

## Here Come The Reg's Again!!

The Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) have proposed a set of recommended practices that apply to loading and unloading operations of hazardous material involving bulk containers. The recommended practices would apply to transfers of product to and from cargo tank motor vehicles and transports. The proposed recommendations include loading/unloading safety analysis; loading and unloading operational procedures; pre-loading/pre-unloading procedures; post-loading/post-unloading procedures; emergency management procedures; maintenance of testing equipment and; review and revisions of all procedures to ensure they reflect current operating practices. The proposed recommended practice would require employee training, equipment inspection and maintenance, overfill protection measures and specific steps employees must follow during each step in the loading and unloading process. The recommended practices apply to all hazardous materials in bulk packaging. The recommendations were collected from the National Transportation Safety Board, the U.S. Coast Guard, industry representatives and other federal agencies. The recommended practices can be found in the January 4, 2008 Federal Register Vol. 73, No. 3 Page 916 or contact Risk Engineering for a copy.

## Did You Know?

- The United States has approximately 150,000 public grade crossings. Of these crossings, approximately 35,500 have gates, 25,000 have flashing lights, and 1,200 have highway traffic signals, wigwags, and bells.
- In 2003, incidents at public highway-rail crossings in the United States resulted in 295 deaths and 893 injuries.
- Speeding or exceeding the posted speed limit or driving too fast for conditions is one of the most prevalent factors related to traffic crashes. The economic cost to society of speeding-related crashes is estimated to be \$27.7 billion annually. In 1998, speeding was a factor in about one-third of all fatal crashes.
- The first use of gas energy in the United States occurred in 1816, when gaslights illuminated the streets of Baltimore, Maryland.
- Donald Duck comics were banned from Finland because he doesn't wear pants.
- 38% of North America is wilderness.

## Quotables

A Successful person is one who can lay a solid foundation from the bricks thrown at them.

Happiness is a choice that requires effort at times.

Help others achieve their dreams and you will achieve yours.

## Driver Hiring & Screening

Probably the largest challenge you will face as a business owner. The highway is a unique work environment and your ability to control working conditions and to exert direct supervisory controls over your employees is extremely limited.

The first line of defense to controlling your corporate auto risk and preventing traumatic events related to your trucking operations should begin with the application process. Unfortunately, too many companies fall into poor company hiring and screening policies through negligent or non-existent planning and bad practice. We've all heard the old adage that practice makes perfect and in this instance poor practice makes a perfect mess!

Develop a comprehensive list of requirements and procedures for properly screening each and every driver candidate. You may contact Risk Engineering at [tommy@amcins.com](mailto:tommy@amcins.com) for a list of suggested procedures.



## REVIEW YOUR OUT OF GAS PROCEDURES

Out of Gas Scenarios are the leading cause of loss due to damage and destruction of property as well as catastrophic injury and death.

Your company policy should state that propane containers reported or found to be out of gas must not be refilled unless the homeowner or the homeowner's agent is present, or unless arrangements are made in advance to allow your service person into the building to personally inspect the external visual components of the customer's gas system, perform a leak check and relight pilot burners on gas appliances. You should **NOT** allow the homeowner or their agent to relight their own pilot lights.

If for any reason the service person cannot perform the inspection and leak test of the gas system, the propane container should not be filled. The service person should close the tank service valve and attach the Red Tag Warning to the valve handle indicating that the valve must not be opened. The service person should also leave a "No One Home" notice where the customer will find it when they return. The No one home notice should instruct the customer to contact you to have the leak test performed and the gas service restored.

In instances where gas needs to be left such as underground tanks or other rare scenarios the service person must remove the pigtail from the outlet of the service valve and place a self locking POL plug into the outlet of the service valve. The POL lock must be of a design that only opens with a special key that is controlled by you the distributor. The tank must still be tagged and a "No One Home" notices left for the customer, which will require them to contact you, to return to the home and reinstate the service as required by Code.

Proper training of your clerical staff as well as any person responsible with taking orders or making deliveries will ensure that your policy is effective and consistent. Customers should be informed that they must be home if they are calling in an out of gas call and that if no one of legal age is home and arrangements have not been made for you to do your required work you will shut off and lock out their system and they will be required to pay a service fee for the time spent returning to their home.

Requiring out of gas customers who are almost exclusively will call customers to be home not only improves your safety performance, but also allows you to require the customer to pay for the delivery when it is made thus further reducing your accounts receivable problems.



Certificates of insurance (COI) are used in many commercial contexts as proof that the person providing the certificate has a policy of insurance in effect. The certificate usually summarizes the essential terms, conditions, and duration of the policy at the time that the certificate is prepared. Although a certificate is not the legal equivalent of the actual insurance policy, they are the customary means of verifying insurance coverage since they are much easier for certificate providers to obtain, than the policies themselves, and for the certificate holder to review and store. The following are key areas that you should review before accepting a certificate as proof of insurance.

## Types of Certificates

Unless you specify otherwise, most companies will provide certificates based upon standardized forms published by ACORD (Agency-Company Organized Research Development). These forms provides basic information about the companies providing the coverage's, details on the policies in effect, and any special insurance requirements that have been requested (e.g., naming of your company as an additional insured). [ACORD 25](#) is the basic COI used for liability insurance.

## Certificate Review

You should review all certificates provided to you for accuracy and for conformance to your specified insurance requirements. This initial review can reduce the occurrence of disputes later on, in the event you must file a claim. Important areas of review include:

- Is the certificate of insurance provided on a proper form?
- Is the company named on the certificate precisely the same name that is in the contract?
- Have you been named as the certificate holder?
- Has (have) the policy (policies) been issued by (a) reputable insurer(s)?
- Has the certificate been signed by an insurance company or agency representative?
- Are the types and limits of insurance listed on the form, the same or greater than those required by you under the contract?
- Is (Are) the policy number(s) listed in the certificate?
- Are the dates of coverage adequate for the specified work?
- Are the "notice of cancellation" provisions acceptable?
- Does the certificate indicate all the special insurance requirements that you have specified?
- Does the certificate cite the contract number or job location to tie the insurance to the work?
- Has the provider made any unapproved modifications to the certificate?

## Deficient Certificates

You should develop a procedure for responding to deficient certificates. At a minimum, this should address providing the certificate provider with written notice of any identified deficiencies and requiring that the contractor provide a corrected certificate before they are allowed to start work. Also, contract documents should clearly state any penalties for failing to provide the certificate.

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# Help Your Agent Help You

**American Management Corporation** like you relies on a select group of people with whom we feel comfortable doing business. One of those individuals that we share in common and rely on is your Independent Insurance Agent. You count on them to provide you with the oversight for all of the insurance functions for your company and we count on them to provide us with the most current and insightful information into your operation as possible.

The critical outcomes of each and every insurance transaction for your operation typically revolves around three things, service, coverage and price. However, it can be difficult for your retail agent when trying to ensure that you receive all three and represent you in the most positive light. It is important and almost critical that someone within your organization ensures that your insurance and corporate information needed to underwrite your account is up to date and maintained in a consistent manner. Insurance companies via their underwriting staff request and require in most instances various pieces of information that are critical to adequately pricing your account.

Each owner as part of their individual Corporate Risk Management program should maintain data and information that attests to the quality of risk that your company represents and that your Independent Agent will be marketing. I recommend not counting on your prior carrier to provide you with timely loss information after you cancel them. You are no longer their Client and sometimes your needs are no longer as important as you wish them to be.

You, your agent and your underwriters job and experience during the insurance process will less stressful if you have information readily at hand that allows you to detail a historic record of your company including your exposures, prior loss history, and previous policy coverage forms. Other items you should maintain in your Insurance/Risk Management File are:

- Your financial history. Companies want to know about your financial character, capacity, capital and conditions.
- Audited financial statements are a major plus. This tells everyone involved that your records are correct. An outside set of professional eyes and a stamp of approval makes doing business with you much easier,
- Current up to date resumes of your key personnel. Owners, officers, safety personnel as well as managers and supervisors should be able to show their experience and skills on paper to a prospective carrier. You've worked hard to hire the best people possible so make sure everyone knows it,
- Copies of marketing brochures, web page addresses and other items you use to market yourself. These documents tell a company about your products and potential exposures,
- Estimated and historic sales, payroll, automobile, property and equipment values,
- Fleet maintenance records for any vehicle over 25 years old and medical certificates for any driver over 65 years old,
- Prior insurance carrier loss runs for the previous 5 years as well as your workers compensation experience modification number,
- At a minimum copies of the table of contents for your employee manuals and safety policies although actual full copies are always more helpful and impressive and finally,
- Tell your story! **American Management** is proud to discuss our sixty years of business and our twenty-four years in the petroleum/propane industry. We want everyone to know who we are, where we came from and where we are headed. Your timeline gives anyone who may potentially do business with you a sense of your ability to be successful over the long haul.

## What is a poison?

A poison is anything someone eats (ingestion), breathes (inhalation), gets in the eyes (ocular exposure), or on the skin (dermal exposure), that can cause sickness or death if it gets into or on the body. Poisons can be found in four forms: solid, liquid, spray or gas.

What are *some* dangerous poisons?

### Medicines and vitamins:

- Heart, blood pressure drugs, tranquilizers, nerve pills, cough and cold medicines, iron, pain relievers, diabetes medicines

### Household products:

- Drain cleaners, toilet bowl cleaners, pesticides, lamp oil, oven cleaners, furniture polish, gasoline, kerosene, antifreeze, windshield solution

### Personal care products:

- Mouthwash, permanent wave solutions, hair removal products, nail glue remover, nail primer

### Plants:

- Wild mushrooms, philodendron, foxglove, castor bean, dieffenbachia, pokeweed, holly berries

Poisons often come in pretty colors and attractive containers. Children may mistake poisons for something good to eat or drink. Follow these safety tips to help keep children poison safe:

- Store Poisonous Products Safely
- Lock poisonous products and medicines out of the reach and sight of children
- Store poisonous products in their original labeled containers
- Keep medicines, vitamins, and household products in containers with child resistant caps
- Use Poisonous Products Safely
- Before using a poisonous product, carefully read the label on the bottle
- While using a poisonous product, never leave it unattended. A child may find it
- After using a poisonous product, put it back in a locked cabinet. Make sure the container is closed tightly
- Never call medicine "candy". Children may eat medicine thinking it is candy
- Do not take or give medicine in front of children, or while another child is watching
- Install carbon monoxide detectors
- Check your house for peeling paint
- Keep the telephone number of your local Poison Center on or near your telephones.

## What should I do if I think a child has been poisoned?

Call your local Poison Center right away. Do not wait for the child to look or feel sick! Follow these first-aid steps:

Swallowed Poisons:

- Do not give the victim anything to eat or drink before calling the Poison Center or a doctor.
- Do not make the child throw-up or give ipecac syrup unless a doctor or the Poison Center tells you to.

Inhaled Poisons:

- Get the victim to fresh air right away. Call the poison center.

Poisons on the Skin:

- Remove contaminated clothing and rinse the child's skin with water for 10 minutes. Call the poison center.

Poisons in the Eye:

- Flush the child's eye for 15 minutes using a large cup filled with lukewarm water held 2-4 inches from the eye. Call the poison center.