



MASON CONTRACTORS ASSOCIATION
OF CALIFORNIA

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MCAC NEW MEMBERS



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Los Angeles, CA 90041
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March 28, 2018

ISSUE 9

Silica for General Industry Effective June 23, 2018

The [new silica regulation](#) becomes effective for General Industry June 23, 2018. The rule became effective for Construction on September 23, 2017, and the standards are nearly identical. This article highlights a key difference between the two -- regulated areas.

First, it is important to determine whether your business is classified as General Industry or Construction. According to the [California Code of Regulations Â§1502. Application](#), Construction encompasses...

"...construction, alteration, painting, repairing, construction maintenance, renovation, removal, or wrecking of any fixed structure or its parts."

MCAC contractor members are covered under the Construction standard. MCAC Associate members, on the other hand, may be subject to the General Industry standard depending on their type of business. Masonry material producers, equipment manufacturers, as well as sales and storage businesses...this one's for you.

[§ 5204. Occupational Exposures to Respirable Crystalline Silica](#)

Key provisions of the standard with which General Industry must comply include:

- keeping employee exposures below the 50 ug/m3 PEL,
- written exposure plan,
- employee training,
- adhering to new housekeeping practices which prohibit dry sweeping, and
- identifying and maintaining "regulated areas."

(619) 207-7569

**MCAC MISSION
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The "regulated areas" component is unique to General Industry and carries some notable requirements. See below for some of those requirements.

Full story [here](#).



Attend the MCAC State Meeting September 21-22, 2018 Lake Tahoe, NV

Plan to attend the MCAC 162nd State Meeting and Golf Tournament at The Lodge at Edgewood & Spa in Lake Tahoe, NV. OCIP's and government contracting assistance are on the agenda and there is more to come. Stay tuned. Registration materials COMING SOON!

SCHEDULE OF EVENTS (*Tentative*)

Friday, September 21

10:30am - 12pm MCAC Board of Directors Meeting (closed session)

12:00pm - 1:00pm Lunch

1:00pm - 4:30pm MCAC 162nd State Meeting (open session)

6:00pm - 7:30pm Welcome Reception

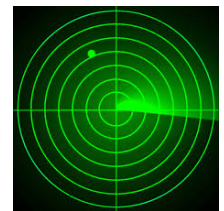
Saturday, September 22

10:00am - 2:00pm Golf

5:30pm - 8:30pm Farewell Event: At least drinks...maybe dinner...TBD

Issues on the Radar for 2018

Each year a new crop of issues piques our interest. This year we have added the issues below to our watch list. While this is not a complete list of all measures we are following, they represent a sampling of our high priority targets.



Some of these topics will look familiar because we have been following them for years (e.g. diesel rules, silica) and some are newcomers to the list.

- **[AB 2842](#) - Wood Bill** - Among its efforts to support responsible forestation and stimulate economic development in once-thriving logging areas, this bill also contains provisions that encourage state agencies (including the California Building Standards Commission) to consider expanding the use of wood and mass timber in California construction.
- **[AB 3031](#) - Masonry Tool Safety Training Bill** - This bill duplicates provisions of the recently enacted silica regulation by requiring specified training on the hazards of dust for employees using power tools with masonry materials.

NOTE: The good news is we hear talks are underway on both AB 2842 and AB 3031 that may alleviate our concerns. We will keep you updated.

- **[ACA 22](#) - Robin Hood Bill aka Middle Class Fiscal Relief Act** - First of all, this bill is not *really* called the Robin Hood Bill. That is just my affectionate term for the measure. You will soon see why:
The purpose of this article is to share with ordinary California taxpayers the economic gains provided by federal income tax cuts for corporations with over one million dollars (\$1,000,000) in net income.
For taxable years beginning on or after January 1, 2018, a surcharge of 10 percent is to be imposed upon, or according to or measured by, the net income of a qualified taxpayer over one million dollars (\$1,000,000).
- **[SB 1077](#) - OCIP Disclosure on Commercial and Public Projects** - On the bright side, this bill promotes full and timely disclosure of non-residential project insurance programs. An American Subcontractors Association of California (ASAC) survey revealed that one out of every two bid solicitations does not contain this information, leaving subcontractors to bid in the dark. Policy limits, exclusions, deductibles, term, safety, equipment and workers comp provisions are unknown at the time you are calculating your bids. While you may modify your bids, that too costs you money and time. Source: *ASAC March Newsletter 2018*
- **CARB Portable Equipment Amendments 50 hp+** - CARB is planning amendments to the 2017 and 2020 Fleet Average Emission Standards (ref [CARB July 2017 Advisory 347](#)), which could accelerate the turnover of PERP engines 50 hp and greater statewide. These fleet standards became effective in January 2013, became more stringent in January 2017 and will become most stringent in January 2020.
- **[SCAQMD Sales Tax Increase for 2020 Ballot](#)** - This bill proposal would seek authorization from the Legislature, to, either through South Coast Board direction or through the voter initiative process, put a quarter-cent sales tax increase proposal on the ballot within the South Coast Air District, for voter approval, in order to raise funds to facilitate the significant reduction of air pollution in the South Coast region, in support of the 2016 AQMP.
The goal would be for this proposal to go on the ballot in 2020. Source: [CIAQC Bulletin 2/7/18](#)
- **Cal/OSHA Silica Rulemaking re: Mortar Mixing** - We remain vigilant on silica and the potential to amend the standard as respects mortar mixing. Our hope is to use the favorable exposure testing results from our silica survey last year to demonstrate further rulemaking is warranted in this area.

MCAC FEATURES MEMBERS DOING EXTRAORDINARY THINGS: California Apprentices and Judges Represent at WOC

MCAC FEATURES Members Doing Extraordinary Things: This quarter we feature our California apprentices that competed in the National Skills Challenge at World of Concrete on January 24, 2018 and the California judges that donated their time and expertise to ensuring that masonry craftsmanship is preserved. Thank you all for being such great representatives of our state!

The Competitors:

Anthony Gomez	1st Year	Majestic Masonry, Inc.	Upland, CA
Cristian Lopez	2nd Year	New Dimension Masonry, Inc.	San Diego, CA
Adrian Diaz	3rd Year	Winegardner Masonry, Inc.	Yucaipa, CA

The Judges:

Milt McGinnis	MCAC Honorary Member (retired)	Vallejo, CA
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Want to compete in the national contest? Get qualified at your regional Skills Challenge.

October 6, 2018 @ Basalite - Dixon, CA

Interested in judging the 2019 contest? Apply [here](#).

http://www.masoncontractors.org/pdf/judge_form.pdf



Members Are Asking MCAC!

Contractor Question - Julie, do you have NLRB 10(k) case decisions on forklift operators?

Answer:

Yes! MCAC and MCAA both have historical case decisions in support of mason contractor employees being permitted to operate forklifts. There are also case decisions with awards to mason contractor employees regarding scaffolding, hoist operation, and mortar mixing.

The National Labor Relations Act provides a means through which employees represented by different unions with competing claims to certain disputed work can ask the Board to settle their dispute and assign the work to one or the other.

Section 8(b)(4)(D) of the Act prohibits certain union conduct an object of which is to force or require "any employer to assign particular work to employees in a particular labor organization . . ."

Section 10(k) of the Act provides that "[w]henver it is charged that any person has engaged in an unfair labor practice within the meaning of [Section 8(b)(4)(D)], the Board is empowered and directed to hear and determine the dispute..."

[Full text here](#)

So, if you find yourself confronted with a jurisdictional issue that threatens a project, let your associations help. We may have just the 'evidence' you need to make your case.

5 Tips for Combating a Jurisdictional Dispute

<http://www.masoncontractors.org/2000/10/13/jurisdictional-disputes/>

State + National = More Value for your Membership Dollar

Sincerely,

Julie Trost

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SAVE THE DATE!

MCAC 163rd State Meeting
MARCH 3-7, 2019
St. Regis Princeville, Kauai, HI



[Tour our host property](#)