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SOGGDA NEWS

Southwestern Ohio Garage & Gasoline Dealers Association, Inc.

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Volume 40, No. 2

April May 2011

2011 Scholarship Applications are now being accepted!

See page 7 or go to www.soggda.com for application and information.

Retail gasoline and diesel prices show weekly increase

The U.S. average retail price of regular gasoline gained almost nine cents over the last week. At \$3.68 per gallon, gasoline costs \$0.86 per gallon more than this time last year. The biggest increase in the country was in the Midwest where gasoline prices surged 13 cents on the week. On the Gulf Coast, gasoline prices rose eight and a half cents, and East Coast prices gained just under eight cents. Gasoline prices in the Rocky Mountains were six cents higher this week. Prices on the West Coast increased three and a half cents to \$3.95 per gallon, which remains the most expensive of any major region in the country.

Diesel prices were also higher on the week, with the national average increasing more than four cents. At \$3.98 per gallon, diesel costs \$0.96 per gallon more than last year at this time. The biggest regional increase was in the Rocky Mountains, where diesel prices were up almost six cents, marking the 19th consecutive weekly increase for the region. On the West Coast, diesel prices were more than a nickel higher on the week, remaining the most expensive in the country at \$4.21 per gallon. Both the Midwest and Gulf Coast saw gains of just under a nickel per gallon. Diesel prices on the East Coast gained three cents this week.

Propane inventories continue to fall

Total U.S. propane stocks declined again last week, drawing 1.1 million barrels of inventory to end at 25.8 million barrels, which is 8.1 percent lower than the same week last year. The Midwest regional stocks fell by almost 1.0 million barrels, while the East Coast inventories drew 0.2 million barrels. The Gulf Coast region added close to 0.1 million barrels of inventory while the Rocky Mountain/West Coast regional stocks were down slightly. Propylene non-fuel use inventories represented 6.3 percent of total propane inventories.

SSDA NEWS

The Environmental Protection Agency (EPA) has just released its pre-published (before it's printed in the Federal Register) Rulemaking on the Identification Of Non-Hazardous Secondary Materials That Are Solid Waste. If you will recall, this is the rulemaking that determines whether or not scrap tires and used oil will still be allowed to be burned as alternative fuels, possibly altering the markets for these products entirely. Well, it appears that we have a partial victory for all of our lobbying efforts along with, of course, many other trade groups.

As long as tires removed from vehicles *“are collected and managed under the oversight of an established tire collection program they are a non-waste when used as a fuel in combustion units”*. (Bold emphasis is ours.) This means that we should not see a change in tire recycling as our practices and the market overall should remain the same.

continued on page 8

THE SOGGDA NEWS

Official publication of Southwestern Ohio Garage Gasoline Dealers Association is published 12 times yearly and dedicated to the betterment of the position of independents in the automotive and petroleum industry.

Jerry Arndts Executive Director
Vonnie Schriml Accountant

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2 Remick Blvd (937) 885-0900
Dave Murphy
3815 Dayton Xenia Rd. (937) 426-2886
Rick Ruscin
125 Byers Rd. (937) 859-0131
John Weber
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Jerry Arndts Editor

Views expressed in editorials and text are not always the opinion of SOGGDA. Furthermore, SOGGDA is not liable for any claims or promises made by advertisers.

FYI...

Currently, it is estimated that some 350 million gallons of used oil are already improperly disposed of annually, mostly by DIYs. Rather than adopting policies that could increase dramatically the amount of used oil improperly disposed of, EPA should be doing all it can to increase the amount of used oil flowing into the legitimate recycling system. In fact, this should be a high priority for EPA given that the used oil from just *one* oil change can contaminate 1 million gallons of fresh water- a year's supply for 50 people.

Dozens of training courses are available through BWC's Division of Safety & Hygiene. These courses are offered through the training center in Pickerington at the Ohio Center for Occupational Safety and Health (OCOSH) and at branch sites and BWC service offices across the state, including Dayton, Toledo, Cincinnati, Canton, Cambridge, Portsmouth, Youngstown and Cleveland. Employers may enroll any number of employees at no additional cost.

To enroll or learn more about the courses available April - June 2011, visit the BWC Learning Center at bwclearningcenter.com.

Are you online?

SOGGDA is able to send you this newsletter via e-mail for those who wish to receive it electronically rather than US Mail.

If you would like to be added to the list, call today at 937/890-9670 or send an email request to soggda@aol.com

SOGGDA News

Instructions

You can complete this form and:

1. Fax it to 614-621-1405; or
2. Mail to:
Attention: Employer Programs
Ohio Bureau of Workers' Compensation
30 W. Spring St., 22nd Floor
Columbus, OH 43215-2256

Employer information

Name of employer and DBA		Federal Tax ID number	BWC policy number
Address	City	State	ZIP code
Our company has Internet access, and correspondence may be sent to us at the e-mail address below. Yes <input type="checkbox"/> No <input type="checkbox"/>		FAX number	
E-mail address for drug-free contact person		Telephone number	
Employer contact person for Drug-Free Safety Program (DFSP)		Contact person's telephone number	

Note

Employers may participate in the DFSP and another BWC rate program but are not eligible to receive a DFSP discount if concurrently participating in the following programs: EM cap; \$15,000 medical only; group-retrospective rating; individual/paid-loss/retrospective rating; large deductible (choosing a deductible amount of \$25,000 or higher); one claim; and group-experience rating in conjunction with DFSP basic level. Group-experience-rated employers can participate at the advanced level of the DFSP and receive the incremental difference between the basic and advanced level benefits. A DFSP discount may be received in addition to the benefit for participating in the small deductible program, safety council program and salary continuation for claims with dates of injury prior to Jan. 1, 2011. This information is subject to change as BWC adds new programs and modifies existing programs.

Check the program/level for which you are requesting approval.

Advanced level Basic level Comparable program

Number of employees _____

Do you want BWC to place you in the State of Ohio construction contractor/subcontractor database, thereby making you eligible to bid and/or work on state construction projects? (Employer wants to be listed as "approved" in state construction database.) Yes No

I hereby certify my organization is applying to implement a DFSP pursuant to Rule 4123-17-58 of the Ohio Administrative Code. I also certify my organization is willing to meet, at minimum, the requirements associated with the level of program for which I have applied (Advanced, Basic or Comparable). This includes timely submission of a fully completed annual report, which BWC must receive by the deadline date or be post marked by that date as specified by rule. When failing to fully implement the DFSP or meet the specified requirements, I agree to promptly repay to the BWC any DFSP discount received. Also, I certify this information is accurate and, if not, may subject the employer applicant and myself to civil and criminal penalties.

Name of designated employer representative certifying intent to comply and willingness to pay back discounts for non-compliance.

X

Signature

Date signed

BWC-7646 (Rev. 3/25/2010)

U-140

Safety & Hygiene Training Center

Classes for Ohio Workers

Attend one of the more than 60 occupational safety, health and ergonomics courses offered by the Ohio Bureau of Workers' Compensation Division of Safety & Hygiene. Classes are held in eleven locations throughout the state as well as online.

The division offers courses at no extra cost to Ohio employers with active workers' compensation policies.

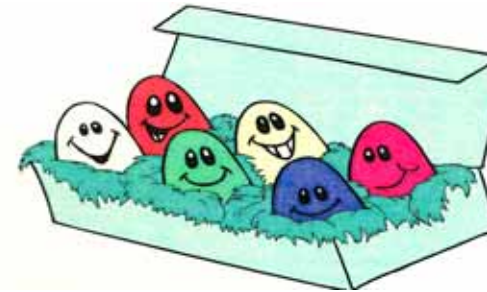
Course	Day (s)	Course	Day (s)
Accident Analysis	1.0	How Methamphetamines Affect the Workplace	0.5
Asthma! Is Your Company at Risk?	1.0	Industry Safety Elements (OSHA 10)	2.0
Basic Construction Safety (OSHA 30)	4.5	Job Safety Analysis	1.0
Behavior Based Safety Systems	1.0	Laboratory Safety	1.0
Bloodborne Pathogens	0.5	Lockout/Tagout and Safety-related Work Practices	0.5
Certified Safety Professional Examination (CSP) Review	3.0	Machine Guarding Basics	0.5
Confined Space Assessment and Work	1.5	Mechanical Power Press	2.0
Construction Safety Elements (OSHA 10)	2.0	NFPA 70E and You: Insight and Implementation	1.0
Controlling Costs through Claims Management	1.0	Nonviolent Strategies for Caregivers and Other Staff Working Directly with the Public	1.0
Controlling Workers' Compensation Costs	1.0	OSHA Recordkeeping	1.0
Effective Safety Teams	1.0	Personal Protective Equipment Selection Criteria	0.5
Electrical Hazard Recognition and Abatement	3.5	Powered Industrial Trucks: Developing a Training Program	1.0
Emergency Preparedness Planning	1.0	Restaurant and Food Service Safety	1.0
Employee Safety for Staffing Companies/PEOs	0.5	Safety and Ergonomics for Extended-care Facilities	1.0
Ergonomics: Basic Principles	1.0	Safety Fundamentals Examination (ASP) Review	3.0
Ergonomics: Developing an Effective Process	1.0	Scaffolding Safety	2.0
Fall Hazards in Construction and Maintenance	2.0	Temporary Traffic Management	0.5
First Aid in the Workplace	1.0	Ten Steps for Safety	0.5
Fundamentals of an Effective Safety and Health Program	2.0	Train the Trainer	1.5
Hazard Communication	1.5	Trenching and Excavation	3.0
Hazardous Waste Operations and Emergency Response Awareness	0.8	Violence in the Workplace	0.5
Hazardous Waste Operations and Emergency Response Operations	2.0	Wellness in the Workplace Workshop	0.5
Hazardous Waste Operations and Emergency Response Refresher	1.0	You Don't Have to Speak Spanish to Communicate Safety to Your Spanish Speaking Workforce	1.0
Hazardous Waste Operations and Emergency Response Technician	3.0		

Online courses

- Avoiding Back Trauma
- Getting Started with Safety
- Health Hazards in Construction
- Industrial Hygiene Overview
- Ladder/Stairway Safety
- Preventing Cuts and Lacerations
- Preventing Slips/Trips/Falls

For more information, call 1.800.OHIOBWC. To register

Happy Easter!



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Clean City Janitor Service	Gary Peck	937-223-3663
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Ham Signs	Larry Miller	937-890-6770
Health Management Solutions	Tod Phillips	888-202-3515
Jara Software Co.	Jerry Arndts	937-890-1830
NWZ Worx	George Zabrecky	800-743-0202
Planned Equity	Ernie Franz	800-871-0670
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Englewood Insurance Agency	Walt Harrison	937-836-9681
West Milton Optical	Terry Hassell/ John Stuckey	937-698-4456
Wright-Patt Credit Union	Heather Coyle	937-912-7311



General Counsel Corner

By: Peter H. Gunst, Esq.
pgunst@aggt.com

How High a price is too high a price

It is common knowledge that major oil companies are systematically selling off service station sites leased to independent dealers. Most often, large service station packages are sold to a jobber, who also is assigned the leases and supply agreements of the affected dealers. Because the dealers' franchises are assigned rather than terminated or nonrenewed, the oil company can take the position that the station sales are unaffected by the Petroleum Marketing Practices Act.

The alternative path open to an oil company is to use its decision to sell the premises as the basis for sending the dealer a notice of nonrenewal. In that case, the PMPA obligates the oil company to provide the dealer with a bona fide offer or right of first refusal to purchase the service station site. The right of first refusal only applies, of course, where there is a third party offer to purchase the site.

How difficult is it for a dealer facing nonrenewal to attack an oil company's supposedly bona fide offer as being unreasonably high, and therefore not in compliance with the requirements of the PMPA? Ascent California federal court decision, *Thusbay Auto Service, Inc. v. Chevron U.S.A. Inc.*, 2010 VVL 4591596 (N.D.Cal. 2010), provides guidance.

In September 2008, Chevron offered to sell the service station premises to the nonrenewed dealer for slightly under \$2,400,000. The dealer elected to purchase the station but also filed suit under the PMPA, contending that the offer was excessive because the premises were worth only \$1,800,000.

When Chevron moved for summary judgment to dismiss the lawsuit, there were four different appraisals before the court. Two of the appraisals were prepared at Chevron's request: a February 2008 appraisal that estimated the fair market value of the service station to be \$3,240,000, and a subsequent July 2008 appraisal which valued the property at \$2,386,000. In addition, there existed an appraisal of \$2,520,000 generated by a bank from which the dealer had failed to obtain a loan, and an appraisal generated by the dealer's own expert in

the amount of \$1,800,000.

The court considered whether the difference between Chevron's offer of almost \$2,400,000 and the dealer's assessment of the station's value as \$1,800,000 was substantial enough to support the assertion of a claim under the PMPA. If, as the dealer claimed, the station was really worth only about three-quarters of what Chevron wanted to sell it for, had Chevron made an "objectively reasonable offer" as required by the PMPA?

To reach its decision, the court compared the gap between offering price and the dealer's claim of true value with similar gaps at issue in other cases dealing with the evaluation of service station premises. Those decisions indicated that a variance of approximately twenty percent between an offer and the dealer's valuation would be sufficient to permit the dealer to take his PMPA claim to the jury.

Following the lead of those cases, the court held that it simply could not conclude, if it assumed the dealer's appraisal was correct, that Chevron's

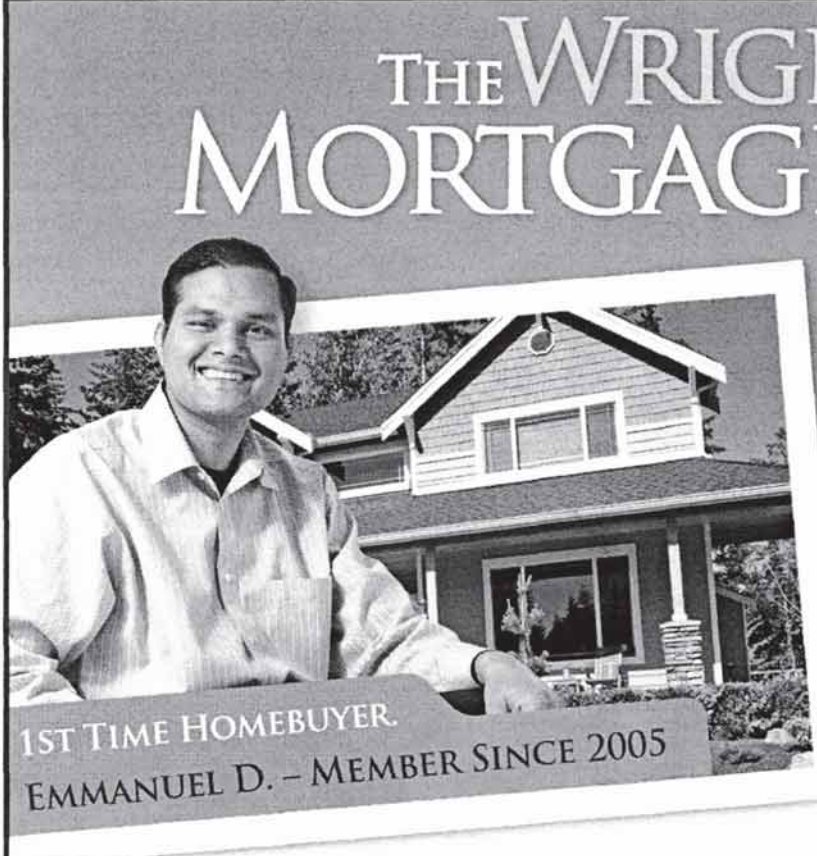
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DOs AND DON'Ts OF RECYCLING

Every community has its guidelines for what should and should not be recycled, and how the process should take place. Take a few moments to find out these details. Call your local public works department or recycling organization. That way you can be sure you're doing your part, and doing it right.

In general, here are a few things to keep in mind:

Cleanliness counts

Rinsing cans and keeping boxes out of the weather makes them easier to process. That keeps costs down.

If supplied with a bin, pay attention to what goes in

Take it upon yourself to be an accurate recycler. A cereal box is probably great, but a greasy pizza box may not be. Maybe milk jugs are good, but not the caps. Check the lid of your recycling bin for guidelines, or make a call or visit your municipal Website to find out the rules. Then, follow them.

Good Bets

Steel cans, aluminum cans, newspapers, magazines, catalogs, junk mail, plastic beverage bottles, milk jugs, glass bottles and jars, cereal boxes, other clean and dry cardboard boxes.

Probably not

Plastic grocery bags, styrofoam, light bulbs, food-soiled paper, wax paper, and ceramics.

Do Recycle Electronics

Recycle your old computers and cell phones. Check out Dell, Staples, and Waste Management/Recycle America websites for information on how you can recycle these items.

Hazardous wastes have their place

Household hazardous wastes like paint cans, motor oil, antifreeze, car batteries, pesticides, pool chemicals, etc., usually need to be disposed of separately. Again, check your community resources and guidelines.

INTERESTING END PRODUCTS

What gets recycled into what? Sometimes it's exactly what you'd expect. Old corrugated boxes turn into new corrugated boxes. Newspapers Same pulp, different news. Glass bottles into glass bottles. But some of the end products may surprise you.

These are just a few examples of the thousands of products that are created using recycled materials that would otherwise wind up in our landfills.

First Life/Recycled Life

Glass beverage containers can be recycled over and over again. But they can also be used for other things you may not expect. Like roads. Marbles, Decorative tiles, Surfboards, and a host of other products and materials.

Five PET bottles (plastic soda bottles) yield enough fiber for one extra large T-shirt, one square foot of carpet or enough fiber to fill one ski jacket.

Steel and aluminum cans can be easily recycled for use in other steel and aluminum products. This not only conserves mineral resources, but the recycling process also uses about 75% less energy than using virgin materials. Recycled steel and aluminum finds its way into new cars, bikes, appliances, cookware and a whole lot more.

offer approached the fair market value of the property as a matter of law.

There remained to the dealer the obstacle of overcoming the only appraisal prepared by a disinterested party, the \$2,520,000 appraisal prepared by the bank that had turned down the dealer's loan request. Not only was that appraisal higher than Chevron's proposed sale price, but the dealer himself had submitted it to another bank, which then granted his loan request.

The court, rejecting the dealer's objections, held that the bank's appraisal could be introduced as evidence of the station's true worth. The court held, however, that the appraisal did not establish the station's value as a matter of law, and that the dealer could attack its accuracy at trial.

The *Transbay Auto Service* case is of interest for two reasons, first, it provides guidance as to how substantial a gap must exist between a purchase offer and a dealer's contention of true value to support a claim under the PMPA. Second, it establishes that a dealer's appraisal supporting his claim could, in and of itself, be sufficient to permit a jury to reject another higher appraisal, even when the dealer himself had relied upon that appraisal to secure a bank loan or other benefit.

Of course, the ultimate result in the case will depend upon how the jury rules after considering all the evidence including the higher bank appraisal at trial. But at least the dealer will have a full opportunity to present his case.

ngunst@agtlawyers.com

To access the latest articles by the Service Station Dealer's legal counsel, please visit the "Service Station Dealers: Legal Issues" section of the Astrachan Gunst Thomas Rubin, P.C. website at:

<http://www.agtlawyers.com/resources/petroleum.html>.

Director Notes:

After 25 years of outstanding service as Executive Director, Patti Booker has decided to step down. Patti has kept the association running efficiently in these changing times. She has always done a great job and will be missed. Her future plans include enjoying her 7 grandchildren while here in Ohio as well as on the beach watching beautiful sunsets in Florida. Best wishes to Patti and her family.

The new Executive Director is Jerry Arndts. Jerry has been serving the automotive industry and the association for well over 10 years while working on computers and websites. Future Plans include membership growth, better vendor discounts, better member communication thru Facebook, Twitter, the website (WWW.SOGGDA.COM) and the newsletter. Be sure to give him a call and introduce yourself and give him ideas of how SOGGA can serve you better. We can do better Together.



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SOGGDA SAFETY

Hand and Finger Safety

The hand is one of the most complex parts of the human body. An intricate network of muscles, tendons, nerves, bones and tissues provides us with an incredible range of dexterity and feel unmatched by any machine. Whether buttoning our shirt or tying our shoes, we take for granted the tremendous utility of hands and fingers. Try eating breakfast tomorrow without using your thumbs and then think how tough it would be without any hands at all!

Reasons hand injuries occur:

- Improper use of tools/wrong tool used;
- Lack of training to operate equipment properly;
- Inadequate hand protection — no gloves/wrong gloves;
- Pinch points not recognized or guarded;
- Distractions/inattention to work being done;
- Guards disabled/removed;
- Lockout procedure not followed correctly;
- Hands placed where they could be cut or crushed.

You can prevent hand and finger injuries in your facility. Some specific things to do to prevent injuries include:

- Don't wear rings, jewelry or loose clothing when working around moving/rotating machinery;
- Wear leather or cut-resistant gloves when handling sharp objects like sheet metal;
- Make sure screwdrivers and chisels are properly ground;
- Use push-sticks, clamps or guards to keep hands away from table saw blades;
- Choose the correct type of rubber gloves for chemical protection — check the MSDS;
- Keep knives sharp to reduce force needed to cut, and store them in the closed position or in knife sheath;
- Unplug or lock out powered equipment before starting to work on it;
- Use barrier creams to help protect skin from chemical contamination or natural hazards like poison ivy.

First-aid treatment for hand and finger injuries:

- Avoid contact with any other person's blood or body fluids when offering first aid;
 - Get first aid/medical attention for all injuries;
 - Apply direct pressure to cuts and lacerations with a bandage or clean cloth;
 - For thermal burns, immediately flush the affected area under cold running water for five minutes;
 - For chemical contamination, immediately wash the affected area with soap and water. Consult the MSDS;
 - In the event of an amputation, apply pressure to stop bleeding. Place severed part in a clean bag and submerge bag in ice.
- Quiz

True or False

1. It is okay to use a mushroom-headed chisel if you are in a hurry. T or F
2. Pinch point injuries don't need first aid. T or F
3. There are many different kinds of chemical-resistant gloves. T or F
4. Leather gloves are okay for handling sheet metal. T or F
5. Powered equipment should always be locked out before starting to work on it. T or F
6. You don't need to worry about getting any diseases from co-workers' blood because they are your friends. T or F
7. Rings and watches can be caught on machinery and cause serious injury. T or F
8. It is okay to remove safety guards from machinery if it helps you work faster. T or F
9. It is better to use a dull knife because there is less chance of cutting yourself. T or F
10. Cold running water is the best first aid treatment for a thermal burn. T or F

1F,2F,3T,4T,5T,6F,7T,8F,9F,10T

When was the last time your insurance agent showed you how to **SAVE** Money

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How do I prevent programs from changing my default search provider?

It can be frustrating when a program changes your default search provider, especially if the provider is changed without your permission. But it's also preventable. Whenever a program such as an add-on or toolbar tries to request a change to your default search provider, Internet Explorer displays a dialog box that lets you make the decision whether to keep or change your current default provider.

If you want Internet Explorer to always block changes to your default search provider, you can select the **Prevent programs from suggesting changes to my default search provider** check box in the dialog box that appears when a program attempts a change.

You can also do the same thing by following these steps:

1. Open Internet Explorer.
2. Click the **Tools** button, and then click **Manage Add-ons**.
3. In **Manage Add-ons**, under **Add-on Types**, click **Search Providers**.
4. Toward the bottom of the screen, select the **Prevent programs from suggesting changes to my default search provider** check box, and then click

Payroll Tax Cut to Boost Take-Home Pay for Most Workers; New Withholding Details Now Available on IRS.gov

The Internal Revenue Service released instructions to help employers implement the 2011 cut in payroll taxes, along with *new* income-tax withholding tables that employers will use during 2011.

Millions of workers will see their take-home pay rise (luring 2011 because the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010 provides a two percentage point payroll tax cut for employees, reducing their Social Security tax withholding rate from 6.2 percent to 4.2 percent of wages paid.

This reduced Social Security withholding will have no effect on the employee's future Social Security benefits.

The new law also maintains the income-tax rates that have been in effect in recent years. Employers should start using the new withholding tables and reducing the amount of Social Security tax withheld as soon as possible in 2011 but not later than Jan. 31, 2011. Notice 1036, released today, contains the percentage method income tax withholding tables, the lower Social Security withholding rate, and related information that most employers need to implement these changes. Publication 15, (Circular E), Employer's Tax Guide, containing the extensive wage bracket tables that some employers use, will be available on IRS.gov in a few days.

The IRS recognizes that the late enactment of these changes makes it difficult for many employers to quickly update their withholding systems. For that reason, the agency asks employers to adjust their payroll systems as soon as possible, but not later than Jan. 31, 2011.

For any Social Security tax over withheld during January, employers should make an offsetting adjustment in workers pay as soon as possible but not later than March 31, 2011.

Employers and payroll companies will handle the withholding changes, so workers typically won't need to take any additional action, such as filling out a new W-4 withholding form.

As always, however, the IRS urges workers to review their withholding every year and, if necessary, fill out a new W-4 and give it to their employer. For example, individuals and couples with multiple jobs, people who are having children, getting married, getting divorced or buying a home, and those who typically wind up with a balance due or large refund at the end of the year may want to consider submitting revised W-4 forms. Publication 919, How Do I Adjust My Tax Withholding provides more information to workers on making changes to their tax withholding.

Top Losses for Automotive Businesses

Automotive businesses are faced daily with potential risks that can threaten and result in a loss. Slips and falls, employee discrimination, accidental spills and faulty work are just a few examples. As an owner, operator or employee of an auto-motive business, how do you know which to focus on? Zurich has compiled the top three areas for concern for three general automotive business department types—Service, Parts, and Collision—and suggested loss prevention strategies to address them. Some of these topics were pulled directly from the Occupational Health and Safety Administration's (OSHA) list of most frequently cited standards for automotive repair shops (October 2008—September 2009), while others were pulled from Zurich's claims files and extensive industry experience.

Service:

1. Wheel off

This is a completed operations exposure with the potential to cause catastrophic losses. A wheel(s) from a customer vehicle falls off after being serviced at your facility.

- Inspect the studs, wheel and the tire for bead, sidewall or tread damage.
- Implement a formal policy to torque wheels/lug nuts to manufacturer's specifications.
- Use a calibrated torque wrench to tighten lug nuts.
- "Double check" or quality control each job.
- If you need help, the Tire Industry Association (TIA) as excellent training programs.

2. Hazard communication standard

This is number one on the OSHA list of most frequently cited standards, also known as the "Right to Know" standard.

- Establish a written Hazard Communication Program including procedures for labeling containers.
- Provide employee training on the program.
- Ensure Material Safety Data Sheets (MSDS) are on hand and available.
- Make sure your employees have been made aware of the hazards.

3. Slips and falls

This is an exposure that can affect both your employees and customers. Slippery floors can result from fluid spills, poor (floor surface) design and many other elements.

- Implement an "aggressive" housekeeping program.
- Keep mops, buckets and "Caution—Wet Floor" signs readily available.
- Use floor care products that are advertised as "slip-resistant."
- Position rugs or mats at entrances to buildings during inclement weather.

Parts:

1. Driver hiring, training and monitoring

Parts drivers create a daily accident exposure—this includes property damage and liability from injuring third-parties. Did you know that vehicle accidents are the leading cause of occupation fatalities?

- Implement a formal driver safety program.
- Hold brief but frequent driver safety meetings.
- Require all moving violations to be reported (personal or company vehicles).

2. Lifting, strain, sprain and overexertion injuries

These are the most frequent types of injuries in the parts department. These injuries often result in high-dollar claims and extended time away from work.

- Employ strict hiring procedures including pre-employment drugs screens.
- Provide all necessary mechanical lifting aids—forklifts, pallet jacks, conveyors, etc.
- Caution: OSHA requires employees to be properly trained prior to operating a forklift.
- Train employees on safe lifting techniques.
- Implement a Transition to Work program (also known as "Return to Work").

3. Fall protection

Fall protection regulations can apply to parts storage areas and order-picking equipment in addition to alignment or quick-lube pits in the service department.

- Install handrails, mid-rails and toe boards in mezzanine areas.
- Order-pickers that elevate employees in order to reach high storage areas must be equipped with fall protection that includes a fall arrest or "positioning system" system.
- Full body harnesses are required for fall arrest systems; belts cannot be used for any vertical free fall protection.

Collision:

1. Respiratory protection

Spray painting inside a booth without adequate respiratory protection can lead to long-term health problems for employees. It is also number three on OSHA's list of frequently cited and fined standards.

- Develop a formal, written Respiratory Protection Program—samples can be obtained from your insurance carrier or from the vendor who supplies your paint and other equipment.
- The formal program must include these elements: selection process; medical evaluations; fit testing; procedures for use; procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing and discarding; and procedures to ensure air quality, quantity and flow.
- Train employees on respiratory hazards; limitations; maintenance; and on established procedures for evaluating the effectiveness of the program.
- Consider installing an air-supplied system inside your spray booth; these systems are considered to be state-of-the-art and provide the highest level of protection for employees.

SOGGDA Scholarship

Southwestern Ohio Garage & Gasoline Dealers Association will be awarding Two (2) Scholarships for tuition ONLY up to \$4,000.00 each.

Rules and regulations are as follows:

1. The children of any current SOGGDA member are eligible to apply for a scholarship who are a high school senior or college student wanting to further their education in automotive training, technical school, business school, etc. Classes must begin and end within 12 months of the award date.
2. The applicant must submit an application along with an essay of 300 to 500 words titled "What America Means To Me" in MS Word format to soggda@aol.com. In the essay, please include at least a paragraph about yourself and how you plan to apply your scholarship to your desired studies.



Mail paper copy of essay and application to:
SOGGDA Scholarship
237 S. Dixie Drive Suite 6
Vandalia, Ohio 45377



3. **The deadline for entering is May 31, 2011.**
4. Each application will be evaluated by the SOGGDA Board of Directors and the winners will be notified by mail.
5. Tuition invoices should be submitted to the SOGGDA office. Payments for ONLY tuition will be issued to the Bursar's office of the winner's school.

APPLICATION

Name (First, Middle, Last) _____

Home Address _____

City _____ State _____ Zip _____ Home/Cell Phone _____

SOGGDA Member _____ High School/Year Graduated _____

Name of School to attend : _____

SSDA news continued from page 1

However the EPA has held to their position that off-spec used oil is a solid waste with one exception that is a minor victory for the shops that utilize waste-oil burning space heaters. As they state in the rulemaking: *On the other hand, based on the information received and the record established for this rulemaking, we still consider off-spec used oil to be a solid waste, as off-spec used oil contains contaminants at levels that are not comparable to those in traditional fuels. Under the existing used oil regulations promulgated under RCRA, off-spec used oil can only be used in limited devices, as identified in 40 CFR 279.61, including small oil-fired space heaters provided the burner meets the provisions of 40 CFR 279.23.* (Bold emphasis is ours.) Unfortunately, we believe that this will create numerous impediments to the recycling of waste oil as we know it. Who will be responsible for testing your collected and stored used oil to see if it is on-spec? What will a hauler charge to remove used oil that is off-spec? There will now be a third act as the automotive repair after-market regroups to determine our next steps to save used oil recycling and keep it out of the watershed.

In the interest of showing the rationale and logic as applied by the EPA we are excerpting below more details on the decision-making process for the scrap tire rule.

After careful consideration of the

comments and all the material in the rulemaking record, including documents cited in the ANPRM and the preamble to the proposed rule, the Agency agrees that a system where scrap tires are removed from vehicles 75 and are collected and managed under the oversight of established tire collection programs are not “discarded in the first instance.” Such tires (including both whole tires and tires that have been shredded - with or without metal removal⁷⁶) are non-waste when used as a fuel in combustion units. These programs ensure that the tires are not discarded en route to the combustor for use as fuel and are handled as a valuable commodity as required in the legitimacy criterion in today’s rule at §241.3(d)(1)(i).

Consistent with other non-hazardous secondary materials that are considered to be nonwastes, scrap tires also meet the rest of the legitimacy criteria for fuel. They meet the requirement for meaningful heating value, required per §241.3(d)(1)(ii) in that scrap tires have a higher heating value (12,000 Btu/lb to 16,000 Btu/lb) as compared to coal (the replacement fuel).

Scrap tires also meet the requirement specified at §241.3(d)(1)(iii) for the non-hazardous secondary materials to have comparable (or lower) levels of contaminants as compared to the traditional fuel it is replacing. Refer to the specific response to comments on contaminants. Established tire collection programs

promote the collection of scrap tires and coordinate with tire dealerships, haulers, processors, and end users. The existing tire collection programs form an established collection infrastructure. These established tire collection programs *together with state bans on landfilling in most states 77 effectively result in the beneficial reuse of tires (as fuel or used in other scrap tire markets) as the sole 78 end use option for scrap tires in those states.*

While the Agency recognizes that there will be differences between the various established tire collection programs, at a minimum, the following components would need to be included as part of any established tire collection program: (1) a comprehensive system that prevents tires from being abandoned when the scrap tires are harvested from vehicles and collected at the various businesses where they are removed; these tires are not considered “discarded in the first instance” per this rule; and (2) standards for the scrap tires to be managed as a valuable commodity. These programs should ensure storage does not exceed reasonable time frames, the scrap tires are managed in a manner consistent with the analogous fuel (coal), and a system is in place to prevent scrap tires from being discarded (according to the plain language definition) en route to the combustor (and during any processing prior to combustion). An example of this type of program is a tire dealership that has prearranged

agreements where the combustor pays for the delivery of the tires harvested from vehicles and can track the delivery and has contractual obligations for a safe delivery. Another example is the Texas system where tires are not seen as waste, but have specifications for tracking and safe delivery to the end use markets.

These programs neither allow

an opportunity for tires intended as a fuel to be discarded in the first place nor discarded while in transit. The definition of an established tire collection programs is codified in today’s rule at §241.2. These tires have not been “disposed of abandoned, or thrown away” through the initial process of removing them from cars or collecting them under established tire collection programs. It is the combustor’s responsibility to confirm that the whole tires are not discarded and were handled appropriately under the established tire collection program. Notification and recordkeeping requirements with regard to the use of non-hazardous secondary materials under CAA 112 and 129 rules, including whole tires managed under established tire collection programs, are outlined in Section VIII

This approach for scrap tires is supported by comments from auto maintenance shops, tire retailers, and others in the automotive business. These commenters discussed the management of tires collected from tire and auto-related shops under established tire collection programs. Typically, the state and private programs work together to encourage the processing reuse, and/or recycling which results in a market demand for scrap tires to be collected, but the use as fuel is more independently sustainable in the free market. 79 In the event the combustor is disposing via combustion (i.e., not utilizing the energy from combustion), it is a waste

Spring brings severe weather.

It is important to be aware of the dangers and know what to do to protect your family.

The following are some tips to keep your family safe from severe weather this Spring.

- Tornado Safet[®] at Home
- Meet with household members to develop a disaster plan to respond to tornado watches and warnings. Conduct regular tornado drills. When a tornado watch is issued, review your plan
- Tune in to one of the following for weather information: NOAA Weather Radio, local/cable television (Ohio News Network or the Weather Channel) or local radio station.
- The safest place to be during a tornado is a basement. If the building has no basement or cellar, use a bathroom or closet on the lowest level of the structure, away from windows and as close to the center of the building as possible

In the Car

- If you’re in a car or mobile home, go immediately to the lowest level of a nearby sturdy building.
- If there is no building nearby, lie flat in a low spot. Use your arms and hands to protect your head.

Lightning Facts

- Stay away from windows and doors and avoid contact with anything that conducts electricity which includes using telephones (corded and cordless) during storms. Cellular telephones are the safest to use during thunder-

- storms.
- **Do not shower, bathe or wash dishes during thunderstorms.** Water is an electrical conductor; you should avoid contact with plumbing.
- A house or other substantial building offers the best protection from lightning.
- **Protect Your Pets** - Outside dog houses are not lightning-safe. Dogs that are chained to trees or wire runners can easily fall victim to lightning strikes.
- Typical surge protectors WILL NOT protect equipment from a lightning strike. Before a thunderstorm threatens, unplug any unnecessary appliances and electronic equipment from conductors.

Flash Floods: Be Aware

Flood waters can be extremely dangerous. The force of six inches of swiftly moving water can knock an adult person off his or her feet. Flash flood waters move very quickly and can roll boulders, tear out trees, destroy buildings and bridges. Walls of water can reach heights of 10 to 20 feet and generally are accompanied by a large amount debris. The best response to any signs of flash flooding is to move immediately and quickly to higher ground.

Flood Safety Tips

- If asked to evacuate, do so immediately.
- If outdoors, climb to high ground and stay there. Avoid walking through flood waters.
- If you are driving and have come to a flooded area, turn around and go the other way.
- Assemble a disaster supplies kit.



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