



# The Hopper

The Official Newsletter of the North American Power Sweeping Association

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## Call for Content

THE HOPPER, the official newsletter for NAPSA, warmly welcomes article ideas, content, and photos submitted by members. Don't be shy. This is **your** newsletter. Send content, high-resolution pictures, and ideas to the attention of the editor at [info@powersweeping.org](mailto:info@powersweeping.org).

## Sweeper Summit 2018 Evolves Into All-Inclusive Industry Event

By Carolyn Bell

For decades, the power sweeping industry has piggy-backed on existing expos and events by sponsoring and hosting educational sessions to attract attendees from the power sweeping industry. Realizing the need for a concentrated and exclusive event, the 2018 Sweeper Summit encourages all power sweeping professionals to come together and forge a new direction as a part of the industry's first leadership conference.

This conference will be the first of many, targeted specifically to the power sweeping industry. The 2018 Sweeper Summit Leadership Conference will be an innovative event, with every session specific to power sweeping. The Summit will offer structured learning with practical lessons that can be applied immediately to business operations.

Elgin is sponsoring our award-winning keynote speaker, John Lankford. His business insight to creating sustainable success has been tested and proven in many industries, including construction, service and manufacturing. Over his 40-year career, Lankford has observed a common denominator of success. He will deliver his leadership and business sustainability concepts to inspire and revolutionize the power sweeping industry.

Also, this year's expanded, hands-on outdoor equipment expo will allow attendees to interact with the latest sweeping equipment from well-known manufacturers and emerging players with cutting-edge offerings. The 2018 Sweeper Summit will be a truly unique environment that will optimize learning and business growth, while maximizing the use of each attendee's time.

Bottom line, the 2018 Sweeper Summit is the only event exclusive to power sweeping owners and managers from across the country, bringing them together to focus on business growth and promote leadership skills, all while networking with the best companies in the industry. You don't want to miss it!

For more information and registration visit [www.sweepersummit.com](http://www.sweepersummit.com) or contact Carolyn Bell at [cbell@sweepersummit.com](mailto:cbell@sweepersummit.com).

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# Slip Sliding Away on Capitol Hill

By Karen M. Smith

One may be forgiven for assuming that liability for tripping hazards and injuries resulting from people stumbling over avoidable and reasonably corrected hazards rests upon the shoulders of property owners. In some cases, that is indeed the case. However, more times than we care to admit, unscrupulous property owners and property managers looking to cut costs by skimping on (or avoiding) maintenance needs and insurance policy premiums often require contractors to assume that liability to secure contracts for work. Certain phrases in risk transfer clauses (e.g., additional assured, hold harmless indemnification, primary-non-contributing, and waiver of subrogation) use the contractor's insurance for coverage on slip and fall claims.

While slip and fall litigation is often thought of as happening in winter months when ice and snow prevail, contractors in warmer climates know that such hazards also result from rain, uneven footing, and inadequate lighting. Slippery



Photo courtesy of Marc Olivier.

or cracked pavement will trip the unwary just as easily as a patch of ice – and the contractor may be held liable.

In addition, our litigious culture hardly deters those individuals who slip or trip, fall, and claim grievous injuries for recompense. Slip or trip, fall, suffer an injury, and sue: that's what happens. From stubbed toes to broken hips, contractors who maintain parking lots, plazas, private roads, sidewalks, and other spaces where people walk (often trying to chew gum, look at their cell phones,

and hold conversations at the same time) and fall down find themselves on the hook when injured parties sue.

The problem rests not so much with those individuals who really do have legitimate claims, but with those who file bogus or frivolous lawsuits. Federal law requires such claims immediately be referred to insurance companies. Even if a claim never goes to court or is settled outside the courtroom, handling such litigation comes at a price and requires legal expertise. Insurance companies employ legions of attorneys to defend their clients against claims. Since lawyers don't work for free, the insurance companies raise premiums and deductibles to pay for legal and administrative fees. NAPSA's report "Power Sweeping Industry: Impact of Lawsuits on the Industry" states, "On average, General Liability premiums have increased in the past five years by approximately 35%. These are funds that cannot be put into employee benefits or other better served purposes and creates undue hardship on the companies trying to better our communities and environment."

Contractors carry liability insurance. They have to. The Accredited Snow Contractors Association (ASCA) reports that 83 percent of snow contractors have defended against slip and fall litigation. According to the ASCA, over one-third of slip and fall claims (34.5%) are dismissed and slightly more than half (50.7%) are settled out of court. Regardless, contractors face premium hikes ranging from 50 to 300 percent. The ASCA states that only 15 percent of slip and fall claims go to court. The NAPSA report echoes the ASCA's concern regarding slip and fall litigation: "Approximately 85% of all General Liability claims reported in the power sweeping industry are directly related to alleged slip and fall instances."

Insurer withdrawal from the market worsens the situation. According to "Professional Snow and Ice Management Industry: Impact of Lawsuits on the Industry", "The standard insurance carriers have all but stopped insuring the professional snow and ice management industry, and excess insurance carriers are now walking away, as well." The insurance crisis is once again, mirrored in the power sweeping industry.

Both NAPSA and the ASCA have documented cases in which contractors performed their duties within their scopes of work, yet still fell prey to slip and fall claims arising from circumstances beyond their control or, really, even their responsibility.

To combat vanishing insurance and untenable, skyrocketing costs, the ASCA finally captured the notice of Capitol Hill by presenting the issue in terms politicians understand: money. NAPSA has joined their fight with the same goals for the power sweeping industry.

On January 30, 2017, Senator Chuck Grassley (R-IA) introduced the Lawsuit Abuse Reduction Act of 2017. In essence, passage of the bill will remove a provision prohibiting filing a motion for sanctions if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or other court-determined deadline. The bill aims to mitigate lawsuit abuse by penalizing those who engage in frivolous litigation. That won't stop insurance companies from raising premiums and deductibles, but it should deter bogus claims.

Progress is being made. On November 8, 2017, the Senate Committee on the Judiciary held hearings on the bill. At the state level, the governor of Colorado signed Senate Bill 18-062 into law on June 4. According to the ASCA, "The legislation specifically addresses hold-harmless agreements and indemnification language ... and disallows a property owner from passing on their liability." Along with a similar law passed in Illinois in 2016, this adds precedent to the effort on Capitol Hill to pass federal legislation focusing on the deterrence of frivolous lawsuits.

The ASCA is holding its Legislative Day on the Hill on September 4 and 5, 2018, at the Renaissance Arlington Capital View Hotel in order to persuade Congress to recognize the seriousness of this issue and to take favorable action on the bill. NAPSA will be attending and encourages its members to attend as well. Register online for the event at <https://www.regonline.com/registration/Checkin.aspx?EventID=2209127>.

Other efforts to constrain out-



of-control insurance costs and frivolous litigation encompass NAPSA's work with the American National Standards Institute (ANSI) to develop and approve a codified standard for best practice and scope of work for power sweeping contractors. Such a standard will establish a common expectation of service, and contractors who certify to the standard will have yet another defense against frivolous lawsuits.

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## CIRCULATION

As of February 1, 2017, members of the North American Power Sweeping Association may receive THE HOPPER as a part of their paid membership. THE HOPPER is an official publication of the North American Power Sweeping Association and is published bi-monthly.

POSTMASTER: Send address changes to North American Power Sweeping Association, P.O. Box 1166, Lebanon, OH 45036, [info@powersweeping.org](mailto:info@powersweeping.org).

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# Setting the ANSI/NAPSA Standard

By Karen M. Smith

The proposed standard ANSI/NAPSA PS2018, Best Practice for Power Sweeping Services is open for public review and will close at 5:00 p.m. Eastern Time on July 31, 2018. Once approved, the standard will establish best practices for the operation of power sweeping companies, resulting in increased efficiency and increased safety for both workers and the public.

On October 9, 2017, NAPSA applied for the accreditation as an ANSI Accredited Standards Developer and proposed operating procedures for documenting

**NAPSA kept the momentum going. The NAPSA Best Practices session at the 2018 National Pavement Expo addressed the initiative to develop a standard and current progress and being in the canvassing process, we're almost there!**

NAPSA-sponsored national standards for the power sweeping business. In the October/November 2017 issue of *Pavement Maintenance & Reconstruction*, editor Allan Heydorn states, "One of the most common and most dangerous problems facing the power sweeping industry (and most contractors for that matter) is the egregious demands property owners make on the contractors they hire. Embedded in the contracts property managers use are clauses and wording that in effect transfers most (or all) risk to the contractor – even if the contractor isn't involved in the activity that created the risk" (p. 6).

Heydorn further notes that a national standard "will help protect contractors from absorbing unreasonable risk transfer." The ANSI standard, when approved, will not protect contractors in and of itself, but it will "level the playing field by defining a 'scope of work' and detailing 'best practices.'" Contractors who achieve ANSI



certification to the standard can then use that certification in their defense when facing frivolous litigation. Refer to page 22 of that issue for more information on how to defend your business from risk-transfer contract clauses.

NAPSA kept the momentum going. The NAPSA Best Practices session at the 2018 National Pavement Expo addressed the initiative to develop a standard and current progress and being in the canvassing process, we're almost there!

To review the proposed standard and comment upon it, order a copy through NAPSA at (888) 757-0130 or [info@powersweeping.org](mailto:info@powersweeping.org). Copies are \$400 each. Upon passage of the approved standard, those who purchased draft copies will receive final copies.

# ProSweep Celebrates Milestones PartnerMember Profile



Progressive Sweeping Contractors, Inc., a commercial sweeping contractor, better known as

ProSweep, celebrated two important milestones in April and May of this year. Press releases quote Mike Lucht, President of ProSweep, declaring his pride in the company's longevity, superior performance record, and professional staff.

## Is that a ruby?

ProSweep celebrated its 40th anniversary in April, an impressive achievement for any business. Lucht, who founded the company in 1978,

remains at the helm and makes a successful merging of customer service, safety, and personnel training. The company has been recognized for its groundbreaking, computer-generated, web-based business management platform that integrates all aspects of the business for efficient operation.

One of the company's specialty services is Spill Team 6, a group of specially trained employees who provide environmentally responsible emergency spill containment. Their efficacy results in customers avoiding exorbitant EPA fines and protecting the environment from



Michael Lucht (left) with Vince Terrell


toxic substances released through automotive accidents, industrial leaks, and cargo spills.

## CSO congratulations!

ProSweep employees Jason Lucht and Vince Terrell earned distinction as Certified Sweeper Operators in May. Proud to announce their achievement in passing the rigorous standards set by NAPSA for sweeper operation, the company's president, Michael Lucht, praised them for their dedication to the highest standards of performance and safety and who exceed customer expectations. All of NAPSA congratulates the newest CSO-certified professionals.

## About ProSweep

Established in 1978, ProSweep offers a comprehensive range of power sweeping services with on-call service and two fully equipped service facilities. The company launched a new website in April 2018 (<http://www.prosweep.com>) and is proud to support NAPSA's efforts in developing a power sweeping standard with ANSI.



## WORD SEARCH

The Schwarze Word Search is a word game that consists of the letters of words placed in a grid. The objective of this puzzle is to find and mark all the words hidden inside the box. The words may be placed from left to right or right to left, either horizontally, vertically, or diagonally.

N	Z	I	N	S	P	E	C	T	I	O	N	S	T	N
R	O	S	E	R	U	D	E	C	O	R	P	E	N	O
E	E	I	P	R	O	T	E	C	T	I	O	N	E	I
E	L	G	T	Y	T	E	F	A	S	E	A	W	M	S
C	N	B	U	A	W	A	T	E	R	X	I	E	N	S
A	O	I	A	L	T	J	T	I	M	P	R	T	O	E
H	M	N	L	R	A	I	O	S	F	O	B	E	R	R
S	A	B	T	L	I	T	M	B	T	S	O	E	I	P
O	U	S	Q	R	A	P	I	R	U	R	Y	V	P	
H	R	M	E	Y	O	T	S	O	L	R	N	O	N	U
Q	C	B	G	V	J	L	S	E	N	E	E	L	E	S
Z	N	G	V	R	N	G	S	Y	R	B	R	P	U	E
W	O	R	K	P	L	A	C	E	R	L	D	M	S	O
G	N	I	R	O	T	I	N	O	M	C	B	E	D	H
N	O	I	T	A	N	I	M	A	X	E	T	S	U	D

**SILICA**  
 AIRBORNE  
 CONTROLS  
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 EXAMINATION  
~~INSPECTIONS~~  
 LIMITATION  
 MONITORING  
 OSHA  
 PROCEDURES  
 PROTECTION  
 REGULATION  
 RESPIRABLE  
 SAFETY  
 SUPPRESSION  
 WATER  
 WET  
 WORKPLACE

## New Members

NAPSA warmly welcomes the following new members who joined in May and June.

**Contractor Members**  
**Darin Snyder**  
 Central PA Sweepers, Inc.  
 Elizabethtown, PA

**Alfred Lorenzo**  
 Centroplex Sweeping  
 Waco, TX

**Eric Lozano**  
 RR Landscape & Design  
 Hollywood, SC

**Gold Member Partner**  
**Soundararajan Chockalingam**  
 Roots Multi Clean, Inc.  
 Huntsville, AL

**Brandon Imhoff**  
 Premier Lawn Care  
 Manchester, TN

## Certified Sweeping Company

NAPSA congratulates those who have earned certification or recertification in March and April.



**Newly Certified Sweeping Company**  
**West Michigan Sweepers**  
 Matt & Stephanie Andrews  
 Rockford, MI  
 Certified June 2018



**New Certified Sweeper Operators**  
 Kevin Kroeger – DSS, Dayton, OH  
 Vicki Kroeger – DSS, Dayton, OH  
 Tyson Cook  
 Jacketta Sweeping  
 Salt Lake City, UT



**NAPSA**

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## President's Message

By Pete Phillips, Clean Sweep

The July issue of *The Hopper* is dedicated to your voice—your voice in government, that is. Articles in this issue focus on how power sweepers can take charge of insurance and frivolous law suits. An example is that NAPSA and the ASCA intend on meeting with senators from all 50 states on Legislative Day; however, the conversations deliver much more impact if constituents who can vote for them are in the room with us. We encourage member representation from all states to ensure successful meetings. I will be there and hope to see you, too.

Take the time to read these articles and become involved. You *can* make a difference.

*These states will be represented  
on September 4 and 5. Will yours?  
(As of June 25th)*

