

# tmta talk

A publication of the  
Tooling, Manufacturing &  
Technologies Association

**FROM ROB'S  
ROOST**  
By ROB DUMONT  
PRESIDENT & CEO

## Political not Practical

SEQUESTRATE verb, transitive, confiscate take temporary possession of (debtor's estate etc.). Sequestration is upon us as decreed by Congress in the former session and, indeed, as agreed by the President and his administration.

Notwithstanding, every possible reason that might exist as to why the "opposite" side in the debate is at fault has and will, no doubt, continue to be offered up as cause for what is, I believe, exaggerated effect. Be assured, the world will continue to rotate and the government will continue on (I hesitate to suggest 'function' as that is presently too high an appellation for what is clearly a dysfunctional group).

Having just spent three days on the Hill in DC and having visited a number of



Congressional offices on both the Senate and House sides I can attest to the fact that there was precious little evidence of any national crisis or crisis at all for that

matter. When the subject of sequestration did arise it was portrayed as the inevitable followed by an attitude remarkably like "Oh well".

My efforts were focused on trade issues with emphasis on currency and the impact of persistent foreign undervaluation of their currency; tax reform and the recognition that the United States is alone in the industrial world not having any form of border adjustable or value added tax; and 21<sup>st</sup> century trade principles with an emphasis on the creation of an actual trade strategy and

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## tmta Calendar of Events

### March 2013

<b>10</b>	Daylight Saving Time Begins Set Clocks 1 Hour Ahead
<b>20</b>	TMTA Board of Directors meets at TMTA offices
<b>20</b>	Vernal Equinox First Day of Spring

Visit [www.thetmta.com](http://www.thetmta.com) for detailed,  
up-to-date information on all events.



## Drug prices jump again while other health costs decline

by: Dennis Cauchon, USA TODAY

Prescription drug prices are taking off again as other health care costs are flat or falling.

After dropping during the recession, drug prices have reignited in the past four years, returning to growth rates of a decade ago. In 2012, prescription drug prices rose 3.6%, twice the 1.7% inflation rate, Bureau of Economic Analysis data show.

The trend is in sharp contrast to other health costs. Prices for a doctor's visit, lab test and nursing home room all fell below the rate of inflation for the past two years.

What's driving drug costs up: brand-name drugs paid for by insurance and often heavily advertised.

The price escalation on patented drugs has offset enormous savings that have occurred simultaneously from the growing use of inexpensive generic drugs. Generic drugs can be made by multiple companies, which compete on price. Four of every five prescriptions are for generics, which can cost one-fourth or less than the brand name version.

This blend — expensive brands and cheap generics after patents expire — lets consumers buy drugs at low cost while providing profits for drug research. The Food and Drug Administration has approved 70 new drugs in the past two years, including a breakthrough treatment of cystic fibrosis and the first drug for a common form of skin cancer.

The top-selling drugs reflect the strategy of the \$310 billion annual drug industry:

- No. 1 Nexium, a heartburn drug, had a 7.8% price hike to a \$262 average prescription in the first nine months of 2012, IMS Health reports.
- No. 2 Abilify, for bipolar disorder, increased 10.4% to \$642 per prescription.
- No. 3 Crestor, a cholesterol-lowering drug, went up 9.7% to \$193 per prescription.

"Pricing decisions are based on many factors that reflect our obligations to patients and shareholders," says Stephanie Andrzejewski of AstraZeneca, which makes Nexium.

## Employee Notice of Exchanges Delayed

The Department of Labor (DOL) issued guidance delaying the deadline for employers to provide employees with notice of coverage options available through the health care Exchanges.

The Affordable Care Act (ACA) requires employers subject to the Fair Labor Standards Act to notify their employees of the availability of health care Exchanges. The ACA states that notice must be provided beginning March 1, 2013 for new hires and existing employees. The employer must also provide information regarding potential Exchange tax credits if an employer's offer of coverage does not meet minimum value standards and the loss of the employer contribution if the employee purchases coverage through the Exchange.

The DOL explained that it expects the timing for the distribution of notices to be in late summer or fall of 2013, which will coordinate with the open enrollment period for Exchanges. The DOL is also considering developing model, generic language for employers to use.

## New SBA Web Page for ACA Information

The U.S. Small Business Administration (SBA) has launched a new web page and blog dedicated to educating small business owners about the Affordable Care Act (ACA). The new tools will serve as a gateway for small business owners connecting them with information provided by SBA's federal partners responsible for implementing the law, including the U.S. Department of Health and Human Services.

The new web page breaks down the key provisions of the ACA based on business size. It also provides links to other information useful for small businesses, including an interactive timeline with dates of when certain reforms will be implemented, a state-by-state breakdown of health care options, and how to learn more about specific tax provisions and regulations. Additional resources will be added as they become available.

Visit the web page at [www.sba.gov/healthcare](http://www.sba.gov/healthcare).

“This price system is a blessing as well as a frustration,” says N. Lee Rucker, a pharmaceutical expert at AARP, which represents seniors. High prices create a robust market for innovative drugs, she says, but the patents can be too long and physicians may be poorly informed about a drug’s cost and effectiveness.

Most consumers are protected from rising drug prices. The Medicare drug benefit, started in 2006, means the government pays most costs that once fell on seniors.



## DOL Issues FMLA Final Regs

On February 6, 2013, the twentieth anniversary of the enactment of the Family Medical Leave Act (FMLA), the U.S. Department of Labor Wage and Hour Division (DOL) issued final regulations in regards to military leave and airline crew personnel rules.

Changes for military leave include:

- FMLA leave is now available to employees with a spouse, son, daughter or parent in the Regular Armed Forces deployed to a foreign country as well as the National Guard and Reserves.
- A new qualifying exigency leave category for parental care leave is added under limited circumstances. Eligible employees may take leave to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty and

may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility or attending meetings with staff at a care facility.

- The amount of time an eligible employee may take for purposes of a Rest and Recuperation qualifying leave is increased from 5 days to 15 days.
- The military caregiver leave has been expanded to include leave to care for covered veterans who are undergoing medical treatment, recuperation or therapy for a serious injury or illness during the 5-year period prior to the first date the eligible employee takes FMLA leave.
- The definition of a serious injury or illness is expanded to include preexisting injuries and illnesses that were aggravated by service in the line of duty on active duty in the Armed Forces and additional circumstances specifically related to covered veterans.
- The list of health care providers who are authorized to complete a certification for military caregiver leave is expanded to include health care providers who are not affiliated with the Department of Defense, Veteran Affairs or TRICARE. Second and third opinions may be required by the employer in these circumstances.

• If an employer requests certification, an employee may submit documentation of enrollment in the Department of Veteran Affairs Program of Comprehensive Assistance for Family Caregivers as sufficient certification of the covered veteran’s serious injury or illness. The documentation is sufficient even if the employee is not the named caregiver on the document; however, the employer may require the employee to provide additional information such as confirmation of the familial relationship to the enrolled servicemember. This extends to covered veterans as well.

These final regulations become effective on March 8, 2013. There is an updated federal FMLA poster that must be posted on or before the March 8<sup>th</sup> date. There are also updated FMLA forms and the addition of a veterans’ form. The updated poster and forms can be found on the TMTA website. Go to [www.thetmta.com](http://www.thetmta.com) and mouse over the ‘Information / Networking’ tab on the top navigation bar and click on ‘Company Forms & Information’ then click on ‘Misc. Forms.’

For more specific information and a side-by-side comparison of current/final regulations, visit the DOL at [www.dol.gov](http://www.dol.gov) or [www.dol.gov/whd/fmla/2013rule/comparison.htm](http://www.dol.gov/whd/fmla/2013rule/comparison.htm).



## TMTA Board of Director Ballots

Ballots for the TMTA Board of Directors are going out shortly to all TMTA members.

Each year, three directors are elected to serve four year terms. It is a voluntary position, but an extremely important one as the TMTA Board of Directors makes decisions that affect the Association and its member companies.

Please watch your mail for your ballot and shape tomorrow by voting today!

## MSD Member Information Due

Member Services Directory sheets were mailed out to all TMTA member companies last month. Please make sure your company completes and faxes the form back to TMTA at 248-488-0500 or e-mail to Ron at [ron@thetmta.com](mailto:ron@thetmta.com) as soon as possible so you can be sure to be included in the next edition of the TMTA Member Services Directory (MSD).

The TMTA MSD is a great way to publicize the services, processes and capabilities of your company. MSDs are distributed at no charge to TMTA members and outside companies that have a need to purchase special tooling, metalworking and technology services. We send out over 1,000 MSDs each year.

If you are not a member but are a buyer of tooling, manufacturing or technology services and would like to receive a free copy of the TMTA MSD, contact our office at 248-488-0300.

## TMTA Members Receive Free Benchmarking Report Opportunity

Under a FREE offer being made to only a select few national industry associations, TMTA members have an opportunity to receive a free benchmarking report from the Performance Benchmarking Service (PBS) group. PBS is a part of the Michigan Manufacturing Technology Center (MMTC), a leading source of benchmarking data for manufacturing.

New this year, members can access the “Transforma-

tion Planner” benchmarking application online. You will be directed to a menu of industry-specific surveys that allow you to compare your company’s performance metrics against those of your peers. You will be able to pick from over 40 comparison groups to benchmark against for the best fit to your particular business.

Also new this year, you have the ability to see results instantly. As new data continues to come in, the benchmarks will be updated periodically. Users will be able to log back in and see how they compare against the newest survey information.

The Transformation Planner is only open from March 14, 2013 thru April 30, 2013 at <http://tp2013.transformationplanner.com>.

## Form 300A Posting Requirements

According to the Michigan Occupational Safety and Health Administration (MIOSHA), Michigan employers are required to post the total number of job-related injuries and illnesses that occurred in 2012.

Employers must post the MIOSHA Form 300A (Summary of Work-Related Injuries and Illnesses) for three months, from February 1 to April 30, 2013. Companies with no injuries and illnesses are still required to post the form with zeros entered on the total line. Employers with 10 or fewer employees and employers in certain industry groups (retail trade, finance, insurance and real estate and certain service industries) are exempt from the recordkeeping and posting requirements.

For more information, visit the state of Michigan website at [www.michigan.gov/recordkeeping](http://www.michigan.gov/recordkeeping) or [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards).

## FTC Warns Against False E-Mails

The Federal Trade Commission (FTC) is warning small businesses that an e-mail with a subject line “NOTIFICATION OF CONSUMER COMPLAINT” is not from the FTC as purported. The e-mail falsely states that a complaint has been filed with the FTC against the company. The FTC advises recipients not to click on any of the links or attachments with the e-mail. Clicking on the links may install a virus or other spyware on your computer. The FTC advises you delete the e-mail.

Scan artists try to trick people into clicking on links that will download malware and spyware onto their computers; especially at risk are computers with inadequate security

software. The government gives these suggestions to reduce your risk of downloading malware/spyware:

- Keep your security software updated;
- Don't click on any links or open any attachments in e-mails unless you know who sent it and what it is — no matter how enticing it sounds;
- Download and install software only from websites you know and trust (freeware often comes with malware/spyware);
- Minimize "drive-by" downloads by making sure your browser security setting is high enough to detect unauthorized downloads (at least medium);
- Use a pop-up blocker and don't click on any links within pop-ups;
- Resist buying software in response to unexpected pop-up messages or e-mails (especially ads that claim to have scanned your computer and detected malware);
- Talk about safe computing with your employees; and
- Back up your data regularly — don't wait until your computer crashes to think about it.

### FCRA Changes When Hiring

As a reminder, as of January 1, 2013, there have been some changes for employers to the Fair Credit Reporting Act (FCRA) in regards to potential employee background checks, namely an updated Fair Credit Reporting Act Summary of Rights form.

Most background reports are prepared during the hiring process. Employers frequently hire a third party to run criminal background checks, credit checks, etc. in evaluating job applicants. In the past, FCRA rules only covered an applicant's credit history, but now regulations cover criminal activity as well.

The applicant must be given written disclosure, in advance, that a report may be obtained and that if they are denied employment based on the report, they have certain rights under the FCRA. The applicant must provide written authorization prior to running the reports. This consent must be on a stand-alone document and not simply a paragraph added at the bottom of an application or other document. Employers must make clear that the newly created Consumer Financial Protection Bureau (CFPB) is the agency that applicants should contact with questions about their FCRA rights, not the Federal Trade Commission (FTC).

If something pops up on an applicant report, the FCRA

requires that 5 business days pass before an employer can take adverse action based in whole or in part on the applicant's report. An employer must provide the applicant with a copy of the applicant report and the Summary of Rights form. The applicant has 5 business days to dispute any irregularities and clear up the problem before the employer takes any action.

Applicant reports often contain erroneous information including incorrectly reporting information on a person with a similar name as the applicant, but not the applicant.

Employers that "negligently" or "willfully" fail to comply with any of the FCRA's requirements may be subject to lawsuits brought by applicants or employees. Negligent failure can lead to actual damages and attorneys' fees while willful failure to comply can lead to statutory damages (\$100-\$1,000 per violation), attorneys' fees and punitive damages.

### Union by March 27, 2013?

In December, Governor Snyder signed Michigan's right-to-work law which prohibits making union membership dues or the alternative collection of agency fees from nonmembers a condition of employment in collective bargaining agreements effective March 27, 2013.

However, contracts in place before March 27, 2013 are immune from the new rules until renewal. This has prompted labor and management teams to go back to the bargaining table in growing numbers as unions are scrambling to get new or extended labor pacts finalized in time to be grandfathered in.

In Detroit's U.S. District Court, several labor unions filed suit last week, claiming the right-to-work law affecting private-sector workers violates the U.S. Constitution.

Andrew Nickelhoff, an attorney for the firm that represents the unions — and has represented the state labor federation for decades — said the Michigan law is illegal because it includes a \$500 fine and jail terms for violators, in other words for unions that sign contracts which mandate collection of dues or representation fees. The Michigan right-to-work also, illegally, throws out an entire union contract with a company if the contract has a dues collection clause, court papers add.

"Our position is that so many parts of the right-to-work law are unconstitutional, that the court should strike down the law in its entirety," Nickelhoff added. He further stated that the Michigan right-to-work law also violates the National Labor Relations Act.

# Chained CPI — What is it?

People in Washington have been throwing around the term “chained CPI,” but what does it mean and what impact could it have on you?

Currently, the Consumer Price Index (CPI) is calculated by the Bureau of Labor Statistics (BLS) based on data collected on the prices paid by consumers for goods and services. It is broken down into two figures: CPI-U and CPI-W.

Some programs, like income tax bracket thresholds, currently use the Consumer Price Index Urban (CPI-U) figures. CPI-U represents 87% of the total U.S. population and measures prices for consumers in urban areas including employed, unemployed, poor and retired people and excluding farm families and people in the Armed Forces and institutions (prisons, mental hospitals, etc.).

Other programs, like Social Security, currently use the Consumer Price Index Urban Wage Earners and Clerical Workers (CPI-W). CPI-W represents 32% of the population and measures prices for those households included in CPI-U who meet 2 additional requirements: more than half of the household’s income must come from clerical or wage occupations and at least 1 of the household’s earners must have been employed for at least 37 weeks during the previous 12 months.

Chained CPI converts CPI-U and CPI-W into a third measure by adding another level to the calculation. It takes into consideration what consumers might buy in place of something that has become too expensive. For example, maybe you want to make cream of broccoli soup for dinner tonight but when you get to the store you find that the price of broccoli has risen and the price of spinach is cheaper, so you buy the spinach and make cream of spinach soup instead. Buying oranges instead of apples, store brand instead of brand name, chicken instead of beef...

What chained CPI really does is slow down inflation. Slowing inflation would be a huge cost saver for the federal government. Think of all the programs indexed to inflation: pension plan limits, estate taxes, health care provider reimbursements, eligibility criteria for food stamp recipients, collective bargaining agreements, and the list goes on and on. The biggest programs affecting the most people are Social Security and income tax bracket thresholds.

With chained CPI, Social Security checks would get smaller and smaller as they are updated annually to ac-

***(Chained CPI continues on Page 8)***

**For more information about the TMTA, our advocacy, events and benefits, visit us at [www.thetmta.com](http://www.thetmta.com)**

## INFLATION TALK

### CPI-W Urban Wage Earners and Clerical Workers

Month	82–84	1967	57–59
<b>Dec</b>	<b>225.889</b>	<b>672.854</b>	<b>782.52*</b>
Nov	226.595	674.958	784.97*
Oct	227.974	679.066	789.75*
Sept	228.184	679.690	790.47*
Aug	227.056	676.329	786.57*
July	225.568	671.899	781.41*
June	226.036	673.291	783.03*
May 2012	226.600	674.973	784.99*

### CPI-U All Urban Consumers

Month	82–84	1967	57–59
<b>Dec</b>	<b>229.601</b>	<b>687.782</b>	<b>799.88*</b>
Nov	230.221	689.639	802.04*
Oct	231.317	692.923	805.86*
Sept	231.407	693.192	806.17*
Aug	230.379	690.113	802.59*
July	229.104	686.294	798.15*
June	229.478	687.415	799.45*
May 2012	229.815	688.423	800.62*

**Note: December 2012 CPI-W represents a 1.7% increase from one year ago; CPI-U a 1.7% increase.**

\* Base Year 1957–59 is no longer released. BLS has issued the following conversion factors from the 82–84 year:

CPI-W—.2886674    CPI-U—.2870447

**(Rob's Roost continued from Page 1)**

hopefully a review of existing agreements to ferret out the good and identify the bad so we do not continue to make the same mistakes and incur the same negative results. Trade agreements ought not to be open ended; they should be for a specified duration and have provisions whereby periodic reviews are held and adjustments made. Effort must be made to include enforceable remedies for breach and to provide for remedial action where one side changes the rules of the game in midstream.

Offices visited on the Senate side: Jeff Sessions (R-AL); Rob Portman (R-OH); Debbie Stabenow (D-MI); and Sherrod Brown (D-OH). On the House side: Dan Benishek (R-1<sup>st</sup> MI); Dan Kildee (D-5<sup>th</sup> MI); Sander Levin (D-9<sup>th</sup> MI); Tim Ryan (D-17<sup>th</sup> OH); and Kerry Bentivolio (R-11<sup>th</sup> MI). The Hill was unusually busy with various groups attending meetings making getting around more of a challenge and in some cases creating pedestrian traffic jams! It seems that many have something to say to the various Representatives and Senators and, no doubt, hope to spur them on to some sort of action.

The effort was well worth it in my view as it was for new members of Congress often the first exposure to our particular issues and gives rise to recognition of concerns of manufacturers. I am scheduling return visits with members as opposed to staff for my next trip to DC. As you know currency legislation favored by the TMTA and a host of other interested organizations passed the House in the 111<sup>th</sup> Congress and the Senate in the 112<sup>th</sup> but in each case we were unable to get the other side (Senate or House) to act on the legislation before the particular term of Congress came to an end. So, we are back at it again during a time when more interest appears to be shown in doing something to assist manufacturing. As always, it remains to be seen.

I am particularly pleased that TMTA is not, by far, alone in this effort. Numbers continue to count in efforts to impress members to move legislation and persistence is often the key to success — so we labor on.



**Personnel Available:**

**New Product Development Launch Engineer** with extensive experience in the automotive industry seeks position to utilize the proven ability to identify solutions and to provide direction and resources that achieve new program prototype launch objectives. A team player.

Ask for **Resume 1301**.

**TMTA ENDORSED  
SERVICE PROVIDERS**

**Blue Cross Blue Shield/BCN**

(Health insurance program)

TMTA contacts:

Bill Percha 586-904-9700 (cell)

Elaine Burger-Laskosky 248-488-0300, ext. 1309

**Freedom One Financial Group**

(401(k) Retirement program)

Provider contact:

John Young 248-620-8100

**GlobalTranz — CarrierRate.com**

(Freight discount program)

Provider contact:

Chad Hill 866-275-1407, ext. 130

**John M. Packer & Associates**

(Unemployment cost control program)

Provider contact:

Nathan Wiest 800-482-2971

**Practical Power LLC**

(Electrical savings program)

Provider contact:

Mark Bunting 248-726-7598

**Ralph C. Wilson Agency, Inc.**

(Insurance management)

Provider contact for Benefits coverages:

Robert Farris 248-355-1414, ext. 109

Provider contact for P&C and WC coverages:

Jay Poplawski, 248-355-1414, ext. 158

**Reliance Standard/Ameritas**

(Life/Dental insurance programs)

TMTA contacts:

Bill Percha 586-904-9700

Stella Krupansky 248-488-0300, ext. 1310

**SVS Vision**

(Safety & Vision programs)

Provider contact:

Monica Dyja 800-611-3683 or [www.svsvision.com](http://www.svsvision.com)

**Schena Roofing & Sheet Metal Co., Inc.**

(Commercial/industrial roofing contractor)

Provider contact:

586-949-4777

**Staffworks Group**

(Staffing needs)

Provider contact:

Bill Brann 877-304-9690

*TMTA receives a benefit from some of its Endorsed Providers when you, as a member, patronize them. This is one way we are able to maintain the level of dues.*

### **(Chained CPI continued from Page 6)**

count for inflation. Calculations indicate it would reduce benefits by 0.3% annually. It doesn't sound like much, but it compounds over time and we all know what compounding does!

This is an example from AARP:

The COLA for this year was 1.7 percent. If your monthly Social Security check was \$1,250 last year, it increased to \$1,271.25 this year. With chained CPI, you would be getting \$1,267.50 — or \$3.75 less a month and \$45 less a year. That might not seem like a big reduction, but if the COLA is the same next year, the difference increases to \$7.61 a month and \$91.32 for the year. If you're 62 and take early retirement this year, by age 92 — when health care costs can skyrocket and more than 1 in 6 older Americans lives in poverty — you'll be losing a full month of income every year.

Chained CPI would also slowly affect tax rates because the IRS updates income tax brackets based on inflation to keep people's tax rates in line with cost-of-living increases in salaries. If CPI slows down, salaries will rise ahead of the IRS adjustments, meaning some Americans will pay higher taxes. While the Tax Policy Center calculated the income tax increases would be a little more than \$100 a year for most families, it also shows that the group getting the highest tax hike is families making between \$30,000 and \$40,000 a year. This is because upper-income Americans are already in the top bracket and cannot be pushed into a higher bracket because of threshold changes. In general, average income taxes would be raised by approximately 0.19% of income.



### **Line Up For Golf!**

Join your fellow TMTA members at the 78<sup>th</sup> Annual TMTA Golf Outing and Dinner to be held on June 27, 2013 at the Cherry Creek Golf Club in Shelby Twp. (Note the different date and location!)

Details will be posted on our website, mailed to all members and printed in an upcoming issue of TMTA Talk as they become available so mark your calendars to hold the date.

We look forward to golfing with you on June 27<sup>th</sup>!



### **Daylight Saving Time Returns!**

Daylight Saving Time (DST) starts again at 2:00 a.m. on the second Sunday in March, which is 3/10/13.

DST came about as a way to adjust clocks during the summer months, when days are longer, to make better use of the daylight hours.

However, DST can make for some odd situations. It can even change birth order — at least on paper. In November 2007, Laura Cirioli of North Carolina gave birth to Peter at 1:32 a.m. and to Allison 34 minutes later. Because DST reverts to Standard Time at 2:00 a.m., Allison was technically born at 1:06 a.m. — before Peter. This lends a whole new perspective to the "because I'm older" justification during sibling rivalries!

## **tmta talk**

TMTA TALK is a publication of the  
Tooling, Manufacturing & Technologies Association

28237 Orchard Lake Rd. #101 Phone (248) 488-0300  
Farmington Hills, MI 48334 Fax (248) 488-0500  
[www.thetmta.com](http://www.thetmta.com)

President and CEO — Robert J. Dumont  
Editor, Layout/Design — Elaine F. Burger-Laskosky

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Deadline for submission of news, articles, letters, cartoons  
and Marketplace items is the 25th of each month.  
Send/Fax to TMTA, Attention: TMTA Talk Editor.