

Table-Saw Accidents Come Under Scrutiny

Table-saw safety hit the newsreels twice in October: An appeals court upheld a \$1.5 million judgment against table-saw manufacturer Ryobi in a case involving a blade-contact injury; and separately, the Consumer Product Safety Commission (CPSC) announced that it was considering regulations that would require modifications to table saws to make them safer. Figuring in both stories was the SawStop, a patented device designed to stop a table-saw blade when it comes in contact with human flesh.

Table saws on trial. In the original court case against Ryobi, Carlos Osorio was awarded \$1.5 million in damages by the U.S. District Court for the District of Massachusetts for a hand injury he received in 2005 when using a Ryobi BTS15 bench-top table saw.

Essentially, Osorio's attorney argued that the saw was defective because it lacked a mechanism — which existed in the form of the SawStop — to prevent injury when a body part came in contact with the blade. One of the plaintiff's main witnesses was Stephen Gass, who testified that he had offered to license the SawStop technology to Ryobi in 2000, as well as to other table-saw manufacturers, but no manufacturers have adopted the technology.

Despite arguments by the defendant that adding a device such as SawStop to an inexpensive portable saw wouldn't be feasible for cost, weight, and size reasons, the jury found in favor of Osorio. Ryobi appealed the judgment, but on October 5, the 1st U.S. Circuit Court of Appeals affirmed the district court's decision. The ruling will no doubt influence the dozens of

table-saw injury cases pending trial.

Possible new regulations. On the same day the appeals court issued its opinion in the Osorio case, CPSC Chairman Inez M. Tenenbaum said in a statement that the power tool industry had not made "meaningful revisions" to a voluntary standard to prevent table-saw blade contact injuries, and therefore the CPSC had voted to propose setting a mandatory safety standard. An Advance Notice of Proposed Rulemaking (ANPR) was then posted to the Federal Register on October 11.

The ANPR contains a brief history of CPSC involvement with the table-saw safety issue. In 2003, Stephen Gass and other founders of the company that makes the SawStop petitioned the Commission to require better safety devices on table saws. The CPSC invited comments at that time, but then didn't have the votes to go forward with an ANPR. The Commission proceeded to sponsor a study from 2007 to 2008 on table-saw injuries, which is available at www.cpsc.gov/library/foia/foia11/brief/tablesaw.pdf.

Voluntary standard. The current voluntary standard for table saws, published in November 2007 and effective January 31, 2010, requires a modular blade guard — developed by table-saw manufacturers — that consists of a top guard and two side guards and incorporates a permanent, adjustable riving knife. The blade guard is designed to provide better visibility — so users are less inclined to remove it — and to be easier to reinstall after removal. The riving knife helps prevent kickback.

Even though the CPSC acknowledges in the ANPR that the current guard

A settlement of almost a million dollars was awarded in

September in a case involving a fatal fall from a Chicago porch four years ago. On July 1, 2007, Sean Heflin fell backward from the railing of a second-story porch, and several months later died from his injuries. His family subsequently filed a wrongful death lawsuit against the building's owner, Stammich Management. According to Steve Levin, the family's attorney, the suit alleged that the railing on the porch was only 32 inches high, 10 inches lower than the 42 inches required by Chicago's building code, and that if the railing had met code, the fall would have been prevented. Cook County Circuit Court Judge Kathy Flanagan approved the \$975,000 settlement in favor of the family on September 12.

Where wildfires are prevalent,

decks are vulnerable to embers and other burning debris. California's Department of Forestry and Fire Protection (Cal Fire) requires that decking used in designated wildfire zones be certified as ignition-resistant by an approved third-party lab. Enduris, a decking manufacturer based in Jacksonville, Fla., announced in October that Endeck cellular PVC decking and Endeck PVC Hybrid capped decking were successfully tested at Underwriters Laboratory and added to Cal Fire's list of approved products (osfm.fire.ca.gov/strucfire/engineer/pdf/bml/wuiproducs.pdf). A number of other popular decking brands and solid-wood products are also listed, along with their flame-spread rating. The list might be a good resource not only for deck builders in fire-prone areas, but also for those who build decks with firepits on them.

design is a “significant improvement” over the old one, and even though the CPSC has not evaluated injury statistics for saws that incorporate the latest design, the Commission expresses a number of concerns with the standard’s efficacy.

For one, it notes, users can still be injured by the front of the blade. Also, the CPSC points out that for certain tasks the guard needs to be removed, which exposes users to possible injury. And the CPSC argues that some users may find the reinstallation of the

guard cumbersome and so simply leave it off.

The CPSC goes on to question whether trying to prevent contact with the blade is an adequate strategy, and if it’s not, whether some means of mitigating injury when contact does occur should be mandated. It specifically names the SawStop device as technology that provides the latter protection.

A 60-day comment period on the issue runs through December 12. Comments can be submitted at the CPSC website at regulations.gov. — *Laurie Elden*

Advanced Environmental Recycling Technologies

(AERT), maker of MoistureShield, is developing a decking line that will use nanotechnology to improve color retention and mildew resistance.

Almost two years ago, AERT began working with NanoMech, a nanoparticle designer and product manufacturer headquartered in Fayetteville, Ark., to incorporate inorganic 1/250,000-inch nanoparticles in a wood-plastic composite material. AERT plans to have the prototype for NanoShield decking ready for the 2012 International Builders’ Show in Orlando, Fla., in February.

Deceuninck, maker of Solstice and Kodiak decking,

announced that it has formed a partnership with JP Industrial to recycle its scrap PVC. JPI will collect material from Deceuninck’s fabricators, recycle it, and supply the recycled content back to Deceuninck for reintroduction into the manufacturing process.

Is wood less strong than it used to be?

On October 20, the Southern Pine Inspection Bureau submitted a proposal to significantly reduce design values for visually graded southern pine dimension

lumber. If the new values are approved by the American Lumber Standard Committee (ALSC), maximum allowable spans for joists and other structural members for each lumber grade would also be reduced accordingly. The ALSC is encouraging stakeholders to review the SPIB’s testing data and submit comments for its next meeting, scheduled for January 5. The ALSC could then approve the new values at that meeting, or it could require further testing or review. The proposed design values are posted at southernpine.com, along with background information about the changes.

Remodeling activity likely won’t pick up before mid-

2012, according to the latest Leading Indicator of Remodeling Activity from the Joint Center for Housing Studies of Harvard University, as a slow housing market and struggling economy will continue to affect consumer spending on remodeling. Kermit Baker, director of the Remodeling Futures Program at JCHS, said in a statement, “Homeowners are continuing to undertake smaller jobs, but are still nervous about larger discretionary projects.” ❖