

Safety

Summer 1994

& THE LAW

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

Table of Contents

◆ **Boating Safety**

◆ **Family Safety Update**

(Page 2)
Baseball

◆ **Law Update**

(Page 2)
Prompt Payment of Claims

◆ **Workplace Safety Update**

(Page 3)
Forklifts

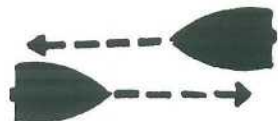
◆ **Consumer Product Warnings & Recalls**

(Page 4)
Check this Listing of Potential Problem Products

Boating: Rules of the Road

The "rules of the road" are just as important in operating a boat as they are in driving a car. The U.S. Coast Guard's Inland Navigation Rules are the rules of the road for all boats and watercraft on public lakes and waterways in Texas. Here are some safety tips from these operating rules:

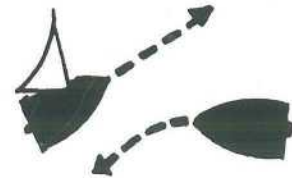
MEETING: When approaching a boat from the opposite direction, you should stay to your right and as far apart as practical. The further apart you are, the easier and safer it is to cross each other's wake.



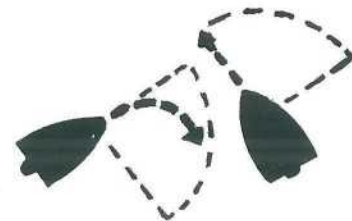
OVERTAKING: When you overtake a vessel, you may pass it on either the left or the right. You should signal your intent by steering to the left or to the right while you are still far apart. Remember that the lead boat always has the right-of-way.



SAILBOATS: Power boats must yield the right-of-way to sailboats and boats being rowed or paddled.



CROSSING: Just like when you meet another car at an uncontrolled street intersection, the boat on the right has the right-of-way. Always yield to boats to the right of you as well as to boats ahead of you.



Not knowing the rules of the road is not a valid defense in a boating accident. You can get a copy of our national Inland Navigation Rules by sending \$8.50 to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (refer to stock no. 050-012-00287-8). Other safety information and literature concerning recreational boating can also be obtained by calling the U.S. Coast Guard's Boating Safety Hotline at 1-800-368-5647.

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printed on
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Baseball: Is it as safe as it should be?

More children are killed playing baseball than any other sport. It is estimated that this year 150,000 children will be treated in an emergency room for baseball-related injuries. Children's safety advocates are now suggesting ways to make our national pastime safer for our children.

For example, baseball is the leading cause of eye injuries among children engaged in recreational activities. Face guards or shields can prevent up to 95% of serious eye as well as facial injuries. Two types of face guards are available -- one uses welded wire gridding to protect the face and the other uses lightweight impact-resistant polycarbonate. Sports safety consultants now recommend that batters and runners always wear face guards. Pitchers and infielders who may not be able to avoid a hard-hit ball should at least wear eye guards.

Being struck in the chest by a baseball is the leading cause of death for young

ballplayers. This trauma to the chest can cause the heart to stop, or go into irreversible ventricular fibrillation, either of which stops the player from breathing. Chest pads can protect the heart by distributing the force of impact over a larger area of the chest. Although pitchers, batters, and catchers are at the greatest risk for chest impact deaths, investigators for the Consumer Product Safety Commission recommend that some type of chest protection be worn by all children who play organized baseball.

Replacing traditional hard baseballs with "safety" balls can also prevent head and facial injuries, or lessen their severity. Safety balls have a polyurethane center which allows them to compress more upon impact. Traditional balls have at least an 85% chance of causing a serious head injury when travelling 60 m.p.h. Depending upon the type, safety balls present a 5-10% risk of serious head injury when they strike the head at 60 m.p.h.

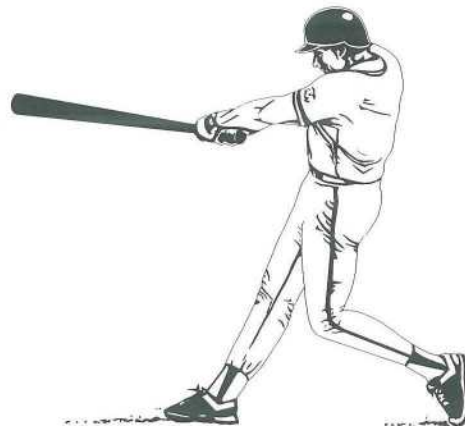
Finally, one-third of all leg injuries occur when a runner slides in and strikes an anchored base. It's estimated that quick-release or breakaway bases can reduce sliding injuries by 96% and the cost of their treatment by 99%.

Family Safety Update

Law Update

Q: I filed a claim on my insurance but they have not paid. Do I have any rights?

A: Yes. The Prompt Payment of Claims Act requires insurance companies to quickly investigate and, if owed, pay claims to their policyholders. Once the insurance company receives proof of a loss, it must either accept or reject the claim in writing within 15 business days and pay the claim, if owed, within 5 business days thereafter. The reasons for rejecting a claim must be stated in writing. If the insurance company violates this law, it is liable for the claim as well as an 18% penalty and your attorney's fee.



FORKLIFT SAFETY: Equipment and Precautions

Forklift accidents represent only about one percent of all factory accidents, but they produce ten percent of the disabling injuries. According to the National Safety Council, collisions and overturning are the two primary hazards associated with operating forklifts. While inadequate training contributes to many of these accidents, it appears that these industrial machines should be sold or retrofitted with some standard safety equipment.

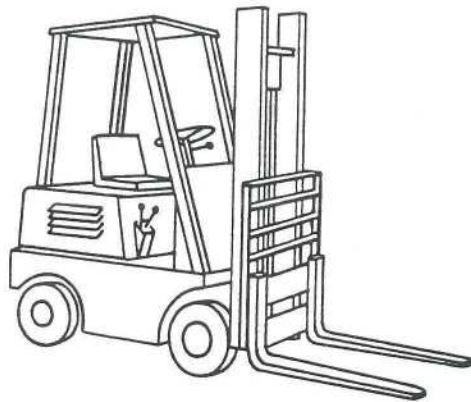
Tipovers are the leading cause of fatalities in forklift accidents. In tipovers, the operators are often struck and severely injured or killed by the overhead guards which were intended to protect them from falling objects. Until manufacturers design more stable forklifts, manufacturers should equip the forklifts they sell with seat belts and occupant restraint systems that keep the operator within the unit and out of the way of overhead guards during a tipover.

The National Institute of Occupational Safety and Health reports that the most frequent accident associated with forklifts involves backing up. Rearview and sideview mirrors as well as automatic backup alarms would help prevent many of these accidents.

Government safety regulations, including those of O.S.H.A., do not require mirrors, backup alarms, or occupant restraint systems on forklifts in most situations. These safety features are becoming standard items on new forklifts, however, as a result of our product safety laws.

The National Safety Council offers some safety tips to help avoid these and other common accidents in operating forklifts:

- Do not load your forklift over its Rated Load Capacity listed on its identification plate.
- Never raise or lower forks while you travel, turn, or maneuver into position.
- Keep the forks tilted back and carry them as low as possible, but high enough not to strike any raised or uneven surfaces.
- Do not put extra weight on the rear of the forklift to counterbalance a load.
- Use the forklift as a forklift, not as an elevator, hoist, taxi, or bumping skid.
- When you carry a load, make sure it rests against the carriage and keep the mast of the truck tilted backward to hold the load in place.
- Always drive with the load upgrade on an incline.



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 206,000 1993-1994 Nissan Altima passenger cars are recalled because their throttle cables can stick at mid-range engine speeds during severely cold weather.

• • •

6,000 "Sweda Juice Factory" electric juicers made by Telebrands of Roanoke, Virginia are recalled. If the juicer is not reassembled properly after cleaning, its plastic upper body may shatter during use, creating a danger of injury to bystanders.

• • •

About 96,000 1990-1991 Ford F series pickup trucks equipped with 7.5 liter engines are recalled. The fuel return tubes may leak and cause a fire.

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Approximately 160,000 1988-1990 Buick Regals, Pontiac Grand Prix, and Oldsmobile Cutlass passenger cars as well as 1990 Chevrolet Lumina are recalled by GM. Some cars were equipped with steel wheels that may develop cracks in the wheel mounting surface that could eventually cause the wheels to completely separate from the vehicle.

• • •

About 2,000 halogen clamp lights manufactured by Designers Edge, Inc. are recalled because they may pose a shock hazard. They were sold by Sears from July 1993 through August 1993.

• • •

Crayons imported from China that contain harmful levels of lead are recalled. The brands include "12 Jumbo Crayons," "Safe 48 Non-Toxic I'm a Toy's R Us Kid! Crayons," "12 Crayons, Glory," and "18 Crayons That Paint."