

# THE Advisor

VOLUME 10 • NUMBER 1



## What's New on LinkedIn

Consultants Practice Specialty is focusing on LinkedIn to manage networking.

BY DEBBY SHEWITZ

One of the greatest benefits of membership in ASSE's practice specialties is the opportunity for networking with other professionals to share lessons learned, best practices and even frustrations (along with solutions to them). We are constantly working to keep up with the rapidly changing environment of networking tools to figure out which ones can be of use to our members and how to manage them in a mean-


*Many CPS members are very small businesses—in fact, many of us are just one person.*

ingful way. We know that many members use a wide variety of applications and technology in their own businesses (many of these other options are discussed in, "Making Your Presence Known: A Guide to Marketing Yourself on the Internet," starting on p. 7 in this issue). For now, the Consultants Practice Specialty (CPS) is focusing on using LinkedIn to manage networking and currently has two groups related to the practice specialty.

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# Something New

I hope the readers of this administrator's message realize that I am a pretty straightforward person. I tend to write what is on my mind. It is with this preface that I tell you that, as I enter my fourth year as administrator, the administrator's job can get kind of boring (and of course, I speak for myself when I say this—it may not be true for all administrators). I am not saying it is easy or that it is not time-consuming. I am saying that there are many routine reports to file, projects to monitor and plans to make—same old, same old.



WILLIAM R. "BOB"  
COFFEY

It is not like the Consultants Practice Specialty (CPS) is not working on some good projects (this issue of *The Advisor* includes articles about our roundtable at Safety 2010 and our continuing efforts to expand networking opportunities using LinkedIn). Maybe part of what makes it feel routine to me is that CPS has one of the most established, experienced advisory committees of the practice specialties. So as administrator, I find that my time and effort go into encouraging, aiding, organizing and presenting the hard work done by your Advisory Committee and volunteers. That is why when something truly new happens, it gets my attention.

The something new in question started at ASSE's annual professional development conference 2 years ago. Last year's Advisory Committee meeting in San Antonio was attended by, among others, Norman Keith.

Norm had an idea to share—he wanted to start a Legal Services Branch and thought CPS would be a good sponsor for it. I must admit, the Advisory Committee and I were a little taken aback. "Do we have enough lawyers in ASSE to start such a branch?" was the big question in our minds.

Norm explained that the branch would be intended for not just lawyers, but for anyone involved with the legal profession—expert witnesses, investigators and standards developers to name just a few. Suddenly, we were looking at the concept in a new light. We were looking at a branch that offered networking opportunities, Body of Knowledge growth and professional expansion. And CPS seemed like a good home for it. The next step was to convince the Council on Practices and Standards (COPS).

Norm sent a letter explaining his idea for a branch and the Society loved it. The Legal Services Branch was put on the agenda for the next COPS meeting to discuss and to find a sponsoring practice specialty. At the COPS meeting, I think the room was a little surprised when, after Tim Fisher announced the topic, I stood up and stated that CPS wanted to sponsor the branch. I explained for about 5 minutes the rationale and the group voted in favor.

All of this work to get approval turned out to be the easy part of the project. Now the real work of getting the branch up and running is under way (for those of you who are unfamiliar with what is involved in forming a branch, one of the key steps is getting 100 people to join it). Norm continues to spearhead the effort, working hard to spread the word about the new branch.

So this is the new part I mentioned at the beginning of this message—something I have never been involved with before. As consultants, we work with and around the legal profession all the time. The Legal Services Branch is an exciting new chance for us to enhance relationships with legal professionals and will hopefully open opportunities for us.

I hope all CPS members who work closely with the legal profession will support this new effort by joining the branch. There is no additional cost to do so; Legal Services Branch membership is free to all CPS members. Norm is also looking for people who are interested in helping grow the branch by serving on its advisory committee.

For more information about the Legal Services Branch, please visit its [website](#) and its [LinkedIn group page](#). If you have any questions about the branch, please contact me at [wrcoffey@wrcsafety.com](mailto:wrcoffey@wrcsafety.com) or Norm Keith at [norm.keith@gowlings.com](mailto:norm.keith@gowlings.com). ☺

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*By Curt Johnson*

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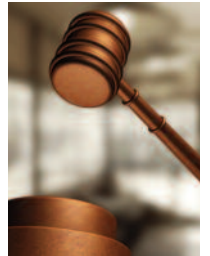


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*By Paul W. Gantt & Gordon A. Stemple*

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*By Kathy Seabrook*

An update on the Z10 standard's revision.

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# Rate Setting: A Consultant's Ongoing Dilemma

If there is a question that consultants old and new raise more than “How much do I charge for my services?”, I am not sure I know what it is. It is the age-old dilemma of charging enough to keep from leaving money on the table but not so much that the fees chase business away or send it to another consultant. That outcome is okay sometimes, you cannot win every job, but you must win enough to stay in business. There are probably as many pricing strategies employed by

*Basing my services on cost alone sets me up to perpetually be in the battle to be the lowest bidder.*

consultants as there are consultants, but I recently attended a workshop that helped me reframe my perspective and provided me with some new tools for approaching the process of quoting a price to a potential client.

## **COST-BASED PRICING**

Cost-based pricing, the more traditional approach and something many of us, including myself, have relied on, bases the price for a service on the cost of providing the service, plus the consultant's desired profit margin. For companies selling a product, calculating the costs can be simpler, but for consultants, the costs are typically based on the firm's fixed costs for items such as insurance, rent, office supplies, advertising, administrative employees, etc. For smaller solo firms, profit margins are unique to the consultant; for larger groups, the margins are agreed upon up front. Many consultants who use cost-based pricing are interested in what everyone else is charging so they know how to price their services. What everyone else charges becomes an important factor for this type of pricing strategy.

Cost-based pricing does not take into the account the opportunity presented by the client's needs. The reality is that there are many consulting firms of all sizes and configurations and with expertise that varies from basic to advanced. In the pricing process, convincing a client that it needs the services of my company is fundamental; otherwise anyone can do it, and someone will offer to do it for less than what I want to charge. Basing my services on cost alone sets me up to perpetually be in the battle to be the lowest bidder. I may make money, but the price of performing “commodity services” is grinding. That is why what everyone else is charging is so important. Cost-based pricing keeps me doing the annual refresher training classes that I can do in my sleep (and sometimes almost do), while trying to keep my audience awake too.

## **VALUE-BASED PRICING**

Value-based pricing uses the concept that the cost for your services is secondary and until you are able to create perceived value in the mind of the potential client, your pricing strategy will be less than effective. Marketing my services is designed to create perceived value in the minds of potential clients; successful marketing allows me to benefit from that value.

Value-based pricing takes much more time, first by developing a relationship with a client, building my value in the client's mind and continuing to reinforce it. I am positioning myself as being worth the money I will charge, even though the cost for my services is not even on the table in the early stages. (You know for sure you are being asked for a price-based quote for services when the first question out of a prospective client's mouth is “How much do you charge for . . . ?”)

To be successful in value-based pricing, I need to approach each opportunity with a client carefully, taking the time to understand the value of the service to them. Once I understand that and have successfully communicated it to the client, I can begin to quantify the value I bring to the process.

## **COST-BASED PRICING VS. VALUE-BASED PRICING**

One fundamental concept behind pricing strategies that is helpful in understanding the differences between cost-based and value-based pricing is that three variables are at work when I offer a product or services in the marketplace. They are price, typically the lowest; quality, the highest; and service, the best and most reliable. It would be nice if I could provide all three to my clients when I provide them a services quote because they would have no need to go somewhere else. And indeed my clients do want all three, but the reality is that in pricing my services, I need to select only two and focus my pricing efforts on them.

Cost-based pricing tries to address price and service. The message to clients is that we provide the most competitive (read: cheapest) price and provide the best service. In other words, if your client just needs a sign-in sheet that shows it has run the workforce through its annual HazWOPER refresher training for the 20th year in a row, a cost-based price can do it for them in a way that is the least painful to their training budget. It may not be the highest-quality training, but it gets the job done and the client's needs are met.

The value works both ways. A consultant may be left unchallenged as a professional but s/he pays the bills for

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another month, at least until the client finds another consultant who will do it for half of what was charged. Now a dilemma has been created. Does the consultant let the client go or bid even lower? Or offer a discount? Or some free work on the side? What a way to run a business.

If I focus on quality and service, price is no longer the main issue. This does not mean I can charge anything I want; there will still be a ceiling over which my client will not be able to go, but I have so much more room to offer my expertise. I can develop a training program that is needs-based and challenging to both me as a trainer and to my client's workforce as participants.

This concept has obvious limits. If I need to buy a pair of sweatpants and price is the most important consideration, I go to Wal-Mart, Target, K-mart or any of the big box stores. They bring me in because of the price, but they also offer service (smiling Wal-Mart greeters). The sweatpants will not be the best quality, but I have my needs met. However, if I need some workout clothing to wear to the gym to impress my fellow club members with my outfit, if not my athletic prowess, I go to Sak's Fifth Avenue or Nordstrom's or to any of the other stores where I am not looking first at the price tag.

#### PERSONAL EXPERIENCE

Along with the limits to cost-based or value-based pricing, there are also opportunities. It is possible for a consulting firm to be both Wal-Mart and Nordstrom's. In my experience, I started out being a Wal-Mart type of consulting firm. When I began, I was mostly freelancing. I had two young children, did not want to travel and did not want to put in too many hours. Because it was many years ago, I also did not have the resume of a top-notch SH&E professional. I was willing to take the lower-priced work for smaller clients and there was plenty of it out there. Slowly but surely, I increased the amount of hours I worked until I was working the equivalent of a full-time job. I was definitely busy, but was I investing my time profitably?

Along the way, two problems slowly began to surface. One was that my own professional development began to suffer. The boredom of doing the same training session repeatedly began to take its toll. I wanted to extend myself and to begin to use the skills and expertise I had when I started and developed along the way.

The second problem was that since my fees were based on the price-service concept, my actual income was slowly eroding. I could never increase my fees enough to keep up with the cost of living. I could charge a little more for new clients, but the ones who came back to me year after year because my price and service were good were not necessarily interested in paying a lot more, sometimes not even a little more. They were willing to sacrifice my company, even though I had done good work for them over the years, if my prices went too far above their very, very, low ceiling. Since there was always someone willing to do what I did for less than

what I charged, I was always trying to find new price-service clients while juggling the needs of my existing clients. There was always enough work providing commodity services, but that prospect was not appealing. If I had continued on that path, I think I would have closed up shop and taken a "real" job or substantially reduced my living expenses. Remember those two kids? They were now getting bigger and more expensive, as is the case with offspring.

My solution was to hire a staff person who was interested in the price-service type of work I did not want to do anymore, thus freeing me to focus my energies on finding clients and developing relationships that would eventually lead to quality-service type of work. My staff person is content performing the commodity services for me at a rate that meets her needs and earns my company sufficient income to cover my fixed costs and profit a generous profit margin. She started out working only a few hours each week, but as my company has continued to grow, her hours have also increased along with my profits.

#### CONCLUSION

It has been a slow but steady progression over the past 2 to 3 years and is still evolving as we speak, in part because I still have the price-service mindset when I approach a request for a quote. I have needed to learn new marketing skills and ways of finding and approaching potential clients. I have needed to learn to be patient when I am working with a new client. And I have needed to learn to answer the question "How much do you charge for . . .?" in two different ways, depending on my quick assessment of whether the caller is a price-based client or a value-based client.

If one thing continues to be important as I develop my consulting firm over the years it is that I can never have too many tools in my toolbox. I am an SH&E professional turned business owner, not the other way around, and so the learning curve on the business ownership skills side is steep and requires a concerted effort on my part. Understanding pricing strategies is a critical element in my success since any additional money I make from better strategies goes to my bottom line. Value-based pricing offers me the opportunity to increase my profits by understanding my client's needs first and by finding ways to meet them before we talk about price. It has also given me the ability to continue to grow and to develop as a professional and still be profitable enough to stay in business. ☺

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# Making Your Presence Known

## *A Guide to Marketing Yourself on the Internet*

“Safety trainer.” “OSHA consultant.” Searches like this and many more are typed into Google every day. More and more people are using the Internet to search for answers to their questions. Questions we used to ask people we now type into a computer in search of an instant response.

The question is can you be found on the Internet? And if you can be found, are people compelled to contact you and use your professional services? This article discusses the core areas you must address to effectively market yourself and your services on the Internet.

### **TAKE STOCK OF YOUR WEB PRESENCE**

To begin marketing yourself on the Internet, you must put your “virtual house” in order. Questions to help you evaluate your current web presence include the following:

#### ***Do You Have a Website?***

If you have not done this, make the investment.

#### ***When Was the Last Time You Updated Your Website?***

Can people tell that your business is active, or does it look like you are frozen in time? Search engines are always looking for new content, so keeping your content fresh improves your rankings. Consider adding a blog to your website and write about current projects (with customer consent) or topics on which you are an expert. Updating your content improves credibility in the eyes of people who find your website and gives you more opportunities to be found when people search.

#### ***Is It Clear What You Want People to Do on Your Website?***

In classic marketing terminology, ensure that your website has a clear call to action. If you want people to contact you, then have a clear button on every page that says, “Contact Us Now.” Ensure that it is clear what you want people to do: contact you, read your case studies, see a list of your services. A great way to get input on your website is to ask friends if it is clear what you want them to do. Asking them for their opinion can be a great investment into your site.

#### ***Is It Easy to Understand What You Do By Looking at Your Website?***

Websites should contain bits of text that are broken up by clear headings. Do not put long sections of multiple paragraphs. People do not read the Internet—they scan. Arrange your content so that it is easy for scanning eyes to find a section that they think is important to them.

### **CONSIDER HIRING A PROFESSIONAL**

Getting the right people to renovate your website can be a worthwhile investment. Get someone who understands the basics of what has been listed.

### **RIISING TO THE TOP: THE BASICS OF BEING FOUND IN THE SEARCH ENGINE**

Once you have a website or you have improved your website, you now must ensure that you are found. For most people this means one thing: Google. While other search engines are used, making your content accessible to the best will make it readily available to the rest.

### **IDENTIFY TERMS**

People may look you up on the Internet to see what they might find about you. While it is important to ensure that people can find you by name, most people searching for your services will not do so with your name. You want to be found by search terms and keywords, such as “Safety Consultant Rochester, NY.”

The first step to being found is figuring out what you think people are looking for. You might be known as a “Certified Safety Professional,” but is that what people search for? Ask yourself, “What would I type into a search engine if I were looking for someone with my services?” Ask some of your existing clients what they would type into a search engine to find your services. Make a list. Search on those terms and see what else comes up. If other consultants and professionals who offer the same services appear, then you are probably on the right track.

### **OPTIMIZE**

Once you have identified those terms, you can optimize your website. The concept is simple. You need to make sure those terms are found in your website. Wrap those terms into the content of your website in meaningful ways—do not just copy and paste them everywhere.

### **PAID SEARCH ADVERTISING**

If you are really eager to be found for a particular keyword, you can also look into marketing programs, such as Google Adwords, which will allow you to bid on a certain spot in the advertising section of their search results. Paying for keywords can get expensive and does not always offer a great return on investment so invest in

*People do not read the Internet—they scan. Arrange your content so that it is easy for scanning eyes to find a section that they think is important to them.*



the rest of what is mentioned in this article before venturing into paid search advertising.

### MARKET YOURSELF

Improving your website and making it easier for search engines to find you are only the beginning. Now the real work of Internet marketing begins. The real work is getting out on the Internet and letting people know that your website exists. Following are tips for promoting yourself on the Internet.

### POPULAR SOCIAL SITES

**LinkedIn:** A professional network that allows you to be recommended by people who have worked with you in the past. Ensure that your profile on LinkedIn is up to date. Recommend people with whom you have worked and join some of the active discussions in places like ASSE's groups. (**Editor's Note:** For information on how the Consultants Practice Specialty is using LinkedIn, see "What's New on LinkedIn" on p. 1.)

**Twitter:** While it may prove to be a fad, right now it is a way to connect with other people in the SH&E profession and to let people know what kinds of new things you are doing. Hundreds of SH&E professionals are connected through Twitter, posting news and other relevant safety information.

**Facebook:** Facebook now has special pages for businesses. Set up a page for your business and let your clients know. This can be yet another way for people to connect with your business on the Internet.

### SAFETY NETWORKS & DIRECTORIES

Get your services listed in directories. These directo-

ries can be a valuable resource to helping people find you on the Internet. Many are free. It is important to include a link back to your website so that people can discover more about your services if they are interested in your listing.

Not all directories are created equal. Ensure that the directory is relevant to your services and profession; otherwise, you might be wasting your time.

### EXPAND YOUR REACH BY WRITING FOR BLOGS & ONLINE MAGAZINES

It used to be that the only way to get a professional article was to write for a newsletter like this one or for one of the many advertising-based magazines in the SH&E profession. Many websites are dedicated to safety and are "content-hungry," looking for professionals with a particular knowledge base who are willing to contribute an article.

Two important aspects to think about when writing an article for someone on the Internet are:

1) Are they willing to include a link back to your website? The links from other sites back to yours help Google determine your website's popularity. If you invest your time in writing an article, ensure they are willing to link to your website.

2) Ensure that the site is credible. If it is, it will boost your online credibility. Recently, an SH&E professional told us that someone found her through a blog article she wrote for our website. Not only did it result in a referral, she said that it was a great boost to her credibility in the eyes of the client.

### CONCLUSION

Most of what is written here is just the tip of the iceberg. Now that some of the mystery has been removed from marketing yourself on the Internet, it is time to do something. Evaluate your existing website and make changes to improve it according to the tips discussed. Find out what people are searching for and include relevant content in your site that uses those terms. Finally, get out there on the professional and social websites and make your presence known. You have safety knowledge to contribute to the online conversation. Do not miss the opportunity to help others and to make yourself known. ☺

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# Managing the Risk of Your Consulting Practice

Every year at ASSE's annual professional development conference, each practice specialty holds a key issues roundtable as part of the concurrent sessions. These roundtables are billed as "your chance to speak up" and are designed to give attendees (regardless of whether they are practice specialty members or not) a chance to share lessons learned with fellow professionals and to meet others with mutual interests. At Safety 2010 in Baltimore, the Consultants Practice Specialty (CPS) hosted a roundtable on "Managing the Risk of your Consulting Practice."

The roundtable was facilitated by Dan McKenzie, CRSP, CHSC, and Debby Shewitz, CSP, who served as the recorder. With 10 enthusiastic attendees, there was no lack of spirited discussion. This article presents a review of the key points that came out of the discussion, some of which were ideas and recommendations and some of which were more questions and items to consider.

McKenzie opened the session by asking attendees to identify the business risks they were interested in discussing. The following list was generated:

- 1) Getting paid.
- 2) Using subcontractors.
- 3) Business development.
- 4) Marketing.
- 5) Would I make a good consultant?
- 6) Contracts (particularly indemnification).
- 7) Insurance.
- 8) Protecting intellectual property.
- 9) What to do if a client's employee suffers fatality/serious injury after you audited the site.
- 10) Personal safety while working on client sites.
- 11) Operating independently vs. being part of a consulting group.
- 12) Business interruption (staying afloat if it happens).

Since there was not enough time to address all of the topics in detail, following are the topics that attendees discussed the most (with notes from their discussions).

## GETTING PAID

- a) Get a deposit unless there is a good credit history (the percentage you ask for "depends"). This is especially important for government clients.
- b) Get set up as a vendor in the client's purchasing system and understand the client's purchasing and accounting requirements so you do not slow things down by not following them.
- c) Invoice at regular intervals for longer projects

(monthly or at the end of significant phases).

- d) Address payment requirements in contracts.
- e) "Bird dog" (e.g., "Did you get the invoice?" "Do you need more info?"), especially for new clients.
- f) Hire a collection specialist.
- g) Adjust your rate based on how quickly the client pays.
- h) Is it okay to request a donation to charity in lieu of a speaker fee? (The consensus is generally yes.)

## USING SUBCONTRACTORS

a) Require them to get their own insurance at the same level as yours (or put them on yours and adjust their rate accordingly). Typical:

- \$1MM/\$1MM each for both general and professional liability, maybe higher for industrial hygienists;

- Auto.

b) Understand/follow government rules to ensure that they are truly subs and do not inadvertently become employees.

c) Consider structure—corporate, LLC, more than one LLC.

d) Network to find subs who meet your standards (verify then trust).

*Consider the risk of putting out helpful information that can get stolen. You can get in trouble for how it is used.*

## MARKETING/BUSINESS DEVELOPMENT

a) Do not overcommit (taking on more work than you can do). If facing this, raise rates.

b) Consider the risk of putting out helpful information that can get stolen. You can get in trouble for how it is used.

c) Do not misrepresent yourself.

d) How do you price services to optimize resources?

- Do costs of certification impact?

- Fixed prices versus time/materials.

- Properly setting scope of work and how modifications will be handled.

- Concern of getting undercut on pricing.

e) How much can you discuss fees with colleagues?

f) Decide which clients you want to work for (and market to). If all they care about is low cost, do you even want them for a client?

## WOULD I MAKE A GOOD CONSULTANT?

- a) How much do I want to work?
- b) How important is flexibility?
- c) Am I a good time manager?



***If a client's standard indemnification language is too broad (you must indemnify them against everything in the world) and they will not indemnify you, consider walking away.***

- d) Do I understand the administrative demands? (For accounting, Quickbooks and a good accountant are recommended.)
- e) Do I have a "passion" for running my own business?

#### **GOING INDEPENDENT VS. JOINING A FIRM**

- a) Independent often gives you more control over doing the work you want.
- b) If independent, you need a good network off which you can bounce ideas.
- c) Joining a firm gives you more structure for support.
- d) To try to get some of the best of both, consider sharing office space and administrative resources with other consultants (possibly offering different services).
- e) If using a home office, set up proper space.

#### **CONTRACTS/INDEMNIFICATION**

- a) Always have contracts with clients and with subs.
- b) If you do not have any paperwork with a client and the person who hired you leaves, it can jeopardize your pay.
- c) At least use e-mail for an oral (informal) contract to document an understanding of scope, fees, etc.
- d) Use plain language rather than legalese for contracts.
- e) If a client's standard indemnification language is too broad (you must indemnify them against everything in the world) and they will not indemnify you, consider walking away.

- f) Read the back of the purchase order in addition to the contract. It often contains many terms and conditions.
- g) Have a good cancellation clause.

#### **INSURANCE**

- a) Have it!
- b) Know whether you can renew your policy if there is a claim.
- c) Be clear on applications for what type of work you do. If it changes, notify the insurance company and ask whether you are covered.
- d) Know what is excluded in the policy.
- e) Have your carrier/broker help you review your contracts to ensure that you are covered.
- f) For health, disability, life, etc., insurance consider joining groups that offer group rates to members (e.g., American Chemical Society).
- g) Also consider:
  - premises;
  - business interruption;
  - critical equipment;
  - business vehicle;
  - life insurance on partners.

#### **INTELLECTUAL PROPERTY**

- a) Consider protecting:
  - logo/brand name;
  - databases;
  - presentations, publications, etc.;
  - client list;
  - website and URL.
- b) Consider patenting something tangible.
- c) Put copyright statement on presentations (with name and date).
- d) Realize the client's contract will likely claim rights to work you develop for them.

Thank you to all of the attendees for their active participation and willingness to share experiences openly.

The CPS Advisory Committee is aware that business-related topics are typically of the most interest to our members (who generally have plenty of resources for information on SH&E technical topics). We are always looking for your input as to which topics are of most interest to you. We have many avenues for addressing the information, including future roundtables, webinars, *Advisor* articles and discussions on the CPS LinkedIn site. If you would like to see other topics addressed in more detail, please notify any member of the CPS Advisory Committee (see p. 2). ☺

**Debby Shewitz, CSP**, has been a member of the *Consultants Practice Specialty Advisory Committee* since 2003 and currently serves as *The Advisor* editor. She is the principal of *Shewitz Consulting LLC* in Cleveland, OH.

# Fire Codes: The Missing Link

Many safety and health generalists have at best a passing knowledge of fire codes—a little bit about the required widths of emergency exit aisles, maybe some basics on how much flammable liquid can be stored in an area before you need to have it in fire cabinets, etc. However, a thorough approach to compliance (particularly in locations where hazardous chemicals are used or stored) should include enough detail about fire code requirements to ensure that they are incorporated along with SH&E considerations. This article is not intended to turn anyone into a fire code expert, but it may give you a few ideas of items that should be included in your compliance programs and audits.

## BACKGROUND

Fire codes in the U.S. date back to the early 20th century. Most of us are familiar with the [National Fire Protection Association \(NFPA\) Life Safety Code](#), which first came out in 1927 (at the time, it was called the Building Exits Code). In recent years, there have been three primary sets of fire codes in the country: the [Uniform Fire Code \(UFC\)](#), the [International Fire Code \(IFC\)](#) and [NFPA's Fire Prevention Code \(NFPA 1\)](#).

## UNIFORM FIRE CODE

UFC is a set of fire prevention guidelines and requirements developed by the Western Fire Chiefs Association. It was intended to be a model code for local fire districts to use as a guideline for developing their own fire codes, and many districts, particularly in the western U.S., went on to adopt UFC as their own local code in total or with some modifications. While UFC covers many areas related to fire prevention and safety, it also addresses specific requirements for storage and handling of several different categories of hazardous materials.

## NFPA FIRE PREVENTION CODE

The NFPA Fire Prevention Code was originally developed around a format that served as a guide for the development of a local fire prevention code. In the late 1980s, the Fire Marshals Association of North America developed a draft fire prevention code that was more self-contained and designed to serve as a model for adoption by local jurisdictions. The NFPA Fire Prevention Code Committee did a major rewrite based on this draft and did some additional work that resulted in the 1992 edition of the Fire Prevention Code. It included more references and extractions from other NFPA codes, including those that related to various hazardous material requirements. Many requirements from other NFPA codes, such as the [Flammable and Combustible Liquids Code](#), have been extracted and included or incorporated

by reference into the NFPA Fire Prevention Code. The 2000 edition, referred to as NFPA 1, added a new section on performance-based design as a valuable tool for code officials and design professionals. NFPA 1 was restructured to be more functional with respect to administration, code enforcement and regulatory adoption processes.

In 2003, UFC and NFPA 1 were combined to create NFPA 1, Uniform Fire Code under a partnership between NFPA and the Western Fire Chiefs Association. This completely revised code also updated and expanded the provisions extracted from other key NFPA codes and standards. As of 2009, the title is simplified to NFPA 1, Fire Code. Note that UFC is still the requirement in two states (Hawaii and North Dakota).

## INTERNATIONAL FIRE CODE

IFC was developed recognizing the need for an international, modern, up-to-date fire code addressing conditions hazardous to life and property from fire, explosion, hazardous materials storage, handling or use and occupancy of buildings and premises. IFC is a set of fire prevention guidelines and requirements that was first developed in 1997 by a committee consisting of representatives of Building Officials and Code Administrators International Inc., International Conference of Building Officials and Southern Building Code Congress International Inc. The committee drafted a comprehensive set of fire safety regulations that was consistent with existing model fire codes at the time.

The first edition of IFC 2000 was developed by the International Code Council (ICC) using the formal ICC Code Development Process for two successive annual code change cycles. It is intended to be a model code for fire districts to use as a guideline for adopting their own fire codes, although many districts have decided to adopt IFC as their own local code, either with some modifications or in total. While IFC covers many areas related to fire prevention and safety, it also addresses specific requirements for storage and handling of several different categories of hazardous materials.



# Table 1

## Codes Currently Enforced in Each State

IFC <sup>2</sup>	NFPA 1 <sup>3</sup>	NFPA 1- UFC <sup>4</sup>	UFC <sup>5</sup>	State-Specific Statewide Code <sup>6</sup>	No Standard Statewide Code <sup>7</sup>
Alaska (2006)	Michigan (1997)	Alabama (2003)	Hawaii (1997)	Kansas	Colorado <sup>9</sup>
Arizona (2003)	New Mexico (1997) for existing facilities	Connecticut <sup>8</sup> (2003)	North Dakota (1997)	Massachusetts	Illinois
Arkansas <sup>8</sup> (2006)		Delaware (2006)			Missouri
California (2006)		Florida (2006)			Texas
Colorado <sup>9</sup> (2006)		Kentucky (2006)			
Connecticut <sup>8</sup> (2003)		Louisiana (2003)			
D.C. (2000)		Maine (2006)			
Georgia (2006)		Maryland (2006)			
Idaho (2006)		Montana (2003)			
Indiana (2006)		Nebraska (2003)			
Iowa (2006)		New Hampshire (2003)			
Minnesota (2006)		Rhode Island (2003)			
Mississippi (2003)		Tennessee (2003)			
Nevada (2003)		Vermont (2006)			
New Jersey <sup>8</sup> (2006)		West Virginia (2003)			
New Mexico (2003) for new construction		Wisconsin (2006)			
New York <sup>8</sup> (2000)		Puerto Rico (2003)			
North Carolina <sup>8</sup> (2006)					
Ohio <sup>8</sup> (2006)					
Oklahoma (2006)					
Oregon (2006)					
Pennsylvania <sup>8</sup> (2006)					
South Carolina (2006)					
South Dakota (2003)					
Utah (2006)					
Virginia (2006)					
Washington (2006)					
Wyoming (2006)					

Both NFPA 1 and the IFC are updated every 3 years. The most recent edition of each was issued in 2009. Most states, and sometimes individual jurisdictions within states, will adopt a version of one of these codes to enforce (often with local modifications). It is important to know which edition of which code is enforced in a facility. Check state and local websites or contact the state/local fire marshal offices to identify which fire code and what modifications are in effect for your operations. Table 1 summarizes the codes currently enforced in each state.

### CODE CONTENT

The content of both the IFC and NFPA-1 can be thought of as covering 3 broad areas:

- 1) general fire prevention, safety and fire suppression systems;
- 2) activity-based controls;
- 3) materials-based controls.

Most people are familiar with the general fire prevention, safety and fire suppression systems sections, which are often the focus of inspections by fire departments and insurers. These sections cover:

- emergency planning and preparedness;
- general precautions against fire (e.g., ignition sources, smoking, combustible waste materials);
- means of egress;
- fire protection systems;
- fire resistance-rated construction;
- administrative aspects of the code (e.g., definitions, permits, violations, etc.).

Activity-based controls address a broad range of activities and layer additional controls on top of the general requirements. They include activities that can be part of any operation, such as:

- hot work;
- use of powered industrial trucks;
- emergency generators;
- battery systems;
- fuel-fired appliances;
- electrical equipment;
- kitchen hoods;
- use of flammable finishes (e.g., spray finishing, dipping operations);

Source: *Fire Code Management of Hazardous Materials*. Published by Specialty Technical Publishers, Vancouver, B.C. ([www.stpub.com](http://www.stpub.com); 1 800 251 0381)

#### Table Codes

<sup>1</sup> Auditors must always check for state or local amendments, deletions, or modifications to nationally recognized codes adopted. See Table 1 for additional details.

<sup>2</sup> IFC: International Fire Code (adopted Code Edition indicated parenthetically).

<sup>3</sup> NFPA 1-UFC: National Fire Protection Association (Chapter 1, Fire Prevention Code, adopted Code Edition indicated parenthetically).

<sup>4</sup> NFPA 1-UFC: National Fire Protection Association Chapter 1, Uniform Fire Code (adopted Code Edition indicated parenthetically)

<sup>5</sup> UFC: Uniform Fire Code (adopted Code Edition indicated parenthetically).

<sup>6</sup> State has state-specific rules, but they are not closely based on a nationally recognized standard.

<sup>7</sup> State has no statewide code: code authority is given to the local jurisdiction.

<sup>8</sup> State Code is separate, but based on this nationally recognized code (CT includes a blend of multiple codes).

<sup>9</sup> Colorado has not adopted a general statewide fire code. Location jurisdiction adopt and enforce specific fire codes locally. Exceptions: Colorado has adopted IFC 2006 as the state fire code for public schools, junior colleges, gaming facilities, and healthcare facilities.

- fire safety during construction and demolition.

Activity-based controls have also been developed for a wide variety of specific activities, such as:

- dry cleaners;
- aviation;
- semiconductor fabrication facilities;
- industrial ovens;
- lumber yards and woodworking facilities;
- motor fuel-dispensing facilities and repair garages.

Lastly, the fire codes include requirements based on the type and quantity of hazardous material. Importantly, both IFC and NFPA 1 include a section addressing general requirements for hazardous materials, and they establish the concept of control areas and that different requirements are imposed based on exceeding certain thresholds of hazardous materials:

- aerosols;
- corrosives;
- compressed gases;
- cryogenic fluids;
- flammable gases;
- flammable solids, explosives and fireworks;
- liquefied petroleum gases;
- organic peroxides;
- oxidizers;
- highly toxic and toxic solids, liquids and more.

Clearly, many of these topics overlap or supplement requirements in OSHA and EPA regulations. Fire code requirements are enforced by the local fire marshal, also called the authority having jurisdiction (AHJ). AHJ has broad authority to interpret code requirements and to approve variances.

### CONCLUSION

It is easy to slip into a feeling of “the fire inspector walked through and did not write us up for anything, so we must be okay.” However, the fact that an inspector from any agency either did not notice something which was not in compliance or did not cite it should never be good enough. In addition, many managers have a feeling of “everything must be okay” based on reviews by their insurer. In most cases, however, reviews by insurers focus on fire suppression systems and basic fire prevention expectations. Too often, hazardous materials obligations of the fire code are not addressed.

Knowledge of basic fire code requirements is important to ensuring world-class performance in SH&E programs. ☺

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# Expert Witness 201

## *Achieving Success in a Time of Economic Downturn*

Like with so many other areas of the economy, SH&E professionals have seen their share of cutbacks or even the outright elimination of positions. The economic downturn has significantly affected the way that many of us do our jobs. We attend to fewer people; in other cases, the programs that we provide must be significantly reduced or eliminated due to lack of funding. For those SH&E professionals who are self-employed or who work for firms that provide services to other organizations, the loss of clients due to business failures or reductions has had a significant impact. While hopes of a recovery are on the horizon, that horizon may feel like the proverbial rainbow with a pot of gold waiting at the other end. No matter how close it seems, it is always just a little further down the road.

One area that has not seen as significant a reduction for many SH&E professionals is litigation consultation. For many, this area is often dismissed as being one of serving as an expert witness. However, the field is much broader in scope. Many SH&E professionals are finding new work in the area and are finding that it is financially profitable and opens opportunities that are challenging and rewarding on many levels.

There is actually a whole range of areas where a qualified SH&E professional may be able to work and make a difference. Because of the recession, many in the legal field are predicting even more work as people are increasingly blowing the whistle or filing lawsuits against their former employers. Further, some experts predict that more accidents could result from the substantial cutbacks in many safety programs due to the economy.

For qualified SH&E professionals, many opportunities exist that could lead to new career moves. However, not everyone is ready to work in the legal arena and not everyone will be successful. While the rewards and challenges are high, the competition for qualified experts is also increasing.

This article expands on the basic Expert Witness 101 paper and presentation delivered at ASSE's Safety 2009. It explores ways that SH&E professionals can distinguish themselves from others in the field. Common mistakes made by those working in the various fields are reviewed as are ways to overcome them. Basic issues related to serving in the area of litigation consultation are covered and a short overview of the typical process involved in resolving a lawsuit is provided. Much of the information provided was obtained from discussions with attorneys who use litigation consultants and expert witnesses in their work. They were asked about their use of experts and others and how they go about selecting and using them in the course of their work.

### EXPERT WITNESSES & LITIGATION CONSULTANTS

SH&E professionals and others who work with attorneys do so in

various capacities that range from the obvious to the not-so-obvious. In many cases, much of your work may be done before the case is even filed. In many circumstances, you will work as a consultant to help determine whether there is a cause of action or a breach of duty by someone that led to the accident or incident. This work is termed "litigation consultation" and is performed behind the scenes by a nondisclosed person. Your background and expertise in a particular area are often beneficial to a law firm or attorney who is trying to make a decision as to whether legal action is indicated or is assessing the amount of fault that a particular party may have in a given set of circumstances.

Even when a lawsuit or other cause of action is filed, some work done by the SH&E professional who is working solely as a litigation consultant is not disclosed to the other parties. In such cases, the litigation consultant works with the team to review the facts and to guide the attorneys or others into areas that may be pertinent or need further exploration. They may conduct testing for the parties or conduct research that may or may not be used.

Nondesignated litigation consultants are allowed to work invisibly behind the scenes and are awarded attorney-client privilege protection. This allows them to explore areas that may or may not be used in the legal proceedings. For all intents and purposes, in many cases, you will do exactly the same type of work you do on a regular basis. In the case of legal consultant work, the work product may later need to be disclosed in a legal proceeding should one be filed, and the consultant be designated at that time.

### Consultants Practice Specialty Members:

We know that many of you serve as independent consultants who provide expert witness testimony or litigation consultation. Have you ever experienced some of the tactics the authors describe? How did you respond? Was your approach effective? Share your experiences by contacting Jolinda Cappello at [jcappello@asse.org](mailto:jcappello@asse.org). Responses may be compiled and presented in a future issue of *The Advisor*.



The privilege of not disclosing work or action is not the case when it comes to the designated or disclosed expert witness. Such experts are allowed to testify and to present an opinion related to the facts of the case or even to hypothetical situations presented in the course of their testimony. For the disclosed expert, everything that is said or done is discoverable by the opposition and must be disclosed when requested by the other party. All written documents, including field notes, are subject to full disclosure and scrutiny by the other parties in the case.

### **MISTAKE 1: CHARGING MORE FOR LEGAL WORK**

In interviewing attorneys and law firms for this article, one of the first items they identified was money. Their complaint was not about how much was charged, but rather that the charges were different because the work they asked for was for a legal case. Many people who work in the legal areas of occupational safety and health believe that since the stakes of the cases are significantly high, the cost of their services should reflect that.

However, this can be a double-edged sword. One attorney stated that if you charge \$100 an hour for taking samples and performing an analysis on a particular area on a regular basis, you should charge the same when asked to do so for the legal matter. To him and others, it is a simple matter of fairness. Why should he pay for identical services at a higher rate when the work is exactly the same? Clearly this is true for much of the consultation side of the legal work with which you could be involved.

If you want to get the work in the first place, set a fair price for your services that is consistent with your standard rates for similar work or services. Certainly, it can be changed for the work involved in providing actual testimony in a deposition or in trial since the rigors and level of expertise in these areas is different than normal work services.

A good way to work around this is to have a sliding scale of charges that you can use for legal work. In many cases, SH&E professionals who work in the legal arena charge their standard hourly consultation rate for research, reading, trial preparation and reports. This rate is consistent with other consultation and related work that performed in a nonlegal situation. Since the work and services are the same, the fee is the same.

However, when it comes to providing actual testimony in either a deposition or a trial, the rates increase by a factor of about 50% or even higher in some cases. The increase is due to the fact providing actual testimony is considerably more difficult; involves more stress since the work is often challenged; and often is the most critical to the actual success of the action. Most attorneys understand this and are willing to pay the premium for those services that are not customary or the norm for the SH&E professional.

The first key point to make you more successful is to be fair in your billing. Do not double the rates because the work involved may potentially be used in a trial.

A second aspect of pricing involves setting fair rates in the first place. Charging too much may make you less likely to be hired initially and charging too little may make it seem that your value is not worth

much. The rates charged by those in these fields can vary from less than \$100 per hour to thousands of dollars per day of work regardless of how many hours worked on a given day. The amount you charge is based on the value that you bring to the case and this is often referred to as how much water you can carry.

To set your rates, consider asking others who offer similar services to confirm that your service fees are consistent with others who have similar credentials. Colleagues can often indicate what they charge for their basic services. If your rates are in line with the norm, you should have a good idea of what to charge for those standard services. The premium for testimony comes from your ability to be persuasive in your presentation and to make the complicated matters that those in the SH&E field often take for granted more easily understood by others who may have limited knowledge of the subject matter.

Finally, considerable value exists in having the ability to effectively communicate your positions or opinions. We all know of smart people who cannot elaborate on even the simplest aspects of their work. However, if you are an effective public speaker who can clearly and concisely convey your findings and opinions, your worth is increased significantly, and attorneys are willing to pay for this. As you testify,

remember to adjust your language to the intended audience. In the end, the amount you are paid is a direct reflection of your value to the team. The more credibility and horsepower you possess, the more you can charge.

### **MISTAKE 2: OVERSTATING YOUR QUALIFICATIONS**

Another commonly concern is an expert/litigation consultant who overstates his/her qualifications and areas of expertise. While SH&E professionals' work is diverse, you cannot be an expert in every subject category.

For example, your work may involve some application of ergonomics. However, while you might have applied these principles for many years, you would not necessarily be the best expert for a case involving ergonomic issues.

What makes you qualified for work in various areas of the legal arena is direct education and focused experience in a particular area. Using the ergonomics example, an expert in this field would have more than the basic training that one may have to manage the simple, day-to-day ergonomic issues at their workplace. Even though you have done this for many years, you are not as qualified as someone whose sole job is working in the ergonomic field, and you should not say that you are qualified in that area.

However, take care to not understate your qualifications. It is not uncommon for an attorney to try to undermine your background by showing you are not qualified because you do not have specific knowledge of one aspect of the case.

Such was the case where an accident occurred involving a particular type of excavator. The use of the equipment caused an injury because a preshift/use inspection was not conducted. During deposition, the attorney asked the expert about his direct experience with the specific make and model of excavator involved. The line of questioning could have caused

the expert to be taken back and even question himself.

However, the expert was able to present his opinion regarding the more global aspects of the case, one that did not focus on direct experience with the particular equipment, but rather with the requirement that all mobile equipment, such as the excavator in question, must be inspected prior to operation regardless of the make and model. The expert in this case had never operated that type of excavator or any excavator for that matter, but he was able to convince those involved that he was qualified in this instance to provide an opinion related to the safe and compliant operation of the unit and to not be intimidated in the process.

### **MISTAKE 3: TESTIMONY ERRORS**

Many areas create problems for those who want to become and remain successful working in legal arena, but some of the most common mistakes that make an expert less effective and less successful relate to the manner in which testimony is presented. Attorneys use several tactics to diminish the effectiveness of an expert's opinions. While it would not be possible to adequately present all of those tactics, following is a short example of some common ones, along with a short explanation of how to adjust or respond.

#### ***The Bully***

The first technique involves bullying the witness. If you are new to providing testimony, the opposing attorney may try to force you to be hesitant by challenging you on many areas of your work.

For example, the attorney may ask you for all written documents prepared for a case with which you are involved. In going through these, the attorney may challenge you on minute details that have nothing to do with the case but that put you back on your heels and make you hesitant to testify.

Anecdotally, this occurred to me when I was asked for a particular

date when something happened. In response, I reviewed my day planner, which had a single-line entry of when a conversation occurred. The attorney asking the question confronted me as to why a copy of my day planner was not in the packet that I had provided in response to the subpoena for the deposition. At this point, the attorney took my day planner and made copies of the entry for no reason other than to intimidate me. Had I let that get to me, the remainder of the day would likely not have gone well.

Countering the bully or intimidation techniques is straightforward and uncomplicated. Following are recommendations for taking on someone who is confrontational:

1) Be prepared. Have all files organized so that you can quickly produce the materials requested. Ensure that materials are complete and that you have not omitted anything.

2) Study the history of the opposing counsel through a review of his/her questioning of previous witnesses as you review the written materials provided to you. This will help you anticipate issues of interest as well as the manner of questioning. Remember that the punch that knocks you out most often is the one you do not see coming, so preparation is key to countering the bully or intimidation tactic.

3) When questioned, consciously remember the attorney is trying to get you flustered, keep you from remembering things or help you make mistakes as you testify. Being deliberate and going slowly through your files will keep you on steady and on track. Again, the more familiar you are with the case materials and facts, the better you will be able to respond without being intimidated.

4) Never respond to the intimidation in anything other than a polite manner. Do not let the heat of the moment cloud the manner in which you respond regardless of how you are asked the questions.

### **The Blank Piece of Paper Technique**

During the course a deposition or trial, an attorney may resort to holding up a piece of paper. Since you cannot see the paper, the attorney may take some time to study what is there even though the paper may be completely blank. You, of course, are wondering about what the document says and why it is so important.

Following this, the attorney may take the discussion in a new direction, making statements intended to take you off your game and derail what may have been a series of good responses that are in opposition to what the attorney wants to hear. All the while you are wondering what was on the paper. By using the paper technique, the attorney causes you to question the things you say. Often, s/he will come back with a line of questions that misstate previous testimony and cause you to backpedal a bit.

To counter this tactic, carefully collect your thoughts about what is asked and do not let the time delay bother you. Ask for clarification of the questions asked, including the basis of the question. In some cases, you can ask to see the context of the line of questions so that you can appropriately respond. However, do not get suckered into believing what the attorney says solely on the basis of that piece of paper. Stick with the facts. They are the reason you are present in the first place.

### **The Columbo Technique**

To understand the Columbo technique, recall the detective Peter Falk played on TV. The often-disheveled character often disarmed people by the manner in which he questioned them since he looked and acted like someone who did not know what he was doing. He would start and stop lines of questioning and ask things out of order. However, in the end, usually when he was leaving the room, he would pause and ask the question for which he had set them up. It was usually through this process that the answers he was looking for were provided.

Much like Columbo, some attorneys will not be organized in their questioning. In some cases, this could be related to their degree of preparation. However, do not allow this to derail your organization as you respond to the questions. Keep on track, answer the questions directly and let the facts speak for themselves. In your response, you may need to be more measured and respond to the question asked directly with a simple answer. Then, if additional information is important to getting to the truth, offer to provide that and use your own format of presentation.

### **MISTAKE 4: DOCUMENTATION**

Issues involved with documentation related to your work in the legal arena would fill an entire textbook. However, several areas are worthy of an overview. The primary issue relates to the amount and manner of documentation. Remember that everything you have written as a disclosed expert witness is fully discoverable by all parties involved in the legal action. Written reports, including drafts, must be clear and direct. Handwritten notes in files that you use in the process of developing your opinions are also open to scrutiny, so always be conscious of this as you write.

Many qualified and successful experts have developed techniques and methods to document their work. One proven technique is to organize the information into areas. My personal favorite is to have a single document that is a master file. My master file includes sections for the following:

**1) Time log.** A listing of the date, amount of time and work activities that was performed in relation to the case.

**2) Personnel log.** A listing of the names, titles and organizations for each key person in the case. This can be broken into groups based on the organizations or parties in the lawsuit. It is also helpful to include the names of the attorneys who represent

the various parties so you can formulate ideas related to their methods of interviewing and areas that they think are important.

**3) Items reviewed.** In this section, list all materials reviewed in preparation for the case. This list is specific and details the title of every document reviewed, as well as the specific regulations or other materials that were consulted in the work.

**4) Notes.** In this section, you should have the information that you obtained during your research and review. Putting it into a table or column format can help direct you to where it was found in the research and what was said. This can help later as you formulate your opinions in that it will give you background on how you arrived at them.

**5) Opinions.** The final part of your log could be a section that contains the opinions you will present. It is helpful to number them, then refer back to the notes that you relied upon to come to that conclusion. By doing this, opinions are based on the facts that were detailed in the note section rather than conjecture. It is hard to argue against opinions that are based on the facts presented. To counter the conclusions or opinions, the opposition must dispute the facts presented.

### **CONCLUSION**

This article has explored some techniques that can be used by those working in litigation and legal consultation as either consultants or designated experts. This broad overview was intended to provide readers with background on what is involved and help make them more effective in their work. It is also hoped that readers will have a better understanding of the issues confronting those working in the legal arena should they have an interest in working in it. ☺

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## What's New on LinkedIn

*continued from page 1*

### **CPS NETWORK: THE GROUP FOR CPS MEMBERS ONLY**

The first of these groups, CPS Network, is managed by the CPS Advisory Committee as a resource specifically for our members. This group was started because many CPS members are very small businesses—in fact, many of us are just one person. Most of us have faced situations in which a client or potential client requests services that we cannot provide because we do not have the expertise, are not available at the required time or cannot cover the location cost-effectively.

There are also situations where a project requires a team of people, and we need additional resources to help

*There are also situations where a project requires a team of people, and we need additional resources to help us. In these circumstances, we often want to find someone to work as a subcontractor or maybe just provide a referral to the client of someone we know who can do a good job for them.*

us. In these circumstances, we often want to find someone to work as a subcontractor or maybe just provide a referral to the client of someone we know who can do a good job for them. Those are the key words—someone we know who can do a good job. With our reputations on the line, we do not want to bring a totally unknown person into the picture, whether as a sub or a referral.

Historically, we have sent out panicked e-mails or phone calls to the people we trust asking, “Do you know someone who lives in X, has expertise in Y, speaks Z, etc.?” And Murphy’s Law being what it is, we usually need a quick reply, but the people we are reaching out to are traveling, on vacation or similarly unable to respond that fast (plus they may need to go through another iteration of checking with their network to see whether anyone meets the requirements).

As a member of this LinkedIn Group, you can go to the Members tab and enter any search term(s) you want into the Search Members field to see who meets your criteria. If there is not someone whose reputation you already know, then take a look at who has recommended these people. If they have a recommendation by someone whose opinion you trust, that can save time in deciding whether to contact the person to see whether they can help you.

This group currently only has a small number of members, but we hope to get more CPS members to join so that it is as useful as possible. Shortly after you read this article, you will receive an invitation to join the group (if you are not already a member).

### **CPS GROUP**

The second group is managed by ASSE at the Society



level. It carries the ASSE logo and is called Consultants Practice Specialty. This group has more than 550 members and is open to both CPS members and non-CPS members. The CPS Advisory Committee has chosen to maintain the separate CPS Network as a group for CPS members only.

Current topics of discussion within the CPS LinkedIn group include the following:

- “Does anyone have a form they use for PPE hazard analysis?”

This query drew five replies, four of which offered samples as requested.

- “I just received a wholopping bill from my accountant for preparing my 2009 corporate return. I think I am paying way too much but have no way to calibrate it. I am not necessarily looking for how much you paid but variables that would lower/increase the cost and would help me know what to ask as I shop around. For the record, I am a two-person shop that sells no products, only services. Gross billables are under \$300,000 with no real special circumstances of which I am aware. I use Quickbooks.”

This query drew ~15 responses, with much conversation back and forth.

- “For the safety consultants out there, from whom are most of you purchasing your errors and omissions insurance? From a local insurance agent or from the ASSE vendor?”

This query has drawn 17 responses and was still active as of the writing of this article.

These examples are just the proverbial tip of the iceberg of how we can use LinkedIn and similar sites to enhance networking opportunities for CPS members. As always, we are interested in your input as to how we can continue to add value. Please send suggestions to any Advisory Committee member. ☺

**Debby Shewitz, CSP**, has been a member of the *Consultants Practice Specialty Advisory Committee* since 2003 and currently serves as *The Advisor* editor. She is the principal of *Shewitz Consulting LLC* in Cleveland, OH.

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# Status of Z10 Standard Revision

The ANSI/AIHA Z10-2005 standard, Occupational Health and Safety Management Systems, provides a systems process for identifying, assessing, controlling and managing workplace safety and health risk. In line with the 5-year revision cycle requirements for ANSI standards, the Z10 standard is now due for revision, and the revision committee has begun its work.

The full committee met via conference call in June 2010 and has solicited initial comments and suggested edits, amendments and changes from stakeholders. A face-to-face meeting was held Aug. 25-27, 2010, to work through the first draft, which is being developed through subcommittees and an overall edit committee. The American Industrial Hygiene Association (AIHA) is the secretariat for Z10, Jim Howe is Z10 chair and Vic Toy is Z10 vice chair.

Changes under consideration include creating a more robust appendix with more resource information and

how to implementation tools in the areas of risk assessment, procurement, contractors and management of change references. Additional information and consensus building will be around employee participation, initial reviews, competence for training, audit tools and prevention through design principles in the planning phase.

The target for completion of the revised standard is the fourth quarter of 2011.

For more information, contact Mili Mavely ([mmavely@aiha.org](mailto:mmavely@aiha.org)) of AIHA or Kathy Seabrook ([seabrook@globalehs.com](mailto:seabrook@globalehs.com)) and/or Jim Smith ([jim\\_smith-fl@ajg.com](mailto:jim_smith-fl@ajg.com)), ASSE's representatives on the Z10 committee.

For more information on prevention through design, see Vol. 9 No. 2 of *The Advisor*. ☺

**Kathy A. Seabrook, CSP, CMIOSH**, is a member of the Z10 revision and edit committees.

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