

North East Fabricare Association www.nefabricare.com

# **NEFA Announces Fall Fest Plans!**



ON NOVEMBER 16 & 17, NEFA WILL HOLD ITS 7TH ANNUAL FALL FEST EDUCA-TIONAL CONFERENCE AT WENTWORTH BY THE SEA IN PORTSMOUTH, NH! NEFA's Fall Fest program is a unique blend of educational sessions and exhibits designed to help attendees prepare for the new challenges and opportunities facing our industry. By bringing

in some of the most renowned speakers in the industry, and some of the most innovative providers of products and services together in one forum — NEFA has constructed one of the best conferences in the industry.

This year's theme "Your Guide to Increased Productivity & Effectiveness" is designed to help you adapt and utilize all the tools available to you to make your business thrive. NEFA is invested in your success, and we are committed to helping you excel. YOU will learn from some of the top experts like: Chris White of America's Best Cleaners, Tom Ustanik of Lansing Cleaners in Illinois, Tim Roberts of Business Networking International, and more! This conference is one of the most important investments you can make in your business.

The weekend makes for the perfect balance of work and relaxation. The host facility, Wentworth by The Sea, is a top-tier resort located just minutes from down town Portsmouth. The down town area features numerous restaurants, shops, and night spots. With outlet shopping nearby, and plenty of historical landmarks -- Portsmouth is a hidden gem in our own backyard!

### SPECIAL CUSTOMER SERVICE WORKSHOP

For this first time ever, NEFA is also hosting a 4-hr Customer Service Workshop on Sunday November 17th in conjunction with Fall Fest. This is a unique opportunity to have your Managers and CSR's expertly trained. Chris White of America's Best Cleaners will lead the workshop and will guide attendees through proven methods of turning your CSR's into Superstars!

Visit our website and download a copy of the complete brochure at www.nefabricare.com or call the NEFA Office: 800-442-6848!

### SEPTEMBER/OCTOBER 2013

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### PRESIDENT'S MESSAGE...

# Fall Fest Just Two Months Away!

WE ARE PROUD OF THE FALL FEST TRADITION, AND WE ARE LOOKING FORWARD TO ONE OF THE BEST YET! Wentworth By The Sea is a perfect location. With a lot of things to do nearby like outlet shopping, sightseeing along the coast, and fine dining and exciting night-life within minutes. Downtown Portsmouth is one of the sea coast's hidden gems.

All this coupled with one of the most diverse, informative, slate of speakers we have ever assembled. The opportunity to learn from peers in the industry and to see real, true-life examples of



John Dallas

how they have been able to build and enhance their business is truly special. Tom Ustanik is a drycleaner from Illinois that has been on the cutting edge of energy conservation and has experienced some great cost control benefits. He will be sharing his experiences on everything from conversion to LED lighting to running vans on natural gas. Chris White is one of the nation's leading experts on operational systems, staff development, team building and resource management. From his experiences with Madame Paulette in NYC to his work as Executive Director of America's Best Cleaners, he brings a wealth of knowledge and experience to Fall Fest. I personally can't wait to send my Customer Service people to his intensive workshop. When you add in Tim Roberts of Business Networking International (BNI), James Peuster of 21st Century Cleaners, and more, it is an amazing collection of the best and brightest.

### A HIDDEN GEM

When we toured the Wentworth By The Sea property -- I was amazed at the hotel, the amenities, and the grounds. This is a perfect place to have a weekend event. Between the small boutiques onsite, and the in-house Spa, there is something for everyone. The restaurant is fantastic, the outdoor Jacuzzi is open year-round, and the indoor pool and fitness facility is terrific. I was really excited that we were able to find this hidden gem so nearby. It really is convenient to so many of our members.

I have gone to Fall Fest every year, and I keep coming back. Not just to support the industry I love -- but because I always learn something new. I can;t imagine anyone missing out on such an opportunity.

This is an exciting time for NEFA members, and I am glad to be a part of it. If you have any suggestions – or questions – please let me know. As President, I really want to keep upgrading the industry, NEFA, our members, and my own plant!

# John Dallas

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# NEFA's Guide to Success: Fall Fest '13 in Portsmouth!

NOVEMBER 16 & 17 ARE THE DATES TO SET ASIDE. NEFA'S UNIQUE EDUCATIONAL CONFERENCE AND TABLETOP EXHIBIT IS COMING TO NEW HAMPSHIRE'S SEA COAST!!

Those who have attended in the past know the value, and those that haven't had the opportunity before should mark the date now and make sure they do everything they can to be included.

Last year we had 20 tabletop exhibits on hand displaying the very best the industry has to offer. From the first unveiling of Solvon K-4 to "Coffee Wipes" for your customers, Fall Fest has proven to be a unique experience.

The Wentworth By The Sea Spa and Resort is a perfect place to relax, learn, and enjoy the sea coast. Top notch meeting space, terrific food, and great service only add to the Conference Experience! Call the hotel directly at 866-240-6313 and mention you are with NEFA to receive the VERY special rate of \$199/night.



For those Allied Trade companies who want to share in

the experience, and who want to take advantage of the opportunity to meet and mingle with the most pro-active, drycleaners in the North East -- contact Peter Blake at 800-442-6848 or email peteblke@aol.com. Fall Fest attendees know the value of value added services -- and are keenly interested in learning ways they can improve their business and productivity.

### ENVIRONMENTAL UPDATES...

## Maine, Massachusetts, & New York All Eyeing New Regs!

THE NORTH EAST REMAINS ONE OF THE MOST PRO-ACTIVE STATES WHEN IT COMES TO ENVIRONMENTAL REGULATION. NEFA IS WORKING TO HELP PROTECT DRYCLEANERS AS NEW REGULATIONS ARE PRO-POSED.

## Maine

The Maine DEP recently adopted changes to Chapter 125 -- the state's air toxics rule that applies to perc Drycleaners. There were some significant changes proposed, but after considering NEFA's testimony the department altered many of those proposed changes. The significant changes in the new chapter 125 calls for an expansion of the "Mixed Use" definition to include many sensitive receptors such as schools, daycare centers, hospitals, prisons, and youth centers. The original proposal included all food sales and preparation establishments -- but the department considered the industry objections, and modified the proposal. Also included in the new regs are an additional testing requirement to gauge the ambient perc fumes in the plant. Each week the plant must conduct a check with its hand-held halogenated leak detector three feet from the loading door after emptying the wheel. This is to make sure there are not excess fumes being emitted into the plant. There will be further guidance as this standard takes effect.

## New York

The Department of Conservation has begun the process of updating its perc rule (Part 232) to eliminate obsolete language and to update the rule to include alternative solvents. It has been over 10 years since Pt. 232 was last adopted and much of the technology has changed, and many new alternatives are being used in the marketplace. Some of the key issues are expanding the definition of co-located to include sensitive receptors, establishing technology standards for those who use alternatives, and the desire to phase out older technology.

## Massachusetts

The Massachusetts DEP is working with NEFA and the Toxic Use Reduction Institute to revise the current regulations regarding continued perc use. The department agrees that perc is on the decline, and the state's hope is that there will be no new installations of perc machines. As long as drycleaners continue to move to alternative solvents when replacing machinery -- there will be no significant changes. If, however, too many drycleaners are still installing perc machines, then there will need to be new permitting requirements established. NEFA will keep you posted.

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# What Can a Fixed Rate for Natural Gas **Do for My Business?**

### WITH SO MANY DIFFERENT NATURAL GAS PRODUCTS AVAILABLE IN TODAY'S MARKET, WHY IS THE FIXED RATE SO POPULAR? WHAT EXACTLY DOES IT DO?

First of all, what is a fixed rate? If you currently get your gas supply from your utility, you probably have what's called a variable rate. The price per therm changes each month, and while some utilities have more consistent pricing than others, you never quite know what your price is going to be.

A fixed rate is only available from third-party suppliers, not your utility. A fixed rate means locking in a price so that you always pay the same price per therm, no matter what the market does or what the utility charges.

You choose how long your fixed rate lasts. Most suppliers let you lock in any term you like, from three months up to five years.

Does it save me money? Not necessarily; your fixed rate could end up being lower than the variable rate, or it could be higher. The advantage of locking in a rate is that it makes your bills consistent. When your cost per unit remains the same, the amount of your bill will only vary with your usage.

Most of a company's operating costs are pretty constant: You know exactly what it

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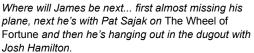
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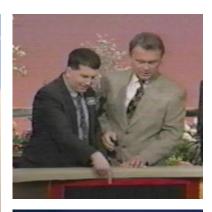
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# **James Peuster of The Route Pro**

MOST PEOPLE KNOW WHO JAMES "THE ROUTE PRO" PEUSTER IS AS HE ENTERS HIS 12TH YEAR OF CON-SULTING DRY CLEANERS IN ALL AREAS OF PICK-UP AND DELIVERY. He speaks at meetings and events throughout the country on Customer Service, Leadership Training, as well as Route Sales and Marketing. He was also a recent recipient of a DLI Meritorious Service Award.

### THE INDUSTRY LIFE

James has always been committed to NEFA and emphasizes the importance of Associations for small businesses. Some of his first clients in the industry came from NEFA and he still works with them today. James has been a featured speaker at Fall Fest Conventions, NEFA Workshops -- and if you haven't been able to attend you are really missing out. He is one of the top industry speakers in the country. His wit, story telling, and innate ability to make the audience understand the 





importance of training and systems has made him one of the most sought after speakers we have ever had. He has used his great sense of humour and quick thinking to help entertain members at NEFA's Fall Fest programs. From his "Karnac the Magnificent" impersonation to his hosting "The Oldywed Game" he has shared his unique sense of humour with many NEFA members.

"I have been influenced by many people, but the top two were my brother and Al Robson" Peuster said. "Both of them challenged, coached, and shaped me into the person I am today." Peuster strives to combine professionalism as well as fulfill his desire to enjoy each day.

### **BEHIND THE SCENES**

Many people know that James spends his free time covering sports on the radio and internet. "I started my hobby sports radio the same time I launched The Route Pro." "Yes, I go to events based on my schedule and visa-versa." James has had the privilege of doing the play-by-play of high school sports as well as several professional events as well. His favorite story is covering mixed martial arts on Spike TV. "I truly knew nothing of MMA at the time, I just had to fake it on national TV."

Anyone who has seen him speak usually hears James tell the story of Wheel Of Fortune in which he set a world record. "I incorporate it in one of my power points to show no matter how good you are at what you can control, many are spinning their wheels and not making money." The story behind the world record is that he was the first contestant to hit four bankrupts on a show (you can see it on YouTube -- just search wheel of fortune Peuster). "The other story I include was the time I hung out with Charlie Sheen, but that is not as well received."

Not only will James be a speaker at Fall Fest '13, but he will be will be hosting the Saturday Night Cocktail Party with his version of "Drycleaning Family Fued!"

# My Insurers Stepped In And Appointed An Attorney That Should Be A Good Thing, Right?

Written By Steve Henshaw, President & CEO, EnviroForensics



WHAT I WANT TO TELL YOU ABOUT TODAY IS THE OBLIGATIONS THAT YOUR INSURANCE CARRIERS HAVE WHEN THEY DEFEND A CLAIM UNDER RESERVATION OF RIGHTS (ROR). I want to tell you this because there is a lot of misinformation that people have on this issue and policyholders have

rights that they need to know. When people don't know their rights, decisions can be made that could adversely affect their businesses, their financial future, even their reputation.

### THE CLAIM HANDLER'S RESPONSIBILITY

The most important thing to understand about what I am telling you is that managing insurance claims is big business and the less that insurance companies pay out, the better the financial statement for that company will look. The second most important thing to understand is that the person handling your claim may be your friend, but probably is not. The claim handler has a job to do and they are often times evaluated on, among other things, metrics associated with how much your claim costs compared to "similar" claims. Most insurance carriers do not have separate environmental claim departments. Instead the claim handler dealing with a complex environmental claim, could also be handling claims associated with theft, automobile accidents, home fires, the list goes on. Point being, they may not be very sophisticated in terms of understanding your environmental claim. Knowing these basic facts will help you better understand the insurance claim process and why investigating and cleaning up environmental problems can take an inordinately long time and can be surprisingly contentious along the way.

Keep in mind, different states interpret insurance policies and the obligations of an insurer differently. Couple the nuances from state to state with an unsophisticated claims handler and you have a recipe for confusion. Confusion can lead to a project stalling, by slowing down the environmental investigation, creating unnecessary legal arguments, obfuscating the facts of the matter, requesting extensions from the regulatory agencies, not paying consulting and legal bills timely, and adding more layers such as hiring consultants to oversee consultants. Like most people, claims handlers address easier tasks before the harder more confusing tasks and it is not uncommon for a claim handler to have as many as 125 to 175 claims in their file. But remember, as an insured, you have rights, and one of those rights is to have a defense against your claim and such a defense must serve you.

### **UNDERSTANDING YOUR RIGHTS IS IMPERATIVE**

As an insured one of the rights you have is the right to select your own lawyer and typically your own consultant. To put this in context, the attorney defending your claim works for you and not your insurance carrier. The insurance carrier must pay for the defense of the claim. Within reason, the "duty to defend" by an insurance carrier includes paying for your legal defense and includes assessing and determining your liability and exposure. The only way to understand your liability and exposure is to collect enough data to determine the extent and magnitude of the problem and to determine the cost of the cleanup. I have seen many problems when the insurance carriers se-

lect a lawyer to defend a policyholders and/or selects a consultant to oversee the consultant that you have hired conduct the investigation.

In the former, you have to understand who employs your attorney. "As an insured one of the rights you have is the right to select your own lawyer and typically your own consultant."

When an insurance company retains a lawyer to "represent" you on your claim, this is referred to as a tripartite relationship. There are all kinds of ways in which an attorney representing you, but retained by the insurance carrier on your behalf can have conflicts of interest. In fact, it is a very slippery slope for attorneys to represent you on your claim, while having an ongoing relationship with your carrier. From the most basic business fact, an attorney representing you but retained by the carrier implies that the attorney has an ongoing book of business with that carrier. Your attorney has to, by law, represent you, but practically speaking they cannot afford to upset their ongoing book of business, so fighting for your

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specific needs is generally tempered or moderated. With respect to specific conflicts of interests, the legal world is chalked full of examples where conflicts arise under the circumstances where the carriers select and appoint your defense counsel. I have worked numerous projects where the insurance carriers have hired and retained defense counsel and more often than not the results for my clients are not very favourable.

### WHAT IS AN "OVERSIGHT CONSULTANT"?

With respect to other tactics designed to control defense costs, carriers employ consultants to oversee your environmental consultant. They will use these consultants to review work scopes and invoices with the intention of saving money. The problem is that in

# "The best thing that you can do is to understand your rights."

order to save money, the oversight consultant often times will determine that reasonable work is unnecessary or that work is not unnecessary because the regulatory

agency did not specifically request a certain task. Data must be collected to determine whether the contamination is causing harm to human health or the environment. Remediation should consist of abating the problem, protecting the public health and restoring the value of the impaired property. Oversight consultants try to

show their value by reducing the amount of work necessary to achieve the answers to those questions. Usually, the work will be necessary, but the oversight consultants drag out the investigation process unnecessarily to show that they are saving the insurer money. They will reduce the work scopes by cutting back on a monitoring well here or there or reducing the number of samples being collected. The result is a long back and forth process between your consultant and the regulatory agency that ends up taking many years instead of several months. The other area we typically see is that the oversight consultant only wants to conduct work that is specifically asked for by the regulatory agency. The problem is that the project manager for the regulatory agency has dozens and dozens of files. They may miss a component of work not included in a work scope during a particular review, but before the site is closed they will require the work to be completed before they will close the site and issue a no further action letter (NFA). The back and forth results in a very long claim management process that could have been completed in a much shorter time were it not for the oversight consultant. Finally, oversight consultants are in business to show their value and many try to show their value by "saving" money and that means they pick apart reasonable invoices, suggesting that the work was excessive, conducted at too high a rate, or that they need more information to justify the invoice. In reality, the work needs to be conducted and is conducted, but over a much longer period of time.

### MAKE SURE YOUR CONSULTANTS ARE WORKING FOR YOU

So the best thing that you can do is to understand your rights. Understand that you need and you have a right to select your own counsel to represent you against the claims. Understand that you probably have the right to select your own environmental consultant and find a consultant that will be strong enough to understand what needs to be done and how to get it done in a timely manner. Your consultant needs to be able to go toe to toe with the oversight consultant if needed. Dealing with environmental contamination is a lengthy process. You do not want it to take longer than necessary, because your claim handler is more interested in their company financials than on providing you with the best defense against your claim.



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### INFORMATION YOU NEED TO KNOW ...

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costs to pay your staff, exactly what it costs to purchase supplies, etc., but you never know what your energy cost is going to be. Energy can be a significant portion of a company's overhead, but it's also generally the least stable. Being able to budget energy can really stabilize your overhead costs.

### HOW DO I KNOW IF A FIXED RATE WILL WORK FOR MY BUSINESS?

First, find out what you've paid for natural gas over the past few years. (Your supplier should be able to give you those numbers.) What was your average rate each year? Each month?

Next, compare those numbers with the fixed rate you've been offered. If you can freeze your rate at a price close to or lower than your previous costs, it might benefit your business to lock in at a rate you know you can manage. With the fixed rate, you know your price will not increase. Now, maybe you think rates will go down, and you'd rather take your chances with the variable rate, but this quick comparison lets you make an informed decision. You aren't usually able to cancel a fixed rate before it ends, so if you're not sure this is a good option for your business, you might want to lock in your rate just for a short-term plan of three to six months at first.

Whatever you decide, don't commit to a time period you might not honour. Since suppliers can offer fixed rates only through buying the gas in advance, these rates usually have fees for cancelling the agreement early.

If you decide to compare rates from different suppliers, make sure you compare apples-to-apples prices. Suppliers might present their rates differently from your utility or from each other, so make sure you know what is included in an invoice.

Your natural gas plan should always support your individual business goals. The right supplier can help you choose the right plan.

For more information, please contact Dave Herren at (352)246-4600 or at wdherren@infiniteenergy.com



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