Ohio House Finance Committee OK’s Alternative Fuel Bill (HB176)

The Ohio House Finance Committee unanimously approved the Alternative Fuel Bill, HB 176, November 18. The bill would enact 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, reduce the amount of sales tax due on the purchase or lease of a qualifying electric vehicle by up to $500, apply the motor fuel tax to the distribution or sale of propane and compressed natural gas, authorize a temporary, partial motor fuel tax exemption for sales of propane and compressed natural gas used as motor fuel, and make an appropriation to fund the program.

The bill has already been approved by the House Ways and Means Committee and now goes to the Rules Committee where it will await a vote of the full House.

OPGA offered proponent testimony to the Committee prior to the vote.

Senate Sends Terminal Insurance/Contract Bill to Kasich

The Ohio Senate has approved HB71, the OPGA supported bill that would prohibit certain indemnity agreements in motor vehicle carrier transportation contracts.

HB 71 is a significant step in leveling the playing field between propane transporters and terminals, by preventing terminals, in the case of their own negligence, from demanding that the motor carrier (or the motor carrier’s insurance provider) pay for the defense and damages arising from negligent actions. 42 states have enacted “anti-indemnification” statutes.
We go to great lengths to deliver wholesale propane at the right price. Right to you. Right away. Not convinced? Try us. Find out how we go the distance for our customers. Any time. Anywhere. Call today!

GOING the DISTANCE

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Get the latest in propane pricing, availability and MORE.
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.
2015 NPGA/PERC Leadership Summit

The National Propane Gas Association (NPGA) and the Propane Education & Research Council (PERC) held their annual Leadership Summit on November 16-17, 2015 in Alexandria, Virginia. Executives from state propane gas associations as well as NPGA and PERC leadership came together to provide program updates, discuss common priorities, and share feedback that will help guide the industry’s efforts in 2016 and beyond.

(Front row, third from the left) Anita Field, OPGA Executive Director, pictured with attendees at the NPGA & PERC November Leadership Summit in Alexandria, Virginia.

Let’s put a label on it . . .

Affected: DOT cylinders that can be used in the workplace
All DOT cylinders in transportation
Effective Date: Relabel by December 1, 2015

If you haven’t already . . . don’t wait.
Order your AA16GHS-Custom labels today!

GHS affects DOT cylinders that can be used in the workplace. The new changes to labels include additional text, standardized pictograms, company name, address and phone number. DOT has increased inspectors and fines for non-compliance. All DOT cylinders in transportation, as well as those used in the workplace (or “in the field”), should be labeled by December 1, 2015.

Benefits to OPGA Members

Newsletters
Four publications a year from OPGA

Member Directory
Publication available on OPGA website and hard copies available at Quarterly Meetings

Vanco Payment Solutions
1-800-675-7430 ext. 2

Scholarships – OPGA
$1,000 Scholarships
614-228-4733

Workers’ Comp Group Rating Program
CareWorksComp - Andrew Frank
1-800-837-3200, ext. 52325
andrew.frank@careworkscomp.com

Alamo Membership Discount Card
1-800/328-8017 – Keith Reeves
Reservations – 800/354-2322
ID# 34305 – code BY-UKOB

Your questions answered by the people who know propane equipment.
Ohio Propane Gas Association Rewards Program

OPGA will receive a 15% reward for any purchases you make by visiting www.propanemarc.com/opga!

- Need to order consumer safety or employee training materials?
- Need outreach materials for residential, commercial, propane autogas fleet, agriculture or landscape professional audiences?
- The Propane Education & Research Council is rewarding the OPGA for purchases made by Ohio marketers on the Propane MaRC online catalog using the OPGA link!

**What do you need to do?**

1. Visit www.propanemarc.com/opga *(You'll need to use that link on each on your orders, so that you can be credited for your purchases.)*
2. Shop for the items you need.
3. Add the items to your cart.
4. Pay.
5. Repeat!

Questions? Please contact Hannah at the OPGA office at Hannah@AssnOffices.com or call 614-228-4733. There is no additional cost to you!

*Thank you for your support!*

**National Propane Gas Scholarships Available**

*by Rosie Buschur*

*Do you have 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.
A PARTNERSHIP FOCUSED ON HELPING YOU AVOID COLD SUPPERS.

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 or Eric.Brandt@chsinc.com.
Minimum Wage Advocates Look to Constitution

The Ohio Attorney General’s Office has certified a petition for a proposed amendment to the Ohio Constitution which would take the state’s minimum wage to $10/hour, effective Jan. 1, 2017; to $10.50/hour, effective Jan. 1, 2018; to $11/hour, effective Jan. 1 2019; to $11.50/hour, effective Jan. 1, 2020; and to $12/hour, effective Jan. 1, 2021.

In order to move the proposal to the ballot petitioners must collect signatures from registered voters in each of 44 of Ohio’s 88 counties, equal to 5 percent of the total vote cast in the county for the office of governor at the last gubernatorial election. Total signatures collected statewide must also equal 10 percent of the total vote cast for the office of governor at the last.

The current state minimum wage is $8.10 per hour and goes up annually based upon the rate of inflation. However, there have been movements recently, both nationally and within Ohio, to further raise that amount. Late last year and earlier this year, there were protests, demonstrations and even strikes at fast food restaurants promoting a minimum wage of $15.00. In Cincinnati, there was a short-lived push for a 2015 city ballot initiative that would have raised the city’s minimum wage to $10.10 and eventually to $12.20. There was even legislation introduced earlier this year in the Ohio Senate which would raise the state minimum wage to $10.10. Though these attempts have not been successful thus far, the proponents of raising the minimum wage are seeking any and all available avenues to accomplish their goal.

The overall impact of the proposal would result in a nearly 50 percent increase in the minimum wage over just five years. The group behind the ballot initiative is called Stand Up for Ohio, which is a coalition of labor, community, environmental, and civil rights organizations.

While those advocating for a minimum wage increase believe doing so will help cure poverty and provide a livable wage, it could actually harm the most vulnerable workers: young people, the undereducated and those lacking work experience. When employers are forced to pay higher wages, they will be less likely to continue to be able to afford to employ less-skilled and less-educated workers. A smarter approach would be to focus on the state’s workforce development and education efforts. More education and experience provide Ohioans a lifetime of increased opportunity and earning capacity when compared to arbitrarily raising the minimum wage for a short-term benefit.

Heating Assistance Reminder

The Ohio Development Services Agency (DSA) and Public Utilities Commission of Ohio (PUCO) remind Ohioans that heating assistance is available through the Winter Crisis Program and the Winter Reconnect Order.

A component of the Home Energy Assistance Program (HEAP), the Winter Crisis Program provides assistance to eligible households that are threatened with disconnection, have been disconnected, or have less than a 10-day supply of

**bulk fuel.** Gross household income eligibility is at or below 175 percent of the federal poverty level. For a family of four, the annual income must be at or below $41,737.50.

Individuals interested in receiving this assistance must have a face-to-face interview at their Winter Crisis Program provider, the state said. A list of providers by county can be found at [http://development.ohio.gov/is/is_heapsummer_prov.htm](http://development.ohio.gov/is/is_heapsummer_prov.htm). Consumers also can call DSA toll-free at 800-282-0880, Monday through Friday (hearing impaired, 800-686-1557) or visit [energyhelp.ohio.gov](http://energyhelp.ohio.gov).

PUCO and DSA also noted there are other state and federal programs to assist qualifying applicants with winter heating needs, including PIPP Plus, HEAP and the Home Weatherization Assistance Program. More information about these programs and other ways to save on home heating bills is available at Ohio’s Winter Heating Resource website [www.winterheat.ohio.gov](http://www.winterheat.ohio.gov) or at [energyhelp.ohio.gov](http://energyhelp.ohio.gov).
Substitute Contractor Licensing Bill Accepted (HB77)

On November 17 the House Commerce and Labor Committee adopted a Substitute version of HB 77, the contractor-licensing bill, which contains a number of changes. The Substitute Bill continues to contain the following exemption:

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; OPGA will continue to monitor this bill and would be happy to answer any questions you may have.

Visit OPGA’s Website! www.OhioPropaneGas.org

Latest Ohio Road Conditions Available

The Ohio Department of Transportation maintains a list of current road conditions on its website. You’ll find it at: www.buckeyetraffic.org

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“Our service stands out”
HB 394 Seeks to Fix Problems with Ohio Unemployment Compensation

The unemployment compensation system in Ohio is broken. During the last recession, the state Unemployment Compensation Trust Fund became severely depleted and eventually insolvent. On December 31, 2008, the fund had less than enough money to pay one week of benefits, which necessitated borrowing from the federal government. Between then and 2014, Ohio borrowed a total of $3.4 billion. The failure to pay off this debt in a timely fashion has led to annual employer penalties that increase the amount of federal unemployment tax (FUTA) they are required to pay.

Currently, Ohio still owes a little over $770 million to the federal government which, based on projections from the Ohio Department of Job and Family Services, should be paid off in early 2017. The penalties assessed due to this outstanding debt means that, for 2015, employers are paying 350 percent, or $105 per employee, more than they were paying in 2011.

In an effort to fix the systemic problems with Ohio’s unemployment compensation system, Rep. Barbara Sears introduced House Bill 394. The bill makes comprehensive changes but takes a fair and balanced approach to addressing the system’s problems by looking at both what is being paid into the fund by employers and what is being paid out in benefits.

First, it raises the taxable wage base, or the amount of employee income that employers pay tax on, from $9,000 to $11,000 until the fund reaches the minimum safe level (MSL). The MSL is a measure of fund solvency to ensure it contains enough money to pay expected benefits. Once the fund reaches MSL, the taxable wage base would revert back to $9,000. If the fund drops below 50 percent of MSL at any point, the wage base would increase to $11,000 again until MSL is reached. This provision puts automatic triggers in place to address future problems with the fund before it reaches insolvency. This change is not what employers who have already seen increases want to hear. However, it is a necessary part of the solution and wouldn’t begin until after the FUTA debt has been paid and the related penalties dropped.

On the benefits side, the bill requires applicants who lost their job due to the unlawful use of a controlled substance to take a drug test to be eligible for benefits. The bill also disqualifies applicants from receiving benefits if they were absent from work for three consecutive days without notifying their employer, violated the terms of an employee handbook, were not suitable for the position, or refused to take a drug test.

Lastly, the bill reduces the number of weeks a claimant may receive unemployment benefits from 26 weeks to a range of 12 to 20 weeks, depending on the unemployment rate at the time the application is filed. In times of high unemployment, the number of weeks would be greater because it is harder to find a job. This provision is already raising the ire of organized labor. However, similar to the increase in the taxable wage base for employers, the change is a necessary part of a balanced approach to fixing the system. Any solution to fix the broken unemployment compensation system so it has enough money to ensure Ohio’s jobless will receive benefits in the future without Ohio having to borrow from the federal government must include shared sacrifice on the part of both employers and workers.

Ohio Hours-of-Service Exemptions

The 2015-2016 heating season began on October 1, 2015 and officially ends on March 31, 2016. State transportation authorities issue HOS exemptions to a company’s drivers during times of emergency. These HOS exemptions affect certain sections of the FMCSA rules, which govern the operating hours for drivers of commercial motor vehicles.

The exemptions allow marketers to deliver critical propane heating supplies to their customers during times of severe weather, when bad roads cause significant delays in travel time to a customer’s tank location.

In order for the OPGA to request an exemption from the State of Ohio we need information from the members that are experiencing the issues. Simply complete the online Hours-of-Service Exemption Request form that is available on the OPGA website: http://www.ohiopropanegas.org/hours-of-service-relief-for and OPGA will compile the data and submit a request to the State of Ohio.
**President’s Report**

**Brian Buschur, President**

The NPGA has sent out a Member Best Practices/Code of Conduct for states to review. The OPGA board has reviewed it and supports the Code.

Did you know that you can support OPGA by ordering items thru the PropaneMarc website? The Propane Education and Research Council is rewarding OPGA for purchases made by Ohio marketers. OPGA will receive 15% of any purchase made. All you have to do is go to [www.propanemarc.com/OPGA](http://www.propanemarc.com/OPGA) to place your order. There is no additional cost to you!

In order to have better communication around the state when Hours of Service Exemptions (HOS) are needed, OPGA has divided the state into quadrants and asked that members use these points of contact when exemptions are needed. The Northeast contacts will be **Terry Clevenger** and **Frank Edwards**. The Northwest contacts will be **Gary Veith** and **Dave Bertelsen**. The Southeast contacts will be **Bob Herron** and **Ralph Arrick**. The Southwest contacts will be **Eric Sears** and **Brian Buschur**. In addition, we have contacts that can give us an overview of the transportation around the region. Those contacts will be **Sara Seebohm**, **Stephanie Davis**, **Caroline Hensley**, and **Cheryl Hayes**.

For those that have been to Washington, DC, you understand the importance of developing a relationship with your legislators and how powerful that can be. We need to develop those same relationships in Columbus, so for that reason, we will be starting a Propane Days in Ohio in the spring of 2016. I will be asking OPGA members to support this wonderful opportunity to be a sounding board to the folks that make laws that directly impact our businesses. More details will be available soon.

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**Autogas/New Technology Committee**

**Eric Sears, Chair**

- Alternative fuels bill HB176 is in committee; keep in contact with your representative.
- Clean Fuels Ohio – will renew this project next year with more oversight from Ohio PERC. CFO has asked for an increase of 5K.
- Midwest Green Fleet Fuel Expo held in Sept. displayed 5/6 autogas vehicles.
- Purchasing lawn mowers for OSU as a PERC project is being considered.
- Similar fleets may be considered at other universities.
- **Jenna Bush Hager** is the propane industry representative for autogas.
- Alliance Gas is working on a hybrid vehicle.

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**Code & Safety Committee**

**Terry Clevenger, Chair**

A new ruling this past summer regarding OSHA’s Process Safety Management Standard may have an impact on our industry. It is not clear what if anything we need to be doing differently, but per an OSHA official you may want to get an OSHA consultant involved. A reminder to all members that the revised OSHA Hazard Communication Standard regarding Labeling, Safety Data Sheets is in effect. Also, just a reminder to review your security plan to ensure you are using the new 2-tiered threat level (imminent & elevated) and not the old color-coded threat level.

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**Convention Committee**

**Sara Seebohm, Chair**

- 2016 Convention format will be Sun., Mon., Tues., July 31, Aug. 1 & 2.
- Location downtown Cincinnati at the Hilton Cincinnati Netherland Plaza Hotel.

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**Sunday dinner will be at the Great American Ballpark.**

**Business meeting will be held Sunday following the board, and committee meetings. The PAC reverse raffle will follow.**

**Looking into golf locations in the area.**

**Make your donations for the PAC raffle, so everyone can get a prize.**

**Scholarship silent auction in 2016 will be chaired by Rosie Buschur.**

**Looking for sponsors for the Sunday ballpark event to cover rental fee.**

**Seminars may include: a PERC hot-topic, a supply panel, CPR training, or media on how to handle an interview.**

**OPGA annual meeting will be held Tuesday following the NPGA update.**

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**Education Committee**

**Mike Fisher, Chair**

- 29 classes were held in 2015 with 46 training days; 50 companies sent attendees; there were 417 total attendees in all classes; 261 participants.
- Additional classes were added in 2015.
- Increased budget in 2016 due to the increased number of classes.
- The committee recommends **Joe Spiller** facilitate classes in 2016.
- CETP is revamping new liquids systems and new rail models, and revising dispensing systems. Developing a new gas check class, along with digital media class and driver recruitment and training.
- Rules and skills assessment is being developed.

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**Government Affairs Committee**

**Chris Buschur, Chair**

In addition to the Ohio News on page 7, we talked in depth about election results and the tax credit bill:

We discussed the election results, primarily Issue 3, the legalization of... continued on page 11
marijuana. We felt there was a lack of clarity among the general public due to Issue 2 and the potential monopolization within the industry. We felt the law would have been successful if it were strictly for medicinal purposes. The general consensus was it is probably just as good for our industry, and most industries. Our drivers are governed by FMCSA rules and subjected to random drug tests, so they would not be permitted to use marijuana recreationally. But, even David noted that he would not want his employees, who do not haul hazardous materials, driving or working under the influence.

We also discussed HB 176: Alternative Fuel Conversion. While the bill passed the Ways and Means Committee, it is now in the Finance Committee to be approved for appropriation. David noted the Finance Committee is forming a 20/20 tax commission to review all taxes and credits. The goal of the Governor is to eliminate the state income tax. This will make the business climate in Ohio more attractive for new business development. With the fracking tax and income from that slowed, offsetting tax credits will need to be examined closer. The bill will not move until the tax commission has completed its review.

- Ohio, Michigan, and Kentucky will each receive approximately 10K from the profits. Ohio has always had the major share of participation throughout the years.

PAC Report
Brian Buschur, Chair

2016 is an election year and in order to support the candidates that support our industry, the OPGA PAC needs your help. I would like to ask all OPGA members to consider making a donation in a couple different ways:

First, purchase a reverse raffle ticket for a chance to win $1,000 at our annual OPGA Summer Convention.

Second, use the triple play program by writing a check of $50 (or $100 if filing jointly). OPGA PAC will match it and include a letter that asks the candidate to use you as a sounding board for propane. The best part is that you receive a tax credit for that amount, so it costs you nothing!

Third, the NPGA PAC needs your help as well. Send a donation to help support the likes of Rob Portman and Bob Latta, who have been champions of the propane industry for years.

- Need volunteers for next year.
- Plan to put propane movers at various locations throughout Ohio.

Scholarship Report
Brian Buschur, Chair

The OPGA will once again be having a Silent Auction, at the Annual Summer Convention, to support our Scholarship Fund. We will be awarding two, one thousand dollar scholarships to deserving students. Please encourage your employee’s children to apply. The application is now available online and will close on March 4th. While they are applying, don’t forget to apply for an NPGA scholarship. Details can be found at www.ohiopropanegas.org.

Transportation Committee
Gary Veith, Chair

- Discussed new law for CDL drivers license requiring you to take your driving test in a manual transmission truck to be licensed in both an automatic and a manual transmission. If a test is taken in an automatic, that is the only kind you can drive. The law became effective July 2015.
- Discussed DOT physicals and sleep apnea.
- Discussed finger printing for your CDL drivers license, because of the upcoming holiday season, don’t wait until the last minute to make those arrangements.
- We as a committee with all new members, except for me, had a long discussion on our vision for the continued on page 12
committee and our expectations of each other.
• Any questions call my office at 419-294-4560 or my cell at 419-310-2297.

NPGA State Directors Report
Joe Buschur

1) Since 2014, NPGA leaders have been working to develop a code of conduct for the industry. NPGA’s Executive Committee appointed a task force comprised of industry leaders and state association representatives, which has completed its work. During the Fall Board Meeting, this group presented the results of the task force in the form of a “Best Practices” document. The Best Practices document is intended to be a voluntary set of guidelines for the ethical conduct of business for companies in the propane industry. This document is not a prescriptive set of enforceable rules. Rather, the best practices are designed to foster consumer protection and also preserve the integrity and reputation of the industry at large.

2) Rick Roldan reported that Propane Days 2015 was one of the best in the 11-year history of the event, with the participation of 271 industry members. They have made notable headway on a number of key legislative issues. That progress is attributed in great measure to the hundreds of congressional visits.

3) One accomplishment NPGA made was in reducing the Federal Motor Fuel Excise Tax on propane. The tax will no longer apply to propane on a volumetric basis. Rather, the tax will be based on relative energy content. Beginning next year, the tax on propane will be reduced by approximately 5 cpg. This is a permanent tax reduction.

4) The Southeastern Convention & International Propane Expo is April 8-11, 2016 in Nashville. It will also be in Nashville in 2017, and then in Atlanta in 2018. It appears as if they will be moving the convention back and forth between Atlanta and Nashville for the next several years.

5) I believe most of you are aware of the Propane Caucus Congressmen Bob Latta from Ohio and Tim Walz from Minnesota formed last year. They now have had over 40 members join the caucus. Those from Ohio include Steve Stivers, Marcy Kaptur and Tim Ryan, as well as Bob Latta. I would encourage any of our members that are in these congressional districts to make a political contribution to show your appreciation for them supporting our industry. I would do this thru Peter Ferrell, NPGA Director of PropanePAC.

• The first-ever PropanePAC charitable-match campaign to support Wounded Warriors and promote propane on Capitol Hill was a resounding success. The PAC raised approximately $12,000 in personal contributions, shattering the $5,000 goal. PAC members can expect a similar program next year. And a special thank you to all of those people who helped to make the program a success!

• Peter Ferrell emailed me about the importance of the Republicans retaining the U. S Senate next year. I will read the email he sent and hopefully we can send some support to Senator Rob Portman.

6) One of the items the Governmental Affairs Committee has been keeping a close eye on is the pipeline rates to determine that they are just and reasonable. They have been working with FERC on this issue because even a small amount of an increase amounts to millions of dollars in increased cost to our consumers.

• New issues that will be tackled in the coming months include making driver hiring and training less burdensome, ensuring efficient operation of the rail infrastructure, and resisting DOT’s call for quantitative odorant testing in rail cars, trucks, and cylinders.

7) We think bobtail requalification should change from 5 years to 10 years on certain types of bobtails. We expect PHMSA to make that announcement in the fall.

8) FMCSA granted a two-year Hours of Service (HOS) exemption that seeks to resolve a conflict between FMCSA’s rest break requirements and PHMSA’s attendance requirements. The exemption permits long-haul (or transport) drivers transporting hazardous materials to count the on-duty attendance time required by PHMSA towards the 30-minute rest break requirement of FMCSA. The exemption is effective August 21, 2015-August 21, 2017 and applies only if the driver does not perform other work duties while attending the stopped transportation vehicle. The exemption does not impact short-haul drivers, e.g. bobtail drivers, because FMCSA has already granted short-haul drivers an exemption from the 30-minute rest break requirement, at large.

9) Here are some takeaways from the Propane Supply & Logistics Committee Meeting:

• While there may be sky-high national inventories right now, the view from the PADD level is closer to normal since most of the additional inventory is stored in PADD’s 3 (Gulf Coast) and 4 (Rocky Mountains) away from the high winter demand areas.

• We continue to experience high production levels at both gas plants and refineries, but demand is not increasing appreciably anywhere. This should lead to additional incentives to export, particularly because significant new export capacity will come on-line later this year and next year.

• Weather forecasts are predicting that this will be a warmer than normal winter.

• Low oil and gas prices and high inventory levels should combine to keep U. S. propane prices low relative to the international market, thus providing additional momentum for exports.

10) Encourage your employees’ children to fill out the NPGA scholarship applications. They plan to award 78 named scholarships in the next scholastic year for a total of $116,000.
The 2016 dues statements and advertising rate sheets have been emailed to you! If you have any questions regarding your membership, please contact the OPGA office: Hannah@AssnOffices.com, phone 614-228-4733, or fax 614-221-1989. Remember, it is important that the Association be notified if you have sold a plant or added additional plants, so we can bill you correctly.

Time to Pay Dues!
The 2016 dues statements and advertising rate sheets have been emailed to you! If you have any questions regarding your membership, please contact the OPGA office: Hannah@AssnOffices.com, phone 614-228-4733, or fax 614-221-1989. Remember, it is important that the Association be notified if you have sold a plant or added additional plants, so we can bill you correctly.

Looking for Employee Training Topics?
Go to the Propane Marketer Resource Catalog or PropaneMarc for DVD/CD programs that are tailor made for your monthly meetings. Some of the more popular programs include:
- Techniques for Injury Prevention in the Propane Industry
- Mobile Crane Safety in the Propane Industry
- Dispensing Propane Safely
- Bobtail Rollover Prevention

OPGA Helps You Anticipate Change…
But, we couldn’t do it without your support!
The Ohio Propane Gas Association is here for you and because of you! We’re committed to helping you track the latest developments in the propane industry and their impact on your business, to enhance the safety of employees and consumers, and to provide forums and gatherings for building valuable and productive connections within the industry.

With your involvement, participation and support the OPGA can continue to help prepare for change and integrate it successfully. More importantly, we can continue to provide energy for strengthening our industry and your business through positive growth.

Renew your OPGA membership today! Invoices for 2016 have been emailed. Contact Hannah with questions at 614-228-4733. Thanks for your support!
Important Steps to Take When a Workplace Injury Occurs

Workplace safety is a high priority and concern for employers and employees alike. A workplace injury can affect a worker's life, health and ability to earn an income. Workers’ compensation claims also have a direct impact on an employer's bottom line. Claims can result in higher workers' compensation premiums, affect worker morale and create labor shortages that affect completing projects on time. Despite our best efforts, accidents happen, and when they do it is very important to manage the claim effectively from the moment it occurs. All employees should be trained and familiar with injury protocols and procedures so when an incident occurs they know what is expected of them. This is especially important for businesses with employees who perform their duties off site without supervisors present. It should be company policy to immediately report all injuries to their supervisor or manager and all supervisors should be trained on the steps they need to take once the incident is reported to them. Most injuries are minor but, regardless, all incidents should be reported and an Incident Investigation Report completed and kept on file even if the employee refuses or does not require medical attention.

1. Obtain immediate medical attention if needed and report incident to supervisor/employer
   - Employer should have a Managed Care Organization (MCO) card or injury packet available to send with the injured worker to the medical provider.
   - Injured worker should be accompanied by his/her supervisor to the medical provider.

2. Secure the accident site and preserve evidence
   - This is especially important when there is a serious injury and equipment is involved.

3. Investigate and gather facts as soon as possible
   - The supervisor should complete an Incident Investigation Report which includes associate, supervisor and witness incident statements.
   - The report should include who was involved, date and time of the incident, what duties were being performed, what equipment was being used, what were the work conditions, was personal protective equipment (PPE) being used and witness list and statements.
   - Supervisor should conduct one on one witness interviews.
   - Witness statements should include what they saw, heard, where they were at the time and should be notarized if possible.
   - Take photographs or make drawings of accident scene if necessary.
   - Determine if the incident was work related.
   - Injured worker should complete First Report of Injury (FROI), if possible, in his/her own handwriting.

4. Notify your Managed Care Organization (MCO) / Third Party Administrator (TPA) and OSHA (if reportable)
   - Report all claims to your MCO Case Specialist as soon as possible.
   - Contact your TPA claims examiner if you suspect fraud or a serious or potential lost time claim to discuss claim management strategies.
   - Contact OSHA if it is a reportable claim.
   - Stay in frequent contact with your MCO Case Specialist and TPA claim examiners / the employer’s input is important.

continued on page 15...

Here Are Some Helpful Hints To Help Deal Easier With Winter!

Keep your headlights clear with car wax! Just wipe ordinary car wax on your headlights. It contains special water repellents that will prevent that messy mixture from accumulating on your lights. It will last up to six weeks.

Squeak-proof your wipers with rubbing alcohol! Wipe the wipers with a cloth saturated with rubbing alcohol or ammonia. This one trick can make badly streaking and squeaking wipers change to near perfect silence and clarity.

Ice-proof and frost-proof your windows with vinegar! Just fill a spray bottle with three parts vinegar to one part water and spritz it on all your windows at night. In the morning, they’ll be clear of icy mess. Vinegar contains acetic acid, which raises the melting point of water-preventing water from freezing!

Prevent car doors from freezing shut with cooking spray! Spritz cooking oil on the rubber seals around car doors and rub it in with a paper towel. The cooking spray prevents water from melting into the rubber.

Fog-proof your windshield with shaving cream! Spray some shaving cream on the inside of your windshield and wipe if off with paper towels. Shaving cream has many of the same ingredients found in commercial defoggers.

De-ice your locks in seconds with hand sanitizer! Just put some hand sanitizer gel on the key and the lock and the problem is solved!

We hope these hints will help everyone get through the rest of the winter with fewer problems.

Take care and drive safe!
Important Steps to Take
...continued from page 14

5. Evaluate findings and identify the root causes of the incident
   • Was PPE not used or improperly used?
   • Faulty equipment?
   • Distractions?
   • Failure to follow safety protocols/unsafe work practices?
   • Lack of experience or inadequate training?
   • Fatigue or rushing to get the job done?
   • Unsafe work conditions?

6. Report findings/implement corrective actions/evaluate effectiveness
   • Are new policies and procedures necessary?
   • Do you need to amend existing policies and procedures?
   • Is new equipment needed?
   • Is better safety training needed?

Important Changes to OSHA’s Recordkeeping Rule Effective January 1, 2015

The Occupational Safety and Health Administration (OSHA) has implemented changes to both reporting and recordkeeping guidelines effective January 1, 2015.

As of January 1, 2015, all employers covered under the Occupational Safety and Health Act must report:
   • All work-related fatalities within 8 hours.
   • All work-related inpatient hospitalizations, any amputation or loss of an eye within 24 hours.
   • Employers can report to OSHA by:
     1. Calling OSHA’s free and confidential number at 1-800-321-OSHA (6742)
     2. Calling their closest OSHA Area Office during normal business hours
     3. Using the new online form that will soon be available.

Only fatalities occurring within 30 days of the work-related incident must be reported to OSHA. Further, for an inpatient hospitalization, amputation or loss of an eye, these incidents must be reported to OSHA only if they occur within 24 hours of the work-related incident. Previously work-related fatalities and hospitalization of 3 or more employees required reporting.

OSHA has also updated the Recordkeeping Rule. Employers with ten or fewer employees at all times during the previous calendar year are still exempt from routinely keeping OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) asks them to do so. However, the rule updates the list of industries that are exempt from the requirement to keep OSHA injury and illness records due to relatively low occupational injury and illness rates.

The employers listed below are newly required to keep records. For a complete list of all employers required to keep records, go to OSHA’s Recordkeeping page at: www.osha.gov.

Membership Directory Available at OPGA Quarterly/Business Meetings

The OPGA Directory is available at OPGA Quarterly/Business Meetings! Please refer to this directory when looking for independent marketers, multi-state marketers, associate members, individual members, honorary members, and cylinder retailers. The book includes our scheduled events, benefits to members, executive office staff, and important numbers of state offices. The ten committees for 2016 are listed along with their members, chairs, and co-chairs. You’ll find our past presidents, our 2015 accomplishments and the OPGA Constitution that was adopted in 1976. This membership directory can be a powerful resource tool for YOU!

www.propanesafety.com

This site is dedicated to workforce safety and regulatory compliance for the propane industry.
Safety News Continued...

March 9-11, 2016 • Greater Columbus Convention Center

Education to keep workers safe, healthy and on-the-job
Expo Marketplace to simplify safety product purchases
FREE continuing education credits
Medical and Health Symposium
Safety Innovations Competition

Registration opens in January. ADMISSION IS FREE.

Ohio Bureau of Workers’ Compensation

Curious About Autogas?

Check out 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.

It’s Scholarship Application Season!
Deadline: March 4, 2016

OPGA Scholarship Chair, Brian Buschur of McMahan’s Bottle Gas, announced that the OPGA scholarship application is now available online at www.ohioproanegas.org. For questions regarding the OPGA scholarship program please contact Hannah Zacharias at Hannah@AssnOffices.com or 614-228-4733. In 2016 the OPGA will grant two $1,000 scholarships to children of employees of OPGA members. Rosie Buschur has volunteered to again organize a Silent Auction for the scholarship fund during the OPGA Summer Meeting. Please contact her at rbuschur@mcmahansbottlegas.com to donate prizes!

In addition, make sure that any person interested in applying for the OPGA scholarship apply for one of the NPGA scholarships. Get more information on the NPGA Scholarship at www.npga.org/scholarship.

Manage fueling with a simple swipe of a card

The PRO-Vend 2000 offers a superior system for tracking and reporting your fleet’s propane fuel usage.

- All-inclusive
- Customizable
- Simple
- Secure
- Touch screen
- Web-based

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Contact Superior Energy Systems for your custom system today.
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SuperiorNRG.com

Ohio Propane News

Winter 2015
Multi-platform calculator apps to prove the business case for irrigation engines, mowers and autogas are now available! The calculators are proof-positive tools to estimate potential fuel savings and returns on investment when choosing clean, American-made propane over conventional fuels like gasoline and diesel.

“One of the main reasons fleets, agribusiness operators or commercial landscapers consider making a switch to an alternative fuel like propane is simple: They want to improve their bottom line,” says Tucker Perkins, PERC’s chief business development officer. “With these new applications, equipment dealers, propane providers, and customers can easily calculate fuel costs with propane specific to their market and operations. And with the online and mobile tools, they can share results on the spot via email.”

The PERC cost calculator series currently includes the Propane Irrigation Engine Calculator, Propane Mower Calculator, and Propane Autogas Calculator, each one conveniently available in different platforms: The Web versions can be operated online at propane.com/calculators, or desktop versions can be downloaded for users otherwise without Internet or mobile access. Results from the applications can also be easily shared by email, or downloadable worksheets can be printed and filled in by hand for users without computer access. Mobile applications are also available for phones and tablets in app stores (both iTunes or Google Play) for Apple and Android devices, respectively.

To learn more about propane, propane-powered technologies, or to access PERC’s cost calculators, visit propane.com/calculators.

**Your Voice Needs to be Heard in Washington!**

*By Joe Buschur, NPGA State Director*

Plan NOW to make OPGA’s voice heard by attending Propane Days in Washington, D.C. May 23-25, 2016! Although it takes time and money to attend Propane Days, it helps your business and your industry. Members who attended the last few years enjoyed the experience and felt it was well worth their efforts. Last year 14 OPGA industry representatives made 18 hill visits. We had very successful meetings with a number of aides, but meetings with two legislators that stand out in particular are Senator Rob Portman and Congressman Robert Latta. Both of these men introduced bills for the propane industry this year. That tends to make me believe that our visits to the hill are paying off. Would you please consider joining us in 2016? Please contact Joe Buschur, Ohio’s Director to NPGA, at jbuschur@mcmahansbottlegas.com with any questions. I hope to see you in Washington!

**Travelers to Benefit the Homeless**

*By Bob Herron*

When staying at a hotel if you do not use the amenities that are provided, (soap, shampoo, lotion), most of us do not, retrieve those items and bring them to the OPGA Quarterly meeting and place in a box provided. Once collections have some substance we can donate them to a homeless shelter. While this may seem like a trivial thing to us I know that it can mean a lot to those receiving.

I have been doing this on my own for the past few years and know how much can be collected in a years’ time.

Thanks for helping the homeless!

**Save the Date!**

July 31 – August 2
Hilton Cincinnati Netherland Plaza

Let’s think SUMMER during this cold WINTER!

**“Hit a Home Run with PROPAINE”**

Get ready for another GREAT OPGA Summer Meeting!

With the help of our sponsors, we’ll have an event at the Cincinnati Reds Great American Ball Park!

Contact Sara Seebohm at alternativefuels@cinci.rr.com to see how YOU can become part of the fun!

**2016 Membership Renewals**

You received your 2016 OPGA and NPGA membership dues renewal form. We hope you’ll continue to have faith in our state and national associations to continue as a member. As always, if you have questions, concerns or suggestions, please contact the OPGA office at 614-228-4733. Thank YOU for your continued support of YOUR association!
Jury Rejects Propane Explosion Claim in Subrogation Lawsuit

A Minnesota jury found a propane supplier, Federated Co-ops, not liable in a subrogation lawsuit brought by a homeowner's property insurer arising out of a fire that destroyed its insured's residence. The Property and Casualty Insurance Company of Hartford, paid insurance benefits to the homeowners arising from the fire, and then brought the lawsuit against Federated seeking to recover the payments.

Gas Odor Calls and Leak Repairs.

James and Karen Carlstrom owned a house in Pine, Minnesota. Federated Co-ops supplied propane for the residence. In May 2011, the Carlstroms called Federated to report a gas odor in their home. Federated sent a service technician to investigate the gas odor call. The technician located and repaired a leak in the utility room near the hot water heater.

On June 13, 2011, the homeowners again called Federated about gas odor in their home, and Federated again came to investigate. This time, the service technician found a leak in the basement crawl space. After repairing it, the technician purportedly told the Carlstroms that it was safe to return to, and occupy the house. The next day a fire completely destroyed the residence. Hartford paid insurance benefits to the Carlstroms for their house and personal property and then filed a lawsuit on June 12, 2012 against Federated.

The Lawsuit.

Hartford claimed in the lawsuit that a propane leak caused an explosion and fire, and alleged that Federated was negligent in failing to properly repair the two leaks it found, or in not finding other leaks. Specifically, Hartford asserted in its negligence complaint that Federated did not properly train and supervise its service technicians in the proper performance of their jobs.

In its defense, Federated denied all of Hartford's negligence claims and any liability for the damages Hartford asserted. Additionally, Federated denied the fire was caused by an explosion and asserted negligence on the part of the homeowners.

Jury Trial.

At trial, Federated asserted its position that proper leak checks were done on the homeowners' propane system through fact and expert witnesses. Federated witnesses testified as follows: The first leak check showed a small leak at the pilot tube of the gas water heater. The service technician tightened the compression fitting, did a leak check and documented the work, including the leak check. In response to the second gas odor call, the Federated service technician used a leak detector and located a cracked flare nut on the service line coming in from the outside to the basement crawl space. More specifically, the flare nut had stress corrosion cracking at issue. The technician made a new flare connection with a new flare nut. After the repair work was completed, which involved an interruption of service, the technician did a block gauge test and documented that the propane system was leak free. Based on this evidence, Federated asserted that proper leak tests were completed and documented. Federated also countered Hartford's claim about a failure to vent propane from the crawl space with expert testimony that the crawl space could not have been full of gas because the technician found the second leak with a leak detector and a leak detector could not have located the leak if the crawl space was full of gas.

Through its own expert, Hartford asserted at trial that after the fire, three more cracked flare nuts were found in the process of recovering the gas lines after the incident and that if the Federated service technician found one cracked flare nut during his investigation, he should have checked all the flare nuts in the system. Federated countered this claim through expert testimony to the effect that the leak test done by the technician held, so the other flare nuts were not at issue and a leak test was the proper procedure to use to verify the system was leak-free because not all the fittings in the system would be visible to a technician.

Hartford and Federated also put on competing evidence and testimony at trial as to whether there was an explosion. This evidence centered in part on Federated's expert testimony that there was no glass blown out of windows and no damage to the foundation of the residence.

Verdict.

After hearing all the evidence, the jurors returned a defense verdict for Federated. The court's report on the jury's verdict indicates that the jury found both Federated and the Carlstroms were negligent, but the jury determined that neither the negligence of Federated nor the negligence of the Carlstroms directly caused the fire. The jury also found that the homeowners incurred property damages of about $273,000. However, because the jury decided Federated was not liable for any damages, Hartford did not recover anything in its subrogation action and the trial judge entered judgment in favor of Federated.

The underlying incident, resulting trial and jury verdict reviewed above underscores the importance of following proper leak testing procedures and documenting service work correctly, completely and in a timely manner. A well-known phrase applicable to multiple professionals, including those in the propane industry, is that if you don't document it, you didn't do it. Or, to say it another way: "What you do is what matters, not what you think or say or plan." ~Jason Fried.

[McCarthy & Hansen, P.C., in Kansas City, in the law firm of Schlee, Huber, McMullen, Regier is a shareholder in the law firm of Schlee, Huber, McMullen, McCarthy & Hansen, P.C., in Kansas City, Missouri. She can be contacted through her email address: kregier@schleehuber.com.]
Key Messages for Use with Customers:

1. This past winter propane, to help propane in the ongoing for many.

While talk with customers with those who use propane. Go Green with Propane!

Inside This Issue...

Ohio Propane Industry Intelligence stay active about 2016 marketers

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.