Contractors Association
The Finest in the Georgia Roofing Industry

Spring 2019 Issue



Tim Stephens
2019 RSMCA President

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2019 Presidents Message

Hello Everyone,

The first quarter of the year is behind us and we have some great things happening that I'm excited to share. One of the recent changes we have made in our board was to create committees to work directly on projects to help our membership. I'm very proud of the work your board members have been doing.

Our Education committee led by Wade Lancaster and Jordan Bradford is negotiating a deal with **ESC safety** that will allow our members to get the safety training they need, when they need it, at discounted prices. Classes on Fall Protection, OSHA 10, OSHA 30, Forklift, Rigging and more will all be available by just calling the association and asking for what you need.

The Volunteer Licensing Committee, led by Carson Finney and Ian Bick, will be at the local **IIBEC (formerly RCI) chapters' Shotgun Blast** on April 16th to share with them the value of our license and encouraging them to consider participating. I encourage all of our contractor members to participate in this program. The more contractors we have participate, the more value it provides to our state and industry. You can get the requirements from our website [here](#).

Our Membership Committee, led by Eric Bray and Michael Kruger, are hard at work developing and compiling a list of all the contractors in our state. This is no small task, however, it will be a huge help to our outreach and growth efforts. Many of you know contractors who are not members and we ask that you encourage them to participate.

Our CEFGA and Workforce committee led by Ron Heath just recently attended the CEFGA/Skills USA convention at the International Convention Center. I need to give a huge shout out to Charissa Lientz at The

President's Letter (cont'd)

Roof Depot for all of her work and dedication, this is the second straight year that the World of Roofing was a big success. Hundreds of students got an opportunity to nail shingles, climb a 7/12 pitch roof, and heat weld some TPO. I cannot express enough how important and valuable our partnership with CEFGA can be for our membership. If you need a pipeline of potential employees, then your company needs to get involved. There are over 100 schools across Georgia teaching construction education and roofing is currently being left out. If you are interested in partnering with a high school near you, please contact us and we can get you the information you need.

Lastly, our annual convention is coming up July 18-21 and we are very excited about our line-up of speakers and activities. This is such a great opportunity to learn new things for your business, network with the best contractors our state has to offer and have a lot of fun in the process. There will be something for everyone at this year's convention and we hope you will join us at the beautiful King and Prince Resort in St. Simons, GA. Click [here](#) to login and register.



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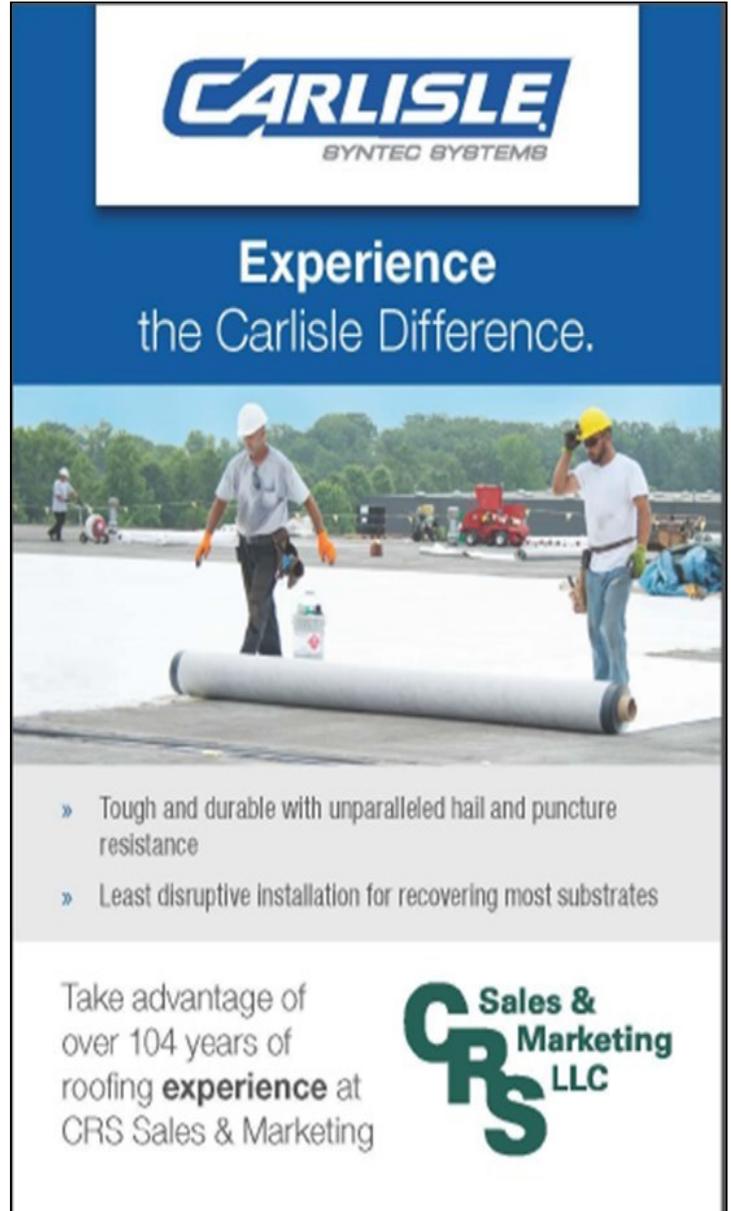
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CEFGA Career Expo

March 21-22, 2019 , Georgia International Convention Center, Atlanta, GA



The Construction Education Foundation of Georgia (CEFGA) knows that construction companies need good, quality workers to fill jobs today and exposing today's youth to the construction industry NOW creates a pipeline of candidates for the industry LATER. Each year CEFGA hosts the Southeast's largest career exploration event for middle school, high school and college students looking to start a career in the construction Industry. This year it was held

at the Georgia International Convention Center (GICC) on March 21st and 22nd.

RSMCA was proud to be able to support CEFGA by participating in the World of Roofing along with our members The Roof Depot, Beacon Roof Supply, C.R.S., GAF, Mid-South Roof Systems and Roof Consultant's Institute. The World of Roofing had a 40' x 40' area with different stations/tables where Georgia students met roofing professionals and learned more about the roofing industry. We also "tested" their speed and agility with TPO welding, shingle nailing and climbing a roof structure.

We met a lot of great middle school, high school and college students along with their school instructors and counselors. We will be reaching out to them in the next few months to set up career days at their schools in the fall. This is an incredible opportunity to spread the word about the Georgia roofing industry.



Thank you to Ron Heath and Charissa Lientz, with The Roof Depot, for organizing the World of Roofing. A special thanks to Bone Dry Roofing, Berridge Manufacturing, Roof Partners, and Roof Consultant Institute's generous support of RSMCA's table.



Annual Convention Update

2019

RSMCA Annual Convention

King & Prince Beach and Golf Resort

St. Simon's Island, Georgia

July 18 - 20, 2019



Online registration is now open

Go to rsmca.org/annual-convention and login to register.

RSMCA's Annual Convention provides an unique opportunity for Georgia's roofing industry to get together to share key issues impacting the roofing industry, hear from top industry experts, and network with friends and colleagues.

This year's presenters include Wade Baugh with GAF, Stephen Phillips and Philip Siegel with Hendrick Phillips Salzman & Siegel, PC, John Coleman with Bonitz and John Rose with Siplast covering topics such as Looking Past the Repairs, Ask the Lawyers a Question and Innovative Roof Insulation Systems. We are also looking forward to having Nick Sabino with NRCA and Zach Fields with CEFGA join us to discuss the latest happenings in their respective organizations. Joey Jones with Team Never Quit, will share with us his journey as a double-amputee war veteran during our Keynote Address on Saturday. [Click here](#) for a full list of our 2019 speakers.

After the education sessions, attendees will have plenty of opportunities to network with RSMCA members during receptions, the Awards Dinner, Kid's Activities, Silent Auction, and the ever-popular Corn Hole Tournament.

Be sure to call the King & Prince at 800-342-0212 to reserve your room as soon as possible as we anticipate it filling up fast!

Sign up to be a Sponsor—Get your company noticed while supporting RSMCA . We have multiple sponsorship levels available to accommodate every budget. [Click here](#) for the most updated list of available sponsorships.

We need Silent Auction Items—Last year, the silent auction was a tremendous success. We are asking again that you team up with us in providing unique and desirable items to auction off. Let us know as soon as possible know what you are going to provide. We have a goal of 25 items this year. **Contact Betsy Rahm at info@rsmca.org or call 770-615-3751 if you have any questions.**

OSHRC Issues Ruling in Heat Stress Case

In a long awaited and vigorously contested case, the Occupational Safety and Review Commission (OSHRC), in a 2-to-1 decision issued on February 28, 2019, vacated an OSHA citation issued to a roofing contractor for allegedly exposing employees “to the hazard of excessive heat from working on a commercial roof in the direct sun.”

OSHA had cited the roofing contractor, A. H. Sturgill Roofing, Inc., headquartered in Dayton, Ohio, under the general duty clause of the Occupational Safety & Health Act, after a 60-year old temporary employee with various preexisting medical conditions, collapsed on his first day on the job. The employee, who was assigned to discard roofing debris at the edge of the roof into a dumpster below, collapsed on the roof in the late morning. The employee was rushed to a hospital, diagnosed with heart stroke and passed away three weeks later. The coroner reported that the employee’s death was caused by “complications” from heat stroke.

Following a lengthy hearing before an Administrative Law Judge, the citation was initially upheld by the ALJ who concurred with OSHA’s contention that the roofing contractor had failed to provide training and develop and implement a heat-related illness prevention program that adequately addressed appropriate clothing for working conditions, a formalized work/rest schedule, worksite monitoring, guidelines for removing employees from hazardous conditions, and acclimatization for new or returning employees.

Because there is no specific OSHA standard governing heat-related hazards, OSHA relies upon the general duty clause of the OSH Act when citing contractors for heat-related hazards. The general duty clause requires employers to furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death of serious physical harm to employees. To prove a violation of the general duty clause, the Secretary of Labor must establish (1) a condition or activity in the workplace presented a hazard; (2) the employer or its industry recognized the hazard; (3) the

hazard was causing or likely to cause death or serious physical harm; and (4) a feasible and effective means existed to eliminate or materially reduce the hazard.

The principal issues in the A. H. Sturgill Roofing case were whether weather conditions at the PNC Bank Branch where Sturgill Roofing was working on August 1, 2012 presented an excessive heat hazard and the abatement measures to reduce a heat hazard. A 11-person crew, including three temporary employees, started work at 6:30 a.m., removing an existing EPDM roof and Styrofoam insulation. The temperature was approximately 72°F with 84 percent relative humidity. At around 11:40 a.m., the temporary employee whose job was to push the debris cart over the edge of the roof, began shaking and collapsed. The ambient temperature at the time was approximately 82°F with 51 percent relative humidity. At the hospital, the collapsed employee’s core body temperature was determined to be 105.4°F.

At the initial administrative hearing, the Administrative Law Judge (ALJ) ruled in OSHA’s favor and found that Sturgill’s employees were exposed to heat-related illness hazards based on the National Weather Service’s (NWS) “heat index” chart, medical evidence, and testimony of OSHA’s occupational health expert. The NWS Heat Index chart rates the likelihood of heat disorders with prolonged exposure or strenuous activity based on temperature and relative humidity and classifies the risk into four warning levels: caution, extreme caution, danger and extreme danger. Based on testimony from the roofing foreman that it was about 10° hotter on the roof than on the ground, OSHA argued that the heat index established an excessive heat hazard. The ALJ considered the limited steps that Sturgill Roofing took to abate the heat hazard, which consisted primarily of presenting tool box talks on heat-related issues, providing drinking water on the roof and encouraging employees to take breaks in addition to scheduled breaks, were inadequate and upheld the citation.

OSHRC Issues Ruling in Heat Stress Case (cont'd)

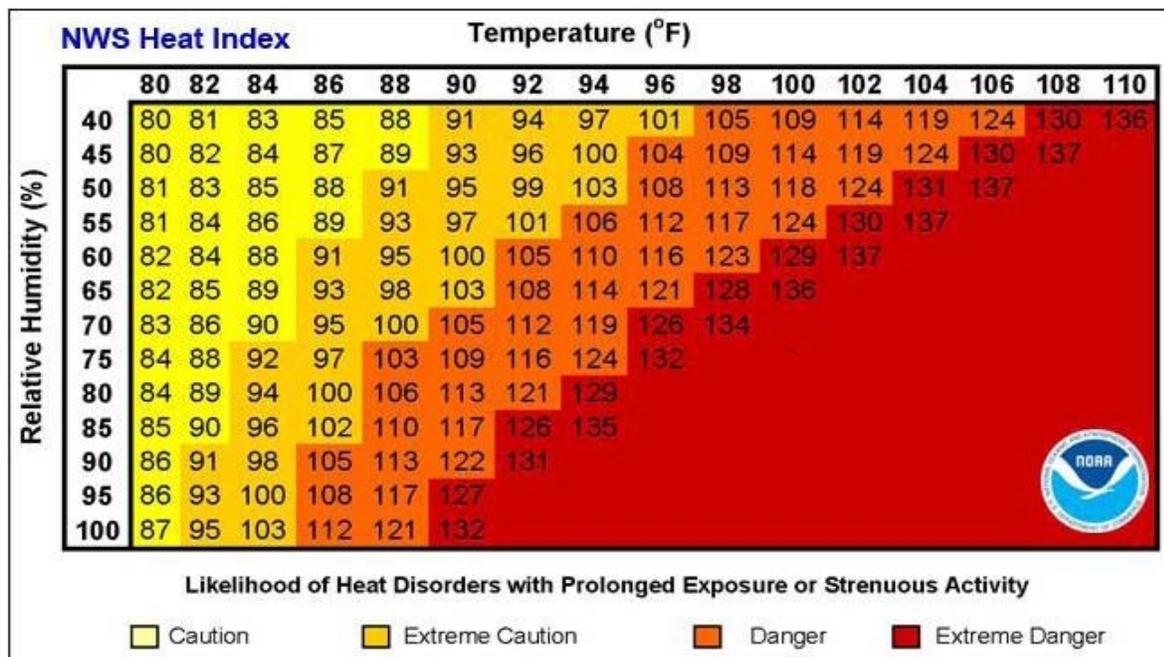
Sturgill Roofing appealed ALJ's decision to the 3-member OSHRC, whose members are appointed by the President. The OSHRC invited amicus legal briefs from numerous organizations including NRCA. Oral argument was conducted in June 2018.

In reaching its decision to reverse the ALJ's decision and vacate the citation, the two OSHRC members who formed the majority concluded that OSHA has failed to carry its burden of proving the existence of a hazard and a feasible means of abatement. In its 22-page decision, the OSHRC said that the conditions at the job site were not such that OSHA had proven the existence of a hazard likely to cause death or serious physical harm.

Examining the NWS Heat Advisory Chart which indicates the "likelihood of heat disorders with prolonged exposure or strenuous activity," the majority said that OSHA had not shown that any of the chart's warnings applied to the conditions present on August 1, 2012 because OSHA had not shown either "prolonged exposure" to heat index values that fell within the chart or that the

work involved "strenuous activity." The evidence, according to the OSHRC decision, showed that the heat index values were at most in the "caution" range for two of the five hours the crew worked on the day in question. Quoting a 1980 U.S. Supreme Court decision, the OSHRC emphasized that to prove the existence of a hazard within the meaning of the general duty clause, OSHA must do more than show that serious physical harm is a possibility or that there is some degree of risk to employees. OSHA "must show, at a minimum, that employees are exposed to a significant risk of harm."

One of the three OSHRC commissioners issued a 29-page dissenting opinion. The dissenting commissioner felt that OSHA had established all the prerequisites for a general duty clause violation, stating that she agreed with the ALJ's finding that the deceased employee's heat stroke was reliable and persuasive evidence that a heat hazard existed at the work site. She chided the majority for not taking into account the transcribed statement that Sturgill's foreman had given to the OSHA compliance officer that it was about 10°



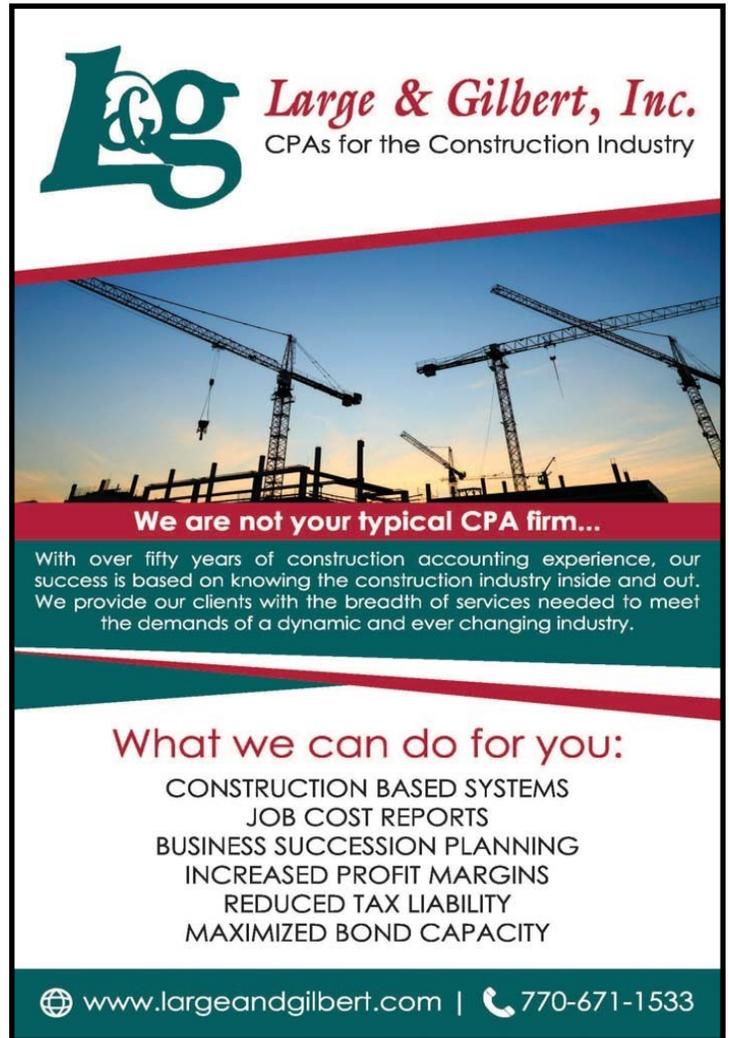
OSHRC Issues Ruling in Heat Stress Case (cont'd)

hotter on the roof than on the ground. Based on the foreman's statement, she pointed out that the heat index on the roof would have been in the "extreme caution" zone of the NWS heat index chart.

The two commissioners whose opinion constituted the majority OSHRC decision were appointed by President Trump. The dissenting commissioner was appointed by President Obama. The Secretary of Labor has 60 days to appeal the OSHRC's decision to the federal circuit court of appeals.

With summer weather approaching, commercial and residential roofing contractors should be sure to provide training to temporary and permanent employees on heat-related hazards and to develop and implement a heat-hazard prevention and safety plan. The heat-hazard training and plan to abate an excessive heat hazard should include (1) loosely worn reflective clothing; (2) a work/rest regimen; (3) providing water and shade; (4) monitoring employees; and (5) an acclimatization protocol. An acclimatization plan allows employees to gradually increase time spent in hot conditions and build up tolerance to working in the heat.

*-Stephen M. Phillips
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Upcoming Events

2019 RSMCA Executive Committee

President: Tim Stephens, Ben Hill Roofing

1st Vice President: Eric Bray, Bone Dry Roofing Company

2nd Vice President: Michael Kruger, L.E. Schwartz & Son, Inc.

Security/Treasurer: Carson Finney, Ideal Building Solutions

Immediate Past Pres: Jonathan Glisson, Tip Top Roofers



(from left to right) Jonathan Glisson, Tip Top Roofers; Eric Bray, Bone Dry Roofing; Tim Stephens, Ben Hill Roofing; Carson Finney, Ideal Building Solutions; Michael Kruger, L.E. Schwartz & Son

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Gary Woodall 404-691-6778

Upcoming Events

NRCA's Roofing Industry Technical Update (webinar) 4/18

RSMCA Board Meeting 5/9

Wing Social 5/9

Annual Convention 7/18—7/20

RSMCA Golf Tournament 10/3

Be sure to check out www.rsmca.org for the latest information regarding upcoming events.

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RSMCA Voluntary Licensing Program



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The RSMCA Georgia Licensed Roofing Contractor program was developed to increase consumer protection and secure the public confidence in the roofing industry by elevating the roofing contractor’s knowledge, skills and professionalism through voluntary self-regulation. The license is provided through and managed by RSMCA and is available in both Residential (Steep Slope) and Commercial (Low Slope) contractors.

Through RSMCA’s Voluntary Licensing Program, you will receive recognition in association newsletters, event materials and on the RSMCA website. We will also provide you with a variety of materials you can use to promote your new license to customers and prospects.

Click [here](#) download an application.



Since their CNA Risk control training, Dave Morris Roofing has instituted a monthly safety check-in. Today, that commitment saved an employee, and maybe Dave’s company, from disaster. Through our partnership with NRCA, construction experts and independent agents, we create coverages and risk control programs that keep companies safer and premiums to a minimum.

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Become a Member

Become a member of RSMCA and...

- Network with professionals from roofing contractor and supplier companies across the state
- Take training and safety classes designed specifically for roofing industry professionals
- Have a direct impact on critical legislative efforts affecting the roofing industry
- Get a listing on www.rsmca.org, a leading resource for finding reputable roofing professionals

For more information and to download an application, click [here](#).



Join us for the RSMCA "Wing Night" Social

When: Thursday, May 9 2019
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GAF EverGuard EXTREME

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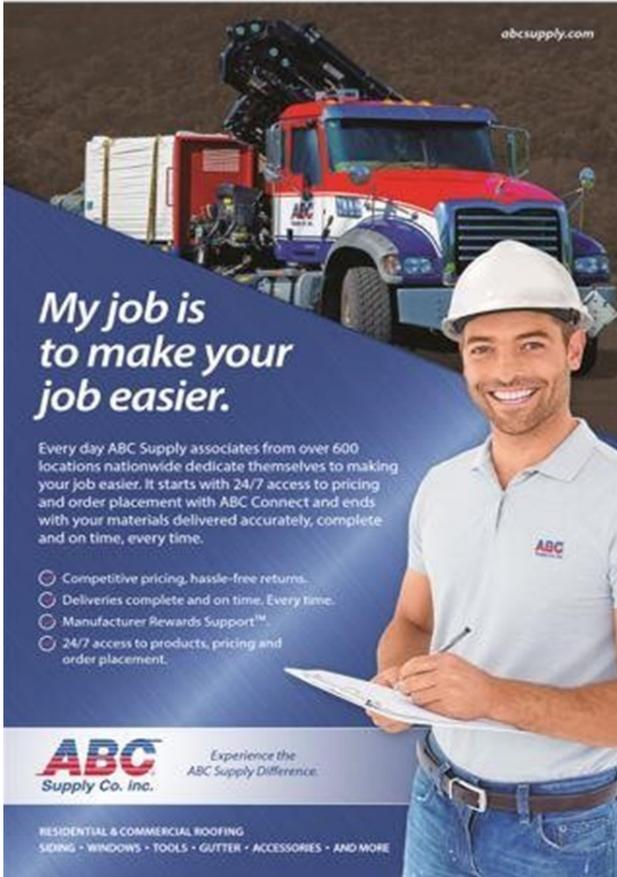
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RSMCA
3459 Lawrenceville-Suwanee Rd.
Suite C
Suwanee, GA 30024
www.rsmca.org

Email is info@rsmca.org and phone/fax is still 770-615-3751.



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