



SHEAR BULL



Palm Beach County Roofing & Sheet Metal Contractors Association

Affiliate of FRSA and NRCA

May 2013 Volume 26 - 5

May Program

Wed. May 22, 2013

Rob Foote,
Furman Insurance

Risk management related topics

- 1) Distracted driving
- 2) Communicating with the OSHA representative or compliance officer.
- 3) HEALTHCARE REFORM /OBAMACARE

6:00PM-7:00PM - Networking
6:30PM - Check-In
7:00PM - Dinner Meeting

Place: Holiday Inn
1301 Belvedere Rd (At I 95 Exit 69)
West Palm Beach, FL 33406

Contact: Ron Frano 655-5393
rfrano@pbcroofers.com

Inside

- p2. President's Message
- p3. Residential Fall...Cont'd
- p4. Residential Fall...Cont'd
- Industry Websites
- p5. Golf Tournament Pictures
- p6. June Calendar

Residential Fall Protection: Coping With Changes



By: Chip Macdonald

SAFETY ADVICE

Like getting your child's cold, changes inevitably happen. When it comes to changes in how the OSHA standards are implemented, what we choose to do about them may not be quite as important as how we plan to go about changing our mindset. At my age I realize I am much better at the former than the latter. Often changing my mindset seems like swimming to shore, against the tide, while wearing my overalls, jacket and boots — if I actually get there, it won't be pretty.

OSHA's new STD 03-11-002 — Compliance Guidance for Residential Construction was issued on June 16, 2011. This instruction cancels OSHA's previous STD 03-00-001 — Plain Language Revision of STD 3.1 (Interim Fall Protection Compliance Guidelines for Residential Construction – 6/18/99). OSHA's 14-year-long "interim period" will apparently be over on March 15, 2013. Then what?

What Do I Do Now?

The answer to this basic question can be summarized as follows: Unless the deadline is moved again, on March 15 residential contractors will be required to comply in full with the entire 29 CFR, Part 1926.500, just like every other construction employer has since 1999. The following is an overview of the four basic steps involved; for more details, consult your OSHA representative or a certified safety professional.

Step 1: The construction employer must provide his employees who walk or work at heights greater than 6 feet above a lower level with one (or more) of the following OSHA-standard hazard control methods, listed in 29 CFR, Part 1926, Subpart M:

- Personal fall arrest systems
- Guardrail systems
- Safety net systems
- Or any other permissible methods otherwise described in Part 1926.501(b)

Step 2: The employer may decide to become exempted from providing his employees any of those standard fall protection systems as long as he or she can successfully demonstrate that such fall protection is infeasible or presents a greater fall hazard.

Step 3: Demonstration that standard safety measures are infeasible or cause a greater hazard will take the form of implementing a documented Residential Fall Protection Plan (RFPP) according to Part 1925.501(b)(13) and 1926.502(k), including accurately describing the employer's real attempts to implement standard fall protection measures. Noting in each case of variance, exactly why either (1) the standard fall protection method was compromised or interfered with (below a 2X safety factor) in some way by the work itself, or (2) a phase of work could not be successfully completed in any way due to the interference or limitations of the fall protection system. Remember, that as soon as these criteria no longer apply, the employer must return to practicing standard fall protection measures.

The plan must also describe the methods required to design, install, maintain and inspect alternate fall protection measures. These utilize safe work practices (administrative hazard controls), which the employer can demonstratively prove will "eliminate or reduce the possibility of a fall."

Continued on page 3

2013 Officers & Board of Directors

Daniel Stokes
President

Joe Byrne
Vice President

Michael Daley
Secretary

Regina Reed
Treasurer/Past President

Ronald A. Frano MBA
Executive Director

BOARD MEMBERS

- Tom Stevens
- Walt Millet
- Glenn Rimpela
- Mark Landis
- Ben Preston
- Mark Terlep
- George Jacobazzi

Legal Counsel

Bob Marell of Glickman/Witters/Marell
561-478-1111

Program, Publication & Web

Joe Byrne (561) 471-8363

Palm Beach County Board Representatives:

Construction Industry Licensing Board
Mark Landis (561) 833-9704

Construction Board of Adjustment & Appeals
Peter Dzenutis (561) 844-0892

Building Code Advisory Board
Joe Byrne (561) 471-8363

Construction Industry Management Council
Joe Byrne (Chairman) (561) 471-8363

MESSAGE FROM THE PRESIDENT

Our annual golf outing was a very successful event. The day was beautiful, clear, crisp and perfect for golf. One of the benefits of belonging to a local trade association is not just the chance to participate in various events; it is a networking opportunity beneficial to your work. Meeting other roofers, suppliers and manufacturers may lead to work opportunities or at least a profitable business contact. When I ask a member how he did after a golf game, most will tell you about their golfing game. Some though seeing the opportunity of this type of event will tell you if they were successful in making a good business contact. Our association was formed back in the 1940s to promote the roofing industry. Promoting the industry means making sure we are all qualified to do our work; that we are licensed and insured and above all knowledgeable in our craft. PBCRSMA provides educational opportunities to keep our skills sharp; it give members a chance to meet as a group with those who most affect our work, building officials and other governmental agencies who regulate us. There is an old saying that as an individual, our voice can be lost in the wind, but as part of a substantial group, our voice together with many others can be heard clearly. This is another reason why belonging to an association can be beneficial to your business. To our supplier and manufacturer members, what better way to get your message across to multiple customers at the same time. As a representative organization, we strive to give the public a safe place to find qualified and honest roofers. Our logo on advertising tells the potential customer that the roofer is a part of an organization that cares about quality work and can be trusted. We keep our reputation, as a member organization at the highest level, the proof of this is when a building official refers potential customers to our web site or our office to find the best roofer.



But our association is only as good as those members who take the time to participate in improving it.

Join us at our next meeting, be a part of a quality group, and help us promote that image to the public. At our May member dinner meeting we will have Rob Foote of Furman Insurance speaking about risk management related topics.

See you at our next meeting.
Come over and say hello.

Respectfully Submitted

Daniel Stokes

President

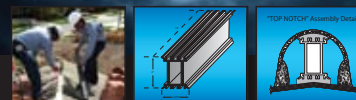
Tarco Call 800-365-4506
www.tarcoroofing.com

Professional Roof Consulting

BRI
CONSULTING CORP.
561-689-9166 briroofconsulting.com

Miami-Dade
County Approved

Top Notch is a Top Performer!



We at Ridged Systems, LLC are proud bringing you our unique ridge support m of recycled plastic for roof tile systems. provides superior wind storm performa and offers longevity to the roof.

- Superior Performance
- Corrosion Resistant
- No Penetrations
- Lightweight
- Ease of Application
- Dimensional Accuracy/Consistency



www.topnotchridge.com
561-276-9745



Residential Fall Protection: Coping With Changes *Continued...*

By: Chip Macdonald

The RFPP must include the procedure for training and evaluating employees in the plan itself. Such training must be certified by a Competent Person (CP) and comply with the same criteria found in Part 1926.503. The plan must include the name of the CP trainer and thoroughly document subjects covered (agenda) and date(s) and location(s) of training. This could be accomplished over a number of "tailgate" safety meetings on site, as long as employees have been trained on the entire RFPP before work exposing fall hazards has begun. Don't forget to perform and provide written and field evaluations (with audit logs) as sufficient documentation to prove competency beyond any doubt.

Be careful not to assume that the use of standard fall protection systems doesn't require careful planning as well. Selecting, fit-testing, inspecting, maintaining, assembling, erecting and disassembling the standard-based fall protection systems on most projects takes a set of organizational skills that only come from a solid plan. Even compliant equipment has to be evaluated for the phase of the work, site conditions, workers' tasks and biometrics.

Step 4: The RFPP must be in writing. Based on the trend of a rising number of successful civil litigations I have reviewed, I would recommend the following agenda:

- The RFPP should be translated into any "first" language spoken by your employees. (Note: For instance, the Puerto Rican OSHA website, www.trabajo.pr.gov/prosha, is entirely in Spanish.)
- Copies of the RFPP should be disseminated and clearly explained to all employees, and any/all of their questions should be answered before collecting signed and dated hard copies of the acknowledgement forms for your employee files.
- Whenever employees of any ethnicity are engaged in work requiring either standard or alternate fall protection systems, the success of any method of hazard protection relies on a reasonable and effective method of hazard communication. It is the employer's responsibility to know the speaking/ listening and writing/reading English language skills of the workforce. Ignorance in this matter will not obviate responsibilities in a court of law or prevent unnecessary injuries or death on the worksite.
- The RFPP must be site specific. The majority of civil lawsuits I have reviewed clearly indicated the employer (defendant) simply downloaded a copy of OSHA's exemplary RFPP found in Part 1926.500, Appendix E. No further good faith effort was made to tailor it to the specific worksite.
- While the basic plan above is quite legitimate, it is simply a skeleton plan. The employer must flesh out the specific details. It takes a more conscientious effort on his part than "enter company name here." A good RFPP should "live, breathe and bleed" just like your employees.
- Upon reading the RFPP, your employees should have zero questions on what you expect of them on every shift. Keep asking the newspaper reporter's mantra: "who, what, where, when, why, how and how much?"
- The RFPP must be task specific. For instance, the task of roof tear-off poses its own set of unique fall hazards compared to roofing a new residence. Similarly, composite shingles, shakes, slate, tile or metal roofs all pose individual and unique hazards when applying. A RFPP for a 6/12 pitch ranch roof job is obviously far simpler to plan than a 16/12 Victorian-period turret or a 20/12 mansard roof.

• The RFPP must be worker-specific. It is critical for plan management to consider three designative categories from which to list all of your employees who will be involved in this residential project with recognized fall hazards:

1. Competent Person (CP) — According to Part 1926.32(f)
2. Qualified Person (QP) — According to Part 1926.32(m)
3. Authorized (Approved) Person (AP) — According to Part 1926.32(d)

Not everyone will be eligible for any of these designations. When it comes non-delegable duties, the employer and his employees both have certain rights and obligations. Rights and responsibilities are like two sides of the same coin. It is important that each employee understands his own liabilities and responsibilities, as well as those delegated to each designation. All employees should be given their assignments well before the job begins and understand them thoroughly before they are accepted. These are, quite literally, legally binding assignments whenever a personal injury case finds its way to the courtroom. If you're not capable of meeting such duties for any reason, make it known clearly and immediately to your employer.

How Do I Do It?

The key to effectively changing your safe work practices comes in the form of well-trained employees. The RFPP is written by a Qualified Person, while the plan's day-to-day implementation is the duty of the Competent Person (CP). Thereby the CP becomes a legal representative of the employer who designated him, with all of his responsibilities and authority. The QP is also responsible for reviewing and making any changes in the RFPP on a regular basis and after any accident or near-miss event. For reason of conflict of interest, the employer should always designate a CP who is not, simultaneously, the job foreman or project manager.

Perhaps the single most important job of the CP for the controlling employer in his RFPP is to perform "frequent and regular inspections of the jobsites" where the hazards exist or have the potential to exist.

Remember that alternate fall protection procedures, by their very nature, can be less protective and thereby less desirable than the standard procedures. They are usually restricted to administrative controls and, as such, are replete with all of the shortcomings commonly found in human nature.



Completed on page 4...

Residential Fall Protection: Coping With Changes *Continued...*

By: Chip Macdonald

Be precise and careful with the use of any binding language. I know of one contractor whose RFPP stipulated he would perform a "mandated ongoing inspection program." Years later, after a fall accident, the court determined that Webster's Unabridged Dictionary definition of "ongoing" was allowable: "Uninterrupted and without termination." This was clearly an inhuman goal, but one whose implication was considered "reasonably binding" by the jury. Also, never trust an electronic program (fee or free) to contain everything you need to be compliant with OSHA. The best way to get to a satisfactory version of a RFPP is to perform multiple job safety analyses on your projects and regularly analyze them for risk exposures and successful hazard controls. In a matter of time you will be capable of quickly and accurately identifying and specifying those jobsites where an alternate fall protection method may supplant standard fall protection procedures.

A plan is only as good as its conveyance. Verify that those employees you are going to authorize and trust to apply their good faith effort are properly trained and informed of all the site-specific details and their responsibilities and roles. Make sure they have no questions about what is expected of them every step of the way. While Part 1926.500 does not necessarily require documentation of site inspections and audits, all of the Compliance Officers for Safety and Health in Region I and II who I have asked believe that complete and comprehensive documentation on the part of the CP is his/her primary proof of competence. If it wasn't logged (or "demonstrated"), the professional assumption is it didn't happen.

Reprinted with permission from Roofing Contractor magazine (www.roofingcontractor.com).

Chip Macdonald of Best Safety, Cambridge, N.Y., offers safety program implementation and management tailored to companies of all sizes. He can be reached at 888-913-2378 or bestsafe@capital.net.



Palm Beach County Roofing And
Sheet Metal Contractors' Association

2101 Vista Parkway
Suite 4001
West Palm Beach, FL 33411
tel 561-655-5393
fax 561-688-8807

rfrano@pbcroofers.com



**Distributors of Roofing &
Construction Supplies**

Building Relationships,
Building Trust,
a Tradition Since 1905

Industry Websites

- ASTM - www.guidance-inc.com/~roofroof/
- American Consulting Engineers Council - acec.org
- American Institute of Architects - aia.org
- American Society of Civil Engineers - asce.org
- Building Officials Association of Palm Beach County - www.boapbc.org & www.boapbc.org/links
- Cedar Shake & Shingle Bureau - www.CEDARBUREAU.org
- Construction Industry Management Council (CIMC) - www.cimcpbc.com
- Construction Specifications Institute - <http://www.csinet.org>
- Copper Development Association - <http://www.copper.org>
- Division of Workers' Compensation - <http://www.wc.les.state.fl.us/DWC/>
- Florida Roofing, Sheet Metal & Air Conditioning Contractors Association - www.Floridarroof.com
- Galvalume Sheet Producers - www.steelroofing.com
- National Roofing Contractors Association (NRCA) - <http://www.nrca.net>
- National Society of Professional Engineers - nspe.org
- Roofing Contractors Association of South Florida (RCASF) - www.rcasf.org
- Roofing Industry Education Institute - <http://members.aol.com/RIEROOF/classes.htm>
- Roof Tile Institute - www.rooftile.org
- Sheet Membrane and Component Suppliers to the Commercial Roofing Industry (SPRI) - www.SPRI.org
- Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) - <http://www.smacna.org>
- The Council of American Building Officials (CABO) - <http://www.cabo.org>



From networking events, informative meetings, and website listings,

***membership has
it's benefits.***

Invite your friends, colleagues and acquaintances to join for 2013.

Thank you to ALL our sponsors!

To view this year's golf sponsors,

Please visit our website at

<http://www.pbcroofers.com/events-calendar/golf-outing-2013-premium-sponsors>

2013 Golf Tournament

And The Winners Are...

**1ST
PLACE**

Certified
Contracting
Group

Mark Maher
Debbie Cappetta
Dave McCaffrey
Bobby Silvo



**2ND
PLACE**

Bradco Supply

Chris English
Mike Daley
Charles Rollo
Danny Stokes



**Closest
To The Pin:**



Adam Hamby

**Longest
Drive:**



Ron Wolfe

Visit www.pbcroofers.com or our Facebook page for more Golf Tournament Pictures



June 2013

Su	Mo	Tu	We	Th	Fr	Sa	1
2	3	4	5	6	7	8	
			CIMC 7:45 AM				
9	10	11	12	13	14	15	
16	17	18	19	20	21	22	
			BCAB 2:00PM				
23	24	25	26	27	28	29	
			General Member Meeting				
30							

June Program

Ken Kelly, President
Kelly Roofing & ESS

June 26, 2013

6:00PM-7:00PM Networking
7:00PM Dinner Meeting

Holiday Inn

1301 Belvedere Rd (At I95 Exit 69)
West Palm Beach, FL 33405

PBCR & SMCA Office and Phones

2101 Vista Parkway, Suite 4001
West Palm Beach, FL 33411
Tel: 561.655.5393
Fax: 561.688.8807

www.pbcroofers.com
<http://www.facebook.com/groups/269143749847473>

Ronald A. Frano, MBA,
Executive Director
rfrano@comcast.net

**Like us on
Facebook!**