

Safety

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& THE LAW

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

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Swimming Safety Starts Before You Enter The Pool

Twenty-five years ago there were less than 10,000 in-ground swimming pools in the U.S. Today, there are more than a million.

Practically any contractor is allowed to design and build a private pool. City ordinances, which are not always enforced, seldom require more than a fence with a self-latching gate for pools within city limits.

With so many pools and so few safety requirements, experts predict approximately 1,000 persons will die and several hundred more will become brain-damaged or paralyzed in swimming pool accidents this year alone.

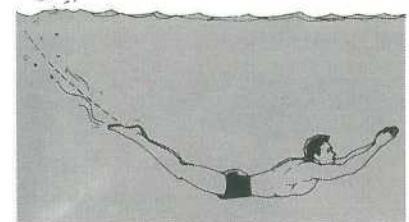
Improperly designed pools are one of the most hazardous factors associated with swimming pools. Divers are seriously injured when the pool depth is too shallow, the slope of the pool bottom rises too soon from the deep end, or the pool is too narrow.

The National Spa & Pool Institute publishes minimum standards for residential pools which pool designers and builders may voluntarily follow. The minimum recommended width for residential pools is 12 feet and the minimum depth for diving is 8 1/2 feet. If a diving board is installed, our product liability laws require that the manufacturer of the board provide adequate instructions for its safe installation and use.

Pool decks that are too smooth or collect too much water or oil create a very slippery surface that can result in serious injury. Non-slip surface materials should be used and pool decks should be designed with a slight incline to permit drainage.

Drowning is the fourth leading cause of death of children under five. Some of the Consumer Product Safety Commission's tips for residential pool owners are:

- Never leave a child unsupervised near a pool or rely on swimming lessons or flotation devices to protect a child
- Instruct baby sitters about swimming pool hazards and the need for constant supervision
- Completely fence the pool and install a self-locking as well as self-closing gate with its latch out of a child's reach
- If you use a pool cover, be sure it complies with the ASTM voluntary standards and never leave it partially in place
- Place tables and chairs well away from the pool fence
- Have a pool-side telephone with emergency numbers taped to it
- Learn cardiopulmonary resuscitation (CPR)
- Keep rescue equipment by the pool



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Flat Tire Inflator Poses Hazard

Family Safety Update

A car owner pulls into a gas station for the repair of a flat tire caused by a nail. The nail is still in the tire.

The mechanic pulls the tire and begins to repair the puncture using a rasp-like tool, when suddenly the tire explodes.

The explosion is of such force that plaques are knocked off the wall in the waiting room of the gas station, windshields of cars parked nearby are shattered, and a car passing on an adjoining street is damaged.

The auto mechanic is severely injured.

It appears that the car owner got the flat temporarily fixed with a gas tire inflator. A gas tire inflator is one of those cans you can purchase in any store with a tube that screws into the tire valve and temporarily inflates a flat tire.

Unfortunately the can contained a latex sealer and a highly flammable gas. It was intended as a temporary fix and the car owner did what anyone would do. He immediately went to the gas station for a permanent repair of the tire.

The theory is the mechanic's tool, which was made of metal, contacted the tire's steel belt causing a spark that ignited the gas. It turns out the inflated gas was a mixture of propane and isobutane. These gases are extremely flammable.

To avoid the dangers to yourself and anyone attempting to repair your tire, you should carefully read the label and avoid gas tire inflators with labels that state "Danger: Extremely Flammable."

There are nonflammable tire inflators. Unfortunately, most of these use an inflating gas containing CFC's which are being phased out because of environmental concerns. Brands that use a nonflammable gas called HCSE-22 may be the answer.

If you have used a gas tire inflator that does contain a flammable gas, you should immediately notify the mechanic before any repairs are made on your tire.

The mechanic should always remove the valve core (preferably outdoors and away from any potential source of flames, sparks, or excessive heat) and completely deflate the tire.

Law Update

Many adults with a typical bodily injury claim in Texas know that they must file a lawsuit within two years from the date of their accident to avoid losing part or all of their claim.

Fewer people know that if the claim is against the government they may need to notify the government much sooner to avoid losing their claim.

The Texas Tort Claims Act requires that you give Texas governmental bodies written notice of your claim within six months after the accident and it specifies what must be included in that notice. If you are dealing with a city, its charter or ordinances may have shorter and more detailed notice requirements which must be complied with as well.



Fall Protection Is Everyone's Responsibility

Falls on the job account for more than 10,000 deaths and thousands of disabling injuries each year.

Many workers and employers mistakenly assume the hazard of falls is limited to large construction projects for tall buildings. Disabling and even fatal falls frequently occur at heights of 30 feet or less when adequate fall protection equipment is not provided.

Typically, a general contractor at a small construction job holds a brief safety meeting with all of the subcontractors and cautions them to wear their safety belts when working over a height of 10 feet.

Thereafter a worker is told to climb to a couple of stories to make a quick repair. The worker may be provided a simple safety belt which he is supposed to secure once he reaches his work site.

Some safety belts commonly found at construction sites in East Texas are not the state-of-the-art in fall protection. They frequently provide inadequate protection. Moreover, hooking and unhooking them to move from one spot to another makes them impractical to use during the short period of time some jobs require.

As a result, the worker fails to use the safety belt and a tragic fall occurs.

In these situations the injured worker gets blamed although he was

just trying to get the job done on time. The general contractor or its insurance company claims that the worker's failure to wear the safety belt was the sole cause of the fall.

Trained safety experts know that the fault does not rest solely with the injured worker.

There are many different types of fall protection devices for different types of jobs. The contractor responsible for job site safety should have the right type of fall protection equipment available for each job.

The contractor should see that the workers are trained in the use of the equipment and have the time to use it safely.

Our law firm was recently called upon to represent an injured worker who had fallen 30 feet and sustained severe injuries. He was not wearing the safety belt provided to him when he fell.

We established that the safety belt was not adequate and thus generally ignored in the rush to complete the work. Body harnesses such as those depicted below should have been available or safety nets in place.

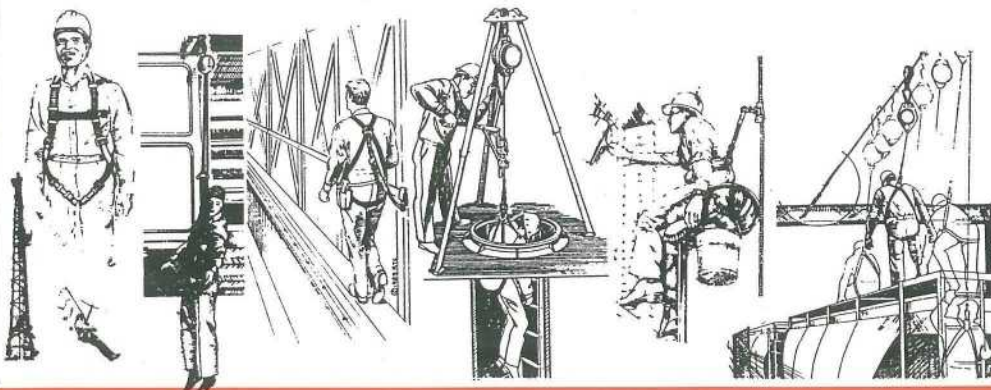
When everyone was forced to accept responsibility for their role in providing a safe workplace, we were able to recover over \$400,000 on behalf of our client.

It would have been better for everyone, however, if time had been spent in advance to select the proper fall protection equipment for the job.

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.



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.

Consumer Product Warnings & Recalls

Approximately 100,000 bottles of Eco-Lite Charcoal Starter, 32 fluid ounce size, are being voluntarily recalled by LanTec Inc., Litchfield Minn. The product is much more flammable than ordinary lighter fluid.

Owners of approximately 8,000 Bark Buster-brand auger-type log splitters manufactured between 1977 and 1988 are being warned to discontinue use of the machine. The machines lack safety features necessary to prevent entrapment of hands, arms, and legs.

Two million Broxodent electric toothbrushes are being recalled by Somerset Labs because they may pose an electrical shock hazard. For a refund mail the unit to Somerset Labs, 700 W. Michigan Blvd., Michigan City, Ind. 46360.

General Motors is recalling 237 1991 Chevrolet S and T trucks and GMC S and T trucks because nuts used to attach lower control arms, rear springs and shackles, and rear shock absorbers fail to meet manufacturing specifications and could strip. A lower control arm could detach, allowing the vehicle to go out of control.

288,588 containers of Bell Brake Fluid are being recalled. The evaporation rate is higher than government standards which could affect braking ability.

Off-center loading conditions or overloading can cause the Kar-Rite 1060 Jack Stand manufactured by KRW, Inc. to collapse, possibly causing injury to anyone nearby.

Potential problems could cause the braking system to malfunction in 33,000 1989-1990 Jeep Cherokee and Wagoneer multipurpose vehicles.

42,500 Model 816-2 and 816-3 under-the-cabinet drip coffeemakers manufactured by Hamilton Beach between November 1987 and November 1988 could pose a fire hazard because of a defect in the analog clock.

