

Safety

& THE LAW

Summer 1995

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

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Check this Listing of Potential Problem Products

Water Balloon Slingshots: Toy or Weapon?

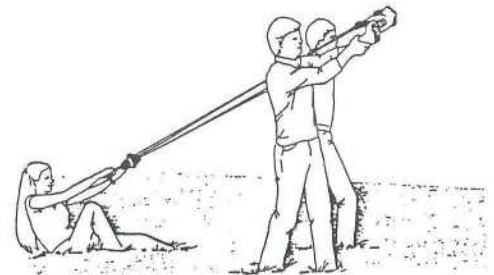
What could be more fun this summer than a water balloon slingshot?

We recently represented a young man who knows the answer to this question -- he suffered a blow-out fracture of the orbit of his left eye when he was struck by a water balloon fired from a slingshot. Today he is legally blind in his left eye.

What makes water balloon slingshots dangerous is that kids are tempted to shoot the balloons at each other -- and they don't realize how easily these water balloons can cause serious injuries.

The most dangerous models of slingshots sold in stores today require three people to launch the water balloon. Two people hold each end of the sling while one person pulls back the pouch containing the balloon and then releases it. This "toy" can hurdle a balloon over 200 yards at speeds of up to 230 miles per hour.

A consumer group reported in 1988 that water balloon slingshots had



caused hundreds, if not thousands, of severe injuries. It included these slingshots in its "dirty dozen" list of dangerous toys. The smaller, hand-held models were also included this year in another consumer group's listing of the most dangerous toys sold to our children.

Water balloons, as well as all types of slingshots, are a major cause of children's eye injuries according to the National Society to Prevent Blindness. How long will toy stores sell these weapons to our children? For our young client, the answer will be too late.

National Recognition Announced

Randell C. Roberts is now a member of the Million Dollar Advocates Forum. His membership is based upon an impressive record of million dollar recoveries for our clients.

ROBERTS & ROBERTS

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recycled paper.*

Does your boat have the right safety equipment?

If you are in coastal waters, federal safety requirements include having these additional items on board:

- Visual distress signals
- Anchor or anchor line
- Alternative means of propulsion (such as a paddle or oar)
- Dewatering device (such as a bucket, can, scoop, etc.)

Family Safety Update

Before you leave the shore, we thought you might want to know some of the safety requirements for your boat.

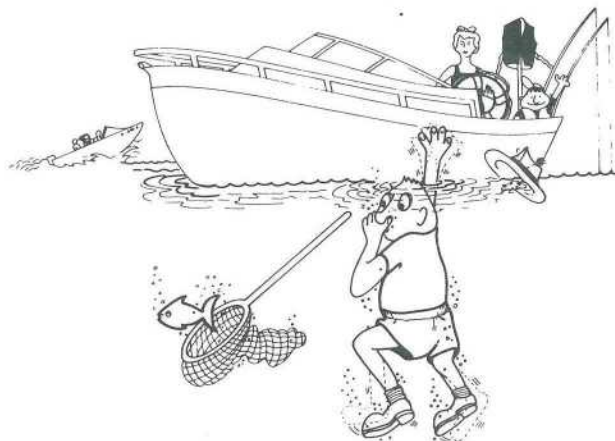
For sailboats, canoes, rubber rafts, or other boats without motors, Texas requires personal floatation devices for each person on board and a bright light for use between sunset and sunrise.

For motorized boats in Texas, the safety equipment you carry on board should include:

- Life jackets for each person on board (also known as personal floatation devices or "PFD's")
- Light, lantern, or flashlight
- Whistle, bell, or horn
- Rear view mirrors
- Fire extinguisher (not required on outboard motorboats less than 26 feet long)

Besides the equipment required by law, there are other items which a safe boater should keep on board -- for example, extra batteries for the flashlight, matches, a map of where you are, flares, suntan lotion, a first aid kit, and extra sunglasses. Items that need to be protected should be put in a watertight pouch or a container that floats.

The boat safety equipment which the law requires depends on the type of boat you are operating. Check with the Coast Guard or the state where you are boating to make sure you have satisfied any special requirements which may apply to your particular type of boat.



Law Update

Q. Is the new Texas Workers' Compensation Act constitutional?

A. Yes. The Texas Supreme Court has upheld the constitutionality of the Texas Workers' Compensation Act passed by the legislature in 1990. Moreover, the Texas legislature has refused to change any of the law's provisions that were challenged as unfair to injured workers. If you have any questions or want a free brochure on this law, call our office at 597-6655 or 1-800-248-6656.

Preventing Occupational Disease

The National Safety Council estimates that at least one out of every four workers in the U.S. is exposed at work to potentially toxic substances. According to the National Safe Workplace Institute, the American worker is now more likely to die from an occupational disease than a motor vehicle accident .

Work related diseases result from breathing air contaminated by toxic dusts, gases, sprays, smokes, fumes, and vapors. Many of these diseases could often be prevented by proper respiratory protection.

The Occupational Safety and Health Administration (O.S.H.A.) has established workplace safety requirements for respiratory protection. Those concerned with workplace safety should be familiar with O.S.H.A.'s minimum requirements for respiratory protection. They include:

Air Monitoring - Since many respiratory hazards are invisible or odorless, the air in the workplace must be regularly tested for harmful contaminants. Air samples used in testing should be taken from the employee's breathing zone as well as the area around the workplace.

Ventilation - If less hazardous chemicals or substances cannot be used, or if the air contaminants cannot be confined, adequate ventilation must

be provided as far as possible. Respirators are not a substitute for ventilation if ventilation is a feasible alternative.

Respirators - It is the employer's (and not the employee's) responsibility to provide a respirator when it is necessary to protect the health of the employee. Different types of respirators are required for different types of hazardous dusts, gases, sprays, smokes, fumes, and vapors.

Medical Exams - Employees should not be assigned to a job involving toxic substances unless a physician has determined that they can safely perform the work. In addition, the employee should continue to receive medical exams by a physician at least annually.



During the last decade, the workplace has changed and so have the health risks associated with it. New technologies, new materials, and the changing composition of the work force have all contributed to a new wave of occupational diseases.

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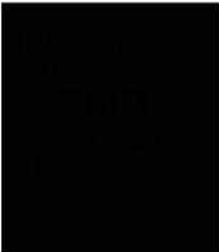
Roberts & Roberts is an East Texas law firm with a history of helping people injured by unsafe practices and products. Randell C. Roberts and Bruce L. Roberts are certified by their state and national professional boards as specialists in Personal Injury Trial Law and Civil Trial Advocacy. They are also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

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30,000 GMC and Chevrolet S pickups built in 1993 are recalled because the vacuum hose could detach from the brake booster check valve resulting in a loss of power brake assist and a crash.

• • •

2.5 million bean bag chairs are recalled. Young children can unzip the chairs and suffocate from inhaling the small foam pellets inside the chairs. The chairs were made by the Baseline Design Division of Crane Industries and sold at Wal-Mart, K-Mart, Lillian Vernon, and Target stores.

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A projected 20,000 Saturn passenger cars built in 1994 are recalled. An improperly adjusted automatic transaxle park lock cable assembly could possibly allow the car to be shifted out of the "park" position with the ignition key removed.

• • •

Rival is recalling 1.1 million electric crock grills. Heating elements in the grills (Model Nos. 5740 and 5750) were not sealed and can expose consumers to electric shock. These crock grills sold for about \$20.00 in retail stores nationwide.

• • •

Krupps North America, Inc. is offering corrected operating instructions for 1.4 million (Model No. 963) Espresso Cappuccino Machines. If the filter holder is set far to the left of the "min" setting, steam pressure may cause the holder to fly out, shattering the carafe.

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About 21,000 mountain bike suspension forks are recalled because the forks can break or separate causing riders to lose control of the bikes. The manufacturers are Marzocchi; Girvin, Inc.; Specialized Bicycle Components; and Answer Products, Inc.