

Safety

Summer 1993

& THE LAW

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

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Check this Listing of Potential Problem Products

ATVs are not for everyone

Almost half of the deaths and injuries associated with all-terrain vehicles (ATVs) involve children under 16. Most safety experts agree that children have no business on an ATV.

The primary problem with the ATV is that its center of gravity is too high. This allows it to easily become unstable during normal off-road usage. If it flips or rolls over, the result can be severe spinal cord injury or death for the rider. Since 1982 over 1,500 deaths and 475,000 injuries have resulted from ATV accidents.

The four-wheel ATV appears safer than the three-wheel design, but four-wheelers are also highly likely to tip or roll over. Four-wheel ATVs were involved in 72% of the fatal accidents in 1992.

ATVs are advertised as safe recreational toys for the family that are easy to operate. Because they are sold for off-road use, manufactured in different sizes, and do not require licensing, many consumers assume that some ATVs are safe for children. The Consumer Products Safety Commission (CPSC) warns, however, that children under 12 are typically unable to operate any size ATV safely. This is because they lack adequate

physical size, strength, coordination, mental abilities, and perception.

Driving slower does not make up for a child's lack of maturity and skill. Fifty-three percent of the reported accidents involved ATVs traveling under 15 mph!

Although their large seats suggest otherwise, ATVs are not designed to even carry children as passengers. This only increases their instability.



Adults who choose to ride an ATV are encouraged to first enroll in a training course. The CPSC reports that the incidence of injury with ATVs is 13 times higher for untrained riders in their first month of use.

National Certification Announced

Randell C. Roberts was recently recognized by the American Board of Professional Liability Attorneys for his expertise in representing victims of unsafe products.

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What you should first know about jet skis

Family Safety Update

As the number of accidents involving personal watercraft continues to increase, safety experts are realizing that these accidents are not always due to operator carelessness.

Concern is being focused on the performance oriented, single-rider models that are designed to be operated by a person sitting, standing, or kneeling *on* the craft as opposed to *in* it. They are sold under many brand names, but they are commonly called "jet skis."

Like bicycles or motorcycles, they need a certain amount of forward motion or speed to become stable. On some types of jet skis a rider cannot achieve full control and steering until the craft is going fast enough to rise above the water or plane -- and some do not plane until they are at or near full speed. This requires even

inexperienced riders to operate at high speed to have maximum control!

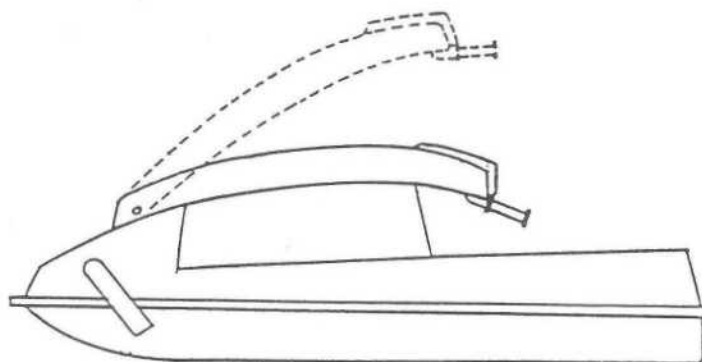
Although riders may want to keep a proper lookout in all directions, this may be impossible for some beginning riders. They may have to concentrate so intensely on controlling performance that they are forced to look only straight ahead.

With higher speeds, water spray will further obstruct the rider's narrowed field of vision. At the same time, engine and wind noise will significantly limit the rider's ability to hear what is going on around him.

It should come as no surprise that collisions account for most injuries and deaths on jet skis -- or that the rider in these accidents is frequently a novice who has just mounted the jet skis.

A serious question exists as to whether manufacturers of jet skis and similar personal watercraft are providing adequate warnings and instructions for their safe use. Recently, manufacturers increased their minimum recommended age for an operator to 16. Operators are further encouraged to:

- first practice in isolated areas;
- ride only during daylight;
- wear a personal flotation device; and
- wear a helmet.



TYPICAL PERFORMANCE ORIENTED PERSONAL WATERCRAFT

Law Update

The Crime Victims Compensation Act provides limited benefits for innocent victims of violent crime. The Act pays necessary medical care, some funeral expenses, partial loss of earnings, and certain other benefits up to a maximum of \$25,000.00.

To be eligible, an adult victim must be a resident of Texas or a victim of a crime that occurred in Texas, report the crime to the police within 72 hours, cooperate fully with law enforcement officials, and file a claim with the Office of the Attorney General in Austin within one year of the crime.

CHEMICAL HAZARDS --

Your Right to Know

It is estimated that one-fourth of the United States' work force is exposed to one or more chemical hazards in the workplace. Chemicals posing potential hazards include industrial solvents, detergents, and cleaning fluids containing a variety of different ingredients. Exposure to these and other common chemicals may cause or aggravate serious health problems.

Because of the safety and health problems associated with common chemicals as well as the lack of information available to many workers, the Occupational Safety and Health Administration issued the Hazard Communication Standard. This standard applies to manufacturers, importers, and distributors of chemicals as well as to employers.

The basic purpose of this standard is to ensure that workers receive adequate warnings about chemicals in the workplace and instructions for safely using the chemicals. This is done through four basic requirements.

First, chemical manufacturers must evaluate their chemicals to determine any risks or hazards from exposure to the chemical.

Second, when a hazardous chemical leaves the manufacturer, its container must have a label with the following information:

- the identity of the product;
- adequate written hazard warnings; and
- the name and address of the manufacturer of the chemicals.

Third, when the chemical is sold to the employer, the chemical supplier must provide the employer with a Material Safety Data Sheet. The data sheet should contain information about the health problems that can be caused by the chemical, emergency and first aid procedures for dealing with chemical exposure, and precautions for safe handling of the chemical, along with the manufacturer's name, address, and telephone number.

Fourth, and finally, employers must make the Material Safety Data Sheet available to every employee who works with the chemical or who is otherwise exposed to it.



Workers have not always had the right to adequate warnings and instructions for the chemicals they use in the workplace. Take time to read your Material Safety Data Sheet along with the information on the chemical's container.

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.

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Approximately 24,000 holiday brass candle lamps manufactured in Taiwan by Kobliz and sold by Loomco International and Frank Ginsberg Enterprises are recalled. Some may pose a potential shock hazard. They were sold for \$3.00 nationwide.

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Kolcraft Enterprises, Inc. is recalling 11,000 Playskool Travel-Lite portable cribs (Models 77101 and 77103). The cribs fold in the center for storage and there are reports of infants allegedly suffocating when they were entrapped in a folded crib.

• • •
Gampak Products is recalling 2,200 gray, die-cast portable outdoor flood lights (Model 15836) with connecting six-foot extension cords. The extension cord may be defective, presenting a potential electric shock or fire hazard. They were sold nationwide in 1992.

• • •
Possible fuel leaks in some Buick Skylark, Oldsmobile Calais, and Pontiac Grand Am cars (1988-89) could cause a fire. The dealer may need to replace the front fuel-feed hose assembly.

• • •
Approximately 650,000 carry-all bags and backpacks intended for use for young children are recalled by Jaclyn, Inc. The surface coating of the zipper pull and the inks used to form the bag's insignia may contain excessive levels of lead.

• • •
Nearly 10,000 wooden bar stools (Model UPC #87078-70122) manufactured in 1991 and 1992 by Continental Seat Corporation are recalled because they could collapse while in use. They were sold for \$9.99 by Bradlees' department stores.

• • •
General Motors reports that the shift control cables in approximately 44,000 cars may tend to separate or slip and could prevent the automatic transmission from shifting to the gear selected by the driver. The cars that should be checked are the 1992 Chevrolet Camaro and Pontiac Firebird "F" series.