

1 OSHA RULES FOR YOU

By April 30, 2006, employers are required to post their OSHA summary of injury and illnesses for the prior year. Our legal expert offers more details.

2 DOES YOUR COMPANY REQUIRE DRUG TESTING?

Are you considering a drug testing program for your employees? You could save money on workers' comp insurance.

3 HOW TO HAVE A SUCCESSFUL MOTOR-VEHICLE LOSS CONTROL PLAN

Keep your workers safe on the road with a loss control plan from Hortica Insurance.

THE ONE-STOP SOURCE FOR GREEN INDUSTRY SAFETY AND RISK MANAGEMENT

Annual OSHA Posting Serves As an Educational Tool



by Timothy J. Bartl, Esq.
McGuinness, Norris & Williams

Every year in mid-winter, Ag/Hort employers and their employees are given a key barometer that will help them plan for the coming season, and they may not even know it. Between February 1 and April 30, employers are required to post their OSHA summary of injury and illnesses for the prior year. Instead of viewing this annual requirement as simply another OSHA mandate, employers should view it as an opportunity to identify areas in which safety can be improved and to make the necessary adjustments early before the season moves into high gear.

Tracking for Each Work Establishment

The injury and illness summary is a requirement under the OSHA recordkeeping standard under which employers have a three-pronged responsibility for tracking work-related injuries or illnesses for each independent work site or establishment.

An employer must fill out an OSHA incident report (Form 301 or a substantially identical form such as an insurance report) within seven days of each safety or health incident. The report contains all the detailed information about the incident, including the events that led up to it, the type of injury, and the type of treatment the employee required.

The above information is then summarized on Form 300, the Log of Work-Related Injuries and Illnesses. The log is the employer's worksheet for classifying all injuries and illnesses that occur

at work throughout the year. The form summarizes each reported incident by employee. Each incident is classified by type of injury or illness, the days away from work or any time in which the employee's work is restricted, and the specific type of injury or illness.

Summary Must Be Signed by an "Executive" and Posted for Three Months Annually

The OSHA Injury and Illness Summary (Form 300A) is a summary of all incidents reported on the injury log. Employers must post it in an area where employee notices are typically displayed from February 1 through April 30 each year. Prior to posting, the summary must be signed by the owner, an officer of the company, or the highest ranking management official.

The summary lists the total number of illnesses and injuries that occurred during a year and the total number of days employees spent away from work or on restricted work because of the injury. It also provides a breakdown of the total numbers by type of injury or illness, including injuries, skin disorders, respiratory conditions, poisonings, hearing loss, and "all other illnesses," which would encompass, for example, heat stroke. To enable employees or OSHA to calculate the employer's injury incident rate, employers also must include the average number of employees

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throughout the year and the total hours worked.

Recordkeeping Summary Provides Useful Insights Into Safety

The summary form is a useful tool for educating employers and employees about the existence and cause of reported injuries and illnesses in the prior year and identifying what changes in safety practices should be made to reduce them.

Holding discussions with employees is a good way to focus employees' thinking on safe workplace practices and to review overall safety procedures, including recordkeeping requirements.

These reports can provide useful insights into safety. For example, an overall increase in the number of lost workdays is a good reminder to institute regular tailgate training. In the landscape industry, an unusual number of trips

and falls may be a sign to review footwear or tool placement. In a wholesale growing nursery business, an increase in the number of restricted workdays from back injuries may prompt the employer to take another look at how lifting is done.

While few employers enjoy their OSHA recordkeeping responsibilities, a little attention to the information they provide can help reduce injuries in the future.

Visit OSHA's landscape and horticultural services website at <http://www.osha.gov/SLTC/landscaping/solutions.html>.

ANLA's members-only website also offers more safety and health information.

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CHECKLIST

- By April 30, employers are required to post their OSHA summary of injury and illnesses for the prior year.
- An employer must fill out an OSHA incident report (Form 301 or an identical form) within seven days of each safety or health incident.
- The above information is then summarized on Form 300, the Log of Work-Related Injuries and Illnesses.

Do You Test Your Employees for Drugs?

A recent "ANLA-Connect" listserv discussion centered on drug testing employees. Drug testing is more common in workplaces today—and even mandated by certain industries. Many potential new hires are being tested for drugs before becoming employees.

Because her company conducts drug testing, they receive a credit on their workers' compensation policy for being a "drug-free" workplace, according to

Shirley Pitts, president of GreenScape, Inc., in Memphis, Tenn. "We have to reapply each year, but the paperwork isn't that bad. And it's certainly worth it," she says. Drug testing policies also include testing an employee who has been involved in a workplace accident.

There are also "drug abuse" policies, where a company might *randomly* test employees to see whether they are using drugs. Check with your insurance carrier on advice regarding this vital safety issue.

Devise a Successful Motor-Vehicle Loss Control Plan



by Andrew J. Mauschbaugh
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A Vehicle Loss Control Program can't succeed without top management leadership. Loss control should be incorporated into your normal operating practices. Consider doing the following:

- Establish a statement of policy for your organization including specific safe driving objectives for your employees who drive either company vehicles or their own vehicles on company business.

- Communicate your interest in Loss Control to all of your employees by a personal interview, letter, memo or bulletin notice.

- Periodically evaluate the performance of your Vehicle Loss Control Program.

What can you expect?

Every day, your employees and some of your most expensive equipment are being exposed to potentially devastating situations. The National Safety Council has found that 35 percent of all work-related fatalities and 10 percent of all work-related disabling injuries arise out of the use of motor vehicles. Year after year statistics reveal that 85 to 90 percent of accidents are the direct result of human error.

An effective Vehicle Loss Control Program can mean a reduction in the following:

- Employee injuries and injuries to others
- Damage to vehicles and materials
- Direct accident expenses
- Delayed deliveries

It can also mean:

- Improved public and customer relations
- Improved driver morale
- Improved productivity
- Potentially lower insurance costs

These all can have a direct effect on the profits of your business.

"Have each driver commit to safe driving objectives. Make a list of these objectives, and place it in the vehicle in a prominent location. That way, each driver will know what to expect."

How to start

Most employees want to please their manager or business owner and will do what they believe their boss feels is important. As a manager or owner, you set objectives for your employees on how to make or sell your products and services. You specify starting and quitting times and the number of hours to be worked. Why not set safe driving objectives for your workers?

At your next employee meeting, ask your drivers about their driving objectives. Encourage their input. Then establish your company's safe driving objectives. Start with these:

- No accidents
- No traffic violations
- No alcohol or drugs
- No riders
- No vehicle abuse
- Use seat belts always
- Be courteous to customers
- Always lock up vehicles

Have each driver commit to these objectives. Make a list of these objectives, and place it in the vehicle in a prominent location. Be sure each driver understands that this is what you, the boss, expect.

Ways to implement your plan

Here are some specific ways to get started.

MVRs

Check the driving records of your employees who drive motor vehicles on company business. Motor Vehicle Reports (MVRs) can be obtained from your state Motor Vehicle Department. Set criteria for MVRs you receive on your drivers. The best standard is no accidents or traffic violations. The great majority of accidents are preventable, and all traffic violations are preventable. Your insurance provider can help you establish criteria for your operations. Never let new employees drive on company business until you have checked their motor-vehicle driving record.

Driver Training

Because commercial delivery vehicles are different than cars, additional driver training is essential to an effective fleet safety program. Consider a defensive driving course, which can cover collision-prevention techniques, proper mirror use, proper following distances, and safe

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backing procedures. Studies have shown that graduates from such a course have fewer accidents, fewer traffic violations, and a reduction in both rear end and turning accidents.

Because straight trucks have different design and handling characteristics than other types of trucks, drivers of these vehicles should have training in defensive driving as they relate to non-articulated trucks. The National Safety Council offers a variety of defensive driving courses. For more information, contact 800-621-7619 or visit www.nsc.org. You can also ask your insurance company for other suggestions related to defensive driving courses.

Courses are scheduled periodically across the country and can be requested for special groups.

Liability Exposure

A policy that prohibits employees, or others, from using company vehicles for their personal use will help control an unnecessary liability exposure. However, if you do allow personal use of a company vehicle that is based at an employee's home, its use should be limited to the employee and his or her spouse.

Vehicle Selection, Maintenance and Inspection

Selecting, properly maintaining and routinely inspecting company vehicles is an important part of preventing crashes and related losses.

Review and consider the safety features of all vehicles you plan to use for company business. For the latest information on crash test ratings and other important vehicle safety information, visit www.safercar.gov.

Vehicles should be on a routine preventive maintenance schedule for servicing and checking of safety-related equipment. Regular maintenance should be done at specific mileage intervals consistent with the manufacturer's recommendations. A mechanic should do a thorough inspection of each vehicle at least annually with results placed in the vehicle's file.

Set an Example

The best place to start is for you, and members of your family who drive company vehicles, to set the examples for your employees. A successful Motor Vehicle Loss Control program can mean increased profits for your business

Auto Safety Guide Available

The 32-page booklet "Guidelines for Employers to Reduce Motor Vehicle Crashes" is available from the OSHA's *publications page* on its Web site or can be ordered by calling the publications office at 202-693-1888.

The book offers a 10-step program outlining what an employer can do to improve traffic safety performance and minimize the risk of motor-vehicle crashes.

The book was produced as a joint effort by the Occupational Safety and Health Administration, the National Highway Traffic Safety Administration, and the Network of Employers for Traffic Safety.

For more insurance information, call Hortica Insurance at 800-851-7740; www.hortica-insurance.com

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