



The Risk Resource

A publication of the F&P Risk Control Department.

GET EVERYONE ON THE SAME PAGE

Every Employee Needs to Be Able to Answer These Six Questions in an Emergency

Courtesy of OH&S Magazine

Performing the same action repetitively promotes muscle memory. Musicians and athletes often use the technique to help perfect certain skill sets. Facilities can use a similar training strategy to make sure that everyone knows exactly what to do when there is an emergency.

Even though it typically interrupts everything, increases the production manager's blood pressure, and makes employees roll their eyes every time there is a drill, going through emergency response exercises regularly helps everyone to know instinctively what to do. An employee who inherently knows what steps need to be taken when an alarm goes off or when something unanticipated happens is less likely to panic, freeze, or do something unexpected.

Whether the facility calls them emergencies, accidents, disasters, or incidents, they all share a commonality: According to most preparedness experts, although they are unplanned, emergencies are predictable. Facilities located in coastal areas can expect flooding and hurricanes. Facilities with machines can expect them to break down. Because emergencies are predictable, plans can be put in place and properly communicated through training so that everyone is prepared and knows exactly what actions to take when they do occur.

Preparing employees involves more than pointing to the nearest illuminated exit sign and hoping they'll remember that when an alarm goes off in five or six years. Employees who experience drills

regularly and can answer these six questions will be better prepared to handle emergencies and to take the correct actions.

1. What is an emergency?

Less than a generation ago, the definition of an emergency could be segmented, depending largely upon a person's isolated perspective. For example, to an office worker, it may be someone having a heart attack. To the plant manager, it may be an entire line unexpectedly shutting down. To a spill responder, it may be a spill threatening to leave the boundaries of the facility. Acts of terrorism and natural disasters were rarely even considered.



Now, planning for emergencies needs to encompass many different scenarios: from first aid to rescue operations; from chemical spills to fires and explosions; from natural disasters to active shooters and other forms of terrorism. Recognizing that emergencies can take many different forms and identifying the scenarios that may affect the facility are vital steps in emergency planning and education.

Each facility will have a unique set of emergencies. Recognizing what constitutes an emergency allows steps to be taken to mitigate and plan for those emergencies. They are also in a better position to help employees understand how those emergencies may affect them and what actions they need to take when something unexpected does occur.

2. What is an emergency action plan?

Emergency action plans are required by a number of different OSHA regulations. Well-prepared plans outline the facility's procedures for reporting emergencies, document emergency evacuation and exit routes, and list methods for accounting for everyone after an evacuation. They also document procedures for employees who will remain to operate critical plant processes before evacuating and for anyone who will perform rescue or medical duties in an emergency.

Simply knowing that there is a plan is an important first step. Employees should know where to access copies of the plan and understand how it helps to keep them safe when there is an emergency.

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3. Who is in charge?

Roles and responsibilities can be different during emergencies. While a president or vice president may customarily make decisions concerning purchases, operations, or other functions, this individual may not be the primary person in charge when there is an emergency.

Even for employees whose only role in an emergency is to pull an alarm or evacuate, knowing where to go and whom to report to after they evacuate is vital so that evacuation coordinators know not to send someone into the building to look for them. Employees who will take response actions need to know where to report and who is in charge of response planning and operations. Establishing clear lines of authority and communicating those lines of authority helps to avoid chaos and keep responsibilities within everyone's span of control.

4. What exactly do I need to do when there is an emergency?

No matter what the scenario is, well-trained employees who are comfortable performing their expected duties should be able to handle emergencies instinctively. Whether they are evacuating when they hear an alarm, providing first aid, cleaning up a chemical spill, or sheltering in place, the actions that need to be taken should be second nature.

Each employee should, at a minimum, know at least two ways to get out of the building, where to go once they exit the building, and whom to report to. Employees with critical roles or tasks should be able to perform them as if they occur every day.

Evaluate every drill and encourage feedback. Observe employees who have response roles. Can they perform the roles comfortably? What worked well? What didn't? Working through issues before there is an actual emergency is far better than having someone not be able to perform necessary duties in a crisis situation.

5. Who can talk to the media?

During an emergency, the media can be a blessing or a curse. It sometimes seems as if journalists have a knack for finding the least-knowledgeable person to quote or feature in their news segments. Having a media plan that includes the names of facility personnel who will speak with media representatives as well as policies for posting information on social media can help avoid information leaks and the potential for misinterpreted or conflicting messages reaching the public.

Media plans should establish policies that direct which individuals are permitted to speak to the media or post information to social media on behalf of the facility. Also, they should document a means of handling media requests for quotes or other information. Because even "no comment" can be misinterpreted, teaching employees to say "Please contact (name) for more information" or something similar will help to channel requests to personnel who have been trained to work with the media and are in a position to provide accurate information.

6. How is my facility going to recover from this?

This may not be a question after every emergency, but it will likely be a question after a widespread natural disaster, a significant fire, or a large chemical release. At the most basic level, employees simply want to know if they will have a job tomorrow.

Facilities with business continuity plans will be able to answer that question because procedures already have been established to rebuild, reestablish, and regrow the facility with the least amount of interruption and in the shortest amount of time. Robust plans even will establish roles and responsibilities for groups of employees and account for employees who may need to take time to repair or rebuild their own homes or attend to other family matters before returning to work.

An Eye Toward the Future

It can be hard to shift from the "Ugh--not another drill" mindset. Drills are

disruptive, and it's easy for them to become routine with everyone simply following the masses of people headed out the nearest door. But until everyone is as comfortable performing their expected duties as they are signing their name, improvements or changes to the plan may still be needed to help with comprehension and comfort levels.

Involving employees in planning efforts can help teach them why drills are important and encourage understanding. It also can help them become leaders, encourage safe behavior during an emergency, and remind others of their roles until everyone is on the same page.

WARNING SIGNS OF WORKPLACE VIOLENCE

In a perfect world, employers would filter out high-risk workers during the hiring process.

Courtesy of EHS Today

In reality, of course, screening job candidates for the potential to commit an act of workplace violence is difficult, if not impossible. Still, employers can educate their supervisors and others in the organization to know when a worker is on the brink of a breakdown.



Armistead Whitney, CEO of the Atlanta-based business-continuity firm Preparis Inc., advises employers to keep an eye out for workers who:

- **Are visibly upset over recent events or a personal crisis.** "It could be the death of a loved one," Whitney explains. "It could be that they're going through a recent personal change like a divorce. It could be any type of personal crisis that the employer isn't necessarily required to know about."
- **Are abusing drugs or alcohol.**

“Obviously, that could cause depression and mental instability,” Whitney says.

- **Make threats or frequently hold grudges.** “An example would be when someone says, ‘I can’t believe that manager passed me over for that promotion. I’m really upset. I could cause harm to that person.’”
- **Express a deep fascination with weapons and violent media.** “Having a lot of weapons is not necessarily a sign of workplace violence,” Whitney explains. “Having a lot of weapons and talking about them frequently – and maybe talking about how the weapons could be used to harm others – is a sign that there could be a potential issue.”
- **Are known for stalking or making co-workers feel uncomfortable.** “It could be a love-interest situation within the workplace, and that’s something that can bubble over [into violence].”
- **Isolate themselves from others.** “In and of itself, [being a loner] is not a big issue,” Whitney explains. “But if you combine someone who’s an over-the-top loner with someone who holds a grudge and has weapons and talks about them frequently, that’s a big sign.”

One of the key takeaways: Employees’ personal issues tend to bleed over into their work lives.

“Something that happens at work, in and of itself, might not trigger the event,” Whitney says. “It could be the culmination of someone’s personal travesties, and the work environment triggers [the employee] to do irrational things.”

Incivility (gossiping, texting in meetings, withholding information, ignoring or showing a general lack of respect for others) often is a precursor to violent behavior, professors M. Ann McFadyen and James Campbell Quick have found in their research on workplace violence.

“Research indicates that while not all acts of incivility lead to violent acts, all violent acts in the workplace were preceded by acts of incivility,” McFadyen says.

HOW TO SURVIVE AN OSHA AUDIT

Courtesy of OH&S Magazine



Hello. I’m from OSHA, and I am here to help you.”

If you own or operate a business, chances are very good you’ve heard these dreaded words before. Next to, “Hello, I’m from the Internal Revenue Service,” there are few greetings more inclined to make your knees weak. But it doesn’t have to be that bad.

Even with the 7 million workplaces that it covers each year, OSHA will most likely find its way to your location. When it does, here are some tips to help you survive your OSHA audit.

Plan for an inspection by making sure you have three key items in place prior to the arrival of the OSHA compliance officer (CO):

1. A determination whether you will ask for a warrant
2. A form to document what occurs during the inspection
3. All pertinent documentation, such as written programs, training records, inspection records, etc.

We recommend you do not require the CO to obtain a warrant before entry unless you need to gain time, such as when a manager or counsel needs to be present. It is your legal right to ask for a warrant, but this might trigger a stricter audit (and raise possible red flags). It’s wiser if you simply work with the inspector. Answer questions honestly and fully, but don’t offer additional information unless it will help you avoid citations. Cooperate as long as the inspector remains ethical and reasonable.

Be prepared. These inspections are without notice, so you will want to have all information readily available in anticipation of an impending audit. Here are some items to have prepared:

- Assignment of responsibilities, to include a “greeting team” to meet the CO
- Documented training logs
- Recordkeeping
- Equipment inspection records
- Safety and health policies
- Review of insurance and third-party audits
- Hazard assessment and abatement
- Review of previous audits and citations

It is also wise to have a form available to record the inspector’s actions and comments during the inspection. This information will help you understand what transpired and will assist your attorney, should you contest the citation or penalty. Items you should record on this form include:

- The inspector’s name and office telephone number
- The documents that the inspector reviewed and copied
- The attendees at the opening and closing conferences
- The areas that were inspected
- The employees and union representatives who participated
- The dates and times when the inspector was on site

Document Review

Almost all OSHA inspections begin with a review of written documents. These documents include your injury and illness records, safety manual, OSHA-required programs, OSHA-implied programs, safety procedures, and training records.

There are many records and written programs that OSHA does not specifically require to be in writing, but you should have them anyway. These documents are referred to as OSHA-implied records. For example, although OSHA requires every employer to conduct frequent ladder inspections, there is no specific requirement to keep a written record of ladder inspections. The written record in this case could be a log of all ladders with initials and dates of inspection or a tag attached to the ladder with spaces for the inspector to initial and date.

Just to get you used to what you're in store for, we'll walk through a mock OSHA audit:

1. The knock at the door. We recommend escorting the compliance officer to your office or waiting area. This will give you time to gather your documents and the "greeting team" to accompany the CO through the inspection.
2. The opening conference. The officer will explain why OSHA selected your workplace for inspection and describe the scope of the inspection. Have your "greeting team" here to accompany the CO during the inspection. Make sure you set ground rules for the inspection, get a copy of the complaint if applicable, treat the CO in a professional fashion, coordinate with on-site contractors and vendors, bring up any trade secret issues you may have, but don't volunteer any information unless asked.
3. The walk-around/inspection. Make sure you have an employee representative attend the entire inspection and take accurate notes on areas reviewed and all discussions and comments from the CO, as well as any photos, videos, air monitoring, etc. Keep in mind that whatever is in the CO's sight is subject to inspection. But maintain control. Remember, it's your facility and you have rights. Don't be bullied, but also don't try to talk your way out of an apparent hazard. It will not help and probably will make it worse. Above all, don't destroy evidence. The CO also may want to interview employees; make sure to schedule these away from your work area. It's up to your hourly employees whether they want company representation during the interview. Advise the employee of his/her rights, your appreciation of their cooperation, and to tell the truth. Be aware that employees do have whistleblower rights. As for management and supervisor interviews, always have another management person/counsel present during the interview. If there is a fatality investigation, your attorney always should be present. No tape recording is permitted, and you will

need a signed statement upon completion.

4. The closing conference. During the closing conference, the CO will review any apparent violations and discuss possible methods for correcting the violations within a reasonable time period. The CO will explain that the violations found may result in a citation and a proposed financial penalty, then describe the employer's rights and answer all questions. Remember, this is not a time for debate --the law requires OSHA to issue citations for safety and health standards violations. The citations include:
 - A description "with particularity" of the violation
 - The proposed penalty, if any
 - The date by which the hazard must be corrected

Citations are usually prepared at the local OSHA office and mailed to the employer via certified mail. OSHA has up to six months to send a Notice of Penalty. Employers have 15 working days upon receipt to file an intention to contest OSHA citations and/or to request an informal conference with the area director to discuss any citations issued.

Common causes to dispute citations include:

- The citation is false.
- The citation's dollar penalty is excessive.
- You disagree with the citation's contention that the danger was real, serious, and that an accident was likely to occur.
- The contention that you are responsible for causing the unsafe conditions.

Finally, contesting may not relieve you completely of a penalty, but it may help you negotiate a lesser fine. Contesting is usually a good idea. OSHA typically negotiates with employers to a lesser penalty amount.

There is no way to avoid an OSHA audit, much as there is no way to avoid having a root canal. But similarities aside, you can lessen the pain by being well-prepared.

DOT CHANGES WORKWELL ADVISEMENT LETTER

By Steve Pottenger, CEO, Workwell

Note: Workwell is taking the proactive stance to incorporate changes sooner rather than later and much of the information listed is a policy stance we are taking. Meaning, there may be other providers not following the DOT recommendations yet they may still be in compliance with DOT/FMCSA rules.

Effective May 21, 2014, interstate commercial vehicle (CMV) drivers can no longer get a valid medical certificate from just any healthcare provider. Instead, CMV driver examinations can only be completed by Certified Medical Examiners (MEs) listed on FMCSA's National Registry. In order to provide you the highest level of care and convenience, all medical



providers at Workwell Occupational Medicine locations are Certified Medical Examiners for your DOT needs.

For certain medical conditions, the new guidelines being recommended by FMCSA will require any employee needing a DOT Card to be prepared to provide additional Medical Records and complete further testing in order for Workwell Medical Providers to issue a DOT Card. We anticipate, in some instances, additional time and effort will be needed to complete the process of a DOT Physical so it is important to communicate to your employees to come prepared for their DOT physical examination. The initial DOT Physical fee will remain \$70. However, if any applicant does not have the requested information and has to return for the completion of the DOT Medical Exam to receive a DOT Card, there will be an additional \$45 fee.

Per the new 2014 DOT Medical Guidelines, if the driver applicant has any of

the following conditions, they will not be able to receive a new DOT Card unless they provide the listed documentation:

1. Sleep Apnea: the doctor will need a letter within the year from the sleep physician stating that you comply with treatment including a yearly sleep study report, and are safe to operate a DOT vehicle. If you have a CPAP or BPAP, documentation of your compliance/ use is needed, along with the AHI number (ideally less than 5. Can be considered by the physician if less than 10).
2. Elevated Blood Pressure: no letter is required just good control with a list of your current medications and dosages. Your B/P needs to be at or below 140/90. Please avoid caffeinated beverages and / or energy drinks the day of the exam.
3. Cardiac Problems:
 - Post MI, angina pectoris, Post PCI: Re-certification: Annual with Exercise Tolerance Test (treadmill) at least every 2 years. Need documentation of this testing.
 - Post CABG: Re-certification: Annual. After 5 years, annual ETT (treadmill).
 - If you have had heart surgery, or a stent placed you will need to bring a letter from your cardiologist addressing stability and ability to operate a motor vehicle. Also with any heart surgery, or myelopathy you must bring in a documented ejection fraction reading of greater than 40%.
4. Diabetes: you need to bring a hemoglobin A1C from within the last 3 months indicating a level of 7.0 or less. If you are an insulin dependent diabetic, that is an automatically disqualifying condition unless you

have a waiver from the State or FMCSA which would allow for interstate driving.

5. Depression or other Psychiatric Health Issues: please bring a note from the treating physician dated within the year, stating you are in compliance with treatment and safe to drive a DOT vehicle.

Please note that the following medical conditions have a mandatory waiting period where we are unable to certify:

- Coronary Artery Bypass - Minimum 3 months wait period
- Heart Valve Replacement- Minimum 3 months wait period
- Cardiomyelopathy must have ejection fraction greater than 40%
- Implantable defibrillators- No certification unless have waiver from state
- Syncope- No certification unless have waiver from the state
- Heart Transplant- 1 year wait period
- Angina- Symptom free for at least 3 months
- Heart Attack- Minimum 2 month wait period
- Pulmonary Embolism- Minimum 3 month wait period
- DVT- At least 1 month of stability on blood thinning medication
- Sleep Apnea- 1 month wait after start of CPAP, 3 month wait after surgery for OSA
- Narcolepsy- No certification
- Epilepsy/Seizures- No certification unless 5 years seizure free w/o medications
- Stroke- 1 to 5 year wait period dependent on site and seizure risk
- TIA- 1 year wait period
- Schizophrenia- No certification

At Workwell Occupational Medicine, we are committed to creating a quick, convenient, and valued service for your business and employees. We understand that these new guidelines and recommendations will impact us all and we appreciate your patience and understanding as we implement these changes. I would like to offer a few tips to minimize the impact upon your organization and CDL holders:

1. **Schedule Early.** Have your CDL holders certify, or re-certify, with plenty of time to accommodate some of the changes in medical guidelines that may require additional testing. We suggest beginning the process 6-8 weeks prior to the expiration of the holder's DOT card.
2. **Be Prepared.** We ask that you communicate with your DOT applicants about these recent changes to ensure that they come prepared for their visit. By sharing this information with your CDL holders, we can minimize unbudgeted costs and disruption to everyone's schedules.
3. **Be Patient.** As your trusted corporate medical care provider, we ask for patience and consideration as we navigate these new recommendations and challenges. Our nation is trying to make our roads safer and while we anticipate some 'bumps in the road,' we will be diligent to deliver the highest level of care and service that you have come to expect from Workwell.
4. **Communicate.** Should you have any questions or comments, please contact your local Workwell Occupational Medicine office and speak to the Office Managers. They are at your service.

SAVE THE DATE—17th Annual F&P Risk Control Symposium

Friday, October 3, 2014 from 7:30 am—3:00 pm
Embassy Suites Hotel, Loveland

Includes keynote speaker, breakout sessions, exhibitors, networking and giveaways.
More information and an invitation to come.



CLIENT SPOTLIGHTS

ALL-PHASE CONCRETE CONSTRUCTION

Courtesy of Concrete Construction

A relatively young company, All-Phase Concrete Construction does it all, from architectural concrete walls and tilt-up concrete, to parking garages and general construction. This family-owned business operates in Colorado and Wyoming and its 130 employees are a point of pride. “They are what set us apart from our competitors,” says vice president John Hoffschneider. “We have an incredible team of people who are masters of their trade.”

The challenges of concrete construction in this fast-paced and financially driven market aren’t an issue for All-Phase or its employees. Hoffschneider boasts that his employees are incredibly loyal, having weathered the downturn of the economy, and are the main reason the company will continue to grow and be successful for years to come.

Taking care of its employees is a priority for this contractor, and ensuring they are all aware and capable of staying safe comes as no surprise. Every new hire working in the field is required to complete 10 hours of OSHA safety training (30 hours for supervisors). And everyone participates in follow-up classes that may pertain to a specific job or piece of equipment they will be operating.

All-Phase has worked on some challenging projects in its 20 years, including the University of Denver stadium. “The job posed a logistical challenge because school was in session and it had to be done ahead of schedule so they could host the opening season lacrosse game,” says Hoffschneider. The crew poured 2,000 feet of 24-foot-high walls in nine weeks.



The contractor’s long-term goal is to venture into new states, but to grow at a steady, manageable pace. “We are concentrating on the area that we do well and can be most profitable,” says Hoffschneider. As the busy season approaches, All-Phase plans to increase its workforce to 200 employees, growing stronger and ready to welcome new challenges.

BRINKMAN CONSTRUCTION RECOGNIZES HOLSINGER DRYWALL

By Mike Tonniges, Brinkman Construction

Brinkman Construction recognized Holsinger Drywall as the 2014 “Top Gun” Safety Award winner at their annual Subcontractor Appreciation and Safety Breakfast on June 12th. Brinkman presents this annual award to the safest subcontractor for the year, as nominated by Brinkman Superintendents and Project Managers. Holsinger Drywall was chosen based on their commitment to safety and their exemplification of the same “Zero Accident Safety Culture” Brinkman upholds. Holsinger’s dedication is demonstrated through their employees’ thoughtful approach to safety and their proactive communication of site-wide hazards and issues that need recognition. The company’s employees utilize their safety training on jobsites through conscious work practices and maintenance of a clean work environment.

Brinkman would like to recognize and thank Holsinger Drywall for their commitment to and efforts in safety, helping Brinkman achieve a “Zero Accident Safety Culture.”



Pictured Left to Right: Bart Goodrich, Doug Kirby, Blaine Mulnix, Pat Hess

COLORADO CRUDE CARRIERS

By: Rick Jenkins, Flood and Peterson



At the Colorado Motor Carriers Association Annual Safety Award Banquet in April, Colorado Crude Carriers received the prestigious “Workplace Safety Award”. Owners, Rod and Karen Steely, are passionate about providing their employees a safe work environment. They have consistently attended Flood and Peterson safety symposiums and outreaches, and have partnered with their insurance companies to advocate safety at all levels of their organization.

Colorado Crude provides crude oil hauling services to the oil industry. They are leaders in their industry. Rod and Karen started with one truck tractor in 1992 and have grown to over 35 tractors today. Colorado Crude has been a client of Flood and Peterson since 1995 with an extraordinary safety record and loss ratios. Rod and Karen feel the keys to establishing a safety culture in a company are: Carefully hiring the right employees, training the employees to do

their tasks safely and constantly reminding employees of the importance of safety to them and to the reputation of your company.

What we are most proud of for Rod and Karen is their involvement in water safety. Due to the loss of their son Aaron to a Jet Ski accident, they formed the Aaron Foundation and travel throughout the country promoting boating safety. They have turned their tragedy into a positive. We admire them greatly!

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GRILLING SAFETY

Summers Mean Backyard Grilling—Safely!

Courtesy of Safeco Insurance

Just like hamburgers and hot dogs, a sizzling grill is a symbol of summer and grilling isn't just about great food. Backyard barbecues often create treasured memories with friends and family.

Keep in mind, however, that when you grill, you're literally playing with fire. Thousands of residents each year learn this the hard way, suffering damage to their homes or even serious injuries in grilling accidents.

There's good news, though: You can prevent grilling accidents by taking some simple precautions. The tips below can help ensure you cook only your burgers — and not your house — the next time you fire up the grill.

TIPS FOR ALL GRILLS

- Your grill, whether gas or charcoal, should be on a level surface outdoors, away from anything that could be ignited by flames (bushes, fences, etc.).
- NEVER use a grill indoors. Odorless carbon monoxide fumes could kill you.
- Keep your grill clean and well-maintained. Check parts regularly to determine if replacements are needed.
- Never leave a hot grill unattended or let children play near it.

CHARCOAL GRILL TIPS

From Kingsford.com

- Do not add lighter fluid directly to hot coals. The flame could travel up the stream of fluid and burn you.
- Never use gasoline or kerosene to light a charcoal fire.
- Use flame-retardant mitts and long-handled barbecue tongs, as coals can reach up to 1,000 degrees.
- To dispose of coals, allow the ashes to cool for at least 48 hours before disposal in a non-combustible container. If you cannot wait 48 hours, carefully place coals individually in a can of sand or bucket of water.

GAS GRILL TIPS

From the National Fire Protection Association

- Check your grill's hoses for leaks before using it for the first time each year. Apply a light soap and water solution to the hose. A propane leak will release bubbles. If you have a leak, and it will not stop after the grill and gas is turned off, call the fire department. If the leak stops when the grill and gas are turned off, have your grill serviced by a professional.
- If you smell gas while cooking, immediately get away from the grill and call the fire department. Do not move the grill.
- Do not keep a filled propane tank in a hot car or trunk. When getting containers refilled, make that your last stop before going home.
- Store propane tanks in an upright position, and never indoors.

From all of us at **Flood and Peterson**, happy grilling, and stay safe this summer!



UPCOMING EVENT

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About F&P's Risk Resource

The Risk Resource is published quarterly by Flood and Peterson and is committed to providing current information to assist our clients in achieving their risk control goals. If you have any questions, or suggestions, regarding this newsletter please contact the

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