

ILCA 2022

October 17th, 18th and 19th

Drury Plaza Hotel Indianapolis Carmel
Indianapolis, Indiana





Insurance Loss Control Association

P.O. Box 346 • Morton, IL 61550 • Phone: (309)696-2551

www.insurancelosscontrol.org

2022 ILCA Executive Committee

President
Stephen White
AFIRM

First Vice President
Angie Lawless
Acuity

Second Vice President
Dan Finn
Berkley Industrial Comp

Secretary
Lea Schmidt
Alexander & Schmidt

Financial Secretary
Stig T. Ruxlow, CSP, CXLT, ALCM
Society Insurance

At Large Members
Jon Finn
Lockton Companies

Mark Bates, MS, CSP
KY AGC SIF

Kirby Utt
Starr Indemnity & Liability Company

John Fisher
Cincinnati Insurance Company

October 2022

On behalf of myself and the entire ILCA Executive Committee, welcome to the 2022 Insurance Loss Control Association annual conference. We are excited to have you in attendance. We trust you will enjoy your time at this year's conference and take advantage of the opportunity to gather, learn and network with fellow ILCA members and colleagues. Our hope is that this year's conference will exceed your expectations.

The board members have worked hard again this year to prepare a great lineup of topics and speakers. As always, this agenda was developed based on suggestions and feedback from the prior year conference attendees. Please remember that this conference is solely for **YOU**, our valued members of the organization. For help in future planning and our continued success, we encourage everyone in attendance to complete the conference evaluation survey that will go out at the end of this year's conference and provide your feedback. We will utilize the data gathered in forming the conference agenda for 2023.

Please also join me in expressing appreciation for our speakers, for their time and expertise on the topics being presented. We would also like to thank our conference sponsors who are a critical part of the conference. Take some time this week to visit with them during our scheduled breaks.

Throughout the year the committee board members volunteer their time on monthly conference calls, developing the conference agenda, looking for conference speakers and sponsors, and marketing the annual event to ensure that it is a success. We are looking for ILCA members that are interested in joining the executive committee board in 2023. Please feel free to reach out to me or another board member if you are interested or have questions about joining the board.

Travel safely on your journey home and we look forward to seeing you again at next year's conference.

Thank you.

Stephen White, ARM, AINS
2022 ILCA President



ILCA

Annual Conference

October 17 – 19, 2022
Drury Plaza Hotel Indianapolis
Carmel
Indianapolis, Indiana

Table of Contents

President's Welcome

Table of Contents/Agenda-At-A-Glance

Past Presidents

Thank You to Our Event Sponsors!

Sections:

1. Agenda
2. Business Meeting Information
3. Speaker/Presentation Info
 - About Our Speakers
 - Speaker Handouts
4. Attendee List
5. Vendors

Agenda-At-A-Glance

Monday, October 17th

1:00-1:30	Registration
1:30-1:45	Welcome & Opening Remarks
1:45-2:15	General Session
2:15-2:30	BREAK
2:30-3:30	General Session
3:30-3:45	BREAK
3:45-4:45	General Session
4:45-5:00	Closing Remarks

Tuesday, October 18th

8:00-9:00	General Session
9:00-9:15	BREAK
9:15-9:30	<i>Conference Partner</i>
9:30-10:30	General Session
10:30-10:45	BREAK
10:45-12:00	ILCA Business Meeting
12:00-1:00PM	LUNCH
1:00-2:00	General Session
2:00-2:15	BREAK
2:15-2:30	<i>Conference Partner</i>
2:30-3:30	General Session
3:30-3:45	BREAK
3:45-4:45	General Session
4:45-5:00	Closing Remarks

Wednesday, October 19th

8:00-9:00	General Session
9:00-9:15	BREAK
9:15-10:15	General Session
10:15-10:30	BREAK
10:30-11:30	General Session
11:30-11:45	Closing Remarks
	Adjourn

Past Presidents from 1932 to Present

1932-33	Hawlick, H.I.	Millers Mutual of Alton
1933-34	MacDaniel, R.D	Grain Dealers Mutual Insurance Company
1934-35	Hotchin, E.E	Michigan Millers
1935-36	Chessman, W.E.	Improved Risk Mutual
1936-37	Rodda, W.H.	Transportation Insurance Rating Bureau
1937-38	Hubbard, H.C.	Mill Mutual
1938-39	Bowman, L.W.	Employers Mutual
1939-40	Rowley, C.M.	National Retailers Mutual
1940-41	Muller, H.	Improved Risk Mutual
1941-42	Booty, J.L.	Implement Dealers Mutual
1942-43	Hunt, H.L.	Indiana Lumberman's
1943-46	Ross, W.C.	Philadelphia Contributorship
1946-47	John, D.D.	Mutual Fire Insurance Agency
1947-48	Baker, P.J.	Michigan Millers
1948-49	Schultz, W.G.	Lumberman's Mutual
1949-50	Wingate, R.H.	Liberty Mutual
1950-51	Cotner, W.C.	Central Mutual
1951-52	Dehaven, J.R.	Employers Mutual
1952-53	Schalk, L.A.	Grain Dealers Mutual
1953-54	Youngstrom, E.B.	Mill Owners Mutual
1954-55	Hildreth, G.R.	Liberty Mutual
1955-56	Weiss, K.	Employers Mutual
1956-57	Goodell, T.F.	Barnstable County Mutual Fire Insurance
1957-59	Ponton, G.W.	Hardware Dealers Mutual
1959-60	Innes, A.M.	Middlesex Mutual
1960-61	Blaesi, C.M.	Indiana Lumberman's
1961-62	Giddens, H.H.	Boston Manufacturing Mutual
1962-63	Powers, W.H.	Grain Dealers Mutual
1963-64	Ford, J.O.	Nationwide
1964-65	Bates, L.E.	Lumber Mutual
1965-66	Southwell, B.K.	Michigan Millers
1966-67	Ryder, P.H.	Mutual Fire Ins. Assn. of New England
1968-69	Anderson, V.M.	Employers Insurance of Wausau
1969-70	Marsh, H.R.	Sentry Insurance
1970-71	Williams, R.E.	Grain Dealers Mutual
1971-72	Winchell, H.R.	Liberty Mutual
1972-73	McGinnis, J.W.	Kemper Insurance

1973-74	Bolz, L.M.	Improved Risk Mutual
1974-75	Ellenwood, L.W.	Iowa National
1975-76	Kohl, J.A.	Country Mutual
1976-77	Thomas, J.H.	Michigan Millers
1977-78	Juergens, J.W.	Federated Insurance
1978-79	Shattuck, J.B.	Liberty Mutual
1979-80	Hathaway, R.B.	Lumber Mutual
1980-81	Katsonis, G.M.	Merchants and Businessmen's
1981-82	McKay, H.J.	Kemper Insurance
1982-83	Pastorius, R.L.	Devco Mutual Association
1983-84	McCauley, W.F.	Lumber Mutual
1984-85	Wass, H.S.	Improved Risk Mutual
1985-86	Turner, R.W.	Central Mutual
1986-87	Lebo, L.M.	Devco Mutual Association
1987-88	Junkin, O.D.	Mutual Fire Ins. Assoc. of New England
1988-89	Shultz, B.	Indiana Insurance Company
1989-90	Holmes, R.K.	Elevators Mutual
1990-91	Dolceamore, A.	Harleysville Mutual
1991-92	Rung, D.	Lumber Mutual
1992-93	Titter, R.R.	Shelby Mutual
1993-94	Paige, L.	IRM Services, Inc.
1994-95	Frawley, C.R.	Harford Mutual
1995-96	Saulen, R.J.	Mutual Fire Ins. Assoc. of New England
1996-97	Adolphson, Kevin	Country Companies
1997-98	McIntyre, Terry	Arkwright Mutual
1998-99	McClave, Rik	Insurance Service Office
1999-00	Frawley, C. Ron	Harford Mutual
2000-01	Perry, Tom	Insurance Service Office
2001-02	Laskoski, Steve	Charles E. Hock Associates
2002-03	Ruxlow, Stig	Zenith Insurance Company
2003-04	Finn, Dan	US Reports
2004-05	Bell, Brock	Brotherhood Mutual Insurance
2005-06	McIntire, Patricia Ann	State Auto Insurance Company
2006-07	Reutter, Barry	Central Insurance
2007-08	Williams, Jack	Pharmacists Mutual Insurance
2008-09	Edmonds, Steve	Brotherhood Mutual
2009-2010	Howard, Russ	Midwest Technical Services
2010-2011	Gudenrath, Scot	Country Financial
2011-2012	Doyle, Scott	TranStar Technical Services, Inc.

2012-2013	Matthews, Kevin	Brotherhood Mutual Insurance Company
2013-2014	Huber, Ron	Grange Insurance
2014-2015	Huber, Ron	<i>Retired</i>
2015-2016	Finn, Dan	US-Reports, Inc.
2016-2017	Bates, Mark	Amerisure
2017-2018	Patterson, Scott	Alexander & Schmidt
2018-2019	Finn, Jon	Lockton Companies
2019-2020	Lawless, Angie	Acuity
2020-2021	Tonioni, Christopher	Country Financial
2021-2022	Stephen White	AFIRM



ILCA
Annual Conference
October 18 – 20, 2021
Chicago Marriott Northwest
Hoffman Estates, Illinois

Thanks to our event Sponsors!!!

For additional information see the “Vendors” section in this material!
And be sure to thank their representatives attending the conference!

AFIRM

Risk Control Technologies

Trainery

TranStar Technical Services, Inc.



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Antitrust Compliance Discussion Guidelines

PLEASE READ

The antitrust laws aim to protect the public from agreements between competitors that affect the price or distribution of products while promoting fair and vigorous competition in the marketplace. ILCA member companies and guests, as competitors in the market, will always act in their individual, competitive best interests. When members meet at ILCA functions, however, there are legitimate concerns about the application of the antitrust laws to their discussions. Because ILCA meetings are not authorized by any state regulatory official acting under proper statutory authority, the McCarran-Ferguson Act exemption does not provide protection against antitrust enforcement. This policy statement is intended to provide general guidance regarding the permissible areas of discussion.

Under the so-called Noerr-Pennington doctrine, participants at ILCA meetings, seminars and other functions are generally free to discuss individual and joint technical training programs. The participants may not discuss market activity to influence a governmental body nor may they discuss market response to legislation.

Discussion of topics requires even more careful consideration of possible antitrust implications. It is imperative that participants avoid any discussion of prices, market allocation, product restrictions, profit, and capacity, reasons for not recommending an account, customer classifications or any conduct that could be construed as boycott. These topics are *per se* illegal – the intent of the parties or the effect on competition is irrelevant. Other commercial activities may also be violations of antitrust law if they constitute an “unreasonable” restraint of trade. The best advice to participants at ILCA meetings is to stay within the formal agenda and to avoid any informal or formal discussion relating to your specific company plans.

If any participant feels a discussion has entered an area that might be considered antitrust they should speak up and ask the ILCA leadership to decide if the discussion should end or proceed.

ILCA Executive Committee.



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Indianapolis Carmel
Indianapolis, Indiana

AGENDA

Monday, October 17, 2022

1:00 pm – 1:30 pm	Registration
1:30 pm – 1:45 pm	Welcome & Opening Remarks Stephen White, President, ILCA
1:45 pm – 2:15 pm	KEYNOTE SPEAKER Kurt Kluempers, ASLI, CPCU – Vice President, Workers' Compensation Broker Arlington/Roe
2:15 pm – 2:30 pm	Break
2:30 pm – 3:30 pm	Trends in the Trucking Industry Todd Carrier, AU, ARM – Vice President Sales Protective Insurance
3:30 pm – 3:45 pm	Break
3:45 pm – 4:45 pm	Commercial Cooking including Solid Fuel Cooking Adam Olijnyk, CSP, WACH – Senior Risk Control Representative Society Insurance
4:45 pm – 5:00 pm	Closing Remarks Stephen White, President, ILCA

Dinner on your own!

Tuesday, October 18, 2022

8:00 am – 9:00 am	The Psychology of Safety Lance Wheeler, CMSP – Commercial Lines Risk Control Consultant USI Insurance Services
9:00 am – 9:15 am	Break - <i>Sponsored by: TranStar Technical Services</i>
9:15 am – 9:30 am	Conference Partner Sponsored by: AFIRM
9:30 am – 10:30 am	Ergonomics and Repetitive Motion Injuries Patrick E. Marcotte – Senior Technical Specialist – Worker’s Compensation The Cincinnati Insurance Companies
10:30 am – 10:45 am	Break
10:45 am – 12:00 pm	ILCA Business Meeting (ALL ILCA MEMBERS ATTEND) Stephen White, President, ILCA
12:00 pm – 1:00 pm	Lunch
1:00 pm – 2:00 pm	Confidently Exercising Employer Rights in an OSHA Inspection Todd B. Logsdon - Partner Fisher & Phillips LLP
2:00 pm – 2:15 pm	Break – Sponsored by: Trainery
2:15 pm – 2:30 pm	Conference Partner Sponsored by: Risk Control Technologies
2:30 pm – 3:30 pm	Emerging Trends in the Fire Protection World including Li-Ion Batteries and Automated Storage Retrieval Systems Robert Pelley, CFPS, CSP, CPSU – Senior Technical Specialist, Property The Cincinnati Insurance Company
3:30 pm – 3:45 pm	Break
3:45 pm – 4:45 pm	Marijuana Growth Operations James H. Duckett – Training Manager, Loss Control Practice Group AFIRM
4:45 pm – 5:00 pm	Closing Remarks Stephen White, President, ILCA

Dinner on your own!

Wednesday, October 19, 2022

8:00 am – 9:00 am	Leadership Coaching Matt Hickman – Business Development Director AFIRM
9:00 am – 9:15 am	Break
9:15 am – 10:15 am	Excavation Trenching and Shoring Ian Stacks, CHST, GSP – Safety Specialist Safety Resources, Inc.
10:15 am – 10:30 am	Break
10:30 am – 11:30 am	Drones Angie Lawless – Loss Control Representative Acuity
11:30 am – 11:45 am	Closing Remarks Stephen White, President ILCA



INSURANCE LOSS CONTROL ASSOCIATION
P.O. BOX 346 - MORTON - IL - 61550 - PHONE: 309.696.2551
www.insurancelosscontrol.org

ILCA Business Meeting Minutes 10/19/2021

Reading of the minutes from previous business meeting: Waived

John Fisher motioned to approve, Doug Brinkman 2nd

Financials:

- Stephen White and Lea Schmidt reviewed financial records
- \$26,039 total cash on hand
- Some payables and receivables still coming in
- Conference fees usually \$15,000-\$16,000
- Membership dues are \$90/year

Bob Pelley motion to approve, Shelby Blundell 2nd

eNews:

Website:

Conference:

- 53 registrants in 2019, 43 registrants in 2021

Board:

Membership:

- 109 current paid and active
- 6 active lifetime members
 - An active member for 10 years can be nominated as a lifetime member
- 12 total student members

Shelby Blundell motion to approve, Doug Brinkman 2nd

Old Business:

New Business:

- 4 current board members due for vote to remain on board
 - Lea Schmidt
 - John Fisher
 - Angie Lawless
 - Kirby Utt

Adam Olijnyk motion to approve, Doug Brinkman 2nd

Motion to close: John Fisher, Shelby Blundell 2nd

Loss Control Association

Articles of Association

Article I: Name

- Section 1.1: This organization shall be known as the Insurance Loss Control Association.
- Section 1.2: It shall be incorporated as a non profit corporation under the laws of the State of Illinois.

Article II: Objectives

- Section 2.1: The purpose of the Association shall be to improve the loss control knowledge of its members.
- Section 2.2: This shall be accomplished by:
- (a) an annual conference to provide education and training opportunities using speakers from industry and regulatory agencies.
 - (b) by informing the members of the latest concepts and techniques being employed to assist in reducing losses in the property and casualty insurance fields.

Article III: Membership and Dues

- Section 3.1: There shall be (3) grades of membership as follows:
- Active Member** Representatives of any insurance organization interested in furthering the prevention of loss in the property and casualty field. Requests for active membership of other related loss control representatives will be submitted to the Board of Directors of the Association for approval. Each active member shall have one vote in the Association.
- Life Member** Members in good standing in the Association who have: (a) reached the age of retirement in their respective companies and (b) have had an active membership in the Association for at least (10) years, may have a life membership conferred upon them by a majority vote of the active members in attendance at a regular meeting of The Association. Life Members shall not be entitled to vote in the Association.
- Student Member** Full or Part Time Students enrolled in a College or University and majoring in a Safety, Insurance, Risk Management or Related curriculum. Requests for student membership will be submitted to the Board of Directors for approval. The classification of Student Member can only be held for a maximum of 5 calendar years or until they have graduated. Upon notification of graduation, a student member will be advanced to the level of Active Member; the annual dues will be waived for the first calendar year as an Active Member. Student Members shall not be entitled to vote in the Association.
- Section 3.2: **Dues** Membership dues shall be on an annual basis, payable on July 1 of the year to which they apply. Amount of dues will be established by the Board of Directors. Failure to pay dues shall cause membership to be automatically terminated. Life members are not required to pay dues. If a member, after payment of dues chooses to terminate his or her membership from ILCA, there will be no refund of the dues paid.
- Section 3.3: **Suspension Dues** Upon application of a member of the Association, the Board of Directors shall suspend the payment of dues of such member who may enter the armed forces of the United States. Such a suspension shall remain in effect until July 1 of the year following his severance from the Armed Forces.

Article IV – Board of Directors

- Section 4.1:
Eligibility Any active member is eligible to serve on the Board of Directors. No more than two individuals from the same employer may serve on the Board of Directors at any time.
- Section 4.2:
Authority The policies and administration of ILCA are governed by an elected Board of Directors. It is the duty of the Board of Directors to control and manage the affairs and finances of ILCA. The Board of Directors may from time to time adopt rules to govern the operations of ILCA, its officers, standing and working committees, so as they do not conflict with these Articles of Association.
- Section 4.3:
Composition The number of directors shall not be fewer than five (5) or more than eleven (11). A board resolution is required to change the existing number of directors within the range outlined above, and the number of directors shall always be an odd number. A copy of the most recent resolution of the Board of Directors denoting the number of current directors shall be filed with the official copy of the Articles of Association of ILCA and additionally noted within the official minutes.
- At its first regular meeting, subsequent to the Annual Business Meeting but prior to January of the upcoming year, the Board-elect will elect from the individuals comprising said Board an Executive Committee/Officers – President, First Vice President, Second Vice President, Secretary and an appointed Financial Secretary and such other officers as it deems necessary, to serve for one (1) year terms on the Executive Committee, beginning on December 1 following the October meeting.
- Section 4.4:
Terms of Office Directors will serve a term of three years, staggered so that the terms of at least one-third of the authorized Director positions will expire each year. Terms of office will begin December 1 of each year.
- Section 4.5:
Quorum At meetings of the Board of Directors a majority of the individuals comprising the Board shall constitute a quorum. Any act of the majority of the Directors present at a meeting where a quorum is present shall be a valid act of the Board of Directors unless a greater proportion is required by law or these Articles of Association.
- Section 4.6:
Removal An officer or Director may be removed for cause by a two-thirds vote of the remaining Directors. Such persons must be given at least seven (7) days' notice prior to removal, and must also be given the option of a hearing before the Board.
- Section 4.7:
Members At-Large Board Members At-Large are those not serving on the Executive Committee. Those members are responsible for working with the Executive Committee to implement association projects and serve as a liaison with committee chairs.
- Section 4.8:
Financial Records All financial transactions are to be approved by the Financial Secretary. A monthly accounting is to be provided to the Board of Directors. All financial records are to be audited on an annual basis at the Conference. Two active members are to be appointed by the Board to complete the audit.

Article V: Officers

- Section 5.1:
Executive Committee The Association shall have a President, First Vice President, Second Vice President, Secretary and Financial Secretary. The Financial Secretary shall be appointed annually by the Board of Directors. They shall serve for a term of one (1) year or until their successors shall be nominated or appointed and elected.
- Section 5.2:
Vacancies Vacancies in any office may be filled by the Board of Directors. Such appointee shall serve until the next regular election of Board members.

Article VI: Duties of Officers

- Section 6.1: It shall be the duty of the President to preside at all business meetings of the Association;

President to require due observance at all times of these Articles of Association; to see that accurate records and accounts are kept and annual dues and assessments are paid. This officer shall call meetings of the Board of Directors. This officer shall appoint such other committees as may be deemed necessary, including but not limited to; a Liaison Committee, a Standing Program Committee, and a Membership Committee. (See also Article VIII Committees.) This officer shall work for the advancement of the Association at all times. This officer shall be an ex-officio member of all committees of the Association, except the Nominating Committee.

Section 6.2:
First Vice President This officer shall preside in the absence of the President and shall act as program director of the meetings of the Association and be an ex-officio member of the Standing Program Committee. This officer is responsible for the coordination of the annual conference. This officer shall act as parliamentarian at the Association business meeting.

Section 6.3:
Second Vice President This officer shall assume the duties of the First Vice President when that officer is unable to act or is absent and shall be in charge of all publicity and membership activities of the Association. This officer shall be responsible for the Membership Committee. This officer will also be responsible for a back-up presentation at the conference, coordination of web site activities, and coordination of all newsletter articles and activities.

Section 6.4:
Secretary This officer shall keep accurate Minutes of all meetings of the Board of Directors and of the Association. This officer shall handle Association correspondence and advise other officers as applicable. This officer shall be the Association historian and keep the Association's "history" updated.

Section 6.5:
Financial Secretary The Financial Secretary shall keep an accurate record of the membership. The Financial Secretary is charged with the custody of the funds of ILCA and their proper disbursement according to the general or specific authority of the Board of Directors. The Financial Secretary is responsible for overseeing the maintenance of the financial books, records, and documents of ILCA. The Financial Secretary is responsible for coordinating distribution of notices to the membership of dues payments. The Financial Secretary will perform other such duties as directed by the President and Board of Directors, and those customary to such office.

Article VII: Meetings

Section 7.1:
Annual Meeting There shall be at least one (1) business meeting of the Association, concurrent with the "Association Conference." If there will be more than one meeting, the first meeting of the year shall be designated as the Annual Meeting of the Association.

Article VIII: Committees

Section 8.1:
Executive Committee The officers and the immediate past president and shall constitute the Executive Committee. It is empowered to act in the name of the Association on all administrative and financial functions. All actions by this Committee shall be subject to review and approval by the membership at the regular meeting(s) of the Association. Four (4) members of the Committee shall constitute a quorum.

Section 8.2:
Nominating Committee This committee shall consist of four (4) members of the Association, three (3) of whom shall be appointed by the Board of Directors and one (1) elected by the membership (in the absence of a quorum, nomination committee shall consist of the three (3) appointed members) at the second yearly meeting of the Association. If there be only one meeting in

a year, the appointment and election of members to the Nominating Committee shall take place at that meeting. This committee shall serve for one election.

They will meet or correspond with each other and develop a slate of nominees for the offices of the Association Board of Directors for election at the Annual Meeting of the Association. They shall report their findings to the President at least 30 days prior to the Annual Meeting. They shall query prospective nominees as to their willingness to serve and whether they have permission of their employers to serve and attend all meetings. The President will advise this Committee on Association traditional concepts affecting the offices of the Association. Other nominations for office may be made by the membership of the Association upon written notice to the Secretary. Such notification of intent must reach the Secretary at least 60 days prior to the Annual Meeting. List of candidates shall be distributed to the members at least four (4) weeks prior to the Annual Meeting.

If more than one candidate is nominated for an office, the election for that office shall be by secret ballot at the Annual Meeting.

- Section 8.3:
Meritorious Service Award Committee This Committee shall consist of three active Past Presidents appointed by the President, and the President. This Committee shall act as a review board and determine that the candidate for Meritorious Service Award has the necessary qualifications and approve the candidate. The candidate must have been active by serving on committees, attending ILCA meetings (when they are within reasonable travel distance), participating or cooperating in program activities; if in a supervisory position, allowing his personnel to serve on committees and/or participate in program activities. Submissions may be made by members to the President of ILCA in writing at least 90 days prior to any Annual Meeting. The Board of Directors shall be responsible for awarding the plaque to the candidate at the next Annual Meeting.
- Section 8.4:
Liaison Committee This Committee, which is appointed by the President, shall consist of not less than three (3) members of the Association, each of whom shall serve not less than one (1) year. They shall maintain contact and exchange information with any other supporting or allied organizations deemed necessary.
- Section 8.5:
Standing Program Committee This Committee, which is appointed by the President, shall consist of not less than three (3) members of the Association, each of whom shall serve for not less than one (1) year. The First Vice President shall be a member of this committee ex-officio. They shall develop and recommend program content and format and guide the local program committees in the selection of topics, workshops and speakers.
- Section 8.6:
Membership Committee This committee, which is appointed by the President, shall consist of not less than three (3) members of the Association, each of whom shall serve for not less than one year. The Second Vice President and Financial Secretary shall be members of this Committee ex-officio. The Committee shall develop and recommend methods, procedures, and programs for the acquiring and retaining of eligible members-

Article IX: Parliamentary Procedures

- Section 9.1:
Quorum A quorum for the transaction of business or the election of officers at any meeting of the Association shall be at least twenty (20) active members present at the meeting.
- Section 9.2:
Governing Current Robert's Rules of Order shall govern all meetings.

Article X: Amendments

- Section 10.1:
Vote These Articles of Association may be changed at any regular meeting of the Association by a two-thirds (2/3) vote of a quorum of the membership, provided however that notice of the proposed changes have been published to the membership at least thirty (30) days

prior to such regular meeting. Objections to any changes in these Articles may be filed in writing to the Association's Secretary, who shall state these objections to the meeting before any vote on them is taken.

Article XI: Liaison and Control

- Section 11.1: The Association shall act as the programming-organization for the Insurance Loss Control Association Conference under the direction of the Association' First Vice President.
Programming Organization
- Section 11.2: The Registered Agent of the Corporation will be a member of the Insurance Loss Control Association and appointed by the Board of Directors when required.
Registered Agent
- Section 11.3: The Association, under the direction and control of the Board of Directors, may enter into "fee for Service agreements", "service contracts" or similar agreements for the purpose of "Association Management" functions. "Association Management" functions may include, but are not limited to: assisting the Financial Secretary with membership maintenance, collecting dues and financial records; conference and event planning; conference and event administrative services; on-site conference and event coordination services; newsletter services; website and related internet technology services; and association marketing and promotion. The Second Vice President shall assist such designee of the Board of Directors in publishing the "Association Newsletter." The Association will pay any such designee of the Board of Directors for any such services performed.
Management

Article XII: Dissolution of the Association

- Section 12.1: The Association may be dissolved by the Board of Directors in the following manner. A resolution to dissolve the Association shall be acted upon at a meeting of the Board of Directors at which a quorum is present. The resolution shall set forth the reasons of the dissolution.
Dissolved
- Section 12.2: Within thirty (30) days following Board of Directors action, a mail ballot shall be sent to all Association members setting forth the reason for dissolution. Thirty (30) days later, the ballots shall be counted by a Tellers Committee appointed by the President. A two thirds (2/3) vote of the members voting will decide the question.
Ballot
- Section 12.3: Upon adoption of the resolution to dissolve, the Board of Directors shall proceed to carry out the dissolution of the Association in accordance with the terms of the Charter and the applicable statutes of the State of Illinois. Any assets will be distributed to an educational or philanthropic organization that is designated by the Board of Directors.
Resolution Adoption

Article XIII: Indemnification

- Section 13.1: The Insurance Loss Control Association will indemnify the officers, employees and agents of the corporation as and to the extent permitted under any applicable statutes of the State of Illinois or any other applicable jurisdiction.
Indemnify
- Section 13.2: The Insurance Loss Control Association will indemnify, defend and hold harmless it's officers, employees and agents from and against any and all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the performance of their duties as an officer, employee or agent (other than an action or suit
Good Faith

by or in the right of the Insurance Loss Control Association), and if they have acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the interests of the Insurance Loss Control Association and with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination or settlement of any action, suit or proceeding will not create a presumption that the person did not act in good faith or in a manner that was unlawful.

Section 13.3: The Insurance Loss Control Association will purchase and maintain insurance on behalf of
Insurance any person who is or was an officer, employee or agent of the corporation, to cover any liability asserted against him or her and incurred by him or her in any such capacity, or arising by virtue of his or her status and duties as an officer, employee or agent of the Insurance Loss Control Association.

Articles of Association Amendment

This constitutes a revision of the Articles of Association as constituted Aug. 1-2, 1932 and revised April 16-19,1951, Sept. 15-16,1958, April 3-4, 1962, April 3-5, 1967, February 28, 1972, April 13, 1973, April 23, 1979, April 14, 1981, July 20, 1982, October 16, 1984, October 22,1991, October 21, 2003, October 18, 2005, and October 8, 2013.

Kurt Kluempers

1982 Graduate Ball State University - Insurance program

1987 - CPCU - -- Chapter president- Central Indiana Chapter 1998

Governor's Task Force for WC Reform – 1996

24 hr product Task Force – Anthem Casualty – 1994

Indiana Compensation Rating Bureau – Board member -1991-2004 - President 1998-2002

Indiana WC Dispute Resolution Committee Member – 1994-1998

Guest Lecturer – Ball State University – Insurance and Actuarial school 1994 - 2008

Employed on the Insurance Company side 1981-2004 – USF&G, C N A, EBI, Anthem Casualty, AmCOMP

VP – Arlington/Roe - Brokerage, Workers Compensation 2004- Handles All Commercial Lines with specialization on WC.



1

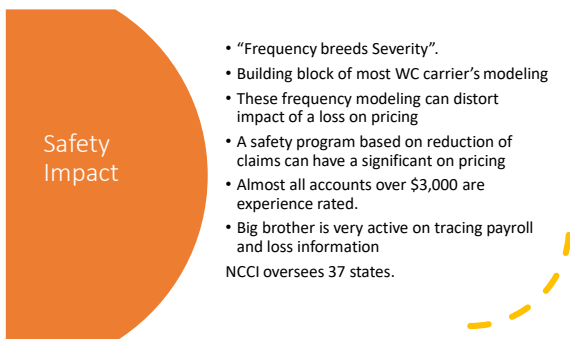


WC – Over 50% of Commercial Insured's Premium

- Required on all almost Businesses- Exceptions include Numerical, Agriculture, Domestics, Officers
- Lack of insurance triggers Employers Liability
- Sole Remedy / Dual Capacity
- No Fault system
 - Employee
 - Course and Scope of employment
 - Based on Average Weekly Wage – 52 weeks
 - AMA ratings based system on indemnity

*1099's, Waiver of Exemption, Contractual Issues

2



- "Frequency breeds Severity".
 - Building block of most WC carrier's modeling
 - These frequency modeling can distort impact of a loss on pricing
 - A safety program based on reduction of claims can have a significant on pricing
 - Almost all accounts over \$3,000 are experience rated.
 - Big brother is very active on tracing payroll and loss information
- NCCI oversees 37 states.

3

Experience Rating

- All accounts over \$3,000
- Mandatory
- Reflects last 4 years not counting the current year (too green)
- Governing class drives the expected loss rate (ELR)
- Losses limited to Primary and Excess – 18,500 +/- 440,000
- State specific calculation
- Loss Time claims under 18,500 go in 100%
- Over 18,500 limited
- Med only losses go in 30%

4

WC underwriting 101

- Governing class code based system – No split of payroll
- Overtime goes in at straight time
- Officer's payroll is often fixed/limited
- Frequency Breeds Severity
- Companies underwriting modeling goal – Light for class
- State based rates/benefits-
- 4 states demand listing in part 3A of policy- FL, CA, IL, NY
- Monopolistic – ND, OH, WA, WY

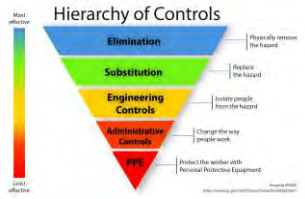
5

Experience Modification

- 1.00 statistical norm
- Min mod this year in IN .29
- Max mod 3.28
- Many insureds limited on bid options if over 1.00
- Many insurance carriers use experience mod to price
- Low mods not necessarily good for insured's pricing options – especially severity driven classes

6

Hierarchy of Controls



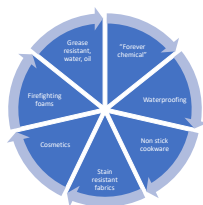
7

Issues on Auto Limits

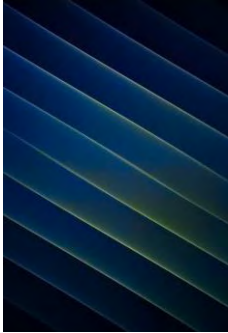
- 750K FMCSA
- 5 Million Haz Mat
- Electronic log books
- Driver shortage and costs
- Equipment availability and cost
- Social Inflation
- Nuclear Verdicts
- Excess availability and expense
- "Keys to the kingdom approach".

8

PFAS- Polyfluoralkyl



9



Enviromental

- Indiana is a true absolute pollution exposure state
- You own the property you are responsible for cleanup
- Kiger Case has held since the 1980's
- No statutory will to correct this
- Manufacturers and property owners like the status quo
- Insurance industry is very hesitant to push any case
- Insurance policies generally Sublimit. Exclusion does not hold
- Environmental policies are available. Phase 1 and/or 2 required.

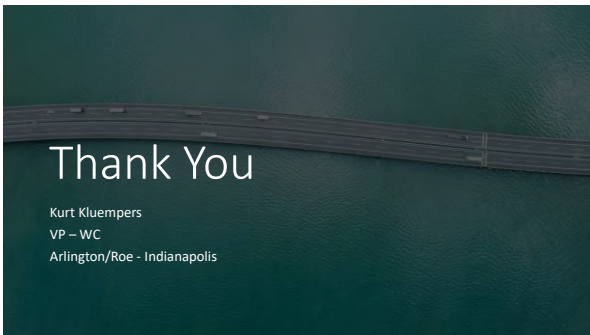
10

Cyber

- A critical coverage for business owners
- Market is maturing for this coverage
- Often can be included on the package policy
- Pricing and terms have peaked
- Multiple Factor Authentication is almost mandatory now for coverage
- This is a line where non admitted coverage can be better than admitted due to regulatory approval delay



11



12



Todd Carrier, AU, ARM

Vice President - Sales

Protective Insurance Corporation

Progressive Commercial Lines

Todd has over 25 years of insurance loss control and sales experience, providing risk management consultations to companies of all sizes and industries across the globe. In his current role for 10 years, he leads an internal sales agency that includes the placement of over \$60M in commercial trucking premiums. Prior to this, he spent 10 years with Zurich North America and shorter terms with two regional carriers. He has a Bachelor's degree in Occupational Safety & Health from Keene State College, the Associate in Risk Management and Underwriting designations from the Insurance Institute of America, and is also a Lean Six Sigma Black Belt specializing in process improvement.

Trends in the Trucking Industry

Todd Carrier, AU, ARM

ILCA Oct 17, 2022

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Protective Insurance is a Progressive Company

Outline

- About Protective/Progressive
 - Trucking Industry Profile
 - Insurance & Claims Trends
 - Risk Management
 - Future Considerations
 - Questions
-

About Protective & Progressive

- Protective Insurance- Carmel IN
 - Founded 1930, Trucking specialist
 - Top 3 writer of commercial for-hire fleets 250+ vehicles
 - Acquired by Progressive June 2021
- Progressive Insurance- Cleveland OH
 - Founded 1937, personal lines & commercial auto
 - 3rd largest personal auto insurer
 - 2021 \$46.4 billion net written premiums (~\$9b commercial lines)



Trucking Industry Profile

- What comes to mind when you think about this industry?



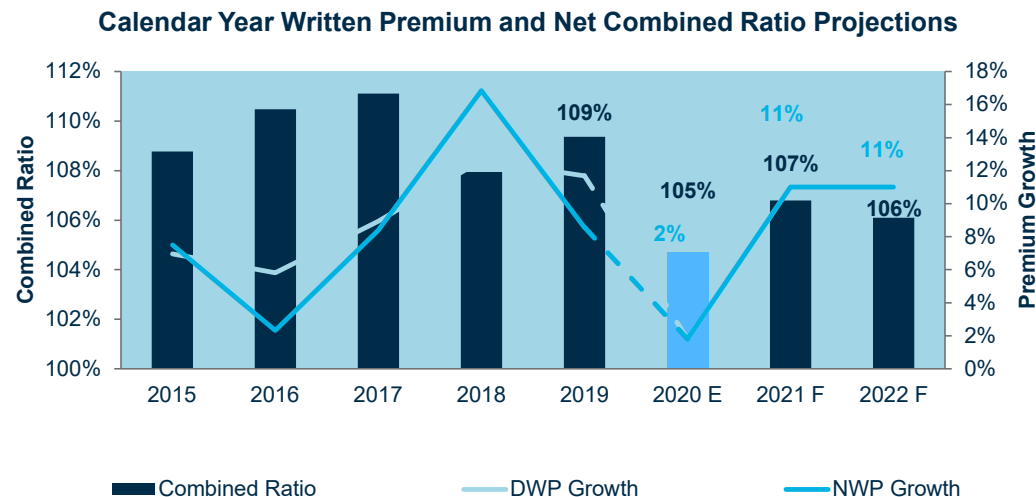
Trucking Industry Profile

- We need Truckers
 - Deliver majority of food, goods, and supplies we need
 - Trucks hauled 72.5% of nations freight by weight in 2019
 - \$791.7 billion industry, 80.4% of the nations' freight billing in 2020
 - 37.9 million trucks are registered for business purposes
 - 996,000 for-hire carriers and 813,000 private carriers
 - Employ 7.65 million people (of which 3.36 million are drivers)
- Stereotypes
 - The reckless truck driver
 - The big, bad trucking company
 - Others?



Insurance Trends

- Is Trucking/Commercial Auto a tough business?
 - Insurance point of view
 - Business owner point of view
 - Government enforcement point of view

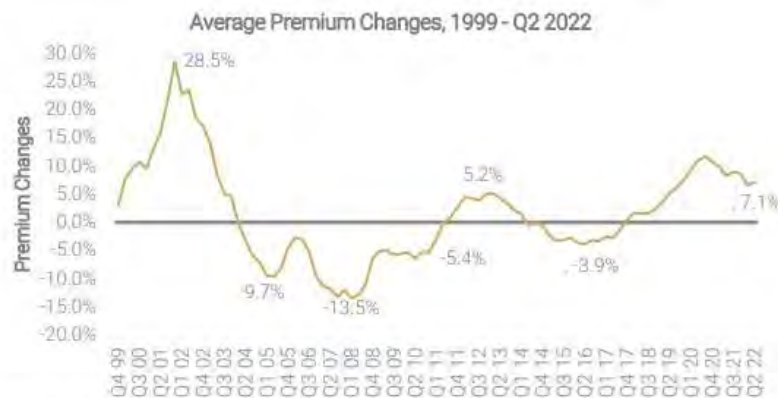


Source: CIAB



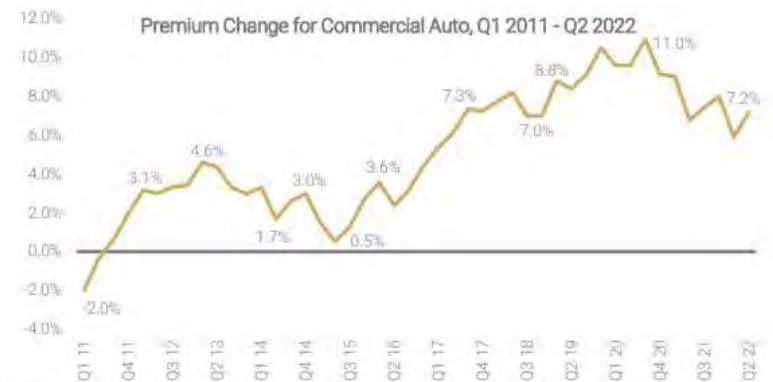
Insurance Trends

All P&C Lines



Source: The Council of Insurance Agents & Brokers

Auto Only



Commercial auto was the other line most frequently mentioned by respondents when discussing the impact of inflation. It is historically one of the most troubled lines out of the ones tracked by this index, with a staggering 44 consecutive quarters of premium increases as of Q2 2022 (the only line that even comes close to this streak is flood, at a current 24 consecutive quarters of premium increases). And inflation guaranteed commercial auto troubles continued in Q2 2022.

KEY NUMBERS AT A GLANCE

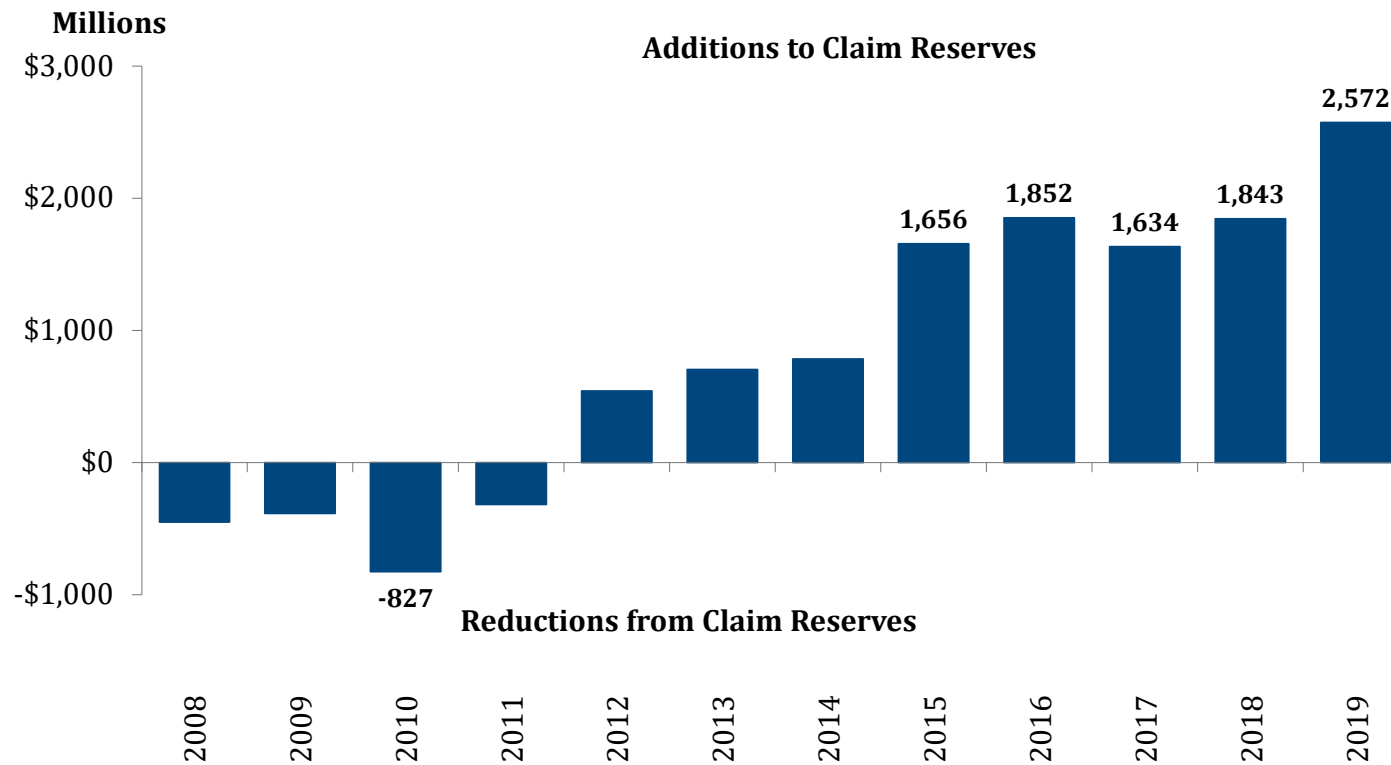
- **7.1%:** average premium increase across all account sizes
- **19:** number of consecutive quarters of increased premiums for all account sizes
- **7.5%:** average increase in premiums for large accounts, higher than small (6.4%) and medium accounts (7.3%)

Source: CIAB



Claims Trends – Adverse Development

Reserve Development, Commercial Auto Liability



Sources: NAIC data sourced from S&P Market Intelligence; Insurance Information Institute.



Claims Trends- Nuclear Verdicts

Figure 5. Average Size of Verdict

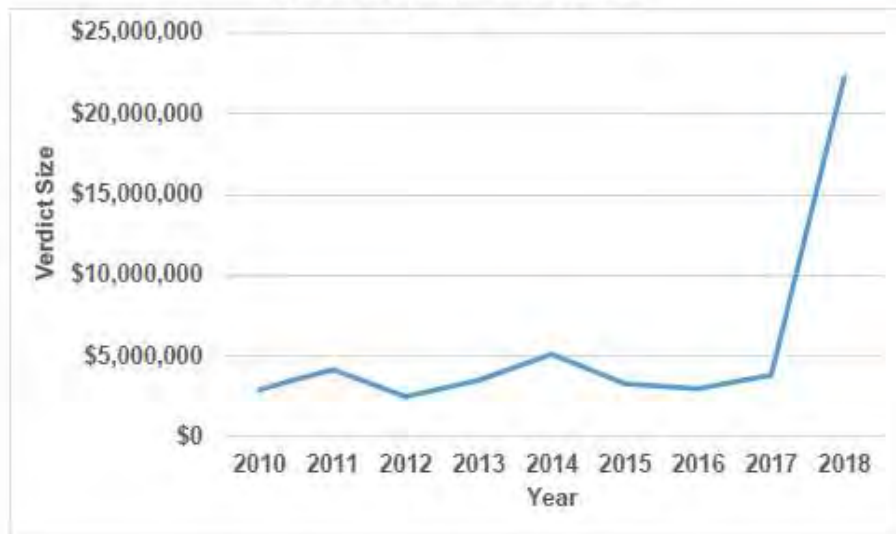
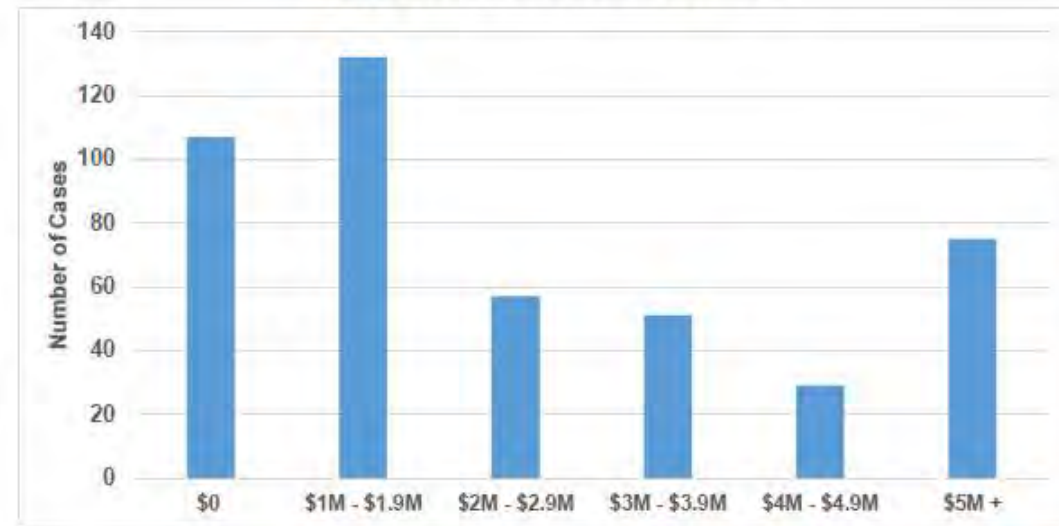


Figure 2. Distribution of Number of Verdicts



Sample Large Verdicts

Date of Loss	Loss Details	Location	Incurred Amount
2019	Head-on collision between tractor trailer and SUV, killing five	USA	\$280M
2019 ¹	Commercial freight hauler crashed into vehicle, injuring family	USA	\$70.5M
2019 ²	Cyclist injured by vehicle driven by temp agency employee	USA	\$54M
2020 ³	Motorcycle driver paralyzed after crashing into stopped tractor trailer in emergency lane	USA	\$412M
2021	College student killed as a result of two crashes caused by truck drivers' negligence	USA	\$1B
2021	Bus struck and killed teenager in crosswalk	USA	\$21.6M
2021	Multiple-vehicle crash caused by tractor-trailer, resulting in extensive injuries to plaintiff	USA	\$43M
2021	Airline employee suffered paralysis after being hit by truck	USA	\$352M
2021	Fatal car crash involving flat bed trailer carrying an oversized load	USA	\$730M
2021	Paving company found to be grossly negligent in making a road repair, causing fatal crash involving commercial truck	USA	\$74M

¹Jury verdict ² Verdict amount upheld by Colorado appeals court in 2020 ³Jury verdict

Data provided by Chubb Bermuda



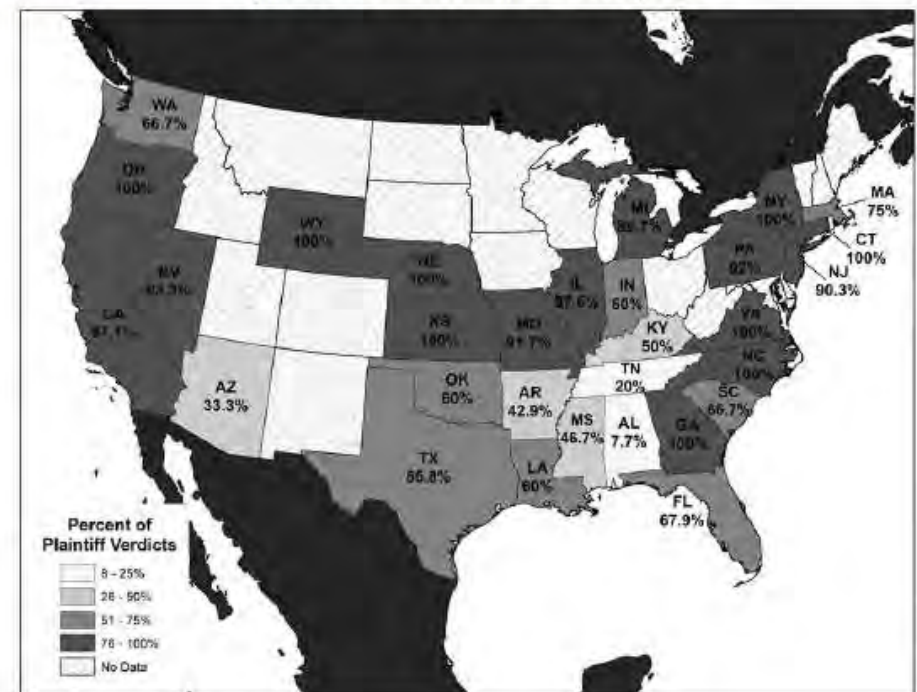
Issues leading to the verdicts



Table 2. Percent of Cases that Yielded a Plaintiff Verdict by the Issues Brought Against the Defendant in Court

Issue Brought Against the Defendant in Court	Percent of Plaintiff Verdicts ²⁸	Number of Cases
HOS / Log Book	100.0%	26
Driver History	100.0%	14
Controlled Substance	100.0%	13
Left Scene of the Crash / Failed to Call 911	100.0%	8
Health Related Issue	100.0%	5
Sleep/Fatigue	91.7%	36
Driver on their Phone	91.7%	12
Rear End Collision	89.2%	66
Work Zone / Construction	88.9%	18
Unfavorable Hiring Practice	87.5%	24

Figure 13. Percent of Plaintiff Verdicts by State



What else is happening?



Claims Trends – Litigation Financing

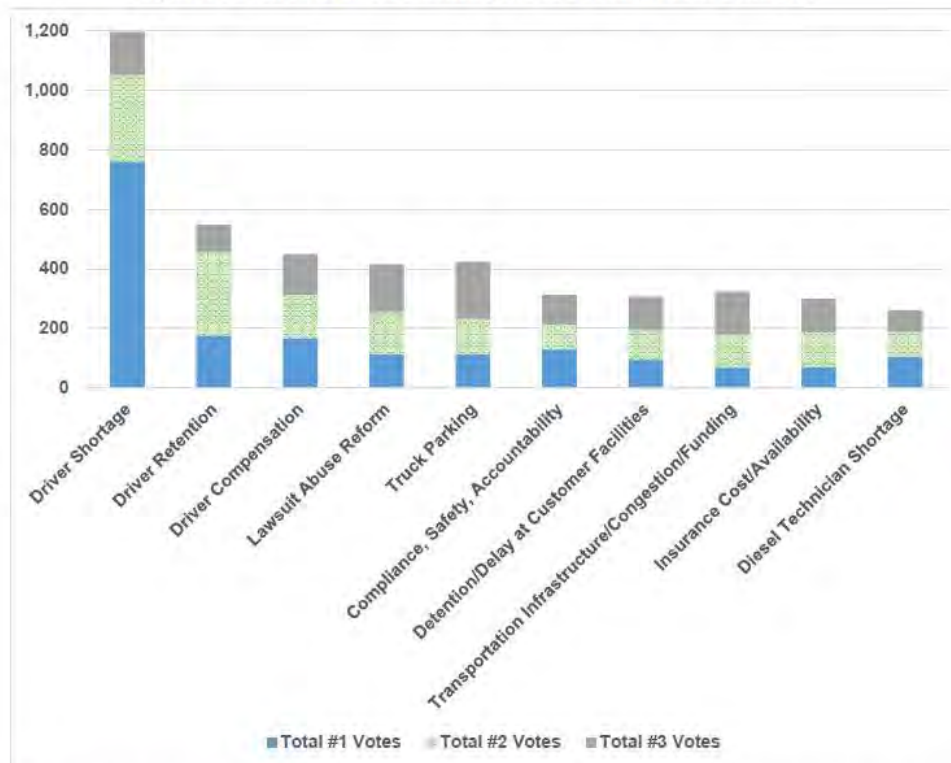
- Transactions in which a 3rd party provides capital on a non-recourse basis in exchange for a financial interest in the outcome of the claim
- The global market for litigation is estimated at \$400 billion
- The use of litigation finance by US law firms grew 745% between 2015-2019
- Common in Florida, Texas, New York, California
- “Reptile Theory”
 - trial strategy that attempts to use fear and anger to make the jury dislike the defendant so strongly they will award a plaintiff a grossly excessive amount of damages
- Carriers & Associations are involved with Tort Reform



Motor Carrier Challenges



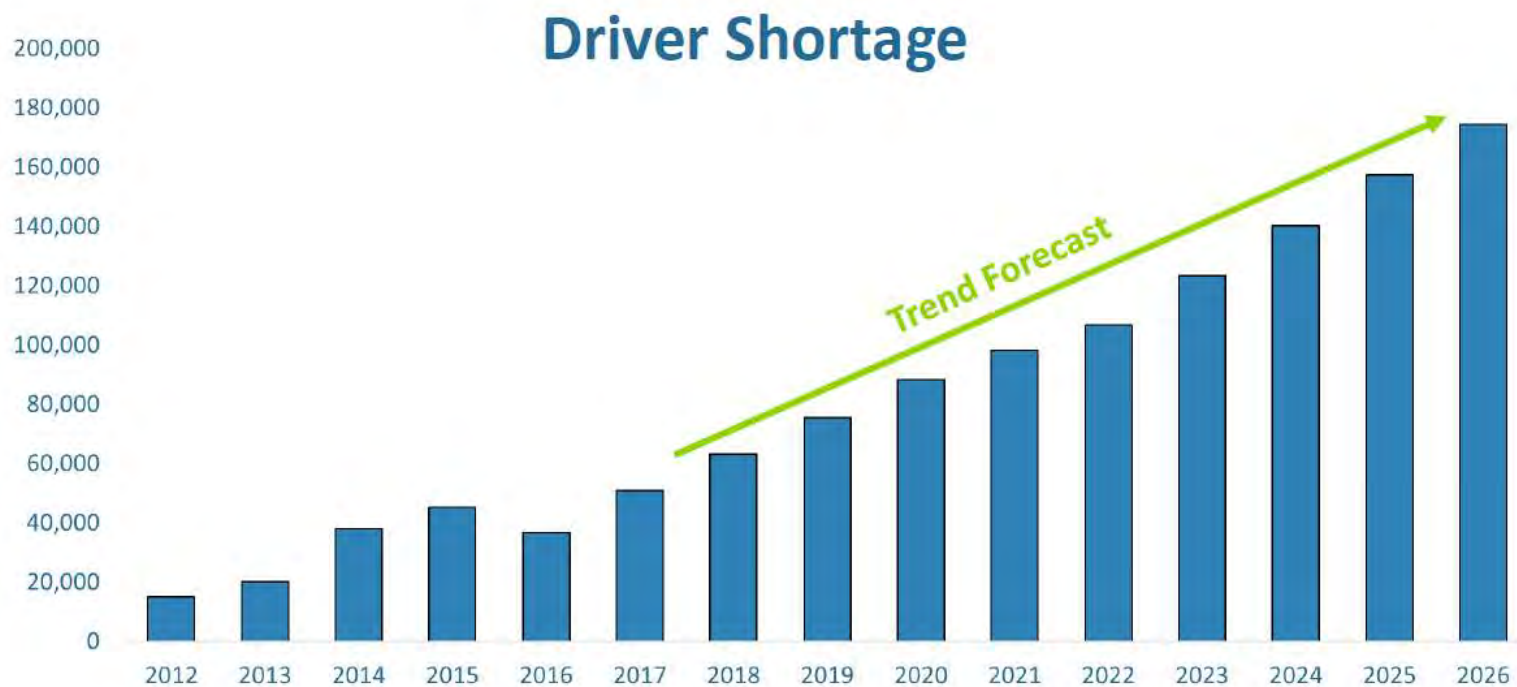
Figure 1: Distribution of Industry Issue Prioritization Scores*



*The bars reflect total points from first, second and third place rankings. Issues that generate more second and third place rankings may appear to have a higher ranking than preceding issues.



This was #1 issue before COVID



Source: ATA's Truck Driver Shortage Analysis 2017



Risk Management Reaction

- 10+ years of losses, significant rate increases started in 2017
- Several carriers exited the market, many reduced capacity
- Narrowing of appetite- fleet size, commodities, geography
- Inflation, economic, social, political dynamics
- Detailed loss control & underwriting selection tools
- Who ends up paying for this?



Risk Management Best Practices

- Safety Program
 - Full Time Safety & Claims
- Driver Qualification & Retention
 - More than just annual MVRs- monitoring & PSP's
 - Average Age & Tenure
 - Adherence to written hiring qualifications
 - Recruiting schools & finishing programs (18 y.o. pilot)
 - Sense of belonging, make it more than pay
- Embrace technology, not just ELD/Telematics
 - Cameras
 - Collision avoidance
 - Pulsar Fatigue Meter
- Identify claims trends, root cause analysis & corrective action
 - Documented driver coaching



Risk Management Best Practices

- FMCSA Compliance is bare minimum
 - CAB (Red ISS, CSA score alerts, verification of fleet characteristics)



Adobe Acrobat
Document



Future Considerations

- Autonomous vehicles- when?
 - Driver assist more likely near term
 - Product Liability vs. Driver
- Are Electric Vehicles coming?
 - Electrical Grid Demand
 - Distance & Parking (already an issue)
- Granular Insurance pricing
 - Rates by risk factor (miles, territory, time)
 - Operational decisions (surcharge, alternate routes)
- Others?



Conclusion

- What would happen if trucking stopped?
- Questions / Comments?



ADAM OLIJNYK
SENIOR LOSS CONTROL REPRESENTATIVE
SOCIETY INSURANCE

My name is Adam Olijnyk and I am a Sr. Risk Control Representative with Society Insurance. My territory includes Eastern Wisconsin and I have assisted with risk control needs in Minnesota, Iowa, Indiana, Tennessee, Colorado, and Texas. I got my bachelor's in Occupational and Environmental Safety and Health from the University of Wisconsin-Whitewater. I am a Certified Safety Professional (CSP) accredited from the Board of Certified Safety Professionals and a Walkway Auditor Certificate Holder (WACH) accredited through the National Floor Safety Institute (NFSI). I have been in insurance risk control for 9 years now and 7 years with society insurance.



Small details. Big difference.™

COMMERCIAL COOKING GREASE CONTROLS

BY ADAM OLIJNYK, CSP, WACH



TRAINING PROGRAM OBJECTIVE

- ◆ Attendees will learn the basic requirements for assessing commercial cooking exposures
- ◆ Attendees should understand the basic controls needed for commercial cooking exposures



BASIC CONTROLS FOR COMMERCIAL COOKING EXPOSURES:

- ◆ Type of filters required
- ◆ Hood and duct cleaning requirements
- ◆ What an Automatic Extinguisher System (AES) is
- ◆ Service requirements for the AES
- ◆ Grease-laden rags (cleaning and storage)



KITCHEN FIRE DESTROYS RESTAURANT



TYPICAL KITCHEN FIRE DAMAGE



TYPICAL KITCHEN FIRE DAMAGE



NFPA AND NFPA 96

- The National Fire Protection Association (NFPA) is a United States trade association that creates and maintains standards and codes to minimize death, injury, property and economic loss due to fire, electrical, and related hazards.
- NFPA 96 is a set of codes and standards for ventilation controls and fire protection of commercial cooking operations directed at reducing and/or eliminating fire hazards in commercial cooking operations.



COOKING EQUIPMENT PRODUCING SMOKE OR GREASE-LADEN VAPORS

- National Fire Protection Association (NFPA 96) Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations states:
 - Cooking equipment used in processes producing smoke or grease-laden vapors shall be equipped with an exhaust system that complies with all the requirements of the standard.
 - The exhaust system and cooking equipment shall be protected by a UL 300 extinguishing system.



COOKING EQUIPMENT PRODUCING SMOKE OR GREASE-LADEN VAPORS (CONTINUED)

- Examples of cooking equipment that produces grease-laden vapors includes, but is not limited to:

- Salamander Broilers/Cheese Melters
- Griddles
- Char Broilers
- Woks
- Ranges
- Deep-Fat Fryers



TYPICAL COOKING EQUIPMENT LINE: RANGE, TWO FLAT TOP GRIDDLES AND CHAR BROILER



USE ONLY UL LISTED COMMERCIAL COOKING APPLIANCES

- Residential cooking equipment is not designed for the heavy-duty usage that UL listed commercial cooking appliances are.
- All cooking equipment should be UL listed commercial cooking appliances per NFPA 96 to reduce the hazard of fire.



REPLACE RESIDENTIAL COOKING EQUIPMENT WITH UL LISTED COMMERCIAL COOKING APPLIANCES

- ◆ Not UL listed for commercial use
- ◆ No hood and duct for ventilation
- ◆ No AES (Automatic Extinguishing System)



COOKING EQUIPMENT THAT DOES NOT PRODUCE SMOKE OR GREASE-LADEN VAPORS

- Cooking equipment that does not produce smoke or grease-laden vapors is exempt from NFPA 96:
 - Ovens
 - Pizza Ovens – used exclusively for pizzas
 - Steam Kettles
 - Pasta Cookers
- This cooking equipment does not require an exhaust hood with ductwork protected by a UL 300 listed automatic extinguishing system. However, pizza ovens do require an exhaust hood with ventilation due to heat exposures.



EXHAUST HOOD



EXHAUST HOODS

- Exhaust hoods are a component of the entire ventilation system that are located above the commercial cooking equipment.
- The two types of exhaust hoods found in commercial cooking applications are:
 - Type 1: Hoods designed for grease exhaust applications (NFPA 96)
 - Type 2: Hoods designed for heat and steam removal and other non-grease applications (NFPA 96 does not cover)



EXHAUST HOOD CONSTRUCTION

- ◆ Exhaust hood filters remove airborne grease and other particles.
- ◆ Hoods shall be constructed of 18 gauge steel or 20 gauge stainless.
- ◆ All seams, joints, and penetrations of the hood enclosure that direct and capture grease-laden vapors and exhaust gases shall have a liquid tight continuous weld external weld.



EXHAUST HOOD FILTERS

- ◆ They are required to be installed in the hood.
- ◆ They must be 18 inches from cooking surface. (Hoods above char-broilers must be 4 feet above the cooking surface.)
- ◆ Filters must be installed at an angle of not less than 45 degrees.
- ◆ Filters must be easily accessible and removable for cleaning.



EXHAUST HOOD FILTERS (CONTINUED)

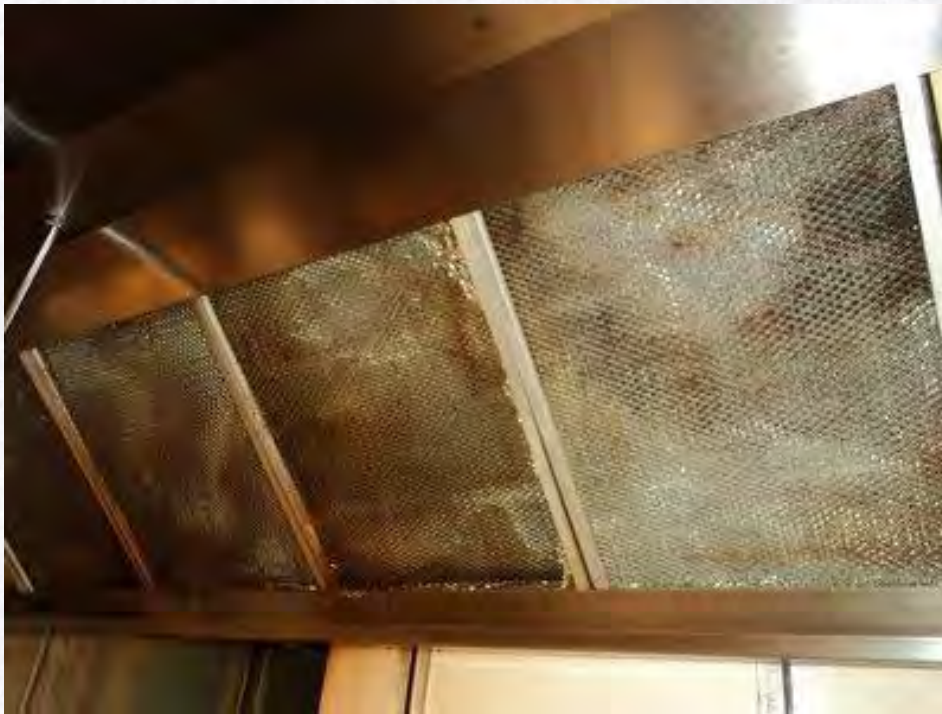
- ◆ Filters should be cleaned at least weekly by the staff.
- ◆ Metal baffle filters are allowed for the removal of grease producing vapors.
- ◆ Metal mesh filters are not allowed for grease producing vapors. They must be replaced with metal baffle filters.



METAL MESH FILTERS NOT PERMITTED BY NFPA 96



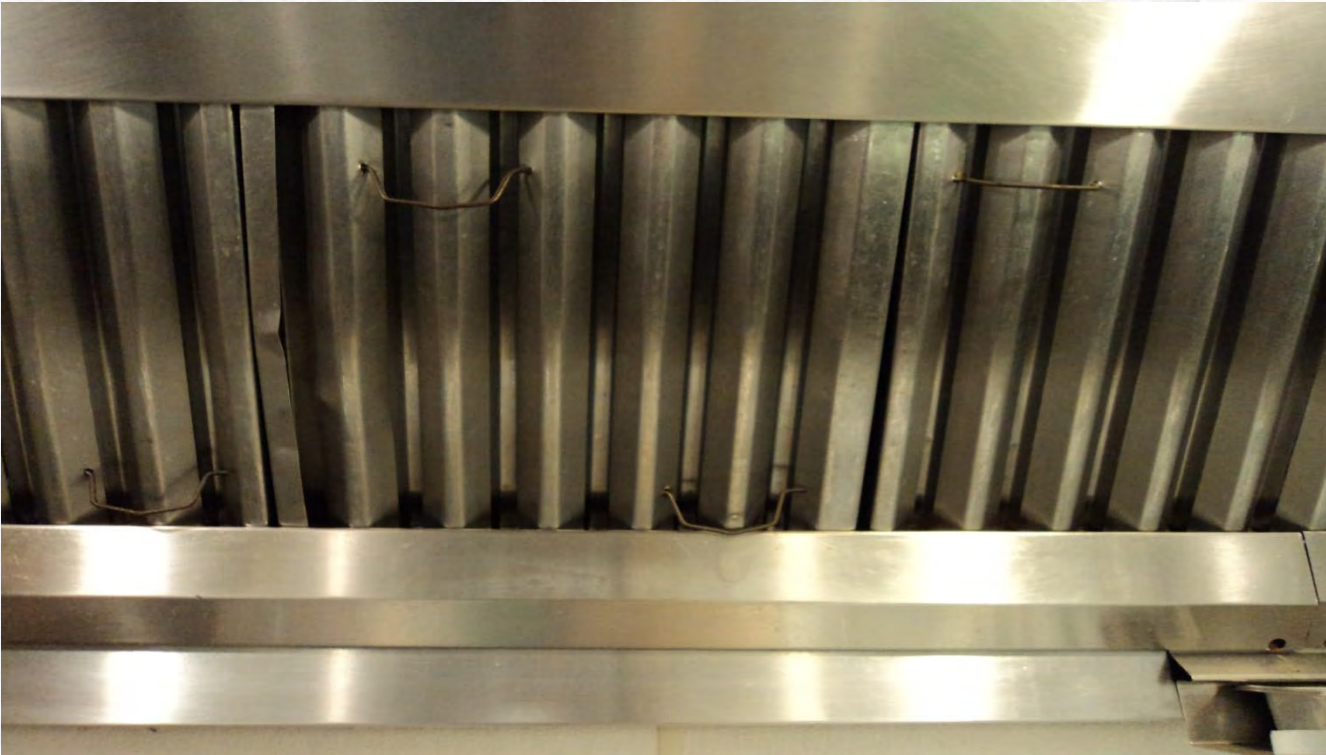
METAL MESH FILTERS IN KITCHEN EXHAUST HOOD – MUST BE REPLACED BY BAFFLE FILTERS



BAFFLE FILTER PERMITTED BY NFPA 96



BAFFLE FILTERS IN KITCHEN EXHAUST HOOD



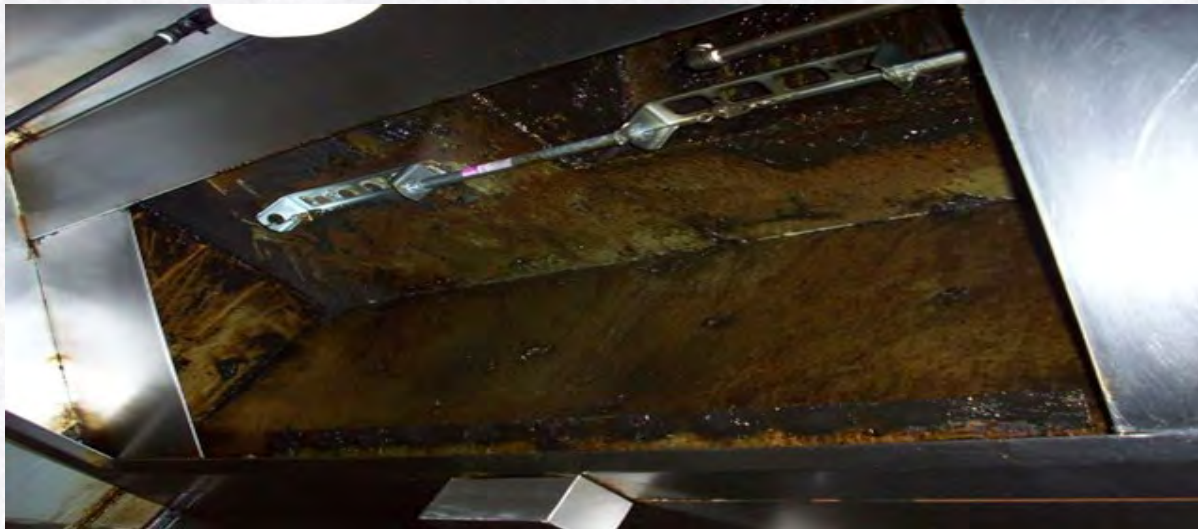
GREASE BUILDUP IN EXHAUST HOOD, DUCTWORK, AND FILTERS

- ◆ Grease buildup in exhaust hoods, exhaust filters, and ductwork is a severe fire hazard.
- ◆ Inspection and cleaning are necessary.
- ◆ Filters should be cleaned at least weekly by the staff.
- ◆ There should be scheduled inspections and cleaning of the exhaust hood and ductwork by a qualified contractor not less than twice a year.



DIRTY EXHAUST HOOD DUCTWORK

- ◆ Grease filters have been removed – this is the area behind the filters.



DIRTY GREASE FILTERS



INSPECTION AND CLEANING FOR GREASE BUILDUP IN EXHAUST HOOD AND DUCTWORK

- Cleaning of exhaust systems

- Upon inspection, if found to be contaminated with deposits from grease-laden vapors, the contaminated portions of the exhaust system shall be cleaned by a properly trained and qualified company.



SCHEDULE OF INSPECTION AND CLEANING FOR GREASE BUILDUP IN EXHAUST HOOD AND DUCTWORK

Type or Volume of Cooking Frequency	Frequency
Systems serving solid fuel cooking operations	Monthly
Systems serving high-volume cooking operations, such as 24-hour cooking, charbroiling, or wok cooking	Quarterly
Systems serving moderate-volume cooking operations	Semiannually
Systems serving low-volume cooking operations, such as churches, day camps, seasonal businesses, or senior centers	Annually



CLEAN EXHAUST HOOD AND GREASE FILTERS

- The exhaust hood has been cleaned by a contractor and the filters have been cleaned by the kitchen staff.



ELECTRICAL – EXHAUST HOODS AND DUCTWORK

• Electrical

- Wiring shall not be installed in ducts.
- Only UL listed devices (fans, lights, motors etc.) can be installed in ducts.
- Lighting must be listed and in accordance with NFPA 70-National Electrical Code.
- Protective globes must protect the lights.



ELECTRICAL HOOD LIGHTING

- UL listed protective glass globes cover lightbulbs.



ELECTRICAL HOOD LIGHTING (CONTINUED)

- Hood lightbulb without protective glass globe. UL listed protective glass globe must cover light per NFPA 96.



UNLISTED FLUORESCENT LIGHTING FIXTURES IN KITCHEN EXHAUST HOOD

- Must be replaced with listed light fixture per NFPA 96 with protective glass covers



AUTOMATIC EXTINGUISHING SYSTEM (AES)

- Commercial kitchens with grease-producing cooking appliances are required to have a UL 300 compliant AES per NFPA 96.
- Grease-producing cooking appliances operate at high temperatures that create highly combustible vapors.
- The AES, in combination with an exhaust hood, protects the cooking appliances, kitchen, restaurant building, customers, and employees from a potentially dangerous fire.



VEGETABLE OILS FOR COOKING AND FRYING

- Animal fats which were once commonly used have been replaced with vegetable oils.
- Vegetable oils require a higher heat to cook the food and retain heat longer than animal fats.
- Dry chemical and UL 300 non-compliant wet chemical extinguishing agents are unable to keep the fire suppressed long enough for the equipment and oil to cool adequately. The agent dissipates and the result is a re-ignition of the fire.



NON-COMPLIANT DRY CHEMICAL AES DISCHARGE NOZZLE APPROXIMATELY 2" IN DIAMETER



NON-COMPLIANT SYSTEM

- If the restaurant is non-compliant to the UL 300 standard, the servicing company shall “red tag” the fire suppression system.



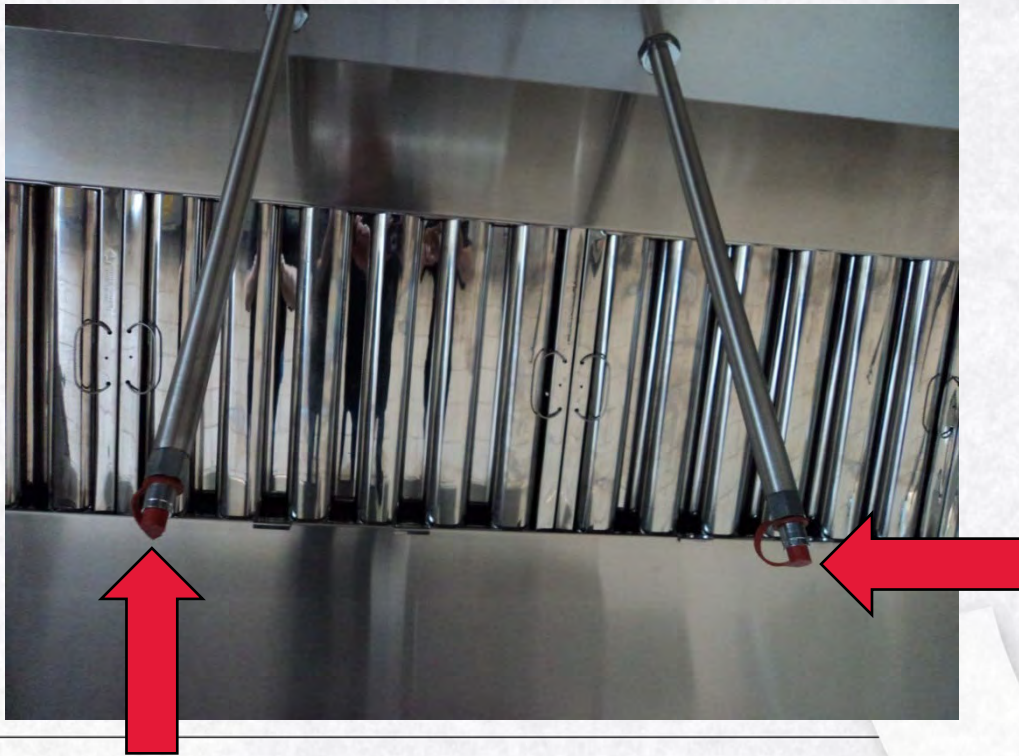
UL 300 REGULATION

- A UL 300 compliant system uses a wet chemical extinguishing agent that takes longer to dissipate and allows the equipment and oils to cool adequately, preventing re-ignition.
- All kitchen suppression systems must be UL 300 compliant per NFPA 96.

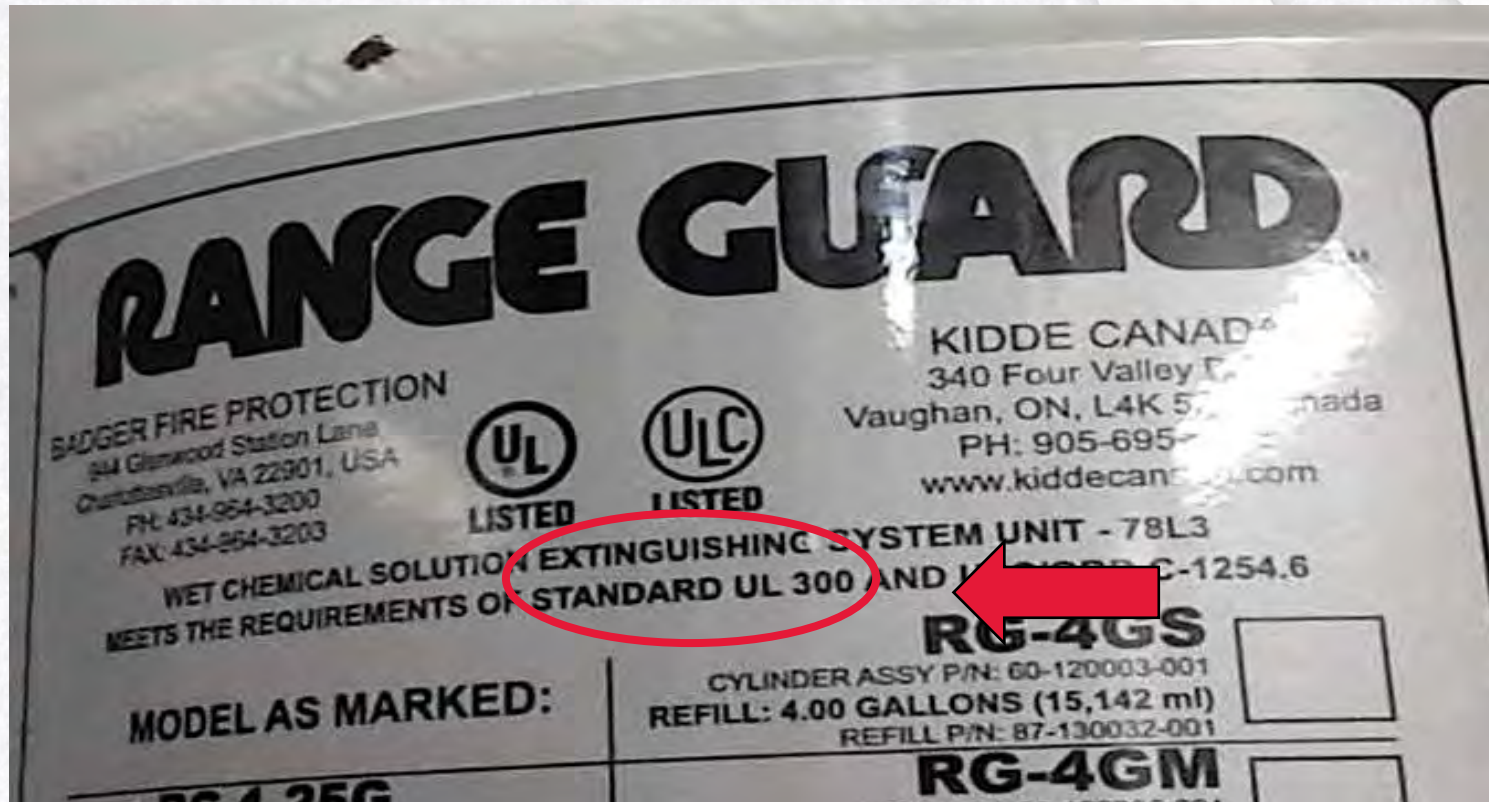


COMPLIANT UL 300 SYSTEM

- ◆ Notice the small size of the discharge nozzle, approximately $\frac{3}{4}$ " – 1" in diameter.



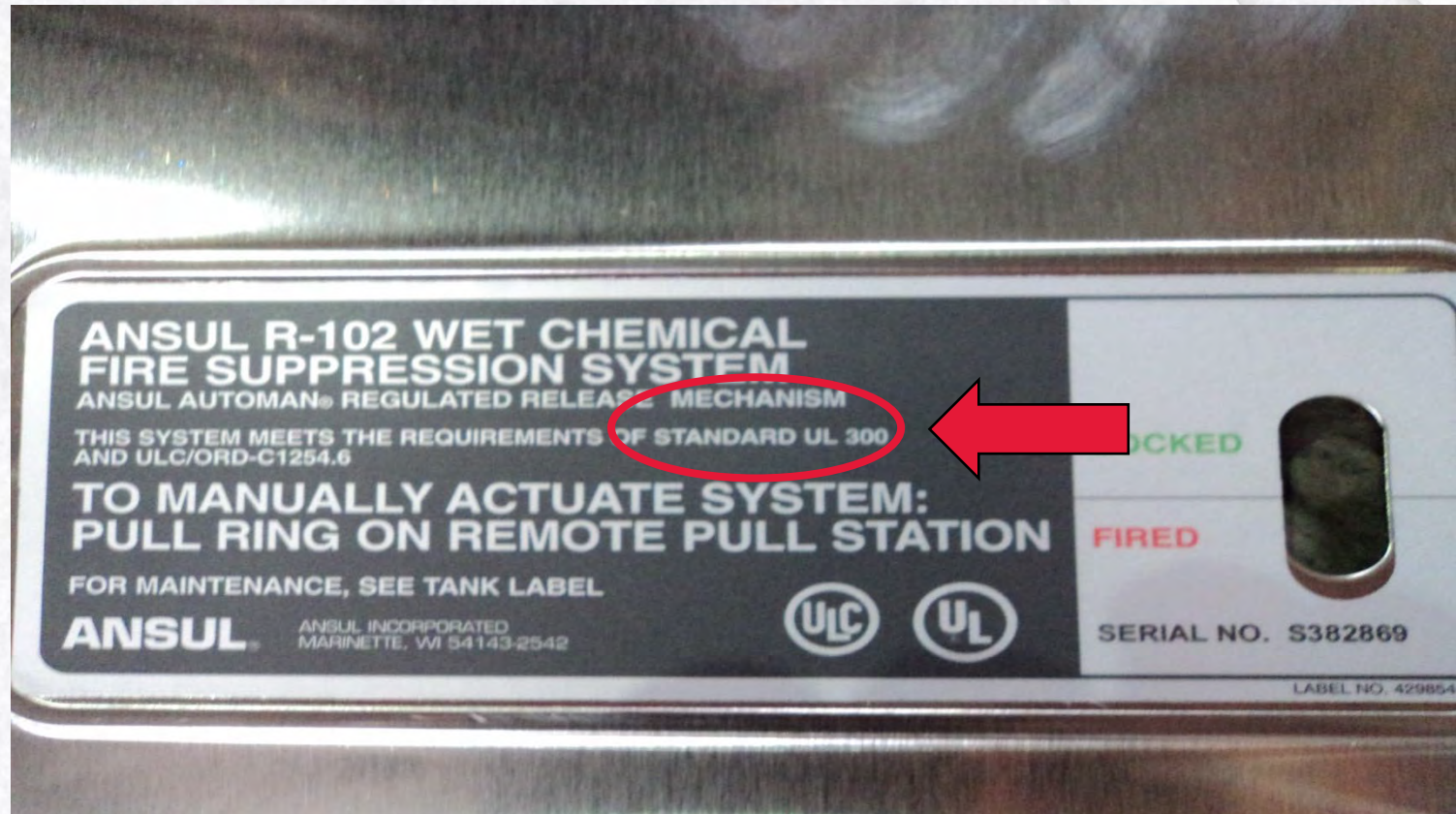
COMPLIANT UL 300 LABEL ON AGENT TANK



MOUNTED AUTOMATIC EXTINGUISHING SYSTEM CABINET



COMPLIANT UL 300 LABEL MOUNTED ON AUTOMATIC EXTINGUISHING SYSTEM CABINET



MANUAL PULL RELEASE FOR COOKING AUTOMATIC EXTINGUISHING SYSTEM

- Located in the path of exit travel from kitchen
- Should be clearly visible
- Should have clear and unobstructed access to it

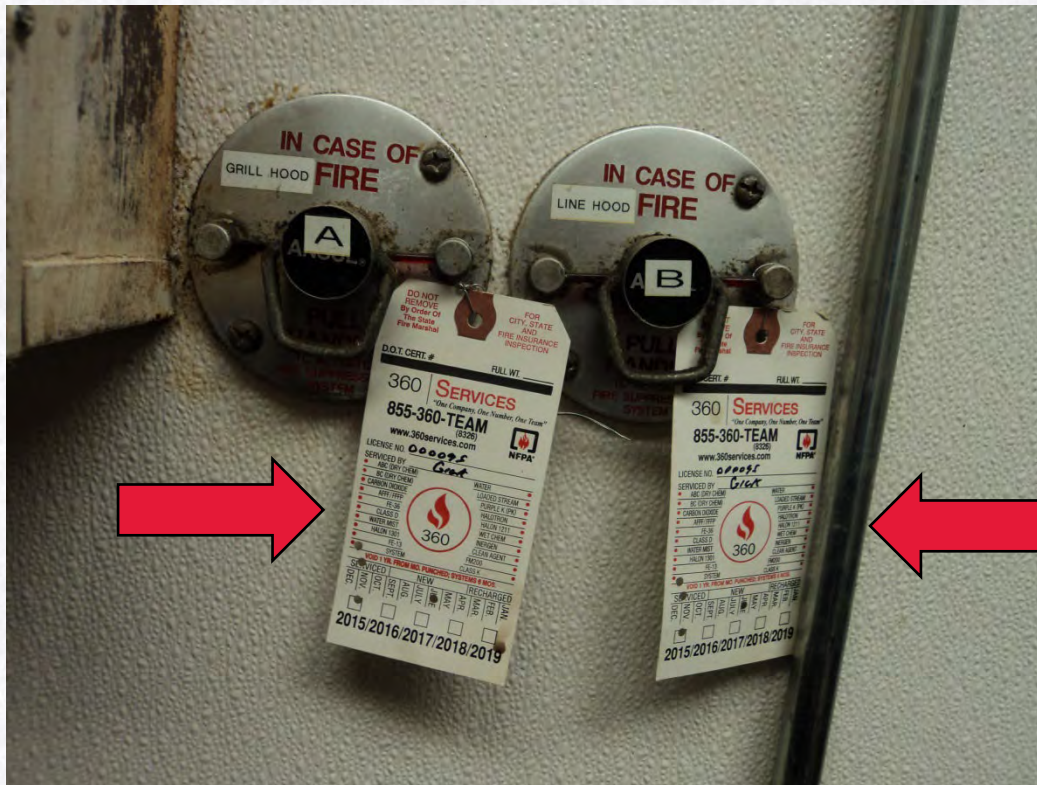


INSPECTION INFORMATION - MAINTENANCE

- ◆ Extinguishing systems shall be serviced every six months and immediately after system activation.
- ◆ All actuation components must be inspected.
- ◆ Fusible links must be replaced at the interval required by the manufacturer.
- ◆ Nozzles must have protective caps to prevent grease from accumulating in the nozzles.



SIX MONTH SERVICE TAGS ON TWO MANUAL PULL RELEASE FOR TWO COOKING AUTOMATIC EXTINGUISHING SYSTEMS



FRYERS – NFPA 96

- Ensure the following is present:

- Minimum of 16” clearance between fryer and surface flames of adjacent appliances is required.

OR

- A minimum 8” in height steel or tempered glass baffle plate shall be installed between the fryer and surface flames of the adjacent appliance.



FRYERS – NFPA 96 (CONTINUED)

- There is no clearance between the fryers and the surface flames of the adjacent appliance.



FRYERS – NFPA 96 (CONTINUED)

- Steel plate installed at a minimum of 8” in height between the fryer and surface flames of the adjacent appliance.



FRYER CABINET CLEANING FREQUENCY

- The interior of the fryer cabinet should be cleaned weekly by the staff to prevent grease build-up inside the cabinet.
- Grease build-up inside a fryer cabinet is a fire hazard.



GREASY RAGS – FIRE HAZARD

- ◆ Grease-laden rags, aprons, and linens in the kitchen area should not be stored in a laundry bag.
- ◆ This is a fire hazard due to the grease-laden materials on the rags being a source for spontaneous combustion.
- ◆ All kitchen rags, aprons, and linens that are exposed to grease should be stored in a metal container with a metal lid.



IMPROPER STORAGE OF GREASY RAGS IN LAUNDRY BAG



PROPER STORAGE OF GREASY RAGS IN COVERED METAL CANS

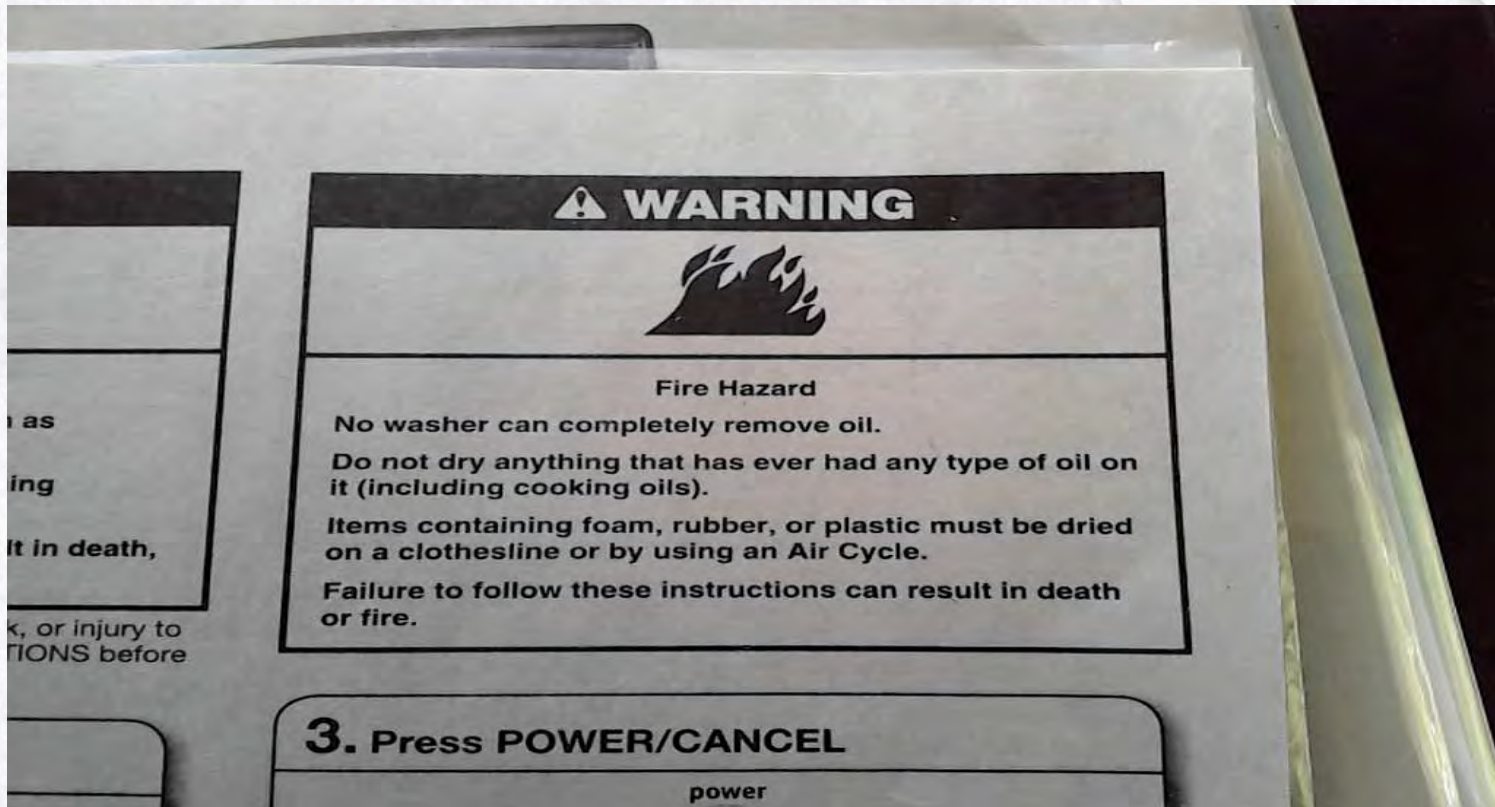


WASHER AND DRYER – SPONTANEOUS COMBUSTION FIRE HAZARD

- ◆ Do not use a washer and dryer to clean greasy rags, towels, aprons, or other materials unless they are commercial grade machines rated for greasy material and you use commercial grade detergents.
- ◆ Remove the unrated laundry equipment from your building.
- ◆ This will prevent spontaneous combustible fires.
- ◆ Consideration should be given to use a linen service for all laundry needs.



RESIDENTIAL DRYER FIRE HAZARD WARNING



FIRE EXTINGUISHERS

- ◆ A Class K portable fire extinguisher is required within 30 feet of all commercial cooking equipment.



HAZARD IDENTIFICATION 1



HAZARD IDENTIFICATION 2



HAZARD IDENTIFICATION 3



CONGRATULATIONS

- You have completed the training course.





Lance Wheeler, CMSP

Commercial Lines Risk Control Consultant
USI Insurance Services



Lance Wheeler joined USI Brokerage and Consulting in June of 2021 as a Commercial Lines Risk Control Consultant. Lance works with insureds to identify trends and develop best practices, connect them with appropriate resources and empower leadership to develop a successful culture.

Lance started his career in the U.S. Army in 1985, serving 9 years in locations around the globe involving special operations and world security as a U.S. Army Ranger. In this capacity he served in leadership positions in his unit and engaged in multiple conflicts including South America and the African continent.

Lance began his mining career as an equipment operator **in the 1990's** and eventually migrated into a safety professional role in early 2000. Since then, he has worked increasingly responsible roles as a safety professional with companies such as Arch, Kinross, Barrick Gold, Marmon and JoyGlobal. He has performed all aspects of safety from Industrial Hygiene to trainer, project management, Mine Rescue Team member and coordinator, regional management and director. **Lance's experience in safety varies from common exposures and industrial health** to more specific exposures such as driving, fall protection, hazardous materials, blasting and others. Lance has worked in surface coal, surface and underground metal mining, exploration drilling, construction, mobile cranes and small government. Lance holds several industry certifications including Certified Mine Safety Professional, MSHA Unlimited Instructor surface and underground, OSHA 10 and 30 hour trainer (general industry) as well as former Paramedic and Firefighter III and Fire Instructor.

Lance holds a B.S. in Occupational Safety and Health, AAS in Criminal Justice and a Masters in behavioral psychology. His focus is decision making and the relationship to safety, building strong leadership and teams.

Lance resides in Colorado Springs, CO with his wife Rhonda and their two dogs. They have 3 adult daughters and one granddaughter. Lance enjoys fishing, hunting, golf, the mountains, beekeeping and gardening. He also spends his time off enjoying his 67 GTO at car shows and the race track and summer weekends teaching motor officer skills classes with Ride Like a Pro Colorado.

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THE USI  ONE ADVANTAGE®

The Psychology of Safety



What are we currently doing to reduce injuries?

- JSA's
- FLRA's
- Leading / Lagging
- Near miss
- Training
- Incident investigation
cause analysis



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ne recognition

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tations

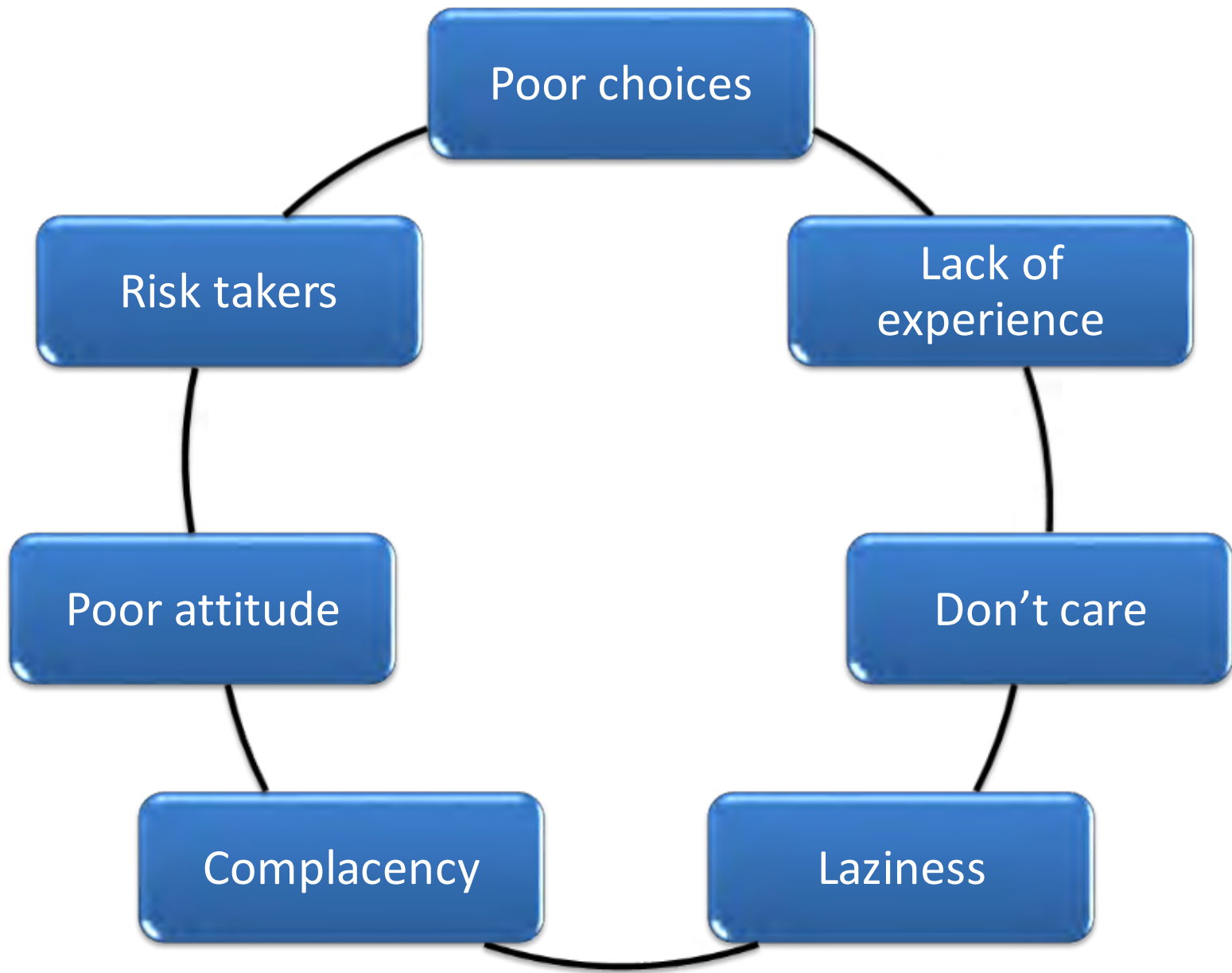
Are we at zero? Is it working?




I am always on the lookout for new ideas. Most of us don't invent ideas, we take the best ideas from someone else.

-- Sam Walton

Why do people
make mistakes?



A photograph of a construction site. In the foreground, an older man with a white hard hat, yellow safety glasses, and large yellow earplugs is looking down. He is wearing an orange and blue high-visibility work jacket. In the background, a younger man in an orange hard hat and a plaid shirt is looking towards the camera. Other workers in red hard hats are visible in the distance. The background is slightly out of focus, showing construction equipment and dust in the air.

Average experience of an
injured worker is just 9.3
years.

A circular graphic with a blue and green globe background. The text "WHO'S MOST AT RISK?" is written in white, bold, capital letters across the center of the globe.

WHO'S
MOST AT
RISK?



EXPECTATIONS



Experience

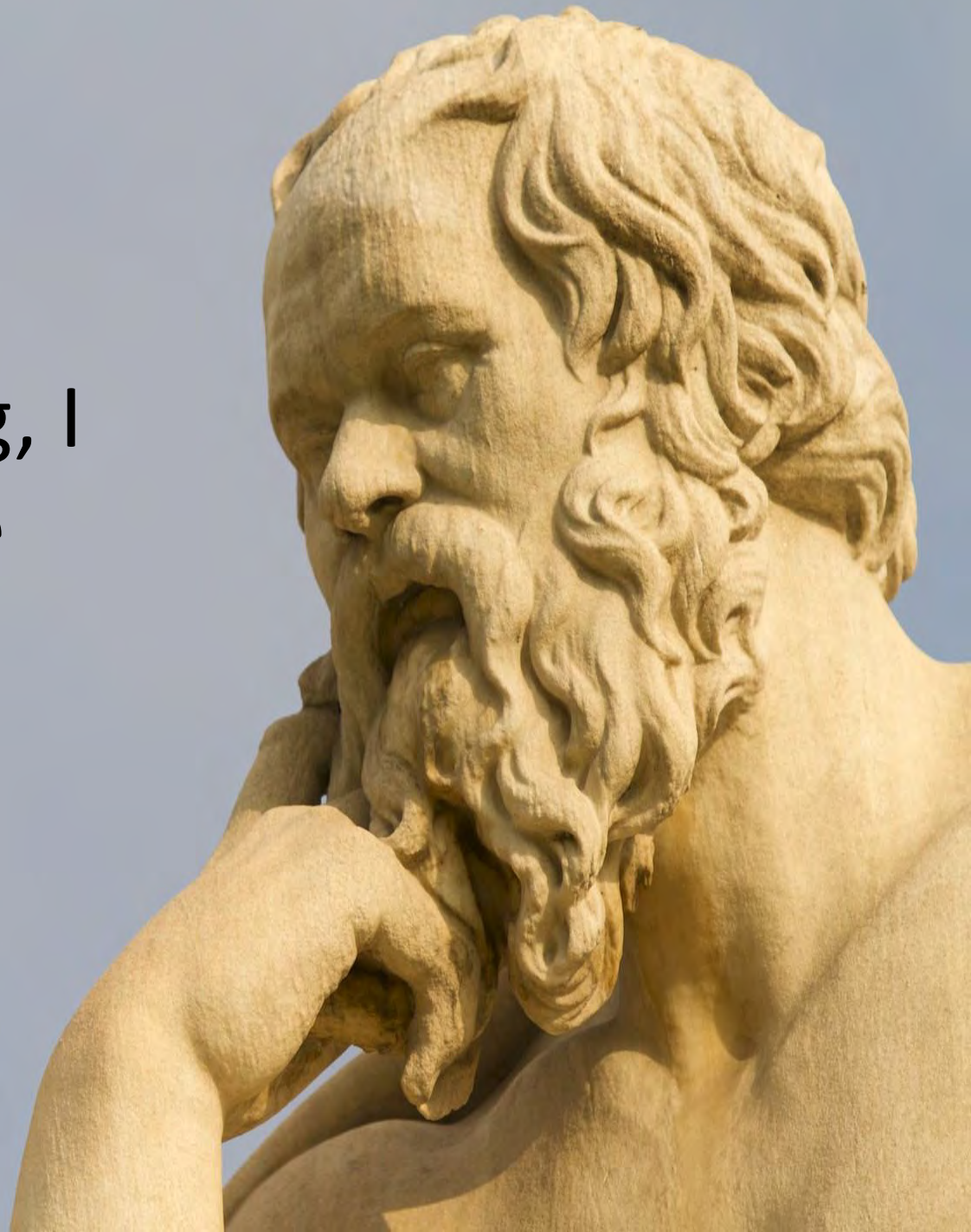


Growing up to learn risk



I cannot teach
anyone anything, I
can only make
them think.

- Socrates





Expect the unexpected

Situational awareness

Belief in **ZERO**



Whether you believe
you can or believe you
can't...you are right.



Based on MRIs of the living brain,
our brains build pathways based on...

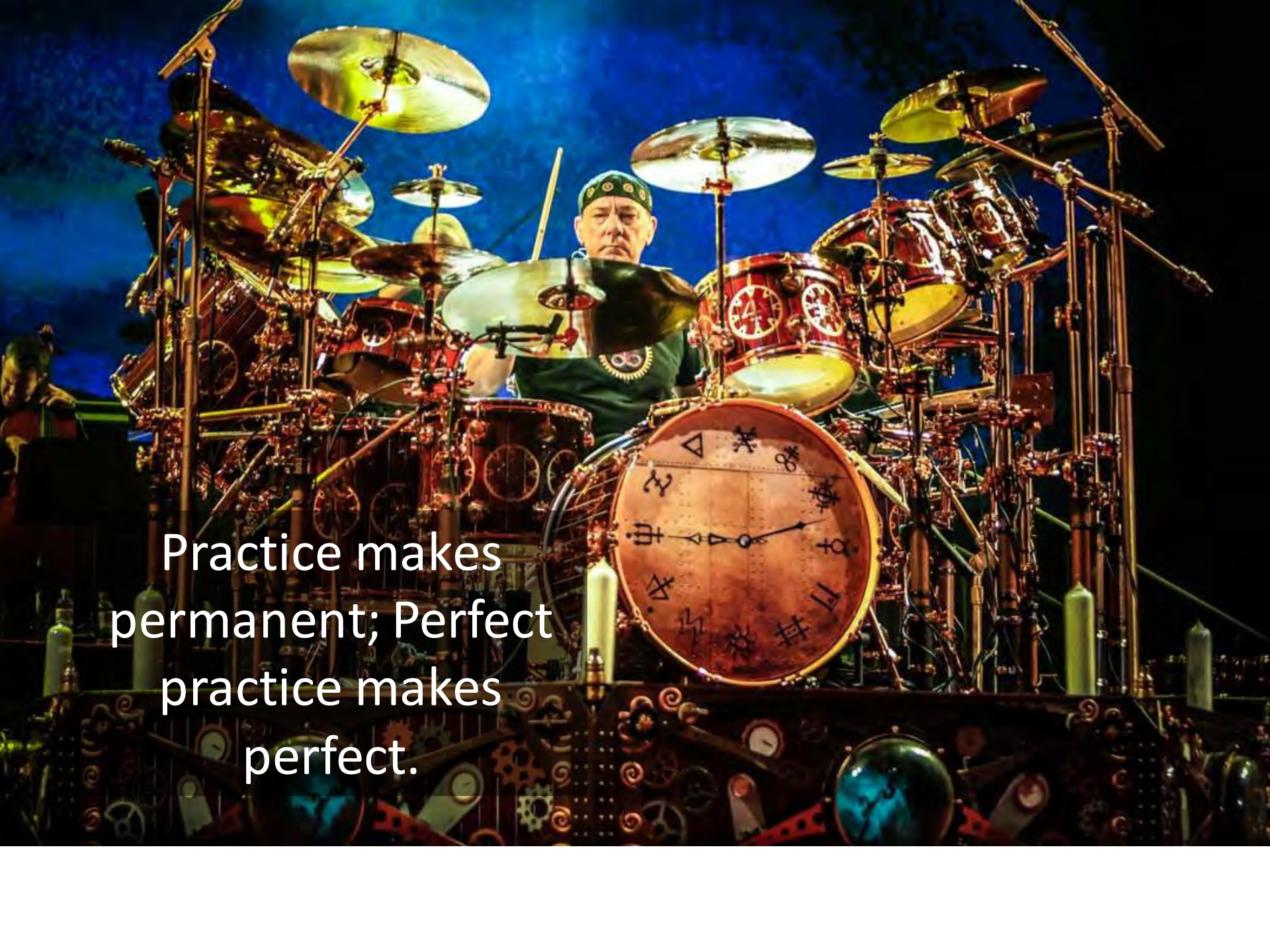


Hardwiring

No one ever plans to
have an incident.



What reinforcement do we get
when we stand on the TOP step
of a ladder successfully?

A photograph of a drummer performing on a highly ornate, steampunk-style drum set. The drummer, wearing a green shirt and a headband, is positioned behind the kit. The drum set features a large clock face on the bass drum, with various symbols and numbers instead of standard hour markers. The kit is composed of numerous brass and copper drums and cymbals, all mounted on a complex, mechanical-looking frame with gears and pipes. The background is a deep blue, and the scene is lit with warm, golden light, creating a dramatic and industrial atmosphere.

Practice makes
permanent; Perfect
practice makes
perfect.



What the employees want...

What the company wants...





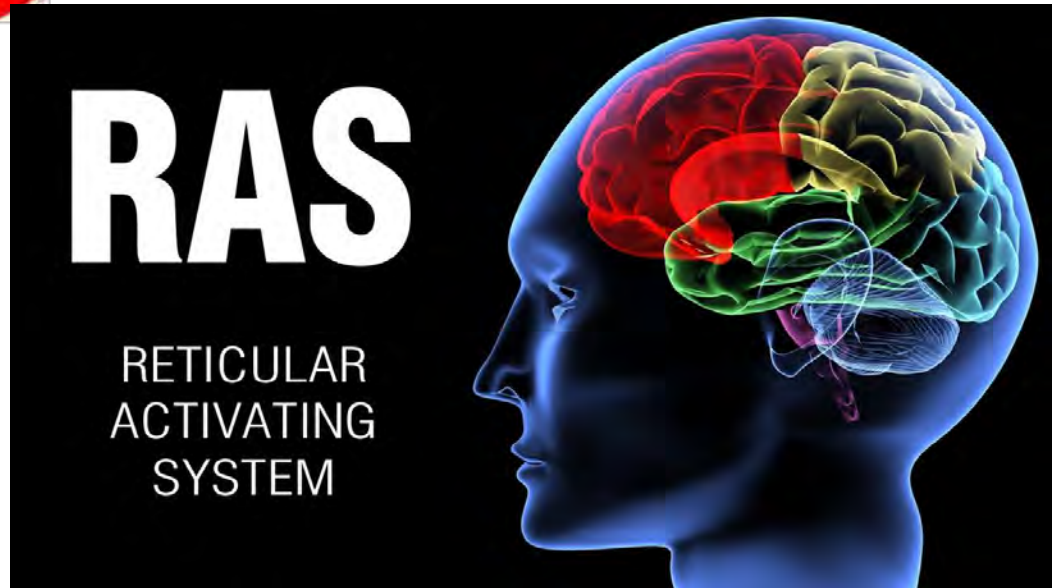
We are not sure what we

want,

But we are **positive** what we

don't want.

How do we instruct?
What words do we use?





I'm doing it
because you
asked nicely

**Where is
our bar
set?**



What obstacles have we placed?

What if we... LOWERED?



Positive Reinforcement

Acknowledge the effort that gets the behavior you expect, **NOT** incentive for having zero incidents.



Safety is not first, PEOPLE are first.



- Look at the people in our organizations – critically – who do we promote?
- Use positive reinforcement to build pathways
- Teach people situational awareness skills by looking for forks
- CHANGE ourselves, be open to new ideas, look for ways to change our environments
- Tell people what you **WANT** them **TO** do and be specific
- If you always do what you've always done, you will always get what you've always got.



Any questions?

Patrick E. Marcotte, MBA, CSP
Biography

Patrick, is a graduate of Illinois State University, with a Bachelor Degree in Occupational Safety and a Bachelor Degree in Industrial Technology. He also earned an MBA from Kennesaw State University and holds the CSP designation.

Pat has been involved professionally in the health and safety industry as a Safety Manager of a private company or insurance risk management professional for 32 years. Over the course of his career Pat has continued his education, with particular emphasis on the field of ergonomics. This ongoing training has allowed him to learn and work with various analysis tools designed to detect poor ergonomic workplace motions, as well as how to develop and implement corrective measures.

Pat is currently a Workers' Compensation Specialist in the Technical Services Unit for Cincinnati Insurance Companies.

Ergonomics and Repetitive Motion Injuries

PATRICK E. MARCOTTE, MBA, CSP

1

TOPICS

- INJURY DATA
- REGULATORY REVIEW
- INJURY CAUSES
- ANALYSIS TOOLS/TECHNIQUES
- GENERAL INDUSTRY RECOMMENDATIONS
- GENERAL CORRECTIVE MEASURES FOR HIGH LOSS INDUSTRIES
- REVIEW OF ACTUAL OPERATIONS

2

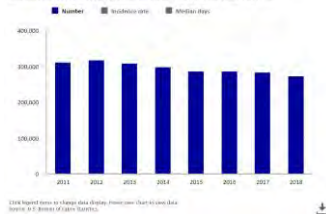
2011

311,840 MSD CASES
35.4 PER 10,000 FULL TIME WORKERS

2018

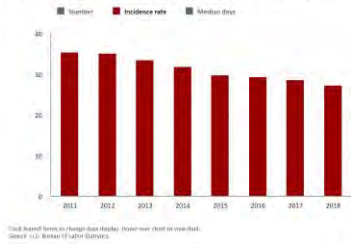
272,780 MSD CASES
27.2 PER 10,000 FULL TIME WORKERS
12 MEDIAN DAYS AWAY FROM WORK³

Chart 1. Number, incidence rate, and median days away from work of injuries and illnesses involving musculoskeletal disorders, U.S., private sector, 2011-18



3

Chart 1. Number, incidence rate, and median days away from work of injuries and illnesses involving musculoskeletal disorders, U.S., private sector, 2011-18



2011

35.4 PER 10,000 EMPLOYEES

2018

27.2 PER 10,000 EMPLOYEES

4

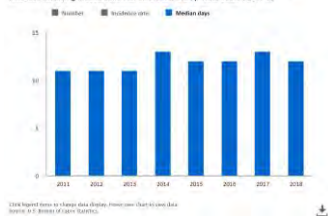
2011

MEDIAN OF 11 DAYS AWAY FROM WORK

2018

MEDIAN OF 12 DAYS AWAY FROM WORK

Chart 1. Number, incidence rate, and median days away from work of injuries and illnesses involving musculoskeletal disorders, U.S., private sector, 2011-18



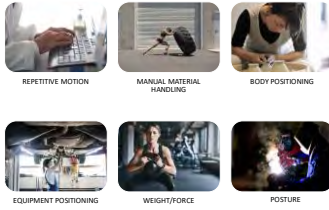
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REGULATIONS

- HISTORY
- CITATIONS
- <https://www.osha.gov/ergonomics> - RESOURCE
- <https://www.osha.gov/etools/computer-workstations/components/desks> - RESOURCE

6

Ergonomic Related Injury Causes



7

NIOSH LIFTING EQUATION
RULA
REBA
WEARABLE TECHNOLOGY
VIDEO TECHNOLOGY

ANALYSIS TOOLS

8

NIOSH LIFTING EQUATION

HORIZONTAL DISTANCE FROM THE WORKER
VERTICAL STARTING HEIGHT
VERTICAL DISTANCE TRAVELLED
TWISTING ANGLE
PROCESS TIME
COUPLING

OBJECTIVE: TO ESTABLISH THE FORCE AND IMPACT OF REPETITIVE MOTION ON A LIFTING TASK
SMART PHONE APP

9

RAPID UPPER LIMB ASSESSMENT (RULA)

FOCUS ON UPPER LIMBS AND NECK

ARM POSITION

WRIST POSITION

ACTIVITY OF ARM/WRIST (STATIC OR DYNAMIC)

FORCE/WEIGHT

NECK TRUNK & LEG

OBJECTIVE: TO PROVIDE AN EFFECTIVE TOOL TO ASSESS EXPOSURE TO THE UPPER EXTREMITY
UPPER BACK, SHOULDERS, ARMS, NECK

10

RAPID ENTIRE BODY ASSESSMENT (REBA)

FULL BODY ANALYSIS

NECK

TRUNK

LEGS

ARM AND WRIST

OBJECTIVE: TO PROVIDE AN EFFECTIVE TOOL TO MEASURE POSTURES IN A VARIETY OF
QUADRANTS AND PLANES OF THE BODY. INCORPORATE STATIC, DYNAMIC, RAPID CHANGING OR
UNSTABLE PROCESSES

11

STRENGTH AND WEAKNESS OF FORMULAS

STRENGTH

FOCUSED

ALLOW FOR ADJUSTMENT

OBJECTIVITY

WEAKNESS

STATIC

MAY BE COMPLEX

TIME CONSUMING

LIMITED TO SPECIFIC AREAS OF THE BODY

12

WEARABLE TECHNOLOGY

- SENSORS
- ON THE SKIN
- IN CLOTHING
- CLIP ON WAIST BELT

13

STRENGTH AND WEAKNESS OF WEARABLE TECHNOLOGY

- | | |
|----------------------|---------------------------|
| STRENGTH | WEAKNESS |
| DYNAMIC | ATTACH TO THE BODY |
| IMMEDIATE RESPONSE | WEAR A GARMENT |
| REAL TIME EVALUATION | LIMITED FUNCTIONALITY |
| | POSITIONING BUT NOT FORCE |

14

VIDEO TECHNOLOGY

- | | |
|-----------------------|--|
| VIDEO CAPTURE | |
| REAL TIME | |
| IMMEDIATE FEEDBACK | |
| INCORPORATES FORMULAS | |
| SECURITY CAMERA | |
| CONTINUOUS | |
| REAL TIME | |
| BROADER SCOPE | |

15

STRENGTH AND WEAKNESS OF VIDEO TECHNOLOGY

STRENGTH

DYNAMIC

IMMEDIATE FEEDBACK

REAL TIME EVALUATION

RECORD OF EVALUATION FOR COMPARISON

WEAKNESS

UNABLE TO EVALUATE FORCE

MUST OBTAIN CORRECT ANGLES

16

INDUSTRY EXPOSURES-DISTRIBUTION

EXPOSURE

•MANUAL MATERIAL HANDLING

•BODY POSITIONING

•WEIGHT/FORCE

GENERAL RECOMMENDATIONSS

PROPER LOADING OF SHELVING SYSTEMS

PACKAGE SIZE

MECHANICAL ASSISTANCE

STRETCHING AND STRENGTHENING

17

INDUSTRY EXPOSURES-OFFICE

EXPOSURE

BODY POSITION

REPETITION

STATIC POSTURE

CORRECTIVE MEASURE

PROPER PLACEMENT OF EQUIPMENT

ALLOW TIME FOR BREAKS

ALLOW TIME TO MOVE FROM WORKSTATION

STRETCHING

18

INDUSTRY EXPOSURES - MANUFACTURING

EXPOSURE

BODY POSITION
FORCE/WEIGHT
TOOL UTILIZATION
STATIC POSTURE
MANUAL MATERIAL HANDLING
ENVIRONMENTAL EXPOSURES

CORRECTIVE MEASURES

MANAGE WEIGHT OF EQUIPMENT
EVALUATE WORKSTATIONS TO IMPROVE POSITION
EVALUATE TOOLS
- VIBRATION
- TEMPERATURE
- WEIGHT
- COUPLING
ALLOW FOR FLEXIBLE POSITIONING
UTILIZE LIFTING EQUIPMENT
MANAGE THE ENVIRONMENT
STRETCHING AND STRENGTHENING

19

INDUSTRY EXPOSURES - NURSING

EXPOSURE

PATIENT TRANSFER
CART AND BED MOVEMENT

CORRECTIVE MEASURES

BED POSITIONING
LIFTING DEVICES
WHEELS ON EQUIPMENT
COORDINATED TRANSFERS

20

INDUSTRY EXPOSURES - FLEET

EXPOSURE

LIFTING MATERIAL
STATIC POSTURE
VIBRATION
ENVIRONMENT

CORRECTIVE MEASURES

STRETCHING
DELAYED LIFTING
POSITION CHANGES/BREAKS
PROPER SEATS
PROPER CLOTHING

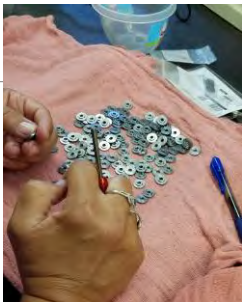
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27



28

Todd B. Logsdon is a partner in the Louisville office of Fisher Phillips, and co-chair of the firm's Workplace Safety and Catastrophe Practice Group. His practice is devoted to advising and representing employers regarding labor and employment law matters. Todd is regarded as a leader and trusted advisor on Occupational Safety and Health Administration (OSHA) issues throughout the nation and across various industries, including manufacturing, healthcare, construction and utilities. He has extensive experience contesting and litigating OSHA citations, representing employers during OSHA inspections/investigations, conducting OSHA compliance audits, defending whistleblower/retaliation claims as well as providing OSHA compliance advice to clients. He also regularly handles employment disputes such as discrimination, Family and Medical Leave Act (FMLA), wage and hour and covenants not to compete on behalf of his clients. His practice includes the defense of employment-related claims before federal and state courts and administrative agencies, as well as counseling and training clients on day-to-day compliance issues and litigation avoidance. Todd accrued many years of practical experience prior to beginning his legal career working in manufacturing with responsibilities for Human Resources and Safety.




**Confidently Exercising
Employer Rights in an
OSHA Inspection**

**2022 Insurance Loss Control
Association Conference**
October 18, 2022

Todd B. Logsdon, Esq.
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(502) 561-3971



1



Todd B. Logsdon

Todd B. Logsdon is an attorney in the Louisville office of the law firm of Fisher & Phillips LLP, where he represents employers in a variety of forums, including state and federal courts and before administrative agencies. Todd obtained his undergraduate degree from Murray State University, as well as his graduate degree in Occupational Safety and Health, and his law degree from the University of Louisville. He is a member of the American Bar Association, Labor and Employment Law Section, Occupational Safety and Health Committee, as well as the Indiana, Kentucky and Louisville Bar Associations. Todd is admitted to practice in Kentucky and Indiana state courts, the federal courts of the Eastern and Western Districts of Kentucky, the Northern and Southern Districts of Indiana, and the Sixth Circuit Court of Appeals. Todd accrued many years of practical experience prior to beginning his legal career working in manufacturing with responsibilities for Human Resources and Safety. Todd lectures and advises employers on a variety of labor and employment topics, as well as OSHA issues.

2



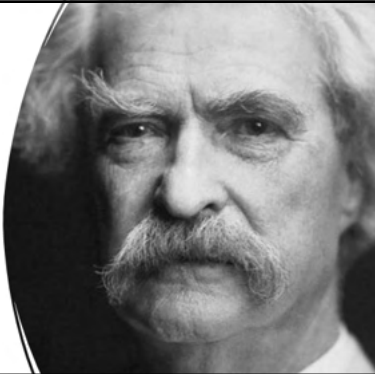
Agenda

1. Employer Rights During an OSHA Inspection
2. Planning for Inspections
3. Handling OSHA Requests

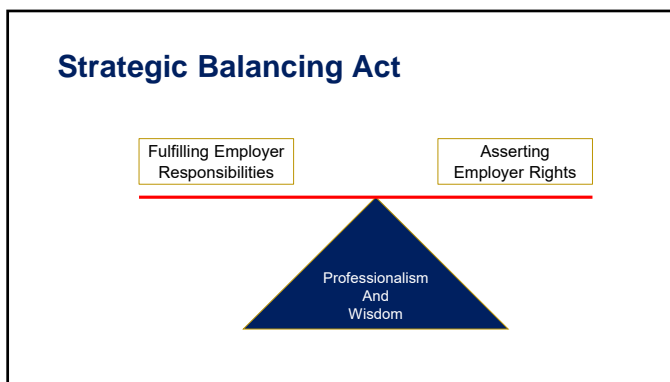
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Mark Twain

"It ain't what you don't know that gets you in trouble. It's what you know for sure that just ain't so."



4



5



EMPLOYER RIGHTS DURING AN OSHA INSPECTION



6

Why OSHA Matters

- Broad impact beyond employee safety and health:
 - Workers' compensation
 - ADA
 - Union issues
 - Civil Liability (e.g., third party tort litigation)
- Employers and their supervisors must consider the potential for liability, including tort and criminal liability.
- Increasing coordination among agencies and with organized labor

7

How to Confidently Manage an OSHA Inspection

Know what employers need to know!

Where is OSHA authorized to inspect?

When is OSHA authorized to inspect?

What is the purpose of an inspection?

What are the employers' rights?

8

How to Confidently Manage an OSHA Inspection

Things to remember throughout the inspection

- ☐ It is your facility—you have rights!
 - Inspection conducted in a **reasonable manner** and during a **reasonable time**
 - Completion of inspection within **6 months**
- ☐ Be cooperative and responsive **but maintain control** of the inspection



9

How to Confidently Manage an OSHA Inspection

Maintaining Control

1. Includes determining before an inspection. . .
 - A. What OSHA standards apply – is the company in compliance?
 - B. Previous OSHA Citations – have they been corrected?
 - C. Are support staff (receptionists, secretaries, guards) trained on how to react when OSHA arrives?
 - D. Will the company require a warrant from OSHA?
 - E. What will the company say when OSHA arrives at the facility?
 - F. Who is the right company person to contact, including OSHA counsel?
2. Consider implementing a *written procedure* for OSHA inspections

10

Elements of an OSHA Inspection

1. The Knock at the Door
2. The Opening Conference
3. The Walk-Around
4. The Closing Conference



11

Elements of an OSHA Inspection

Step 1: Knock at the Door

1. No advance knowledge of first visit
2. Will not “come back later”
3. Request and review **credentials**
4. Alert the **facility contact** (usually the highest ranking official on site or the safety director/manager)
5. **Warrant** or no warrant?
 - Reasons to consider requiring a warrant

12

Elements of an OSHA Inspection

Step 2: Opening Conference

- ☐ **When?** Immediately after the inspector is permitted access.
- ☐ **What?** Explains the nature (type) and scope (complete, partial) of the inspection.
 - A. Background questions regarding nature of business
 - B. Review written safety and health programs, 300 logs, training records
- ☐ **Who?** If unionized, the inspector will seek permission to include the employee representative.

13

13

Elements of an OSHA Inspection

Step 2: Opening Conference: Determine Type and Scope of Inspection

- ☐ Imminent Danger
- ☐ Fatality
- ☐ Catastrophe
- ☐ Complaint
- ☐ Referral
- ☐ Programmed
- ☐ Follow-Up

14

14

Elements of an OSHA Inspection

Step 2: Opening Conference

1. Set ground rules for the inspection
2. **Don't volunteer information**
3. Treat the inspector in a professional fashion
4. Notification of corporate officials and counsel
5. Coordination with on-site contractors and vendors

15

Elements of an OSHA Inspection

Step 2: Opening Conference

- Request documents (keep all information requests within the scope of the investigation); **NOTE:** If inspectors request **trade secret/confidential information**, ask that they treat it as confidential)
 - Information typically requested:
 - OSHA 300 Log, 300A, and 301s – within 4 hours
 - Names of first-aid trained and designated responders
 - Copy of Emergency Action Plan
 - First aid and blood borne pathogen training records
 - Location and content of first aid supplies
 - Required personal protective equipment
 - Other relevant safety programs/documents

16

Elements of an OSHA Inspection

Step 3: Walk-Around

What to expect?

- Purpose – observe the workplace for possible violations
- Scope – may last several hours or months, depending on the type of inspection
 - Complaint or injury-based inspections → only areas indicated in the complaint
 - Programmed inspections → entire site may be inspected
- Inspector may take photos and perform tests
 - Only side-by-side monitoring or testing will be allowed

17

Elements of an OSHA Inspection

Step 3: Walk-Around

What to expect?

- Employer has a right to **accompany** the compliance officer
- Inspector has the right to **privately interview non-management employees**
- **Employee representatives** have the right to attend the entire inspection
- Third Party Representatives—OSHA has withdrawn this policy, but could return).
- Employers can **limit** the area(s) seen by the compliance officer and **require compliance** with all safety and health rules, if applicable (e.g., PPE)

18

Elements of an OSHA Inspection

Step 3: Walk-Around

What should you do?

- ☐ Take accurate **notes** on each area inspected
- ☐ **Copy** the inspector's actions (e.g., photograph what he/she photographs, tests, etc. from the same viewpoint)
- ☐ Take the inspector on a **pre-determined route**, if appropriate
 - Have a "team" go ahead of the inspector to identify and fix obvious problems (hopefully these issues are minor and corrected already)
 - Have a "team" trail behind the inspector to immediately abate identified problems (demonstrate good faith)

19

Elements of an OSHA Inspection

Step 4: Closing Conference

- ☐ **What?** A meeting (telephonic or in person) with the inspector, employer and employee representative.
- ☐ **Why?** Inspector explains the **apparent violations** found and the **violation classifications**. Also reviews the strengths and weaknesses of the **safety program**, as well as **abatement** dates, possible abatement methods and **posting** requirements for citations issued.
 - Abatement period only begins when employer receives Citation and Notification of Penalty.
 - Employer is ultimately responsible for choosing an appropriate abatement method.

20

Elements of an OSHA Inspection

Step 4: Closing Conference

1. What should an employer do to prepare?

- ☐ Be able to point out abatement made during and after the inspection.
- ☐ Ask questions to understand basis for citation.
- ☐ Provide new information if inspector misunderstood, but not time for debate.
- ☐ Take good notes to better understand basis of the citation.

21

Scenario 1:Facts

1. Automotive Parts Manufacturer
2. Union Employer
3. OSHA Complaint Inspection
4. Complaint Involves One Particular Overhead Hoist
5. Complaint is Precipitated by a Worker Injury on Hoist

22

Scenario 1: OSHA's Requests

1. Walkaround Inspection of the Entire Facility
2. Interview Line Employees in Privacy
3. Interview Supervisors in Private
4. Documents

23

Scenario 1: OSHA's Document Requests

- | | |
|--|---|
| • 300 Logs | • Hoist Operators Manual |
| • Hazcom Program | • Hoist Modification Records |
| • Incident Report of Injured Employee | • Lockout Tagout Program |
| • Witness Statements | • CPR/First Aid Training Records |
| • Accident Investigation Report | • BBP Training Records |
| • Near Miss Reports | • Disciplinary Records for Safety Violations for ALL Employees for Prior Two Calendar Years |
| • Hoist/Crane Training Documentation | • Internal Audit Reports for Last Year |
| • Procedures for Hoist Operations | • Hepatitis B Declination Forms |
| • Maintenance and Inspection Records for Hoist | • Building Evacuation Map |

24

Scenario 2: Facts

1. Food Products Manufacturer
2. Multiple Sites Throughout US
3. Partial Crushing Injury Servicing Packaging Machine
4. No Prior OSHA Inspections at Facility
5. Serious Injury Investigation

25

25

Scenario 2: OSHA's Requests

1. Incident Report for Injury
2. OSHA 300 Logs
3. Previous Incident Reports on this Type of Machine - Throughout Entire Corporation
4. Witness Statements Obtained by Employer
5. Employer's Photos Taken w/Investigation
6. Machine Purchase Documents
7. Risk Assessments Performed by Employer
8. Employer's Machine Guarding Inspection Records for Entire Facility
9. Walkthrough of Entire Facility – "Because Employer has other facilities throughout in the state."
10. Members of Management to Sign "I swear to tell the truth statements..."
11. Audio Recordings of Management Interviews

26

Scenario 3: Facts

1. Plastics Manufacturer
2. Fingertip "Amputation" During Maintenance Activity – March 15, 2015
3. Employer Notified OSHA April 15, 2015 of Amputation
4. OSHA Conducts Inspection June 1, 2015
5. OSHA Issues Citation on September 30, 2015
6. Four Citations: 10 Collective Items
 - A. Citation Issued for Failure to Timely Report Amputation
 - B. Other Repeat and Serious Citations for Observed Conditions

27

Scenario 3: OSHA's Requests

1. OSHA 300 Logs for Five Years
2. Incident Report
3. Lockout-Tagout Program and Training Records for All Employees
4. Lockout-Tagout ECP Periodic Inspection Records
5. Inspect Entire Facility
6. Management to Sign Written Statements (Drafted by Compliance Officer)

28

Scenario 4: Facts

1. Client is General Contractor (Warehouse Building Construction)
2. Fatality Inspection
 - A. Steel Erection Sub Contractor Selects Steel Supplier (By Contract)
 - B. Truck Driver – Employee of Steel Supplier – Struck By Excavation Equipment and Killed
3. Truck Driver:
 - A. Not Wearing High Visibility Clothing
 - B. Observed Talking on Cell Phone When Struck
 - C. Warned by General Contractor for Not Wearing High Vis Clothing on Only Other Occasion on Site
4. Backup Alarm on Excavation Equipment Fully Functional

29

Scenario 4: OSHA's Requests to GC

1. OSHA 300 Logs for Last Five Years
2. GC's Incident Report, Photos and Witness Statements
3. GC's Site Safety Inspection/Audit Records for Entire Project
4. GC's Training Program for Sub Contractors
5. Copy of All Project Contracts
6. Interview the Following GC's Management Members Privately By Phone
 - A. Project Manager
 - B. Corporate Safety Director
 - C. Site Superintendent

30

Citations

Essential Elements

1. In **writing**
2. **Signed** by Area Director
3. Describe violation with "**particularity**"
4. **Timely** (issued within 6 months of the violation, unless continuing violation)
5. Specifies the **proposed penalty**
6. Served by **certified mail**
7. **Post** for 3 days or until abatement, whichever is longer

31

Citations

What are the options?

1. Agree to citation and pay full penalty (rarely recommended)
2. Informal conference/informal settlement (careful of admissions)
3. Notice of Contest – 15 working days
4. Formal settlement
5. Hearing

32

Proving Violations: What OSHA Must Show

1. The cited standard **applies** to the condition;
2. **Non-compliance** with the standard;
3. Employees were **exposed** to or had **access** to the cited condition;
4. The employer **knew or should have known** of the cited condition; and
5. The selected **characterization** (e.g., serious, willful, repeat) is appropriate

Standard of proof = preponderance of the evidence

33

33

Elements of 5(a)(1) Violation

- **RECOGNIZED** Hazard
 - (**CONSTRUCTIVE** Knowledge is all that is required.)
 - Industry Recognition
 - Employer Recognition
- Employer Failed to Protect from **RECOGNIZED** Hazard
 - Employment
 - Place of Employment
- Employee **EXPOSURE**
- Hazard Causing or Likely to Cause **DEATH** or **SERIOUS PHYSICAL** harm.
- Feasible Means of **ABATEMENT**
 - Industry Consensus Standard

No Specific standard applies.

Standard of proof = preponderance of the evidence

34

Takeaways

1. Know what you don't know!
2. Don't panic!
3. Study your rights.
4. Know OSHA's rights and your timelines.
5. Plan for OSHA Inspections.
6. Know when to involve counsel.
 - A. Know Your History
 - B. Know Your Risks
 - C. Good idea with fatalities and serious injuries.

35

Presented by:
Todd B. Logsdon
Phone: (502) 561-3971
Email: tlogsdon@fisherphillips.com

Thank You

36

Robert D. Pelley, CFPS, CSP, CPCU
Senior Property Technical Specialist
St. Louis, MO

Bob joined Cincinnati insurance in 2016 and has 42 years of experience in commercial insurance loss control. Bob spent 30 years with The Hartford advancing through several field positions before becoming a Senior Property Specialist. In this role he provided loss control services large complex property risks. He also served as a mentor, coach and trainer to field loss control consultants with emphasis on the property discipline. Bob also spent 6 years with The Hanover as a Senior Property Technical Specialist providing property risk evaluation services on large, complex insureds including industrial, habitational, mercantile and office occupancies. In this position he also produced and provided training to field loss control consultant on a variety of property risk exposure topics.

Bob has a Master's Degree in Industrial Safety from Central Missouri State University. He has also taken several courses and programs that are fire protection engineering related from Oklahoma State University, National Fire Protection Association, and other organizations. Bob holds the designations of Certified Fire Protection Specialist, Certified Safety Professional, and Charter Property Casualty Underwriter. He is a member of the St. Louis Chapter of Society of Fire Protection Engineers.

Lithium-Ion Batteries, Automated Storage Retrieval Systems and Emerging Trends in Fire Protection

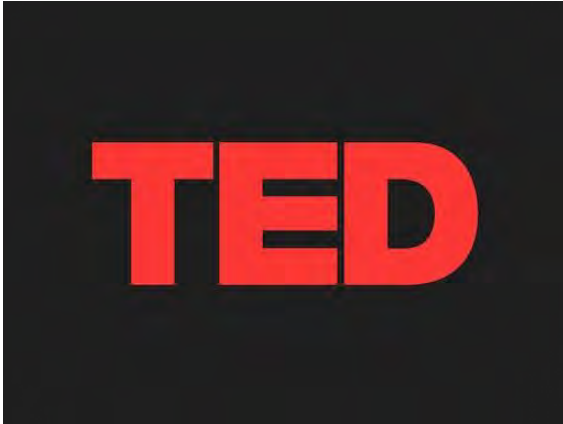
In this session we explore fire protection challenges for li-ion batteries storage and use. Control of li-ion batteries is particularly difficult due to the extreme heat developed in a battery fire. The phenomenon of “thermal runaway” that occurs with a li-ion battery fire will be explored.

Automated storage retrieval systems are becoming more and more common in warehouse distribution facilities. We will explore the different types of ASRS and the challenges in controlling a fire when these systems are place.

The use of plastic content in products has been rapidly expanding as it replaces less hazardous wood and/or metal containing products. We will look at how the fire protection industry, specifically fire sprinkler designs for storage of plastics, addressed the increase hazard.

We will explore some of the new fire protection products being developed and introduced to the field of fire protection.

After a brief argument with his body, James H. Duckett (Hal) determined carpentry was no longer going to be his primary source of income. In 2013 A friend recommended an exploration into the world of Independent contracting inspection work. (They are still friends) He cut his teeth with a short stint with FEMA, this led to other work with other inspection contractors. Criss-crossing the country performing Personal lines, and Commercial lines, everything from Tree houses, to Airports, and all things in-between. In 2014 Afirm's friendly, family atmosphere was inescapable, and they quickly became his primary client. After working in carpentry and other services, independently, for nearly thirty years, including 9 years of inspection work, and 4 years of review for Afirm, as an independent contractor, he decided at the spry age of 59, to become an employee with AFIRM with a rewarding career as one of two US Training Mangers providing instruction, training, and support to Afirm's inspectors in the field.



1



2

Marijuana Grow Operations



Covered topics:

- Growing operations (Cannabis)
- Insurance coverages for growing operations



3



4

Marijuana Grow Operations

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Some common marijuana slang terms that were popular back in the day and still popular:

- Giggle Smoke
- Goof Butts
- Muggle
- Mary Jane
- Catnip
- Nixon
- Puff the Magic Dragon
- Reefer
- Weed
- Grass
- The Hobbit's Leaf



5

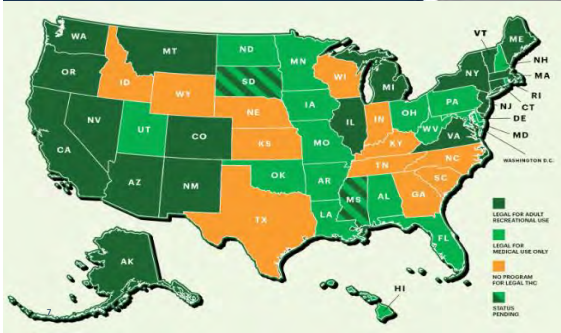
Legalities...



6

Legal Status as of 2022

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7

Marijuana Grow Operations

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Cannabis Growers:

- Vertically Integrated
 - Trims
 - Harvests
 - Processes
 - Distribution
 - Sells in own dispensaries
- Not Vertically Integrated
 - States may not allow vertically integrated (Example: Pennsylvania)
 - Issue individual licenses for the different operations

8

8

Marijuana Grow Operations

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Indoor growing operation



9

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Marijuana Grow Operations

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Outdoor Growing Operation



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Marijuana Grow Operations

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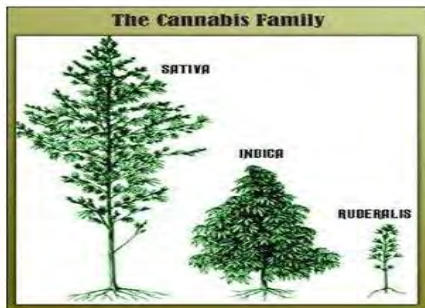


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11

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12

12

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Cannabis Plants come from two sources?

- Seeds
- Clones
 - Taken from clippings of a healthy female plant (known as the Mother Plant)



13

13

The Genetics Room



14

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Seed Plants and Clones can be grown outdoors or indoors

- East coast and the Midwest, due to fluctuating climates, all cannabis is grown in huge warehouse-type buildings or in large greenhouses.
- West Coast and southern climes, has better climate to grow marijuana outdoors, although plants are grown indoors as well.

15

15

Growing Room



16

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Hydroponic cultivation

- Different types hydroponic systems
- Increases aeration of plant roots and control of nutrient uptake

Ebb & Flow System (Flood & Drain System)

- Nutrient solution floods the loose growing medium and recedes for aeration

Drip Systems

- Gradually drip nutrient solutions onto the medium

Aeroponic Systems

- Intermittently spray roots floating in air

Nutrient Film Technique System

- Aerated water runs down a channel lined with a film of rooting medium

Aquaponics System

- Use of fish water and recirculates the water from the fish holding tank to the growing beds

17

17

Isolated water supply



18

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Ebb & Flow System (Flood and Drain System)



19

19

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Drip System



20

20

Drip System.



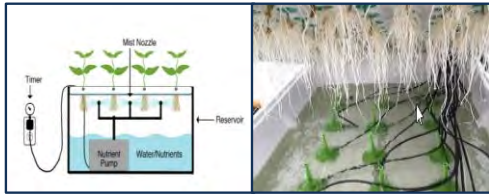
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Marijuana Grow Operations

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Aeroponic Systems



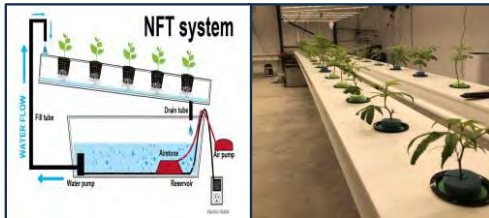
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Marijuana Grow Operations

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Nutrient Film Technique System



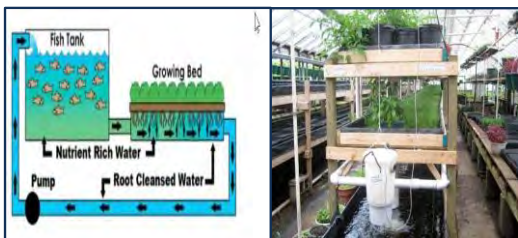
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Aquaponics System



24

24

Marijuana operations

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Marijuana operations

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- High Carbon Dioxide (CO₂) levels need to be maintained for plants to grow efficiently



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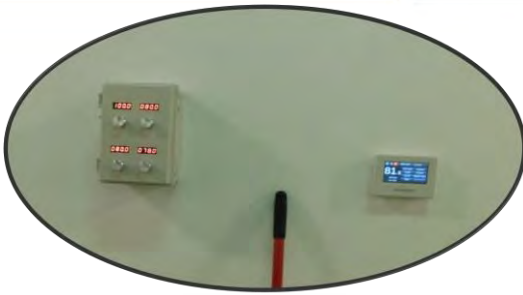
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- To achieve optimal plant growth and flower production, indoor grow operations use intense lighting.
- Two types of HID lighting:
 - MH-Metal Halide and HPS-High pressure sodium.
 - MH lighting is used in the vegetative stage because it emits a blueish frequency on the light spectrum.
- The flowering stages, plants prefer a more yellowish frequency on the light spectrum and more intense lighting

27

27



28

28

Marijuana operations

- During the drying stage, the odors from the plants are most noticeable.
- Neighboring businesses or residences can file claims against the grower for strong smells.
- Proper ventilation and carbon scrubbers can help alleviate pervasive odors.



29

29

Marijuana Operations

Layouts of facilities can take many forms:

- Colder climates-
 - Cannabis is grown in huge warehouse type buildings which have multiple grow rooms for various stages of plant development-harvest room-packaging area-restrooms-loading docks-employee lounge, cafeterias.
- Larger companies will have onsite testing laboratory
- Administrative building may be on premises that include offices for managers, admin workers, storage rooms, etc.
- Warmer climates:
 - Cannabis is grown outdoors on tracts of land with many acres.
 - Admin building or marijuana grown indoors with retracting roofs in warmer climates.
 - Greenhouses are also used to grow marijuana.

30

30

Large Indoor Facility



31

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Common materials and equipment on site:

- Seeds; plants; cloned plants; mother plants
- Soil
- Pots
- Rolling grow benches for marijuana plants and containers
- High Intensity Lamps
- Fans to circulate air around the grow rooms
- Air scrubbers

32

32

Growing Rooms Equipment

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33

Marijuana Operations



Common materials and equipment on site cont'd:

- CO2- and CO2 detection/warning systems
- Fertilizers/pesticides
- Insects (ladybugs, pirate bugs) organic operations
- Fumigation system
- Debudding machines (separate flowers from leaves)
- Automated harvesting machines
- Packaging equipment
- Plastic bags for packing marijuana leaves
- Hand tools for pruning, trimming and transplanting

34

34

Lift assist
Equipment



35

Growing Equipment



36

Marijuana Operations



Common materials and equipment on site cont'd:

- Magnification loupes or glasses for inspecting plants
- Aprons without pocket for employees to wear (deters theft)
- Trellises for training plants to remain upright
- Ladders
- Safety equipment: UV goggles, gloves, coveralls, polypropylene sleeves, shoe coverings, barrier work cream, respirators, wide brimmed hats
- Office equipment and furniture

37

37

Walk in Safe



38

38

Drying Equipment



39

39

Ventilation
Systems



40

Monitoring
Data
Storage
Equipment



41

Fire Safety
Controls



42

Security System for the Facility.



43

Kitchen and Preparations Equipment

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44

Lab Equipment

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45

Processing Equipment

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46

Marijuana Operations

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- Property
- General Liability:
 - Premises and Operations
 - Completed Operations
- Workers Compensation
- Crime
- Business Interruption
- Inland Marine
- Equipment Breakdown
- Environmental Impairment Liability
- Crop Insurance
- Automobile Liability
- Automobile Physical Damage
- Directors and Officers Liability
- Employment Practices Liability

47

47

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Concerns for **Property** Coverage:

- Ignition sources
- Faulty wiring
- Electrical equipment malfunctioning
- High Intensity Lighting (HID)/Lighting systems
- Smoking
- Fire Loading
- Chemicals
- Packaging materials
- Protective clothing
- Cultivation equipment (Automated CO2 machines-Humidifiers)
- Temperature control systems
- Office furniture/equipment/ computers
- Trash disposal
- Pots used to grow cannabis

48

48

Extraction
Process in
Containment
Cabinet.



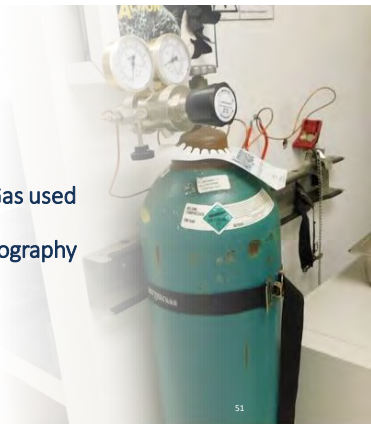
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Warehousing



50

Helium Gas used
in Gas
Chromatography



51

Marijuana Operations



Concerns for **General Liability** Coverage:

- **Premises Operations & Products & Completed Operations:**

- Visitors
- Slip, trips and falls
- Eye injury from High Intensity lighting in grow rooms
- Forklift injuries
- Cyber insurance liability
- Mold
- Mildew
- Diseases
- Pesticides to contaminate plants (make customers sick)
- Product recalls
 - False dosage limits and improper labeling
 - Tainted product

52

52

Marijuana Operations



- **Hours of operation:**

- Depends what type of employees
- Grow employees typically from 6am-4pm (8hr shifts) daily with some second shift operations.
- Admin (9-5 M-F)

- **Indoor growers, there are no peak seasons because marijuana can be harvested throughout the year.**

- **Outdoor growers, workers will be busiest during the harvest season which is August through October, with October known as "Croptober" being the height of the peak season**

53

53

Harvesting Technicians



54

54

Marijuana Operations



Number of employees will vary depending on size- small companies around 50 workers; large companies (vertically integrated) over 300 employees.

- Job positions:
 - Administrative staff
 - Sales and marketing
 - Building and property operations manager and building staff.

Cultivation and production staff:

- Master grower - Oversees the entire operation of cultivation
- Assistant growers - responsible for nurturing all plants
- Trimmers - Prune plants
- Harvesters - cut down the crop, bundle buds for packaging
- Packagers - weigh the marijuana, package and label
- QC (Large companies)
- Administrative staff - Accounting; human resources, sales, clerical, etc.
- Lab Technicians
- cooks
- Security
- Shipping and receiving
- Drivers

55

55

Marijuana Operations



Concerns for **Workers Compensation** Coverage:

- **Biohazards:** Mold, allergens, THC exposure, Skin and allergens, respiratory
- **Chemical:** Pesticides, fertilizers, nutrients, CO and CO₂ over-exposure, disinfectants, cleaning agents,
- **Physical:** flammable, combustible liquids, compressed gas for facility power and CBD extraction; excessive ultraviolet (UV) exposure from grow lamps; walking/working surface risks; forklift incidents; confined space work; working at heights; noise
- **Occupational injuries:** electrical shocks from poor wiring; cuts, pinches, and ergonomic injuries; sprains from harvesting or processing operations; noise; workplace violence; machine and hand tool usage; extraction equipment dangers

56

56

Marijuana Operations



Concerns for **Crime** Coverage:

- High Value of stock
- Potentially large amounts of cash on hand
- Employee dishonesty
 - Pilferage of marijuana
 - Embezzlement

57

57

Marijuana Operations



Concerns for **Business Interruption** Coverage:

- Reliant on reputation more than location
- Restore premises to pre-loss conditions
- Is equipment easily replaceable?

58

58

Marijuana Operations



Concerns for **Inland Marine** Coverage:

- Valuable papers and records
- Mobile and portable electronic devices
- If the insured delivers harvested cannabis to processors or dispensaries

59

59

Marijuana Operations



Concerns for **Equipment Breakdown** Coverage:

- Sophisticated automated climate control systems
- Automated cultivation equipment

60

60

Marijuana Operations



Concerns for **Environmental Impairment Liability** Coverage:

- Pesticides seeping into ground for outdoor grow operations:
 - Rivers-ponds-nearby water sources
- Indoor grow operations:
 - Drainage of pesticides-contamination of public water systems

61

61

Marijuana Operations



Concerns for **Automobile Liability** Coverage:

- Driving during inclement weather (or dark)
- Fatigue
- Road Construction
- Traffic Congestion
- Poor road conditions
- Adherence to tight delivery schedules
- Shifting Cargo
- Electronic distractions

62

62

Marijuana Operations



Concerns for **Automobile Physical Damage** Coverage:

- Collision
- Fire
- Theft
- Vandalism
- Inclement weather
- Poorly distributed loads
- Mechanical failure
 - Brake failure
 - Tire failure

63

63

Marijuana Operations



Concerns for **Directors and Officers Liability** coverage:

- Shareholder charges of mismanagement of facilities or monies
- Acting for personal advantage
- Errors or omissions
- Negligence
- Discrimination
- Breach of Duties

64

64

Marijuana Operations



65

65



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66

Thank You for attending!

67

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67

MATT HICKMAN
BUSINESS DEVELOPMENT DIRECTOR
AFIRM

Matt Hickman started at Afirm on Sept 10th 2001, one day before the 9/11 attacks in NY. Fortunately that did not curse his experience at Afirm. He started doing phone surveys at a tiny desk in a corner calling contractors and confirming their operations. Eventually he would move to the field and covered a large territory from Colorado Springs to the south, Cheyenne Wyoming to the north and the Nebraskan border to the east. Proving a hardworking and honest inspector, he was promoted to the national survey trainer over all new field hires. Eventually Matt would make his way to manage field operations in New York City, help develop the company online training program, assist in managing the quality control team, overseeing operations of the entire mountain west and eventually land as the business development director over the Midwest. For the past 6 years, Matt has visited insurance clients from Houston to Minneapolis, Chicago to New Orleans. With more stops in Oregon, Washington and Anchorage Alaska. He oversees the client relationships of over 70 carriers and managing general agencies. Through the HW Kaufman group, Afirm's parent company, Matt has participated in the Richardson Consultative Sales Training and Leadership Coaching programs. This is Matt's fourth year at ILCA. He lives in Minneola Florida with his wife Kelli and their three sons. In his free time, he enjoys spending time at the lake and beach and volunteering at his local church.



Ian Stacks, GSP, CHST

Curriculum Vitae

Safety Resources, Inc.
Safety Specialist

B. S. Safety Management
Indiana State University

Ian is a graduate of Indiana State University, earning a bachelor's degree in Safety Management. He works currently as one of our safety specialists, specializing in construction, mechanical contractors, and manufacturing. Ian has extensive experience working with Heavy Civil construction, paving, demolition and managing injury and illness cases.

Ian obtained his CHST (Construction Health and Safety Technician) certification through the Board of Certified Safety Professionals (BCSP) in 2021. He holds the OSHA 500 and OSHA 510 Certifications and is an Aerial Lift Trainer, the Genie in particular. He also has experience with Stormwater Pollution Prevention Plans (SWPPP).

He looks to become an active member of the Central Indiana Chapter of American Society of Safety Professionals (ASSP) and get involved with the Coalition for Construction Safety (CCS).

Ian is responsible for delivering company safety training presentations, developing and implementing company policies & procedures, managing worker's compensation claims, and performing project audits, to name a few. Specializing in both construction safety as well as general industry, with an emphasis on high hazard industries (such as electrical, multi-employer worksites, heavy steel industries and heavy manufacturing and assembly operations), Ian provides a unique variety of expertise to his portfolio of clientele.

In his spare time, Ian enjoys hunting, fishing, and spending as much time outdoors as possible. If you find him, you will most likely find his dog, Rovi, at his side.

TRENCHING AND EXCAVATION SAFETY

29 CFR 1926

Subpart P

Presented By: Ian Stacks

SafetyResOurces

12 West Vermont Street Indianapolis, IN 46204
800.641.5990 www.safetyresources.com

PRESENTED BY: Ian Stacks



- A Little About Me:
- Originally From Crown Point, IN (The Region)
- Accreditations – CHST, GSP, OSHA 500
- Safety Resources Consultant
 - Work History
 - Heavy Equipment Operator
 - Studied Safety Management at Indiana State University
 - Safety Background: Demolition, Heavy Civil, Consulting



TRENCHING AND EXCAVATION SAFETY



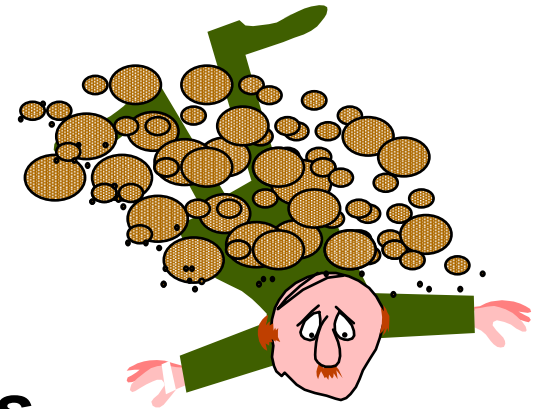
Why is training important?

- ☑ **Hundreds of workers killed annually from cave-ins**
- ☑ **Thousand of workers injured annually from cave-ins**
- ☑ **Fatality rate for trenching is twice the level for general construction**



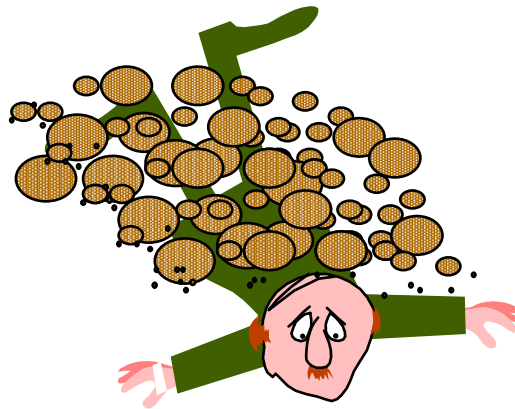
HOW DO MOST DEATHS OCCUR?

- ☑ **Instantaneously**
- ☑ **Trenches 5 to 15 deep**
- ☑ **With absolutely no warning**
- ☑ **In seemingly safe conditions**
- ☑ **With workers in a bent or lying position**



MECHANISM OF DEATH

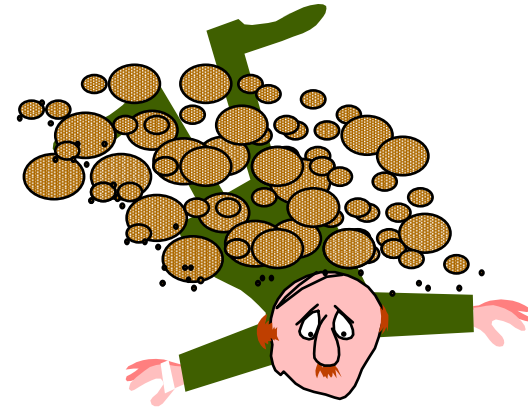
- ☑ **Asphyxiation**
- ☑ **Each time a breath is exhaled the weight of the load restricts inhalation of the next breath. Slow suffocation usually follows unless rescue is immediate.**



DYNAMIC SITE CONDITIONS

☑ CAVE-INS RESULT FROM:

- ✓ Vibrations
- ✓ Adjacent Structures
- ✓ Freezing and Thawing
- ✓ The Weight of the Soil Itself
- ✓ Addition or Removal of Water
- ✓ Reduction in Frictional and Cohesive Capacities of Soil



HOW MUCH DOES SOIL WEIGH?

DEPENDING ON THE DENSITY AND WATER CONTENT:

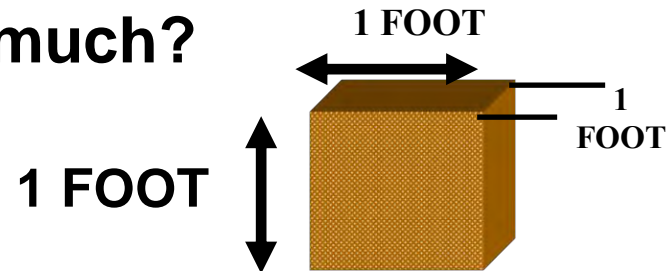
☒ **One cubic foot weighs how much?**

50lbs or more

75lbs or more

100lbs or more

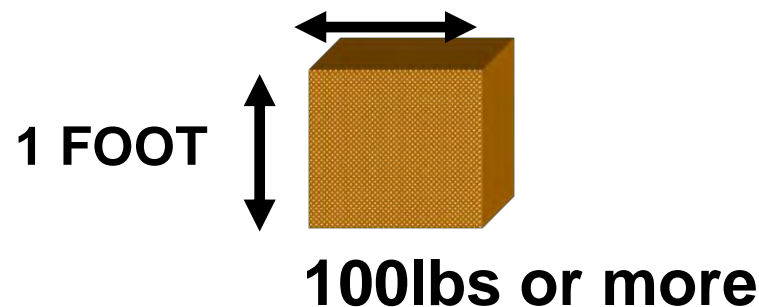
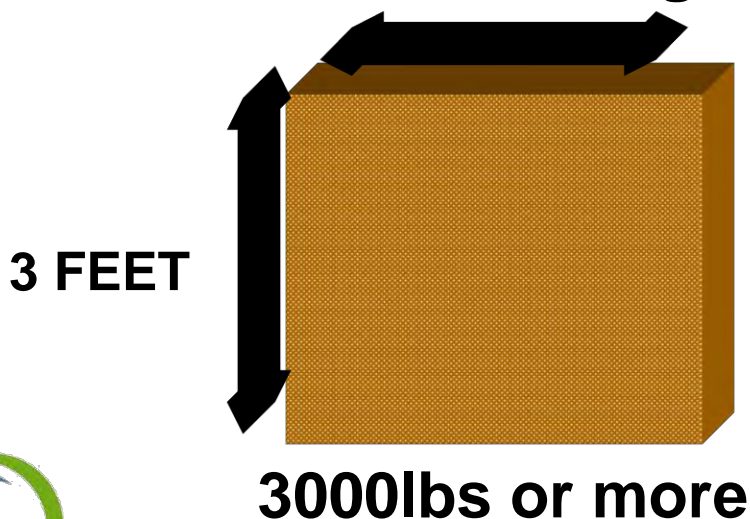
150lbs or more



HOW MUCH DOES SOIL WEIGH?

DEPENDING ON THE DENSITY AND WATER CONTENT:

- ☑ One cubic yard weighs - 3000lbs or more
- ☑ One cubic foot weighs - 100lbs or more

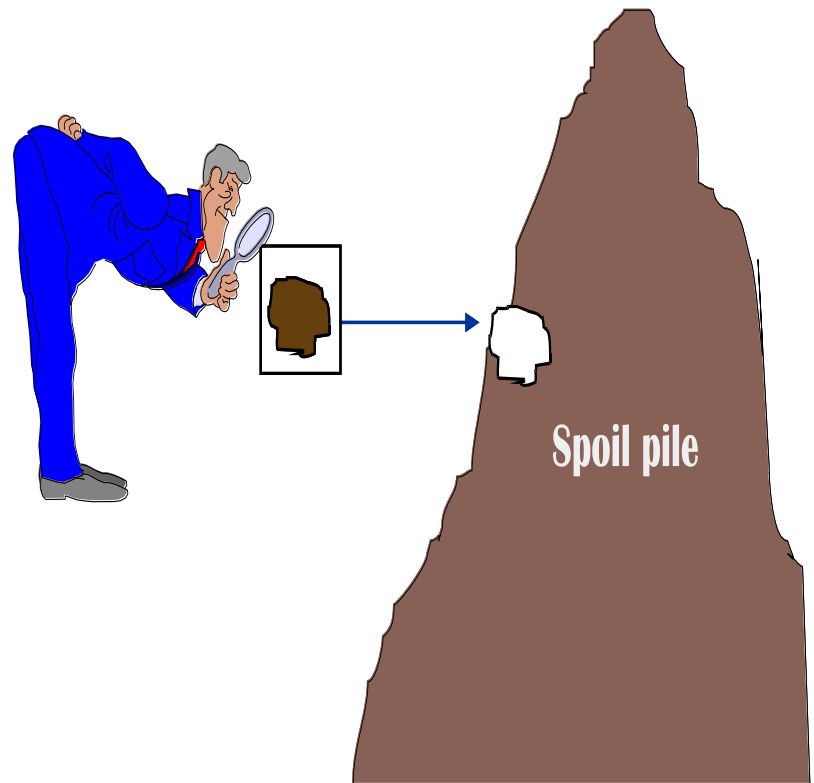


Documenting Field Tests



Documenting Field Test (continued)

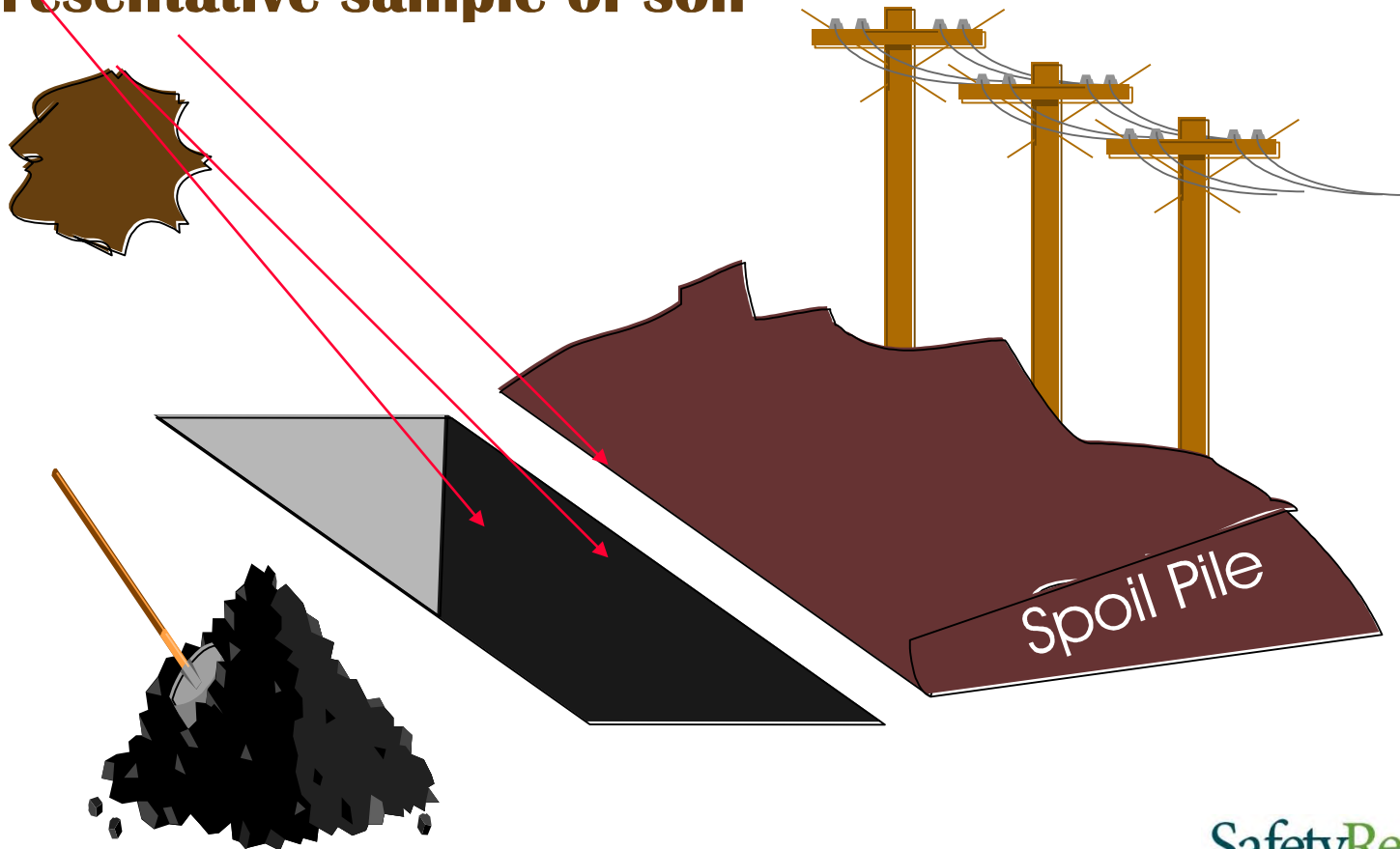
- All Tests
 - Representative sample
 - Spoil pile
 - Inside the trench
 - Diagram
 - Site map
 - Record reading
 - Soil rating



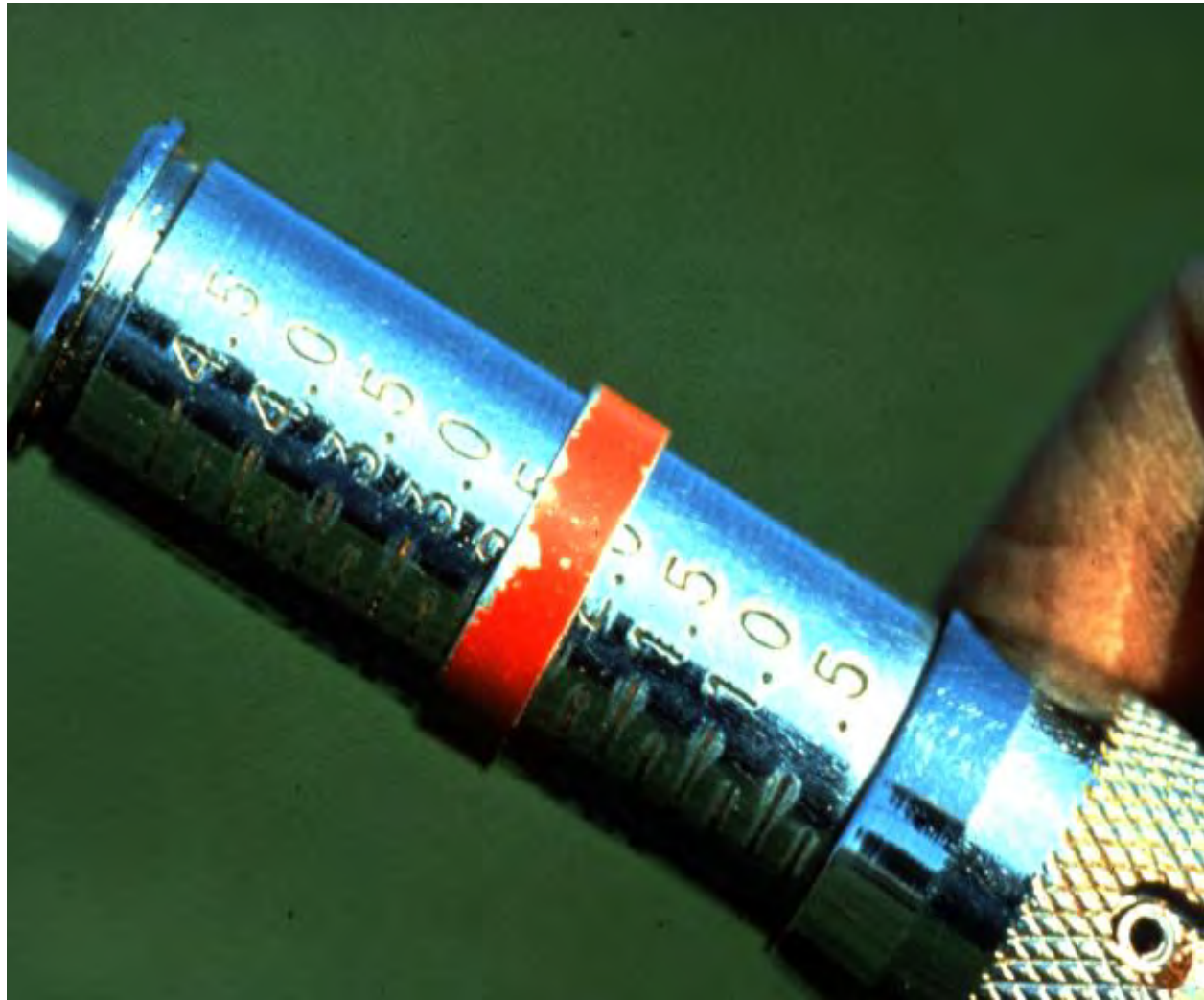
Documenting Field Test (continued)

- Pocket penetrometer
- Thumb imprint
- Must be conducted on the side wall

Representative sample of soil



Test # 4 - Pocket Penetrometer



Pocket Penetrometer (Continued)

- Push red ring on the barrel all the way toward the handle
- Push shaft into the soil up to the red ring
- Hold barrel so as to not to interfere with the spring inside the barrel
- NOTE slip ring moved on the barrel as barrel was pushed back into the handle



Consistency Term	Shear Strength, psf	Unconfined Compressive Strength, psf	Soil Type
very soft	<250	<500	Type C
soft	250- 500	500-1000	
medium	500-1000	1000-2000	Type B
stiff	1000-1500	2000-3000	
stiff	1500-2000	3000-4000	Type A
very stiff	2000-4000	4000-8000	
hard	>4000	>8000	



Determination of Soil Type

- OSHA categorizes soil and rock deposits into four types. Each type is briefly described below.
 - Stable rock is natural solid mineral matter that can be excavated with vertical sides and remain intact while exposed.
 - Type A soils are cohesive soils with an unconfined compressive strength of 1.5 tons per square foot or greater.
 - Type B soils are cohesive soils with an unconfined compressive strength greater than 0.5 tons per square foot, but less than 1.5 tons per square foot.
 - Type C soils are cohesive soils with an unconfined compressive strength of 0.5 tons per square foot or less and include granular soils such as gravel, sand and loamy sand, submerged soil, soil from which water is freely seeping, and submerged rock that is not stable.



Protective Systems

OSHA defines a protective system as:
"....a method of protecting employees from cave-ins, from material that could fall or roll from an excavation face or into an excavation, or from the collapse of adjacent structures."



Acceptable types of protective systems



Sloping

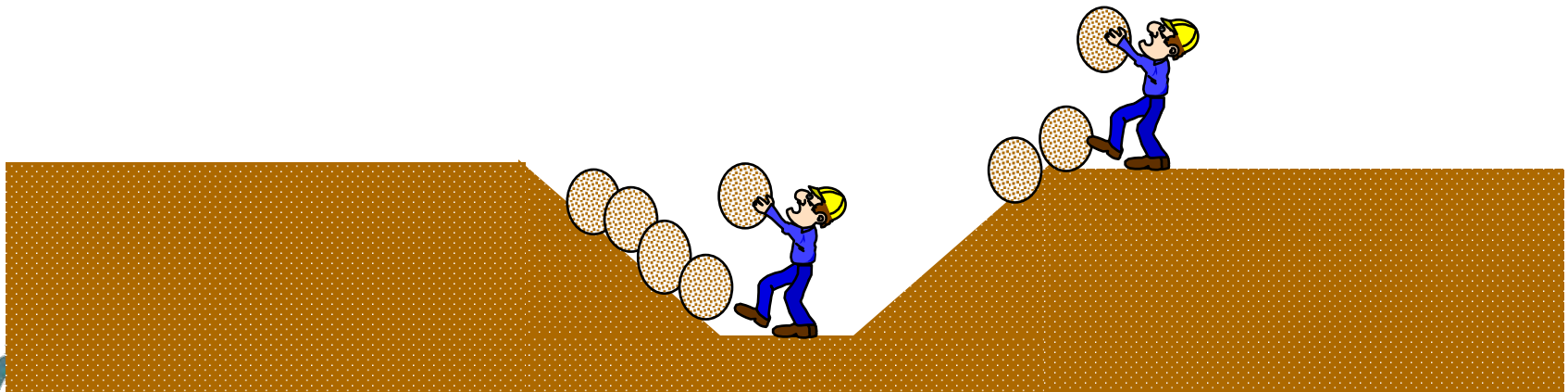
cutting back the trench walls to a safe slope, which will not cave-in.

def: means a method of protecting employees from cave-ins by excavating to form sides of an excavation that are inclined away from the excavation so as to prevent cave-ins. The angle of incline required to prevent a cave-in varies with differences in such factors as the soil type, environmental conditions of exposure, and application of surcharge loads.



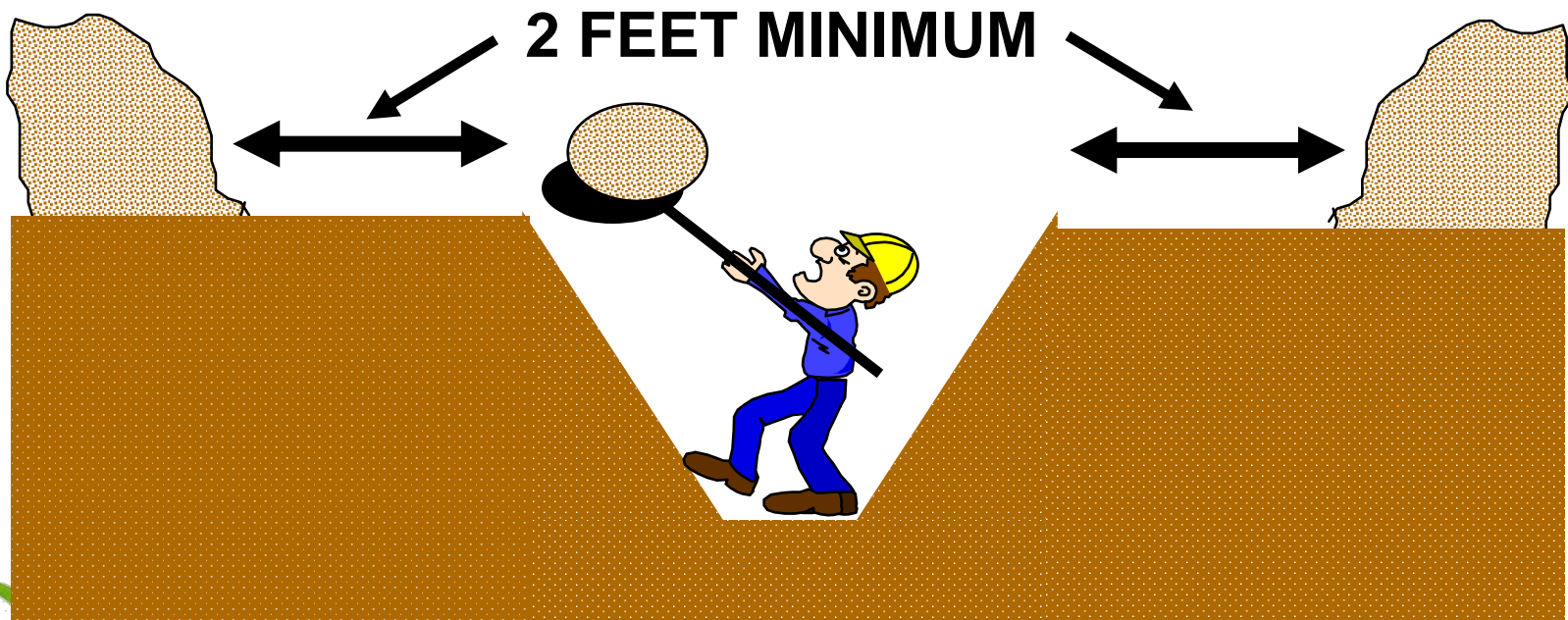
SLOPING AND BENCHING SYSTEMS

- ☑ EMPLOYEES SHALL NOT BE PERMITTED TO WORK:
 - ✓ On the faces of sloped or benched excavations at levels above other employees except when employees at the lower levels are adequately protected from the hazard of falling, rolling or sliding material or equipment



SLOPING AND BENCHING SYSTEMS

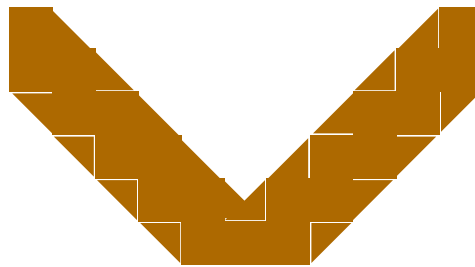
☑ TEMPORARY SPOIL PILES:



SLOPING AND BENCHING SYSTEMS

☑ SLOPING GENERAL REQUIREMENTS

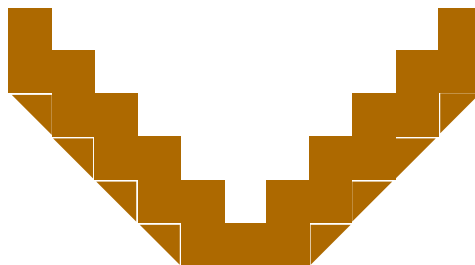
- ✓ Various slope angles are allowed by OSHA
- ✓ Appendix B to 1926 Subpart P must be consulted
- ✓ Evacuate the excavation if walls show signs of distress
- ✓ If soil conditions change, re-inspect.



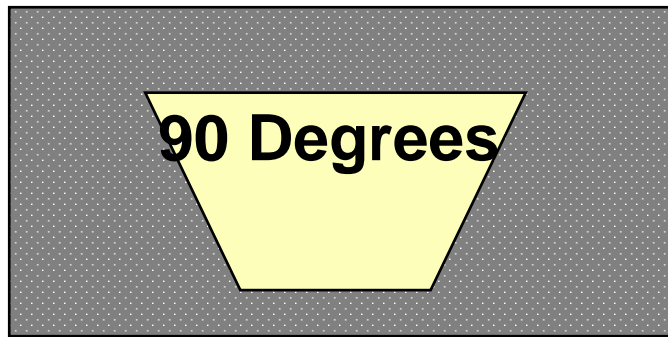
SLOPING AND BENCHING SYSTEMS

☑ BENCHING GENERAL REQUIREMENTS

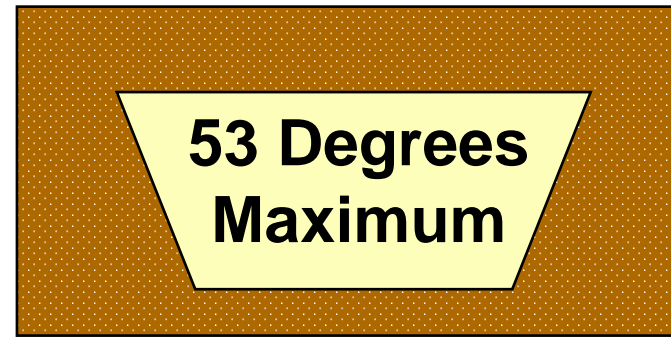
- ✓ Various slope angles are allowed by OSHA
- ✓ Appendix B to 1926 Subpart P must be consulted
- ✓ Evacuate the excavation if walls show signs of distress
- ✓ If soil conditions change, re-inspect.



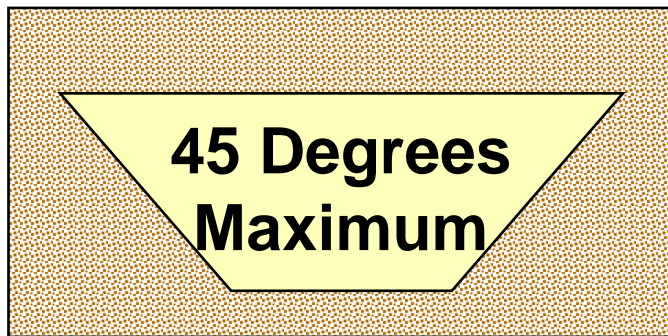
SLOPING AND BENCHING SYSTEMS



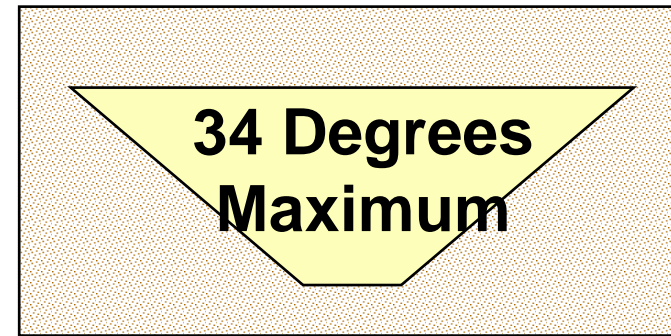
STABLE ROCK



TYPE A



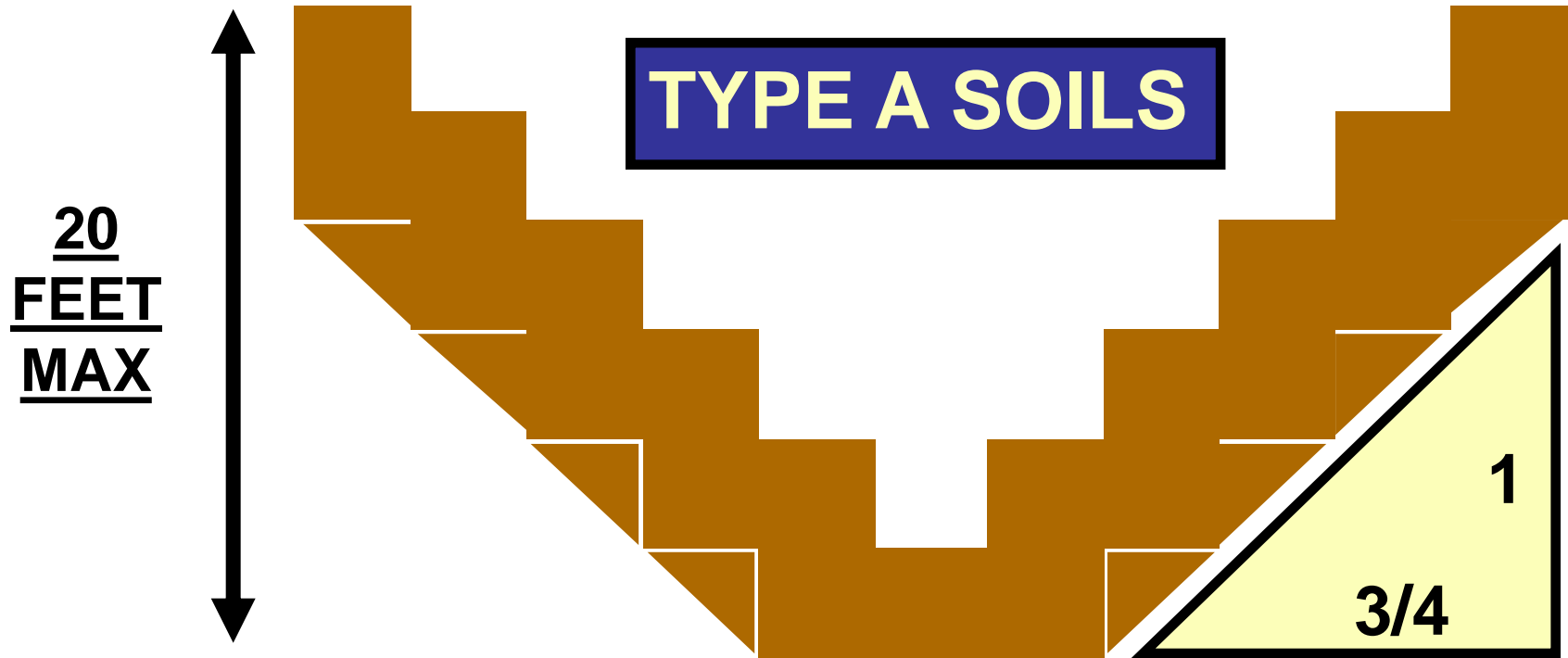
TYPE B



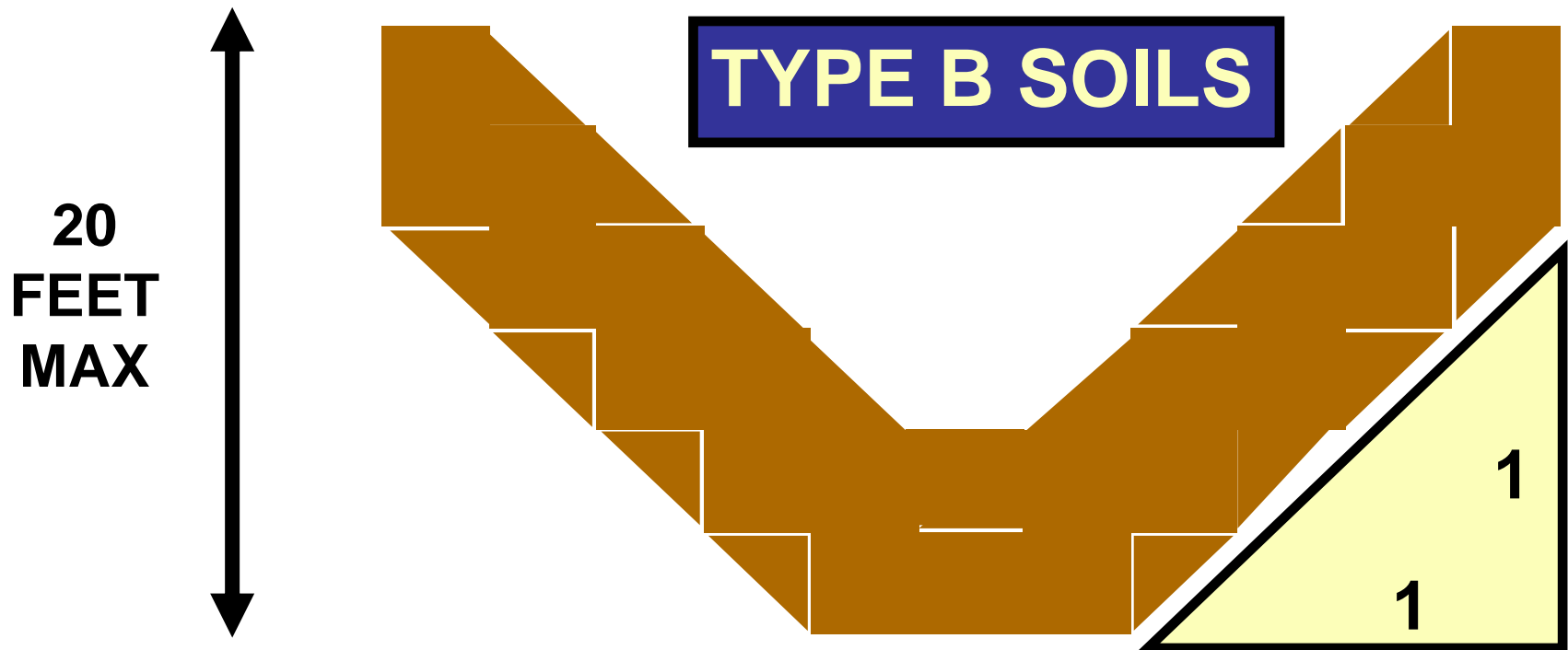
TYPE C



BENCHING EXAMPLE



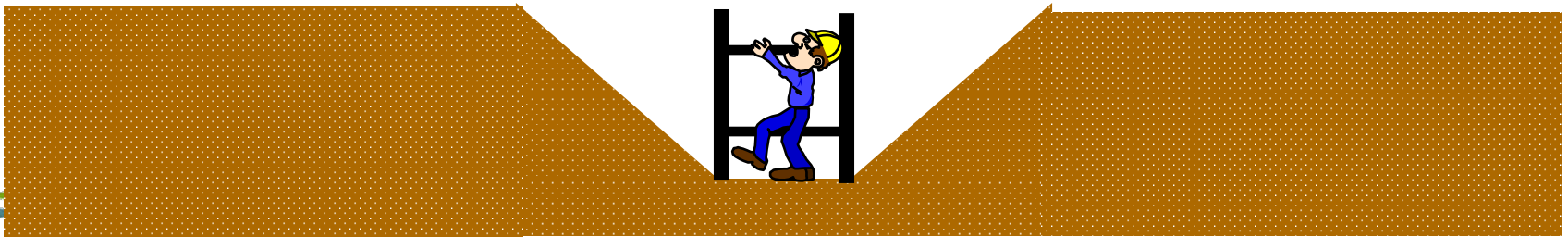
SLOPING EXAMPLE



INSTALLATION AND REMOVAL OF SUPPORT

☑ GENERAL REQUIREMENTS

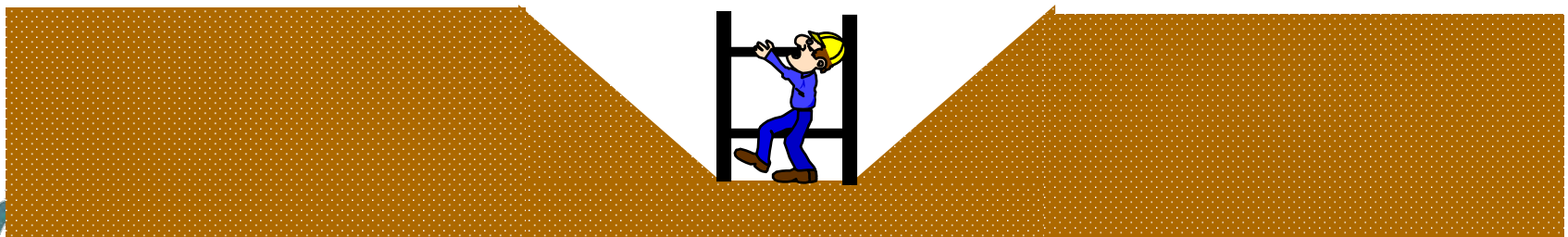
- ✓ Support systems must be securely connected
- ✓ Support systems must be installed and removed in a manner that protects from collapse
- ✓ Support systems must not be subjected to loads exceeding design specifications



INSTALLATION AND REMOVAL OF SUPPORT

☑ GENERAL REQUIREMENTS

- ✓ Additional precautions must be taken to ensure safety before temporary removal begins
- ✓ Removal must begin at the bottom of the excavation
- ✓ Backfilling must progress together with the removal of support systems from excavations



Acceptable types of protective systems



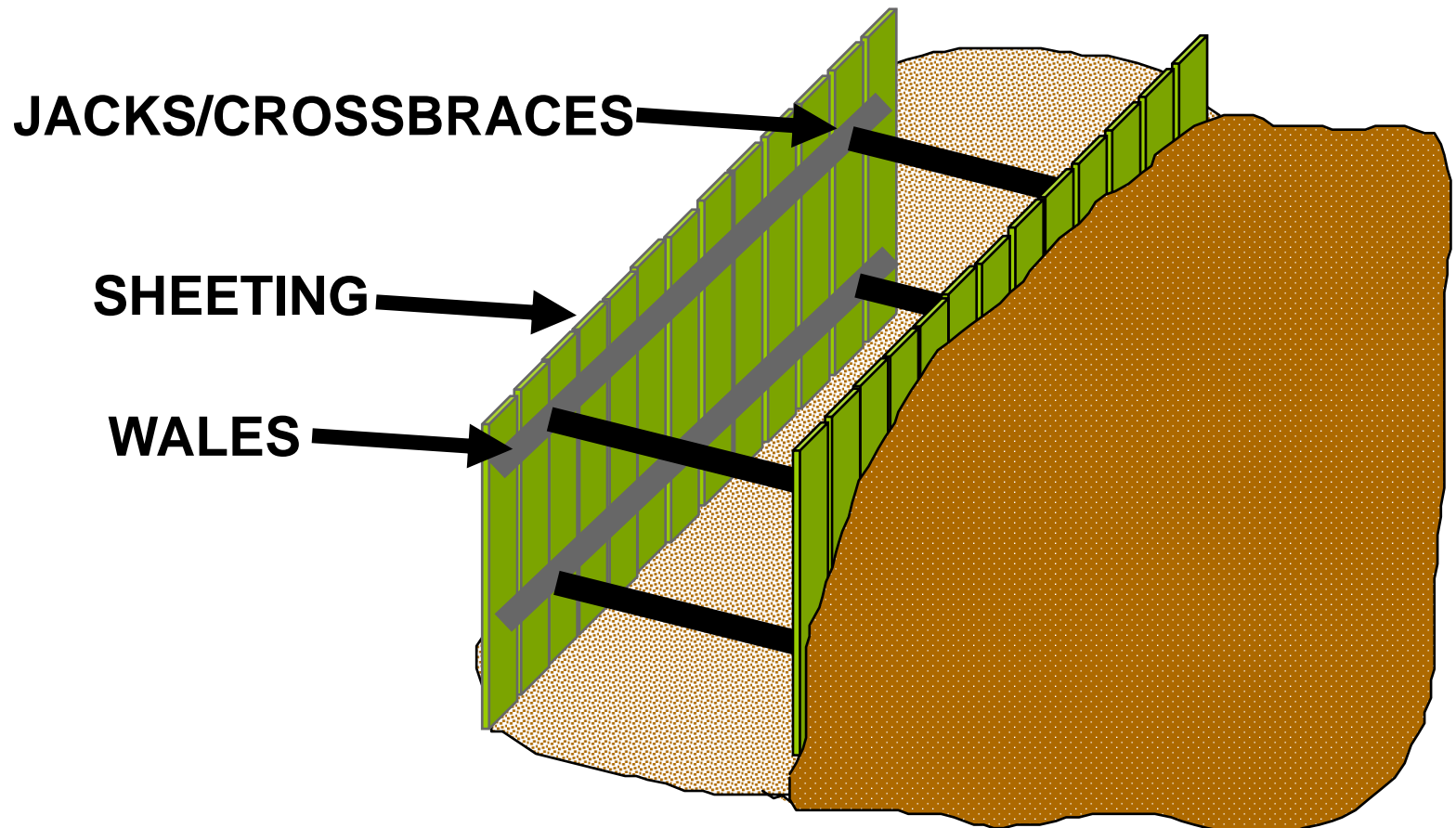
Shoring

a structural system that supports the trench walls, preventing a cave-in.

def: means a structure such as a metal hydraulic, mechanical or timber shoring system that supports the sides of an excavation and which is designed to prevent cave-ins.



SHORING SYSTEMS



SHORING SYSTEMS

☒ GENERAL

- ✓ Shoring provides a framework to work in
- ✓ Shoring uses wales crossbraces and uprights
- ✓ Shoring supports excavation walls

☒ OSHA TABLES PROVIDE SHORING DATA

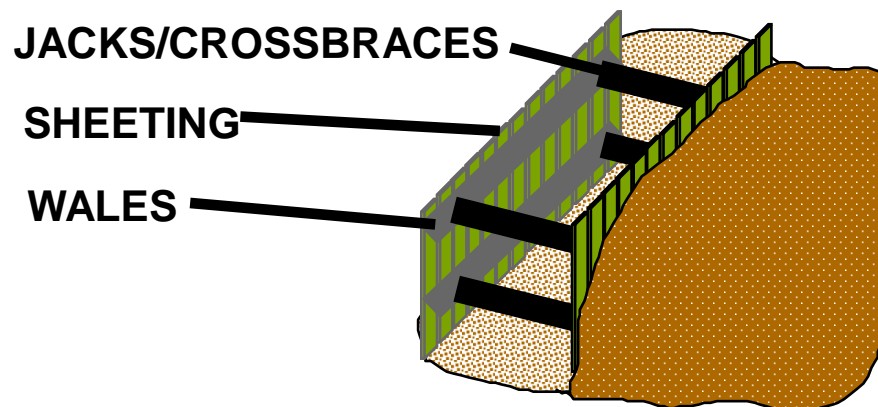
- ✓ Soil type must be known
- ✓ Depth and width of the excavation must be known
- ✓ You must be familiar with the OSHA Tables



SHORING SYSTEMS

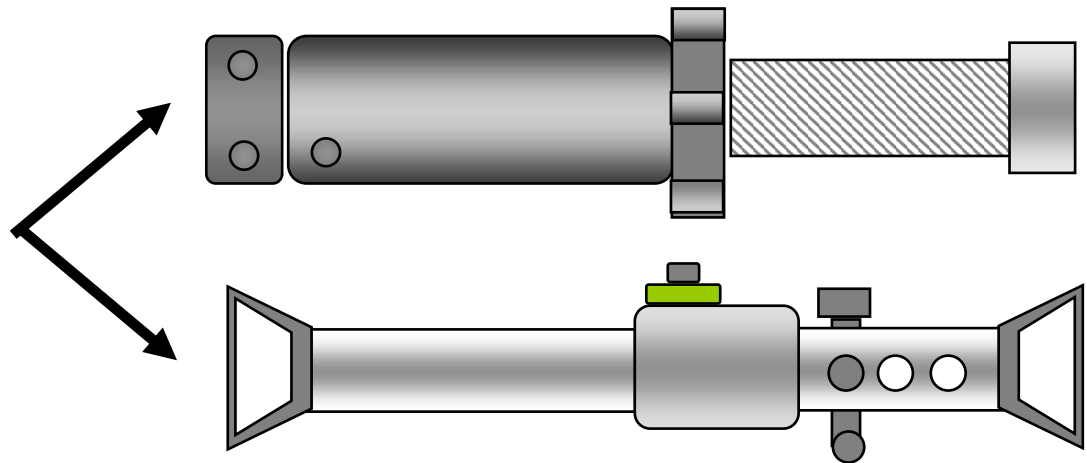
☑ REMOVAL

- ✓ Remove shoring from the bottom up
- ✓ Pull sheeting out from above
- ✓ Backfill immediately after removal of support system

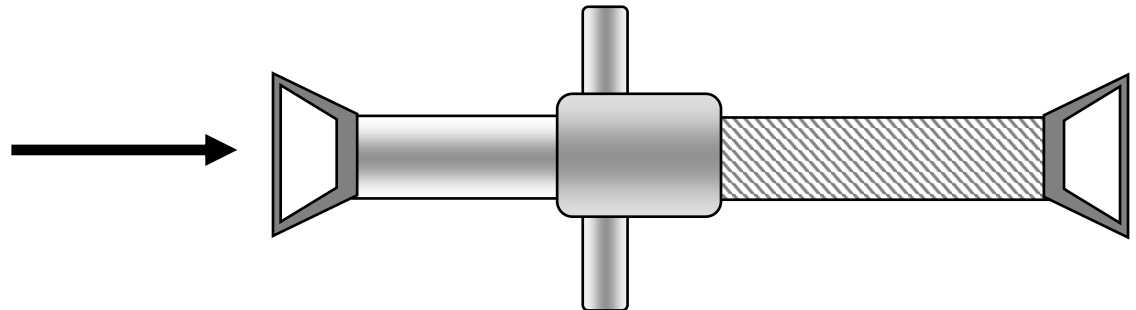


SHORING SYSTEMS

**PNEUMATIC/
HYDRAULIC
JACKS**



**SCREW
JACK**



Acceptable types of protective systems



Shielding

a structure designed to withstand the forces of a cave in.

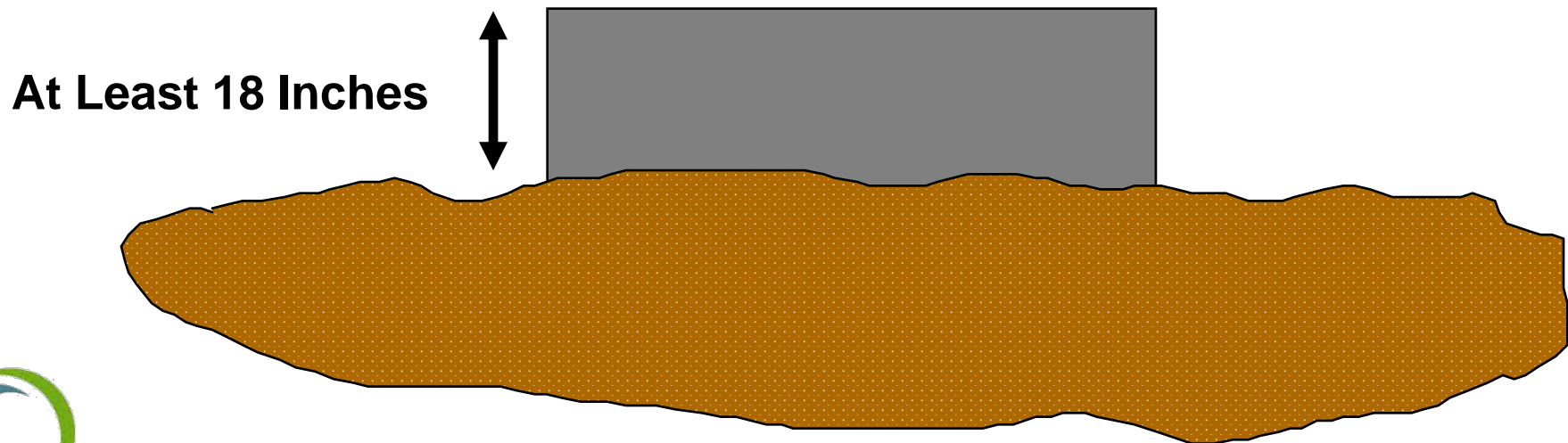
Def: means a structure that is able to withstand the forces imposed on it by a cave-in and thereby protect employees within the structure. Shields can be permanent structures or can be designed to be portable and moved along as work progresses. Additionally, shields can be either pre-manufactured or job-built in accordance with 1926.652(c)(3) or (c)(4). Shields used in trenches are usually referred to as "trench boxes" or "trench shields."



SHIELD SYSTEMS

☑ GENERAL

- ✓ Shield systems must project at least 18 inches above the lowest point where the excavation face begins to slope



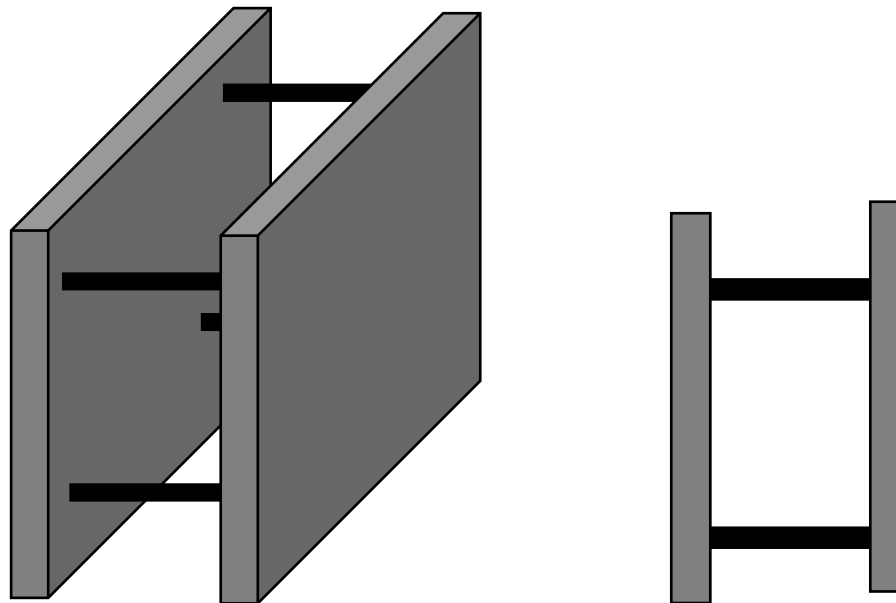
SHIELD SYSTEMS

☒ GENERAL

- ✓ **Shield systems must not be subjected to loads exceeding those which the system was designed to withstand**
- ✓ **Shields must be installed to restrict hazardous movement**
- ✓ **Employees must be protected from the hazard of cave-ins when entering or exiting the areas protected by shields**
- ✓ **Employees must not be allowed in shields when shields are being installed, removed, or moved vertically**



SHIELD SYSTEMS



COMMON TRENCH SHIELD



Key points about protective systems:

If a trench is less than 5 feet deep OSHA doesn't require a protective system - unless the competent person observes signs of a potential cave-in.

def: means one who is capable of identifying existing and predictable hazards in the surroundings, or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.



Key points about protective systems:

The **competent person** must observe and evaluate all trenches including shallow ones.

The presence of water, vibrations, or previously disturbed soil could require a trench, less than 5 ft. deep, to have a protective system.



Key points about protective systems:

If a trench is between 5 ft. and 20 ft. deep the competent person may select from Sloping and Benching, Shoring, and Shielding as acceptable protective measures.

def: means a method of protecting employees from cave-ins by excavating the sides of an excavation to form one or a series of horizontal levels or steps, usually with vertical or near-vertical surfaces between levels. If a trench is greater than 20 ft. deep, a registered professional engineer must design the system.



Laying Pipeline



Utility Repair



Exterior Basement Construction





Selection of Protective Systems

The following flow chart summarizes the requirements in OSHA 1926 Subpart P for excavations 20 ft. or less in depth. Protective systems for use in excavations more than 20 ft. must be designed by a registered professional engineer in accordance with [1926.652 \(b\) and \(c\)](#)



Is a Protective System Required?

Is the excavation more than 5 feet in depth?			
NO		YES	
Is there potential for a cave-in ?		Is the excavation entirely in stable rock ?	
YES	NO	YES	NO
Excavation must be sloped, shored, or shielded.	Excavation may be made with vertical sides.	Excavation must be sloped, shored, or shielded.	



If Sloping is Selected as Protective System.

Will soil classification be made in accordance with 1926.652(b)?	
YES	NO
Excavation must comply with one of the following three options:	Excavation must comply with 1926.652 (b)(1) , which requires a slope of 1½H :1V(34°).
Option 1: 1926.652(b)(2) which requires Appendices A and B to be followed.	
Option 2: 1926.652(b)(3) which requires other tabulated data (see definition) to be followed.	
Option 3: 1926.652(b)(4) which requires the excavation to be designed by a registered professional engineer .	



If Shoring or Shielding is Selected as Protective System

Soil classification is required when shoring or shielding is used.
The excavation must comply with one of the following four options:

Option 1: 1926.652(c)(1)
which requires Appendices A and C to be followed.

Option 2: 1926.652(c)(2)
which requires manufacturers data to be followed
(e.g. hydraulic shoring, trench jacks, air shores, shields).

Option 3: 1926.652(c)(3)
which requires [tabulated data](#) (see definition) to be followed
(e.g. any system as per the tabulated data).

Option 4: 1926.652(c)(4)
which requires the excavation to be designed
by a [registered professional engineer](#) (e.g. any designed system).



Locates



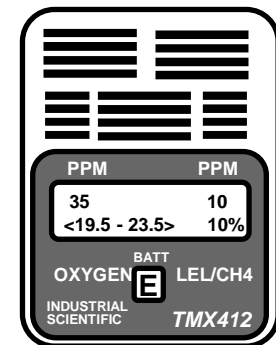
- n** Red = Power
- n** Blue = Water
- n** Orange = Communications
- n** Yellow = Gas



HAZARDOUS ATMOSPHERES

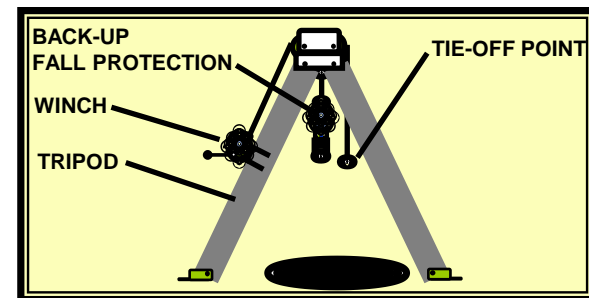
☑ **TESTING AND CONTROLS:**

- ✓ Oxygen deficiency
- ✓ Flammable atmospheres
- ✓ Testing



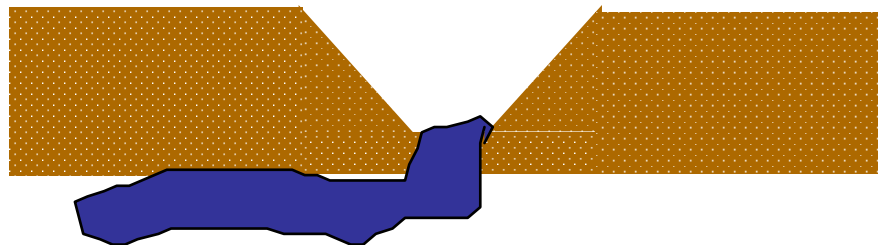
☑ **EMERGENCY RESCUE EQUIPMENT:**

- ✓ Availability
- ✓ Lifelines



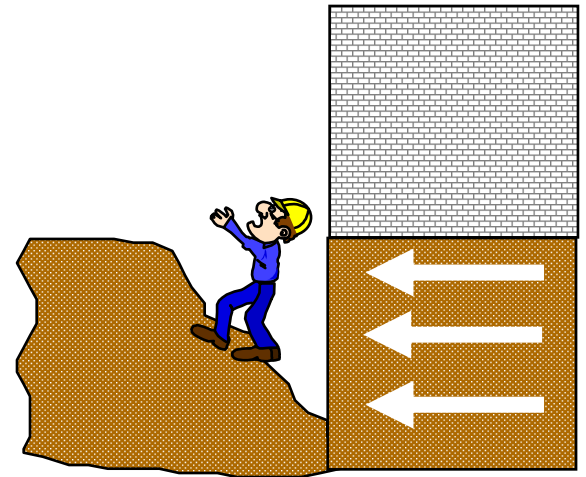
HAZARDS & WATER ACCUMULATION

- ☑ Adequate Precautions Must Be Taken When Working in Accumulated Water
- ☑ Controlling Water and Water Removal Must Be Monitored by a Competent Person
- ☑ Ditches, Dikes or Comparable Means Should Be Used to Prevent Surface Water From Entering Excavations



STABILITY OF ADJACENT STRUCTURES

- ✓ When stability is endangered support systems must be used.
- ✓ Excavation below the base of a foundation will not be permitted when it poses a hazard except when:
 - ☐ A support system is provided
 - ☐ The excavation is in stable rock
 - ☐ A registered professional has approved the site or deemed the situation will not pose a hazard



SITE INSPECTIONS

☑ Daily inspections must be made by a competent person of:

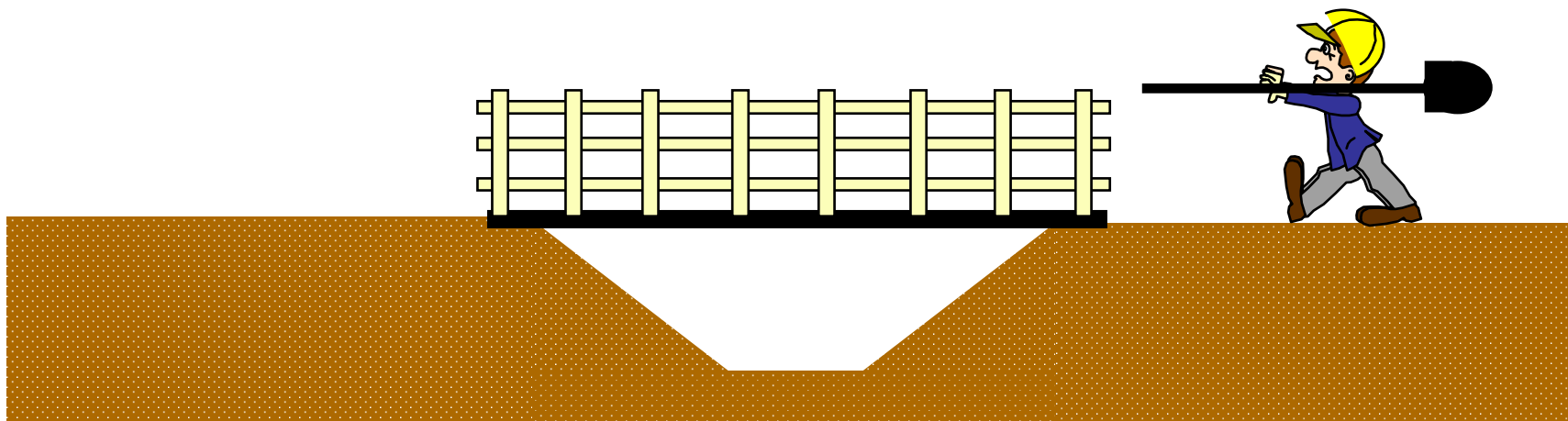
- ✓ **Excavations**
- ✓ **Adjacent areas**
- ✓ **Protective systems**

☑ When evidence is found of a hazardous condition, the exposed employees must be immediately removed from the area.



FALL PROTECTION

- ☑ Guardrails must be provided for crossing over excavations
- ☑ Barriers must be provided for remotely located excavations



Importance of the Competent Person



Importance of the Competent Person

Definition of “Competent Person” according to 1926.650 (excavations)

- One who is capable of identifying existing and predictable hazards in the surrounding or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.
- The “Competent Person” is determined and designated by the Employer.



Remember

- Understand the scope of work and the area you are working in
- Classify the soil
- Determine what type of protective system is required (if any)
- Frequently inspect the excavation for changes or unsafe conditions daily
- Don't be in a hurry to get someone killed or hurt.



• TAKE YOUR TIME

Thank You!



Attendee Listing 2022

Last Name	First Name	Organization	City	State	Zip
Alcaraz	Joseph	The Sovereign General Insurance Company	Toronto	ON	M5J 0B6
Antunes	Danny	Risk Control Technologies Inc.	Burlington	ON	L7L 0H6
Bartz	Levi	Society Insurance	Beloit	WI	53511
Bates	Mark	KY AGC SIF	Shelbyville	KY	40065
Benham	Sean	CNA Insurance	Brownsburg	IN	46112
Blake	David	Midwest Technical Inspections	Hanover Park	IL	60133
Borchers	Paul	Celina Insurance Group	Celina	OH	45822
Conner	Larry	Celina Insurance	Lebanon	OH	45036
Connor	Tom	EMC Insurance Companies	Prole SPRING	IA	50229
Corcoran	Michael	AmFed Insurance / Ascot Group US	HILL St.	TN	37174
Daniels	Cara	Erie Insurance	Louisville	OH	43071
Davidson	Steve	EMC Insurance	Norwalk	IA	50211
Doornbos	William	Encova Insurance	Columbus	OH	43231
Dreyer	Eddie	Central Insurance	Van Wert	OH	45891
Duckett	James	Afirm	Pekin	IL	61554
Erhart	Zachary	Affinity Mutual Insurance Company	Lima	OH	45805
Finn	Dan	Berkley Industrial Comp	McDonald	PA	15057
Fisher	John	Cincinnati Insurance Company	Put In Bay	OH	43456
fisher	patricia	Fisher Safety Consulting	Put in Bay	OH	43456
Frampton	Beth	EMC Insurance	Minneapolis	MN	55405
Geller	Jeff	Central Insurance	North Canton	OH	44720
Hamilton	Junior	Central Insurance	Scott Depot	WV	25560
Hickman	Matthew	Afirm	Minneola	FL	34715
Hirsch	Julie	Celina Insurance	South Bend	IN	46614
Hunter	Greg	EMC Insurance	Louisville	KY	40223
Illbeck	Kyle	EMC INSURANCE	NEILLSVILLE	WI	54456
Jones	Alexander	Society Insurance	McMinnville	TN	37110
Kristof	Bob	Cincinnati Insurance	Fenton	MO	63026
Lewis	James	Central Insurance	Hilliard	OH	43026
Marcotte	Patrick	Cincinnati Insurance	Jasper	GA	30189
McHone	Seth	Country Financial	Bloomington	IL	61701
Medsker	Baron	EMC Insurance Group, Inc.	Mooreville	IN	46158
Miller	Jon	Erie Insurance	Newburgh	IN	47630
Nelson	Jon	EMC Insurance	Bismarck	ND	58503
Olijnyk	Adam	Society Insurance	Janesville	WI	53546
Pelley	Robert	The Cincinnati Insurance Company	Saint Peters	MO	63376
Piecuch	Peter	InsureTEK	Nashville	TN	37208
Pratt	David	Central Insurance	Van Wert	OH	45891
Rapacchietta	David	Berkley Industrial Comp	LEECHBURG	PA	15656
Ruxlow	Stig	Society Insurance	Morton	IL	61550
Schmidt	Lea	Alexander & Schmidt	Yarmouth	ME	04096
Siebeneck	Trent	Affinity Mutual Insurance Company	Lima	OH	45805
Silber	Robert	Brotherhood Mutual Insurance Company	Columbia	SC	29210
Snyder	Ben	Erie Insurance	Lima	OH	45801
Stein	Greg	Celina Insurance	Aurora	OH	44202
Stoll	Leslie	Acuity Insurance	Machesney Park	IL	61115

Attendee Listing 2022

I Last Name	F irst Name	O rganization	C ity	S tate	Z ip
Thomas	Charles	Society Insurance	Frisco	TX	75034
Thompson	David	Central Insurance Company	Mahomet	IL	61853
Trader	Jason	EMC Insurance	Des Moines	IA	50309
Turner	Dave	EMC Insurance	Des Moines	IA	50309
Turnwald	Jared	Central Mutual Insurance Companies	Columbus	OH	43235
Van Velzen	Nicholas	Risk Control Technologies Inc.	Kitchener	ON	N2N 1C8
Vanasdale	Eric	COUNTRY Financial	Bloomington	IL	61702
Vogel	Todd	EMC Insurance	Norwalk	IA	50211
White	Stephen	AFIRM	Loveland	CO	80537



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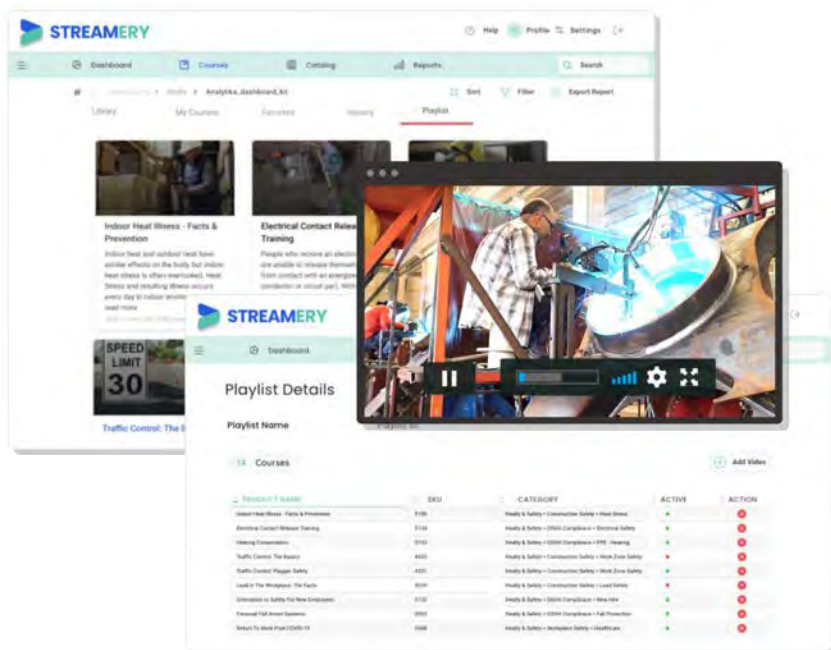
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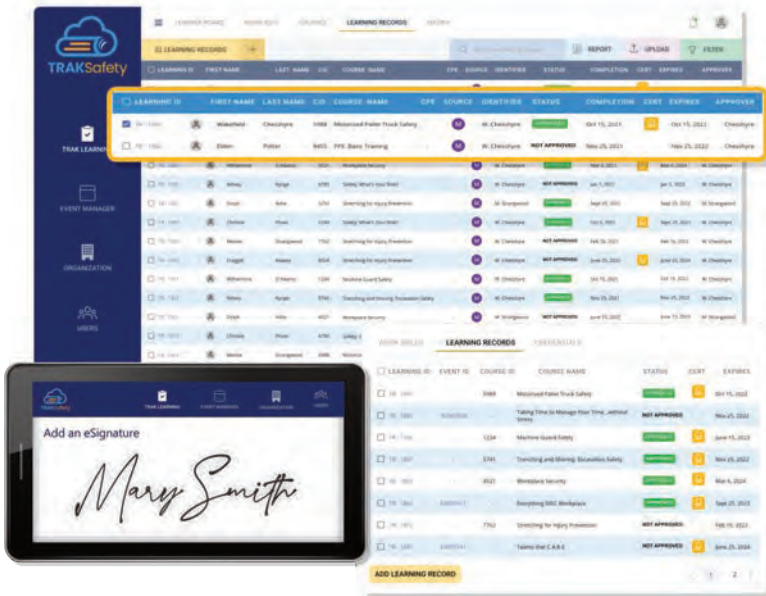




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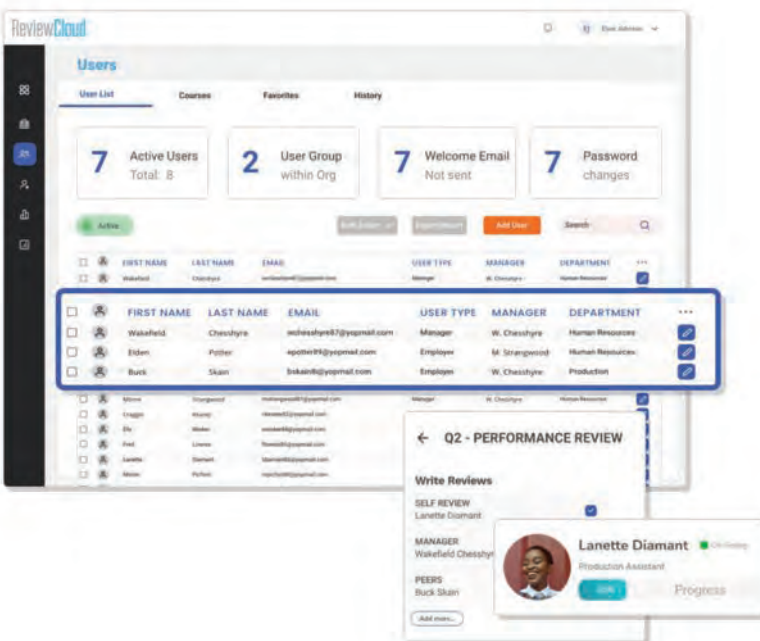
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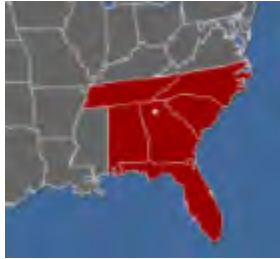
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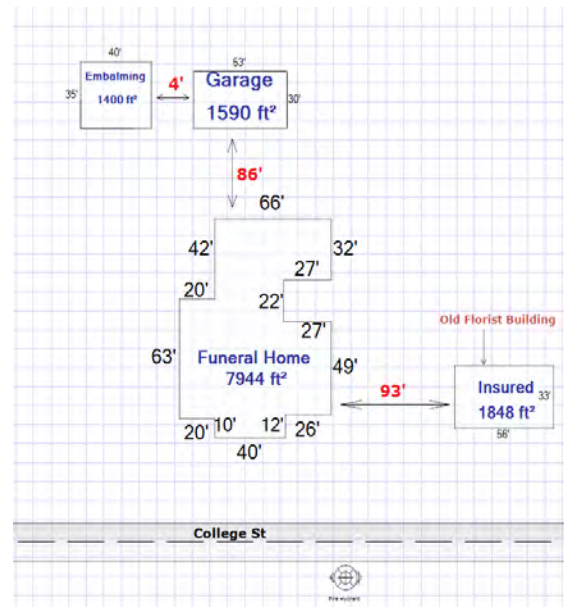
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