

ABAC NEWS

MAR-APR 2009

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The Official Newsletter of the Auto Body Association of Connecticut

March Quarterly Meeting Produces Vital Information & Education to Members

Everyone who attended the recent ABAC quarterly meeting at the Country House Restaurant on March 10th, 2009 experienced an event filled to the brim with new important information and education on a variety of industry related topics.

ABAC Board of Director Bill Romaniello opened the meeting by greeting everyone and also expressing sincere thanks and appreciation to co-sponsors, **Enterprise Rent-a-Car and Auto Body Supplies and Paint** for their generous support. Romaniello then introduced ABAC president Bob Skrip.

Bob spoke on a number of issues. He urged all members to join him and other ABAC directors in attending the 2009 North East Trade Show, March 20-22, 2009, held at the Meadowlands Exposition Center in Secaucus, N.J. He explained that the ABAC was invited to attend and be an active part of a special Leadership Forum Seminar, a five hour gathering of officials from various auto body associations and collision repair related groups from throughout the country. Skrip stressed the importance of two seminars offered by our friend and ally, Attorney Erica Eversmann (www.vehicleinfo.com) who would be discussing in great detail the introduction of the Collision Repairers Code of Ethics on a national level. Bob stated that all professional industries must adhere to a code of ethics. The collision repair industry should not be an exception! Attorney Eversmann would give a second seminar titled "Life without the data base." Skrip then distributed V.I.P. passes to all members in attendance to allow them easy access and free admission, compliments of the sponsor of the Trade Show, AASP/N.J.



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Bob made all members aware of the new Federal EPA regulations that became effective Jan. 9th, 2008 regarding businesses that apply spray coatings to vehicles. The details of this regulation and all future requirements and dates slated for 2009-11 are listed in a special bulletin on page 3 of this issue. Skrip was proactive in an-

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nouncing that he contacted the Federal EPA Boston office on this important issue, and they have agreed to provide one of their experts on this subject to speak at the ABAC September 2009 quarterly meeting. Bob then informed everyone that the SCRS & CIC Collision Industry Conference would be holding their annual meeting in Hartford CT this year for the first time in their history. CT Attorney General Richard Blumenthal, when contacted by President Skrip, has agreed to be the keynote speaker at this event. Additional information on this upcoming meeting is listed on page 4.

Skrip then gave a warm introduction to the featured speaker of the evening, **Tom Beck from Future Cure**. Mr. Beck gave a dynamic presentation on the subject of waterborne paint systems. Tom went into great detail, carefully explaining step by step what collision repairers will deal with when they change over to a waterborne refinishing system. Beck covered the fundamentals of refinishing, equipment that will be necessary, and the different processes that are associated with waterborne systems. Mr. Beck took special care

not to promote any products from his own company by keeping his presentation exclusively geared towards education. The very attentive audience came away with the knowledge that will be necessary to adapt their facilities to the waterborne system.



Bill Romaniello then took the microphone and proceeded with the final segment of the meeting. Bill unveiled four brand new documents that he created with assistance from his office director Bonnie Coon and **ABAC Attorney John Parese of Buckley & Wynne**. The first document is a repair contract that customers would sign. This document would take the place of a typical repair authorization document. The additional new documents created were: assignment of claim, payment authorization, and direction to pay. The language and layout in these forms Romaniello and his team have created is state of the art, cutting edge professionalism, which should give ABAC members an advantage in upgrading the necessary documentation required to repair collision damaged vehicles. The members in attendance asked Bill numerous questions, which obviously meant that his presentation was received well.

ABAC members who attended this meeting definitely had the opportunity to come away with a vast amount of new information and knowledge. In knowledge there is power!

Annual Meeting to be held in May

ABAC May Annual Meeting

Tuesday May 12, 2009

Country House Restaurant

6:30pm - More Info to Follow by Fax and email

**Attention All Collision Repairers!
Important Compliance Reminder**

Existing Shops Must Comply By January 10, 2011

New Shops (Opening After September 17, 2007) Must Comply on Startup

Summary of new Federal EPA regulations (40CFR63, Subpart HHHHHH) for businesses that spray-apply coatings to vehicles became effective January 9, 2008.

1. Painters must be certified as they complete training in proper spray application of surface coatings, setup & maintenance of spray equipment. (Includes booths, filters, spray guns, gun cleaners, etc.)
2. Spray apply coatings in a spray booth, prep station, or mobile enclosure meeting certain requirements & use HLVP spray gun or other approved technologies.
3. Prevent atomized mist & avoid spraying solvent or paint residue in cleaning spray guns.
4. Submit initial notification to EPA on January 11, 2010 for existing shops and for new shops by 180 days from start up or by January 9, 2008, whichever is later.
5. Submit notification of Compliance Status to EPA. Existing sources not able to demonstrate compliance in their Initial Notification must submit by March 10, 2011. New sources must submit Notification of Compliance Status when they submit their Initial Notification.
6. Keep records to demonstrate compliance.

Please note: Review thoroughly. You can apply to be exempted from the new rule if you eliminate the use of coatings containing chromium, lead, nickel, or manganese. If you use a product containing methylene chloride to strip or remove paint, you are subject to additional requirements.

For more information and to download example notification, visit:

www.epa.gov/ne/auto

Have a question or want to attend a workshop? Contact Mary Dever-Putnam at 617-918-1717 or email dever.mary@epa.gov

A SINCERE THANK YOU

***To our sponsors whose financial contributions helped make our
March 2009 ABAC Quarterly Meeting
A GREAT SUCCESS!***

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Legislative Update: Two Insurer Introduced Bills Fail!

The Connecticut General Assembly's Joint Committee on Insurance and Real Estate, despite pressure from the insurance lobby, **reached correct decisions in voting against Senate Bill 896 and House Bill 6446** on March 12, 2009. If these bills were allowed to pass, they would have given insurers increased power and control of the repair process. Specifically, Senate Bill 896 introduced in February, would have required collision repair owners to give reasonable notice to insurance companies if supplements were needed. The insurance company would have three business days in which to inspect the vehicle after notification, thus prohibiting the collision repair shop from continuing the repair process without approval from the insurer. The bill would have allowed the insurance company to deny payment to the repair shop if all requirements were not met. The final requirements of this bill would have made collision repairers liable to certify that all insured customers had paid their deductibles, that all repairs were made pursuant to the insurance estimate, and that repairs included all items authorized by the insurer.

Auto Body Association of Connecticut (ABAC) president Bob Skrip commenting on the dismissal of Bill 896 stated: *"If this bill was allowed to pass, it would have taken the customer out of the equation and turned the insurance company into the customer, also potentially creating a ripple effect throughout the country."*

ABAC Attorney John Parese gave powerful testimony at a February 17th hearing on the bill. Parese explained that the bill, among other things, would place too much power in the hands of insurers, and possibly raise conflicts with existing Department of Motor Vehicle regulations which state that customers should authorize all repairs. **CT Attorney General Richard Blumenthal also opposed the legislation.**

Bill # 6446 originally designed with language to prevent steering could also have been detrimental to the overall health of independent collision repairers. **Bill Romaniello, legislative director for the ABAC**, said that if the bill passed it would have allowed insurance companies to write "HMO-style" policies that would have produced incentives for consumers to use "in-network" shops in much the same way they are required to use in-network hospitals and doctors under some health insurance plans. Romaniello says. *"Every policy written would have stated that these are the repair shops you get to choose from, and there are no -out-of-network repairs without cost."*

The Connecticut Department of Insurance also was in opposition to this bill. Romaniello, who owns All Pro Collision Repair in Southington, CT, expects new legislation to be introduced through the transportation committee toward the end of March that will combine the anti-steering language of Bill 6446 along with material from Bill 896 pertaining to the customer's right to choose their repair shop.

Further updates will be reported on in the next issue. Stay tuned!

SCRS Annual Meeting to be held in Hartford

The Society of Collision Repair Specialists (SCRS) is pleased to announce that its 2009 annual meeting will be held Tuesday, April 21, 2009 at the Marriott Hartford Downtown Hotel in Hartford, CT. A full schedule of events is planned for the two day gathering, with the main focus on the strategies that repairers can use to survive and thrive in an evolving industry. This event offers a tremendous opportunity for members of the Collision Repair Industry, especially those who are local to Connecticut to attend. Those interested in attending this meeting can register or get additional information by contacting Linda Atkins at 877-841-0660 or info@scrs.com.

SCRS expresses sincere thanks to the Auto Body Association of Connecticut (ABAC) for helping to secure Attorney General Richard Blumenthal's participation, a direct result of their ongoing productive relationship with him. AG Blumenthal will be a keynote speaker on Wednesday, April 22nd from 10:30am-12:30pm. ABAC officers and directors will be attending.

Mechanic charged in fatal brake failure

Attention Shop Owners: Make no mistake about it....it is your responsibility and liability to make a safe and quality repair for your customer (the consumer) The following story will illustrate the ramifications of a repair facility's failure of not paying attention to detail.

By DANIEL MALLOY
Pittsburgh Post-Gazette

Investigators first traced the cause of a fatal crash in Pittsburgh to the brakes, then to the fluid cap, then to the mechanic who left the cap unscrewed. Last week, the mechanic was arrested and charged with involuntary manslaughter, setting in motion what legal experts say is a remarkable case.

"I have not heard of anything like that," said Duquesne Law School professor Bruce Antkowiak, a former federal prosecutor and criminal defense attorney. "It's a law school test case."

Mark Fabian, 33, faces a preliminary hearing that prosecutors said will be scheduled for March 27 on charges that he caused the death of Colleen Visconti and injuries to three others. The Sept. 3 crash happened when the brakes failed on a minivan transporting Visconti and two special-needs students home from the Pioneer Education Center. The van crashed into a tree. Visconti, 53, died Sept. 12 of complications from the abdominal injuries she suffered in the crash. Students Walter Chancellor and Tyler Blazier were treated for head and facial injuries at Children's Hospital.

According to a criminal complaint, driver Jennifer Logan, who fractured her leg in the wreck, told investigators that she noticed problems with the brakes on the Dodge Caravan earlier in the day. She took it to the Lawrenceville garage for A-1 Van Service, which owned the van. Fabian was assigned to work on the van, and he told officers from the collision investigative unit that he did a thorough job. But officers presented evidence to the contrary.

According to the complaint, investigators found an obvious crack in the right rear brake and dust on both rear brakes, suggesting they had not been examined. The most crucial piece, though, was the master cylinder filling cap, which was not reattached after being unscrewed. Investigators determined that the cap's absence allowed brake fluid to drain from the car, rendering the brakes lifeless. Logan said that as she went down a hilly street, she pressed the pedal all the way down, but it had no effect. Investigators found a trail of brake fluid from the top of the hill to the crash site.

Fabian insisted that he never opened the hood and wasn't responsible for the misplaced yellow cap. But investigator Michael McNamara noted in his report that when confronted with the physical evidence, Fabian became evasive and avoided eye contact. McNamara concluded that Fabian lied on a work order claiming he had inspected the vehicle and lied about the cylinder cap.

"Mark Fabian's failure to place this vehicle out of service is the cause of this crash," McNamara wrote.

To convict Fabian, prosecutors must prove that his actions -- or inactions -- caused the wreck, and those actions were "reckless or grossly negligent." Criminal defense attorney and former Allegheny County prosecutor Patrick Nightingale said that's a tough standard to meet.

"Is the commonwealth going to prove beyond a reasonable doubt that this guy's mistake was so egregious that it merits criminal responsibility?" Nightingale said. "It's going to be very interesting and potentially very defensible."

VINAL TECH HOSTS ANNUAL SkillsUSA COMPETITION



Once again **Vinal Technical School in Middletown, CT** was the host site for the **Annual Skills USA Competition**.

Nine participants from **HH Ellis Tech, Platt Tech and Kaynor Tech** assembled to compete in areas of Auto Body repair consisting of metalworking, welding and painting along with the issues of safety involved with their work.

Tom Vicino, owner of Superior Auto Body in Westbrook, CT, served as Chairman for this event. Tom tells us that they are looking for participants to excel in the basics of auto body repair so that they will be able to join businesses as entry level techs. These students were told that they would someday be working on automobiles which have become "high-tech computers on wheels" and will offer the students a good future in our industry. Each student was assigned to repair a hail size dent in a fender, paint another portion of the fender and then move to the welding area to weld several metals.

Don Cushing, Wholesale Mgr. from Bald Hill Chrysler Dodge once again contacted executives at the Mopar Parts Division of Chrysler and was able to get the fender panels that the students repaired and painted. Don tells us that he & his company are happy and honored to be involved with future auto body technicians!

Along with Tom Vicino, the judges in this year's competition were: **George Atwood, Atwood's Auto Appearance in Deep River, Tyler Rook, Victor Auto Body Works, in Middletown, and Mark Wilkowski, Stanley's Auto Body in Waterbury.** **Ray White, Auto Body Instructor from Vinal Tech** served as an overseer. A big "thank you" to these gentlemen who took time from their own busy schedules to attend and judge this great event!

SkillsUSA is a national organization serving high school and college students and instructors who are enrolled in training programs in technical, skilled and services occupations, including health occupations.

If you have any questions about Connecticut SkillsUSA, you can contact **Heidi Balch, the state director**, by telephone at: (860) 807-2138 or by e-mail at: Heidi.Balch@ct.gov.

Sparring with an Airbag

Like being in the ring with George Foreman

By Dr. Patricia A. Richard

Each day, it seems, we awaken to the news of yet another horrific car accident somewhere in Connecticut. We breathe a sigh of relief when we learn that the vehicles were totaled and yet the occupants “miraculously” walked away, seemingly unscathed, because their automobiles had been equipped with airbags. We bless the advent of these safety devices. But few people realize that airbags, while ultimately saving lives, may cause complex injuries themselves.

No one would argue the benefits of having an airbag during a serious accident – they do indeed save lives. But if you have been involved in a collision during which your airbag deployed, think twice: you may have sustained injuries of which you are unaware.

Being in the path of a deploying airbag is like being punched in the face by a pro boxer.

When an airbag inflates, it travels at speeds as fast as 200mph, and with the force of up to 2,000 pounds. Federal regulations require that airbags sufficiently inflate to restrain and protect an unbelted dummy, representing the average adult male, in a crash test into a concrete barrier at 30mph. To meet this federal requirement, an airbag must inflate in a split second (actually about 1/30th of a second.) This is faster than a blink of an eye – so fast you can’t even see it happen.

Being struck with such force is likely to cause injury. While most of these are minor, consisting only of bruises, burns and abrasions, some are more serious, such as broken arms. In extreme cases, such as when the head or chest is against the module when it opens, airbags can kill.

Also, some soft tissue damage can occur without you realizing it. The airbag very likely could have caused head, neck and jaw injuries – injuries that you may not even notice at the time of the accident. Women are more likely to be injured than men by airbags simply because they tend to sit lower in the seat and closer to the steering wheel.

Airbag trauma, like whiplash, can rip and tear delicate ligaments that hold joints in place. These problems can manifest themselves days, weeks or even years after they happen.

One of the most common of these injuries is to the jaw, and it can be among the most painful. When the disc or jaw joints slip, blood vessels and nerves are pinched, causing radiating pain that can expand to the face. Even a small misalignment of the jaw eventually may cause vascular headaches that feel like severe migraines. Such a condition of the jaw requires treatment by a professional who can care for both the medical and dental aspects of the injury.

The one-two punch of an airbag can cause compression of the trigeminal nervous system of the face, which is responsible for sensation and mechanical jaw motion, leading to displacement of the temporomandibular joints that manifests in compromised opening of the mouth.

Jaw injuries can also impact the inner ear. Inner-ear trauma can cause a host of symptoms that range from dizziness to congestion and a feeling of stuffiness or “fullness” in the ear – a condition that may lead you to think you have developed or aggravated your allergies.

In the medical world, airbag injury is also known as hyper acceleration/deceleration injury; simply put, your head and neck are flung forward at the time of front-end impact, and then quickly thrust backward by the airbag. Intra-cranial hemorrhage, concussion, impaired visual acuity, even orbital blow-out fracture (in which the eyeball is dislodged from the socket) all can result from airbag deployment.

In the aftermath of any incident in which an airbag had deployed, it is important to contact a physician who specializes in these sorts of injuries, *even if you don’t think you have been injured*. It is especially important that this be done early, because if you delay, scar tissue could form, making any necessary treatments much more difficult.

And if you are bothered by allergies this year and normally don’t have them, consider whether you have been in a vehicle in which the airbag has inflated. Even if the airbag did not deploy, a fender bender at speeds as low as 8mph could cause your head to be tossed about with sufficient force that injury could occur. In either instance, see a physician.

Dr. Patricia A. Richard is a medical doctor and dentist practicing in Fairfield, CT. She specializes in the treatment of injuries to the facial area, as well as to other areas of the body. She can be reached at (203) 254-8080.

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Automotive Aftermarket \$7 Billion Sales Boom Created by 2,000 Car Dealer Closings in 2009

Car Dealer Closings Are Creating a \$7 Billion Parts and Service Sales Boom for the 2009 Independent (Non-Dealer) Aftermarket; This Is Part of the Greatest Restructuring of the Automotive Aftermarket Competitive Landscape Since World War II

WYCKOFF, N.J., March 17, 2009 (GLOBE NEWSWIRE) -- "With at least 2,000 dealers closing in 2009, over \$5 billion in dealer bay parts and service sales will be abandoned along with more than \$2 billion in product sales through dealer parts departments and dealer redistribution of OE parts to independent service outlets," said Jim Lang, President of Lang Marketing.

Lang Marketing estimates most of the more than \$7 billion in 2009 parts and service sales abandoned by closing dealers (at user-price) will be captured by independent (non-dealer) service outlets and auto parts stores, as well as independent (non-OE) auto parts distributors.

32,000 Fewer Dealer Bays This Year

Car dealer closings in 2009 will shutter over 32,000 dealer service bays. Lang Marketing expects 2,040 car dealers will close in 2009. The dealer casualty count could climb much higher under severe circumstances. Up to 51,000 dealer bays could be closed if the dealer network suffers a traumatic shock, such as the bankruptcy or dramatic downsizing of a U.S. automaker. The exact number of dealer bays closing in 2009 will depend on how many new car dealers convert to used car outlets with service bays.

Dealers Will Abandon Over \$5 Billion in Parts Sales and \$2 Billion in Service Work

Counting all dealer parts and service sales (bays, counter sales, and redistribution volume), 2,040 dealer closings in 2009 will potentially shift \$5 billion in parts volume, primarily replacement parts, at user-price toward the independent aftermarket plus another \$2 billion in service billings," said Lang. Replacement parts are parts necessary for vehicle operation, as opposed to accessories and other discretionary automotive product purchases.

Unprecedented Aftermarket Parts and Service Shift

The 2009 closing of at least 2,000 car dealers in the U.S., mostly domestic auto outlets, will provide the independent (non-dealer) automotive aftermarket with an unprecedented \$7 billion annual growth opportunity in parts and service volume.

"This is part of the greatest restructuring of the automotive aftermarket competitive landscape since World War II, which will extend over a number of years," said Lang.

The automotive aftermarket consists of all products and services used in the repair, maintenance, and modification of cars and light trucks after they leave the factory.

About Lang Marketing:

Lang Marketing Resources (<http://www.langmarketing.com>) is an independent market intelligence company focusing on the car and light truck aftermarket in the U.S.