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A MINNESOTA GLASS ASSOCIATION
PUBLICATION

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MGA tours Cardinal Float Plant

Whether you work replacing auto glass or in glazing, the fundamental product you deal with starts in a float plant. Minnesota glass industry members are fortunate to have most glass manufacturing and fabrications facilities close by. Taking advantage of that proximity, MGA members were guests of Cardinal Glass Industries at their Menominee, WI float plant earlier this May.

Cardinal started here in Minneapolis, it was founded in 1962 by M.L. Gordon and was known as Gordon Sash and Door. Roger O'Shaughnessy started on the factory floor and took over in as president in 1967. He led the company to what it has become today, a leader in the development of residential glass for windows and doors. Roger addressed the MGA in 2007 at our first glass conference. Cardinal has more than 5,500 employees located at 27



manufacturing locations around the United States. Of the 27 plants, five produce float glass.

MGA members were guided by Cardinal employees from the beginning of the process, where raw materials are conveyed into the furnace, all the way to the cutting and packing area. The heat in the plant was intense. In the furnace, temperatures reach as high as 2,900 degrees F. Everyone was given the opportunity to look into the furnace and observe the process.

The plant has been online non-stop for eight years and produces different thicknesses of glass – from 1.6 to 7mm, primarily for the residential market. They utilize state-of-the-art glass packing which is done on the automatic or manual lines. The need for clean production has resulted in a system that minimizes contact with the glass surfaces during the packing phase with 90° rotators, barrel turnovers, robots and stackers to ensure proper glass orientation for downstream operations.

We thank Cardinal for hosting the MGA at this fascinating plant.

Brin Northwestern Acquires Harmon Emergency Glass Services Operations

On April 27, 2012 employees of Harmon's 24-hour emergency glass services operation moved to the Brin Northwestern Glass offices as Harmon discontinued its emergency services business in the Twin Cities. Harmon continues to offer commercial contract glazing services here, with two notable recent projects being Amplatz Children's Hospital and the University of Minnesota's TCF Stadium. Brin Northwestern and Harmon are two of the oldest and most recognized names in the glass industry. The two companies have been in competition for commercial glass service for many years.

Founded in 1912, Brin Northwestern Glass is celebrating 100 years in the glass and glazing business. Today they are one of the leaders in service and glass distribution for Minnesota and western Wisconsin. They distribute a full range of glass and glazing products, provide glass and storefront repair and replacement, automatic entrances, glass bath enclosures and perform contract glazing services.

Harmon's emergency glass services was one of many business operations that evolved from a single auto glass shop that started in 1949. Harmon became a multi-faceted operation with auto glass, distribution, commercial glazing, etc. divisions. The first Harmon shop was named for the street it started on - Harmon Place in downtown Minneapolis. Many people in the glass industry can include Harmon or an affiliated company on their resume. Apogee Enterprises, Inc. developed from that growth; it continues to own Harmon, Inc., Viracon, Wausau Windows, Tubelite and others as a publically traded company today.

With this change, Harmon has discontinued its 24-hour emergency commercial glass service operations in the Twin Cities. Harmon, Inc. continues to provide contract glazing services, as well as commercial glass services in other markets.

The Harmon name is now being used by various companies and this can be confusing, especially to those not close to the industry.

Harmon's emergency glass services business operated for years from 2400 Minnehaha and was adjacent to the Glass Depot (yet another Harmon-related company). Harmon sold that location and moved operations to 6325 Sandburg Rd., Golden Valley several years ago.

Harmon, Inc. continues to carry the name under the Apogee banner. Harmon, Inc. partners with owners, architects, contractors and consultants to engineer, fabricate and install innovative façade

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solutions for office, government, education, health care and entertainment markets. Through a unique product offering and partnerships with vendors, Harmon's experienced team of resources provides solutions that suit project designs. Harmon, Inc. has offices in 13 major metropolitan areas across the United States with the recent addition of offices in Texas.

Harmon AutoGlass® continues to carry the Harmon name under separate independent ownership. Apogee sold Harmon AutoGlass in 2004 to The Glass Doctor, a franchisor. The Glass Doctor sold Harmon AutoGlass operations across the U.S. to franchisees and many changed their name to The Glass Doctor. The Harmon AutoGlass name was however retained in the Twin Cities; The Glass Doctor and Harmon AutoGlass both operate with different owners. The Harmon AutoGlass name continues to be used in various auto glass locations across the U.S.

Confusion regarding the name will continue as different companies with similar names continue to provide glass service, especially here in the Twin Cities where it all started.

The acquisition was the result of Harmon, Inc.'s strategy to focus on contract glazing and Brin Northwestern's service expansion strategy.

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Job Theft (formerly known as Steering)

Systemic Theft

A well known scenario played out yet again. If you work in an auto glass shop; you know how it goes. A vehicle owner has decided to use your company; you have them on the phone and just need to verify insurance coverage and get the necessary approval number to do the job. You initiate and work through a conference call with the third party administrator (TPA) including the customer, you and the TPA. You get the required coverage information, an approval number and set up the appointment.

You are ready to go. When the appointment time arrives, the technician calls from the jobsite to tell you that someone else did the work already. You find out that the vehicle owner got a call from the TPA shortly after your three way call telling them that you cancelled or that someone else could do the job sooner etc.

When you call the TPA, they claim that the customer or agent called them directly requesting the work. You proceed to call the customer and the agent to find out what actually happened. Learning that the TPA claim is untrue, you confront them. Finally, painted into a corner, and faced with possible regulatory action they begin to back pedal. The incident is now described as an accident or an aberration and it will not happen again. They even offer to pay you for the job. You are told that the TPA service representative responsible was (a. fired, b. disciplined, c. retrained etc.)



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The only way the TPA could have even know of the jobs existence was due to the three way call. The TPA provided a consent/approval number on the call acknowledging that they approved it. It can only lead to one conclusion; it occurred because the TPA's system allows, even encourages it. They acknowledged that a specific shop was linked to that specific job when they issued any sort of authorization; but sent someone else out to do it anyway before you could get there.

TPA service representatives act in accordance with their training and following the directions (open or covert) provided by their management. Pretending that any incident like this just happens is absurd. It happens because they know they can do it and most often get away with it.

Theft from Behind the Curtain

Less obvious (and more difficult to document) some theft occurs in other ways. Example - you receive a call from a TPA service representative and they say: "I have a vehicle owner on the line, they said that they would like to use your company; will you agree to our (the TPA) price?" You verify the price then decline it; after being put on hold they come back and tell you that the vehicle owner has selected another shop. Your request to speak with the customer is refused.

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If the customer requested your shop, as stated by the TPA service representative; what became of the legal requirements which very specifically allows vehicle owner choice of shop and prohibits pressure to use another shop or any coercion, incentive or inducement to go elsewhere? This charade is nothing less than another form of theft - just harder to prove.

Garden Variety Theft

Next you have garden variety violations of the letter and spirit of Minnesota statutes. You initiate the three way call and are attempting to get an approval code. After going through the initial warranty and out of pocket expense notifications you are forced to endure challenges to your company's existence and integrity: "We have no record of your shop" (even though you have processed thousands of claims through that TPA) then the warranty and out of pocket costs are repeated again and again. When does this become coercion?

Imagine that you were running a retail appliance store; TPA activity would be equivalent to allowing a competitor to stand by your cash register and question the purchase decisions of customers just before they pay for the product. "The warranty on that product is inferior." "The callback record on this item is very high." Ridiculous, yes but that is how it works in the glass industry.

If you have prepared the customer, these attempts don't always work. The attempts do have yet another affect. They lead the customer to think is difficult to do business with your shop. You want the vehicle owner's choice of your shop to be a trouble free and easy thing to do. TPAs turn it into a hassle and a confrontation with his insurer. With this in mind what kind of choice will the customer make next time? Will that customer refer others to you? Will they tell his insurance agent that it was a good experience?

Enforcement

Unfortunately the Minnesota Department of Commerce takes no action regarding even the most egregious of complaints. They have expressed interest when forced into a meeting and accept documentation provided - then nothing happens.

Occurrences like the first one above have been documented in great detail. This is a specific violation of the law, yet we are given the impression that Commerce must see much more and that we are making too much of an isolated accident. Descriptions of the less egregious forms of theft are ignored.

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Can you imagine what would happen if the State Patrol enforced traffic laws in the same way? No ticket or fine unless you were caught speeding or running a stop sign ten times or twenty times - it would result in chaos and a lawless environment. I guess that is just what we will have to live with in the auto glass industry.

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Auto Glass Installation Report on WCCO TV

Sacramento television reporter Curtis Ming got some complaints from listeners regarding bad work performed in that area. His investigation led him to dig deeper and to consult with automotive safety professionals including Bob Beranek. Auto glass installers in the Midwest are familiar with Bob as a regular MGA presenter on proper auto glass installation methods. He is a Board member of the Auto Glass Safety Council (formerly the AGRSS Council™, Inc.), and chair of the AGRSS Standards Committee.

Local CBS affiliate WCCO picked up and ran the story in the Twin Cities. The WCCO coverage included another familiar face as Jon Fransway described the consequences of improperly installed auto glass. Fransway's sister Jeanne lost her life due to an improperly installed windshield in 1999. Jon is a Minnesota State Farm agent and has talked to groups in Minnesota and across the country about safe auto glass replacement.

The report can be seen using the following link: <http://minnesota.cbslocal.com/2012/05/07/windshield-installation-a-matter-of-life-death/>

Beranek watched and commented on installation methods that had been filmed by undercover cameras. He pointed out installer errors and described why they could lead to serious problems.

The report described windshields that popped out simply as a result of closing the door - four days after the glass had been replaced. The first responders to accidents (paramedics and police) were interviewed and we learned that many of them had seen failed installations (windshields coming out in an accident). Glass failures are not tracked in fatal auto accidents; this is a fundamental hitch in identifying the full scope of the problem. If more companies followed the AGRSS standard we would not be seeing these failures.

The Auto Glass Safety Council (formerly the AGRSS® Council) is a not-for-profit organization dedicated to the safe replacement of auto glass. The Auto Glass Safety Council was founded and is supported

by companies in the auto glass replacement industry that keep safe installation as their primary goal.

Captain Chesley Sullenberger thought enough of the AGRSS objectives that he agreed to speak to us at a national meeting. I recall hearing him talk about flying; he said “We make what we do seem all too easy.” Safety is a pilot’s number one consideration; and it takes training and experience to do it correctly. Auto glass replacement is all about safety also; it seems easy to those who don’t know. Too often people who know the risk (TPAs) are willing to sacrifice the safety of others to save money. It was good to hear the news media endorse AGRSS at the conclusion of their report.

MGA members who replace auto glass are registered with AGRSS. We have been for years and MGA companies have successfully passed random independent third party audits of their installation, training and management processes.



Court of Appeals Affirms Progressive Insurance Payments Unreasonable

In April the court affirmed an arbitration award of \$157,851 dollars to Buy Rite/Rapid Glass covering 580 glass replacement jobs. This follows a well established pattern as a number of glass companies fought and prevailed against Progressive’s payment practices in a large number of arbitration claims. The cases involved invoices that were allegedly underpaid by Progressive from January 2005 through April 2010.

The central issue at the arbitration was whether the Rapid Glass charges reasonable or were the payments made by Progressive fair, reasonable, and competitive within the local industry at large

Progressive’s policy requires it to pay “the amount necessary to repair the damaged property to its pre-loss condition.” The policy further provides:

In determining the amount necessary to repair damaged property to its pre-loss condition, the amount to be paid by [Progressive]:

1. shall not exceed a competitive price that is fair and reasonable within the local industry at large for the cost of repair or replacement parts and equipment; and
2. will be based on a competitive price that is fair and reasonable within the local industry at large for the cost of repair or replacement parts and equipment

Progressive argued that the arbitrator erred by focusing his inquiry on the reasonableness of the price charged by respondent rather than the reasonableness of the price paid by appellants. The court observed that an earlier case was directly on point. That case also arose when Progressive did not pay the full amount of the auto-glass company’s invoices. The court was required to interpret the term “necessary” in the insurance contract where the policy stated that the insurer would pay the amount necessary to replace a windshield with one of like kind and quality. The court determined that “common sense dictates that the amount ‘necessary’ to replace a windshield with one of like kind and quality is a price that is reasonable in the marketplace.” The court then found that in determining the “necessary” costs, the trial court properly focused on the reasonableness of the glass company’s charges.

The court held in the earlier case that, in determining a reasonable, or necessary, price, the court properly focused on the charges. Therefore, the arbitrator did not err in focusing on the reasonableness of the price charged by respondent rather than the reasonableness of the price paid by appellants.

Finally, Progressive argued that, as long as they paid an amount that was within a range of reasonableness under the policy, the policy provision that they will pay a price that “shall not exceed a

competitive price,” only obligates appellants to pay any amount in the range of reasonableness, even if a higher amount billed is also reasonable. That argument was squarely rejected by the Court of Appeals in *Garlyn, Inc. v. Auto-Owners Ins. Co.* The policy “does not say that the insurance company will pay the lowest of a range of necessary costs.” Based on a plain reading of the policy, there is no merit to appellants’ assertion that they are only required to pay the lowest reasonable amount.

The court also clarified the matter of interest on smaller auto glass claims. Only post award interest will be allowed. This contrasts with statutory interest rates of 18% in construction awards (plus attorney fees) and 16% in other auto no fault matters.

Firms Fined by EPA for Lead Violations

This issue came up a couple of years ago and has slipped to the back burner for many. The EPA is fining firms for violations of the Renovation, Repair, and Painting Rule.

The US Government through the EPA enacted a new requirement. As of April 22, 2010, all firms doing work in pre-1978 housing or child-occupied facilities (schools) must:

- be lead-safe certified by EPA,
- employ supervisory certified renovators who have successfully completed an EPA-accredited one-day training course,
- use only trained workers who have received specific on-the-job training, and use specified lead-safe work practices and provide designated educational material.

According to the law, a company or individual’s ability to pay a penalty is evaluated and penalties are adjusted accordingly. **However, contractors who fail to comply will risk penalties of up to \$37,500 per day as well as potential private lawsuits..**

Activities covered under the regulations include remodeling, maintenance, electrical work plumbing, painting carpentry, demolition, window replacement etc.

BOTH individual “renovators” and contracting firms MUST be EPA-certified. Even contractors with previous lead abatement training must be trained and certified under this program.

Recent fines have caused a panic for some in the building industry because it is now clear that the EPA will enforce residential lead-based paint regulations.

Two window companies have been fined by the U.S. Environmental Protection Agency for violations of the Lead Renovation, Repair and Painting Rule and other lead rules.

A New Jersey window company, agreed to pay \$1,500 to resolve violations of the RRP rule during a window and siding replacement project at a home in Edison, N.J. The company was charged with failing to contain renovation dust waste, and train workers on lead-safe work practices.

According to the EPA, Johnson Sash & Door, a home repair company in Omaha, Neb., agreed to pay a \$5,558 penalty for failing to provide the occupants of housing built prior to 1978 with an EPA-approved lead hazard information pamphlet or to obtain a written acknowledgement prior to commencement of renovation activities at five homes. The complaint also alleged that Johnson failed to obtain initial certification prior to performing renovations at these residences.

A rental property owner agreed to pay \$10,000 to resolve violations of the RRP rule, this came to EPA’s attention via an anonymous tip to a YouTube video showing workers removing paint from the exterior wall of an old building in Maine. The complaint alleged that workers had violated the rule by improperly using power equipment to remove paint, and alleged that the workers had not received any training under the rule. The EPA noted that the company had failed to apply for firm certification.

These recent actions are part of EPA’s effort to ensure that contractors and individuals follow the RRP

requirements and other lead rules to protect people's health from exposure to lead, officials state. Cynthia Giles, administrator for EPA's Office of Enforcement and Compliance Assurance said "Exposure to lead can cause serious health problems and affects our most vulnerable population, our children, by taking action to enforce lead rules; we are protecting people's health and ensuring that businesses that follow the rules have a level playing field."

SAGE Electrochromics to become wholly owned subsidiary of Saint-Gobain

MGA members may remember a tour of the SAGE plant in 2007. The state of the art facility continues to be on the cutting edge of window technology. As SAGE developed, the phrase "Minnesota is the Silicone Valley of the glass industry" came about. The phrase recognized the level of sophistication and number of leading glass and window manufacturers and fabricators in the area. The purchase of SAGE by Saint-Gobain was announced in a press release on May 9.

Saint-Gobain has agreed to purchase all outstanding shares of [SAGE Electrochromics, Inc.](#) and will own 100% of the company upon completion of the transaction. This deal will help SAGE expand into international markets, develop new products and complete construction of the company's new, state-of-the-art manufacturing facility in Faribault, Minnesota. The new facility, scheduled to start production in January 2013, will be the most advanced electrochromic glass facility in the world and is expected to produce 3.2 million sq. ft. of electrochromic glass annually, supporting the creation of 160 green technology jobs.

While SAGE will be a wholly owned subsidiary of Saint-Gobain, the SAGE portfolio will continue to go to market under the SageGlass® brand, leveraging Saint-Gobain's extensive footprint from a global operations center in Faribault.

Electrochromic glass changes from a clear state to a tinted state. It can be integrated with a building management system or activated at the push of a button to control the sunlight and heat that enters and leaves a building. It significantly reduces energy consumed for air conditioning, heating and lighting, while enhancing occupant comfort and well-being by providing daylight and eliminating glare. This creates a far more appealing design aesthetic standard for the architectural industry compared to the current prevalent use of mechanical window shades and blinds and other building add-ons.

Saint-Gobain is located in 64 countries and headquartered in Paris with nearly 195,000 employees. The company is a world leader in the habitat and construction markets, they design, manufacture and distribute building materials, providing innovative solutions to meet growing demand for energy efficiency and environmental protection.

For more information visit: www.sageglass.com

Newly Redesigned Glass Management Institute is Open for Registration

Washington, DC – The National Glass Association (NGA) is proud to announce the newly redesigned Glass Management Institute is open for registration.

The inception of this newly enhanced, 12-week program is a demonstration of NGA's commitment to offering relevant, timely and cost-effective education to industry professionals. The program will be offered via live web-based instruction and lead by some of the industry's leading experts. Content will include sales and marketing, bidding and estimating, strategic planning, legal, project management, leadership development, and more. Students will be able to interact with the instructors in real time from the comfort of their home or office. "The NGA is committed to helping business leaders grow and be adequately prepared to meet the demands of the industry. There is no better opportunity than the Glass Management Institute to ensure success. I think participants will be pleased with the level of quality instruction they will receive by attending," said Lilly Grossman, NGA's Senior Manager of Education and Training.

The National Glass Association understands the changing needs of those in the profession and the importance of meeting those needs by offering timely and relevant education. By harnessing the dynamic opportunities that exist with online learning, the Glass Management Institute has the power to reach a wide range of glazing professionals and serve as the standard for education and training.

Participants will have the choice of signing up for either the summer or fall session. Don't wait too long, however - registration is limited, so interested participants should secure their space as soon as possible. The Glass Management Institute summer session kicks off June 5th. Check out NGA's website at www.glass.org to learn more and register.

Glazing Executives to Examine Industry Trends at Las Vegas Forum September 13

WASHINGTON, DC (May 17, 2012) — The 7th Annual Glazing Executives Forum (GEF) will feature discussions on the economy, green building, project management and other key issues facing the glass industry, the National Glass Association (NGA) announced today. It will be held in conjunction with the GlassBuild America Expo in Las Vegas and is scheduled for September 13, 2012.

"We are thrilled with the innovative lineup of speakers and discussions at this year's Glazing Executives Forum," said Rick Hamlin, Chairman of the NGA's Architectural Glazing Committee and National Estimating Manager at Cupples, Inc., a Division of CH Holdings, Inc. "As always, this is a can't-miss event for executives who want to keep up with the latest trends and best practices in our industry."

The 2012 forum will once again feature the popular economic forecast by Jeff Dietrich of Eco Trends. Dietrich will provide a variety of key insights on the glass industry, including financial and operating trends, forecasts, research and more.

Another highlight of the event is a panel discussion on the current state of the glass industry, which will examine the latest technology, building codes, products and energy issues. The panel includes Garrett Henson of Viracon, Oliver Stepe of YKK AP, David Balik of General Glass International and Scott Clymire of United Architectural Metals.

Project management will be the focus of the Forum's final session of the day, with an interactive and lively panel discussion on trends in project management and how industry leaders approach this important discipline. The project management panel will consist of several project managers from NGA member firms that will offer their insight on how they approach project management, and will be moderated by one of the foremost project management specialists in the world, Frank Ryle, PMP. He is author of Keeping Score: Project Management for the Pros, a book and video unveiling a nine step approach to project management. Frank's architectural and engineering background makes him uniquely qualified to cap-stone this year's GEF.

Additional sessions will address green building and LEED 2012, and marketing efforts focused on the architectural community.

"The forum is absolutely unmatched in creating opportunities for networking and information sharing in the glass and glazing community," said David Walker, vice president, association

Register Today!
MGA Annual Golf Fundraiser
Details & Registration Form on Next Page

MGA Golf Fundraiser - Thursday, June 28, 2012

SCHEDULE:

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12:30 p.m. Shotgun - Scramble is the Game
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Notice of cancellation or changes must be faxed to the MGA office at 763-413-1131 at least 5 business days prior to event.
Event will be held rain or shine.

>>>>> FOURSOMES: Please List Name and Company of any Golfers In Your Group that are Registering Separately

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For more information please contact MGA

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**MGA is:**

The Association advocates for and promotes member success in the architectural and auto glass industries. Through Training and Education, the Association supports Professionalism and High Ethical Standards; unifying members to speak as one for Safety, our Environment and Fair Competition.

**Our Mission:**

"To develop and maintain a strong and vital organization that improves the image of the industry through promotion of reasonable regulations and adherence to and promotion of ethical

**Minnesota Glass Association**

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