



# PALICA

# NEWS

Land Improvement Contractors of America • Pennsylvania Chapter

## Spring 2016 Publication

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Joanie Micsky

775 Mercer Rd, Grvl, PA 16125

724-866-1082 or 724-588-1954 or  
[Pennsylvanialica@gmail.com](mailto:Pennsylvanialica@gmail.com)

## Dates to Remember

2016 National Summer Meeting  
Kansas City, Missouri  
July

\*\*\*\*\*

PALICA Board Meeting  
Tentative Date: May 14, 2016

\*\*\*\*\*

Winter 2017 Convention—Con-  
Expo—Las Vegas, NV  
March 7-11, 2017

## IMPORTANT

## OSHA!

## UPDATE!

**If you read nothing else in this publication, read the following article regarding OSHA and their planned fine increases coming this August!**

OSHA fines will increase for the first time in a quarter century, under a provision in the recently signed congressional budget. Congress passed the budget agreement, which contained a provision permitting OSHA to raise fines significantly, starting in August 2016. OSHA fines could increase over 80%!

The “Federal Civil Penalties inflation adjustment Act of 1990” exempted OSHA from increasing its penalties to account for inflation. The new budget, signed into law on November 2 by President Barack Obama, contains an amendment that strikes the exemption.

The law permits a one-time “catch up” increase up to 82%, since the fines have not been raised since 1990. This “catch-up” amount is tied to the inflation rate from 1990 to 2015. After that, the maximum penalties would increase with the inflation rate every year.

### This would have the following effect:

<u>Citations</u>	<u>Current Max</u>	<u>With “Catch-Up” Increase</u>
Other than serious	Up to \$7,000	<b>Up to \$12,740</b>
Serious	\$7,000	<b>\$12,740</b>
Repeat	\$5,000-\$70,000	<b>\$9,100-\$127,400</b>
Willful	\$5,000-\$70,000	<b>\$9,100-\$127,400</b>
Failure to Abate	\$7,000/DAY	<b>\$12,740/DAY</b>

While OSHA has the option of implementing an adjustment less than the maximum amount, Assistant Secretary David Michaels has pushed for years to increase maximum penalties so it seems unlikely that they would not take full advantage of the increase.

Based on the impending increase to OSHA fines (which would also be required of approved State Plans as well), employers are well advised to audit their compliance with applicable OSHA regulations to ensure that programs, policies and trainings are all up to date.

**Get your LICA Safety Manual out and utilize it daily for your own protection. It is designed to be your individual company safety program or a supplement to your existing program. It contains toolbox talks, equipment and jobsite inspection forms and MUCH MORE! If you did not receive one upon joining PALICA, call Executive Director Joanie Micsky about getting one at 724-866-1082.**

**(SEE STORY OF PAVER WHO WAS FINED BY OSHA-PAGE 2)**

## PRESIDENT'S MESSAGE:

Hello fellow PALICA members,

I would like to take this opportunity and thank everyone that attended the Winter Convention in Harrisburg. We had some great classes with a wealth of information, met a lot of great people, and I am honored to be your new president. I have some very big shoes to fill but look forward to the challenge of growing the Pennsylvania chapter of LICA. As we get Spring started, please remember to work smart & safe. Happy Spring!!!

Newly Elected President,

Steffanie Adams

## WELCOME PRESIDENT STEFFANIE ADAMS!



***Put your dues to work for you... use your benefits!***

## WESTERN PA PAVER FACES FINES OF \$19,000!

(taken from March 29, 2016 edition of the Sharon Herald)

**Meadville, PA**—A Mercer County paving company who was working on building a parking lot where a parking garage once stood in downtown Meadville, has been accused of safety violations that could result in nearly \$19,000.00 in federal fines. The violations include one willful and two serious violations. The parking garage demolition was originally scheduled to be completed by July 18, 2015. The completion date was pushed back to late September after the company accidentally cut 100 feet inside the support walls instead of the outer part of the walls of the parking garage. OSHA investigators found the company exposed workers to the risk of a cave-in for four days while they installed the catch basins. Workers were inside the unprotected excavation at least 7 feet deep with steep, vertical walls according to OSHA. The article goes on to say that the “employees did not receive specific training on excavation hazards.” Work operations that were being performed in conditions seven feet deep included shoveling dirt and rock out of the excavation. That citation carries a penalty of \$2,800.00. The second serious violation states that the same “employees were working in the seven feet deep



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excavation without a ladder or other adequate means of egress from the excavation.” This citation carries a fine of \$2,000.00. Though the owner said the workers were only “in and out,” a collapse could have easily happened within that amount of time. The third, and most expensive of the violations, states “employees were in an excavation, performing work including troubleshooting objects impeding the backhoe, removing old footers, determining how the set basins and shoveling dirt and rocks.” That citation carries a fine of \$14,000.00.

The company has 15 days to choose a response to the OSHA citation, equating to \$18,800 in fines. A company has the choice of three different options in cases such as these; the first being discussing the citations with the area OSHA director, which is the one this company chose. ***Said “paving company exposed its employees to dangerous excavation hazards that could have been deadly in a cave-in” said Thera Naim director of OSHA’s Erie area office. “Without the proper protection, a trench can quickly become a grave for workers. OSHA will not tolerate when an employer fails to ensure the safety and health of its employees.”***

# WELCOME:

## Contractors:

Penn Quaker Site Contractors Inc.  
Larry Anthony  
487 Jacobsburg, Rd  
Nazareth, PA 18064  
610-837-4131

### Work Categories:

Excavating/Grading, Land Leveling and Open Ditch Work

*A WARM WELCOME TO  
OUR NEWEST MEMBERS*

## Company Associates:

Northland Trenching Equipment LLC  
Jason Bleach, President  
24 Woodhatch Crest  
Ingersoll Canada  
519-532-1250

Cappelli Benefits Advisors  
Dominic Cappelli  
35 Lacrue Avenue, Suite 6B  
Glen Mills, PA 19342  
610-701-1795 - [Cappellidominic@gmail.com](mailto:Cappellidominic@gmail.com)

Purdy Insurance Agency, Inc. -Matt Purdy  
136 Market Street  
Sunbury, PA 17801  
570-286-5855  
Email: [matt@purdyinsurance.com](mailto:matt@purdyinsurance.com)

HMK Insurance  
Ryan Rispoli  
54 S. Commerce Way, Suite 150  
Bethlehem, PA 18017  
610-686-8507  
Email: [rispoli@hmk-ins.com](mailto:rispoli@hmk-ins.com)

Lechner & Stauffer  
589 Main Street  
Pennsburg, PA 18073  
Email: [Kress.c@lechnerstauffer.com](mailto:Kress.c@lechnerstauffer.com)

***Just for fun.....***

***Why men are just happier people!***

- \* ***The garage is all theirs***
- \* ***Wedding plans take care of themselves***
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- \* ***They can wear a white t-shirt to a water park***
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# 2016 WINTER CONVENTION WRAP UP—ASSOCIATES NIGHT/Ladies Day/CLASSES



Thanks to everyone who came out and/or sponsored our Winter Meeting/Convention in Harrisburg. The Best Western Premier was a very ideal **location for the convention and we're working on booking it again for next year.**

*(Tentative dates are March 17-19, 2017)*

*Our LIVE AUCTION brought in over \$1,000.00 for the Scholarship Fund—thanks to all who bid on the wonderful donated items— it was lots of fun!*

*Congratulations to Mr. Joseph Giovinazzo from Petrocon who was awarded **PALICA's Associate of the Year**— thanks Joe for all you do for Pennsylvania!*



Special thanks to:

- Franconia Insurance & Financial Services for sponsoring the lunch on Saturday
- **Prins Insurance for sponsoring Associate's Night on Saturday**
- Northland Trenching Equipment for sponsoring the closing luncheon on Sunday

*We apologize if we missed out on thanking you throughout the convention!!*

Thank you also to our speakers throughout the weekend:

- ◇ Mr. Kevin Goldblum from PA One Call—811 who discussed the "Tolerance Zone"
- ◇ Mr. Chris Schillinger from PP & L who taught every single person in attendance something: **"If you've even gotten shocked when working around electricity, NOTHING YOU DID OR DIDN'T DO to cause that "zap" is the reason you are still here with us today..it just wasn't your time."** We ran short of time with Chris but hope to have him back next year for another view of how dangerous electricity can be.
- ◇ Mr. Bob Busse from United Fire Group who discussed Distracted Driving
- ◇ Mr. Bruce Mosier from Prins Insurance who covered several topics Saturday and Sunday: OSHA Competent Person Safety Course, Pitfalls with Insurance and How to Survive and OSHA Inspection.
- ◇ Mr. Joe Giovinazzo from Petrocon, who spoke on *Walk Around Inspections for the Machine Operator.*
- ◇ Mr. Joseph Herren from Association Insurance Partners about the LICA Healthy Benefits
- ◇ Mr. Dan Nigito from C2C, (our newest benefit) introduced the concept of Business Succession Planning

AND To our Associate Night Vendors:

Mr. Charlie Barkman from Eljen Corporation

Mr. Vincent O'Brien from Advance Drainage Systems, Inc.

Mr. Jason Bleach from Northland Trenching Equipment

Mr. Dave VanEssen and Mr. Bruce Mosier from Prins Insurance

Mr. Joe Giovinazzo from Petrocon

Mr. Jim McMichael and Ms. Karla Myers from Franconia Insurance & Financial Service

Stephenson Equipment from Harrisburg

Mr. Michael Enz & Mr. John Austin from United Fire Group

**AND LASTLY, TO OUTGOING PRESIDENT STEVE ANDERSON WHO JOINED UP FOR THE WEEK-END—WE REALLY ENJOYED HAVING YOU — THE BUCKET GAME BELONGS TO YOU!!**



Awards from national winter convention in san Antonio—February 2016



NJ LICA was awarded Chapter/State of the Year! They had great representation at the convention! Congratulations!

Dan Micsky was given the Conservation of the Land award from ADS—Advanced Drainage Systems Inc.



Outgoing National President Steve Anderson (right-IL) with incoming President David Rule (center-NY) and Vice President Brad McCardle (left -Nebraska)

LICA'S NEWEST BENEFIT-MAKE THAT CALL TODAY!

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**LICA** The Coastal Construction Network **C2C**



FOR MORE INFORMATION CONTACT:

**BRADLEY W. MANTZELL**

COMMERCIAL RISK ADVISOR

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## **MEMBERSHIP NEWS: INSURANCE UPDATE**

Have you checked out the insurance program offered by PALICA?

This program was designed for dirt movers and you have to be a member of PALICA to participate. Accessing the insurance program is easy, there are 3 steps: 1. Visit [www.unitedfiregroup.com](http://www.unitedfiregroup.com) agent finder in your area, 2. call Prins Insurance direct, or 3. have your current agent contact Prins Insurance for more details.

Is your insurance policy designed only for heavy equipment operators? Does your insurance company offer a safety group dividend? Are you happy paying high premiums on your insurance? If your answer is no, you need to get on board and check out this State LICA Insurance Program! This policy has specific coverages built in designed for dirt movers. The State LICA Insurance Program is a safety group program, making it eligible to *provide dividends if qualifications are met*. In addition UFG offers fair and competitive pricing - It doesn't hurt to get a quote and compare your current policy to the State LICA Insurance Program.

*See our ad below for contact information.*



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## **PALICA COLLEGE SCHOLARSHIP APPLICATIONS DUE by 6/30/16**

Please remember to have your children or grandchildren submit their scholar-ship applications for the opportunity to receive a \$750.00 scholarship. Those funds will go towards the upcoming 2016-17 school year.

The scholarship committee will review each received application and notify any and all winners of their award.

The criteria and requirements for apply-ing are listed on the application itself.

The Scholarship Application can be found on the website at [www.Pennsylvanialica.com](http://www.Pennsylvanialica.com) on the left hand side menu bar. The address to submit a scholarship application is at the bottom of the application.

*Congratulations!*



Allison and Jeremy Pruskowski welcomed baby number two on St. Patrick's Day (that was their excuse for not attending the winter convention!) Garet Wayne is their newest addition to their family—Gavin is their older son and seems to be doing really well as a "big" brother. Our best wishes go out to the entire family!



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