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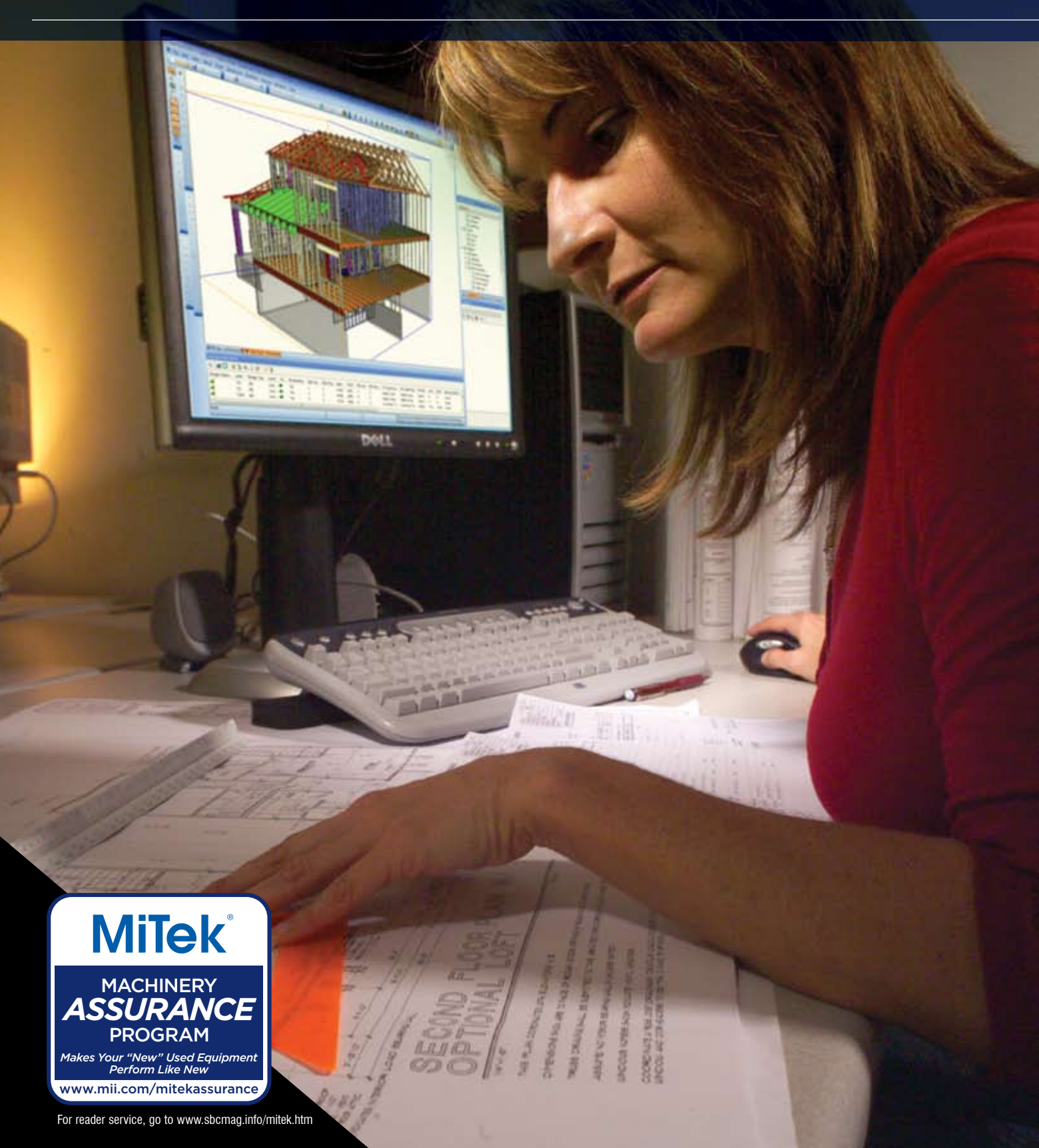
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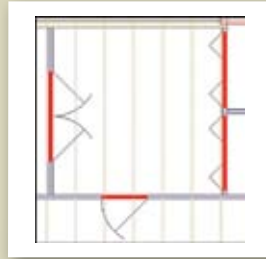
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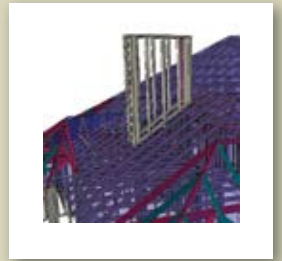
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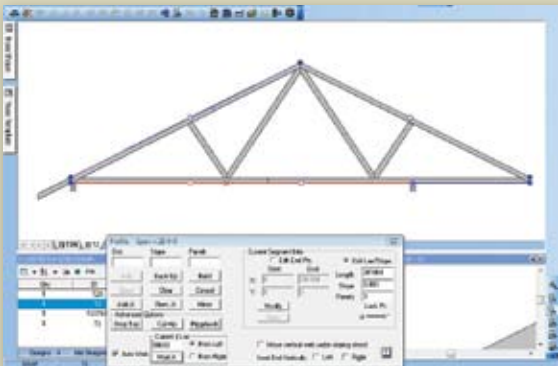
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Recap

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The Do-Everything Congress

by Sean D. Shields

Online Bonus Feature:

Preserving Employer/Employee Relationships

Go to www.sbcmag.info
to learn more about the
Employee Free Choice Act of 2009
(EFCA) & how it might affect
your business.

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WARNING: This Is an Explosive Topic!

by Sean D. Shields

Due to a series of high profile industrial explosions in the U.S. attributed to the combustion of fine dust, both OSHA and Congress are actively pursuing greater enforcement of existing regulations and proposing stricter requirements on the clean up and disposal of "combustible dusts," including sawdust. In the short term, it is likely that sawdust levels in your facility will be scrutinized more heavily during an OSHA inspection. In the long term, regulations governing the production, handling and disposal of combustible dusts will increase significantly, which could have a big impact on the way you run your facility. In order to sufficiently address these changes, you will likely need to implement a documented sawdust housekeeping plan and adequately train your employees on how to follow that plan.

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Editor's Message

Keep Humor & a Golden Defense in Your Back Pocket

by Ben Hershey

“The more you find out about the world, the more opportunities there are to laugh at it.”

—Bill Nye, Interview with
Wired.com, April 2005

It's good to see that the industry hasn't lost its sense of humor yet. Last week I got an email flyer from a supplier advertising machines for processing wood waste. Amongst pictures of equipment was a close-up of a wood chuck with the following description:

Price: \$5.80

Condition: Poor

Description: Finger-biting, hole-digging, flea-bitten rodent that is rumored to “chuck wood,” great for outdoor target practice.

I chuckled when I read it, and was grateful for a rare moment of levity. If nothing else, our humor will get us through these challenging times.

I just got back from the SBCA Legislative Conference in Washington. I have attended the conference many times in past years, but this time was more unique than any other...and not just because of the changes in our industry. This time, it is the landscape of our Congress and administration that has changed so drastically. One drastic change is that they want to try to fix everything immediately. With their foot firmly planted on the accelerator, the new administration along with a very willing Congress is trying to address the war on terrorism, carbon emissions, banking, housing, energy, health care, labor and possibly even immigration. With that as a backdrop, I visited my own Arizona Senator Kyl, who said little to calm my fears. He pointed out there is a real consequence to elections. Voters have effectively eliminated an effective opposition to check bad ideas at the door by slowing down the legislative process or forcing a “broader based bi-partisan” compromise on any of the bills being proposed to fix these huge problems. Kyl said the only real hurdle Congressional leaders face is dissent among their own party, which is hardly the check and balance our government needs. For a complete recap of this year's conference, turn to page 18.

Of course, one of the pieces of legislation currently being hotly debated in Washington is the Employee Free Choice Act of 2009 (EFCA). This was one of the issues on our list of talking points. I personally believe that the passage of this bill will have significant downside consequences for the companies in our industry. After reading Sean Shields' online bonus feature about the bill at www.sbcmag.info, I strongly urge you to call or write your Representative or Senator and explain how EFCA has the potential to limit our industry's growth.

We cannot sit back and hope this issue will go away. As example, around most of the Congressional buildings are banners from the various unions stating “WE are saving America, one union job at a time.” If you did not think writing was important before, it is imperative our voice be heard. Many of you, like me, have built relationships with various lawmakers that don't involve putting money in someone's pocket. Now is the time for you to turn to those relationships and let your voice be heard. Relationships in the realm of politics are very important, which is why hosting plant tours with our lawmakers is one of the most powerful things we can do to ensure our industry has a voice in DC on pressing issues like EFCA.

In a challenging business environment where we are fighting tooth and nail for

Continued on page 8

at a glance

- ❑ The SBCA Legislative Conference in May gave participants firsthand experience with the changes in Washington, DC.
- ❑ The Employee Free Choice Act of 2009 (EFCA) is a hot issue that needs your attention. Learn more about it in an online bonus feature at www.sbcmag.info.
- ❑ SBCA Legal Counsel Kent Pagel reminds us that using JOBSITE PACKAGES provides you with a “golden defense” in the courtroom.

every scrap of market share, lawsuits are inevitable. This brings us to the other focus of this issue: legal issues. In **Legal Edge** on page 14, SBCA Legal Counsel Kent Pagel warns of the potential increase in products and completed operations claims while the dust from the downturn settles. While it's true we should all be mindful of these risks, Pagel reminds us that there is a "golden defense" out there to protect us in the event of litigation stemming from the handling and installing of our products. That golden defense is SBCA's standard JOBSITE PACKAGE, one of the most affordable and effective methods of risk management out there. If you are not providing an SBCA Jobsite Package with every delivery to the jobsite, you are missing out on what could be your ticket out of the courtroom. In my opinion, it's one of the best values SBCA brings to its membership.

I wish everyone a productive summer. Remember to keep your sense of humor to lighten the load! **SBC**

SBC encourages the participation of its readers in developing content for future issues. Do you have an article idea for a future issue or a topic that you would like to see covered? Email your thoughts and ideas to editor@sbcmag.info.

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The mission of *Structural Building Components Magazine (SBC)* is to increase the knowledge of and to promote the common interests of those engaged in manufacturing and distributing structural building components. Further, *SBC* strives to ensure growth, continuity and increased professionalism in our industry, and to be the information conduit by staying abreast of leading-edge issues. *SBC's* editorial focus is geared toward the entire structural building component industry, which includes the membership of the Structural Building Components Association (SBCA). The opinions expressed in *SBC* are those of the authors and those quoted, and are not necessarily the opinions of Truss Publications or SBCA.

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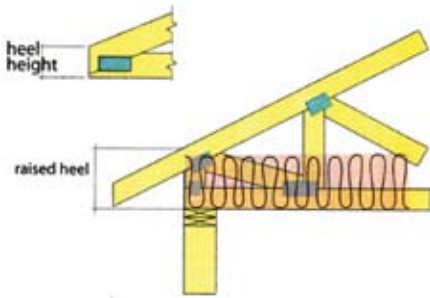
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If you'd like more information on Truss Technology Workshops or assistance recruiting members, please contact Trish at tkutz@qualtim.com or 608/310-6768. **SBC**

by SBC Staff

How ceiling assembly R-values in the IRC affect truss heel heights.



The top detail illustrates a standard heel, while the bottom detail illustrates a raised heel, which enables the insulation to extend uncompressed all the way to the wall.

at a glance

- Information about ceiling space energy requirements from the International Energy Conservation Code is replicated in both the IRC and IBC.
- IRC Section N1102.2.2 applies to ceilings without attic spaces while Section N1102.1 applies to those with attic spaces.
- It is assumed that attic spaces do not require raised heels in order to meet given R-values. Instead, the insulation must be deep enough to achieve it wherever the construction technique allows it.

Question

My local jurisdiction recently adopted the 2009 International Residential Code (IRC). I am confused by Section N1102.2.2:

N1102.2.2 Ceilings without attic spaces. Where Section N1102.1 would require insulation levels above R-30 and the design of the roof/ceiling assembly does not allow sufficient space for the required insulation, the minimum required insulation for such roof/ceiling assemblies shall be R-30. This reduction of insulation from the requirements of Section N1102.1 shall be limited to 500 ft² (46 m²) of ceiling area.

Does this mean I need to raise the heel height on trusses to be able to achieve at least an R-30 at the heel to comply?

Answer

No. Section N1102.2.2 applies to construction where there is no attic space. The IRC defines an attic as the unfinished space between the ceiling joists of the top story and the roof rafters. Section N1102.2.2 refers to construction where there is no space between a rafter and a ceiling joist. An example of a ceiling without an attic space is a sloped I-joist roof with the ceiling applied directly to its bottom edge and sheathing applied to the top edge. There is limited space between the ceiling and sheathing to fill with insulation.

When considering trussed construction, we must look to other code sections to understand the heel height requirements. Chapter 11 of the IRC deals with energy efficiency. The information in this section is replicated from Chapter 4 in the International Energy Conservation Code (IECC). (Similar information is also given in the International Building Code.) Table N1102.1 in the 2009 IRC (on page 11) specifies the required R-value that must be achieved in the attic (ceiling) area.

N1102.1 Insulation and fenestration criteria. The building thermal envelope shall meet the requirements of Table N1102.1 based on the climate zone specified in Table N1101.2.

The ceiling R-values in Table N1102.1 are determined by climate zones as defined in Figure N1101.2 in the 2009 IRC (on page 11). Blown cellulose insulation typically provides an R-value of approximately 3.6 per inch.¹ Therefore, in the coldest climates of the United States where R-49 is required (zones 6 and 7), approximately 14" of insulation is required. Similarly, about 11" would be required to achieve R-38.

Table N1102.1 does not define how the required R-value is to be achieved, which has caused some confusion. For instance, does the entire attic space need to achieve the given value? Or is it understood that it may not be possible for some attic areas to achieve it due to the constraints of the framing system (i.e., standard heels on trusses or conventional rafter framing)?

Section N1102.2.1 provides some answers:

N1102.2.1 Ceilings with attic spaces. When Section N1102.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves.

¹ <http://www.cellulose.org/BuildersContractors/KeyPerformanceFeaturesTable.php>

CLIMATE ZONE	FENESTRATION U-FACTOR	SKYLIGHT ^b U-FACTOR	GLAZED FENESTRATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE	FLOOR R-VALUE	BASEMENT ^c WALL R-VALUE	SLAB ^d R-VALUE AND DEPTH	CRAWL SPACE WALL R-VALUE
1	1.2	0.75	0.40	30	13	3	13	0	0	0
2	0.75	0.75	0.40	30	13	4	13	0	0	0
3	0.65	0.65	0.40 ^e	30	13	5	19	0	0	5/13
4 except Marine	0.40	0.60	NR	38	13	5	19	10/13	10, 2 ft	10/13
5 and Marine 4	0.35	0.60	NR	38	19 or 13 + 5 ^g	13	30 ^f	10/13	10, 2 ft	10/13
6	0.35	0.60	NR	49	19 or 13 + 5 ^g	15	30 ^f	10/13	10, 4 ft	10/13
7 and 8	0.35	0.60	NR	49	21	19	30 ^f	10/13	10, 4 ft	10/13

- a. R-values are minimums. U-factors and SHGC are maximums. R-19 insulation shall be permitted to be compressed into a 2 × 6 cavity.
- b. The fenestration U-factor column excludes skylights. The solar heat gain coefficient (SHGC) column applies to all glazed fenestration.
- c. The first R-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
- d. R-5 shall be added to the required slab edge R-values for heated slabs.
- e. There are no solar heat gain coefficient (SHGC) requirements in the Marine Zone.
- f. Or insulation sufficient to fill the framing cavity, R-19 minimum.
- g. "13+5" means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25% or less of the exterior, R-5 sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25% of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

Table N1102.1. Insulation & Fenestration Requirements by Component^a

It is clear from this language that the table values are not intended to cover the entire ceiling area. If they were, the language in Section N1102.2.1 would never apply. Therefore, the R-values listed in Table N1102.1 must be based on a heel height less than that required to achieve the full R-value. Where the Table requires a specific R-value, the insulation must be deep enough to achieve this value wherever the construction technique allows it. The remaining portions of the attic space must be filled with as much insulation as possible while still allowing room for adequate ventilation. Look at it this way: If the intent of the Table N1102.1 requirement was to maintain the full height of uncompressed R-49 across the entire attic space, the R-38 stipulation in Section N1102.2.1 would not be a part of the code.

Sections N1102.2.1 and N1102.2.2 appear to be trade-offs to the ceiling R-value requirement. If you can achieve a higher R-value at the top of the wall plate, then you do not need to supply as high an R-value for the remaining portion of the ceiling area. The bottom line is if the building is designed with standard heel trusses in Climate Zones 6 or 7, R-49 insulation is required wherever the attic space allows it and is then

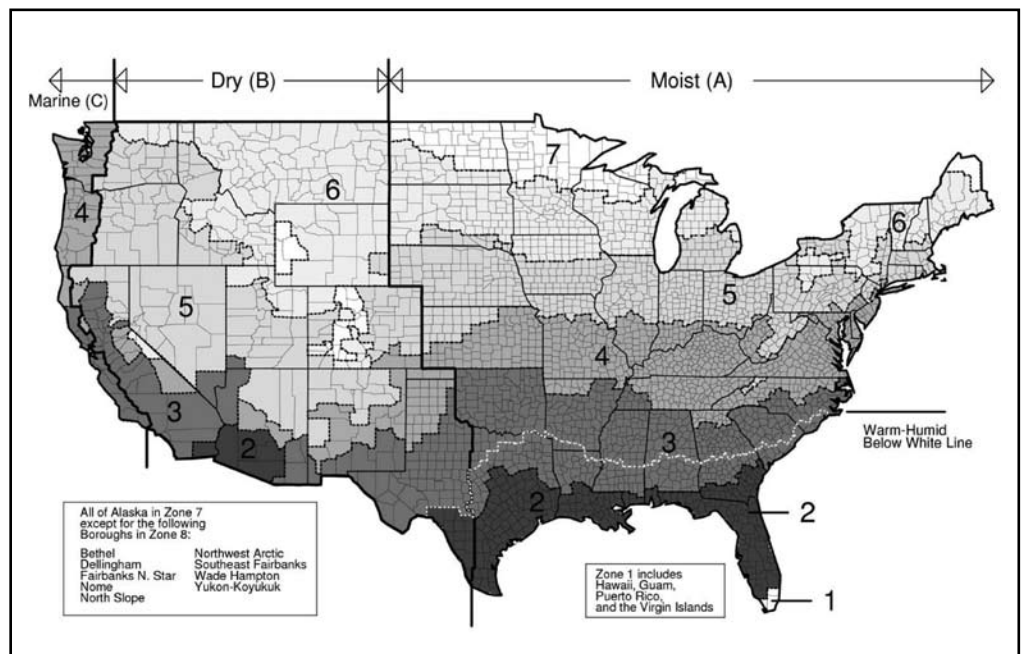


Figure N1101.2. Climate Zones

tapered down at the exterior walls (while still allowing for proper ventilation).

In any case, the building designer is responsible to ensure overall compliance with the applicable building and energy codes and specifies the overall building envelop design. Since the design of the overall structure is affected by many of the building's characteristics and many different paths may be taken to achieve the overall required efficiency, the building designer must ensure that the individual elements of the building combine to achieve the desired result. **SBC**



Safety Scene

Safety: You Gotta See It to Believe It

by Molly E. Butz

Use the power of sight to reinforce safety concepts.

Most people would agree that, at least generally, sight is our primary sense. Smell, sound, taste and touch each play a critical role in our daily lives, but in most cases, sight prevails. We collect information from everything around us using sight; humans are visual creatures. You can use this built-in collection system to minimize accidents by adding to or freshening up the safety signage you post in your facility.

Safety posters and signs are an inexpensive and creative way to reinforce the safety program in your operation. Think beyond the regular smattering of required Department of Labor posters or “No Smoking” signs and find new ways to highlight key safety concepts.



If you're the type that prefers to buy something ready-made, there are plenty of places to buy safety posters online. For starters, the Structural Building Components Association (SBCA) has safety posters for a variety of topics, in English or Spanish, starting at just \$15. In addition, SBCA has five forklift-specific posters, also available in English and Spanish. The advantage of these posters is that they were developed specifically for component manufacturing facilities.

If you'd like to post additional signs or posters that point out hazards specific to your facility, consider grabbing a few sheets of 8.5"x11" or 11"x17" paper and sitting down at your computer. All you need is a word processing program, like Microsoft Word, and a printer. These smaller scale posters are a great way to remind your employees about pinch points, hazardous chemicals, forklift blind spots and more. You might even find

Posting signs in both English and Spanish (or another appropriate language) will help ensure all of your employees understand your message. (Visit www.sbcindustry.com/pubs to review the signage available.)

an interesting safety slogan online (Google “safety slogans”) you'd like to use!

Though not nearly as interesting as colorful safety signs, there are a number of posters you are required to post by law. Visit www.dol.gov/osbp/sbrefa/poster/matrix.htm for a list of posters and downloadable PDFs.

Consider utilizing SBCA's consulting services as another option for your facility-specific signs. SBCA staff can design, print and laminate colorful custom posters that include your company logo and facility-specific information at a very reasonable cost. Visit www.sbcindustry.com/custom/services.php for more information on taking your signs to the next level!

at a glance

- The sense of sight is powerful. Capitalize on it by freshening up your safety signage!
- SBCA sells a variety of safety posters in English and Spanish.
- Catchy slogans can reinforce important safety messages.

One of my favorite safety slogans has always been: To learn about eye protection, ask someone who has one. I'm not sure why I find it so appealing. It might be that I enjoy the play on words, the shock value or maybe just the slightly humorous edge, but no matter the reason, it's entertaining and, more importantly, it points out a critical safety concept. I'll also always remember it because it's different. Using catchy phrases to warn against safety hazards is a great way to drive home important reminders.

Now you can use this same tactic to help your employees be more thoughtful about potential hazards and keep safety in plain sight all day long. And if you're still not sure where to start with your new safety signage, start here: Safety first! **SBC**

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Legal Edge

He Who Supplies the Jobsite Package “Makes the Rules” in Litigation

Why JOBSITE PACKAGES
are a “golden defense.”

by Kent J. Pagel

June 2009 does not mark a time that wood and steel structural component manufacturers are facing new risks or liabilities. Builders and contractors on the other hand, midway through 2009, are finding themselves embroiled in new-fangled litigation as they defend “Chinese Drywall” and illegal/manipulative loan and mortgage lawsuits. Builders and in particular, condominium contractors/developers, have also seen an increase in construction defect lawsuit filings asserted by homeowners who now find their homes valued far below their mortgage balances and are desperately looking for some means of relief. During times of an accelerated decline in used home prices, it’s common for homeowners to think “since I can’t sell my house for even what I owe, it must be due to poor design or construction.” Unfortunately, as blame shifting in the construction industry seems to be the norm, the increased numbers of construction defect lawsuits will inevitably involve lower tier suppliers, including component manufacturers.

While component manufacturers are not facing NEW risks or liabilities at this time, aside from defending an increased number of construction defect suits, the everyday risk of contractual liability and products and completed operations claims is still very much in play. What we mean by “contractual liability” are the risks assumed when structural components are sold to builders and contractors via a written contract or verbal order. In the June/July 2008 issue of **SBC**, I addressed contractual liability in “7 Contract Provisions to Never, Ever Overlook.” Take a minute to re-read that article, or better yet, enroll in **ORisk** and make sure you and other company employees study the more than 60 modules that deal with customer contracts. With the market slower and margins at historic lows, builders and contractors are using the fact that component manufacturers need business to shove very one-sided customer contracts down their throats.

at a glance

- ❑ Builders and condominium developers have seen an increase in construction defect lawsuit filings asserted by homeowners whose homes are valued far below their mortgage balances.
- ❑ The increased numbers of construction defect lawsuits will inevitably involve lower tier suppliers, including component manufacturers.
- ❑ Being able to document that a JOBSITE PACKAGE was received by the customer and the truss erector is a risk management measure that can protect component manufacturers from products and completed operations risks.
- ❑ The JOBSITE PACKAGE is a “golden” defense much of the time to product and completed operations claims asserted against component manufacturers and their plate connector suppliers.

With respect to “product risk,” we are referring to the risks component manufacturers face after products are delivered to the jobsite. Product risks include charge backs for under-designed or mis-manufactured materials, surface mold claims, non-conforming product claims that are asserted after installation, design responsibility risks, and fall-down or collapse claims. The category of “completed operations risks” includes construction defect claims asserted by an individual homeowner or group of homeowners (in the case of a condominium claim) that pertain for example to a sagging floor or ceiling, or a failing wall if provided by the component manufacturer.

While there are many best practices component manufacturers should follow to minimize product and completed operations risks, many of which we have outlined and will continue to outline in **ORisk**, providing a JOBSITE PACKAGE (Copyright © 2008, SBCA) and being able to document that it was duly received by your customer and the truss installer, is a risk management tool that in our opinion can VERY much protect component manufacturers from product and completed operations risks.

Each of the documents contained within a JOBSITE PACKAGE provides the requisite information for component manufacturer customers and erectors to properly and safely unload, handle, store, install and brace manufactured structural components. Typically manufacturers also add their truss design drawings and truss placement diagrams, and at times, some company-specific additional information to their JOBSITE PACKAGES and then make sure to include a JOBSITE PACKAGE with each delivery. For proof

Each standard JOBSITE PACKAGE contains:

- Information for Framers insert
- A Cover Sheet in English/Spanish
- BCSI B1 - Guide for Handling, Installing, Restraint & Bracing of Trusses
- BCSI B2 - Truss Installation & Temporary Restraint/Bracing
- BCSI B3 - Web Member Permanent Bracing/Web Reinforcement
- BCSI B4 - Construction Loading
- TTB Checklist for Handling and Installing Trusses

SBCA has additional versions of the package for English/French, long span trusses, cold-formed steel trusses and wall panels.

The JOBSITE PACKAGE in English/French contains:

- A Cover Sheet
- BCSI B1 - Guide for Handling, Installing, Restraint & Bracing of Trusses
- BCSI B2 - Truss Installation & Temporary Restraint/Bracing
- BCSI B3 - Web Member Permanent Bracing/Web Reinforcement
- BCSI B4 - Construction Loading
- TTB Checklist for Handling and Installing Trusses

The Long Span JOBSITE PACKAGE contains:

- Information for Framers insert
- A Cover Sheet containing English/Spanish warnings on the front and standard language regarding design responsibilities on the back
- TTB Long Span Truss Installation
- BCSI B1 - Guide for Handling, Installing, Restraint & Bracing of Trusses
- BCSI B2 - Truss Installation & Temporary Restraint/Bracing
- BCSI B3 - Web Member Permanent Bracing/Web Reinforcement
- BCSI B4 - Construction Loading
- BCSI B10 - Post Frame Truss Installation & Temporary Restraint/Bracing
- TTB Checklist for Handling and Installing Trusses

The Steel JOBSITE PACKAGE contains:

- Cover Sheet in English/Spanish
- CFSBCSI-B1 - Guide for Handling, Installing, Restraining & Bracing of Trusses
- CFSBCSI-B2 - Truss Installation & Temporary Restraint/Bracing
- CFSBCSI-B3 - Permanent Restraint/Bracing of Chords & Web Members
- CFSBCSI-B4 - Construction Loading
- SCC Checklist for Handling and Installing Trusses

The Wall Panel JOBSITE PACKAGE contains:

- Cover Sheet in English/Spanish
- Guide for Handling, Installing & Temporary Bracing of Wall Panels (11"x17" size)
- TTB - Building with Wall Panels

that the JOBSITE PACKAGE has in fact been received by the customer and the truss installer, an increasing number of component manufacturers are charging their customers for the JOBSITE PACKAGES. They mark up the cost of the JOBSITE PACKAGES modestly, but more importantly when a customer has paid for the package, during a dispute the argument that the component manufacturer never provided jobsite and product handling, installation and bracing documentation, is all but eliminated. In other words, "Why did you pay for the JOBSITE PACKAGE if you did not receive it?"

It is amazing to us that many manufacturers still do not provide JOBSITE PACKAGES (or at least something equivalent that includes the B1, B2, B3 and/or B4 sheets) with their deliveries. Statistics from SBCA reflect that as many as 2000 U.S. and Canadian wood and steel component manufacturing companies do not provide JOBSITE PACKAGES. We believe there is a great deal of truth to the title of this article: "He Who Supplies the JOBSITE PACKAGE Makes the Rules in Litigation." We have taken this title from the adage, "He who has the gold, makes the rules." While the JOBSITE

Continued on page 16

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PERFECTO TRUSS		Customer: Big Green Builder, Inc.			
		Contact: Dave			
		Job No.: 1280			
		Date: 5/1/2009			
QUANTITY	DESCRIPTION	PITCH	OVH	UNIT PRICE*	TOTAL Regular Truss Package*
39	30' Common Truss	6	12/12	xx	\$xxxx.xx
2	30' Hip sets	6/8/6	12/12/12	xxxx	\$xxxx.xx
2	20' Scissor Gable	8/4	12/12	xx	\$xxxx.xx
8	20' Scissor Truss	8/4	12/12	xx	\$xxx.xx
2	20' Girder truss	8	0/0	xxx	\$xxx.xx
2	20' Valley Sets	8	0/0	xxx	\$xxx.xx
1	Jobsite Package			\$x	\$x.xx
TOTAL:					\$XXXXX.XX
FSC-Certified Package**:					\$xxxx.xx
[Add other value-added package options]:					\$xxxx.xx

Figure 1. Sample Invoice.

Legal Edge • Continued from page 15

PACKAGE is far from gold in terms of its cost, it can be a “golden” defense much of the time to product and completed operations claims/litigation asserted against component manufacturers and their plate connector suppliers.

Let’s take a look at a few sample claims and lawsuit scenarios and then discuss how the JOBSITE PACKAGE may provide the ideal defense to such a claim and/or lawsuit:

CLAIM: Multiple people are injured as a result of roof trusses falling to the ground immediately after installation. In a lawsuit filed by those injured, the manufacturer and connector plate company are sued. Engineering experts concluded the collapse was attributable to inadequate bracing. The lawsuit asserts millions in damages and negligence for failing to advise of the proper manner of handling, erecting and bracing trusses, failing to advise of the hazards associated with trusses, and not providing industry custom guidelines readily available.

JOBSITE PACKAGE Defense: This lawsuit is MUCH more easily defended if a JOBSITE PACKAGE was provided and proof of receipt is available.

CLAIM: A jobsite laborer sustains severe cuts from exposed truss plates and files suit against the component manufacturer and plate supplier for \$750,000 for permanent disability, medical expenses, lost wages, and pain and suffering.

JOBSITE PACKAGE Defense: B1 provides in a conspicuous manner (with a diagram): “Banding and truss plates have sharp edges. Wear gloves when handling and safety glasses when cutting banding.” The claim is almost certainly mitigated as a result of the JOBSITE PACKAGE.

CLAIM: A multi-family contractor complains of an “outbreak” of surface mold on floor, wall, and roof components and asserts a mold remediation and project delay claim for an amount exceeding \$500,000.

JOBSITE PACKAGE Defense: First, hopefully the manufacturer’s contract provides the customer is responsible for receiving, unloading and storing trusses and notifying the manufacturer within days of any claim of visual product defects, including surface mold. Second, hopefully the manufacturer can demonstrate the components were free of surface mold at the time of delivery. Last, the JOBSITE PACKAGE provides a solid defense as to how trusses stored horizontally require blocking underneath the stack of trusses when stored for more than one week and that it is necessary to cover the bundles to prevent moisture gain and allow ventilation.

CLAIM: Roof trusses in a large structure collapse; fortunately no injuries are sustained. Property damages in excess of \$700,000 are claimed. The allegation against the component manufacturer and plate connector supplier relate to the fact that the structural drawings contained no permanent bracing requirements, yet the truss manufacturer failed to point out permanent bracing required on the piggyback trusses which they knew to be required.

JOB SITE PACKAGE Defense: The B3 sheet provides a defense as it addresses permanent bracing for the various planes of a truss (including piggyback trusses).

CLAIM: Floor trusses are seriously overloaded during construction with stacks of drywall. After the building is occupied, complaints are received concerning floors that are uneven. The occupants are moved out, repairs are undertaken, and a lawsuit is filed seeking damages for more than \$1 million.

JOB SITE PACKAGE Defense: B4 provides an excellent defense as it clearly provides that stacking of excessive amounts of construction materials on floor and roof trusses is an unsafe practice. B4 also provides a chart that sets forth the maximum stack height for gypsum, plywood/OSB, shingles, concrete block and tile on trusses.

Remember, the manufacturer who supplies the JOB SITE PACKAGE may very well make the rules in litigation. **SBC**

Kent J. Pagel is the President and Senior Shareholder of Pagel, Davis & Hill, a professional corporation. He also serves as the outside counsel for SBCA.

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Recap



Congressman Pete Hoekstra (R-MI) stopped to talk to conference participants during the 2009 Legislative Conference. While this is his last term in Congress (he has announced he's going to campaign for Governor in Michigan), he said he is doing everything he can to prevent the Employee Free Choice Act of 2009 (EFCA) from becoming law. Citing several negative consequences the bill's provisions would have on U.S. businesses, Hoekstra urged everyone to contact their lawmakers and keep up the pressure to oppose this dangerous legislation. For more information on EFCA and our industry's grassroots efforts to defeat it, read the June/July bonus feature at www.sbcmag.info.

at a glance

- The current Congress is addressing many issues including labor laws, energy policy, health care and immigration reforms.
- In May, SBCA members held 78 meetings with lawmakers from 17 states about our industry's positions on these issues.
- For more information, go to additional online content for the June/July issue at www.sbcmag.info.

The Do-Everything Congress

by Sean D. Shields

Legislative Conference participants from 17 states hit Capitol Hill in May to discuss several issues, including labor laws, energy policy, health care, and immigration reform. What they discovered was Congressional leadership intends to pass sweeping legislation in every one of these areas. As opposed to the “do-nothing” 110th Congress, there now appears to be a “do-everything” 111th Congress in session. A few participants noted that even the more seasoned lawmakers appeared a bit dazed by how much was being addressed so quickly. While the exact language of any of these bills is still far from finalized, what is clear is that if they do pass, they will have a significant impact on your business and its bottom line. Here's a quick summary of our industry's position on some of the key public policy debates about to occur in Washington, DC. (For more details and the talking points used at the conference, please go to **Support Docs** at www.sbcmag.info.)

Labor Laws: The structural building components (SBC) industry opposes current efforts by organized labor to convince Congress to change national labor laws through the “Employee Free Choice Act of 2009,” because it will undermine our nation's right to work laws, erode worker privacy, infringe on basic voting rights in our democracy, and provide an avenue for the federal government to control the wages and benefits of private companies.

Energy: In considering various proposals to reduce the emission of greenhouse gases to address global climate change, and to increase efficiency in energy consumption and generation, the SBC industry believes Congress should review the effect of changes to energy policy on: citizens' free choice of where they can live and work; affordable housing; and, the quality and quantity of domestic jobs. Our industry supports legislation that focuses on energy efficiency solutions and avoids changes to energy policy that will have a negative impact on residential, multi-family and light-commercial construction.

Health Care: As Congress considers reforming our nation's health care system, the SBC industry urges lawmakers to consider solutions that will focus on preserving both employers' and employees' free choice in health care, as well as maintaining the incentives for businesses to offer health care coverage. Our industry supports legislation that works in cooperation with the private sector to lower the costs associated with health care and provides additional opportunities for employers to affordably insure their employees.

Immigration: There has never been a better time to fix our nation's immigration system. The current economic downturn has significantly decreased the existing population of immigrants and has curtailed the tide of illegal immigration into the U.S. Our industry supports comprehensive immigration reform that will: provide tools for employers that are easy to use to ensure compliance with the law; and, provide additional pathways to legal immigration, which will expand immigrant home purchases while ensuring U.S. employers can meet ongoing employment demands.

With 78 individual meetings with members of Congress, the Conference was a great opportunity for our industry to continue building valuable relationships and increase

awareness of our industry and its concerns. Here is what some participants had to say about their lawmaker meetings:

- Ben Hershey (Senator Jon Kyl): "My Senator was in support of our position on all the major issues we discussed, and he was also willing to potentially provide assistance on a federal grant opportunity that would be very beneficial for the industry."
- Mike Murray (Representative Dina Titus): "My Congresswoman and I had a very positive discussion on the issues, and I felt I was able to quickly develop a relationship that will allow me to call her directly on future issues. I felt I had a very similar experience when I met with my Senator [Senate Majority Leader Harry Reid]."
- Teri Miller (Senator George Voinovich): "My Senator's legislative aide was blown away by our talking points. He said he had never seen an interest group that presented their stances so clearly."
- Scott Ward (Representative John Fleming): "My Congressman was just elected to Congress, so this was a great opportunity to meet him for the first time and introduce him to our business and the industry. He seemed like a great guy and someone who is eager to listen and help."
- Mike Karceski (Representative Donald Manzullo): "I was invited to participate in an energy summit being organized by my Congressman back in the district to discuss the various issues surrounding 'cap-and-trade' proposals."
- Clyde Barlett (Senator Jim Bunning): "Both of my Senators [Senate Minority Leader Mitch McConnell and Bunning] provided a reality check that the Democrats now have a filibuster-proof majority in Congress, which will allow them to pass virtually anything they want."

For more feedback from Legislative Conference participants, go to **Support Docs** at www.sbcmag.info. **SBC**



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MANY SOLUTIONS.

Sf you took a quick look around your shop floor right now, what would you see? Would you see clean surfaces, or are they coated in a fine layer of sawdust? Are your floors squeaky clean, are there piles of swept-up sawdust dotting the facility, or has dust settled everywhere? Does your building have exposed overhead beams or light fixtures? When was the last time you cleaned on top of them? Do you have exposed ductwork for heating or cooling? When was the last time it was serviced and cleaned?

WARNING:

This Is an Explosive Topic!

by Sean D. Shields

If you're thinking to yourself, "well, we could probably do a better job cleaning that up," or, "hmmm, I hadn't thought of that," please read on. Due to a series of high profile industrial explosions in the U.S. attributed to the combustion of fine dust, both the

Occupational Safety and Health Administration (OSHA) and Congress are actively pursuing greater enforcement of existing regulations and proposing stricter requirements on the clean up and disposal of "combustible dusts," including sawdust.

In the short term, it is likely that sawdust levels in your facility will be scrutinized more heavily during an OSHA inspection. In the long term, regulations governing the production, handling and disposal of combustible dusts will increase significantly, which could have a big impact on the way you run your facility. In order to sufficiently address these changes, you will likely need to implement a documented sawdust housekeeping plan and adequately train your employees on how to follow that plan.

Think you have nothing to worry about? Component manufacturers in several states—including Florida, Illinois, Texas and Wisconsin—have recently reported OSHA inspectors coming into their plants and conducting combustible dust inspections in addition to their original inspections. One VP of Operations at a Midwestern manufacturing facility that recently received a serious combustible dust citation by OSHA said, "If I knew then what I know now about combustible dust and OSHA's new requirements, I would have had a completely different housekeeping plan in place."

"If I knew then what I know now about combustible dust and OSHA's new requirements, I would have had a completely different housekeeping plan in place."

—VP of Operations at a Midwestern manufacturing facility

Deadly Explosions

According to OSHA's website, any flammable material, such as wood, can burn rapidly when in a finely divided form. If such a dust is suspended in air in the right concentration, it has the potential to be explosive. The force from such an explosion can cause employee deaths, injuries and destruction of entire buildings.

In testimony given before Congress in June 2008, John Breslard, Chairman and CEO of the U.S. Chemical Safety Board (CSB), stated, "Since the CSB was established in 1998, three out of the four deadliest accidents we have investigated were determined to be combustible dust explosions." Breslard stated that in November 2006, the CSB completed a comprehensive study on the issue of combustible dust.

They found that combustible dust explosions had been a recurrent cause of disasters at U.S. industrial facilities, identifying 281 dust fires and explosions that occurred between 1980 and 2005. These fires and explosions resulted in 119 deaths and 718 injuries. Since the 2006 study, CSB has identified 82 additional dust fires and explosions in the U.S. The highest profile event was an explosion at the Imperial Sugar refinery in Savannah, GA. When it exploded on February 7, 2008, 14 people were killed and 38 others severely injured.

Increased OSHA Enforcement

Due to these findings, CSB strongly urged OSHA to issue new rules regarding the

at a glance

- ❑ OSHA and Congress are pursuing greater enforcement of existing regulations on the clean up and disposal of "combustible dusts," including sawdust.
- ❑ Component manufacturers in several states—including FL, IL, TX and WI—have reported OSHA inspectors conducting combustible dust inspections in addition to their original inspections.
- ❑ SBCA has created a formal housekeeping plan and online training program to prepare you for that surprise OSHA combustible dust inspection.

regulation of combustible dust in the workplace. As a first step, on October 18, 2007, OSHA released an expanded National Emphasis Program (NEP) on Combustible Dust. After the Imperial Sugar explosion, it reissued an even stricter NEP in March 2008. Under this NEP, OSHA says it plans to conduct over 300 additional combustible dust inspections each year. Structural wood member manufacturing (NAICS codes: 321213, 321214) is identified as a targeted industry according to the instructions contained in the Combustible Dust NEP.

Since the release of the NEP, OSHA inspectors have visited at least three component manufacturers' facilities to conduct follow-up inspections based on previous incidents. During those surprise visits, the inspectors conducted extensive combustible dust inspections, including measurements and collections of sawdust for testing. "At first we were confused by the questions the OSHA inspector was asking regarding the sawdust in our plant," said one Southern component manufacturer who recently had an OSHA agent come to their plant to conduct a combustible dust inspection. "But once he started measuring and collecting sawdust, we got very concerned."

Digging Deeper into NEP

Section E of the NEP states, "A Certified Safety & Health Official (CSHO) must determine that the wood dust he or she witnesses is combustible, is dispersed in air in a concentration above the lower explosive limit (LEL), and is near a combustion source, such as an electrostatic discharge, spark, glowing ember, hot surface, friction heat, or a flame that can ignite the dispersed combustible mixture."

This means that component manufacturers with sawdust accumulations on flat surfaces and overhead exposed light fixtures and roof rafters, located near running equipment (such as component saws) may be in violation of Section E.

Further, the CSHO has to find that these conditions exist within a confined enclosure,

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"the combustible mixture is dispersed within a confined enclosure (and the confined enclosure does not contain sufficient deflagration venting capacity to safely release the pressures) such as a vessel, storage bin, ductwork, room or building."

If you're located in a warm-weather state like Florida or Arizona operating an open air facility with no walls, it is highly unlikely a CSHO inspector could claim you are operating in a confined enclosure. But for those operating in a building with four walls and a roof, it is considered a confined enclosure if the sawdust accumulations are found to cover at least five percent of the area of the building.

Finally, the NEP adds, "It must be noted that a small deflagration can

disturb and suspend the combustible dust, which could then serve as the fuel for a secondary (and often more damaging) deflagration or explosion."

It is likely that this final stipulation will be considered very closely. The CSHO will stipulate how likely it is that an explosion (either from wood dust or another source like an air compressor) in the building or area would cause the witnessed wood dust to suspend in the air in sufficient quantity as to create a secondary explosion event. As a consequence, CSHO inspectors will be extra sensitive to large accumulations (anything over 1/32-inch thickness, which is the thickness of a dime) of saw dust on horizontal surfaces (floors, counters, tables, machinery, light fixtures, etc.).

The Midwestern component manufacturer who received multiple housekeeping citations based on the OSHA official's findings during an inspection had to review his processes and create a comprehensive housekeeping plan. "Most of the citations had to do with accumulated sawdust around the facility that would have been dealt with had we adopted a more comprehensive housekeeping plan, which we now have in place" he said

Due to the size and scope of these citations, this Midwestern manufacturer decided it was necessary to go through the OSHA appeal process. After devoting many hours to the process, and spending thousands of dollars on lawyers and OSHA consultants, they were able to reduce their citations. Beyond creation of the formal housekeeping program, they were also required to alter the way in which they collected and disposed of sawdust in their facility, and install sealed light fixtures and breaker boxes throughout their facility. In the end, a significant portion of the heartache and cost borne by this manufacturer could have been avoided had they created and adopted their new housekeeping plan before the OSHA inspector appeared in their plant.

Congressional (Re)Action

The high-profile explosion at the Imperial Sugar refinery prompted Congress to take a new look at regulations concerning the control and disposal of combustible dusts and to push OSHA to increase enforcement. Further, U.S. Representative George Miller (D-CA), Chairman of the House Education and Labor Committee, introduced the Combustible Dust Explosion and Fire Prevention Act of 2008 (H.R. 5522), which would dramatically strengthen regulations governing

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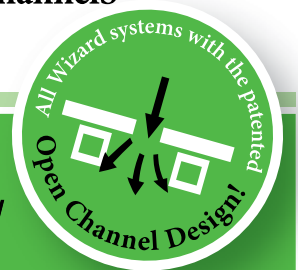
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Chapter Corner

For more information about SBCA Chapters and how to become more involved, contact Anna L. Stamm (608/310-6719 or astamm@qualtim.com). Contributions to Chapter Corner, including pictures, are encouraged. Submissions may be edited for grammar, length and clarity.

SBCA – Arizona

Educational matters were high on the agenda at the Arizona Chapter's April meeting. Members continue to work with the Structural Engineers Association of Arizona (SEAoA) and its local chapters on presentation and tour requests. A mailing to architects and engineers on the education available from SBCA – Arizona is in the works. In addition, the chapter is working with staff on materials for specifiers that promote the benefits of using components.

Also in April, members and staff worked on a presentation for the City of Peoria on how to apply solar panels to roofs and how they should proceed in handling solar panel installation permits/approval. The county governmental agency overseeing the Phoenix area has asked local solar companies to work with SBCA to determine a best practices plan and possible testing that could be performed to assure best practices. This is an excellent example of how being proactive and involving SBCA on a local issue can produce results that will be applicable to communities across many states.

SBCA – New York

Continuing with its new practice of holding all chapter meetings online with **SBC Connection**, the New York Chapter welcomed staff member Ryan Dexter, PE. as its guest speaker in April. The featured presentation was Design Responsibilities and TPI 1 Chapter 2, and a great discussion ensued on what the standard says and why all component manufacturers need to know. The idea of including a copy of the Design Responsibilities document with each contract was suggested, too, as one more way to record your expectations on a job. Also reviewed at the meeting was a *Tech Note* drafted at the chapter's request, "What Should

Constitute a Truss Submittal Package?" It will be revised based on their feedback and posted online at www.sbcindustry.com/technotes.php.

Structural Building Components Association of Michigan

The featured topic for the Michigan Chapter's spring meeting was codes and loads. With all of the activity at the national and state levels regarding the commercial and residential codes, the members welcomed the chance to discuss the items that component manufacturers need to know. In addition to discussing the Michigan building codes, attendees were able to review the new *Tech Note* on the changes to the ICC code development process and how this affects component manufacturers. Following the meeting, members were polled for their input on changes specific to the Michigan code, including the status of the Roof Loading Data Sheet, and volunteers to attend the code review committee meetings in Okemos, MI were sought to monitor any proposals that may adversely affect our industry.

Chapter members also voted to update the chapter's name from Wood Truss Council of Michigan to Structural Building Components Association of Michigan. An updated domain will be secured for the website and the current site, www.wtcmich.com, will be redirected.

Truss Manufacturers Association of Texas

Texas Chapter members gathered at River Crossing Golf Club in Spring Branch in April for their annual spring golf tournament. Photos of the event are posted in the photo gallery on the chapter's website at www.tmatchapter.com. **SBC**

...Explosive Topic! • Continued from page 22

the handling and disposal of combustible dust.

If passed, the legislation would force OSHA to issue a new rule on combustible dust, requiring manufacturers to comply with combustible dust standards created by the National Fire Protection Association (NFPA). These standards, which are currently voluntary, would become mandatory, and would significantly alter the way in which combustible dusts (like wood dust) will have to be collected and disposed.

In the previous Congress, the bill quickly passed through the House on a 247-165 bipartisan vote. Although the bill laid dormant in the Senate for the remainder of the 110th session, Rep. Miller has reintroduced this bill in the new 111th Congress, and has vowed to get this measure approved into law as soon as possible.

Hire a New Housekeeper

The first thing you need to do is ascertain whether you have a

documented housekeeping plan. If you have one, figure out if your current housekeeping measures would allow you to pass an OSHA inspection under the NEP guidelines. For example, is your sawdust clean up and disposal schedule broken down by shift, week, month and year? Does that schedule include not only sawdust collection around the component saws, but also around assembly tables, and on top of exposed light fixtures and ceiling rafters?

"Another big issue was the use of compressed air to clean our equipment. This approach made the situation worse because instead of 'cleaning' we were actually suspending a lot of that dust in the air, which would then settle in other parts of our facility," added the Midwestern manufacturer. If you must use compressed air to clean out hard to reach areas, it is better to first suction dust up with a wet/dry vacuum before using compressed air.

You must also have a designated smoking area for employees separate and distinct from any area where there is the

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potential for sawdust accumulations. Any receptacle used to store sawdust before disposal must be made out of metal and either be fully enclosed or have a lid that remains closed except when material is put in or taken out of it. It may be a good idea to review your sawdust or overall wood waste disposal procedures. Your collection containers should never overflow.

You also want to ensure your saw equipment is serviced regularly and runs efficiently. To minimize the potential for high heat levels generated from friction, sharpen saw blades regularly, and lubricate all moving parts. Limit the escape of sawdust into the air around your saws. This may mean locating saws in their own enclosed area, or installing canopies, hoods, or other devices over them (though, this would likely only be necessary if you find you are cutting enough volume that airborne sawdust is settling all over your facility and making clean-up a significant chore each shift or week).

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...Explosive Topic! • Continued from page 25

Finally, pay extra attention to any inaccessible or enclosed spaces (like ductwork, dropped false ceilings or areas above office spaces in the production facility) that have the potential to collect fine wood flour particles over time. These areas must be included in your monthly or annual housekeeping plan to ensure accumulations do not exceed 1/32nd of an inch.

Finally, employees should be trained to implement your housekeeping plan. To help you through this process, the Structural Building Components Association (SBCA) created a **Management Note** on Combustible Dust, which provides greater detail on the NEP instructions as well as various pertinent NFPA standards. SBCA has also developed a **Sawdust Housekeeping Training Program**. This program includes a sample housekeeping plan, as well as three online training modules for management and employees to use in understanding and implementing a housekeeping plan at your facility.

With a formal housekeeping plan and thorough training, you can be prepared for that surprise OSHA combustible dust inspection, and feel more at ease when you look around your plant. **SBC**

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