



Los Angeles Painting & Finishing Contractors Association

October/November 2012

1106 Colorado Blvd., Los Angeles, California 90041 Phone: (323)258-8136 Fax: (323)258-2279 Website: www.lapfca.org

LAP&FCA Election + Holiday Charity Event on December 8

The Los Angeles Painting & Finishing Contractors Association will hold its annual Holiday-Charity Event on Saturday evening December 8 in the California Ballroom at the conveniently located Pasadena Hilton. Just steps away from charming Old Town Pasadena, the hotel is on the corner of Los Robles Ave. and Cordova Blvd., less than a mile off the 134 freeway.

The evening will begin at 6:00 p.m. with a cocktail/social hour to be followed by a sumptuous holiday buffet. This is also an election year, as every two years all LAP&FCA members in good standing can vote for a new Board of Directors who will serve a two year term beginning on January 1, 2013 and continuing to December 31, 2014. A slate of candidates recommended by the Nomi-

nating Committee will be presented to members for their approval.

This 21st annual event also encourages every attendee to bring in at least one unwrapped gift (suitable for children 1-12 years) to be donated to a local charity for distribution to some of Los Angeles' most needy children. There is no limit on the amount of gifts and hearing about how our chapter members and guests generosity has meant so much in brightening the Christmas season for these children is truly heart-warming.

We are also pleased to have the wonderfully entertaining and talented band "Generation 3" for your listening and dancing pleasure. Look for the LAP&FCA Holiday Event Registration Form/Flyer and the Special Price which

includes parking, 2 drinks, holiday buffet and entertainment in your mail and e-mail.

The event is open to LAP&FCA members, family and guests. Also the newly formed Alliance of Union Contractor Members (LAP&FCA + Orange Country PDCA/UMLRC, San Diego Master Painters and Ventura, SLO, Sta. Barbara Master Painters) are all very welcome.

If you are planning on staying the night, we have arranged a special room rate of just \$115. You may call the hotel direct at 626-577-1000 or toll-free number 1-800-HILTONS and ask for the Group Rate for Los Angeles Painting & Finishing Contractors Association. The hotel offers a complimentary shuttle service within a 2-mile radius.



Dave Kappos (American Coatings), J.R. Grzeskowiak (The Blakely Co.) and Josh Moon (Duggan & Associates) enjoying the informative September 11 Chapter Membership Meeting.

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President's Corner

An important Alliance of the leading union painting contractor associations signatory to an agreement with DC#36 has been formed.

The Alliance covers the State all the way from Central California to San Diego. LAP&FCA joins the Southern California PDCA/UMLRC, the Master Paint Contractors of San Diego and the Ventura, Santa Barbara, San Luis Obispo Master Painters Association in forming a solid bond speaking as one voice when addressing and advancing their common interests and goals.

Since this is a year of negotiating a new Master Labor Agreement with the current agreement expiring on June 1, 2013, the Alliance takes on an added importance. The Alliance will be negotiating a collective bargaining agreement which is fair, competitive and in the best interests of the industry. Further, the Alliance will promote harmonious labor relations with DC#36 and the employees represented by DC#36.

We're glad to team up with these

outstanding associations and look forward to working with them on all endeavors to help move the industry forward in several areas including gaining/re-gaining a greater market share that has been lost over the years.

The LAP&FCA November 13 Membership Meeting at the Beckham Grill will feature a clear and concise talk on the new California state law that requires all paint retailers to take responsibility for the recycling and disposal of key paint products. Painting Contractors need to know that manufacturers are required to add a paint stewardship fee to the wholesale price of architectural paint products. You will have the opportunity to ask questions and clearly understand how this new law affects you.

LAP&FCA Marketing Brochures and accompanying DVD are available for the asking and all you have to do is let your chapter office know how many copies of each you need. Many of our members have used these marketing materials to help them get jobs.



Photo in Pasadena, Ca., where this year's holiday event will take place.

Also remember to put the date of December 8 on your calendar as the 21st annual LAP&FCA Holiday-Charity Event will be held at the convenient and charming Pasadena Hilton.

Exercise your right to vote for a new Board of Directors, put a smile on the face of children in need by bringing in an unwrapped gift (s) and just have a great time at a fun event for an unbeatable price.

CALENDAR

WHEN

WHAT

WHERE

November 13 11:30 a.m.	Chapter Membership Meeting	Beckham Grill Pasadena
November 13 10:45 a.m.	Associates Meeting	Beckham Grill
November 13 1:30 p.m.	Board of Directors Meeting	Chapter Office
October 28-31	Finishing Industry Forum	Caesar's Palace Las Vegas
December 8	LAP&FCA Holiday Event Election of 2013-2014 Board	Pasadena Hilton
January 14-17	SSPC Annual Conference	San Antonio
January 20-23	PDCC 109th Convention	Santa Barbara Fess Parker's DoubleTree Resort
March 3-6	PDCA Expo	St. Louis Hyatt Regency
April 6	LAP FCA Day At The Races	Santa Anita Park
May 1-3	Quality Construction Alliance Legislative Conference	Washington DC Renaissance Hotel
May 29-June 1	FCA Leadership Conference	Philadelphia



LEGISLATIVE NEWS



STATE

Governor Signs 3 Bills Supported by CILC
(Construction Industry Legislative Council)

AB1794 (Williams - D) Contractors: Workers' Compensation Insurance Reporting
Signed by Governor on 9-30-12
Authorizes the Employment Development Department to provide the specified new employee information to the Joint Enforcement Strike Force on the Underground Economy, The Contractors State License Board, and the State Compensation Fund. Requires these agencies to execute a memorandum of understanding regarding the administration and enforcement of reporting and payroll duties relating to contractors.

AB2219 (Knight - R) Contractors Workers Compensation Insurance Coverage
Signed by Governor on 9-19-12
Amends existing law requiring licensed contractors to have on file with the Contractors' State License Board, a current and valid Certificate of Workers Compensation Insurance or Certification of Self-Insurance in the applicant or licensee's business name, or a statement certifying the he or she has no employees and is not required to obtain or maintain

REMEMBER TO VOTE ON
NOVEMBER 6
Bad officials are elected by good citizens who do not vote
Andrew Lack

workers compensation insurance.

AB2237 (Monning - D) Contractors: Definition
Signed by Governor on 9-19-12
Defines the term consultant for purposes of the definition of a contractor to include a person who provides a bid, or who arranges for and sets up work schedules, and maintains oversight of a construction project, with respect to a home improvement contract.

More Bills Signed by the Governor
SB1509 (Simitian -D) Extends from January 1, 2014 to January 1, 2020, the sunset on a law authorizing the use of design-build contracts for construction of K-12 schools and community college buildings. The law allows school districts and community colleges to use design-build construction contracts on projects worth at least \$2.5 million after weighing a traditional design-bid build contract option in a public meeting.

SB1370 (Berryhill - R) , Requires the director of the Department of Industrial Relations to post on the department's website a list of every California code section, and the contents of those sections, that relate to prevailing wage

rate requirements for workers employed on public works projects.

The bill is backed by Associated Builders and Contractors of California (ABC) as a way to provide one specific location to increase transparency and improve compliance for project owners and contractors on prevailing wage projects.

AB2677 (Swanson - D) Allows increased employer payments on prevailing wage projects that reduce hourly wages as long as the increased payments meet certain conditions, for example if the payments are placed in a pension account or health care reserve account.

These laws take effect on January 1, 2013
Source: Bloomberg BNA Construction Labor Report 10-11-12

FEDERAL

FCA Legislative Update
Congress Hits the Campaign Trail
Congress bolted Washington DC for the campaign trail, leaving in its wake a pile of unfinished business on the budget and taxes, farm policy and legislation to save the Postal Service from insolvency. Congress returns on Monday, November 12, 2012.

Seven House Panels Get New Chairman
Due to term limits, seven House panels

will get new Chairmen next Congress, putting new policy players atop committees that oversee everything from the financial sector to immigration to the nation's roads and bridges.

Senate Rejects Procedural Move to Continue Debate on Veterans Job Program Legislation

On September 19, 2012, the Senate rejected by a 58-40 vote, a procedural move requiring 60 votes to approve what would have allowed debate to continue on legislation that would create a national jobs program for returning veterans at a cost of \$1 billion over five years. The proposed Veterans Jobs Corps Act, introduced on July 30, 2012, by Sen. Nelson is intended to assist veterans in using skills learned in the military in serving as first responders, national park employees or other community workers. The bill faced a budget point of order that was raised by Sen. Sessions, who argued that the legislation violated Senate budget rules by not being paid for with offsets.

Congressional Budget Office Estimates 6 Million Americans will be Subject to Fees Under 2010 Healthcare Reform Law

The Congressional Budget Office (CBO) has revised estimates on how many Americans will be subject to fees under the 2010 healthcare reform law. The CBO and Joint Committee on Taxation now estimate that about six million people will be uninsured and subject to the fees in 2016, an increase of two million people since the last set of estimates in April. Total collections that year are estimated at \$7 billion. Most of the change relates to an alteration in the CBO's overall fiscal outlook, but 15 percent stems from the Supreme Court's ruling that states cannot opt out of expanding their Medicaid programs. *FCA Legislative Update, 10-9-12*

Obama Signs Into Law Reauthorization Covering E-Verify, Three Visa Programs

President Obama signed into law

September 28 legislation (S. 3245) that reauthorizes four immigration-related programs, including E-Verify, for three years. The law extends authorization for the EB-5 regional center program, the special immigrant nonminister religious worker program, and the Conrad State 30 J-1 visa waiver program.

All four programs were set to expire September 30, and the law sets a new expiration date of September 30, 2015.

The E-Verify program is the federal government's electronic employment verification system, which began as a voluntary programs but now is mandatory for federal contractors and some employers in 19 states that require its use.

The law makes the EB-5 regional center program into a permanent program, although it still will be subject to the three-year reauthorization.

EB-5 visas are designated for immigrants who invest between \$500,000 and \$1 million in a U.S. business that creates 10 full-time jobs for U.S. work-

ers. The EB-5 regional center program allows immigrants to invest through a regional center rather than running a new business themselves, and allows the immigrants to count indirect job creation toward the job creation requirement.

Bill author Sen. Patrick Leahy (D-Vt) applauded the extension, particularly the EB-5 regional center extension, in a September 28 statement. "I'm delighted that all the perseverance in the current difficult legislative environment paid off, and the new charter is in place right on time for investments like those just announced in Vermont," he said. "Best of all, these investments do not cost taxpayers a penny."

Bloomberg BNA Construction Labor Report, October 4, 2012



Don Vulich of Endurance Painting brings attendees of September 11 meeting up to date on the possibility of merging additional finishing crafts with paint and drywall under "one roof".

The Top 4 Causes of Construction Safety Accidents

Anyone involved in the construction industry would know that construction safety accidents are part and parcel of the industry. However, this only means that you should be doing all you can to make sure that they don't occur. The next best thing to completely eliminating accidents is reducing them, or at least reducing the risk of them occurring. If you want to achieve this goal, you have to first understand what the main causes of accidents and deaths are on construction sites. Providing a solution to a problem is not impossible without first knowing the causes of a problem.

You can divide all construction safety accidents into 4 main categories, all of which are listed below:

FALLS

Construction always involves people climbing great heights. In the construction industry, the leading cause of deaths is falls, and as a result, it must be treated seriously and appropriately. All construction safety plans must contain provisions in order to protect workers from falling from dangerous heights. Here are some hazards to manage:

- Unprotected sides
- Bad scaffold construction
- Portable ladders not used properly

STRUCK-BY

This category refers to dangerous contact between humans and heavy equipment. In the great majority of cases, cranes and trucks are the main cause of accidents and

deaths. Apart from heavy vehicles, you must also watch out for falling objects and unstable walls.

ELECTRICAL INCIDENTS

Electricity is such an essential part of our daily lives that we sometimes tend to take it for granted. More importantly, we take for granted how dangerous a safety hazard such as electricity can really be. OSHA says that workers should not work near an electrical power circuit unless they are wearing adequate protection. Below are a number of hazards that electricity can pose:

- Contact with power lines
- Equipment not used properly
- Extension cords not used properly

TRENCHING & EVACUATION

Contrary to popular belief, cave-ins are not the leading cause of accidents and fatalities when it comes to trenching. Here a couple of other hazards to watch out for:

- Not having enough oxygen in a closed space (which leads to asphyxiation)
- Toxic fumes
- Drowning

Injury and Illness Prevention Program (IIPP)

The Injury and Illness Prevention Program (IIPP) is a basic written workplace safety program. Title 8 of the California Code of Regulations (T8CCR) Section 3203, requires every employer to develop and implement an effective IIPP.

A successful IIPP improves the safety and health in your workplace and reduces costs by good management and employee involvement.

The 8 required Injury and Illness Prevention Program elements are:

- (1) Responsibility
- (2) Compliance
- (3) Communication
- (4) Hazard Assessment
- (5) Accident/Exposure Investigation
- (6) Hazard Correction
- (7) Training and Instruction
- (8) Recordkeeping

To be effective your IIPP must:

- Fully involve all employees, supervisors, and management
- Identify the specific workplace hazards employees are exposed to
- Correct identified hazards in an appropriate and timely manner
- Provide effective training

Source for above articles: Panel Board, published by NECA, August 2012



Editorial Committee

Executive Director: Greg Quinn

Chapter President: Steve Edgar

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While this newsletter is designed to provide accurate information and authoritative information on the subjects covered, the Association is not engaged in rendering legal, accounting or other professional or technical services. Accordingly, the Association cannot warrant the accuracy of the information contained in the newsletter and disclaims any and all liability, which may result from publication of, or reliance on the information provided herein. If legal advice or other expert assistance or advice is required, the services of a competent professional person should be sought.

HELP IS ON THE WAY

When you belong to LAP&FCA you also belong to the two premier national associations for the painting industry, PDCA and FCA International.

Keep the following two numbers handy for any questions you may have in the area of Safety or Technical Issues.

PDCA Technical Hotline - 1-877-344-8594

Bob Cusamano is President of Coatings Consultants Inc. His consulting firm analyzes paint failures, writes project specifications, provides expert witness testimony and teaches seminars to painting contractors. Bob is the former owner of Sun Art Painting Corp. and a former national PDCA President.

FCA Safety Specialist - 314-667-9946
Cindy Spangler is the Safety Specialist and Central Region Vice President for the Finishing Contractors Association (FCA) International.

Associate Member Column

Submitted by Kevin Mayer, Sherwin-Williams
PaintCare Fact Sheet for Trade Painters -

A New California law affecting paint Sales Took Effect on October 19, 2012

What Trade Painters Need to Know
(1) manufacturers to add a paint stewardship assessment fee to the wholesale price of architectural paint products and (2) retailers to add the fee to the purchase price of paint. (3) Retailers may also volunteer to be paint collection sites for residents and certain businesses in their community.

New Paint Stewardship Program in California

The American Coatings Association (ACA) has worked over the last 10 years with various stakeholders interested in the management of post-consumer paint to develop and implement an industry-led paint stewardship program in the United States.

Paint Care, a non-profit 501 (c)(3) organization, was established by the ACA to implement state-mandated paint stewardship programs on behalf of paint manufacturers in each state that adopts a paint stewardship law.

Continued on page 8

INFOLINE

LAP&FCA Offers Members Many Benefits

PDCA Employee Safety Books in either English or Spanish are available Free of charge (\$7 each to non-members) to LAP&FCA contractor members. Also free to LAP&FCA members, the 2013 California Construction Law will be ready after the first of the year (\$62.95 non-members).

PDCC Past President Passes

A memorial service for past PDCC President Paul Kortemeier of the Tri-County PDCA Chapter was held on September 29 in Pomona, CA. Paul was well liked by all who knew him and we offer our prayers to the Kortemeier family during this difficult time.

Site Coordinator for El Santo Nino Community Center Passes

We have learned that long time Site Coordinator for El Santo Nino Community Center in Los Angeles, Veona Gibson, passed away on June 13. Chapter members and guests who have attended the LAP&FCA Holiday Event over the years will always remember Veona for her kind words as she was always very appreciative of the countless gifts that chapter members donated to the needy children in the district that she so tirelessly worked.

LAP&FCA Contributes \$500 to California Construction Coalition

Realizing the damage that unlicensed contractors do to the state's economy and to the reputable licensed contractors in California, LAP&FCA contributed \$500 toward fighting this underground economy. The Coalition will meet on November 14 at the Pasadena Convention Center from 3:00 pm. to 4:30 p.m. at the IHACI Trade Show. The panel will include Dave Fogt Chief of Enforcement for the Contractors State License Board.

LAP&FCA Contributes \$1,000 to FCA International Legislative Fund

The importance of having a strong voice on Capitol Hill speaking on legislation of vital importance to its members, prompted the LAP&FCA Board to respond to FCA's request for support.



LAP&FCA Associate Members at the Beckham Grill: Tom Parks (Vista Paint), Bill Kopp (prospective member), Roger Rivas, Yolanda Jones (Glidden Professional), Allie Corey (Colors In View), Kevin Mayer and Kevin Seo (Sherwin-Williams) and prospective member Larry Ratliff. (Pro-Mark Group)

Continued from page 7

Oregon passed the first industry-supported paint stewardship law in 2009. California (2010), Connecticut (2011) and Rhode Island (2012) passed similar laws. Since Oregon's program started in July 2010, more than 80 retail stores were set up as collection sites, and the program collected close to 1 million gallons of post-consumer architectural paint.

Assessment Fee and Funding

As required by law, at the program start date, a paint stewardship assessment fee (PaintCare recovery fee) must be added by manufacturers to the wholesale price of all architectural paint sold in California. This fee will fund the collection, transportation, recycling and proper disposal of architectural paint. It will also pay for consumer education and administrative costs. Paint retailers and distributors will see this fee on their invoices from paint manufacturers.

The law also requires each retailer and distributor to add PaintCare Recovery Fee to the purchase price of architectural paint sold in California. While displaying the fee on consumer receipts is not mandatory, PaintCare encourages retailers and distributors to do so to ensure transparency and aid to consumer education.

Advance Notice for Trade Painters

It is expected that trade painters will pass the fees on to their customers in order to recoup this cost. When estimating jobs for which architectural paint will be purchased after the program starts, trade painters should consider these additional fees by checking with their retailer to make sure the quotes for materials include the fees as well as by including the fees in their job bids/estimates to customers.

The fees in California will be based on container size

- Half pint or less \$0.00
- More than half pint to less than 1 gallon \$0.35
- 1 gallon \$0.75
- More than 1 gallon to 5 gallons \$1.60

Paint Collection Sites

PaintCare will establish hundreds of collection sites across California at municipal household hazardous waste (HHW) facilities and paint retail stores. When these sites are part of PaintCare, they will accept program products at no additional charge from all residents and certain businesses.

Use of Retail Collection Sites

Retail sites will be added in California under the PaintCare Program and provide cost savings and a convenient recycling option for many trade painters and other eligible businesses. Hundreds of PaintCare drop-off sites will be established at paint, hardware and home improvement stores.

Limits on Quantities at Collection Sites

Collection sites may establish limits on the quantity of program products they will accept from residents and eligible businesses at one time. Generally, the limit in small urban stores will be lower than in larger suburban stores. For businesses with large quantities of post-consumer paint to recycle, a direct pick-up service will also be offered through the PaintCare Program at no additional cost, arrangements for this service will be made through PaintCare. Minimum volume requirements for pickups will vary depending on location and other services available in your area.

What Products are Covered?

Architectural paints (Program Products) are defined as interior and exterior architectural coatings sold in containers of 5 gallons or less. However, they do not include aerosol products (spray cans), industrial maintenance (IM), original equipment manufacturer (OEM), or specialty coatings. Here are examples:

Program Products

- * water-based paints: latex, acrylic
- * Oil-based paints: alkyd, enamel
- * Clear coatings: shellac, lacquer, varnish, urethane
- * Primers and undercoaters
- * Stains
- * Floor paints and deck coatings (including elastomeric)
- * Waterproofing sealers and water repellants (not tar-based or bitumen-based)
- * Field and lawn marking coatings



Nick Weintraub of Barlocker Insurance speaks at September 11 Membership Meeting.