



MCAC NEW MEMBERS



MID VALLEY MASONRY 15300 S. McKinley Ave. Lathrop, CA 95330 http://midvalleymasonry.com/

PATANIA MASONRY 1176 Loyola Drive Salinas, CA 93901



MCAC PARTNERS Welcome to our newest partner PJI'S REBAR INC.

December 30, 2017

ISSUE 8

What Does the Federal E-Reporting of Injury & Illness Data Mean for California?

A December 15, 2017 compliance date for electronic injury and illness data reporting does not apply to California...yet. The new federal OSHA electronic reporting system, known as the Injury Tracking Application (ITA), requires employers to electronically submit injury and illness data they are already required to keep.



However, several State Plan states have not yet adopted the electronic reporting requirement: California, Maryland, Minnesota, South Carolina, Utah, Washington, and Wyoming. Consequently, employers in those states are not required to submit their summary data through the ITA.

California employers are not required to follow the new requirements and will not be required to do so until "substantially similar" regulations go through formal rulemaking, which would culminate in adoption by the Director of the Department of Industrial Relations and approval by the Office of Administrative Law. See full DIR notice here.

\*OSHA State Plan states must adopt requirements that are substantially identical to the requirements in this final rule within 6 months after publication of this final rule.



**997 bills reached the Governor's desk in the first half of the 2017-18 legislative session.** He vetoed about 5% of them. All the rest were signed ("Chaptered") which proves, once again, that there are hundreds of laws being introduced and amended every year. Below is a sampling of the issues impacting construction. For the full report, click [here](#).

- **AB 92** extends until 2023 the provision allowing awarding bodies to exceed 5% retention on a public project if that project is deemed to be "substantially complex." Reference Pg. 3 **RETENTION** on report.
- **AB 262** This bill, the Buy Clean California Act, would, by January 1, 2019, require the Department of General Services to establish, and publish in the State Contracting Manual, a maximum acceptable global warming potential for each category of eligible materials, in accordance with requirements set out in the bill. Reference Pg. 1 **CLEAN AIR BUILDING** on report.
- **AB 1223** helps subcontractors determine whether state agencies have paid a general contractor for your work so that you may demand timely payment. Reference Pg. 3 **BONDS, LIENS & PAYMENTS** on report.
- **SB 418** caps Skilled and Trained Workforce graduation percentage requirement at 30% (vs. 60%) for a number of occupations including: bricklayer, marble mason, stone mason, terrazzo worker or finisher. "Skilled and trained workforce" means ALL workers are either "skilled journeymen" or apprentices registered in a state-approved apprenticeship program.

Hear more about these issues when American Subcontractors Association of California (ASAC) lobbyist, Skip Daum, shares his unique insights at the MCAC 161st State Meeting | January 23, 2018 | 1-4pm at the Las Vegas Convention Center, Room N212.

This avalanche of new laws is precisely why MCAC is a member of [ASAC](#). [ASAC](#) stays on top of key construction issues so that we are informed, represented, and protected. The full report provided with this article is provided courtesy of Dan McLennon, Smith, Currie & Hancock LLP. Dan is a member of the ASAC advocacy team.

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## Industry Icons Retire

Some pillars of our industry are moving on to their next adventure and we wish them all the best. **Jimmy Smith of Kretschmar & Smith, Inc.**, **Ron Bennett of E&S Masonry Corp.**, and **Tom Reed of Angelus Block Company, Inc.** will retire at the end of 2017. Their absences will most certainly leave a huge void in the MCAC and in our industry.



Attend the MCAC State Meeting  
January 23, 2018 - 1:00pm-  
4:00pm

## Las Vegas Convention Ctr, Rm N212

Plan to attend the MCAC 161st State Meeting and 2018/19 Board of Directors installation that will be held at the Las Vegas Convention Center in conjunction with the MCAA Annual Convention and the World of Concrete (WOC).

Book your hotel directly through the [World of Concrete housing link](#) to take advantage of discounted room rates. The MCAA host hotels are [ARIA](#) and [Vdara](#).

[REGISTER for the MCAC State Meeting](#)

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# New and Revised Fact Sheets on Silica Now Available

OSHA has released [more than a dozen fact sheets](#) that provide guidance on the respirable crystalline silica standard for construction. One fact sheet is an overview of the federal silica standard. The other fact sheets provide employers with information on how to fully and properly implement controls, work practices, and if needed, respiratory protection for each of the 18 tasks listed in Table 1 - Specified Exposure Control Methods under the standard.



Also, the [MCAC Silica Resource Center](#) provides resources including links to the California silica regulations, FAQ's, trainers, voluntary respirator use form, mortar mixing exposure test results, and a written exposure plan. Members may access the Resource Center with Username: MCACA and Password: Contractors.

**The new silica rule is in force.** You have your written exposure plan and your Competent Person. The MCAC mortar mixing test data has been added to your silica plan and you have provided the Voluntary Respirator Form to affected employees.

So, you're all set...or are you? Control, Contain, Remove is the objective. How are you meeting that objective?

**Four of the leading dust control equipment manufacturers** have been assembled at the MCAC 161st State Meeting January 23, 2018 to help you find solutions that work for you. These companies were chosen for their recognition as innovative product suppliers and/or their acknowledgement by Cal/OSHA, NIOSH's SilicaSafe.org, or other industry silica studies as being providers of effective dust control tools and equipment. Make sure you have the silica-compliant tools you need and take advantage of the discount pricing being offered exclusively to attendees of this informative program.

*DON'T BE LEFT IN THE DUST*



## Members Are Asking MCAC!

**Contractor Question - I received emails for WEX and Flyers fuel discount plans. Are they part of the same program?**

**Answer:**

**No.** WEX is a MCAA (Mason Contractors Assn of **America**) plan. Flyers is a MCAC (Mason Contractors Assn of **California**) plan. As a MCAC Contractor Member, you have a unique 2-for-1 membership wherein...

*Membership in MCAC = Membership in MCAA*

This means that both the WEX and Flyers programs are available to you, and they both offer the opportunity for discounted fuel prices. The differences between the programs lie, predominantly, in the available fueling stations in their respective networks and the fact that participating in the [WEX program](#) supports the national association, MCAA, and participating in the [Flyers program](#) supports your state association, MCAC.

For your free account analysis to see how the MCAC Flyers program could benefit your business,

contact our [Flyers](#) representative, [Shari Bradley](#), [sharib@4flyers.com](mailto:sharib@4flyers.com) or (562) 343-2405.

To learn more about the MCAA [WEX program](#), click on the links in this article which will take you to the MCAA Web site.

*State + National = More Value for your Membership Dollar*

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## Cal/OSHA Penalties Increase

Federal OSHA has been busy. We can thank them for the new silica standard currently in force, the forthcoming electronic injury and illness reporting requirements, and higher fines for workplace safety violations. Effective September 1, 2017, Cal/OSHA penalties increased to be *at least as effective as* the federal changes enacted in 2016:

- from a maximum of \$7,000 to \$12,471 for general and regulatory violations, including posting and recordkeeping;
- new minimum penalty for repeat and willful violations increased from \$5,000 to \$8,908; and
- new maximum for repeat and willful goes from \$70,000 to \$124,709.
- Penalties are permitted to increase annually based on the Consumer Price Index.
- Maximum penalty for serious violations remains unchanged at \$25,000.

Read more on the budget trailer bill, SB 96, that enacted these changes [here](#). Reference item 11.

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Sincerely,

**Julie Trost**

**Mason Contractors Association of CA**

7844 Madison Avenue, Suite 140

Fair Oaks, CA 95628

p. 916.966.7666

[julie@mca-ca.org](mailto:julie@mca-ca.org)

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Wishing You a 2018 Filled With  
Good Health, Great Moments, and  
Much Success!

