

Safety

& THE LAW

Fall 1993

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

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Check this Listing of Potential Problem Products

NHTSA Issues School Bus Hazard Alert

The National Highway Traffic Safety Administration (NHTSA) is warning school bus drivers, parents, and children of a potential safety defect in some full-size school buses. Several children have been killed or seriously injured when they were dragged by a school bus after their clothing snagged on the bus handrail while exiting.

In each incident, a child leaving the bus snagged an article of clothing or part of a book bag in the handrail on the side wall of the stairway leading down to the bus door. The door was closed before the child had a chance to re-enter the bus to free the clothing or bag. The bus then dragged the victim as it pulled away from the stop.

The design of some bus handrails creates a crevice where the handrail is bolted or otherwise attached to the side of the stairwell. Clothing or book bags can become caught in this crevice as a child steps off the bus.

Four school bus manufacturers are recalling buses for repair of these potentially lethal handrail defects. They are: Thomas Built Buses, Inc. of High Point, North Carolina; AmTran Corporation of Conway, Arkansas; Carpenter

Manufacturing, Inc. of Mitchell, Indiana; and Blue Bird Body Company of Fort Valley, Georgia.

NHTSA is conducting an investigation of this handrail problem. The problem may exist in school buses made by 14 different manufacturers.



Clothing or book bags can snag on this handrail as a child steps off the bus.

NHTSA is asking school transportation officials to alert bus drivers of this hazard. Bus drivers should be especially cautious at stops where there are no adults to help supervise the off-loading of students. Caution is particularly important during winter months when children wear bulky clothing which can be snagged more easily.

ROBERTS & ROBERTS

ATTORNEYS AT LAW

118 W. Fourth St.
Tyler, TX 75701

(903) 597-6000

1-800-248-6000



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New laws make renting safer

Family Safety Update

Apartment dwellers can sometimes be easy prey for violent criminals. Recognizing that apartment complexes often have some responsibility for the safety of their tenants, the courts are increasingly holding apartment complex operators liable for attacks, rapes, and other assaults on their tenants.

Apartment complexes have been required to compensate victims of crime when the management failed to have adequate security patrolling the apartment units, failed to provide adequate lighting, or failed to control who came onto their property.

Responding to the needs of a growing population of apartment renters, the Texas legislature has also passed a new law tightening security requirements for apartments and other rented dwellings. The law applies not only to apartment complexes, but to rented single-family houses, townhomes, duplexes, condominiums, and mobile homes.

The law requires that certain types of security devices be placed on all exterior doors and windows, whether or not they are requested by the tenant, and regardless of when the rental property was constructed. These devices include:

- a window latch on each exterior window;

- a doorknob lock or keyed deadbolt on each exterior door; and
- a sliding door pin lock, a sliding door handle latch, or a sliding door security bar on each exterior glass sliding door.

If construction of the rental property was completed on or after September 1, 1993, a keyless bolting device and a door viewer is required on each exterior door of the dwelling.

If your apartment does not comply with these requirements, you should notify your landlord, preferably in writing, and request these essential security devices for your safety.



Apartment complex operators have more responsibility for the safety of their tenants.

Law Update

The Texas legislature has made the workplace less safe for workers and more safe for manufacturing equipment suppliers. The new products liability law takes away the right of a worker, injured by defective manufacturing equipment, to seek compensation from the equipment manufacturer for his damages if the equipment is more than 15 years old.

The innocent worker's traditional right to compensation from the manufacturer of unreasonably dangerous equipment is barred even if a reasonable manufacturer would have recalled or retrofitted its equipment.

Is your tractor safe?

"Deaths from tractor roll-overs are the leading cause of traumatic fatalities on the farm. There is no acceptable excuse for the persistence of this problem as deaths from tractor roll-overs are fully preventable. The problem justifies the term, 'occupational obscenity'."

-- Dr. J. Donald Millar
Director, National Institute
for Occupational Safety
and Health
April 30, 1991

Approximately 132 adults lose their lives on the American farm each year due to tractor roll-overs. Equipping all farm tractors with roll-over protective structures (ROPS) would reduce these deaths by 71% according to the National Institute for Occupational Safety and Health. If safety belts or other driver restraints were used in conjunction with ROPS, 100% of these deaths would be prevented, according to the agency.

ROPS were made available by the tractor manufacturing industry as optional

safety equipment in 1971. These devices can be unenclosed – resembling one or more exposed roll-over bars – or enclosed in a tractor cab. Since 1976, the Occupational Safety and Health Administration has required employers to equip all tractors manufactured after 1976 with ROPS and safety belts. Since 1985, virtually all new tractors sold in the United States have been equipped with ROPS and safety belts.

More than half of the 4.6 million tractors in use on American farms today, however, lack ROPS. Many farmers remove these safety devices or they use tractors manufactured before 1976. It is estimated that 61% of the tractors in use today were manufactured before 1971.

NIOSH estimates that if all of the tractors made before 1971 lacked roll-over protection, another 2,800 people will die in roll-overs during the remainder of the expected 31-year life of these tractors.

To reduce injuries and deaths from roll-overs, the Center for Disease Control and Prevention is recommending that all farm tractors be retrofitted with roll-over protective structures.

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

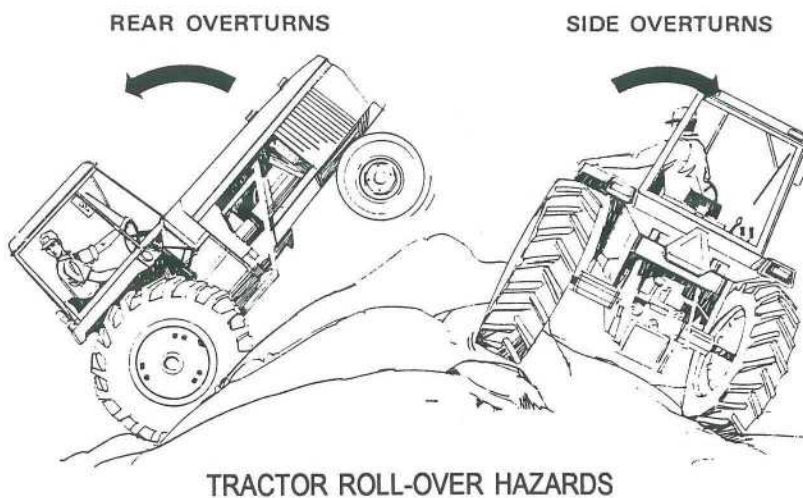
Workplace Safety Update

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 also members of the:

- Institute for Injury Reduction
- Institute for Product Safety
- National Safe Workplace Institute
- National Safety Council
- Texas Safety Association
- 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.



Address Correction Requested.



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.

• • •

The Consumer Product Safety Commission recently ordered the recall of six brands of battery-powered smoke detectors because some of them did not sound an alarm during a fire. These smoke detectors were manufactured by Seatt Corporation and sold under the following brand names and model numbers: Black & Decker, Slim Line, SMK100-200-300; Jameson Home Products, Inc., Code 1 2000, Models A, C and D; Walter Kidde Portable Equipment Inc., Kidde Smoke and Fire Alarm, KSA700; Safety First, Baby's Room Smoke & Fire Alarm, 244; Funtech, Safety's Sake, Model A; and Maple Chase, Firex, Models A and B.

• • •

25,000 1990-1990 Ford Econoline vans are recalled. The rear shock crossmember of the frame can crack and separate from the frame. This could result in a loss of vehicle control.

• • •

153,000 Sportcraft batting tees, Model No. 06650, and Wilson batting tees, Model No. 96010, are recalled. The washer that holds the cord may suddenly fly out of the slit when the ball or cord is pulled, striking a nearby player.

• • •

The fuel-filler neck on 1991 Yamaha WR5000 Waverunner and WR6500 Waverunner LX engines could break off and allow fuel to spill into the engine compartment, creating an explosion or fire hazard.

• • •

215,000 1989-92 Chevrolet S10 and S15 light trucks with 2.5 liter engines without air conditioning are recalled. The engine cooling fan blades could break because of stress or fatigue, posing a danger of injury to people working near the vehicles or under the hoods.

• • •

89,000 McCrory Corp. "Sweet Family Blessings Baby" dolls (Model No. 6957) are recalled. The dolls' arms and legs could detach, posing a choking hazard to young children.

• • •

Nissan is recalling about 30,000 1987-1990 Nissan vans to prevent possible engine compartment fires.