OPGA Welcomes New Officers and Directors for 2015 – 2016!

Brian Buschur, of McMahan’s Bottle Gas has been elected President of OPGA. Brian currently serves as the Chairman of the Auto-gas/New Technologies Committee and has been an active member of OPGA for 13 years.

Brian has 18 years of experience in the propane industry and first started at the age of 16 when he helped his father by refilling cylinders and painting tanks. Brian is active with the NPGA Benchmarking Council and serves weekly at his church. Brian and his wife, Amber, have been married for 12 years and have three children.

Frank Edwards, of Linden’s Propane, has been elected Vice President of OPGA. Frank currently serves as the Chairman of the Propane Awareness Committee. He has been in the propane industry 13 years. He started as a dock helper loading trucks and was fortunate to have worked all positions in the field, prior to moving into management. He and his wife, Mandy, have been married 12 years. They have been blessed with three beautiful children: Jasmine the oldest is 14 and enjoys cheerleading, their oldest son will be 12 in October and loves football, and their youngest child, Dominic, has chosen soccer as his sport. Frank and his family are heavily involved in the Christian community through St. Joseph’s Catholic Church. He spends a lot of time volunteering for sporting events or local gatherings wherever help is needed. He feels truly blessed as he lives the dream of good health, a great family, and wonderful friends!

Terry Clevenger of OE Meyer Co has been elected Treasurer of the OPGA. Terry serves as Chairman of the Code & Safety Committee. Terry has 38 years in the propane industry with the past 8 years at OE Meyer Co. as the Propane Division Manager. Terry and his wife Sherry have been married for 38 years and have two sons.

George Walton has been elected as Secretary of the OPGA. He is Chief Operating Officer of Prism Propane Services of Ohio, LLC, headquartered in North Baltimore. In business since 1998, the company has ventured into forklift cylinders, along with its auto-gas fueling and commercial and residential heating divisions.

George is a staunch proponent of the greener properties of propane gas and has given the order to convert Prism’s fleet vehicles to propane fueling. He doubles as the president and CEO of Hancock-Wood Electric Cooperative – managing a $44 million annual budget to provide energy to a territory occupying 10 northwest Ohio counties and a Lake Erie island.

George holds a bachelor’s degree in electrical engineering and a master’s degree in business administration. He and his wife Mona Lynn and son Mekhi reside a mile from Prism offices and the couple’s daughter Monique is employed at a local logistic company. George is active in his community, supporting his son’s school sports and promoting the family’s church, Jerusalem Baptist, regularly playing his guitar to enhance the choir’s performance.
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2015 – 2016 OPGA Officers/Directors

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VICE PRESIDENT
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David Bertelsen
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Eric Sears
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Costs you nothing to participate!

OPGA Continues Legislative “Triple Play” Program

State legislators need improved contact with their constituent propane marketers. State legislators don’t know who to ask when they and their constituents need real-time answers to local questions.

To help OPGA members establish relationships with their elected state legislators, OPGA sponsors the “Triple Play” program.

Our “Triple Play” program allows individuals to take up to a $50 state tax credit (or $100 on a joint return) for personal contributions made to the campaigns of state office holders. Our OPGA PAC will match the member’s contribution and send a letter to the candidate asking him/her to use the contributing propane marketer as a sounding board for propane and related energy legislation.

To participate: all you have to do is send a copy of a personal check written to a candidate for state office to OPGA PAC (17 S. High St., Suite. 200, Columbus, OH 43215). We’ll send a matching contribution to that candidate, along with a letter indicating that it’s a direct result of YOUR contribution… and that the recipient should use YOU as a source of local propane/energy information.

The best part? Participation in the “Triple Play” program COSTS YOU NOTHING! Because the amount is a tax credit, you either pay it to the state in taxes… or raise your local visibility by contributing it to a candidate for the Ohio Senate, House of Representatives or other state office.
National Propane Gas Scholarships Available

by Rosie Buschur

Do you have any employees whose children are eligible to apply for the National Propane Gas Scholarships?

Wouldn't you love to see a deserving child receive $1,000, or possibly $2,000 toward their college education? Do you think that $1,000 doesn't sound like it will make much of a difference, considering the price of college tuition? I have been a member of the National Propane Gas Scholarship Committee for the last eight years. We have heard so many great comments from past winners, and I can guarantee it made a difference to them! So, please be sure to let all your employees and their children know that the online application process is now open. If they go online to National Propane Gas Scholarship Fund, they will find answers to frequently asked questions, information on eligibility requirements, and how to complete their application. The deadline is February 15, 2016. I would highly recommend not waiting until the last minute to start the process. Students can reapply every year they are in school, even if they have been a previous winner. If you have any questions, please feel free to contact me rbuschur@mcmahansbottlegas.com.
Ohio News

Propane Issues in Play
Ohio General Assembly Back at Work

The Ohio General Assembly returned in September from its summer recess. Three bills are being considered that could affect propane marketers:

**HB 176: Alternative Fuel Conversion**
The House Ways and Means Committee agreed to the Alternate Fuel Conversion bill on June 23 just before recessing for the summer. It has now been referred to the House Finance Committee to approve an appropriation.

The bill would create the Gaseous Fuel Vehicle Conversion Program, allow a credit against the income or commercial activity tax for the purchase or conversion of an alternative fuel vehicle, apply the motor fuel tax to the distribution or sale of compressed propane and natural gas, and authorize a temporary, partial motor fuel tax exemption for sales of propane and compressed natural gas used as motor fuel.

**HB 71 Would Prohibit Unfair Terminal Insurance Requirements**
The Senate Civil Justice Committee has approved HB71, which would prohibit certain indemnity agreements in motor vehicle carrier transportation contracts.

HB71 is a significant step in leveling the playing field between propane motor carriers and terminals, by preventing shippers, in the case of their own negligence, from demanding that the motor carriers (or the motor carrier’s insurance provider) pay for the defense and damages arising from the shipper’s negligent actions. 42 states have enacted “anti-indemnification” statutes.

**HB 77: Home Improvement Contractor Registration**
This bill, which would establish statewide registration for home improvement contractors, has had four hearings in the House Commerce and Labor Committee.

As defined in the bill, “Home improvement includes the repair, replacement, remodeling, alteration, conversion, modernization, improvement, rehabilitation, or sandblasting of, or the addition to, any residential building,” but “does not include the sale of appliances such as stoves, refrigerators, freezers, room air conditioners, and other appliances that are designed for installation in, and are easily removable from, a residential building without material alteration of the residential building.”
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At CHS, we see our business as an extension of yours. With a national network of resources, our trusted and knowledgeable account managers are here to help you monitor markets and plan supply. It’s a partnership backed by a combination of dependable supply chains and our Propane Control Room™. Let us help guide you through uncertainty and back to the dinner table, where you belong. To learn how we can navigate the market better together, contact Eric Brandt at 866-839-7145, Eric.Brandt@chsinc.com; or Craig White at 701-934-5032, Craig.White@chsinc.com.
Prism Propane holds Autogas Propane Fueling Station Grand Opening for “Greener” Fueling Option in NW Ohio

North Baltimore, OH—October 5, 2015—Prism Propane Services of Ohio LLC, held a grand opening ceremony to introduce its Autogas Propane fueling station as a “greener” fueling option in northwest Ohio. Speakers for the event included: U.S. Congressman Bob Latta, State Senators Randy Gardner and Cliff Hite, county commissioners, local elected officials and area school superintendents.

North Baltimore Mayor Mike Julien began the ceremony by acknowledging Prism Propane and Hancock-Wood Electric Cooperative’s support given to the community over the years and the impact the fueling station will have.

Mayor Julien said, “By opening this Propane Autogas fueling station, Prism Propane is giving our communities an environmentally clean and cost effective fueling option. This investment of the environment friendly Propane is giving our communities an option for the community. Not only are we helping our employees who are driving the vehicles by converting to a cleaner burning fuel, but also all of the communities we drive in everyday,” said Greiner.

Scott McKeown, health and safety, maintenance transportation coordinator of Wood Lane schools spoke about his experience with propane-fueled buses. McKeown explained that his schools have been using propane-fueled buses for several years and have seen tremendous differences compared to a diesel-fueled bus. He commented on how much quieter the buses are and how much faster they are to warm-up when the temperatures are below freezing.

According to the Propane Education & Research Council (PERC), Propane Autogas burns cleaner than other fuel alternatives, produces fewer undesirable emissions, and lowers preventative maintenance costs compared with diesel. Propane-fueled engines require less oil by volume than diesel, with no need for additional filters or diesel emission fluid. Switching to propane results in an estimated 80-percent reduction in smog-producing hydrocarbon emissions compared with diesel-fueled vehicles.

Propane Autogas infrastructure costs less to install, maintain, and operate than diesel and other fuel alternatives. The costs are low primarily because propane is classified by the Environmental Protection Agency (EPA) as a non-contaminant of air, land, and water resources. Overall savings, especially because of available state grants, offset the price associated with conversion.

Prism Propane Services of Ohio, LLC, was formed in 1998 as a for-profit company and affiliate of the Hancock-Wood Electric Cooperative nonprofit organization, to offer economically priced propane gas services to customers in Allen, Hancock, Hardin, Henry, Putnam, Sandusky, Seneca, Wyandot and Wood counties. For more information about Prism Propane, visit prismpropane.com, the Prism Facebook page or call 877-887-7476.
Safety News

OPGA Members Renew/Apply for Next Year’s Worker’s Comp Programs – Use CareWorksComp

Reminder about Annual Group Rating Sponsor Training:

2015 Group Rating Annual Safety Training

As a group-experience or group-retrospective rating program sponsor for the January 1, 2015 PEC (public) rating year or July 1, 2015 PA (private) rating year, your organization is required to attend annual training per OAC 4123-17-68.

NEW THIS YEAR . . . . . . the training will be delivered via WEBINAR.

You may select the webinar date and time most convenient to you:

- **Thursday, November 5, 2015 @ 2 pm**
  Event address for attendees: https://ohiobwc.webex.com/ohiobwc/onstage/g.php?MTID=e2a02946254bdc1a97a6e8948a6701ecc

- **Tuesday, November 17, 2015 @ 10 am**
  Event address for attendees: https://ohiobwc.webex.com/ohiobwc/onstage/g.php?MTID=e25a21e2a3e301e5c19aa95187fd994c

To register, select the ‘Event address for attendees’ link for the date of your choice. After registering, you’ll receive a confirmation email message that contains detailed information about joining the event on your selected date with the option to add the event to your electronic calendar.

The webinar is scheduled to last approximately 90 minutes and will include BWC program updates and pertinent safety information to share with your members.

If you are unable to participate in either of these webinars, an in-person make-up session is scheduled at the Ohio Center for Occupational Safety & Health (OCOSH) in Pickerington on Monday, November 23 @ 10 am.

Unemployment Cost Control Tip:

Termination for poor work performance can be a challenging issue when communicating the facts to ODJFS. Before dedicating time and effort toward contesting the unemployment claim, try to determine your liability in the claim based on the claimant’s length of employment. Most states, including Ohio, have a “base period” charge method and only wages paid to the claimant during their base period can be used in determining an employer’s potential claim cost. The standard base period is the first four of the last five completed calendar quarters prior to the claim application. Since October marks the beginning of a new quarter, the standard base period is currently July 1, 2014 through June 30, 2015. If you hired someone after July 1, 2015 your account shouldn’t be charged in the claim filed this year!

To learn more about understanding your potential unemployment claim cost or discuss any unemployment topic, contact Kammy Staton at (800) 837-3200 ext. 57165 or via e-mail: kammy.staton@careworkscomp.com.

For additional information contact Andrew P. Frank, 614-956-2325, 800-837-3200 ext. 52325, or Andrew.Frank@CareWorksComp.com.

Upcoming BWC Deadlines

There are no October BWC deadlines but Ohio businesses will want to keep these upcoming deadlines in mind:

- **November 2, 2015** is the due date for the next BWC premium installment for those who kept the bimonthly default payment plan.

- **November 18, 2015** is the date we request to have Group Rating documents returned to guarantee being filed in 2016 program.

- **January 25, 2016** is the enrollment deadline for group retrospective rating programs.
A Kentucky state court jury awarded significant compensatory and punitive damages against a propane marketer in a wrongful death case arising out of a propane explosion involving an improperly transported 100 pound cylinder. Among other decisions, the jury determined that the marketer negligently failed to comply with its duty to respond to a customer call to its emergency phone line within 60 minutes and that this failure was a factor in the wrongful death.

Underlying Incident.
The C.A. Garner Veneer plant near Smithville, Kentucky was powered in part with 100 pound propane cylinders used in the curing process for making wood veneer. At one point in May 2008, Garner Veneer ran out of propane and called its propane supplier several times requesting a propane delivery, with some of the calls made to the marketer's emergency number. However, the marketer did not respond to the calls. Garner Veneer’s plant manager, Rick DeBurger, and assistant manager, Michael Guse, decided they could not wait any longer for a propane delivery. The two managers took matters into their own hands and traveled to DeBurger’s home to pick up an old 100 pound cylinder to provide propane for the plant operations. The cylinder from DeBurger’s home was owned by the same marketer that supplied propane to Garner Veneer.

The two men disconnected the cylinder but then made a key error when they placed the cylinder in a horizontal, rather than vertical position in the back of their pick-up truck. When the men returned to the Garner Veneer plant, they discovered that a “white mist” was leaking from the cylinder. Guse took off his shirt and wrapped his hand in the cloth so he could reach in to shut off the cylinder valve. As Guse reached in, static electricity from his shirt ignited the leaking propane, severely injuring both Guse and DeBurger. Guse was transported to a local hospital and then airlifted to the University of Louisville Hospital. Guse sustained burns to 75% of his body. After six days in the hospital, Guse passed away from his burn injuries.

Lawsuit.
Guse’s estate filed a wrongful death action in Kentucky’s Henry County Circuit Court. Plaintiff’s lawsuit included a negligence claim, alleging that the marketer breached its duty to (1) respond to customer needs in times of emergency; (2) warn and properly provide service to its customers; (3) properly train its employees; (4) provide safety literature to its customers regarding the use and transport of 100 pound cylinders; and (5) inspect and replace customers’ propane cylinders.

The propane marketer denied the allegations. Specifically, it denied that any emergency calls were placed, arguing that it received a request for propane delivery after hours and it was not an emergency situation. Additionally, it argued that Guse was liable for failing to use reasonable care for his own safety, including being under the influence of alcohol at the time of the incident.

The marketer also brought third-party claims against Garner Veneer and co-employee DeBurger continued on page 10...
alleging that they were negligent and responsible for Guse's death.

Trial.
At the 2014 trial the plaintiff argued that the marketer was negligent for three primary reasons. First, plaintiff argued that the marketer failed to properly respond to emergency calls and if the marketer had responded to the call, Guse and DeBurger would not have attempted to transport and use the 100 pound cylinder.

Second, plaintiff argued that the marketer failed to keep records regarding its former customers. Plaintiff alleged that the marketer had a duty to pick up cylinders and tanks that were not filled within one year. Plaintiff argued that DeBurger's 100 pound cylinder was old and outdated and should have been picked up by the marketer prior to the incident. Plaintiff also asserted that the cylinder lacked a collared valve that would have prevented the incident. Plaintiff presented expert testimony on its first two arguments regarding negligence.

Third, plaintiff argued that the propane marketer failed to provide adequate warnings to customers and warning labels for cylinders. To support this argument plaintiff relied on the testimony of a warnings expert, who testified that DeBurger's 100 pound propane cylinder should have had a large warning label stating it should only be transported in an upright, vertical position.

Plaintiff also asserted at trial that punitive damages were warranted because the marketer's alleged multiple failures to act with reasonable care constituted evidence of “reckless disregard” for the safety of its customers. Plaintiff relied on testimony that the marketer violated its own policies and also that it did nothing to change its policies after the incident.

In response, the propane marketer asserted at trial that an emergency call was not placed and would not have made a difference in this case. Additionally, it presented evidence that it provided ample warning materials to Garner Veneer and DeBurger regarding dangers associated with propane. It also presented evidence that the subject cylinder had a large warning label citing state law and stating “Do Not Move.” Furthermore, the marketer argued that Garner Veneer, DeBurger and Guse were ultimately responsible for the incident in that (1) Garner Veneer and DeBurger had a duty to provide warning information to Guse regarding propane and failed to use ordinary care for Guse's safety, and (2) Guse failed to use reasonable care for his own safety when handling the propane cylinder.

Verdict.
The jury's decision was mixed. The jury determined that the propane marketer failed to use ordinary care in the operation of its business by failing to respond to emergency calls within 60 minutes. However, the jury decided that the marketer did not breach its duty to keep track of old customers and pick up old tanks and cylinders. The jury found Guse and Garner Veneer were also negligent for failing to use reasonable care. The jury's verdict allocated 40% of the fault to the marketer, 25% to the decedent Guse and 35% to Garner Veneer. The jury determined plaintiff's total compensatory damages were $3,180,000 which included $1,000,000 for Guse's pain and suffering. The compensatory damages were reduced to $1,272,000 based on the marketer being 40% at fault. But the jury also awarded $3,000,000 in punitive damages against the marketer making the total net verdict against the propane marketer over $4.2 million.

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The underlying incident, resulting trial and jury verdict reviewed above underscores the need for propane marketers to be vigilant with respect to risk management efforts, including following company policies and procedures in every respect. An apt risk management quote comes to mind: “A good rule of thumb is to assume that everything matters.”

--Richard Thaler

[Kathryn A. (“Katy”) Regier is a shareholder in the law firm of Schlee, Huber, McMullen, McCarthy & Hansen, P.C., in Kansas City, Missouri. Her email address is: kregier@schleehuber.com.]

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What do Jesse Owens, Woody Hayes, Thomas Edison, Brutus Buckeye, Zanesville, and Propane all have in common?

Jesse Owens was a member of the Olympics and has a statue at Ohio State, Woody Hayes was a great coach and also has a statue at Ohio State, Thomas Edison was a great inventor, but his statue is not at Ohio State, but instead will be in Washington DC, Brutus Buckeye is the greatest mascot and will have his statue at Ohio State. But how do they all tie in with Zanesville and Propane?

Artist Alan Cottrill has sculpted all of these and many more. If you are in Zanesville, his Gallery is located at 110 S. Sixth Street; you will know that you are at the right location when you see all of the sculptures aligning the sidewalk. This is the world's largest bronze sculpture exhibition of any living sculptor's work. Every piece is represented, from first sculpted head and the smallest maquettes to larger than life-size figures- with photos and narratives of Alan's largest monumental figures. For more information on Alan's Studio, visit www.alancottrill.com. Gallery hours, M-F 9am-5pm, Saturday, Sunday, call first, 740-453-9822.

But wait, how does all of this tie into Propane? Alan also co-owns with his life-long friend, Charles Leasure, Coopermill Bronze-works. This is where 100's of Alan's works are casted and the foundry furnaces are fueled by Propane supplied by The Energy Cooperative.

So if you want to cast a bronze and you want it to last, do it with Propane.
Since 1999 the Ohio Propane Gas Association has given $66,000 in scholarships to deserving students, who are employee family members of our Association. This year applications were submitted and reviewed by our three judges, OPGA past presidents: Van Wright, Jim Silverwood and Ray Anielski.

Our scholarship recipient this year was Jonathan Frederick with Craig Wood from O.E. Meyer presenting. Jonathan will be attending Bowling Green State University this fall, majoring in Exercise Science with a minor in Coaching. Jonathan’s father is a Homecare Division Manager and has been with O.E. Meyer for 8 years. We congratulate this year’s recipient for his outstanding accomplishments and wish him much success during his college years!
### Curious About Autogas?

Check out [www.autogasusa.org](http://www.autogasusa.org) to learn about this latest technology! This is your source for all things related to Autogas including: mowers, forklifts as well as over-the-road propane motor fuel.

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About Appliances
PERC has some fact sheets on appliances and a comparison guide on high efficiency propane furnaces vs. ground source heat pumps. Find these at www.buildwithpropane.com.

www.propanesafety.com
This site is dedicated to workforce safety and regulatory compliance for the propane industry.

Senator Chris Widener Golf Event
Enjoying the July 7 Senator Chris Widener Golf Event at Windy Knoll Golf Course in Springfield, Ohio were (left to right): Eric Sears of Auxier Gas, Dave Wedderburn of Collett Propane, Senator Chris Widener, and Brian and Chris Buschur of McMahan’s Bottle Gas.

Many thanks to Rosie Buschur of McMahan’s Bottle Gas for organizing the OPGA Scholarship Silent Auction during the Summer Meeting! Her effort, and those who contributed and purchased items, added $5,985 to the Scholarship Fund!

OPGA Events Calendar
2015
Nov.
4
DON’T FORGET TO VOTE!

OPGA Quarterly Member/Business Meeting
Holiday Inn, Worthington, Ohio
9:30am-11:30am – Full Board Meeting
Location: John Snow Room
11:00am – Registration Opens
11:30am-12:30pm – Committee Meetings
Location: Griswold Room
12:30pm-1:30pm – Lunch
Location: Griswold Room
1:30pm-3:30pm – Membership/Business Meeting
Location: Griswold Room

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