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In this issue:

Resolution that overturned OSHA's ongoing recordkeeping rule, how autonomous vehicles could eliminate up to 4 million jobs and the reasons for rising auto insurance prices.

Cyber Risks & Liabilities newsletter discusses how other states may adopt New York's cyber rules, how to protect browsing data, the number of employees who breach network security and the possibility of the FBI easing its employment standards for cyber agents

TECH E&O: Learn about protecting against the risks that come with providing a product or service using technology (includes video).

This month's Safety Focused discusses how to prevent text neck and the importance of protecting your eyes from the summer sun.

Mental health tips, the dangers of carbon monoxide and how to remove distractions before you drive.

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MAY 2017

P&C PROFILE

DID YOU KNOW?

New research from the American Chiropractic Association and the American College of Physicians may change the treatment for back pain, one of the most common reasons for missing work. Until recently, one of the most recommended treatments was the prescription of opioids and steroids. However, both organizations now agree that therapy-based techniques can help injured employees recover faster and reduce the chances of reoccurring back pain.



IN THIS ISSUE

- **President Trump Overturns OSHA's Ongoing Recordkeeping Rule.** A new resolution has overturned a rule that allowed OSHA to issue citations up to five years after a recordkeeping violation occurred.
- **Autonomous Vehicles Could Eliminate Up to 4 Million Jobs.** Advanced vehicles that can operate without a driver could cause an economic ripple effect in regions that rely on commercial transportation.
- **Auto Insurance Prices Likely to Keep Rising.** The high costs of auto insurance claims and vehicle repairs have led to higher prices for both commercial and personal auto policies.

President Trump Overturns OSHA's Ongoing Recordkeeping Rule

President Donald Trump recently signed a resolution that overturned a [final recordkeeping rule from OSHA](#). According to the agency, the rule was meant to clarify that employers must maintain work-related injury and illness records throughout a five-year storage period, and did not create any additional requirements. However, critics of the rule argued that it allowed OSHA to unlawfully issue citations to businesses up to five years after an incident, provided the violation was related to recordkeeping.

The Occupational Safety and Health Act (OSH Act) that governs OSHA does not allow for a citation to be issued more than six months after the occurrence of a violation. Despite this, OSHA's final rule stated that the agency considers all recordkeeping violations to exist until they are corrected. For example, if a recordkeeping violation first began on Feb. 1 and was corrected on May 15, OSHA would have had until Nov. 15 to issue a citation under its final rule.

This development is the latest step in the Trump administration's efforts to reduce regulatory burdens on businesses. Since Trump took office, OSHA has delayed its new [beryllium exposure rule](#) until May 20, and has also announced that it is currently not ready to accept electronic injury and illness data for its [electronic reporting rule](#). However, you still need to be aware of your ongoing OSHA requirements. Although OSHA's recordkeeping rule has been rescinded, employers are still required to maintain their injury and illness records for five years. Contact us at 800-724-0695 for help staying in compliance with OSHA standards.

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Work Visa Program Under Federal Review

The Trump administration has ordered a review of the H-1B visa program, which allows U.S. employers to temporarily employ foreign workers in positions that require specialized knowledge. Although the review will not change existing rules for the visas, the Trump administration has expressed interest in changing the approval process from a lottery to a merit-based system.

Currently, H-1B visas are used mainly by technology companies to fill roles that require an extensive background in science, engineering or computer programming. However, critics of the program believe that it's also used by outsourcing firms to flood the system with applications for lower-paid information positions, which takes work away from Americans.

The Trump administration has yet to set a timeline for changes to the H1-B program. However, Trump has stated that the visas should only go to the most skilled and highest-paid foreign applicants, and never be used to replace Americans.

Autonomous Vehicles Could Eliminate Up to 4 Million Jobs

A new report from the Center for Global Policy Solutions suggests that as many as 4 million employees nationwide may soon lose their jobs due to the adoption of autonomous vehicles.

Unlike normal vehicles that are operated by human drivers, autonomous vehicles use advanced sensors to monitor the road and can run without mandated stops for rest and sleep. And, if commercial drivers are replaced by these vehicles in the near future, it could cause an economic ripple effect in regions that rely on commercial transportation.

More than 30 automakers and technology companies are currently working on autonomous vehicle technology, including Ford, General Motors, Tesla, Google and Uber. As a result, the technology is advancing rapidly, and many companies have already acquired licenses to test their vehicles on public highways. However, some experts believe that state and federal regulators will delay the widespread adoption of commercialized autonomous vehicles.

Auto Insurance Prices Likely to Keep Rising

Most lines of insurance cycle between soft and hard markets over a number of years, which has a direct impact on the price of insurance. The auto insurance market is currently hardening after many years of a soft market, which has resulted in higher prices for both commercial and personal auto policies.

Between 2011 and 2016, competition between auto insurance carriers created a soft, buyer-friendly market. Since then, however, the high cost of claims and increasing costs of vehicle repairs have contributed to a noticeable transition in the market.

Contact Marshall & Sterling Insurance today. We can provide you with resources to help you understand and save on auto insurance, including our new article, "Coverage Insights – The Hardening Auto Insurance Market."

CYBER RISKS+LIABILITIES

IN THIS ISSUE

New York Cyber Rules May Become Model for Other States

New York's cyber security laws may serve as a model for other states in the fight against cyber crime.

Using VPNs to Protect Browsing Data

Considering the recent vote to allow web-browsing data to be sold without users' explicit consent, virtual private networks (VPNs) may be the key to private browsing.

Most Employees Breach Network Security

Whether intentional or by accident, over 90 percent of employees breach network security.

FBI May Ease Cyber Employment Standards

In an effort to recruit much-needed cyber security agents, the FBI is considering loosening its requirements for applicants who want to join the agency's cyber division.

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New York Cyber Rules May Become Model for Other States

In recent statements by New York's financial regulator, a group of U.S. state insurance regulators have been advised to use the state's groundbreaking cyber security rules as a model for how financial institutions and insurers should protect their networks from hackers and disclose cyber events.

The superintendent of the New York State Department of Financial Services called the regulation "a road map with rules of the road," which can provide a uniform cyber security law that all states can choose to adopt for use by financial institutions and insurers to focus on cyber security threats.

New York's cyber security rules took effect on March 1, following a series of data breaches that resulted in losses of hundreds of millions of dollars to U.S. companies that included Home Depot Inc., Target Corp. and Anthem Inc. The new rules describe steps that covered entities must comply with in order to protect their customer data and networks from cyber criminals.

One such rule calls for firms to scrutinize the security of third-party vendors that provide them with goods and services. They must also perform risk assessments in order to design cyber security programs particular to their specific needs. All covered entities are required to certify compliance annually.

A proposed model cyber security law that all states can choose to adopt for financial institutions and insurers could lead to more uniformity among states. But they first must be finalized and approved by a task force of state insurance commissioners before being considered by state lawmakers. However, since the task force's inception in 2015, insurance commissioners haven't been able to agree upon several points of the law. A fourth draft is expected by May 9.

For more information regarding New York's cyber security laws, see "New York Cyber Security Laws – Cyber Security Program Rules" and "New York Cyber Security Laws – Covered Entity Responsibilities."

Most Employees Breach Network Security

A recent cyber security report indicated that 95 percent of organizations have workers who try to override security and web restrictions—behaviors that may lead to data theft and other malicious activity in the workplace. The report warns employers about workers who use anonymous VPNs, which is a practice that has doubled between 2015 and 2016.

According to the report, employees attempt to override security restrictions so they can steal data, shop online or cover up prohibited internet searches. However, most employee cyber security incidents—almost 90 percent—happen by accident.

Even with policies and enforcement procedures in place, workers typically find ways to break through security systems if they're persistent. In order to prevent data breaches, employers should increase visibility during on- and off-network times, pay extra attention to workers who violate policies and train IT staff in high-level security.

FBI May Ease Cyber Employment Standards

In an effort to recruit much-needed cyber security agents, FBI Director James Comey is considering loosening certain training requirements on marksmanship and physical fitness for its cyber security applicants.

One possible solution in consideration is to create a special university for the training of cyber security agents who wouldn't necessarily need to carry a gun. The cyber university could be a workaround to the current FBI requirements and would serve as a place to teach agents required technical skills for the job.

Another possible solution is to scrap the requirement that requires agents who've left the service for more than two years to re-enroll in the FBI's training academy.

Using a VPN to Protect Browsing Data

The U.S. House of Representatives recently voted to reverse regulations that would have prevented internet service providers (ISPs) from selling users' web-browsing data without their explicit consent. The decision has left people wondering how to prevent big telecom companies from making money off of their web-browsing data. One solution may be to use a VPN.

What is a VPN?

A VPN is a private, controlled network that connects users to the internet. The connection with the VPN's server is encrypted, thus making the data confidential while being transported. In short, a user's connection to a VPN remains private even though the data being transmitted moves over the notoriously public internet.

How Does a VPN Protect User Data?

If you use public, unencrypted Wi-Fi at places such as airports, coffee shops or hotels, you put your privacy at risk. But if you connect to a VPN immediately after connecting to its Wi-Fi, you can surf more safely.

VPNs also keep ISPs in the dark as to what their users are doing while online. The ISP can see that there is a user, but it can't see what the user is doing online. Some VPNs even allow their users to hide their physical location in order to gain access to geo-restricted content from video-streaming sites.

Are VPNs Reliable?

Using a VPN can enhance your privacy and security, but you should never assume that it is foolproof. A VPN has the potential to do the reverse of what it is intended for, as it can access and track all of your online activities and browsing history. It should also be noted that using a private VPN in the workplace can violate internet policies and be grounds for termination.

For a VPN to provide more privacy than an ISP, you need to confirm that the company offering the VPN is trustworthy, which can be a difficult thing to prove. One indicator of trust is whether the VPN keeps logs of user activity. Still, a company that provides VPNs could misrepresent its practices or accidentally store data for longer than it claims to, rendering the provider's promise useless.

One way to ensure the reliability of a VPN is to pay for it instead of opting for a free version. A provider that offers VPNs for free may not be able to afford the resources needed to offer the security features it claims to offer.

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Technology Professional Liability: Errors and Omissions Coverage



Every business has unique risks that can seriously harm an organization's operations if not properly protected against. As a business utilizing technology to produce and deliver products and/or services, it's important to recognize and take precautions against risks that your commercial general liability (CGL) coverage doesn't include. Technology professional liability coverage, also referred to as tech errors and omissions (E&O), is essential for companies using technology because it addresses a lack of protection in CGL policies, which typically do not cover claims of third-party financial harm.

Who needs Tech E&O Coverage?

Not only technology industry businesses have technology-related risks. Most companies today utilize technology in some part of providing a service or product and need to take the necessary precautions. To ensure your company is covering all bases, a full risk management assessment is needed.

What does Tech E&O cover?

Tech E&O manages risks, resulting from providing a product or service to a third party, that are not covered by a CGL policy. Specifically, tech E&O protects your business in the event that a third party suffers a financial loss due to your product or service not performing as it was intended or expected, including the event of an error or omission committed by your company. These policies also cover defense costs in the event of

litigation.

Tech E&O coverage would apply in the following situations:

- A mistake was made and an error in the code of a website or program your company produced isn't found before it is implemented. A third party depends on this product or service to operate its business and its operations are stalled due to the error, causing them a financial loss.
- A part your company produces is installed in a piece of equipment. After a short amount of time, the component simply stops working, causing the equipment to fail to work, but otherwise not damaging anything or hurting anyone. The third party that relies on this equipment for its business has to stop operations and suffers a financial loss.
- An employee of your company recommends that a client make an adjustment to its network. The client follows the advice and its network crashes as a result, causing a time and financial loss for its operations.

In all of these cases, CGL coverage would not cover a claim or any costs of litigation because of the presence of an error and the lack of resulting physical damage to the third party's property. It should be noted that tech E&O policies usually exclude product recall, but some will accept damages for loss of use of a failed product.

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Technology Professional Liability: Errors and Omissions Coverage

They also generally exclude non-financial losses and intentional or dishonest acts. Call us today at 800-724-0695 to learn more about protecting yourself with a comprehensive professional liability policy.

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Safety FOCUSED

MAY 2017

Prevent Text Neck

Text neck—upper back and neck pain associated with prolonged mobile device usage—is causing concern in the medical community. Learn how to recognize and prevent text neck with these tips.

Protect Your Eyes From the Summer Sun

Outdoor workers need protective eyewear not just for work hazards, but also for the sun and its UV rays. Protect your eyes by taking these recommended precautions.

Young patients who shouldn't yet have back and neck issues are reporting disk hernias and alignment problems related to prolonged smartphone use.

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Prevent Text Neck

According to a recent report from The Spine Journal, surgeons are noticing an increase in patients with text neck—upper back and neck pain related to poor posture when using mobile devices. In fact, young patients who shouldn't yet have back and neck issues are reporting disk hernias and alignment problems. As mobile device usage is relatively recent, such injuries are unprecedented, and doctors are worried about the effects of prolonged usage on people's posture as they age.

In order to prevent text neck, ABC Client recommends the following tips when using a smartphone or mobile device:

- Hold your mobile device at eye level to prevent stress on the neck and spine.
- Take frequent breaks to lessen the strain on the neck.
- Use a desktop monitor at eye level when working on a laptop for extended periods of time.
- Perform stretches throughout the day to improve blood circulation and relieve tension caused by poor posture. Some examples include rolling the shoulders or tilting the head to the left and right.
- Use web versions of instant messaging services instead of the mobile version. In doing so, you can avoid looking down at your mobile device and maintain better posture.

Protect Your Eyes From the Summer Sun

While most people are aware of the cause-and-effect relationship between the sun's ultraviolet (UV) rays and skin cancer, less people are aware of the damage that the sun and UV radiation can cause to the eyes. Of those who do protect their eyes with sunglasses, 47 percent don't check the UV protection level of their sunglasses before purchasing them.

According to the American Optometric Association, both short- and long-term exposure to sunlight can cause damage to the eyes. Short-term exposure can lead to any of the following conditions:

- Photokeratitis (sunburn to the cornea)
- Pterygium (tissue growth on the whites of the eyes that can block vision)
- Skin cancer on the eyelids

Long-term overexposure to sunlight and UV radiation over the course of a lifetime can also result in cataracts, age-related macular degeneration and cancer that affects the

skin around the eye or even the eye itself.

Outdoor workers need eyewear that protects them not only from job hazards, but also from the sun. In order to reduce sun exposure to the eyes, consider the following tips when working outdoors:

- Wear sunglasses with UV protection of more than 95 percent, even in cloudy weather.
- Wear sunglasses with a lens tint that blocks at least 80 percent, but no more than 90 percent, of transmissible light. Some recommended tints to choose from are amber, neutral gray, brown and green.
- Protect your eyes from all angles by wearing sunglasses that wrap all the way around the temples, or wear a hat with a 3-inch brim to block overhead sunlight.

UV RADIATION CHECKLIST

If you can answer "yes" to one or more of the following questions, you may be exposed to an increased risk of eye damage from UV radiation.

- Do you work or spend a great deal of time outdoors?
- Are you a welder or medical technologist?
- Do you work in the graphic arts or in the manufacture of electronic circuit boards?
- Do you take medication that could increase your sensitivity to UV radiation?
- Have you had cataract surgery in one or both eyes?



inSIGHTS

MAY 2017

IN THIS ISSUE

5 TIPS TO IMPROVE YOUR MENTAL HEALTH

Ignoring your mental health can cause anxiety, depression and irritability to take control of your life. Use these tips to promote your mental health and to improve how you feel in your day-to-day activities.

THE DANGERS OF CARBON MONOXIDE

Many of your home's appliances can produce carbon monoxide, a toxic gas that can cause flu-like symptoms and eventually lead to death. Learn some easy steps you can take to prevent a dangerous buildup of this gas in your home.

REMOVING DISTRACTIONS BEFORE YOU DRIVE

Most conversations about distracted driving center around cellphones, but the truth is that any kind of distraction can lead to a deadly accident.

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LIFE

5 Tips to Improve Your Mental Health

Staying healthy is about more than paying attention to your physical body—your mental health directly influences how you think, feel, react and maintain relationships. If you don't take steps to promote your mental health, you may find that anxiety, depression and irritability can take control of your life.

According to the National Alliance on Mental Illness, about 1 in 5 adults experience some form of mental illness in a given year, but less than half of them seek professional treatment. And, even if you haven't been diagnosed with a mental illness, taking steps to improve your mental well-being can improve your physical health and help you maintain positive relationships.

Here are five tips you can use to help improve your mental health:

1. Talk with those who care about you. Simply talking to friends, family members or co-workers can help you overcome a personal problem and stay connected.
2. Take a break from digital distractions. Although smartphones and other modern technology make it easy to stay connected with others, focusing too much on digital media can make it easy to ignore close relationships and the world around you.
3. Take care of your body. Your brain is still part of your physical body, so it's important to exercise regularly, maintain a healthy diet and get enough restful sleep.
4. Set realistic goals and focus on taking the first step. Many projects or errands can seem overwhelming when taken as a whole. Try planning out steps for large tasks and concentrate on what you need to do first.
5. Get help when you need it. Although there can be negative social stigmas about seeking help for mental or emotional problems, mental health professionals are trained to help manage stress and mental illnesses with therapy or medication.

HOME

The Dangers of Carbon Monoxide

Carbon monoxide (CO) is a toxic gas that's produced by the incomplete burning of any fuel, including gas, fire and wood. Many of the appliances in your home produce harmless amounts of CO. However, if these appliances aren't properly maintained or ventilated it could lead to a hazardous buildup of CO. And, because the gas is colorless, odorless and tasteless, it can be easy to remain unaware of potentially dangerous levels of CO in your home.

Symptoms of mild CO poisoning can include flu-like symptoms, such as headaches, nausea and weakness. However, exposure to large amounts of CO for an extended period can be fatal. Follow these steps to prevent a buildup of CO in your home:

- Install CO detectors on every level of your home. Also, never assume that your home's smoke alarms can also detect CO.
- Check your appliances every year to ensure that they're in safe working order and have sufficient airflow around them. Appliances that emit CO include fireplaces, water heaters, portable generators, power tools, lawn equipment, and gas- or wood-burning cooking appliances.
- Never leave a car or other motorized vehicle running in an attached garage, even if the garage door is open.
- Never rely on ovens, gas grills or other appliances to heat your home.
- Contact a specialist to ensure that your chimneys, vents and flues are providing sufficient ventilation to your home.

For more information on protecting your home from CO and other dangerous gases, such as radon and natural gas leaks, contact us today at 800-724-0695.

AUTO

Removing Distractions Before You Drive

Distracted driving is a serious and deadly problem. According to the National Highway Traffic Safety Administration, distracted driving leads to over 3,000 deaths and 375,000 injuries every year. Although many conversations about distracted driving focus on cellphones, the truth is that any distraction can be enough to cause a deadly accident. The following list includes some of the ways you can remove distractions and keep yourself safe on the road:

- Get plenty of rest before you drive. Studies have shown that fatigued drivers perform just as poorly as those who drive while intoxicated.
- Know where you're going and the road conditions before you drive. Looking at a map or having to focus on the weather can take your attention off of the road and surrounding traffic.
- Secure any items in your vehicle that may roll around. You may be tempted to reach for them while you're driving.
- Don't use your cellphone or a hands-free device while driving. If you absolutely must contact someone, pull over to the side of the road first.



IN THE KNOW

Spring Cleaning Safety Tips

Spring is a great time to rejuvenate your home by opening the windows, getting some fresh air and cleaning. Here are some tips you can use to stay safe as you clean your home this spring:

- Be careful when moving large or heavy objects. If you have to move appliances or furniture, make sure to use a proper lifting technique and wear supportive footwear.
- Follow safety recommendations. Many common cleaners include harmful chemicals, so it's important to follow the manufacturers' recommendations and wear any necessary protective equipment when using them.
- Avoid slips, trips and falls. Always be cautious when you're using a ladder or working near wet surfaces. The best way to avoid falling is to maintain your center of gravity and wear slip-resistant footwear.

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