

# MISS UTILITY OF DELMARVA



# The Scoop



Know what's below.  
Call before you dig.

## A Quarterly Newsletter

Spring 2017

President's Message  
*Safe Dig Month*

Page 1



Miss Utility Board of Directors  
*Meet Our Newest Directors*

Page 3

DelDOT  
*Celebrating 100 Years*

Page 1

Ask Miss Utility  
*Discrepancy Tickets*

Page 4

OSHA Under Trump  
*A Closer Look*

Page 2

Calendar of Events

Page 4

Mark Your Calendar!

Page 4

CALL "811" BEFORE YOUR SPRING PROJECT



## President's Message

Dear Friends,

Thankfully, the days are getting longer and warmer. This also means more companies and homeowners are focused on outside projects that often require excavation (digging). That is why April is declared as Safe Dig Month by governors across this country. It starts an aggressive campaign to remind everyone to obey the law and contact Miss Utility before starting any digging project. This FREE service is funded by the utility companies to encourage you to obey the law and contact Miss the Utility prior to starting an excavation project.

Our January monthly Miss Utility membership meeting was the most well attended meeting we have had in years. In addition, running a Call Center, educating contractors and the general public about damage prevention is a huge priority for us. One way we get the word out is through our monthly meetings that are held in various locations throughout Delmarva. Check our website to find the next meeting near you. Everyone is invited and welcome! It is a great forum to learn about damage prevention and to network with the folks that can help solve problems. These meetings are attended by utilities, excavators, locating companies and other interested parties. We welcome you!

Each April we hold our Locator's Award Banquet to recognize locators that have excelled above and beyond

their peers. This year we will honor 31 locators from companies across Delmarva that have had zero at fault damages, are safety conscious and actively promote damage prevention. I congratulate every one of them and encourage all other locators to strive to be damage free this year.

Bradley C. Ebaugh

## The Delaware Department of Transportation (DelDOT) Celebrates 100 Years of Excellence in Transportation

This year marks the 100th anniversary of the Delaware Department of Transportation (DelDOT). The foundation of DelDOT began as an idea of a "Grand Boulevard" that would stretch the length of Delaware. This was T. Coleman DuPont's vision to "build a monument 100 miles high and lay it on the ground" and he made that dream a reality. In 1911, DuPont submitted his proposal to the Delaware General Assembly, which was approved. He would invest nearly \$4 million of his own funds to construct the highway. In 1917, the Delaware State Highway Department was formed and assumed control of the unfinished roadway and it was completed in 1924. T. Coleman DuPont donated the roadway that now reflects

(continue on Page 3)

## OSHA Under Trump: A Closer Look

Legal experts are predicting significant changes for worker safety regulation under the new administration, so what does that mean to you?

A new presidential administration almost certainly will mean a new direction for OSHA, legal experts agree. Regulations could be undone. Funding could decrease. Strategies for worker safety could shift 180 degrees.

How soon will changes arrive? Which objectives will take priority? Who will next be chosen to lead OSHA? Those decisions ultimately lie with President Donald Trump and his team as they settle into the White House.

“Even if it wasn’t Trump, just having a Republican in office would have been a substantial change by itself,” said Mark Kittaka, a partner and administrator of the Labor and Employment Law Department at Barnes & Thornburg LLP in Fort Wayne, IN. “Because it’s Trump, it’s going to be even more. It definitely will change.”

On the campaign trail, Trump touted his belief in smaller government with fewer rules and more freedoms. He vowed to eliminate two regulations for every new one enacted. He promised to ease the burdens on big businesses and blue-collar workers alike by stimulating the economy and creating jobs.

Workplace safety did not take center stage as a campaign issue for Trump or any other presidential candidate. But Trump’s limited-regulation stance, coupled with his experience in construction and other industries, suggest to some that he will steer OSHA more toward compliance assistance and away from enforcement.

“Typically, OSHA is not the highest priority agency or one of the agencies that gets a lot of attention early in an administration,” said Eric J. Conn, a founding partner of Washington-based Conn Maciel Carey LLP and chair of the firm’s OSHA Workplace Safety Practice Group. “I think this could be a unique new administration that does pay some amount of attention to OSHA in the early days because he’s familiar with it.”

### Regulations in jeopardy

The injury and illness electronic recordkeeping rule could be among the first items that Trump targets, according to Conn. The rule requires many employers to electronically submit injury and illness data, which may then be published on OSHA’s website. Anti-retaliation protections also are included in the rule, which prohibits employers from discouraging workers from reporting an injury or illness.

The rule has drawn sharp criticism from some

employers, who claim it is burdensome and unnecessary. In July, eight industry groups – including the National Association of Manufacturers and Associated Builders and Contractors – filed a legal challenge to block the rule, claiming the anti-retaliation provisions unlawfully banned or limited safety incentive programs and post-incident drug testing. A judge denied the motion in November.

A formal rulemaking process often requires years to enact change, but Trump could turn to faster, existing methods. OSHA could issue new guidance documents or letters of interpretation that reopen the door for drug testing and safety incentive programs, for example. Or the administration could pursue a budget rider that says OSHA shall not spend any funds on implementing the electronic recordkeeping database or in collecting or reviewing employers’ injury and illness data submitted pursuant to the rule – effectively invalidating its existence. Depending on the timing, some rules could be changed under the Congressional Review Act.

The silica rule published in March 2016 could be on the chopping block, Conn said, but as of press time it is set to go into effect in the construction industry in June and for general industry in 2018. The rule reduces the permissible exposure limit for respirable crystalline silica to 50 micrograms per cubic meter of air averaged during an 8-hour shift – half the previous limit for general industry and five times lower than the previous limit for construction.

Also in jeopardy is the so-called “blacklisting rule” published in August, which requires firms seeking to do business with the federal government to report previous labor-law violations. Meanwhile, ongoing but incomplete efforts such as the combustible dust rule and process safety management reform are unlikely to advance during the Trump administration.

However, not every regulation will be scrapped. “Worker safety regulations, as a general matter, are not likely to disappear – OSHA and its regulations have been around for a long time and have survived administration changes,” said Aimee Delaney, a partner specializing in labor and employment at Hinshaw & Culbertson LLP in Chicago. “Additionally, Trump’s victory was in no small part due to his appeal to the Rust Belt, blue-collar workers, so taking too aggressive an approach may conflict with the pro-employee message that helped win the election.

“However, less regulation is certainly something Trump campaigned on, and OSHA presents an area with a great deal of regulation.”

How soon could changes take place? “During the George W. Bush administration, it was two or three years before

*(continued on page 3)*

## Meet Mark Gemmill



Mark recently accepted a position with Miss Utility of Delmarva board of directors and is excited to bring new ideas to the table, as he has been an active member at the monthly meetings for years.

Mark started his utility career with Chesapeake Utilities as a laborer, crew leader on the underground installation side. His duties included leak repair, corrosion site work and line locating. He also performed other tasks such as setting meters, appliance repairs, service technician and commercial gas work until leaving in late 1999.

Wanting a change in pace, Mark started a new adventure with Playtex as a mechanic handling repair technician, but within a year knew locating underground utilities was what he wanted to do..

When a locating position opened into the industry that he loved, he quickly applied with Tidewater Utilities. Mark has been with Tidewater Utilities for 17 years so far and had the opportunity to walk back into the protection of the underground utilities. "I have been locating my whole career with Tidewater Utilities and enjoy it very much" he says.

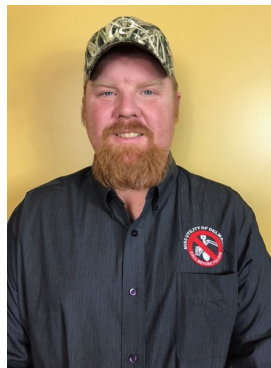
As he begins service on the board, he hopes to bring education back to the field, and issues in the field back to the board, so excavators and locators can work better together.

Mark is married to Susan Gemmill. They have three children, Jon, Christine and Josh and two wonderful Labs, Coco and Cleopatra that they have as family pets. Mark says, "he enjoys deer hunting, especially hunting in Dorchester County Maryland for elusive Sika deer", also "I shoot Sr. Olympic archery and fish" he said. Mark also grows a big garden every year so he and his wife, Susie, can make their own spaghetti sauce fresh from the garden.

### OSHA Under Trump (continued from page 2)

you saw the ship really turn in a very significant way from the Clinton administration," Conn said. "I don't think you're going to see overnight a dramatic change in the way OSHA operates, but by the end of four years, you will see a markedly different approach by the agency with a different set of tools than we're seeing at the end of the Obama administration."

## Meet Richard Lewis



Richard Lewis has just joined the Miss Utility board of directors. "I have found that most, if not all, damages that I have investigated could had been avoided with simple safe dig practices" he said. "Public Awareness is very important to the construction and locating world and that is why I was attending the monthly meetings", he said.

Richard was born in Dover, Delaware and was raised in Blackiston, Delaware. He started his locating career when he was 19 years old with Utiliquest. Since then, he has moved around as many locating contracts open and closed, but for the most part Richard has spent his entire career locating underground utilities. "I am an experienced technician locating underground electric, fiber, communication, water, sewer, and gas lines", he says. Currently Richard is working with Century Engineering, located in Dover, Delaware, earning the promotion of heading the locating department.

In his spare time, Richard is volunteering his time as a Fire Fighter with Citizens Hose Company in Smyrna Delaware and sitting on the board of directors for Smyrna Clayton Little League, "I am the Rookie and Minor League division director", he says.

Richard is married to his high school sweetheart and has two amazing boys, Zach 13, and Matthew 5.

### DeIDOT 100 Years of Excellence (continued from page 1)



his name and it is considered the greatest personal gift in highway history.

Today, DeIDOT encompasses many divisions including Maintenance & Operations, Transportation Solutions, Planning, Technology & Innovation, DMV and DART, to name a few. DeIDOT employs over 3,000 individuals that maintain over 13,500 lane miles of highways, over 1,600 bridges, process over 1.5 million customer transactions annually at the DMV and over 10 million passenger trips annually from DART. DeIDOT operates a state-of-the-art Transportation Management Center that monitors the State's transportation systems and emergency responses on our roadways 24/7. DeIDOT is proud to say that they have been providing 100 years of Excellence in Transportation – Every Trip, Every Mode, Every Dollar, Everyone!

## Ask Miss Utility

### How can I process a "Discrepancy Ticket"?

This is a great question! The excavator can use this system to communicate with the locator for any utility listed on the ticket. Go to [www.missutilitydelmarva.com](http://www.missutilitydelmarva.com) and click the big **RED BUTTON** "Ticket Search & Status Check", then choose your state and put in your "Ticket Number" then hit "Search". This process should bring you to your ticket. Scroll down until you see "Members Notified" and you should see under "Status" the "Discrepancy Button".

- Click on DISCREPANCY OR DISPUTE
- Enter your email address
- Click 'OK' on the next screen
- You will receive an email to finalize the processing displaying the ticket number and district code.
  - Finalize the Reporting of a Ticket Discrepancy (or Dispute).
  - Next, click 'OK'
  - Message #: Ticket Number XXXXXXXX Has Been Processed.

When the locator receives this discrepancy ticket, it is his or her responsibility to contact you to determine why you have a discrepancy with the marked or clear status of the locate request.

	Nov 2016	Dec 2016	Jan 2017
Reported Damages	76	30	22
Tickets	108,083	90,117	91,599
Percentage	0.022%	0.033%	0.024%

### Editorial Staff

**Bradley C. Ebaugh**—President  
**Jason A. Lyon**—Vice President  
 Chair, Public Awareness Committee  
**Dwayne Olivieri**—Secretary  
**Eric Cimo**—Treasurer  
**Wendy Stack**—Board Member  
**Teresa P. McCann**—Editor

**Contributing Writers:** Bradley Ebaugh, Eric Cimo, Wendy Stack & Emily Meier

### Questions/Comments?

This newsletter belong to you, so ideas and topics are welcomed. Send your comments, questions and suggestions to Wendy Stack at [w.stack@mchsi.com](mailto:w.stack@mchsi.com).

**WE WANT TO HEAR FROM YOU!**

## Calendar of Events

### Miss Utility Meetings

**April 20<sup>th</sup>, 2017**

**Delaware Electric Cooperative, Inc.**  
 14198 Sussex Highway  
 Greenwood, DE 19950

**May 18<sup>th</sup>, 2017**

**Tidewater Utilities**  
 1100 South Little Creek Rd.  
 Dover, DE 19901

**June 15<sup>th</sup>, 2017**

**Delmarva Power**  
 The Delmarva Power Conference Center  
 4100 South Wakefield Drive  
 Newark, DE 19702

**July 20<sup>th</sup>, 2017**

**Chesapeake Utilities**  
 32145 Beaver Run Drive  
 Salisbury, MD 21804

### Events

**April 10<sup>th</sup> & 11<sup>th</sup>, 2017**

**Delmarva Safety Association Health & Safety Conference**  
 Clarion Hotel  
 10100 Coastal Highway  
 Ocean City, MD 21842

**April 20<sup>th</sup>, 2017**

**Wilmington Earth Day**  
 Rodney Square  
 1100 North Market Street  
 Wilmington, DE 19801

**June 10<sup>th</sup>, 2017**

**Camden Safe Summer Day**  
 80 Old Camden Road  
 Camden, DE 19934

**June 25<sup>th</sup> – 27<sup>th</sup>**

**Maryland Municipal League's Annual Convention**  
 Ocean City, MD 21842



## "MARK YOUR CALENDER"



Clarion Resort Fontainebleau Hotel  
 10100 Coastal Highway, Ocean City, MD 21842



**CONGRATULATIONS TO THE WINTER SCOOP DRAWING WINNERS - \$25 Gift Card**

**Byron Baker**  
 Easton Utilities

**Charlie Russell – Two-time Winner!**  
 Chesapeake Utilities

Thank you for reading The Scoop and watch out for some more gift card drawings.

Please check our website [www.missutilitydelmarva.com](http://www.missutilitydelmarva.com) for updates on events.