



ARMA Health, Safety, Environment Committee (HSE) Meeting Agenda

Tuesday, September 12, 2023

Room: Signature II

Zoom: <https://us02web.zoom.us/j/84173338138?pwd=RXV6K1lIMDBYemZ2WlVXK3Jlbk0zZz09>

| Time (ET) | Discussion Topic | Back-up Materials |
|-----------|--|---|
| 3:00-3:15 | Call to Order <ul style="list-style-type: none"> • Roll Call • Antitrust Reminder • Agenda Review and Approval • Approval of Minutes | -Antitrust Quick Reference -HSE Committee Meeting Minutes from March 28-29, 2023 |
| 3:15-3:45 | Legal Landscape Regarding Stormwater Runoff <ul style="list-style-type: none"> • Art Sampson, ARMA Regulatory Counsel • Miriam Higginbotham, ARMA HSE Director | |
| 3:45-4:00 | Q&A | |
| 4:00-4:45 | Asphalt Tank Cleaning Health & Safety Practices <ul style="list-style-type: none"> • Group discussion led by Kelly Sandin & Brandon Hill, Johns Manville (virtual) | |
| 4:45-5:00 | Q&A | |

Wednesday, September 13, 2023

Room: Duet

Zoom: <https://us02web.zoom.us/j/82577089185?pwd=a2daV0g1alZWb2RTSWNgMmhDeWI2dz09>

| Time (ET) | Discussion Topic | Back-up Materials |
|-------------|---|--|
| 8:30-8:45 | Call to Order <ul style="list-style-type: none"> • Roll Call • Antitrust Reminder • Agenda Review | |
| 8:45-9:30 | NRCA Health, Safety, & Environmental Update <ul style="list-style-type: none"> • Cheryl Ambrose, National Roofing Contractors Association (NRCA) Vice President, Enterprise Risk Management | |
| 9:30-9:45 | Q&A/BREAK | |
| 9:45-10:30 | OSHA Updates & Tips for Managing an OSHA Inspection <ul style="list-style-type: none"> • Matthew Horn, Amundsen Davis LLC, Partner | |
| 10:30-10:45 | Q&A/BREAK | |
| 10:45-11:30 | EPA's TSCA Asbestos Reporting Rule <ul style="list-style-type: none"> • Ryan Carra, Beveridge & Diamond PC, Principal (virtual) | |
| 11:30-12:00 | Q&A/BREAK | |
| 12:00-1:00 | LUNCH | |
| 1:00-1:45 | Colorado's Regulation 3: Disproportionately Impacted Communities & Air Quality Permitting <ul style="list-style-type: none"> • Jessica Ferko, Colorado Department of Public Health & Environment (CDPHE), Air Pollution Control Division, Planning and Policy Program Manager (virtual) | -CDPHE's New EJ Report Tool for Air Quality Regulation 3 -CDPHE Guidance for Incorporating EJ into Permitting |
| 1:45-2:00 | Q&A/BREAK | |
| 2:00-2:45 | ARMA HSE Regulatory Update <ul style="list-style-type: none"> • Miriam Higginbotham, ARMA HSE Director | |
| 2:45-3:00 | Q&A | |
| 3:00 | Adjournment | |



To: ARMA Members and Staff

From: Reed Hitchcock, Executive Vice President

Re: Antitrust Compliance - Quick Reference

The Asphalt Roofing Manufacturers Association (“ARMA” or “Association”) has in effect an Antitrust Compliance Policy (“Policy”). The Policy is intended for the guidance of ARMA member company representatives, officers, directors and staff, when engaged in any activity conducted in the name of, or on behalf of, ARMA. All such persons are expected to be familiar with the Policy and to follow it both in letter and in spirit.

The following cautionary statements are taken from the full Policy and are intended to be used as a quick reference tool. This document is not a substitute for the full Policy, which is available from the Association’s office and with which all are expected to be conversant. At all Association meetings and events, including informal gatherings before, during or following such meetings and events, ARMA members, their representatives and guests will not discuss any of the following competitively sensitive topics:

1. Current or future prices, price levels, costs or profit margins.
2. What is a fair or rational profit level.
3. Actions which could lead to standardizing or stabilizing prices.
4. Pricing or bidding methodologies or procedures.
5. Pricing practices or strategies, including methods, timing or implementation of price changes.
6. Whether or how prices, warranties or other terms of sale are advertised.
7. Cash or any other discounts, rebates, service charges or other terms and conditions of sale.
8. Credit terms.
9. Product warranty terms.
10. Actual, planned or projected production, production capacity or capacity utilization.
11. Projected demand.
12. Confidential company plans for new products.
13. Dividing or allocating geographic or product markets or customers.
14. Whether or on what terms to do business with a supplier, competitor or customer.
15. Whether or on what terms to solicit other companies’ employees for employment.
16. The business practices of individual firms.
17. The validity of any patent or the terms of any patent license.
18. Ongoing litigation, unless being reported upon by ARMA’s General Counsel or discussed appropriately at ARMA’s Counsel Forum.

We hope the above rules will be helpful as you participate in ARMA meetings and other activities. If you have any questions about antitrust compliance, do not hesitate to contact ARMA’s General Counsel:

C. Michael Deese
ARMA General Counsel
Howe & Hutton, Ltd.
Tel: (571) 499-6686 x103
Email: cmd@howehutton.com



Asphalt Roofing Manufacturers Association
Health, Safety, & Environment (HSE) Committee
Meeting DRAFT Minutes

Tuesday & Wednesday, March 28-29, 2023– Cleveland, OH

Attendance

Alex Pecora, CertainTeed LLC*
Alex Zarker, PABCO Roofing Products*
Andrew Caloway, CertainTeed LLC
Bob Hockman, TAMKO Building Products*
Brendan Dineen, Malarkey Roofing Products
Brent Tracy, IKO Production, Inc.
Bruce Ubelhart, SOPREMA
David Ploense, Crafcro, Inc.*
Devlin Whiteside, Owens Corning
Doug Cechovic, Specialty Granules LLC*
Eileen Dutton, Malarkey Roofing Products
Eric Bailey, Hunt Refining Company
Hazem Shanab, Atlas Roofing Corporation
Heather Estes, GAF
James Dodson, TAMKO Building Products
John Kouba, Malarkey Roofing Products
Johnathan Rivera, Holcim*
Jonathan MacBride, Specialty Granules LLC*
Kim Lyons, IKO Production, Inc.
Madeline Fleisher, Owens Corning
Mark Defreitas, SOPREMA
Mark Klein, GAF
Mark Leo, Owens Corning*
Maure Creager, CertainTeed LLC
Maureen Kavanagh, 3M
Ming Shiao, GAF
Phil Kehoe, Harsco Environmental
Randy Morgan, 3M
Régent Bédard, Building Products of Canada*
Russ Addison, Atlas Roofing Corporation
Samuel Ares, Owens Corning*
Sara Hyacinthe, PABCO Roofing Products*
Shane Gilles, Owens Corning
Stephen Masciangelo, IKO Industries Ltd.*
Steven Wadding, Polyglass USA, Inc.
Tim McQuillen, Johns Manville*
Todd Jackson, SOPREMA
Tony Silva, Malarkey Roofing Products

Management Team

Reed Hitchcock, ARMA Executive Vice President
Miriam Higginbotham, ARMA Health, Safety, and Environment Director
Shelby Smiley, ARMA Associate Director
Lisa Davidson, ARMA Committee Liaison
C. Michael Deese, ARMA General Counsel
Art Sampson, ARMA Regulatory Counsel

(*Denotes virtual participant)

Call to Order

Higginbotham called the meeting to order at 3:00 PM EDT. Davidson circulated an attendance sheet. Deese advised those in attendance of ARMA's Antitrust Compliance Policy.

Motion to approve agenda as presented (Devlin/James) carried.

Motion to approve the Health, Safety, Environment Committee minutes from the September 13-14, 2022 meeting as presented (Devlin/James) carried.

EPA's Proposed Reconsideration of its Fugitive Emissions Rule

Tawny Bridgeford, National Mining Association (NMA)

Bridgeford provided a presentation on the EPA's Proposed Fugitive Emissions Rule and comments submitted by a coalition of industry organizations, headed by NMA. ARMA signed on to the coalition comments. Bridgeford asserted that, while EPA attempts to suggest otherwise, the proposed rule would reverse over 40 years of law and policy by requiring all existing major stationary sources to include fugitive emissions in determining whether a proposed change constitutes a major modification under the Clean Air Act Prevention of Significant Deterioration (PSD) program. During the Q&A segment, Bridgeford indicated that the comments on the proposal varied and that many of the big stakeholder associations submitted comments.

EPA's IRA Programs to Reduce GHG Emissions from Construction Materials

Alison Kinn, U.S. EPA, OPPT Sustainability & Pollution Branch

Kinn provided a presentation on EPA's new initiatives to encourage the development of lower-embodied greenhouse gas (GHG) emission construction materials. EPA's efforts include Inflation Reduction Act (IRA) funding for environmental product declaration (EPD) development, technical assistance, and the development of a carbon labeling program and the government's Buy Clean program. Kinn also provided an overview of the Energy Star Industrial Program and opportunities, including potential grants, for companies to participate in the program. The Q&A session included a discussion of how recycling initiatives factor into EPA's developing ratings criteria for reducing greenhouse gas emissions and life cycle environmental impacts from construction materials.

Chair declared the meeting recessed at 4:21PM EDT, to reconvene at 8:30AM EDT on Wednesday March 29, 2023. The meeting reconvened on Wednesday, March 29, 2023 at 8:30AM EDT with the following persons in attendance:

Attendance

Alex Zarker, PABCO Roofing Products*
Andrew Caloway, CertainTeed LLC
Bob Hockman, TAMKO Building Products*
Brendan Dineen, Malarkey Roofing Products
Brent Tracy, Johns Manville*
Bruce Ubelhart, SOPREMA
David Ploense, Crafc0, Inc.
Doug Cechovic, Specialty Granules LLC*
Eileen Dutton, Malarkey Roofing Products*
Frank Turner, Mid-States Asphalt*
Hazem Shanab, Atlas Roofing Corporation
Heather Estes, GAF
James Dodson, TAMKO Building Products
John Kouba, Malarkey Roofing Products
Jonathan MacBride, Specialty Granules, LLC*
Johnathan Rivera, Holcim
Kelly Sandin, *
Madeline Fleisher, Owens Corning*
Maureen Kavanagh, 3M
Melissa Schaefer, CertainTeed LLC*
Mike Kiik, Standard Industries*
Phil Kehoe, Harsco Environmental
Régent Bédard, Building Products of Canada*
Robert Sheffield, MTi Polyexe Corporation*
Russ Addison, Atlas Roofing Corporation
Samuel Ares, Owens Corning*
Sara Hyacinthe, PABCO Roofing Products*
Stephanie Daniels, Atlas Roofing Corporation
Steven Wadding, Polyglass USA, Inc.
Taylor Rydbom, PABCO Roofing Products*
Tim McQuillen, Johns Manville*
Tony Silva, Malarkey Roofing Products
Todd Jackson, SOPREMA

Management Team

Reed Hitchcock, ARMA Executive Vice President
Miriam Higginbotham, ARMA Health, Safety, and Environment Director
Shelby Smiley, ARMA Associate Director
Lisa Davidson, ARMA Committee Liaison
C. Michael Deese, ARMA General Counsel
Art Sampson, ARMA Regulatory Counsel

(*Denotes virtual participant)

Call to Order

Davidson circulated an attendance sheet. Deese reminded members that ARMA's Antitrust Compliance Policy was in effect.

How to Prepare for and Respond to Environmental Justice Challenges

Chris Whitehead, ESI

Whitehead provided a presentation on environmental justice (EJ) and community engagement, discussing the potential implications for member companies. He provided an overview of current environmental justice efforts in the United States, including case studies, Title VI of the Civil Rights Act and other relevant laws, and the numerous state efforts to enact EJ programs. Whitehead addressed potential steps member companies can take to prepare for and respond to EJ challenges to permits and facility emissions, including the importance of having a Community Engagement Plan before having a specific EJ issue. The Q&A session included discussions on how ARMA might provide assistance to members in EJ controversies, and on how members can familiarize themselves with the EJ screening tools to assess their potential EJ risks.

Occupational Heat Stress Hazards

Melissa Bailey, Ogletree Deakins

Bailey provided a presentation on federal and state regulatory and enforcement agendas pertaining to heat stress hazards. The presentation discussed the current state of heat stress standards in several states; OSHA's intent to develop a federal OSHA heat stress standard, possibly before the end of the Biden Administration; and OSHA's continued enforcement of heat stress guidance through the General Duty Clause. Members were also given guidance on how to develop their own written heat stress programs to lower enforcement risks.

Marijuana and Workplace Safety

Scott Gedeon, Ogletree Deakins

Gedeon provided a presentation on marijuana and workplace safety considerations, discussing the legality of medical and recreational marijuana use across the country, and issues surrounding pre-employment, post-accident and reasonable suspicion drug testing for impairment in the workplace. The Q&A session included discussions on developing and enforcing marijuana policies in the workplace.

Chair declared the meeting recessed at 11:52AM EDT, to reconvene at 1:00 PM EDT.

Member Forum Interactive Discussion: "What HSE Initiative are You Most Proud Of?"

Kelly Sandin, Johns Manville; Melissa Spittler, CertainTeed LLC; Tony Silva, Malarkey Roofing Products

Higginbotham introduced the forum and stressed that, while ARMA does not endorse the company initiatives presented, the Committee believed it would be beneficial for members to hear of their colleagues' HSE successes. Silva

provided background on the forum, encouraging members to contribute to future forums by sharing their own HSE initiatives. Sandin provided a presentation on using artificial intelligence (AI) to target and prevent ergonomic hazards. Spittler provided a presentation on CertainTeed, LLC/Saint-Gobain's EHS training and certification initiative, which is designed to assure continuous improvement of EHS programs and sustain a strong safety culture. Silva's presentation was tabled due to time constraints.

ARMA HSE Regulatory Update

Miriam Higginbotham, ARMA; James Dodson, TAMKO Building Products; Art Sampson, ARMA

Dodson provided a presentation on ARMA's Industrial Hygiene (IH) Database Program, discussing the purposes of the program and recent program data metrics. Higginbotham provided updates on EPA's Toxic Substances Control Act (TSCA) Asbestos Reporting Rule; activities involving the Coalition for Asphalt Research on Emissions (CARE), including ARMA's CARE Group; and EPA's TSCA risk evaluation of formaldehyde. Higginbotham reported that ARMA's Board recently approved joining the American Chemistry Council's (ACC's) Formaldehyde Panel and Formaldehyde TSCA Risk Evaluation Consortium, and that ARMA is working to convene a work group of member IH specialists to consider a submission to EPA from ARMA's IH Formaldehyde Database. Sampson described EPA's approach to assessing and regulating health and environmental risks under TSCA, indicating that the outcomes may present significant challenges to ARMA members. He also provided the estimated timeline for TSCA risk evaluation and the subsequent risk management rules that TSCA requires if EPA finds, as expected, that formaldehyde poses an unreasonable health or environmental risk.

Adjournment

Meeting adjourned by consensus at 2:37PM EDT.