Scholarship Registration Now Open at NPGA

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Please note that our mailing address has changed to the following:
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Harry S. Lyons Scholarship Announced at NPGA Meeting in Portland, Oregon

See page 4
INDUSTRY PIONEERS PASS

Mr. Bledsoe Harwell

Age 89, of Carrollton, Ga, died October 15, 2013.

He is survived by his wife, Marilyn Rogers Harwell; sons and daughter-in-law, David Harwell of Griffin, Danny and Joyce Harwell of Bowdon Junction; grandson, Shane Harwell of Carrollton; step daughter, Sherry Vickers of Carrollton; brother, Robert Harwell and his wife, Polly, six grandchildren and nine great grandchildren. Besides his parents he was preceded in death by his son, Ricky Brown Harwell and daughter-in-law, Terry Lynn Harwell. Mr. Harwell was born in Carrollton, Georgia, on May 1, 1924, the son of the late Charlie Brown Harwell and Maudie Hughes Harwell.

He served in the U.S. Navy on active duty during WWII, and was a member of Beulah Baptist Church. When Bledsoe became a driver for Bremen Butane in Bremen, GA, a chain of events began that led to a lifetime devoted to the propane industry. In 1957, he and two brothers-in-law started Blue Flame Gas Company in Bowden Junction, Georgia. They purchased two used bobtails and bought a small piece of property on the railroad where the “Bowden-Doogie”, a small train engine, pulled the rail cars of propane in. They eventually split up the company and in 1966, Bledsoe opened Blue Flame Gas Company in Griffin, Georgia, where it remains today. David and Dan Harwell are the present owners of Blue Flame Gas Company.

In 1971, Bledsoe opened Alpine Gas Company in Carrollton, Georgia. Bledsoe was still working at Alpine the day he died. He had just finished working on a heater when he fell over at work. Bledsoe was rushed to the hospital but passed away that night at 10 pm. Even until the end he was doing what he loved.

Mr. Harwell was one of the pioneers of the propane industry in our area and was one of the hardest working individuals you could ever know. His career in the propane industry lasted approximately sixty one years.
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Advertising Rates and Policies
The Georgia Propane Marketer is published quarterly.
Ad deadlines are February 10, June 10, August 10 and November 10.
Circulation is approximately 650 including marketers, suppliers, wholesalers, distributors, regulatory and other industry related personnel. Costs listed below are per issue.

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Ad Deadlines are February 10, June 10, August 10 and November 10.
Circulation is Approximately 650 Including Marketers, Suppliers, Wholesalers, Distributors, Regulatory and Other Industry Related Personnel. Costs Listed Below Are Per Issue.
A new scholarship has been established in honor of Harry Lyons, President of LP Gas Insurance Specialists, and NPGA SE Director. The endowment requires $25000 of which over $5000 has currently been raised. Children of members of NPGA will be eligible from the states in the Southeast Region. They include: Georgia, Alabama, South Carolina, North Carolina, Florida, Mississippi and Tennessee. Anyone wishing to make a contribution can send a check payable to: NPGF, c/o Harry S. Lyons Scholarship. 1205 Johnson Ferry Road, Suite 136-453, Marietta, GA 30068. If you have any questions, please contact Jenni McKeen at gapropane01@comcast.net or 770-645-8677.

The Harry S. Lyons Scholarship ($1,000) will be endowed at the National Propane Gas Association for qualified students from the states of Georgia, Alabama, North Carolina, South Carolina, Tennessee, Florida and Mississippi.

All persons wishing to contribute to the scholarship should make their check payable to NPGF: c/o Harry S. Lyons Scholarship and mail to the address below.

Georgia Propane Gas Association, Inc.
1205 Johnson Ferry Road
Suite 136-453
Marietta, GA 30068
Phone: 770-645-8677
Fax: 770-645-8748
E-mail: gapropane01@comcast.net
Mark Delehanty has a friend who recently received a rather interesting – and somewhat amusing – phone call from an insurance company. The insurance company called to ask about an older-than-usual bobtail driver.

Says Delehanty: “The insurance company asked, ‘We see so-and-so is 72 years old. Can he still drive the truck?’”

The 72-year-old driver is very much still capable of handling a bobtail, Delehanty’s friend confirmed to the insurance company. But the fact that the driver is capable isn’t the point Delehanty takes away from his friend’s encounter over the phone.

Instead, Delehanty shares this story as a means to point out that the propane industry is one largely made up of older people. And, in some extreme cases like the 72-year-old bobtail driver’s, the industry is one that’s made up of some extremely old people by traditional working standards.

“If you look at a propane company, everybody’s old,” says Delehanty, a 37-year-old who launched his own propane business, Independence Propane, in Green Lane, Pa., last summer. “It’s kind of an elephant in the room for the industry, but there, I’ve said it.”

Although Delehanty says contributions from people like the 72-year-old bobtail driver are surely welcomed and appreciated, Delehanty believes the propane industry’s average age is a potential problem.

To address the issue, Delehanty, president of the Pennsylvania Propane Gas Association (PAPGA), formed a task force with others to develop strategies that can attract young people to propane careers. The task force, called Generation Next, had one meeting in the spring, and it planned to gather again for the association’s next meeting in the fall.

About 10 people are on the task force, Delehanty says, and it’s made up mostly of people less than 40 years old. The task force’s ultimate goal is to get more young people involved in management roles within the association and propane companies.

“If we don’t see a change or an influx of youth, it really scares me that consolidation will really start to roll,” he says. “You’ll have more accidents because of a lack of training and a lack of real-world experience. That’s what your older group of people has: the real experience.

“We want people to get involved in the industry so that 10 years down the road, when people are retired or have sold their businesses, there’s someone to step in.”

Delehanty adds that having fewer people involved in the propane industry means less time for training, which reduces efficiencies and subsequently forces companies’ costs to rise.

“If your costs go up, the price of propane goes up,” he says.

Delehanty doesn’t think there’s one defining reason why the industry isn’t as youthful as it once was. It’s probably an older industry, he says, for a lot of reasons. So the PAPGA task force is challenged with identifying the various reasons and developing solutions.

“What do we need to do to get people involved in their business
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and into the next level?” Delehanty asks. “Is it some kind of training? Is it sharing people, like taking Bob from ABC Propane and letting him spend two weeks at 1-2-3 Propane, and vice versa? Do we do things like that so people [remove] their blinders?”

Delehanty won’t go as far as labeling the industry’s aging issue as a major problem, but he’s definitely intrigued by potential solutions.

“I think some of it is the current generation doesn’t want to let go,” he says. “A lot of them are making money. If your business is making good money, why are you going to turn it over to your kids?”

About 10 years ago, Delehanty says, the heating, ventilation and air-conditioning (HVAC) industry faced the same questions propane currently does. The people working in HVAC were getting older, and the older people did not want to learn about new technologies.

Still, the HVAC industry recognized it was getting older, so it formulated strategies to get younger.

“They went to tech schools and sponsored [them],” Delehanty says. “They went to trade groups to get people involved. Today, those kids coming out of high school who are now 30 now have the training to work on the modern equipment – and the desire to be in the industry from the beginning because they started apprenticeship programs.”

Delehanty has ties to the plumbing industry, as well, and says it faced the same dilemma as the HVAC industry. Plumbers, however, didn’t do nearly as good of a job attracting young people as HVAC when a need presented itself.

“Everybody was getting old and they didn’t attack it the same,” Delehanty says. “The couple plumbers I know say the same thing – that kids don’t want to work. [I say] that’s because you’re not looking for the right kids.

“There are a lot of kids out there who want to work, but the generation today was brought up on a computer. Those kids don’t want to work [in a blue-collar industry], so you have to really search to find them. It’s up to the industry to go find them, not for those kids to seek out the industry.”

About the Author: Kevin Yanik.
Kevin Yanik is the managing editor of LP Gas Magazine. Contact him at kyanik@northcoastmedia.net or 216-706-3724.

If you enjoyed this article, subscribe to LP Gas to receive more articles just like it.
28 Members of Congress to Commerce Department: Lift PERC Restriction

On September 25th, twenty eight members of the U.S. House of Representatives sent a joint letter to the U.S. Department of Commerce regarding its ongoing restriction of PERC activities. The letter addressed the Department’s failure to complete updated price calculations in a timely manner and its failure to use the correct pricing data to perform the required calculations.

This letter was the result of NPGA members from across the country contacting their Members of Congress in Washington, D.C., asking them to sign the letter led by Representatives Peter Welch (D-VT) and Jack Kingston (R-GA). The final letter displayed the signatures of 8 Democrats and 20 Republicans from 18 states. Earlier this year, similar letters were also sent to the Department by two individual Members of Congress, Representatives Jim Gerlach (R-PA) and Kevin Yoder (R-KS), as well as a joint letter from a coalition of Missouri Congressmen. NPGA is confident that this strong, bipartisan support from Capitol Hill will draw the appropriate attention from the Department. Each day that passes is one less that PERC may promote propane to the public as a clean, abundant, American-made fuel with uses in homes, businesses, commerce and vehicles across the country.

For those who did not have the opportunity to contact their Representative before the Welch/Kingston letter was sent additional letters are welcome and needed to overturn the PERC restriction.

Please take a few moments to contact your Member of Congress and ask them to send a similar letter to the Department on your behalf. NPGA is ready to assist anyone who many need help with this. The Department’s restriction of PERC activities grows more harmful by the day, and overturning the restriction remains NPGA’s top federal advocacy priority.

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It gives me great pleasure to be this years GPGA President. I am excited about this opportunity of helping our Association help better your business and our industry. I have three goals this year that I hope to achieve.

Let’s start with number three first. Number three goal is to increase our autogas and engine fuel market. Our industry has made great strides in this segment now and we are seeing many Georgia propane dealers’ increasing their gallons in these various markets. Blue Bird is manufacturing close to 30% of their buses on propane now and their acceptance to propane has been greatly welcomed with diesel costs. Other fleet and on-road propane uses have now expanded. Off-road applications are now growing to propane. Landscape owners have seen their costs decreased dramatically with the use of propane mowers now. Irrigation engines are strongly finding their way into our propane marketplace as well.

We cannot ignore these opportunities.

My number two goal is to increase propane awareness amongst our elected officials. If you have never been to Propane Days in Washington, DC please try to take this advantage to where you can meet and discuss our industry and your business with your Representatives that serve in your District. Any town hall meetings that may be available in your town or community please try to attend and discuss your business and any industry concerns. You will be surprised how little our elected officials know about our industry.

The number one goal I hope to achieve is to increase our residential gallons. With lower costs in natural gas, mild winters, and propane price variations, our residential gallons have taken a big hit. While we must market our businesses differently now and “think outside the box” for other gallons, the residential market has been the backbone of our industry and the profit maker of our industry. I strongly believe despite various competitive issues we can do this.

GPGA has recently implemented a more aggressive rebate program to help you sell more appliances for residential use. Besides the new rebate program, please utilize PERC sites such as; www.propanemarc.com, and www.buildwithpropane.com.
**How Can I Donate?**

Visit www.npga.org to download a Donor Form, or send your donation to the National Propane Gas Foundation. Donations to the NPGF are tax deductible as charitable contributions. Contributions in any amount are gratefully appreciated. All levels of contribution receive special recognition.

**Donor Levels**

- **Platinum Donors:** $50,000
  Scholarships totaling $2,000 will be reserved for the child of one of the donor organization’s employees.

- **Platinum Plus Donors:** Additional $25,000
  Existing Platinum Donors can establish another $1,000 scholarship with an additional donation of $25,000 or another $2,000 scholarship (or two $1,000 scholarships) with an additional donation of $50,000.

- **Diamond Donors:** $50,000
  Scholarships totaling $2,000, but not reserved for a child of one of the donor organization’s employees.

- **Diamond Plus Donors:** Additional $25,000
  Existing Diamond Donors can establish another $1,000 scholarship with an additional donation of $25,000 or another $2,000 scholarship (or two $1,000 scholarships) with an additional donation of $50,000.

- **Gold Donors:** $25,000-$49,999
  Gold Donors can name a $1,000 annual At-Large scholarship in their company’s name, an individual’s name, or an Association’s name.

- **Silver Donors:** $10,000-$24,999

- **Patron Donors:** $1,000-$9,999

---

Dear Propane Industry Friends,

Think for a minute about the child of an industry employee who is a deserving student, yet may not be able to get an education beyond high school because the family lacks the necessary funds. What can we do to help this student further his/her education?

We hope that you will support continuing education and would like to join forces with us by lending your support to the industry’s Scholarship Fund, a division of the National Propane Gas (NPG) Foundation.

Please contact the NPG Foundation at scholarship@npga.org or call 202-466-7200 for information on how you can make a lasting difference in our industry and in the future of deserving scholars.

Sincerely,
The NPGF Scholarship Fund Committee

---

**The Foundation**

The National Propane Gas Foundation Scholarship Fund was created in 1994 to award higher education grants to children of National Propane Gas Association member company employees. The fund provides annual scholarships in the amounts of $1,000 or $2,000 to be used at vocational or technical schools, or undergraduate colleges and universities.

**Funding**

Scholarships are funded from Scholarship Fund endowments raised from contributions and then invested and managed by the NPG Foundation. The number of scholarships to be granted each year are determined by the current size of the endowment fund and the amount of interest generated.

**Application Process**

Applying for an NPGF Scholarship is easy! Visit www.npga.org/scholarship. There you will find information about the NPG Foundation and the online application.

Scholarships are available only to dependent children (natural born, stepchild, adopted, or children with legal guardians) of current employees of National Propane Gas Association (NPGA) member companies or state propane gas associations. Parents that are employed by NPGA member companies must be directly involved in the production, transportation, marketing, or distribution of propane; supplying goods or services to NPGA member companies; or supplying propane appliances to propane consumers.

**Eligibility Requirements:**

1. High school senior or undergraduate student with a grade point average of at least 2.6 (or equivalent).
2. Plans to be a full-time student for the upcoming school year in an undergraduate degree program at an accredited college or university, or enrolled in a vocational or technical school.
3. A dependent child of an employee of a member of the National Propane Gas Association. The parent’s/legal guardian’s work must be directly involved in the propane industry, and the parent/legal guardian must claim the applicant as a dependent on their federal tax return.

**Entry Requirements:**

1. An official application form (submitted online).
2. Two evaluation letters, submitted by the evaluators by email to scholarship@npga.org:
   - E-1 Evaluation letter from an adult not related to the applicant and who is not one of the applicant’s current or former faculty members.
   - E-2 Evaluation letter from any of the applicant’s current or former faculty members.
3. Official transcripts of all high school and college records (first semester college students need only send high school transcripts).
4. Authorization to release family financial information, located on the last page of the online application.

The application program begins August 15 and the application deadline, including receipt of all required documents by NPGF, is February 15 of each application year.
THE NATIONAL PROPANE GAS FOUNDATION SCHOLARSHIP FUND

The National Propane Gas Foundation Scholarship Fund was established to foster education opportunities for the children of National Propane Gas Association (NPGA) member companies by offering scholarships to colleges or vocational/technical schools. Since its founding in 1994, the fund has awarded over $1,165,000 in scholarships to nearly 730 students. The fund provides annual scholarships in the amounts of $1,000 and $2,000. Donor levels are as follows:

- **Platinum**: Donors contributing $50,000 - $74,999. One or more annual scholarships totaling $2,000 in the Donor’s chosen name is guaranteed to a dependent child of an employee of the donor, providing he or she meets the eligibility requirements. The donor may choose to provide one $2,000 scholarship or two $1,000 scholarships.
- **Platinum Plus**: With an additional donation of $25,000, Platinum donors will receive an additional $1,000 in scholarship funds. These funds can be used to award an additional $1,000 scholarship or added to existing scholarships at the discretion of the donors.
- **Diamond**: Donors contributing $50,000 – $74,999. One or more annual at-large scholarships totaling $2,000 will be guaranteed in the donor’s chosen name. The donor may choose to provide one $2,000 scholarship or two $1,000 scholarships.
- **Diamond Plus**: With an additional donation of $25,000, Diamond donors will receive an additional $1,000 in scholarship funds. These funds can be used to award an additional $1,000 scholarship or added to existing scholarships at the discretion of the donor.
- **Gold**: Donors contributing $25,000 - $49,999. Gold Donors can name a $1,000 annual scholarship in their member company name, an individual name, an association’s name or may choose to have an at-large scholarship. State associations may choose to have one $1,000 scholarship awarded to a student from that association’s state.
- **Silver**: Donors contributing from $10,000 to $24,999 towards an At-large scholarship.

CONTRIBUTIONS IN ANY AMOUNT ARE WELCOME!

The scholarships are financed by investment earnings on the endowment fund, which is specially earmarked and managed by the trustees of the National Propane Gas Foundation. The number of scholarships granted is dependent upon the size of the endowment fund and the investment earnings.

Scholarships are available only to dependent children (natural born, stepchild, adopted, or children with legal guardians) of current employees of National Propane Gas Association (NPGA) member companies or state propane gas associations. Parents that are employed by NPGA member companies must be directly involved in the production, transportation, marketing, or distribution of propane; supplying goods or services to NPGA member companies; or supplying propane appliances to propane consumers.

Continued on page 14
Revision to “Tank Vehicle” Definition Proposed

On September 26, 2013, the Federal Motor Safety Administration (FMCSA) published a proposed rule regarding its definition of “tank vehicle,” which is used for purposes of determining which drivers of such vehicles require a tank endorsement on their commercial driver’s license (CDL). This proposed rule seeks to codify 2012 regulatory guidance the agency issued following the promulgation of a final rule in 2011 related to, among other things, the definition of “tank vehicle.”

The FMCSA proposal states that a “tank vehicle” is any CMV transporting liquid or gaseous materials within a) a single tank of 1,000 gallons or more, or b) multiple tanks where the aggregated capacity is 1,000 gallons or more, regardless of whether the tank(s) are permanently or temporarily attached or secured to the vehicle or chassis.

Note that only tanks with a rated capacity of greater than 119 gallons are to be considered in determining the 1,000 gallon aggregate capacity threshold for a tank vehicle endorsement. Likewise, if a CMV transports one or more tanks that are manifested as either empty or as residue, those tanks shall not be considered for purposes of the aggregate capacity and tank vehicle endorsement.

The public comment deadline is scheduled for November 25, 2013. It’s unclear how many drivers in the propane industry, if at all, would be affected by this proposed change to the definition since many drivers in the propane industry already have both a hazmat endorsement and tank endorsement on their CDL.

If you have any thoughts or concerns on this proposal, please forward them to Robert F. Helminiak, Director, Regulatory Affairs at rhelminiak@npga.org so that we can prepare an appropriate response to FMCSA.
SCHOLARSHIP ELIGIBILITY

ALL CANDIDATES MUST MEET THE FOLLOWING CRITERIA:

- High school senior or undergraduate student. Have a grade point average of at least 2.6.
- Plans to be a full-time student for the upcoming school year in an undergraduate degree program at an accredited college or university, or enrolled in a vocational or technical school.
- A legal dependent of an employee of a member of the National Propane Gas Association. The parent or guardian's work must be directly related to the propane industry and the parent or guardian in the propane industry must claim the applicant as a dependent on his/her federal tax return.
- When an affiliated state or regional association is a Platinum Donor, the employee must also be a member of that association for the applicant to be eligible for that state's award.

AWARDS

Non-renewable scholarships of $2,000 and $1,000 per year will be awarded to students attending an accredited college, university, or school of vocational training on a full-time basis. Scholarships will be paid to the comptrollers of the schools the scholarship winners will attend.

DEADLINE

Applications must be completed online via the NPGA website, www.npga.org. The application period begins annually on August 15 and ends annually on February 15. The completed online application and all required supporting documents (two letters of recommendation and transcripts) must be received at NPGA by February 15. Applicants are required to provide family financial information as indicated on the online application form.

SCHOLARSHIP SELECTION

Criteria employed in judging the applications include, but not necessarily in order of priority, financial need, academic ability, completeness of application, civic activities, participation in extra-curricular activities, employment history (if any), and moral character. The NPG Foundation Scholarship Fund Selection Committee has sole authority for granting scholarship awards. All selections are considered final. All applications and attachments become the property of the NPG Foundation Scholarship Committee. Selections are made in early to mid-April. Those selected for scholarships and those who are not will be notified as soon as possible after the selections are made.

CONTACT INFORMATION:

Joanne Casey • Scholarship Foundation Manager • National Propane Gas Foundation
1899 L Street, N.W., Suite 350 • Washington, DC 20036 • Phone: 202-355-1328 • Fax: 202466-7205 • Email: jcasey@npga.org
Plaintiffs’ Perjury Dooms Alleged Defective Cylinder Suit Against Worthington Industries

A federal judge in California recently threw out a product liability lawsuit involving an allegedly defective cylinder containing “MAPP gas” (a combination of propane and methylacetylene-propadiene) manufactured by Worthington Industries because of numerous lies by the plaintiffs during their depositions.

On May 13, 2013, the Honorable Cormac Carney of the United States District Court for the Central District of California, Southern Division, granted Worthington Industries’ motion to dismiss after the two plaintiffs in the case both admitted to lying repeatedly during their respective deposition about their methamphetamine use.

The Incident

On April 4, 2008, plaintiff Brad Englebrick alleged he purchased a MAPP gas cylinder from Lowe’s store in San Dimas, California, for use with a torch he previously had purchased. Four days later, Mr. Englebrick and plaintiff Roxanne Hernandez were severely burned in a fire that occurred in their apartment in Santa Ana, California. They claimed the “air caught on fire” when Ms. Hernandez attempted to place a lit candle near the torch with the cylinder connected to it in their apartment. They further claimed that the flame burned back to a small propane cylinder connected to the torch.

Mr. Englebrick testified when the fire occurred, he tried to pick up the torch with the cylinder connected to it and it burned his hands, causing him to drop the torch with the cylinder connected to it onto the carpet. According to the plaintiffs, the cylinder then “fractured,” resulting in what they described as a “fire ball” that burned Mr. Englebrick. Both Mr. Englebrick and Ms. Hernandez managed to escape from their burning residence, but not before Mr. Englebrick was burned over 70 percent of his total body surface area. He was hospitalized for about six weeks, and his medical bills at the time of trial totaled about $2 million, and doctors estimated his future damages at $3 million. Ms. Hernandez sustained less severe injuries while jumping out of a window in the bedroom.

The Lawsuit

Mr. Englebrick and Ms. Hernandez hired attorneys from Southern California to sue Worthington Industries. Their suit was filed on November 26, 2008, in state court in California, but it was later transferred to federal court.

In their lawsuit, Mr. Englebrick and Ms. Hernandez claimed the cylinder attached to the torch was defective, and the defective cylinder was responsible for the fire and their resulting injuries. Specifically, they claimed a “brazed” bushing on the top of the cylinder was defectively designed and/or defectively manufactured. They further claimed the bushing “failed,” causing the mixture of propane and methylacetylene-propadiene to ignite. Worthington Industries answered the lawsuit by denying liability and asserting numerous affirmative defenses.

Worthington Industries specifically denied that its cylinder was defective and denied that the cylinder caused the fire or the plaintiffs’ injuries.

During the discovery process, attorneys for Worthington Industries uncovered numerous medical records referencing the accident being related to

Continued on page 24
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Georgia Propane Gas Association:

This bulletin will serve as an interpretation for the exemptions found in O.C.G.A. code section 25-15-16 (15) (b) (5).

Any pressure vessel used for storage of liquefied petroleum gas (propane) may be re-located in the State of Georgia and be considered under the exemption of O.C.G.A. 25-15-16 (15) (b) (5) provided all of the following are met:

1. The pressure vessel has a legible and legitimate data plate; and,
2. No modifications or alternations are performed on the pressure vessel; and,
3. The pressure vessel meets NFPA 58 code as adopted by this office.

Note: The pressure relief device must have a start to leak pressure setting of 250 psi.

Modifications or alternations for the purpose of this Code Section would consist of welding, cutting, container additions by adding a flange or fittings. (Changing vents or re-piping vents, re-plumbing piping would not constitute a modification or alternation.) If any of the modifications or alternations as described are being conducted, the pressure vessel would not meet the exemptions of code section 25-15-16 (15) (b) (5) and would be required to meet the provisions of Chapter 15 of O.C.G.A. Title 25 as applicable.

Chris E. Stephens
Deputy State Fire Marshal
Hazard Communication Standard Update

Workers have a right to know the chemicals that they are working with are safe, according to the Occupational Safety and Health Administration (OSHA) Hazard Communication Standard (HCS), called HazCom (29 CFR §1910.1200). On March 26, 2012, OSHA updated its HazCom Standard to become more aligned with the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The changes took effect on May 25, 2012. The GHS is an international approach to hazard communication, providing agreed upon criteria for classifying chemicals according to their health and physical hazards. The GHS also offers a standardized approach to label elements and safety data sheets.

The standard will be implemented piecemeal; an outline of the implementation dates is included here. OSHA believes the revised standard will improve the quality and consistency of hazard information in the workplace, making it safer for workers by providing easy to understand directions on the appropriate handling and safe use of hazardous chemicals.

The HazCom Standard contains a number of elements: hazard classification, safety data sheets (SDS), the written program, labels, and employee training.

Major changes to the HazCom Standard because of harmonization with GHS include:

**Hazard classification:** Provides specific criteria for classification of health and physical hazards, as well as classification of mixtures.

**Labels:** Chemical manufacturers and importers will be required to provide a label that includes a harmonized signal word, pictogram, and hazard statement for each hazard class and category. Precautionary statements must also be provided. An OSHA Brief on labels and pictograms can be found here:

Safety Data Sheets: Will now have a specified 16-section format. For more information, refer to this OSHA Brief on safety data sheets [http://www.osha.gov/Publications/OSHA3514.pdf](http://www.osha.gov/Publications/OSHA3514.pdf).

Information and training: The GHS does not address training. However, the proposed HazCom Standard requires workers be trained by December 1, 2013 to facilitate recognition and understanding of the new labels and safety data sheets. For more information, refer to this OSHA Brief on training requirements [http://www.osha.gov/Publications/OSHA3642.pdf](http://www.osha.gov/Publications/OSHA3642.pdf).

The HazCom Standard has staggered implementation dates to allow time for companies to comply with the requirements. The implementation dates are as follows:

### Implementation Dates

<table>
<thead>
<tr>
<th>Effective Completion Date</th>
<th>Requirement(s)</th>
<th>Who</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 1, 2013</td>
<td>Train employees on the new label elements and safety data sheet (SDS) format.</td>
<td>Employers</td>
</tr>
<tr>
<td>June 1, 2015</td>
<td>Compliance with all modified provisions of this final rule, except:</td>
<td>Chemical manufacturers, importers, distributors and employers</td>
</tr>
<tr>
<td>December 1, 2015</td>
<td>The Distributor shall not ship containers labeled by the chemical manufacturer or importer unless it is a GHS label.</td>
<td></td>
</tr>
<tr>
<td>June 1, 2016</td>
<td>Update alternative workplace labeling and hazard communication program as necessary, and provide additional employee training for newly identified physical or health hazards.</td>
<td>Employers</td>
</tr>
<tr>
<td>Transition Period to the effective completion dates noted above</td>
<td>May comply with either 29 CFR 1910.1200 (the final standard), or the current standard, or both.</td>
<td>Chemical manufacturers, importers, distributors, and employers</td>
</tr>
</tbody>
</table>

The final Hazard Communication rule can be viewed at [http://www.osha.gov/dsg/hazcom/HCSFinalRegTxt.html](http://www.osha.gov/dsg/hazcom/HCSFinalRegTxt.html).
Your time and needs are our first priority, so whether you need an updated pricing sheet, need literature for a customer after hours or need to check dimensions in an Owners Manual, our goal is to provide you the resources you need at any time.

- Pricing
- Literature
- Owners manuals
- Live Web Chat
- Place orders on line
- Check inventory
- Get tracking information
- Lose an invoice, simply print another one from our account management program
Medical Certification for Drivers

By January 30, 2014, Commercial Driver’s License (CDL) holders must supply their state driver licensing agency with a self-certification of the type of commercial driving they perform and a current copy of their medical certificate (often called the medical card).

Drivers will need to certify that they operate under one of the following four categories:

- **Interstate non-excepted**: Driver is an interstate non-excepted driver and must meet the U.S. Department of Transportation (DOT) medical card requirements (e.g. – “not excepted”).
- **Interstate excepted**: Driver is an interstate excepted driver and does not have to meet the DOT medical card requirements.
- **Intrastate non-excepted**: Driver is an intrastate non-excepted driver and is required to meet the medical requirements for his or her state.
- **Intrastate excepted**: Driver is an intrastate excepted driver and does not have to meet the medical requirements for his or her state.

The state driver licensing agency will maintain a record of the self-certification in the CDL data base allowing the driver to obtain certified medical status as part of his driving record. All CDL holders must maintain an up-to-date medical examiner’s certificate with their state licensing agency or they risk losing their certification and their CDL. There are no changes to the driver’s physical qualification requirements.

A DOT physical examination must be conducted by a licensed medical examiner which includes, but is not limited to, doctors of medicine, doctors of osteopathy, physician assistants, advanced practice nurses, and doctors of chiropractic. A DOT physical exam is valid for up to 24 months. The medical examiner may also issue a medical examiner’s certificate for less than 24 months when it is desirable to monitor a condition, such as high blood pressure.

If the medical examiner finds that the driver is physically qualified to drive a commercial motor vehicle, the medical examiner will furnish a copy of the results to the driver and complete a medical examiner’s certificate. To view a copy of the medical certificate, go to [www.fmcsa.dot.gov/documents/safetyprograms/Medical-Examiners-Certificate.pdf](http://www.fmcsa.dot.gov/documents/safetyprograms/Medical-Examiners-Certificate.pdf)

It is important to note, however, that until the program is fully implemented on January 30, 2014, the driver must carry an original or copy of the medical examiner’s certificate and provide a copy to his employer for the driver qualification file.

Motor carriers will be required to obtain a copy of the driving record that includes the driver’s current medical card status and place this document in the driver’s qualification file by January 30, 2014.

These requirements do not affect non-CDL holders who operate commercial motor vehicles between 10,001 and 26,000 pounds.

Crane Rule Update

On May 22, 2013, the Occupational Safety and Health Administration (OSHA) announced its intention to extend the compliance date for the crane operator certification requirement by three years, from November 2014 to November 10, 2017. OSHA said it is proposing the extension because the requirements may result in a disruption in the construction industry, and because the operator certification alone doesn’t guarantee the competence to safely operate cranes. The National Propane Gas Association (NPGA) has asked OSHA to rule that delivering a propane tank to a customer location is the same as delivering building materials, which is excluded from the scope of the rule. Likewise, NPGA has sought a similar exclusion from the scope of the rule for delivery of propane tanks.

The extension is a proposed change to a Final Rule covering Cranes and Derricks in Construction standard published August 9, 2010 by OSHA. The new requirements, under Subpart CC of 29 CFR Part 1926, contain many requirements relating to crane operations and maintenance, including a provision for crane operators to be third-party certified if operating a crane in construction applications. Prior to the extension, the standard required crane operators on construction sites to meet one of four qualification/certification options by Nov. 10, 2014.

The operator would be required to obtain certification from a third-party organization, which itself must be accredited by the American National Standards Institute (ANSI) or another accrediting entity. An equipment operator may be certified by an accredited crane operator testing organization, an audited employer program, the U.S. military, or through licensing by a government entity. The employer must provide the qualifications or certification at no cost to the operators. To earn certification, a student must pass a written test, and then pass a practical skills test within one year. Recertification is required every five years.

OSHA has proposed an extension to the compliance date for crane operator certification for two reasons. First, the regulation requires that operator certification be by type and capacity. but the two largest testing organizations have issued certifications by type, but not capacity, invalidating these certifications. The Agency is concerned that the large number of operators with invalid (for OSHA purposes) certifications, and the relatively short amount of time to obtain valid ones, may result in a disruption in the construction industry.

Second, the crane industry voiced concerns that operator certification alone does not provide sufficient demonstration or guarantee of competence to safely operate cranes. This view was clearly expressed at the stakeholder meetings OSHA held on this issue in April 2013.

Continued from page 10

These sites are filled with excellent marketing information and handouts for your residential customers or building contractors to help increase your residential gallons.

As we get closer to our busy season and year end, let us quickly remember our Georgia propane family members that have passed away from us this past year:

Harry Lyons
Faye Brown
Bledsoe Harwell
James Corbin
James Harper

We must never forget our people who have helped pioneer our industry and their many contributions.

In closing, again I am excited about helping lead our Association. I welcome any comments or concerns you may have. I am always available at:

rob hern@charter.net

or my cell at

770.468.4683

Sincerely,
Robert Hernandez
plaintiffs’ methamphetamine use. Numerous medical records also referenced Mr. Englebrick’s and Ms. Hernandez’s past methamphetamine use as well. Extensive written discovery and more than 80 depositions were taken in the case, resulting in record replete with documents and testimony inconsistent with plaintiffs’ claims on how the incident occurred generally and consistent with Worthington Industries’ defense that the fire resulted from plaintiffs’ methamphetamine use and their misuse of the cylinder. Significantly, Mr. Englebrick and Ms. Hernandez, during their respective depositions, both denied using methamphetamines on the day of the incident. They also denied ever smoking meth in the residence and denied ever using the propane-fueled torch to smoke meth. They admitted to using meth three days before the fire but denied being meth addicts.

The Trial

The case finally proceeded to trial on February 12, 2013, nearly five years after the fire. And during the second week of trial, Mr. Englebrick and Ms. Hernandez both admitted they made numerous false statements while under oath during their depositions. For example, Mr. Englebrick admitted he was a meth addict at the time of the incident, and so did Ms. Hernandez, despite their respective denials during their depositions. Mr. Englebrick also admitted at trial he had meth and drug paraphernalia in the bedroom of the residence when the fire occurred. At trial, Ms. Hernandez also admitted to using meth before the incident, despite her testimony to the contrary during her deposition. The plaintiffs’ admissions that they were not truthful during their depositions prompted the attorneys for Worthington Industries to request a suspension of the trial pleadings so that Worthington Industries could file a motion to dismiss based on perjury. Judge Carney agreed with the request. A briefing schedule was established, an evidentiary hearing was set, and oral argument was scheduled.

The Court’s Order

After considering the briefs, the evidence at the hearing and the parties’ oral argument, Judge Carney ruled in favor of Worthington Industries, dismissing the plaintiffs’ lawsuit. He found that the plaintiffs’ perjury went to the core of Worthington Industries’ defense and prejudiced Worthington Industries. The Court’s 22-page Order noted that Worthington Industries “developed a trial strategy to respond to Plaintiffs’ denials about their meth use and addiction. It did not prepare a trial strategy in which Plaintiffs’ meth use and addiction were a given.” But Judge Carney went further, calling the plaintiffs’ admitted perjury “truly extraordinary.” He noted that plaintiffs’ meth use and addiction were “essential” to Worthington Industries’ defense that they were under the influence of meth at the time of the incident and Mr. Englebrick’s misuse of the cylinder caused the fire. Judge Carney ultimately ruled: “Because of Plaintiffs’ lies, Worthington [Industries] had to spend hours and hundreds of thousands of dollars in attorneys’ fees to uncover the truth about Plaintiffs’ meth use and the potential cause of the fire. It is now impossible for the Court to believe a word that Plaintiffs have to say at trial about the fire or anything to do with it.”

Mark F. Krause is a partner in the law firm of Schlee, Huber, McMullen & Krause, P.C., in Kansas City, Missouri. Readers who have questions or comments may contact Mr. Krause at mkrause@schleehuber.com.
<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
<th>DESTINATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 4, 2013</td>
<td>Annual Christmas Luncheon</td>
<td>Capital Grille Perimeter Mall</td>
</tr>
<tr>
<td>January 21-24, 2014</td>
<td>Trainer’s Conference</td>
<td>NCPGA, Raleigh, NC</td>
</tr>
<tr>
<td>February 2-4, 2014</td>
<td>NPGA Board Meeting</td>
<td>Clearwater, FL</td>
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<tr>
<td>March 4, 2014</td>
<td>Propane Days</td>
<td>GA State Capitol</td>
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<tr>
<td>March 11-12, 2014</td>
<td>GPGA Board Meeting</td>
<td>Lake Blackshear</td>
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<td>March 12, 2014</td>
<td>HM126</td>
<td>To Be Announced</td>
</tr>
<tr>
<td>March 15, 2014</td>
<td>SARA Title III Deadline</td>
<td>Online</td>
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<tr>
<td>April 12-14, 2014</td>
<td>NPGA SE</td>
<td>World Congress Center</td>
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<tr>
<td>May 13-15, 2014</td>
<td>CETP Vapor Dist. 4.1</td>
<td>To Be Announced</td>
</tr>
<tr>
<td>May 20 &amp; 21, 2014</td>
<td>Sunbelt Workdays</td>
<td>Propane Building Moultrie</td>
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<tr>
<td>May 27-29, 2014</td>
<td>CETP Vapor Dist. 4.2</td>
<td>To Be Announced</td>
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<tr>
<td>June 2-4, 2014</td>
<td>NPGA Propane Days</td>
<td>Washington, DC</td>
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<td>June 10, 2014</td>
<td>Serviceman’s Training</td>
<td>To Be Announced</td>
</tr>
<tr>
<td>June 11, 2014</td>
<td>HM126</td>
<td>To Be Announced</td>
</tr>
<tr>
<td>June 12 &amp; 13, 2014</td>
<td>CETP Basic Principles</td>
<td>To Be Announced</td>
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<td>July 9-11, 2014</td>
<td>CETP Propane Delivery</td>
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<td>July 20-23, 2014</td>
<td>GPGA / SCPGA Convention</td>
<td>Hilton, Myrtle Beach, SC</td>
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<td>August 12-14, 2014</td>
<td>CETP Plant Operations</td>
<td>To Be Announced</td>
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<tr>
<td>September 10, 2014</td>
<td>HM126</td>
<td>To Be Announced</td>
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