Enforcement of the Crystalline Silica Standard in Virginia

Provided by: COMMONWEALTH of VIRGINIA, DEPARTMENT OF LABOR & INDUSTRY, May 31, 2017

The Virginia Occupational Safety and Health (VOSH) Program has not delayed the enforcement of the Construction Standard for Crystalline Silica (federal OSHA has stayed enforcement of the federal construction standard until September 23, 2017). All obligations under the VOSH standard are set to commence on June 23, 2017 except for requirements for sample analysis in paragraph (d)(2)(v), which commence on June 23, 2018.

Stays of OSHA identical regulations have to be approved by the Virginia Safety and Health Codes Board (16VAC25-60-180), and there was no way under the state Administrative Procedures Act that the Board could have adopted a change in the enforcement date prior to the June 23, 2017 effective date. The earliest possible change to the enforcement date could not have kicked in until August 1, 2017, so VOSH would have been in a position requiring it to enforce the standard between June 23, 2017 and August 1, 2017 when any stay could take effect.

We did not think it a good idea to enforce and then not enforce the standard. Beside the potential for confusion, and consequences for the construction bidding process, taking that course would have resulted in disparate treatment of some employers who were subject to citation during the June 23 – August 1 time period versus others VOSH encountered between August 1 and September 23, 2017 who would not have been subject to citation.

As always, we encourage small businesses to take advantage of the Department’s free VOSH Consultation Services Division:

The Virginia Department of Labor and Industry offers On-Site Consultation Services to help employers better understand and voluntarily comply with VOSH standards. Priority is given to high hazard workplaces with 250 or fewer employees and all services are offered to employers at no cost. On-Site Consultation Services helps employers identify and correct potential safety and health hazards through walk-through surveys (without citations or penalties), provide abatement advice, provide on-site training, and provide program assistance to develop safety and health programs. Additional information about On-Site Consultation Services can be obtained by contacting the Virginia Department of Labor and Industry office closest to you at www.doli.virginia.gov or by contacting Dennis Edwards, Consultation Program Manager at (804) 786-8707 or Dennis.Edwards@doli.virginia.gov.
Training and Education Materials

OSHA’s “Small Entity Compliance Guide for the Respirable Crystalline Silica Standard for Construction”:

https://www.osha.gov/Publications/OSHA3902.pdf

Text of the Construction Standard:

https://www.osha.gov/silica/SilicaConstructionRegText.pdf

Text of the General Industry Standard:


Frequently Asked Questions:


Fact Sheet for the Construction Industry:


Fact Sheet for General Industry:

https://www.osha.gov/Publications/OSHA3682.pdf

Federal Register notice for the Silica final rule:


OSHA’s Crystalline Silica Safety and Health Topics page with information on Health Effects, Hazard Recognition, Control Measures, etc.:

https://www.osha.gov/dsg/topics/silicacrystalline/control_measures_silica.html

American Lung Association web page on Silicosis:


Working Safely With Silica web page:

http://www.silica-safe.org/

National Institute for Occupational Safety and Health (NIOSH) Silica web page:

https://www.cdc.gov/niosh/topics/silica/

Department of Labor and Industry Office Locations and Contact Information:

http://www.doli.virginia.gov/contactinfo/phone_contact.html

Department Directors Email Contact Information:

http://www.doli.virginia.gov/contactinfo/director_contacts.html

Virginia Rises in National Site Selection Ranking

Provided by: The Virginia Business Magazine – May 31, 2017


Virginia has been ranked No. 6 among the Top 10 States in Site Selection magazine’s 2017 Prosperity Cup, tying with Ohio. The showing represents a seven spot jump from No. 13 in 2016.

In comments on the ranking Wednesday, Virginia Secretary of Commerce and Trade Todd Haymore said, “It is gratifying to see Virginia climbing higher on the Prosperity Cup ladder for economic development competitiveness. The new Virginia economy initiatives launched in 2014 to strengthen and diversify our economy and lessen our reliance on federal funds are working ...”
The No. 1 state was neighboring North Carolina. It tied with Texas for the top spot in 2016 and placed first in 2015. While passage of a controversial “bathroom bill” in 2016 sparked a negative backlash, with canceled business relocations and expansions, factors in place that had caused North Carolina to rank well are still intact, according to Site Selection magazine.

Plus, the state’s legislature repealed HB2 in late March, the bill that required people at government-run facilities to use bathrooms and locker rooms that correspond to the gender on their birth certificate. One feature, though, was kept intact, giving the legislature control of the regulation of bathroom access, which prevents local governments from enacting their own ordinances.

Despite the furor over the bill, Site Selection said in a story about its rankings that North Carolina “still has one of the most educated workforces in the U.S.; a temperate climate; two international airports, including a major hub for American Airlines at Charlotte, which is also a top financial center; three coastal ports; a desirable mid-Atlantic location; top research universities and community colleges and a 3 percent corporate income tax rate — the lowest such rate east of the Mississippi other than Ohio, which imposes a gross receipts tax in lieu of corporate income tax.”

The Prosperity Cup determines states’ competitiveness based on several factors: new and expanded facilities, job creation, capital investment, and tax climate. In addition, it considers each state’s rank in the corporate real estate executive survey portion of the 2016 Site Selection Top U.S. Business Climates ranking, its performance in the Beacon Hill Institute’s State Competitiveness Report and the number of national career readiness certificates per 1,000 residents aged 18-64.

Site Selection debuted its Top Competitive States ranking in 2002. In 2016, the ranking became known as the Prosperity Cup.

Virginia also did well overall in the South Atlantic regional ranking, coming in No. 3 behind North Carolina and Georgia.

Regional Economic Development Initiative forms Councils around Virginia

Provided by: The Virginia Business Magazine – May 31, 2017

A new economic initiative took up only a few lines in this year’s budget bill, but its impact is galvanizing hundreds of business leaders around Virginia.

Momentum behind the Virginia Initiative for Growth and Opportunity in Each Region — GO Virginia — is accelerating rapidly. The initiative encourages regional cooperation on economic development projects ranging from joint site development to workforce programs aimed at closing the skills gap.
GO Virginia was created by legislative framework in the 2016 General Assembly session and survived the budget ax in a year when the state government was facing a $1.25 billion shortfall.

The program will receive $28 million in the current two-year budget. That is down from $36 million the program was slated to receive last year. Gov. Terry McAuliffe originally had proposed cutting $15 million from last year’s funding plan, but the General Assembly restored half of that, $7.5 million. “We’re creating more higher paying jobs and incentivizing collaboration, primarily from out-of-state revenue, to diversify the economy in every region of the commonwealth,” says John “Dubby” Wynne, chairman of the 24-member GO Virginia board, which will oversee grants distributed by the program.

Work on the program is escalating quickly. This spring, more than 300 people attended the GO Virginia Orientation Conference in Richmond. Nine regional councils, which were certified by the GO Virginia board in April, are preparing funding requests to develop regional economic diversification plans that will govern how the program’s money is spent.

Look at the map as it relates to your AGCVA District

GO Virginia’s nine regional councils

<table>
<thead>
<tr>
<th>Region</th>
<th>2015 Weldon Cooper Center population estimates</th>
</tr>
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<td>1</td>
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<td>419,728</td>
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<tr>
<td>10</td>
<td>8,382,993</td>
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</tbody>
</table>

These councils, 15 to 27 members each, read like a who’s who of business leaders around the state, including K-VA-T Food Stores CEO Steve Smith, Carilion Clinic President and CEO Nancy Agee, lawyers Tom Frantz of Williams Mullen and Richard Cullen of McGuireWoods, Northern Virginia Community College President Scott Ralls and Bill Goodwin, chairman emeritus of CCA Industries Inc.

The regional priority plans will be submitted to the GO Virginia board starting in late summer for approval. “We’re going to use those priorities outlined in those plans — which are deep-thinking and data-driven — as the milestones against which every grant submission should be judged,” says Wynne.
After that, localities can begin to apply for grants. “I think GO Virginia legislation could be the most transformational legislation to help economic competitiveness in 20 years,” says Barry DuVal, president and CEO of the Virginia Chamber of Commerce. The chamber plans to incorporate the regional plans into its Blueprint Virginia 2025, a business plan for the commonwealth that the group is updating.

“The fact that cities and counties don’t grow along political boundaries is being recognized,” says DuVal. “Cities and counties grow along economic boundaries.”

So what programs are likely to be funded? “Creativity is the only limitation here,” says Wynne.

Under the program, localities can work together to apply for grants on projects aligned with plans developed by the regional councils. The projects likely will fall into efforts such as workforce development, business incubators and accelerators, joint site development and scale-up programs for small and midsize businesses. The legislation specifies that early efforts should be placed on addressing skills gaps in the workforce.

Grant requests must come from at least two localities and provide non-state funding that is at least equal to what the grants are seeking from the state. Waivers can be granted for applicants from economically distressed areas that would require projects to match only 50 percent.

GO Virginia grants will be administered from two pots of money. About $11 million will be divided among the nine regions based on population. Projects will compete against one another for another statewide pot of $11 million. All grants will need to be approved by both the regional council and the GO Virginia board. They will be scored against a regional council’s diversification plan and evaluated on economic impact, non-state financial contributions, number of localities involved, compatibility with existing programs and project savings anticipated.

Grants may assist existing programs if they expand to additional localities, or they broaden their scope.

Another legislative action from 2016 will encourage localities to work together to secure major investments in the commonwealth. The Virginia Collaborative Economic Development Act encourages localities to collaborate in attracting major investment from companies. The law allows localities, who can show they worked jointly on attracting a project to the region, to receive up to 45 percent of personal income taxes generated from the new jobs for six years.

That legislation applies to projects creating at least 200 jobs paying above the median wage for a region and a capital investment of at least $25 million. A provision in the law allows requirements to be lowered to 25 new jobs and $1 million of capital investment in cases of fiscal distress or “extraordinary economic opportunity” for the localities. “That’s the first time the cities and localities have had an interest in creating jobs together,” says Wynne. “That’s why they’ve always fought over the years on who gets the property taxes.”

The GO Virginia board will determine whether the localities can receive the grants.

Another related bill from 2016 created the Virginia Research Investment Committee, which will
oversee grants made to help commercialize research at universities. Four members of GO Virginia’s board will serve on the committee.

GO Virginia is unique. When developing the legislation, GO Virginia supporters studied smaller regional initiatives in Georgia, Indiana, Michigan and Colorado. “These states had pieces of programs that were instructive to our thinking,” says Christopher Lloyd of McGuireWoods Consulting. “We cobbled together some good ideas from each of those and put a Virginia stamp on it.”

Already, other states are interested in Virginia’s regional approach.

“This is a bottom-up approach based on regional priorities,” says Wynne. “The beauty of this is that, for the first time, the state is asking each region to identify its priorities and then saying, ‘Ok, you are in charge of getting this done. We’ll help you, but you’re in charge.’”

## Remember to VOTE!

**Tuesday, June 13, 2017**

There is a primary election on Tuesday, June 13 for who will be the Republican and Democrat nominee for Governor. In Virginia, you can only vote in one primary.

Here are a few recent stories to give you an idea:

**Democrat Primary:** [https://www.washingtonpost.com/local/virginia-politics/virginias-june-primary-poses-the-first-major-test-for-trump-era-democrats/2017/03/21/c1f58bea-0a70-11e7-b77c-0047d15a24e0_story.html?utm_term=.443cf394fa2d](https://www.washingtonpost.com/local/virginia-politics/virginias-june-primary-poses-the-first-major-test-for-trump-era-democrats/2017/03/21/c1f58bea-0a70-11e7-b77c-0047d15a24e0_story.html?utm_term=.443cf394fa2d)


## AGCVA NEWS . . .

### VCU Quick Start Construction Training - Jobsite Tour

*Article Provided by: Ed Bowman (W.E. Bowman)*

On Tuesday, May 30th AGCVA members participated in a VCU Quick Start Construction Training participant’s tour of our MICU 3rd floor expansion project at the VA H. H. McGuire Hospital. The students received a tour by Ed Bowman (W.E. Bowman & AGCVA Chairman), a superintendent of W.E. Bowman and one of the steel erection subcontractors. The tour was started with a review of jobsite safety requirements including required PPE and OSHA 10 requirements led by our superintendent, then we climbed the scaffold stair tower to see the steel structure and erection process, which was followed by a question and answer session, we finalized our tour back at the jobsite trailer where I gave a live demonstration of how a verbal warning disciplinary action takes place when several participants began smoking on our jobsite.
Ed Bowman stated that “We were pleased to host this event and hope to support this combined workforce development effort moving forward.”

Thank you to all who participated in this event.

Project Management Course Held

The AGCVA held a well attended Project Management Course on May 25-26 at the AGCVA Headquarters in Glen Allen. The AGCVA would like to say Thank You to the instructor Mike DuBose (Project Manager) of W.M. Jordan for providing informative course material that kept the attendees interested and engaged.

The course was for early-career project managers to help them identify how pre-planning can assist in the success of a project. The course also provided a better understanding on the different phases of planning on a construction project.
CORRECTION
Faulconer Construction Co. Inc. was Misspelled
Western Albemarle Tiny House Project
Correction on the article that was posted in the May 19th eBulletin. Faulconer Construction Co. Inc. was misspelled in the article and they supplied Safety Lessons and hard hats to the Western Albemarle Tiny House Project.

SUMMER CONFERENCE
The Omni Homestead
August 11-12, 2017
Meeting Focus: Revising AGC’s Public Policy Positions
AGC’s 2017 Summer Conference is scheduled at the OMNI Homestead on August 11-12. It is important that you reserve your accommodations at The Omni Homestead as soon as possible as the hotel will most likely sell out all rooms that weekend. You should also register with AGCVA at your earliest convenience to help us in planning activities.

Make Your Hotel Reservations at:
https://www.omnihotels.com/hotels/homestead-virginia/meetings/agc-of-va-summer-meeting

SCHEDULE of EVENTS
Friday, August 11
6:30 PM Reception
Saturday, August 12
8:30 AM Board of Directors – Public Policy Discussion
10:45 AM District Council Meeting
11:45 AM Workforce Development Strategy
6:30 PM Reception & Dinner for all attendees
Sunday, August 13
9:00 AM Convention Committee Meeting

WORKFORCE DEVELOPMENT . . .
to assist Workforce Development in your area - contact Courtney Baker at: Courtney@agcva.org

SkillsUSA State Winners
The AGCVA has received email request to help contenders get to nationals! Triplett Tech had some really great students this year...in ability and personality! Interviews were held for the Teamworks Competition, and there is great potential in their National endeavors.

Of course their actual working talent is key to scoring well, but there are a lot of additional components in the area of soft skills on which they are judged. They will need to be ready with resumes, and in some cases also be judged on interview abilities.

Winners need help paying for travel to nationals! VCIEF is supporting sending students. If you would like to help support sending students from your area, please email Gordon Dixon at Gordon@agcva.org

A list is attached of the SkillsUSA state winners – click here
Valley Holds a Silica Dust Seminar

Article Provided by: Mark Stroupe of Ram Tools

On Thursday, May 18 the Valley District held a free silica dust training at the Harman Construction office in Harrisonburg, VA.

The class was put on by Robbie Larkin from Dewalt/ Black and Decker. We started the class with an overview of the new OSHA regulations and the challenges that it brings to our industry. There were 12 folks in attendance.

Robbie demonstrated the tool line that they provide to meet these regulations starting with the Vacuum system with the HEPA filter. He also showed all attachments that fit drills, grinders and tuck pointing tools and explained that these tools are certified right out of the box.

We also talked about disposal of the dust in paper and plastic bags that you can order with their vacuum system.

We drilled holes in concrete and ground on concrete to show the tools in use. The class was very interactive and the contractors had hands on experience using the tools. There are also special hollow drill bits available that would eliminate the need for brushing or blowing out the holes.

The conversation and question session lasted longer than the training about how this is going to be put into place and regulated. There are still lots of gray areas and everyone is waiting for OSHA to come up with a plan to put these regulations into affect.

I think we would have had better attendance but Robbie and I have done 5 of these sessions in the Valley with multiple contractors teaming up to gather information about these regulations.

AGCVA WEBINAR on Silica Compliance

Wednesday June 14th
3:00 pm to 4:30 pm

RSVP HERE
https://zoom.us/webinar/register/af691c16402b9757cde7dc3c8da9331e
Central Legislative Overview
Delegate Scott Garrett gave Central District our Annual Legislative Overview. He spoke mostly on workforce development and the need for skilled workers (and soft skills) and encouraged our continued efforts in getting this going strong. This was another member appreciation FREE event to our members. Thank you to Southern Air for graciously hosting this event for us.

Peninsula AGC Hosts Craft Beer Tasting
Tradition Brewing Company was the place that over 50 Peninsula AGC members and guests met to participate in the May 11 Peninsula AGC Craft Beer Tasting. Located in the City Center area of Newport News, the new Tradition Brewing Company offered a complete sampling of their product line supplemented by delicious food provided by the Peninsula Food Truck, a local favorite. The event provided the opportunity for attendees to network with fellow AGC members and guests and AGCVA State Chairman Ed Bowman, W. E. Bowman, Richmond, VA was in attendance.

The next Peninsula AGC event is on June 29 when the group will have a baseball activity at War Memorial Stadium in Hampton. The Peninsula Pilots are poised to take on the Edenton Steamers on that evening.

SEMINARS & TRAINING

OSHA Silica Dust Training
WEBINAR: Wednesday, June 14th @ 3:00 pm

You are invited to a Zoom webinar
Wednesday, June 14, 2017
TIME: 3:00 PM
Topic: AGC Webinar on Silica Compliance
Instructor: Curtis Witt, Safety Director
Froehling & Robertson, Inc.

What is silica?
Silica is one of the most common naturally occurring elements on the planet. Silica, the mineral compound silicon dioxide (SiO₂), is found in two forms—crystalline or noncrystalline (also referred to as amorphous). Sand and quartz are common examples of crystalline silica.

When is silica a hazard for construction workers?
Materials that contain crystalline silica are not hazardous unless they are disturbed, generating small-sized particles that can get in your lungs ("respirable crystalline silica"). For example, blasting, cutting, chipping, drilling and grinding materials that contain silica can result in silica dust that is hazardous for construction workers and others to breathe.

Register in advance for this webinar:
https://zoom.us/webinar/register/af691c16402b9757cde7dc3c8da9331e
After registering, you will receive a confirmation email containing information about joining the webinar.

Construction Quality Contractor CQC – Training
Both the Corps of Engineers and the U.S. Navy require that CQC personnel pass this training program as part of the certification process. AGC has worked with these groups over the past eighteen years to provide this training on a convenient, reasonably-priced basis.

A registration fee of $200/member rate and $250/non-member rate will be charged per attendee to cover the cost of the meeting facility, lunch, handout materials and refreshments.

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Details</th>
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</table>
| July 13, 2017 | Construction Quality Management for Contractors (CQC) 7/13/17 | Hilton Garden Inn  
1624 Richmond Road  
Williamsburg, VA 23185 |
| September 19, 2017 | Construction Quality Management for Contractors (CQC) 9/19/17 | Quality Suites Lake Wright  
6280 Northampton Blvd.  
Norfolk, VA 23502 |
| November 16, 2017 | Construction Quality Management for Contractors (CQC) 11/16/17 | Hilton Garden Inn  
1624 Richmond Road  
Williamsburg, VA 23185 |

Calendar of Events

06/05/2017
SOLD OUT! Piedmont Golf Tournament 6/5/17

06/06/2017
Tidewater YL USG LUNCH AND LEARN / PLANT TOUR 6/6/17

06/14/2017
WEBINAR: Silica Compliance 6/14/17
<table>
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<tr>
<th>Date</th>
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<tr>
<td>06/22/2017</td>
<td>SOLD OUT! YCL Program - Organizational Structure 6/22/17</td>
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<tr>
<td>06/22/2017</td>
<td>Piedmont Brewery Construction Discussion 6/22/17</td>
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<tr>
<td>06/22/2017</td>
<td>Tidewater Beer Tasting 6/22/17</td>
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<tr>
<td>06/29/2017</td>
<td>Peninsula Baseball Outing 6/29/17</td>
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**WELCOME NEW MEMBER**

**Supplier/Service Member**

**Tidewater District**

**Tomar Computer Integration, Inc.**

**(360IT Partners)**

5269 Cleveland St #201  
Virginia Beach, VA 23462  
(757) 499-6761  
Fax: (757) 499-1571  
Contact: Luke Barton

Specialty: Computer Systems Consultants, Computer Equipment

[http://www.360ITPARTNERS.com](http://www.360ITPARTNERS.com)

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**Send in Your Company News**

*and it will be highlighted in the AGCVA eBulletin & Social Media*