

THE BI-MONTHLY PUBLICATION OF THE DISTRIBUTION CONTRACTORS ASSOCIATION



DCA NEWS

SEPTEMBER / OCTOBER 2021



**DCA History
The 00's**

**Annual
Convention**

**Mid Year
Meeting**



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DCA Historical Member Photos

The 00s - A Fast-Changing World

As the world's odometer rolled over the big triple-zero, humanity kicked off the new millennium with the biggest party the world had ever seen, 6.1 billion strong. Computer programmers everywhere finally breathed a sigh of relief after months of desperate code-checking when the clock struck midnight and... nothing happened. Crisis averted! Bill Clinton was finishing out a scandal-plagued term as president while Vladimir Putin moved into the Kremlin after Boris Yeltsin's surprise resignation. The DCA emerged from a transformative decade that ushered in new leadership, new traditions, and a stronger financial foundation than ever before. The future was here at last, and the world seemed full of promise.

The Party's Over

By February 2000 it seemed like the world was over it. Violence rocked far-flung places from Colombia to Chechnya to Sri Lanka, George W. Bush and John McCain battled fiercely for the opportunity to run against Al Gore, and reality TV was a thing now that gave us the cultural milestone of "Who Wants to Marry a Multimillionaire?" Worst of all (unless you're Vern), Jim Varney – Ernest P. Worrell himself – was dead. Over 400 DCA members deftly avoided all the strife by going to St. Thomas in the U.S. Virgin Islands for the 39th annual convention. Outgoing president Pat Michels remarked that "DCA membership and influence continues to grow. The association is positioned to become more involved in member-driven programs." David Nelson was elected



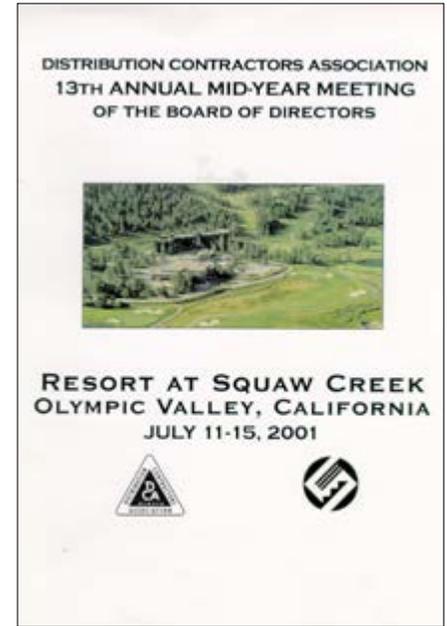
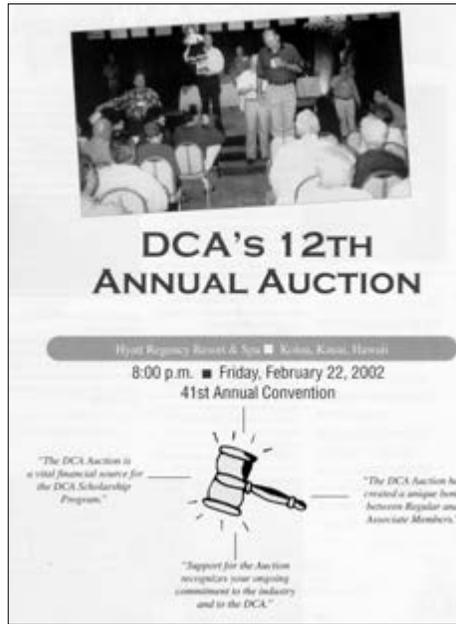
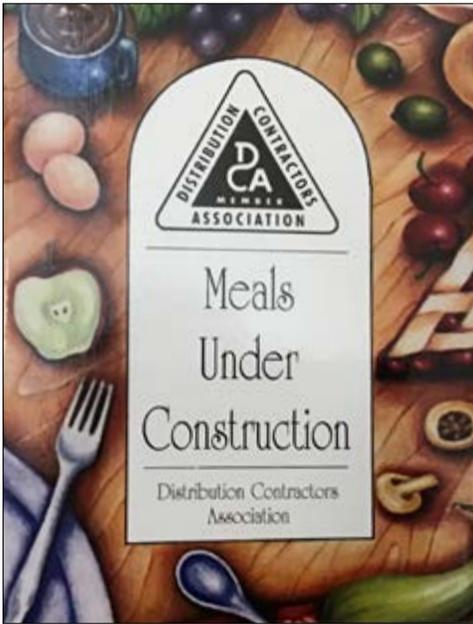
DCA Board Meeting 2008

president, Snelson Companies continued their safety awards dynasty joined by Mid-Mountain Contractors, and the annual auction surpassed \$200,000 for the first time.

The weather was decidedly less balmy for the 40th convention at the Westin in Palm Springs, California, the following February. Cold, windy, and wet conditions nearly torpedoed the golf tournament, but the DCA had other victories to celebrate in 2001. In response to legislation in a number of states calling for HDD operator certification, a consortium that included DCA developed an HDD good practices manual and training curriculum. DCA also collaborated in training programs with the major labor organizations and continued to emphasize safety in the wake of tragic, headline-making accidents. Fiber optic and natural gas installations were booming so strongly it was hard to keep up. To add the icing on the cake, DCA elected its first ever female president, Linda Loftis-Vrooman of Loftis Construction Corp. While the members waited out the bad weather, they could listen to U2's Grammy-winning Song of the Year "Beautiful Day" or go see "Crouching Tiger, Hidden Dragon" in the theaters. HAL never did open the pod bay doors, though.

In early 2002, the country and the world were still reeling from the aftermath of the September 11 attacks. Many DCA member companies were still actively involved in the cleanup and recovery efforts at Ground Zero and the Pentagon. The Winter Olympics in Salt Lake City went on despite the general gloom, bringing a bit of welcome distraction. Attendance at the convention in Hawaii dropped to 250 and the auction slid to \$175,000 from its recent highs. Linda Loftis Vrooman observed that merger and acquisition activity had slowed substantially over the last year, and workforce training and recruiting remained a growing problem. The terrorist attacks also brought into focus the need for utility contractors to work with insurance carriers to develop better insurance programs to meet the needs of the changing work environment. The DCA unveiled a new five-year strategic plan that year. Distribution Construction and Snelson (of course) won safety awards, and Jim Bender of Sub-Surface Construction Company was elected DCA President. Bender would later resign from the post,

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DCA Cookbook and Brochures from the 2000s

and Michael D. Murphy of Murphy Bros., Inc., fulfilled the remaining term.

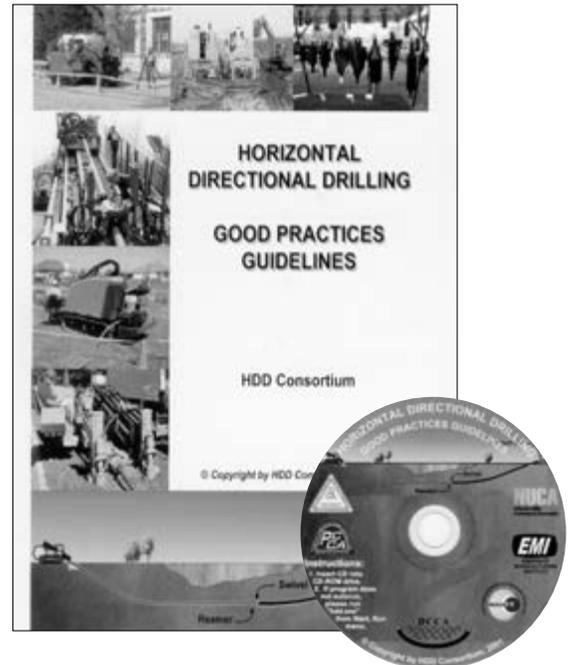
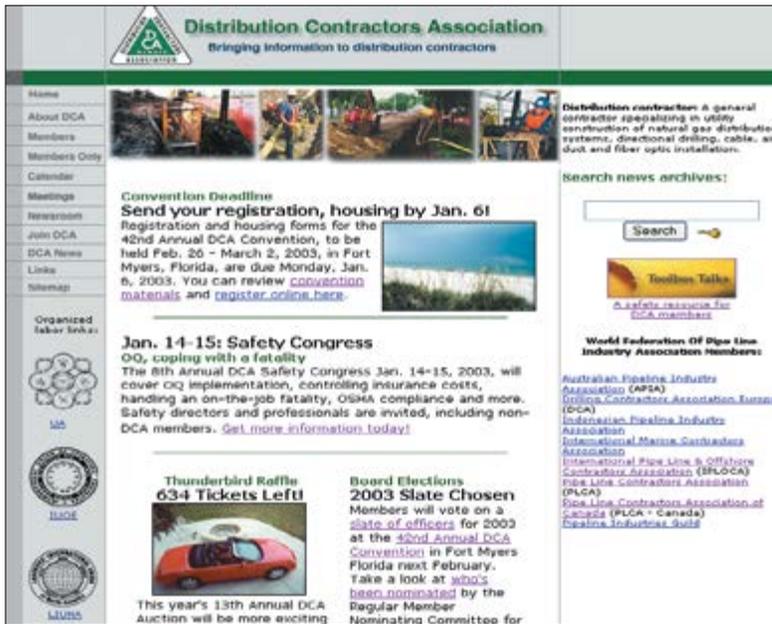
Helping America Back On Its Feet

For 2003 the convention moved to the Sanibel Harbour Resort & Spa in Fort Myers, Florida. Michael Murphy was elected to serve a full term as president after filling the vacancy in 2002, and former president Tom Poole and Ollie Klinger received the title of Honorary Member for their contributions to the association. The 13th Annual Auction raised \$168,000 and included the first-ever car raffle of a brand new Ford Thunderbird, won by 1990 DCA president Scotty McGlothlin. Snelson continued to bask in its safety glory, joined by Minnesota Limited. The news outside remained mostly grim, with President George W. Bush seeking justification for war with Iraq and beloved TV host Mister Rogers passing away from cancer. NASA was still searching for the remains of the Columbia space shuttle after it broke up on reentry on February 1st. On a hopeful note, however, New York City chose the design of a 1,776-foot spire to rise on the site of the former World Trade Center the day the convention opened.

February 2004 saw Mel Gibson's "The Passion of the Christ" debut just three days after the final episode of "Sex and the City" (coincidence?). "Lord of the Rings: The Return of the King" cleaned up at the Oscars, gay marriage and clerical abuse were in the news, and a real live wolverine was spotted in Michigan (that's

the Wolverine state, for you Badger fans) for the first time in 200 years. The Hyatt Regency in Scottsdale, Arizona, hosted 280 attendees for the 43rd annual DCA convention, where Keith Swerdfeger of K.R. Swerdfeger Construction, Inc. was elected president. Swerdfeger would run for another office that year, this time in the state legislature of Colorado, although he came up just short of victory. Tim Michels of Michels Corporation encountered a similar result in challenging for a U.S. Senate seat in Wisconsin. The auction raised \$140,000 and officially retired Bob Lyons' multi-colored coat with a special tribute to the man, the myth, the legend. Maintenance Unlimited and Snelson (yet again) won safety awards. Meanwhile, the association paid close attention as the U.S. Congress worked to overhaul the 2002 Pipeline Safety Act, with DCA determined to ensure the revised act would contain language setting mandatory standards for verifying operator qualification.

In 2005, America's troubles in Iraq and Afghanistan were a daily sore spot for anyone watching the news, Microsoft founder Bill Gates declared that U.S. high schools were "obsolete" and left millions of students unprepared for college and technical jobs, and hip-hop star 50 Cent ruled the music charts with three hits in the top 10. In Kansas, police finally arrested the infamous "BTK" serial killer, Dennis Rader, after the case had gone cold for more than 25 years. DCA headed back to Disney World again that February, where the Grand Floridian hotel played host. Attendance jumped



DCA Website and HDD Materials from the 2000s

to 366, the highest total in five years. DeWitt Burdeaux of the Transportation Safety Institute in Oklahoma City and Dennis Jarnecke with GTI were featured speakers, and Snelson's stranglehold on the safety awards was finally broken when Minnesota Limited, Inc. and Mears/HDD LLC took home the honors. The board of directors established a Horizontal Directional Drilling Committee, combined the Membership and Marketing committees, and tripled the annual funding to the Michels Scholarship Committee from \$5000 to \$15,000. Ken Gabrielse of Gabe's Construction Co., Inc. took office as president, and the auction brought in \$153,000. Later in the year, DCA contractors would be vital in the recovery efforts along the Gulf Coast following the infamous hurricanes Katrina and Rita.

As the 2006 convention rolled around, DCA returned to Hawaii in a Winter Olympic year for the fourth consecutive time since 1994 as the Games began in Turin, Italy. The event at the Sheraton Maui Resort Ka'anapali Beach, Hawaii, revolved prominently around HDD as the HDD Committee assembled for the first time and an entire day was devoted to HDD topics. DCA had recently absorbed the assets of the Directional Crossing Contractors Association (DCCA), and some of its former members went on to join the new committee. Outgoing president Ken Gabrielse reflected on DCA history in his address, remarking that "...our association has changed over the last 45 years. We have evolved from an early group of contractors who installed gas

mains and services for utilities to a group of contractors and associate members both large and small that have become major suppliers of all utility services for utility companies, both gas and electric, municipal infrastructure and the underground transportation of communication and vital resources that continue to make America prosper." Terry O'Sullivan, general president of the Laborers' International Union of N.A., and Gerry Shaheen, group president of Caterpillar and chairman of AEM were also featured speakers. The 300 delegates raised a record \$217,000 at the auction and Snelson returned to the podium as the safety awards were expanded from two categories to three, joining Quality Restoration Services, Inc. and Patterson & Wilder Construction Co. Ed Shannon of Snelson Companies, Inc. took office as incoming president. Between the first and last days of the convention, millionaire adventurer Steve Fossett managed to fly 25,000 miles around the world in a balloon, and Vice President Dick Cheney made headlines for all the wrong reasons by accidentally shooting his friend in the face with birdshot on a hunting trip.

Thriving in Hard Times

The Atlantis Resort on Paradise Island, Nassau, Bahamas, was the destination for the 2007 convention, attracting

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DCA Business Session 2000s

almost 300 delegates for the second year in a row even though the date was moved up to January. Back in the states, Lovie Smith and Tony Dungie became the first Black head coaches to earn their way into the Super Bowl as the Chicago Bears and the Indianapolis Colts prepared to face off. As Sen. Hillary Clinton announced her intention to run for U.S. President in Washington, Christopher Leines of Minnesota Limited was elected to serve as DCA president. Dan Waters, formerly of Miller Pipeline, and Butch Graham of Ritchie Bros. Auctioneers were inducted as honorary members. Patterson & Wilder Construction and Midwestern Contractors succeeded in bumping Snelson off the safety podium again that year. When Leines reflected back on 2007, he noted that the recent slowdown in the housing market had not affected gas contractors yet, who remained quite busy, but it was a point of concern that bore watching. The DCA also made significant improvements to its ability to communicate with members, launching a redesigned website and an email newsletter to complement the new and improved DCA News, which included more industry news and articles about member projects and industry topics. The association database was upgraded as well, and signatory contractor wage and benefit pages were added to the website to aid members in preparing bids.

All of it could now be conveniently accessed on the brand new first-generation iPhone released in January, which would revolutionize communications and go on to cause more car accidents than any invention since the miniskirt.

By February 2008, the U.S. economy was skating on thin ice. Millions of homeowners were underwater on sub-prime mortgages, General Motors reported record losses, and President Bush signed legislation to speed up income tax rebates to try and stabilize the situation. DCA members gathered at the Renaissance Esmeralda Resort in Palm Springs, California, to find weather as chilly as the economic forecast, barely above freezing the morning of the golf tournament. Anthony R. Deussenberg, vice president of construction for Otis Eastern Service, Inc. took office as DCA president, and Ruth Michels, CEO of Michels Corp., announced a \$50,000 donation to the DCA-Dale R. Michels Endowed Scholarship Fund to commemorate the 10th anniversary of Dale Michels' passing. Brotherton Pipeline, KS Energy Services, and K.R. Swerdfeger Construction took home safety awards. Despite the economic headwinds, a continuing increase in infrastructure projects, blanket contracts, demand for directional drilling services, and major pipeline projects helped to keep most members in the black over the



DCA Strategic Plan Meeting 2000s

course of the year. Attracting new workers to the pipeline and construction industries remained a growing concern, however.

The beginning of 2009 was an emotional roller coaster to say the least. America had elected its first Black president in Barack Obama, but he inherited an economy in shambles as GM and Chrysler requested billions in bailouts while slashing jobs and closing factories, and the quagmire in Iraq and Afghanistan rambled on. The box office was equally conflicted as rags-to-riches tale "Slumdog Millionaire" won Best Picture at the Academy Awards, while Heath Ledger was posthumously awarded Best Supporting Actor for his role as The Joker, who just wanted to "watch the world burn." The DCA finally returned to Hawaii in a non-Olympic year for the 48th Annual Convention at the Sheraton Maui Ka'anapali. In a sign that the industry remained strong despite the world's woes, the auction raised a record \$268,000. Snelson returned to the safety awards podium, sharing it with Mid-America Underground and KS Energy Service. Pat Tielborg, Managing Director and General Counsel of the PLCA, Dr. Sam Ariaratnam, professor at Arizona State University, and Terence O'Sullivan, General President of the Laborers International Union N.A. were the featured speakers at the event. Harold Mueller,

former owner of MRM, Ed Malzan, founder of Ditch Witch, and Ruth Michels, Michels Corporation were all inducted as honorary members, and Shepard T. Poole of The Hallen Construction Co., Inc. was elected DCA president.

While the decade of the Oughts (...Naughts? 2000s? What do we call this thing?) had mostly ended on a sour note for the country, the gas industry was able to capitalize on long-term changes in the energy sector favoring cleaner fuels to ride out the worst of the Great Recession. Though the pain was far from over, DCA members were well-positioned to help stiffen America's economic backbone in the years ahead. As the organization's 50th anniversary approached, DCA could take pride in improving safety culture across the industry and finding new ways to serve its members and foster communication than ever before. The future was now, and the DCA was right where it wanted to be: moving forward. ▲

SCHOLARSHIP

G 74

Henry M. Jackson
Secretary of the Treasury.

Henry M. Jackson
Secretary of the Treasury.

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DCA Scholarships

The application process for the 2022-23 DCA - Dale R. Michels Scholarship and DCA – Curtis Allen Scholarship is now open on our website at: <https://dcaweb.org/page/Scholarship> and all applications will be completed online. Click on the link and simply scroll the page and find the scholarship that you are applying for, click the button and follow the instructions. Do not forget to upload an unofficial or official copy of your transcripts in a PDF (no jpg or tiff).

Please forward this email to other employees in your organization that you think may qualify or have family members that qualify for the scholarships.

A few basic guidelines:

- The **DCA – Dale R. Michels Scholarship** encourages students from all academic levels to apply. The **DCA – Curtis H. Allen Scholarship** focuses on those planning to attend a trade, technical or vocational school.
- Applications *must* include an unofficial or official copy of a transcript. Please see the specific scholarship for the correct transcript that should be uploaded.
- Remember, the student's application and supporting documents must be completed no later than **Thursday, January 13, 2022**.
- If more than three (3) applications are received by DCA from a member company for each scholarship, the member company will be asked to review and select three (3) for inclusion in the application pool.
- The winning applicants will be awarded an unspecified amount of financial aid for the 2022-23 academic year and this amount could be renewable for up to four (4) years with proof of academic success for the Michels scholarship and two (2) years for the Allen scholarship.
- Financial need and community service will also continue to be considered by the scholarship committees.

The DCA-Dale R. Michels Scholarship Committee is comprised of the: DCA President, Treasurer, Past President Director, Associate Member Director, and up to 5 members selected by appointment by the DCA President.

The DCA Curtis H. Allen Scholarship Committee is comprised of the: DCA Vice President, DCA Director at Large, DCA Alternate Associate Member Director, two Halliburton Representatives and one member selected by appointment by the DCA President.

As always, please contact tkorson@dcaweb.org if you have any questions. ▲



**Save the Date for the
2022 DCA Annual Convention**

**Thursday, February 17 – Tuesday, February 22
Arizona Biltmore, Phoenix, Arizona**





Convention Sponsorship

The Distribution Contractors Association's Annual Convention is the featured event of the Association's calendar year. DCA is very proud to be celebrating its 61st year as a benchmark for industry meetings and a gathering of the leaders of the gas distribution, HDD, and utility construction industry.

DCA appreciates the over 60 years of member corporate support of this event and considers the convention a unique opportunity to build relationships with member suppliers of equipment and services. DCA contractor spending will reach millions of dollars on construction equipment and services that your organization may have had the opportunity to provide.

The DCA convention is an important gathering that allows the association the opportunity to grow professionally and be more aware of improvements in member products and services. Associate members are an exceptional asset to the vitality of the contractors and association, and DCA hopes that we can continue to count on your generous financial support.

DCA understands that many of members go to considerable effort to secure the funding that we receive and is committed to providing opportunities to network

and foster relationships that can make a difference to the membership. Each sponsor will be provided optimum recognition at the convention based on their level of support.

2022 Sponsor Recognition Levels:*

- Platinum: \$25,000 and above
- Gold: \$10,000 - \$24,999
- Silver: \$5,000 - \$9,999
- Bronze: \$1,000 - \$4,999

**equals a combination of the 2020 and 2021 Auction Donations as determined by the winning bid and 2022 Cash Pledge.*

For DCA to make its financial plans for the event, please log on to our website at www.dcaweb.org to complete the form online by **Tuesday, November 23, 2021**.

If you have any questions, please contact DCA Director of Member Services Donna Reed at dreed@dcaweb.org or (469) 399-5588. ▲



Annual Auction

DCA is preparing for the 2022 Annual Convention and Auction and needs your donations and support! The auction provides DCA with financial resources supporting several scholarships and grants to deserving candidates. It also provides funding for its convention, meetings, and other educational opportunities. Donations from member companies make all this possible and DCA is now accepting items for the 2022 auction. Members are invited to donate 1 to 2 highly sought-after pieces of equipment, trips, sporting events or even cash donations.

Visit: <https://dcaweb.org/page/AnnualAuction> for more information and to complete the online donor form.

Donations need to be received **no later than Tuesday, November 23, 2021**. Donations made after this date will be accepted on a space available basis. Along with the donor form, please include a 50-word description along with a 300-dpi high resolution photo in jpeg format.

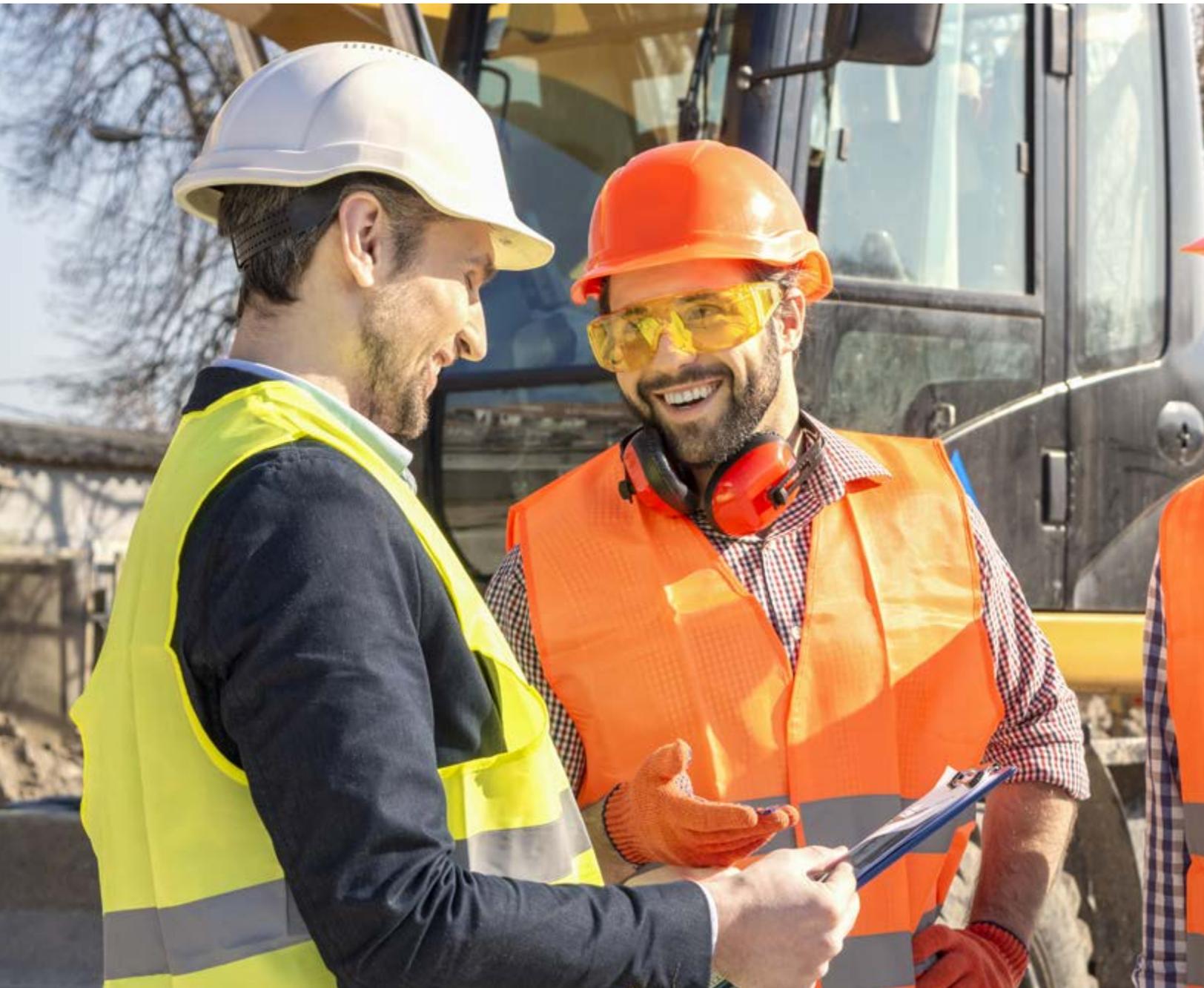
The auction will be held on Saturday, February 19 during the DCA Annual Convention at the Arizona Biltmore in Phoenix, Arizona.

If you have any questions or need item ideas, please contact Donna Reed at dreed@dcaweb.org or (469) 399-5588. ▲

Industry News

Maintaining Quality Amid the Pandemic: **Distribution Pipeline Industry Comes Together to Overcome Hurdles**

By Bradley Kramer, *North American Oil & Gas Pipelines*



When the gas distribution pipeline industry faces a challenge, it finds a way to get the job done and maintain its highest standard of quality, safety, and integrity.

Despite challenges presented by the COVID-19 pandemic, quality control and operator qualification efforts remained top priorities for industry stakeholders according to Brad Heck, compliance director for Miller Pipeline, an Artera company. With founding support from the Distribution Contractors Association (DCA), Heck also helped spearhead the Operator Qualification Integrity Process (OQIP), a 501(c)(3) non-profit organization he currently serves as vice president.



What is OQIP and Why is it Important?

The OQIP task force was created in 2016 to investigate whether and how the industry could improve the operator qualification (OQ) process and provide more consistency in compliance with OQ programs. The OQIP website (oqip.org) hosts a number of resources for the industry on federal OQ regulations adopted into the Code of Federal Regulations (i.e., 49 CFR Part 192, Subpart N and 49 CFR Part 195, Subpart G). The code requires pipeline operators to document that certain employees have been adequately trained to recognize and react to abnormal operating conditions that may occur while performing specific tasks, as well as to assess each employee performing functions on the pipeline to demonstrate their knowledge, skills, and abilities.

Heck explained that OQIP is “a group of industry professionals that got together to identify what can we do to raise the bar, going above the minimums established by regulation, and establish industry best practices with a common, standardized approach.”

In addition to the DCA, the group encompasses all sectors of the industry, including operators, service providers, contractors, consultants, state regulatory bodies, and many gas trade associations.

Because OQ is a federal requirement, Heck said there was no question about whether these measures would continue during the pandemic – it was just a question of how. Organizations must ensure that employees are maintaining their credentials and being re-evaluated as needed.

“With OQ, you can’t neglect them. They have to go on because they’re regulatory mandated,” Heck said. “You have to make sure you have knowledgeable and skilled people working in the field. Like a pilot on an airliner, you wouldn’t want someone in the cockpit that was not aware of what to do when certain situations arise. I would say pipeline systems are the same. Both systems could become catastrophic if you don’t have qualified individuals performing those functions.”

Heck called OQ one of the elements inside of pipeline safety management.

“You simply have to find ways to make that happen,” he said. “You can’t substitute it. That would be a hard ding in our armor. We constantly have to ask ourselves, ‘Are we walking the walk and doing what we say we’re going to do when it comes to safety, quality, and integrity in our industry?’”

(continued on pg. 18)



Maintaining Quality Control in Uncertain Times

As for quality assurance and quality control (QA/QC) initiatives, Heck said these efforts were also a priority to distribution operators and contractors. QA/QC is another part of following the American Petroleum Institute's Recommended Practice 1173 (RP 1173), the industry's standard pertaining to pipeline safety management systems (SMS).

Though OQ and QA/QC are two distinct and unique disciplines, Heck said that they are tied together with many other elements of RP 1173 in the industry's efforts to ensure safety, quality, and integrity within its operations.

"One thing that is fair to say, as the last 18 months have shown, QA/QC, OQ, and safety management systems were all impacted to some degree by the pandemic," Heck said. "Organizations were able to find alternate ways to meet safety and quality standards in the field, and the end result is that they achieved that without impacting integrity or falling behind, and they were able to safeguard their operations while minimizing and/or eliminating their people being afflicted with COVID."

Some organizations found novel methods of achieving OQ and QA/QC standards by harnessing technology to complete inspections or testing, Heck said. Groups such as the Gas Technology Institute (GTI) played a big role in exploring the use of virtual reality (VR) and augmented reality (AR) to conduct tasks. Video was another technology that some companies used when in-person evaluation was not possible.

"With QA/QC, a lot of it is putting facilities in place. COVID slowed down some of the face-to-face activities, but I don't think it has slowed down the actual output of what companies are trying to achieve," Heck said. "This industry is very resilient. Whenever hurdles are placed in front of us, we find new ways to meet the challenges."

Heck emphasized that QA/QC is essential to the industry.

"All that we do in the industry has to have a high standard of quality," he said. "Our industry is heavily process oriented. Are we following those standards and processes, and are we fulfilling the processes that we laid out to do? We can't ignore that."



Heck added that facing challenges like the pandemic is when QA/QC processes are most critical.

"Those are things that have to go on when we have something like COVID," he said. "That's when our procedures shine. That's how we make sure that even though there's a bump in the road or a hurdle in front of us, we stay focused on quality. That's why we do it and how we make sure we have safety, quality, and integrity in our industry."

QA/QC is an ongoing, everyday event, Heck added. "Safety, quality, and integrity is the end result of the daily activities performed," he said. "People have to demonstrate their knowledge, skills, and abilities every day and on every job."

Safety is Not Incompatible with Productivity

While the pandemic didn't stop the industry from completing OQ and QA/QC tasks, there were a number of adjustments organizations had to make to address safety. Distribution contractors and service providers interact with people on a regular basis, Heck said,

which meant adhering to a number of protocols to prevent the spread of COVID-19.

"That means not coming in to work with any symptoms of infection, taking one's temperature prior to coming into work, and making sure we don't have those red flags," he said. "If you do, stay home, don't come in. And once you're at work, making sure we keep surfaces clean and disinfected, use hand sanitizer, make sure to stay six feet apart, mask up, and protect ourselves and those around us."

While Heck said he heard of some delays on projects, by and large there was not a significant impact to productivity in the industry.

"In some cases, there was a realization, perhaps, of working more efficiently than we used to," Heck said. "There were some good things to come from all this, with interacting with customers and getting on the same page with them to complete jobs. It was not as detrimental as some people initially believed it might have been." ▲

DCA Mid Year Meeting – July 18-21, 2022
Coeur d'Alene Golf & Spa Resort
Coeur d'Alene, Idaho



Make Your Housing Arrangements Now!

**For more information visit:
www.dcaweb.org/page/MidYearMeeting**



Insights



Vaccination Mandate Presents Threats, Confusion Among Employers

On September 9th, President Biden announced a sweeping new federal mandate intended to address the stubborn Covid-19 pandemic through workplace vaccination mandates. The first came in the form of an Executive Order (EO) requiring federal employees and federal contractors to be fully vaccinated. The president then directed the Occupational Safety and Health Administration (OSHA) to issue an Emergency Temporary Standard (ETS) requiring all private sector employers of more than 100 employees to mandate vaccination or regular (weekly) testing of all workers.

Under the EO, all federal employees will need to be fully vaccinated by November 22nd of this year. Covered employees of covered federal contractors (and subcontractors) must be fully vaccinated by December 8th. There is no testing alternative to the vaccination requirement for federal employees nor federal contractors. "Fully vaccinated" is defined as two weeks after a final dose of a one- or two-dose vaccine approved by the Food and Drug Administration and/or the World Health Organization, and "covered" employees of federal contractors include both full time and part time employees, as well as employees working remotely.

Federal Contractors

Below are some other provisions subject to federal contractors:

- Employees working at a covered contractor workplace will be covered even if they are not directly working on a covered contract, unless the individuals will not come into contact with a covered contractor employee, including in common areas such as lobbies, elevators, stairwells, meeting rooms, kitchens, etc.
- Covered contractors and subcontractors will be expected to provide legally-entitled accommodations for disability, religious belief, and certain medical reasons. However, guidance on the mandate provided so far does not provide details on what a "reasonable accommodation" may be.
- Covered contractors will be required to review employees' vaccinations status by providing documentation such as a Covid-19 vaccination card or immunization records from a healthcare provider (or pharmacy), medical records reflecting vaccination, state/public health immunization records, or other official documents verifying vaccination status with the vaccine name, date of administration, and the name of the professional or clinic administering the vaccine. It is important to note that self-attestation will not be an acceptable form of proof of vaccination.

Almost immediately, construction contractors began asking what continues to be the big question: what constitutes a "federal project," and what constitutes a "federal contractor?"

Although many contend that only projects subject to the Federal Acquisition Regulation are subject to the mandate, contractors in a wide range of construction

sectors have been receiving mixed messages and conflicting directives from their customers. Many gas distribution operators have been requiring their contractors to follow the mandate subject to federal contractors, despite the fact that the vast majority of gas distribution construction projects do not receive any federal assistance.

Private Sector Employers

On November 4th, OSHA issued its widely anticipated ETS, which set a wide range of stipulations subject to private employers with 100 or more employees who unquestionably are part of the private sector.

The new requirements include the following of particular interest to the construction industry:

- All covered employers will have to ensure that their employees have received the necessary shots to be fully vaccinated by January 4th. After that, all covered employers must ensure that any employees who have not received the necessary shots begin producing a verified negative test to their employer on at least a weekly basis, and they must remove from the workplace any employee who receives a positive Covid-19 test or is diagnosed with Covid-19 by a licensed health care provider.
- The ETS does not require employers to provide or pay for tests. Employers may be required to pay for testing because of state/local laws or collective bargaining agreements.
- All covered employers will be required to provide paid time for their employees to get vaccinated and, if needed, sick leave to recover from side effects experienced that keep them from working.
- All covered employers must ensure that unvaccinated employees wear a face mask while in the workplace.
- Employers will be subject to requirements for reporting and recordkeeping. While the testing requirement for unvaccinated workers will begin after January 4th, employers must be in compliance with all other requirements – such as providing paid-time for employees to get vaccinated and masking for unvaccinated workers – on December 5th.
- The ETS ensures employers know which requirements apply to which workplaces. Federal contractors may have some workplaces subject to requirements for federal contractors and other workplaces subject to the newly released Covid-19 Vaccination and Testing ETS.
- The ETS will not be applied to workplaces subject to the federal contractor requirement, so employers will not have to track multiple vaccination requirements for the same employees.

It is important to note that these mandates expressly supersede state and local laws prohibiting mandatory vaccines, masking, and distancing, but defers to state and local laws that go further.

CISC Weighs In

Unfortunately, OSHA did not invite public comment on the ETS. There will be an opportunity to comment if and when OSHA proposes a final rule to replace the ETS. As a longtime member of the Construction Industry Safety Coalition (CISC), DCA has reached out to OSHA in advance of the ETS.

In addition to calling OSHA out for its lack of outreach during this process, CISC relayed the following points to OSHA:

- The construction industry is dominated by small employers, although the SBA definition of a “small business” in construction is not generally determined by the number of employees. Thus, many SBA-defined small businesses have over 100 employees, making the private employer mandate all the more confusing.
- Recognizing the already formidable workforce capacity challenges facing the construction industry, the ETS must be crafted in a way so as not to further disrupt the make-up of the construction workforce, and vaccine-hesitant workers potentially leaving the industry is a serious concern.
- There is widespread confusion about obligations and costs. According to the mandate as rolled out in September, the rule does not mandate that employers pay for and manage the weekly testing process. CISC asked for confirmation of this.
- The mandate was also silent on how OSHA may or may not require employers to document vaccines or weekly testing. Mandating and recording proof of vaccination is a significant undertaking in its own right, particularly in the construction industry that has a highly transient workforce. It is clear that requiring employers to document and maintain records of weekly testing would be an incredibly difficult burden to meet.

Since the CISC letter was sent to OSHA, the Biden administration clarified that flexibility for federal contractors will be provided. Importantly, the White House clarified in late October that employers will not be obligated to pay for weekly testing of employees who refuse full vaccination. In addition, White House guidance also addressed enforcement obligations. For example, the White House indicated that covered contractors will be allowed to provide an exemption for contractor employees who are not vaccinated or cannot wear a mask because of a disability (which would include medical conditions) or because of a sincerely held religious belief or practice.

Construction contractors were pleased to see in the ETS that for the most part “employees who work exclusively outdoors” would not be subject to the ETS mandates. In order to qualify as work performed exclusively outdoors, OSHA indicated that the following criteria must be met:

- “The employee must work outdoors on all days (i.e., an employee who works indoors on some days and outdoors on other days would not be exempt from the requirements of this ETS).
- The employee must not routinely occupy vehicles with other employees as part of work duties (i.e., do not drive to worksites together in a company vehicle).
- The employee works outdoors for the duration of every workday except for *de minimis* use of indoor spaces where other individuals may be present – such as a multi-stall bathroom or an administrative office – if the time spent indoors is brief, or occurs exclusively in the employee’s home (e.g., a lunch break at home).”

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At press time DCA was dissecting the ETS and will continue to provide updates to the membership about the requirements in the ETS and the widespread impacts it will have on the construction industry.

While DCA is certainly not opposed to vaccination, the association will continue to strongly oppose federal vaccination mandates. The Biden Administration obviously didn't think this through, and as more information trickles out of the White House, more questions are being raised. This is shortsighted policy and DCA will continue to do its part to overturn this mandate before it is implemented.

Infrastructure Bill Helps Facilitate Energy Transition while Preserving Role of Pipelines

Despite the fact that the natural gas industry continues to face well organized attacks from an overzealous environmental community, there are provisions in the Infrastructure Investment and Jobs Act (IIJA) (and funding to support them) that present opportunities for the pipeline industry heading into the future.

DCA continues to educate policymakers and industry organizations about the need for a robust pipeline system as the nation begins to increase use of renewable energy. Our main messages are:

- America will not meet its ambitious goal of net-zero emissions by 2050 without an ongoing role of natural gas to help us get there
- Capturing carbon dioxide and putting it to industrial use or safely storing it is a noble concept, but it will not be possible without the pipeline infrastructure to move it
- Increasing use of hydrogen is a promising option as a long-term viable energy source, but significant pipeline construction will be needed, both in adjusting existing pipeline infrastructure to be able to transport higher volumes of hydrogen as well as building new hydrogen pipelines.

The IIJA provides more than \$10 billion for carbon capture, transport and storage, which will allow the pipeline industry to extend its critical role for several years, if not decades. There's also \$8 billion for hydrogen – with no requirement that the energy used to produce it comes from “clean” sources.

Almost immediately, fossil fuel critics came out of the woodworks, claiming that the infrastructure package was riddled with ‘giveaways’ to the natural gas industry, despite the fact that these resources were provided to facilitate the nation's transition toward increased use of renewable energy.

“This infrastructure proposal is not a down payment on real climate action,” according to Food & Water Watch Policy, a well-known environmental watchdog group. “It is doubling down on support for climate polluters.”

Much of that anxiety focuses on support for carbon capture, and hundreds of climate groups have pummeled the Biden Administration to reject carbon capture as a “dangerous distraction” to eliminating fossil fuels entirely. While the scientific consensus is that carbon capture will be critical to slowing atmospheric warming, many environmentalists fear it will also prolong the life of the fossil fuel industry.

The bottom line is development of innovative technol-

ogies like carbon capture and hydrogen will contribute to climate progress, and there should be universal support for these efforts. However, hard-left environmental groups refuse to buy into a practical transition to renewable energy. “When you look at the energy provisions in this bill, they are a boon to the fossil fuel industry and a dismal failure from the perspective of the climate,” said an executive of the Center for International Environmental Law. The group estimates that the bill includes more than \$25 billion for technologies that are either “promoted or directly beneficial” to the fossil fuel industry.

We know that some in the “environmental community” will never accept the fact that natural gas and pipeline transportation of a variety of energy sources will be needed for the foreseeable future. However, DCA will continue to educate even the most stubborn audiences about the important role natural gas and pipeline infrastructure will play in America's energy future.

Social Spending Measure Would Levy New Tax on Natural Gas

While the IIJA provides resources to facilitate projects that will make carbon capture and hydrogen key energy sources in the future, the partisan “Build Back Better” (BBB) legislation, which has little to do with building, includes language that would effectively tax the natural gas industry in order to help pay for the \$1.75 trillion spending package.

Provisions in the BBB bill, otherwise known as “budget reconciliation,” would impose a methane fee on U.S. oil and gas producers, a concept that has been batted around for the past year. Thanks to Sen. Joe Manchin (D-WV) and certain Texas Democrats in gas-producing areas publicly opposed taxing oil and gas producers for methane emissions above a certain threshold, while Republican critics maintain the fee is a tax that will raise costs associated with heating homes and fueling cars, and that it's duplicative policy.

Oil and gas companies would be forced to pay for excess methane leaking from wells, storage sites and pipelines under the president's social spending package, with fees up to \$1,500 per ton would be imposed on an array of oil and gas infrastructure, including wells, pipelines and processing terminals. The proposed fees would be part of a new \$775 million program that would be overseen by the Environmental Protection Agency that would provide grants, rebates, loans and other incentives to help gas and oil companies report and mitigate their methane emissions.

During the prolonged debate over whether and how to tax methane, the language in the House bill has been dialed back in a way that could satisfy Democrats from energy-producing states. Sen. Manchin has repeatedly criticized the concept of methane fees and it's unclear whether the changes -- including a longer phase-in time -- would be sufficient to resolve his concerns.

The gas industry has warned that any methane fee is likely to result in higher electricity and home heating costs for consumers. Industry coalitions have estimated that the impacts of the latest proposal will extend to some 180 million Americans and 5.5 million businesses that use natural gas. ▲



Calendar

DCA & Industry Events

2022

JANUARY 25-27

Underground Technology Conference (UCT)
Fort Worth Convention Center
Fort Worth, Texas
www.uctonline.com

JANUARY 26

HDD Reunion and Hall of Fame Reception
Fort Worth Convention Center
(in conjunction with UCT)
Fort Worth, Texas
www.uctonline.com/hdd-hall-of-fame-reception

FEBRUARY 17-22

DCA 61st Annual Convention
Arizona Biltmore
Phoenix, Arizona
www.dcaweb.org

FEBRUARY 22-26

Pipe Line Contractors Association
(PLCA) Annual Convention
Sheraton Wild Horse Pass
Phoenix, Arizona
www.plca.org

2022 (cont.)

MARCH 1-3

Global Excavation Safety Conference
Phoenix, Arizona
www.globalexavationsafetyconference.com

MARCH 4-6

Power & Communication Contractors
Association (PCCA) Convention
Fairmont Scottsdale Princess
Scottsdale, Arizona
www.pccaweb.org

MARCH 28-30

DCA Safety Congress
Hyatt Regency Austin
Austin, Texas
www.dcaweb.org

APRIL 11-13

DCA & AGA Workshop
The Ritz-Carlton - Chicago
Chicago, Illinois
www.dcaweb.org

ATTENTION ALL DCA MEMBERS!

So you do not miss out on future meeting and event notices, please have your company's IT representative whitelist all emails from dcaweb.org. If you have any questions, please contact Teri Korson at tkorson@dcaweb.org.

Member News



Michels Corporation

Michels Acquires J.D. Hair & Associates

Michels Trenchless, Inc., a wholly owned subsidiary of Michels Corporation, has acquired J.D. Hair & Associates, a top trenchless engineering firm, to provide customers with a comprehensive suite of proven solutions to guide a project from design to conclusion.

Michels, a premier international provider of trenchless construction services, is known for continuously advancing the possibilities of safe, environmentally sound underground utility line and product pipe installation. Michels Trenchless has an extensive, global resume of successful projects and is recognized as one of the most experienced horizontal directional drilling (HDD) and direct pipe contractors.

J.D. Hair is known for its engineering services for HDD and direct pipe installations, including some of the most significant and challenging utility line projects ever completed. The team's areas of expertise include design, analysis, site investigation, construction monitoring, and consulting services.

"When two strong companies share visions, values, and complementary services, bringing them together allows both to thrive," said Phillip Michels, Senior Group Vice President, Michels Trenchless.

"This partnership advances trenchless construction," Michels said. "Combining Michels' unmatched technical abilities with J.D. Hair & Associates' design expertise will redefine the potential for safe trenchless construction projects."

J.D. Hair will operate as a wholly owned subsidiary of Michels Trenchless, Inc., continuing to partner with

Michels while also working independently with customers to deliver innovative, safe, and technically sound design and engineering solutions.

"Having worked with Michels on many projects, I know we share a commitment to safety, health, and environmental protection," said Jeff Puckett, PE, president of J.D. Hair & Associates. "In addition, Michels' culture is a great fit for our team. We are excited to work even more closely together to guide our industry's future."

Michels is one of the largest, most diversified energy and infrastructure contractors in North America. Michels and the Michels family of companies provide a cohesive collection of services and strengths to deliver proven construction solutions efficiently, correctly, and cost-effectively.



Artera Services Launches Versiv Solutions

Artera Services, one of the nation's leading providers of essential infrastructure services to the natural gas and electric industries, announced the creation of Versiv Solutions, LLC, which will focus on providing innovative and sustainable solutions to decrease methane emissions.

"Introducing the new Versiv team and adding a talented group of leaders to the Artera family is an inspiring time for us and the industry," said Brian Palmer, Chief Executive Officer at Artera. "Our investment in Versiv reinforces our commitment to provide our customers with innovative solutions that help them decrease methane emissions. We are all about supporting our customers' goals to seek sustainable, reliable, and cost-effective means to deliver essential utilities to the communities they serve."

Versiv strives to be a trusted leader in pipeline safety and environmental solutions for the energy and natural gas industries. Today, Versiv's primary focus is on providing cross compression services as an alternative to venting, flaring, or blowdown, which prevents the emission of natural gas into the atmosphere.

Versiv utilizes specialized equipment to evacuate natural gas out of a section of pipe that needs critical repair or replacement and recycles it back into a different section of the system, minimizing the amount of methane released into the atmosphere. Ultimately, the necessary work can continue without interruption, resulting in monetary savings, emission reductions, and less disruption to surrounding communities.

"Looking ahead, natural gas system operators will rely more and more on their trusted partners to provide support and thought leadership to help them meet industry expectations. This is especially true when it comes to emissions reduction and sustainability," said Gina Rundo, Versiv's Director of Pipeline Operations. "This is why our foundational cross compression services are well-positioned to help reduce the overall methane emissions resulting from critical pipeline maintenance, repair, and replacement across the United States."

Versiv is a national provider, leveraging Artera's vast footprint of 41 states and 130+ locations. Versiv has already completed several successful projects, built a strong backlog based upon high customer demand, and has new projects starting weekly.



Doosan Infracore North America -7 Series Wheel Loaders

New Doosan -7 Series wheel loaders deliver market-leading performance features, smart technologies, improved fuel efficiency and enhanced durability – lowering cost of ownership and maximizing uptime.

Upgraded features are ideal for punishing mining and quarry work, including stronger axles and a larger bucket capacity to carry more and maximize productivity. With industry-leading comfort, the redesigned cab features

a touch screen display, enhanced visibility and customizable steering to help keep operators focused on long work days.

Innovative technologies in these next-generation machines, including an optional transparent bucket, help you work smarter, more efficiently and overcome the most challenging jobs.



Vacuworx Machine Shop Takes Root in Newly Renovated Facility

Heavy investment in skilled machinists, cutting edge technologies and robust quality management programs is driving new business opportunities for Vacuworx with a newly renovated machine shop inside its Tulsa headquarters. Vacuworx is now extending its exacting standards used to machine and fabricate many of the parts for its own products into a new business opportunity. The global equipment manufacturer is turning excess capacity into a new revenue stream as the company takes on contract work for outside companies.

Vacuworx offers comprehensive design, CAM programming and machining services on an array of raw materials. The shop can accommodate short to large production runs and specializes in prototype development and finish treatments to suit individual needs. The new venture reflects the company's overall dedication to safety, focus on efficiency and investment in proven technologies with 10 CNC machines, fully simultaneous five-axis machining, and a dual-spindle, live-tooling, bar-fed, part-catching lathe.

Vacuworx Director of Manufacturing D.J. Gall oversaw construction of the space during a three-month build-out on the company's 60,000-square-foot campus at 10105 E. 55th Place. Renovations included durable epoxy floor coatings, four bridge cranes for safe and easy maneuvering of parts and equipment, and all new LED fixtures and bulbs for energy efficient illumination

(continued on pg. 28)

throughout the entire facility. A state-of-the-art inspection room was designed for the most precise measurements and an HVAC system with three 15-ton air conditioners was installed to allow for complete climate control and redundancy.

Vacuworx has already seen success crafting high-grade parts and components manufactured according to the rigorous specifications of customers operating in the oil and gas, automotive and agricultural industries.

Product quality and safety are top priorities for Vacuworx, which is certified to ISO Standard 9001:2015 for Quality Management Systems and is currently pursuing AS 9100 certification, emphasizing the ability to meet or exceed quality management standards for aviation, defense and space organizations.

Vacuworx Machine Shop Manager Josh Carpio, who leads an eight-person team credited with helping improve machine cycle times at Vacuworx by up to 70

percent, said they have made significant progress toward automation and "lights out" manufacturing, which requires no physical human presence outside of normal business hours to achieve maximum productivity and customer satisfaction. "We have a safe, bright and super clean facility designed to promote smooth workflows, the utmost efficiency and a high level of accountability," Carpio said. "And we've made a lot of headway with running 'lights out,' the way these machines were intended, to work continuously without sacrificing quality."

"Our people understand the importance of having the best technology and how it can benefit the company and our customers," said Bill Solomon, president of Vacuworx. "We are tapping into the vision and creativity of our best employees, utilizing the increased capacity and superior tooling ability to best serve our customers so they can grow while keeping both eyes fixed on their core business."

(continued on pg. 30)

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Mears Holding LLC
Westheimer Rd., Ste. 1650
Houston, TX 77056
(713) 985-6442
Website: www.mears.net

Vivek Arora, Chief Administrative Officer;
varora@quantaservices.com
Kevin Parker, Vice President – Health, Safety & Environment;
kevin.parker@mears.net

ASSOCIATE MEMBERS

HammerHead Trenchless
500 S CP Ave.
Lake Mills, WI 53551
(800) 331-6653 or (920) 648-4848
Website: www.hammerheadtrenchless.com

Jeff Urbanski, Senior Manager – Marketing & Training
Services; jurbanski@hhtrenchless.com
Alan Goodman, Market Development Manager;
agoodman@hhtrenchless.com
Jeff Gabrielse, Managing Director;
jgabrielse@hhtrenchless.com

ASSOCIATE MEMBERS (cont.)

Repurposed Materials Inc.
13505 E. 112th Ave.
Brighton, CO 80603
(303) 321-1471
Website: www.repurposedmaterialsinc.com

Damon Carson, President;
damon@repurposedmaterialsinc.com



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Julie Lagacy

Caterpillar Names First Chief Sustainability & Strategy Officer

Caterpillar Inc. is creating the position of Chief Sustainability & Strategy Officer, enhancing its environmental, social and governance (ESG)-related disclosures and tying a portion of executive compensation to ESG. These actions reflect stakeholder feedback and illustrate

the company's longstanding commitment to sustainability.

"Sustainability is an important element of our long-term strategy for profitable growth," said Caterpillar Chairman and CEO Jim Umpleby. "Caterpillar is committed to contributing to a reduced-carbon future and helping our customers achieve their climate-related objectives as they build a better, more sustainable world."

The company is announcing three key actions:

- Caterpillar is establishing the new leadership position of Chief Sustainability & Strategy Officer reporting

directly to the Chairman & CEO. Julie Lagacy, current vice president of the Enterprise Strategy Division, will assume additional responsibilities as the Chief Sustainability & Strategy Officer effective Nov. 1, 2021.

- The Caterpillar Board of Directors will incorporate ESG in the 2022 incentive plan for Executive Officers. More information will be disclosed in the company's 2023 Proxy Statement.
- Caterpillar will continue to analyze the disclosure recommendations of the Task Force on Climate-related Financial Disclosures (TCFD) and begin to utilize the TCFD framework to enhance its sustainability reporting starting in 2023.

The company first introduced Sustainability Accounting Standards Board (SASB) reporting standards in its 2019 Sustainability Report. In 2021, the company also introduced seven new sustainability goals for 2030; five are centered on climate and the environment, and two focus on employee and customer safety. ▲



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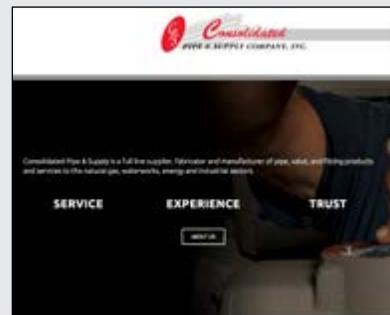
www.discoveryhydrovac.com

Discovery Hydrovac is a respected hydro and air vacuum service provider that supports the ever-expanding oil, gas, utility, and construction industries. At Discovery Hydrovac, they use state-of-the-art technology to safely and efficiently perform subsurface utility locating, (potholing/daylighting) hydro excavation, air excavation, and ground-penetrating radar (GPR) scanning. With the latest equipment, extensive project knowledge, and industry-leading operators, they can assist through all phases of a project.

Consolidated Pipe & Supply

www.consolidatedpipe.com

Consolidated Pipe & Supply is a full line supplier, fabricator and manufacturer of pipe, valve, and fitting products and services to the natural gas, waterworks, energy and industrial sectors. Founded in Birmingham, Alabama in 1960, Consolidated Pipe & Supply has been under the same family's ownership for nearly 60 years. As the company has grown, they have focused specifically on adding in-house capabilities such as a state-of-the-art fusion bond epoxy facility, a steel fabrication shop, an HDPE fittings and fabrication facility and more.



Challenger Services

www.challengerservices.com



Challenger Services offers utility and pipeline construction equipment to onshore contractors throughout the world. We focus on both equipment and support items. Our equipment capability include pipelayers, pipelayer attachments, pipe benders, vacuum lifts, pipe carriers, low ground pressure pipe trailers, hydrotest pumps and other specialized equipment. Support items include welding machines, holiday detectors, slings, spreader bars, external clamps, pipe locators and accessories.



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Robert G. Darden
Executive Vice President

Candace Green
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