

# Safety

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## & THE LAW

A Newsletter to live by from the law firm of **ROBERTS & ROBERTS**

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## Ride-On Mowers Can Be Safer

Last year almost 20,000 people were injured so severely by ride-on mowers that they needed treatment in hospital emergency rooms. Approximately 75 people were killed and about one out of five was a child under the age of 10. The injury rate for ride-on mowers, including lawn and garden tractors, is the same as for chain-saws— about one injury a year for every 400 machines in use.

Tip-over accidents are a major cause of injuries. Most of the injuries result from contact with the blade. Although injuries from ride-on mowers have remained steady over the past decade, injuries from walk-behind mowers declined approximately 38 percent between 1983 and 1989. According to the Consumer Product Safety Commission, the decline is largely due to an effective and mandatory federal safety standard.

Unfortunately, there is no comparable standard for ride-on mowers.

A voluntary safety standard for ride-on mowers was published in 1986, but tests by Consumer Reports found that this voluntary standard, even if followed by manufacturers, was inadequate. Consumer Reports recommended that the standard be strengthened to require:

- A blade brake control which stops the blade within three seconds after the operator leaves the seat; This is perhaps the most important step in reducing injuries!

- Minor design changes so that an abrupt release of the clutch in high gear while on a moderate slope cannot cause the tractor's front wheels to rise more than 10 degrees and buck;
- A 2 mile per hour limit on the reverse speed to reduce the risk of back-up accidents;
- A single control for speed and direction so that operators cannot accidentally shift to reverse in high gear causing the mower to lurch backward; and
- A deadman switch similar to the one for the blades which would cut off the engine when the operator left the seat unless the operator also shifts the transmission to neutral and sets the parking brake to prevent mower runaways.

Manufacturers of ride-on mowers have the technical ability to design in these safety features, and some already have. Until there is an effective and mandatory safety standard, however, trial lawyers will continue to work through the courts to force less responsible manufacturers to incorporate state-of-the-art safety equipment in their mowers.



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# Playground Safety Is Not Childs' Play

Each year about 185,000 children require emergency room treatment for injuries sustained on playgrounds. Seven out of 10 of these injuries are caused by falls, according to the Consumer Product Safety Commission.

Traditional hard playground surfaces consisting of packed earth, asphalt, and concrete, don't provide protection from falls. These materials are now considered unsuitable for use around and under playground equipment, and are the leading cause of serious head injuries which children receive on playgrounds. The CPSC recommends more resilient surface materials such as bark, wood chips, or shredded tires.

Parents need to know that fall-related injuries usually happen when children are just sliding, swinging, or climbing. The majority of these injuries do not result from dangerous play.

Consumers should expect manufacturers of playground equipment to provide appropriate warnings and instructional material for

proper playground surfacing material which is determined largely by the height from which a fall may occur. Information on proper maintenance for these surface materials is also needed.

Playground injuries also occur when children are struck by moving pieces of equipment; catch fingers or other limbs in a pivot or pinch point; or run or fall against protruding bolts, screws, or other hardware.

Properly designed playground equipment should not form angles or openings that could trap a child's head or other body part. Exposed ends of fasteners or bolts need a covering of smoothly finished protective caps that aren't removable by hand. Equipment should have no accessible sharp edges or protruding points that could cut or puncture children's skin or entangle their clothing. Exposed ends of metal tubing should be covered with caps or plugs and the open ends of "S" hooks used in hanging swings should be pinched tightly together.

In short, take time to check and be sure that designers of your playground or playground equipment have taken the time to eliminate places where children's limbs may be caught or crushed; to eliminate or carefully guard protrusions and components on which children's skin may be torn; and to provide for surfaces around and under playground equipment which will not unnecessarily cause serious head injuries resulting from falls.

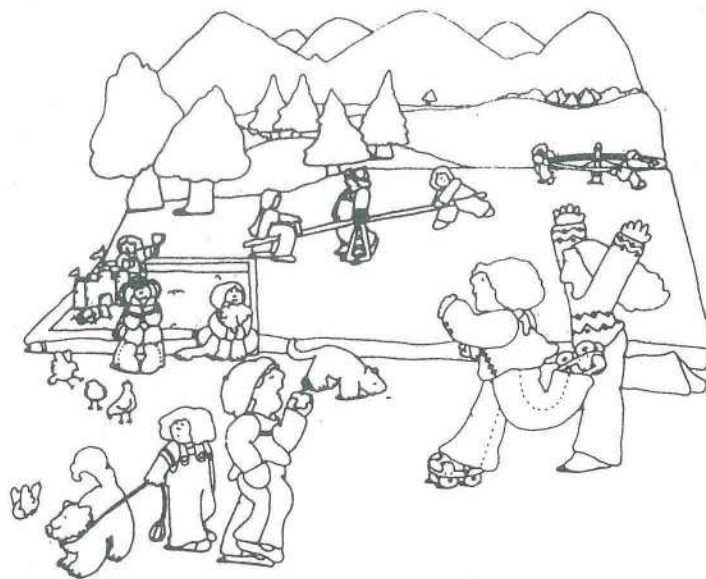
## Family Safety Update

### Law Update

Texas courts have expanded your right to compensation under your own auto insurance policy. If you have underinsured motorist insurance coverage, and the other driver does not have enough insurance to fully compensate you, your insurance company must pay the balance of your damages without first claiming a credit under your policy.

This insurance is also available in "hit and run" accidents or if the other driver has no insurance.

Be careful. You may lose your right to these benefits if you settle with anyone without your insurance company's consent.



# Avoid Repetitive Task Injuries

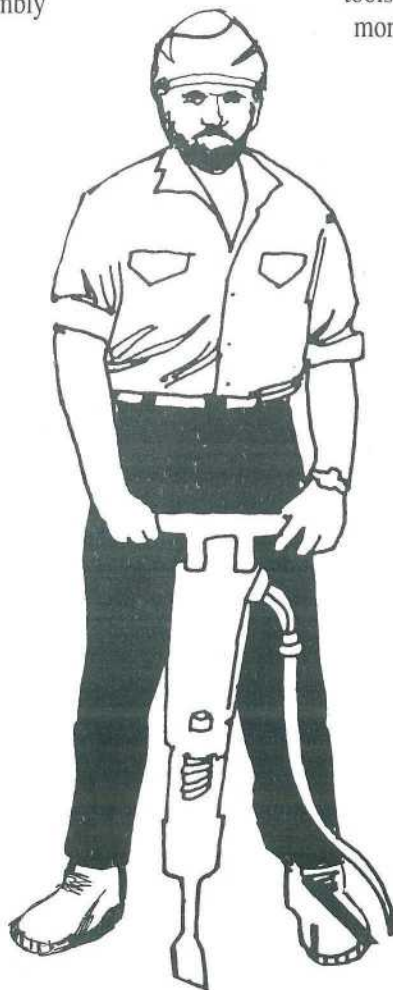
There is a silent epidemic in the work force. It is called cumulative trauma disorder (CTD). Approximately 48 percent of all occupational illnesses in 1989 were the result of CTD.

## WHAT IS CUMULATIVE TRAUMA?

CTDs are injuries caused by physical trauma to specific parts of the body, most often the wrist or hand, but it may affect other parts such as the legs, back, or shoulder. What is unique to CTD is that the injury does not come from a single incident but from an accumulation of repeated actions that gradually cause the injury.

An example is the worker who repeatedly uses his hands on an assembly line or to operate a high speed drill or other power tool. He may develop a cumulative trauma disorder in the wrist known as carpal tunnel syndrome. This particular CTD can result in pain and numbness in the hand and ultimately require surgery.

Other common CTDs are tenosynovitis or tennis elbow and thoracic outlet syndrome from repeated or overuse of the back or shoulder.



**WHO IS AT RISK?** Any worker whose job requires repetitive tasks is at risk. This includes not only workers who use hand tools or work on assembly lines but also office workers such as telephone operators and typists.

**SOLVING THE PROBLEM.** While workers' compensation insurance will generally cover this disease, prevention is the best medicine. There are three simple steps that employers can take to reduce the risk of CTDs to employees:

**PROVIDE THE PROPER TOOLS—** A leading cause of CTD is the use of hand tools that are unnecessarily designed to cause added stress to the wrist, or are too heavy, or are simply not proper for the job that needs to be done. As the risks of cumulative trauma disorder become widely recognized, more manufacturers are making tools that are lighter, designed to be more easily held, and safer to use.

**REDUCE THE REPETITIOUSNESS OF THE TASK—** This means rotating tasks to avoid excessive repetition, slowing down the production line, or increasing the number of workers.

**IMPROVED WORKER TRAINING AND EDUCATION—** By making workers aware of the risks of CTD, they can learn how to avoid its dangers by changing the way they work

## Workplace Safety Update

### ROBERTS & ROBERTS

*Roberts & Roberts is an East Texas law firm with a history of helping people injured by unsafe practices and products. Randell C. Roberts and Bruce L. Roberts are each certified as specialists in Personal Injury Trial Law by the Texas Board of Legal Specialization and Civil Trial Advocacy by the National Board of Trial Advocacy. They are members of the National Safety Council and The Institute for Injury Reduction as well as associate members of the American Society of Safety Engineers. If you know someone who is injured, Roberts & Roberts wants to help.*



# Consumer Product Warnings & Recalls

*Editor's Note: This section is to alert our friends to some products which may be unsafe. Should you see a product you own on this list, you can call toll free the Consumer Product Safety Commission at 1-800-638-2772 or the National Highway Traffic Safety Administration at 1-800-424-9393 for more information.*

*This is not a complete list of all product alerts by either the Consumer Product Safety Commission or the National Highway Traffic Safety Administration.*

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A potential defect in 12,000 Pierre Cardin "Elegance" model EL203 hand-held hair dryers could result in electrocution should the dryer fall into water when the switch is in the OFF position.

• • •

618,000 lawn spinner games are being recalled because the plastic fins of the spinner discs may cause serious facial injuries to players and/or bystanders. The manufacturers and retail outlets are Service Merchandise Co., Regent Sports Corp., and Franklin Sports Industries. The models are "Pro Sport," "Lawn Discus," and "Yard Spinner." Return the discs to the

store where purchased for a refund or call Franklin Sports for more information at 1-800-225-8679.

• • •

A potential defect in a bolt used to secure brake calipers in the 1991 Chrysler Fifth Avenue, Le Baron, Salon, Dodge Daytona, Dynasty, Shadow, Spirit, Plymouth Acclaim, and Sundance could cause a lack of braking ability.

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The nipple of orthodontic pacifiers manufactured by Luv N'Care, Inc. could separate creating a choking hazard to infants.

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Fisher-Price has requested that consumers modify its No. 1019 Fun Bus to avoid a potential choking hazard. The activity toy is a yellow bus that features a roller on the front of the roof. A thin band of decorative plastic displaying letters and numbers is wrapped around the roller. The company has received several reports of children chewing on the roller; some children have removed the band from the roller and started choking on it. The toy company has asked Fun Bus owners to remove and discard the band. Consumers with questions should call Fisher-Price at 1-800-334-5439.

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25,000 Baby Needs pacifier holders have safety pins for attaching the holders to children's clothing that could open and injure children.

