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I’m retiring.

For most of us Baby Boomers born between 1946 and 1964 it is one of the hardest phrases we are likely to utter.

I started working for the Demolition Industry in 1977 when Dr. Eula Bingham, head of OSHA during the Carter Administration, developed one of the most innovative and successful government programs ever implemented. Realizing that the Occupational Safety and Health Act which President Nixon signed in 1980, along with the continually controversial Environmental Protection Act – you thought Nixon was a conservative – required OSHA to developed safety programs for every industry in the country from bakeries to shipyards, Dr. Bingham decided the only way to effectively do this was to involve the massive regulated community in the process.

The next thing I knew I was appointed project manager for the National Association of Demolition Contractors’ Demolition Safety Program. I travelled across the country for four years working with the new organization’s Charter Members to develop the industry’s Demolition Safety Manual, an accomplishment I am exceedingly proud of, and other elements of the OSHA-funded health & safety program designed to protect the nation’s demolition workforce.

Subsequently I was approached by a couple of NADC members about joining them in a venture to cash in on the country’s mania for asbestos abatement and other environmental problems. So, I became a demolition contractor, learning our business through the 1980s and gaining an understanding of the entrepreneurship that our economic system requires. It was an adventure like no other.

Next, my mentor, NADC Executive Director Bill Baker approached me about taking over Demolition Age magazine, the trade publication for the Association and the industry. It is important to stress here how little I knew about the magazine publishing business at the time. On April 1, 1991, at their Annual Convention in New Orleans, the Board of Directors of the NADC hired me to publish their then monthly magazine and July 1, 1991, some 24 years ago, I published my first issue.

On December 7, 1992, a historic date in American history back in 1941, almost the same Board of Directors hired me to succeed Mr. Baker as the second executive director of the Association.

So here I am, nearly 25 years later, after having one of the most joyful and rewarding careers anyone could ever hope for, getting ready to give it up.

Why am I doing this? There are a thousand reasons. What am I going to do with myself? I have absolutely no idea.

It is sufficient to say that I have thought about this for a long time. It feels right for me now and on July 1, 2015 the NDA, one of the major sources of pride in my life, will have a new leader and a new face. As my son likes to say, “it’s all good.”

Michael R. Taylor, CAE
Executive Director
Yannuzzi Group, based in Hillsborough, NJ, has been family owned and operated for three generations. Currently lead by its third generation president, John James Yannuzzi, the firm’s highest priority is, and always has been, providing exceptional customer service that is never outsourced and is backed by a senior management teams commitment to maintaining a world-class customer-oriented organization.

Originally founded in 1925, Yannuzzi maintains the most advanced equipment and has the depth of experience necessary to successfully handle any commercial or industrial project. For more than 89 years The Yannuzzi Group Inc has led the industry in heavy industrial and commercial demolition. Now with four additional subsidiaries, Yannuzzi Utilities, Yannuzzi Environmental, Yannuzzi Wrecking and Yannuzzi Recycling the company can meet all of their client needs for all phases of their projects.

Yannuzzi specializes in plant decommissioning, industrial demolition, 24-hour emergency response, high-rise implosion, mass excavation, high reach demolition and recycling innovation. Their large fleet of modern hydraulic equipment, self-transportation services, and rail accessibility in their Hillsborough, NJ main office allows Yannuzzi to mobilize a fleet anywhere in the continental USA.

In October of 2013 Yannuzzi won a contract to complete the demolition and asbestos remediation of a former 1,000,000 square foot naval storage facility located in Middleton, PA just outside of the state capitol in Harrisburg. Yannuzzi worked closely with the owner’s engineers and construction manager to outpace the upcoming winter months and complete the project ahead of schedule.

Yannuzzi’s project team worked directly with local municipal officials and the owner’s engineer to expedite all utility disconnects running throughout the seventy-acre site. John Mucha, senior project manager for Yannuzzi, endured the task of re-routing the fire suppression system running through the site to ensure the fire system would remain operational to the remaining buildings.

Yannuzzi Demolishes Giant Storage Facility in Central PA
Working in tandem with Yannuzzi Utilities Inc., Mucha successfully performed the fire suppression disconnects and eighteen individual cut and caps of the sanitary and water lines to the structure within a five day period without disrupting service to any other nearby facilities.

With winter approaching, Yannuzzi pressed the local officials to begin the ACM abatement. With over 800,000 SF of barrel roofing, Yannuzzi Environmental Inc. (YEI) would retain and oversee a local abatement company to ensure abatement would remain ahead of schedule throughout the tough winter months. YEI managed to keep ahead of schedule even with the excessive amounts of snow received throughout 2013-2014. The company managed an abatement crew of 35 workers to remove the ACM roofing from the large area of barrel roofing. The projected ACM abatement completion date, originally scheduled for March 2014, was completed five days ahead of schedule allowing the demolition of the facility to start during the first week of March 2013.

Next, Yannuzzi mobilized an arsenal of hydraulic excavators, loaders, end dumps, and concrete crushers. Armed with the right equipment, operators, laborers and project management, Yannuzzi successfully demolished and processed an astounding 5,000 tons of #10 rebar. This material was prepared to 4’ minus and sent to our vendors as #1 product. Three PC600’s equipped with LaBounty UP75SV and ten PC 450HD excavators equipped with CP100’s made quick work of the 18” poured barrel roof with #10 rebar placed 6” on center.

Once enough of the building superstructure was removed, Yannuzzi mobilized two closed-circuit impactors to process the concrete for backfill. The spec called for a specific product size the general contractor required for the
new building sub-grades. The crushing crews from Yannuzzi Recycling worked two consecutive shifts to manage the concrete debris the demolition division was producing daily, approximately 3-4,000 tons per day. As Yannuzzi’s above-grade demolition crew moved forward across the building slab, a sub-grade demolition crew began the selective slab demolition, careful not to damage the slab as it is to remain for future construction.

Once again Yannuzzi Utilities Inc. was summoned to saw cut approximately 2,500 LF of slab, and the adjoining part of the warehouse that would remain. The company’s engineers manage this process to ensure the remaining section of the building, which housed a tenant, would not be disturbed during the removal process. Once completed, the remaining areas would be demolished and processed.

The demolition process has since continued at an amazing rate. Yannuzzi’s means and methods, derived from 89 years of experience in the demolition business, allowed the owners to start vertical construction three months ahead of schedule. Yannuzzi was able to move the final contract completion date originally scheduled for 10/31/2014 to 8/30/2014, a great success for this multi-disciplined demolition, recycling and environmental company.

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Yannuzzi Group
In 1916, Municipal Pier in Chicago, Illinois was the first pier in the United States to combine the business of shipping along with entertainment. Municipal Pier was re-named to Navy Pier in 1927 as a tribute to the United States Navy personnel that served in WWI. Currently, Navy Pier is considered one of Chicago’s most historical and popular landmarks the city has to offer.

In June of 2011, Navy Pier Inc. was established as a not-for-profit corporation to maintain Navy Pier as a historic public landmark and oversee its redevelopment. Navy Pier Inc. Issued The Centennial Vision as a framework for reimagining Navy Pier as it approaches its centennial anniversary in 2016. The Centennial Vision shows the redevelopment of Navy Pier to be converted into a bolder, greener, and more contemporary urban space to elevate Navy Pier as a world-class attraction. The redevelopment project at Navy Pier has one very intricate task of cutting out and removing 56 sections of massive structural concrete slabs and beams directly over Lake Michigan. These concrete openings are being created for the installation of new recessed steel and concrete tree pits that range in overall size between 17’ X 16’ and as large as 17’ X 28’.

Alliance Concrete Sawing & Drilling located in East Dundee, Illinois was called upon by Madison Evans (joint venture) because of its over 50 years of combined experience in Demolition/Concrete Sawing/Robotic Demolition. Alliance worked closely with Madison Evans to create, maintain, and beat a very aggressive schedule.

The cutting and removal sequences had to be carefully thought out in order to not disrupt the integrity of the existing structure as well as not exceeding capacity of the crane. Alliance Concrete Sawing & Drilling excels in this process by meticulously dissecting original drawings of the structure, calculating weights, and developing a detailed step by step process of cutting procedures.
and methods. All precutting was completed full depth between existing structural beams prior to installing anchors to insure smooth working surface for slab saws. After precuts had been made drilling and setting 1" Hilti HIT-HY 200-R epoxy anchors for rigging points were completed. Alliance’s 50-ton rough terrain crane was utilized to hoist up the large masses of concrete that weighed an excess of 35,000 lbs per piece. Four different Alliance Concrete Sawing custom built wire saws and a Diamond Products CC110 deep cut slab saw with a 72” blade were used to cut thru the 31” railroad track embedded slabs and 34” concrete beams.

PROTECTION

While working above Lake Michigan, saw cutting and hoisting out concrete structures can be a daunting task when taking into consideration the fluctuating water levels and tides of the lake. Alliance took it upon themselves to fabricate and build 3 custom made pontoons to catch any chips of concrete and slurry from getting into the water. All pontoons were ingeniously created to be able to move between the existing column spacing and also be able to fit under the pier structure and still with enough room to attach heavy reinforced plastic to the underside of the concrete deck. Getting the pontoons into place during the cold months was difficult because of the large amount of ice that formed on the lake. Six Kasco 3/4 horse de-icers were strategically placed in the water and ran twenty four hours a day to keep ice from forming on the lake to insure mobility of the pontoons to the work areas. Once the pontoons were set in place and moored off, Diteq slurry dry concrete gelling agent was spread out and dispersed on the pontoon platforms. Once slurry from the cuts landed on the pontoon, the Diteq slurry agent worked perfectly to turn the concrete slurry into a gel substance that could be shoveled up for easy clean up and also insured no lake contamination.

TIMELINE, WEATHER AND SAFETY

Completing a concrete saw cutting project of this nature is complicated, but when you factor in 2013/2014 Chicago winter ranked the 3rd snowiest on record and the
coldest winter in 30 years (Cited by WGN Chicago) then it becomes nearly impossible for most companies. Alliance took this in stride as usual and came up with more ingenious ways to keep on schedule and push through the inclement weather for 3 months that they were on site. Electrically heated water hose was used to keep the water from freezing leading up to the area where the saw cutting was being performed. Alliance fabricated and erected two of their own 32’ X 24’ heated work area enclosures to work inside of during the snow, cold, rain, etc. These enclosures were built out of heavy gauge metal studs and reinforced poly fabric. The enclosures were designed and erected with lifting points so that the crane could quickly pick up the entire enclosure and move it to the next opening.
As a leading demolition company in the United States, D. H. Griffin Wrecking Co., Inc. sends heavy trucks to demolition and job sites daily to pick up and deliver an assortment of materials, such as recyclables, plastics, metal and construction debris. Trucks regularly cross state lines, requiring drivers to keep accurate mileage logs for regulatory purposes.

For years, drivers kept track of mileage with handwritten logs, a time-consuming process that is prone to error. As the company discovered the hard way, this was a risky practice. After being fined for inaccurate record keeping, Greensboro, NC-based D.H. Griffin decided to update in the form of a fleet management solution.

Introduced by a telecommunications partner to Trimble, D.H. Griffin selected Trimble’s cloud-based Fleet Management, which provides visibility into daily field service operations to help businesses identify, manage and improve operational areas such as driver safety, customer service, back office administration, fuel use and vehicle efficiency.

D.H. Griffin especially liked the Driver Logs integrated tool, which track each driver’s miles on the road to comply with regulations, such as Department of Transportation Hours of Service requirements. “Trimble reduced the time it takes to generate the driver logs required for DOT compliance, improved the accuracy of our logs, and increased our driver productivity,” says Rick Swartz, D.H. Griffin’s Corporate Fleet Manager.

Mileage Accuracy

In business for more than 50 years, D. H. Griffin has vast experience providing demolition, dismantling, recycling, asset recovery, materials reclamation, and emergency demolition services for government and private sector clients. It managed the deconstruction of the New York World Trade Center towers.

Even though it already had a computerized reporting system in place, drivers were using handwritten logs before implementing Fleet Management. “That system was a nightmare,” says Swartz. “The drivers would enter the miles manually. The quality was poor and unreliable, and we lost productivity because drivers spent too much time maintaining the logs instead of driving.”

With Fleet Management in place, improvements were immediate. Productivity increased by one hour a week per driver since they no longer had to grapple with logbooks. That’s 52 hours a year and at 200 drivers, that adds up to 10,400 hours of added productivity annually. Driver Logs records mileage automatically by capturing and organizing relevant data.

Automatic record keeping also helps comply with trucking regulations. This was key because an audit by the International Federal Transportation Association (IFTA) had turned up some discrepancies between odometer readings and drivers’ handwritten logs, a common problem when drivers manually record this information. “The agency fined the company, and that was the key incentive for getting the miles logged accurately once and for all,” says Swartz.

States rely on mileage logs for taxation. “Each state has its own fuel tax, which is measured by miles, and this mileage must be tracked accurately so that quarterly payments by vehicle are correct,” he says.

In addition, Driver Logs helps comply with new Hours of Service regulations that went into effect in July 2013 by automating duty status changes. This enhances accuracy and reduces time-consuming administrative work for drivers and office employees.

Significant Savings

Aside from regulation compliance, Fleet Management and Driver Logs benefits D.H. Griffin in multiple ways, primarily by lowering operational costs. Swartz says the company has saved the equivalent of one staff annual salary.

In addition to eliminating handwritten logs, the company saves by using built-in driver alert capabilities to avoid traffic violations, especially speeding. Speeding creates safety risks and can incur costs such as fines, higher insurance rates, and added wear on tear on vehicles.

When drivers reach 72 MPH, they get a warning to slow down. If drivers fail to comply, they receive an internal fine, much as they would if stopped by highway patrol. “Speeding was a big issue, so we had to find a way to enforce speed control. It’s not as much of a problem in heavy vehicles that are electronically restricted, but we also have pickups and lighter service trucks. Now, we are able to reduce our liability and discourage reckless driving,” Swartz says.
Unauthorized use of vehicles also is down, since Fleet Management sends alerts about truck activity during off-schedule hours. “We rarely work on Sunday so if that’s on the log, we look at the GPS reports to find out why,” Swartz says.

In addition, D.H. Griffin has saved thousands of dollars on broken windshield claims. Other drivers often blame our trucks for kicking up rocks that smash their windshields. “Now we can say, ‘I’m sorry, but our records show that none of our trucks were in your area,’” Swartz says. “I can send them a GPS-based report to prove it.”

Driver Logs also helps with payroll. “Sometimes we rent our equipment to sister divisions within the company and we can verify start and finish times to ensure accurate billing,” Swartz says.

Overall, Swartz reports that operations run more smoothly and efficiently with Trimble Fleet Management. Having real-time visibility into daily activities allows the company to rectify problems and make improvements that otherwise may not have happened. “We have saved money, and our proficiency and efficiency have increased by over 70 percent,” he says.

See & Read Our Latest Issue @ DEMOLITION MAGAZINE.com
The European Demolition Association hosted a highly successful Deconstruction Forum at the Intercontinental Hotel in Madrid on June 12th, 13th and 14th. Bringing together five associations involved with the demolition process, the EDA developed a program to address issues such as structural dismantlement, implosion, hazardous waste decontamination, concrete sawing and drilling, plant decommissioning, historic preservation, and C&D recycling.

In addition to the EDA, the International Association of Concrete Drillers and Sawers; the European Decontamination Institute; and the Federation Internationale du Recycle; and the Institute of Demolition Engineers participated in the Madrid Forum.

Speakers covered a wide range of these topics. Presentations dealt with safe work practices to avoid overexposure to lead on
demolition and recycling project sites; the handling of hazardous materials on industrial demolition projects; the interior demolition of a building complex in downtown Madrid; innovative methods to decontaminate sites containing PCBs; and the implosion of the AFE Tower in Frankfurt and Germany’s longest viaduct.

Recycling presentations were offered by a representative of the European Commission based in Brussels and the Director General of Construction Products Europe who spoke on sustainability and end-of-life for construction products generated in Europe. Tamar Oztoygar, the current President of the Construction Equipment Distributors and Manufacturers Association of Turkey based in Istanbul, spoke on the future of the demolition and recycling market in Turkey.

The social events at the Deconstruction Forum included a black-tie dinner at Gran...
FROM THE NDA

2014/15 Board Meetings set for Gettysburg, PA and Honolulu, HI

NDA President Jeff Kroeker of Fresno, CA announced the dates and locations for the next two Board of Directors’ meetings in 2014 and 2015.

The NDA’s fall Board Meeting will be held at the historic Gettysburg Hotel in Gettysburg, PA on Friday, September 26th and Saturday, September 27th. The hotel was the site of fierce fighting on the first day of the historic battle in Gettysburg in July, 1863. A cannonball from this fighting remains in one of the hotel’s exterior walls. The fall Board Meeting will also include a tour of Volvo Construction Equipment’s new North American headquarters and assembly plant in nearby Shippensburg, PA on Friday, September 26th.

The third Board of Directors Meeting is scheduled for Friday, January 9th and Saturday, January 10th, 2015 at the Sheraton Waikiki in Honolulu, Hawaii. The hotel is located on Oahu’s famous surfing beach below the famed peak of Diamond Head.

NDA Considering Move to AMC

The Search Committee of the Board of Directors of the National Demolition Association has been working hard to evaluate a variety of options for the management of the organization once current Executive Director Mike Taylor retires in July of 2015. The committee, chaired by current NDA Vice President Peter Banks of CEI Boston in Norfolk, MA, has met with a number of association management companies and executive recruiting firms over the last several months to determine which management option would best serve the needs of the Association in the future. The Search Committee informed the Board of Directors in Vancouver that they recommend moving the organization to an Association Management Company. The committee intends to review proposals and evaluate the options available for the organization with an eye towards recommending a course of action to the Board at the fall Board meeting in Gettysburg.

Casino of Madrid and a visit to Spain’s Royal Palace. EDA Executive Secretary and his entire team did a terrific job managing a complex event that brought together people involved with the demolition process from around the world.

The EDA will be hosting “Working Together” at their 2015 annual convention in Helsinki, Finland June 11th-13th in partnership with the European Decontamination Institute.
NDA’s 42nd Annual Convention in Nashville to Feature River Cruise and Country Concert

The National Demolition Association’s 42nd Annual Convention at the Gaylord Opryland Resort in Nashville will feature a host of exciting events to draw you to Music City. On Sunday evening, March 22nd the Opening Night Event will be a cruise down the Cumberland River from the Resort to downtown Nashville aboard the historic paddle wheeled steamboat the General Jackson. This kick-off event will include live country music bands on various levels of the vessel, terrific southern cuisine and open bars everywhere - a night on the Cumberland not to be missed.

Monday night, March 23rd will bring a country music concert featuring one of Nashville’s hottest acts. The 2015 Convention Committee headed this year by James Milburn of Milburn, LLC. of Hillside, IL is looking a variety of entertainers and will announce their selection shortly.

HOMRICH Celebrates 50th Anniversary

The Homrich Companies is celebrating its 50th Anniversary this year. The company provides comprehensive demolition, environmental, and waste management services from their offices in Carleton and Detroit, MI. Scott Homrich is currently a Director of the National Demolition Association and was Convention Committee Chair for the NDA’s 41st Annual Convention at The Mirage in Las Vegas this past February. Roger Homrich, his father, is a Past President of the Association. The NDA wishes to congratulate the Homrich family and everyone who works for this outstanding firm on fifty years of service to the Association, the Demolition Industry and the many diverse clients.
NDA Safety Committee to Add Crusher Safety Section to Demolition Safety Manual

The Safety Committee of the National Demolition Association is about to add a new section to Chapter 7, Equipment Safety, of the Association’s Demolition Safety Manual. Dealing with the safe work practices that should be followed when working with crushing and recycling equipment on a demolition project site, the new section was developed by the National Federation of Demolition Contractors in the United Kingdom and reviewed by Bill Turley, Executive Director of the Construction Demolition and Recycling Association. It contains a wealth of safety information on the operation and management of crushing equipment, a complex technology that requires vigilance when using it on a busy demolition site. This new section will appear shortly in the NDA’s Demolition Safety Manual available on-line at www.demolitionassociation.com.

2016 NDA 43rd Annual Convention to be Held in Orlando

The NDA’s Forty-third Annual Convention will be held at the Marriott World Center from March 14th through the 17th in 2016. Long considered one of Marriott’s premier properties, the World Center features a 105,000 s.f. exhibition space, a new 500 room tower, a massively expanded outdoor recreation area with one of the largest water slides in the country, and a magnificent on-site golf course. The hotel is close to Disney World, Orlando’s famous International Drive and Sea World.
The Southern California Chapter of the National Demolition Association celebrated its 25th “Silver Anniversary” with a gala cocktail reception and dinner, coupled with their annual golf tournament at the Pacific Palm Resort in City of Industry, CA on June 4th and 5th. The NDA’s Executive Committee was in attendance and current President Jeff Kroeker from Fresno addressed the group on Wednesday evening, congratulating them on their twenty-five years of service to the demolition industry in the state of California. The funds raised by the Chapter’s annual event are used to fund the Southern California Chapter $7,500 college scholarship named in honor of Chuck Clark of Three Service Company in Pomona, one of the founders of the Chapter. In addition, the Southern California Chapter elected its first female president, Mary Beth McFadden of SA Recycling at the event. The NDA wants to congratulate Bob Stuppy of Stanley LaBounty for the management of another highly success Southern California Chapter event.

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“Can We Talk?”

Four Tips for Delivering Bad News

Bad news is no fun to deliver. That’s why even distinguished leaders and otherwise successful people will go to great lengths to avoid doing it. For example, you might tolerate a longstanding, but mediocre, vendor instead of giving the contract to another company. Or maybe you make excuses to hold on to an underperforming employee. Admit it; you’ve almost certainly hung around in a problematic personal relationship (romantic or platonic) longer than you should have.

These delays buy us a reprieve, but they surely don’t improve the situation. In fact, as we hesitate, prevaricate, and beat around the bush, the underlying problem gets worse and the web of complications grows ever more tangled. That’s why Geoffrey Tumlin says we owe it to ourselves to study up on the fine art of delivering bad news.

“Delivering bad news is an essential skill, even if it won’t win you any popularity contests,” Tumlin asserts. “Dealing with issues promptly and decisively can save you time, energy, and even money—not to mention all the mental anguish you feel while putting off a difficult conversation.”

Here, Tumlin shares four things to keep in mind the next time you need to deliver a message the other person won’t want to hear:

1. Get to the core of the matter. When you were writing essays in high school, dredging up a thesis statement may have made you feel like banging your head against your desk. Even now, coming up with the perfect hook to put into a business proposal for a potential client can take hours of your time. But according to Tumlin, determining your core message will be surprisingly easy when it comes to delivering bad news.

   “Your core message is obvious when you’re giving bad news: It’s the thing you don’t want to say,” he points out. “Your core message might be, ‘We’re switching vendors,’ or, ‘We have to let you go,’ or, ‘We should stop seeing each other.’ The message you’ve been avoiding is the message you need to deliver.”

2. Stick to your guns.

   Determining your core message was the easy part. You may not find the remainder of your task as simple. Think back to the tough conversations you’ve had in the past: Have you ever been talked out of your decision by the other person (“But we’ve worked together for fifteen years—you’re not really letting me go, are you?”) or even changed your mind before delivering the bad news (She’s going to be so upset—I just can’t go through with it)?

   “You don’t do yourself or the other person any favors by putting off a hard conversation,” says Tumlin. “Remember, when giving bad news, you’re not negotiating, fact finding, or gathering input. Resist the temptation to get pushed, cajoled, or charmed off your message. Keep your end goal in mind and deliver your less-than-pleasant message here and now. Bad news is like taking off a Band-Aid—it’s best done quickly.”

3. Explain yourself (but not too much). It’s important to make sure that the other party understands your bad news message and doesn’t walk away with the wrong impression. For instance: “We have to let you go because we’re bringing on someone with a different skill set.” “We’re switching vendors because we need different service schedules.” “I think we should stop seeing each other because we’re both miserable.”
“As in these examples, strive to state your core message and explanation—the reason behind the message—in one sentence,” instructs Tumlin. “You can repeat variants of your message and explanation if you want to say more, but don’t add new information or you may encourage a drift away from your core message.”

4. Get out. (Of the conversation, that is.) If you’ve communicated your core message, and the other person understands, it’s probably acceptable to start thinking about an exit. Naturally, you should address any obvious questions (like “Do we keep making deliveries this week?” “When’s my last day?” “Who keeps the cat?”), but be wary of answering too many speculative or probing questions.

“In this type of conversation, your core message pretty much speaks for itself, and a great deal of unnecessary damage is often done when you overstay a difficult conversation,” comments Tumlin. “You might end up giving up ground you hadn’t intended to, talking about topics that are better left unaddressed, or escalating the conversation to the point of hostility.”

“When it’s time to deliver bad news, don’t get pushed off of your core message,” concludes Tumlin. “It’s a simple formula: Be clear, be concise, and be gone.”

About the Author:
Geoffrey Tumlin is the author of Stop Talking, Start Communicating: Counterintuitive Secrets to Success in Business and in Life. He is the founder and CEO of Mouthpeace Consulting LLC, a communication consulting company; president of On-Demand Leadership, a leadership development company.

**LEGAL ISSUES**

**OUCH!! OSHA’S FIRST AID REQUIREMENTS CAN STING**

By Mark A. Lies II, Kerry M. Mohan, & Ilana R. Morady

**INTRODUCTION**

Unfortunately, accidents happen at work. No matter how thorough an employer’s training program may be and how much personal protective equipment an employer requires, employees still get injured. Because injuries happen at work, OSHA requires employers to make first aid and medical services available to their employees. This article addresses OSHA’s first aid requirements, issues employers may encounter with first aid, and how first aid may implicate an employer’s recordkeeping obligations.

**FEDERAL OSHA REQUIREMENTS**

In September 2013, OSHA issued a Wisconsin employer, Fiberdome, Inc., a series of citations, including a General Duty Clause citation based on employee exposure to styrene. Under OSHA’s existing standard, employees cannot be exposed to more than 100 ppm of styrene over a weighted eight-hour time period. See 29 CFR 1910.1000, Table Z-2. Fiberdome adhered to that standard, as employees were exposed to approximately 65 ppm of styrene over a time-weighted eight-hour period. Nonetheless, after two employees experienced symptoms related to styrene exposure, OSHA issued Fiberdome a General Duty Clause citation for exposing employees to more than 50 ppm styrene over the time-weighted period, which is a voluntary recommended limit established by the National Institute for Occupational Safety and Health (“NIOSH”). Thus, OSHA bypassed its codified PEL for styrene and issued the General Duty Clause citation based on the more stringent, but not mandatory, NIOSH PEL.

**OSHA’S ANNOTATED PELS**

Further undermining its current PEL regulations, on October 24, 2013, OSHA issued its Annotated PEL tables, which provide more stringent PEL levels than those contained in the current regulations. See https://www.osha.gov/dsg/annotated-pels/. Though OSHA has publicly stated that the Annotated PELs are voluntary and cannot be enforced like the codified standards, OSHA promulgated the Annotated PELs to ensure employers are aware that many of the current PELs “are dangerously out of date […] and do not adequately protect workers.” See Oct. 24, 2013
LEGAL ISSUES

Press Teleconference, https://www.osha.gov/Chemical_press_call.html. In other words, by issuing the Annotated PELs, OSHA has specifically notified employers that they can no longer adhere to the many of the current PELs without creating a work environment that is hazardous to employee health.

GENERAL INDUSTRY REQUIREMENTS

Under OSHA’s General Industry medical and first aid regulation, employers must ensure that either medical treatment for all injured employees is in “near proximity” or that a person at the workplace is “adequately trained to render first aid.” See 29 CFR 1910.151(b). In other words, if medical services (e.g. a hospital) are not close by, then employers must ensure that someone at the workplace has first aid training.

Naturally, the most common question employers have is, “what is ‘near proximity’?” The answer is, it depends. OSHA takes the position that “near proximity” in cases of serious hazards and injuries -- such as falls, suffocation, electrocution, or amputation, and stopped breathing, cardiac arrest, or uncontrolled breathing -- means a 3-4 minute response time. For employers in lower-hazard settings, such as offices, OSHA has stated that a up to a 15 minute response time could be acceptable. Thus, “near proximity” depends primarily upon what types of injuries an employer can reasonably expect in the workplace, but other relevant factors include the location of the workplace, how much time it takes to reach medical attention, traffic and weather, geographic distance from medical care, travel distance from medical care, whether employees are provided with a means of calling for help in an emergency (e.g. a phone to dial 911), whether employees have a means of transportation available, and whether the employer has notified or made arrangements with local emergency response units.

Employers should consider what types of injuries could be reasonably anticipated at their worksites in addition to the other factors noted above. Part of this analysis can include evaluating OSHA 300 Logs and worker’s compensation claim histories at the worksite. If an employer determines that medical services are not in “near proximity,” then first aid training must be provided to ensure that someone with such training is available during all shifts.

First aid training is typically provided through organizations such as the American Red Cross or private institutions, and refers to medical attention that is typically administered immediately after an injury occurs. It usually consists of one-time, short-term treatment and requires minimal technology and training, such as cleaning minor cuts, treating minor burns, applying bandages, and using non-prescription medicine. First aid does not include:

- CPR, but many employers choose to offer CPR training.
- Automated external defibrillators (“AEDs”), but employers should consider providing them in the workplace given their life-saving capabilities.

Moreover, Good Samaritan laws, as well as, in some jurisdictions, the worker’s compensation laws, throughout the country serve to protect employees from potential liability in connection with the use of AEDs. If an employer chooses to provide an AED in workplace, it should be sure employees are trained on how to operate the device in accordance with state law. Regardless of the topics covered by an employer’s first aid training, employers should make sure training consists of documented written and practical tests.

Employers should also ensure that first aid training is tailored to the worksite. For example, if employees work outside, then first aid training should include how to treat injuries arising from temperature extremes, such as how to respond to heat exhaustion and heat stroke. The training program should be periodically reviewed and updated with current first aid techniques and knowledge. Employers should remember that first aid certificates typically expire after several years. OSHA recommends that employees receive first aid skills and knowledge re-training and updated certification cards every three years.

OSHA’s General Industry medical and first aid regulation also mandates employers to ensure that “adequate first aid supplies [are] readily available” in the workplace. See 29 CFR 1910.151(b). Employers should be mindful that the meaning of “adequate” depends on the workplace. Accordingly, employers should evaluate the kinds of injuries that occur in their workplaces when deciding on the contents and quantity of materials in a first aid kit.

Another important facet of first aid pertains to its location. The first aid kit must be “readily available,” i.e. easy to access in the event of an emergency. This is often relatively simple at fixed facilities, but can become more complicated when employees work off-site or drive in company vehicles. In situations like these, employers cannot forget that a first aid kit should be “readily available.” Accordingly, if employers have, for example, delivery truck drivers, it is recommended that these employers equip their trucks with first aid kits.

A question that many employers ask is how to prepare for injuries that may occur due to an employee’s pre-existing and/or unknown health condition, such as an allergy, epilepsy, or a cardiovascular condition. It is essential for employers to remember that requiring employees to disclose health information can run afoul of the Americans With Disabilities Act. Employers can, however, request employees to voluntarily inform their supervisors if they feel that they cannot safely perform a certain job or task because of a health condition, and also to immediately report when they feel ill or have been injured. This can help employers pre-plan for potential emergencies. If employers encourage self-disclosure, they should be mindful to avoid asking employees about the actual health conditions beyond what is necessary to take action to protect the employee’s health and safety.

CONSTRUCTION REQUIREMENTS

OSHA’s Construction standards require many of the same first aid requirements discussed above. For instance, the Construction standards require that an employee at the worksite be trained in first aid when medical care is not “reasonably accessible.” See 29 CFR 1926.50(c). The Construction standards also require that first aid materials be “easily accessible.” See 29 CFR 1926.50(d)(1).

However, unlike the General Industry standards, the Construction standards requires that the first aid materials be: (a) stored in a “waterproof container;” (b) each item contained in the container is individually sealed; (c) the employer checks the first aid kit every time the kit is sent
LEGAL ISSUES

to a worksite; and (d) while on the worksite, the first aid kit is checked at least weekly to ensure used items are replaced. See 29 CFR 1926.50(d)(2).

The Construction standards also require that when an employer is unable to contact an ambulance service, the employer must provide equipment for the “prompt transportation” of an injured person to a physician or hospital (i.e., backboard and vehicle). See 29 CFR 1926.50(e). Further, on worksites where employees may be exposed to corrosive materials, the employer is required to provide “suitable facilities” for the quick drenching or flushing of the eyes and body for immediate use. See 29 CFR 1926.50(g). Thus, the question is what a “suitable facility?” In short, if the facilities are insufficient to treat an exposed employee for the particular corrosive materials, the facilities are non-compliant.

STATE-SPECIFIC REQUIREMENTS

In addition to Federal OSHA’s first aid requirements, employers must be aware of state-specific requirements that may impose additional obligations upon employers. For instance, under California OSHA’s General Industry Safety Orders, an employer’s first aid materials must be “approved by [a] consulting physician” and that approval must be in writing. See Cal-OSHA GISO § 3400(c). Thus, Cal-OSHA requires employers subject to its General Industry Safety Orders to “consult” with a physician in evaluating what materials to include in their first aid kits.

Employers must also be wary of what materials they include in their first aid kits. For instance, many employers make available to employees single-dose medications (i.e., Tylenol or Advil). However, under Cal-OSHA’s Construction Safety Orders, if an employer has more than basic first aid equipment in its first aid kit (i.e., bandages), such as “drugs, antiseptics, eye irrigation solutions, inhalants, medicines or proprietary preparations,” that additional equipment must be approved, in writing, by an employer-authorized licensed physician. See Cal. Osh. CSO § 1512(c)(3).

These are just two examples of state-specific requirements that employers may face with regards to their first aid kits. Accordingly, employers should evaluate what states they do business in to determine what additional requirements, if any, they must follow to avoid potential liability.

FIRST AID AND OSHA RECORDKEEPING

Employers should be aware how the type of first aid or medical treatment provided to employees can implicate their recordkeeping obligations. OSHA requires employers to maintain OSHA 300 Log, and supporting 300A and 301 documents for all work-related illnesses and injuries. Relevant to the current discussion, OSHA deems a work-related injury or illness to be recordable, in part, when the employee receives medical treatment beyond first aid. See 29 CFR 1904.7(b)(1)(iv). Though OSHA’s recordkeeping regulations define the terms “medical treatment” and “first aid,” the distinction between the two can be confusing. For instance, suppose an employee injures his or her knee while on the job and sees the company nurse or physician. If the medical professional gives the employee “a non-prescription medication at non-prescription strength” (i.e., two Tylenol pills), then that would be considered first aid and the injury would not be recordable. However, if the medical professional gives the employee three Tylenol pills instead of two, OSHA may find that the employee received “medical treatment” because the employee received a “prescription strength” dose.

Other examples where the line between “first aid” and “medical treatment” can be crossed include:

- The use of oxygen, even if precautionary;
- The use of numbing or antibacterial eye drops;
- The use of certain skin creams;
- The use of rigid versus non-rigid splints; and
- The use of medical glue to close a cut.

RECOMMENDATIONS

To avoid potential liability related to first aid, an employer should consider the following actions:

- conduct a job hazard analysis of the facility or worksite to determine what hazards exist and what injuries or illnesses could arise;
- once the job hazard analysis has been completed, consider what type of first aid materials should be maintained at the facility or worksite;
- if the employer is located in California or another state that requires physician consultation, consult with a physician regarding what materials should be included in the first aid kit and obtain verification of that consultation in writing;
- evaluate what medical services are reasonably accessible to the facility or worksite. If medical services are not reasonably accessible, the employer should provide documented first aid training to a select group of employees at the facility or worksite and ensure coverage throughout the entire workday, including the off-shift;
- develop a written procedure that documents the company’s first aid procedures and mandatory employee first aid training and re-training;
- ensure that the first aid certifications of the first aid providers are current; and
- evaluate the type of treatment employees receive in response to a work-related injury to evaluate whether the injury must be recorded in the OSHA 300 Log and supporting 300A and 301 documents.

If an employer undertakes these actions, it will minimize its potential liability as it relates to first aid and its implications.

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This picture taken in Shakopee MN as one of his co-workers was driving by and had to circle the block. It’s a guy cutting down a tree in his backyard. The house is located on Third Avenue across from the Library. The cops showed up telling the guy he couldn’t do what he was doing. He told them to go to hell it’s his property and his tree.
DEMOLITION CHALLENGE

ACROSS
1. Raised area
5. It's used in the concrete road deck and piers during bridge demolition (2 words)
10. Laws or codes
11. Paramedic's need
12. Time of anticipation
13. Structural part of a stair
15. Absorb, as a cost
17. Arch city, for short
19. Nashville locale
19. Pedestrian pathways
21. Soil
23. Weaken
25. Truck type
27. It may be used for an implosion
29. Chicago state, for short
30. "Overbuilt and underdemolished" would be one
32. Emergency sound
34. Couple
35. Creates
36. You, old way
37. Soak up
39. ___ loader
41. Business promotions
42. Atlanta locale
43. Tallest building demolished by non-terrorist means
45. Demolition technique used in France
48. Train track beams
50. Cut in two
51. Mechanical equipment that links floors

DOWN
1. Approvals for different facets of a demolition
2. Type of bit
3. Crashes down
4. Materials that delay or block the spread of fire
6. Beginning
7. Bulldozer attachments
8. Steel or iron for example
9. Aka high rise (2 words)
14. Well-liked
16. Corroded, with away
18. Slight color
20. Fastener
22. Computer department
24. Pane material
26. Elwha or Glines Canyon for example
27. Wreck (2 words)
28. Tries out
31. Work segment
32. Compiles
33. Blend together
38. San Francisco rail system
39. Preserves
40. Bore into
44. Innovative
46. Keyboard key
47. Mess up
49. That is, abbr.

SOLUTION TO APPEAR IN NEXT ISSUE

DOWN (continued)
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