Safety & THE LAW

Spring 1992

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

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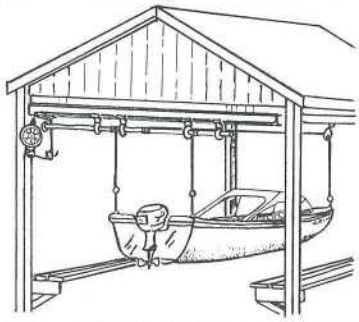
Boat Stall Hazard Identified

An electrical hazard exists in boat stalls around East Texas lakes. The electrically powered boat hoists used in many of these stalls may not be grounded to protect people from being electrocuted.

This hazard arises with hoists that operate off of a power cord-and-plug like some portable household appliances. The Consumer Products Safety Commission reported eight years ago that the grounding system in the power cord, which is relied on by these hoists, was inadequate for protecting people. This is particularly true for electrical equipment permanently installed outdoors or around water.

These hoists are advertized as being ready for easy plug-in installation. Because they do not appear to require an electrician for installation, proper safety precautions to ensure the hoist is grounded are often not taken.

Typically, the motor on these hoists turns a metal shaft which extends across the top of the boat stall. Metal cables, used to lift and lower the boat, hang from this shaft down to the water. This design is dangerous with these hoists because the cables form a metal pathway leading from the electric motor to the surface of the water around the boat. If a short develops and the electrical circuit is not grounded, these cables can give off a lethal shock.



These plug-in hoists can be made safer. Running a separate back-up ground wire from the metal frame of the hoist directly to a metal stake in the earth is one way. While the additional cost is nominal, these hoists continue to be manufactured and sold without this or alternative electrical safety features.

Roberts & Roberts documented at least three incidents over the past several years in which people innocently grabbed the metal cable of a boat hoist and were seriously injured or killed — all within 100 miles of Tyler! Two of these victims were children. One was playing in the water around a boat. The other reached for the cable to pull a boat up to the dock.

One of the oldest and largest manufacturers of these products recently paid their largest settlement — well in excess of one million dollars — to one of our clients. The man was severely injured when he was shocked while working with a cable attached to one of these ungrounded hoists. Maybe things will change.

Family Safety Update

Jump-Starting Car Batteries

People are often in a rush when they must jump-start the battery on their car. They sometimes forget that batteries produce explosive gases. Battery acid, when blown into the eyes, can cause permanent damage and even blindness.

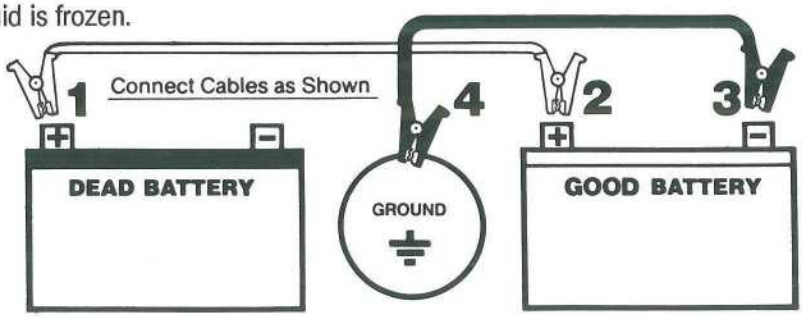
You should always consult the owner's manual for instructions before jump-starting the battery on a car. Following these additional safety precautions will reduce the 6,000 eye injuries caused by battery accidents each year:

- Always wear eye protection.
- Keep sparks, flames and cigarettes away from the battery.
- Don't lean over the battery during jump-starting.
- Be sure the vent caps on the battery are tight and level.
- If available, place a damp cloth over the vent caps.
- Make sure the cars are not touching.
- Be sure both cars' electrical systems are the same voltage.
- Don't jump start a car if the fluid is frozen.

Accidents which occur while jump-starting a car battery are sometimes covered under auto insurance policies. Other types of battery accidents may be covered under homeowners' insurance policies.

When jump-starting your car, the National Society to Prevent Blindness suggests that you attach the jumper cables in the following order:

1. Clamp one jumper cable to the positive (+) terminal of the dead battery wired to the starter or solenoid. Do not allow the positive cable clamps to touch any metal other than the battery terminals.
2. Connect the other end of the positive (+) cable to the positive (+) terminal of the good battery.
3. Connect one end of the second cable to the other terminal [negative (-)] of the good battery.
4. Make the final connection of the second cable on the engine block of the stalled engine (not the negative post), away from the battery, carburetor, fuel line, any tubing, or moving parts.
5. Stand back from both vehicles. First start the car with the good battery and then start the disabled car.
6. Remove the cables in reverse order of connections beginning by first removing the cable from the engine block or metallic ground.



Law Update

Do you have to actually rent a car after a collision before you can be compensated for a rental car?

No. You are entitled to compensation for the loss of the use of your car while it is being repaired by the driver at fault. This is the reasonable rental value of a substitute car. You do not have to rent a replacement or actually spend money for alternative transportation to be entitled to compensation for loss of the use of your car.

"The safety of the people shall be the highest law." — Cicero

Confined Spaces Pose Dangers

Millions of people work in confined spaces every year. More attention should be given to the danger of toxic, flammable, or asphyxiating gas accumulating in confined workplaces.

Two common types of hazardous confined spaces found in the industrial workplace are:

1. Open-top spaces with a depth that restricts the natural movement of air at the bottom; and
2. Limited-access spaces with narrow entry and exit openings.

Examples of open-top spaces that collect gases at the bottom are degreasers, pits, vats, and certain kinds of storage tanks. The natural movement of air is restricted at the bottom by depth. Gases that are heavier than air — butane, propane, and other hydrocarbons — sink to the bottom of the confined area where they collect to dangerous levels.

Sewers, septic tanks, silos, manholes, pipelines, and utility vaults are common examples of limited-access spaces. Like open-top spaces, these confined areas may retain gases that are heavier than air for hours or days.

The National Institute for Occupational Safety and Health found that in more than a third of confined space accidents, the dangerous atmosphere did not exist when the worker entered the confined space. Sometimes the products brought in and used in the work space create a toxic gas. While our product safety laws require manufacturers to warn of the danger created by using their products in foreseeable environments, this is not always done.

Most injuries in confined spaces occur when those responsible for workplace safety fail to:

- test the air for dangerous gases before allowing workers to enter;
- alert workers to the hazards posed by working in confined spaces;
- disconnect heavy mechanical equipment inside the space while work is performed;
- disconnect or block all liquid, chemical, and steam lines into the space; or
- continuously monitor the space for atmospheric changes.

Tragically, over half of the workers who die in confined spaces do so while attempting to rescue other workers overcome by toxic gases. NIOSH therefore recommends that a standby person remain outside the space and keep in constant communication with the workers inside. When an emergency arises, the standby person should not enter the space until help arrives, and then only with the proper protective equipment and life lines.

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

Workplace Safety Update

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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.

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19,000 bass boats manufactured from 1986 to 1988 by Smoker Craft of New Paris and sold as Smoker Craft and Sylvan boats are recalled. A metal component called a "spider" attaching the removable seats to the top of their pedestals may fracture allowing the seat to separate and fall. To determine if your boat is involved, call the Coast Guard's boating safety hotline at 1-800-368-5647.

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12,000 children's Power Wheels Porsche riding automobiles with 18-volt batteries are recalled because a defect in the switch can make the motor run continuously and the vehicle unstoppable. The vehicles were manufactured by Kransco Power Wheels of San Francisco and sold after July of 1991 for $359-$399 each.

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17,000 1990-91 Jeep Cherokee and 1990 Jeep Wagoneers are recalled because a high pressure hose could come loose in the anti-lock brake system causing a major loss of stopping ability. Also, leaking hydraulic fluid could cause an engine-compartment fire.

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1.4 million World Wrestling Federation "Sling'Em-Fling'Em" toy wrestling rings are recalled because a child can suffer serious internal injuries from falling on the ring's rigid plastic corner posts. Manufactured by LJN Toys, Ltd., they were sold between 1985 and 1989 for up to $20.00 each.

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2,500 Zenith Data Systems (Model ZVM122-T) monochrome computer monitors sold by mail order by Protecto Enterprises and Electrified Discounters during 1988 and 1989 are recalled. The monitors pose a hazard of electrical shock to consumers as well as fire and electrical damage to the computers.

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780,000 1990 Aerostar and Ranger vehicles and 1991 Aerostar and Explorer vehicles with A4LD automatic transmissions are recalled by Ford. A defect that could cause a vehicle to roll when the shift lever is in the "park" position.