
Advocacy: Purpose, Practice, Effect, What's Next?

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Today's Menu

- Purpose
 - What is it?
 - Why do we need it?
- Practice
 - What are the different tools used?
- Effect
 - Examples of advocacy and their effect on industry issues.
- What's Next?
 - Current and future advocacy campaigns.

Purpose

- To affect change at the local, state and/or federal government levels on behalf of the concrete industry.
 - Legislative
 - Regulatory
 - Elections
- “Iron rusts from disuse; water loses its purity from stagnation... even so does inaction sap the vigor of the mind.”
 - Leonardo DaVinci

Practice

- Tools Used
 - Direct Lobbying
 - Grassroots
 - Letter Writing Campaigns
 - Phone Calls
 - Plant Tours
 - Media
 - Websites (www.NRMCAVoice.com)
 - Advertisements
 - Magazines
 - Newspapers
 - Television
 - Political
 - Political Action Committees (PAC)
 - Fundraising

Issue Alerts



HELP STOP THE SILENCING OF EMPLOYERS BY DE FACTO CARD CHECK REGULATION!!!

Dear NRMCA Member:

The National Labor Relations Board (NLRB) and the U.S. Department of Labor (DOL) are trying to enact "card check" through regulation.

Federal regulators appointed by the Obama administration at the NLRB and DOL have proposed two new regulations that threaten employers' ability to seek and retain legal counsel ("Persuader" rule) and properly discuss union organizing drives with employees ("Snap Election" rule). The effect will be to make a mockery of real elections and impose "card check" by regulation. Combined, these proposed rules would:

- Dramatically decrease the time employers have to speak with their employees about union representation, potentially shortening the entire election process to just 10 days from current median of 38 days;
- Effectively block small businesses from obtaining legal and other advice about how to talk to employees during a union organizing drive;
- Ensure many attorneys will be unwilling to assist employers under new rules that could force both client and counsel toward disclosing vast amounts of private financial and other data; and
- Will unfairly tip the scale toward union organizers and leave employees without enough information or time to make a real decision in a real election.

Only a forceful reply by America's job creators can convince the administration to put away these costly, bureaucratic, and unfair rules so that we can return to focusing on our companies and creating jobs. NRMCA needs your help to *stop these encroachments on employer freedom of speech*.

Action Requested:

NRMCA urges you to please *submit comments on both issues* before the comment period deadlines (Aug. 22 for NLRB, Sept. 21 for DOL).

For an easy "one-click" method to submit comments on both rules please [click here](#).

To submit customized comments on both rules please [click here](#).

For help with submitting comments please contact either Keri Leininger at kleininger@nrmca.org / 240-485-1195, or Kevin Walgenbach at kwalgenbach@nrmca.org / 240-485-1157.

The Time to Act is Now!

NRMCAVoice.com



NRMCA | **ADVOCACY & GOVERNMENT AFFAIRS**

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NRMCA President, Robert Garbini, testifies before the National Labor Relations Board on July 18th opposing the Board's onerous new proposed rule to shorten the time frame of union elections.

Take Action

- [WhatAreTheRealCosts.org](#)
- [Transportation Grassroots Resources \(Click Here\)](#)
- [111th & 112th Congress Scorecard \(Click Here\)](#)

"FLOOR IT! Accelerating Action on Highway Reauthorization"

Voter Resources	Key Issues	Community Links	Latest News
<ul style="list-style-type: none">Early / Absentee Voting InformationMy Elected OfficialsOverseas Voting InformationRegister to Vote	<ul style="list-style-type: none">• Transportation• Employment and Labor Law• Environment• Miscellaneous	<ul style="list-style-type: none">• U.S. House of Representatives• U.S. Senate• Transportation Construction Coalition• Coalition for a Democratic Workplace• U.S. Chamber of Commerce• Waters Advocacy Coalition• How to Give an Effective Plant Tour	<ul style="list-style-type: none">• Another blow to the Health Care Law - <i>York News-Times</i> - August 17, 2011• Romney's Health Care Hypocrisy - <i>Daily Beast</i> - August 16, 2011• Cement Workers Agree to Contract - <i>Wall Street Journal</i> - August 16, 2011

Fly-Ins & Rallies



2008 NRMCA Government Affairs Fly-In
The Fairmont Hotel | Washington, DC

Capitol Hill Visits
September 23, 2008



★ **Capitol Hill Visits** ★
September 21, 2010



RALLY FOR ROADS

A collage of four images: a road winding through a green landscape, a man in a white hard hat holding an American flag, the US Capitol building, and a group of people in safety vests walking on a road.

ROADS = AMERICAN JOBS
WEDNESDAY, MAY 25, 2011, 11:00AM

Advertisements



NRMCA
Let's Build America's 21st Century Transportation System

NRMCA Government Affairs
 Advocates for a 21st Century Transportation System

The path to building and maintaining a 21st Century transportation system is through a new surface transportation bill that relies on smarter uses of limited transportation funds, such as Life-Cycle Cost Analysis for new transportation projects.

The facts are almost as well worn as our roads:

- ▶ In 2009 the American Society of Civil Engineers (ASCE) gave our nation's roads a grade of D-.
- ▶ The ASCE also reported that more than 26% of our nation's bridges are either structurally deficient or functionally obsolete.
- ▶ The Federal Highway Administration currently estimates that \$57 billion annually is needed simply to maintain our ailing roads. This amounts to an \$18 billion annual shortfall.

What WWW.NRMCAVOICE.COM to get more information on NRMCA's advocacy efforts.



**Mr. President & Congress:
 PASS A SURFACE TRANSPORTATION BILL NOW!**

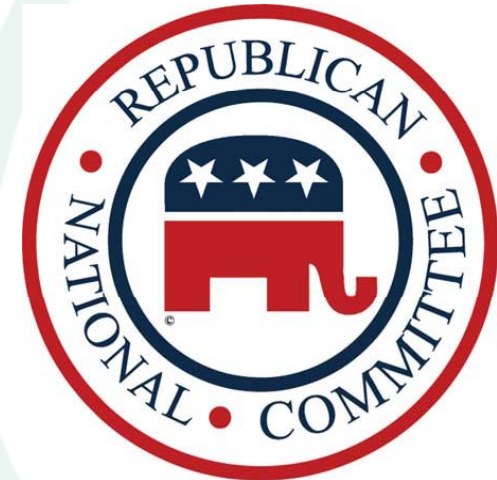
The facts are almost as well worn as our roads:

- The American Society of Civil Engineers (ASCE) reported that more than 26%, or more than one in four, of the nation's bridges are either structurally deficient or functionally obsolete.
- U.S. DOT estimates that \$62 billion annually is needed to simply maintain our ailing roads and bridges.

Driving our highways into the ground sets us on course to be a second-class economy. With competition coming from the four corners of the globe, maintaining a world-class highway system is an economic necessity. Steer the right course - protect and renew America's existing highways, roads and bridges!


NRMCA
 NATIONAL READY-MIXED
 CONCRETE ASSOCIATION
WWW.NRMCA.ORG
WWW.NRMCAVOICE.COM

Fundraising



End Result...

“The squeaky wheel gets the grease.”

It Works!

- *Employee Free Choice Act* (a.k.a. Card Check)
 - Replace secret ballot elections for determining unionization at a workplace with public, hand written voting cards
- Letters, Phone calls, Capitol Hill Visits
- Coalition for a Democratic Workplace (CDW)
- 110th Congress - Passed House, Stopped in Senate
- Press Conference @ NRMCA Gov. Affairs Fly-In (2008)
- 111th Congress
 - House: 233 Cosponsors vs. 231 Cosponsors
 - Senate: 46 Cosponsors vs. 40 Cosponsors
- 112th Congress

Clean Water Act Expansion

■ Clean Water Restoration Act

- Grants EPA and Corps of Engineers unlimited regulatory control over all “intrastate waters” (groundwater, ditches, pipes, streets, gutters, wash-out ponds, settlement basins, etc.)
- Introduced in 110th & 111th Congresses – no votes
 - Direct lobbying, letters, phone calls
 - Waters Advocacy Coalition
- EPA proposed regulation (5/2/2011)

■ Stormwater Regulation

- 2007: EPA targeted RMC, aggregates, others for stormwater
- “If you can’t beat ‘em, join ‘em!”
- Lobbied and worked with EPA to remove RMC as their priority
- 2010...

1099 Provision

- *Comprehensive 1099 Taxpayer Protection and Repayment of Exchange Subsidy Overpayments Act of 2011* (H.R. 4)
- Direct lobbying, letters, phone calls
- Start Over! Coalition for Health Care Reform
- U.S. Chamber of Commerce
- April 14th, 2011
 - Repealed a provision contained in the *Patient Protection and Affordable Care Act* (Obama's health care law) that would have required all businesses to file a 1099 form with the IRS for all purchases over \$600, starting in 2012

2010 Elections

- 111th Congress & White House
 - Lobbying, letters, phone calls
 - Health Care
 - Taxes
 - Regulation
 - Economy
 - Big Budgets
 - Etc.....
 - Congress, Administration not listening
 - Referendum: November 2nd, 2010 =
 - Democrats losing super majority

What's Next?

- Focus on Executive Branch agencies
 - EPA, DOL, NLRB, OSHA, FMCSA
- Legislative focus
 - Transportation, NFIP, etc.
 - Bills countering new regulations
- 2012 Election?

The New Frontier

“I'll Keep My Guns, My Freedom and My Money - You Keep The Change”

What is the change....?

The Change

- Federal regulatory agencies
 - Employment is up 13% since 2008
 - More employees “than McDonalds, Ford, Disney, and Boeing combined.”
 - Budgets have increased 16% since 2008
 - 75 new major rules in first 26 months of Obama Administration
 - Costing business north of \$40 billion
 - 18% increase in Federal Register pages since 2010
 - Since July 2011: 379 new rules totaling \$9.5 billion
 - Still to come... 4,200 pending rules (to be proposed)
 - Compliance cost of all regulations as of 2008: \$1.75 trillion/year
 - EPA: “...in periods of high unemployment, an increase in labor demand due to regulation may have a stimulative effect that results in a net increase in over all unemployment.” (Feb. 2011)

**“I’ll Keep My Freedom,
My Money,
My Secret Ballot,
Fly Ash,
and Current Hours of Service
Rules –
You Keep the Change!”**

NLRB & DOL

- NLRB Proposed Rule (6/22/2011) (a.k.a. Snap Elections)
 - In part, would shorten the union election time frame from an average of between 45 to 60 days, down to just 10 to 21 days
 - Comments, letters, hearings, alerts
 - Comment period ended 8/22/2011
- DOL Proposed Rule (6/22/2011) (a.k.a. Persuader Rule)
 - DOL rule would change the term “advice” as it relates to communications between an employer and a consultant on educating employees about a union drive.
 - The change would make just about any type of communication on the matter subject to public disclosure by both employer and consultant, along with any related fees. The disclosure would also have to be signed by both company president and treasurer under penalty of perjury.
 - Comment period ends on 9/21/2011

Power Take-Off Tax Correction

- *Section 11144 of SAFETEA-LU directed the IRS to study and report on PTO fuel usage and to propose options for exempting such use from the highway fuel excise tax.*
- Report completed November 2007
 - 30.2%
 - 5 options for allowing a PTO tax credit
 - \$279/truck/year = annual industry credit of \$21,500,000
- Currently working on regulatory and legislative vehicles for amending the IRS Code to secure a federal PTO tax credit for the ready mixed concrete industry.

Hours of Service

- FMCSA: New Hours of Service Rule
 - “Requires off-duty time immediately following the end of the driving window”
 - “Reduced driving time from 11 hours to 10 hours”
 - “Mandates a break of 30 minutes every 7 hours”
 - “Limits restarts of the 60/70 hour clock to once in 7 days”
 - “Include at least 2 periods between 6am and midnight with a 34-hour restart period”
 - “Limits on-duty time to 13 hours in a driving window”
- FMCSA: EOBRs in All Commercial Motor Vehicles
 - NRMCA has determined the proposal will cost the ready mixed concrete industry roughly \$57 million to implement, and an additional \$6 million annually to maintain compliance
- Comments, hearings, letter campaigns, updates, alerts
- Hours of Service Coalition

3% Withholding Rule

- *Tax Increase Prevention and Reconciliation Act of 2005*
 - 3% Withholding Rule
 - Mandates federal, state, and local governments to withhold 3% from payments to businesses for goods and services provided
 - Takes effect January 2013, covers transactions taking place between companies doing business with the federal government, state governments, and local governments that have annual expenditures in excess of \$100 million
 - The financial impact on the ready mixed concrete industry is estimated to be in the billions
- Direct lobbying, hearings, letters, phone calls, alerts, etc.
- Government Withholding Relief Coalition
- U.S. Chamber of Commerce

Building Codes

- National Flood Insurance Program Reauthorization
 - ❑ Lots of direct lobbying
 - ❑ Letter campaigns
 - ❑ Phone calls
 - ❑ Building Codes Coalition

 - ❑ NRMCA-drafted language directing FEMA to study including ICC building codes into the NFIP as criteria for participation in the NFIP.

 - ❑ House & Senate versions differ

Fly Ash

- EPA Proposal for Disposal of Coal Combustion Residuals From Electric Utilities (Fly Ash)
 - Effectively change fly ash classification to hazardous waste
 - Direct 10% increase in the cost of ready mixed concrete
 - \$20 billion cost collectively among all stakeholders
 - Many unknown costs including but not limited to:
 - “Stigma” associated with perceived “hazardous” concrete
 - Decrease in sales of “fly ash” concrete
 - Litigation
 - Reduced U.S. infrastructure durability due to decreased use of stronger “fly ash” concrete
 - Decline in supply of fly ash from electric utilities
- Alerts, direct lobbying, comments, letters, phone calls, updates, conference calls, panel discussions, etc.

Transportation

- Surface Transportation Reauthorization

- House
- Senate
- White House
- Industry

- Life Cycle Cost Analysis

- Massachusetts Institute of Technology (MIT)
 - <http://nrmcavoiced.com/mit-research/>
 - <http://web.mit.edu/cshub/index.html>
 - <http://whataretherealcosts.org/>
- Senate
- States
- Media

Questions?

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