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September 28, 2018

ISSUE 11

Headlines from the MCAC 162nd State Meeting

September 21-22,
2018 MCAC
members, family
and guests met in
beautiful Lake
Tahoe.



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Initially, we were scared when presenter, Bruce Wick of CalPASC, shared some of the tricks of the trade when it comes to OCIP's/CCIP's: For example, owners/general contractors sometimes purchase one limit of coverage that applies to *multiple projects*! So that coverage limit you thought belonged exclusively to the project you are on could be depleted by other projects as well. Fortunately, Bruce also shared tips on how contractors can arm themselves with information to be better protected.

[Read more.](#)



Members Are Asking MCAC!

A Member Asked - Do I need to renew silica training for my crew? The Silica Competent Person Training course completion cards from MCAA have expired.

Answer: That depends. In August 2018, OSHA released a [Frequently Asked Questions \(FAQ's\) guide](#) to help employers with issues just like this. There are fifty-three FAQ's in OSHA's guide. Attendees of the MCAC 162nd State Meeting received a [recap of the top ten silica questions](#) that have come in to the MCAC office. This 'renewal of training' question among them. Below are excerpts from various questions on the OSHA guide that address the training issue.

Question 51: *"Although the standard does not set a fixed schedule for periodic training, additional or repeated training may be necessary under certain circumstances. For example, if an employer observes an employee engaging in activities that contradict knowledge gained through training, it is a sign to the employer that the employee may require a reminder or periodic retraining on work practices. See 81 Fed. Reg. at 16850."*

Question 50: *"...the standard does not specify how an employer needs to train employees. Acceptable forms of training may include hands-on training, videos, slide presentations, classroom instruction, informal discussions during safety meetings, written materials, or any combination of these methods."*

[Read More](#)

OSHA Frequently Asked Questions (FAQ's) for the Construction Industry:

https://www.osha.gov/dsg/topics/silicacrystalline/construction_info_silica.html

Update: Issues on the Radar for 2018

In the [1Q 2018](#) newsletter we laid out the issues on our watch list. While that list was not a complete list of all measures that piqued our interest, it represented high priority targets that we followed with great interest throughout the year.

So, where are they now? Below is a rundown of the fate of our six high priority issues -- including two new ones that did not make the first list (AB 2518 and Governor's Executive Order B-52-18).

- **SB 1077 - OCIP Disclosure on Commercial and Public Projects: DEAD.** MCAC Position: Support. [MCAC Position Letter 7/9/18](#). I'm not gonna lie: This one hurt folks. This bill was sponsored by our industry ally, the American Subcontractors Association of California (ASAC), and sought full and timely (at bid time) disclosure of OCIP/CCIP terms on non-residential projects. The bill made great progress until the last couple weeks of the legislative session when opponents came out strong and effectively halted the measure. This is an issue worth fighting for so we hope to work with the opponents to reach a deal. What did the opponents object to, you ask. Read below.

Public entities claimed liability is unreasonably transferred to school districts and other public works stating that "It is critical for all parties on a project to participate in the defense of a claim or lawsuit. Allowing subcontractors to sit on the sidelines will preclude their meaningful participation in that defense, at a greater expense to taxpayers." Our suggestion: Public entities should secure ADEQUATE policies thereby eliminating/significantly reducing lawsuits...and costs to taxpayers.

In the meantime, make sure you protect yourself in OCIP/CCIP arrangements by using the [Subcontractors' Wrap Insurance Questions Checklist](#) prepared by ASAC GRC Chairman, Dan

MCAC is a member of ASAC and MCAC executive director, Julie Trost, is a member of the ASAC Government Relations Committee working to protect the rights of subcontractors through advocacy.

- **NEW! AB 2518 - Wood Bill: SIGNED BY GOVERNOR 9/21/18.** MCAC Position: Oppose. [MCAC Position Letter 6/25/18](#). Requires that 2 schools and 2 fire stations in designated communities be built with mass timber AND that the State come up with funding mechanisms to help with that construction. The language from the bill detailing these requirements is below because some things you just have to read to believe.
(3) *Identifies communities, in addition to any requirements in Executive Order B-52-18, that have proposed to build public schools in kindergarten and grades 1 to 12, inclusive, and fire stations that are in areas that are near large landscape fires of greater than 50,000 acres that have occurred since 2005 and in areas identified as federal opportunity zones or in areas that have an average household income of 5 percent below the state's median household income. The department shall **propose the development of two schools and two fire stations to be constructed, to the maximum extent practicable, with mass timber.***
(5) *Proposes a mechanism for grants, low-interest loans, or a cost-share formula to enable the commencement of construction of the structures described in paragraphs (1) to (3), inclusive, as soon as practicable.*

[Click here for the fate of the other 4 issues.](#)

Registration is Open! MCAC 163rd State Meeting | March 4-6, 2019 | Kauai, HI



MCAC State Meeting
March 4-6, 2019
St. Regis Princeville Resort
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Sincerely,

Julie Trost

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