UPLIFTING NEWS

NEWS FROM THE WEB SLING & TIE DOWN ASSOCIATION FALL 2022

IN THIS ISSUE

PRESIDENT'S MESSAGE

Mandy Masters, Ben-Mor Cables

I hope 2022 is bringing you some success and happiness in the midst of chaos. To date, this is the year that I am utilizing my mindful breathing techniques the most!

Our organization continues to be strong and focused on improving the lifting and securement industry. Our focus is all about "going digital" and exploring what that means and how it can benefit our members.

The whole purpose of going digital (in any area), is to increase efficiency, safety and security, and profitability. Effective implementation of new technology will take time and is often exhausting. Many who have been through a software change, or upgrades. Know it can result in hours and hours of effort, but once complete, the reward is grand and operations are easier and more efficient.

Any change can be scary. The fear of change might be holding you back from progressing and utilizing technology to its advantages. In the fall issue of Lift & Secure we have some interesting articles that follow the topic of digitalization.

The WSTDA has continued to spend both time and money on making sure our website is up to date and easy to use. It is a valuable but easy to use tool for accessing standards, safety warning tools, WSTDA's standards review schedule, and purchase WSTDA products and publications.

We are continuing our research on offering for use by members a QR code for access to WSTDA-copyrighted Safety Bulletins electronically, right from the sling tag. This project lies with our Technical Resource Committee to confirm we will meet all expectations from the standpoint of liability and user friendliness.

We are happy to continue with our Scholarship Program, and just awarded two very deserving students $3,000 grants toward education expenses. This program operates partially on donations from our members, so a big thank you to everyone that donated.

I would like to share a sincere thanks to all our members for being part of our association. On the board, we are working hard to bring you even better networking opportunities and relevant industry news and information.

Thank you to all our volunteers who are the heart of the association!

Mandy Masters

ARE YOU READY TO SERVE?

Nominations are open for WSTDA Board of Directors

Election of Directors to the Board will be held during the 2022 Fall Meeting. The principal and alternate representative of any Regular or Associate member in good standing are eligible for election to the Board of Directors. A subsidiary of a member which maintains its own separate membership in the association may also be eligible for election to the Board of Directors.

If you are interested in serving or would like to nominate a qualified candidate to serve if elected, the Board of Directors has an application process. Click the apply now button below to submit your application.

Qualifications for All Officers and Directors

- The qualified individuals should have the capacity to attend and participate in, and should make a commitment to be present at, the bi-annual, web based or other Board of Directors meetings scheduled by the Association.
- Should have recent Board of Director experience, whether within the organization or outside of the organization.
- Should be highly knowledgeable in the breadth and depth of the manufacture and use of the products represented by the Association.
- Possess excellent organizational and managerial skills.
- Possess excellent leadership skills.
- Be self-motivated and possess the ability to motivate others.
- Have sufficient time to dedicate to the position.
- Click here for our full qualifications & responsibilities

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QR-ing TO SAFETY

WSTDA's Board of Directors and the Technical Resource Committee are laying the framework for the next steps in the organization's journey to digitization. This fall, WSTDA will provide its Member organizations a royalty-free license to use a WSTDA-provided "Quick-Response" digital barcode (QR code). When scanned with a smartphone, users will have 24/7/365 access to WSTDA-copyrighted Safety Bulletins for synthetic web slings, roundslings and tie downs. The example above is a QR code leading to the wstda.com website, try it out.

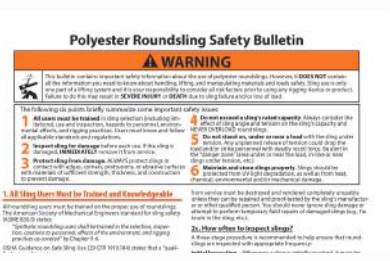
WSTDA's license to its Members will encourage use of the QR code image on product labeling, transactional documents, and in other media provided to the customer as a means of distributing as widely as possible safety warning information developed by WSTDA in conjunction with technical experts and warning design consultants.

This fall, WSTDA Member organizations will receive communications with details, recommendations for use, and a sample licensing agreement. Upon execution of the agreement and continued good standing in WSTDA, Member licensees may use the QR code on products it brands for the marketplace.

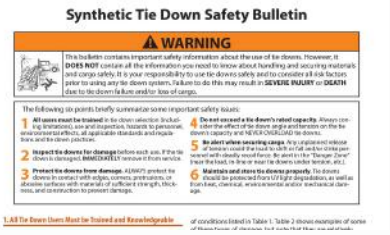
WSTDA will maintain the online resources to which the QR code scan will lead: access to Safety Bulletin content (warnings, instructions, diagrams/charts) that can be easily viewed on ANY digital device: a smartphone, tablet, PC etc. and offered in English, French and Spanish versions.


Synthetic Web Sling Safety Bulletin

WARNING


Polyester Roundsling Safety Bulletin

WARNING


Synthetic Tie Down Safety Bulletin

WARNING


High Performance Yarn (HPY) Roundsling Safety Bulletin

WARNING

PRINTED SAFETY BULLETINS ARE STILL AVAILABLE

WSTDA plans to continue selling its printed Safety Bulletins via its online store as a supplement to providing the QR code. The paper Safety Bulletins are available to both Members and non-Members in English, Spanish and French.

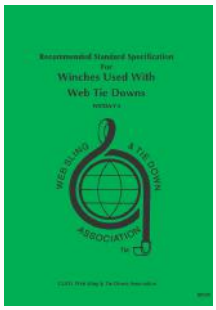
Buy Now

PUBLIC INPUT WELCOME ON WSTDA RECOMMENDED STANDARDS

WSTDA-TH-1 & WSTDA-T-3 ARE OPEN FOR COMMENT THROUGH SEPTEMBER 26, 2022

Recommended Standard Specification for Synthetic Sewing Threads for Slings and Tie Downs (WSTDA-TH-1), 2022 Revision Draft was recently approved by the Web Sling Technical Committee.

This recommended standard specification was originally formulated in 1999, as a guide for manufacturers and users of synthetic sewing threads that are used in the fabrication of synthetic web slings and tie downs.



Recommended Standard Specification for Winches Used with Synthetic Web Tie Downs (WSTDA-T-3) 2022 Revision Draft was approved by the Load Securement Technical Committee.

First published in 1998 and revised since, the recommended standard applies to winches designed to accommodate web tie downs for the purpose of securing cargo. This standard recommends construction, identification, and marking practices, and provides practical advice on selection, use, maintenance and inspection.

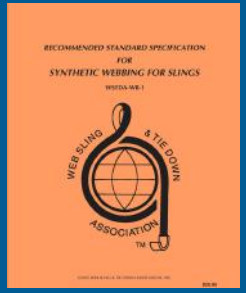
These documents are available for review on our Standards Review page, along with an online Standards Comment/Proposal Form which is required for submitting comments.

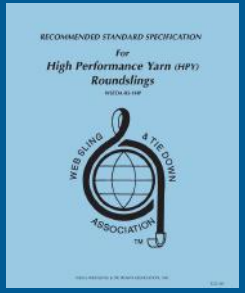
All WSTDA Standards are open for public review and comment at any time. All interested parties are invited to review the standards and submit a formal comment at any time.

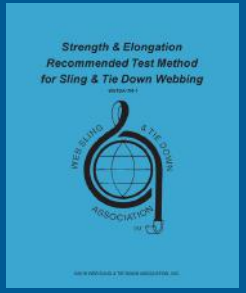
If you have any comments, changes or revisions to the revision drafts or any WSTDA standard, please submit them to WSTDA by September 26.

Web Sling & Tie Down Association, Inc. has been recognized as a standards writing organization by the Department of Justice.

DOWNLOAD INDUSTRY STANDARDS FOR FREE







WSTDA FALL MEETING

OCT 3-6, 2022 | SAVANNAH, GEORGIA

Early Bird Registration Ends on September 8, 2022

This meeting provides insight into the development of recommended technical standards for the industry, as well as technical discussion forums, educational and networking opportunities, as opportunities to participate in committee meetings that shape the future of the industry.

"Our meetings allow you to get a pulse on what is happening in the industry and help drive where the industry is going in the future."

Schedule At A Glance

*All session/event names are subject to change

Monday, October 3

9:00 am - 2:00 pm
Board of Directors Meeting
By Invitation
2:15 pm – 4:00 pm
Editorial Review Committee
By Invitation
5:00 pm – 6:30 pm
Welcome Reception
All Attendees

Tuesday, October 4

8:00 am – 9:00 am
First Timer/New Member Breakfast
By Invitation
8:00 am – 9:00 am
Breakfast
All Attendees
9:00 am – 10:25 am
General Session
All Attendees
10:25 am – 10:45 am
Break
All Attendees
10:45 am – 12:00 pm
OSHA Speaks Out
All Attendees
12:00 pm – 1:00 pm
Lunch
All Attendees
1:00 pm – 2:15 pm
Web Sling Technical Committee Work Session
All Attendees
2:15 pm – 2:45 pm
Break
All Attendees
2:45 pm – 4:00 pm
Load Securement Technical Committee Work Session
All Attendees
4:00 pm – 5:00 pm
Technical Resource Committee Meeting
By Invitation
5:00 pm – 6:30 pm
Reception
All Attendees

Wednesday, October 5

8:00 am – 9:00 am
Breakfast
All Attendees
9:00 am – 10:15 am
Round Sling Technical Committee Work Session
All Attendees
10:15am – 10:35am
Break
All Attendees
10:35 am – 12:00 pm
The Macro View: Supply Chain Issues And The Global Economy
All Attendees
12:00 pm – 1:00 pm
Lunch
All Attendees
1:00 pm – 2:15 pm
Testing Technical Committee Work Session
All Attendees
2:30 pm – 4:30 pm
Board & Committee Chairs' Meeting/Board Meeting II
By Invitation
5:00 pm – 5:30 pm
Reception
All Attendees
5:30 pm – 7:30 pm
Dinner
All Attendees

Thursday, October 6

7:30 am – 8:00 am
Grab & Go Breakfast
All Attendees
8:15 am – 11:00am
Port Tour (TENTATIVE)
All Attendees

Join Us At The JW Marriott Savannah Plant Riverside District

The JW Marriott Savannah is offering a special rate of $219/night for single/double rooms to WSTDA meeting attendees. By booking in our block you will receive the following: the resort fees of $33.00 will be waived, 10% discount on spa services, 3 days pre and 3 days post dates, based on availability and guestrooms guaranteed to be located in the power plant building.

BOOK RESERVATION

REGISTER NOW

Register Early!

Member: $550 Non-Member: $825 Spouse/Guest: $250

Our member and non-member rates include all attendee sessions, breakfasts, receptions, dinners and the tentative port tour. Our spouse rates include all breakfasts, receptions, dinners and the tentative port tour.

Hotel & Early Bird Cut-Off Date: September 8, 2022

The Macro View: Supply Chain Issues And The Global Economy

Joining WSTDA is Christopher Kuehl, PhD, Managing Director of Armada Corporate Intelligence. Chris is Armada's economic analyst and works with a wide variety of private clients and professional associations: as Chief Economist for the National Association for Credit Management, and as Economic Analyst for the Fabricators and Manufacturers Association. He writes FMA's bi-weekly publication, Fabrinomics, detailing the impact of economic trends on manufacturers. Chris will provide the "Macro" view outside of the industry on global economic trends and challenges.

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Welcome Reception

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WSTDA AWARDS TWO $3,000 EDUCATION GRANTS

More than 30 applications were received from 16 member companies.

Kaitlyn Jeffrey, of Springfield, Nebraska, is a 2022 graduate of Platteview Senior High School in Springfield where she earned her Varsity letter in softball at Platteview and was captain of the team, while also playing in Omaha Stealth Gold Softball for three years. Jeffrey was also a Varsity starter on the Track and Field team and Captain of the Girls Wrestling team. Jeffrey is sponsored by WSTDA Member Total Tool Supply's Dan Opitz, who is Outside Sales Representative based in Omaha, Nebraska.

In addition to the many sport activities, Jeffrey served as a math tutor for two years at Mathnasium, and as a member of the Spanish Club for three years. Throughout high school, she has been awarded several prestigious awards including the Iron Trojan in 2022, the Mighty Trojan in 2019, 2020, and 2021, The American Citizenship Award in 2018, and has been on the All Academic Team 2019 through 2022.

Jeffrey has goals of going into forensic accounting, something she's had an interest in for much of her life, and plans on attending the University of Nebraska-Lincoln in fall 2022 to pursue that goal.

Tyler Kronebusch, of Winona, Minnesota, is a 2022 graduate of Winona Senior High School in Winona where he averaged a 4.14 GPA and ranked top 3% in his class. Kronebusch served as Vice President of the National Honor Society, where tasks included leading a group of 20, conducting meetings, and volunteering in his community. Kronebusch is sponsored by WSTDA Member Peerless Industrial Group's Cary Kronebusch, OEM Business Development Manager in Winona, MN.

In addition to serving in the Spanish Honor Society, Kronebusch held the lead bass drum role for his high school's Pep and Marching Band, which he participated in for four years. He played both basketball and tennis at Winona Senior High School, earning a Varsity letter all four years for tennis, as well as his senior year in basketball.

In 2022, Kronebusch was awarded the Sophia Moe Memorial Scholarship, as well as the University of Minnesota Presidential Scholarship. He will start his college career at The University of Minnesota in the fall of 2022, pursuing a degree in mechanical engineering.

Sixteen WSTDA Member organizations sponsored the more than 30 Scholarship applicants. The program is funded by the WSTDA operating budget and through the generous donations from Members and supporters. Donations are welcome to ensure the Scholarship Program's continued success.

Support the WSTDA Scholarship Program

Donating to the WSTDA Scholarship Program is a rewarding experience. You will be helping hardworking, ambitious students accomplish their goals and reach their aspirations. Maybe your donation could help cultivate the next Steve Jobs or Elon Musk!

click here!

DONATE

At this time, donations made in support of the WSTDA Scholarship Program are not tax-deductible as a charitable contribution, but may be deductible as a business expense; please consult your tax advisor.

COMMITTEE REPORTS

Web Sling Technical Committee
Chair: Robert Hancuff & Co-Chair: Fred Ambli

Enjoyed seeing everyone in Salt Lake City for the Spring Meeting, its great to be able to get around again. Being from Georgia, I can say we will be in a great location in Savannah.

We have completed review of WB-1 and TH-1. At this point we are only waiting for the TRC to finish the review of terms and definitions, so our terminology between standards publications is more consistent.

WB-1 is ready for board review, and TH-1 is getting prepared to go out for public comment.

Our work session during the Fall meeting is scheduled for October 4th at 1:00 PM. The agenda for the meeting is not complete yet but should include web sling storage life and stacking of sling eyes in a lifting hook or shackle.

The Web Sling Technical Committee welcomes and encourages all recommendations for discussion topics surrounding synthetic web slings and current projects of the Committee. Submit your questions or discussion topic suggestions at any time to:

Bob Hancuff bhancuff@carolinawebbing.com
Chairman, WSTC
Fred Ambli fred@liftpro.com
Co-Chair, WSTC

Roundsling Technical Committee
Chair: Gregory Babinchak & Co-Chair: John Ketchum

The Roundsling Technical Committee recently approved an update to the RS-1HP Standard for High Performance Yarn Roundslings. This standard will be released following approval by the WSTDA Board and then also a review of any submitted comments during a public release of the proposed draft.

Other ongoing topics recently reviewed by the WSTDA Roundsling Committee include continued work related to the rating practices for multi-leg bridle roundslings. A proposal related to this topic has been presented to the ASME B30.9 Committee and they decided to form an Ad-Hoc group to further review the matter for reconsideration and to propose updated language for their sling standard.

As the primary roundsling standards how now been updated to WSTDA scheduling, we will continue to look toward resolving one or more topics of ongoing review and to also move onto a few new topics for targeted review. We hope to be able to address some of them and utilize updated language in the next RS-2 Operating Standard update. Two examples of new subjects targeted for review and discussion may include:

- Choking of Roundslings onto Hardware and Other Relatively Small Connections
- Combining the Use of Multiple Slings Types of Differing Elongation

And as the WSTDA Testing Committee may be finalizing its review of testing related to the use of webbing slings around edges, we can plan to take a moment to readdress in the meeting this fall of some of factors leading to the recommended operating practices for roundslings around edges that were adopted back in 2000.

Testing Technical Committee
Chair: Sam Socolow & Co-Chair: Troy Raines, Jr.

The Testing Committee has worked diligently to process and quantify the data from the Edge Radii Testing Programs Phase I and II. We've been working with Steven M. Tipton, Ph.D., P.E., FASME, FASM in multiple virtual meetings to accomplish this, and we are excited to announce that we believe this goal has been achieved. We will seek a motion to vote on sending the compiled information back to the Web Sling Committee at the fall meeting. The Web Sling Committee hopes to develop recommendations for minimum edge radii suitable for contact with an unprotected web sling, along with recommended minimum connection hardware size similar to what is found in RS-1.

The committee is also working on developing testing protocols for cut protection devices. We have had multiple proposals on various types of testing fixtures, and one seems to be extremely promising. We are working to solidify some design parameters and hopefully solicit the board to fund such a device. Once we have an approved device, we can focus on writing specific protocols based on the device's design. Ultimately we would like to develop a grading system or scale to help end-users select sling protection products.

Technical Resource Committee
Chair: Jeff Iden & Co-Chair: Ralph Abato

The Technical Resource Committee (TRC) has been busy since its re-chartering by the Board earlier this year, broadening the scope and appointing new leadership. I am pleased to join Ralph Abato of Doleco as co-Chair of the new TRC.

The first project under the new charter: “harmonizing” (to the degree practical) the Terms and their Definitions as published in WSTDA recommended standards, test methods, and manuals. Across WSTDA publications, the TRC is offering its Technical Committees a recommendation for how terms are defined for example the common terms “Abrasion,” “Working Load Limit,” and “Failure.” Technical Committees will have the option to use the recommended definition or a variant depending on the publication.

This project is almost complete. Moving forward, the TRC plans to maintain this “global definitions directory” on an ongoing basis, in coordination with the Technical Committees which are welcome to recommend new and/or different definitions.

Another project in which the committee is currently involved is the development of a Members-Only licensing program, for use of a QR code for the purpose of including in product warnings provided to users. The QR code will provide instant online access to the WSTDA Safety Bulletins and the user information provided therein. More details of this project will be announced at the 2022 Fall Meeting in Savannah.

The TRC has invitation only meetings in conjunction with the spring and fall WSTDA meetings.

COMMITTEE REPORTS

Load Securement Technical Committee
Chair: Stephane Theriault & Co-Chair: Tim Sanders

The Committee has been very productive in its oversight of the five Recommended Standards under its responsibility. Of the five, currently:

- The T-1 standard for synthetic web tie downs, 2022 revision has been published and will soon be available for free download
- The T-3 standard for winches used with synthetic web tie downs is available for public comment through September 26, following the Committee's approval of a revision draft
- The T-6 standard for load binders used with chain tie downs is under review by the Committee now; once approved, the revision draft will be made available for public comment

As part of its standards review, the Load Securement Technical Committee is using definitions recommended by the Technical Resource Committee to help ensure commonality among standards and alignment where possible with other industry standards.

Also on the Committee's agenda for the rest of 2022 is a review of the T-4 standard for synthetic webbing used for web tie downs, to see whether revisions are necessary. This is in keeping with WSTDA's operating policies that require each recommended standard to be reviewed at least every five years.

The Committee is holding virtual working sessions this summer, and will meet in-person in Savannah, Georgia on October 4th for its scheduled Technical Committee Meeting. All attendees are invited to attend.

WSTDA's Lift & Secure Magazine to Feature Tech Tips, Ask the Pros

Lift & Secure, a magazine of WSTDA, under the direction of the new WSTDA Editorial Review Committee, adds two new regular features, starting with the spring 2023 issue.

Tech Tips will be a regular feature addressing Recommended Standards published by WSTDA and their interpretation. We'll also highlight unique applications where synthetic web devices are used for lifting and load securement in special conditions. Have an idea to share? Just email TechTips@wstda.com and you may find it featured in the magazine.

Also starting with the spring 2023 issue, a new Ask the Pros feature is based on reader questions. WSTDA's Technical Coordinator Robert Jasany, along with the Technical Resource Committee leadership and other stakeholders, answer questions about synthetic web slings, roundslings and load securement products and their construction, identification, marking, capacity, use, maintenance or inspection. Submit your questions to AskThePros@wstda.com.

TECHNICAL COORDINATOR'S REPORT

Robert Jasany

Testing … Stay Ahead!

WSTDA, through its test programs, as well as individual synthetic web sling and tie down manufacturers have long ago come to realize and accept that break strength values found during routine lot testing can somewhat vary widely even though the product is from the same lot of manufactured goods. This variation has come to be known as scatter. Regardless of this variable manufacturers must ensure that the manufactured product consistently meets or exceeds the minimum break value necessary to achieve the Working Load Limit (WLL) assigned to each specific device.

While the sewing of synthetic web slings and tie downs may appear to be a simple, straight forward operation, a considerable amount of engineering goes into the development of proper stitch patterns in order that the sewn seams perform in such a manner that it holds up to the high forces subjected to it during destructive testing, which is needed to verify the minimum breaking strength of the device. Only when assured of the minimum breaking strength can the Working Load Limit (WLL) be determined.

WSTDA recognizes that seemingly even slight changes in the manufacturing process of synthetic web slings and tie downs may have an unexpected result in the strength performance of the device. This is brought to attention in Section 3.6, paragraph 3.6.1 in the WSTDA WS-1 Recommended Standard Specification for Synthetic Web Slings which reads, in part: "Additionally, this testing shall be completed by the manufacturer when any changes are made to the composition of the sling load bearing webbing materials or manufacturing procedures". Likewise, in Section 3.5, paragraph 3.5.1 in the WSTDA T-1 Recommended Standard Specification for Web Tie Downs which reads, in part: "Additionally, this testing shall be completed by the manufacturer again when any changes are made to the composition of the webbing materials, thread, hardware or manufacturing process".

Today, more than ever before, manufacturers recognize that in order to have an uninterrupted flow of raw materials, components and supplies to meet production needs, they must be open and watchful to supplier changes, material substitutions, engineering changes, etc.. Any changes to outside sourced materials, even seemingly minor, that have been previously tested and qualified can have an effect on the final performance of a product. Also, any change to the sewing stitch pattern, stitches per inch, needle selection, sewing machine assignment, machine condition or a new sewing machine operator can have an effect on the final strength performance of the device.

So, product testing is not a "Once and done" proposition. You are responsible for delivering a quality product that lives up to its performance ratings as shown on the product label, accompanied with your respected company name, no matter what technical changes or conditions that may take place on the shop floor. This can only be assured with a watchful eye on product quality and by staying ahead with regular product testing.

LEGAL CORNER

Gerard Panaro, WSTDA Legal Counsel

Shipper Liable to Truck Driver for Improper Load Securement

Slaton v. Climax Molybdenum Company, a 2021 case from Iowa, presents the issue of whether a shipper owes a duty to a truck driver under state law (in this case, Iowa), to ensure load security despite federal regulations imposing primary responsibility for load securement on the carrier. Given the shipper's knowledge of prior incidents and its almost total control over loading the cargo, the court answered the question in the affirmative, despite the truck driver's having signed a bill of lading which "affirmed" he accepted the load as secured.

These are the legal principles the court applied:

1. The primary duty as to the safe loading of property is upon the carrier.
2. When the shipper assumes the responsibility of loading, the general rule is that it becomes liable for the defects which are latent and concealed and cannot be discerned by ordinary observation by the agents of the carrier.
3. But if the improper loading is apparent, the carrier will be liable notwithstanding the negligence of the shipper.
4. A driver has his/her own duty to inspect the load and ensure it is safe for transport. Imposing a duty of care on the shipper does not absolve the carrier or its driver of responsibility to assure the stability of the load during transport.

The truck driver suffered injuries while carrying a load of molybdenum oxide for Climax (the shipper). He sued the shipper for negligence for causing the accident by securing the load improperly.

The plaintiff arrived at the shipper's facility in Fort Madison, Iowa to pick up a load for transport to Louisiana. The load consisted of 11 bags of molybdenum oxide, each of which weighed 3,900 pounds. Climax (the shipper/defendant) placed the bags down the middle of the tractor trailer. Climax determined that the center loading process would be used and told the driver/plaintiff to bring two straps and leave them in the back of the trailer. Climax had loaded hundreds of loads of molybdenum oxide down the middle of tractor trailers for transport.

Climax's policies and procedures precluded drivers like the plaintiff from observing or participating in the loading process. The plaintiff was directed to a waiting area without a line of sight to the loading dock and told when the load was ready. He relied on Climax to properly load the trailer. The plaintiff had driven approximately a dozen or more similar loads of molybdenum from Climax's facility prior to this load.

The plaintiff did not ask to view the load while it was being loaded. He was told the load was in his tractor trailer after it was loaded. The doors to his trailer were not closed or sealed after Climax finished loading the molybdenum oxide bags. The plaintiff did enough of an inspection of the load to be able to see the securement devices (i.e., straps) that were in place and conclude the load was adequately secure for transport. He did not, however, get inside his trailer to inspect the load. He was unaware that a ladder or mobile station was available to allow easier inspection of the load. The plaintiff relied on Climax (the defendant) to properly load the trailer, including determining how bags should be loaded and what restraints should be applied. He believed Climax employees were trained on these matters. Even if he had entered the trailer, he would not have asked that the load be rearranged or secured differently because he did not believe the loading pattern to be unsafe.

The plaintiff was given a bill of lading which read, in part: "This signature by the Driver affirms Driver's acceptance of the load as secured prior to departure of this shipment and provides verification that this load has been personally inspected by the Driver and found to be properly loaded, distributed, secured, braced and otherwise properly prepared for safe and road worthy transit." The plaintiff said he did not read the "small print" and that he did not have the knowledge or ability to evaluate the load's safety.

As he was driving to Louisiana, the plaintiff's tractor trailer began to roll while it went around a curve. The plaintiff was thrown out of the cab and sustained injuries. His expert witness said the accident was caused by the load shifting during transport, which the expert attributed to a failure on Climax's part to properly load the trailer.

Climax was aware that bags of molybdenum oxide had been damaged in transit on at least three occasions prior to this incident, including a situation two years prior when a load shifted during transit and bags fell off the pallets on which they were placed. The year before, a tractor trailer loaded at Climax's facility overturned while in route to its destination. Climax's initial evaluation indicated the loading pattern was a contributing factor. Climax argued in its motion for summary judgment that subsequent analysis yielded the

conclusion that the center loading process did not cause this accident or the other incidents of load shifting. At the same time, Climax admitted a "change in loading pattern was being discussed" before the plaintiff's accident.

About five months before plaintiff's accident, an outside expert advised Climax on the loading pattern it should use. It also advised the defendant to use other restraints including placing pallets on friction pads to prevent sliding and using dunnage to fill gaps between bags to fix cargo shifting. The defendant, however, did not advise the plaintiff or his employer of the incidents of cargo shifting or the recommendations it received from the outside expert. Climax argued it had "no reason" to inform the plaintiff or his employer of these incidents or recommendations because no one had been injured and Climax concluded other factors such as excessive speed were primarily to blame. Climax implemented the outside expert's recommendations after the plaintiff's accident.

Based on the above, the court ruled that Climax owed a duty of care to the driver. The primary duty as to the safe loading of property is upon the carrier. When the shipper assumes the responsibility of loading, the general rule is that it becomes liable for the defects which are latent and concealed and cannot be discerned by ordinary observation by the agents of the carrier; but if the improper loading is apparent, the carrier will be liable notwithstanding the negligence of the shipper. The court noted that in two other cases, the courts ruled for the shippers when the alleged defect in loading was obvious, the driver had the opportunity to perform an inspection, and the shippers provided no assurances as to safety.

Under Iowa law, which applied in this case, it would be up to a jury to decide the comparative fault of plaintiff and defendant. The court noted that in repeated cases, the Iowa Supreme Court held that whether a plaintiff is aware of an open and obvious danger is relevant to comparative fault but does not negate the defendant's duty. For example, a baseball player's awareness of the risk of being hit by a foul ball did not defeat a school's duty to design the dugout in a safe manner; a plaintiff's awareness of an icy surface did not negate the property owner's duty to maintain its property.

Which party controls the situation is also relevant and important in determining liability for an injury. The court noted that the Iowa Supreme Court has repeatedly and consistently held that the existence of a legal duty depends, in substantial part, on the level of control exercised by the alleged tortfeasor over the events causing injury. "Liability normally follows control."

Applying these rules, principles and precedents, the court found that the plaintiff presented evidence that Climax exercised tremendous control over the loading process. It was undisputed, for example, that Climax unilaterally selected the method of load securement and carried out the physical act of loading the trailer. Moreover, Climax directed the plaintiff – without, it appears, asking for his input – to bring two straps for Climax to use to secure the load and leave them in the trailer. The plaintiff was precluded from having any involvement in the loading process; was required to remain in a waiting area without line of sight to the loading dock; and was not given easy access to a ladder or any other equipment that would have allowed him to closely inspect the load prior to transport.

The Court found it "particularly relevant" that Climax was actively reviewing its method of load securement in the months leading up to the plaintiff's accident, even to the point of engaging an expert to provide recommendations. There was nothing in the record to suggest the plaintiff or his employer were invited to join this review process. This investment of resources, the court said, illustrates Climax's substantial control over load securement. What is more, the court added, Climax had knowledge of a prior rollover accident and other incidents of load shifting that were at least arguably caused by the method of load securement Climax was using. These facts, the court concluded, justified the determination that Climax owed a common law duty to the plaintiff at the time of the accident.

So, to summarize the bases for the court's ruling:

1. The defendant was actively reviewing its method of load securement just before the accident;
2. The defendant had "substantial control" over load securement, to the total exclusion of the driver or carrier;
3. The defendant had knowledge of prior rollover accidents and incidents of load shifting.

Thus: "a duty exists when, as here, the shipper exercises substantial control over the loading process and the defect in load security allegedly arose during that period of control."

LEGAL CORNER

Gerard Panaro, WSTDA Legal Counsel

The bill of lading signed by the plaintiff did not change this conclusion, the court went on. Admittedly, the bill of lading was relevant to the plaintiff's performance of his own duty to assure the stability of the load during transport. But the plaintiff's duty is not so absolute as to wipe out Climax's potential liability for allegedly breaching its duty in a situation where it exercised tremendous control over the loading process.

The court addressed another argument made by the defendant: that the contract between the defendant (Climax) and the plaintiff's employer (Cannon) absolved Climax of its duty to the plaintiff. The contract arguably reiterated the plaintiff's duty to ensure load security, but it did not exterminate Climax's own duty on the same issue. Nor did the defendant cite any case law in Iowa to the effect that a contract between an alleged tortfeasor and the injured party's employer can serve as a waiver or release of any duty otherwise owed by the tortfeasor to the injured party. Finally, the court rejected the defendant's argument that a duty cannot exist given the plaintiff's level of experience and the absence of any overt assurances from Climax to him about load security.

In a victory for the defendant, however, the court did also rule that the defendant was not liable to the plaintiff on a theory of "negligence per se": negligence in itself. One who violates a statute or regulation without excuse is automatically considered to have breached its duty of care and is therefore negligent as a matter of law. For example, if a statute or regulation such as an OSHA standard provides a rule of conduct specifically designed for the safety and protection of a certain class of persons, and a person within that class receives injuries as a proximate result of a violation of the statute or regulation, the injuries would be actionable as negligence per se."

In this case, the plaintiff based his "negligence per se" claim on Federal Motor Carrier Safety Regulations. He alleged Climax failed to comply with Federal Motor Carrier Safety Regulations. The problem with this argument, the court answered, is that the FMCSR imposes obligations on carriers and drivers, not shippers. "It follows that a shipper like Climax does not owe a statutory duty to a driver like Slaton [the plaintiff] that would be cognizable in a negligence per se claim", the court held.

SAVE THE DATE

2023 WSTDA FALL MEETING
AC HOTEL GREENVILLE
GREENVILLE, SC

SEPTEMBER 18-20, 2023

MEMBER NEWS

Ancra Cargo Wins Top Workplace Honor

Ancra Cargo has been awarded a Top Workplaces 2022 honor by Enquirer Media. The list is based solely on employee feedback gathered through a third-party survey administered by employee engagement technology partner Energage LLC. The anonymous survey uniquely measures 15 culture drivers that are critical to the success of any organization: including alignment, execution, and connection, just to name a few. Learn more >>

www.ancracargo.com

Ashley Sling Celebrates 30th Anniversary

Ashley Sling, Inc., Atlanta, GA celebrates its 30-year anniversary in 2022. Since its 1992 opening, owners and brothers Greg, David and Mike Ashley have followed in their father Robert's example from his industry experience. With locations in Atlanta, Charlotte, Columbus (MS), and Knoxville, Ashley Sling has become a leading wire rope and rigging fabricator. Learn more >>

Submitted by: Ashley Sling, Inc., www.ashleysling.com

CM Chain & Rigging Engineering Team

Celebrating WINS at Olive Garden!!!!

Never pass up a chance to praise good work. I am super proud of all our team accomplishes.

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This is what 150 years of CM experience looks like.

Submitted by: Columbus McKinnon Corp., www.cmworks.com

Van Beest Group granted the Royal title upon its 100th anniversary

Van Beest Group, parent of WSTDA Member Van Beest B.V., Houston, TX, USA, has been granted a royal title upon its 100th anniversary by the Dutch King's Commissioner Jaap Smit. To accompany its new Royal title, Van Beest has a new logo featuring a crown with its registered trademark company name. Learn more >>

Submitted by: Van Beest B.V., www.vanbeest.com

Yoke Digital Product Line

YOKE Industrial Corporation has launched its YOKE Digital Product Line, comprised of chip-enabled chain, wire rope, and synthetic lifting products manufactured by YOKE and its partners. User instructions, manufacturer details, product traceability data and inspection/ maintenance information is accessible through the NFC function on most mobile telephones and devices. Learn more >>

Submitted by: Yoke Industrial Corp., www.yoke.net

Bishop Lifting Products Acquires All-Lifts, Inc. and Expands Their Reach into the Northeast

Bishop Lifting Products, a portfolio company of Altamont Capital Partners, announced today the completed acquisition of All-Lifts, Inc., headquartered in Albany, New York. All-Lifts was founded in 1966 and has been owned and operated by the Dewey family since 1978. Since then, the company has grown into a leading fabricator of wire rope slings, synthetic slings, alloy chain slings, and below-the-hook lifting devices. Following the closing, Brian Dewey will assume a leadership role at Bishop Lifting Products. Learn more >>

Bishop Lifting Products, Inc.
www.Lifting.com

Submitted by: Bishop Lifting Products, www.lifting.com

YOUR NEWS CAN BE IN OUR SPRING ISSUE

The Member News section focuses on timely updates on WSTDA-Member organizations: company announcements, new employees/promotions, awards given or received, acquisitions/mergers, and the like. Member News is not meant for commercial/ product/service/sales announcements.

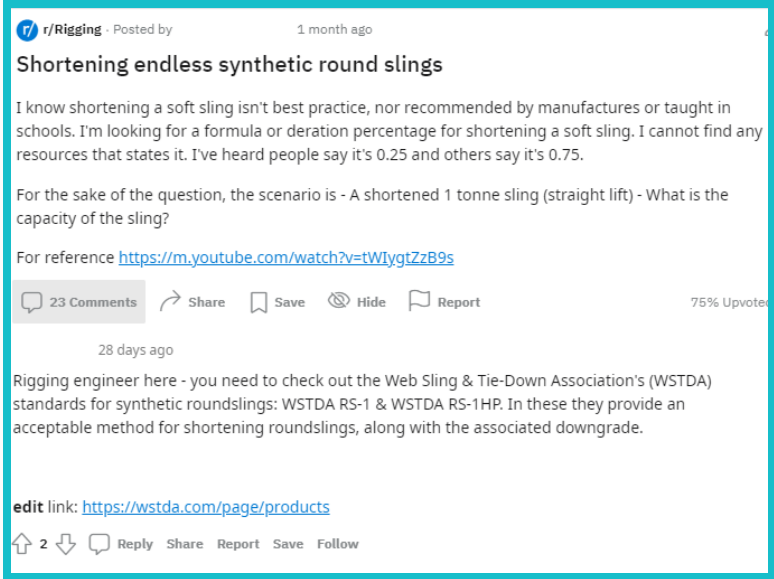
Submission Guidelines:

- Limit one submission per company
- Press release/announcement must be in Word format
- Word count limit is 200 words and WSTDA retains the right to edit
- May include a hyperlink to member's website/press release, etc.
- Company logos and photo(s) may also be submitted, but are limited to space availability

Keep an eye our your mailbox on how to submit your news in early 2023!

SEEN ON REDDIT...

Thanks for spreading the word on WSTDA Recommended Standards!



WSTDA MEMBERSHIP

Every day around the globe, goods and materials are hoisted, lowered and carried by slings made from synthetic web. Synthetic web is also used for tie downs used to restrain cargo.

The Web Sling & Tie Down Association (WSTDA) is the largest non-profit technical organization dedicated to the safe operation of all synthetic web slings and tie downs. Comprised primarily of sling and tie down manufacturers, WSTDA membership also includes fiber suppliers, weavers, testing companies, government enforcement agencies and other interested parties from countries around the world. WSTDA is recognized internationally, with members from the United States, Canada, Mexico, Europe, Asia and the Middle East.

The WSTDA's core mission is the development and promotion of voluntary Recommended Standard Specifications covering the most common synthetic web lifting and tie down products. The current Standards cover construction, selection, use and maintenance of Synthetic Webbing, Thread, Web Slings, Round Slings, Tie Downs and Chain Binders.

If you manufacture or distribute synthetic web products to hoist, lower, carry or restrain cargo, membership in the Web Sling & Tie Down Association is vital to your business.

KEY BENEFITS

- Active participation in technical committees
- A forum for education & networking
- Access to all WSTDA products & services at deeply-discounted member pricing
- WSTDA Scholarship Program
- WSTDA Lift & Secure Magazine
- Participation in LinkedIn Group
- WSTDA Meetings
- Industry Standard/Publications

Visit our membership section of our website to learn more and join today!

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