

FEBRUARY 2017

FEBRUARY

February 15
Monthly Meeting
LUNCH MEETING
Syberg's on Dorsett

February 23
Prevailing Wage
Seminar
UHY LLP

MARCH

March 8
Monthly Meeting
DINNER MEETING
Syberg's on Dorsett

March 15-18
ASA SUBEXCEL
Denver, CO

APRIL

April 1
The Glitter & Gold
Awards Gala
The Four Seasons

April 19
Monthly Meeting
LUNCH MEETING
Syberg's on Dorsett

MAY

May 24
Construction Showcase
& BBQ
Queeny Park

visit
www.asamidwest.com *for*
a calendar of events.

Let me begin this month's message by saying I hope everyone has had a great start to 2017, and to thank everyone who took the time to attend the ASA Meet the GC's EXPO this year. We had a great turn out, with 32 general contractor exhibitors, and as always, an awesome networking event that kicks off each new year. Thank you to Susan Winkelmann, and the EXPO committee for all your hard work on this event.

There is a lot going on that relates to our industry right now, with Right to Work and Prevailing Wage on the top of many minds in 2017. These are both issues that will impact our companies, and industry, regardless if we are union or nonunion. Because of that, ASA will be offering an educational seminar on these issues later in the month, February 23rd at the UHY offices in Maplewood. Please mark you calendars, and register on the ASA Midwest Council website.

The ASA Midwest Council's 24th annual awards gala, the *Glitter & Gold Awards Gala*, will be here before we know it. The date is Saturday April 5, 645¹, at the Four Seasons Hotel downtown St. Louis. To register visit asamidwest.com by March 22nd, to reserve your spot. Tickets are \$160 per person for the black tie optional event. We also have a special room rate (\$200) at the Four Seasons. The room block fills up fast, so please book your room (call 314.881.5757 and ask for the ASA rate) by March 10th. The annual awards gala is a great way to celebrate our industry, and rub shoulders with all the nominees, and outstanding GC's, Subcontractors, Suppliers, and Vendors.

As always, if you have any suggestion of how we can make ASA Midwest Council a better organization for you, our members, please contact me at amyh@ameconstructors.com or 314.645.7553 I look forward to seeing you soon at the next ASA event or meeting.

Sincerely,

Amy Heeger
AME Constructors
amyh@ameconstructors.com
President, ASA Midwest Council



Syberg's on Dorsett
2430 Old Dorsett Road
Maryland Heights, MO

Directions: Exit HWY 270 at the Dorsett Exit. Go east on
Dorsett, and a left onto Old Dorsett Road to Syberg's.



SAVE THE DATE!!

**ASA MIDWEST
COUNCIL'S**

**Construction
Showcase
& BBQ**

**Wednesday,
May 24th 2017
QUEENY PARK**

Join a committee today.

Membership

(Chris O'Hagan)

Programs

(Chris O'Hagan)

Golf *(Jennifer Church)*

Advocacy *(Tim Thomas)*

Awards Gala

(Molly Spowal /Rick Swanson)

Construction Showcase & BBQ

(Amy Heeger/Jim Riportella)

GC Expo

(Walter Bazan, Jr. /Tim Thomas)

Safety

(Mike Sicking)

Brand Development

(Stephanie Woodcock)

Contract Review *(Dick Stockenberg)*

Contact a committee chair today, to join a committee!

**FEBRUARY 2017
MONTHLY MEETING
MEMBER LUNCH MEETING**
Syberg's on Dorsett
Wednesday, February 15, 2017

Please join the ASA Midwest Council on Wednesday, **February 15th** for the Monthly Membership **LUNCH** Meeting.
Syberg's on Dorsett:
11:30 a.m. to 1:00 p.m.

Our program will feature representatives from **The U.S. Army Corps of Engineers**, who will provide an update on the **NGA** project. The estimated \$1.75 billion **National Geospatial-Intelligence Agency's** western headquarters will be located in North St. Louis City. Information will include a status update on the project, upcoming opportunities for the subcontractor community, including MBE requirements, and scope of work. Join us for lunch and presentation, followed by Q & A. time with presenters.

MEETING AGENDA:

11:30-Noon.-Networking

11:30 to Noon BPI (Business Practice Interchange-subcontractor/supplier members only.)

12:10 LUNCH

12:30-1:00 p.m. Program: NGA

BPI Companies: BSI, Contegra, HBD, Holland Construction, McCarthy Building Co.'s, Opus, Plocker.

Invite a non member guest to this meeting as it is one of the best ways to introduce non members to all the benefits of ASA!

First time non member guests are FREE, but must be registered in advance with the ASA office. susan@asamidwest.com

\$25includes lunch & program.

Register online-www.asamidwest.com by Friday, February 10, 2017

Attendees not cancelled by 2.10.17 will be charged per ASA cancellation policy.



Building. Community. For 50 Years.

The American Subcontractors Association-Midwest Council (ASA) is celebrating its 50th Anniversary in 2017!



ASA Midwest Council is on LinkedIn, Twitter & Facebook! Follow ASA Midwest Council for the latest news and information.

Don't Lose Your Business to Cybercriminals
Partner with your business bank to protect
your company's assets.



Rich Watson
Enterprise Bank & Trust

As a business owner, you are faced with many challenges in creating a successful organization. In today's world, this includes combatting cybercriminals. According to cyber security firm Symantec, 43 percent of all targeted attacks are now directed at those with 250 employees or less. The last five years have shown a steady increase in attacks targeting businesses with less than 250 employees. Cybercriminals are attacking smaller businesses because they often lack sufficient protection, writes Symantec expert Andy Singer. Finding a progressive banking partner who can give you the tools and knowledge to help you combat cybercrime can be critical to your financial success.

Identifying the Cyber Criminal

So who are these cyber criminals? Today's cyber criminals who are trying to "hack" or obtain unauthorized access to your accounts are purely motivated by financial gain.

Cyber criminals are electronically initiating fraudulent transactions by using stolen online credentials. These activities are described as corporate account takeovers (CAT). Per the 2016 Symantec Incident Security Report, "In 2015, 43 percent of targeted spear-phishing blocked by Symantec were destined for small businesses, compared with 34 percent in 2014."² Unfortunately, social engineering or "people hacking" techniques such as "phishing" or tricking someone into opening up malicious attachments or clicking links are still effective as the "human being" has always been the weakest link in the security chain. One misstep by a single employee at a business can be the path where the cyber-thief enters an organization, installing malware surreptitiously, and remotely capturing every keystroke by the employee.

Companies are vulnerable to "phishing" as employees are curious and/or often fail to take the time necessary to recognize the bait in the ruse. If an employee clicks a phishing link or opens an attachment, malware may be installed, particularly if the employee's software is outdated. An organization can reduce the likelihood of malware infections by regularly patching operating systems, applications, browsers, and other helper applications and browser add-ons. However, patching requires frequent attention and can be overlooked -- especially by businesses that either have no IT department or rely on a third party.

Ways to Partner with Your Business Bank

By joining forces, you and your Bank can work together to combat cybercrime. For example, the Bank can implement certain controls for clients with a higher risk of fraud, such as commercial clients with ACH/wire capabilities. One such control involves requiring two ways to authenticate users within online banking. Relying solely on a user login and password is no longer sufficient in the internet banking world.

A login/password is considered single factor authentication - "something you know". Multi-factor authentication includes a second factor - "something you have" - such as receiving an out of band (OOB) code. Out of band is defined as receiving information or a code using a different method of communication. Instead of receiving it via an internet medium such as email, the code is sent to your phone by text or voice message. Linking your phone with online banking has proven to be effective in reducing the likelihood of corporate account takeovers.

Ways to Protect Your Business Against Cybercrime

As banks implement new controls to combat ever more sophisticated threats, the other half of the equation is based on the controls you establish at your workplace. One additional layer may be dual authorization. Dual authorization requires two separate employees to be involved in drafting and confirming an ACH or wire. Typically, the first user drafts the transaction; the second user authorizes or confirms the transaction.

Another way to reduce the risk of cyber-attacks includes setting daily limits on transactional amounts based on your normal activity. If you don't anticipate ever transacting more than \$40,000 in ACH or wires per day, then have a limit set at that amount.

Setting alerts, whether email or text, on sensitive security functions will keep you in the know about activities within your online banking environment. For example, you can set up an alert to receive a message when an incorrect password has been entered or new user has been created.

Finally, one of the best ways to combat cybercrime is to use a dedicated computer to perform your financial activities. This computer should be restricted to only access your banking websites - no email, web surfing or other activities. This reduces the risk of phishing or visiting a "drive by download" malware website.

In summary, cybercrime is a real threat to the financial success of your business. You should expect a banking partner who works with you to mitigate cyber risks. Most banks offer products that follow regulatory guidance for high-risk transactional systems such as online banking. Out of band at the login and transactional levels helps reduce the risk of fraudulent activity occurring. Within your workplace, consider adding additional layers such as setting limits, configuring alerts, employing dual authorization and even using a dedicated computer for banking. Banding together, you and your Bank have a better chance of stopping fraud in the ever-changing world of cybercrime.

Rich Watson is Vice President of Information Security for Enterprise Bank & Trust. He manages the information security for Enterprise Bank & Trust rwatson@enterprisebank.com.

Drilling Service Company, a St. Louis-based drilled shaft and deep foundations contractor for commercial, industrial, and utility clients, and an ASA Midwest Council member, has acquired the equipment assets of Deep Foundations, LLC, headquartered in Pacific, MO.

“The acquisition of Deep Foundations equipment assets will allow us to improve project efficiency and delivery capacity for our customers,” Jeffrey Murphy, Drilling Service Company executive vice president said.

The equipment assets of Deep Foundations will be incorporated into the extensive inventory of equipment and tools based at Drilling Service Company’s headquarters, warehouse and 21-acre yard facility in St. Louis, MO.

“We are excited about this opportunity to augment our capabilities for existing customers, and to service new customers,” Murphy said.

After a brief transition period, Deep Foundations will be legally dissolved. Deep Foundations is not pursuing new work. All Deep Foundations contracts currently in place will be completed by Drilling Service Company.

“We look forward to providing the same level of service to Deep Foundations’ clients that our clients have enjoyed for over six decades,” Murphy said.

This is Drilling Service Company’s second acquisition of a drilled shaft and deep foundations firm in the past two years. In 2015 Drilling Service Company began the acquisition of Taylor Ridge Drilled Foundations, Inc. of Taylor Ridge, IL. Drilling Service Company, a second-generation family enterprise owned by brothers Mark Murphy, Bruce Murphy and Jeffrey Murphy, has been in business for 61 years. Deep Foundations, LLC was founded in 2012. Terms of the acquisition were not disclosed.

For further information contact: Jeffrey Murphy (314) 291-1111



THANK YOU

to the MEMBER COMPANIES that attended the DECEMBER monthly meeting:

Affton Fabricating & Welding	ELCO Chevrolet	Hoette Concrete Construc.	PayneCrest Electric
AME Constructors	Enterprise Bank & Trust	Hunt Vac Services	Precision Analysis
American Steel Fabrication	Envirotech	ideas4promos	Rental Supply
Bazan Painting Co.	Event Productions	Irwin Products	Rock Hill Mechanical
Bi-State Utilities	Fabick Rents	J.D. Kutter Insurance	RubinBrown
Briner Electric Co.	Freeman Contracting	J.W. Terrill	Schmersahl Treloar & Co.
CNA Surety	Gateway Land Services	Liberty Mutual Surety	Seal the Deal Too
Commercial Fabrication	George McDonnell & Sons	Luby Equipment Services	SFW Partners LLC
	Hayden Wrecking Corp.	Nu Way Concrete Forms	UHY LLP
		Parkway Construction Svcs	United Rentals

2017 ASA Midwest Council Meetings & Events



- | | |
|--------------------|---|
| February 15 | Monthly Membership LUNCH Meeting
<i>Syberg's on Dorsett</i> |
| March 8 | Monthly Membership DINNER Meeting
<i>Syberg's on Dorsett</i> |
| March 15-18 | ASA SubExcel Convention
<i>Denver, CO</i> |
| April 1 | The Glitter & Gold Awards Gala
<i>The Four Seasons Hotel St. Louis</i> |
| April 19 | Monthly Membership LUNCH Meeting
<i>Syberg's on Dorsett</i> |
| May 24 | ASA Construction Showcase & BBQ
<i>Queeny Park</i> |

*ASA Midwest Council is on Facebook, Twitter & LinkedIn
Follow ASA Midwest Council for the latest news and information!*

The Tom Owens Memorial Scholarship is a 501(c)(3) non-profit organization that provides financial assistance to qualified candidates who are part-time or full-time students who attend or will be attending accredited junior college, college, university or post-graduate institutions. Please consider making a tax deductible donation to the Tom Owens Memorial Scholarship Fund to further our cause today. For additional information about the Scholarship Fund contact Chris O'Hagan, J D Kutter Insurance -chris@jdkutter.com



THE ASA MIDWEST COUNCIL'S 24th ANNUAL AWARDS GALA

The Glitter & Gold Gala

Celebrating 50 Years of Setting the Gold Standard in Construction



THE FOUR SEASONS HOTEL ST. LOUIS
SATURDAY, APRIL 1st 2017

The ASA Midwest Council will honor the best of the best, in the construction industry, at our 24th annual Awards Gala, April 1, 2017!

We need your help ASA members!!

Help us recognize those firms that support and foster strong partnerships. Voting Ballots were mailed to all ASA Members in January. If you did not receive your ballot, please contact the asa office, susan@asamidwest.com

Ballots are due February 20, 2017.

Submit ballots to Mr. Mark O'Donnell, Schmersahl Treloar & Co.
modonnell@stcpa.com or by fax: 314.966.6464

SAFETY AWARD APPLICATIONS AVAILABLE AND DUE FEBRUARY 20th

ASA Midwest Council's
Glitter & Gold Awards Gala

Saturday, April 1, 2017

Evening Schedule

6:00 - 7:30 p.m. *President's Cocktail Reception*
 7:45 - 9:00 p.m. *Dinner Served*
 9:00 - 10:00 p.m. *Awards Presentation*
 10:00 - 11:00 p.m. *Celebration!*

To register, please visit asamidwest.com by March 22, 2017.
 Cost is \$160 per person. Valet parking included.
 Black-Tie Optional, but Admired!

ASA Room rate at Four Seasons is \$200
 Please call 314.881.5757 to book by March 10, 2017

FOUR SEASONS HOTEL
 999 NORTH SECOND STREET • ST. LOUIS, MISSOURI
 ASAMIDWEST.COM • 314.845.0855

ASA Midwest Council's Glitter & Gold Awards Gala 2017 Nominees

General Contractor of the Year 2017

CATEGORY A

Alberici Constructors
 BSI Constructors, Inc.
 L. Keeley Construction
 McCarthy Building Co.
 Tarlton Corporation

CATEGORY B

Interface Construction Corp.
 Kozeny-Wagner
 Kadean Construction
 McGrath & Associates
 Musick Construction Co.
 Rhodey Construction, Inc.

CATEGORY C

BEX Construction Services
 G.S. & S. General Contractors
 LANDCO Construction
 SITELINES, Inc.

MEP Subcontractor 2017

CATEGORY A

C.E. Jarrell Contracting Company
 Guarantee Electrical
 Haberberger, Inc.
 Integrated Facility Services
 Murphy Company
 PayneCrest Electric
 RockHill Mechanical Corp
 Sachs Electric Company

CATEGORY B

Aschinger Electric Company
 Bell Electrical Contractors, Inc.
 Duct Systems
 Kaemmerlen Electric
 KayBee Electric
 O.J. Laughlin Plumbing Co.
 R.F. Meeh Co.

Specialty Subcontractor 2017

CATEGORY A

Afton Fabricating & Welding
 Collins & Hermann, Inc.
 Fenix Construction Co.
 Flooring Systems, Inc.
 Heitkamp Masonry
 John J. Smith Masonry Co.
 T. J. Wies Contracting, Inc.
 Vee Jay Cement Contracting

CATEGORY B

AME Constructors
 American Steel Fabrication
 BAZAN Painting Co.
 Golterman & Sabo
 Meyer Painting Co.
 Swanson Masonry, Inc.
 Taylor Excavating

Service Provider/Supplier 2017

Enterprise Bank and Trust
 Fabick Rents
 J.D. Kutter Insurance Associates
 K & K Supply

Negwer Door Systems
 RG Rents
 Seal the Deal Too
 United Rentals

ASA Midwest Council
 P.O. Box 510743
 St. Louis, MO 63151
 314.845.0855
info@asamidwest.com
www.asamidwest.com



EVENT SPONSORSHIPS AVAILABLE

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WWW.ASAMIDWEST.COM**

SPONSORSHIPS DUE MARCH 22, 2017

January in Jefferson City means one thing for Capitol observers – the General Assembly is back in session. While most passers-by probably won't notice a difference, staffers are busy with newly filed legislation, committee hearings and the like. Also, capital city restaurant owners will enjoy the hike in business, as politicians from around the state make Jefferson City their home for the next five months.

While many seasoned legislators have made their way to town, a new face has arrived on the scene, as Eric Greitens became the 56th governor of the state when he was sworn in to office on January 9th.

Greitens is already facing some challenges in his first few days at the helm. Escalating costs of some state programs, coupled with slacking revenues from slow economic growth, has left the state in a financial shortfall. On January 16, the Governor withheld nearly \$150 million from the current year's budget, and announced that \$700 million in total would need to be trimmed over the next 18 months, to keep the budget in balance. Higher education was hit hard in the spending restrictions, with nearly \$56 million withheld from all four-year institutions, and around \$12 million cut from community colleges.

The new Governor also delivered his first State of the State address on January 17, giving some insight to his agenda for the upcoming year. Greitens pointed to passing Right to Work, changing Missouri's tax structure, modifying the welfare system, and enacting tort reform as issues he plans to tackle. Absent from his address was the 2018 fiscal year budget proposal. He also made no mention of a plan to fund the state's road and bridge system. The Governor also addressed an issue that up to now he had remained silent on --- Prevailing Wage. The Governor stated in his speech that "We must repeal our state's version of the Davis-Bacon act, which drives up the cost of important construction work that needs to get done. It hurts rural workers. It sets back rural families."

In other Capital action, and as expected, the legislature has moved swiftly on a Right to Work bill, having already passed the measure in the House, and quickly moving it through the Senate. We anticipate the bill to land on the Governor's desk any day, and expect him to sign the measure immediately.

Legislation filed dealing with prevailing wage laws have started to progress in the Senate and were heard in Senate committee in January. It now appears to be a reality that these bills will be heavily debated this year and possibly pass. SB29 filed by Sen. David Sater changes the definition of "maintenance work" as it relates to prevailing wage, and exempts such projects from prevailing wage requirements. The other bill, SB20 filed by Sen. Dan Brown eliminates prevailing wage laws in the state entirely. ASA members were there to testify in opposition to the bills. Changing or repealing the prevailing wage laws have been a priority of Republicans for the past several years. Now that the state has a Governor who just recently stated he supports changes to the state's prevailing wage laws, it appears there is now a real threat to some sort of change to the prevailing wage laws. ASA members are encouraged to reach out to their legislators and ask them NOT to support these bills.

We continue to keep a close watch on the above issues and any other legislation which might affect the construction industry during the legislative session. Nikki R. Strong, Strong Consulting Group, LLC

ASA Midwest Council Members

Acoustical Ceilings, Inc.
Affton Fabricating & Welding
AME Constructors
American Burglary & Fire, Inc.
American Steel Fabrication, Inc.
Architectural Sheet Metal Systems
Aschinger Electric
Automatic Controls Equipment Systems
Bangert Computer Systems
Bazan Painting Company
BDO USA
Bell Electrical Contractors
Benson Electric Company
Bick Group
Big Boy's Steel Erection
Bi-State Fire Protection Corp.
Bi-State Utilities Company
Bloomsdale Excavating Co.
Blue Line Rental
Boyer Fire Protection
Briner Electric
Building Point Mid-America
Bumpy's Steel Erection LLC
C. E. Jarrell Contracting
CK Power
CMIT Solutions
CNA Surety
Car-Doc Automotive
Cardinal Environmental Operations
Cee Kay Supply
CliftonLarsonAllen, LLP
Collins & Hermann
Commercial Fabrication
Convergint Technologies
Corrigan Company
Cummins Sales and Service
Deep Foundations, LLC
Doll Services and Engineering
Drilling Service Company
Duct Systems
Dynamic Controls, Inc.
ELCO Chevrolet Cadillac
Enterprise Bank & Trust
Envirotech, Inc.
Event Productions, Inc.
Fabick CAT
Fenix Construction Co. of STL
Flooring Systems, Inc.
Foreman Fabricators
Foundation Supportworks by Woods
Freeman Contracting
Frost Supply

Gateway Land Services
Galloway, Johnson, Tompkins, Burr & Smith
GBI, Inc.
George McDonnell & Sons
Golterman & Sabo
Grant Contracting
Greensfelder, Hemker & Gale, P.C.
Guarantee Electrical
H & G Sales, Inc.
HM Risk
Haberberger, Inc.
Hanenkamp Electric
Hayden Wrecking
Heitkamp Masonry
Helitech Civil Construction Division
Hoette Concrete
Hunt Vac Services
Ideas4Promos
Integrated Facility Services
IronPlanet
Irwin Products
J.D. Kutter Insurance
J.F. Electric
JJ Construction Services, LLC
J.W. Bommarito Construction Co.
J.W. Terrill
John J. Smith Masonry
Johnny on the Spot at Republic Services
Johnson Controls
K & K Supply, Inc.
Kaemmerlen Electric
Kaiser Electric
Kay Bee Electric
Kirberg Company
Kirby-Smith Machinery, Inc.
Knapheide Truck Equipment
Landesign LLC
Lawrence Fabric & Metal Structures, Inc.
Leach Painting Company
Liberty Mutual Surety
Lindberg Waterproofing
Lizmark
Luby Equipment Services
Marketeer, Inc.
Martin Fence, LLC
Mays-Maune-McWard, Inc.
Merric
Meyer Painting Co.
Midwest Elevator
Mobile Mini
Montgomery Bank
Murphy Company

Negwer Door Systems
NES Rentals
Niehaus Building Services
Nu Way
O.J. Laughlin Plumbing Co.
On Site
P & A Drywall Supply
P.M. Leach Painting Co.
Parkway Construction Services
PayneCrest Electric
Pearl Street Electric, LLC
Pirtek Fenton
Precision Analysis, Inc.
Professional Installers
Professional Metal Works, LLC
Priority Xpress Couriers LLC
QualSafe Solutions
RAI Insurance Group
R.F. Meeh Co.
RGR Equipment LLC
RJP Electric
RM Supply
Raineri Building Materials
Ravensberg, Inc.
Rebar Specialists Installation
Rental Supply, Inc.
Riechmann Transport, Inc.
Ritchie Bros Auctioneers
Rock Hill Mechanical Corp.
RubinBrown LLP
Sachs Electric Company
Safety International, LLC
Sandberg, Phoenix, von Gontard
Schaeffer Electric Co., Inc.
Schmersahl Treloar & Co.
Seal the Deal
Seiler Instruments
SFW Partners, LLC
Signature Craft
Stylemaster Apparel, Inc.
Sunbelt Rentals
Swanson Masonry, Inc.
T.J. Wies Contracting
Taylor Excavating
Trojan Iron Works, Inc.
TROCO Custom Fabrication
UHY LLP
United Rentals
Vee-Jay Cement Contracting
Vinson Mortgage
Westport Pools
Wies Drywall and Construction
Zurich Surety

Each month you will receive an update on the committees within ASA, to keep you informed. on current happenings at the committee level. Below are this month's committee reports.

MEMBERSHIP

Help ASA Midwest Council continue to grow in 2017! Do you know a company that would benefit from joining the ASA? Contact membership chairman Chris O'Hagan-chris@jdkutter.com or Susan Winkelmann, ASA executive director-susan@asamidwest.com with any prospective new members. The membership committee will follow up with your contacts, and invite them to the next ASA membership meeting as our guest.

The ASA Midwest Council helps St. Louis subcontractors become more profitable and provides members with numerous benefits. ASA's goal is to make our members more efficient and effective at doing business. We are an organization that helps its members increase their business and make them better at what they do on a daily basis.

ASA Midwest Council provides extensive opportunities to *Learn About and Network with Customers and Peers*: ASA provides a safe place for construction business leaders to discuss their business challenges and opportunities.

Being active in ASA-MWC is a great way to meet with and interact with all of the members of the construction team, including customers and prospective customers.

ASA Midwest Council events are "must attend" for everyone in the St. Louis Construction Community. Our Meet the GC's Expo, Awards Gala, Golf Tournament, and STL Construction Showcase and BBQ, set the standards for all industry events.

ASA Midwest Council events attract those from all aspects of the construction industry including General Contractors, Subcontractors, Suppliers, and the Service Providers to the construction industry.

PROGRAMS

We are always looking for new members for the Programs Committee. If you are interested in participating in the ASA Programs Committee, or have a suggestion regarding programming, please contact Chris O'Hagan, J.D. Kutter Insurance, ASA Program Committee Chairman.

CONTRACT REVIEW

The committee has recently completed its review of the subcontract used by Burns & McDonnell. For a copy of the review, contact Susan Winkelmann, susan@asamidwest.com The next contract for review is Paric.

If you have other questions regarding the contract review service, contact committee chair, Dick Stockenberg, Sandberg Phoenix, von Gontard at rstockenberg@sandbergphoenix.com.

SAFETY

The safety committee meets the first Thursday of the month at 3:30PM. The location is variable depending on attendance. We are looking for more members. Please consider sending someone from your staff to join our committee. Remember Safety Pays! Call Mike Sicking at 314-486-3141 for information about the ASA Safety Committee.



**ASA Midwest Council is on
Facebook, Twitter & LinkedIn**

'Stay in Compliance with Federal Regulations,' ASA Cautions

When will onerous federal regulations be lifted?" is the question most frequently asked by ASA members in recent weeks, reports ASA Chief Advocacy Officer E. Colette Nelson. Her response is to caution subcontractors to "stay in compliance with federal regulations, even those they find onerous or disagree with, unless or until the federal government takes action to eliminate such rules." She reports that Republican leaders in Congress and the Trump Administration are "making lists and checking them twice" as they make decisions on which regulations they will use limited time and precious political capital.

There are three ways that existing federal regulations can be eliminated:

1. Congress could use the Congressional Review Act to force the withdrawal of a limited number of regulations. The CRA is a mid-1990s law that allows Congress to review and reject any new regulation within 60 legislative days of its final publication—that is, final rules issued after mid-June 2016. Because Senate rules require at least 10 hours of debate on each rule considered under the CRA, Nelson suggests that Congress will consider fewer than a dozen rules. Most of the rules under consideration for CRA review involve energy, environmental and tax issues.
2. The Trump Administration can take administrative action to reverse existing federal regulations. Nelson cautions, "Despite assertions on the campaign trail that existing federal rules can be eliminated with a flick of a presidential pen, unwinding existing federal regulations can take months, if not years." The process for eliminating regulations is the same as for initiating new regulations. Whether initiating a new rule or eliminating an existing rule, federal agencies must follow the Administrative Procedures Act. Under the APA, a federal agency must make a determination that a regulatory change is necessary, write the proposed change and its justification, and open the proposal to public comment. In general, the time from public notice to the effective date of a new rule takes at a minimum of 120 days, usually much longer. Trump can initiate administrative action on existing rules as soon as he is sworn in by issuing executive orders that direct federal agencies to begin the regulatory process on specific regulations. This may include, for example, OSHA's recent revisions to reporting injuries and illnesses and the FAR rule on the payment of a minimum wage by federal contractors and subcontractors.
3. The Trump Administration also can undercut a final rule by walking away from the legal defense of rules that currently are pending in the courts. OSHA's rule on crystalline silica and the Department of Labor's overtime rule may fall in this category.

Running Your Business Just Got Easier with New ASAdvantage Participant BuilderPro Fleetcard

As a busy ASA trade contractor, you should never be forced to choose between purchase control and convenience when it comes to making purchases for your business.

That's why BuilderPro is working with ASA to bring you the BuilderPro FleetCard MasterCard® by Comdata, a complete purchasing solution designed exclusively for contractors. BuilderPro delivers purchase control, savings, and convenience in managing your biggest expenses, so you can focus on what matters most—growing your business.

Plus, as an ASA member, you'll receive a \$100 statement credit when you start using your new BuilderPro card!

- **CONTROL:** The BuilderPro card enables you to purchase everything you need—materials, fuel, and maintenance—with none of the unwanted extras. Plus, it allows you to restrict exactly what, when, and where employees are purchasing in real time.
- **SAVINGS:** BuilderPro pays you back every day on your routine business expenses:
 - Get 5 percent cash back on building material purchases at Home Depot, Lowe's, Menards, and HD Supply.**
 - Save up to 6 cents per gallon on fuel purchases*.
 - Save 5 percent on maintenance purchases at Firestone and Tires Plus retail locations.***
- **CONVENIENCE:** Simplify payment and expense management. Powered by the MasterCard Network, BuilderPro is a single card that is accepted for all of the purchases you need to get the job done. You also receive a single invoice that delivers a streamlined view of expenses.

Don't wait! Call (678) 350-9207 to start saving today!

OSHA Issues a Final Rule on Beryllium Exposure

On Jan. 9, the Occupational Safety and Health Administration issued a final rule that would dramatically lower workplace exposure to beryllium. This strategically important material can cause devastating lung diseases when beryllium-containing materials are processed in a way that releases airborne beryllium dust, fume, or mist into the workplace air that can be then inhaled by workers.

In the construction industry, abrasive blasters and their helpers may be exposed to beryllium from the use of slag blasting abrasives. Work done in these operations may cause high dust levels and significant beryllium exposures despite the low beryllium content. The new beryllium standards for general industry, construction and shipyards require employers to take additional measures to protect an estimated 62,000 workers. According to OSHA, recent scientific evidence shows that low-level exposures to beryllium can cause serious lung disease. The final rule will reduce the eight-hour permissible exposure limit from the previous level of 2.0 micrograms per cubic meter (2.0 mg/m³) to 0.2 micrograms per cubic meter (0.2 mg/m³). Above that level, employers must take steps to reduce the airborne concentration of beryllium.

The rule requires additional protections, including personal protective equipment, medical exams, and other medical surveillance and training. It also establishes a short-term exposure limit of 2.0 mg/m³ over a 15-minute sampling period. To give employers time to meet the requirements and put proper protections in place, the rule provides staggered compliance dates. The rule is effective on March 10. Employers have one year to implement most of the standard's provisions. Employers must provide the required change rooms and showers beginning two years after the effective date. Employers are also required to implement the engineering controls beginning three years after the effective date. For more information, see the OSHA Web page on the new rule. The Trump Administration is likely to consider this rule for review and revocation.

ASA Joins Industry in Concerns with OSHA-Proposed Simplification

ASA, in coalition with the Construction Industry Safety Coalition and the Coalition for Workplace Safety, filed comments on Jan. 4, to express concern with regulatory revisions proposed by the Occupational Safety and Health Administration. On Oct. 4, 2016, OSHA proposed to remove or revise outdated, duplicative, unnecessary and inconsistent requirements in its health standards as part of its Standards Improvement Project. The OSHA proposal includes 18 revisions which cover not just construction but also changes to existing record-keeping, general industry and maritime standards. While ASA does not oppose all of OSHA's proposed changes, the Association does have concerns about revisions that fundamentally alter the scope and requirements of the affected standards and thus are not in keeping with the spirit of the SIP process. ASA Chief Advocacy Officer E. Colette Nelson said, "OSHA should not use the SIP process to backdoor substantive changes to its standards which would greatly affect construction employers." ASA told OSHA that:

- Changing the recording of hearing loss cases will significantly increase employer recordkeeping.
- Requiring employers to ensure that personal protective equipment properly fits all affected employees in construction is a significant and burdensome new obligation.
- Deleting the phrase "that could pose a hazard" under the excavation standard fundamentally alters the scope of the standard.
- Eliminating "unexpected" from the lockout/tagout standard deviates from OSHA's long-standing policies and will impose significant burdens on employers.

ASA urged OSHA to reconsider these proposals and to withdraw them completely from the SIP process. In addition, ASA joined CISC in calling on OSHA to ensure that its policy on the use of employee social security numbers is consistent and applied uniformly across all standards.

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