

# Safety

Fall 1992

## & THE LAW

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

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## Making Safety Belts Safe

Everyone should wear their seat belt in a car, but everyone should also know that some seat belts are more safe than others. In some circumstances, the design of the less safe seat belts can even cause an injury.

An unnecessary risk of severe injury exists with lap-only belts as opposed to lap-shoulder belts. The problem with lap belts is that, when used by themselves, these belts tend to ride up over the hips and hold the occupant by the waist. This is particularly true with small children.

In a frontal collision, the upper body may be thrown forward with great force. If the lap belt is on the waist, it increases the likelihood of severe abdominal and spinal cord injuries. The Institute for Injury Reduction estimates that 1,200 severe or fatal injuries are being caused or aggravated by lap-only belts in use in the rear seats of our cars.

A 1989 law now requires that all new cars be equipped with lap-shoulder belt systems in the rear as well as the front seats. Unfortunately, this still leaves some 140 million older cars on the highway with only lap belts in the rear seats where children usually ride.

A temporary solution is to make sure that these lap belts stay securely on the hips. A better solution is to retrofit your car with a lap-shoulder belt system. Some manufacturers do make retrofit kits available, but they do not adequately publicize it. Many of their dealers are even unaware of this option. The retail installation cost is usually \$150.00 to \$200.00.

Automobile manufacturers have known of the lap-only belt hazard for decades. Cars which were sold in America with only lap belts were often designed to accommodate lap-shoulder belts. This unused safety feature existed so that these cars could also be sold in Europe where lap-shoulder belts have been required for years. For this reason many consumer groups are now demanding that automobile manufacturers recall older cars and replace or retrofit lap belts with lap-shoulder belt systems. It is estimated that this could be done for a little as \$50.00 per vehicle.



Don't wear the belt behind your back or under your arm; don't wear it over your abdomen...a serious or fatal injury could result.

To be most effective, the correct position is over the shoulder, across the chest, and low on the lap.

### ROBERTS & ROBERTS

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printed on  
recycled paper.*

# Soccer Goals

Because they are movable, mobile soccer goals are commonly used by elementary and secondary schools as well as colleges and city parks. Their mobility, however, increases their instability. Since 1979, at least 17 deaths have been associated with soccer goal tip-overs according to the Consumer Product Safety Commission.

Most of these accidents take place when a child or young adult climbs on or hangs from the crossbar of an unattended or improperly anchored soccer goal and it tips over on the youngster. In one instance, a sudden wind blew an unanchored goal on a victim.

The Consumer Product Safety Commission, along with the Coalition to Promote Safe Soccer Goals, has launched a safety information and warning label program alerting the public to this danger. The CPSC

and the Coalition are urging schools, coaches, players, and park officials to adhere to the following guidelines:

- Always anchor or counterweight portable goals securely with a stake, sandbag, or auger anchor.
- Never climb on the framework of the goal or the net.
- Remove nets when goals are not in use.
- Chain unused goals to sturdy fixtures, such as fence posts or dugouts, or tip them onto their goal faces.
- Check all connecting hardware before every use and immediately replace any damaged or missing fasteners.
- Disassemble goals completely for seasonal storage.

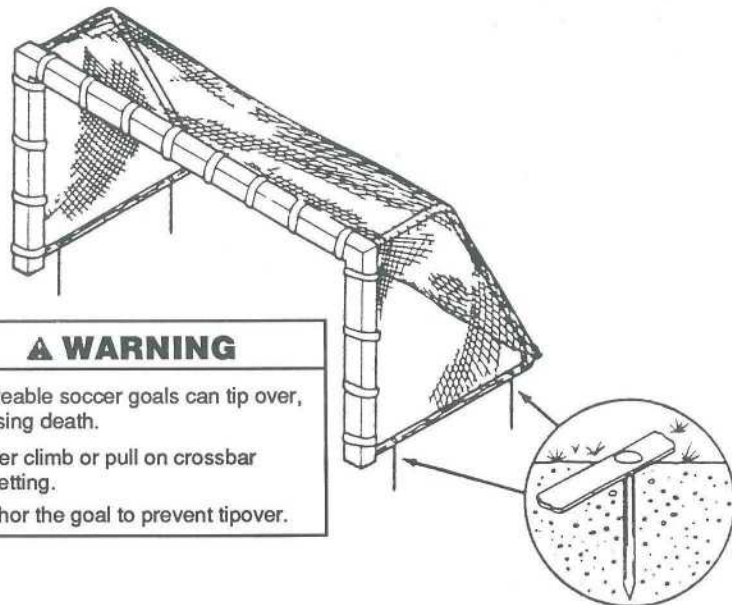
These are avoidable accidents. Playgrounds can be made safer for our children. You can begin to do your part by seeing that the right warnings and safety labels are prominently displayed on this equipment in your neighborhood. Labels can be obtained by writing to "Safe Goals" c/o SICA, 200 Castlewood Dr., North Palm Beach, Florida 33048.

## Family Safety Update

### Law Update

*Q. If the other driver's insurance company repairs my car, am I still entitled to be paid for any remaining decrease in my car's value?*

*A. Yes. Although a car is completely repaired, the fact that it was in a wreck may in some circumstances still decrease its resale value - sometimes by as much as ten percent! Repairing your car does not release the insurance company from its responsibility to fully compensate you for your remaining loss.*



# Old PTO Shafts Need Guards

The farm is one of the most hazardous workplaces in America. The accidental death rate in farming -- 48 for every 100,000 workers -- is the highest of all industries. This year an estimated 1,500 people, including 300 youngsters, will die in farming accidents. Harvest time is the bloodiest season.

Equipment accidents are the leading cause of injury and death on the farm, but manufacturers have been slow to provide needed safeguards. When machinery guarding is provided, it may not be designed to last as long as the equipment it guards.

One of the most dangerous pieces of equipment is the power take-off (PTO) shaft or drive line. It looks like a harmless pipe which connects any number of farm implements to the rear of the tractor. When the engine of the tractor turns this steel shaft, it causes the implement connected to the shaft to operate.

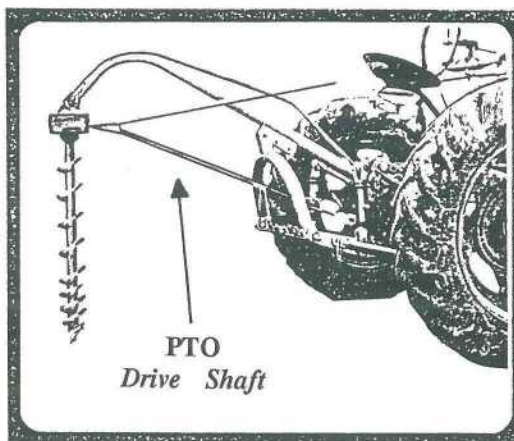
The problem with this rotating shaft is that it can easily catch a person's clothing and pull them into it. Any protrusion or rough surface -- bolts, nicks, rust, even dried mud -- on this revolving pipe can snag clothing or hair and cause a devastating injury or death. Studies show that this is one of the most common causes of traumatic amputations on farms.

This type of accident happens more often in the fall and winter when people are wearing more clothing. As with one of our clients, these accidents often involve a youngster or passing friend who stops to

help a farmer position or adjust an implement being operated behind the tractor. Our client lost his arm when a small bolt on this shaft caught his high school letter jacket. He was standing behind a tractor helping position a post hole digger.

Voluntary safety standards have for decades called upon farm implement manufacturers to guard or shield PTO shafts or drive lines. It was only in the late 1970's, with the development of product safety laws, that it became customary for manufacturers to guard this area. Unfortunately, many older tractors and farm implements still used on family farms do not have the necessary guards.

Although the equipment was almost 20 years old, our client was able to prevail against the post hole digger manufacturer. We were able to prove that a reasonable manufacturer would have guarded this equipment back when it was originally sold. Our client used his settlement to buy his own farm.



*The Occupational Safety and Health Administration's hotline for emergency reporting of major workplace hazards is 1-800-321-OSHA.*

## 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 certified by their state and national professional boards as specialists in Personal Injury Trial Law and Civil Trial Advocacy.*

*They are a Founding Member of the Institute for Injury Reduction as well as a member of:*

- Institute for Product Safety
- National Safe Workplace Institute
- National Safety Council
- American Society of Safety Engineers
- National Head Injury Foundation
- National Spinal Cord Injury Association

*If you know of someone who is injured, Roberts & Roberts wants to help.*





# Consumer Product Warnings & Recalls

You may obtain more information about product recalls by calling the Consumer Product Safety Commission at 1-800-638-2772, the National Highway Traffic Safety Administration at 1-800-424-9393, or the Food and Drug Administration at 301-295-8060 for drugs, 301-427-1122 for medical devices, or 202-485-0197 for foods and cosmetics.

• • •  
Nearly 20,000 1989 Chevrolet Corsica passenger cars with styled steel wheels are recalled. Their wheels may develop cracks where the spokes meet the rims, causing the spokes to separate from the wheels. This may cause the wheels to separate from the vehicles.

• • •  
330,000 Big Bird battery-powered toothbrushes made between 1986 and 1991 and marketed under the Ideal and Tyco brands are recalled. If batteries are installed improperly and leak, seepage of hazardous material could cause serious injury.

• • •  
41,000 1989 Chrysler LeBaron and Dodge Daytona passenger cars are recalled. A bonding deficiency may allow the disk brake pads to separate from the braking plates. This poses a hazard of accidents caused by increased stopping distances.

• • •  
1,000 Century battery chargers (Part No. D28-71651) are recalled. The charging rate and voltage selection switches on some units are reversed. This poses a danger that the batteries will be overcharged, increasing the risk of sparking and explosions.

• • •  
Patients with certain TMJ implants made by Vitek, Inc. of Houston should see a doctor because the implant may have broken down or caused nearby bones to degenerate. The implants are used to treat temporomandibular-joint (TMJ) syndrome. Monitoring by a doctor is important because bone degeneration can occur without symptoms.

• • •  
K.M.S. Inc. of Wichita, Kansas is recalling approximately 300,000 plush bunny rabbits sold in 1992 for \$3.99 and up. Their eyes and noses may separate during use, creating a fatal choking hazard to young children.