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# THE CONSTRUCTION USER

A Publication of The Association of Union Constructors | [www.tauc.org](http://www.tauc.org) | Spring 2019

## the Government Issue



**Opportunities to  
Advance TAUC's Agenda  
in a Divided Washington**  
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**Using the Tripartite Model  
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1501 Lee Highway, Suite 202  
Arlington, VA 22209  
703.524.3336  
703.524.3364 - fax  
[www.tauc.org](http://www.tauc.org)

**EXECUTIVE EDITOR**  
**David Acord**  
703.628.5545  
[dacord@tauc.org](mailto:dacord@tauc.org)

**ADVERTISING REPRESENTATIVE**  
(Contact for rates and details)

**Bill Spilman**  
Innovative Media Solutions  
320 W. Chestnut St.  
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Oneida, IL 61467  
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[bill@innovativemediasolutions.com](mailto:bill@innovativemediasolutions.com)

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For information about subscriptions, reprints, or purchasing bulk copies, contact Executive Editor David Acord at 703-628-5545 or [dacord@tauc.org](mailto:dacord@tauc.org).

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# Reflection & Preparation



by JAKE LOCKLEAR

TAUC PRESIDENT  
PRESIDENT AND CEO, APM

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***It has been an honor to represent our industry and to give voice to our members, many of which are multi-generation constructions firms that built this country.***

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**T**HIS WILL BE my last column as TAUC President. This spring, at our annual Leadership Conference in New Orleans, I will pass the baton to Steve Johnson, President of GEM Industrial Inc. Steve will be a great leader for our TAUC. His years of experience in our industry and in TAUC, and his direct approach, will be valuable as we move into the next decade.

It's hard to believe three years have passed since Tom Felton, then President of MC Industrial, welcomed me to this role. It's customary for outgoing presidents to use their final column to reflect on the progress our organization has made over the previous few years. And while I am certainly proud of everything we've accomplished, I am perhaps even more excited at what lies ahead. So, I'd like to alter the formula a little and talk about the future as well as the past.

There is a lot to look forward to in 2019. In New Orleans, TAUC will present the very first Joseph R. La Rocca Union Project of the Year Awards. They are named after the original leader of TAUC's predecessor organization, the National Erectors Association, and the very first impartial secretary of the NMAPC. Joe had an enormous impact on our industry, and naming this award in his honor is a way for TAUC, and everyone in the industry, to show our appreciation.

This spring will also see the release of TAUC's fifth annual Union Craft Labor Supply Survey—a true milestone. This survey, and the companion report released each spring, is packed with incredibly detailed information on labor supply levels across the country, broken down by craft, region, and industry sector. Thousands of contractors and union representatives have participated in the survey, and it has become an important annual benchmark for our industry. For the first time, we can see where we've improved and where more work needs to be done to attract quality craftworkers.

In September, we'll journey to Cincinnati for the second annual Industrial Grade Innovation Conference and Expo, or IGI for short. This is a fulfillment of TAUC's pledge to embrace the potential of new technology to transform our industry. We are bringing together contractors and our union and owner-client partners with the creators of some of the most cutting-edge construction technology on the planet: virtual reality, bionic assistance technology and robotics, to name just a few. It's a hands-on, up-close-and-personal introduction to the future.

Other seeds that have been planted over the past few years are just now beginning to sprout. Our Legacy Partner program, for instance, was created in 2017 to match the industry's premier service providers with our members. Our first two partners, DEWALT and Procore, have been incredibly helpful and supportive of TAUC and the industry as a whole. When Hurricane Harvey flooded portions of my hometown of Houston, DEWALT sent enough tools and supplies to equip a small army and helped us begin the arduous task of rebuilding our community. And Procore, creator of cutting-edge construction management software, has been invaluable in helping us navigate the brave new world of technology and innovation.

Last year also saw the creation of TAUC's first-ever Political Action Committee, or PAC. This is a big step in our long-term plan to grow our influence on Capitol Hill—to make our voice of union construction stronger and louder. Our engagement in the political arena also landed us in the White House last fall to participate in a discussion on the Administration's "Pledge to



America's Workers" initiative. TAUC committed to working with all of its 2,000-plus member contractor firms to hire 250,000 apprentices over the next five years, beginning in 2019. Standing with three fellow craftsmen in the White House to celebrate the working man was an honor.

New technology is exciting—so is making progress on Capitol Hill. But as I reflect on the past three years, I'm most proud of the way TAUC has refused to shy away from the serious problems our industry is facing – the stuff that isn't so exciting. Let's face it: the opioid crisis isn't a fun topic to talk about. It's deeply troubling to see what is happening to tens of thousands of our craftworkers who become addicted to pills or worse. It would be so easy to turn away and focus on the next big idea to gain new market share.

But TAUC, to the credit of our members and Board of Directors, refused to do that. Instead, we decided to shine a light on the opioid problem and move the conversation forward. Last spring, we devoted the entire issue of *The Construction User* to the crisis. The response was overwhelming. We actually had to go back and print more copies because the demand was so high—something that has never happened before. Even *The New York Times*, considered by many to be the most important newspaper in the country, mentioned our special issue in a large story on the opioid crisis in the construction industry. They also included a link to the online version of the magazine, which resulted in many more people downloading and reading it. We shared the issue with members of the Senate Health, Education, Labor & Pension Committee, and received many positive emails and letters from medical and psychological professionals, thanking us for highlighting the problem so comprehensively and effectively.

As I close this article, I would like to give a couple of thanks.

Thank you—all of you—for your confidence in me over the past three years. Your words of encouragement have meant a lot to me. It has been an honor to represent our industry on this stage; to give voice to and advocate for our members, many of which are multi-generation construction firms that built this country; to work closely with our labor and customer partners in the spirit of the tripartite on the significant issues that our industry must lean into; and most importantly, to be trusted to remind all of us that we all work for blue-collar, hardworking craftsmen and craftswomen, and our ultimate responsibility is to send them home each night safe, proud of their work, having improved their skills, and having provided for their families with integrity.

Thank you to the TAUC staff. No offense to Steve Johnson, but I believe a monkey could sit in the TAUC President's chair surrounded by our great team and still be successful. Steve Lindauer, you have been a wise guide

over the years; I am thankful to have worked side-by-side with him. You've put together an all-star team, your greatest accomplishment. I have been on the road enough times with Dan, Mike, and Todd to know that we have passionate, talented leaders in position to guide TAUC for years to come. Thanks to you three gentlemen for pressing forward to bring our vision to reality, and for having fun while doing the detail work. I value your friendship and our early morning jogs. David has written more than a few things for me; I trust you with my pen and my words. Wayne has been a tremendous expert on our greatest responsibility, our employees and their safety and health; you have been a source of strength during some dark times. Mike has led us to financial strength, allowing us to invest in our future. Ben, Diane, Pam, and Judy, thank you for all things that we don't know you do, and yet you do selflessly. Gwen is amazing—a beautiful servant's heart that brings us all together. Y'all have made it easy for me to stand and deliver for our TAUC.

It has been my pleasure and honor to serve with you these past three years. I look forward to continuing with you to make the next years even better. Thank you.




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# Milestones

by STEVE LINDAUER

**T** HIS YEAR, TAUC celebrates its fiftieth anniversary. The organization was created in 1969 as the National Erectors Association (NEA), but we officially changed our name – and our mission – in 2007 when we became The Association of Union Constructors.

The TAUC of 2019 bears little resemblance to the NEA of 1969, which primarily represented steel erector contractors who employed Ironworkers on their projects. TAUC, on the other hand, became the first national, multi-trade union contractor association. Today, we represent contractors who source their labor from all 14 building trades and work in a variety of industry sectors, not just steel erection. Our membership has grown to more than 2,000 firms, as well as affiliate members and Legacy Partners that provide a wide range of products and services to the construction world.

TAUC has also expanded our focus and “scope of work,” if you will, to include many new and important objectives. As Jake points out in his farewell column on Page 4, TAUC has made great strides in government affairs. We are committed to making our contractors’ voices heard on Capitol Hill, which is one reason why we created our first-ever political action committee (PAC). Through our partnership with Summit Strategies, we continue to make inroads with Congress, ensuring that senators and representatives understand our members’ priorities and what’s at stake on issues like multiemployer pension reform.

## A Restless Industry

Ironically, when I look back on our history, change seems to be one of the only constants. Almost as soon as the NEA was created, it began evolving to



meet the needs of a restless industry. Union contractors have always been an ambitious lot, and our owner-clients (not to mention our non-union competitors) never stopped pressing us to grow and innovate in order to meet the demands of an ever-shifting marketplace.

Perhaps the most obvious example of NEA’s penchant for transformation is the National Maintenance Agreements (NMA), which were created just months after the NEA came into being. The leadership saw a need for a new kind of project labor agreement that would be more attractive to steel producers, which at the time were our members’ main employers. The result was the NMA, which offered owner-clients a predictable, streamlined process with pre-set rules for everything from overtime pay to holiday leave and job disruptions. Perhaps more importantly, the NMA eliminated the need for long, acrimonious negotiating sessions with the local union every time a new maintenance job came up.

The NMA was so successful that it soon caught the attention of the other building trades crafts; by 1986, all 14

international unions had signed on. The popularity of the NMA soon outstripped the resources of a still-young NEA, prompting yet another change. In 1981, the National Maintenance Agreements Policy Committee, which administered the NMA, was spun off as a separate incorporated entity, but still maintained close ties – and office space – with its parent association.

## Blue-Collar Tech

Technology and innovation represent another area of change. We’ve come a long day from the early days of the NEA and NMA, when there was so much paperwork going back and forth between our headquarters, the contractors and the international unions that many organizations literally wore out their fax machines and had to buy new ones every year or so.

Though only a year old, TAUC’s Industrial Grade Innovation Conference & Expo (IGI) is helping contractors take a “quantum leap” and expand their concept of what it means to be a twenty-first century service provider in our industry. The virtual reality headsets and bionic



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exoskeletons on display at our first IGI event in Michigan last summer impressed even the tech-savvy millennials who attended, so I can only imagine what NEA's original founders would have thought! And we're already hard at work on this year's IGI event, taking place September 10-12 in Cincinnati.

### Some Things Don't Change

Despite the incredible transformation our association has gone through over the past fifty years, I am just as proud of what hasn't changed: our devotion to the core principles first outlined by the NEA in 1969. First and foremost, we never lost sight of the importance of promoting jobsite safety. Whether it's through the Thomas J. Reynolds Safety Awards, the James J. Willis Craftperson of the Year Award or NMAPC's Zero Injury Safety

Awards, we have strived to ensure that everyone who walks on a union jobsite goes home safely at the end of the day.

Strengthening and nourishing the tripartite relationship through cooperation and open dialogue has also remained at the top of our list of priorities. In fact, if we hadn't spent so much time on it, I doubt our association would still be around. You simply can't succeed in the union construction and maintenance industry long-term without forging strong bonds between contractors, owner-clients and labor; it would be like trying to drive a car with an empty gas tank.

If you still need proof of our commitment, I invite you to attend our Leadership Conference in New Orleans from April 30 – May 3. There, we will present the first annual Joseph R. La Rocca Union Project of the Year Awards, recognizing outstanding work performed under labor-management

cooperation. It's fitting that these awards will be presented during our fiftieth anniversary year; it's symbolic of how we have come full circle as an organization. The awards are named after the NEA's first executive vice president and the NMAPC's first impartial secretary. It's a small tribute to a man who was there at the very beginning and helped lay the foundation for many of our careers, not to mention the success of the entire union construction and maintenance industry.

**This one's for you, Joe – and for all of us. Happy anniversary!**



*Steve Lindauer is the CEO of The Association of Union Constructors and also serves as Impartial Secretary and CEO of the National Maintenance Agreements Policy Committee, Inc. (NMAPC).*



### In Memoriam: Bill Cornell, 1953-2019

In lieu of flowers it was Bill's wish that everyone would become a registered organ donor. Please take five minutes and register at [www.donatelife.net/register/](http://www.donatelife.net/register/) or [www.organdonor.gov/register.html](http://www.organdonor.gov/register.html). View Bill's memorial webpage and express condolences online at [www.dawsonfuneralhome.com](http://www.dawsonfuneralhome.com).

William G. "Bill" Cornell passed away on January 20, 2019 at UPMC Presbyterian Hospital in Pittsburgh, Pa., after a lengthy illness. He was 65.

Bill was a dear friend and colleague to TAUC and the entire union construction and maintenance industry. He began his career in 1983 with McCarl's as a project manager and progressed through various positions, including vice president of operations. In 2016 Bill started a consulting and advising company called CorCon Solutions, LLC. He focused on leadership training and labor relations education.

Bill was also involved as a governing member of TAUC for 30 years, eventually serving as Chairman of the Labor Committee and as a member of the Board of Directors from 2012 through 2014.

However, Bill's legacy extends far beyond his many professional accomplishments. In August 2014 he was diagnosed with idiopathic pulmonary fibrosis, which led to a life-saving double lung transplant on December 26 of that same year. Recovery was a long and arduous process, but throughout it all, Bill became an eloquent and tireless advocate for organ donation, and began a second career as a public speaker, telling audiences about his experience and how they could help the transplant community. In fact, Bill gave a memorable speech at the TAUC Leadership Conference in 2016 which prompted many attendees to become organ donors.

"Bill was 'all in 100%' with everything he became involved in—family, work, friendships, you name it," recalled Steve Lindauer, CEO of TAUC and the Impartial Secretary and CEO of the NMAPC. "Over my career, he was one of my go-to guys when it came to dealings in this business, and he was a true friend as well. I will miss him tremendously and will think about him often."



# A Million Miles Later, Some Things Never Change

by MARK BRESLIN

**L**AST MONTH I was flying along, minding my own business, when the flight attendant came up to me. In the crowded cabin she announced to me and the other passengers that on this flight I would pass one million miles flying on United. Everyone clapped. I sat there stunned. A thousand presentations and four hundred thousand people later -- and now, a million miles. My thoughts were interrupted by the woman next to me. She asked, "So what do you get for a million miles?" And before I could think, it just popped out of my mouth. "You get an ex-wife."

Everyone howled with laughter.

So, after that many miles and years, I want to take an inventory on what has changed or improved in our industry and what has remained the same. With pretty much unlimited access to the owner community; construction CEOs and International Presidents; learning specialists, training directors, Business Managers, field leaders, rank-and-file union members and even apprentices, here are my findings for your consideration.

## The Good

1. Unions are much more businesslike and ROI-focused. The old school, status-quo dinosaurs have finally died off. The younger leaders are more professional and often getting it done.
2. Our safety culture is outstanding and remarkable in its depth and execution.
3. Accountability and performance matter. Finally.
4. Negotiated work becoming dominant has changed a lot of the low-bid mentality and bad business practices.
5. The amount of resources dedicated to training now being provided is unprecedented and noteworthy.
6. The new generation of leadership has way more emotional and social intelligence and uses it well.
7. Contractors are finally focusing on people as their most valuable assets and investing in them at a level not seen before. Recruitment and retention are part of any successful contractor's strategy for the first time.
8. The Millennial apprentices that I meet today are better educated, more open to change, highly optimistic and will change the game for our industry (despite their "issues").

## The Bad

1. The stigma about working in our industry still exists. Parents, teachers and counselors still don't get the amazing opportunity. But at least the value of a college education (and debt) is up for debate.
2. Pension withdrawal liability continues to be a major challenge. Political and structural reforms are hit and miss. Green zone status is just a dream for some; and the impact on organizing, market share and the individual union cannot be ignored.
3. The intake system for apprentices in union construction still sucks. It is often disjointed and lacks proper testing, interview and other protocols, leading to 10-30% drop outs and the entry of marginal candidates. We can do much better.

*Continued on Page 23*



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# Exclusive Q&A: Illinois Unions File Lawsuit Against Opioid Manufacturers

**L**AST SPRING, *The Construction User* devoted an entire issue to the opioid crisis facing the union construction industry. The response from readers was overwhelming and confirmed our worst fears as well as our best hopes. Yes, the situation was dire. But the entire tripartite community—contractors, unions and owner-clients—was highly informed and engaged. Across the board, companies and organizations were devoting a massive amount of resources (time, money and people) to combating the problem.

Now, a year later, you can't turn on a news broadcast without hearing the latest on the opioid crisis. It has caught the attention of the public, not to mention the federal government. But now the battle is moving into a new realm: the courts.

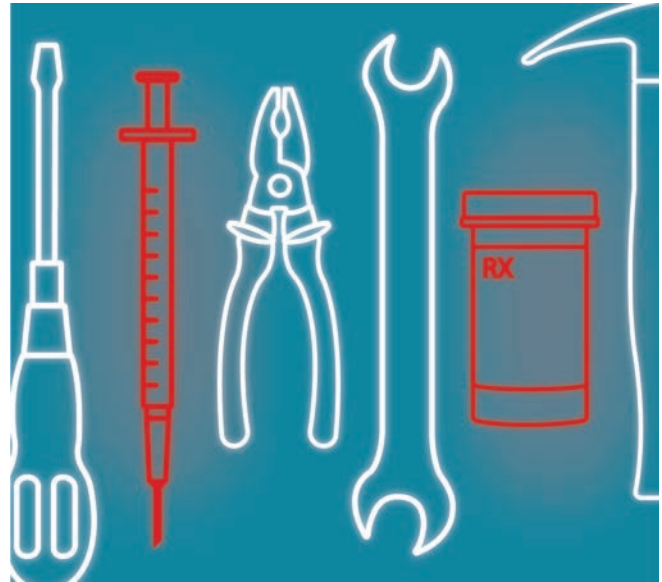
In February, the Chicago Regional Council of Carpenters and the International Union of Operating Engineers Local 150 filed a lawsuit against several opioid manufacturers, distributors and prescribers in the Circuit Court of Cook County, Illinois. The joint opioid lawsuit is the first ever brought by Illinois unions, and the first to focus specifically on the impact of opioid abuse in the union construction industry. The unions are seeking “damages for defendants’ unconscionable efforts to maximize profits at the expense of union members’ lives, families and communities,” according to a press release.

Chicago-based law firm Edelson PC is representing the unions in the suit, along with their associated welfare funds, the CRCC Welfare Fund and the Midwest Operating Engineers Health and Welfare Fund. *The Construction User* recently sat down with Ari Scharg, a partner at Edelson and one of the lead lawyers on the case, to learn more about the lawsuit and what contractors, unions and owner-clients can expect going forward.

The interview was conducted by *The Construction User* Executive Editor David Acord on February 13, 2019.

**THE CONSTRUCTION USER:** Why did the Carpenters and Operating Engineers decide to bring this lawsuit?

**ARI SCHARG:** The opioid crisis is impacting communities all over the country and leaders are looking for ways to help. These unions in particular have long been at the forefront of pushing for social justice and advocating for workers’ rights. I think this lawsuit is another example of their commitment to helping their members and their communities thrive.



Like many cities around the country, the Carpenters and Operating Engineers and their health and welfare funds have spent significant amounts of money as a result of the opioid epidemic. They pay for all the medical care and emergency care that's required when their members become addicted to opioids, as well as the costs of addiction and rehabilitation services. They have also paid for the costs of prescription opioid pills, which are extremely expensive, for more than a decade. At the same time, the opioid overdose reversal drug is being administered more frequently and the cost of each dosage is skyrocketing. All of these things add up to major costs and expenses. The unions and welfare funds feel they have a duty to their members to recover these losses and believe that now is the time to stand up for their well-being by bringing this suit.

**TCU:** How has the opioid crisis affected the unions and the construction industry in Illinois?

**SCHARG:** First, you have to think of the human impact. As you know, workers in the construction and heavy equipment industries are very susceptible to injuries. They put themselves at risk to literally build our cities, and they do so on a daily basis. This crisis is killing people. The Carpenters have lost members within the last couple of months to opioid addiction. These were very hardworking people who got injured on the job, went to a doctor, and were prescribed opioids. Now, this lawsuit is not against the medical industry in general, and doctors, to a large extent,

*Continued on Page 12*



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were duped by the opioid manufacturers along with everyone else about the safety of these drugs. They weren't aware the drugs they were prescribing to people were as addictive as they are. The messaging from the opioid manufacturers has always been, "Ours are special, they are not addictive, and they will not be habit-forming." The doctors were prescribing them to people who came in with pain.

That's a really tough thing to accept: you go to a doctor that you trust, you get prescribed meds, you go home, you have a monthly supply, and at the end of that month you become helplessly addicted. That is not the workers' fault, and I think this lawsuit will help remove the stigma from people who think their addiction is their fault. As much as the unions and the funds are trying to recover money they have spent on the crisis, they are also pointing a finger at the real wrongdoers, the opioid companies, and saying to their members, "It's not your fault, it's theirs, and we understand that. We want you to feel comfortable enough to go and get help if you need it."

**TCU:** In a nutshell, what are you alleging in the lawsuit?

**SCHARG:** The lawsuit accuses the drug companies of fraud and conspiracy and focuses on the way that they falsified scientific research to convince the public that their opioids were not addictive. They spent hundreds of millions of dollars on marketing in the 1990's to convince the world that their product was not addictive and not habit-forming, and that's the origin of this mess.

We have also named local "pill mills"—doctor's offices operating in Illinois that were prescribing enormous quantities of opioids illegitimately. Some of these pill mills were prescribing thousands of scripts a week to people that were addicted without any medical justification—and they made a lot of money, millions and millions of dollars. The two doctors we have named in the suit have already been charged by the authorities.

There are also distributors named in the suit. The gist of the claim against them is that they did not monitor, as they are required to do, the amount of pills flowing into each pharmacy. They're supposed to report to the government when the level of prescriptions shipped out to these pharmacies reaches a certain threshold. They didn't do that—or at the very least, they didn't report as often as they should have. There was one report of about 12 million pills being shipped into a West Virginia town of 300 people! The problem is that the distributors' incentives were aligned with those of the opioid drug manufacturers. Their profits were tied to the amount of pills that were shipped to the pharmacies. The more pills that made their way to the pharmacies, the more money that both the manufacturers and distributors would make. Everyone was on the same page.

And then the fourth group of defendants are what we call in the complaint the "front groups"—essentially, advocacy groups that were substantially funded by the opioid manufacturers to put out guidelines and white papers to

***"...this lawsuit will help remove the stigma from people who think their addiction is their fault."***



help amplify the message that their opioids were not addictive. They perpetuated the false notion that these manufacturers' pills were somehow safe and that it was medically appropriate to prescribe them to individuals that were experiencing pain.

**TCU:** You are asking for various damages that, presumably, would total in the hundreds of millions of dollars. What would that money be used for?

**SCHARG:** Our clients want to be reimbursed for all the money they have paid for these pills, which we now know are poison. While opioids are generally viewed as appropriate in certain limited settings (including in the emergency room), they are extremely dangerous and highly addictive. Had my clients known the truth about opioids, they would not have wanted their members to take them and they would not have paid for them outside of emergency room and late-stage illness situations. They are also seeking recovery for the money paid in medical and related expenses they were forced to shoulder as a result of the prescriptions. These welfare funds can directly trace all of the money they have spent on pills and related medical services—that's their business. So when these cases eventually go to trial, the funds will be able to very clearly lay out all the money they spent and show how and why it was spent.

**TCU:** What would a win mean for not only your clients, but for the construction industry in general?

**SCHARG:** At the end of the day, the unions are pursuing this case to hold the drug companies accountable for a crisis that is impacting communities and families in a very, very real way. More than anything else, a win would mean creating a safer environment for Carpenters, Operating Engineers and others in the construction industry. And by "safer," I mean not only with respect to the use of opioids, but also by lifting of the stigma of addiction. We want union members to see their leaders standing up against these large pharma companies and to feel comfortable enough to go and seek help.







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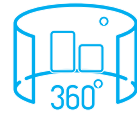
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# TAUC & Tech: What Our New Innovation Initiatives Mean for You

by TODD MUSTARD

**A**T TAUC, WE are focused on being “the voice for union construction and maintenance.” But what does that mean? Since changing our name from the National Erectors Association/NEA in 2007, we’ve focused on four main priorities:

- Environmental health and safety;
- Industrial relations;
- Government affairs; and
- Innovation and technology.

The first two—safety and industrial relations—have long been at the core of who we are as an organization, dating all the way back to the founding of the NEA in 1969. The other two – government affairs and innovation/technology – are more recent additions, but are nevertheless critical to ensuring our member contractors continue to succeed in a new era of tripartite collaboration and engagement.

These final two priorities are so critical, in fact, that this year we decided to reorganize *The Construction User* to focus on both in a more in-depth and consistent manner. Beginning with this issue, each Spring edition of the magazine will concentrate on government affairs, giving our readers a legislative and regulatory “road map” for the coming year. Also beginning this issue: a brand-new column (you’re reading it now) that will shine a spotlight on how innovation and technology is changing our industry for the better—and how union contractors can stay one step ahead of the competition.

## How We Got Here

I want to kick off this new column by giving you a quick update on TAUC’s recent activities in the tech/innovation arena. In January 2018, we organized a trip for our member contractors, owner/clients, and partners in the building trades. The destination: Microsoft headquarters in Redmond, Washington, to get a behind-the-scenes look at their HoloLens Lab. We experienced augmented reality, some of us for the first time, and learned how Microsoft was partnering with NASA and companies like Volvo and Thyssenkrupp to take advantage of this new tech. Microsoft assigned more than 1,000 engineers and spent over \$3 billion in six years on the project.

Also last year, we created a brand-new event, the Industrial Grade Innovation Conference and Expo, or IGI for short. Of course, there are already many events and conferences that focus on construction technology, but none had ever before integrated the crucial element of tripartite cooperation and dialogue. For the first time ever, IGI brought together owner/clients, contractors,

and organized labor with cutting-edge technology companies to test out their latest products and – more importantly – discuss the tech needs of our industry moving forward.

IGI also gave attendees an opportunity to see how the building trades are incorporating new innovation and tech into their training programs. There were breakout sessions hosted by the Ironworkers and IMPACT, the IBEW and NECA, SMART/SMACNA/ITI, the Operating Engineers, the Carpenters and the Insulators/National Union Insulation Contractors Alliance. There were also instructional sessions hosted by TAUC members Kiewit, Barton Malow, Walbridge Aldinger and BMWC Constructors.

In addition, owner/clients like Ameren and Ford—and our TAUC Legacy Partners DEWALT and Procore—shared their perspectives on a variety of tech fronts, and demonstrated how they are integrating the latest advancements into the brick-and-mortar world of construction and maintenance.

IGI was inspired in part by TechCrunch, one of the best-known technology conferences in the

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# Time to Make Some Green by Going Green

by Steve Johnson, President, GEM Inc., TAUC First Vice President – President Elect

**I**N EARLY FEBRUARY, Democrats released a non-binding congressional resolution called the “Green New Deal.” While short on specific policy recommendations, it is a broad statement of priorities designed to lower greenhouse gas emissions to net zero over 10 years. It is based on the results of two major reports issued in 2018 by the United Nations and federal scientists. Those reports called on the federal government to take several actions, including: dramatically reduce greenhouse gases; create high-paying jobs; ensure that clean air, clean water and healthy food are all basic human rights; and end all forms of oppression. That’s quite a list, and needless to say, the resolution has ignited a political firestorm.

Without wading too deeply into a murky and politically divisive issue, I nevertheless want to address the variety of opportunities that exist for union contractors and labor. As you know, there is a huge transition occurring in the energy sector to less carbon-intensive sources. Although historically, our industry has focused primarily on coal-fired generation, we are still uniquely positioned to take advantage of this shift in the market.

Solar installation and maintenance, carbon capture and storage, wind farms and other forms of sustainable energy generation that were deemed too costly and impractical just a few years ago are now growth opportunities for both TAUC members and the Building Trades. As the market shifts towards a more diverse mix of energy sources and more energy-efficient production methods, we need to be positioned to compete in this changing environment.

But that doesn’t mean abandoning our current customer base. The new “energy evolution” will also spur construction and installation of new energy-efficient and emission reduction/capture technologies for the traditional fossil fuel-based sector.

## Getting in the Game

Regardless of what happens with the Green New Deal, these technological advancements will spur a robust debate over energy policy on Capitol Hill. It is important for TAUC and its members to be involved in these efforts to ensure the new policies provide real-world solutions to incentivize the development of a comprehensive broad-based energy strategy that not only benefits our economy but also creates opportunities for the union construction and maintenance industry.

One area that shows some promise is carbon capture and sequestration. Earlier this year, Sen. John Barrasso (R-WY), chairman of the Senate Environment and Public Works Committee, introduced the “USE IT Act” (SB 383) which supports carbon dioxide utilization and direct air capture research. The idea is to facilitate the permitting and development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines. This bipartisan legislation supports efforts for public and private sector collaboration to significantly reduce carbon emissions from traditional fossil fuel power generators while exploring profitable uses for captured carbon dioxide.

Last year, the Boilermakers International Union promoted the usage of carbon capture and storage

at its National Tripartite Alliance Conference, where two different presenters touched on the topic (see *The Construction User*, Fall 2018, p. 19). The president and CEO of North West Refinery, Ian MacGregor, gave an update on the Sturgeon Refinery project in Alberta, Canada that processes bitumen into diesel fuel while emitting less CO<sub>2</sub> than the light crude refining process.

“This is the first refinery with carbon capture designed in from the get-go,” MacGregor said. Captured CO<sub>2</sub> will be used for enhanced oil recovery and will be transported via the Alberta Carbon Trunk Line, another enterprise he is involved with in Canada’s oil sands region.



The Sturgeon Refinery was nearing completion of startup for Phase 1 in August of 2018 and had employed more than 5,000 union tradesmen and women working more than 50 million work-hours.

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# Opportunities to Advance TAUC's Agenda in a Divided Washington

by JIM KOLB, PARTNER, SUMMIT STRATEGIES GOVERNMENT AFFAIRS LLC

**A**S THE 116TH Congress finally gets down to business after the end of the longest government shutdown in the nation's history—fueled by political posturing and brinkmanship over President Trump's demand to fund the border wall—policy issues critical to TAUC members are at the forefront of possible legislation that will be considered by Congress.

There has been a flurry of activity on advancing an infrastructure package, addressing multiemployer pension reform, and repealing the Cadillac tax on high-cost health insurance plans. While lawmakers remain far apart how best to address these issues, there is still hope for legislative action that will have a significant impact on the unionized industrial construction and maintenance industry.

## Multiemployer Pension Reform

Congress tends not to act until it is faced with a major crisis. The looming threat of major multiemployer pension plan failures—which threaten the retirement security of over 1.5 million plan participants and would lead to the insolvency of the PBGC—has gotten the attention of key members of Congress. Both the House Ways and Means and Education and Labor Committees—the two House committees with jurisdiction over multiemployer pensions—held hearings examining the crisis and the cost of inaction on retirees, plan participants, contributing employers, and the PBGC. Hearings are also expected in the Senate Finance Committee later this spring, where Chairman Charles

Grassley (R-IA) has tasked Sen. Rob Portman (R-OH) with leading efforts to address this crisis. Whether, when or if these activities will lead to enactment of legislation into law remains to be seen, but clearly there is a recognition of the need to act.

While the focus on this important issue is good and necessary, the policy discussions to date should raise serious concerns with TAUC members. As with the policy proposals considered during the deliberations of the Joint Select Committee on the Solvency of Multiemployer Pensions, which was established last Congress to address the impending insolvency of a number of multiemployer pension plans and failed to reach consensus, much of the discussion in the congressional hearings to date has focused on preventing cuts to benefits of participants in these plans, while also making significant changes to plan funding rules that will significantly increase costs to contributing employers and substantially increasing PBGC premium. We have no issue with the need to protect the retirement security of participants in these troubled plans. We are, however, very concerned with proposals that would financially weaken contributing employers and destabilize otherwise healthy plans.

TAUC and our partners in the unionized building and construction industry have been working to ensure that lawmakers understand that any proposal to address the relatively few failing plans should not include policies that undermine the entire multiemployer pension system by putting healthy plans at risk and significantly increasing cost on contributing employers.



We are also advocating that lawmakers pursue a comprehensive solution to the multiemployer pension crisis that both protects the retirement security of all plan participants and the long-term viability of contributing employers. This must include the authorization of the voluntary use of hybrid composite pension plans, which is the top legislative priority established by the TAUC Government Affairs Committee.

Last Congress, TAUC supported H.R. 4997, the "Give Retirement Options to Workers" (GROW) Act. This bipartisan legislation, introduced by Congressman Phil Roe (R-TN) and Congressman Donald Norcross (D-NJ), would modernize and strengthen multiemployer pension plans by providing local joint labor-management trustees a new voluntary tool to ensure the long-term viability of their funds by authorizing more choices in retirement plan models. We are hopeful that this bipartisan legislation will be introduced again this Congress and will be part of the discussions on how best to provide options to share risks, improve funding stability, and protect lifetime income for plan participants.

The time to act on multiemployer pension reform is now. The longer

*Continued on Page 30*



# LEOs Highlight Top Policy, Regulatory Issues for 2019

**Members of TAUC's Local Employer Organization (LEO) Committee represent contractors who work in some of the busiest areas for union construction in the country. As part of this issue's focus on government affairs, we asked several LEO members from these "hot spots" to share with us their legislative and regulatory priorities for the coming year.**

## WESTERN PENNSYLVANIA



**by David Daquelente**  
Executive Director  
Ironworker Employers Association of Western Pennsylvania, Inc.

Natural gas resources, exploration and industry related to the Marcellus and Utica Shale plays centered in Western Pennsylvania and the tri-state region have had implications on the economy, environment and politics for generations. Most recently, the fracking boom of the last decade has, through increased technology, allowed producers to capture more product in this historically underutilized natural resource location. These gains in production and their mid-stream and downstream impacts have been felt in the energy sector, notably by power generation facilities and operators. More combined-cycle natural gas generation facilities are being built to take advantage of this resource and its proximity to the majority of U.S. consumers.

Pennsylvania produces the second highest volume in natural gas in the U.S. As this combined-cycle generation model gains momentum — and as the price of natural gas remains low — traditional power generation in the coal and nuclear markets have been significantly impacted. Exelon Corporation and FirstEnergy Corporation have both started the process of removing their assets from the production market, unless something shifts to support their ability to compete. In particular, Three Mile Island (owned by Exelon) has been unable to remain competitive for a number of reasons. When Pennsylvania currently receives over 40% of its electricity from nuclear operations, it is cause for concern.

House Bill HB11 intends to add nuclear generated power as an approved resource under Pennsylvania's Alternative Energy Portfolio Standards (AEPS). Specifically, this bill would create subsidies to support those operators in Pennsylvania who are not currently competitive in the PJM energy wholesale market. This would include a mandate for electric companies to buy clean energy credits for up to 50% of total megawatts in a service area.

This impacts our contractors and union labor partners from a consumer standpoint, but at a deeper level, these facilities (both nuclear and natural gas electric generation facilities) represent thousands of jobs in the community and many work-hours for contractors and building trades, specifically our Iron Workers. This regulation change could also have consequences on the continued investments within the natural gas industry. While a rate increase (recently reported figures of \$12/month per average residential consumer) is not ideal and difficult for politicians to pass along to their constituents, HB11 could have a larger impact on the workforce, and that's why we are paying attention to this legislative effort.

## NORTHWEST INDIANA



**by Dewey Pearman**  
Executive Director  
Northwest Indiana Contractors Association, Inc.

The 2019 session of the Indiana General Assembly is considering a pair of legislative proposals which, combined, should generate \$500 million to one billion dollars of investment in the state. Senate Bill 66 would create a state and local "Gary-Indiana trans-model compact" to transform a large section of Gary, Indiana's Lake Michigan shoreline into a multi-model port facility. The new port facility is projected to

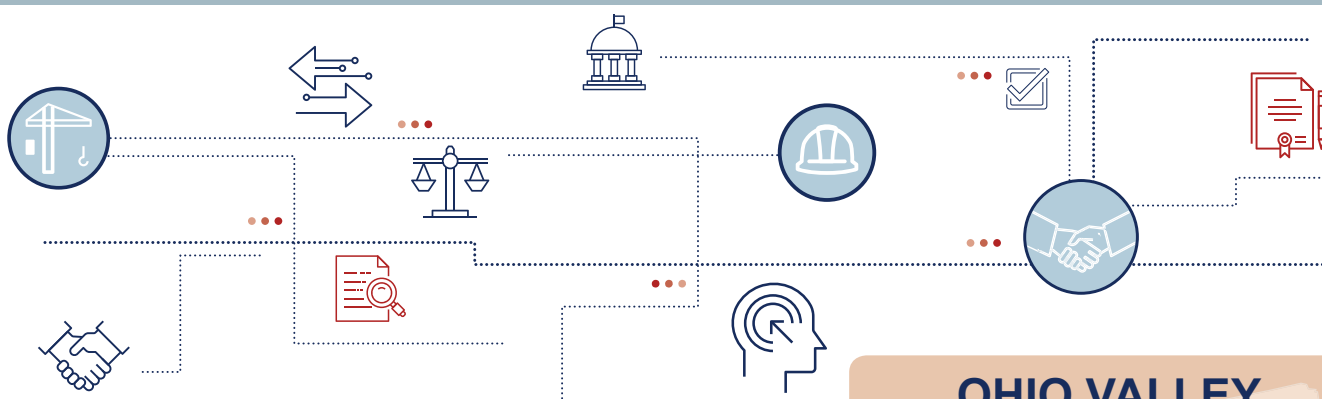
see an influx of public and private investment over time. The shoreline area, commonly known as Buffington Harbor, is situated on or near several interstate highways, freight rail operations and the Gary-Chicago Airport. The companion bill, Senate

Bill 552, would facilitate the transfer of much of the property from the current owner, Majestic Star Casino, by allowing the casino operator to move one of the two state-issued riverboat casino licenses to a land-based casino elsewhere in the city. The new casino is projected to be a \$300 million project. The second license held by Majestic would be allowed to be transferred to Terre Haute, Indiana for construction of a second land-based casino.

Other issues we're keeping an eye on in 2019: Northern Indiana Public Service Companies recently announced plans to close two Northwest Indiana coal-fired generating stations in the area. The company's plans are to shift to renewable sources over the coming years. The company is currently in a rate increase approval process with the Indiana Utility Regulatory Commission which is tied to its power plant shutdown plans.

On a more optimistic note: over the past two years, the Northwest Indiana Regional Development Authority and the State Legislature has approved two local, state and federally funded commuter rail projects that are expected to generate \$3 billion of investment in the Northwest Indiana region. The first project, aided by a creative, multi-jurisdictional tax financing mechanism, will extend the existing Northwest Indiana Commuter Transportation District (NICTD) service from downtown Chicago to Dyer, Indiana and establish a series of "transportation development districts" (TDD) along the extension.

The second project would provide for a second track along much of NICTD's existing line which connects downtown Chicago east to South Bend, Indiana. Additional TDD's will be established and funded along the existing route. This double-tracking will substantially reduce commuter time from Indiana communities to Chicago. The TDD areas are expected to attract significant multi-use development investments across the Northwest Indiana region. The Regional Development Authority has received preliminary approval of about \$600 million in federal funding for the extension and double tracking projects.



## OHIO VALLEY



**by Ginny Favede**  
Executive Director  
Ohio Valley Construction Employers Council (OVCEC)

As a tri-state contractors association, OVCEC's legislative/regulatory interests include Ohio, West Virginia and Pennsylvania. Within this area, the energy industry is without a doubt the single most important economic driver for our members. I believe it will continue to be a foundational industry that creates long-term opportunity and success for our region.

For several years, we have been anticipating the construction of a \$7.8 billion-dollar ethane cracker plant that is capable of producing 1.5 million tons of ethylene and polyethylene annually. The facility will "crack" ethane borne from locally produced natural gas to turn it into ethylene, the primary feedstock for plastics, rubber, and other essential, everyday items. If it moves forward, the PTTGC Ethane Cracker project is expected to employ 6,000 construction workers at the height of operations and provide 500 permanent positions once the plant is complete. The construction of such a facility in Belmont County, Ohio would create thousands of jobs and billions in economic investment and exponential growth to the entire area. The site for the proposed cracker is situated at the site of a former FirstEnergy coal-fired power plant in Dilles Bottom, Ohio. It is viewed as a once-in-a-lifetime supply of energy has the potential to fuel a manufacturing renaissance in the tri-state region of Ohio, Pennsylvania and West Virginia.

The potential ethylene cracker, the greatest development project/jobs creator to affect the Ohio Valley in decades, creates an extraordinary opportunity for our contractors and workforce. The downstream manufacturing opportunities will create nearly infinite construction opportunities and economic growth. A late 2014 PricewaterhouseCoopers analysis projects shale development will drive the creation of 1.41 million manufacturing jobs by 2040. The Ohio Valley region is still in the early stages of realizing the benefits from shale development and we need common sense policies that support and encourage job-creating natural gas production and manufacturing. We will work to ensure that the state of Ohio is doing everything within its power to successfully incent the cracker venture to complete its due diligence and finally announce the approval of construction.

# Using the Tripartite Model to Create Synergies on Capitol Hill

By Tom Householder, Managing Director of Labor Relations, AEP

*Mr. Householder serves as Chairman of both the TAUC Customer Caucus and the NMAPC Owner Advisory Committee.*

**T**HE CORNERSTONE OF TAUC and the NMAPC is the tripartite relationship, where building trade unions, contractors and owners work together toward common goals. Tripartite committees were initially developed on a broader basis across the nation in the 1980s, when, coincidentally, our legislative leaders and president were also finding new ways to cooperate. President Ronald Reagan and the Speaker of the House, Tip O'Neill, were often at odds but always respectful of one another, and typically, in the end, found ways to do what was best for our country. They did this irrespective of the benefits to their own political parties, but with the good of the country as their priority.

It wasn't always easy for tripartite committees in our industry. Labor and management routinely were at odds, and everyone struggled to find common ground in those early years. But eventually we accomplished a great deal. Members of those first TAUC and NMAPC committees could probably teach today's elected officials a thing or two about bipartisanship! Despite our differences, the focus was always on safety, quality, cost and schedules as the metrics used to measure success.

This collaborative approach should be the template for how we—as TAUC members and users of the NMA—should address today's legislative and regulatory issues: *together*, engaging all political factions. Working in unison, the unions, contractors and owners have a very powerful and influential voice.

American Electric Power (AEP) has employed building and construction trade union members and the contractors

who hire them for over 100 years. The thousands of projects that these workers have completed provide the power that fuels our economy and has enabled our country to lead the world in industrial manufacturing for decades. Collectively, more than a billion hours have been worked on AEP projects employing building trade union employees.

The utility industry has made dramatic changes in the past two decades, most driven by legislation and regulation, or in some instances, deregulation. All of these changes impacted our customers, who were in many instances the very same workers who had been employed on our power plant projects.

Now, AEP is in the midst of another important transition to support a cleaner energy economy. We have cut our carbon dioxide emissions by 59% from 2000 levels and currently have 4,340 megawatts of renewable energy throughout our system. We recently announced a plan to acquire an additional 951 megawatts of competitive wind energy this year and anticipate adding up to 8,800 megawatts of new, regulated wind and solar power by the year 2030. We also continue to make significant investments to make the grid smarter, more resilient, and more responsive to new resources and technologies.

We believe strongly in using a diverse fuel mix to generate electricity. This year, coal accounts for approximately 46% of AEP's generating capacity, while natural gas represents 27%, renewables are 16% and nuclear is 7%. The remaining capacity comes from energy efficiency at 4%. By the year 2030, we expect our renewable generation capacity to increase to 40% while coal will drop to 27%.

Renewable generation continues to grow throughout the country, driven by economics, customer demand and energy policy decisions in some states. We are committed to adding even more renewable energy to our mix while meeting our obligation to provide safe and reasonably priced electricity and maintain the reliability and resilience of the power grid. We also need to work with policymakers and put in place training and economic development support to ensure workers and our communities are not left behind as the nation shifts to a cleaner energy economy.

At the federal level, we must demand an infrastructure improvement initiative. We must define what a reliable, sustainable power grid will look like now and in the future as public officials make decisions that impact 24/7

**Continued on Page 24**





# The Time to Build is Now

By Sean McGarvey, President, North America's Building Trades Unions



**A**S FEDERAL POLICY makers convene during the 116th Congress, North America's Building Trades Unions (NABTU) remains keenly focused on federal investment in infrastructure to propel economic growth and put our nation on solid footing for advancement and shared prosperity. During our annual legislative conference in April, NABTU will once again take thousands of building trades members to Capitol Hill to urge lawmakers to commit to investments that will rebuild America's infrastructure and strengthen the middle class.

The U.S. spends less than 1.5 percent of GDP on infrastructure, far less than nearly all of our global economic competitors. Our nation's infrastructure has received "D" averages from the American Society of Civil Engineers every year since 1998. From endless potholes, failing bridges, dilapidated schools, and aging transit systems to leaking pipes, electrical outages, and contaminated drinking water, all Americans are paying the price for decades of underinvestment in our nation's infrastructure. The lack of investment is stunting the sustainability of our long-term economic growth and forsaking millions of well-paying jobs for American workers, which would mean hundreds of thousands of new families securely in the middle-class.

**Our message is this: Infrastructure is a critical national security issue that needs urgent bipartisan action.**

We share and appreciate the desire of President Trump and Congressional Democrats to pass a massive investment

in our nation's infrastructure, but aspirations are hollow and the problem worsens each day that passes. As such, this Congress must pass a \$1 trillion infrastructure package that is broad in scope, robust in public funding and has the strongest worker and environmental standards to ensure we rebuild America in a safe and timely way while economically boosting communities across the country. This investment must prioritize workers and guarantee increased economic opportunities for rural and urban communities, especially underserved communities.

With a massive infrastructure investment, Congress and the Administration would simultaneously address some of America's most pressing challenges. However, any serious proposal worthy of support must provide long-term sustainability of federal funding mechanisms, including, but not limited to, the Highway Trust Fund and the Harbor Maintenance Trust Fund. Since 2008, Congress has transferred \$144 billion into the Highway Trust Fund because revenues have not kept pace with expenditures. Over the next decade, the trust fund will be short approximately \$165 billion. This insolvency is unsustainable and unacceptable. NABTU expects an infrastructure package that addresses this structural issue, and we are willing to consider a variety of options on how best to maintain a user-fee based system that provides more revenue. Furthermore, the Harbor Maintenance Trust Fund has a current surplus of roughly \$9 billion being sidelined as a result of budgetary gimmicks. This must be corrected in order to better



utilize surpluses for funding critical dredging projects that will allow our ports to handle New Panamax vessels. Additionally, NABTU supports innovative financing structures, such as an infrastructure bank, to help protect worker and community interests and provide direction on funds for worthy projects.

Given the magnitude of its impact and scope, American infrastructure requires a broad view. All types of infrastructure, whether it is roads and bridges, ports and waterways, airports, the electrical grid, municipal water systems, or public buildings have seen such drastic underinvestment in recent decades, that the basic necessities of society are being neglected to unprecedented harmful lows. As a result, massive infrastructure investment must comprise solutions to remedy all of these challenges.

One of these challenges is the condition of our nation's schools. No child should be forced to attend school in crumbling facilities, however, this is an unfortunate reality for far too many children in both urban and rural communities. NABTU is proud to support the Rebuild America's Schools Act of 2019, which would provide long-overdue and much needed resources to upgrade U.S. public school facilities, creating hundreds of thousands of community-sustaining job opportunities for building trades members across the country. As part of this bill, we support the concerted effort to deploy high-speed broadband to schools across the nation, which will enhance our children's learning, and open doors to digital learning that remain closed to far too many communities.

Another challenge that must be funded is upgrading America's basic water infrastructure to ensure clean drinking water and functioning wastewater systems, many of which are collapsing because they have not been updated in over a century. Disturbingly, as a result of ill-equipped aging sewer systems, billions of gallons of raw sewage are discharged into local waterways each year. This is just one example. The harms of our current water infrastructure are wreaking deadly havoc across the country from big cities to rural communities.

Third, we must fund to modernize our electric grid for the 21st century to secure delivery of reliable and affordable electricity for the American consumer. NABTU supports infrastructure improvements that enhance energy security, smart grid technology deployment and efficiency upgrades, expanding opportunities to bring residential and commercial consumers secure, clean and renewable energy sources. Coupled with investments in energy efficiency like retrofitting, these improvements will ensure citizens access to safe, affordable, and dependable energy sources today and for future generations.

Economically, a trillion-dollar federal infrastructure investment will unleash the immense buying power of—and massive return on investment for—the federal government. As such, we will fight to ensure competition for federal construction projects does not artificially depress local labor standards by requiring the consistent application of Davis-Bacon prevailing wage standards. NABTU and TAUC know well that good-paying building trades jobs with strong labor standards not only strengthen America's construction workforce, but ensure a level playing field for high road employers in the construction industry. Similarly, NABTU will work with Congress to employ private sector construction management tools on federally funded projects including Project Labor Agreements.

All of these investments and legislative initiatives must protect our registered models of workforce recruitment training. Our affiliate joint labor-management partnership with many TAUC member contractor partners invests over \$1.5 billion annually in registered apprenticeship and journey-level training at more than 1,600 training centers in the United States to remain the gold standard in construction workforce training, offering cutting edge curricula in high-tech construction trades providing the most highly-skilled, safest, and most productive construction workforce in the world.

The time to build is now. It is time for Congress and the Administration to act with a true bipartisan commitment to America's infrastructure. Our future depends on it. So, join us in telling Washington to invest today to make our roads, bridges and drinking water safe; to invest today to create jobs for the safest and most highly-trained workforce in the country, and to invest today to ensure that American energy continues to reach the consumers who rely on it every day. And that investment today will protect our future and make us stronger over the long term.



*Sean McGarvey is President of North America's Building Trades Unions (NABTU).*





## **A Million Miles Later, Some Things Never Change** **Continued from Page 9**

4. The structure of most major unions has not changed much, nor have there been the mergers or consolidation that were expected to increase resources, leverage economies of scale and reduce union politics as an obstacle to change.
5. The state of training and development by most contractors for their field leaders is pathetic. Field leaders who manage tens to hundreds of millions of dollars in a career still rarely get any form of leadership and management training – and that falls squarely on contractors for their apathy.
6. Many owners still treat contractors like shit. Transfer of risk has become a high art: brutal specifications, insane schedules, poor designs, lack of communication, untimely responses, overreach by retained CMs, and a lot more – despite a full two decades of “partnering,” it still looks to me like the owner community has a long way to go.

### **The Ugly**

1. The other day, at a program for 200 field leaders made up of many companies, I asked how many of them had received praise and recognition for their work in the last month. Not one of them raised their hand. That is a broken “tough guy” culture that has yet to change.
2. Last month, I asked 500 apprentices how many of them had already heard on the jobsite the phrases “You’re not paid to think” or “You get paid from the neck down.” Every hand went up. That too is a broken culture that needs to change.
3. Our industry is still often not a safe and supportive place for women and minorities to grow and succeed. Hard to believe in 2019, but there it is.

In summary, I am actually very optimistic about change and our industry. Yes, it is taking a while. Yes, we probably could have moved faster on a lot of this. But every day now, I see and feel the hunger for more change and a culture of “better, faster, smarter and safer.” And its pace can be shocking. What I thought might be a little experiment in 2018 with my field leadership video series resulted in contractors and unions putting 15,000 field leaders on the coaching system in one year – blowing my mind and confirming that there is more momentum, belief, investment and care for our workforce than meets the eye.

As well, what makes me really happy is seeing a holistic change where employers and unions are focusing on our workforce as people – not looking at them as a commodity, a vote to be reelected or a set of skills to be used for a jobsite function. I feel the care out there, and so do those working for you. I can say for certain that was absent when I got on that first flight way back when.

Finally, I’d like to correct the record. The woman who asked about the million miles? I gave her the wrong answer. The real answer is for all those miles, I was gifted an opportunity, and that was to make a difference—for an industry and for individuals. It’s the same opportunity every reader of this article has every day in our industry. Let us all use it well to create positive change. Many are counting on us to do so.



*Mark Breslin is a strategist and author of several books, including most recently, **The Five Minute Foreman: Mastering the People Side of Construction**. Visit his website at [www.breslin.biz](http://www.breslin.biz) or contact him at (925) 705-7662.*

## **TAUC & Tech** **Continued from Page 14**

country. When we first decided to move forward with IGI, representatives from TAUC traveled to San Francisco for TechCrunch in search of a little inspiration – and a lot of old-fashioned networking. We met with venture capitalists focused on construction, like Brick & Mortar Ventures, and touched base with executives from their portfolio of startups. One thing led to another, and for the first IGI, we launched the Industrial Grade Accelerator – a “Shark Tank”-like experience where construction tech startups were given less than five minutes to pitch VCs on their businesses. We owe a debt of gratitude to Brick & Mortar Ventures, Huron River Ventures, and Mercury Fund for serving as our VC judges, as well as a hearty congratulations to StructionSite, which took home the first-ever Industrial Grade Accelerator prize along with a check for \$5,000.

### **Innovation, Tech & the Path Forward**

As you can see, 2018 was an extremely productive year for TAUC when it came to expanding our footprint in the innovation/tech sector. Now our goal is to build on that solid foundation. This year’s IGI will be held in Cincinnati on September 10-12, and we hope to see you there! You can check out [www.igiexpo.com](http://www.igiexpo.com) as we add new speakers, breakouts, and exhibitors. And if you’re attending our Leadership Conference in New Orleans April 30-May 3, you’ll get a sneak peek of what to expect: reps from TAUC’s Legacy Partner Procore, as well as a new start-up being funded by DEWALT called LINQ, will give a special presentation on the state of construction technology. We’re confident this overview will inspire you to embrace innovation and find new ways to help your crews work more safely, efficiently and productively.

We at TAUC realize that technology isn’t a panacea or a silver bullet. Incorporating innovative new products



won't transform your company into a juggernaut overnight. But the fact of the matter is, our industry is changing, and if you don't keep up, you'll quickly get left behind. The speed at which new construction technology is being created is mind-blowing; trying to get a handle on it can feel like drinking from a firehose. TAUC's job is to help you navigate this process, demystify new technology and put you in touch with the innovation partners who can help take your business to the next level. We hope you'll see us as a reliable resource to do just that as we walk down this new and exciting path together.



*Todd Mustard is TAUC's Executive Director of Government Affairs and Membership Services. He can be reached at [tmustard@tauc.org](mailto:tmustard@tauc.org).*

## **Time to Make Some Green** *Continued from Page 16*

Damian Beauchamp, a principal and chemist at 8 Rivers Capital, LLC, also provided the conference with an update on a carbon capture and storage demonstration project in LaPorte, Texas that produces emissions-free electricity using fossil fuels. The project was developed and operated by NET Power which is a portfolio company of 8 Rivers Capital.

The LaPorte plant is based on the Allam Cycle, a process that uses oxy-combustion of carbon fuels and a high-pressure, supercritical CO<sub>2</sub> working fluid to generate electricity. The only byproducts are liquid water and a stream of high-purity, pipeline-ready CO<sub>2</sub>.

"This has superior total economic advantage to any existing fossil-fuel-fired generation that currently exists, while inherently capturing all the CO<sub>2</sub> at no additional cost," Beauchamp said. He added, "For far too long, renewables have been trying to [mitigate climate change] alone. We decided

to address the problem not with renewables but with something that's better for the worker, the customer and the climate."

The NET Power plant has successfully completed testing on combustion and is expected to go online in 2020.

These are but two examples of how TAUC contractors and our partners in organized labor can use the push for clean energy to our advantage. We must insure that policy debates in Washington do not undermine these market-based opportunities. Federal policy should encourage the development of an "all of the above" energy policy, not pick winners and losers that will drive up costs for consumers.

The Green New Deal has accelerated the debate about development of clean energy, but it will not be the last word on the ultimate policy outcome. The market is driving significant change in energy production. TAUC members and their customers are on the frontline of the transition of the energy market, and our voices will add significantly to the development of a real-world comprehensive energy policy.



*Steve Johnson is TAUC's First Vice President – President Elect and President of GEM Industrial Inc.*

## **Synergies on Capitol Hill** *Continued from Page 20*

baseload generating plants and address many other critical issues connected to a comprehensive energy policy for the country.

The Green New Deal must also be addressed. As with any large proposal, we must identify the pieces that make sense for our nation and those that are unreasonable, then compromise to reach a better plan.

The union workers' pension issues must be addressed as well. These workers have built and rebuilt our country, and they need to know their pension incomes are secure for the future.

Achieving these goals won't be easy. But owners, contractors and unions are committed to continue using the same proven tripartite approach that has delivered safe and successful outcomes in the past, as we engage with our public officials to support policies that are beneficial to the entire country, not a single political party.



*Tom Householder is Managing Director of Labor Relations for American Electric Power (AEP), and serves as chair of both the TAUC Customer Caucus and the NMAPC Owner Advisory Committee.*

## **TAUC Welcomes MCA of Metro Washington as New LEO Member**

TAUC is proud to welcome our newest Local Employer Organization (LEO) member: the Mechanical Contractors Association of Metropolitan Washington (MCAMW)!

Established in 1889, MCAMW "is committed to providing new programs in education, safety and training for plumbing, heating, ventilation, air conditioning and refrigeration to contractors serving in Washington, D.C. and its Virginia and Maryland suburbs," the group explains on its website.

*Interested in becoming a LEO member? Contact Todd Mustard at [tmustard@tauc.org](mailto:tmustard@tauc.org).*



# WE SALUTE OUR VETERANS

The Join the Salute campaign is an effort to highlight the organizations, both large and small, that honor heroes and support troops. DeWALT shares in the mission of both Flags Of Valor™ and Wounded Warrior Project™ to transition veterans to civilian life and provide opportunities for their future. In tandem with these esteemed veteran-owned and operated organizations, and highlighted by the Join the Salute campaign, DeWALT remains committed to hiring veterans, coordinating employee volunteers, providing tool donations, and making charitable contributions. We invite you to join us in support of veterans.



# The End of an Era

By KATHARINE MEYER, ESQ., TAUC GENERAL COUNSEL

**I**N THE LAST edition of *The Construction User*, Steve Fellman announced that he was stepping down from his position as TAUC's General Counsel. Unbelievably, Steve held that position for over 46 years. When Steve started, he worked for TAUC's predecessor, the National Erectors Association (NEA), to ensure the organization complied with federal antitrust laws. Since then, Steve has been the keeper of TAUC's institutional knowledge. Not surprisingly, his stories about TAUC, and the personalities involved with the organization over the years, are legendary.

Like the story about how one year the NEA wanted to have an alligator at its annual conference. Surprisingly, the hotel where the event was being held denied the request. Steve was therefore called in to negotiate the terms of the alligator's stay at the hotel.

Or the story about the lovely dinner and dance NEA held in Palm Springs. Near the end of the event, a group was brought on stage to sing patriotic songs. During its rendition of Yankee Doodle Dandy, a donkey walked onstage. As the song ended, the donkey lifted its tail and did his business, covering several guests in dung. To make matters worse, NEA had decided to release several doves into the room at the end of the performance, not realizing that there was a powerful exhaust fan on the ceiling. The doves got sucked into the fan, and the guests below scattered as bird parts and feathers started raining down from above.

While these stories are truly memorable, Steve's favorite stories are the ones that show the integrity of the TAUC membership. Years ago, the association's first Executive Director, Joe La Rocca, was forced to suddenly

resign from his position due to medical issues. His employment contract did not provide him with any pension or retirement benefits. The Board called a meeting with Joe and asked him what he needed to retire. Joe gave them a number. The Board reviewed his request and denied it, deciding instead to give Joe significantly more than he asked for.

Ultimately, I believe that the reason Steve's relationship with TAUC has thrived is because they clearly share the same values. I have known Steve since he hired me in 2000. At that time, he was the Managing Partner of our firm and the Chair of the Associations Practice Group. While he was a busy man, he took the time to mentor me.

Benjamin Franklin once said, "Tell me and I forget, teach me and I may remember, involve me and I learn." That is clearly Steve's mantra. Steve is never one to lecture. Instead, he involves you in a project from the beginning. He feels strongly that the only way to learn is by doing.

Steve is also a man who leads by example. He is calm in moments of crisis, patient with those who do not understand, and gracious to everyone around him. Every year at our annual Holiday Party, Steve would stand up and talk about the accomplishments of every single person who worked for GKG Law. The fact that he actually knew this information was remarkable. The fact that he publicly acknowledged it was even more impressive and speaks volumes about how caring he is.

Steve also is a true believer of common-sense legal advice. Many years ago, a client called him claiming that he wanted Steve to fight a parking ticket. Steve took the case, paid the ticket, and billed him the \$50 parking fee. Steve knew that sometimes

***I am looking forward to seeing what is next on TAUC's horizon, and I am grateful for the opportunity to build on Steve Fellman's legacy.***

the legal fight was just not worth the cost. Steve's no-nonsense approach to leadership and legal advice has always seemed to align with the values of TAUC.

For the past 18 years I have worked on numerous TAUC projects with Steve. It is truly impressive what Steve Lindauer and the TAUC staff and leadership have accomplished during that time. Over the years, TAUC has taken a leading role in promoting industry safety and providing timely education to its membership through meetings and webinars. It has doggedly advanced the interests of union constructors on Capitol Hill and provided the membership with opportunities to learn more about new technologies in the industry. I am looking forward to seeing what is next on TAUC's horizon, and I am grateful for the opportunity to build on Steve Fellman's legacy and continue our work with you.



*Katie Meyer is a Principal at GKG Law, P.C. in Washington, DC. For the past 19 years, Katie has been a member of the firm's Association Practice Group, which provides legal advice to non-profit organizations throughout the United States.*



# Big Data Blues: Why Contractors Are Slow to Embrace New Technology

by JACOB SNYDER

**I**F THE UNION construction industry could find a way to use technology to help contractors work more efficiently, increase the safety of our workforce and improve overall productivity, do you think we could get the universal acceptance and buy-in needed to actually do it? Unfortunately, my guess is no, but let's talk about the reason for the question.

The construction and maintenance sites where we work every day are large, dispersed and potentially dangerous. Further, we are often using a workforce that is transient between multiple employers. This creates scenarios where we don't personally know every individual who steps on our sites. This environment is grounds for potential safety issues as well as inefficiencies. In order to fix these problems, more knowledge and data are needed.

"Big data" is a concept that is slowly finding its way into construction. For the most part, it has been utilized in tool and fleet management, material handling, progress tracking and billing. But very few contractors are putting big data to work where it would be most valuable: enhancing the safety and productivity of labor. In other words, people. Think about it: for most TAUC contractors, labor is by far their highest cost on a jobsite. Managing that cost effectively while keeping people safe should be a top priority, yet we have done very little to leverage technology to that end.

In the past, contractors and customers hired companies to conduct time studies and observe how people move, work, take breaks, etc. in order to determine productivity on the jobsite. This has really been our only measure of productivity and movement of people, and it is based on spot observations, not complete data sets. When time studies aren't conducted, we are left to measure our productivity numbers against an estimate that may be flawed or could have been impacted by bad drawings, material issues, or other factors that were never understood or documented.

Further, none of the strategies above focus at all on the *safety* of our employees and where they are inside a plant. If an emergency happened in a plant, most contractors could

tell you who is on site, but not where they are, thus making evacuation or rescue very difficult. Certain areas or systems may pose unique dangers, require special training, or interfere with other work. Knowing an employee is entering a dangerous area could be crucial in preventing an incident.

The technology to address employee tracking is becoming more readily available and less expensive. It is now possible to provide employees with devices that will track time and movement, send safety alerts, and provide the big data needed to better manage projects. This technology would cut down on administrative expenses, including manual time keeping and manual payroll, and help to identify the location of employees for rescue or evacuation during an emergency. It would also help measure time spent using tools and provide the data necessary to better understand how to improve efficiency.

But despite the fact that this technology is available, most contractors are reluctant to embrace it. Why?

## Here are a few possible reasons:

1. **Employee privacy concerns and pushback from the workforce.** At a time when finding enough qualified workers is a challenge, some companies see a risk in implementing new tracking programs that might make some employees reluctant to work for them.

While this risk is worth considering, we also have to remember that change requires bold leadership. We must be willing to take calculated risks in order to squeeze new efficiencies from the system. For instance, if you can use technology to increase the productivity of your workforce and gather new data, perhaps fewer people will be required for the same job down the road.

2. **Potential reluctance from labor unions.** If contractors and unions are truly in a partnership to grow market share, the impact of technology on the workforce is the type of tough issue we will need to tackle head-on, especially if it means potentially trimming down the size of work crews, as I mentioned in the previous paragraph.

Many contractors accept 'no' from local unions too quickly. We have the most progressive union leadership in construction ever, and they understand the need to

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***Very few contractors are putting big data to work where it would be most valuable: enhancing the safety and productivity of labor.***

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successfully compete in today's marketplace. It is our responsibility to challenge our labor partners to work with us to address how technology can ultimately make us both stronger.

3. **Site supervision is reluctant to change.** Many construction site managers are older and like to do things certain ways. This is very common, but it's also a real challenge. As leaders, we must challenge the concept that the way we've always done things is the best and only way. And we must also be prepared to hear plenty of excuses.

Contractors rely heavily on our superintendents and project managers to lead work on the job site. However, most of them focus on the task at hand armed only with their experience and the guidance we give them. If we have a better tool, we must implement use of that tool. Going in, you have to be willing to accept that some of your old supervision may not embrace the change, and you must be willing to make personnel moves when necessary.

4. **The cost required to implement new technology – and the risk that it won't work as expected.** Most contractors face incredible cost pressures. The risk we assume for low margins would be unacceptable in almost any other industry, yet we continue to allow it to happen. To spend money on technology in construction is often viewed as a hit to the bottom line, especially if the investment won't result in a direct labor hour improvement, such as a new machine or tool.

In summary, we have to start viewing technology not as a threat or an inconvenience, but as a tool that can improve the bottom line. Collecting and utilizing data is an important first step. Knowing if your people are in the right spot, cutting down on administrative expenses, and keeping people safe all make you more cost effective and more marketable for future jobs.

At the beginning of this article, I asked whether our industry would readily accept new technological solutions that would guarantee improved safety and productivity on the jobsite. I was, and remain, skeptical that we would collectively step up and take such a huge leap because historically, we're just not used to moving so quickly. I hope I'm wrong, and I hope that you will help prove me wrong by helping our industry push technology to the forefront of how we manage people and projects.



*Jacob Snyder is the TAUC Industrial Relations Committee Chairman and Director of Safety and Labor Relations for Enerfab Power & Industrial, Inc.*

## TAUC NEWS BRIEFS

### Jennifer McNally Named Marketing Manager for TAUC & NMAPC

TAUC and NMAPC are pleased to welcome Jennifer McNally as our new Marketing Manager!

Jen has a wealth of experience in association and conference marketing, and spent more than a decade with SmartBrief, which specializes in branded digital communications for associations and nonprofits. She has worked with a number of high-profile clients, including AGC.

Jen will handle all of our marketing needs moving forward, including event promotion and increasing the visibility of both organizations in the marketplace.

*She can be reached at [jmcnally@tauc.org](mailto:jmcnally@tauc.org).*

### Employee of Commercial Flooring Contractor Charged with Bid Rigging

The Department of Justice has announced that Michael Gannon, the former Vice President of Sales for a Chicago-based commercial flooring contractor, has been charged with rigging bids and fixing prices for commercial flooring services. This DOJ investigation is ongoing and could likely result in further charges against other commercial flooring contractors.

According to the DOJ press release dated April 3, 2019, Gannon is accused of engaging "in a conspiracy to suppress and eliminate competition in the commercial flooring market by agreeing with other individuals and companies to submit 'comp' or complementary, bids so that the designated company would win the bidding." The DOJ alleges that Gannon and his co-conspirators rigged bids from at least as early as 2009 until as late as June 22, 2017.

If Mr. Gannon is found to have violated the Sherman Act, he could face up to 10 years in prison time, as well as a criminal fine of up to one million dollars (\$1,000,000.00).

This case serves as a reminder that TAUC members should avoid any practices that could be considered bid rigging or price fixing.

*For further information contact Katie Meyer, TAUC General Counsel at [kmeyer@gkglaw.com](mailto:kmeyer@gkglaw.com).*

# The Latest On Leading Edge Fall Protection

by RUSTY BROWN, CSP

**I**N THE FALL 2018 edition of *The Construction User*, I covered the difference between Leading Edge and Sharp Edge fall protection as part of a personal fall arrest system. Improper use of these products can lead to a false sense of security and result in serious injury or death to our trades professionals. As a result, the focus of the TAUC Environmental Health and Safety Committee has been to cover this topic repeatedly to sound the alarm and ensure our industry is up to speed.

I'm pleased to share the latest efforts of the EHS Committee, spearheaded by Jim Hesketh, Regional Safety Manager of Performance Contracting, who co-authored the below Safety Alert with Tom Ritter of BC Wire and Rope to help educate our industry and prevent needless tragedy. As contractors, trades representatives and owner/clients, I encourage you to take this piece and share it in your safety meetings; incorporate into your apprenticeship and training programs; and use in your daily safety huddles—in other words, whenever someone will be using fall protection without overhead anchorage.

## Cautionary Safety Alert: Leading Edge Fall Protection

With the recent discovery for potential failure of personal fall arrest equipment during less-than-optimal situations, TAUC would like to place emphasis on the importance of due diligence as it relates to training, selection and pre-planning for leading edge applications.

While manufacturers of fall protection equipment have made numerous technical advances in equipment designed for leading edge work, and since the designation by ANSI Z359.14-2014 of the minimum design & test requirements of leading edge self-retracting lifelines (SRL-LE) and self-retracting devices (SRD-LE), there are still many considerations and a lot of potential convolvement in choosing and properly using the right equipment.

The main consideration is site-specific. While we always strive to anticipate hazardous situations and seek optimal, overhead anchor points, that's an ongoing challenge for the Iron Worker, Scaffolder or any other Trade working near leading edges.

While in theory, the 18" D-Ring Extender makes life easier, it isn't necessarily compatible with most leading edge self-retracting lifelines and may in fact contribute to a

catastrophic failure of the Personal Fall Arrest System if it's the Extender that contacts the leading edge in a fall.

Another consideration is the SRL-LE anchored at or near foot level, and the potential for the shock pack of the SRD-LE to rub against the working surface and compromise the integrity of the protective jacket to the extent of achieving a less-than-desired outcome during a leading-edge fall event.

**Training:** Workers should be up to date with the changes in personal fall arrest equipment as it relates to a potential leading-edge fall. Working with self-retracting lifelines in a horizontal manner requires situational awareness, recalibration of their work-flow and the risk of an almost certain pendulum-fall associated with a below-D-ring connection. Authorized users of fall protection should also be trained in the need for pre-use inspection *prior to each use*.

**Product Selection:** Ensure all SRD-LE's meet the sharpness test requirements of ANSI Z359.14-2014. ANSI Z359.7-2011 states all fall protection Manufacturers must produce, make available a 'Declaration of Conformity' (DOC) letter upon request. Suggest keeping a copy of this document on hand, regardless of your organization's manufacturer of choice. Also, ensure all accessory product is compatible with the SRD-LE and won't inhibit product performance or shift liability of mis-use to the organization or user.

**Fall Protection Safety Pre-Planning and Rescue:** All leading-edge exposures must be identified and addressed regardless of Trade and noted within each Job Hazard Analysis (JHA) site-specific survey. Per OSHA, prompt rescue without delay is also required in the pre-plan to further protect our Employees exposed to leading-edge falls.

Take the time to review these suggestions with your trades professionals. And, if there is any doubt, do not use the system until everyone is sure the products in the system will function as designed for that specific situation.



*Rusty Brown is the Environmental Health and Safety Director for Kiewit Power Constructors Co. and Chair of the TAUC Environmental Health and Safety Committee.*



## **Opportunities to Advance TAUC's Agenda**

**Continued from Page 17**

Congress waits to address this crisis, the more difficult and more expensive it becomes to solve. Failure to act on a comprehensive reform proposal will result in continued increases in employer contribution requirements and unnecessarily jeopardize the pensions of millions of active and retired building and construction plan participants. But the policy solutions should not undermine healthy plans and threaten the retirement security of participants in these plans by including unsustainable costs on contributing employers.

### **Infrastructure Funding**

While multiemployer pension reform remains TAUC's top legislative priority, we also continue to work with Congress on policies that will grow and strengthen the unionized building and construction industry. Chief among these is passage of major infrastructure legislation that makes direct investments in public infrastructure and provides incentives to leverage additional private investments in energy infrastructure projects.

Despite the partisan division in Congress, infrastructure appears to be one area where there could be some compromise. Leaders in both parties have spoken about their willingness to pass a broad infrastructure package. Numerous congressional committees have held hearings focusing on increasing and paying for infrastructure investments and improving delivery of infrastructure projects.

Of course, like any legislation, the devil will be in the details of what can be agreed to and enacted into law. Both the House and Senate Democrats have called for \$1 trillion in new direct public investment across all modes and asset classes of infrastructure. This is significantly larger than the \$200 billion plan proposed by the President, which was a mix of public funding designed to leverage additional state, local, and private funding/financing.

Others have focused on the need for streamlining the environmental review and permit project for infrastructure projects.

While any proposal must be comprehensive, providing both additional direct funding and incentives for increased private investment and improvements to the project delivery process, the key to advancing an infrastructure package will be how to pay for it. Neither side seems willing to lead on increasing the federal gas tax or generating real revenues to pay for the infrastructure package. While we are hopeful Congress and the President can come together in identifying a means of generating the revenue necessary to begin rebuilding the nation's infrastructure and supporting energy development, we recognize this will be very challenging in the current political environment. But it is too important to our nation's long-term economic future for our leaders to let infrastructure investment become just another political issue.

### **"Cadillac Tax"**

Another important policy that could be considered this Congress is the elimination of the impending 40% "Cadillac Tax" on high-cost employer-provided health coverage. This tax—which was included in the Affordable Care Act as an incentive to reduce health-care spending by employers and employees—is slated to take effect in 2022. If implemented, it will impose a significant burden on participants receiving health care through multi-employer health plans, as well as on the employers who contribute to those plans.

TAUC has joined with nearly 600 businesses, insurers, unions, nonprofits, and patient groups to urge Congress in support of legislation introduced by Rep. Joe Courtney (D-CT) and Rep. Mike Kelly (R-PA) – H.R. 748, the "Middle Class Health Benefits Tax Repeal Act of 2019" – which would repeal the tax. The bill currently has over 240 co-sponsors, well over the majority necessary to pass legislation in the House. This strong showing of

support in Congress and with participants in the effected industries will spur Congressional action to eliminate this short-sighted tax that will increase employer costs, undermine health benefits, and increase out-of-pocket costs on plan participants.

### **Seizing the Opportunities**

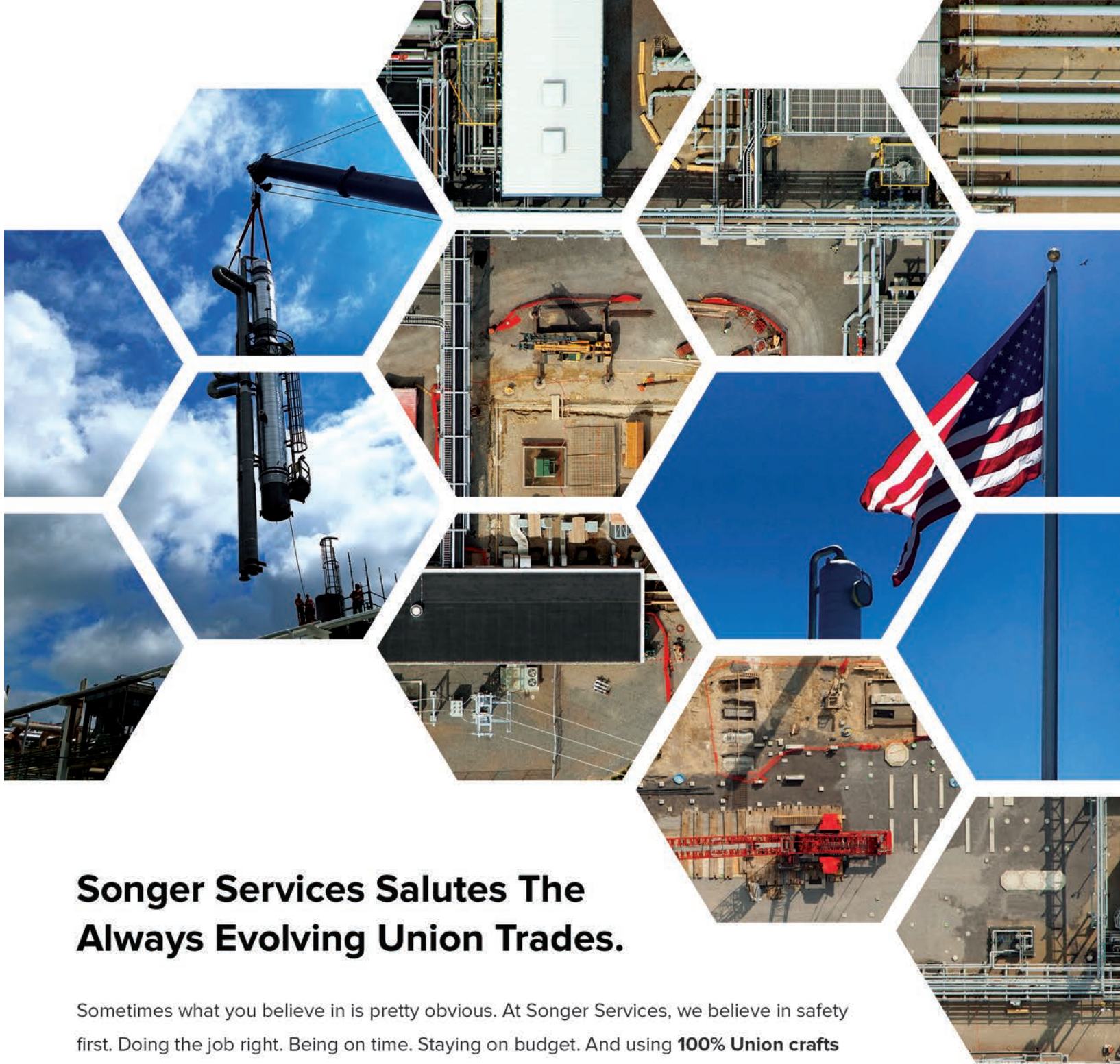
The current hyper-political environment that is engulfing Washington has set very low expectations for successful legislating. Despite this reality, there are opportunities to advance TAUC legislative priorities. Whether because of a looming crisis or consensus on policies that will strengthen our economy and protect retirees, opportunities exist for creating real change. As we move through 2019, TAUC and our partners in the Construction Employers of America (CEA) and North America's Building Trades Unions (NABTU) will pursue these opportunities and continue to advocate for policies to strengthen the union construction and maintenance industry.

How TAUC contractors and our partners in organized labor can use the push for clean energy to our advantage. We must insure that policy debates in Washington do not undermine these market-based opportunities. Federal policy should encourage the development of an "all of the above" energy policy, not pick winners and losers that will drive up costs for consumers.

The Green New Deal has accelerated the debate about development of clean energy, but it will not be the last word on the ultimate policy outcome. The market is driving significant change in energy production. TAUC members and their customers are on the frontline of the transition of the energy market, and our voices will add significantly to the development of a real-world comprehensive energy policy.



*Jim Kolb is a partner  
with Summit Strategies  
Government Affairs  
LLC.*



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