

**1** LEARN HOW VALLEYCREST PUTS ITS EMPLOYEES FIRST

ValleyCrest Companies believes in treating their employees like family. Learn about their extensive safety program.

**2** GET THE MOST FROM YOUR BOTTOMLINE ISSUE

Don't forget to use your newsletter as a resource for your next safety meeting.

**3** THE INS AND OUTS OF PRODUCT LIABILITY INSURANCE

Are you protected against all of the products that you sell? Hortica Insurance offers this advice.

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

## How ValleyCrest Promotes Worker Safety and Health

ValleyCrest Companies values all of its employees and likes to treat each one as a family member, as well as members of our company's team. We've enacted a nationwide safety plan that we implement on a local basis. And we promote the idea that the *safe* way is the *best* way to do every job. We protect our employees health and well-being but also save money at the same time. Savings are due to less lost worktime, less workers' compensation payouts, and lower insurance premiums. Here's a snapshot of our safety program.

### *Every incident has to be reported*

Every injury needs to be reported and treated, no matter how minor. One example is a splinter in a finger. If left untreated, that splinter could turn into a swollen finger and/or infection. That employee needs to have it taken out and/or seek help at a medical facility. We had one employee who didn't wash his hands after having a splinter and the infection just got worse.

### *Safety orientation manual*

All employees need to follow and adhere to our "Safety Orientation Manual." This includes OSHA's safety rules, along with our guidelines and safety practices. All employees need to sign off on this manual as well. This includes agreeing to take a drug test.

Find out if your state is a member of a "drug-free workplace" program. You might be able to obtain a certificate from your state saying that



by Tim Bezy  
Regional Safety Officer  
ValleyCrest Landscape Maintenance

you have a "drug-free workplace" and can use this designation to help decrease insurance rates.

### *Report all unsafe conditions*

Whether it's the company building, restroom, truck or something dangerous on the job, each employee needs to report an unsafe condition or practice. The employee can turn this information into me or another manager. We then use this information for our safety meetings.

### *Safety meetings*

We hold a weekly 15-minute tailgate meeting that is run by a crew leader. We also have teleconference safety meetings on a weekly basis where we talk over issues, problems and/or accidents that have happened at facilities throughout the country. We also hold two-hour monthly safety meetings with our other regions.

### *Seat belts and driving safety*

All employees must wear seat belts. We check each morning before a crew heads out to make sure everyone is wearing a safety belt. We also make sure there are fire extinguishers and first-aid kits on all of the trucks.

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### *Protective equipment*

This includes personal protective equipment (PPE), such as steel-toed shoes, orange safety vests, hearing protection, and safety glasses. When necessary, visitors need to wear safety protection as well.

### *Ongoing safety training*

We go over lifting techniques to prevent back injuries, which are very common. We make sure employees are trained and qualified to operate all machinery and equipment. We also go through Kentucky's state EPA training program for pesticide application. Crew leaders have a pesticide applicator's license to spray lawn care chemicals.

### *Annual safety day*

We have a national annual "Safety Day" where we discuss and promote safety and feature a health fair. We also talk about safety on the road and in the home.

### *Offer incentives*

We like to reward our employees for their good safety record. So we give away prizes as part of our rewards system.

Our company has had five injuries so far in the year 2006 and recorded four injuries in 2005. So we're very proud of our safety record and want to continue to uphold our high safety standards.

*This article is based on Tim Bezy's*

*safety presentation during the*

*summer Landscape Operations*

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*For information on ANLA's 2007 tours*

*and additional meeting information,*

*visit [www.anla.org](http://www.anla.org).*

## CHECKLIST

*Here are some guidelines for a successful safety program.*

- Every incident needs to be reported.
- Develop and use a company safety orientation manual.
- Be sure employees know to report all unsafe conditions.
- Hold regular safety meetings and have ongoing safety training.
- Be sure all employees wear safety belts and that they use the appropriate personal protective equipment.
- Consider an annual safety day that includes safety tips away from work.
- Offer incentives for safe behavior.

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## Get the most from your BottomLine newsletter

Do you need more resources for your safety meetings? Don't forget the newsletter that you're reading right now. Take a look at each issue to see whether you can pull safety information for your weekly, monthly and/or quarterly safety meetings.

Charlie Allen, landscape operations manager and safety officer with Green Biz Nursery and Landscaping, Inc. in Fayetteville, N.C., likes the seasonal information featured in *The BottomLine* for his safety meetings. "I also like learning about new resources in the newsletter," he says. "The sample one-hour safety meeting agenda that was printed recently was also helpful. I've used the newsletter for several things since becoming our company's safety officer."

ANLA also provides a translation service from English into Spanish for some of the safety articles featured in *The BottomLine*, courtesy of Mauricio Velasquez of Diversity Training Group. They appear as easy-to-read one-page flyers and are included with your mailing. You can post these flyers on your bulletin board at work as safety reminders for your Spanish-speaking workforce. You can also find back issues of *The BottomLine* in PDF form on the ANLA's members-only section of their Web site at [www.anla.org](http://www.anla.org).

# Are You Protected Against the Products You Sell?

## *The Importance of Products Liability Insurance*

**N**urseries, garden centers and landscaping companies carry and use many potentially hazardous products, such as pesticides, fertilizers and other chemicals, as well as outdoor power equipment and gardening tools. In addition to the products they sell, businesses create potential liability exposures as a result of the work they do. In insurance terminology, this exposure is referred to as “completed operations.” For example, the installation of holiday lighting can create a “completed operations” liability exposure if an incorrectly installed fastener causes a short circuit resulting in a fire at a customer’s home.

As a retailer or a landscape contractor, if a customer or their property is harmed by a product you sell or use on a job, are you liable? Horticultural businesses can protect themselves against consumer lawsuits by carrying Products Liability Insurance as part of a regular commercial general liability package. Products Liability Insurance covers businesses if a product they sell, distribute, import or manufacture causes bodily injury or property damage to a third party, such as a customer.

### General liability vs. products liability

A commercial general liability policy, sometimes known as “public liability” or “slip and fall insurance,” protects businesses against claims from people who are injured on the insured’s premises or from operations that the insured performs.

Products Liability Insurance extends that coverage to products you sell and your

completed operations. For example, if you sell an artificial Christmas tree that comes already adorned with lights, and those lights start a fire in someone’s home, causing damage, the retailer is protected against liability to the consumer.

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*“Product Liability Insurance covers businesses if a product they sell, distribute, import or manufacture causes bodily injury or property damage to a third party, such as a customer.”*

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Although policies purchased by retail establishments typically include Products Liability, businesses that sell products produced by others should still take steps to ensure that the manufacturer/distributor also has products liability coverage—and will defend and indemnify the retailer should a product result in an injury to persons or property.

There are *several* reasons why this is important:

1. Why would a retail establishment or landscape contractor risk higher insurance premiums or possibly jeopardize their ability to even purchase insurance due to an injury or damage to property caused solely by a manufacturer’s negligence? Without proper documentation in place, a small retailer (with the help of its insurer) may be forced to pay substantial sums to injured customers even though the retailer did nothing but sell the defective product.

Large retailers and “big box” stores aggressively take steps to ensure that, if someone is injured by a product they sell, the company who supplied the defective

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product will protect and defend them. Why wouldn’t small retailers choose to do the same?

2. The manufacturer or distributor may purchase greater limits of insurance than that of the retailer. With

proper documentation in place, retailers may be able to take advantage of these higher levels of liability protection.

3. A retail establishment’s insurance company will probably be impressed by the positive loss control attitude a firm exhibits by working to transfer risk to negligent manufacturers. Such an attitude may result in less expensive insurance for the retailer.

4. Finally, causing the manufacturer of a defective product to “step up” and pay claims caused by their negligence simply makes sense compared with tagging a completely innocent retailer with a big liability judgment.

### Be sure your insurer is highly rated

Exactly what steps should a retailer take? Retailers should require the companies who supply them with product for resale, be they manufacturers or distributors, to name the retailer as an “Additional Insured” on the supplier’s general liability insurance policy. The retailer should receive a “Certificate of Insurance”

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showing that the required insurance is not only in place, but is provided by a financially sound insurance company. The amount of coverage required should be at least \$1 million per occurrence with higher limits desired for hazardous products.

The insurance policy should also be written by a company rated at least an A- by A.M. Best Company, a nationally recognized insurance company rating organization. Retailers should work with their own insurance agents to develop insurance requirements appropriate for their individual businesses. Plans should also be in place to obtain annual renewal certificates.

Firms that use subcontractors, such as a garden center that subcontracts landscape work, face similar risks. In such instances, the garden center would want to obtain a "Certificate of Insurance" from the subcontractor that names the garden center as an "Additional Insured" regarding Commercial General Liability. In addition, the garden center should require that the subcontractor carry Worker's Com-

pensation insurance to cover injuries to the subcontractor's employees. The Workers Compensation insurance should also be shown on a "Certificate of Insurance." Failure to follow this recommendation could make the garden center responsible for injuries suffered by the landscape contractor's employees.

Handling these insurance matters properly may generate a little more administrative work, but the payoff could be huge if a serious injury or property damage claim occurs. The "big box" stores are doing these things—and smaller retailers should follow suit.

*For more information  
about an assortment of  
insurance services, contact  
Hortica Insurance at  
(800) 851-7740 or log on to  
[www.hortica-insurance.com](http://www.hortica-insurance.com).*

## Fall Safety Tip

### *Use Proper Lifting Techniques for Those Heavy Loads*

The fall season is often the time for "cleaning up" the landscape. A lot of work activities involve lifting heavy bags of clippings, leaves and trimmings from trees and hedges. Some large tree removal is also possible involving limbs and logs that are more than a one-person job.

Workers can easily get back injuries if they use improper lifting methods. So fall is definitely the season to concentrate on these proper lifting techniques. Experts suggest that by placing your feet apart with one foot slightly in front of the other that this will help avoid back injuries. Here are some additional suggestions:

- Bend with your knees, and lift with your legs.
- Keep your head up, and lift with one smooth motion.
- If you must turn your body with the heavy load in hand, shift your feet without shifting your body.

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