

Safety

Winter 1992

& THE LAW

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

Table of Contents

- ◆ Crash Guards
- ◆ Family Safety Update
(Page 2)
Smoke Detectors
- ◆ Law Update
(Page 2)
Carjacking Compensation
- ◆ Workplace Safety Update
(Page 3)
Excavation Safety
- ◆ Consumer Product Warnings & Recalls
(Page 4)
Check this Listing of Potential Problem Products

Overriding Need: Truck Underride Crash Protection

Between 1980 and 1990 approximately 5,000 people were killed when their car ran under the rear of a large truck. Another 180,000 suffered serious head injuries. Most transportation safety experts now agree that rear impact underride guards on large trucks must be improved.

The rear impact protection device in use on most trucks on U.S. highways was developed in the early 1950's. It consists of the T-shaped metal bar that we commonly see extending down from the trailer bed on big rigs.

Unfortunately, these underride bars are too high from the ground to protect people in today's smaller cars and too weak to prevent their cars from sliding beneath the truck. When the trailer bed shears off the top half of the car, the car's occupants are often decapitated. For this reason, critics describe

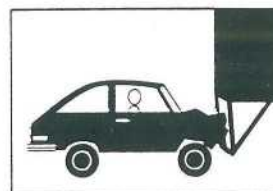
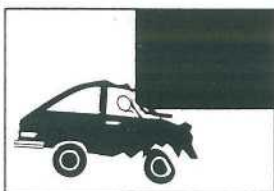
them as "roving guillotines" on our public highways.



Typical Truck Rear Impact Guard

Citizens For Reliable And Safe Highways (CRASH) is campaigning for truck underride crash protection which adopts safety technology already in use in Britain and Europe. CRASH wants trucks to be equipped with simple, energy-absorbing "rear impact guards" that extend an adequate distance down from the trailer to cushion the force of impact with modern cars. CRASH has opened a toll-free hotline (1-800-CRASH-1-2) to provide citizens with more information about the truck underride hazard and what can be done about it.

For large trucks usually priced around \$100,000, the more advanced British energy-absorbing guard costs approximately \$200.00. This is roughly equal to the cost of the AM/FM radios that are standard equipment in most of these trucks.



UNSAFE GUARD VS SAFE GUARD

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Smoke Detectors: Rights and Duties

Family Safety Update

Law Update

The Tyler Court of Appeals recently held that people who are run over while trying to stop a car thief may be compensated for their injury under their own auto insurance policy. Normally the car owner's auto liability insurance will not cover injuries caused by the owner's stolen car because the thief is driving the car without the permission of the owner. Because these thieves are therefore uninsured, the Court ruled that you may be entitled to payment for your medical bills, lost wages, and other damages under the uninsured motorist insurance coverage of your own auto policy.

Fire in the home is a serious threat to a family's safety. Each year in the United States fires kill approximately 6,000 people, injure another 100,000, and cause more than \$7 billion in property damage. Most fire victims die from inhalation of smoke and toxic gases, not as a result of burns. Most deaths and injuries occur in fires that happen at night while the victims are asleep.

Properly installed and maintained, the home smoke detector is considered one of the best and least expensive means of providing an early warning for a fire. Eighty percent (80%) of fire deaths take place in residences not equipped with working smoke detectors.

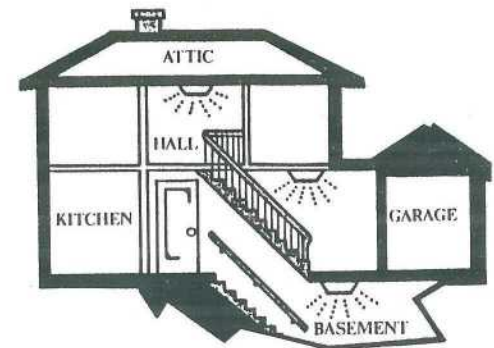
Smoke detectors may operate off batteries or a residential electrical circuit. Battery-powered detectors should have their batteries replaced at least once a year. Plug-in units must be connected to an electrical outlet where they will not be unplugged and cannot be turned off at a wall switch; they should not get their power from a distant plug by means of an extension cord. Every smoke detector should be tested monthly.

According to the National Fire Protection Association, minimum protection requires a smoke detector outside each sleeping area and on every level of the home. If someone is hearing impaired, there are smoke detectors that are wired to high-density strobe lights.

The Texas legislature passed a law requiring most landlords to install smoke detectors in the apartments and houses they rent to people. If your residence does not have adequate smoke detector protection, the law requires that you notify your landlord. Similarly, if your smoke detector is not working, you must request an inspection and, if necessary, repair of your smoke detector. Repairs, however, do not include replacement of dead batteries.

If your lease is in writing, the lease may require that this notice be in writing.

If you give notice to your landlord of the absence or defect in your smoke detector, the landlord must install, repair, or replace the smoke detector within a reasonable period of time. If this is not done, the landlord may be legally responsible for any damages you sustain as a result of a fire. Similarly, failure to give your landlord notice of a problem regarding a smoke detector may relieve the landlord of any responsibility for failing to furnish a reliable smoke detector.



Trench Cave-Ins: A Preventable Hazard

The National Institute for Occupational Safety and Health (NIOSH) estimates that 1.2 million workers are exposed to excavating hazards and that between 75 and 100 workers are killed annually in trench cave-ins. While some states have been able to reduce the number of deaths by instituting safety programs, in Texas the number of workers dying due to cave-ins is actually increasing.

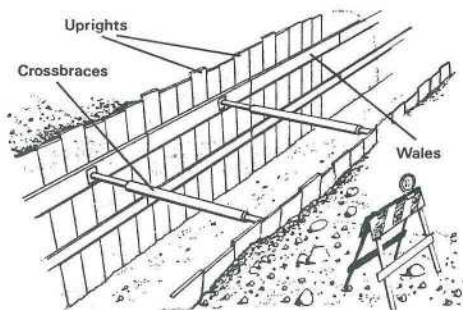
There are many causes for cave-ins.

- Soil type -- Sandy soil has little cohesive strength and tends to cave in easily if not supported.
- Moisture -- Too much water reduces the ability of soil to stick together, causing it to slide. Too little water results in drying, which can cause soil to crack and collapse.
- Temperature -- Movement from expansion and contraction of soil during freeze/thaw cycles can affect soil stability.
- Surrounding materials -- The weight of construction materials, heavy equipment, and excavated soil located near a trench can increase tension on trench walls.
- Shock and vibration -- Moving trains, highway traffic, pile driving, and blasting can cause vibrations which can loosen soil and weaken trench walls.

- Intersecting trenches -- The point formed at the intersection of two trenches has less support than other parts of a trench and is particularly vulnerable to collapse.

Just as the causes of cave-ins are well known, so are the means to prevent them. A study in 1912 made recommendations that should still be followed today. They include:

- Sloping -- When trench walls are sloped loose soil cannot fall back into the excavation site.
- Trench shields - These box-shaped steel structures are strong enough to withstand the force of cave-ins (but are not strong enough to prevent them).
- Shoring systems - Wood or metal constructions that press tightly against walls also help prevent cave-ins.



Deaths from trench cave-ins are preventable. Unfortunately, the workers who are exposed to the hazard of trench cave-ins are often unskilled and have little understanding of the risks of a trench cave-in. Without our workplace safety laws, they could become the victims of construction projects where safety rules are ignored to reduce costs or meet deadlines.

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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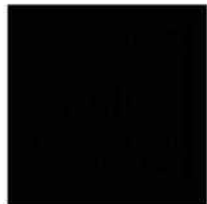
Roberts & Roberts is an East Texas law firm with a history of helping people injured by unsafe practices and products. Randell C. Roberts and Bruce L. Roberts are certified by their state and national professional boards as specialists in Personal Injury Trial Law and Civil Trial Advocacy.

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.

• • •
Chrysler Corporation plans a recall of 280,000 Jeep Wranglers manufactured between 1987 and 1992. Contact between the wheel opening splash shields and the front brake hoses can cause wear and possible brake hose failure.

• • •
BRK Electronics has recalled approximately 3.5 million AC-powered smoke detectors because of a potential for failure in an emergency situation. Marketed under the brand names BRK, First Alert, and Family Gard, the detectors were wired into the electrical systems of new homes, apartments, and hotels between 1987 and 1990.

• • •
Some 970,000 child car seats manufactured by Century Products are recalled because their latch mechanisms can jam during a crash and delay emergency removal of a child. Owners can receive free repair kits to modify the push-button release and prevent the jamming problems by calling 1-800-231-2755.

• • •
Over 56,000 Norelco Consumer Products Company Fabric Steamers/Wrinkle Removers are recalled. A possible shock hazard exists in the Model TS-60 because their electric cords may have been damaged during packing.

• • •
Super Young Industrial Company, Ltd. of Taiwan is recalling approximately 1 million aluminum two-step ladders marketed nationwide between 1985 and 1989. The aluminum ladder's first step may collapse or tear from its frame. These ladders have an "SYC" mark located on the hinge of the ladder.

• • •
The mount could crack on 310,000 Nutone ceiling fans and allow the fan to fall. Models recalled are Decorator, Hacienda, Sea Island, Slimline and Verandah. They were sold between 1983 and 1985 and 36" and 52" fans.