



ASSP NORTHEAST FLORIDA CHAPTER NEWSLETTER – NOVEMBER 2019

2019 SPY AWARD

Congratulations to Steve Wilson, The North Florida Chapter of American Society of Safety Professionals 2019 Safety Person of the Year.

Steve has been a member of the American Society of Safety Professionals for 18 years. He has been a member of the North Florida Chapter of American Society of Safety Professionals since 2009. He currently serves as the Chapter Secretary, a position to which he was first elected in 2015 and to which he was re-elected to for the 2017-19 term.

Among the services Steve provides the Chapter are to send out email notices of the Chapter meetings and social events, disseminates to the membership job posting announcements, safety and health conferences and training opportunities that are available in the local community. He also



Steve Wilson & Steve Brown

coordinates between the Chapter and ASSP webpage host to help keep the webpage current. He brings to the Chapter and shares with members and meeting attendees a broad and proactive safety and health knowledge that has been developed from over 21 years of experience in the safety field.

Steve is employed by OSHA and is a highly respected and effective Compliance Safety & Health Officer (CSHO). His knowledge of OSHA standards covers general, construction and maritime

industries. He shares that knowledge and best management practices that he has used and observed throughout his years of work within the safety and health field. He has conducted over 200 safety and health inspections including complex fatality and accident inspections in which he works with the employer with the goal of preventing reoccurring accidents, injuries and fatalities. Steve treats all employers and employees in a professional manner. As a result, he has been recognized by OSHA Region IV for his dedication to worker safety and health on three significant cases.

The North Florida Chapter of American Society of Safety Professionals is grateful for Steve's tireless effort on behalf of its members. The Chapter is pleased to honor Steve Wilson as the Safety Person of the Year (SPY) for 2019.



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Finally...OSHA Focuses on Leading Indicators in Safety & Health

Recently, OSHA announced its intention to hold a stakeholder meeting in Washington D.C. next month to obtain information to create tools to help employers with developing and using leading indicators for safety and health. OSHA has long focused on “OSHA recordables” (number of recorded work-related injuries on an employer’s OSHA 300 Log) as a way to illustrate how safe an

employer’s workplace may be. However, most safety and health professionals decry the use of such lagging indicators and instead focus on the use of leading indicators, which are proactive in nature. Lagging indicators are those which attempt to measure the effectiveness of an employer’s safety and health program after the fact, and therefore lagging indicators are reactive in nature. For example, the number of work-related injuries or days away from work (DAFW) are lagging indicators. Leading indicators, on the other hand, are proactive in nature and attempt to take proactive measures to address safety and health in the work environment. According to OSHA, “Leading indicators are proactive, preventive, and predictive measures. A good safety and health program uses leading indicators to drive change and lagging indicators to measure effectiveness.”

OSHA is looking to open up the dialogue with stakeholders and have a facilitated group discussion with participants. Specifically, the meeting will be a roundtable discussion with questions posed by OSHA. OSHA will focus on the questions provided in the notice of stakeholder meeting that are listed below.



- To what extent are leading indicators used in your workplace?
- Do you use leading indicators as a preventative tool for fixing workplace hazards, or as a tool for improving performance of your safety and health program?
- What leading indicators are most important in your workplace? Why were these indicators chosen?
- How do you determine the effectiveness of your leading indicators? How do you track your leading indicators?
- What leading indicators are, or could be, commonly used in your industry?
- What challenges, if any, have you encountered using leading indicators?
- How many employees are at your facility, and how many are involved in tracking leading indicators?
- How has the use of leading indicators changed the way you manage your safety and health program or other business operations?
- What should OSHA do to encourage employers to use leading indicators in addition to lagging

indicators to improve safety management?

The meeting will be held on November 7, 2019 from 1:00 p.m. to 4:30 p.m. ET at the U.S. Department of Labor, 200 Constitution Avenue NW, Washington DC 20210 in Conference Room N-4437. OSHA has established a first-come, first-served registration and for stakeholders wishing to attend they can register online by October 30, 2019 at: <https://projects.erg.com/conferences/osha/register-osha-leadingindicators.htm>.

The National Law Review

Online Edition

October 22, 2019

[National Law Review](#)

The False Sense of Security from Distracted Driving Policies

Marc C. Lenahan, Lenahan Law Firm

We all spot the drivers that are talking on their phones while on the road. They're numb to what they are doing, and to what they are doing to everybody else around them.

If we're honest, and at all perceptive, we know that numb feeling because we've experienced it ourselves. Whether it was reading a text from our kids, dialing a friend to let them know we

were running late, or indulging the prospective customer's call during rush hour, we knew afterwards that the phone had come between us and the road.

That realization was enough for many of us to change our ways personally. And the related realization of potential civil liability has, likewise, been addressed by adding polices to our employee manuals: while driving, no texting, no emailing, and no calls without a handsfree device. "Great, now we're covered."

No, in two important ways, you're not.

First, while handsfree devices help drivers keep their hands on the wheel, they only facilitate the fact that the driver's mind is not on the road. Laws that suggest that the problem is what the hand is doing instead of what the mind is doing only reinforce the fallacy. When we talk on the phone, our minds and senses are impeded from focusing on the road. We lose that necessary periphery access that safe driving requires. Making our hands the scapegoat, not our minds, ignores what we learned back when we were being honest with ourselves. Drivers aren't driving recklessly because they have a soda in their hand. They dangerous because their minds are elsewhere.



In 2017, over 37,000 people died on our roads. Bennie Gamble, Jr. and Shane Miller were two of them. The woman who killed them was required by her employer to be on a handsfree device when she drove while phoning. The 20-minute call she took from a powerful customer she referred to as her “boss” ended only when she killed Shane and Bennie, Jr. The phone call didn’t cause the fatalities despite there being a handsfree policy in place, but because of it.

On a sunny day, Judy was driving on the highway at over 80 mph when she saw two cars stopped mostly on the shoulder. She observed the three people working to fix a tire. But she didn’t respond the way every other driver did. She didn’t slow down. She didn’t change lanes, but she did engage her turn signal. That’s when her SUV’s collision alert system sounded. There was nobody next to her but, because her perception was impaired by the hands-free call, she didn’t know that. She interpreted the alarm to mean, “Somebody is already in that lane,” instead of, “You’re going to hit the people ahead of you if you don’t do something now.” Between hitting the pedestrians ahead or taking a sideswipe from an imagined vehicle, she chose the pedestrians. Again, her perception was impaired by

the hands-free call.

If the update to the employee manual — “While driving, no texting, no emailing, and no calls — would cure the first defect in the policy, what would fix the second way in which the rule leaves an organization exposed?

In the pending wrongful death lawsuit, in addition to suing Judy and her employer, I also have sued the powerful customer she referred to as her “Boss.” In the suit, I am advocating for his liability. Outside of the suit, I’m advocating for the addition of another sentence to every employee manual that does not already have it: “Do not engage in phone or text conversations with anybody that you know is driving, or with anybody who you suspect is driving.”

The “boss” on the other end of the phone was an experienced anesthesiologist. As such, I argue that he appreciated better than most that he was actively impairing Judy’s brain by engaging her in a 20-minute business call. If so, he did not need a policy to tell him not to.

For everybody else, let’s tell them.

EHS Today

Website

October 18, 2019

[EHS Today](#)

Severe Silicosis in Engineered Stone Fabrication Workers

NOTE: This is a summary of the original article. A link to the original article is provided at the end of the summary.

Exposure to respirable crystalline silica can lead to silicosis, which is an incurable occupational lung disease. Inhaling respirable crystalline silica can trigger inflammation and fibrosis in the lungs, which leads to a progressive, irreversible, and potentially disabling disease. Silica exposure is also associated with increased risk for lung infection (notably, tuberculosis), lung cancer, emphysema, autoimmune diseases, and kidney disease.

Stone fabrication workers, especially those working with engineered stone, are at risk for silicosis. Given the serious health hazard and significant number of workers at risk, additional efforts are needed to reduce exposures and improve disease surveillance.

Stone workers are constantly involved in work activities such as the cutting, grinding and polishing of



stone that create respirable crystalline silica.

Eighteen cases of silicosis, including two fatalities, are reported among stone fabrication workers in four states. Several patients also had autoimmune disease and latent tuberculosis infection.

Several countries have reported silicosis outbreak among workers involved in the cutting and finishing of stone slabs for countertops. Most of these stone fabricators worked with engineered stone, a product that can contain more than 90% crystalline silica.

The report examines 18 cases of silicosis, including the first two fatalities attributed to the stone fabrication industry in the United States. The 18 cases cover four states; California, Colorado, Texas and Washington. Cases were confirmed based on computed tomography (CT) scan of the chest or lung biopsy findings.

Use the link below to read the article.

**Morbidity and Mortality
Weekly Report**

Online Edition
September 27, 2019

[CDC MMWR](#)

Injured Worker May Proceed Under Florida's Consumer Practices Act Against Her Medical Providers

In a divided decision, a Florida appellate court found that a state trial court had erred when it dismissed an action filed by an injured worker against her workers' compensation medical providers under the Florida Consumer Collection Practices Act (FCCPA) [§ 559.77(1), Fla. Stat.] on the grounds that it was barred by a jurisdictional provision in the state's Workers' Compensation Law (WCL) [Davis v. Sheridan Healthcare, Inc., 2019 Fla. App. LEXIS 15461 (2d DCA, Oct. 16, 2019)]. The question was, however, also certified to the Supreme Court of Florida.

The Workers' Compensation Law Provision

The provision in question, § 440.13(11)(c), Fla. Stat., grants exclusive jurisdiction to the state's Department of Financial Services over "any matters concerning reimbursement." Plaintiff had alleged, inter alia, that her providers had engaged in abusive billing practices in continuing to demand

payment and involve a collection agency after being informed that she was a workers' compensation patient and not responsible for the fees. The trial court found that the case involved a "matter concerning reimbursement" and, therefore, was barred by § 440.13(11)(c).

Distinction Between "Reimbursement" and "Collection"

The majority drew a distinction between a matter of "reimbursement" and a "collection" activity. According to the majority, they did not mean the same thing. To "reimburse," said the majority, meant to repay or to restore. The majority added that the term was often synonymous with indemnification and was typically used to express repayment by a third party not directly involved in the transaction. In contrast, the majority said that to "collect" meant to gather or exact or to claim as due and receive payment. Collection was not the same concept or type of activity as reimbursement, even if a transaction sometimes involved both.

Consumer Claim Has Three Triggers

The majority continued that a claim under § 559.72(9), Fla. Stat., had three elements or triggers:



1. An illegitimate debt,
2. A threat or attempt to enforce that debt, and
3. Knowledge that the debt is illegitimate.

Specific Governs the General

The majority added that generally, where a specific provision conflicted with a general one, the specific governed. Here, the Consumer Protection Practices Act was the more specific, as the statutes pertained to the plaintiff's allegations.

Question of Great Public Importance

The majority concluded by certifying to the Florida Supreme Court the following question of great public importance pursuant to Florida Rule of Appellate Procedure 9.030(a)(2)(A)(v):

DOES SECTION 440.13(11)(c) OF THE WORKERS' COMPENSATION LAW PRECLUDE CIRCUIT COURT JURISDICTION OVER CLAIMS UNDER SECTION 559.77(1) OF THE FLORIDA CONSUMER COLLECTION PRACTICES ACT?

It will be some time, of course, before the question is passed upon by the Florida high court. Stay tuned.

The Workcomp Writer

Blog
October 18, 2019

[Work Comp Writer](#)

The top OSHA fines of Q3 2019

OSHA covered familiar territory as it doled out citations and fines in the third quarter of 2019. Excavation, fall and trenching hazards dominate the list, although there is one entry that deals with asbestos violations.

OSHA did experience a shift during the quarter, however, when the Labor Department named a new director of the agency's Directorate of Construction (DOC). Scott Ketcham has been with OSHA for almost 20 years and according to the agency, has a strong construction background.

The DOC is the department that oversees OSHA's Office of Engineering Services (OES), which investigates some construction accidents like the Florida International University pedestrian bridge collapse. What the agency still lacks, though, is a permanent assistant secretary of labor to lead OSHA.

Here are the top violations from Q3 2019:

Polo Masonry Builders Inc.
— Park Ridge, Illinois

Total Proposed Fines:
\$252,136

Status: Violations Under Contest

OSHA cited Polo Masonry Builders Inc. for not protecting its employees from fall and scaffolding hazards after inspecting one of the builder's commercial building projects in Chicago. OSHA has cited Polo for fall protection violations 13 times since 2010, and, of the seven current citations, five were categorized as "repeat." Because of the company's history, OSHA enrolled it in the agency's Severe Violator Enforcement Program.

During a visit to the Polo jobsite in March 2019, some of the violations that OSHA inspectors observed were that employers were working from tubular welded frame scaffolds with neither base nor mudsill installed; employees working 3 feet above scaffolds were not given appropriate access to them; workers were exposed to falls of more than 19 feet because of a lack of guardrails; and employees were exposed to falls of more than 16 feet while working on balconies with unprotected edges.

OSHA also determined that Polo did not use rebar caps to protect its workers from impalement hazards and that the company did not maintain and submit the required injury and illness logs.

Polo has contested the \$252,136 of fines and all citations.



R.V. Wagner Inc. — St. Louis, Missouri

**Total Proposed Fines:
\$212,158**

Status: Violations Under Contest

While St. Louis, Missouri-based civil, commercial and industrial contractor R.V. Wagner Inc. was installing concrete stormwater pipes for a project in St. Louis, OSHA inspectors found that the company had exposed its employees to trench, excavation and other hazards and fined Wagner \$212,158. In total, OSHA issued the company four serious and two willful violations.

During a January 2019 inspection, the agency determined that Wagner had not provided helmets in order to protect its employees from head and other injuries; failed to protect workers from struck-by hazards — i.e. loose rock or soil — while they were working in an excavation; allowed employees to keep working while heavy loads of materials were lifted over their heads; failed to have a competent person conduct daily inspections of the excavation and surrounding areas; did not provide a safe means of egress from trench excavations more than 4 feet deep; and did not provide a trench box or other protection in excavations deeper than 5 feet.

Like Polo, Wagner Inc. has contested the fines and citations.

ConstructionDive

Website

October 21, 2019

[ConstructionDive](#)

Six Ways You Can Challenge Assumptions and Lead Your Team

Fighter squadron commander, combat pilot, first female member of the elite U.S. Air Force Thunderbirds flying demonstration team, White House Fellow. These are just a few of the accomplishments you will find on Nicole Malachowski's resume. Throughout her career, she has learned a lot about leading teams and empowering each individual to contribute to goals and objectives.

Her experience has shaped six defining principles that she says can help safety professionals reach their full potential and take their teams to the next level.

You Define Your Own Success

Success means many different things to different people. For some, it may be

reaching a certain position or achieving a certain salary. For others, it may be something else entirely. Malachowski urges you to remember is that it's up to you to determine what makes you successful and encourages you to not try to live up to other people's definitions or expectations.

"The beauty of this thing we call life is that everyone's definition of success is different," she says. "When you define success for yourself, outside of anyone else's expectations, it's very freeing and empowers you more to take that next step."

Malachowski says that having the courage to try new things, challenge ourselves and take that next step can open the door to new opportunities and levels of success.

"We have no idea what we're capable of until we're willing to step outside of our comfort zone," she says. "Don't catastrophize the future or try to cross bridges that you're not at. If you haven't tried something or taken a leap of faith, you have no idea how it's going to work out."

Harness the Headwinds of Change

Change is a constant in everyone's life today. It is



how we adapt to change that determine the results. Malachowski says the first step in this process is to empathize with your team and have an individual and tailored conversation with each individual to understand their perspective.

By taking this approach, leaders can gain a greater understanding of how each team member sees their role and how to best utilize that individual's skills, thereby allowing each team member to take ownership of the change.

"If you can put people where they can shine, where their strengths can be helpful and they can feel like they are contributing, let them experience that," she says. "Ask employees, 'What is it that you would like to do as part of this project?'"

As a leader, you may also find that fear of the change is coming from a fear of the unknown or from a misunderstanding of what a particular change will mean to each employee and the team as a whole.

"Often, resistance to change comes from fear of the unknown and maybe we as leaders haven't communicated things as clearly as we thought," she says. "Provide that venue to

offer guidance on any unanswered questions."

Whatever the change may be, Malachowski emphasizes that effectively managing the individuals involved is the key to project success.

"If you have trust and teamwork, you can do anything, you can accomplish anything," she says. "Change is about managing people more than it is about managing the process."

Push the Envelope

When people hear the phrase "pushing the envelope," many things may come to mind. During Malachowski's career in the Air Force, pushing the envelope meant utilizing aircraft and her skills to their optimal capabilities. Leaders should try to bring that same mind-set to their organizations so they can strive to employ everyone's skills and abilities to the fullest.

"Teams are made up of individuals who are all uniquely skilled and pushing the envelope is about bringing out the best in the people on your teams," she says. "Each person has something extraordinary that they're bringing to the table. If you're extraordinarily good

at something, that should be applauded by the team."

By utilizing this approach, a leader can help everyone on their team brings all of themselves to work every day. This fosters an environment and a culture in which each team member is comfortable being their authentic self.

"Leaders who push the envelope with their teams ensure that they have empowered, enabled and provided the necessary resources to their people to utilize and optimize all of their skills," Malachowski says.

Create a Culture of Vulnerability

While "pushing the envelope" is about recognizing and capitalizing on each team member's strengths, creating a culture of vulnerability is about acknowledging weaknesses and creating greater transparency.

"Creating a culture of vulnerability is about developing a team that's completely transparent," she says. "Regardless of what role a person plays, regardless of where they are in the hierarchy of the organization, vulnerability applies to everyone."

To get your employees to embrace such a culture, as a



leader you have to embody those qualities yourself.

“As leaders, we’re resistant to admit our failures and weaknesses, but you have to break through that,” she says. “The more you demonstrate that behavior, the more other people are willing to try.”

Creating an environment in which both team leader and team members acknowledge their weaknesses can strengthen the team as a whole and heighten the sense of responsibility among each team member.

“When trust is high and transparency is high, the execution of the mission will go off the charts,” she says. “You want to provide an environment where collectively, we share the failure, we share the improvement and we can share the success.”

Understand That Failure Is the Price of Entry

Much like change, failure is inevitable. We all experience missteps and setbacks throughout our careers. An organization and its employees cannot avoid failure and should use it as a learning experience.

“You have to make decisions, and failure is

going to happen along the way,” Malachowski says. “If you’re really trying to grow and strength yourself and you’re going after big goals, if you’re implementing creative and innovative ideas, there are going to be failures along the way. That’s the price of getting to the goal line.”

The key is not letting the fear of failure prevent you from acting.

“That kind of mentality will paralyze you into indecision, you’re going to stagnate and hold the status quo,” she says. “The fact of the matter is that no organization, no team, no industry is stagnant. If you maintain the status quo, you’re going to get left behind and competitors are going to beat you.”

Tailor Your Leadership

At the heart of each of these principles is understanding each individual on your team, how they view success and what they can contribute to the team. Malachowski says that developing personal relationships with each member of her teams has propelled her success as a leader.

“At any given time, I had about 100 different people in the fighter squadron and I made a point of knowing

each of them individually,” she says. “I made a point of tailoring my interactions with them to their unique skill sets, their personality and their needs.”

For those who think they don’t have the time to meet with every team member individually, Malachowski stresses that the payoff is worth the effort.

These conversations can serve as the foundation for understanding each employee’s definition of success, she explains, and help identify what motivates them in the work that they do and what they want to achieve in their careers. This can help you as a leader put them in the right place to thrive. This understanding can also help you develop a culture in which each individual can achieve based on their own definition of success and contribute fully to the team.

“When people are happy and thriving and using their skill sets, they’re willing to give more, to do more and be a part of something bigger than themselves,” she says.

ASSP Website
September 16, 2019

[Lead Your Team](#)



Job Market Links General Employment Links

Golder Associates Inc. is currently seeking a mid-level CSP for the Jacksonville, FL office. This individual will provide construction safety support on a variety of construction projects locally and throughout the United States - [Golder Associates Inc](#)

LifeSouth Community Blood Centers is currently seeking a hardworking and motivated individual for the Safety and Risk Management Coordinator position in Gainesville, FL. This position is responsible for managing and overseeing LifeSouth's safety, risk management and workers' compensation program. [LifeSouth](#)

[ASSP](#)

[BCSP General Safety Jobs](#)

[BCSP Construction Safety Jobs](#)

[BCSP Industrial Hygiene Jobs](#)

[EHS Careers](#)

Help Wanted – We Need Leadership Volunteers

If you are interested and able to devote time to the local chapter, please contact [Steve Brown](#), Nominations Chair, for details.

We believe that you will enjoy the experience and comradery and we most-certainly appreciate your help.

Local Chapter Officers and Chairs

Elected Officers

- President - Bob Dooley
- President Elect - Eric Gray
- Secretary - Steve Wilson
- Treasurer - Ravyn Tyler
- Delegate - Yaniv Zagagi

Appointed Chairs

- Membership Chair - Mark Gibson
- Newsletter Chair – Allen Davis
- Nominations Chair – Steve Brown
- Past President - Steve Brown
- Program Chair - Dan Hemsall
- Social Chair – Open
- Social Media Chair - Vernon Adams
- SPY Awards Chair – Open

Local Chapter Information

The North Florida Chapter of the American Society of Safety Professionals, formerly the American Society of Safety Engineers, was chartered in 1952 and currently has approximately 200 members.

Professional meetings are held nine times per year in the Jacksonville area. These meetings are a great networking resource while providing educational topics. Meeting notices are distributed, and RSVP's are returned by email. If you are a member of ASSP and are not receiving notices by email, please email the

[Chapter Secretary](#).

ASSP Chapter Links

Find us on the web at:

[ASSP NFL](#)

Find us on Facebook at:

[ASSP NFL](#)



Local Chapter Meeting Schedule

November 20, 2019 Mandarin Wastewater Treatment Plant

Location:
10828 Hampton Road
Jacksonville, FL 32257
11:30 Lunch & Networking
12 Noon Meeting and Tour

December 2019 Winter Social

Details TBA

January 15, 2020 Alternative Confined Space Entry Processes - Maritime

Location: NEFSC
1725 Art Museum Drive
Building B, Classroom D
Jacksonville, FL 32207
11:30 Lunch & Networking
12 Noon Meeting

February 19, 2020 Active Shooter/Workplace Violence

Location: NEFSC
1725 Art Museum Drive
Building B, Classroom D
Jacksonville, FL 32207
11:30 Lunch & Networking
12 Noon Meeting

March 18, 2020 Annual OSHA Update

Location: NEFSC
1725 Art Museum Drive
Building B, Classroom D
Jacksonville, FL 32207
11:30 Lunch & Networking
12 Noon Meeting

April 15, 2020 Ergonomics

Location: NEFSC
1725 Art Museum Drive
Building B, Classroom D
Jacksonville, FL 32207
11:30 Lunch & Networking
12 Noon Meeting

April 24, 2020 Worker's Memorial

Location: NEFSC
1725 Art Museum Drive
Building B, Classroom D
Jacksonville, FL 32207
11:30 Lunch & Networking
12 Noon Meeting

May 20, 2020 TBA

For all meetings, please RSVP to Steve Wilson at steven_wilson1@me.com.

Cost: Members: \$15

Non-Members: \$20

Apply for a Foundation Scholarship or Grant

Applications for [ASSP Foundation scholarships](#) are now being accepted. Since 1990, ASSP Foundation has awarded scholarships and professional education grants to students and professionals who are starting or continuing their OSH education. In 2019, the ASSP Foundation awarded a record \$407,873 to students who are seeking to continue their education and advance their careers.

ASSP Foundation offers nearly 150 awards each year ranging from \$500 to \$15,000 each. More than 1,300 safety students and professionals have advanced their careers thanks to the generosity of the safety community.

[Applications](#) are accepted online through Dec. 1, 2019. Only one application need be filled out to be eligible for all available awards. Awards will be announced April 15, 2020.

[LEARN MORE](#)