



# UPLIFTING NEWS



NEWS FROM THE WEB SLING & TIE DOWN ASSOCIATION

SPRING 2026





# PRESIDENT'S MESSAGE

**JOHN KETCHUM, I & I/SLINGMAX RIGGING SOLUTIONS**

Welcome to 2026 and to the first issue of Uplifting News in the New Year!

Following our Fall meeting in Toronto, I stepped into the role of President of this Association—an honor and a responsibility that I take very seriously. I am grateful for the trust you have placed in me and mindful of the work of those who came before. In particular, I would like to thank Trevor Waycott for his leadership over the past two years. Under his guidance, the Association experienced continued growth and success, and during my tenure I hope to build upon the strong foundation established by my predecessors.

Our Association has always been more than an organization. It is a community—one united by shared values, professional commitment, and the belief that we are stronger together than we are alone. In a time of rapid change within our professions, our industries, and our communities, that sense of connection has never been more important. It is through collaboration, thoughtful dialogue, and mutual respect that we continue to move our work forward.

The work our Association performs does not happen in isolation. We thrive because of the dedication of volunteers who serve on the Board and Technical Committees, who contribute their expertise, review drafts, and mentor new participants. We thrive because of members who believe that good writing—and the standards that support it—matters. I am deeply grateful to our Board, our staff, and every individual who contributes time, energy, and insight to this shared endeavor.

We have also experienced several recent changes within our management team at Stringfellow Management Group (SMG). Kathy DeMarco, who devoted 14 years to the organization as Executive Director, has transitioned into another role within SMG. I would like to sincerely thank Kathy for her many contributions and her unwavering commitment to the Association. At the same time, I am pleased to welcome Daniel Whitehead as the new Executive Director of WSTDA. Daniel has been an integral part of our organization for 4 years, and I am confident he will excel in this role.

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In addition, I would like to introduce two new members of the SMG team who will be supporting WSTDA: Lisa Davidson (LD), Associate Director, and Allison Forsythe, Director of Standards. Please take a moment to welcome them when you have the opportunity. As always, we also recognize and appreciate the ongoing contributions of Cynthia Sanchez, Director of Meetings, and Kristin Evans, Program Manager, whose continued support helps keep our Association moving forward. We truly could not accomplish all that we do without our management team, and we are excited about what these new additions will bring.

This spring, we will gather in May in Scottsdale, Arizona, for our Annual Meeting. The Scottsdale Plaza Resort is a wonderful venue, and I hope to see many of you there. Looking ahead to the fall, we are equally excited about our meeting in Cologne, Germany. This promises to be an exceptional event, and I encourage you—if possible—to extend your stay and enjoy some personal time exploring this beautiful region of Europe.

As we look to the future, I invite you to remain engaged, ask questions, challenge assumptions, and help shape the evolution of our standards. Together, we can ensure that our Association remains a trusted steward of quality writing—now and for generations to come.

Thank you for your confidence, your commitment, and your continued partnership in this important work. Please enjoy this issue of Uplifting News.

  
John Ketchum  
WSTDA President

# WSTDA BOARD NOMINATIONS

**LEAD THE INDUSTRY FORWARD:  
NOMINATE YOURSELF FOR THE WSTDA BOARD**

Six open Director positions on the Member-elected WSTDA Board of Directors are open for nominations through April 18, 2026. Five positions carry a two-year term, and one position carries a one-year term.

Serving on an industry trade association's Board of Directors allows you to be part of shaping the future of your field while expanding your professional network. You'll have a direct hand in supporting the establishment of industry standards and driving key initiatives, enhancing both your leadership skills and career connections. Board service offers a rewarding way to give back to the industry.

John Ketchum, WSTDA President, has appointed the 2026 Nominating Committee to recruit incumbent and new nominees and report a list of nominees to the Membership prior to the 2026 Annual Meeting elections. The Committee is comprised of Binay Patel, Avient Protective Materials; Paul Foret, Arabi Sling; and Rob Snyder, Doleco USA.

According to WSTDA policy, principal and alternate representatives of any Regular or Associate Member organization that is in good standing are eligible to serve on the Board of Directors.

If you would like to nominate yourself for election to the Board of Directors, WSTDA makes available an online form to submit a Board of Directors Application. Applications will be reviewed by the Nominating Committee and must be submitted no later than April 18, 2026 to be considered for the 2026 election slate.

[DOWNLOAD THE BOARD OF DIRECTORS AND OFFICERS QUALIFICATION & RESPONSIBILITIES](#)

[APPLY FOR THE WSTDA BOARD OF DIRECTORS](#)



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## Board of Directors

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*Association Coordinator*

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# 2025 FALL MEETING: A TIME OF TRANSITION IN TORONTO

The WSTDA Fall Meeting, held October 6–9, 2025, in Toronto, Ontario, brought members together for four productive days of technical exchange, governance, and meaningful transition.

The meeting featured a full slate of programming, including Technical Committee Meetings, Technical Sessions, and Keynote presentations that reflected both the depth of expertise within the Association and its forward-looking focus.

Educational highlights included Testing, Load Securement, Roundslings, Web Sling, and Sling & Tie Down Protection Technical Sessions, along with two keynote presentations by David Chalk exploring the practical and ethical implications of artificial intelligence for industry and decision-making. These sessions encouraged thoughtful discussion with a focus on real-world applications.

A special moment of the meeting recognized long-standing service and leadership. Greg Babinchak stepped down as Chair of the Roundslings Technical Committee after 30 years, marking the end of an era. Mandy Masters transitioned into the Chair role, continuing the Committee’s work into the future.

The Fall Meeting also marked a leadership transition, as Daniel Whitehead assumed the role of Executive Director at the conclusion of the meeting, with Kathy DeMarco transitioning to Management Liaison. John Ketchum also transitioned into the role of WSTDA President following Trevor Waycott who assumed the role of Immediate Past President.

The meeting concluded with a tour of Unirope, Ltd., where attendees experienced the inner workings of a long-standing company in the industry. Sincere thanks go to Scott Fleming for generously hosting the group and making the visit a memorable close to a successful meeting.



## THANK YOU TO OUR 2025 FALL MEETING SPONSORS



# 2026 WSTDA ANNUAL MEETING

## SHAPING THE FUTURE OF OUR INDUSTRY — TOGETHER IN SCOTTSDALE



Gain valuable industry insights and expand your professional network: don't miss your chance to be part of the conversations that drive our industry forward.

Get ready to gather in the stunning Sonoran Desert for the 2026 WSTDA Annual Meeting, happening at the Scottsdale Plaza Resort & Villas May 18-20, 2026. Our premier spring event will bring together leaders, innovators, and technical experts from across the industry. Nestled beneath the purple peaks of Mummy Mountain, The Scottsdale Plaza Resort & Villas offers an ideal setting to connect, learn, and recharge in a relaxed, scenic environment.

Whether you're looking to contribute to standards-writing efforts, stay ahead of industry developments, or simply reconnect with colleagues, this year's Scottsdale meeting promises an energizing and meaningful experience for all. We look forward to welcoming you to Arizona in May!

**TECHNICAL COMMITTEES**  
Open-forum discussions on industry challenges, standards development, regulatory updates and testing insights.

**EDUCATIONAL PROGRAMS**  
Enriching sessions designed to deepen your knowledge and sharpen your expertise.

**NETWORKING**  
Connect with industry colleagues in a relaxed, collaborative desert setting.



**OFFICIAL HOTEL**  
**Kimpton Miralina Resort & Villas**  
WSTDA has negotiated special discounted room rates — available for up to three nights before and after the meeting dates, based on availability.

*Your patronage of the official WSTDA meeting hotel helps keep registration fees low for all attendees.*

[REGISTER NOW](#)

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# WSTDA SAFETY BULLETIN QR CODES

## ARE YOU USING THIS FREE WSTDA MEMBER BENEFIT?

WSTDA launched a **modern and cost-effective** way to distribute WSTDA Safety Bulletins—and we want to make sure you're making the most of it!

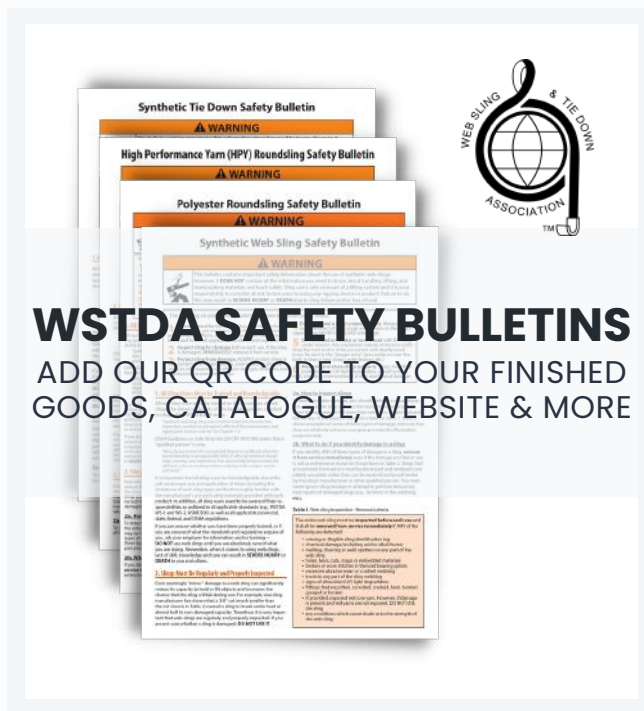
As a **current WSTDA member**, you have **free access** to a unique **QR code** that can be placed on your finished goods, catalogs, website, and more. This QR code gives your customers instant access to WSTDA-copyrighted Safety Bulletins in **English, Spanish, and French**—anytime, anywhere!

- **No cost to you** – It's included with your annual membership dues.
- **No cost to your customers** – They can view/download the bulletins instantly.
- **More ways to share safety information** – Printed Safety Bulletins are still available for purchase, but this QR code offers a convenient digital option to ensure WSTDA safety guidance is always at hand.

### Ready to get started?

[Click here](#) to fill out our online form and review the Terms of Use. Once submitted, you'll receive a personalized Terms of Use document to sign, and then we'll send you the QR code in multiple digital formats.

Make sure your customers have instant access to **vital safety information**—sign up for your QR code today!



**WSTDA SAFETY BULLETINS**  
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# WSTDA SCHOLARSHIP PROGRAM

## APPLICATION DEADLINE IS JUNE 1, 2026

Since its creation in 2013, the WSTDA Scholarship Program has served as a meaningful way for the Association to give back to the industry and support the educational advancement of its member community. The program provides merit-based scholarships to help offset educational expenses for qualified students pursuing studies at accredited colleges, universities, or technical institutions.

Each year, WSTDA presents two \$3,000 awards, one supporting a traditional college or university path and one dedicated to students attending technical or trade programs. These awards recognize applicants who demonstrate strong academic performance, meaningful community involvement, extracurricular engagement, and thoughtful responses to short essay questions. The program is open to employees of WSTDA member organizations and their legal dependents across the U.S. and Canada. With an annual application deadline of June 1, members can encourage eligible students to apply for this valuable benefit and help broaden the reach of the program.

As the industry continues to evolve, WSTDA remains committed to empowering the next generation of leaders, innovators, and contributors to our field. If you know an eligible student or would like to support the program, we encourage you to share the opportunity and help continue this tradition of industry stewardship.

Visit [our website](#) for full details.

### Spread The Word: Share This Opportunity!

We invite you to advocate for our Scholarship Program within your organization. Utilize our official Scholarship Flyer, available for download, to share information through professional channels such as email distribution, display on company bulletin boards, or inclusion with employee pay stubs. Your collaboration in spreading awareness of this valuable opportunity is essential in fostering educational advancement. Together, let's empower our workforce through education. [Download Flyer](#)



**SCHOLARSHIP PROGRAM 2026**

**ABOUT THE SCHOLARSHIP**  
The WSTDA Scholarship Program seeks to give back to the industry and provides a valuable benefit to WSTDA members. This year WSTDA will be presenting two \$3,000 merit-based awards to help offset educational expenses, one for each award type below:  
• College/University Award  
• Technical Career/Trade Educational Institution Award

**AWARD ELIGIBILITY**  
✓ Employee or legal dependent of a WSTDA member company in good standing in the U.S. or Canada. May not be associated with current WSTDA Scholarship Committee members.  
✓ Applying for or attending an accredited two-year or four-year college/university OR an accredited technical career/trade educational institution in fall of 2025.  
✓ Registered or planning to register as a full-time student as defined by the college or university.  
✓ Has not previously received a WSTDA Scholarship.

**APPLICATION PROCESS**  
**Deadline:** June 1, 2026  
**Employees and/or their children** may apply.  
**Open Enrollment:** this program is not limited to first-time or first-year students.  
[Scan or visit](#)  
[wstda.com/scholarship](#)

☎ (415) 600-1010 📍 2321 Ross Spring Road, Newark, NJ, 07102 📧 [info@wstda.com](mailto:info@wstda.com)



### How to support the WSTDA Scholarship Program

[Donate today](#) in support of the WSTDA Scholarship Program! The program is currently funded entirely by the WSTDA operating budget. All donations are applied to offset program awards and expenses. 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

We continue to complete review of WS-1. We are now hoping to have the review and final changes completed by mid-year. We are referring to the newest revision of WSTDA RS-1HP standard to ensure that we cover areas we may have overlooked, and to maintain consistency.

Our WSTC regular (four to five times annually) Zoom meeting continues to be beneficial in accelerating our reviews and updates to the standards. We will have one more committee meeting prior to our meeting in Scottsdale.

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](mailto:bhancuff@carolinawebbing.com)

Chairman, WSTC

Fred Ambli [fred@liftpro.com](mailto:fred@liftpro.com)

Co-Chair, WSTC

## TESTING TECHNICAL COMMITTEE

CHAIR: SAM SOCOLOW & CO-CHAIR: TROY RAINES, JR.

The Testing Technical Committee has completed all of its assignments. In our previous update, we mentioned that the TM1 Strength & Elongation Recommended Test Method for Sling & Tie Down Webbing standard had been approved for public review by both the committee and the board. During the public review period, we received no comments or feedback, allowing the TM-1 standard to advance to its final stages for printing and release. I would like to express my gratitude to all committee members for their dedication and hard work in successfully completing the review of this standard. We look forward to receiving new assignments from the other committees in the future.

# COMMITTEE REPORTS

## ROUNDSLING TECHNICAL COMMITTEE CHAIR: MANDY MASTERS & CO-CHAIR: DAVID SCHULTZ

It is an honour to step into the role of Chair of the WSTDA Roundsling Technical Committee, following Greg Babinchak's many years of dedicated leadership and service to the industry. I would like to thank Greg for his commitment and contributions, which have helped position the committee for continued progress and relevance.

The Roundsling Technical Committee held its first meeting under my leadership on November 18, 2025, with strong participation and engagement from committee members and WSTDA staff.

A key update provided during the meeting was the progress of RS-1, which is nearing completion and expected to move to the Board of Directors for approval, followed by a 45-day public comment period. This represents an important milestone for the committee and the industry. The committee also began review of RS-2.

Looking ahead, the committee discussed opportunities for technical sessions at the Spring 2026 Annual Meeting in Scottsdale, Arizona. Several potential presentations are being explored, including topics related to high-performance yarns, vehicle recovery applications, and soft shackles.

The Roundsling Technical Committee remains committed to open discussion, consensus-based decision-making, and the development of practical guidance. I look forward to working closely with this highly engaged group as we continue to advance the work of the committee.

### Have you recently learned a handy new tip that can also help your peers?

Share your tip using the QR code and help us promote knowledge sharing throughout the rigging and load securement industry.

You may just find your tip featured in an upcoming issue of Lift & Secure!

TECH TIPS



ASK THE PROS



### Do you have a burning question? Perhaps a long standing debate? Or an open inquiry from the field?

Use the QR code to send us your question and we'll ask the experts serving on WSTDA's technical committees to chime in on your question. You may just find an answer in an upcoming issue of Lift & Secure!

# COMMITTEE REPORTS

## LOAD SECUREMENT TECHNICAL COMMITTEE CHAIR: TIM SANDERS & CO-CHAIR: CORY KRONEBUSCH

At the Fall meeting in Toronto, the committee presented real world examples of improper load securement encountered by roadside enforcement officials. The intent was to educate attendees on how products may ultimately be used in the field, potential interpretations of standards and regulations, and the importance of considering this when creating and revising standards as an association.

The committee has also:

- Reviewed and updated the T-4 Recommended Standard for Tie Down Webbing. T-4 is now going through the Board of Directors review and public comment process prior to publication.
- Harmonized language for Tie Down Standards regarding test data retention to align with other standards in the association.
- Reconfirmed the T-5 Recommended Standard For Interior Van Securement. This standard is in the queue for review and consideration by the FMCSA for possible mention in CFR49. By reconfirming this standard at this point without substantive changes it should facilitate a more timely review by FMCSA. This standard reconfirmation has also been submitted to the board for approval.
- Started discussions around the use of cargo nets for load securement and the potential need for more language in existing standards, or possibly the need for creating a new standard.

The committee is currently ahead of schedule for regularly scheduled standard review which allows us some bandwidth to continue the discussion around cargo nets and pursue additional recommendations around this category as needed.



# 2026 FALL MEETING COLOGNE, GERMANY

Sept. 28- Oct. 1, 2026

## Moving Ahead

The review and periodic updating of WSTDA Recommended Standards is a top priority of our Technical Committees and now, with eleven standards and three Operating, Care and Inspection Manuals, you can bet they keep busy. Years ago, with fewer publications, the Technical Committees did their work at the semiannual General Membership Meetings of the Association. Now, that grinding work is accomplished with the committees meeting virtually six or more times per year. This leaves more available time to have speakers and technical discussion topics at our semiannual in person meetings.

So where do all these meetings leave us pertaining to our standard's updates? Well, good news on that matter. You may have already seen that the update to the TM-1 2025 Strength & Elongation Test Method Standard has been recently published and as of the writing of this report, the T-4 (Webbing Used for Tie Downs) and the T-5 (Interior Van Securement Devices) have been sent out for the 45 day Public Review & Comment Period. Public responses to the review will then be considered by the Load Securement Technical Committee with appropriate action taken with each of the two documents.

Now that takes us to WS-1 (Synthetic Web Slings). This standard, now in its sixth review and update, was the first standard published by the Association in 1978. The update to this 2015 current edition has not been forgotten or put on the back burner so to speak. The Association along with its Technical Committees prides itself on delivering the best recommended product standards having the latest accurate and useful information. While the review and update to this standard is still in the hands of the Web Sling Technical Committee, it is near finalization and expected to be released for Public Review & Comment Period by the end of the second quarter, 2026.

How about the RS-1 2019, first published in 1994, Polyester Roundslings update? As of this report, the Roundsling Technical Committee has approved a final draft of the fourth revision to this standard. Upon completion of the formatting and review by the Board of Directors, this document will be sent out for the 45 day Public Review & Comment Period which is expected to take place in March, 2026.

The review and update of our Recommended Standards as well as our Operating Care & Inspection Manuals are no easy or speedy assignments for our Technical Committees. Commonly it can take a year or considerably longer to complete the task. It's complicated and time consuming due to there being multiple documents under each Technical Committee's responsibility. Additionally, it is common place that a good number of committee members serve on two or more of the various Technical Committees. Fortunately WSTDA has dedicated members serving on the committees, willing to give their time and expertise for the betterment of the industry and their employers who support that effort through their company membership and cooperation.

## WSTDA WEBSITE FEATURE: MEMBER PROFILES



WSTDA Member organizations are urged to create their own Member Profile at [www.wstda.com](http://www.wstda.com). A Member Profile is a concise, informative piece with photos, outlining your business, customers, facilities, personnel, and special activities.

All Regular, Associate, and Affiliate Members are invited to fill out a short form, enabling WSTDA staff to craft a Member Profile for your company. Feel free to include photos. To secure a spot for your company's Member Profile feature, promptly complete and submit the form today.

[Check out existing profiles >>](#)

### Legal questions, issues to consider in accreditation programs

For many years now, the WSTDA board has considered establishing an accreditation or certification program. Currently, we are in discussions with the Lifting Equipment Engineers Association (LEEAA) about the possibility of a WSTDA sponsored accreditation program for the synthetic web sling industry. The reasons are to continue to advance WSTDA's mission to improve the safety of synthetic web products on the market; help users clearly identify makers of products on the market that meet recommended standards and best practices; and sending a "signal" to the marketplace about those firms who earn and maintain the credential, as a way for accredited firms to combat counterfeiting. The program would be for WSTDA members and nonmembers (although nonmembers would be charged a higher fee) and completely voluntary.

An old (1987!) case involving Underwriter's Laboratories, a burglary alarm installation company and a jewelry store who bought a UL-certified system but was nevertheless robbed and lost over \$700,000 illustrates some of the legal and practical issues and risks involved in accreditation or certification programs, *Peacock's, Inc. v. Shreveport Alarm Co., 510 So.2d 387 (Ct.App.La. 1987)*. A jury originally awarded the jewelry company a little more than \$2.6 million in damages, but the court reduced this to a little under \$700,000. Although the case is almost 40 years old and involves a jewelry store, it has lessons relevant for WSTDA in 2026.

*Some of those lessons are:* You have to be very careful and precise in defining exactly what the accreditation program will or will not do; issuing a certificate may not be enough; the accrediting organization may be required to do follow up and provide some mechanism either for correctly deficiencies in the certificate or withdrawing the certificate; a disclaimer of liability will not do

any good vis-à-vis any entity who is not a party to it; third parties, such as users or customers will be entitled to rely upon the representations made by the accrediting body. Where there is no duty to act, there is no liability; but where a party voluntarily assumes a duty to act, it must act in a non-negligent manner.

In the *Peacock case*, the police determined the burglar alarm system had been professionally compromised or negated by the burglars attaching a "black box" electronic device to the telephone line dedicated to the silent alarm system. Peacock wanted an Underwriters Laboratories, Inc. certified AA alarm system because the UL certificate allowed Peacock to get insurance at a lower premium. Shreveport Alarm Company certified, installed, serviced, and monitored the system at the store. Shreveport was an approved "installing company" of UL and was authorized by UL to certify on a UL certificate the "class" of the alarm system it installed for a customer in compliance with requirements established by UL. The UL certificate on the customer's system stated that if UL determined from field inspections of representative installations that the system had been incorrectly certified or did not conform to UL requirements, the system would be corrected or the certificate cancelled. At some point (before the burglary), the silent alarm systems installed by Shreveport Alarm at the Peacock store did not conform to UL requirements for a Class AA system.

In this case, the court found that UL had a duty of care to Peacock which UL breached. While conduct that causes or contributes to the injury to another does not impose liability where the defendant has no legal duty it owes to the plaintiff, if the defendant does have a legal duty and violates it, then the defendant will be liable. A defendant's duty may arise out of a legal or conventional relationship to the

plaintiff. The determination of whether a duty exists as a result of the relationship between the parties must be made on a case-by-case basis.

The managing engineer of UL's Burglary Protection and Signaling Department testified that UL began testing components of alarm systems to assure three things: safety, reliability and effectiveness. UL also discovered that a good piece of equipment was not necessarily reliable unless it was properly installed and maintained. And "that is the heart and soul" of UL's certificate service, the engineer testified: not only must you have good equipment, but it must be properly installed and properly maintained.

*What the UL certificate said.* The UL certificate covering the jewelry store alarm read:

This certifies that the Installing Company [Shreveport Alarm Company] is listed by [UL] as furnishing the above mentioned system and is authorized to issue this certificate to the equipment described hereon as its representation that such equipment and all connected wiring and devices is in compliance with requirements established by [UL] for the class.

It also had a disclaimer:

[UL] conducts countercheck field inspections of representative installations of the installing company [Shreveport Alarm Company], but assumes no liability for any loss which may result from failure of equipment, incorrect certification, nonconformity with requirements ... If an installation is found not in conformity with requirements, it shall be corrected or the certificate is subject to cancellation.

UL charged alarm companies for each listing application, for each certificate issued, and for the cost of UL's follow-up inspections. The alarm companies obviously included and incorporated these expenses into their cost of operation and charges to their customers, the court wrote.

*Disclaimer ineffective against one with no knowledge of it.* UL argued the disclaimer quoted above and the language on the UL certificates (which sought to disclaim responsibility if an installation was found not in conformity with UL requirements) absolved it of any liability to the jewelry store. But the court rejected this argument: "Because neither disclaimer is in a contract to which Peacock's [the jewelry store] was a party, we readily distinguish this case from the many cases cited by UL upholding limitations of liability that were agreed upon by contracting parties." The court added: "Moreover, the disclaimer language on the certificate must be read in conjunction with the language which immediately follows it: 'If an installation is found not in conformity with requirements, it shall be corrected or the certificate is subject to cancellation.'" "This language expressly recognizes and reiterates UL's duty either to cause the nonconforming system to be corrected or to cancel the UL certificate", the court found. "UL's inspections failed to fulfill that duty."

UL also argued that Shreveport Alarm, and not UL, was obligated to correct the customer's system or cancel the certificate. But the court rejected this argument as well because, it noted, according to UL's own description of its "follow-up inspection program," it is UL that undertakes inspections to verify and require that the alarm company conform to UL standards. A UL employee testified that the follow-up inspection program is what made the UL certificate meaningful to insurance companies and to alarm company customers who were expected to rely on the UL certification.

The court found that "certainly" if UL had conducted a reasonable inspection of the two Peacock's stores it admits it visited in 1982, or of Shreveport Alarm either in 1981 or 1982, the UL approved Class AA systems at the three Peacock's stores would not have continued as Class AA systems until the day of the burglary. The language in the certificate did not disclaim UL's obligation to require Shreveport Alarm to conform to UL standards and did not support UL's position that as a matter of law it owed no duty to the jewelry store.

Everyone agrees, the court stated, that UL did not obligate itself to anyone to guarantee that a burglary of the jewelry store could not occur. But it must also be conceded, the court continued, that burglary was the precise risk that the UL approved alarm system was intended to protect against. The opinion also noted that to fulfill UL's corporate purpose, its participating insurance companies relied on the UL certificate and offered reduced premium rates to businesses that had the certificate. Premiums were reduced because the insurance companies expected, and perhaps statistically proved, that the UL approved Class AA certificate on an alarm system would substantially reduce the risk of loss from a burglary. "It is altogether logical and reasonable that the store owner," therefore, "who either desires, or is a potential customer for, theft insurance, should expect the exact same thing that his insurance company expects", the court wrote.

*Duty to perform in a reasonable manner.* UL had a duty to Peacock to perform in a reasonable manner, the annual and random inspections it actually undertook to perform and report its findings either or both to Shreveport Alarm and to Peacock's. The fact that the burglars acted intentionally and in disregard of law does not negate UL's general duty to perform its undertaking in a reasonable manner", the opinion stated.

The negligent performance of conduct intended to protect another against the risk of criminal misconduct, even gratuitously undertaken, may create liability." The Peacock decision cited other cases to the effect that "the determination of the extent of the duty of a particular defendant must be decided upon careful analysis on a case by case basis and not upon the 'rule' of a particular case."

*"Foreseeability" as a factor in determining liability.* The decision also addressed the issue of "foreseeability": was the harm foreseeable? "While foreseeability is not the rule for determining how far a duty extends, it is a factor to be considered in associating the duty that is urged with the risk of the harm suffered." If UL did not conduct the inspections it undertook in a reasonable manner, then it is imminently foreseeable or expected that both the insured store and the store's insurer would suffer injury from the burglary. No social, economic, or practical policy reasons are suggested to us which might tend to excuse UL from its duty to reasonably perform its inspections in these particular circumstances", the opinion concluded. UL could easily have learned and should have known that Shreveport Alarm's UL Class AA approved system for Peacock's did not conform to UL standards because of the circumstances detailed in the opinion.

Therefore, the court concluded, UL is liable in tort, not because the UL approved Class AA system of an alarm company in a customer's store was successfully compromised by professional burglars, but because UL, having undertaken two annual inspections and some random inspections, negligently failed in those undertakings to discover and report that the system that was compromised did

# LEGAL CORNER

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not meet UL's standards for a Class AA system in time for the system to have been upgraded or in time for the customer to have taken other measures to afford more protection against the risk of a burglary. UL additionally represented that all Peacock's Shreveport stores met the UL approved Class AA requirements.

UL's own engineer acknowledged the worth or meaningfulness of the UL certificates, not only to insurance companies, but to persons in retail businesses, who relied on the certificates as indicative of a reliable alarm system. Peacock's vice-president considered that Peacock's stores would be "completely" protected by the highest UL approved classification because Peacock's needed that classification to purchase the desired insurance coverage.

*Disclaimer ineffective.* The court rejected UL's argument that the disclaimer language in its certificates legally precluded a jury from finding that the jewelry store was justified in relying upon the representations of UL employees and in the certificates about UL's "approval" of the Shreveport Alarm Company's alarm systems in the three Peacock's stores. It was reasonable for the jewelry store to rely on the representations of the UL certificates and the UL employee that the alarm systems at the store were Class AA systems that met with UL approval within a few days or weeks after the UL employee made the random inspection in July 1982, before the burglary.

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## YOUR NEWS CAN BE IN OUR FALL 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.

