

View from Washington Outlook on Key Issues Impacting the **Metalcasting Industry in 2020**

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Overview

 Recent developments on Key Legislation & Regulations Impacting Metalcasters



- AFS Activities
- 2020 Congressional Agenda
- Update on Infrastructure, Labor/Employment, Environment, OSHA & Trade Issues
- Election Outlook
- AFS Economic Impact Study & May Fly-In







Year-End 2019 Congressional Accomplishments

- FY2020 12 annual spending bills, with \$50 B in new spending – No shutdown
- Long-term extension for EX-IM Bank
- Tax extenders / disaster tax relief
- Repeal of Affordable Care Act Cadillac tax, medical device tax, & annual fee on insurance providers
- FY20 National Defense Authorization Act
- USMCA implementing legislation approved by House
- Building Blocks of STEM Act and FUTURE Act (education policy)

- Increased funding for several infrastructure-based programs in the Interior/EPA Appropriations Bill
 - √\$2.765 million Clean Water State Revolving Loan fund and Drinking Water State Revolving Loan fund
 - √\$73 million Water Infrastructure Finance and Innovation Act (WIFIA) program to leverage federal dollars to provide financing for more than \$8 billion in water infrastructure projects
 - √\$41.5 million is provided for newly authorized grant programs included in the America's Water Infrastructure Act







AFS Supported Chinese Transit Rail Ban included in National Defense Authorization Act – Signed into Law Dec. 2019

- Annual spending bill for the Defense Department, the National Defense Authorization Act (NDAA) for Fiscal Year 2020 includes language to:
 - Prohibit transit agencies from using federal funds to purchase passenger rail cars and buses from Chinese state-owned or state-controlled enterprise for 2 years - ban excludes pre-existing contracts
 - Bars U.S. military from purchasing China-made drones
 - Reduce reliance on foreign sources of rare-earth minerals
 - Authorizes additional F-35s, C-130Js, & F-15EXs, among other aircraft
 - Authorizes \$23 billion to build 12 Navy ships, including 3 Arleigh Burke-class destroyers, 2 Virginia-class attack submarines, a frigate and 2 amphibious ships
- AFS and many of its members actively supported this rail transit prohibition — lobbied during June 2019 Fly-In











Trump Agenda - 2020

- Looking ahead to 2020, expect Pres. Trump to continue pushing first-term priorities:
 - Trade policy with focus on UK, EU, India & China Phase 2 agreement
 - Judicial nominations 18 nominations awaiting action by Senate
 - Deregulatory efforts
 - Continued emphasis on Executive Orders
- No Shortage of Diversions
 - Foreign policy challenges
 - Coronavirus
 - Other Investigations





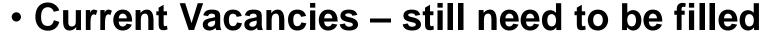






Reshaping the Courts

- As of January 26, 2020, the Senate has confirmed 187 Article III judges nominated by President Trump
 - 2 Associate Justices of the Supreme Court
 - 50 judges for the United States Courts of Appeals
 - 133 judges for the United States District Courts
 - 2 judges for the United States Court of International Trade



- 1 vacancy on the U.S. Courts of Appeals
- -71 vacancies on the U.S. District Courts
- -2 vacancies on the U.S. Court of International Trade
- 9 announced federal judicial vacancies that will occur before the end of Trump's first term











AFS - Key Industry Priority Issues – 2020



Trade



GOVERNMENT

OSHA / Safety



AFFAIRS Committee **Environment & Energy**





Infrastructure















116th Congress – 2nd Session









Key 2020 Congressional Dates

Date	Event		
Feb 4	State of the Union		
Feb 10	Trump FY21 Budget to Congress		
April 1-3	House Democratic Retreat		
April 22-24	House Republican Retreat		
Sept 30	End of Fiscal Year 2020 / Expiring Authorizations		
Oct 2	House adjourns ahead of election		
Oct 9	Senate adjourns ahead of election		







Congressional Agenda – 2020

Congress will need to:

- Fund the government already agreed to FY2021 spending levels
- Authorize defense programs
- Address a host of expiring programs
- Surface transportation (FAST Act), health care, rare diseases, elementary and secondary education programs, immigration programs (E-verify), flood insurance, tax extenders
- Watch for a busy post-election lame duck session









Congressional 2020 Agenda – continued....

- Potential Action on these Issues:
 - -Infrastructure
 - -Water Resources Development Act funds levees, inland waterways & storm resiliency projects, up for reauthorization in 2020
 - -Labor bills
 - -Health care surprise billing or prescription drug prices
 - -Privacy will state level action serve as catalyst for federal bill?
 - -Autonomous Vehicles
 - Continued Oversight of Trump Administration
 - -Election / Cybersecurity









House: Infrastructure Package

- Incentive on both sides to work out a deal, even in an election year
- House Democrats plan to roll out infrastructure framework this week with hearing on "funding and financing infrastructure investments"
 - Is it time to raise the gas tax, or speed up a transition to a vehicle miles traveled fee that better accounts for zero- and low-emission vehicles?
- House Ways and Means Chair to meet with Treasury Secretary Mnuchin this week in hopes of rekindling infrastructure funding deal
 - Attempts by Speaker Pelosi (D-Calif.) & Sen. Minority Leader Schumer (D-N.Y.) to broker infrastructure legislation with Trump last year collapsed over a \$2 trillion package unclear how they would pay for the infrastructure investments











Senate Infrastructure Package



America's Transportation Infrastructure Act of 2019

- Provides \$287 billion dollars over 5 years to repair and maintain the country's roads, highways and bridges
- Approved by the Environment and Public Works Committee unanimously on July 30
- Some leading Democrats are on board with a gas tax hike, but not everyone — including the top Senate Democrat, Chuck Schumer
- Highway bill was last passed in 2015, Fixing America's Surface Transportation (FAST) Act which contained more than \$300 billion in funding through FY 2020







Labor & Employment Matters

Union membership fallen to lowest share on record -10.3% - 14.6 million workers

















PRO-Act - Protecting the Right to Organize Act (H.R. 2474)

- -Reverses long-standing federal employment laws 220+ cosponsors
 - Eliminates state right-to-work laws
 - Codifies expanded joint-employer standard
 - Limits employees' ability to choose or reject union representation through secret ballots
 - Allow arbitrator to set contract terms arbitrator's decision would be compulsory
 - Mandates employers provide the contact information for all employees without prior approval from the employees themselves to union organizers
- AFS has serious concerns with legislation
- Timing: Floor vote in February prior to President's Day Recess
 - PRO Act is likely to serve as a labor litmus test for 2020 congressional candidates







Protecting Older Workers Against Discrimination Act

- On January 15, 2020, the House of Representatives passed the POWADA has some bipartisan support
 - States that victims of age discrimination do not have to demonstrate that age was a critical reason for the employer's action in order to prove their case.do more than just protect older workers from discrimination
 - Amends the retaliation provisions of Title VII of the Civil Rights Act of 1964, as well as the Age Discrimination in Employment Act of 1967 & the Americans with Disabilities Act of 1990, to allow for the establishment of an unlawful practice when a plaintiff can demonstrate that retaliation, age, or disability was a motivating factor in the practice, even though other factors may have influenced the practice
 - Reverses rulings from a 2013 & 2009 U.S. Supreme Court case holding that a plaintiff must establish that retaliation or age, respectively, was the "but for" cause of the alleged adverse employment action
- Senate not expected to take up bill







\$15 Minimum Wage Legislation



- Raise the Wage Act (H.R.582)
 - -Increases the federal minimum wage to \$15 per hour by 2025, was introduced in the U.S. House and Senate
 - -Over 200 cosponsors and approved by the House in July 2019
- Federal Minimum Wage has been \$7.25 since July 2009
- 29 states have higher minimum wage rates than federal law
- Unlikely that Senate will take up the bill in 2020







Paid Family and Medical Leave Legislation



- Ways and Means Committee held hearings this week on proposals related to family & medical leave
 - Family and Medical Insurance Leave Act (FAMILY Act) HR 1185/ S.463 - create a nationwide paid family and medical leave benefit funded through monthly 0.2% payroll tax paid by employees and employers
 - Family Medical Leave Modernization Act (HR 5456) expand the categories of persons who can take unpaid leave under the FMLA & to expand the entitlement to some additional situations
- FY2020 budget provides for paid parental leave law for federal employees – they will have access to 12 weeks of paid parental leave in connection with the birth or placement of a new child on or after Oct. 1, 2020





Marijuana Opportunity, Reinvestment, and Expungement (MORE) Act - H.R. 3884

- Marijuana remains illegal at the federal level
- MORE Act would federally legalize cannabis, remove marijuana from the Controlled Substances Act and incentivize states to facilitate the expungement of criminal records related to low-level marijuana offenses, among other changes
- includes a 5% tax on cannabis products that would provide job training and legal assistance to those hit hardest by the war on drugs
- Bill <u>passed</u> out of the House Judiciary Committee on Nov. 20 with a bipartisan vote of 24 to 10
- Timing: MORE Act faces steeper odds in the Republicancontrolled Senate, where Majority Leader Mitch McConnell opposes marijuana legalization









DOL Finalized Revised Overtime Rule

 Şalary threshold for overtime hasn't been raised in more than 15 years (last increased in 2004)

Key Provisions

- Sets the minimum salary threshold for overtime eligibility at \$35,568 annually -salary level from \$455 to \$684 a week
- Replaced a 2016 Obama administration rule which would've doubled the threshold to \$47,500
- Exemption threshold for highly-compensated employees will be set at \$107,432
- Estimated to affect 1.3 million workers, including some Metalcasters, eligible for overtime pay of at least time-and-a-half under the Fair Labor Standards Act.
- Allows employers to count non-discretionary bonuses, incentives and commissions as up to 10% of an employee's salary level, as long as bonuses are paid annually
- Agency received over 116,000 comments AFS weighed-in on coalition comments
- Effective January 1, 2020





Worker Rights are Shaping up a Key Issue in 2020 Presidential Campaigns

- Democratic candidates wooing workers & union leaders
- Win back the three longtime union strongholds Michigan, Pennsylvania and Wisconsin — that were key to Trump's victory
- So the candidates have a flood of pro-worker ideas, not just to make it easier to unionize, but to extend:
 - paid sick days
 - family leave to all workers
 - provide protections to pregnant workers, and
 - safeguard LGBTQ Americans from discrimination on the job
- Candidates see that something is seriously broken in our economy that income inequality, corporate profits, and the stock market have all been soaring while wages have largely stagnated for decades





Energy and Environmental Matters



















Climate Leadership and Environmental Action for our Nation's Future (CLEAN Future Act)

- Week of Jan. 27, sweeping climate change legislation due to be formally unveiled by the House Energy and Commerce Committee
- Key provisions
 - Framework proposes federal 100% clean energy by 2050 in the building, transportation, industrial, and electricity sectors
 - Will not preclude the development of new natural gas infrastructure & Will not establish a cap-and-trade program
 - Uses a variety of command-and-control and market-based tools, including amending existing environmental, energy and procurements laws, aimed at reducing emissions
 - In construction and procurement, establishes a *Buy Clean Program* under which federally funded projects must "only use the cleanest construction materials" for cement, concrete & steel setting out a national "buy clean" standard with the goal of stimulating private investment in decarbonizing industrial sources
- What's Next? Extensive hearings prior to formal committee action to move bill to the House floor Comprehensive bill will not pass the Senate look for lawmakers to try to get pieces of it passed on a bipartisan basis







House Republicans Unveil Climate Plan

- House Republicans unveiled their climate change proposal in Jan.
- Republican plan has three main components:
 - 1. Capturing carbon dioxide emissions (with a focus on trees);
 - 2. Clean-energy innovation and funding; and
 - 3. Conservation, focusing on plastic
- A broad goal of the plan is to make clean-energy technologies cheap so that developing economies will be inclined to adopt them







Navigable Waters Protection Rule

[Formerly Waters of the United States (WOTUS)]

- EPA and the Army Corps of Engineers <u>finalized</u> the Navigable Waters Protection Rule on Jan. 23, 2020
 - -Significantly revises the federal Clean Water Act regulations for determining which waters are subject to federal jurisdiction for water quality criteria application and discharge permitting decisions
 - -Replaces the former WOTUS jurisdictional rule issued in 2015 under the Obama administration and subsequently repealed in 2017
- More information on the new rule here
- AFS has been active on WOTUS issues, joining onto extensive comments submitted by NAM on both the original 2015 proposed rule & 2018 proposed rule for its replacement
- WHAT'S NEXT? Certain to be litigated...







EPA to Host Webinar on Navigable Waters Protection Rule

- Public Webcast EPA and the Army will hold a webcast discussing the final Navigable Waters Protection Rule on Thursday, February 13, 2020 to help explain the key elements of the final Navigable Waters Protection Rule on
- Registration is available here







Energy Package in 2020

- Door Still Open for Energy Bills After Impeachment
- Senate lawmakers focusing on bills that have already been reported out of committee and could be moved as soon as the impeachment trial is over
- More than 70 bills were advanced out of the Senate Energy and Natural Resources Committee in 2019, including measures to boost wind energy & new incentives for battery storage to accommodate more power from clean energy
 - ENR Chair <u>Lisa Murkowski</u> (R-Alaska) plans to narrow those to a list of measures that moved through her panel with solid bipartisan backing to improve their odds of getting on the floor











OSHA Enforcement Activity & Foundry Injuries, Accidents







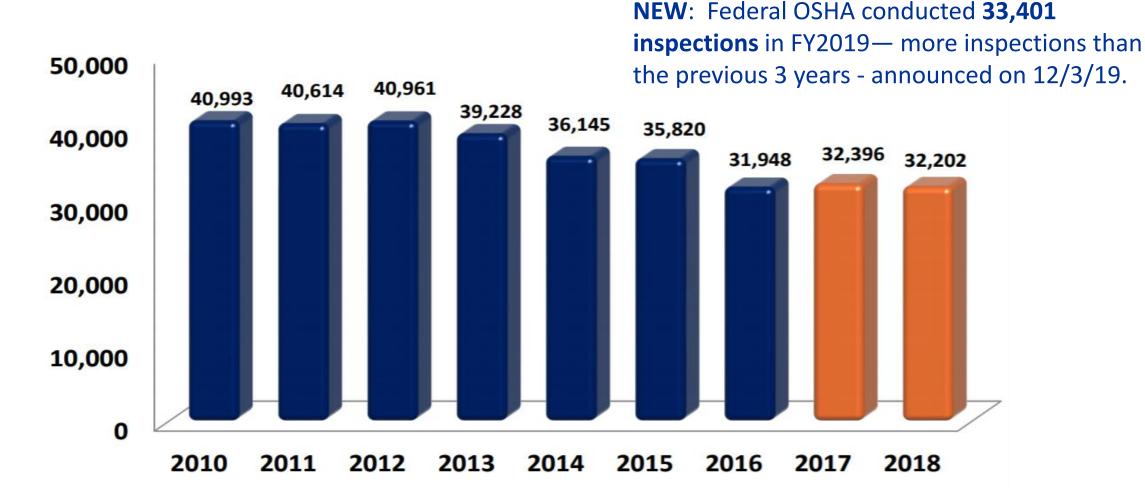
OSHA Enforcement Reality







Total Federal OSHA Inspections







OSHA Civil Penalties Increased on Jan. 16, 2020

Type of Penalty	Historical Maximums	Aug. 2016 [80% Catch-Up Increase]	Jan. 2018 [Annual Bump – Maximums]	Jan. 2019 [Annual Bump – Maximums]	Jan. 2020 [Annual Bump – Maximums]
Other-than- Serious	\$7,000	\$12,471	\$12,934	\$13,260	\$13,494
Serious	\$7,000	\$12,471	\$12,934	\$13,260	\$13,494
Willful	\$70,000	\$124,709	\$129,336	\$132,598	\$134,937
Repeat	\$70,000	\$124,709	\$129,336	\$132,598	\$134,937
Failure to Abate	\$7,000 Per day	\$12,471 Per day	\$12,934 Per Day	\$13,260 Per Day	\$13,494 Per Day







The OSHA Inspection Process



- New Video
- See how OSHA conducts an inspection and the reasons for an inspection

https://www.youtube.com/watch? v=HA6bixDzeLY&feature=youtu. be



OSHA Injury and Illness Recordkeeping and Reporting Requirements

- Required to display your Form 300A injury and illness summary starting Feb. 1 to April 30 annually
- Required to submit your <u>Form 300A</u> (Summary of Work-Related Injuries and Illnesses) electronically to OSHA for calendar year 2019 by March 2, 2020
 - NOTE: Starting in 2020, the 2019 data and beyond will include the collection of an establishments' Employer Identification Numbers (EIN)
 - -Requirement to keep and maintain OSHA Forms 300, 300A, and 301 for 5 years has not changed







Enforcement: Site-Specific Targeting

 Oct. 16, 2018 - OSHA published Site-Specific Targeting 2016 inspection plan, and began inspections in earnest in 2019

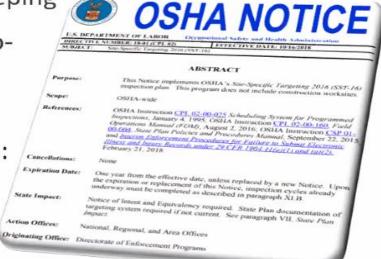
Targeting establishments for inspection based on CY2016 300A injury

data collected under new E-Recordkeeping

 Inspections are comprehensive and coordinated w/ NEPs (i.e., if covered by both, inspections will run concurrently)

SST List includes 3,000 establishments:

- 1. Establishments w/ DART rates above their industries' average
- 2. Establishments w/ unusually low rates
- 3. Establishments OSHA thinks should have e-submitted injury data but did not
- ≈1,000 SST inspections already conducted









OSHA Fall 2019 Regulatory Agenda – Pending Items

Rule	Agency Action	
Powered Industrial Trucks	Request for Information – Released 3/19; AFS submitted comments 6/19; NPRM – Jan. 2020	
Walking-Working Surfaces Rule	NPRM – April 2020 - OSHA is seeking to clarify regulatory language in its 2016 rule	
Lock-Out/Tag-Out Update	Request for Information – Released 5/19; AFS submitted comments 8/19; OSHA may hold stakeholder meeting	
Mechanical Power Presses Update	Request for Information – July 2020 Not released yet - AFS to submit comments	
Blood Lead Level for Medical Removal	Advanced Notice of Proposed Rulemaking – Sept. 2020 Not released yet - AFS to submit comments	







Foundry Accidents & Fatalities - 2019

- Metalcasting Remains a High **Hazard Industry**
 - -Injury and Illness Rates remain above the national average for manufacturing
- 2019 3* Fatalities, 16 Foundry Fires
- 2018 5 Fatalities, 14 Foundry Fires















Foundry	Accident	Date
SRT Aluminum* Wabash, IN *Not a foundry – but listed under NAICS AI Foundry	Fatality Employee caught in between the moving arm of a dumpster being used to feed aluminum chips to the furnace deck	June 2019
American Axle Kingsford, MI	Fatality Duct work collapsed on foundry worker on roof	July 2019
Real Alloy Coldwater, MI	Fatality Employee killed when struck by a front- end loader (at the recycling plant & foundry)	Aug 2019











	Foundry	Accident	Date
1.	Elyria Foundry Elyria, OH	Fire Furnace run-out in the melt shop area - No Injuries	Jan. 2019
2.	Penn-Mar Castings Hanover, PA	Fire No Injuries	Feb. 2019
3.	Clearfield Machine Co. Clearfield, PA	Fire Destroyed several molds for castings and part of a crane - \$50K damages - No Injuries	Feb. 2019
4.	Badger Foundry Winona, MN	Fire Molten metal came out of holding furnace – No Injuries	March 2019
5.	D&L Foundry Moses Lake, WA	Fire Blaze in warehouse - <i>No Injuries</i>	April 2019
6.	Elyria Foundry Elyria, Ohio	Fire Furnace fire - <i>No Injuries</i>	April 2019
7.	Decatur Foundry Decatur, IL	Fire No Injuries	May 2019
8.	Wisconsin Precision Casting Lake Geneva, WI	Fire Minor in wax room – <i>No Injuries</i>	May 2019











Foundry	Accident	Date
9. Simpson Enterprises	Fire	May 2019
Three Rivers, MI	Engulfed entire facility – No Injuries	
10. Prospect Foundry	Fire	June 2019
Minneapolis, MN	Heavily damaged foundry - No Injuries	
11. Wirco Foundry	Fire in Furnace	June 2019
Champaign, IL	No Injuries	
12. Selmet / Consolidated	Explosion	Aug 2019
Precision Products	Titanium castings – 2 injured – 1 critically	
Albany, OR		
13. Liberty Casting	Fire	Sept 2019
Delaware, OH	No Injuries	
14. Roloff Manufacturing	Fire	Sept 2019
Kaukauna, WI	No Injuries - \$100K damage - fire likely started	
	in boards that were warm from pouring	
15. Goldens Foundry	Fire	Sept 2019
Columbus, GA	No Injuries	
16. Diecastal North America	Fire	Oct 2019
Greenville, MI	Alum Dust Collector caught fire - No Injuries	







OSHA Inspections: Iron Foundries – 331511

Type of Inspection	2019	2018	2017	2016
Accidents	1	0	6	1
Complaints	23	21	14	18
Referrals	20	27	16	23
Follow-Up	2	3	1	6
Monitoring	4	4	3	1
Planned	10	7	11	13
Fatality / Catastrophe	1	3	0	1
Unprogrammed	2	2		
Other		0	0	1
Total # of Inspections	63	67	51	64







OSHA Inspections: Steel Foundries - 331513

Type of Inspection	2019	2018	2017	2016
Accident	2	1	4	0
Complaint	8	7	7	11
Referral	8	11	5	7
Follow Up	1	3	1	1
Monitoring	0	1	2	2
Planned	10	8	4	8
Fatality / Catastrophe	1	0	2	0
Other	1	3	0	2
Out of Business	2	2	4	4
Total # of Inspections	33	36	29	35









OSHA Inspections: Aluminum Foundries – 331524

Type of Inspection	2019	2018	2017	2016
Accident	0	0	0	2
Complaint	8	7	9	4
Referral	8	8	6	5
Follow Up	2	0	2	0
Monitoring	1	1	0	0
Planned	4	8	9	9
Fatality / Catastrophe	1	0	0	2
Other	0	1	3	5
Out of Business	0	2	0	0
Total # of Inspections	24	27	29	27







OSHA Cites 3 Foundries for \$100K+ Safety & Health Fines

- OSHA cited Frazer & Jones NY Iron Foundry for 33 workplace health and safety violations
 - Exposing employees to crystalline silica, iron oxide, combustible dust, falls, struck-by and caught-between hazards
 - Unsafe work floors and walking surfaces, inadequate respiratory protection, deficient safeguards for entering confined spaces, inaccessible and unavailable fire extinguishers, and blocked exit route
 - Lacking an effective program for removing pests
 - Not preventing the build-up of bird feces on equipment
- Penalty: \$460,316
- OSHA cited Liberty Casting Ohio Iron Foundry with 3 repeat and 18 serious violations
 - Exposing employees to crystalline silica above the permissible exposure limit (PEL) and other hazards'
 - Failing to implement engineering and work practice controls to limit exposure to silica, provide and require the use of respirators, develop an exposure control plan and medical surveillance procedures, and train employees on OSHA's silica standards
- Penalty: \$270,048







OSHA Cites Valve Manufacturer for \$171,000+

- In January 2020, OSHA cited Milwaukee Valve Company in Wisconsin for over exposing employees to lead, copper and other hazards including:
 - -Failure to implement adequate engineering and work practice controls to reduce employee exposure to lead, and train foundry employees on the hazards of lead and cadmium exposure
 - Failure to provide respiratory protection
 - Failure to provide eye protection
 - -Staircase not equipped with railing
 - -Employees used blowers at foundry door to remove lead dust from their clothes which was dispersed in the air





Silica-Related Citations for NY Foundry

- Silica Citations \$13,260 multiple citations wrapped together in 1 fine except for one willful
 - Improper selection of respirator for exposures over the PEL
 - Exposures over the PEL Shakeout was 148 ug/m3; Sprue table was 199 and 103 ug/m3; 2 sorters were 86 and 99 ug/m3; Annealer was 185 ug/m3; Shot Blast operation was 92 ug/m3; Tester/QC person was 85 ug/m3; and, Furnace re-liners were 600, 483 and 3358 ug/m3
 - Failure to do initial monitoring for reline furnaces and dust collector filter changes (no fine)
 - Lack of feasible controls for those over the RCS PEL
 - Lack of medical surveillance
 - Lack of regulated areas and proper demarcation, including no signs for regulated areas
 - Lack of hazard communication training, including lack of labels on containers of silica
 - Hazard communications omissions including not training on propane, nitrogen, metal dust, & ductile iron
- Walking-Working Surfaces \$132,598 Willful
 - Failure to keep passageways, storerooms, service rooms, and walking-working surfaces in clean, orderly, & sanitary conditions







Top 10 OSHA Violations – FY 2019 Iron Foundries - 331511

- 2019 = 189 Citations / 29 Inspections with penalties of \$976,377
- 2018 = 57 Citations and 18 Inspections with penalties of \$251,368



- Respirable Crystalline Silica (1910.1053): \$116,423 36 Citations / 8 **Inspections**
- Confined Space (1910.146): \$35,376 16 Citations / 4 Inspections
- Fall Protection (1910.28): \$74,828 12 Citations / 10 Inspections
- Lockout/Tagout (1910.147): \$89,567 10 Citations / 5 Inspections
- Machine Guarding (1910.212): \$66,312 10 Citations / 6 Inspections
- Lead (1910.1025): \$14,286 9 Citations / 2 Inspections
- Respiratory Protection (1910.134): \$17,124 8 Citations / 4 Inspections





Top 10 OSHA Violations – FY 2019 Iron Foundries – 331511 – Continued...

- Walking-Working Surfaces (1910.22): \$148,365 6 Citations / 3 Inspections
 - **Powered Industrial Trucks (1910.178)**: **\$19,053** 6 Citations / 5 Inspections
 - **10. Stairways (1910.25)**: **\$10,730** 5 Violations / 3 Inspections
 - **11. Electrical Wiring Methods (1910.303)**: **\$42,556** 5 Citations / 2 Inspections
 - **12. Electrical (1910.305)**: **\$24,472** 5 Violations / 2 Inspections
 - **13. OSH Act General Duty (5(a)(1))**: **\$49,632** 5 Violations / 3 Inspections
 - **14. Personal Protective Equipment (1910.132)**: **\$32,075** 4 Violations / 2 Inspections







Silica Inspection Data from OSHA for General Industry

OSHA SILICA GENERAL INDUSTRY INSPECTIONS	NUMBER	DATES
Total Inspections Conducted	*Includes 32 inspections open as of 8/29/2019 with no violations issued	June 23, 2018 to August 28, 2019







REMINDER: Crystalline Silica Rule – Change in Medical **Surveillance Provisions – Effective June 23, 2020**

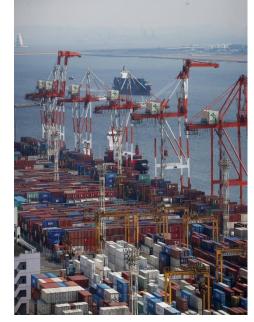
- Current: Employers must make medical examinations available to each employee who will be exposed to respirable crystalline silica above the PEL of 50 µg/m³, for 30+ days a year
 - 30-day trigger would apply when any employer hires an employee for more than one short-term assignment during a year, totaling 30 days or more
 - Medical surveillance must be made available at no cost to the employee & at a reasonable time and place
- Starting June 23, 2020: Employers will be required to offer medical surveillance to employees who are exposed to crystalline silica at or above the Action Level of 25 µg/m³, for 30+ days a year







Trump Administration's Trade Crackdown















United States-Mexico-Canada Trade Agreement



Strengthened Automotive Content Rules

- Ensures stricter "rules of origin" for cars made and sold in the U.S., Mexico and Canada, including requiring that 75% of automotive components be produced within the three-nation trading bloc for companies to sell duty-free — that's an increase from 62.5% under the NAFTA rules currently in place
- Requires that more than 40% of auto content be made by workers inside the trade bloc who earn at least \$16 an hour that's about three times the current average hourly pay for Mexican workers as of 2018
- Tightens definition of what constitutes North American steel under automotive rules of origin, calling for the metals to be "melted and poured" only in North America under a 7-year phase-in of the new standard.

Increased IP protections

More stringent protections for patents and trademarks in the new 60-page intellectual property chapter

Enhanced protections against currency manipulation

 Agreed to "market-determined exchange rates" and that all three countries will receive regular updates on any government intervention in the currency markets

Strengthened Labor and Safety Standards

- Requires Mexico to change its laws to make it easier for workers to unionize.
- Stipulates that Mexican trucks that cross the U.S. border must meet higher safety regulations.
- Creates interagency committee to monitor Mexico's labor reform implementation & compliance with labor obligations.
- Allows for "rapid response" panels to review whether specific facilities are violating workers' rights and to levy duties or penalties on products made at those facilities







USMCA - Timing

- President Trump will sign his signature trade deal with Mexico and Canada during a White House ceremony Wednesday, January 29
- Canada must still ratify the pact
- Deal will not go into effect for months
 - All three countries must work to meet all the obligations outlined in the deal before it can enter into force
 - Aiming for the pact to go into effect this summer, but trade experts say that's an ambitious timeline and will likely drift toward Labor Day











U.S. and China Sign "Phase One" Deal – Jan. 15, 2020

KEY PROVISIONS

- China agreed to purchase additional \$200 billion in U.S. goods over the next 2 two years. including nearly \$80 billion worth of manufactured goods - cars, car parts, aircraft, agricultural machinery, medical devices and semiconductors.
- Improvements on intellectual property protection revisions to protect a broad range of U.S. intellectual property, such as trade secrets and patents. Requires China to increase criminal penalties for copyright theft
- China-based counterfeiting China agreed to consider revoking operating licenses if e-commerce platforms repeatedly sell counterfeit goods
- Broad commitments on technology transfer includes high-level Chinese commitments to halt tech. transfer as a prerequisite for market access/licensing, & avoid supporting outbound investments based on acquiring foreign tech.
- Formal dispute settlement mechanism progressively higher rounds of consultation if trade policy issues arise, and the agreement that both sides can take appropriate responsive actions if no resolution can be reached
- Cancellation and reduction of some tariffs U.S. canceled tariffs on Chinese-made smartphones, toys and laptop computers set to go into effect in mid-Dec. 2019. Cut in half another batch of tariffs to 7.5% from 15% on about \$120 billion worth of other China imports from Section List 4A (which contains a few castings) effective February 14, 2020
- U.S. is leaving in place 25% tariffs on a \$250 billion array of Chinese industrial goods and components including dozens of castings as part of Section 301 List 1-3
- No Date For Phase-Two Talks a phase-two deal would include meatier items to involve structural reforms to China's economy, including having China stop subsidizing its state-owned enterprises, to end cyber theft, and curb flow of illicit fentanyl







UPDATE: USTR Exclusions under the China Section 301 Investigation Framework

	Li	st 1	Li	st 2	Lis	st 3	Lis	t 4A	TC	TAL	
Total Applications	1	0,814	2	2,869		30,285		1,532		45,500	
Stage 1 – Public Comment Period	0	0.00%	0	0.00%	0	0.00%	360	23.50%	360	0.79%	
Stage 2 – Initial Substantive Review	0	0.00%	0	0.00%	17,613	58.16%	1,172	76.50%	18,785	41.29%	
Stage 3 – Administrability Review	0	0.00%	0	0.00%	70	0.23%	0	0.00%	70	0.15%	
Stage 4 – Granted; Publication in Process	0	0.00%	0	0.00%	0	0.00%	0	0.00%	0	0.00%	
Granted and Published	3,656	33.81%	1,074	37.43%	396	1.31%	0	0.00%	5,126	11.27%	
Denied	7,158	66.19%	1,795	62.57%	12,206	40.30%	0	0.00%	21,159	46.50%	
# of Granted Exclusions Open for Extension	64			0		0		0		64	
# Granted an Extension		6		0		0		0		0	







What's Next on Trade?

- Passage of USMCA will free up the USTR to pursue other Trump trade priorities
- Increased attention on trade talks with the United Kingdom and the European Union
- More Tariffs on the Horizon? U.S. Considers Expansion of Tariffs in Aircraft Trade Dispute
- Ongoing Dispute over Digital Taxes and WTO
- Ambassador Lighthizer will also continue to lead negotiations with China no date has been set yet for U.S. and Chinese officials to pick talks back up for a "phase two" deal





U.S.-E.U. Trade Negotiations

- Chambers of Commerce in the U.S., EU and Japan jointly applauded recent calls by their respective governments to change rules at the World Trade Organization (WTO) to better address market-distorting behavior in China, including industrial subsidies
- President Trump wants to reset relationship with EU
- Still considering hitting the EU and other foreign auto suppliers with auto tariffs
- Tariffs on U.S. Vehicles Entering European Market = 10% vs Tariffs on Autos Imported to the U.S. from Europe = 2.5%
- U.S. is the most important export market for European cars, accounting for 29% of the value of all exported cars from the EU
 - 1 in 5 EU car exports come to the U.S.
- By comparison, US-based companies are delivering 19% of their car export value to Europe
 - European car manufacturers, such as Volkswagen and BMW, contribute to this number by exporting more than 50% of the cars they produce in the U.S.





Counterfeiting: Administration to Crackdown on Amazon...

- Total trade in counterfeit and pirated goods tops \$1.5 trillion across the globe
- Trump Administration released a counterfeiting "action plan" entitled Combating Trafficking in Counterfeit and Pirated Goods on Friday, Jan 24, 2020
 - Law enforcement officials will start to identify cases where counterfeit goods are being sold online and will "pursue civil fines and other penalties against these entities"
 - Calls for new legislation to allow "the govt to seek injunctive relief against 3rdparty marketplaces & other intermediaries dealing in counterfeit merchandise
 - Gives officials greater power to examine shipments in US warehouses & fulfillment centers
 - Will launch a consumer awareness campaign
 - Link to report = https://www.dhs.gov/sites/default/files/publications/20_0124_plcy_counterfeit-pirated-goodsreport_01.pdf











284 Days until the Election!











Which Democratic Candidate will Take on Trump?











- Race to become the Democratic challenger to President Trump is heating up!
- Only days left before the Feb. 3 lowa caucuses
- Election day is just 279 Days **AWAY**

















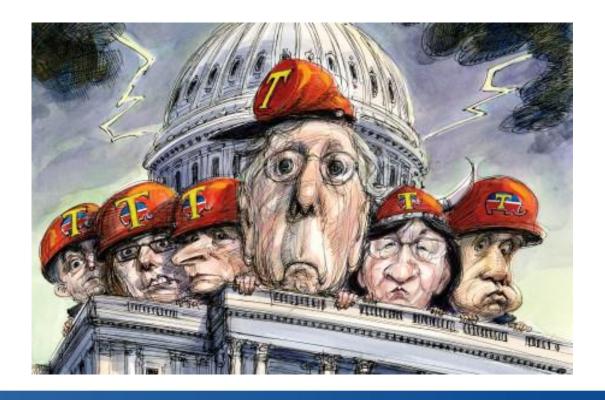
Presidential Election Key Dates to Watch

Date	Event	Date	Event				
Feb. 3	Iowa Caucuses	July 13-16	Democratic Convention - Milwaukee, WI				
Feb. 7	8 th Democratic Presidential Debate - New Hampshire - ABC News, WMUR-TV & Apple News	Aug. 24-27	Republican Convention - Charlotte, NC				
Feb. 11	New Hampshire Primary	Sept. 29	1 st Presidential Debate – Univ of Notre Dame - South Bend, IN				
Feb. 19	9 th Democratic Presidential Debate – Nevada - MSNBC & Nevada Independent	Oct. 7	Vice Presidential Debate - University of Utah - Salt Lake City, UT				
Feb. 22	Nevada Caucuses (Democrats only)	Oct. 15	2 nd Presidential Debate - University of Michigan - Ann Arbor, MI				
Feb. 25	10 th Democratic Presidential Debate - South Carolina - CBS News, Congressional Black Caucus Institute & Twitter	Oct. 22	3 rd Presidential Debate - Belmont University - Nashville, TN				
Feb. 29	South Carolina Primary (Democrats only)	Nov. 3	Election Day				
March 3	Super Tuesday – Alabama, Arkansas, California, Colorado, Maine, Massachusetts, Minnesota, North Carolina, Oklahoma, Tennessee, Texas, Utah, Vermont and Virginia						

The Battle for the Senate

Winning back the chamber is just as important as retaking the White House

But can Democrats wrest control from the GOP?





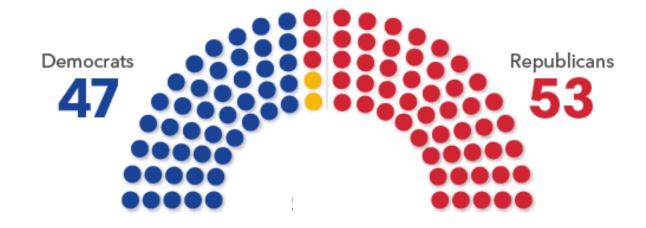






Senate Balance of Power

- **Democrats Need to Net 4 Seats to take control of the Senate**
 - Netting 3 Seats would result in a tie & majority would be decided by the Vice President's party
 - If either Elizabeth Warren or Bernie Sanders were the Democratic presidential nominee and defeated Donald Trump, then the GOP governor of their states would be in a position to name an interim senator of their choosing until a special election could be held









Senate Seats

Resigned - 1

Johnny Isakson (R-Ga.) resigned Dec. 31, 2019; Kelly Loeffler (R) appointed

Not seeking Re-Election - 4

- Lamar Alexander (R-Tenn.)
- Mike Enzi (R-Wyo.)
- Pat Roberts (R-Kan.)
- Tom Udall (D-N.M.)

Running for President

- Michael Bennet (D-Colo.)
- Amy Klobuchar (D-Minn.)
- Bernie Sanders (I-Vt.)
- Elizabeth Warren (D-Mass.)



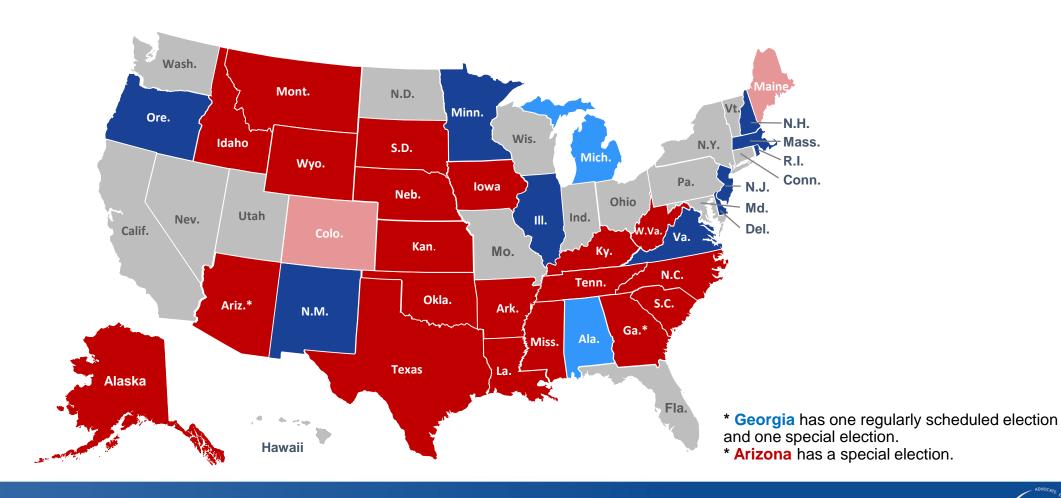






States With Senate Races in 2020

Democratic-held seat Republican-held seat Democratic-held seat - state won by Trump in 2016 Republican-held seat – state won by Clinton in 2016









2020 Senate Races

- 35 Senate Seats up for Election
 - -23 Republicans / 12 Democrats 4 Retirements & 1 resignation
- In 2016, Pres Trump carried ALL but 2 of 23 States where Republicans are defending Senate seats (CO and ME) Trump won 15 of those states by at least 14 percentage points





Key Senate Races To Watch

Senator Doug Jones (D-Ala.)

 Probably the most vulnerable incumbent – Trump won Alabama by 28 points – GOP field is complicated – former Senator Jeff Sessions, former judge Roy Moore, Rep. Bradley Byrne, & former Auburn football coach in a crowded March primary that probably will go to a runoff.

Gary Peters (D-Mich.)

• Likely faces Republican John James, a veteran and businessman who staged a strong challenge in 2018 to Sen. Debbie Stabenow; Michigan backed Trump by two-tenths of one percentage point in 2016, so may be a pickup opportunity for the GOP

Senator Susan Collins (R-Maine)

 Maine is trending blue. Most vulnerable Republican senator – running for re-election in state won by Hillary Clinton by 3 points. in 2016.

Senator Cory Gardner (R-Colo.)

- Colorado is trending blue - running for re-election in state won by Hillary Clinton by 5 points in 2016 - Democratic opponents include former Gov. John Hickenlooper and former state House Speaker Andrew Komanoff.

Senator Martha McSally (R-Ariz.)

- Lost a 2018 Senate race by 2 points and was subsequently appointed to fill John McCain's seat, is being challenged by former astronaut Mark Kelly, the husband of former Rep. Gabrielle Giffords, in the special election to serve the remainder of the term.

Senator Thom Tillis (R-N.C.)

North Carolina leans less blue than Colorado, but Tillis finds himself in the same fix as Gardner. Faces tough Dem challengers.

Senator Joni Ernst (R-lowa)

- Trump won the state by 10 points. Ernst is polling below 39%.
- Other potentially vulnerable GOP incumbents include Senators John Cornyn (R-TX), David Perdue (R-Ga.) & Kelly Loeffler (R-Ga.)



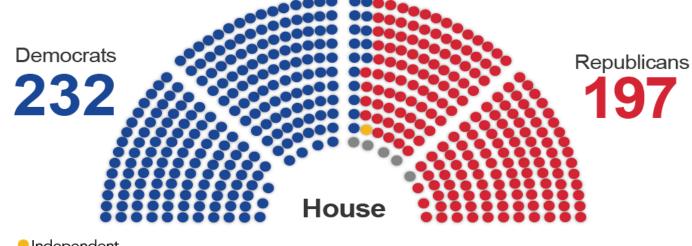




2020 House Races

All 435 House seats are up in 2020

- Democrats are defending their majority after a net gain of 40 seats in 2018 election
- Republicans would need to net around 18 seats to flip the chamber



Independent

The five vacancies are in CA-25, due to the resignation of Katie Hill (D); CA-50, due to the resignation of Duncan Hunter (R); MD-07, due to the death of Elijah Cummings (D); NY-27, due to the resignation of Chris Collins (R); and WI-07, due to the resignation of Sean Duffy (R).

Bloomberg Government







House Congressional Retirements...

Party Switches (1) - NJ-02 – Jeff Van Drew switched from the Democratic to Republican party Jan. 7, 2020

Vacancies (5)

- CA-25 Katie Hill (D) resigned Nov. 3, 2019; special election March 3
- CA-50 Duncan Hunter (R) resigned Jan. 13, 2020
- MD-07 Elijah Cummings (D) died Oct. 17, 2019; special election April 28
- NY-27 Chris Collins (R) resigned Sept. 30, 2019; special election planned for April 28
- WI-07 Sean Duffy (R) resigned Sept. 23, 2019; special election May 12

Not Seeking Re-Election (29)

- AL-02 Martha Roby (R)
- CA-53 Susan Davis (D)
- FL-03 Ted Yoho (R)
- FL-19 Francis Rooney (R)
- GA-07 Rob Woodall (R)
- GA-14 Tom Graves (R)
- HI-02 Tulsi Gabbard (D)
- IA-02 Dave Loebsack (D)
- IL-15 John Shimkus (R)
- IN-01 Pete Visclosky (D)

- IN-05 Susan Brooks (R)
- MI-10 Paul Mitchell (R)
- NC-02 George Holding (R)
- NC-06 Mark Walker (R)
- NC-11 Mark Meadows (R)
- NY-02 Peter King (R)
- NY-15 José Serrano (D)
- NY-17 Nita Lowey (D)
- OR-02 Greg Walden (R)
- TN-01 Phil Roe (R)

- TX-11 Michael Conaway (R)
- TX-13 Mac Thornberry (R)
- TX-17 Bill Flores (R)
- TX-22 Pete Olson (R)
- TX-23 Will Hurd (R)
- TX-24 Kenny Marchant (R)
- UT-01 Rob Bishop (R)
- WA-10 Denny Heck (D)
- WI-05 Jim Sensenbrenner (R)

Seeking Other Office (7)

- AL-01 Bradley Byrne (R), Senate
- CA-08 Paul Cook (R), County Board of Supervisors
- HI-02 Tulsi Gabbard (D), President
- KS-01 Roger Marshall (R), Senate

MA-04 – Joe Kennedy (D), Senate MT-AL – Greg Gianforte (R), Governor NM-03 – Ben Ray Luján (D), Senate







Some Early House Races to Watch

Incumbents Facing Higher-Profile Primary Challengers

- Some progressive Democrats are aiming to repeat Alexandria Ocasio-Cortez's upset win by mounting liberal primary bids to oust long-time Democratic incumbents such as:
 - NY: Reps. Eliot Engel, Jerry Nadler, Carolyn Maloney, Kathleen Rice and Yvette Clarke
 - Massachusetts: Richard Neal, chairman Ways & Means Committee
 - Texas: Henry Cuellar
 - Maryland: Majority Leader Steny Hoyer
- **Illinois** AOC is among some progressive lawmakers backing a challenger to incumbent and more conservative Democrat Dan Lipinski from the Chicago-area
- lowa An lowa state senator aims to force out embattled incumbent Steve King in the GOP primary; King's 2018 Democratic opponent also plans to run again after losing to King by only 3 points in 2018

An Exodus of Texas Republicans

 6 Texas House Republicans are retiring – one quarter of the state's GOP delegation!!







GOP Aims to Defeat Trump-District Democrats

- House Republicans intend to target 50 seats in 2020
- Among them are 30 districts that Trump won in 2016 (<u>underlined</u>) 40 members are facing their first re-election bids

NRCC House Target List							
AZ-01 – Tom O'Halleran	GA-06 – Lucy McBath	NH-01 – Chris Pappas	PA-07 – Susan Wild				
AZ-02 – Ann Kirkpatrick	IA-01 – Abby Finkenauer	NJ-03 – Andy Kim	PA-08 – Matt Cartwright				
CA-10 – Josh Harder	IA-02 – (Dave Loebsack, retiring)	NJ-05 – Josh Gottheimer	PA-17 – Conor Lamb				
CA-21 – TJ Cox	<u>IA-03 – Cindy Axne</u>	NJ-07 – Tom Malinowski	SC-01 – Joe Cunningham				
CA-25 – (Open)	IL-06 – Sean Casten	NJ-11 – Mikie Sherrill	TX-07 – Lizzie Fletcher				
CA-39 – Gil Cisneros	<u>IL-14 – Lauren Underwood</u>	NM-02 - Xochitl Torres Small	TX-32 – Colin Allred				
CA-45 – Katie Porter	<u>IL-17 – Cheri Bustos</u>	NV-03 – Susie Lee	UT-04 – Ben McAdams				
CA-48 – Harley Rouda	KS-03 – Sharice Davids	NV-04 – Steven Horsford	VA-02 – Elaine Luria				
CA-49 – Mike Levin	ME-02 – Jared Golden	NY-11 – Max Rose	VA-07 – Abigail Spanberger				
CO-06 – Jason Crow	MI-08 – Elissa Slotkin	NY-18 – Sean Patrick Maloney	VA-10 – Jennifer Wexton				
FL-07 – Stephanie Murphy	MI-11 – Haley Stevens	NY-19 – Antonio Delgado	WA-08 – Kim Schrier				
FL-13 – Charlie Crist	MN-02 – Angie Craig	NY-22 – Anthony Brindisi	WI-03 – Ron Kind				
FL-26 – Debbie Mucarsel-Powell	MN-03 – Dean Phillips	<u>OK-05 – Kendra Horn</u>					
FL-27 – Donna Shalala	MN-07 – Collin Peterson	OR-04 – Peter DeFazio					

Competitive House Races - Ratings

Edge for Democrats to Maintain Control

SOLID SEATS		LIKELY/LEAN SEATS			
D - 181	R - 162	D - 35	R - 30	D - 18	R - 8
LIKELY DEMOCRATIC 18 Dem • 2 Rep 0 Ind	LEAN DEMOCRATIC 17 Dem •1 Rep 0 Ind	DEMOCRATIC TOSS UP 18 Dem • 0 Rep 0 Ind	REPUBLICAN TOSS UP 0 Dem • 5 Rep 0 Ind	LEAN REPUBLICAN 0 Dem • 11 Rep 1 Ind	LIKELY REPUBLICAN 0 Dem • 19 Rep 0 Ind
AZ-02 Kirkpatrick	AZ-01 O'Halleran	GA-06 McBath	GA-07 Open	AZ-06 Schweikert	AK-AL Young
CA-07 Bera	CA-10 Harder	IA-01 Finkenauer	IL-13 Davis	FL-15 Spano	CA-22 Nunes
CA-49 Levin	CA-21 Cox	IA-02 Open	PA-10 Perry	IN-05 Open	FL-16 Buchanan
CO-06 Crow	CA-25 Vacant	IA-03 Axne	TX-22 Open	MI-03 Amash (I)	IA-04 King
FL-26 Mucarsel-Powell	CA-39 Cisneros	IL-14 Underwood	TX-24 Open	NE-02 Bacon	KS-02 Watkins
FL-27 Shalala	CA-45 Porter	ME-02 Golden		NJ-02 Van Drew	KY-06 Barr
IL-17 Bustos	CA-48 Rouda	MI-08 Slotkin		NY-02 Open	MI-06 Upton
MN-03 Phillips	IL-06 Casten	MN-07 Peterson		OH-01 Chabot	MN-01 Hagedorn
NC-02 Holding	KS-03 Davids	NJ-03 Kim		PA-01 Fitzpatrick	MN-08 Stauber
NC-06 Walker	MI-11 Stevens	NM-02 Torres Small		TX-10 McCaul	MO-02 Wagner
NJ-05 Gottheimer	MN-02 Craig	NY-11 Rose		TX-21 Roy	MT-AL Open
NJ-11 Sherrill	NH-01 Pappas	NY-19 Delgado		TX-31 Carter	NC-09 Bishop
NV-04 Horsford	NJ-07 Malinowski	NY-22 Brindisi			NY-01 Zeldin
NY-18 Maloney	NV-03 Lee	OK-05 Horn			NY-24 Katko
OR-04 DeFazio	TX-07 Fletcher	PA-08 Cartwright			PA-16 Kelly
PA-07 Wild	TX-23 Open	SC-01 Cunningham			TX-02 Crenshaw
PA-17 Lamb	TX-32 Allred	UT-04 McAdams			VA-05 Riggleman
VA-10 Wexton	VA-07 Spanberger	VA-02 Luria			WA-03 Herrera Beutler
WA-08 Schrier					WI-07 Vacant
WI-03 Kind					atings from Cook De

Ratings from Cook Political Report - as of Dec. 20





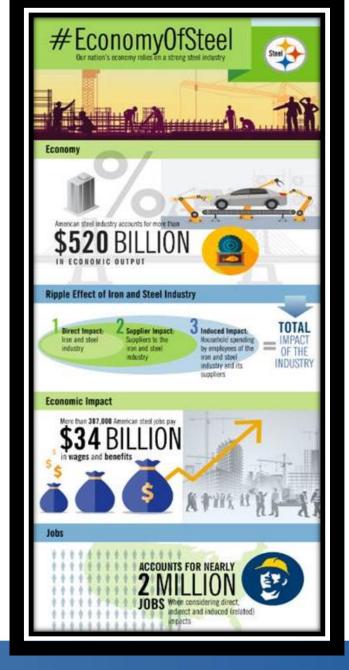


US Metalcasting Industry Economic Impact Study

- Many THANKS to a number of AFS member companies for their generous contributions to the AFS Economic Impact Study
- What type of data will come out of the study?
 - ✓ Employment –nationwide, as well as by state & congressional districts **Direct and indirect**
 - ✓ Economic output
 - √ Total wages
 - √Tax revenue
 - √% of GDP
- AFS will use the data to showcase our economic profile with:
 - AFS members, suppliers and customers
 - Elected officials at the federal, state, and local levels
 - Federal and state regulators and in comments on regulations
- Study Results to be Released April 2020 at Metalcasting Congress





















AFS Government Affairs Fly-In

- Save the Date: May 19-20, 2020
 - Updates on key issues from policy experts, lawmakers, & regulators
 - Only metalcasting-specific Washington briefing held annually
 - Charlie Cook on Election 2020
- Metalcasting Day on the Hill
 - Meet your members of Congress and their staff in pre-scheduled meetings
- Presentation of Metalcasting **Congressional Champion Awards**

















Questions?

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