



LAMPTON-LOVE, INC.

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Date: January 5, 2010
To: All Branch Managers
From: Gene Maddox
Subject: Branch Office Monthly Safety Meeting – January 2010

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 January 2010. You may add topics, **but please document the following topics:**

1. News Briefs!!! (Bills of Ladings: Valuable Proof of Odorization) (2 pages)
2. Safety Meeting: Winter Preparedness (3 pages)

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 “2010 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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PROPANE
EXCEPTIONAL ENERGY

NEWS BRIEFS!!!

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

Bills of Lading: Valuable Proof of Proper Odorization

When a propane accident occurs, propane marketers are often named as defendants in the subsequent litigation. This is true even when it appears that the marketers adhered to and followed the applicable codes and regulations.

While each case is different, one constant remains: whether the propane was properly odorized will be a theory of liability considered by plaintiff’s counsel. What direction and how successful that theory is, often depends on the records created and retained by marketers. Of critical importance in the paper trail are the bills of lading.

Propane is typically odorized at a refinery, processing plant, or pipeline terminal before it is shipped to the bulk plant. Both NFPA 58 and the Department of Transportation (DOT) set safety standards regulating the addition of odorants. Although other odorants may be used, the most commonly used is ethyl mercaptan. NFPA 58 states that one pound of ethyl mercaptan per 10,000 gallons of propane has been shown to produce an effective odorant level. For this reason, propane should be odorized to a level equal to or greater than this recommendation.

The bills of lading associated with a propane gas purchase usually specify the level of odorant that was added to the propane gas. Therefore, these documents are a helpful tool to dispute an improper odorant claim. Also, the bills of lading may be accepted as proof by a Court that the propane was properly odorized which could result in a dismissal of the odorant claim prior to trial.

During discovery, plaintiff’s attorneys will seek production of any and all documents to support the marketer’s position that the propane was properly odorized. The bill of lading is a potentially self authenticating document that can be produced which proved that the odorant levels were appropriate. For these reasons, marketers should always retain copies of each bill of lading.

The DOT, 49 CFR § 177.817, also requires that the bills of lading associated with a propane gas purchase be retained for a period of one year following acceptance by the initial carrier.

Since many state’s statute of limitations for personal injury and property damage exceed the DOT’s one year mandate, however, marketers should retain copies of bills of ladings for as long as practically possible. To reduce the amount of physical paper that must be stored, the DOT does permit an electronic copy of the bills of lading to satisfy the retention requirement.

Although the bills of lading will help defend against an improper odorant claim, it should not be used as a substitute for the sniff test. A documented sniff test is required by NFPA 58 (2008 ed.) at Chapter 4.2. The sniff test should always be conducted at the point of delivery or installation and documented by the individual completing the test. The marketer should then ensure that the sniff test document is preserved as a part of its records. The sniff test records, coupled with the

bills of lading, are powerful pieces of evidence that can be used to refute an improper odorant claim.

Marketers will never be able to fully insulate themselves from the potential of litigation. It is an unfortunate part of the propane business. By keeping proper records, however, the chance of a successful defense is dramatically increased. This is not true only for improper odorant claims, but rather virtually all claims marketers may face in a litigation setting. Therefore, accurate and organized record keeping should be a vital component of the marketer's practice. Even if a claim never arises, it is always better to be safe than sorry when considering document retention policies.

JANUARY 2010 SAFETY MEETING

Winter Preparedness

Working in winter conditions, even in the south, can bring with it special challenges. Now is a good time to review some of the following issues to help make your winter work experience as productive and safe as possible. Even propane workers based in the deep south can experience weather conditions that are unlike weather patterns they experience throughout the year. The Center for Disease Control and Prevention and the Federal Emergency Management Agency (FEMA) suggest the following strategies to protect your health and safety when the temperature plummets and related poor weather appears:

❖ Dress Warmly

- Wear a hat remember at least 60% of your body warmth is lost through your head.
- Wear multiple layers of clothing. Peel off the layers as the day warms.
- Wear water-resistant coats and footwear. Staying dry in the winter is probably the most important thing you can do.
- Wear gloves that protect from the cold and other hand-related injuries. *Caution:* If transferring propane, never wear gloves that are not designed to protect you from propane freeze burns.

❖ Hard Work

- Be careful when performing extremely hard work in the cold. Remember your body is already working extra hard keeping itself warm. Increased breathing of cold air can tax the body. Another problem that happens occasionally is that workers become overheated because of all the extra clothing.

❖ Drink Water

- Your body needs water even when it's cold outside. Force yourself to drink water occasionally even if you're not thirsty. Remember dry air robs your body of precious moisture.

❖ Wind Chill

- Wind will carry away precious body heat very quickly. When working in windy conditions protect your body from losing body heat.

❖ Be Cautious About Traveling

- Listen for radio or television reports of travel advisories issued by the National Weather Service.
- Make sure your vehicle is prepared for winter. Check antifreeze; tire pressure and the general condition of your vehicle including the battery and connections.
- If you must travel in inclement weather, let someone know your destination and when you expect to arrive. Ask them to notify authorities if you are late.

- Check and restock the winter emergency supplies in your vehicle before you leave.
- Never pour water on your windshield to remove ice or snow; this can shatter the glass.
- Don't rely on the vehicle to provide sufficient heat; always have extra clothing or blankets on hand in case the vehicle breaks down.

❖ What to Do if You Get Stranded

- Staying in your vehicle when stranded is often the safest choice if winter storms create poor visibility or if roadways are ice-covered. These steps will increase your safety when stranded:
- Stay in the vehicle. Do not leave to search for assistance unless help is visible within 100 yards. It's very easy to become disoriented or lost in blowing and drifting snow.
- Display a trouble sign. Tie a brightly colored cloth on the radio antenna and, if the engine is already cold, raise the hood.
- Move anything you need from the trunk into the passenger area.
- Wrap your entire body, including your head, in whatever is handy to help maintain body heat. Use extra clothing, blankets, maps, newspapers, or even removable car mats for added insulation.
- Stay awake. You will be less vulnerable to cold-related health problems.
- Keep the exhaust pipe clear of snow and other obstacles – this will reduce the risk of carbon monoxide poisoning. Run the engine (and heater) for about 10 minutes per hour, opening one downwind window slightly to let in air. Also, turn on the car's dome light while the car is running.
- Do minor exercises. As you sit, clap your hands and move your arms and legs occasionally to improve your circulation and stay warmer. Try not to stay in one position for too long. Avoid overexertion.
- If more than one person is in the car, huddle together for warmth. If you must sleep, take turns.
- Do not eat snow unless you are severely dehydrated because it will lower your body temperature.

❖ Winter Storm Watches and Warnings

- A winter storm watch indicates that severe winter weather may affect your area. A winter storm warning indicates that severe winter weather conditions are definitely on the way. A blizzard warning means that large amounts of falling or blowing snow and sustained winds of at least 35 miles per hour are expected for several hours. For ongoing information about winter storms in your area, check out the FEMA Winter Storm Update Center online at: <http://www.fema.gov/fema/wsuc.htm>.
- When winter temperatures drop significantly below normal, staying warm and safe can be a challenge. Although staying indoors as much as possible can help reduce your risk (especially for injuries from car crashes and falls on ice) it's probably not reasonable to expect to stay indoors whenever the temperature becomes dangerous. When you do go out, being prepared and following sensible

health and safety precautions can make the difference between risking a dangerous excursion and experiencing a safe – if snowy – adventure.

Winter weather can have a negative effect on employees even in the deep south. We all have witnessed how weather patterns have changed over the past several years so having snow and ice even in central Florida can happen. Take care of yourself and family and remember your preparations for winter's onslaught could make the difference between life and death!! Keep a fully charged cell phone with you at all times and lastly, it's a good idea to know the cell phone emergency breakdown number in the state you are driving – refer to posted information signs on the highways.

JANUARY 2010

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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