



LAMPTON-LOVE, INC.

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Date: December 8, 2008
To: All Branch Managers
From: Gene Maddox
Subject: Branch Office Monthly Safety Meeting – December 2008

Company policy requires that each branch office hold a minimum of one safety meeting each month with the documentation of the material covered and the attendance being recorded on the "Monthly Safety Meeting Minutes and Attendance Record" (see attached form). **Please detach this form, fill out and mail or fax a copy to Polly Cox. Please keep the original for your records.**

Note: ONLY the Monthly Safety Meeting Minutes and Attendance Record is to be sent in.

To assist you in complying with this requirement, the following subjects are for your Monthly Safety Meeting, for the month of December 2008. You may add topics, **but please document the following topics:**

1. News Briefs!!! (3 pages)
2. Roadside Emergencies (1 page)

It is recommended that you thoroughly read this material prior to your meeting.

It is strongly recommended that you use the 3-ring binder to store all of your "2008 Monthly Safety Meetings"!!! This material may be referred to or used to train new employees. This manual should be kept in an area of the office that is easily accessible to all employees.

Be Smart.... Be Safe and Be Courteous!!!

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Lampton-Love, Inc.
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PROPANE
EXCEPTIONAL ENERGY

NEWS BRIEFS!!!

(This monthly “column” will include short newsworthy topics, which will serve as a friendly reminder to us all)

HM TRANSPORT BY HIGHWAY

49 CFR 397 Subpart A – General:

Attendance:

This is the subpart that contains the majority of the regulations that affect a driver out on the road. **49 CFR 397.5 Attendance and Surveillance of Motor Vehicles** is one of the sections that results in a lot of confusion about attendance.

A motor vehicle containing hazardous materials, other than Division 1.1, 1.2, or 1.3 materials, (Propane) must be attended by its driver when that vehicle is on a public street, highway or the shoulder of any such road. The only exception is when the driver is performing duties necessary to the operation of the vehicle.

What exactly does attended mean? A motor vehicle is attended when the person in charge is:

- On the vehicle, awake, and not in the sleeper berth or
- Within 100 feet of the vehicle and has an unobstructed view of it.

GETTING READY FOR WINTER

Severe winter weather hasn't hit most places in the U.S. – yet. One look at the calendar, though, and we know its coming. FEMA recommends specific preparations to take the sting out of winter weather. Here are some things you can do to get ready:

Know the warning terms for each kind of disaster in your community; including;

- **“Winter Storm Watch”** – Be alert, a storm is likely
- **“Winter Storm Warning”** – Take action, the storm is in or entering the area
- **“Blizzard Warning”** – Snow and strong winds combined will produce blinding snow, near zero visibility, deep drifts, and life-threatening wind chill – seek refuge immediately!!
- **“Winter Weather Advisory”** – Winter weather conditions are expected to cause significant inconvenience and may be hazardous, especially to motorists.
- **“Frost/Freeze Warning”** – Below freezing temperatures are expected and may cause damage to plants, crops or fruit trees.

Experts recommend wearing several layers of loose-fitting, lightweight, warm clothing rather than one layer of heavy clothing. Outer garments should be tightly woven and water-repellent. Mittens are warmer than gloves. Wear a hat. Cover your mouth with a scarf to protect your lungs from extremely cold air. Wear sturdy, waterproof boots in snow or flooding conditions.

It's common practice among petroleum and propane distributor to lend out certain pieces of equipment to patrons. Items like nurse tanks, skid tanks, and a host of other items can easily find their way onto a customer's premises. Most often you allow the customer use the equipment at no cost and generally with a stipulation that any product used with the equipment is to be purchased from your business.

This seems like a pretty sound business decision and it quite possibly can be, however, these arrangements can lead to an increased risk of liability exposure for the company as a whole. If an accident occurs while a customer is using it, a claim could be brought against you, even though you are not in control or in custody of the tank or other piece of equipment at the time of the incident. In legal terms this is called bailment. The company (you) is known as the bailor. The customer is the bailee.

In order to minimize risk, the best option is to require each customer to sign a lease contract when borrowing equipment. This could be as simple as checking out a book at the county library with the exception of your check out form will need to have a "hold harmless" clause. There are other steps you can take to help minimize liability risk.

Negligence is the basis:

First, understand that liability for the owner of the equipment is based upon negligence. The negligence in a bailment agreement ordinarily consists of:

1. Failure to take proper care of the equipment.
2. Failure to give proper instructions on the use of equipment.
3. Failure to give proper warning on any defects or problems with the equipment.

Generally, the owner (bailor) will be liable to the customer (bailee) when a defect in the equipment causes damage or injury to the bailee. The extent of the duty to warn varies in terms of whether the bailor benefits from the bailment.

Benefits could be receiving a rental fee or selling product for equipment use. If the bailor knows about a defect he must give warning. If the owner does not know about a defect and does not benefit from the bailment, then the owner may not be liable. If the owner benefits from the bailment, it is the owner's duty to take reasonable steps to discover defects and make the equipment safe for use. In some jurisdictions, this is known as an implied warranty. Implied warranty contends that the equipment is reasonably safe for its intended purpose.

Play it Safe:

Prior to releasing your equipment to a customer, you should consider the following these steps:

- Update equipment's maintenance records.
- Inspect equipment after each use for necessary repairs and replacement parts.
- Review the equipment's owner manual annually, and follow manufacturer's maintenance recommendations.
- Log all inspections findings; record any work done on the equipment, including what was done, date completed, and the people or firm doing the work.
- Demonstrate to the customer how to properly use equipment and safety items recommended.
- Request the customer to sign a training form showing you instructed them accordingly.
- Warn the customer of any defects or equipment problems. Even warning decals on equipment can help minimize risk.
- Complete the transaction with a "contract" and "hold-harmless".

We are in business to provide services to our customers. Part of those services may include letting them use our equipment. Just understand the risks of liability and what you can do to minimize those risks to our company.

DECEMBER 2008 SAFETY MEETING

ROADSIDE EMERGENCIES

Having to stop your propane truck on the side of the road because of some type of on-highway emergency is not anyone's idea of a good time. However, emergencies do happen and as a professional truck driver you must take the appropriate measures to stop your vehicle in a safe location and minimize the risk to vehicles and pedestrians passing you. This safety meeting will review some of the most important aspects of roadside emergencies.

Actions to Take:

When you are forced to park your vehicle alongside the roadway because of a breakdown or accident, perform the following steps;

1. Slow down and activate your emergency flashers at the first sign of problems.
2. Find a location well off the highway, if possible, to minimize the possibility of causing an accident.
3. Shut-off engine.
4. Exit the vehicle (look out for traffic) and place wheel chocks.
5. Place the reflective warning triangles according to DOT requirements. You should carry 3 reflective triangles on your truck. Note, flame-producing flares cannot be used.
6. Carefully inspect the vehicle for propane leaks, repair leaks or shut-off valves, if possible to contain leaks. Control ignition sources such as by-standers approaching the vehicle while smoking a cigarette.
7. In the event of an accident, assist injured people. Obtain information from other drivers, provide like information to them. Do not discuss the accident with any person other than a law enforcement official.
8. Remain at the scene until released by a law enforcement official. From a safe distance, call your office from your cell phone to alert them of your problem. Keep away from traffic but remain near the vehicle until help arrives.
9. Do not stop for an accident if you are not involved unless your help is critically needed and your vehicle can be safely parked.
10. Call your office as soon as it's safe to do so.

Roadside stops and emergencies are serious and deserve careful attention by the driver. When possible, pull off onto a side road and get as far as practical from the highway. Secure your truck and stay in contact with your vehicle until help arrives. Constantly scan the area for signs of trouble and place yourself in a position to react to problems. If your vehicle begins to have engine or other mechanical problems immediately look for a place of safe refuge before the vehicle no longer runs. Don't by-pass a place of safe refuge hoping the vehicle will begin to run better or "magically" fix itself. Frequently, think about your response in various roadside emergencies. For instance, run by in your own mind what would your response be with a leak, flat tire, engine fire or other emergency? And lastly, remember that a roadside stop, for whatever reason, is not business-as-usual! Conduct yourself in a professional manner and protect others from harm.

DECEMBER 2008
MONTHLY SAFETY MEETING
MINUTES & ATTENDANCE RECORD

Company Name: _____

City: _____ **State:** _____

Date: _____ **Time Started:** _____ **Time Finished:** _____

Instructed By: _____ **Number Attending:** _____

Subject Covered and Comments:

By my signature below, I certify that I attended and participated in this Safety Meeting and I understand the material presented.

Employee Name (Please print)	Employee Signature	License Expires*	Endorsements **	DOT Physical Expires ***
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				

* List driver's license expiration date in this column.

** Check licenses for proper endorsements and re-testing. (For example: "HazMat") List endorsements in this column.

*** List DOT physical expiration date in this column.

By my signature below, I hereby certify that the employees listed above have been trained in accordance with the applicable regulations and curriculum for this monthly safety meeting.

Instructor's Signature: _____ **Date:** _____

Mail or fax this sheet only to: Lampton-Love Inc.
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