

“Managing the Rapids of Risk, Accessories for Protection”

Talk presented by the Risk Management Division, Department of Administrative Services, State of Oregon at the 6th Biennial OWEB Conference, 52nd OACD Annual Meeting at the Eugene Hilton Hotel and Conference Center on November 9, 2000.

Risk Management Division Role and Purpose

The Oregon State Legislature created the Risk Management Division in 1981 to manage and finance state property and liability risk.

Only the Risk Management Division can:

- ✓ Adjust and pay claims and suits under coverage lines.
- ✓ Manage the state's Self Insurance Fund.
- ✓ Allocate losses by billing risk charges (premiums) to state agencies for tort liability, property and workers' compensation claims.
- ✓ Issue certificates of coverage.
- ✓ Procure commercial insurance for risks the state does not want to retain.
- ✓ Extend state tort liability coverage to others.

Extending State Tort Liability Coverage

The state covers its employees, agents and volunteers. Coverage is rarely provided to non-state entities and often requires legislative approval. In fact, the Watershed Councils, and the Soil and Water Conservation Districts are the only non-state entities with a state policy. Authorization to extend this policy is granted by the Oregon Legislature.

The risk charge (premium) for this coverage is paid by the state and not by the Councils or Districts because the state self insurance program is internally funded. The Oregon Watershed Enhancement Board pays the risk charge for the Councils and the Department of Agriculture pays the charge for the Districts.

Council and District Defined

Watershed Councils, and the Soil and Water Conservation Districts share many similarities, while maintaining their unique qualities. Both work on watershed enhancement plans, education and the protection of natural resources. Both work alone and in concert with other entities, companies and nonprofit organizations. Yet, legally they are different.

The Legislature defined Soil and Water Conservation Districts as “public bodies” for the purposes of the Oregon Tort Claims Act (OTCA). The Districts share the same limited immunity as the State. The Legislature did not give Councils the same status. Councils are not subject to the OTCA and therefore may face unlimited liability.

Districts

Districts are subject to the Oregon Tort Claims Act ORS 30.260 through 30.300. The Act contains certain immunities and places a limit on third party liability. One such immunity or freedom from liability is for workers compensation claims:

If someone is injured during a District activity and a non-District employer covers that person; the individual does not have a right of action against the District for his or her injury. Workers’ compensation law provides sole remedy protecting the public body (District) from the claim.

The OTCA places a cap or limit on the amount due to third parties within the State of Oregon. The limit does not apply to federal actions or damages resulting from activities in other states. Furthermore, the act provides additional protection to employees, agents and volunteers of the public body. Any time a tort claim results in a lawsuit naming an employee, agent or volunteer, a motion can be filed to drop the individual’s named and substitute it with the name of the public body.

ORS 30.270 Amount of Liability.

Liability of any public body or its officers, employees or agents within the scope of ORS 30.260 to 30.300 shall not exceed:

- a) \$50,000 for third-party property damage.
- b) \$100,000 for third- party general and special damages (i.e. medical bills, pain, suffering and inconvenience). An additional \$100,000 for special damages.
- c) \$500,000 for any number of claims arising out of a single accident or occurrence.

Councils

Watershed Councils are not public bodies. They are not subject to the Oregon Tort Claims Act. Councils have unlimited liability. The State Self-Insurance program covers part of this exposure:

- a) \$50,000 for third-party property damage.
- b) \$100,000 for third-party general and special damages.
- c) \$200,000 for any number of claims arising out of a single accident or occurrence.

There is no immunity or cap on liability. The state plan may not cover all Council risks. In addition, employees, agents or volunteers of the Council may not be able to have their names removed from lawsuits.

State Liability Self Insurance Plan

The state provides self-insurance coverage to Councils and Districts. While the state policy is structured like a commercial insurance policy, it is not insurance. Insurance is a contract where one party (the insurance company) agrees to indemnify another party (the insured) against covered losses in exchange for a “premium”. The state self insurance plan is not a contract. It is a funding program for losses or claims of Councils and Districts. The Oregon Legislature sanctions the Department Agriculture (for Districts) and Oregon Watershed Enhancement Board (for Councils) payment of Risk charges into the state’s self insurance fund to cover Council and District tort third party claims.

The state covers “tort” liability only. A tort is an act that harms another. It occurs when a person acts, or fails to act and, as a result, another is harmed. Torts involve civil actions for personal injury or property damage. Torts do not include criminal acts or contractual matters.

What is covered by State Self-Insurance? Who is covered?

The plan covers the tortuous acts of Council and District agents, employees or volunteers. Coverage is subject to the terms and conditions of the policy. One such condition is that coverage applies only to individuals acting within the course and scope of their official duties. Course and scope is established through written job descriptions.

The following offer some examples of coverage situations:

- ✓ A Watershed Council and a Soil and Water Conservation District are working on a joint stream restoration project. Mr. Greenfield lives downstream from the project. Two years after the project is complete, Mr. Greenfield’s property is flooded. He files a claim against the Council and District with the Risk Management Division.

If Mr. Greenfield can prove that the Council and/or District’s activity caused the event, then the Self-Insurance program will pay Mr. Greenfield’s damages up to policy limits of coverage plus pay for any Council and/or District’s defense costs.

- ✓ A District employee designs a project for a Mrs. Smith. The landowner follows the design to the letter. The design is flawed, causing damage to a neighbor’s property.

If the event occurred as a result of the District employee’s error, then the State Self Insurance policy would compensate Mrs. Smith up to the policy limits plus pay any District defense costs.

- ✓ A Council member directs volunteers on a project. The action accidentally damages Ms. Graham's property.

If the activity caused the damage, then the Self Insurance policy would pay Mrs. Graham's damages up to the limits of coverage plus any Council attorney fees.

What makes a person your agent or volunteer?

The state self insurance coverage applies to your agents and volunteers. The court and not Oregon Revised Statutes or state rules determine agent and volunteer status. Court precedents provide the test to use for agent or volunteer evaluation. However, there are no guarantees that the court may later determine that the person is not your agent or volunteer.

Agent Test

- 1) Do you have the right to direct and control the individual?
- 2) Do you control the means and manner in which they work?
- 3) Do you receive the primary benefit of their service?

Yes to all probably makes the person your agent.

Volunteer Test

If you answer yes to all three "agent" test questions and the individual **does not receive any remuneration for their service**, then they may be your volunteer.

When must a third party claim be reported to the Risk Management Division?

Districts: Follow the terms of the Oregon Tort Claims Act. (See ORS 30.275 for more details).

- ✓ Up to 180 days from the alleged loss or injury unless otherwise stated in this section.
- ✓ Up to 270 if the injured person is unable to give notice because of their injury, or they are a minor or incompetent.
- ✓ Up to 1 year for wrongful death.

Councils: Promptly.

How do you file a claim with the Department of Administrative Services, Risk Management Division?

Notify Risk Management in writing promptly of an occurrence, which may result in a claim.

1. The notice should include:
 - ✓ How, when, and where the occurrence took place; and
 - ✓ The names and addresses of any injured persons and witnesses.
2. If a claim is made or suit is brought against any covered person, you must give Risk Management prompt written notice of claim or suit.
3. If a third party wants to file a claim for damages have them submit the information in writing to:

**Risk Management Division
1225 Ferry St SE U 150
Salem, Oregon 97301-4287**

What are the coverage limits?

- ✓ **Councils:**
 - \$50,000** for third-party property damage.
 - \$100,000** for third-party general and special damages.
 - \$200,00** for any number of claims arising out of a single accident or occurrence.

- ✓ **District:** limits mirror Oregon Tort Claims Act Limits
 - \$50,000** for third-party property damage.
 - \$100,000** for third- party general and special damages (i.e. medical bills, pain, suffering and inconvenience). An additional \$100,000 for special damages.
 - \$500,000** for any number of claims arising out of a single accident or occurrence.

- ✓ **Plus unlimited defense** for Councils and Districts.

Self Insurance Policy Exclusions

1. Punitive Damages Damages awarded by the court as punishment for a serious wrong.
2. Intentional Acts
3. Contractual Liability assumed under a contract. (i.e. contractually obligation to indemnify others for your actions.)
4. Workers' Compensation
5. Employer Liability
6. Protective Relief Liability Injunctions are filed to get you to start or stop an activity. Declaratory actions are filed to have the court declare that your plan is not sound.
7. Pollution
8. Aircraft
9. Watercraft
10. Taxes
11. Eminent Domain A government's right to take private property for public use. (condemnation proceedings).
12. Nuclear Energy Liability
13. War
14. Property Property owned by you or your sub-divisions, boards or commissions.
15. Miscellaneous Exclusions
 - a) **Administrative Procedures** (Hearings or other proceedings under any statute.)
 - b) **"CERCLA" Cost Recovery Claims.** Claims or actions brought by the U.S. Government or any other person, for recovery of costs incurred in removing or cleaning up hazardous substances, under Comprehensive Environmental Response, Compensation and Liability Act of 1980.
 - c) **Contract Issues.** Breach of contract, contract disputes and related causes of action.
 - d) **Election Law Claims**
 - e) **Habeas Corpus.** Actions brought to challenge the legality of confinement, conditions of confinement, conviction or sentence under state and federal constitutions and statues.
 - f) **Public Meetings Law**
 - g) **Inverse Condemnation.**

Other Insurance You May Purchase And Ways To Cover Your Exposures

There are many risks associated with Council and District activities. This list may not address them all. You may wish to perform risk assessments or consult with an insurance broker to identify additional exposures.

1. Umbrella or Excess Liability Coverage

State Self-Insurance Coverage alone may not cover all exposures.

- ✓ Districts may wish to purchase an Umbrella Commercial General Liability policy to:
 - a) Cover some of the exposures not covered by the State Self-Insurance policy,
 - b) Increase coverage limits for non-tort exposures and,
 - c) Work as primary coverage for non-tort claims. i.e.: contract disputes.
- ✓ Watershed Councils may wish to purchase Excess Commercial General Liability coverage to cover exposures not covered by the State Self- Insurance policy and to increase overall policy limits.

2. Employees

Do you have procedures for appropriate hiring practices, due process, steps to handle grievances, sexual harassment allegations, discrimination or Americans with Disabilities Act?

- ✓ Employee liability insurance covering discrimination, sexual harassment, wrongful termination, breach of employment contract, negligent evaluation, failure to employ or promote, wrongful discipline, deprivation of career opportunity, wrongful infliction of emotional distress, mismanagement of employee benefit plans and negligent hiring.

3. Loss or Damage to Property and Buildings Owned by You.

- ✓ Primary Automobile Collision /Comprehensive Coverage (for cars owned, leased or rented by District or Council).
- ✓ Commercial property insurance to cover owned buildings and contents for vandalism, fire, windstorm, theft etc.

4. Injury to your employees, agents or volunteers while performing services for you.

- ✓ Workers' Compensation for employees, agents and volunteers.

5. Theft or misappropriation of your money or property by employees, agents or volunteers.

- ✓ Employee Dishonesty Bond or Crime Policy.

6. Fines

U.S. Fish and Wildlife Service, Endangered Species Act of 1973. Penalties and Enforcement, Section 11 (a) Civil Penalties (1) ...

SEC. 11.

(a) CIVIL PENALTIES.-

(1) Any person who knowingly violates, and any person engaged in business as an importer or exporter of fish, wildlife, or plants who violates, any provision of this Act, or any provision of any permit or certificate issued hereunder, or of any regulation ... may be assessed a civil penalty by the Secretary of not more than \$25,000 for each violation. Any person who knowingly violates, and any person engaged in business as an importer or exporter of fish, wildlife, or plants who violates, any provision of any other regulation issued under this Act may be assessed a civil penalty by the Secretary of not more than \$12,000 for each such violation. **Any person who otherwise violates any provision of this Act, or any regulation, permit, or certificate issued hereunder, may be assessed a civil penalty by the Secretary of not more than \$500 for each such violation.** No penalty may be assessed under this subsection unless such person is given notice and opportunity for a hearing with respect to such violation. Each violation shall be a separate offense. Any such civil penalty may be remitted or mitigated by the Secretary. Upon any failure to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. The court shall hear such action on the record made before the Secretary and shall sustain his action if it is supported by substantial evidence on the record considered as a whole.

Definitions Section 3:

18) The term "**take**" means to harass, **harm**, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.

Prohibited Acts Section 9:

(a) GENERAL.-

(1) Except as provided in sections 6(g)(2) and 10 of this Act, with respect to any endangered species of fish or wildlife listed pursuant to section 4 of this Act it is unlawful for any person subject to the jurisdiction of the United States to-

(A) import any such species into, or export any such species from the United States;

(B) **take any such species within the United States or the territorial sea of the United States;...**

How to avoid a fine for an accidental or unintentional "taking"?

Section 10 of the Act allows you to apply to the U.S. Secretary of the Interior for a permit for an exemption. The permit exempts you from prosecution for an accidental or unintentional "taking".

Permit: General Information:

- 1) Permit takes 90 days to process.
- 2) Cost is free to nonprofits, governmental entities (state, cities, counties, municipalities), schools and universities. \$25 per permit to all others.
- 3) State on permit the specific location of the activity and the endangered species living in the vicinity. (USFW will send you details on how to handle the species you may encounter.)
- 4) The names of all the individuals participating in this activity.
- 5) Note: U.S. Fish & Wildlife must certify one or more participants. This person must pass a test based on their expertise in biology. There is no charge for the test. The test centers are Portland, Roseburg, Klamath Falls, Newport and Boise Idaho. The individual, who passes the test, states on the form that they will be responsible for the direct supervision of all the participants.

7. Activities Involving Alcohol: Do any of your functions involve alcohol?

A risk control plan is recommended if you entertain clients, general public, foreign dignitaries, trade mission members, etc. The plan should include these minimum standards:

RECOMMENDED MINIMUM RISK CONTROL STANDARDS

These standards are recommended for Watershed Councils, and Soil and Water Conservation Districts to use when they serve alcohol or permit alcohol to be served at a function.

A. Large Functions. For functions larger than a typical residential party, the Council or District will:

1. Hire a vendor licensed to serve alcoholic beverages. The OLCC Special Dispenser and Caterer Dispenser licensees are equally acceptable (ORS 471.542).
2. Verify that all alcohol servers hold service permits and have passed the Server Education course.
3. Assure that enough alcohol servers will be present and will be instructed to observe patron behavior; not just mix and serve drinks.
4. Inform the servers of the Council or District's standards and expectations for alcohol service and control, empowering them to cut off drinkers. Make clear that the vendor adheres to its responsibilities. There are no privileged drinkers.
5. Share this policy and any specific risk control plan with vendors and co-sponsors.
6. Assure that the vendor's plan to deal with alcohol over-service problems is adequate.
7. Appoint a Council or District employee to observe the performance of the vendor, and assist in observing guests' behavior. The staff person must also have successfully completed the Server Education course. All employees on duty or representing the state will drink non-alcoholic beverages.

8. Provide plentiful nonalcoholic beverages and a varied and steady supply of the sort of foods that delay absorption of alcohol into the blood stream. Fatty foods, such as cheese, nuts, or deep-fried items are not what one would usually promote. However, they are needed because they digest slowly, decreasing the alcohol absorption rate.
9. Do not allow open, self-service, bars.
10. Limit container sizes to no greater than these normal commercial standards:
 - a. One ounce, hard liquor;
 - b. Ten ounce beer; and
 - c. Six ounce wine servings.
11. Limit the number of drinks to two. An exception is an event for tasting or sampling of Oregon products. Do not allow "sampling" of large quantities. Tasting containers and servings must be much smaller than normal size.
12. Limit alcohol consumption to the immediate premises where alcohol is being served.
13. For receptions, limit the time alcohol is served to no more than 60-90 minutes. Stop service at least 30 minutes before the reception is over. The last drinks provided at the reception should be nonalcoholic. Arrange some activity to keep people on site for that last 30 minutes.
14. Select sites that require minimal travel for the participants. Consider availability of taxi service or overnight lodging. Arrange designated, non-drinking drivers or provide a "limousine" service to transport people home as needed. Assign the clear responsibility to staff, the licensed vendor, or contracted security to see that any attendee who is intoxicated is identified and taken home safely.
15. The vendor's premises are preferred to reduce liability risk. Vendors are most clearly responsible for the conduct of patrons on the vendor's premises. Avoid sites with long flights of stairs, wading pools, or any other hazard that could place a careless drinker at risk.
16. The contract with the licensed vendor must:
 - a. Require that the vendor indemnify and hold harmless the Council or District for any claim made against the Council or District due to the vendor's negligence. Use this wording in your contract:

Vendor shall indemnify, defend and hold harmless the _____Watershed Council or the _____Soil and Water Conservation District its officers, divisions, agents and employees from all claims, suits or actions of any nature arising out of the activities of the contractor, its officers, subcontractors, agents or employees under this contract.
 - b. Require the vendor to have workers' compensation insurance and general liability insurance (including contractual liability). The latter must include a liquor liability endorsement with a

coverage limit of at least \$1,000,000. The liability insurance must be endorsed to name of the Council or District as additional insureds. A vendor or caterer who cannot readily meet this common requirement bears careful investigation before an exception is considered.

- c. Prior to the event, obtain certificates of insurance from the vendor to verify all required insurance coverages. Give the vendor this wording to be placed on the certificate by its insurance agent:

It is agreed that the _____ Watershed Council or the _____ Soil and Water Conservation District, and their divisions, officers, and employees are Additional Insureds but only with respect to the vendor's activities under this contract.

- B. Smaller Functions:** For roughly residential size functions, the Council or District is advised to select and follow any applicable parts of the Large Functions recommended standards. If a licensed vendor is used for a small function, the insurance elements for Large Functions are recommended.

Your Role

Your role is much more than advancing the wise use of Oregon's natural resources. Risk management must be an integral part of your activities. The strategies you develop to minimize risk will guarantee continued operations. The most valuable tool you have to help you is a risk assessment. Risk assessments can be done at anytime and by anyone. They help you identify and develop strategies to eliminate or minimize risk.

Risk Assessment Steps

1) What are your activities?

- ✓ What will you be doing?
- ✓ Where will it be done?
- ✓ What materials or substances will be used?

2) Who will be performing these activities?

- ✓ Are they your agents, employees, board members or volunteers?
- ✓ Are they independent contractors or employees of the county, city or municipality?

3) What are the risks associated with these activities?

- ✓ Injury to your agents, employees, board members or volunteers?
- ✓ Injury to others covered by their employer's workers' compensation coverage?
- ✓ Injury to third parties.
- ✓ Third party property damage.

4) Rank risks.

- ✓ What is the chance of a loss occurring: high, medium or low.
- ✓ How much might this loss cost?

5) How are these risk covered?

- ✓ Are they covered by the state tort liability policy?
- ✓ Is there a contract with the service provider? Does the contract transfer the risk and require insurance coverage?
- ✓ Do you have a commercial insurance policy covering the risk?
- ✓ Is the risk so low that it can be uninsured?

6) Are there other ways to minimize the risk?

- ✓ Are the participants properly oriented and trained?
- ✓ Is supervision required?
- ✓ Are there clear expectations?
- ✓ Are there policies and procedures?
- ✓ Are the duties clearly delineated?
- ✓ Are you acting in good faith?
- ✓ Are you following reasonable professional and industry standards? Is it best to use an experienced professional in this case? What level of

professional or industry standard is needed? Are you meeting this standard?

- ✓ Are you a good neighbor? Have you addressed community concerns? Do neighbors know when and where the activity will begin? Do they know how the task will be accomplished and the length of the project?
- ✓ Do all participants recognize and know how to handle endangered species?
- ✓ Have you filed a permit with U. S. Fish and Wildlife for exemption from accidental or unintentional "taking" of an endangered species?

Sample Risk Assessment

Project

You have been asked by Mr. Rawlings to design and construct a wildlife pond with a dike on his property.

Properties Involved

The pond will be placed near Mrs. Bartholomew's commercial flower growing operation. The area is not easily accessible. All equipment and personnel must cross Mr. Peabody's property in order to reach the site.

Miscellaneous Information

There have been unconfirmed sightings of Columbian White Tailed Deer, Oregon Silverspot Butterfly, Rough Popcorn Flower and the Western Lily in the area. These animals and plants are on the endangered species list.

Parties Involved and Their Duties

A Soil and Water Conservation District:

- ✓ Employee will design the pond.
- ✓ Contract with independent contractor. (The contract will hold the District harmless and indemnify them for the contractor's activities.)

Independent Contractor

- ✓ Will dig out the pond and construct the dike.
- ✓ Since a backhoe will be used, the contractor's insurance policies will cover liability arising out of the use of the backhoe, all other contract activities and workers' compensation coverage for contract workers

Watershed Council

- ✓ Organize and direct volunteers.
- ✓ Volunteers will prepare the site for the contractor.
- ✓ Pay a portion of the independent contractor's services. (The council will have the contractor sign an agreement holding them harmless and indemnifying them as well.)

Mr. Rawling

- ✓ Pay a portion of the independent contractors' services.

Note: All answers are conditioned on whether the loss or claim is covered and the Council or District was negligent.

1. What are the activities?

- ✓ Design wildlife pond.
- ✓ Fill pond with water.
- ✓ Digging with backhoe.
- ✓ Planting around pond.
- ✓ Use of heavy machinery (backhoe)

2. Who will be performing these activities?

- ✓ District employee will design project.
- ✓ Council volunteers will prepare site.
- ✓ Independent contractor will implement design.

3. What are the risks associated with these activities?

- ✓ Mr. Peabody or Mrs. Bartholomew's complaints about project.
- ✓ Improper design or construction could cause flooding and damage Mrs. Bartholomew's commercial flower growing operation.
- ✓ Damage to Mr. Peabody's property from backhoe treads or from other vehicles.
- ✓ Injury to Mr. Peabody or Mrs. Bartholomew if they fall in the hole before water is placed in it.
- ✓ Injury to employees of independent contractor.
- ✓ Injury to volunteers.
- ✓ Violation of Endangered Species Act if Columbian White Tailed Deer, Oregon Silverspot Butterfly, Rough Popcorn Flower and the Western Lily are harmed.

4. Rank risks

Activity	Chance of loss	Cost
Damage to Mr. Peabody's property from backhoe treads or from other vehicles.	High	Hundreds
Improper design or construction could cause flooding and damage or destroy Mrs. Bartholomew's commercial flower growing operation.	Medium	Thousands
Injury to employees of independent contractor.	Medium	Thousands
Injury to volunteers.	Medium	Thousands
Injury to Mr. Peabody or Mrs. Bartholomew if they fall in the hole.	Medium	Thousands
Mr. Peabody or Mrs. Bartholomew's complaints about project	Medium	Thousands in attorney's fees to fight injunction.
Violation of Endangered Species Act if deer or butterfly are harmed.	Medium	Thousands

5. How are these risk covered?

Risk	Coverage
Damage to Mr. Peabody's property from backhoe treads or from other vehicles.	If damage is done by: 1) Independent Contractor: Contractor's insurance company. 2) Vehicle owned by volunteer: Volunteer's private automobile insurance company. 3) Vehicle owned by Council or District: State Self Insurance Policy
Improper design or construction could cause flooding and damage or destroy Mrs. Bartholomew's commercial flower growing operation.	1) If improper design due to District or Council negligence: Up to 50K coverage for District and Council. District liability is capped at 50K Council may be liable for damage over policy limit. 2) Improper construction: Independent contractor's insurance carrier.
Injury to employees of independent contractor.	Worker's compensation coverage of contractor.
Injury to volunteers.	Health insurance of volunteer or potential third party claim against Council. Council may have to pay loss out of operating budget, unless Council has purchased commercial coverage.
Mr. Peabody or Mrs. Bartholomew's complaints about project.	If Mr. Peabody and Mrs. Bartholomew file an injunction to stop project, no state coverage. Legal expenses borne by named parties (Mr. Rawlings, the District and Council).
Injury to Mr. Peabody and Mrs. Bartholomew if they fall in the hole.	State coverage applies if Council's and/or District's activity caused injury. Otherwise, independent contractor's insurance carrier or Mr. Rawlings insurer may be responsible.
Violation of Endangered Species Act if deer or butterfly are harmed.	No state coverage. Fine responsibility of named parties. (Mr. Rawlings, the District and Council)

6. Are there other ways to minimize the risk?

Risk	Technique
Damage to Mr. Peabody's property from backhoe treads or from other vehicles.	Have volunteers walk to site rather than use vehicles.
Injury to Mr. Peabody or Mrs. Bartholomew if they fall in the hole.	<ol style="list-style-type: none"> 1) Post warning signs. 2) Tape off area around the pond. 3) Show Mr. Peabody and Mrs. Bartholomew where the pond is located so they do not accidentally fall in. 4) Ask Mr. Peabody where he prefers backhoe to travel. 5) Place board under backhoe's wheels.
Improper design or construction could cause flooding and damage or destroy Mrs. Bartholomew's commercial flower growing operation.	<ol style="list-style-type: none"> 1) Make sure district designer follows industry standards and is expert. 2) Have sandbags and other barriers available in case of a breach.
Injury to volunteers.	Properly train volunteers in lifting techniques and all other aspects of the project.
Injury to contractor's employees	Verify contractor has workers compensation coverage by asking for insurance certificate and verifying coverage with contractor's insurance broker.
Mr. Peabody or Mrs. Bartholomew's complaints about project	Give Mrs. Bartholomew and Mr. Peabody details about the project and when the work will begin. Address any concerns. Obtain permission from Mr. Peabody to use his property for site access.
Violation of Endangered Species Act if deer or butterfly are harmed.	Obtain permit from US Fish & Wildlife Office.