



LAMPTON-LOVE, INC

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Date: February 11, 2020
To: All Branch Managers
From: Gene Maddox 
Safety Director
Subject: Branch Office Monthly Safety Meeting – February 2020

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 the Monthly Safety Meeting Minutes and Attendance Record, fill it out and e-mail or fax a copy to Lynn Eldridge.** *Please keep the original for your records.*

NOTE: ONLY the Monthly Safety Meeting Minutes and Attendance Records 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 February 2020. You may add topics, but please document the following topics:

1. News Briefs!!! (1. FMCSA Two-Year Delay to Entry-Level Driver Training; 2. Novel Coronavirus Awareness)
2. Safety Meeting: (Bills of Lading: Valuable Proof of Proper Odorization)

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 the last 12 months of the Safety Meeting Minutes and Attendance Record Form!!! This material should be referred to or used to train new employees from the website. 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!!!



PROPANE
EXCEPTIONAL ENERGY

NEWS BRIEFS!!!

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

FMCSA Announces Two-Year Delay to Entry-Level Driver Training

On January 29th, the Federal Motor Carrier Safety Administration (FMCSA) announced a two-year delay to the compliance deadline for the Entry-Level Driver Training (ELDT) program. The delay changes the compliance deadline for all participants from February 7, 2020 to February 7, 2022. In July 2019, FMCSA proposed a two-year delay to parts of the ELDT program applicable to state licensing agencies; however, they agency received significant feedback to delay the entire program for all stakeholders. The FMCSA announcement is available on the agency’s [website](#) and it will be formally published in the Federal Register shortly.

FMCSA was congressionally mandated to create ELDT through the Moving Ahead for Progress in the 21st Century Act (MAP-21), and the agency concluded the rulemaking process in December 2016. NPGA advocated against several components of FMCSA’s initial proposal, like a minimum number of hours behind the wheel, which were ultimately removed from the final rule. After finalization, NPGA partnered with the Propane Education & Research Council (PERC) to identify how we can develop materials to assist the propane industry in compliance with the ELDT program.

ELDT applies to new Commercial Driver’s License (CDL) applicants or new hazardous materials Endorsements (HME) applicants. It does not apply to currently licensed drivers or Commercial Learner’s Permits obtained before the compliance deadline, unless the CDL-holder is seeking an HME. It also applies to all other endorsements, such as Passengers.

ELDT includes a two-part curriculum that must be completed before the applicant sits for the CDL or HME exam with the state license office: classroom or “theory” curriculum, and behind the wheel training (range and public road). The classroom education includes a written/electronic exam that the applicant must pass with a score of 80 percent. The person providing behind the wheel training (trainer) must “self-certify” or attest to satisfactory performance of vehicle operations by the applicant. The trainer must have a CDL at or above the level sought by the applicant. A similar classroom and exam formant apply to CDL-holders seeking an HME.

The classroom and behind the wheel training must be provided by an entity or person registered in FMCSA’s Training Provider Registry, which is a database subject to recordkeeping requirements and audit.

NPGA and PERC continue to work together through the delayed compliance deadline to develop compliance materials for the propane industry! NPGA is collaborating with PERC to create the basic classroom curriculum and behind the wheel training materials that a propane marketer needs in order to provide in-house training. In addition, NPGA is working on an administrative service that would allow NPGA to serve as the official training provider subject to FMCSA recordkeeping and audit. Please direct any questions to NPGA Deputy Counsel, Regulatory Affairs.

NOVEL CORONAVIRUS AWARENESS

You may have heard about the Novel Coronavirus that appeared in Wuhan, China. The number of cases linked to this outbreak is changing quickly, with increasing news coverage raising public awareness.

Symptoms associated with the virus, are similar to several respiratory illnesses and include:

Fever	Sore throat
Cough	Headache
Runny nose	Pneumonia/difficulty breathing

Stay aware of the latest information on the coronavirus which can be found on the World Health Organization website: <https://www.who.int/>.

You can take care of your health by:

- ◆ Washing your hands frequently.
- ◆ Maintain social distancing: 3 feet between yourself and other people, particularly if they are coughing, sneezing, or have fever.
- ◆ Avoid touching eyes, nose, and mouth.
- ◆ As always, we wish to maintain a healthy work environment for all our employees. If you have fever, cough, and difficulty breathing it is important to seek medical treatment promptly.

Basic Protective Measures Against the New Coronavirus:

Wash your hands frequently

Wash your hands frequently with an alcohol-based hand rub or soap and water.

Why? Washing your hands with an alcohol-based hand rub or soap and water kills the virus if it is on your hands.

Practice respiratory hygiene

When coughing and sneezing, cover mouth and nose with flexed elbow or tissue – discard tissue immediately into a closed bin and clean your hands with alcohol-based hand rub or soap and water.

Why? Covering your mouth and nose when coughing and sneezing prevent the spread of germs and viruses. If you sneeze or cough into your hands, you may contaminate objects or people that you touch.

Maintain social distancing

Maintain at least 3 feet distance between yourself and other people, particularly those who are coughing, sneezing and have a fever.

Why? When someone who is infected with a respiratory disease, like 2019-nCoV, coughs or sneezes they project small droplets containing the virus. If you are too close, you can breathe in the virus.

Avoid touching eyes, nose and mouth

Why? Hands touch many surfaces which can be contaminated with the virus. If you touch your eyes, nose or mouth with your contaminated hands, you can transfer the virus from the surface to yourself.

If you have fever, cough and difficulty breathing, seek medical care early!!

FEBRUARY 2020 SAFETY MEETING

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 lading 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.

FEBRUARY 2020
MONTHLY SAFETY MEETING
MINUTES & ATTENDANCE RECORD

Company Name: _____

City: _____ **State:** _____

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

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

Subject Covered and Comments:

1. FMCSA Announces Two-Year Delay to Entry-Level Training _____
2. Novel Coronavirus Awareness _____
3. Bills of Lading: Valuable Proof of Proper Odorization _____

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.				
12.				
13.				
14.				

**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 regulation and curriculum for this monthly safety meeting.

Instructor's Signature: _____

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

Gene Maddox/Lynn Eldridge

Date: _____

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