

SNOW+ICE

GUIDE

TAKE *note*

One expert advises how to avoid being found liable in slip-and-fall lawsuits.

BY BETH GERACI

Limit your exposure to liability by putting everything in writing.

JOHAN A. ALLIN, CSP, flipped through his slides at the 14th Annual Snow & Ice Symposium and looked intently at his audience of national snow and ice contractors.

"It's all about the money," he emphasized.

The expert witness and professional consultant in snow and ice litigation was talking about the motivation behind slip-and-fall lawsuits — and how contractors can avoid them.

A snow and ice lawsuit is prompted as much by greed as by sidewalk imperfections, on-site errors and bad judgment, Allin says. He added that if a lawsuit is filed against them, contractors are doomed to lose if they haven't systematically and painstakingly documented their work.

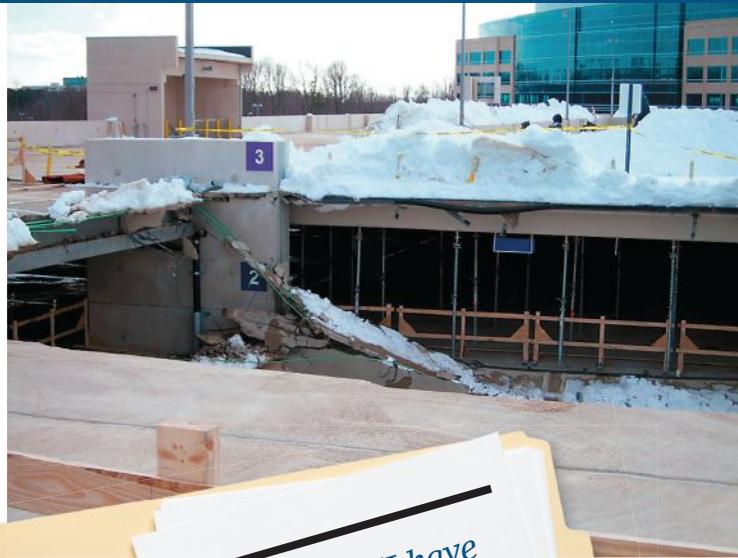
In fact, documenting adequately is the single most important step a snow and ice contractor can take to protect him or herself from liability, Allin says, because it helps in "proving you did what you were contracted to do."

"Keeping records that are customary and consistent is key," he says. "Documenting is not a one-time event. It's an every-time event."

What's more, Allin advises keeping records on file for at least seven years. Document your training programs, he says. Take photographs. And most importantly, have a formal plan and execute it.

The list of what contractors should document is exhaustive: work per-

continued on page 31



continued from page 29

formed; length of time the project took to complete; materials used; obstacles; accomplishments; all correspondence; and everything in between.

Recordkeeping doesn't start and end with administrative assistants, Allin cautions. Everyone is responsible for documenting information, he says, "from the person answering the phone and keeping track of incoming calls, to the plowers and salters and sidewalk crews at the site."

But as vulnerable as lax documentation makes contractors to a payout, no mistake is more egregious than failing to follow the language in a contract, Allin says. He reminded the audience they have the ability to change a contract's language, and that they absolutely should if they're uncomfortable with the contract.

"Do the job you were hired to do," he said, nothing more, nothing less.

"Have a process, document it and do it," Allin continued. The problem is, few snow contractors actually have formal procedures in place. And contractors who don't have them better implement them, he says.

"By far and away, most snow contractors have an 'out of sight, out of mind' mentality about 'process,'" he says. "If they think 'I have not been sued ever, so it will not ever happen,' this is foolish, shortsighted and an avoidance of responsibility."

In all his years consulting as an expert witness in snow-and-ice lawsuits, Allin says he has observed one universal flaw in the way snow and ice companies operate: Attention to

A vehicle toppled into a parking garage that collapsed from a bad plow job.

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— JOHN ALLIN

detail is nearly always lacking.

Such carelessness has the same effect as contaminants rising up the food chain; problems intensify the farther contractors advance in the project.

Moreover, "a lack of attention to detail and proper documentation eventually retards progress and growth to a point where the company begins to fold under its own unorganized weight," Allin says.

At the seminar, Allin displayed photos of snow and ice work gone awry. One was a shot of piles of snow plowed up against a man's front door and across the front walk. The man had no way to leave his house, and when he tried, Allin said, the homeowner slipped and fell.

The other photo featured a collapsed parking garage. A snow plower pushed so much snow up against the

parking garage, a wall collapsed, Allin said, adding a vehicle later drove right into the abyss.

The audience laughed at the images' absurdity. But bad plow jobs are no laughing matter, Allin says. So, when snow and ice contractors find themselves embroiled in litigation, they should take control and "participate in the lawsuit," Allin says. Contractors can't afford to sit idly by and hope their lawyers take care of everything, he says.

"Once you are notified of the suit filing, sending it to the insurance agent and then forgetting about it is tantamount to misconduct," Allin asserts. "You need to supply the lawyer with documentation that can aid in their defense of your position. You need to ask to participate, and then actually do so. The insurance carrier's defense is only as good as your records." LMI

Beet it

As snow pros seek greener deicing methods, the sugar beet is stepping up. **BY BETH GERACI**



WHILE ROCK SALT IS earning a dubious reputation as a killer of plants, grass and infrastructure along highways, the friendly sugar beet is gaining cred as its viable, more environmentally sound alternative.

Not only are sugar beet-derived deicers more ecological; they also are effective thawing agents, say winter product manufacturers, government officials and distributors.

Cheap and effective, rock salt (sodium chloride) traditionally has been the thawing agent of choice on U.S. bridges and roads. But economical or not, there's a price to pay for using it in concentrated amounts, snow and ice professionals like Jay Walerstein say.

Walerstein is vice president of sales and marketing for Road Solutions, a manufacturer, blender and distributor of green deicing products such as Univar's liquid Ice Bite — which is among the most widely used sugar beet-based deicers on the market.

"When a salt spreader releases rock salt, it bounces all over," Walerstein says. "And then cars disperse it. And then the salt ends up in the medium, in the ditches, in the grass on the side, where it does absolutely nothing but kill the grass and shrubs with concentrated levels of rock salt and deteriorate the concrete."

Likewise, because of rock salt on its roads, "Minnesota is having its streams and lakes filled with so much saline that it's killing the fish," says Chris Wehri,

chemical sales manager for Fargo, ND-based Prairie Supply, a Midwest distributor of Univar's Ice Bite.

Sugar beet-based deicers aren't salt free. Rather, they're blended with salt products to enhance their effectiveness. That's because sugar beets alone are ineffective melting agents, Walerstein says.

Sugar beet-based deicers can be a combination of one of many blends: calcium chloride and beet juice; magnesium chloride and beet juice; potassium acetate and beet juice; or rock salt brine and beet juice. Of those, the rock salt brine and beet juice blend is the most cost effective, Wehri and Walerstein assert.

Rock salt stops working at about 15 degrees Fahrenheit, meaning it won't melt ice at temperatures below that, they say. Sugar beet derivatives, however, work even in sub-zero temperatures, lowering water's freezing point, Wehri says.

Galen Kauzlarich, Geomelt 55 sales manager for Iowa's Smith Fertilizer and Grain, says beet-based deicing products enhance the effectiveness of chlorides, making the roads less slick, for longer periods of time, with less corrosive runoff.

Geomelt 55 is a liquid sugar beet-based deicer consisting of 70 percent salt brine and 30 percent sugar beet byproduct. In its first year of business — 10 years ago — Geomelt sold 20,000 gallons of Geomelt 55, Kauzlarich says; today he sells exponentially more than that annually in his region alone.

More and more Midwestern and Eastern states are testing sugar beet-derived deicers on their roads, including Kansas, the Dakotas, Ohio, Illinois and a growing list of others. Last winter, the New York State Thruway Authority tested a beet-brine solution on Albany and Syracuse highways with positive results, says Betsy Feldstein, the Authority's public information officer.

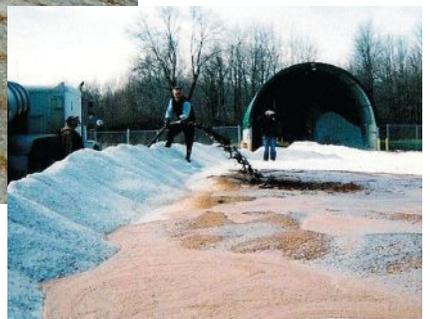
Slick pavement wasn't reported at any temperature, she says, and "the beet-brine mixture is organic and environmentally friendly." The beet solution also reduced refreezing on Albany highway ramps, Feldstein says, and "will not stain cars or roads, because so little of it is used and what is used is absorbed by salt and snow."

Walerstein's worked in the business for 11 years. "Let me tell you," he quips, "you can't beat the beet." **LM**



◀ A spray truck disperses a sugar beet-based deicer on the highway.

▼ Road Solutions employees treat 400 tons of rock salt with Ice Bite.



PHOTOS COURTESY: JAY WALERSTEIN (FAR LEFT); JAY WALERSTEIN (LEFT); STOCK/INTERNATIONAL INC.

PRODUCTS

'No clog' performance

PTO-driven DriftBuster snowthrowers for **Grasshopper's** full line of True ZeroTurn mowers deliver "no-clog" performance, even in deep or heavy, wet snows. A discharge spout controlled from the operator's seat rotates a full 180° to deliver snow up to 30 ft. away. Available in 48- and 60-in. models, the units feature heavy-gauge welded steel construction, a high-speed 12-in.-diameter auger and a heavy-duty replaceable scraper blade. An optional steering lever-mounted joystick control allows easy lifting of the auger and rotation of the chute from the comfort of the winter enclosure. ThrowMoreSnow.com



Busy bristles

Pro-Tech introduces five new Sno Broom attachments for skid steers and compact tractors. Sno Brooms minimize the potential for damaging surfaces and easily remove snow against curbs and walls. Skid steer models are available with 60-, 72- and 84-in. broom widths. They include a universal coupler for attaching to equipment with various hydraulic flow ratings and can be hydraulically angled 30° left or right. The PTO-driven tractor model is designed for machines with at least 30 hp. ProTechCorp.com



Quiet power

Ariens' AMP 24 Sno-Thro is an all-electric two-stage snow thrower with a 24-in. clearing width. The machine runs between 45 and 60 minutes on a single charge, depending on snow conditions, and provides a quieter alternative to traditional gas-powered snow throwers. The AMP 24 Sno-Thro is powered by a 4-hp brushless DC electric motor and energized by two 48-volt AGM Valve Regulated battery packs. Advantages include an easy start, reduced service requirements because there is no gasoline engine — and no associated gasoline costs or special storage requirements during summer months. Ariens.com



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Compact maneuvering

Compatible with small skid steers, compact tractors and small wheel loaders, the new Compact-Duty plows from **Arctic Snow and Ice Control Products** are designed for clearing small parking lots, sidewalks and larger driveways. The CD plows reduce fuel and salt usage by increasing pushing efficiency and eliminating follow-up



plowing. Unlike traditional one-piece moldboard plows, the Sectional Sno-Plows feature a sectional moldboard design. Each 24-in.-wide section is also equipped with a spring-loaded trip edge and polyurethane cutting edge for precision plowing. The plows are outfitted with Sectional Sno-Plow's patented Slip-Hitch system, providing faster, easier and more efficient operation. The system allows the plow to adjust and readjust to the pavement grade, resulting in fewer missed areas and less follow-up plowing. *Sectional-Plow.com*



ATV attachments

The **Meyer Path Pro** is designed for clearing snow from sidewalks or other tight areas not suitable for a plow truck. Paired with the Meyer Base Line-125 spreader, an ATV turns into the perfect snow and ice management vehicle. Path Pro, a commercial-grade, full-trip plow available in 50- or 60-in. widths, features highway-inspired flared wings that scoop and funnel snow faster and farther. The BL-125 tailgate spreader's low profile allows salt, calcium chloride, fertilizer and seed to disperse closer to the ground, providing better control of material output. At the heart of the BL-125 is an elevated heavy-duty electric motor, built to withstand the harshest winter conditions. *MeyerProducts.com*

Flare flair

The new VF series trip-edge V-plows from **Hiniker** feature deep-curl flared wings, providing the capacity to cast deep snow far and high. Double-acting hydraulic cylinders provide positive hydraulic control of moldboard positioning, whether plowing forward or back-dragging. Super-bright quad halogen headlights have up to twice the power of typical sealed beam lamps. Independent high-clearance trip-edge design provides smooth operation and enhanced protection. *Hiniker.com*

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Get the drift

The FFC Snow Blower by **Paladin Construction Group** turns a skid steer into a mini snow-plowing machine for small to medium snow removal jobs. This two-stage hydraulic blower is available in both standard and high-flow models that range between 4 and 8 ft. wide, with shroud openings of 25 or 36 in. The 18-in. auger cuts as deep as 36 in. into snow and drifts, and then throws it up to 45 ft. away from your clearing surface. Choose from an electronic or electro/hydraulic powered, poly-lined chute and deflector that reduces clogging and makes direction adjustments quickly. High-flow models never require a case drain. To ensure a cleaner and safer surface, FFC Snow Blowers have replaceable, wear-resistant hardened

edges that can be changed when they become dull. *PaladinConstructionGroup.com*



Clean machine

The **Gravely** Power Brush 28 features a 28-in.-wide head for fast clearing work, and the height adjustment system accommodates various surfaces and optimizes brush wear. The brush head also rotates 40°, with an operator-controlled pivot lock. Powered by a 169cc all-season EX 17 Subaru engine, the unit features an electric start and an automatic traction control system. It can be used year-round for snow removal, lawn de-thatching and clearing sand, dirt, grass clippings or other debris. *Ariens.com*



To the max

Offering a 2-cu.-yd. hopper capacity, the V-Maxx 8550 High Output spreader from **SnowEx** features a new transmission with a gear ratio of 40:1. This allows the unit to spread 295 to 680 lbs. of material per minute (3.6 to 8.3 cu. ft. per minute), which triples the rate of the comparable V-Maxx 8500 model. Designed to spread sand, the V-Maxx 8550 comes standard with a patented multi-angle hopper, an inverted-“V” baffle and an attached vibrator. For reduced maintenance, the spreader’s hopper is made from corrosion-resistant polyethylene. Plus, there are no engines, pulleys, sprockets, belts or chains to maintain. The unit is completely electric-powered with a high-torque, 0.5-hp motor, and all electrical components are fully sealed for weather protection. *TrynexFactory.com*

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The new SS575 salt spreader, for the **Ventrac** 4000 series, is for winter services and spreading materials such as bagged rock salt and calcium flake. With the optional gate installed, the SS575 can also spread bagged ice melters and calcium pellets. An optional vibrator kit also allows for bulk salt to be spread. The SS575 spreader features a 5.75 cu. ft. hopper capable of carrying 460 lbs. A see-through weather cover for the hopper comes standard. An electronic control box also comes standard, and features an electronic speed control and on/off switch. An optional drop curtain is available for spreading material in tight quarters such as sidewalks, parking garages and more. *Ventrac.com*

