

# Safety

## & THE LAW

Spring 1995

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

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*Check this Listing of Potential Problem Products*

## Tap water burns

Every day about 300 young children are taken to emergency rooms around the country suffering from burns caused by household water that is too hot. In just a few seconds, water at 140° can give a child third degree burns, which would require hospitalization and skin grafts. Young children are at particularly high risk due to their tender skin.

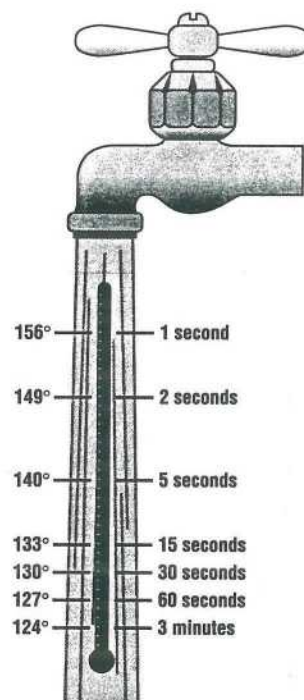
Nearly 90% of deaths due to scalding tap water occur in bathtubs. These types of burns occur when children are left unattended in the tub; placed in water that is too hot; in the tub when another child turns on the hot water; or fall into the bathtub.

The dangers posed by extremely hot water, however, are not limited to children. The elderly and disabled are likely to be scalded as a result of slower reaction time or instability that makes it more difficult for them to move away from water that is too hot. More than half of all tap water scalds are sustained by people over age 75.

Setting a water heater at 120° can prevent most tap water burns. Com-

fortable bath water, for example, is between 100° and 105°. Also, faucets and showerheads can be modified or designed to contain anti-scald devices that do not discharge water at temperatures above 120°.

A burn is a devastating injury. Take time to control the water temperature in your home.



*Length of time to receive a severe burn*

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## Family Safety Update

### Law Update

*Q: My car was hit by an uninsured driver. My insurance company paid for the damage to my car, but I am still out my \$250.00 deductible. Do I have any rights?*

*A. Yes. If the other driver was at fault, your insurance company must file a lawsuit against the other driver to recover your deductible. Your insurance company is required to do this within six months of your claim. If it does not, then your insurance company must pay you the amount of the deductible unless it authorized you to file the lawsuit.*

## Tanning beds can cause eye injuries

What is the most common injury associated with tanning beds? It is not burns to the skin.

In 1989, 1,660 tanning-bed injuries were reported by emergency rooms participating in the National Electronic Injury Surveillance System. Eye injuries were the most common problem reported.

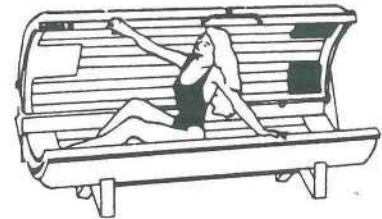
Exposure to the ultraviolet rays in a tanning bed can cause severe corneal burns if the eyes are not protected by goggles. Simply closing the eyelids or placing cotton balls on them is not enough, because ultraviolet radiation can pass through. Burns to the cornea may not appear for several hours after a tanning session.

In addition to corneal burns, failure to wear goggles can cause retinal damage in young children and people who have lens implants. Repeated exposure to ultraviolet rays can eventually lead to cataracts.

The danger of ultraviolet ray exposure to the eyes is well known in the tanning bed industry. Unfortunately, some tanning salons discourage users from wearing goggles so they can avoid an untanned "panda" or "raccoon" effect around the eyes. In one survey, more than a third of the salon operators suggested that goggles

were unnecessary. In another survey, none of the 16 tanning facilities visited required patrons to wear goggles. Many of the goggles that were provided as an option were not secure and fell off when the customer turned over.

Tanning equipment is responsible for a growing percentage of the corneal burns reported. A Michigan study found that 40% of emergency room patients with corneal burns caused by ultraviolet rays had been exposed at commercial tanning facilities. The number of reported corneal burns increased as the number of tanning facilities increased.



The Texas Tanning Facility Regulation Act was passed in 1990. It requires all tanning facilities to warn customers of the risk of eye injury and to provide protective eye wear. Complying with the Act, however, does not relieve salon operators of liability. Salon operators who fail to use reasonable care to ensure that protective eye wear is worn, know or should know that injuries are inevitable.

# Slippery walking surfaces are preventable

To some people a slip or fall may seem like a minor accident but, in fact, it is one of the leading causes of on-the-job injuries. According to the Bureau of Labor Statistics, falls at work cause over 300,000 injuries per year. In the food service industry alone, slip and falls are the leading cause of injuries associated with lost time from work.

Increasing the traction on floor surfaces is the best way to prevent slips and falls. Fortunately there are simple ways for employers to do this in the workplace.

For example, concrete floors cause numerous and sometimes serious slips and falls. Concrete is a porous substance and can absorb oils and other liquids, making it slick. Concrete floors can, however, be treated with commercial compounds to cure and seal the concrete to prevent it from becoming slick. If the concrete has already been poured, it can be coated with paints that contain gritty or abrasive materials to reduce the slipperiness of the concrete.

Another example of slippery floors are those where metal plates are used as walking surfaces, such as in certain areas of industrial plants or for overhead balconies and catwalks. Flat

metal plates are very slippery when wet and can result not only in a serious slip, but also a fall off of the raised platforms or walkways.

To minimize this hazard, grooves can be cut in the metal floors. Moreover, old metal stairs can be replaced by metal stairs with grates and/or holes to let the liquids drain through. On tile, linoleum, or other slick surfaces, especially in kitchens or food service areas, rubber mats can substantially reduce the risks of falls and make standing easier for the employees.

In Texas, the employer has an absolute duty to provide his employees with a reasonably safe workplace. In the past, simple slips and falls on the job were viewed as unavoidable. Today, with all the information available on floor safety, this hazard can almost be eliminated.



*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
- 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.

Approximately 186,000 mountain bike seat posts are recalled by Specialized Bicycle Components, Cannondale Corp., and Fisher Bicycle. The seat posts on some models have clamp belts under the seat that may break or fracture resulting in the loss of bike control and serious injury to the rider.

Approximately 150,000 1994 Chevrolet Caprice, Buick Roadmaster, and Cadillac Fleetwood passenger cars are recalled by GM. The fuel tanks can sag dangerously to road level due to loose fasteners.

An estimated 353,000 side-by-side refrigerators manufactured by Amana Refrigeration, Inc. are recalled. Some of the units have a screw on the light cover that could come into contact with the concealed electrical wire and cause a shock.

Mazda is recalling a reported 48,000 pickup trucks and sport utility vehicles with manual transmissions because the parking brakes could fail. The 1994 B-series pickup trucks and 1993-1994 Navaho sport utility vehicles are involved.

About 2,700 "Dualit-Plus" electronic toasters are recalled by Waring Products of New Hartford, CT. Sold through Williams-Sonoma catalogs and retail stores in 1993 and 1994, the toasters may turn on after an interruption of electrical power creating a fire hazard.

About 34,000 1993-1994 GEO Tracker sport utility vehicles are recalled because some rear axle shaft housing tubes can separate from the differential case, causing a loss of rear brakes. The parts may not have been welded together correctly.