



*Founded by and dedicated
to the professional
insurance company loss
control representative*

INSURANCE LOSS CONTROL ASSOCIATION

eNews

APRIL 2016

www.insurancelosscontrol.org



ILCA 2016 Conference

INSIDE THIS ISSUE:

Call for Speakers	2
Sponsorship Opportunities	3
USFA Article	4
What to Expect from OSHA in 2016 and Beyond...	5-11
ILCA Membership Application	12

The ILCA 2016 Annual Conference will be held October 3, 4, and 5 at the Marriott Louisville East in Louisville, Kentucky.

The ILCA Board and Conference Planning Committee are in the process of building the agenda.

Some of the tentative topics at the conference are:

Fleet
Building Types / Occupancies
Consulting Skills
Emerging Risks: Drones

If you are interested in presenting a topic or a sponsorship during the conference, please contact Kristi Ruxlow at: administration@insurancelosscontrol.org.

Agenda details as well as registration information will be coming soon. Mark your calendar!



Call for Speakers / Presenters

The Insurance Loss Control Association (ILCA) invites those interested in presenting at its 2016 Annual Conference on October 3, 4 and 5, 2016, in Louisville, Kentucky to contact the Conference Planning Committee.

Suggestions for presentations:

Identify key/specific issues facing Loss Control professionals
Expand their knowledge or improve professional skills
Identify challenges in the Insurance Loss Control field
Engage attendees in discourse concerning the profession
(Round Table Discussions)

The committee is particularly interested in intermediate, advanced, technically oriented and practical presentations.

Session levels:

Basic: 2 to 5 years' experience
Intermediate: 6 to 10 years' experience
Advanced: 10 plus years' experience

Length of Presentation: Conference sessions last 1 to 1 1/2 hours, including 15 minutes for Q & A.

If interested, please contact Kristi Ruxlow at:
administration@insurancelosscontrol.org

2016 ILCA ANNUAL
CONFERENCE
OCTOBER 3-5
LOUISVILLE, KY

SPONSORSHIP OPPORTUNITIES FOR THE 2016 ANNUAL CONFERENCE

ILCA is pleased to announce the following sponsorship and advertisement opportunities available during the two and a half day conference on October 3-5, 2016.

Sponsorship and / or advertising for the 2016 Conference will now include advertising on the ILCA website as well as in the ILCA eNews for one year following the conference.

Conference Partner—\$1,500

Includes: Exhibit space and 2 full registrations. (Registrations must be submitted by 9/16/16).

We welcome you to make a ten minute “presentation” to the attendees during the conference. We will insert your 3 hole punched brochure into our conference binder. This fee does not include Hotel registration.

Exhibitor

1 Table—One day only—\$200

1 Table—Entire conference—\$350

Luncheon—\$600

Includes: Announcements before and after lunch, signage, notation and thank-you in conference agenda, web link to your website, table for materials and a vendor’s insert in the conference binder. Encouraged to have small logo giveaways and all the possible contacts you can create by networking.

Break—\$300

Includes: Announcement before and after break, signage, notation and thank-you in conference agenda, web link to your website and a vendor’s insert in the conference binders. Get all of the possible contacts you can create by networking.

Vendor’s Insert—\$150—Insertion of your company brochure and information.

- ⇒ B&W advertisement we reproduce in black and white and include in the binder. You provide the original document. Material must be submitted by **September 16, 2016**.
- ⇒ Color advertisement, brochure, or flyer we will add to our binder. You provide and ship the materials in advance. These must be 3-hole punched. Materials must be submitted by **September 16, 2016**.

Sponsorship opportunities are on a first come, first serve basis. Sponsorship payments must be received no later than September 16, 2016.

Contact Kristi Ruxlow at 309-696-2551 or by email at administration@insurancelosscontrol.org for reservations and payment information.



Coffee Break Training - Command and Control Series

Geographic Information, Ground Truth and Situational Awareness

No. CC-2016-5 March 14, 2016

Learning Objective: The student will gain an introductory awareness of the importance of geographic ground truth in the context of situational awareness for incident management.

Getting from one place to another is a basic skill. In the process of finding our way around, we rely on mental maps that we recall from previous travel or from verbal directions. We use visual references, such as street intersections, and topographical features, such as hills and rivers. We also use paper maps, smartphones, and GPS devices that triangulate locations by referencing satellite signals. **Ground truth** is the result of connecting what we can see or visually reference with the **features** (points of interest) on a paper map or GPS-enabled smartphone mapping app.

Challenges to navigating come during responses outside of assigned areas, mutual-aid calls, and extreme weather events, such as floods and dense fog. A major disaster may cripple road and street infrastructure by wiping away signs and landmarks that we rely on in normal conditions, thereby affecting **situational awareness**. **Ground truth** and **situational awareness** go hand in hand.

Geographic Information System (GIS) and GPS are now widespread, and they support digital mapping and mobile mapping, as well as smartphone navigation. In that context, **ground truth** takes on a special meaning. If grid coordinates are returned or given via a location method such as GPS, then it must be assumed to be only an estimate of location. Only **ground truth** reveals the actual location on Earth.

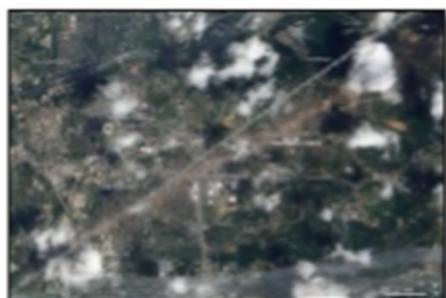
We place a lot of faith on wireless Internet and navigational satellite signals and reliance on the batteries that power our smartphones, tablets, pads and GPS devices. What happens when we lose those aids? Presuming that you have a good map and can read it, you have a partial solution. A first responder should have basic map-reading skills to help ensure **situational awareness**.

In April 2011, Tuscaloosa, Alabama, firefighters faced a post-tornado scene of devastation 6 miles long and 1 mile wide. Locations they once knew as familiar now looked as if something from a disaster movie. Complicating matters, communications systems were temporarily inoperable and standard response routes were blocked. Civilians were injured, confused, lost, scared and looking for their loved ones, with nowhere to go and no way to get there, at least initially.

Officers could control their own crews, but controlling the mass of others was next to impossible. Help was coming but not quickly. There was no way to establish a perimeter for a while. There was no real command and control for a while. The people who live in the area were the best resource. They had something responders did not have: the knowledge of who lives where, if they were at home.

Lessons learned from this and similar events reveal that limited access to accurate maps (i.e., maps that have needed details) impedes response and recovery efforts. Lack of wireless signals, broken network and Internet connections, lack of ruggedized electronic equipment, and lack of digital maps of the disaster area slow recovery efforts. Also lacking were the digital GIS data layer sets, specifically layers of **critical infrastructure** systems needed for accurate mapping. This gap in geospatial capability for disaster response and recovery is widespread in almost all disasters. Fortunately, there is something you can do about it.

Future lessons in this series will cover basic navigation by map; map coordinate systems; geographic digital data; drones and unmanned aerial vehicles; crowdsource mapping, the basics of GIS, and the importance of **ground truth** to support **situational awareness** during response and recovery.



From 2011, a NASA satellite natural-color image of a tornado track through Tuscaloosa, Alabama. The tan-toned, debris-filled path is several miles long, passing through the city's center. Running roughly parallel to the tornado track is a contrail from a plane in flight. NASA Image Archive: <http://earthobservatory.nasa.gov/10TD/view.php?id=50434>.

For archived downloads, go to:

www.usfa.fema.gov/training/coffee_break/

What To Expect From OSHA In 2016 And Beyond ...

By Mark A. Lies, II, Patrick D. Joyce, and Adam R. Young

INTRODUCTION

The New Year is here and with that comes yet another year of enhanced OSHA enforcement and new OSHA regulations. Further, due to the upcoming end of President Obama's time in office, questions exist as to whether OSHA will continue with its aggressive agenda of enhanced enforcement with increased citations and greater penalties or whether OSHA will respond due to political pressure from the Congress. In either case, the New Year will bring new levels of uncertainty with the agency that we have not seen since the current Administration took office in 2009. This article will address OSHA's current and upcoming enforcement initiatives and trends, all of which will affect employers in the coming year.

OSHA'S ENFORCEMENT INITIATIVES

Though a number of OSHA's enforcement initiatives may not technically be considered new for 2016, we can expect that OSHA will continue to increasingly issue citations under the **General Duty Clause** and the **multi-employer worksite doctrine**. We can also expect OSHA to continue to focus its attention on the training and protection provided to **temporary employees**, especially under OSHA's Powered Industrial Truck (forklift) standard, Personal Protective Equipment (PPE) standards and Lockout Tagout (LOTO) regulations. OSHA has also been stepping up its workplace heat illness initiative, sending expansive subpoena requests to dozens of employers engaged in industries where employees typically are potentially exposed to heat, including manufacturing and construction, even if no injuries or illnesses have been reported. As such, it is important that employers remain aware of these issues to try to limit liability in 2016.

INCREASED OSHA PENALTIES

The new bipartisan budget, passed by both the House and the Senate and signed by President Obama on November 2, 2015, contains provisions that will raise OSHA penalties for the first time in 25 years. The budget allows for an initial penalty "catch up adjustment", which must be in place by August 1, 2016.

The maximum initial "catch up adjustment" will be based on the difference between the October 2015 Consumer Price Index (CPI) and the October 1990 CPI. The October 2015 CPI was released on November 17, 2015, and came in at 237.838. Based on the October 1990 CPI of 133.500, the maximum catch up adjustment will be approximately 78.16% and the new maximum penalties could be:

	Current	August 2016
Other than Serious violations	\$7,000	\$12,471
Serious violations	\$7,000	\$12,741
Willful violations	\$70,000	\$126,000
Repeat violations	\$70,000	\$126,000

After the initial catch up adjustment, OSHA will be required to implement annual cost of living increases, with the adjustment tied to the year over year percentage increase in the CPI. Adjustments must be made by mid-January each subsequent year.

OSHA has the option to implement a catch up adjustment less than the maximum if the Agency determines increasing penalties by the maximum amount would (1) have a “negative economic impact” or the social costs of the increase outweigh the benefits and (2) the Office of Management and Budget agrees. However, Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels has long advocated for a substantial increase in penalties so it is difficult to envision the Agency seeking anything other than the maximum increase.

INCREASED USE OF THE GENERAL DUTY CLAUSE

Under the Occupational Safety and Health Act’s General Duty Clause, designated as section 5(a)(1), employers are required to protect employees from recognized workplace hazards that are correctible and likely to cause serious harm or death. Where OSHA lacks a specific standard to address a workplace hazard, the Agency has increasingly used the general duty clause as a “gap filler” for enforcement. OSHA thus has used the General Duty Clause to cite employers for a wide range of alleged hazards, and to enforce policies the Agency issued through guidance documents rather than formal regulations, including:

- Ergonomics,
- Illness due to exposure to heat and cold,
- Arc flash / arc blast,
- Combustible dust,
- Chemicals and other hazardous materials for which there is no existing regulation, and
- Fall protection.

In 2016, we expect that the Agency will use the General Duty Clause to cite employers for repetitive tasks causing ergonomic issues and musculoskeletal disorders. Moreover, in light of the increasing publicity given to the hazard because of tragic incidents involving workplace shootings, OSHA will continue its emphasis on citing employers for workplace violence incidents and violations, particularly in certain industries such as healthcare, certain retail facilities and public transportation such as taxi cabs.

OSHA TO REDUCE RELIANCE ON PERMISSIBLE EXPOSURE LIMITS

In a move that could drastically affect day to day operations at a large number of employers, OSHA has signaled in a new permissible exposure limit (PEL) request for information from industry and other stakeholders that it plans to “revoke a small number of obsolete PELs.” Though the rulemaking did not list the PELs OSHA is considering revoking, the revocation of any PELs opens the door for greater use of the General Duty Clause to regulate employee exposure through standards that are not generally industry standards such as NIOSH standards or ACGIH recommended exposure limits. Several commentators believe the PEL walk back is simply OSHA’s attempt to increase employer liability for more citations while avoiding formal rulemaking to establish PELs. Combined with higher fines to be implemented by August, 2016, this could be seen as a new revenue stream for OSHA.

MULTI-EMPLOYER WORKSITE DOCTRINE

The presence of multiple employers, contractors, consultants, and temporary workers at the same workplace is increasingly common in construction, manufacturing and other industries. OSHA has taken note and made the prosecution of multiple employers at the same workplace a major Agency priority. Under OSHA's Multi-Employer Worksite policy, more than one employer may be citable for a hazardous condition that violates an OSHA standard, so long as OSHA determines that they violated a duty under the Act. This can occur even when the employer being cited had no employees exposed to the hazard in issue. The Agency will use a two-step process to determine whether more than one employer is to be cited.

The first step is to determine whether the employer is a creating, exposing, correcting, or controlling employer. A **creating employer**, who caused a hazardous condition, is citable even if the only employees exposed are those of other employers at the cite. The **exposing employer**, whose own employees are exposed to the hazardous condition, is citable if (1) it knew of the hazardous condition or failed to exercise reasonable diligence to discover the condition, (2) it failed to take steps consistent with its authority to protect its employees. The **correcting employer**, who is responsible for correcting the hazardous condition, is citable if it fails to meet its obligations of correcting the condition. The **controlling employer**, who has supervisory authority over the worksite and the power to correct safety and health violations or require others to correct them, is citable if it fails to exercise reasonable care to prevent and detect violations on the site. In General Industry the host employer is typically the controlling employer, while in the Construction Industry it is the General Contractor, and therefore, carry a higher compliance burden than other employers.

If OSHA determines an employer falls into one (or more) of these four categories, OSHA will then determine whether the employer met its obligations with regard to preventing and correcting the violations. It is important to note that the Multi-Employer Worksite Policy can also be utilized for **criminal prosecution** of employers if the underlying elements are present which require (1) a fatality, (2) violation of a specific regulation, (3) the violation was willful and (4) there is a causal connection between the violation and the death. As OSHA continues its aggressive application of the Multi-Employer Worksite Doctrine, employers should be wary as to potential liabilities for contractors, temporary workers, and other non-employees at their worksite.

FINAL IMPLEMENTATION OF NEW GLOBALLY HARMONIZED SYSTEM (GHS) STANDARDS

OSHA adopted new HCS 2012 SDS standards on December 1, 2013. Chemical end users must come into compliance with the new SDSs passed down from up-stream suppliers and manufacturers by June 1, 2016. Employers should not simply swap in a new SDS for an old MSDS and throw away the old MSDS. Previous MSDSs should be kept on file for several reasons:

- To provide proof that an employer was compliant with old HazCom standard.
- The prior MSDSs can be useful evidence in defending against worker's compensation claims by employees for occupational diseases alleged to have arisen from exposure to hazardous materials during the course of employment and
- The prior MSDS can be useful evidence in defending third party toxic tort claims alleged to have been caused by exposure to hazardous materials that the employer may have incorporated into products manufactured and sold by the employer or by products that are resold or distributed by the employer.

The new SDSs also present an opportunity for employers to update their training, hazard communication, and safety procedures for chemicals. The new SDS includes sixteen separate sections, some of which are similar or identical to the existing MSDS sections. There are, however, a number of significant changes and compliance challenges.

When OSHA begins enforcement against employers on June 1, 2016, it will focus on whether the employer has reviewed the SDSs to identify any new risks as well as whether it has evaluated its existing compliance programs in light of the sixteen requirements in the new SDSs.

The Hazard Communication Standard affects nearly every employer, from chemical manufacturers to retailers to hotels whose employees work with cleaning agents. Employers need to be aware of their obligations to communicate hazards of chemical substance, and must have a process for updating existing labels, SDS, hazard assessments, and training programs to comply with HCS 2012. Here are some best practices for employers to follow:

- Employers should review the new SDSs in a timely fashion upon receipt.
- If the employer does not receive the SDSs in a timely fashion, it should promptly communicate in writing with the manufacturer to obtain the SDSs. If the employer does not receive the SDSs by June 1, 2016, OSHA has indicated that it will not cite employers who show “good faith efforts” to obtain the SDSs.
- Employers should evaluate the workplace using the SDSs to identify hazardous chemical and how their employees may be exposed.
- Employers whose employees work with or around hazardous chemicals must ensure that they review the updated SDSs and assess each of the employer’s underlying compliance programs (e.g., emergency action plan, storage of flammable and combustible materials, PPE, respiratory protection, etc.) that may be impacted by the SDSs.
- Employers should ensure that employees who work with or around hazardous chemicals are trained to recognize the pictograms and hazard warnings that will be required under the new Hazard Communication Standard. Employers should document this training and develop mechanisms to ensure that employees understand the hazards of working with or around hazardous chemicals.

TEMPORARY EMPLOYEES

In 2014, OSHA implemented an initiative to protect temporary employees under the premise that those workers are not provided the same level of training and protections as full-time employees. Under this initiative, OSHA inspectors are required to inquire during inspections whether the inspected worksite has temporary employees and determine whether those employees are exposed to hazardous conditions. Moreover, during the inspection, OSHA will also inquire as to whether the training provided to the temporary workers is in a language and vocabulary the workers can understand. If OSHA determines that the host employer failed to provide adequate training or protections to the temporary employees, OSHA could issue citations not only to the temporary staffing agency, but also the host employer under the multi-employer worksite doctrine. In order to enforce this initiative, OSHA has hired compliance officers who are bilingual (or certified interpreters) to conduct employee interviews of employees to determine if the employees understood the training. If the training were in English and the employee is not fluent in English, then the training is not “effective” and the employer can be cited. Likewise, if the training material is in writing and the employee is illiterate, the training may not be considered “effective”.

POTENTIAL RECORDKEEPING RULE CHANGES

One anticipated rule would require employers to submit their injury and illness records “regularly”, electronically instead of only when OSHA requests them through a formal request. With such disclosure, the OSHA 300 Log and supporting documents could be used to trigger OSHA inspections. In addition, the records would be made available to the public so anyone could see an employer’s injury and illness rates. This opens employers to risk of adverse public reaction if such information becomes available in the media, without understanding the context of the records and the complexity of the recordkeeping requirements so the public may erroneously construe the injury and illness rate as creating an unsafe workplace. This disclosure could also result in additional worker’s compensation litigation by attorneys who could utilize this information to file claims.

Even more concerning for employers is another anticipated rule that would make the recordkeeping requirements an “ongoing obligation.” OSHA is expected to interpret this change to allow OSHA to cite recordkeeping violations up to five years old, well past the OSH Act’s six month statute of limitations. This is in direct contradiction to well established case law, including a 2012 D.C. Circuit decision affirming the six month limit.¹ There is hope, however, through a recent Eighth Circuit Court of Appeals² case that prevents OSHA from reinterpreting a rule in such a way that is “plainly erroneous or inconsistent with the regulations.” This will be an area to which employers should pay close attention.

NEW SILICA RULE EXPECTED TO BE RELEASED BY JANUARY 2017

Crystalline silica particles are commonly dispersed in the air when workers cut, grind, crush, or drill silica-containing materials such as concrete, masonry, tile, and rock. OSHA estimates that 2.2 million American workers are regularly exposed to respirable silica, with 1.85 million of those workers in the construction industry. Other common sources of exposure are building products manufacturing, sandblasting and hydraulic fracturing (fracking) of oil and gas wells. Crystalline silica exposure can cause lung cancer, chronic obstructive pulmonary disease, and silicosis, an incurable and sometimes fatal lung disease.

OSHA has outlined a new Silica Rule as a top priority since the beginning of the Obama administration. The Agency sent a draft rule to the White House Office of Management and Budget (OMB) in February 2011, and has pledged to release a final rule by January 2017. (See the notice of proposed rulemaking at <https://federalregister.gov/a/2013-20997>).

OSHA’s Silica Rule that will establish permissible silica exposure limits for all workers at 50 micrograms per cubic meter of air, cutting allowable exposure in half in general industry and maritime businesses, and even more in construction. The proposed rule also includes preferred methods of controlling exposure — such as using water saws to reduce airborne silica dust. The rule will also require that employers conduct periodic air monitoring, limit workers’ access to areas where exposures are high, enforce effective methods for reducing exposures, provide medical exams for workers who have been exposed to elevated levels of silica, and require training for workers about silica-related hazards.

ENHANCED CRIMINAL LIABILITY

OSHA has had the ability to seek criminal liability against employers and managers since the advent of the law if a willful violation of a regulation causes the death of an employee, although a conviction is a misdemeanor with a six month period of imprisonment and a \$500,000 penalty for the employer and \$250,000 for an individual.

This seemingly minimal criminal liability has now given rise to a recent criminal enforcement agenda announced by the Department of Justice on December 17, 2015, to seek additional liability against employers when there is a workplace safety violation having nothing to do with a fatality. The DOJ will seek criminal penalties under other criminal laws for lying during an OSHA inspection, making false statements in government documents, obstructing justice and tampering with witnesses which are felonies and can result in imprisonment ranging from 5 to 20 years and enhanced monetary penalties.

With the advent of this criminal prosecution initiative, employers must be extremely careful during OSHA inspections, particularly in the aftermath of a fatality or serious injury, not to engage in any conduct that remotely approaches lying during an inspection, obstruction of justice, tampering with witnesses and must engage knowledgeable counsel at the outset to be able to understand and avoid these liabilities.

¹ *AKM LLC v. Perez*, No. 11-1106, 2012 BL 84910 (D.C. Cir. Apr. 6, 2012)

² *Perez v. Loren Cook Company*, No. 13-1310, __F.3rd__ (8th Cir. Oct. 13, 2015)

OSHA'S USE OF THE RAPID RESPONSE FORM

On January 1, 2015, OSHA's more robust reporting rules took effect, requiring employers to report all work-related in-patient hospitalizations, amputations, and losses of an eye within 24 hours of the event:

- Within eight (8) hours after the death of any employee as a result of a work-related incident (which includes, heart attacks);” and
- Within twenty-four (24) hours after the in-patient hospitalization of one or more employees or the occurrence of an injury to an employee involving an amputation or loss of an eye, as a result of a work-related incident.”

To streamline these reports, OSHA adopted new procedures: the Interim Enforcement Procedures for New Reporting Requirements. Under these Interim Enforcement Procedures, OSHA triages new reports to determine whether the report warrants an inspection or a “Rapid Response Investigation” (RRI). “Category 1” reports — including fatalities, multiple hospitalizations, repeat offenders, and imminent dangers — will automatically trigger an on-site inspection. “Category 2” reports may trigger an on-site inspection if they involved two of the following factors: continued exposures, safety program failure, serious hazards, temporary workers, referrals from other agencies, and pending whistleblower complaints. If Category 2 factors are not present, the Agency may initiate a Rapid Response Investigation in lieu of an inspection.

OSHA may initiate a Rapid Response Investigation where the Area Director believes that there is a “reasonable basis that a violation or hazard exists.” The Agency will direct employers to “find out what led to the incident and what modifications can you make now to prevent future injuries to other workers.” The Agency will fax a letter instructing employers to “immediately conduct your own investigation into the report incident and make any necessary changes to avoid further incidents.” and complete a “Non-Mandatory Incident Investigation” form (attached to the letter). The employer's report and investigation will be used by the Agency to determine whether to conduct its own inspection. A word of caution, these rapid response forms could be used against employers as admissions of liability for a violation of a regulation as well as grounds for OSHA to find a “willful” violation if the employer responds in a way that it appears to admit prior knowledge of the hazard which could be an “admission” of liability. Accordingly, as rapid response forms are increasingly used in 2016, employers should write only limited, careful response and avoid any language that might support an admission. Employers must preserve attorney client privilege in the conduct of their underlying root cause analysis investigation and disclosures on the forms, and seek the advice of counsel where necessary.

HOW TO DEAL WITH AN AGING WORKFORCE

According to the U.S. Bureau of Labor Statistics, one in every five American works is over 65, and in 2020, one in four American workers will be over 55. Though the overall effects of an aging workplace are not entirely clear, there are several precautions employers should take to protect aging employees:

- Workstations and job tasks must be matched to the needs of the individual employee.
- Older workers tend to have fewer accidents but when they do have accidents, the injuries tend to be more severe resulting in a longer recovery time.
- Older workers tend to experience more back injuries.
- Older workers are more likely to develop musculoskeletal injuries because they have been performing repetitive motions for a longer period of time.
- Muscular strength and range of joint movement may decrease.
- Vision and hearing challenges may be more prevalent in older workers.

OSHA has begun to analyze the potential hazards associated with these employees and will likely propose guidance.

MIDNIGHT REGULATIONS AND INTERPRETATIONS

As with any outgoing administration, there is always the potential for “midnight regulations,” often implemented through rulemaking in the waning days of an Administration, particularly after an election. Though President Obama will not leave office until January 20, 2017, employers should prepare for last minute regulations or potential “executive orders” that may have lasting effects on employers. For example, under the Clinton administration, OSHA issued an ergonomics rule shortly after the 2000 election and Congress was forced to repeal the rule shortly after President Bush took office in January 2001. The likelihood of midnight regulation under President Obama depends heavily on which party wins the presidency in November 2016. To avoid potential political fallout for a new administration, OSHA will likely implement any new regulations as early as possible in 2016.

Midnight regulations are not the only potential consequence of an outgoing administration. New last minute interpretations of existing regulations and guidance could also have a significant impact on employers. While the Eight Circuit’s ruling in *Loren Cook Company*, discussed above, may lessen the likelihood of drastic reinterpretations of rules, employers should still be on the lookout for changes in interpretation and implementation that may affect how companies do business.

CONCLUSION

The first seven years of the current Administration have been very challenging for employers under OSHA and other employment laws. 2016 may be the most challenging as the current Administration wants to project its agenda on the waning days of its authority. The President has said that in his last year he intends to “leave it all on the field” as to his agendas which means that employers must continue to be vigilant, keep informed and respond properly.

Mark A. Lies, II is a partner in Seyfarth’s Chicago office, and Patrick D. Joyce and Adam R. Young are both associates in the firm’s Chicago office. If you would like further information, please contact your Seyfarth attorney, or Mark A. Lies, II at miles@seyfarth.com, Patrick D. Joyce at pjoyce@seyfarth.com, or Adam R. Young at ayoung@seyfarth.com.

ILCA MEMBERSHIP APPLICATION

www.insurancelosscontrol.org

If you would like to become a member of the Insurance Loss Control Association, you can complete this application and mail it to the information below. You can also apply online at www.insurancelosscontrol.org/join.php.

First Name: _____

Last Name: _____

Email: _____

Referred by: _____

Certifications: _____

Title: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Country: _____

Daytime Phone: _____

Toll Free Phone: _____

Fax: _____

Website: _____

Years in Loss Control Profession: _____

Are you currently a student: YES NO

College / University: _____

Program : _____

Current Year Enrolled: _____

Faculty / Program Contact Person: _____

Faculty / Program Contact Email: _____

Year of Graduation: _____

Attached is my check payable to ILCA in the amount of \$75.00 for annual dues as a regular member. Annual dues are waived for qualified student membership. Return application to: ILCA, PO Box 346, Morton, IL 61550. Join online at www.insurancelosscontrol.org/join.php.



Insurance Loss Control Association

PO Box 346
Morton, IL 61550
Phone: 309.696.2551
E-mail: administration@insurancelosscontrol.org

2016 Board Members:

- President — Dan Finn**
- First Vice President — Mark Bates**
- Second Vice President — Scott Patterson**
- Secretary — Jon Finn**
- Financial Secretary — Stig Ruxlow**

Thank you to our conference sponsors!



Risk Control Technologies Inc.
3-1750 The Queensway Suite 1105
Toronto, ON, Canada
M9C 5H5
Toll Free: 1-877-777-2231
Phone Number: (416) 249-2260
www.riskcontroltech.com



Utilant LLC.
1738 Elmwood Ave., Suite 104
Buffalo, NY 14207
Toll Free: 888-884-5268
www.losscontrol360.com



Alexander & Schmidt
P.O. Box 337
Yarmouth, ME 04096
Toll Free: 1-800-491-6484
Phone Number: (207) 869-1300
Fax Number: (207) 869-1301
www.alexanderschmidt.com



Brotherhood Mutual Insurance Company
6400 Brotherhood Way
Fort Wayne, IN 46825
Toll Free: 800-333-3735
www.brotherhoodmutual.com



Grange Insurance
671 South High Street
Columbus, OH 43206
Toll Free: 1-800-247-2643
www.grange.com



Technical Services, Inc.

TranStar Technical Services, Inc.
4485 Tench Rd, Suite 1720
Suwanee, GA 30024
Toll Free: 1-800-993-2990
Phone Number: (678) 236-9005
Fax Number: (678) 236-9014
www.transtartech.com



PREMIUM AUDITS | INSPECTIONS | RISK SERVICES

US-Reports
5819 Lockheed Avenue
Loveland, CO 80538
Toll Free: 1-800-223-2310
www.us-reports.com



A member of The Motorists Insurance Group – You know us.

Motorists Mutual Insurance Company
471 East Broad Street
Columbus, OH 43215
Toll Free: 1-800-876-6642
www.motoristsmutual.com