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2007 NSA Board of Directors

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Mike Leigh
C-Thru Industries

Tom Blackwood
Custom Patio Rooms, Inc

Brian Fabian
Four Seasons Sunrooms

Robert Ottaway
Westview Products, Inc

Future Meeting Locations

2007 NSA Fall Meeting –
October 15-16, 2007 at the LaPlaya
Beach & Golf Resort in Naples,
Florida.

2008 NSA spring meeting –
March 10-11, 2008 at the Marriott
Rivercenter in San Antonio, Texas.

2008 NSA fall meeting – TBA

Fall Meeting

The 2007 NSA fall meeting is almost here. The Program Planning Committee has put together a great meeting. The Design Awards Committee and the Website Committee will kick things off with their meetings on Sunday, October 14. The Board of Directors meeting will immediately follow the Committee meetings on Sunday.

The NSA fall meeting welcomes all members on Monday, October 15 with the welcome address and the general membership meeting. The members will discuss association finances, sunroom certification, nominees for the Board of Directors, and much more.

A golf tournament has been scheduled for the afternoon of Monday, October 15.

A Technical Committee update and a Technical Director's report have been scheduled for Tuesday, October 16.

The Board will reconvene on Tuesday to address any issues presented during the meeting, followed by a Program Planning Committee meeting.

The National Sunroom Association is pleased to welcome the following speakers to the 2007 fall meeting:

Keynote Speaker Paul Gary, Esq. Monday, October 15, 2007 – Luncheon Speaker

Paul R. Gary, an Illinois native, graduated from Northwestern University in 1973 with degree in Political Science. Continuing at Northwestern University, Mr. Gary received his law degree in 1976. He is the principal attorney with The Gary Law Group and is a member of the Illinois State Bar, the Oregon State Bar and the Washington State Bar.

Paul Gary focuses on the management of legal issues in the window and door industry and the related defense of construction defect and product litigation. He has been involved in the defense of several hundred window and door related product claims, including class action litigation. From this,

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Fall Meeting *continued from page 1*

the firm has also developed an expertise in the creation of legal defense strategies, documentation and “best practices” systems to protect manufacturers and re-sellers of fenestration products, as well as insurance coverage matters related to fenestration product claims.

Mr. Gary has been a repeated speaker and contributing author for the fenestration and related products industry, including Window and Door, the American Architectural Manufacturers Association, GANA and NW Builder Magazine. He is currently working with the AAMA Forensic Task Group on liability-related matters.

Mr. Gary regularly assists local counsel with respect to the legal issues presented by the business of manufacturing and selling windows and doors, including litigation strategy and management. Paul Gary works with manufacturers and distributors in order to minimize legal risks before litigation occurs and evaluate serious existing claims.

Michael Beaton **Monday, October 15, 2007**

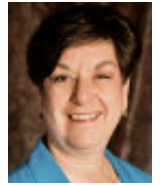
Michael Beaton will present on the relationship of ICC-ES to the code and code enforcement agencies; requirements of the International Codes for patio covers and patio enclosures; and alternative approaches for information presented in evaluation reports.



Michael Beaton is the senior regional manager of ICC Evaluation Service, Inc. (ICC-ES), a subsidiary corporation of the International Code Council. ICC-ES publishes technical reports on building materials and systems for compliance with building codes. Mr. Beaton is responsible for the operations of the Los Angeles Regional Office and operations between the three regional offices.

Michael is a mechanical engineer, licensed in the state of California, and a graduate of the University of Alberta. He has experience in the testing of products, having been Laboratory Manager of SGS United States Testing Company Inc. before joining ICC-ES in 1994. He is a member of ASTM Committees E05, on fire standards, and F17, on plastic piping.

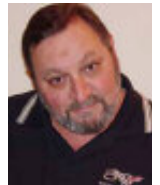
Naomi Angel, NSA Legal Counsel **Monday, October 15, 2007**



The lines between the employment practices that are legal and those that are not can often be confusing. Can you identify situations that are problematic? Join NSA’s counsel, Naomi R. Angel, as she navigates through the legal maze of risk management in hiring, firing, and the in-between.

Naomi Angel is a partner with Howe & Hutton, Ltd. Her practice is concentrated in the general representation of not-for-profit national and international trade associations of manufacturers and distributors, with particular emphasis on standards setting activities, certification, product liability, antitrust, intellectual property, and governance issues.

Joe Belcher **Tuesday, October 16, 2007**



Joe Belcher, President of JDB Code Services, brings many years of experience as a code official and consultant in the construction industry working with Fire Codes, Codes and Standards, Masonry/Concrete, Hurricane Protection, Product Approval, and Code Development. Mr. Belcher has been the recipient of many awards throughout the years, including the Alton T. Riddick, PE Award. Mr. Belcher is best known for his knowledge of and no-nonsense approach to the Florida Building Code.

Mr. Belcher is the President-Owner of JDB Code Services, Inc., an independent code consultant with more than 25 years experience in code enforcement and development. He is a Florida Certified General Contractor and a certified Building Official. He is the former Building Official for Gainesville, FL. Belcher remains involved in the development of the Florida Building Code and is active in the development of the International Building and International Residential Codes.

Register Today! Visit the NSA web site at www.nationalsunroom.org or call the NSA office at 216-241-7333.

Member Feedback

The NSA office would like your comments and suggestions to make NSA better than ever. If you have a meeting presentation topic, a suggestion for the website, potential member information, or anything that would benefit the NSA, please email association headquarters at info@nationalsunroom.org.

President's Message

Riding the Wave

The best time to catch a wave is when it builds momentum and swells. At that point, nothing can stop the wave from running its long thrilling ride to the shore.



NSA is building huge momentum right now. The waters are swelling, and significant progress for our entire industry is certainly coming. Now is a great time to catch the wave and get involved in our association.

A Huge Wave is Building

We're making significant progress on many fronts. Since our spring meeting, four new members have joined us: Comfort Line, Gorell, Plan Right, and TEMO Sunrooms. Armed with our new technical director, technical activity has ramped up significantly.

New management has injected new life and organization to our activities. We have a new legal counsel who has years of experience in association issues.

We're gathering member input and devising some creative restructuring for the association. We're thinking and talking strategically about our future. I'm excited about the next 12 months!

Jump in the Water!

Since the construction industry is down, now is a great time to invest your time in a stronger association that generates better results for all of us. I hope you'll join us at our upcoming fall meeting from Oct. 14-16 at the LaPlaya Beach and Golf Resort in Naples, Fla.

This meeting provides you with several opportunities to get involved. We can use your help and input in several efforts: our website, statistics gathering, program planning, technical progress, and our Design Awards committee.

You'll hear more about these activities at the fall meeting, along with excellent speakers who will address key topics. Our Technical Committee and our Technical Director will present the latest developments on codes and standards. And a little golf at a challenging course will help to clear our heads for the coming year.

If you've been sitting on the beach and wondering whether to jump in the water, now is a great time to join one of NSA's committees and ride the wave with us. I look forward to seeing you in Naples!



Dean A. Schwartz
NSA President

Meeting Schedule National Sunroom Association

LAPLAYA BEACH & GOLF RESORT
Naples, Florida
October 14-16, 2007

Sunday, October 14, 2007

3:00 pm – 4:00 pm	Design Awards Committee
3:00 pm – 4:00 pm	Website Committee
4:00 pm – 6:00 pm	Board of Directors Meeting
6:30 pm – 7:30 pm	Reception

Monday, October 15, 2007

7:30 am	Continental Breakfast
8:00 am – 9:30 am	Welcome to Members/ NSA Updates/Election of New Board Members
9:30 am – 10:15 am	Legal Brief/ Presentation – Naomi Angel
10:15 am – 10:30 am	BREAK
10:30 am – 11:30 am	Mike Beaton – ICC-ES
11:30 am – 1:00 pm	Luncheon Speaker – Paul Gary
2:00 pm	NSA Golf Tournament/ Free Afternoon

Tuesday, October 16, 2007

7:30 am	Continental Breakfast
8:00 am – 9:00 am	Technical Committee Update – Terry Cavanagh Technical Director Report – Dan Walker
9:00 am – 9:30 am	Joe Belcher
9:30 am – 9:45 am	BREAK
9:45 am – 10:45 am	Technical Committee Meeting
10:45 am – 11:45 am	Board of Directors (Wrap up)
12:00 pm – 12:30 pm	Program Planning Committee

NSA Technical Report

NSA Technical Project Highlight AAMA/NPEA/NSA 2100 Update

The AAMA/NPEA/NSA 2100, “Voluntary Specifications for Sunrooms” is undergoing concurrent review by NSA and AAMA to bring it up to date with recent changes in building codes. NSA and AAMA plan to meet to discuss their organizations’ proposed revisions to the document, which should result in a much improved and more useful specification for the industry. It is hoped the revised specification will be approved and available to the public in 2008.

ICC Update

ICC has released the 2007 Supplement to the ICC family of codes, which includes the International Building Code (IBC), International Residential Code (IRC) and International Energy Conservation Code (IECC) among others. The supplements for each ICC code can be downloaded from the ICC website for free: <http://www.iccsafe.org/cs/codes/200708cycle/2007Supplement/index.html>.

The supplements each contain approved changes to the codes that will be incorporated into the 2009 published codes.

ICC reports that 2,261 code changes were submitted during the 2006 / 2007 code cycle, with an additional 634 public comments. NSA continues to be active in the ICC code development process, and the association has submitted a number of suggested improvements to the codes for the 2008 / 2009 cycle. NSA sent in proposals that attempt to unify the terms used to describe sunrooms in the IRC, IBC and IECC. Another important proposal seeks to clarify the structural deflection requirements for glazing bars that support multiple pieces of glass, such as those used in solariums and conservatories.

The NSA proposals will be published in the ICC monograph, which is due out on December 18, 2007.

State ICC Adoptions

Kentucky has elected to update their state building and residential codes. The 2007 editions of the Kentucky codes will be based on the 2006 International Codes with some state amendments. The move to the International codes also includes the decision by the state to no longer publish their own stand-alone version. There will be a grace period for the Kentucky Residential code during the transition, which ends October 31, 2007.

Have a question about a local jurisdiction’s adoption of the I-Codes? Check for the most up-to-date status here: <http://www.iccsafe.org/government/jurisdictionadoptions.xls>.

Code Compliance Tip

Did you download a copy of the NSA Standardized Sunroom Inspection List? Visit the NSA Members Only section of the website and check it out. The new guide was developed by the NSA Technical Committee to help local contractors and building departments understand how to apply the provisions of the 2003 IRC and IECC for sunroom projects.

Everybody’s Going Green

The most recent green revolution is much different than the one that fizzled out in the early 1970’s. If you ask most builders and homeowners today, they’ll tell you the green movement is here to stay. The builders and developers will also tell you it isn’t difficult to sell green in the marketplace—in fact, it’s being demanded by their customers. One of the major reasons this is happening is due to major support from the U.S. Government. Through recent legislation, tax rebate incentives for using energy efficient building products, and rising energy costs, everyone is taking a second look at energy saving building solutions.

Some of these measures are required by code, and represent minimum levels, such as the International Energy Conservation Code (IECC), American Society for Heating, Refrigeration and Air-Conditioning Engineers’s (ASHRAE) Standard 90.1 (for commercial) and ASHRAE 90.2 (for residential). In the case of code minimums, the building official will be the one responsible to make sure these measures have been adhered to. Other measures are voluntary programs that claim to provide 30% or more energy savings above and beyond the code minimums. All of the voluntary programs exceed the code minimums. Some voluntary programs include the U.S. EPA’s Energy Star™ program, U.S. Green Building Council (USGBC) LEED (Leadership in Energy and Environmental Design) and ASHRAE’s Advanced Energy Design Guide (AEDG) series.

By and large, the more sophisticated voluntary programs such as the ASHRAE AEDG’s and USGBC’s LEED are for commercial projects. But recently, several new programs have come along for the residential market that you will want to make yourself familiar with.

NSA Technical Report *continued from page 4*

USGBC has developed a version of the LEED program for homes, known as LEED-H. Consequently, the National Association of Home Builders (NAHB) has been working in conjunction with the International Code Council (ICC) to develop a draft of its own residential green building standard. The stated purpose of the standard is that it “provides criteria for rating the environmental performance of residential construction practices and provides guidelines for documentation that demonstrates conformance with the criteria.”

The draft program is in the final stages of public review, and will be known as the NAHB National Green Building Standard. Similar to LEED-H, the NAHB program will assign a points system to various components of a home. If certain elements of the project are replaced with higher-efficiency components or more environmentally friendly construction practices, more points are awarded. The program has various levels of “green” as follows: Bronze, Silver, Gold and Emerald, with emerald being the highest.

Although the two residential programs may appear to be in competition with one another, both USGBC and NAHB have been participating together in their efforts to write these

standards. The LEED-H program is probably more sophisticated than the NAHB program, which is designed for ease of use by builders. The LEED program also requires third-party verification of compliance in order to achieve a rating (the NAHB program does not at this time). The cost to comply with the LEED-H program will likely be higher due to the requirement for verification. It is thought that the LEED-H program will more often be used for high-end residences or multi-family projects because of the higher likelihood of an architect working on the project.

More information can be found online for any of the green building standards mentioned in this column:

US EPA Energy Star™ – www.energystar.gov
 USGBC LEED & LEED for Homes – www.usgbc.org
 NAHB National Green Building Standard – <http://www.nahbc.com/technical/standards/greenbuilding.aspx>
 ASHRAE Advanced Energy Design Guides – <http://www.ashrae.org/technology/page/938>

It is wise to become familiar with all aspects of green building practices, and to leverage your product’s strengths as an environmentally friendly alternative. Unfortunately there are a number of programs in existence that you will need to become familiar with. But then again, no one said it was easy being green.

Industry Events

2007

Glass Expo Midwest	Oct 9-10	Grand Rapids, MI
AAMA Fall Meeting	Oct 14-17	Orlando, FL
NSA Fall Meeting	Oct. 14-16	Naples, FL
Independent Glass Association Fall Conference	Nov. 2-3	Chicago, IL
NFRC Fall Meeting	Nov. 5-8	Tempe, AZ
Greenbuild International Conference & Expo	Nov. 7-9	Las Vegas, NV
Win-door North America	Nov. 13-15	Toronto, Canada

2008

AAMA Annual Meeting	Feb. 24-27	Indian Wells, CA
Glass Week 2008	Feb. 13-17	Las Vegas, NV
NFRC Spring Meeting	March 3-6	Nashville, TN
NSA Spring Meeting	March 10-11	San Antonio, TX
AAMA Summer Meeting	June 1-4	Hershey, PA
NFRC Summer Meeting	July 28-31	TBA
ICC Annual Conference & Final Action Hearings	Sept. 14-23	Minneapolis, MN
AAMA Fall Meeting	Sept. 21-24	San Antonio, TX
Glasstec	Oct. 21-25	Dusseldorf, Germany
NFRC Fall Meeting	Nov 3-6	TBA

NSA Welcomes New Members

The National Sunroom Association is pleased to welcome the newest members:

- TEMO Sunrooms
- Comfort Line
- Gorell
- Plan Right

Please be sure to welcome these new members at the 2007 fall meeting.



Legal Tips on Notable Topics

By Naomi Angel, NSA Legal Counsel

GENERAL CONTRACTOR NOT LIABLE TO SUBCONTRACTOR'S EMPLOYEE – An Illinois appellate court has affirmed dismissal of a personal injury lawsuit brought by an employee of a subcontractor who was injured on a construction site. The injured employee sued the general contractor, alleging the general contractor had sufficiently controlled the subcontractor's performance and alleging an exception to the general rule that one who uses an independent contractor is not responsible to an employee of an independent contractor. The appellate court noted that the general contractor on this construction site did not supervise the entire job or methods of the subcontractor's work or prevent the subcontractor from working in its own way, and was not consistently present on the job site directing the subcontractor's work or safety program. The court also said a defendant does not retain control simply by having the overall right to stop work or inspect work or receive progress reports.

Tip: Injured plaintiffs sometimes go after their subcontractor's principal to avoid limitations of workers' compensation law, or to collect damages in addition to workers' compensation benefits. But the trial and appellate courts here focused on control of the work being done by the injured employee, and it was the subcontractor, not the general contractor, who controlled the work. No control, no liability.

BE CAREFUL ABOUT AGREEING TO INDEMNIFY ANOTHER PARTY – It's not uncommon to be asked to indemnify another party "against all claims" that may arise out of the parties' contractual relationship. Will indemnification be enforced? A recent Illinois appellate court says it will. Sears, Roebuck was awarded a \$2 million judgment against a mall owner who agreed in its lease to indemnify Sears against all claims up to \$2 million arising from the use of the mall's common area. A woman injured by a Sears employee driving a vehicle sued and was awarded over \$15 million against Sears, which in turn sued the mall owner for \$2 million. The mall owner's insurer said the lease agreement said nothing about auto insurance but the court relied on the lease's broad language of "any and all claims."

Tip: Be very careful when agreeing to indemnify and hold harmless another party against any and all claims or even some claims. Understand the potential liability. If indemnification should not cover the other party's negligence, say so in the contract. And tell your insurer before you sign because many insurance contracts specifically disallow contractual liabilities.

EMPLOYEE'S ALLERGIC REACTION TO PERFUME NOT A DISABILITY – A federal judge in Chicago has ruled that a terminated employee's allergic reaction to perfumes and similar fragrances did not constitute a disability under the Americans with

Disabilities Act ("ADA"). Impairment for ADA purposes must significantly restrict one or more major life activities. The employee's periodic use of a mask, and other such occasional responses in her work station did not amount to a disabling condition, according to the judge. As an alternative basis for his ruling, the judge also said that the employer had taken reasonable steps in the workplace to accommodate her condition. The employee was terminated following a poor performance review.

Tip: Employers are having to address claims of allergic responses to substances in the workplace more frequently. This employer attempted to accommodate the employee's allergic reaction to perfumes and other fragrances before terminating her based on her performance evaluation. That effort helped its defense, but the underlying issue for the court was that allergic reactions in the workplace, even on a frequent basis, do not constitute a disability without more evidence of impairment.

TELL EMPLOYEES IF YOU CHANGE THEIR SEVERANCE BENEFITS – A federal court in Chicago has denied a motion to dismiss a claim by former employees seeking to recover more than \$4.8 million in severance benefits. Ninety former employees of CNA Financial Corporation lost their sales jobs, annuities and long-term care insurance when CNA sold their division to another company. They claimed CNA amended its severances benefits plan but did not tell them for nearly seven months, finally doing so barely within the 210-day period after the end of the year in which the change was made as required by ERISA and only four days before they were terminated. The CNA plan provided that notice of material changes would be given within a "reasonable amount of time." The judge said an intranet posting of changes and an oral notice by a senior vice president did not meet ERISA requirements. The judge said CNA had announced it would do more than comply with ERISA's notice requirement so the employees are entitled to proceed with their claims.

Tip: The judge noted employers have considerable discretion in amending their welfare plans, and so long as an employer complies with ERISA's requirements, courts are reluctant to impose stricter standards. But this judge is relying on what CNA said it would do in excess of ERISA's requirements. Employers should pay strict attention to what they announce regarding their benefit plans, and if they promise something more than the plan or law requires, they should be prepared to stick with their announcements which employees and courts may interpret as a promise.

These articles are provided solely for informational purposes and do not constitute legal advice. If you have specific questions or concerns about a legal issue, consult your company's legal counsel for guidance.