

# TENNESSEE



**PLUMBING-HEATING-COOLING  
CONTRACTORS ASSOCIATION™**

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# The TN PHCC Newslink

SEPT/OCT 2017

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## Presidents Message

Greetings,

As our weather starts to change and our mornings are crisp and cool, I am reflective over the past year. It's hard to believe we are nearing the end of 2017. I am so proud of our association and all of the hard work of our members and staff.

There are a several events in October that I am looking forward to and would like to invite everyone to attend. The first week is PHCC CONNECT in Milwaukee (Oct 4-6) and I will be cheering on our apprentices as they compete in the national apprentice contest. Beth Killen interviewed both of the state apprentice contests winners and from the article in this issue, it looks like they are as excited as we are to have them represent us. PHCC events are important to me, for what I learn for my business and the people I have met through our association.

Our PHCC Zone 2 Meeting and Fall Board Meeting will be combined this year in Brasstown Valley, GA on October 27-28. As Georgia is hosting the event this year, I heard a "Zone Olympics" competition is planned with a human-size Jenga contest as one of the events. At our Trade Show this year, we had a "Ride and Decide" contest with adult size tricycles in a competition ring. Joel Long, our PHCC Zone Director and Steve Gammon, our Chairman of the Board went head-to-head and I think I remember Steve winning by an inch, so adult-size Jenga should be a hoot! The competitive events along with the group dining and idea sharing sessions will be a great opportunity to meet and develop fellowship with our Zone members from GA, NC and SC. Everyone is invited to attend and the fall colors should be on full display for the quick drive to northern GA.

Our association is still working on the Limited License HVAC (projects under \$25k) and will be starting a grass roots campaign in October before our legislators get back in session in January. Please help us by contacting your representatives. Look for details in the next few weeks along with a handout and the background information to share.

Ride and Decide has expanded to Middle Tennessee and I couldn't be prouder. Great job to the Middle TN Chapter for taking the time and giving the effort to implement this worthwhile program. To date, the program has placed 13 kids in full-time year round jobs with contractors in the Knoxville area and that number continues to grow each year. It is my belief that this program will give high school kids new opportunities and broaden their horizons.

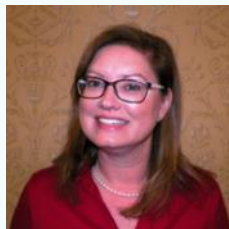
We are also working on a state-wide online apprentice program that will benefit our trades in areas where a brick and mortar school is not available.



Our annual events in Knoxville this past spring were a huge success with great attendance and participation. Our first casino night at the Presidents Event was so much fun that we are scheduling one in Nashville next year as well. I am looking forward to the next events at the Nashville Fairgrounds on April 19, 2018. Hope to see you soon!

"And all at once summer collapsed into fall." Oscar Wilde

Kay Keefe  
TN PHCC President



# Member News

## In this Issue

Member News	2
Upcoming Dates	3
State Chapter News	3-5
Cool State Stuff	4
Local Chapter News	6-7
Thought-worthy	8
National News	9
Business News	10-11
Associate Member Listing	12

If you have an upcoming event or topic you would like included in *The TN PHCC Newslink*, please contact the office at

865-531-7422

## Welcome New Contractor Members:

### A-1 Finchum Heating & Cooling

2502 W. Emory Rd.  
Powell, TN 37849  
865-9474267

### Cherokee Millwright & Mechanical

1034 Ross Drive  
Maryville, TN 37801  
865-724-2167

## Welcome New Associate Member:

### Trade Management

315 Harding Place  
Nashville, TN 37211  
615-730-6697

Contact: Tonya Newman  
tnewman@trade-mgmt.com



Where could you refocus your energy if you had an assistant to help coordinate your labor, a fully trained construction recruiting department, another field superintendent to help ensure a productive and safe job site, an OSHA certified Safety Manager to help train and certify your hands in the field and someone to handle all the payroll, insurance, and administration headaches in regards to your supplemental labor?

Trade Management strives to create and maintain working relationships with our clients that go beyond a traditional staffing relationship – by providing not only the skilled labor required for the job, but our own internal staff as an extension of our clients' own staff.

We source quality electricians, carpenters, plumbers, millwrights, pipefitters, welders, painters, and a variety of other skilled labor professionals for small and large jobs alike.

We look forward to partnering with you!

## Our Condolences to the Gill Family...

at the passing of Linden Gill, husband of Emeritus Director Betty Gill and long time PHCC friend on Tuesday, Sept. 19th.

In lieu of flowers the family requests that memorial donations be made in Lt. Col. Linden Gill's honor to the Military Officers Association of America ([www.MOAA.org](http://www.MOAA.org)) American Patriot Scholarship fund, which provides scholarships to the children of military parents (officer or enlisted) who died or were severely wounded while in active service to our nation. Donations may be made online or mailed to: MOAA Scholarship Fund, Attn: Andrea Rand, 201 N. Washington St., Alexandria VA 22314.

Link to the full information: [Linden Gill](#)

Linden and Betty Gill in front of the White House at PHCC Legislative in DC, 1997



# Chapter News

## Tennessee Apprentices Prepare for PHCC National Contest in Milwaukee

Our two winners from our state apprentice contest this past April will be representing Tennessee in the National PHCC Apprentice Contest in Milwaukee on October 4th-6th. Their travel is sponsored by PHCC donors and they each have won \$200 in spending money from the TN PHCC state contest for incidentals on their trip.



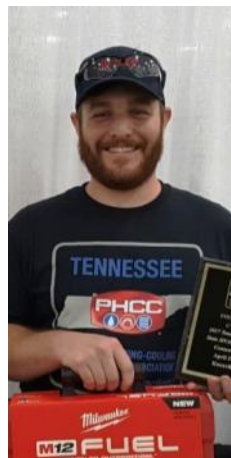
**Chris Tudor(left)** is to say the least, "ecstatic." He works for Del Air Mechanical in Knoxville as a plumber. When asked how excited he is to compete in the contest, he said, "On a scale of 1 to 10, a 20! I am ecstatic about the contest."

Chris is most looking forward to, "the experience of competing with 19 other top contenders in the country and getting a mini break from my job. I get to go to somewhere I have never been before. I would like to thank the Tennessee PHCC and my employer, Del Air Mechanical for giving me this opportunity. Thank you very much!"

**Brandon Blankenship (right)** works for Lee Company in Nashville as an HVAC technician. When asked how excited he was to compete, he said, "I am very excited and thrilled to compete on a national level in my trade."

Brandon said he is, "really looking forward to the competition. I am somewhat competitive and can't wait to compete. I am looking forward to seeing Milwaukee and the Harley Davidson Museum while representing Tennessee the best I can."

In addition to the contest portion of the event, both contestants will attend training seminars, convention receptions and a special contestant dinner for all of the apprentices. The final results are announced at the PHCC Awards Luncheon on Friday, October 6th.



## Upcoming Date Reminders...

Oct 4-6: PHCC National CONNECT 2017, Milwaukee WI

Oct 27-29: TN PHCC Fall Board Meeting and PHCC Zone 2 Meeting, Brasstown Valley Resort, Young Harris GA

January 26-27, TN PHCC Winter Board Meeting, Mayor's Mansion Inn, Chattanooga

April 19, 2018 TN PHCC 121st Annual Trade Show and Convention, Presidents Event and Apprentice Contest Nashville Fairgrounds

## Mission Statement:

*"The TAPHCC is dedicated to serving and improving the PHC industry by providing opportunities for continuing education, communication, social networking, and business improvement. We are dedicated to the protection of the environment and the health and safety of our society."*

## KAPHCC Apprentice School Record Breaking Enrollment

The Knoxville PHCC Apprentice School held registration on August 28th to start off the 2017-18 school year. The school had 161 students register this year in the plumbing, HVAC and sheet metal classes.

The School has been awarded a second TN Department of Labor and Workforce Development Apprenticeship Assistance Training Grant (AATG) this year to assist the school in furthering their skilled education initiatives. The grant was available to DOL certified schools that promote apprenticeships with OJT and or Classroom Training.

The grant is funded by the Carl D. Perkins Act. For the past few years, your Board and the PHCC has lobbied on Capital Hill in Washington DC to continue this program to assist a trained workforce for our future.



**161  
Apprentices  
Enrolled this  
Year!**

# Cool State Stuff

## Here are some little known facts about Tennessee, how many do you know?



- Creator of the world famous Tennessee Whiskey, Jack Daniel died after angrily kicking a safe and hurting his toe, leading to the blood infection that would be his demise.
- Bonnaroo in Manchester takes place on over 500 acres of farmland making it one of the largest festivals in the world.
- A lot of places claim they invented Mountain Dew, but according to the company the neon syrupy goodness was first created in Knoxville in the '30s as a new drink to mix with whiskey.
- Theodore Roosevelt coined the phrase "good to the last drop" after tasting a cup of coffee at the Maxwell House Hotel.
- Ober Gatlinburg Ski Resort has the world's largest artificial skiing surface, with over five acres of skiing, regardless of the weather.
- Tennessee aquarium is home to the largest freshwater aquarium in the entire world, with over 7,000 animals housed in the entire complex.
- Chattanooga was home to first patented miniature golf course, Tom Thumb Golf on Lookout Mountain. It was created in 1927 to attract traffic to the creator's hotel.
- Hungry while you're road tripping through Tennessee? It's completely legal to pick up some road kill to feast on.
- The Lost Sea in Sweetwater is the largest underground lake in the United States and the second largest non-subglacial underground lake in the entire world, with over 13 acres of water discovered so far with no end in sight.
- Headquartered in Memphis, Fedex accounts for around 50 percent of all ground shipping in the U.S.



- The founder of Cracker Barrel was from Smithville, so it's no surprise he chose Lebanon to build the first restaurant.
- Columbia, TN is the mule capital of the world, with thousands of mules present at the Mule Day Parade, including events like the Mule Day Queen contest and the mull pull.
- There's a bar in Copperhill called Patrick's Bar & Grill. The Tennessee/Georgia state line cuts through the center of the bar, with the bar on the Tennessee side and the restaurant on the other. Oddly enough the Georgia side is in a dry county, so alcohol can only be in Tennessee areas of the establishment.
- Greeneville is thought to be the only town in the United States that pays tribute to both the Union and the Confederacy in its courthouse square with a monument to both at the Greene County Courthouse.
- Before Piggly Wiggly started letting customers do the shopping for themselves in 1916 in Memphis, there was no such thing as a self service grocery store.
- The world's largest cedar bucket is in Murfreesboro, capable of holding 1,566 gallons. That's 16,704 cans of Coke, enough to last 45 years at one can a day.



*-courtesy of Spencer McKee in Movoto, 2017*



# Chapter News

## Tennessee Student Wins PHCC National Auxiliary Scholarship

Lillian McCampbell of Knoxville has been awarded the \$2600 AO Smith scholarship from the PHCC National Auxiliary for 2017. Lillian is the daughter of Jim and Jennifer McCampbell. Jim is a Project Manager for J&F Mechanical and the Knoxville PHCC Chapter Treasurer. Lillian attends UT studying Chemical Engineering.



## TN PHCC Attends ABC Contractors Showcase

The Nashville Chapter of the Associated Builders and Contractors held a Contractors Showcase in August and the TN PHCC had a booth to promote our trades and networking with other professionals.

The Ride and Decide program was featured and several contractors were interested in the program.

Big thanks to Jonathan Sadler and Steve Gammon for helping to man the booth and spread the word about PHCC!

## Join Us for a Board Meeting!

The TN PHCC Board Meetings are open to all members and their guests. The typical schedule is a board dinner on Friday evening followed by the board meeting on Saturday morning from 8am to noon. Breakfast is free for members attending the meeting.

Attendees can take advantage of discounted group rates at great attractions and hotels in the area of the board meeting.

For the Summer Board Meeting, we had discounted tickets for our member families to go to Holiday World Amusement Park in Indiana and ride the world's longest wooden rollercoaster.



Our Winter Board Meeting will be January 26-27 in Chattanooga at the historic Mayor's Mansion Inn Bed & Breakfast. Keep in mind, if you attend the board meeting, the trip can be used as a business expense. Just let us know if you are

interested in attending and we can send you the details on upcoming meetings. We hope you will join us!



TN PHCC 2017 Summer Board Meeting at the world-famous French Lick Resort in French Lick Springs Indiana

# Local Chapter News



## Middle TN Chapter:

### 3rd Annual Clay Shoot Held on Sept 8th:

On Friday, September 8th, the Middle TN Chapter held their 3rd Annual Sporting Clay Shoot at the Nashville Gun Club on 1100 County Hospital Road. The event sold out with 125 shooters on teams competing for prizes and bragging rights.



Long Bird Winner: Lucian Sullivan



Shot Gun Raffle Winner: Justin Crews



#### Team Winners:

##### **First Place Team (pictured on left):**

A6 Sales team of John Waddle, Andy Street, Eric Neumier, John Altapeter, Bruce McGaha

**Second Place:** Ed's Supply Team

**Third Place:** Lee Company Team

#### All Teams:

Merryman Farr, Federated Insurance, Care Supply, Lee/Skanska, Lee Company, FM Insulation, Viega, Demand Mechanical, Milwaukee Tool, James M. Pleasants, Hiller Plumbing Heating & Electrical, Chris-More Inc., Mid America Marketing, Ed's Supply, Ferguson, Case Restoration, American Pipe & Supply, Total HVAC, A6 Sales and Kenny Pipe



# Local Chapter News

## Middle TN Chapter (cont):



***A big thank you to the event sponsors-***

### TITLE & TEAM SPONSORS

Merryman Farr  
Viega  
Ferguson Enterprises  
American Pipe & Supply

### LUNCH SPONSORS

Care Supply, FM Insulation, Demand Mechanical, James M. Pleasants, Hiller, Chris-More Inc. and Ed's Supply

### Station Sponsors:

Wiggs, Haun, &  
Bohan, Trojan Labor,  
Viega, Trillium Construction

Jonathan Sadler, Middle TN Chapter President, "This is the first time I have ever been to this event and it has been a learning process. We have had the largest turn out ever and it shows the support of our associates to the PHCC."



**Thank you to all of our sponsors and teams and hope to see you next year!"**



## Knoxville Chapter:



***The Ride and Decide Program finishes the 3rd year of success!***



On July 24th, the third year of the Ride and Decide Program concluded with a luncheon for employers and students at the regular Knoxville PHCC Chapter meeting. There were over 30 employers and over 50 students in the two month program. Some of the students were high school sophomores last year and enrolled again this in the program as juniors to try more trades.

Gordy Noe (Pioneer Heating and Air), pioneer of the program, began the luncheon with discussing the success of the program and inviting both the employers and the students to share their experiences.

We have learned that at least 13 students are working full time for our contractors after completing the Ride and Decide program.

We encourage employers to consider hiring students for the program for next summer, please let us know if you would like more information.

If you are the Middle TN area and would like to be involved in the pilot program for 2018, please call Jonathan at (256) 759-3972. The Chapter is signing up employers and getting ready to roll out the program to students.

For more information please visit: [RideandDecide.com](http://RideandDecide.com)

# Thought-worthy

## Leadership Tip: Teamwork and Vision Go Hand in Hand- SESCO Management

Have you ever been a part of a team that doesn't seem to get anything accomplished? Where the team may work and work, but nothing actually gets done? If so, you've probably been on a team that lacked vision.

Vision works like a rudder on a ship. Without it, the ship may travel a distance, but not necessarily in the right direction. With it, the ship reaches the destination by the shortest route possible.



**Vision determines the direction of the team.** Champion basketball coach Pat Riley once said, "Teamwork requires that everyone's efforts flow in a single direction. Feelings of significance happen when a team's energy takes on a life of its own." With vision, a team has energy, and team members feel like they're doing something of value.

So if you're the leader of a team, how do you impart vision to your people? You transfer the vision both emotionally and logically.

### What is needed to emotionally transfer a vision?

- **Credibility.** People buy into the leader before they buy into the vision. Your people need to know that you can be trusted.
- **Passion.** Team members will not be excited about a vision that the leader doesn't care about. They need to see and feel your passion before they embrace it.
- **Relationship.** How well do your teammates know you? How well do you know them? People don't care how much you know until they know how much you care.
- **Timing.** For a vision to connect, its timing needs to be right. The right decision at the wrong time is still the wrong decision.

### What is needed to logically transfer a vision?

- **A realistic understanding of the situation today.** A firm grasp on reality gives your vision a starting point, and makes team members more willing to partner in achieving it.
- **An experienced team.** How familiar are team members with the specific problem? The more they've dealt with similar situations, the more confident they'll be in their ability to tackle this challenge. Make it your goal to show them how their previous experience has prepared them.
- **A sound strategy.** Do you have a game plan that you can articulate clearly and succinctly? Team members need to know where they're going before they can fully accept the responsibility for getting there.
- **Acceptance of responsibility by the leader(s).** Do you embrace your role in achieving the vision? Are you willing to be held accountable? People need to know that you'll do your part.
- **Celebration of each victory.** A big vision is filled with many small goals. Celebrating victories in those areas helps team members track their progress and find the motivation to continue on the journey.
- **Evaluation of each defeat.** When the team misses a goal, it's important to acknowledge that and communicate how the team can do better moving forward.

Great vision precedes great achievement. Field Marshal Bernard Montgomery, a leader of troops during World War II, wrote that "every single soldier must know, before he goes into battle, how the little battle he is to fight fits into the larger picture, and how the success of his fighting will influence the battle as a whole." People on your team need to know why they're fighting. This helps them buy in emotionally and logically, so that they can work together with you to achieve victory.

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sesco@sescomgt.com Published in September 12, 2017 edition*



# National News

## PHCC Promotes Bill to Expense HVAC Equipment

An umbrella organization of HVAC industry groups is supporting a bipartisan bill that would permit building owners to expense some HVACR equipment on their federal tax bills.

The HVAC Expensing and Technology Act — aka the HEAT Act — was introduced by U.S. Reps. Pat Tiberi (R-Ohio) and Ron Kind (D-Wis.). If passed it, would allow commercial building owners to deduct the full purchase price of HVAC equipment bought during the year under section 179 of the U.S. tax code.

It's backed by the HVACR Alliance, whose members include the Air Conditioning Contractors of America; Air-Conditioning, Heating and Refrigeration Institute; Heating, Air-conditioning and Refrigeration Distributors International; ASHRAE; North American Technician Excellence; Heating, Refrigeration & Air Conditioning Institute of Canada; National Air Filtration Association; Plumbing, Heating & Cooling Contractors; Sheet Metal & Air Conditioning Contractors National Association; and the Refrigeration Service Engineers Society.

"I am pleased to see members of Congress moving forward on this important issue," said ACCA President-CEO Paul Stalknecht. "It is time for the federal government to recognize the realistic lifespan of commercial HVACR equipment and adjust the depreciation schedule accordingly. Encouraging building owners to replace outdated, inefficient and failing equipment is a win-win for our national energy policy and building owners. ACCA and the HVACR Industry Alliance looks forward to helping advance this legislation and correcting the 2015 PATH Act."

Stephen Yurek of the AHRI, which represents most of the major manufacturers of HVAC construction equipment, said the bill will benefit the nation.

"By allowing our members' products to be treated as capital equipment, this bill will save energy for the nation and money for building owners who currently are prohibited from expensing this equipment under Section 179," Yurek said. "We have been working with Congress on this issue for many years, and this is a good first step toward encouraging installation of today's highly energy-efficient HVACR equipment manufactured by our member companies."

HARDI CEO Talbot Gee thanked the Congress members sponsoring the bill.

"We are truly grateful that Reps. Tiberi and Kind have stepped up to the plate in bipartisan fashion with common-sense legislation which will better allow our entire industry to more effectively deliver cost and energy savings to building owners," he said.

**If passed it, would allow commercial building owners to deduct the full purchase price of HVAC equipment bought during the year under section 179 of the U.S. tax code.**

## OSHA to Launch App to Submit Injury and Illness Data



The Occupational Safety and Health Administration launched an Injury Tracking Application. The Web-based form allows employers to electronically submit required injury and illness data from their completed 2016 OSHA Form 300A. The application is accessible from the [ITA Web page](#).

In June, OSHA published a [notice of proposed rulemaking](#) to extend the deadline for submitting 2016 Form 300A to Dec. 1, 2017, to allow affected entities sufficient time to familiarize themselves with the electronic reporting system, and to provide the Trump Administration an opportunity to review the new electronic reporting requirements prior to their implementation.

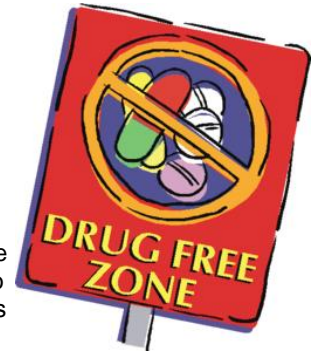
The data submission process involves four steps:

1. Creating an establishment.
2. Adding 300A summary data.
3. Submitting data to OSHA.
4. Reviewing the confirmation email.
- 5.

The secure Web site offers three options for data submission. One option will enable users to manually enter data into a Web form. Another option gives users the ability to upload a CSV file to process single or multiple establishments at the same time. A third option allows users of automated recordkeeping systems to transmit data electronically via an application programming interface. The ITA Web page also includes information on reporting requirements, a list of frequently-asked questions and a link to request assistance with completing the form.

## The Employee Drug Testing Dilemma

*Legally Speaking by Bob Dunleavy*



Two recent **developments** have caused even more confusion for employers concerning their legal rights to exclude job applicants based upon positive **pre-hire drug screens** and to require **automatic post-accident drug testing** for current employees. This is because OSHA's revised accident reporting and recording **rules** issued last year attempting to restrict automatic post-accident testing are **on hold** and because the Massachusetts Supreme Court has just ruled that a **job applicant** testing positive **cannot be rejected** for hire just because he or she uses marijuana for a medical condition. Massachusetts believes the employer needs to engage in an Americans with Disabilities Act type "interactive process" to see if the employee's marijuana use can be accommodated. Massachusetts employers now must show that the marijuana use is an undue hardship to the business or a safety threat. Wow! **How is an employer expected to maintain a safe workplace** with these apparent legal restrictions and the widespread abuse of illicit drugs? Here are the **answers to the dilemma**:

- Marijuana is still a Schedule I federally controlled narcotic and the majority view is that an **employer has the right to pre-hire drug screen** and reject applicants testing positive for marijuana and other illicit drugs. The Massachusetts case is only controlling in Massachusetts. But, in those states having liberal marijuana laws which contain related anti-discrimination or reasonable accommodation provisions, exclusion on the sole basis of a positive pre-hire test could eventually be considered unlawful. Anticipate more anti-employer decisions similar to the one in Massachusetts.
- **Automatic post-accident drug testing** is where all employees involved in an accident are tested – or at least those believed to have caused or contributed to it. OSHA's accident reporting and recording rules contain additional gratuitous commentary stating, among other things, that post-accident testing should be limited to situations in which the drug use is likely to have caused or contributed to the accident – not automatic. But, the actual language of the rules **do not prohibit mandatory post-accident drug testing**. OSHA thinks employees do not report accidents and injuries in an effort to avoid drug testing. These OSHA rules are being challenged in federal court actions currently.
- More significantly, while these rules entitled "Improve Tracking of Workplace Injuries and Illnesses" established an initial deadline of July 1, 2017 as the date by which certain employers were required to submit OSHA Form 300-A information electronically, OSHA in late June placed the **requirement on hold** and extended the initial electronic reporting deadline to December 1, 2017. OSHA's announced purpose is to provide the Trump Administration time to "review" the new requirements. Most importantly, OSHA stated that it "intends to issue a separate proposal to reconsider, reverse, or remove other provisions of the prior Final Rule." What? **Is OSHA backtracking?** In light of the new administration's anti-regulatory posture, does this mean that OSHA's gratuitous comments in the Final Rule severely limiting post-accident drug testing will be withdrawn? I predict such because employers are much concerned about drugs in the workplace. Almost **eight out of 10 users of illicit drugs are currently employed**. In the last month alone, 9.7 million Americans have used marijuana and 1.9 million have used cocaine. President Trump, in August, even declared the Opioid epidemic to be a "national emergency."

**How is an employer expected to maintain a safe workplace with these apparent legal restrictions and the widespread abuse of illicit drugs?**

In light of these developments, many **employers have elected to continue their automatic drug testing policy**. It is likely that such a policy will not be found by the courts to be in violation of the law. But, for those employers wishing to be more cautious, post-accident testing based upon "**reasonable suspicion**" that substance abuse contributed to the accident is the best approach. For example, if the employee is injured by a falling object, consider not testing the injured employee but instead the employee who caused the object to fall.

Remember, OSHA's commentary does not affect **new hire, reasonable suspicion** and **random testing**. But, be sure to administer these types of testing and your substance abuse program in a uniform and non-discriminatory manner.

*Continued on next page..*

# Business News

## OSHA's Final Rule to Protect Workers from Exposure to Respirable Crystalline Silica- enforcement began on September 23rd

**Rule requires engineering controls to keep workers from breathing silica dust**

The Occupational Safety and Health Administration (OSHA) has issued a final rule to curb lung cancer, silicosis, chronic obstructive pulmonary disease and kidney disease in America's workers by limiting their exposure to respirable crystalline silica. The rule is comprised of two standards, one for Construction and one for General Industry and Maritime.

OSHA estimates that the rule will save over 600 lives and prevent more than 900 new cases of silicosis each year, once its effects are fully realized. The Final Rule is projected to provide net benefits of about \$7.7 billion, annually.


About 2.3 million workers are exposed to respirable crystalline silica in their workplaces, including 2 million construction workers who drill, cut, crush, or grind silica-containing materials such as concrete and stone, and 300,000 workers in general industry operations such as brick manufacturing, foundries, and hydraulic fracturing, also known as fracking. Responsible employers have been protecting workers from harmful exposure to respirable crystalline silica for years, using widely-available equipment that controls dust with water or a vacuum system.

### Compliance Schedule

Both standards contained in the final rule take effect on June 23, 2016., after which industries have one to five years to comply with most requirements, based on the following schedule:

**Construction** - September 23, 2017. OSHA delayed enforcement in order to conduct additional outreach and provide educational materials and guidance for employer.

[Click here](#) for full article and provisions.



"The tools that we need to protect workers are already out there. They're available. They're not prohibitively expensive, and they need to be implemented."

-Deven Johnson

Director of Training, Health and Safety for the  
Operative Plasterers' and Cement Masons'  
International Association

## The Employee Drug Testing Dilemma (cont)

Because OSHA's commentary states that post-accident screens mandated by state workers' compensation law are not prohibited, this further justifies automatic **post-accident testing** if the test is performed **for workers' comp benefit disqualification purposes or** to obtain a drug-free workplace **premium discount**. But, workers' comp laws customarily do not specifically require mandatory post-accident testing or enrollment in a DFW program. In any event, the majority view is that the voluntary enrollment in a DFW program which mandates automatic testing is sufficient to come within the OSHA exception to its commentary and **most employers are continuing post-accident testing** in connection with their workers' comp programs.

Federal government contractors subject to the **Drug Free Workplace Act** and employers with **DOT** obligations should continue to follow the law without regard to OSHA's rules and state marijuana laws. Remember, DOT medical Review Officers will not verify a drug test as "negative" based upon the employee having been prescribed medical marijuana. But, non-DOT scenarios present a predicament.

*For more information regarding drug-free workplace programs and the enforcement of them, contact **Bob Dunlevey**, Board Certified Specialist in Labor and Employment Law, now at Taft Law (937) 641-1743. Also, for a reasonable suspicion checklist, send email to [rdunlevey@taftlaw.com](mailto:rdunlevey@taftlaw.com).*



## The TAPHCC Newslink

TENNESSEE ASSOCIATION OF PLUMBING -  
HEATING - COOLING CONTRACTORS, INC.  
9041 Executive Park Drive - Suite 220  
Knoxville, TN 37923

# STATE ASSOCIATE MEMBERS SUPPORTING PHCC

**ASSOCIATE MEMBERS listed  
support the TENNESSEE PHCC:**

A6 Sales  
Beaty Chevrolet Company  
Ben O'Neal Company  
Boiler Supply Company  
Brody & Company Insurance  
Charlotte Pipe & Foundry  
Coastal Supply Company  
Ed's Supply Co. Inc.  
Enviro Professionals  
Enviro-Systems  
Exxon Mobil Fleet Card  
FC<sup>2</sup> Sales Inc.  
Federated Insurance Company  
Ferguson, Knoxville  
Ferguson, Nashville  
Freeland Chevrolet  
Geny Insurance  
Gray Hodges Corporation  
Hajoca- Kingsport  
Hajoca-Knoxville

Hendersonville Winnelson Co.  
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Mercedes Benz of Knoxville  
Mid America Marketing  
Milwaukee Electric Tool  
Nashville Chrysler Jeep Dodge Ram  
O.G. Hughes & Sons, Inc  
Peacock Sales Company  
PDI- Plumbing Distributors Inc.  
PMG Benefits Consulting, LLC  
Pulley & Assoc. of TN, LLC  
REA, Inc.  
Reeder Chevrolet  
Safety and Health Compliance

ServPro of Rocky Hill, Sequoyah  
Hills, South Knox  
ServPro of West Knoxville/Concord  
Stowers Rentals  
Sunbelt Marketing  
Tennessee 811  
The Underground Detective  
TIS Insurance Services  
Trade Management  
Tradesmen International  
Trane, US Inc.  
Trane TN/KY DSO  
Trillium Construction  
United Testing & Balancing  
Victaulic  
Viega  
WM McClain Company  
West Chevrolet Inc.  
Wiggs, Haun, & Bohan Sales Co.  
Willis, Towers, Watson PC.

# SUPPORT YOUR CHAPTER PHCC ASSOCIATION



## CHATTANOOGA

**Meeting** - Call for date and time  
Wally's on Ringgold Road  
Reservations: 423-622-3178

## MIDDLE TENNESSEE

President: Jonathan Sadler  
Sec-Treasurer: Curtis Frizzell  
**Meeting:** 3rd Tuesday, 11:00 am  
Please call Jonathan at 256-759-3972 for  
details on meeting locations and schedule

## KNOXVILLE

President: Scott Robinson  
Secretary-Treasurer: Jim McCampbell  
**Meeting** - 4th Monday, 11:45 am  
Bearden Banquet Hall, 5806 Kingston Pike  
RSVP- Rose Mayfield - 865-607-4283

## NORTHEAST TENNESSEE

President: Mark Lucas  
Vice-President: Keith Rhymer  
Sec-Treasurer: Leslie Persinger  
**Meeting** - 2nd Tuesday, 11:30 am  
Call for Location: 423-926-2665