

# UCANE's 2021 Year End Wrap-Up

## 2021 Overview

For the second year in a row, UCANE, like all businesses had to navigate the uncertainty of the COVID-19 pandemic. We once again had to cancel our Annual Banquet and most other in-person events. We were able to hold this year's Golf Tournament, Holiday Party and Auction, as well as a modified Trade Show. But as you can see from the information below, UCANE remained busy and vigilant, providing services and advocating on behalf of our industry. We are planning on a "normal" schedule in 2022 with several events and opportunities for members to gather and network once again. UCANE remains one of the strongest and most respected Construction Trade Associations in the region because of the generosity and commitment of its members, and we are looking forward to continuing that in 2022!

## Legislative Activity

UCANE reviewed over 6,000 pieces of legislation filed at the start of the session; monitored and tracked over 250 pieces of legislation; and took a more active role (i.e. testifying or speaking to committee leadership and staff) on over 60 pieces of legislation or appropriations. Many of these bills would have a negative impact on member companies and had been refiled from the previous session after UCANE successfully advocated against their passage. They ranged from establishing overly burdensome regulations to creating unfair advantages in public bidding laws. UCANE's staff and our lobbyist Mark Molloy of Cascade Strategies, tracked these bills, and successfully lobbied against these measures by developing position papers and written testimony, visiting legislators with UCANE members, speaking at public hearings, and otherwise informing Beacon Hill legislators about the potential negative impacts of these bills. UCANE and Mark Molloy continue to protect and promote our industry and maintain our Association's reputation as one of the most active and involved industry advocates on Beacon Hill.

UCANE filed and advocated for four pieces of legislation aimed at improving the construction industry. Filed matters include: An Act Relative to Public Safety in Excavations (HB3265/SB2293); An Act Relative to Water Infrastructure Funding (HB920) /SB505); An Act Relative to the Payment of Police Details (HB2568/SB1752); and An Act Relative to the Construction of Water Treatment Plants (HB3220/ SB2122).

UCANE supported initiatives related to the funding of the unemployment insurance fund, the need for clearly defining MBE/WBE requirements, and the passage of gas infrastructure reforms that would not harm contractors.

UCANE successfully opposed public procurement measures proposed to the fiscal year 2022 Budget that would have adversely impacted the construction industry by reducing competition. Such measures, which had been adopted in one branch of the session before, were not included in either branch's filings this year.

UCANE weighed in on regulatory initiatives, such as the Massachusetts Department of Environmental Protection's public hearing on 310 CMR 36.00, relative to conditions on Water Management Act regulations.

UCANE met with almost the entire class of 19 newly elected legislators and newly appointed leadership of subject matter committees (i.e., Environment; State Administration; Consumer Protection and Professional Licensure; Public Service; etc.) to inform them about our Association, the Commonwealth's water infrastructure needs, and the construction industry in Massachusetts in general.

## COVID-19

Beginning in March of 2020, the world-wide COVID-19 pandemic really began to impact our daily lives and our member's businesses, and continued throughout 2021. Since our contractors were deemed essential businesses, most operations were able to adapt to local, state, and CDC regulations regarding masking, social distancing, and various safety protocols to keep their employees safe, reduce spread of the disease, and complete vital infrastructure projects. Vaccines received federal approval in early 2021 and were made available to the general public by March. In spite of record setting rollout and availability of the vaccines, by the Fall of 2021 there remained confusion and uncertainty.

UCANE researched and provided clarification for members on a wide variety of issues related to vaccine mandates, the emergency COVID-19 paid leave program, cost adjustment clauses, as well as municipal procurement issues related to pricing, police details and supply shortages.

UCANE hosted webinars with our legal firm members Prince Lobel Tye LLP and Hinckley Allen LLP to address COVID-19 related labor, employee, and federal stimulus issues. We also successfully lobbied against reactionary legislation filed at the State House in response to COVID-19. These bills included unrealistic extended paid leave and COVID-19 presumption for employees, that would have bankrupt companies. UCANE continues to work with legislators on proposals that protect both the employees and employers alike during these unprecedented times.

## UCANE Successfully Supports Water Infrastructure Funding

As the Legislature debated on how to appropriate American Rescue Plan (ARPA) funds, UCANE successfully lobbied for the inclusion of over \$100 million directly to a reserve for the Clean Water Trust through the respective Drinking and Clean Water Statewide Revolving Funds (SRFs). UCANE also successfully supported the inclusion of additional funds and earmarks for a variety of water infrastructure projects. For climate resiliency and environmental infrastructure projects, the final bill also included another \$100 million in funding, and an additional \$90 million for port infrastructure improvements.

UCANE also led and worked with a coalition of stakeholder groups to reverse a proposed reduction in the Clean Water Trust's (CWT's) contract assistance line-item in the fiscal year 2022 Budget. The appropriation, which would have seen an almost \$25 million reduction, was restored to \$63.8 million. This fund facilitates the CWT's work in getting more projects out to municipalities and regional water utilities.

## Cape Cod's Water Protection Trust, Backed By UCANE, Begins To Show Dividends In 2020

As many UCANE members know, municipalities on Cape Cod are under court order to address wastewater issues as a result of a successful lawsuit filed by the Conservation Law Foundation (CLF). This is known as the Section 208 Plan. The cost to implement the 208 Plan is estimated between \$2 billion and \$4 billion over the next 20 years. The 208 Plan is critical to protecting Cape Cod's drinking water, its beaches, and its coastal industries from excess nitrogen loads created primarily by failed septic systems.

Establishment of a Cape Cod Water Protection Trust was heavily promoted and supported by UCANE and others in order to establish a funding source to help pay for the sewer infrastructure on Cape Cod, which was mandated in the Section 208 Plan. The 2.75% tax assessed to all short term rentals (hotels, motels, homes) on the Cape will be dedicated to assisting the 15 Cape Cod towns and will provide a financial subsidy in the form of a principal forgiveness grant to towns that move forward with the necessary infrastructure projects. Even with less rentals because of COVID-19, the Trust was able to award over \$71 million in subsidies to qualified and eligible water quality projects on the Cape. Progress continued with several projects that were approved by town meetings, coming out to bid, and wastewater management plans being finalized. The implementation of Section 208 will improve the health and well-being of people living on the Cape, and will ultimately mean greater opportunities for UCANE contractors for many years to come.

## UCANE/Municipal Officials

UCANE continued to work with several municipal organizations and officials to advocate for increased investment in water infrastructure through the Clean Water Trust and other revenue sources. Every year we regularly meet with the Mass. Municipal Association (MMA), Mass. Highway Association (MHA), and the Norfolk-Bristol-Middlesex Highway Association (NBM). In addition, in 2021 UCANE established a task force with MHA and NBM public works officials to begin an effort to standardize bid documents and specifications. We will continue to partner with public works and municipal officials on issues that affect our industry.

## Massachusetts Paid Family and Medical Leave Law (PFML)

2021 saw employers and employees continue to make contributions to the 2019 Massachusetts Paid Family and Medical Leave Fund. Most benefits became available beginning January 1, 2021 with full implementation opening up on July 1, 2021. UCANE met with the Executive Office of Labor and Workforce Development and was able to successfully advocate for changes to the final regulations that took into account the unique nature of the construction industry. We also supported an important amendment to the legislation to ensure that employers' contributions to the fund were not in conflict with federal labor laws. The Federal Government, through the stimulus packages, injected millions into the Massachusetts Unemployment Fund for medical and COVID-19 related leaves. The Massachusetts PFML contributions can be adjusted annually depending on usage. As the pandemic continues, UCANE will continue to monitor the impact of the Mass. PFML for 2022.

## Wage Theft Legislation

There was once again a significant effort to pass wage theft legislation in 2021. UCANE recognizes that wage theft hurts workers and responsible employers, but the proposed legislation goes too far and could unfairly punish a contractor for the actions of any tier of subcontractor, regardless of the general contractor's knowledge of such actions. UCANE supports the enforcement of the many existing laws already in place on this issue and was part of a coalition that successfully lobbied for alternative measures to combat the non-payment of wages. UCANE will continue to work to protect its members from unfair legislation.

## Water Infrastructure Alliance

UCANE has been an active member of the Water Infrastructure Alliance (WIA) comprised of construction, environmental, and engineering companies that promote clean water investment in Massachusetts. The investment is needed to close an estimated \$21 Billion funding gap for water and sewer needs that is projected in the Commonwealth over the next 20 years. It has been seven years since the passage of Chapter 259 of the Acts of 2014, which introduced a wide range of provisions to assist the water and sewer funding needs of municipalities and of the State in general. UCANE continues to be a driving force in the WIA, providing research, information, testimony, and advocacy materials for other members. UCANE also continues to participate in public relation campaigns for water infrastructure, including being a sponsor of the national "Imagine A Day Without Water" campaign for the fifth consecutive year.

## Construction Outlook Magazine

2021 was again a very successful year for UCANE's monthly publication, *Construction Outlook* magazine. The publication's circulation continues to grow and, in addition to our membership, includes all 351 municipal DPW Directors, all State Legislators, Constitutional Officers, as well as our Congressional delegation. Several member companies were highlighted in our magazine with interesting feature stories about them and the challenging projects that they have performed.

We also continued our series of interviews with legislative members, municipal DPW officials, as well as UCANE Board and Safety Committee members. Our readers are also kept informed each month on the latest safety, legal, legislative, financial, and IT issues that are important to their businesses. *Construction Outlook* is well known at the State House, in Washington, and throughout our industry as the premier magazine

for the underground construction industry.

## Asbestos Removal Training Course

UCANE has continued to offer its members both the 8-hour Class II Asbestos Training Course and the 4-hour Refresher Course (required every five years) in conjunction with ATC Associates, Inc., of West Springfield, MA. Both OSHA and the Department of Labor Standards have approved these courses, which were jointly developed by UCANE, MassDEP, and MWWA. UCANE also successfully lobbied for a temporary virtual training option due to the pandemic. Over the last nine years, more than 750 individuals have received Asbestos Cement Pipe (ACP) Worker Safety Certificates through UCANE. This number includes attendees from over 50 construction companies, as well as representatives from MassDEP, MWWA, MWWA, and municipalities.

## Concrete Sidewalk Spalling Problems

UCANE partnered with MacCAPA and CIM during the last several years and worked with MassDOT to develop new procedures, mix designs, and specifications for concrete sidewalks that were being negatively impacted by winter deicing products

Although a silver bullet type solution was not found that would solve the spalling issue, in 2020 MassDOT did produce a revised version of their concrete sidewalk specifications which included a mandatory concrete sealer requirement intended to improve resistance to deicers as further research continued. Additionally, a concrete sidewalk certification program was established in order to train the tradesmen in the new MassDOT specifications.

In 2021 hundreds of concrete finishers received certifications, the new MassDOT concrete sidewalk specifications saw increased application, and sidewalk spalling problems were reduced.

## MassDEP, MWRA, & BWSC

UCANE maintains relationships with the leadership and decision makers at MassDEP, MWRA, and Boston Water & Sewer Commission (BWSC) and continues to attend MWRA Advisory Board meetings and held quarterly meetings with MassDEP in order to keep up with discussions on budgets, capital planning, etc.

Although UCANE was unable to hold its Annual Forecast Dinner where the heads of the MWRA, BWSC, and the MassDEP present their annual forecasts detailing the upcoming 2021 list of projects to be bid and their respective agency funding commitment, we did publish their capital projects and programs in *Construction Outlook*. In 2022, UCANE will continue to work closely with all of these agencies to promote the need for increased infrastructure investment and keep the membership informed of capital programs.

## Construction Roundtable with AG

Along with other Construction Associations, UCANE continued to participate in the construction roundtable meetings with Massachusetts Attorney General Maura Healey and her staff at the Fair Labor Division to discuss issues of concern to the construction industry. Agenda items in 2021 included discussing the potential impact of various legislative proposals, including wage theft legislation. Other items included reviewing bid protest decisions, prevailing wages issues, abuse of the current sick leave law, and MBE/WBE compliance goals. UCANE looks forward to continuing productive roundtable discussions with the AG and her staff in 2022.

## OSHA & Safety Related Issues

Workplace Safety is always a top priority for UCANE. In 2021, we continued to provide members with updates on the latest safety issues, changes in safety legislation at both the State and National levels, and best management practices when it comes to providing a safe jobsite. Email alerts are broadcast to all members when there is important breaking safety news, and the Safety Corner articles in *Construction Outlook* magazine highlight safety topics of relevance. Safety updates are on the agenda at every UCANE Board meeting.

In June of 2021, UCANE again participated in the National Trench Safety Stand Down Week. This was an OSHA endorsed effort in which companies emphasized trench safety by planning a toolbox talk or other safety activity to take a break and emphasize the importance of trench safety. By the end of the week, 20 UCANE member firms representing over 2000 employees had participated, which was one of the largest participations by any Association in the country.

UCANE's Safety Committee met regularly in 2021. The Committee hosted Peter Barletta, from the Region 1 OSHA office, to update members on the latest OSHA activity, and in particular OSHA's new Trench Emphasis Program. Other topics included updates on the City of Boston COVID-19 regulations, DPU citations, revisions to Dig Safe Regulations, cell phone policies, and the latest information on drug and alcohol testing policies.

In 2021 UCANE and the Safety Committee also made it a priority to address the pandemic and its impact on the construction industry. UCANE produced a model COVID-19 Safety Plan for our members to use to keep their employees safe and their jobsites open. UCANE kept our entire membership informed via email alerts of all the latest COVID-19 related CDC, State, and City of Boston regulatory changes to business operations within hours of them being announced.

## Dig Safe Regulations

UCANE has maintained a professional relationship with the Massachusetts Department of Public Utilities (DPU) and Dig Safe throughout the years. UCANE has participated with DPU on several commissions involving proposed regulations that affect the construction industry, and our comments are always given due consideration. In 2021 UCANE Members attended a Webinar via ZOOM put on by DPU's Pipeline Safety Division.

Through a joint effort between UCANE's Executive Director Jeff Mahoney and DPU Pipeline Safety Director Rick Enright, the Webinar was exclusive to UCANE members and focused on DPU's Dig Safe Program and was led by Kerry Morris, Dig Safe Program Manager.

The Webinar was a unique opportunity to exchange information between UCANE members and DPU. Many questions from the membership were posed and DPU addressed them all. UCANE looks forward to continuing the exchange of information and ideas with DPU in 2022 in order to reduce pipeline damage incidents and to provide safer worksites for construction employees and for the general public.

## National Legislative & Industry Initiatives

UCANE continues to be an active member of the national contractor's group, the Clean Water Construction Coalition (CWCC), which has grown to 28 member Associations representing more than 11,000 contractors nationwide. CWCC maintains a strong presence in Washington, D.C. and promotes the need for clean water funding. Our group met with members of the Massachusetts Congressional delegation, as well as fellow CWCC contractors from across the country to discuss local and national water infrastructure issues.

The CWCC had a tremendous victory with the passage of the Bipartisan Infrastructure Deal, which will provide over \$1 Billion to Massachusetts for water infrastructure projects and billions more for other utility infrastructure projects. UCANE will continue to work with the CWCC to ensure that the maximum amount of this additional funding is allocated so that these critical infrastructure projects are completed.

## Membership

In 2021, UCANE welcomed a total of 17 new members to its current roster of over 250 members. With the help of current members, we will continue our efforts to add additional members who will benefit from joining our Association and will help to strengthen our industry.

## Member Communications

UCANE continues to regularly update members with the latest information affecting our industry, including COVID-19, safety, and funding related issues. We also added "Video Updates" as a resource for members. These Updates are interviews with our state and federal lobbyists as well as elected officials and candidates. We hope to expand on these video updates in 2022.

Once again, the UCANE Industry Directory was sent to all Municipal DPW Directors in the state. Our Directory also includes an "Emergency Services" section to provide DPW officials with quick contact information to reach UCANE members in case of a local emergency.

UCANE sent monthly e-newsletters informing members of the latest construction and legislative related issues. As a complimentary feature to support our "Buy from UCANE Members Program" our e-newsletter includes copies of our *Construction Outlook* advertisers ads placed in our magazine at no additional charge.

UCANE's website and social media-feeds are updated daily with the latest industry news. UCANE's website makes it easier for members to access information on seminars and meetings. It includes on-line versions of *Construction Outlook* magazine, as well as a list of all of our advertisers and links to their websites.

UCANE continues to increase its outreach to public officials and stakeholders through a variety of social media platforms such as LinkedIn, Twitter, and Facebook.

## College Scholarship Program

Thanks to the generosity of our members at UCANE's 2020 Scholarship Auction, and those members who funded Scholarships in 2021, UCANE once again awarded twelve \$2,000 college scholarships this year to the children and grandchildren of UCANE members and their employees.

## UCANE's Many Charitable Endeavors

- Supported Tunnel2Towers in honor of those who served our Country
- Supported Marisa's Mission in Memory of Marisa Federico
- Supported Leukemia & Lymphoma Society of MA in honor of the Federico Family
- Supported the Diabetes Foundation in honor of the Benard Family and McCourt Family.
- Supported the Joe Andruzzi Foundation to assist Cancer patients in honor of Joe Andruzzi.
- Sponsored the Mystic River Herring Run & Paddle to support the Mystic River Watershed Association.
- Supported Pan-Mass Challenge through Joel Lewin (Hinckley Allen, LLP); Tom Descoteaux (R. H. White Construction Co., Inc.); and Bob Magliozzi (L. Guerini Group, Inc.).
- Supported the "Rodman Ride for Kids" through Rodman Ford Sales, Inc.
- Supported the Alzheimer's Association in honor of the Richard Pacella Family.
- Supported the McCourt Foundation in Memory of Frank and Richard McCourt.
- Supported the Massachusetts Hospital School in honor of the John F. Kennedy Family.
- Supported the Disabled American Veterans (DAV) through Dan Mahoney (MBO Precast, Inc.).
- Supported the Cystic Fibrosis Foundation through Centinel Financial Group
- Supported Brigham and Women's Hospital
- Supported many other local and national charities throughout the year. ■