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ARIZONA ROOFING INDUSTRY
FOUNDATION



NRCA



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CONTACT ARCA

RUSSELL HYMAN
PRESIDENT
Phone: 480-994-5500
Email: russ@gryphonaz.com

JENNIFER GEORGE
ARCA DIRECTOR
Phone: 602-335-0133
Cell: 602-339-4595
Email: jgeorge@azroofing.org

ASHLEY CREIGHTON
BASESHEET EDITOR
Phone: 602-335-0133
Email: acreighton@azroofing.org

ARCA OFFICE
3839 North 3rd Street, Unit 106
Phoenix, Arizona 85012
Phone: 602-335-0133
Fax: 602-335-0118

Letter from the President

Greetings Fellow ARCA Members:

This is my last letter to the membership as president of ARCA. I picked two crazy years of our long history as an organization to become president. Under my administration, Duane Yourko, ARCA's executive director for nearly 12 years, retired. In that same year, COVID-19 canceled or changed many of our events, including the 2020 expo, while many ARCA meetings and training classes were adapted to online events. Still during my presidency, ARCA went through the headache of moving offices and the many adjustments that come with change of location. Overall, the past two years of changes have forced us to rethink how we do many of the things we've had locked in for decades. Basically, it's been a complete disaster of an administration—almost as bad as the Carter or Biden administrations...

Nonetheless, our membership has stayed strong. With Jennifer George at the helm and the generous, tireless service from ARCA-member volunteers on all the committees, we've managed to keep everything intact. We've continued to hold many successful events and keep in touch with each other. The training programs have provided continued safety and education to our members. And we've actually seen a slight increase in membership, despite these trying times. I want to thank all of the committee volunteers for coming up with workarounds and creative solutions to keep our association fun and valuable for its members. Well done!

ARCA is looking forward to the upcoming 2021 Roofing Expo in Flagstaff, September 30th to October 2nd. Make sure you and your guests are registered through the ARCA website and that you book your hotel registration at the Little America Hotel. The committee has selected a full schedule that includes the trade show, golf, shooting, seminars, Roofing Wars, and other great events. All of these offerings are designed to increase your roofing IQ and connect you with likeminded individuals in your industry. Also on the itinerary is the annual swearing-in of ARCA's new board of directors and executive board. We've already released the new BOD and we are looking forward to getting them kick-started in their new positions.

The newly reformed ROC committee has been meeting with the ROC, the DOL, and ADOSH to try and find a way to keep the roofing industry on a level playing field. In the last few years, there has been a steady uptick in roofing companies using unlicensed "1099" contractors or paying workers in cash. These practices are illegal and damage our industry by creating disadvantage for the companies that work hard to play by the rules. Please be vigilant in your business practices and use only licensed and insured subcontractors or pay your workers as W-2 employees. This trend of hiring 1099 crews will ruin our industry and cause many unforeseen problems when there are injuries or other benefits that aren't being taken care of. We all need to play fair and do the right thing. If you don't know if your business is practicing in the correct fashion or if you would like some advice, or to give input about these matters, please participate in the new ROC committee. All are invited.

Sincerely,

Russell Hyman, Gryphon Roofing
ARCA President

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LEGAL UPDATE

OSHA Recording Guidance for Adverse COVID-19 Vaccine Reactions

On Apr. 20, 2021, the Occupational Safety and Health Administration (OSHA) provided [guidance](#) for recording COVID-19 vaccination adverse reactions. The guidance comes in the format of frequently asked questions for adverse reactions under two scenarios: employer-required and voluntary vaccination.

Employer-required Vaccination

According to OSHA's guidance, employers are required to record adverse reactions to the vaccine if the reactions are:

- Work-related;
- A [new case](#); and
- The case meets one or more of OSHA's [general recording criteria](#).

With this guidance, OSHA has clarified that "work-related" includes vaccines that are required as a condition of employment. This means that adverse reactions to COVID-19 vaccines are recordable for employers with a mandatory vaccination policy if all other recording requirements are met.

Recommended or Voluntary Vaccination

Under OSHA's [recording requirements](#), adverse reactions to voluntary or recommended COVID-19 vaccinations may also be recordable. However, OSHA has indicated that, at this time, it will limit its enforcement discretion to only adverse reactions to employer-required COVID-19 vaccination cases.

With this guidance, OSHA has clarified that vaccination is "recommended" only if it is truly voluntary, meaning that the choice to receive or deny the vaccine will not affect an employee's performance rating or professional advancement at work.

Impact on Employers

This guidance clarifies OSHA's position on recording adverse reactions to the COVID-19 vaccines during the pandemic. The guidance does not change or amend any other injury or illness recording requirements.

Provided to you by [LeBaron & Carroll](#)

This Legal Update is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice. ©2021 Zywave, Inc. All rights reserved.

Voluntary Vaccination

Recommended or voluntary vaccination efforts may include:

- Making COVID-19 vaccines available to employees at work;
- Arranging for employees to receive a vaccine off-site; and
- Offering vaccination as part of a voluntary health and wellness program.

Adverse reactions to COVID-19 vaccines are recordable for employers with a mandatory vaccination policy if all other recording requirements are met.

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Hurricane Ida Could Exacerbate Supply Chain Issues

AS CONTRACTORS ALREADY are struggling with shipping delays, material shortages, and rising costs, Hurricane Ida likely will make these struggles worse, according to *The New York Times*.

Additionally, the hurricane's damage to critical industries in the Gulf Coast area and the urgent need to rebuild are expected to affect the U.S.' already strained shipping infrastructure.

"The supply was already terrible," said Eric Byer, president of the National Association of Chemical Distributors, a trade association representing companies that make and sell raw materials used in various industries, including construction. "Now, it's going to be

worse."

For months, a surge of trade from Asia to the U.S. has exhausted the supply of shipping containers, forcing buyers to pay 10 times the usual rate on popular routes, such as Shanghai to Los Angeles. Loading and unloading at ports has been affected as dockworkers have contracted COVID-19 or had to quarantine. The pandemic also has sidelined truck drivers, limiting the availability of vehicles that can carry products from ports to warehouses to customers.

Available trucks now will be diverted to deliver relief supplies toward communities affected by Hurricane Ida, which is expected to make availability of necessary supplies even tighter. 🏠

AZ ROC Participates in National Effort to Curb Unlicensed Activity and Educate the Public

ON FRIDAY, JUNE 18, 2021, Arizona Registrar of Contractors (AZ ROC) performed a statewide enforcement effort aimed at educating businesses and property owners about Arizona's contracting laws. AZ ROC's participation represented one of many states participating in their own efforts, all in coordination with the National Association of Contractor Licensing Agencies (NASCLA).

AZ ROC dedicated 15 two-person teams of investigators to make contact with contractors, unlicensed entities, and property owners to increase outreach, provide education, and, when necessary, issue warnings or violations.

The 30 investigators concentrated efforts in Maricopa, Coconino, Yavapai, Gila, Pinal, Pima, Santa Cruz, and Cochise counties and made contact with 236 individuals, including 30 homeowners, 184 contractors, 9 unlicensed entities, 5 business property owners, 5 building officials, and 3 law enforcement officers.

The vast majority of contacts are described as educational in nature. AZ ROC did, however, issue over 30 warning letters for violations such as contracting without a license, aiding and abetting unlicensed entities, and working outside the scope of a license.

Director of the Arizona Registrar of Contractors Jeff Fleetham stated, "A remodeling project is one of the most expensive things a home or property owner will do, and yet many are unaware the contractor they hire needs a license. The goal of concentrated efforts like this and the territory management our investigators do every day is to make sure Arizona property owners and businesses know Arizona's contracting laws and where they can go with questions." 🏠

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Contractors caught between vaccine hesitancy and owner mandates

Construction firms are scrambling to meet client requests for 100% vaccinated jobsites.

CONSTRUCTION WAS SUPPOSED to be getting back to normal by now. In June, with vaccines rolling out broadly across the U.S. and COVID-19 case numbers plummeting, Labor Day was heralded by many as the date workers would return to offices, and the pandemic would largely be a fading memory.

But things aren't quite working out that way.

"We started reopening in June, and there was a lot of hope," said Laura Guzman, vice president of marketing and communications at Milpitas, California-based XL Construction. "But as we started to watch the most recent trends, we've had to hit the pause button again."

Steps include following local mask mandates, social distancing on jobsites, and limiting company meetings and gatherings, Guzman said.

XL isn't alone. Other construction pros who thought they would be plowing ahead on projects unfettered by the virus are now having to step back and re-institute many of the same protocols they relaxed earlier this year. They say new COVID-19 challenges have emerged as construction heads into the second autumn of the pandemic.

"Contractors we work with are doubling down on their efforts to make sure workers, both in their offices and on jobsites, are following local and federal mandates," said Brian A. Wolf, a partner in the Fort Lauderdale, FL office of construction law firm Smith, Currie & Hancock. "They're taking the health and safety of their employees and the public very seriously."

RISE IN CASE NUMBERS

Driven by the highly contagious Delta variant and breakthrough infections

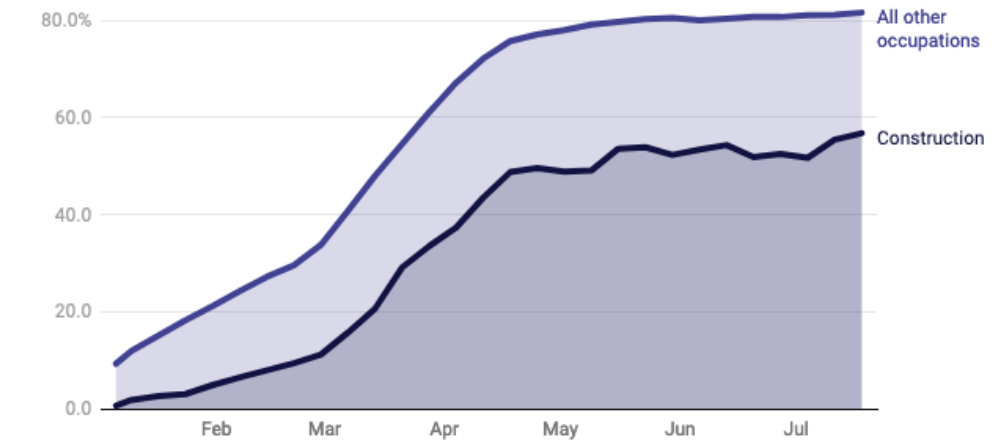


Chart: Zach Phillips | Construction Dive • Source: CPWR • Get the data • Created with Datawrapper

among the fully vaccinated, COVID-19 cases have surged again, recently hitting 100,000 new daily infections nationally, a metric not seen since February. Healthcare professionals predict the number could reach [200,000 within weeks](#). Analyzing preliminary data from six states, the [New York Times recently reported](#) breakthrough cases accounted for between 18% and 28% of all new infections.

Josh Stark, senior vice president of construction at Chicago-based developer and contractor, Focus, said the wider-ranging impacts of the current surge could hinder construction further, especially as material suppliers are just now ramping back up to capacity.

"We're seeing suppliers come back online, which is great. But if COVID starts to hit in a big way again, then do those businesses have to shut down?" Stark said. "That affects our industry from a supply perspective, so that's definitely a concern."

The surge is happening as mask mandates have returned in many localities, at the same time that many large employers, including the federal government, the U.S. military, United Airlines, Walmart, and Disney have announced they'll require employees to be vaccinated to return to work.

For construction, those issues are unfolding against the backdrop of an industry that continues to face heightened [levels of vaccine hesitancy](#), with more than 40% of workers consistently saying they would choose not to get vaccinated, even if they had the opportunity to do so. Today, that hesitancy is running headlong into [worries from workers](#) who are vaccinated, as well as mandates from project owners who are now increasingly requiring only vaccinated workers on their jobsites.

According to the Center for Construction

Research and Training, a Silver Spring, Maryland-based construction safety nonprofit, construction vaccination rates have consistently lagged other occupations, while vaccine hesitancy has remained comparably high.

CONSTRUCTION'S VACCINE HESITANCY REMAINS HIGH

The percentage of construction workers showing vaccine hesitancy, compared to those in all other occupations.

"In the last few weeks, we've started to get vaccine mandates from owners on jobs," said Kyle Peacock, CEO of San Francisco-based Peacock Construction, who notes that approximately 75% of his direct employees are vaccinated, although rates among his subs are lower. "All of our healthcare clients are doing it, but we've also had a couple office tenants that said they're only going to let vaccinated people into their offices. It's an issue we're trying to solve."

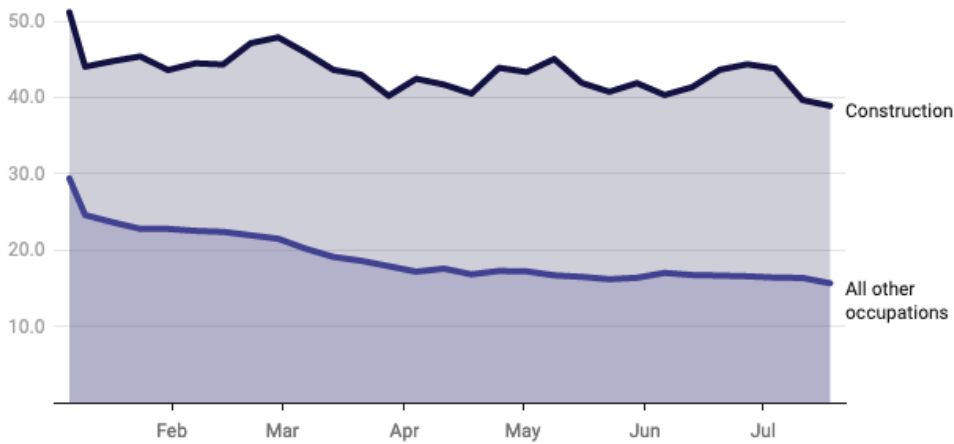
A major concern among contractors now is that the perennial labor shortage within the construction industry, which had already been exacerbated by the pandemic, will only become worse as clients require vaccinations for jobsites.

CONSTRUCTION'S VACCINE RATE LAGS OTHER INDUSTRIES

The percentage of vaccinated construction workers compared to all other occupations.

Take a recent letter to members from the Associated General Contractors of America's [Inland Northwest Chapter](#), which includes eastern Washington state, shortly after Democratic Gov. Jay Inslee ordered most state workers to get vaccinated by Oct. 18.

"It is important to note that this mandate does apply to all employees,



contractors, subs and suppliers that work on or have access to state worksites,” Cheryl Stewart, the chapter’s executive director, wrote. “I know many of you will have employees that will choose not to work on state projects if vaccination is required. It is also certain that state agencies will lose employees over this issue, so project delays all around are going to be the norm moving forward.”

Indeed, Ken Simonson, chief economist for the AGC, citing construction employment levels that remain below their pre-pandemic peak in 36 states, speculates the Delta variant could cause shockwaves throughout the industry.

“The fast-spreading COVID-19 Delta variant may make it harder to find employees eligible to work on restricted sites and may also depress demand if some owners defer projects,” Simonson said in a statement about July employment data.

KEEPING TRACK

Beyond the potential impact on employment numbers, contractors facing mandates from clients are also challenged by how to implement these kinds of requirements.

“How do you monitor it? Are you going to be checking vaccination cards at the door?” said Peacock. “It would be relatively easy if it was just our employees, but we have hundreds of subcontractors coming to our jobsites every day, and then you have vendors making deliveries.”

One solution Peacock and others have implemented is Safe Site Check-in, a jobsite screening app that workers have used throughout the pandemic, which can be customized to ask about workers’ vaccine status. That’s what San Jose, California-based commercial contractor Landmark Builders has done.

“We’ve got it now so there’s basically

only two questions: ‘Are you vaccinated?’, which gives them a yes-no choice, or ‘I choose not to answer,’” said Sheri Dizon, Landmark’s CFO, who noted that everyone in the firm’s offices is vaccinated, “but in the field, it’s very different.”

The company has been tracking responses from the app on vaccination status, and has seen a 60% vaccinated, 40% unvaccinated rate among its subs—a ratio closely aligned with construction worker vaccination surveys. “It’s a political debate that you’re not going to win,” Dizon said. “But if they’re not vaccinated, they’ll tell you.”

Landmark’s clients have also asked for fully vaccinated workers on jobs. But in one case where a well-liked supervisor hadn’t been vaccinated, the client allowed him to stay on the project. “They liked him, so they said he was fine,” Dizon said.

Contractors such as XL and Peacock said they haven’t issued vaccine mandates for their companies at this point, though they didn’t rule out the possibility in the future. Instead, they have launched programs to encourage workers to get vaccinated and provided education to help workers decide.

“We brought in medical experts to explain the safety components and answer questions,” XL’s Guzman said. “We’ve just made an extreme effort of education to try to get as many folks as possible to make that choice for themselves.”

Peacock said that while his lawyers have told him he can mandate workers to get vaccinations, there are still issues that have kept him from doing so.

“We are having that dialogue internally, but while everybody says you can legally do it, there’s not a lot of case law surrounding it,” Peacock said. “There are still some liabilities with that.”

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AmazonSmile customers can now support Arizona Roofing Industry Foundation in the Amazon shopping app on iOS and Android mobile phones! Simply follow these instructions to turn on AmazonSmile and start generating donations.

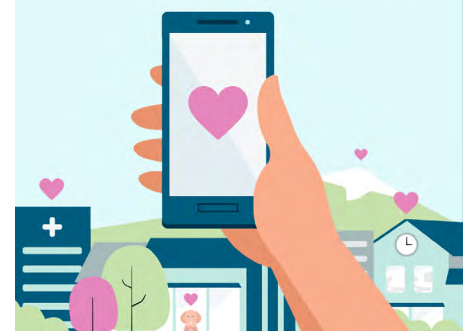
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How can you get your workers to care about tying off when unsupervised?

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IN HIS HIERARCHY of Needs, Abraham Maslow says once the basic needs for water, food, and shelter are met, individuals can afford to move up to the need levels of belonging, esteem, and self-actualization.

If you, as a manager, understand humans have fundamental needs, you can use them to incentivize a behavior, such as showing up on time or completing a task correctly. Money, benefits, bonuses, etc., are surrogates for food, water, and shelter/safety. But this has limitations and typically is a short-term fix.

Caring about work is in the realm of the higher-level needs: belonging, esteem, and self-actualization. For example, if the issue is how to get employees to care about tying-off when unsupervised, using the top three tiers to reach employees will have better results.

- Belonging can be used by reminding employees if they fall, their families will be distraught. This approach may give rise to compliance because of employees' care for their family members' feelings.
- You could use the esteem level by appealing to employees' sense of professional growth. Perhaps you would say, "A professional like

you would always want to be seen as knowing what to do and doing it."

- Self-actualization can be used by empowering employees to use their skills and teach others. If an employee is given the power to impart knowledge and skill, it can work wonders.

At the top levels, these approaches can reach employees' sense of purpose and connection. The result is they now want to do something because it is seen as bigger than themselves and worthy of their respect.

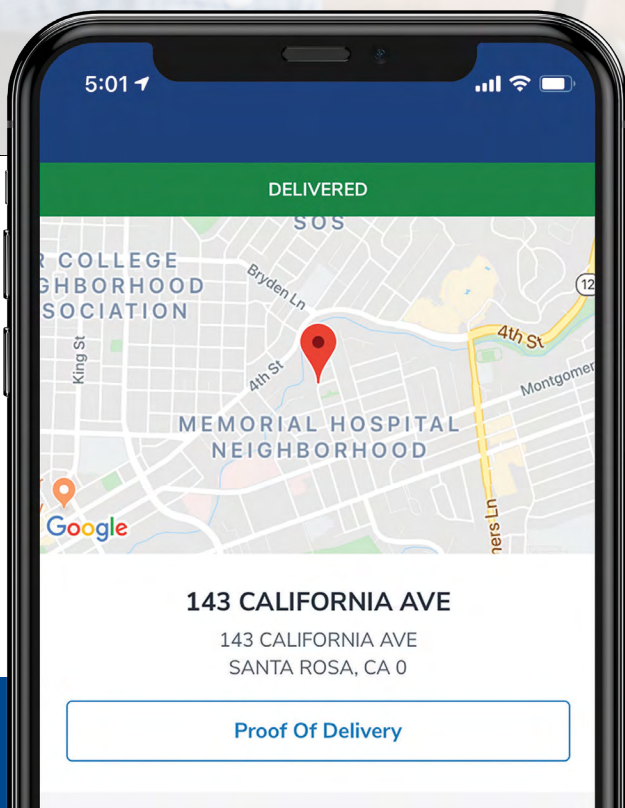
It is worth the effort to be open to all five levels, appreciate where each staff member may be, and be sensitive to the fact the employee is always changing. This makes managing and leading an art form. As you hone your skills to motivate each employee individually, you will experience the truly satisfying feeling of a staff member responding well.



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Boral Roofing Releases U.S. Roofing Color Trend Research and Forecast

Concerns about wellness, environment giving rise to Neu Naturalism home aesthetics and colors.

LEADING SUSTAINABLE ROOF and re-roof manufacturer [Boral Roofing LLC](#) has just released its findings from research conducted into national exterior color trends in roofing. The research results identify continuing and future directions for both roofing colors and residential architectural styles, with a deep dive into select secondary and tertiary markets of interest.

“We are fully committed to understanding the driving forces behind regional demand for roofing materials,” says Ann Iten, director of marketing for Boral Roofing. “We started this research a few years ago, examining the societal trends and consumer behaviors directly influencing residential design and roofing material choices. Our current findings are a continuation of that research.”

Boral Roofing confirms assertions made by its researchers a few years ago when they forecasted the onslaught of virtual content and stimulation consumers faced regularly would lead them to employ sensorial reduction strategies in their design choices, including those made for home architecture and exteriors. Boral’s current study confirmed in primary and secondary regional markets, architectural styles and color palettes—including for roofing—had, in fact, shifted to transitional styles with reduced ornamentation and in neutral, calming

hues.


“In addition to confirming past findings, our research forecasts that consumers are increasingly concerned about wellness and the environment and that in home design, this will give rise to Neu Naturalism, or a greater integration of the natural and built environments,” adds Iten. “We also expect a rise in earthy, rust-rich toned color palettes, which pair nicely with the neutrals we’ve seen over the past few years on homes. The use of shades of black on exteriors and in roofing will also continue.”

To pinpoint regional trends, Boral Roofing identified key secondary cities within the United States to study. These cities and their accompanying findings include Seattle, WA, which is an early adopter of gabled modern architecture, increasingly embracing an all-black residential exterior palette; Phoenix, AZ, where home architecture points to a growing trend toward upscale gabled designs and neutral exterior color palettes; Dallas, TX, where reduced ornamentation, toned down elegance and white hues are converging on home exteriors; and Atlanta, GA, where minimal colonials and farmhouse adaptations marry neutral palettes.

Boral Roofing also chose some tertiary cities to study and those findings include: in Bend, OR, (like Atlanta) minimal colonials

and farmhouse adaptations join neutral color palettes; in Boise, ID, warm materials are trending, blacks are increasingly being introduced on home exteriors, and whites are becoming plentiful; in Salt Lake City, UT, soot blacks, earthy soil browns, and rust reds are the color trend; in Austin, TX, wood additions and clean lines marry light color palettes; in Raleigh, NC, a modernist history meets expansive windows and tone-on-tone palettes; and in Tampa, FL, cleaner lines accompany lightened palettes and the warmth of wood details. Finally, in the popular vacation towns of Lake Tahoe, CA and Aspen, CO, darker palettes and modernist lines are met with organic textures, and gabled moderns are adorned with gray-brown neutrals and crisp whites.

“Ultimately, Boral Roofing is striving to be an expert source for roofing color trends as well as a valuable resource to contractors, architects, builders and consumers looking for leading-edge color options and durable roofing solutions,” adds Iten.

To explore the CEU Exterior Color Trends Continuing + Future Directions 2021-2024, an American Institute of Architects (AIA) Continuing Education Program, visit Boral Roofing’s education page at www.BoralRoof.com/Education. To explore Boral Roofing’s full concrete, clay, steel, and composite solutions, visit www.BoralRoof.com. 



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Malarkey Smog-Reducing Roofing Shingles Find Success in Phoenix

Contractor says working with Malarkey's smog-reducing roofing products helps him stay competitive.

“IT IS COMPETITIVE out here,” said roofing contractor Paul Foote about working in Phoenix, AZ. “There’s a lot of fly-by roofers working at a fraction of the price.”

As a career roofer and the owner/operator of Diamond Designs, Paul has seen contractors come and go. Born and raised in Arizona, both Paul and his brother run roofing companies after spending many years working for a friend’s father. Today, in addition to being licensed, bonded, and insured, Paul’s business is also approved by the Better Business Bureau and certified by Malarkey.

“Everyone wants to be their own boss, so there is a decline in laborers, too, which makes things tough for dedicated contractors,” he said. “The upside, however, is that there’s a lot of cleaning up and fixing of junk messes,” he added.

INSTALLING A POLLUTION SOLUTION — WHEN IT MATTERS™

Paul and his crew previously completed a project with the installation of 70 squares of Highlander® NEX® roofing shingles in Midnight Black. The Highlander® NEX® architectural shingle, like all Malarkey shingles, feature 3M™ Smog-Reducing Granules ([featured in TIME Magazine’s 50 Best Inventions of 2018](#)). These little granules can add up to a big impact and go a long way towards helping clear the air of pollution.

WHAT IS SMOG?

Smog exists where emissions exist, even if you don’t always see it. Smog is a form of air pollution resulting from the interaction of UV sunlight with chemicals in the atmosphere, like nitrogen oxides that get into the air primarily from the burning of fuel (ex. vehicle emissions). As a gas, smog is easily inhaled, making it extremely

hazardous to humans and animals, and can lead to severe health risks including lung tissue damage, bronchial infections, and heart problems.

THERE’S MORE THAN ONE WAY TO PLANT A TREE

Trees are nature’s air filters. They clean particulates out of the air and absorb pollutant gases like nitrogen oxides (NOx) by trapping them on leaves and bark. By integrating these granules, Malarkey shingles help actively reduce emission-based air pollution equivalent to planting ~2 trees per roof, with the approximation assuming standard roof of 30 squares. (Source: Lawrence Berkeley National Laboratory and 3M.) Diamond Designs’ recent 70-square project roof achieves more than double the average roof’s smog-reducing capacity.

HOW IT WORKS

Sunlight, a prevalent resource in Arizona, interacts with granules to convert smog into water-soluble ions. These granules, which blend inconspicuously into the shingle’s color, contain a photocatalytic coating which, when activated by the UV rays of the sun, creates the energy needed to break apart airborne water molecules (i.e. from humidity) into their component parts (i.e. H2O breaks into H and OH).

The newly formed OH molecule, called a hydroxyl radical, seeks to bind with other molecules. When a smog-molecule gets near the roof, the OH molecule binds with it, chemically transforming it from a dangerous, inhalable gas (NO2) into a water-soluble nitrate salt solid (NO3), a plant-usable form of nitrogen that washes away with rainwater as a mild fertilizer.

POLYMER-MODIFIED ASPHALT ROOFING GRANULE RETENTION

To ensure these impressive smog-reducing

granules live a long service life on the shingle, Malarkey embeds them in NEX® asphalt. Traditional methods to alter asphalt for roofing diminish its natural, rubber-like characteristics that retain granules and protect homes. “Competitor shingles have too much granule loss,” Paul commented.

To produce shingles that retain granule adhesion over time, Malarkey has engineered and innovated polymer-modified asphalt for more than three decades. Over the years, Malarkey has continually advanced the development of polymer-modified asphalt using new technologies to refine the physical characteristics desired for quality shingle performance.

Their latest achievement is NEX®, an asphalt with polymers from repurposed materials. The use of polymers from repurposed materials is the next step in Malarkey’s ongoing effort to promote sustainable roofing materials while maintaining a high level of quality. This progressive approach improves asphalt flexibility, granule adhesion, cold weather installation, and UV resistance while promoting sustainable product design.

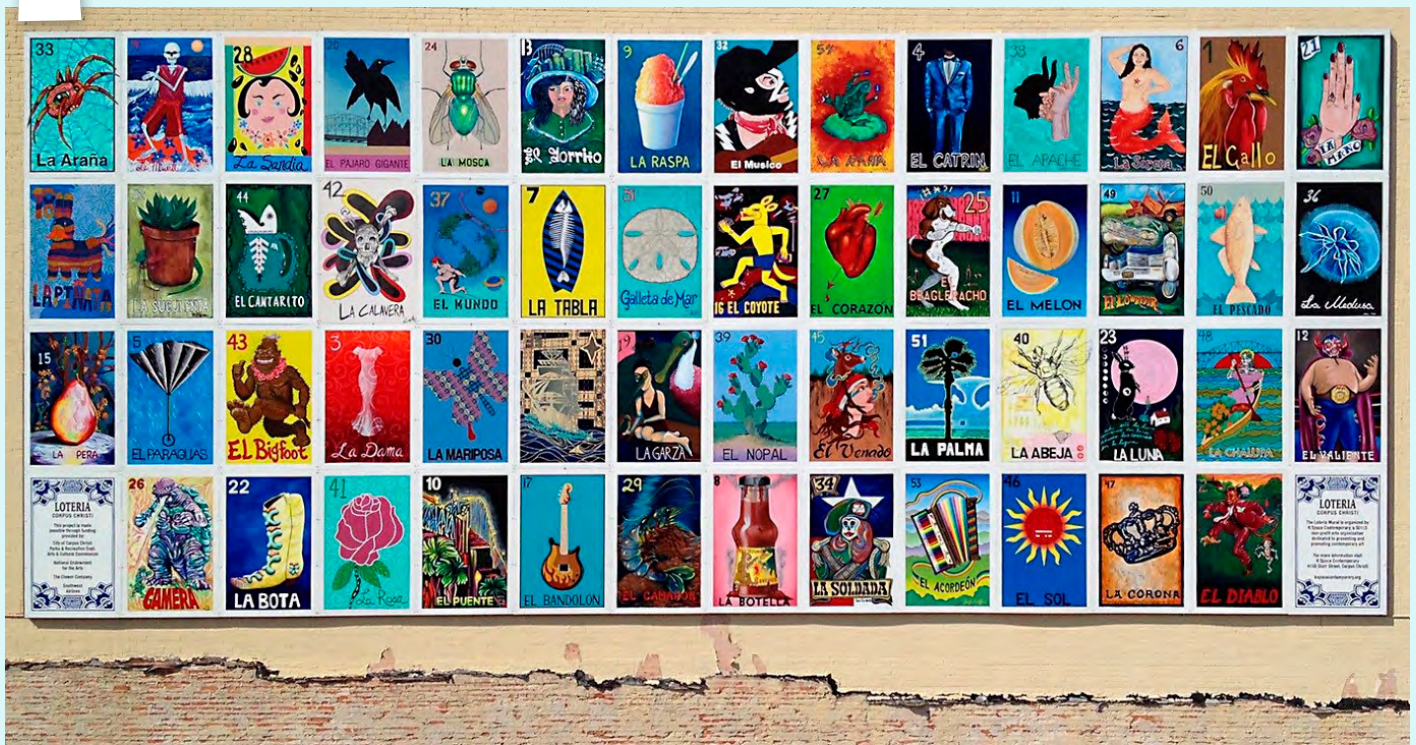
FINDING SUCCESS WITH HIGHLANDER® NEX®

Recalling his recent 70-square project, for which he utilized NEX®, Paul noted, “This job was a basic reroof — real simple. My guys do average-sized houses in a day. This roof layout was a little tricky, in that we found some severe woodwork issues that needed replacement, so the whole project took about two days. Overall, though, no significant delays.”

Highlander® NEX® turned out to be an excellent choice for both the homeowner and contractor on this roof. It serves, among many others, as an example of what is possible for the future of asphalt roofing when selecting the right tool for the job. 🏠

THE YOUNG PROFESSIONALS' FIRST ANNUAL

¡LOTERÍA!



ON APRIL 30, the **Young Professionals** committee did something different. Aware of ARCA's longstanding love of bingo tournaments, the YPs introduced members to a colorful variation on their favorite old game, *this* version rich in Mexican culture and tradition: *Lotería*.

Originating in Italy in the 15th century, Lotería first moved to Spain before reaching Mexico in 1769 and becoming iconic there.

The rules are similar to bingo in that players mark spots on a *tabla*, or board—except lotería boards are filled with colorful images instead of numbers. A designated card announcer randomly pulls vibrantly illustrated cards while players

mark matching images on their board with a token (traditionally a raw bean.) A shout of “¡lotería!” declares victory for one lucky player, ending the round.

Hosted at **ATAS International, Inc.**, ARCA's lotería event was a great success, with 20 winners for the day (out of 26 participants—not shabby odds) and an authentic spread of Mexican food—including carne asada, pastor, birria, and chicken tacos, as well as quesadillas, rice, and beans—that made everyone feel like a winner.

Committee chair **Bryan Hill (WRECORP)** and committee member **Minnie Robles (ATAS International, Inc.)** led the event, with Bryan displaying the cards in Vanna White fashion while Minnie

announced them in Spanish with English translations.

Thank you to our event sponsors:

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And *muchas gracias* to all who participated and made it a fun event. 🏠



ARCA Multiple Employer Plan

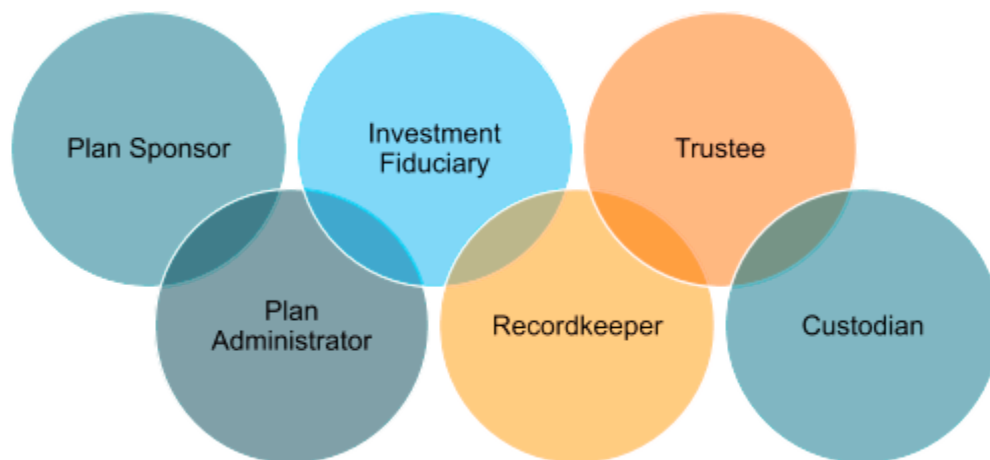
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What's an MEP and why should I join?

According to the Bureau of Labor Statistics, only 48% of employers with fewer than 50 employees sponsor a 401(k) plan. Stand out from the crowd.

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7. Reduced administrative burden
8. Economies of scale, increased buying power
9. Enterprise Bank/EPIC RPS manages the plan and the parties (listed below) involved

What's involved?





OMG, Inc. Celebrates its 40th Anniversary

A GAWAM, MASS., JUNE 22, 2021 — OMG, Inc., a leading manufacturer and global supplier of fasteners, products, and value-added components and technology for the commercial roofing and residential construction markets, announced its 40th anniversary serving diverse construction markets.

Established in 1981 under the name Olympic Fasteners, Inc., the company originally distributed fasteners for commercial roofing applications. In the mid-1980s, after several years of prosperous growth, the company began manufacturing and marketing its own line of construction fasteners at its current plant in Agawam, Mass.

Recognizing that on-site customer service and support were critical to its long-term success, the company began building a strong sales and technical support network of direct company

employees, which today is the largest of its kind in the commercial roofing industry. By the early 2000s, the company had changed its name to OMG, Inc.

What started as a fastener company has expanded over the years into a diversified manufacturer of components and technology for both commercial roofing and residential construction applications. Through its two operating divisions — OMG Roofing Products and FastenMaster — OMG has developed many innovative products and technologies. Most notable from OMG Roofing Products are OlyBond Insulation Adhesives, RhinoBond Induction Technology for installing thermoplastic roofing membranes, and its exclusive Vortex Breaker Drain Technology for commercial roof drains.

Notable FastenMaster products include the line of LOK products for structural wood-to-wood connections in residential applications, the Cortex Hidden Fastening

System for composite decks and trim, and FrameFAST, a tool for structural framing applications.

Today the company has nearly 600 employees globally and more than 400 in Western Mass., making it one of the area's largest employers. In addition, the company operates manufacturing plants in Agawam, MA, Addison, IL, and Rockford, MN. and has a global sales force of over 100 in North America, Europe, and Asia. Company capabilities include cold forming, stamping, heat treating, cathodic E-coating, adhesive formulating, and mixing, as well as packaging. OMG produces over 1 billion fasteners each year.

The company plans to celebrate its 40th anniversary throughout the year in various ways to thank employees and customers for its continued success. For additional information, please visit OMGInc.com or one of the divisional websites at OMGRoofing.com or FastenMaster.com.

2022
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The Roofing Alliance's
Gold Circle Awards program
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Winners will be announced during NRCA's 135th Annual Convention and the 2022 International Roofing Expo® in New Orleans, Feb. 1-3, 2022.

CALL FOR NOMINATIONS
DEADLINE FOR ENTRIES: OCT. 22, 2021



SOPREMA® Introduces SOPRALENE® ULTRA- STICK® FR GR

Product made with time, labor, material savings in mind

WADSWORTH, OHIO (JULY 23, 2021) — SOPREMA®, Inc. — a leader in the roofing, waterproofing, wall protection, and civil engineering industries — expanded its SBS-modified bitumen family with SOPRALENE® ULTRA-STICK® FR GR.

A polyester reinforced membrane made with time and labor savings in mind, SOPRALENE ULTRA-STICK FR GR is an SBS cap sheet that includes SOPREMA's superior high-tack, self-adhesive formula on the underside and a ceramic-coated granule on the topside. SOPRALENE ULTRA-STICK FR GR is available in two granule-surfacing offerings:

- 05020 SOPRALENE ULTRA-STICK FR GR (Standard White Granules) WH
- 05021 SOPRALENE ULTRA-STICK FR GR (Bright White Granules) SG

SOPREMA's ULTRA-STICK line of products is SBS-modified bitumen membranes specifically formulated for self-adhered applications. These membranes have a unique permanent film surfacing designed to aid in applying a SOPREMA self-adhered cap sheet. This surface also eliminates the need for interply priming,

resulting in material and labor savings. The ULTRA-STICK line is manufactured with a superior, high-tack self-adhesive blend on the underside to give these membranes the best initial tack in the industry.

SELF-ADHERED APPLICATION ADVANTAGES

- No odor from primers, adhesives, or asphalt
- No hazards due to open flame or hot asphalt
- Time and labor savings
- No special equipment needed
- Material savings

Please visit the product page for more information, including SOPRALENE ULTRA-STICK FR GR product and safety data sheets and brochures. [🏠](#)

SOPREMA® Expands Environmentally Friendly SOPRANATURE® Product Line

WADSWORTH, OHIO (AUGUST 11, 2021) — SOPREMA®, Inc. unveiled the latest additions to its renowned SOPRANATURE® product line, known for transforming roofs of all kinds into green and amenity spaces while maintaining their waterproofing features.

SOPRANATURE® vegetated systems offer various social, economic, and environmental benefits to building owners and communities, including enhanced building performance and increased asset value.

SOPREMA — a leader in the commercial roofing, waterproofing, wall protection, and civil engineering industries — has added three featured products to its SOPRANATURE® line:

- SOPRANATURE® TOUNDRA BOX — a pre-vegetated modular tray system composed of a box made of 100% recycled polypropylene and removable, recyclable white belts containing a filter fabric and a growing medium in which a mix of sedum species is cultivated.

- SOPRAFILTER — a fabric made of non-woven needle-punched polypropylene and polyester fibers used as filter cloth or as separation sheet in protected membrane roofing systems and in SOPRANATURE® green roofs, roof gardens, and plaza decks.

- SOPRADRAIN™ ECOVENT — a geometric-patterned core drainage mat designed to eliminate hydrostatic pressure on vegetated roofs, foundation walls, retaining walls, planter decks, and plaza decks while providing a protection fabric for the waterproof membrane.

Compatible with any SOPREMA commercial roofing and waterproofing product, SOPRANATURE vegetated systems create total building envelope and ecological systems that serve a much greater purpose than simple beautification. They help reduce stormwater runoff, improve air quality, and reduce greenhouse gas emissions. In addition to replacing mineral surfaces with permeable and living surfaces within the building, they compensate for the loss of ecosystem services caused by urban development.

For more information on SOPREMA's SOPRANATURE® product line, like product data sheets and maintenance guides, visit <https://soprema.us/sopranature>.

About SOPREMA, Inc. SOPREMA offers a comprehensive line of commercial roofing, waterproofing, wall protection, and civil engineering solutions, combining superior products and systems with decades of proven performance. Our solutions include industry-leading SBS-modified bitumen membranes, polymeric PMMA/PMA liquid-applied membranes, and synthetic single-ply PVC membranes. For applications as diverse as roofing, below-grade waterproofing, plaza deck and balcony waterproofing, air and vapor barriers, and bridge and parking structures, SOPREMA has the solution. SOPREMA's relentless pursuit of technological advancement, sustainability, and product quality has been known and respected worldwide for over 100 years. Visit www.soprema.us for a complete product offering, environmentally intelligent systems, technical information, and the latest innovations delivering sustainable solutions. [🏠](#)



To Restore . . . or Replace? Here's How to Decide.

Commercial roof restoration can bring a roof back to its full potential and provide an effective, economical alternative to a full tear-off. Here's how to determine if restoration is right for your next project.

By Dan White and John Walker

WHEN SEEKING TO bring a commercial roof back to its original level of performance, roofing professionals and building owners today have a few options to consider. Making the right repair decisions is important—it can help save weeks of time and tens of thousands of dollars. Though full roof replacement may seem like the only way to fully ensure long-term performance, modern roof restoration techniques can offer comparable performance at a far lower cost for both the owner and the contractor.

Today's bituminous roofs are ideal for repair because original waterproofing bitumen is easily bonded to new modified repair mastics and coating materials. Additionally, standardized repair procedures have been perfected, and following established best practices can return an original roof back to peak performance. However, replacement may be unavoidable in certain situations, depending on the overall condition of the roof.

So, how can you determine if a roof is

a good candidate for restoration?

ASSESS THE STATE OF YOUR ROOF

A thorough assessment of your roof will give you a good idea of where to begin with your repair plan.

First, visually inspect the roof for flaws. Initially, this will involve clearing off any trash or accumulated debris that might inhibit a complete visual inspection. Fully vacuuming dirt and gravel from the roof's surface will grant an even clearer picture. From there, some clues may become easily apparent to the naked eye:

- A soft area underfoot is an indicator of saturated insulation.
- Rusted, rotted, or cracked decking can sometimes be seen from the inside of the building and may help locate the worst areas of deck deterioration.
- Ponding water could indicate structural sagging in the deck.
- A splitting membrane may be visible to the naked eye of an experienced professional.

To gain a more thorough assessment of wet insulation, infrared photography can be deployed to uncover what the naked eye can't. Small, handheld infrared cameras

are great for smaller roofs. For very large roofs, aerial infrared photography, when possible, can be effective.

Once your visual inspection is complete, drawing up a detailed roof plan is a good next step. GPS systems can speed up this process, especially if you're drawing plans for very large facilities or complexes. Instruments commonly used in the surveying industry can be used to pinpoint roof equipment and leaking areas.

With your visual inspection complete and a roof plan in hand, you can verify your visual findings through a series of testing. A peel adhesion test can help determine the viability of coating solutions. Core-cutting, while destructive, can be eye-opening, helping to validate the visual moisture survey and confirm how many layers of roofing actually exist. Wind uplift testing can be used to determine the state of the membrane. Remember—membranes can become decimated by a storm, but may stay in place. The next major storm can finish the job by ripping the membrane completely off the structure.

Finally, a licensed structural engineer should be retained if there is any evidence of structural failure or additional loading on the roof (condensing units, blowers, metal screens, ballasted antennas, etc.).

ANALYZE YOUR FINDINGS

With your roof inspection complete,

it's time to determine a path forward. Roofs with low to moderate damage and saturation levels are often good candidates for roof restoration rather than a full re-cover and can be a cost-effective option when the circumstances call for it. Reroofs will be required in more extreme scenarios, like elevated levels of insulation saturation and decking deterioration. A good rule of thumb to remember is any roof more than 20% saturated is deemed a full tear-off, per many national building codes and standards.

In addition to the level of damage uncovered during inspection, there are some additional considerations when determining the right repair technique for your project, including the following:

- *What is the anticipated life span of the building?* Not every structure merits the same level of repair work. A small retail store sitting in the path of a proposed freeway expansion, for example, might not need a repair that ensures 20 years of performance. A major museum in the hub of a cultural district, by contrast, will require a long-term solution. In either case, proven repair solutions are available to best suit the needs of the given situation.
- *Are there plans to expand the building in the near future?* It's generally more economical to reroof a structure in conjunction with an expansion rather than split the project across multiple years. The need for roof access and impact to building operations can be greatly reduced if both projects can be performed at the same time.
- *Where and at what time of year will the work be done?* A 30-story condo tower in Florida has very different wind, thermal shock, thermal bridging, and UV exposure than a single-story industrial plant in the Midwest. These types of conditions should be considered when developing a repair or replacement plan.

THE CASE FOR RESTORATION

Your determination of the right repair method will depend on the specific circumstances of the job at hand. In situations where restoration is appropriate, you'll find some significant advantages over reroofing or other alternative repair

measures.

Restoration generally requires far less specialized equipment and does not leave the building interior exposed while the job takes place. A good roof restoration process involves removing any debris and cleaning the roof to prepare for the rest of the project. Next, depending on the condition of the roof, a primer is applied to ensure good adhesion for patching, stain-blocking, and rust inhibition. Then, patching is performed to make sure all parts of the roof system are watertight. Finally, protective coatings can be applied to ensure long-lasting performance. All the while, regular activity inside the building can continue uninterrupted.

Restoration jobs can also happen far more expediently than an entire reroof. For contractors, time is money. If you can successfully bring an existing roof back to its original performance level with restoration methods, you can move on to your next job more quickly.

A restoration project can be undertaken with the purchase of just a few high-performance products—a far more cost-effective solution than replacing the roof entirely. On average, full restorations range between \$400 and \$700 per square, while tear-off and replacement starts at \$1,000 per square and can go up from there depending on region and project complexity.

For a restoration project to meet its full potential, you can also work with the trusted supplier of high-performance coatings and mastics to help ensure a job well done. Modern mastic formulations are able to deliver outstanding performance that building owners can rely on for the long term. The right supplier may also be able to help you ensure best practices are followed on your next job, leading to more satisfied customers.

Interested in learning more about roof restoration? Contact the APOC team today to hear from the experts, or visit www.APOC.com.

Dan White is technical product manager for APOC, an ICP Building Solutions Group company.

John Walker is field systems coordinator for APOC, an ICP Building Solutions Group company.



NPFY Back-to-School Drive was a Success

DUE TO COVID-19, the Phoenix bowling committee made the difficult decision to skip this year's bowling tournament.

In an effort to continue supporting New Pathways for Youth, ARIF and ARCA participated in the NPFY back-to-school drive.

The goal was to collect 100 backpacks for youth in need, and we are happy to announce this target was reached by July 26.

Thanks to everyone who contributed!

ARCA

EX



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- Fire Pit Basket
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- Mophie Air Car Jump/Starter/Air Compressor
- Oversized Zero Gravity Chair w/ Folding Canopy Shade, Cup Holder
- Portable Hammock
- Power Washer
- Roku Sound Bar
- Roomba
- Sound Bar
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Making Work Easier with Technology

By Carol Hagen, Hagen Business Systems

[Microsoft Flow vs. Workflows — Which tool is right for me?](#)

For serious firms, there are dedicated workflow products that let you build your own workflows that are easier to learn than Power Automate. Additionally, firms may choose to invest in consulting services.

Bluebeam Workflows:

Common workflows performed with Bluebeam Revu include the inspection QA/QC processes (aka punch and backcheck), design and constructability reviews, and 2D clash detection using the Overlay feature. Another is that while estimators perform takeoff in Revu, they can create materials staging by roof area, building, etc., which is a significant value-add for your roofing firm to provide to the GC. There are also integrations with 3rd party applications using the Bluebeam Studio API to eliminate double entry.

Bluebeam Scripting:

Whether you are a project manager or general office staff, Bluebeam Revu Extreme can perform multiple functions on a document in a sequence (called a Script). Imagine adding headers/footers, applying a stamp, flattening (so hyperlinks work outside of Bluebeam), reducing the file size, and emailing all with one click! Now that's productivity.

In summary, by now, you realize just how much you don't know about software you already use. Expecting your team to stumble upon these time-saving capabilities isn't realistic. Plan your training and, at a minimum, find someone on your team who uses a software solution daily, is passionate about the product, and make them the expert. Some of your best teachers are superintendents who are always teaching new skills as part of their daily interactions. Create what we call "champions." Invest in training for them and have them share tips like crazy!

Carol Hagen is the owner of Hagen Business Systems Inc. and a Bluebeam Specialist at U.S. CAD. She is available for AEC software selection, consulting, and, of course, everything Bluebeam. Reach out to her at carol@hagenbusiness.com or carol.hagen@uscad.com.

EVERYONE IS STRUGGLING to be as productive as possible, and yet they only know what they know. In technology, that translates to doing things the long way. Whether it's scrolling to the bottom of a column in Excel or searching an overlay for plan revisions, we're losing minutes to inefficiencies—and that's just the tip of the iceberg.

Did you know learning tips and tricks to save each employee 5 minutes every day can add 1% to your business's bottom line? It also makes for happier employees. Making tasks more manageable and investing in technology to do the heavy lifting tells your team you care about them. Giving the computers the grunt work leaves work requiring problem-solving and critical thinking skills to the humans, helping your business improve and grow. I will provide some general business applications and some specifically to use with Bluebeam Revu — after all, I am a Bluebeam specialist. So, let's get started!

SHARE A SOFTWARE TIP DAILY

Just like having "Stretch 'n' Flex" before work, stretching your mind with tips on applications your team uses daily will improve productivity. Here are a few examples:

Bluebeam Revu Tips:

1. After zooming or panning, double-click on the mouse wheel to recenter your page view.
2. To add a leader line to a text box or a additional leader lines to a callout, you have two options: • Simply **right-click** and choose **Add a Leader**. [Learn more](#) • Alternatively, you may create a custom keyboard shortcut by navigating to **Revu > Keyboard Shortcuts > Commands** and assign

Y to the **Add Leader** command to save a mouse click.

If you need some hands-on practice to perfect these tips, [subscribe to the Hagen Business Systems blog](#), [follow Bluebeam Revu Tips on LinkedIn](#), or [take a Bluebeam Tips & Tricks class from U.S. CAD](#).

Microsoft Office Tips:

1. Jump to the last cell in a column by selecting **CTRL + Down Arrow** or the last cell in a row by selecting **CTRL + Right Arrow**
2. Select all the cells in the column above the currently highlighted cell by selecting **CTRL + SHIFT + Up Arrow**
3. Calculate the sum of a column or row by selecting the cell in which you want the total to appear and select **ALT + =**

Just think of all the time you'll save by not having to scroll or reposition your mouse back to the ribbon to select the Sum symbol.

CREATE WORKFLOWS

Software products often have built-in workflows available. For example, there are alerts and automatic report generation in many ERP and accounting systems that can distribute automatically based upon timing or an element a specified threshold. There are also workflows in document management systems, and, in Microsoft, with Flow and Power Automate. One typical workflow for businesses is to automate approval processes—from approval requests to responses—which could be something as simple as an employee vacation request form.

Not sure which tool to use? Here's an article I like to reference in this situation:



ROC 205554

Lyons Roofing remains grateful for all ARCA does to advance the success of our Roofing Community.

To all members of ARCA; Lyons Roofing wishes you a healthy and prosperous 2021.





New COVID-19 Requirements for Employers

Julie A. Pace (602.256.4488) David A. Selden (602.256.4490) Heidi Nunn-Gilman (602.256.4455)

NEW REQUIREMENTS FOR employers to address COVID-19 announced by President Biden on September 9, 2021.

President Biden announced multiple new federal requirements that will impose upon employers mandates that are intended to cause more Americans to be vaccinated. The new requirements announced on September 9, 2021 will be enforced in part through the Occupational Safety and Health Administration (OSHA) of the Department of Labor, and in part through Executive Orders signed by the President on September 9, 2021. These new initiatives are explained below.

I. VACCINATION OR WEEKLY TESTING, AND PAID TIME OFF FOR VACCINES TO BE REQUIRED FOR BUSINESSES WITH 100 OR MORE EMPLOYEES.

The Department of Labor will use its authority to issue Emergency Temporary Standards (ETS) to require all employers with 100 or more employees:

1. to require all workers to be fully vaccinated; or
2. to require all unvaccinated workers to produce a negative COVID test at least once a week before being allowed to work; and
3. to provide paid time off for workers to be vaccinated and to recover from health effects of a COVID vaccination.

In Arizona, Federal OSHA standards are enforced by the Arizona Division of

Occupational Safety and Health, part of the Industrial Commission of Arizona. Federal law requires the Arizona OSHA standards to be at least as effective as the Federal OSHA standards.

A. OSHA's Legal Authority for Emergency Temporary Standards.

The regulation has not yet been issued. The President announced that OSHA will issue the standard using its legal authority to issue Emergency Temporary Standards. Normally, an OSHA standard may be issued only after notice of the proposed standard is published, the public has an opportunity to comment on it, and the final standard is issued. Under the Emergency Temporary Standard authority, OSHA may issue a standard that takes effect immediately if OSHA considers a hazard to expose workers to a grave danger. The ETS may be in effect for up to six months, which allows time for public comment on the ETS and its replacement by a regular standard. The ETS may also be challenged in Court.

B. The Joint Employer Doctrine Will Undoubtedly Apply to Meet the 100-Employee Threshold.

This regulation will apply to 80 million workers of businesses with more than 100 employees. Under existing legal interpretations, the Department of Labor and Federal Courts often consider more than one business to be a joint employer of employees. This typically occurs when a staffing agency is used or when employees provide services for the benefit of affiliated businesses, such as a parent or subsidiary company. It can also

apply when contractors furnish workers who are used and directed by customers of the contractor.

The Joint Employer Doctrine will undoubtedly be used by OSHA to aggregate the number of workers to cross the 100-employee threshold for this new standard to apply.

The imposition of different OSHA standards for large employers than for smaller employers is different concept than what has traditionally been the approach for OSHA standards. Unlike the Civil Rights Act, the Family and Medical Leave Act, and other laws that apply only to employers with more than a specified number of employees, OSHA applies to all employers, regardless of size. There generally are not stricter standards based on the size of the employer, however, that is the approach for the new COVID vaccination requirements.

II. VACCINATION REQUIREMENTS FOR FEDERAL CONTRACTORS AND FEDERAL EMPLOYEES.

President Biden signed two Executive Orders on September 9, 2021, one applicable to Federal contractors, and their subcontractors, and their subcontractors' subcontractors, etc. and one for Federal employees. No later than September 24, 2021, the Federal Government will issue what will be referred to as "Guidance" that will be actually be a requirement. The Guidance has not yet been drafted, but will certainly state that for the promotion of worker safety, all businesses that have contracts with the federal government must require that their workers be vaccinated or be subjected to weekly testing, and they must require that their

direct and lower tier subcontractors do the same.

When the Guidance and related documents are issued, there may be some exceptions and there may be a phasing-in of requirements for businesses performing under existing or new contracts.

All Federal agencies have until September 16, 2021 to issue requirements for vaccination of all of their employees, subject only to limited exceptions, as discussed below.

III. POTENTIAL EXCEPTIONS TO VACCINE REQUIREMENTS AND CAUTIONS IN COMMUNICATIONS AND MANAGING RISKS IN IMPLEMENTING MANDATORY VACCINATION POLICIES AND THE NEW LAW.

Under the Civil Rights Act of 1964 and the Americans with Disabilities Act, employers of 15 or more employees may be required to accommodate employees' mental and physical disabilities and their religious views and practices. The executive actions announced by President Biden therefore must be reconciled with those potential exceptions to a vaccination requirement.

Employers should therefore consider employee requests for accommodations based on their medical or psychological conditions, if those conditions could be considered to be a disability, which is generally considered to be a physical or mental impairment that substantially restricts a major life activity. A compromised immune system, for example, would often qualify as such an impairment. Because the OSHA standard can be satisfied by a weekly COVID test, it would be unlikely that an employee could have a medical reason not to be tested, even if there is a medical reason not to be vaccinated.

Employers will need to follow the ADA interactive dialogue requirements. Employers should be fair, respectful and document concerns and consider alternative accommodations to only a mandatory vaccine to avoid retaliation and lawsuits. Deadlines for vaccine mandates may need to be extended while dialogues occur with an employee and/or their healthcare provider or counselors. The EEOC may find the company discriminated against employees with medical conditions

if the Company does not engage in an interactive dialogue and discuss and provide alternative accommodations.

Be cautious of drop dead deadlines to commit or to obtain a vaccine when communicating with employees about their medical issues. Limiting employees time frame and dialogue in this manner can be construed as discrimination if people are threatened with their employment or ability to work and earn a living and are precluded from an effective interactive dialogue occurs. Don't forget the basics of the ADA process. Manage risks to avoid complaints and lawsuits even if at the end of a trial a company may prevail on being able to mandate vaccines, at what financial cost and distraction of time and resources.

Remember that all medical related information, from copies of vaccination cards to notes and discussions about medical issues, must be kept under lock and key separate from a regular personnel file.

Another exception to mandatory vaccinations and testing that can arise is for religious objections. For example, Christian Scientists tend to focus on prayer for healing and not necessarily medicine or medical treatment and may seek an exception to a mandatory testing policy. The Civil Rights Act does enable employees to request accommodations for personal belief systems that fulfill a role in their lives that is similar to the role that religion fills in the lives of adherents to traditional religions. Again, this requires an interactive dialogue and discussion of alternative options to mandatory vaccinations. For example, the duty to accommodate religious practices or a belief system that opposes vaccinations would not appear to apply to excuse weekly Covid testing or other alternative work arrangements.

Company representatives and supervisors should not make fun of employees who have sincerely held beliefs or anxieties about medicine, vaccines, etc. Be careful of inappropriate comments by supervisors that are disrespectful or demonstrate a lack of compassion and understanding for employees and their religion, medical status anxieties, etc. We are already seeing claims raised about these type of behaviors so be cautious who your organization selects to meet with employees or discuss these topics with your employees.

An organization can cause irreparable harm in employee loyalty and morale depending on the manner and communications that are used to roll out mandatory vaccines. Remember just because it is a company policy or federal law to get a vaccine does not mean people will, similar to people choosing at times to disregard safety and do not wear mandatory seat belts or may text while driving.

This is a time for leadership in addressing these issues. Just because the laws says you can mandate vaccines does not mean your organization should ignore planning the method and process to achieve that goal. Many organizations are promoting vaccines through education and encouragement to help people make the choice themselves to protect themselves and others. Regularly educate your workforce about the vaccine and risks of not having the vaccine. Bring in speakers. Also, consider bringing a nurse to the company to give vaccines, just like companies do with flu shots. Talking to employees about one's own successful experience with the vaccine can be reassuring to employees who have a very real fear of the vaccine.

And, if the company representatives are making inappropriate comments behind closed doors at your organization, they should probably not be involved in the Human Resources process to address these issues. It is a charge or lawsuit waiting to happen, as well as adversely impacting the morale at an organization in a time of intense labor shortage.

Also, companies need to be mindful to avoid concerted protected activity complaints filed with the NLRB. Companies do not need to be a union to be subject to the NLRB. Employees of private, non-union companies can file unfair labor practices charged with the NLRB if employees are communicating about terms and conditions of their employment and violations arise. For example, if a company is upset that employees will not get vaccinated and starts surveilling or monitoring the employees and their communications among one another, that can be an NLRB violation. If a company tells employees they cannot share with one another what the company provides for accommodations, that can be a violation. So tread lightly to manage risks and accomplish goals.

One of our national niches is in representing companies involving OSHA and safety at work. OSHA is in charge of enforcing the new Federal Government mandate and can issue fines of up to \$14,000 per violation. Please update your organization's pandemic plan to integrate these new rules.

Employees also can bring retaliation OSHA complaints against companies. For example, if employees raise a safety issue that is ignored or the company fails to comply or expresses disdain for the employees raising the safety issue, that can be retaliation and employees can file a charge with OSHA.

IV. ADDITIONAL PRACTICAL RECOMMENDATIONS.

Employers should implement COVID vaccination and testing policies applicable to their employees so that employees know what is required, when compliance must be accomplished, and the reasons for the requirements. Prepare and conduct educational and factual training to employees within the next thirty days regarding the vaccine.

Gammage & Burnham employment lawyers have experience in counseling employers and providing COVID policies, updated OSHA-compliant pandemic plans, safety toolbox talks to use with employees and working with companies to document and engage in the interactive dialogues required by the ADA and for religious considerations.

It is generally more effective for the policy to be explained by a supervisor who is closer and more likely to be trusted by the subordinate employees than for the policy to be rolled out in a large group setting or on paper or email, which makes it less likely that employees will be comfortable to ask questions or express themselves. Also, consider having a counselor's contact information available to employees to speak with in a private setting about their anxieties and stress related to the vaccine.

Do not forget to translate educational materials into Spanish or other languages to enhance education and awareness about the safety of the vaccine and the benefits of the vaccine against COVID. If a workforce is afraid of the government or concerned about providing information to

get a vaccine, consider bringing a nurse to the workers.


Depending on the number of unvaccinated employees, businesses may want to consider engaging a mobile vaccination or testing service to come to the workplace, as that would facilitate compliance and minimize the paid time off for vaccinations.

Employers should also preserve documentation that they have reviewed vaccination cards, negative COVID tests results for employees, or possess employee signed acknowledgment forms that a person has been vaccinated in order to demonstrate compliance with the new standard in the event there is an OSHA inspection, which can be triggered by an employee complaint or by a random process. Records to verify vaccinations or negative COVID tests should be preserved, either in paper or electronic form, in a confidential and secure manner and may not be maintained with regular personnel files. Counterfeit vaccination cards are already appearing so companies may need to address fraudulent documents.

Employee resistance to vaccinations may be deep seated and based on a variety of factors. Employers should also consider engaging the services of counselors or medical providers to speak with hesitant employees to answer questions and provide information. Such approaches will likely be more persuasive and effective with some vaccine resistant employees who may react negatively to perceived authoritarian edicts from employers just as they do to mandates from the government.

Caring and trusted individuals in organization will have more success in talking to employees and accomplishing the goal of increasing vaccinations at a worksite, as opposed to threats and bullying employees to obtain a vaccine. Plan your process to increase vaccinations and ensure compliance, while avoiding unnecessary distractions and disruptions at work and avoiding claims and charges. Safety, education, understanding and mental health support should be a primary element of a company's plan to implement the new law.


The Employment Practice Group at Gammage & Burnham is available to help companies address employment policies such as COVID compliance,

interactive dialogue process, as well as to counsel employers in individual compliance or employee discipline issues. Gammage & Burnham lawyers have particularly extensive experience in OSHA compliance issues, and OSHA procedures are the centerpiece for the new COVID requirements for employers. For additional guidance, please contact Julie Pace, David Selden, or Heidi Nunn-Gilman. 

JULIE PACE'S practice handles employment law, handbooks, drug and alcohol policies, I-9 and E-Verify compliance, OSHA, independent contractor and alleged misclassification issues with DES and other government agencies, and defends claims of sexual harassment, employment discrimination, retaliation, whistleblower, and wrongful discharge, and against charges by the EEOC or ACRD. She handles matters involving OSHA, ICE, OFCCP, DOL, NLRB, ADA, FMLA, ERISA, PPA, CARES Act, SIGPR Audits, COVID-19, ACA, Davis-Bacon, wage and hour laws, FAR, SCA, and government contracts. She regularly provides training to companies and assists with investigations. Julie can be reached at 602.256.4488 or jp pace@gblaw.com

DAVE SELDEN'S practice focuses on defending employers in employment and commercial litigation relating to the full range of employment issues, including but not limited to wrongful termination, non-competes, independent contractor and alleged misclassification issues with DES and other government agencies, defending claims of sexual harassment, employment discrimination, retaliation, whistleblower, and EEOC OR ACRD charges. He drafted most of the Arizona employment laws enacted during the past 25 years. He handles matters involving OSHA, ICE, OFCCP, DOL, NLRB, ADA, FMLA, Davis-Bacon, FAR, SCA, PPA, CARES Act, SIGPR Audits, COVID-19, government contracts, and wage and hour laws. Dave can be reached at 602.256.4490 or dselden@gblaw.com.

HEIDI NUNN-GILMAN'S practice focuses on employment litigation and human resource matters. She advises clients on matters relating to labor and employment law, including I-9 and immigration compliance strategies, E-Verify, ICE and worksite enforcement, EEOC, Title VII, FLSA, FMLA, ADA, drug and alcohol, NLRB, PPA, CARES Act, SIGPR Audits, COVID-19, wrongful discharge, non-competition and confidentiality agreements, wage and hour laws/DOL for both public and private employers, paid sick leave, employee handbooks, and executive agreements. Heidi can be reached at 602.256.4455 or hunnngilman@gblaw.com.

An aerial photograph of a small wooden cabin with a dark roof, situated in a dense forest. A yellow boat is parked on a path leading to the cabin. The scene is lush and green, with sunlight filtering through the trees.

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SEP 17 8:00 AM-4:00 PM	ARCA ACADEMY—INSULATION FOR ROOFING SYSTEMS ARCA TRAINING ROOM (ON PREMISES, NOT VIRTUAL) 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
SEP 30-OCT 2	52ND ANNUAL ROOFING EXPO LITTLE AMERICA HOTEL, 2515 E. BUTLER AVE., FLAGSTAFF
OCT 13 11:00 AM-12:30 PM	NWIR POUR & SIP EVENT ARCA TRAINING ROOM (ON PREMISES, NOT VIRTUAL) 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
OCT 15 7:00 AM-3:00 PM	ARCA ACADEMY—SINGLE PLY ROOFING SYSTEMS ARCA TRAINING ROOM (ON PREMISES, NOT VIRTUAL) 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
OCT 22-NOV 12 7:00 AM-4:00 PM	OSHA 30-HOUR TRAINING (ENGLISH) ARCA TRAINING ROOM (ON PREMISES, NOT VIRTUAL) 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
OCT 22 8:00 AM-12:30 PM	WEBINAR: TILE ROOFING INSTALLER CERTIFICATION <i>Webinar login details provided upon registration.</i> Register here.
NOV 6 11:00 AM	2021 FALL RIDERS RALLY Complete route available here.
NOV 19 7:00 AM-3:00 PM	ARCA ACADEMY—METAL FLASHINGS VS LIQUID FLASHINGS ARCA TRAINING ROOM (ON PREMISES, NOT VIRTUAL) 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
DEC 09 4:00 PM-6:30 PM	ARCANSTRUCTION—9TH ANNUAL HOLIDAY PARTY ARCA TRAINING ROOM (ON PREMISES, NOT VIRTUAL) 3839 N. 3RD ST., STE. 106, PHOENIX, AZ 85012
JAN 14 11:00 AM	ARIF 4TH ANNUAL GOLF TOURNAMENT ARIZONA BILTMORE GOLF CLUB 2400 E. MISSOURI AVENUE PHOENIX, 85016

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Email russelh@gryphonaz.com

1ST VICE PRESIDENT – LARRY MILLER
GORMAN ROOFING SERVICES, INC.
2229 East University Drive
Phoenix, Arizona 85034
Phone 602-262-2423 Fax 602-262-2405
Email larrym@gormanroofingservices.com

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ROOFING SOLUTIONS & CONCEPTS
85 West Combs Rd, Suite 101-361
San Tan Valley, Arizona 85140
Phone 602-377-6372
Email jasonkill2018@gmail.com

SECRETARY/TREASURER – ERIC PERRY
ECO ROOFING SOLUTIONS, LLC
8732 East Rose Lane
Scottsdale, Arizona 85250
Phone 480-695-7736
Email eric@ecoroofaz.com

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PIONEER ROOFING COMPANY
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Phone 602-944-2696 Fax 602-997-0623
Email rgibbons@pioneer-az.com

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EAGLE ROOFING PRODUCTS
3452 West Tailfeather Drive
Marana, Arizona 85658
Phone 602-346-1700
Email scotta@eagleroofing.com

DIRECTOR – RON BROWN
JBS ROOFING CO., INC.
5537 North 59th Avenue
Glendale, Arizona 85301
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Email ron@jbsroofingaz.com

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INCA ROOFING, INC.
2430 East Danbury Road
Phoenix, Arizona 85032
Phone 602-544-0998 Fax 602-589-0411
Email salflores@incarroofing.com

DIRECTOR – SALLY HEADLEE
HEADLEE ROOFING CO., INC.
2727 North Flowing Wells Road
Tucson, Arizona 85705
Phone 520-882-5757
Email sally@headleeroofing.com

DIRECTOR – BRYAN HILL
WRECORP
6828 West Corrine Drive
Peoria, Arizona 85381
Phone 623-878-7117 Fax 800-861-3792
Email bryan@wrecorp.com

DIRECTOR – BEN KELLEY
POLYGLASS
1111 West Newport Center Drive
Deerfield Beach, Florida 33442
Phone 480-540-7827 Fax 602-237-2479
Email swroofingreps@gmail.com

DIRECTOR – RHONDA LANUE
LYONS ROOFING
878 West Illini Street
Phoenix, Arizona 85041
Phone 602-276-5515 Fax 602-276-7089
Email rlanue@lyonsroofing.com

DIRECTOR – DAVE METZ
GLOBAL ROOFING GROUP
1247 E 22nd Street
Tucson, Arizona 85716
Phone 520-404-4268
Email davem@globalrsw.com

DIRECTOR – MINERVA ROBLES
ATAS INTERNATIONAL, INC.
419 East Juanita Avenue
Mesa, Arizona 85204
Phone 480-209-8816
Email mrobles@atas.com

DIRECTOR – PETE SCHMAUTZ
STAR ROOFING, INC.
9201 North 9th Avenue
Phoenix, Arizona 85021
Phone 602-944-3323 Fax 602-944-4749
Email pschmautz@starroofingaz.com

DIRECTOR – JEFF STARKWEATHER
STARKWEATHER ROOFING, INC.
29455 North Cave Creek Road, Suite 118-631
Cave Creek, Arizona 85331
Phone 602-997-0529 Fax 602-395-0369
Email jeff@starkweatherroof.com

DIRECTOR – TRACY WALLIS
AMERICA ROOFING COMPANY
1005 South 30th Avenue
Phoenix, Arizona 85009
Phone 602 237-2478 Fax 602 237-2479
Email tracy@americarroofingco.com

DIRECTOR – SARAH WEISS
ELITE ROOFING SUPPLY
4600 West Glendale Avenue
Glendale, Arizona 85301
Phone 602-396-2261
Email sweiss@eliteroofingsupply.com

ARCA DIRECTOR – JENNIFER GEORGE
AZ ROOFING CONTRACTORS ASSOCIATION
3839 N 3rd St, Unit 106
Phoenix, Arizona 85012
Phone 602-335-0133
Email jgeorge@azroofing.org

ARIZONA ROOFING CONTRACTORS ASSOCIATION 2021 COMMITTEE CONTACTS

AWARDS

*Russel Hyman, Gryphon Roofing

BUDGET AND INVESTMENT

*Eric Perry, Eco Roofing Solutions

CAREER DEVELOPMENT

*Russel Hyman, Gryphon Roofing

EDUCATION

Jerry Brown, WRECORP
Office: 623 878-7117 Fax: 800-861-3792
Email: jerry@wrecorp.com

*Bryan Hill, WRECORP

EXECUTIVE

*Russel Hyman, Gryphon Roofing

EXPO

*Pete Schmautz

Minnie Robles, ATAS International, Inc.
Office: 480-209-8816
Email: mrobles@atas.com

GOLF

Chuck Chapman, Tecta America Arizona
Office: 602 246-8661
Email: cchapman@tectaaamerica.com

*Andy Clarke, Global Roofing Group fka Roofing Southwest

*Pete Schmautz, Star Roofing, Inc.

MEMBERSHIP/MARKETING

*Eric Perry, Eco Roofing Solutions

NATIONAL WOMEN IN ROOFING / AZ CHAPTER

Valorie Miller, JBS Roofing
Office: 623 247-9252 Fax: 623 435-8577
Email: val@jbsroofing.com

NOMINATIONS AND ELECTIONS

*Ron Gibbons, Pioneer Roofing Company

RIDERS RALLY

Jeff Klein, Star Roofing, Inc.
Office: 602-888-0675
Email: jklein@starroofingaz.com

*Larry Miller, Gorman Roofing Services, Inc.

ROC

Matt Behmer, Behmer Roofing
Office: 480-440-9766
Email: matt.behmer@behmerroofing.com

SAFETY AND TECHNICAL

*Pete Schmautz, Star Roofing

Dave Coultrap, Division Seven Systems
Office: 480 917-8383
Email: daveofdiv7@aol.com

*Russel Hyman, Gryphon Roofing

SPONSORSHIP

Chuck Chapman, Tecta America Arizona
Office: 602 246-8661
Email: cchapman@tectaaamerica.com

John Plescia, Star Roofing, Inc.
Office: 602-944-3323 Fax: 602-944-4749
Email: jplescia@starroof.com

YOUNG PROFESSIONALS

*Bryan Hill, WRECORP

Paul McPherson, Malarkey Roofing Products
Office: 480 406-8119
Email: pmcpherson@malarkeyroofing.com

ARIF Committees

CHARITY BOWLING PHOENIX

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SPORTING CLAYS

Onnie Diaz, Flynn Companies
Office: 623-300-6807
Email: onnie.diaz@flynncompanies.com

James Rosetti, Flynn Companies
Office: 602 768-8087
Email: james@flynncompanies.com

* contact info can be found on ARCA Board of Directors list (previous page)

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