

SUMMER 2009

OFF THE WALL

An Industry Publication by the Wall-Ceiling & Carpentry Industries of New York, Inc.

**Hundreds
of Jobs For
Long Island—**

**New
Brookhaven
Lab**

Contract — See page 6

Courtesy of Brookhaven National Laboratory

CALENDAR

2009				
AUGUST	18 (TUES)	4:00 PM	BOARD MEETING	WESTBURY MANOR
		6:00 PM	BARBECUE	WESTBURY MANOR
SEPT	9 (WED)		BOARD MEETING	TBD
	15 (TUES)	6:00 PM	MEMBERSHIP MEETING	CARACALLA
	22-27		AWCI CONVENTION	RITZ CARLTON SAN JUAN, PR
OCT	20 (TUES)	4:00 PM	BOARD MEETING	TIRO SEGNO
		6:00 PM	MEMBERSHIP MEETING	TIRO SEGNO
NOV	11 (WED)	7:30 AM	BOARD MEETING	OFFICE
	17 (TUES)	6:00 PM	MEMBERSHIP MEETING	TBD
DEC	8 (TUES)	4:00 PM	BOARD MEETING	NO. HEMP. CC
	8 (TUES)	6:00 PM	CHRISTMAS PARTY	NO. HEMP. CC

OFF THE WALL

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Off The Wall Summer 2009



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*From the
Executive Director
Joseph Olivieri*

Labor-Management Teams Strike A Significant Agreement

After a months-long undertaking to jump-start building projects that will generate jobs for union contractors and put idle union workers back on the job sites, agreement was announced recently on a Project Labor Agreement that will cut the wages of both management and labor and streamline work rules.

The building trades agreed to no strikes or work stoppages on projects included under the PLA agreement, lower wages, as well as standard workdays and other work rule changes and enforcement. Contractors agreed to cut wages and benefits for management employees, reduce profit margins and strive for “improved project management and efficiency,” among other changes.

We applaud the efforts of both the management and labor negotiating teams that brought this about, and I congratulate our members and the union rank and file for their acceptances. The result will lower construction costs in New York City, thereby encouraging real estate developers to complete projects that have been stalled by the struggling economy.

We commend the aggressive actions taken by the New York City District Council of Carpenters, Mike Forde, his executive staff, and General President Doug McCarron in establishing a significant cost savings program by lowering wages 10 percent to owners and developers whose projects are in distress, and

the commitment by those owners and developers to build all of their projects with union carpenters over the next two years. Lou Coletti, president of the BTEA and BCTC president Gary LaBarbara both worked tirelessly to make the PLA agreement happen for all union labor. We thank all who participated, especially the Cagney group, the BCA and all the various association executives and union leaders.

But this isn't the end of it. The down market is still causing many problems for the construction industry in New York. Office space continues to be in very sluggish demand and consequently rents have dropped. According to Crain's New York Business, Manhattan asking rents for all available space has declined 11 percent from the Fall 2008. This translates to fewer starts for new projects. All our members — carpenters, lathers, laborers, tapers, painters and allied tradesmen — and their unions, are feeling the ricochet effect. Read the union publications and meeting reports and you see how important a *continuing* cooperative effort is in bringing down the cost of construction.

Yet there were only a few unions which agreed to a one-year freeze and benefit cuts to stimulate our private sector. This is hard to understand. The philosophy held by the majority of unions to not freeze wages even though the industry is in dire need of adjustment is simply not right. We need full and complete coopera-

tion between labor and management to help offset the downturn in values of retail and commercial markets and encourage real estate developers to build.

It can't be forgotten that there is a creeping trend toward nonunionism in New York. Tough times like these are incubators for this movement as developers look to slice costs and general contractors who care less about quality union labor scramble to grab whatever share of the market they can get.

Over the following months we will continue to watch and reevaluate New York's real estate market with an eye toward recommending necessary adjustments through labor-management relations. We need to keep encouraging builders to invest in new and renewed projects in New York that will be built by union labor. The association has continued to work with all our signatory unions in establishing market recovery rates for our signatory contractors to be competitive in this economy. Toward this end I encourage all members to attend our monthly meetings regularly to contribute ideas and content.

I also encourage all our signatory contractors to write to your labor leaders, telling them how the economy is directly affecting your business. Let them know what is going on — how hard it is to collect money, what difficult decisions you have had to make as business owners. They should be aware that union contractors are having a hard time competing in this market. When you write them, please send a copy to your association office.

Meanwhile, I would like to congratulate Mike Weber, WC&C's president, on his appointment as president of AWCI, our national organization. Through his wise business insights and high energy, Mike has brought great value to our local association and he will be a major asset to our larger team as well.

Kudos also to Lee Zaretsky, whose dedication to job safety has led once again to his company Ronsco, Inc. being recognized with AWCI's 2009 Excellence in Construction Safety Award. This is the third time the award has been conferred on Ronsco.

— Joe Olivieri



*From the
PRESIDENT
Michael Weber*

Proud To Be A Carpenter

I would like to applaud General President Douglas McCarron, Executive Secretary Mike Forde and President Peter Thomassen. I commend them for their leadership and bold steps taken regarding the concessions made for the PLA projects in the New York market. I would also like to pay tribute to Louis Coletti, President and CEO of the BTEA and President Gary LaBarbera of the Building and Construction Trades Council of Greater New York for their efforts in putting the PLA Agreements together.

With the recent feedback on pricing in this competitive market, it looks like the owners will get their wish with the 25-30 percent reduction in pricing. About 8 percent is derived from the PLA's, 8 percent from value engineering and an outrageous 15 percent from our contractors bidding at or below cost. Although the Project Labor Agreements have stimulated some employment, the sliding scale of salary and benefits is troublesome, to say the least. An across the board wage freeze and reduction in benefits would help to minimize the animosity that surely will occur as we dispatch our workforce to non PLA and PLA projects with different compensation packages. The efforts made up to this point are arguably a step in the right direction, nevertheless there is still much work to be done.

With the rapidly expanding lien lists and the shrinking market share, it is extremely important to think long-term instead of short-term. A job with no money in it today is a loss of profit for tomorrow. Contractors bidding low could find themselves unable to cover even the slightest unexpected construction costs. Closing projects with no margin out of pure desperation, may feel like a short term victory, but down the line, when it comes time to pay the bills, you may find yourself in a terrible predicament.

As a follow up to the challenges pertaining to the mobilization and job referral criteria in our current Collective Bargaining Agreement with the New York City District Council of Carpenters, rendered effective May 28, 2009, the Honorable Judge Haight has issued new standards regarding the job referral rules. We will be posting and updating this information on our website. Please check in regularly for latest reports.

I look forward to seeing everybody at the annual barbeque on Tuesday, August 18th at Westbury Manor. Also, I hope to see everyone at the rain date for the golf outing on August 3rd. Additionally, the AWCI Industry Executives' Conference and Committee Week in San Juan, Puerto Rico is coming up at the end of September. Please be sure to make all of your arrangements early.

Again, I would like to thank our industry for the tremendous support they have lent to the Coalition Against Child Abuse and Neglect. — *Mike Weber*

In The NEWS

Mike Weber Named New AWCI President

WC&C president Mike Weber has been named the next president of AWCI. Mike has served the national organization as Vice President and a member of the Board of Directors.

President of Island Acoustics, LLC, Mike has been an effective leader operating his successful contracting business as well as providing insightful and valuable guidance for both AWCI and WC&C for many years.

An informative question and answer interview with Mike appears in the July 2009 issue of Construction Dimensions, the AWCI magazine.

Ronsco Once Again Recognized For Job Safety

Ronsco, Inc. has once again earned national recognition as the recipient of the AWCI 2009 Excellence in Construction Safety Award in the category of Fewer Than 300,000 Man Hours.

This is the third win for Lee Zaretsky and his Ronsco team. Ronsco was celebrated in 2006, 2008 and now in 2009.

AWCI-EIMA Joint Annual Meetings Held: Plans For 2009 Announced

EIMA members meet to learn more about agreement with AWCI, green advocacy program, continuing ORNL study and market growth initiatives

The EIMA Annual Meeting was held on March 25 in Nashville, Tenn., alongside AWCI's Annual Convention & INTEX Expo. The occasion gave manufacturers, distributors and contractors an excellent opportunity to learn from both organizations.

AWCI - EIMA Agreement Good for All

AWCI President Jim Keller of Grayhawk, LLC, joined Dryvit Systems President and EIMA Secretary Peter Balint in explaining the new relationship between EIMA and AWCI. Keller explained that the two-year partnership is not a merger, but provides a valuable sharing of ideas. He said EIMA's technical knowhow complements AWCI's marketing expertise, applicator program and core group of contractor members. Peter Balint concurred that the partnership will help spread the EIMA message that EIFS are superior to other wall systems as well as affordable and easy to install. Keller and Balint also explained EIMA's new executive director is expected to be announced soon.

Housing Turnaround Expected

David Boivin, EIMA President and President of Sto Corp., opened the general session with words of hope despite the current economic trends. He predicted housing growth will resume by the second half of the year and that the stimulus plan will improve the housing market. Boivin announced that EIMA is organizing an advocacy committee to educate legislators about EIFS "green" advantages since a number of green building initiatives are part of the stimulus.

EIMA to Advocate for Green Initiatives

Tony Stall, Dryvit Systems Vice President, Marketing and Sustainability, explained the mission of the EIMA Green Advocacy Committee. Stall said EIMA hopes that the committee will help position EIFS energy efficient performance and other benefits in the administration's pro-green strategy. The group's action steps include strategies such as lobbying the DOE and EPA, partnering with other like-minded organizations, funding initiatives through private venture capital and promoting the committee's activities through the media.

Communications Committee Getting the Word Out; New PowerPoint Pending

Alec Minné, Sto Corp. Director – Marketing & Planning, and chairman of the EIMA Communications Committee, summarized the committee's internal and external outreach efforts. Advertising, marketing and public relations strategies were used

to present the benefits of EIFS and EIMA to key audiences such as architects and building code officials. Minné was joined by committee members Kent Stumpe of BASF Wall Systems and Jamie Makuuchi of ParexLahabra. Each reported on developing an EIFS PowerPoint presentation for general use as well as the basis for an AIA CEU program. In addition, a new brand protection program was demonstrated by showing how it was used to respond to negative stories in the media that arose following the Monte Carlo Hotel fire in Las Vegas last January.

Oak Ridge to Launch NET Facility Phase III in September

The EIMA Technical Committee's update was presented by Bill Preston of Dryvit Systems. Preston explained how EIFS adoption into the international model building codes helps former detractors of the industry to now realize the advantages of EIFS. He announced Phase III of the Oak Ridge National Laboratory study is set to begin in September 2009. This next phase, according to Preston, will involve creation of a general model based on data from the two previous NET facility testing programs. Once completed, the model will provide similar data predictions for any climate zone in the country. Preston also reviewed current and pending ASTM standards, and he detailed EIMA's efforts to appeal to the IECC to adopt a code change for inspecting sheet-type barriers as well as the current inspection of liquid applied barriers.

EIFS --Going Back to Look Ahead

Buck Buchanan, ParexLahabra VP of Sales & Marketing and EIMA board member, offered an EIFS retrospective and vision for the future. After a review of EIFS evolution and timeline from 1969 to present day, Buchanan encouraged the audience to work harder to educate architects, building owners and code officials. He urged a reemphasis of how EIFS has come full circle back to its roots as a high-performing wall system that offers more flexible design and affordability. He also encouraged EIFS manufacturers to work together by focusing on taking business away from brick and other cladding competitors, and not from each other.

ABOUT EIMA

Founded in 1981, the EIFS Industry Members Association (EIMA) is a national non-profit technical trade association comprised of leading manufacturers, suppliers, distributors and applicators involved in the exterior insulation and finish systems (EIFS) industry. For information, contact EIMA at 800-294-3462, eifsinfo@eima.com, or www.eima.com. •



Rendering of the proposed National Synchrotron Light Source II. NSLS-II is a proposed new state-of-the-art medium energy storage ring designed to deliver world leading brightness and flux. The facility will be able to produce x-rays up to 10,000 times brighter than those produced at the NSLS today. The current NSLS is in the foreground at left. The Center for Functional Nanomaterials is at right.

\$184.3 Million Recovery Act Funding for Brookhaven Lab

Courtesy of Brookhaven National Laboratory

Funds will accelerate construction of the National Synchrotron Light Source II

UPTON, NY — The U.S. Department of Energy’s Brookhaven National Laboratory will receive \$184.3 million in new science funding from President Obama’s American Recovery and Reinvestment Act, principally to accelerate construction of the National Synchrotron Light Source II (NSLS-II), a new \$912 million project approved to start construction earlier this year by the Department of Energy (DOE).

The funds are part of \$1.2 billion announced by Secretary of Energy Steven Chu, during a visit to

Brookhaven, from funding allocated under the Recovery Act to DOE’s Office of Science. The funds will support an array of Office of Science-sponsored construction, laboratory infrastructure, and research projects across the nation.

“Leadership in science remains vital to America’s economic prosperity, energy security, and global competitiveness,” said Secretary Chu. “These projects not only provide critically needed short-term economic relief but also represent a strategic investment in our

nation's future. They will create thousands of jobs and breathe new life into many local economies, while helping to accelerate new technology development, renew our scientific and engineering workforce, and modernize our nation's scientific infrastructure."

"This increase in federal support for basic research, the hallmark of our work at Brookhaven Lab, will strengthen the country's global leadership position in science and technology," said Laboratory Director Sam Aronson. "We welcome the additional funding for Brookhaven Lab, which is part of DOE's family of national laboratories, key to the nation's scientific enterprise."

"Secretary Chu's visit to Brookhaven is a clear sign of how important the lab is to the scientific and competitive research future of Long Island and the entire nation," commented the senior Senator from New York, Charles Schumer. "We look forward to a long and productive relationship with the new secretary to ensure the Lab – as a critical scientific and economic engine – continues to thrive and grow."

"These recovery funds will create jobs on Long Island, strengthen the economy and spur the innovations we need to make America strong in the future," Congressman Timothy Bishop said. "What's good for Brookhaven is good for Long Island and the nation. This recovery funding will put hundreds of Long Island construction workers, electricians and plumbers to work and allow the lab's highly skilled and dedicated scientists to continue their cutting edge energy research."

New York Senator Kirsten Gillibrand said, "This is great news for Brookhaven National Laboratory and for all of Long Island. Brookhaven is a major economic engine for Long Island. This funding will help create jobs and keep Long Island at the forefront of scientific research."

The Brookhaven allocation is part of \$1.2 billion that Secretary Chu announced is being disbursed now in the first installment of a total of \$1.6 billion allocated to the DOE Office of Science by Con-

Continued on following page

NSLS-II Contract Will Mean Hundreds of Jobs for Long Island

UPTON, N.Y. -- The U.S. Department of Energy's Brookhaven National Laboratory has announced the selection of the general contractor for construction of the conventional facilities at the National Synchrotron Light Source II, which will create as many as 1,000 jobs over the next several years. Torcon, Inc., a New Jersey firm with many projects in New York State, has been chosen to construct the building that will house the accelerator ring, the largest component of the machine. Torcon estimates that 90 percent of the total construction contract cost of more than \$170 million will be spent directly with Long Island contractors and suppliers. This phase of the facility's construction is expected to last through 2012.

The contract to construct the conventional facilities at NSLS-II will not only enhance Brookhaven National Laboratory's standing as a world-leading research facility, it will also bring a direct economic benefit to Long Island and New York State. The project team estimates that some \$91 million in materials will be bought from Long Island and other New York suppliers. Approximately \$63 million in labor, most of it supplied by local labor unions, will be needed to complete the construction of the conventional facilities. The average manpower level will be about 125 workers, with a peak of approximately 300.

"We are very pleased to mark this significant project milestone," said Associate Laboratory Director for Light Sources and NSLS-II Project Director Steve Dierker. "A great deal of work on the part of many talented and dedicated people has led us to where we can begin construction of this state-of-the-art machine."

NSLS-II will be an advanced, highly optimized, third-generation medium energy storage ring that will provide advanced new tools for discovery class science – science that will enhance national and energy security and help drive abundant, safe, and clean energy technologies. The x-ray brightness and resolution

of NSLS-II will be world leading, exceeding that of any other light source currently existing or under construction, and it will be 10,000 times brighter than the present NSLS at Brookhaven.

The machine will be the newest member of a suite of advanced light sources and neutron facilities operated by DOE's Office of Science that are used by more than 9,000 researchers annually from all disciplines. By providing a wide range of high resolution probes for nanoscience, NSLS-II will enable scientists to focus on some of the nation's most important scientific challenges at the nanoscale level, including clean, affordable energy, molecular electronics, and high-temperature superconductors. NSLS-II will also enable structural studies of the smallest crystals in structural biology. The Department of Energy has approved a total project cost of \$912 million.

The conventional facilities contract is the first and largest of several in a construction process that will culminate in the launch of the new facility in 2015. Torcon specializes in projects involving technical facilities, including laboratories and pharmaceutical plants. Engineering News-Record, the construction industry's leading news publication, ranks Torcon among the nation's top 10 builders of R&D facilities. In addition to its experience in the construction of complex facilities, Torcon has taken a leadership role in construction safety, having successfully established formal Occupational Safety and Health Administration (OSHA) Strategic Partnerships on a variety of its projects. At the forefront of its safety efforts is Torcon's alignment with the Voluntary Protection Program (VPP) — OSHA's most demanding set of standards. Torcon is a nationally recognized partner in VPP and has earned the highest possible VPP rating.

The NSLS-II is funded by the Department of Energy Office of Science.

For more information about the NSLS-II project, visit the website at www.bnl.gov/nsls2.

\$184.3 MILLION FUNDING FOR BNL *from preceding page*

gress under the Recovery Act legislation. Officials are working on details remaining to enable approval and release of the balance of \$371 million.

As noted earlier, the largest piece of Recovery Act funds coming to Brookhaven is for accelerated construction of NSLS-II.

Smaller sums are designated for construction of an interdisciplinary science building, general building repairs and improvements on the site, and accelerated acquisition of equipment for the Relativistic Heavy Ion Collider (RHIC), an atom



Courtesy Brookhaven National Laboratory

smasher that has garnered international headlines from its revelations of conditions in the early universe.

A break down of the funding follows:

- NSLS-II construction: \$150 million
- When built, NSLS-II will be the brightest x-ray source in the world, helping to drive abundant, safe, and clean energy technologies.
- Interdisciplinary science building: \$18.67 million
- Funding will go toward construction of a new building that will house high-accuracy instruments for research in solar energy, biofuels, solid state lighting, and superconductivity.
- Building upgrades: \$13.4 million
- Funds will be used for needed infrastructure improvements, including roofing, mechanical, and electrical upgrades and fire protection to several key science buildings.
- PHENIX equipment at RHIC: \$2.25 million
- Upgrades to the PHENIX detector will improve its performance, helping physicists understand more about why the physical world works the way it does, from the smallest subatomic particles to the largest stars.

About the NSLS-II Project

Brookhaven's current light source — the National Synchrotron Light Source (NSLS) — is one of the world's most widely used scientific facilities. Each year, 2,100 researchers from 400 universities, government laboratories, and companies use its bright beams of x-rays, ultraviolet light, and infrared light for research in such diverse fields as biology and medicine, chemistry and environmental sciences, physics, and materials science. Meeting the critical scientific challenges of our energy future will require advanced new capabilities that a new

facility called NSLS-II will uniquely provide. NSLS-II will be a new state-of-the-art, medium-energy electron storage ring (3 billion electron-volts) designed to deliver world-leading intensity and brightness, and will produce x-rays more than 10,000 times brighter than the current NSLS.

Research at NSLS-II will focus on some of our most important challenges at the nanoscale: Research at NSLS-II will focus on some of our most important challenges at the nanoscale:

Clean, Affordable Energy

NSLS-II will enable highly reactive gold nanoparticles to be imaged in situ, inside porous hosts and under real reaction conditions. This will lead to new materials to split water with sunlight for hydrogen production and harvest solar energy with high efficiency and low cost.

Molecular Electronics

NSLS-II will allow scientists to observe fundamental material properties with nanometer-scale resolution and atomic sensitivity. For example, new electronic materials that scale beyond silicon could be used for making faster and cheaper electronics that consume less power.

Self-Assembly

NSLS-II will enable scientists to understand how to create large-scale, hierarchical structures from nanometer-scale building blocks, mimicking nature to assemble nanomaterials into useful devices more simply and economically.

High-Temp. Superconductors

NSLS-II will also allow scientists to study how materials become high temperature superconductors — this may lead to materials that are superconducting at room temperature and allow efficient transmission of electricity.

Design and engineering of the new light source began in 2007 and construction will begin in 2009. Operations are expected in 2015. — *Brookhaven National Laboratory*

Pact Expected to Jump-Start Idled Projects

By Paul Bubny
GlobeSt.com

FOREST CITY RATNER COS.' BEEKMAN TOWER AND 11 OTHER STALLED DEVELOPMENT PROJECTS WILL BE MOVING FORWARD under an agreement between construction unions and management. The Economic Recovery Project Labor Agreement between the Building and Construction Trades Council and the Building Trades Employers' Assoc. is intended to reduce construction costs by an average of 16% to 21% on these projects, according to a joint statement from the two organizations. The PLA entails work rule changes accepted by labor and concessions accepted by contractors.

Work on the Beekman Tower, where construction had been stalled for the past months with half of its planned 76-stories completed, will now proceed, according to FCRC. Bruce Ratner, chairman and CEO of FCRC, who reportedly threatened to cap the Lower Manhattan residential tower at 40 stories when costs became an issue, says in a statement that "after a thorough review, Forest City's decision to complete the Beekman project as it was designed by Frank Gehry is the result of achieving our economic goals."

The company credits the PLA, along with reductions in the cost of materials, in resuming construction on the Downtown property, which is slated for occupancy in summer 2010. It will include 100,000-square-foot public school and a 21,000-square-foot ambulatory care center for neighboring New York Downtown Hospital.

Under terms of the PLA, unions have accepted work rule changes including no strikes or work stoppages; a standard eight-hour workday and 40-hour work week; overtime at time-and-a-half; eight common holidays; flexible starting times and lunch breaks; maximum utilization of apprentices at training wages; and strict adherence to safety rules and a standard of excellence for performance. The BTEA and unionized contractors have agreed to the following terms: no lock-outs; reduced and frozen wages for management personnel; fringe benefits and bonus reductions; reduced profit margins; reduced material and supply costs, to be passed onto owners; and improved project management and efficiency.

The agreement will be made available to private projects at risk from May 29, 2009 through June 30, 2010, and any project approved during this period can be built under these terms and conditions for the full schedule of the project, even if work continues after June 30 of next year. "The BCTC and BTEA will determine if the PLA will be extended and made available to projects starting after June 30, 2010 based on economic performance in the coming year," according to a release.

Along with Beekman Tower, some of the other projects citywide that will be moving forward under the PLA include 80 Dekalb Ave., Tower 111, 150 Amsterdam Ave., 200 and 300 North End Ave., the Milford Plaza Hotel, a Hunter College project and St. Mary's Children's Hospital, among several others. •



A rendering of the 76-story Beekman Tower, which will be the city's tallest residential building. — Artefactory

E-Verify Program Confirming Workers' Legal Status Grows In Popularity

By Anna Gorman
Los Angeles Times

The federal government's E-Verify program, which seeks to reduce the hiring of illegal immigrants, is becoming increasingly popular, with 1,000 new businesses signing up each week despite concerns about its reliability.

More than 124,000 businesses, including nearly 10,000 in California, are signed up for the Web-based identification program that enables employers to check whether an employee is authorized to work, according to U.S. Citizenship and Immigration Services. Among the employers enrolled in the state are restaurants, hospitals and temporary employment agencies.

Recently, the Obama administration announced that it wanted Congress to allocate \$12 million more to the program in the next fiscal year, bringing its budget to \$112 million. And Department of Homeland Security Secretary Janet Napolitano said in a congressional hearing that the program was "a cornerstone of workplace enforcement across the country."

"E-Verify is an essential tool for employers to maintain a legal workforce," she said in written testimony. "Nevertheless, room for improvement always remains."

Napolitano said the government planned to improve the accuracy of the databases and strengthen the training of employers to protect workers against discrimination.

E-Verify, run by the Department of Homeland Security, uses government databases to check the names, dates of birth and Social Security numbers of new hires to determine whether those individuals are eligible to work in the U.S. The program is voluntary, though a few states have passed laws requiring all businesses to participate and several others mandate its use by public employers.

At the end of June, all federal contractors and subcontractors will be required to begin using it. Last fiscal year, more than 6.6 million names were checked under the program, according to the citizenship agency.

E-Verify is an effective way to attack the jobs magnet for illegal immigrants, said Roy Beck, executive director of Numbers USA,

Despite concerns about the reliability of the Web-based U.S. program to block hiring of illegal immigrants, 1,000 new businesses are signing up each week.

which favors stricter controls on immigration. Beck said he hoped the increase in funding would result in more employers signing up.

"If there aren't jobs, they stop coming," he said. "We would rather solve the immigration problems not with people wearing uniforms and guns but simply with papers, just running someone through the computer."

But Angela Kelley, vice president for immigration policy at think tank the Center for American Progress, said E-Verify was not "ready for prime time."

"Supporters frame this as an immigration enforcement solution," she said. "It's really American workers having to ask the government for permission to work."

Immigration attorney Peter Schey said that though the program might be politically popular, it was unlikely to solve the issue of illegal immigration and would only push more undocumented workers underground. "They won't leave the country because of E-Verify," he said.

Business groups generally support E-Verify but criticize the error rate. The government reports that the program has a 96% accuracy rate. But even a small error rate could disqualify millions of workers if the program were to be expanded to the entire workforce, said Randel Johnson, vice president of labor, immigration and employee benefits for the U.S. Chamber of Commerce.

Despite that, many businesses want to be on the right side of the law and are willing to try out the system if it helps protect them from

inadvertently hiring undocumented workers, said Tamar Jacoby, president of ImmigrationWorks USA, a national federation of employers.

But Jacoby said there was an even bigger problem for employers. "We can't have a workable system of E-Verify if we don't have a legal immigrant workforce," she said.

That's why many agricultural companies haven't signed on, said Bryan Little, director for labor affairs for the California Farm Bureau. Little said he worried about having enough people to

work the fields.

"It's not in our benefit to hire illegal workers," he said. "The way the marketplace looks right now, farmers don't have a better option available to them."

Several local employers said E-Verify was quick and efficient. Stronghold Engineering, a government contractor in Riverside that does construction projects for the Defense Department, started using E-Verify about a year ago to check the employment status of new hires.

"You always want to make sure you are hiring someone who is authorized to work in the United States," said human resources manager Angela Rayfield. "This program is very user-friendly."

Employment service AppleOne Inc., which places workers at a variety of businesses, started using E-Verify at all of its California branches in 2007. Human resources manager Linda Madigan said it shifted the burden of validating documents from the company to the government.

"The E-Verify program is one of the best things we did," Madigan said. "The [branches] don't have to look at the documents anymore and decide if it looks right or not."

At AppleOne's downtown Los Angeles branch on a recent day, office coordinator Mayela Solorio ran an applicant's personal information through the system and within seconds received a response from the government: "Employment Authorized."

"He's good to go," she said. •



It's The Law

By Erwin Popkin

Erwin Popkin is legal counsel to the Association of Wall-Ceiling & Carpentry Industries of New York, Inc. and maintains practice in Mineola, NY.

Contributions an employer owes to a group of multiemployer benefit plans are not plan "assets" and as such the employer's owner is not a fiduciary over those contributions, the U.S. Court of Appeals for the Second Circuit ruled May 11, 2009 (*Rahn v. Halpin*).

After determining that the unpaid contributions were not plan "assets," the three-judge appellate panel found that the owner could discharge during his personal bankruptcy the debt his company owed to the multiemployer plans.

The appeals court found that the employer's obligation to pay contributions to the funds established a debtor-creditor relationship, rather than a fiduciary relationship under the Employee Retirement Income Security Act.

"If unpaid contributions were plan assets, the employer would automatically become an ERISA fiduciary once it failed to make the payments. As such, the employer would owe the plan undivided loyalty at the expense of competing obligations - some fiduciary - to the business, and to others such as employees, customers, shareholders and lenders, and an undifferentiated portion of the [company's] assets would be held in trust for the plan," Judge Barrington D. Parker wrote for the court.

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Increased enforcement of labor laws a top priority - one of the clearest indications of an administration's priorities is the budget and the amount of funding provided to various programs. Budgets always have winners and losers and reflect the degree to which programs will be implemented. A review of President Barack Obama's proposed budget and recent agency actions demonstrates that

increased enforcement of labor laws is a priority.

The proposed budget for the U.S. Department of Labor (DOL) states: "For the past eight years, the department's labor law enforcement agencies have struggled with growing workloads and shrinking staff. The president's budget seeks to reverse this trend." The President has proposed \$13.3 billion for the DOL, an increase of 4.7 percent. Funding also will be increased for the Occupational Safety and Health Administration (OSHA), the Wage and Hour Division, and the Office of Federal Contract Compliance Programs (OFCCP).

For OSHA, money is directed toward increased enforcement of workplace safety laws and whistleblower protections. Likewise, funding would be increased for the Wage and Hour Division to ensure workers get the wages owed to them and for the OFCCP to pursue equal employment opportunities.

In addition, the proposed budget would increase spending for Immigration and Customs Enforcement, border patrol, and E-Verify. Currently, \$110 million is proposed to expand the E-Verify system. Though both houses of Congress will be able to write their own appropriation bills in the coming month to modify the President's proposal, lawmakers have already signaled they will make workplace safety and enforcement of workplace laws a priority.

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In a reversal of a lower court's backing of a New York Labor Department determination, a mid-level state appeals court has ruled that the New York prevailing wage law does not apply to construction, renovation, repair, and maintenance work at charter schools

(*New York Charter School Association v. Smith*, N.Y. Sup. Ct. App. Div.)

The court found that state Labor Law Section 220 is inapplicable to the projects undertaken by charter schools.

"Simply stated, the charter agreements under which the charter schools operate do not constitute contracts between a public entity and another party, or by a third party for the benefit of a public entity, which involve the employment of laborers, workers or mechanics on a public works project," the court said.

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Labor Secretary Hilda Solis tells members of the Building and Construction Trades Department, AFL-CIO, of her commitment to intensifying the agency's endorsement of labor laws. She endorses the use of project labor agreements, pledges to strongly enforce prevailing wage laws under the Davis-Bacon Act, and promises to work with the White House to make the strongest case for why the Employee Free Choice Act (S. 560, H.R. 1409) is needed.

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In a May 18, 2009, decision, the U.S. Supreme Court addressed the issue of whether women who took maternity leave decades ago (before discrimination based on pregnancy became illegal) can sue to have their pregnancy leave time count toward their pensions. The Court reversed the Ninth U.S. Circuit Court of Appeals' ruling and held that they cannot.

The employer in this case changed its disability plan as soon as the Pregnancy Discrimination Act (PDA) became effective. Its new plan provided the same service credit for pregnancy leave as for other medical leave, but it didn't make any retroactive adjustments to its personnel policies that were in place before the PDA. The four employees who sued the company took pregnancy leave before the PDA and thus had more leave time subtracted from their service, resulting in smaller pensions.

The Ninth Circuit ruled that the four employees' pregnancy leave time should be included in pension determinations. The Supreme Court disagreed and held that an employer doesn't necessarily violate the PDA by paying pension benefits that were partially calculated under a pre-PDA rule, even if it gave less credit for pregnancy leave than for other medical leave. In reaching its decision, the Court also noted that Congress didn't make the PDA retroactive. •

ULLICO Commits \$250 Million to Historic Concord Resort Redevelopment Project



ULLICO through its Separate Account J, J for Jobs, has committed to provide a \$250 million participation in the construction loan to fund the \$1 billion Phase I Concord Resort Redevelopment project. When all phases are complete, the Concord Resort reconstruction will be the largest project ever in New York State outside of Manhattan.

“ULLICO is excited about this project,” said Mark Singleton, ULLICO Inc. chief executive officer. “We are proud that our participation will help to revive the county and provide a significant economic boost to the region and to New York State.”

The Concord-Empire Resorts Hotel and Casino will be built in Kiamesha Lake, Sullivan County, New York on a 150-acre site where the historic Concord hotel once proudly stood. In addition to the 750-room hotel and casino, Phase I of the 1.5 million square foot complex will also include the relocation and rebuilding on-site of the Monticello Harness Racing Facility, a convention center and upscale retail space. The massive, multi-billion dollar project will eventually encompass several hotels, golf courses, spas, shops and national

retailers and reestablish the Concord as a true national destination resort.

“This project is an historic one due to its size, the timing in the economic cycle and its job creation potential,” said Louis R. Cappelli, president of Cappelli Enterprises, Inc. and managing member of the Concord Associates. “We expect to employ 2,000 union construction workers and more than 2,000 permanent union hotel and restaurant workers.”

“Projects such as this and developers of the caliber of Louis Cappelli allow us to meet our mission with the J for Jobs program, to deliver strong returns to J for Jobs investors, valuable financing solutions to union employers and the creation of new union jobs,” said Edward M. Smith, ULLICO president.

“Projects such as this and developers of the caliber of Louis Cappelli allow us to meet our mission with the J for Jobs program, to deliver strong returns to J for Jobs investors, valuable financing solutions to union employers and the cration of new union jobs,”

The project is expected to revitalize the local economy and jumpstart the job market in the Catskills area. “Through J for Jobs, we will be able to use this project as yet another vehicle to create union jobs for union workers,” said Herb Kolben, ULLICO senior vice president and head of the ULLICO Real Estate Investment Group. “We have had a long and successful relationship with Louis Cappelli and financed projects with total value exceeding \$500 million.”

“The Labor Movement as a whole should be very proud of what ULLICO and its J for Jobs program will accomplish here on this job,” said Cappelli. “It will have a ‘domino effect’ on the entire region for decades to come. I am proud to partner with Labor in these tough economic times to lead this historic initiative.” ★ ★ ★





Empire State Building to Become a Model of Energy Efficiency

*By Leslie Guevarra
Green Buildings*

The Empire State Building Company, efficiency solutions giant Johnson Controls Inc., commercial real estate services leader Jones Lang LaSalle and titans in the battle against global warming, the Clinton Climate Initiative and the Rocky Mountain Institute, are teaming up to transform the New York City icon into a model of energy efficiency.

Representatives of the five partnering organizations announced their \$20 million project in New York. Their retrofit of the Empire State Building, where a sweeping renovation has been under way since 2007, is expected to cut energy consumption in the 79-year-old, 103-story building by 38 percent and reduce energy costs by \$4.4 million a year.

The collaborative project, a key component of the \$500 million renovation of the Empire State Building, is a first on many

fronts, according to Johnson Controls executives Iain Campbell, vice president and general manager of North America Service and Global WorkPlace Solutions, and Clay Nesler, vice president for Global Energy and Sustainability. The major element that sets it apart is its approach to achieving energy efficiency, Campbell and Nesler told GreenBiz.com.

Instead of pursuing incremental improvements, the project partners asked themselves “How can we do this differently to achieve a different outcome ... what would be the way to achieve maximum efficiency,” Campbell said.

“The idea was,” Nesler said, “ ‘How can we make the investment smarter?’ ”

The result, Nesler and Campbell said, was a series of innovations that were developed for the Empire State Building efficiency upgrade but can be applied to other major commercial buildings.

The first group of innovations involve a whole-building approach to data collection, analysis, achieved and projected energy performance, and evaluation of potential improvements (60 measures were examined) based on the amount of carbon reduction and financial returns.

The second innovation involves providing tenants as well as the building owner with incentives to further efficiency efforts. In the Empire State Building, the owner and the occupants each account for half energy savings. The building owner benefits by realizing the savings made possible by the retrofit investment. And to better engage the occupants, a web-based tenant energy management system is being installed to measure energy at a floor level. The tool is designed to provide tenants with the data and advice to help them manage their energy use. In addition, several “green pre-built” suites are being constructed in the building as a models of high-performance, energy efficiency and cost effective office space.

The third leg in the innovation triangle involves the use of a performance contract in the project. Johnson Controls is guaranteeing the energy savings via a performance contract, and such an instrument would be effective in obtaining third-party energy efficiency financing for retrofit projects, Campbell and Nesler noted. Though such

financing wasn’t necessary for the Empire State Building project, it could be crucial for retrofit projects undertaken by others.

The ability to replicate their model has been among the guiding principles of the project, Nesler and Campbell said. To that end, the measurement, performance modeling and financial tools and other material developed in the analysis process by the project partners are being made available online for public use at www.esbsustainability.com and www.esbnyc.com

“It will all be there for others to use,” Nesler said.

The efficiency project at the Empire State Building involves eight major steps. They entail:

- A window light retrofit. About 6,500 thermopane glass windows are to be refurbished by using existing glass and sashes to create triple-glazed insulated panels with new components. The change is expected to significantly reduce summer heat load and winter heat loss. Together with other changes to the building shell, this upgrade is expected to decrease chiller load by 33 percent, Nesler and Campbell said, noting that analysis showed the benefit of making these changes were far greater than replacing the chiller — which is a typical move in retrofits.
- A radiator insulation retrofit. Insulation is to be added behind radiators to reduce heat loss and more efficiently heat the interior perimeter of the building.
- Upgrades in tenant lighting, daylighting and plugs. Improved lighting designs, daylighting controls and plug load occupancy sensors are expected to reduce electricity costs and cooling loads.
- Air handler replacements. Air handling units are to be replaced with variable frequency drive fans to enable increased energy efficiency in operation and improved comfort for tenants.
- A chiller plant retrofit. While using the existing chiller shells, the “guts” are to be replaced and upgraded to improve efficiency and ability to control the chiller. Changes include the introduction of variable frequency drives.
- Upgraded whole-building control system. Improvements to the existing building control system are expected to optimize HVAC operation and provide more detailed sub-metering information.
- An upgrade in ventilation control. De-

mand control ventilation is to be introduced in occupied spaces to improve air quality and reduce the energy consumed to condition air from the outdoors.

- Installation of tenant energy management systems. These individualized, web-based systems enable tenants to better manage their power use.

Work on the buildings systems for the efficiency upgrade at the Empire State Building has begun and is expected to be complete by the close of 2010. Work in tenant areas is slated for completion by 2013. In general, work that is scheduled for completion in the next 18 months will account for more than 50 percent of projected energy savings.

Campbell credited Anthony Malkin of the Empire State Building Company and president of building owner Wein & Malkin with being the catalyst for the efficiency partnership and the project.

“He very much had the vision,” Campbell said.

Malkin reached out to the Clinton Climate Initiative, which in turn brought in the Rocky Mountain Institute, Johnson Controls and property manager Jones Lang LaSalle. That outreach occurred after an unusual convergence of events involving environmental efforts by organizations and businesses.

The project to renovate the Empire State Building was launched in 2007, the same year that New York Mayor Michael Bloomberg kicked off the PlaNYC sustainability project and the Clinton Climate Initiative began its Building Retrofit Program to unite businesses, organizations and institutions in efforts to shrink the carbon footprint of existing structures through joint projects to green them.

The Empire State Building project serves as a “broader opportunity to educate” policymakers and civic leaders worldwide, building owners, property managers and tenants about the ability to reduce costs, energy use and carbon footprints through efficiency, Nesler said.

“I think with this project we proven that it’s possible to significantly reduce greenhouse gas emissions in a way that’s very, very cost effective,” said Nesler. •

Just How Financially Healthy is Your Small Business, Anyway?

By ANITA CAMPBELL OF SMALL BUSINESS TRENDS
From American Open Forum

As I grow my business, I have learned that one of the most valuable uses of my time as a small business CEO is to manage the financial health of my business. In other words, is my business strong? Or — heaven forbid — are we skating on such thin ice that one or two bad months could mean the end?

My goal is to have a healthy business that can withstand a few ups and downs (emphasis on the downs) and let me get a good night's sleep. That's my layman's definition of a financially healthy business.

Monitoring and managing your business's financial health involves more than simply maintaining a cushion in your bank balance. It's more than just keeping accurate books. It is more than staying up to date on your accounts payables and not letting your accounts receivables get too stale. Those activities are important, true.

But managing your business for financial health is about taking a **big picture** view of your business, as interpreted through **the detail of your financial statements**. Sound contradictory? It's not.

What I am talking about is understanding your financial statements, identifying which numbers matter most on those financial statements, and interpreting those numbers to make informed business decisions. In other words, you are identifying key numerical indicators that tell you how fiscally healthy your business is.

Knowledgeable finance people and savvy business owners call these key indicators "financial ratios." By monitoring financial ratios, you can benchmark how well your business is doing compared to healthy businesses; watch for early warning signs of ill-health; and develop goals to work toward to improve in any areas of weak financial health.

The Business Owner's Toolkit says this about financial ratios (also called business ratios):

"In order to assess how your business is doing, you'll need more than single numbers extracted from the financial statements. Each number has to be viewed in the context of the whole picture.

The true meaning of figures from the financial statements emerges only when they are compared to other figures. Such comparisons are the essence of why business and financial ratios have been developed.

Various ratios can be established from key figures on the financial statements. These ratios are very simple to calculate — sometimes they are simply expressed in the format 'x:y,' and other times they are simply one number divided by

Small Business Threat Index

Jeff Cornwall D.B.A. - Belmont University & George Solomon, D.B.A. - The George Washington University

$$\text{Interest Coverage Ratio (Times Interest Earned)} = \frac{\text{Monthly Cash Flow}}{\text{Interest Expense}}$$

Can your business cover the debt it owes each month to the bank?

A common loan requirement is to have more than enough cash flow to cover monthly interest due. As credit gets tighter, banks will likely require a higher coverage of monthly interest due. While being able to cover 1.25 to 1.5 times interest owed was adequate in the past, higher coverage may become required as loans are renewed.

Q: 1/15

A) >2.0

D) 1.0-1.24

B) 1.5-1.99

E) <1.0

C) 1.25-1.49

start over →

another, with the answer expressed as a percentage. However, these simple ratios can be a powerful tool because they allow you to immediately grasp the relationship expressed.

When you routinely calculate and record a group of ratios at the end of every accounting period, you can assess the performance of your business over time, and compare your business to others in the same industry or to others of a similar size.”

My frustration with financial ratios is that all too often the explanation and calculations around them are unnecessarily complex and confusing. It took me literally years to decipher financial ratios enough to use them.

Luckily, you don't need to go through what I went through. I recently found a tool that makes it much simpler for small businesses to assess financial ratios and interpret them.

The Small Business Threat Index is a self-quiz that you

take online at <http://www.entrepreneur.com/quiz/threatindex/index.html>. Using it you can assess the financial vulnerability of your small business, through using financial ratios.

Professor Jeff Cornwall, Director of the Center for Entrepreneurship at Belmont University, and Dr. George Solomon of George Washington University, have created this useful online tool.

There are 15 questions to the tool, and it should take you 5 to 10 minutes to complete it (assuming you are familiar with your business numbers or can quickly pull up your financial statements to look at them).

I urge you to take the quiz. If the questions seem daunting or complex, don't give up. Just break down the questions, and you will soon work your way through them. It's worth the time and effort. Taking the quiz will help you understand your business and be a better manager of your business's fiscal health. •

Firms Slow To Re-strategize In Current Changing Economy

By Debra K. Rubin
ENR.com

Contractors are feeling the impact of the changing economy, but many are failing to prepare for what may not be just a normal recession, according to industry management consultant FMI Corp. in a new report.

In its survey conducted in February of 230 executives of U.S. construction firms in various revenue categories and market segments, Raleigh, N.C.-based FMI says respondents anticipate much uncertainty ahead. Three-quarters of respondents foresee workforce cuts, and 77% expect profits to drop. While 74% of firms have boosted business development in the last six months, only 56% are formally evaluating their capabilities and constraints and only half are reviewing customers and markets with any formality. The survey contends that midrange firms with annual revenue between \$500 million and \$1 billion “are anticipating the most uncertainty and are least prepared.”

FMI says direct responses from executives to the changing conditions ranged from “business as usual, hoping things will get better” to “intense visioning and strategy sessions to examine all products and services offered, cost position and customer requirements.”

According to FMI, 84% of firms say competition has increased, with 80% citing lower pricing as their primary response. Only 30% have a “detailed understanding” of competitors’ strategies, and only 29% are actively assessing the competition. But the survey points to “subtle shifts” in contractor strategy today, with fewer firms adopting the “same game with better execution” approach and more seeking new customers and markets.

Except for firms with annual revenue over \$1 billion, few were preparing for the impact of federal stimulus funds, believing that “government intervention will only replace lost demand, not stimulate a building boom,” the survey points out.

“Far too many contractors have yet to adapt to the changing context. As uncertainty increases, so too should the level of preparation and depth of analysis,” says survey author Briston Blair, head of FMI’s strategy practice. “There are many possible futures facing the industry, and those firms preparing and adapting now will be there to win big when the market recovers.”

Improving Accounts Payable Productivity

Constructech Magazine

In today’s economy, productivity is key. From estimating to project management to accounting, many construction companies are looking to reduce inefficiencies to become more profitable.

AP (accounts payable) is one specific area of the construction process where many companies could likely reduce a lot of inefficiencies. In fact, industry sources cite the average AP employee spends more than 13 hours a week inputting data from paper into a computer. This number is relatively high and is an area that could be significantly reduced via the use of technology.

OCR (optical character recognition) software has been identified as a key tool to help reduce inefficiencies and improve productivity in the AP department of companies. During the scanning process, OCR software reads text in all documents and passes the information to an imaging system.

One of the benefits of this kind of technology—beyond saving time and eliminating human error—is the ability to do a full text search after the invoice is scanned, making it easy to interact with the document on the computer.

For many years, reports have identified this kind of technology as a key tool to save time in the AP process. Taking it a step further, document-imaging technology has a few additional benefits after the document is scanned. AP professionals can use this kind of technology to route, store, and approve documents. It can also be used for records automation, which means sharing AP data with accounting software. Image enabling allows construction companies to see an image within accounting software. Some software even has virtual rescan technology, meaning the software will remove lines, smudges, and shadows to improve the quality of the image.

Construction Imaging, www.construction-imaging.com, Rocky Mount, N.C. recently published a whitepaper titled *Increase Your Accounts Payable Productivity with Technology*. This whitepaper looks at how document-imaging technology can help improve efficiencies in AP departments, particularly looking at many of these features including OCR, records automation, image enabling, and type once technology, among others. In what is termed ‘type once technology’ users can watch as the data from imaging technology is entered into accounting software.

While it has long been known OCR software can help improve productivity in AP processes, document-imaging technology can take it a step further, integrating imaging with accounting. And now, with current economic conditions, it is especially crucial to know how to save time and reduce inefficiencies. •



International Gem Tower Breaks Ground

This artist’s rendering provided by the Extell Development Company shows a view of the planned International Gem Tower in New York’s Diamond District. City officials announced the ground-breaking Tuesday, May 19, 2009, for the tower, which will feature a facade of diamond-shaped steel medallions. The building, a 34-story state-of-the-art facility for gem and jewelry wholesalers, retailers, manufacturers and designers, is expected to be completed in 2011.

(AP Photo/Extell Development Company)

8 tips for specifying and installing glulam beams

From *Building Design and Construction*

The popularity of glulam beams has skyrocketed during the past decade, particularly in the hospitality, religious, and education sectors, where appearance, sustainability, and long spans are often desired.

But working with glulams can be tricky, especially for AEC professionals who are unfamiliar with the material.

We asked Archie Landreman, technical director with WoodWorks, an educational initiative for nonresidential wood construction, to identify key considerations for specifying and installing glulams. He offers the following tips:

1. Customize for loads and spans. To minimize costs, make sure to specify glulam products based on the load and span requirements of the project. For example, glulam beams with high structural properties should not be used on projects with light loads and short spans.

2. Don't miss the layup. Determine whether a balanced or unbalanced layup is required. An unbalanced layup has higher-strength laminations positioned on the tension side of the member and is typically used for simple-span beam applications. A balanced beam has equal grade laminations on the top and bottom of the beam and is typically used for cantilever and continuous-span conditions.

3. Determine the camber factor. Camber is an initial curvature built into a fabricated member. It is a consideration for long spans because it provides the flexibility to negate possible effects of long-term deflection or creep. Most stock beams are supplied with little or no camber so that they can be easily framed in typical residential applications.

4. Grade your appearance. Where appearance of the glulam members is a design consideration, an appearance grade must be specified. The four industry appearance classifications are framing, industrial, architectural, and premium, with premium having the highest level of finish.

5. Specify the proper stress class. One of the first specification requirements considered should be the stress class of the glulam member. To simplify the process, seven different stress combinations covering virtually any end-use requirement are tabulated in the 2005 National Design Specification for Wood Construction.

6. Plan for exposure. Where glulam beams will be exposed to weather, request a preservative-treated product or consider wood that has a natural



resistance to decay, such as Alaska yellow cedar or Port Orford cedar.

7. Handle with care. Proper storage and handling are necessary in order to protect glulam beams prior to installation. Make sure the beams are individually wrapped and sealed and elevated above ground during storage to avoid unnecessary moisture absorption.

8. Be careful when cutting, notching, or drilling. Cutting, notching, or drilling a beam may seriously affect its ability to carry the design load. If this is necessary, make sure to consult with an engineer. Also, reference APA's Field Notching and Drilling of Glued Laminated Timber Beams.

For more on glulams, visit www.woodworks.org.

Why Is New York Lagging In Certified Green Buildings?

By Eliot Brown
New York Observer

From a recent press conference with Bill Clinton announcing a \$20 million **green initiative** at the Empire State Building to the Bloomberg administration's constant promotion of its **PlaNYC 2030 environmental plan**, one might be left with the impression that New York is hands down the national leader on sustainability in its buildings.

Well not, it seems, by one measure.

As the **Center for Urban Future points out today**, a survey of the total number of LEED certified buildings in cities around the country reveals that New York ranks sixth, with 41 LEED projects, behind Chicago (70), Portland (63), Seattle (55), Washington (47), and San Francisco (44). LEED, standing for Leadership in Energy and Environmental Design, is a designation conferred by the U.S. Green Building Council that assigns points for various sustainability measures included in buildings, and while it is not the be-all end-all arbiter of whether a building is "green" or not, it is fairly well regarded in the design and construction industries.

The simple tally of LEED projects, of course, does not say all that much on its own. And indeed it is likely that New York would be far higher up if ranked on LEED projects by square footage, as multiple major office buildings and residential towers have received the designation.

It also does not consider projects in the pipeline, and there are many (the World Trade Center; the Bank of America Tower, for instance) that are uncompleted and are expected to receive high LEED ratings. Moreover, the Bloomberg administration's big push on sustainability didn't begin until mid-2007, and many of projects undertaken since then have not yet been finished.

Still, the fact that the total number of LEED buildings in New York is lower than five other cities seems surprising. The ranking is not even proportional to the number of total buildings built. New York, after all, builds far more than any of the other cities on the list.

For instance, looking at U.S. Census numbers for private residential construction permits, between 2004 and 2007 (most LEED buildings have been built within the past few years) New York saw 20,479 building per-

Getting Up to Speed on GSA's Green Stimulus

From GreenerBuildings
By Leanne Tobias

The General Services Administration, the U.S. government's facilities manager, is one of the first federal agencies to disseminate green stimulus dollars for the real estate sector.

My friend, Mark Bennett, who heads the climate change practice at the law firm of Miller Canfield, is a specialist in securing funding and understanding regulatory requirements associated with energy efficient retrofits, and has kept me up to date on where GSA is focusing its stimulus monies.

The GSA's ambitious green facilities initiative is focused in three areas, totaling \$5.55 billion:

- \$4.5 billion: Federal building conversion to high-performance green spaces
- \$750 million: Federal building and courthouse renovations
- \$300 million: Renovation and construction of land ports of entry

Projects are to be funded throughout the 50 U.S. states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. Here's the complete project list.

Green projects include:

- \$1.03 billion in new construction initiatives for 17 projects including federal buildings, courthouses and land ports of entry.
 - \$3.17 billion in full and partial federal building renovations.
- Over 40 projects were selected from a list of over 200, with final selections based on energy conservation opportunities, the ability to start projects within 120 days, the ability to control project risk, financial returns and historic significance. All projects must comply with the 2007 Energy Act and Executive Order 13423, which mandate the use of green and energy efficient technologies.

- \$807 million in limited scope renovations. Approximately 200 limited scope renovations were selected on the basis of needed energy improvements (the worst-performing buildings were selected first). Projects will be equipped with advanced metering devices and buildings that need roof replacements will be equipped with integrated photovoltaic membrane material (solar film), vegetation or cool roof membranes.
- Additional projects include small renovations (\$298.5 million).

The GSA has established a national Recovery Act Program Management Office, headed by Bill Guerin, most recently GSA's assistant commissioner for the Public Buildings Service, to oversee stimulus construction and renovation efforts. Regional offices will execute the program under Guerin's direction.

Miller Canfield's Bennett advises engineering and construction company executives to peruse the project list and explore bid opportunities with GSA and its regional offices. "Companies shouldn't be intimidated by the process -- the money is there to be invested as soon as possible," Bennett says.

Bennett also views the GSA program as a living laboratory for sustainability initiatives, noting that the energy efficiency programs run the gamut from techniques that have been used repeatedly to green technologies just coming into common use. "GSA will help to mainstream sustainable construction and renovation through its stimulus spending," Bennett predicts. Good news as first quarter 2009 building starts skid 18 percent in square footage and 8 percent in value versus 2008.

Leanne Tobias is founder and principal of Malachite LLC, an advisory firm that specializes in the development, leasing, management, financing and certification of sustainable or green real estate on a global basis.

mits for more than \$9.9 billion in construction. In that same time period, Portland saw about one-fifth the number of building permits (5,098), and about one-tenth the number of apartment buildings with five or more units (single family homes tend not to apply for LEED designation). Chicago saw 8,768 building permits for \$2.9 billion in construction.

Russell Unger, Executive Director of the New York Chapter of the U.S. Green Building Council, said that the larger point that's missed by the numbers is that LEED has come to be an expectation on large projects, and that hasn't necessarily shown up in the numbers yet, but likely will in coming years as current projects finish.

"What's most important is, what are people doing now?" he said. "In New York, every major developer has been building LEED. ... The market has truly been transformed, and we haven't seen that fully in numbers yet."

Further, Mr. Unger pointed to **legislation that the mayor and Council Speaker Christine Quinn endorsed last week** that would require owners of existing buildings to make energy improvements. Existing buildings clearly account for a far greater portion of the building stock than those in production, and are responsible for producing substantially more greenhouse gas emissions. •

First Major Rework Of LEED Since 2005

By Gerhard Hope
Construction Week

In January 2009, the US Green Building Council (USGBC) installed the third-generation version of its well-known green building performance rating and certification system, Leadership in Energy and Environmental Design (LEED). This latest system results from over four years of technical research, reviews of many actual LEED-certified projects, and the advisory activities of hundreds of technical experts.

The 2009 revisions are comprehensive, and may reduce building environmental impacts by 10% on LEED-certified projects, focusing mainly on further reductions in energy waste and enhanced water conservation. This is the first major rework of LEED since 2005, and represents a major upgrade and harmonization of technical criteria.

The USGBC's review of the LEED green building rating system is a multi-faceted initiative to streamline and create capacity for LEED project execution, documentation and certification. This initiative is referred to as LEED Version 3 (commonly known LEED v3). In order to remain relevant in a rapidly changing market, technology must evolve.

LEED, as a market transformation instrument, is no different.

Suite of rating systems

The suite of LEED green building rating systems has enjoyed remarkable and unprecedented growth as the building industry has sought to engage with its concepts and technical criteria. LEED has been an incontrovertible success as a tool to promote market transformation and recognise buildings with exemplary green pedigrees. As of 1 May 2008, +3.5 billion square feet of building projects (+10,000 individual projects) have registered intent to seek LEED certification, with dozens more signing up every day.

LEED's rapid success presents its stewards, the USGBC membership, with an opportunity to advance the system to ensure that future buildings certified under its criteria are even greener than the stock in the pipeline to date. LEED has always existed and enjoyed unparalleled success, partly due to its ability to operate in the dynamic tension between the pursuit of environmental excellence and the business realities of the building industry.

While the urgency of pending environmental crises that face the coming generations weighs heavily on all of us, there is recognition that LEED cannot completely forsake market uptake for environmental priorities. Issues like global climate change may be the most urgent and dire social equity issues that we have ever faced, and they demand immediate, effective action. In spite of this knowledge, we also acknowledge that no transformation is catalyzed if the bar set by LEED is unachievable in the context of existing technological and economic boundaries.

Optimal balance

Continuing to strike the optimal balance between market uptake and

technical advancement is one of the driving forces behind the LEED 2009 work. Additionally, much has been invested in the current LEED system and, as a direct result, a concerted effort has been made to ensure that LEED 2009 capitalizes on the existing market momentum.

Consequently, the LEED Steering Committee has created a LEED structure that will be familiar to those versed in the current LEED rating systems. Most of the structural and technical changes incorporated into LEED 2009 were designed to create a LEED rating system that can be part of a continuous improvement cycle.

LEED 2009 is not a 'tear down and rebuild' of the LEED that exists in the market, but rather a reorganization of the existing LEED rating systems, along with several key advancements. LEED alignment provides a continuous improvement structure that will enable the USGBC to develop LEED in a predictable way. Using a cycle that is based principally on the familiar method by which building codes are developed, LEED will evolve on a set schedule.

However, LEED is not a building code, and thus policy mechanisms will be retained to allow for LEED to react to the rapidly-changing green building industry – including, but not limited to, administrative credit interpretations and the establishment of performance/intent equivalent alternative compliance paths to existing LEED prerequisites/credits.

Biggest change

Arguably the biggest change to LEED 2009 is the re-weighting/point re-allocation of LEED credits. The process used to evaluate the environmental and human benefit of each LEED credit is complicated by the sophisticated level of research and analysis involved. LEED 2009 goes a step further by weighting LEED according to a logical, transparent framework that incorporates the best available science.

The explicit weightings in the revised LEED rating system scorecards represent the culmination of a weightings exercise that utilized two existing tools (modified for use by USGBC) in conjunction with exhaustive research, policy guidance from the LEED Steering Committee, and a new tool developed to synthesise large quantities of relevant information.

As a first step, incentives will be provided through LEED innovation and design style bonus points that will add value to those credits that are considered most important for defined regions. These points will be counted in the same way as LEED ID points, and are not included in the certification threshold calculations (ID and regional points count towards a project's certification tally, but they are not 'base' points on which certified, silver, gold and platinum thresholds are established). Project teams may select bonus points from a list of eligible credits based on the project's location.

The LEED Steering Committee is currently collaborating with regional councils and chapters to create the list of eligible credits. As defined by these regional councils and chapters, select credits from the available list will be eligible for bonus points in appropriate sub-regions. •

Construction Industry Partnership Addresses Threats to Union Construction



Developers, owners, labor and management attending the Construction Industry Partnership Conference held in Hollywood, Florida, February 9th & 10th participate in the panel, "What will unionized construction in NYC look like in 2009?" Moderating the discussion is NYS Building and Construction Trades Council, AFL-CIO President Ed Malloy.

At a contentious meeting of the Construction Industry Partnership (CIP) held February 9th & 10th, parties from labor, management and developers openly discussed a plan to combat the threats to unionized construction in New York City.

The event opened discussions regarding the effect the economic downturn has had on the construction industry in New York City and the projects that are threatened. Among the keynote speakers was Larry Silverstein, developer of Ground Zero. He outlined the difficulties being confronted by developers and the need to work together to overcome the economics of development so that construction can continue at Ground Zero and

other areas throughout New York.

According to Silverstein, 10,000 construction jobs are in jeopardy at Ground Zero alone. At 7 World Trade Center, 3,000 workers were involved in its construction. "It was the last to fall and the first to be rebuilt," boasted Silverstein, "however, we need to insure that all of Ground Zero is rebuilt in a timely fashion. It is projected 60,000 families live in downtown Manhattan. The area needs new office space for when the economy rebounds."

Silverstein estimates that Tower 2 will consist of 3.1 million square feet of space and that Tower 3 at an estimated 1,100 feet tall will consist of 2.9 million square feet and Tower 4 at 975 feet will consist of 2.5 million square feet. "Each will connect with the Fulton Street Transportation Hub," stated Silverstein.

The construction of Towers 2, 3, and 4 remain at risk according to Silverstein. Funding is drying up due to the economic downturn and slow progress on the public infrastructure is causing cost increases. "Billions needs to be borrowed in order to build; banks are not financing WTC projects. Projected rents are down 30 to 40% which cause banks to reevaluate the terms of their

loans to developers," stated Silverstein.

"We need to reestablish the bottom line on labor costs for banks to be willing to lend. Failure to produce a cost structure will result in not being able to build these jobs. I have been a union builder my entire life," declared Silverstein. "Presently, Towers 2 & 3 are stopped and Tower 4 is about to stop. We need to work together to obtain whatever cost savings are necessary in order for the financing numbers to work so that the banks will lend to developers in NY."

NY & NJ Port Authority Executive Director Chris Ward addressed the conference and reiterated many of the concerns expressed by Larry Silverstein. He also committed the PA to utilizing Building and Construction Trades affiliated workers on all PA work.

Developer Albert Kalimian expressed his need for \$120 million in savings to complete the interior of his project at the former Red Cross Building on Amsterdam Avenue with union workers. The veiled threat to go non-union was met with much opposition by



Developer Larry Silverstein addressed the participants of the CIP Conference.

participants of the Conference. Many union officials objected to such veiled threats to go non-union as anti-productive at developing the necessary cooperation to combat the effects of the economic downturn.

Panel

One panel entitled, "What will unionized construction in NYC look like in 2009?" brought many of the issues confronting the industry to the front. The panel was moderated by Ed Malloy, president of the NYS Building and Construction Trades and included

the terrorist attack on the World Trade Center. "We have a furlough program that shares the work opportunity among our membership. Our members are more productive than at any time in our history. He reminded everyone that the union cannot create the work yet we are being asked to do just that today by im-

being performed non-union.

Commitment to PLA

On the second day of the Conference the leadership of labor, management and developers announced they are committed to working together to confront the challenges expressed during the previous day. The tone changed markedly to one of mutual cooperation to overcome the present obstacles.

Announced by all was the intent to select six (6) projects presently threatened, to go forward and develop a project labor agreement that would hopefully become a prototype for a city-wide PLA for threatened projects.

Gary LaBarbara, president of the New York City Building and Construction Trades Council (BCTC) and Lou Colletti, executive director of the Building Trades Employers Association (BTEA) committed their organizations to work in cooperation in developing the project labor agreement.

Denis Hughes, president of the New York State AFL-CIO outlined the situation in his address. "We are in difficult economic times. We must make meaningful accommodations to succeed. I would suggest the industry identify 4 to 6 projects where financing is threatened, where a PLA could be agreed to by the end of February 2009 and become the prototype for future projects in need of help.

In addition the BCTC and BTEA must commit to one another their intention to work together and eliminate any lack of trust that may exist that one is not as committed as the other.

We should adopt a code of excellence that will build confidence among the developers, lenders and customers in their usage of BCTC and BTEA members.

We must insure that non-productive work practices will not be tolerated. Non-productive workers will be pressured by their peers and urged to be productive."

Lou Coletti stated that "survival is what is at stake. Our world is collapsing; we have no new work! If we have no work there is no work for our Union partners to work on. We must take drastic action in order to survive. The demands being made for cost reduction is not coming from the employers of union labor but from the banks. As Larry Silverstein stated, banks are not lending monies to developers/builders. Equity in property is less than the financing needs on new projects and banks are looking to take back funding on existing projects due to re-evaluation of the original financing commitments. Labor equals 50% of total cost of construction and some relief must come from that sector of the industry." •



Local 3 Business Manager Christopher Erikson (center) along with Executive Director of the District Council of Carpenters Mike Forde (left) and Steve Alessio, President of the Building Contractors Association, participating in the panel "What will unionized construction in NYC look like in 2009?"

Local 3 Business Manager Christopher Erikson, Executive Director of the General Contractors Association Denise Richardson, Executive Director of the District Council of Carpenters Mike Forde, Building Contractors Association President Steve Alessio, Plumbers Local 1 Business Manager George Riley and General Counsel Building Contractors Association of NY Ray McGuire.

The panel at times had heated discussions regarding the present circumstances the building trades are confronting regarding the demands of employers and developers for a 25% cost reduction.

Denise Richardson reported that the general contractors she represents are presently busy but that work is scheduled to finish within a year and that projected work has dropped off significantly. She pointed out that out of the Federal stimulus package, only \$3 billion is going to New York State with less than \$1 billion to New York City. Eighty percent of her members' work is government funded and that it is questionable, with the loss of tax revenue, if infrastructure work presently projected will go forward.

Business Manager Erikson pointed out to those in attendance that unlike many of those present who have not experienced unemployment recently, Local 3's members have not experienced full employment since

posing upon ourselves up to 25% reductions in our costs. Perhaps rather than an across the board PLA, we need to pick one project and develop a PLA that will make it a success and then use that as a prototype for ensuring the success of other projects.

Steve Alessio stated that unless he sees a change he will not be present next year. "I will no longer walk away from the \$100 million of work that was lost to non-union in 2008. I will use open shop if I must to stay in business."

George Riley of the Plumbers Local 1 was optimistic, stating "that by working together we can and will meet the challenge. We can't just agree to wage cuts and other adjustments. The Union movement is a democratic movement which requires the assent and cooperation of our members. Change takes time. We are all willing to embrace new construction techniques, technology and increased organizing activities to confront the present threat."

Ray McGuire of BCA, unlike Riley, was pessimistic citing historical trends that indicate trade unions in decline. In response, Local 3 Business Manager Erikson stated over the last eight years his members have worked over 20 million man-hours annually and he finds it difficult to believe that there is an additional 20 million-man hours annually

American Gypsum's Gypsum Wallboard Products Attain Greenguard Indoor Air Quality Certified Status And Greenguard Children & Schools Certification

Company's Full Line of Interior Gypsum Wallboard Panel Products Meet the Industry's Most Stringent Indoor Air Quality Standards

American Gypsum, a leading gypsum wallboard manufacturer based in Dallas, TX, announced that its complete line of interior gypsum panel products has achieved the GREENGUARD Indoor Air Quality Certified® status and GREENGUARD Children & SchoolsSM Certification.

The GREENGUARD Certification ProgramSM is an industry-independent, third-party program that has been certifying products for low non-toxic emissions since 2001.



To attain GREENGUARD Indoor Air Quality Certified status, American Gypsum's wallboard products passed thorough sample testing and

review of the manufacturing processes to meet exacting standards set by the GREENGUARD Environmental Institute (GEI) – an internationally renowned leader in indoor air quality – to establish their impact on indoor air pollution. Then to qualify for the GREENGUARD Children & Schools Certification, the panels, including the company's family of M-Bloc® products, met even more rigorous emissions limits that take into account the added sensitivity of children and adults with compromised immune systems.

“Design professionals, contractors and consumers can confidently select any American Gypsum interior gypsum panel product knowing it has achieved the industry's most stringent indoor air quality standards,” said Bob Ek, Technical Service Manager.

Armstrong offers 22 separate acoustic ceiling product lines to reduce noise transmission within office, education, healthcare/fitness, hospitality/retail and transportation facilities. Designed for use in suspended ceilings, tile ceilings and plank ceilings, Armstrong acoustic ceiling products are available in high performance fiberglass for open plan designs, and in high performance mineral fiber for closed plan designs. Microperforated steel panels are also available, and are ideal for linear systems, canopies and clouds. For memorable visual impact, the use of special curved grid systems enables the creation of innovative suspended hills, valleys, vaults and sweeping waves.

Offered in an assortment of sizes, styles, textures, patterns, border treatments and colors according to product, Acoustic Ceilings from Armstrong® can be used not only to control noise, but also to define and accentuate spaces and create environments that range from the serene to the dramatic.

Appearance

* Borders - Available in classic and contemporary angled, beveled, beaded, chamfered, square, vector and shiplap designs, depending on product

* Colors - Most tile ceilings are offered in white, although certain products are offered in a variety of standard and custom colors. An array of fabric coverings are also available, and an assortment of wood finishes is offered with some steel products

* Pattern types - Offered in nondirectional, scored, paneled, themed carved visuals, scored geometric, dimensional sculptured visuals, vinyl faced, etched, variable and monolithic plank patterns, according to product

* Textures - Available in fine, smooth, medium and coarse textures, according to product

Performance

* Durability features include scratch resistance, soil resistance, washability, scrubability, impact resistance and/or scratch resistance, according to product

* Noise Reduction Coefficients (NRC) range from 0.55 - 1.00, according to product

* Ceiling Attenuation Class (CAC) ratings range from 26 - 40, according to product

* Articulation Class (AC) ratings range from

Acoustic Ceilings from Armstrong® SmartBuilding Index Product Overview

Sound control is vital in business, education, healthcare and similar settings in order to help improve productivity and protect speech privacy. Therefore, the choice of building materials is important when designing a space to meet specific acoustical require-

ments. Armstrong® World Industries manufactures a wide variety of acoustical ceiling products that absorb sound and excess noise in both open and closed plan spaces.

Product Description

As sound energy strikes a surface, it is reflected, transmitted or absorbed, depending on surface properties. One way to deaden reverberating noise and help block sound transmission to other areas is by installing sound-absorbent acoustic ceilings.

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180 - 190, according to product

* Light reflectance ratings range from 0.61 - 0.90, according to product

Applications

Specific applications suitable for acoustic ceiling installation include:

* Office - Administrative offices, computer rooms, conference rooms, lobbies and reception areas

* Education - Auditoriums, classrooms and music/band rooms

* Healthcare/Fitness - Clean rooms, emergency rooms, gymnasiums, health club, indoor pool areas, laboratories, locker rooms, MRI rooms, patient rooms and restrooms

* Hospitality/Retail - Libraries, restaurants, retail stores, grocery stores, bars and theaters

* Miscellaneous - Corridors, exterior soffits, kitchens and utility rooms

* Transportation - Airports, bus stations, indoor parking garages and train stations

Features, Advantages

* General application, special performance, accent and custom products are available

* Most products include a 30 year guarantee against mold, mildew and bacterial and/or visible sag

* Fire resistive or Class A fire resistance according to product

* Low or zero added VOC formaldehyde

* May contribute points toward LEED® project certification.

Industry First ICC Approval for Spray Polyurethane Foam with a Spray-Applied Thermal Coating

BaySystems™, the umbrella brand for the global polyurethane systems operations of Bayer MaterialScience, announced its Bayseal™ CC (closed-cell) spray polyurethane foam has received an International Code Council (ICC) Evaluation Report ESR-2072 which includes approval of Bayseal™ CC spray foam insulation as an alternative to a thermal barrier for ceiling and wall applications, when used in combination with

Flameseal TB™ spray-applied thermal coating. This approval is an industry first for spray foam insulation.

Building code requires that insulation used in walls and ceilings have a 15-minute thermal barrier for protection against fire. The most common thermal barrier used is a solid wallboard, such as gypsum board. Now builders have the option of using Bayseal™ CC spray foam in combination with Flameseal TB™ spray coating to insulate safely while meeting code requirements.

“We’re very excited to be the first to offer this innovation to the building industry,” said Renee Zierden, general manager, BaySystems™. “The approval by ICC-ES provides new options to builders and architects. Using a spray-applied alternative to a thermal barrier delivers cost efficiency and ease-of-use in insulation products. Bayseal™ with Flameseal TB™ will be especially useful in applications where a wallboard thermal barrier may be cost prohibitive or in curved or oddly shaped structures where the application of wallboard is a logistical challenge.”

Additionally, ICC-ES reviewed Bayseal™ CC spray foam for use in attic and crawlspace applications where an ignition barrier, but not a thermal barrier, is required. For these applications, ICC-ES approved Bayseal™ CC spray foam for use with either Bayseal™ IC (intumescent coating) or Flameseal TB™ spray coating, in lieu of an ignition barrier, further contributing to ease-of-use for the builder. Traditionally used ignition barrier materials include 3/8-inch gypsum wallboard or 1/4-inch plywood.

The ICC-ES report also confirmed Bayseal™ CC’s excellent aged R-value of 6.9 at one inch and 24 at 3.5 inches and that the material has a vapor permeability rating of less than 1.0 at one inch foam thickness, making it a vapor retarder. This further validates the multi-functionality of Bayseal™ CC spray foam as a premier insulation material, with the added functionality of vapor retarder and air barrier. The vapor barrier function is especially important in hot/humid and cold/dry climates, where condensation and mold can be a problem.

ICC is a nonprofit corporation that conducts

technical evaluations of building products, components, methods and materials for regulatory agencies and building product manufacturers. ICC-ES reports help agencies determine code compliance and enforce building regulations, while manufacturers use reports as proof that their products meet code requirements and warrant regulatory approval. The reports are also tools used by building regulators, manufacturers, contractors, specifiers, architects and engineers as confirmation that products and systems are code-compliant.

About BaySystems™:

Bayer MaterialScience has combined its entire global polyurethane systems business under the umbrella brand of BaySystems™. More information about BaySystems™ can be found at www.BaySystemsSpray.com.

About Bayer MaterialScience LLC

Bayer MaterialScience LLC is one of the leading producers of polymers and high-performance plastics in North America and is part of the global Bayer MaterialScience business with nearly 15,100 employees at 30 sites around the world and 2008 sales of 9.7 billion euros. Business activities are focused on the manufacture of high-tech polymer materials and the development of innovative solutions for products used in many areas of daily life. The main segments served are the automotive, electrical and electronics, construction, medical, and sports and leisure industries.

To learn more about Bayseal™ spray foam, visit <http://baysystemsspray.com/material-types/bayseal-insulation.html>

New Colonial Baluster Rounds Out CertainTeed® Panorama™ Railing Design Options

CertainTeed welcomes a new colonial baluster to its Panorama™ line of composite railing, rounding out a broad array

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of design options that create a unique look for one- and two-family homes.

Drawing inspiration from classic Ameri-



can colonial architecture, the shape of the balusters resembles a wood-turned spindle with a symmetrical, ornate appearance. Available in Colonial White and Desert Tan, the colonial balusters are molded in polyvinyl chloride (PVC) with a weatherable finish that replicates smooth, painted wood from all angles.

The colonial balusters can be used alone or in conjunction with Panorama's existing square balusters, made from a composite material, or decorative steel balusters that are available in a wide array of styles and finishes.

"With the addition of the Panorama colonial baluster, building professionals have even more options in creating custom designs that boost the curb appeal of a home," said Patti Pellock, senior marketing manager for CertainTeed's Fence, Railing and Deck Business. "The unmatched aesthetics coupled with a low-maintenance design makes Panorama railing a popular choice among building professionals and homeowners alike."

The Panorama railing system is a co-

extruded composite railing system that features the true look of freshly painted wood without the maintenance hassles. Unlike other composite railing, Panorama is fully wrapped with PVC for a weatherable finish that replicates smooth, painted wood from all angles.

Panorama includes convenient universal components for the top and bottom rails as well as patented baluster shoes for ease of installation. A concealed external rail-to-post connection creates a seam-

less appearance on flat, stair, column and 45-degree applications. For long-lasting performance, safety and security, Panorama uses corrosion-resistant stainless steel hardware. The railing system, which meets the International Residential Code, is suitable for use on one- and two-family dwellings not more than three stories high and is backed by a 25-year limited warranty on composite components and a 10-year limited warranty on steel balusters with 2-year SureStart™ protection.

For more information, visit certainteed.com.

CleanBoard: The Most Environmentally Drywall on Earth

Solar Powered Drywall Manufacture

While gypsum drywall is the gold standard in proven performance and safety, the process of manufacturing drywall is incredibly damaging to the environment. In fact, it is one of the worst emitters of CO₂ in the building industry. The common practice of transport-

ing drywall large distances from its point of manufacture to the job site adds even more emissions to an already bad situation.

At CleanBoard, our R&D teams have developed ways of eliminating the greenhouse gas emissions by using alternative clean energy sources. For example, we are building a drywall factory that is powered entirely by solar energy. This will eliminate all of the greenhouse gas emissions from the manufacture of the gypsum core. Voluntary Carbon Offsets

In order to deliver on our zero carbon footprint commitment from day-one, we purchase voluntary carbon offsets to cancel out any remaining emissions from the manufacture and transportation of our products. CleanBoard is the only gypsum wallboard with a zero carbon footprint, guaranteed.

Visit www.cleanboard.com for more information

New Spray Foam System Meets the 2006 IBC Section 803.2 for Use Without a Prescribed Thermal Barrier

DEMILEC (USA) LLC.® headquartered in Arlington, Texas and TPR2® Corporation headquartered in Waterbury, Connecticut

have joined forces in providing an unparalleled fire

protection system for spray polyurethane foam insulation. On October 29, 2008 Intertek Testing Services NA Inc. in Elmendorf, Texas conducted an NFPA 286, full scale room test on a certified sample of DEMILEC (USA)®'s SEALECTION® 500 spray foam insulation with a 14 mil (14 thousandths) layer of BLAZELOK™ TB intumescent coating. The product now meets the criteria set forth in the 2003 and 2006 International Building Code® (IBC) Section 803.2.1. The New SEALECTION® 500/ BLAZELOK™ TB foam system can be left exposed with no need for a prescribed thermal barrier.



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DEMILEC (USA) LLC.® is a manufacturer and distributor of a line of spray foam insulation products that include environmentally friendly products and brands such as SELECTION® 500, SELECTION Agribalance® and HEATLOK SOY®. DEMILEC



(USA) LLC.® is the only company that has an open cell foam insulation product that meets the 2003 and 2006 IBC Section 803.2 for use without a prescribed thermal barrier.

TPR2® is a research and development company focused solely on developing non-flammable, fire barrier and smoke retardant coatings and plastics for a variety of industries including construction, professional racing and aerospace. TPR2® has a track record of solving fire and smoke issues on numerous substrates with its revolutionary technologies that most thought were impossible. In addition to passing tests on open and closed cell foam, TPR2® developed a coating that actually extinguishes liquid based fires and is being used by race teams in the NASCAR® and NHRA® racing circuits. TPR2® is proud to state while most FR products are tested once or twice, its products are fire tested every week-end in racing venues around the world. To solve your fire and smoke problems you can contact TPR2® at (203) 756-TPR2 or visit its website at www.tpr2.com.

Milwaukee® Introduces New M12 Cordless 3/8" Impact Wrench

Milwaukee Electric Tool Corporation expands its LITHIUM-ION system with the new M12 Cordless 3/8" Impact Wrench.

Offering a lighter more portable solution than 18V, the tool is designed for professional users that need smaller high torque tools to get into tight spaces.

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Florida Based Environmental Firm Develops a Solution for the Chinese Drywall Problem

Over the course of several years, the United States had experienced rapid growth in the commercial and residential construction market. This construction boom, coupled with several destructive hurricanes that required extensive rebuilding activity, resulted in a dramatic shortage in domestic building materials including drywall. Construction companies turned to foreign sources of drywall. Due to its abundance and inexpensiveness, millions of pounds of Chinese manufactured drywall were imported into the U.S. to alleviate the drywall shortage.

This imported Chinese drywall was manufactured using many different filler materials. One such filler material is fly ash, which is a byproduct of the industrial burning of high content sulfur coal. One or more volatile sulfur compounds can be retained in the fly ash and, thus, retained in the drywall. The drywall can emit gases containing sulfur-based contaminants.

SabCo, Inc., a Palm Beach Gardens, Florida based environmental firm, under the direction of Ronald G. Huggins, MS, MPH, Ph.D, CIH, CIAQP, an expert in Indoor Air Quality, and is a certified expert in state and federal litigation cases for Indoor Air Quality and Toxicology, has developed a specific process, referred to as the RISS System(TM), to remove the toxic and corrosive compounds from the Indoor Air caused by gases being emitted by Chinese Drywall. This process is believed to be so unique and specialized that a patent application for this technology has been filed with the United States Patent and Trademark Office.

The RISS System(TM) is an efficient process to remove Indoor Air contaminants that are released by the inclusions in the Chinese manufactured drywall and reduces the levels of the sulfur based contaminants to the detection limit, which is the lowest level for which any health risk can be set. This reduction in sulfur containing Indoor Air contaminants by the operation of the RISS System(TM) has been documented. The RISS System(TM) has undergone extensive testing, and is currently under evaluation by an independent testing laboratory.

The RISS System(TM) does not require the occupants or personal property to be removed from the residence or property, nor does it require the removal of the existing Chinese drywall. Therefore, the RISS System(TM) is a safe, affordable, minimally invasive solution to remedy the problems of contaminated Indoor Air and its effects associated with the installation of the contaminated Chinese Drywall.

The RISS System(TM) will quickly and affordably return the Indoor Air Quality to safe and healthy levels, remove the unknown and doubt regarding the unwanted conditions, and allow the homeowners and families to remain and return to the quality of life equal to any other home or occupied space. The RISS System(TM) is ready for immediate deployment and on-site operation that will take a few days for one time permanent installation and a very inexpensive continued maintenance expense each month.

For more information contact: Ronald Huggins, SabCo, Inc. 561-626-9993, RonHuggins@sabatellocompanies.com

PRODUCT NEWS

Continued from preceding page

As consumers in this challenging economy increasingly choose to repair equipment instead of buying new, there is an increase of work in the maintenance industry and a higher demand for this type of tool.



“Shop-based users have less need for 18V run-time and are looking for a lighter more portable solution,” says Paul Fry, Director of M12 for Milwaukee Electric Tool Corporation. “The 2451-22 is small enough to fit in your tool belt, and delivers up to 1,000 in-lbs of torque at only 2.3 lbs to fill this need.”

With the introduction of the new 3/8” Impact Wrench and plans to grow the M12 cordless platform in 2009, Milwaukee® continues its growth as the industry leader in the sub-compact category. The M12 platform offers innovative solutions in power, speed, and portability.

And...Milwaukee® Introduces New M18 Cordless Jig Saw

Milwaukee Electric Tool Corporation expands the M18 cordless system with the introduction of its first jig saw powered by LITHIUM-ION. The new M18 Cordless Jig Saw delivers accuracy, versatility and ease of use to the



professional tradesman.

Featuring 5-position orbital cutting, the 2645-22 offers more versatility than any other cordless jig saw on the market. This feature allows the user to select the type of cut or speed specific to their application.

Additionally, the tool-free shoe bevel allows for quick and accurate shoe adjustment to increase productivity, while the Quick-Lok™ Blade Clamp provides fast and easy keyless blade change.

Backed by a 5-Year/2000 charge warranty, the new Milwaukee® 18V XC High Capacity LITHIUM-ION technology features DPM™ - Digital Power Management to provide maximum tool life and longer run-time.

With the addition of the new jig saw, the M18 cordless system continues to grow and provide innovative solutions. With leading LITHIUM-ION Technology, Milwaukee® will continue to build this platform to offer industry leading balance, power and ergonomics.

For more information on the full line of Milwaukee® power tools and accessories, call 1-800-SAWDUST or visit www.milwaukee.com.

Hacker Industries, Inc. Releases A New Poured Floor Underlayment For Light-Gauge Steel Frame Construction

With the increased cost of land and the resulting need for higher density projects, Hacker Industries, Inc. unveils a new gypsum concrete floor underlayment formulated for use in buildings with light-gauge steel framing and a corrugated steel deck. FIRM-FILL® CSD™ features the same outstanding qualities of all of Hacker Industries, Inc. cementitious floor underlayments, which assist builders and developers in constructing safe and durable projects while substantially reducing costs.

“There are numerous advantages to in-

corporating FIRM-FILL® CSD™ into multi-family, commercial and institutional buildings with light-gauge steel frame construction,” said Kerry Hacker, vice president of Hacker Industries, Inc. “Steel frame construction with FIRM-FILL® CSD™ allows the benefits of poured gypsum concrete underlayments to be enjoyed by an entirely new type of construction.”

Blending high strength and versatility, FIRM-FILL® CSD™ offers a minimum compressive strength of 3500 psi and is installed thinner than typical poured-in-place concrete. Installed at 1” above the top of the steel deck flutes (average nominal thickness is 1-9/16”), FIRM-FILL® CSD™ is significantly lighter thereby reducing deadloads and the related steel framing costs.

The remarkable strength and speed of installation of FIRM-FILL® CSD™ provides steel framing projects the flexibility to add floors quickly. The underlayment technology provides a significant scheduling advantage since it dries in approximately 10 days. Under standard drying conditions, FIRM-FILL® CSD™ sets in two hours and tolerates light trade traffic the following day. In addition, FIRM-FILL® CSD™ is UL-rated providing 1, 1-1/2 and 2 hour fire ratings as listed in UL G565.

FIRM-FILL® CSD™ is installed on site exclusively by Hacker Industries, Inc.’s trained, Licensed Applicators to ensure product consistency and quality. Hacker Sound Mat II can be added to the system to provide additional sound control and to meet building codes.

Celebrating 25 years of excellence, Hacker Industries, Inc. continues to supply the building industry with sound rated, fire resistant and durable cementitious floor underlayments and sound abatement products. With nearly two billion square feet installed nationwide, Hacker Industries, Inc., is the industry leader in customer satisfaction and reliability.

To learn more about Hacker Industries, Inc.’s other products, including its green products to achieve LEED® credits, log onto www.HackerIndustries.com or call (800) 642-3455.

From Hilti: PR 26 Green Rotating Laser: The New Color of Visibility

Revolutionary green laser technology

HILTI The Hilti PR 26 Green Rotating Laser is suitable for a variety of jobsite applications, from leveling suspended ceilings and positioning drywall track to aligning and leveling formwork, as well as on-site preparations and excavations. The green laser greatly improves visibility in indoor applications compared to standard red lasers, while a



new built-in alignment system improves productivity.

Improved visibility compared to stan-

ard red lasers

Depending on the intensity of ambient light, the PR 26 is four times more visible to the human eye than other class III laser, greatly improving productivity in large buildings with significant distance between walls. The PR 26 has a range up to 650 feet with the laser receiver. While contractors in the past would have to continuously stop working to move a laser closer to their work areas and realign it, the green laser of the Hilti PR 26 maintains its visibility so that contractors can keep working, enhancing productivity.



Productivity and durability to fit jobsite environments

Each standard tool comes with a rechargeable battery pack and charger to provide customers 22 hours of continuous working time per full charge. Along with a housing that helps protect the unit from dust and water spray, a built-in shock warning system reduces the potential for off level measurements should the laser get knocked off level. Rated for use between -4° and 122° F (-20° to 45° C), the laser provides reliable, accurate service on the jobsite all year

Dow Converts First Plant to Zero Ozone-Depleting, no-VOC Foaming Agent Technology

The Dow Chemical Company (“Dow”) announced that it has succeeded in converting its first facility that manufactures STYROFOAM™ Brand Insulation in Dalton, Ga., to its new zero ozone-depleting, no-VOC (volatile organic compound) foaming agent technology. The building industry has been watching closely to see when manufacturers will convert and how quickly they will be able to get new product into the supply chain. With Dow’s Dalton facility having be-



gun shipments the end of March, and other plants following in sequence throughout the year, Dow is well-positioned to complete conversion of its plants in advance of the Montreal Protocol deadline.

“Whenever you change the formulation for a trusted and proven brand like ours, absolutely no compromise on performance can be tolerated,” said Torsten Kraef, vice president and general manager, Dow Building Solutions. “With our tests completed and our ICC-ES report now in hand, we are following through on the commitment we made a little over a year ago to our customers – that the best and broadest portfolio of extruded polystyrene foam solutions in the industry will continue to be available after the Montreal Protocol deadline.”

The Montreal Protocol requires the phase-out of the hydrochloro-fluorocarbon (HCFC) 142b, an ozone-depleting compound by January 1, 2010. Dow developed its next-generation foaming agent technology well in advance of the Montreal Protocol and U.S. EPA guidelines, and is on track to convert its facilities in accordance with the Montreal Protocol. Dow’s new proprietary technology delivers the same STYROFOAM™ Extruded Polystyrene (XPS) Foam Insulation R-5/ inch insulation value†, moisture resistance and compressive strength that builders have trusted for more than 60 years, and offers an even “greener” choice to builders designing energy efficient homes and buildings with rigid foam insulation.

“STYROFOAM XPS Foam Insulation with our new foaming agent technology is

exactly the right product at the exactly the right time,” noted Kraef. “The new U.S. Administration has put energy efficiency front-and-center. It is clear that we must stop the tremendous waste of energy and money spent operating poorly insulated homes, offices, schools and government buildings. That means building right the first time – with products that perform as well today and 60+ years from now.”

Sustainable Innovation

The proprietary foaming agent technology was developed by a team led by Dow’s Simon P. Lee, who was recognized by the Intergovernmental Panel on Climate Change (IPCC) for his contribution to the 2007 Nobel Peace Prize. The no-VOC and zero ozone-depleting foaming agent technology isn’t the only way that the STYROFOAM Brand Insulation produced at the Dalton facility contributes to a more sustainable environment. Here are a few more facts:

- The manufacture of extruded polystyrene foam insulation at the Dalton facility relies on methane gas from a nearby landfill to reduce the amount of fossil fuels typically consumed during production.
- When properly installed in buildings, production capacity at Dalton of STYROFOAM™ brand insulation could save CO2 emissions** equivalent to:
 - Planting 700,000,000 trees
 - Taking 83,000 cars off the road for a year
 - Reducing vehicle travel by 1.4 trillion miles, or more than 56 million trips around the world
 - Saving approximately 70 billion gallons of gasoline or U.S. \$140 billion
- The new technology has not affected Dow’s ability to recycle scrap STYROFOAM™ XPS Foam Insulation back into the production line either – just as its plants have for many years.

Business as Usual

STYROFOAM™ Brand Insulation with the new foaming agent technology will sport the same famous brand-leading BLUE™ color with the words “zero ozone depletion potential” on the product print mats and unit labels. •

OSHA Notifies Workplaces With High Injury And Illness Rates

The Occupational Safety and Health Administration has notified more than 13,500 employers nationwide that their injury and illness rates are considerably higher than the national average.

A letter was sent to those employers explaining that the notification was a proactive step to encourage employers to take action now to reduce these rates and improve safety and health conditions in their workplaces.

"Employers whose businesses have injury and illness rates this high need to take immediate steps to protect their workers," said acting Assistant Secretary of Labor for OSHA Jordan Barab. "Our goal is to make employers aware of their high injury and illness rates and to get them to eliminate hazards in their workplace. To help them in this regard, OSHA offers free assistance programs to help employers better protect the safety and health of their workers."

OSHA identified businesses with the nation's highest rates of workplace injuries and illnesses through employer-reported data from a 2008 survey of 80,000 worksites (this survey collected injury and illness data for calendar year 2007). Workplaces receiving notifications had rates more than twice the national average among all U.S. workplaces for injuries resulting in days away from work, restricted work activity, or job transfer.

Employers receiving the letters were also provided copies of their injury and illness data, along with a list of the most frequently cited OSHA standards for their specific industry. The letter offered assistance in helping to reduce these numbers by suggesting, among other things, the use of free OSHA safety and health consultation services provided through the states, state workers' compensation agencies, insurance carriers, or outside safety and health consultants.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthful workplace for their workers. OSHA's role is to assure the safety and

health of America's working men and women by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

Field Operations Manual Revised To Enhance Enforcement And Compliance Assistance

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has revised its Field Operations Manual to provide OSHA compliance officers with a single comprehensive resource of updated guidance in implementing the agency's mission to more effectively protect employees from occupational injuries, illnesses and fatalities.

"The manual will be a resource for workers and employers, giving them a consolidated reference on how OSHA expects workplaces to be safe and healthful," said OSHA Deputy Assistant Secretary of Labor Donald G. Shalhoub. "This document is part of OSHA's continuing commitment to make its standards and enforcement activities transparent and understandable to all parties."

The Field Operations Manual constitutes OSHA's general enforcement policy and procedures for use by the agency's field offices in conducting inspections, issuing citations and proposing penalties. It is the guiding document for OSHA's compliance officers, whose mission is to assure the safety and health of America's working men and women.

The manual assists compliance officers in scheduling and conducting inspections, enforcing regulations, and encouraging continual improvement in workplace safety and health. It also offers guidance on how to inform employers about OSHA's free On-Site Consultation Service and compliance assistance.

The manual is available online at: http://www.osha.gov/OshDoc/Directory_pdf/CPL_02-00-148.pdf.

New Guidance Document Focuses On Mandatory Respirator Selection Provisions Added To Existing Standard

Assigned Protection Factors (APF), a new guidance document published by the Occupational Safety and Health Administration (OSHA), provides employers with vital information for selecting respirators for employees exposed to contaminants in the air.

OSHA revised its existing Respiratory Protection standard in 2006 to add APFs and Maximum Use Concentration (MUC) provisions. APF means the workplace level of respiratory protection that a respirator or class of respirators is able to provide to workers. The higher the APF number (5 to 10,000), the greater the level of protection provided to the user. APFs are used to select the appropriate class of respirators that will provide the necessary level of protection against airborne contaminants. Such exposures can come from particles or a gas or vapor.

MUC represents the limit at which the class of respirator is expected to provide protection. Whenever a hazard's exposure level exceeds MUC, employers should select a respirator with a higher APF. MUC means the maximum atmospheric concentration of a hazardous substance for which a worker can be expected to be protected when wearing a respirator.

"Proper respirator selection prevents exposure to hazardous contaminants and is an important component of an effective respiratory protection program," said Deputy Assistant Secretary of Labor for OSHA Donald G. Shalhoub. "This guidance document serves as another useful resource for protecting the health and safety of workers at risk for respiratory illnesses."

APF and MUC are mandatory respirator selection requirements that can only be used after respirators are properly selected and are used in compliance with the entire standard. The Respiratory Protection standard requires fit testing, medical evaluations, specific training and proper respirator use. The standard applies to general industry, construction,

longshoring, shipyard and marine terminal workplaces.

OSHA Announces Rulemaking On Combustible Dust Hazards

OSHA is initiating a comprehensive rulemaking on combustible dust.

OSHA will issue an Advanced Notice of Proposed Rulemaking and convene related stakeholder meetings to evaluate possible regulatory methods, and request data and comments on issues related to combustible dust such as hazard recognition, assessment, communication, defining combustible dust and other concerns.

Since 1980, more than 130 workers have been killed and more than 780 injured in combustible dust explosions. These include 14 people who were killed in a dust explosion Feb. 7, 2008, at an Imperial Sugar Co. plant in Georgia and three workers who were burned in April 2009 in an Illinois pet food plant dust explosion.

"Over the years, combustible dust explosions have caused many deaths and devastating injuries that could have been prevented," said Secretary of Labor Hilda L. Solis. "OSHA is reinvigorating the regulatory process to ensure workers receive the protection they need while also ensuring that employers have the tools needed to make their workplaces safer."

Combustible dusts are solids finely ground into fine particles, fibers, chips, chunks or flakes that can cause a fire or explosion when suspended in air under certain conditions. Types of dusts include metal (aluminum and magnesium), wood, plastic or rubber, coal, flour, sugar and paper, among others.

In 2006, the U.S. Chemical Safety Board (CSB) recommended that OSHA issue a combustible dust standard. OSHA received additional support for a combustible dust standard from the CSB during a congressional hearing in 2008 when the board said a new standard, combined with enforcement and education, could save workers' lives.

More information about combustible dust is available at <http://www.osha.gov/dsg/combustibledust/index.html>.

Javits Center Redo Good To Go

Long-delayed renovation and much-scaled-back expansion of meeting space gets last bureaucratic approval in Albany. Work on \$463 million project to begin immediately.

By Erik Engquist
crain's new york business.com

The Jacob K. Javits Convention Center renovation starts soon. The long-troubled project, which was supposed to begin three governors ago, received final approval July 1 at a meeting of the Public Authorities Control Board in Albany. Work on the West side site was to begin immediately.

The repair and expansion project is expected to generate close to \$880 million in direct and indirect sales and 9,000 direct and indirect construction and construction-related jobs, according to Gov. David Paterson's office.



But the project is just a fraction of the major expansion that was originally envisioned during the Pataki administration. That plan had to be shelved when the Spitzer administration calculated it would cost over \$3 billion, more than twice the previous estimate.

The \$463 million compromise will focus on repairing the convention center's leaky roof and include a modest 100,000-square-foot expansion. Only 40,000 square feet of true exhibition space will be added; the other 60,000 will be devoted to pre-function and registration areas, restrooms, food service areas, a truck court and loading docks.

The Legislature had approved an expansion six times larger in 2004, but rising costs killed the idea. Still, approval of the scaled-down plan Wednesday came as a relief to the Hotel Association of New York City, whose member hotels have been tacking a \$1.50 per night surcharge to visitors' bills since April 2005 to fund the Javits project. More than \$150 million has been collected so far to back the bonds that will pay for the work upfront.

"It's not how we started out, but it's certainly better than nothing," said one hotel industry representative, speaking on background about the project because he was not authorized to discuss it publicly. "At least we'll get a facelift, some much-needed repairs, and a little more exhibition space."

Joseph Spinnato and John Fitzpatrick, president and chairman of the Hotel Association of New York City, respectively, were each overseas and could not be reached for comment.

The 23-year-old Javits Center's roof is in such bad shape that huge "diapers" hang from the ceiling to catch the falling water. Javits supporters had wanted a larger expansion because there is a high demand for exhibition space. But trade shows, conventions and exhibitions alone would not generate enough direct revenue to pay for the project, and the Spitzer administration rejected the argument that large subsidies would pay for themselves by boosting the local economy. The Paterson administration maintained that stance.

The Javits approval had been on the control board's agenda June 17, but it was delayed because legislative staffers asked for more information about the differences between the original plan and the one slated for approval. The July 1 board meeting was called solely to approve the project.

THE 30th ANNUAL WC&C

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