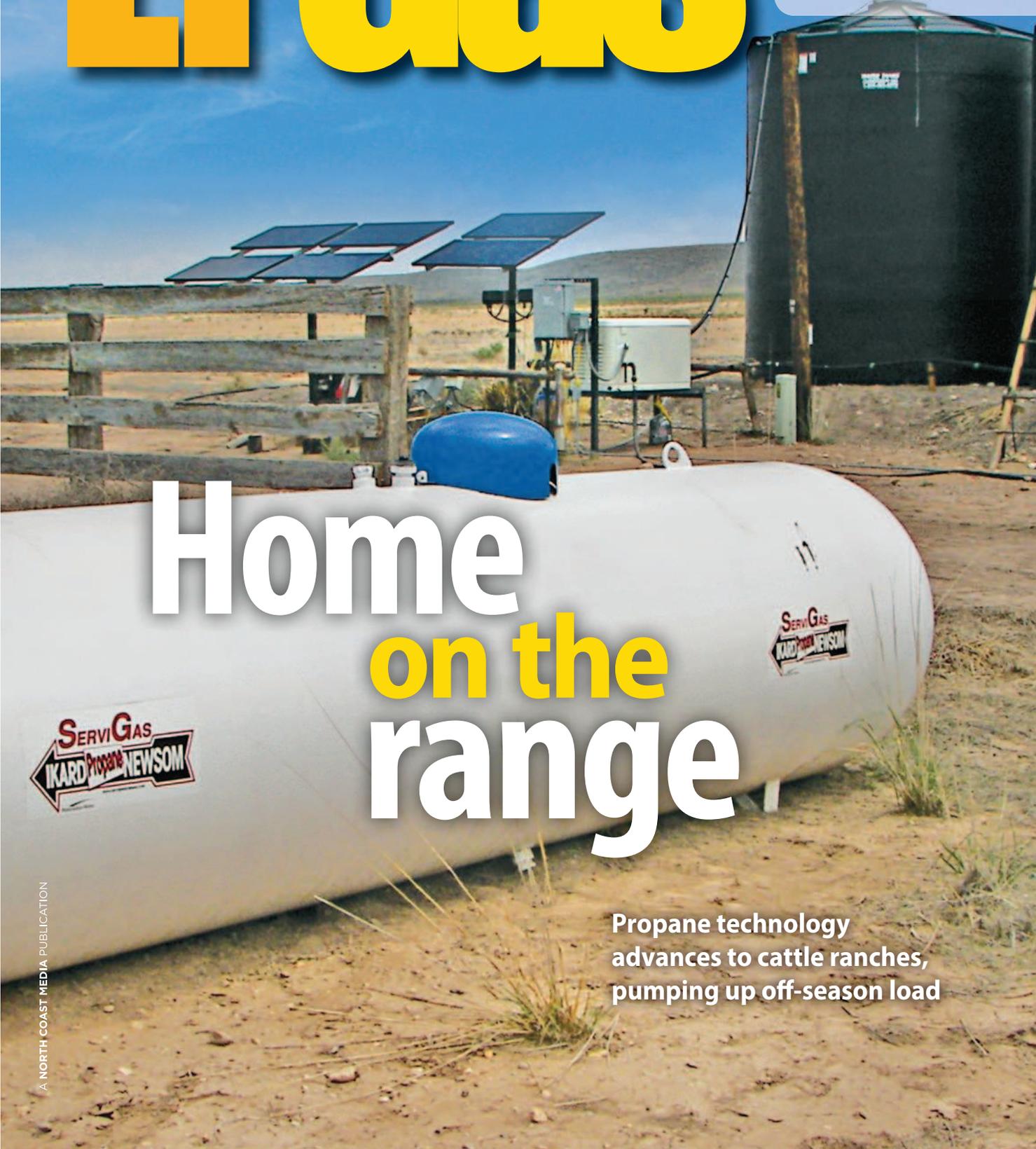


LPGas

Shale boom fuels build-out:
Midstream companies
respond to growth in NGLs

Trade show makeover: Event
planners ponder methods
to boost sagging numbers

Snapshot: Luke Bros. Inc.



Home on the range

Propane technology
advances to cattle ranches,
pumping up off-season load



Not-at-fault accidents

Marketers can take precautions to avoid unfortunate circumstances

It is sad when bad things happen to good propane companies.

Propane marketers have their hands full with duty to warn, customer relations, OSHA, DOT and NFPA compliance coordination and training issues – all the while trying to make budget numbers and a profit.

The last thing marketers need is an expensive not-at-fault accident that impacts their insurance rates and damages the company's bottom line.

Uninsured drivers take their toll

Twice last year, I read stories about marketers having not-at-fault accidents resulting in a total loss of a bulk truck. In both incidents, the other driver was at fault and had little or no insurance.

Roads were blocked, towns evacuated and businesses were shut down as a result of uninsured driver negligence. In addition, the propane marketers lost the use of their trucks for a period of time until the claim was settled and the replacement vehicle was purchased.

The cost of these not-at-fault accidents can really add up. Who will pay? Who has the money? What could the propane truck driver have done to prevent being in this position?

While not all accidents are preventable, I advocate defensive driving.

I remember one time making a left turn, thinking the other car coming from the left was turning. In fact, he wasn't, but he slowed down to let me through. As I rolled by, he said loudly through his open window: "Don't worry, I'll look out for you."

While it may be impossible to avoid a drunken driver who swerves into your lane, it may be a good idea to look

Drivers are more likely to avoid accidents by knowing their surroundings.

out for him just the same. Paying attention to road space and conditions or keeping an eye out for drivers who stray can in fact prevent many accidents.

Do your drivers let the road world come at them, or do they look out for other drivers? This might be a good topic for your next safety meeting.

Hurting your bottom line

While you can't control the actions of contractors hired by your residential customers, or be there to watch every do-it-yourself project, it makes sense to review your customer communications about such situations.

A recent Iowa jury verdict assessed 40 percent of fault to a propane distributor in a home explosion case in which a woman suffered second- and third-degree burns. The award of \$656,954 plus expenses may have run into at least \$1 million.

Allegations against the marketer of failure to warn and odor fade successfully convinced a jury that negligence was involved, but a plumber who over-tightened a flare nut after severing and fixing a gas line while installing plastic sewage piping also received blame. The plaintiff's attorneys:

- Argued that providing a safety brochure fails to adequately warn.
- Argued that if the propane distributor believed gas detectors were rec-

ommended, they should have provided them to the customer and not delivered propane unless the customer had them.

■ Generated much jury sympathy about the painful treatment the victim underwent for her burn injuries.

Clearly, current code requirements do not mandate such extremes in customer communication. No energy industry, to my knowledge, has such stringent and unrealistic expectations, yet plaintiffs' attorneys seem to have exploited an Achilles heel in a propane marketer's defense.

We have to make a concerted and believable effort to stress safety to customers when contractors, do-it-yourselfers and attorneys allege in bad faith. I advise that you:

■ Have a gas system check with a documented leak check and provide various forms of warning to customers.

■ Make those messages clear and memorable to prevent accidents and provide a reasonable defense from unfounded allegations.

■ Warn customers about line locations and the importance of code compliance when they have outside contractors working with or near the propane system.

I have spent a great deal of my 40-year career helping and encouraging marketers be proactive when it comes to safety. This will surely prevent and eliminate potential accidents. **LPG**

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