



# UPLIFTING NEWS



NEWS FROM THE WEB SLING & TIE DOWN ASSOCIATION

SPRING 2024





# PRESIDENT'S MESSAGE

*Trevor Waycott, Stren-Flex, LLC*

I am honored to be President of WSTDA. I have worked for WSTDA Member companies going back thirty years now, and have attended meetings regularly since 2007. I have served on the Board of Directors since the spring of 2014 where I have been fortunate to have worked with so many dedicated volunteers that have continued to evolve this great association. I want to thank Mandy Masters for her many contributions and navigating us through some challenging times during her tenure as President. I have big shoes to fill but I am up to the challenge.

As the world stopped in early 2020, it made us find ways to continue progress. Virtual meeting platforms like Zoom allowed our committees to meet more frequently to review and improve standards like never before. Now that our recommended standards are being reviewed and updated by our committees virtually, in most cases monthly, it has given us an opportunity to change the format of our in-person meetings to add content and value for the membership.

We started these changes over the past few meetings with a more streamlined schedule, adding one or more educational sessions and more networking opportunities. From inspirational speakers and economists to experts that have opened our minds to sustainability and how we can improve the world we live in, we have tried to enrich the content for our members. The less formal seating arrangements during the committee meetings have been an attempt to make our general membership feel included in the conversations. The meetings are now updates from our committee chairs on the progress they have made with standard reviews and can involve experts to come in and discuss pertinent topics.

When I started attending WSTDA meetings, I found it difficult to share my thoughts and experiences until I was able to get involved by joining a couple technical committees. The meetings become much more enjoyable when you get into the inner circle, but it's difficult when you're watching from the sidelines with knowledge and ideas, but don't have a platform to share your thoughts and insights. For the ones that aren't on the committees who have attended the in-person meetings in the past, watching the "shoulds" and "shalls", hopefully you see this new changing format as an improvement.

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I encourage everyone to get involved by joining a technical committee, applying to become a board member, and, as importantly, attending an in-person meeting if you haven't been to one recently. This Spring, May 20-23 we will be in beautiful Costa Rica at the breathtaking Los Suenos Marriott. In the Fall we will be in Charlotte Harbor, Florida, September 9-12. This is your chance to make a difference. When registering for our meetings remember to look at many meeting sponsorship opportunities and don't forget to donate to our scholarship fund. A very big thank you to all who do sponsor and donate!

In 2023 we celebrated our association's 50th anniversary. I'm excited to see what the next 50 years have in store for us! Hope to see you in the Costa Rica.

# WSTDA ANNUAL MEETING

## HEADS TO PLAYA HERRADURA, COSTA RICA

Discover innovations in the synthetic lifting and load securement industry amidst the rainforests and beaches of Playa Herradura, Costa Rica! The daily Schedule of Events has been adjusted, to deliver the perfect blend of technical education, networking opportunities, and family-friendly fun on the Green Coast of Costa Rica!

Kicking off with welcoming reception and dinner event on Monday, May 20, we've packed a full program into two half-days on Tuesday and Wednesday, closing out with a celebratory lunch before you hit the beach, the rain forest, the links, the spa, or one of the many group tour options you can select!

This year's featured Educational Session: a mock legal deposition, based on a real-world product liability case involving the failure of a synthetic lifting device, and associated manufacturers' warnings for those products. Prepare to be informed on legal proceedings, safety protocols, and risk management for all synthetic lifting and load securement industry stakeholders.

Each of the WSTDA Technical Committees has also prepared a Technical Session, on topics recommended by the members and from within the Committees. The WSTDA Board and certain Committees will also hold invitation-only meetings during the event.

Los Suenos Marriott Ocean & Golf Resort, our host, is surrounded by rainforest and situated on a beachfront, offering on-site golf, spa, eco-tours, kayaking, dining, entertainment and more. To assist our guests traveling into San Jose International Airport (SJO), WSTDA has arranged for reservation of convenient transportation service and group tour options, through our preferred vendor.

[Learn more and register today!](#)



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# WSTDA RECOMMENDED STANDARDS REVISIONS: UPDATES

WSTDA policy provides for periodic, planned review of all recommended standards. The current edition dates shown below refer to the date of last published revision. All standards and warnings are considered current until such time as they are revised or revoked.

## Revisions Currently Pending Publication:

**RS-1HP** (*Recommended Standard Specification for High Performance Yarn Roundslings*, 2016), led by the Roundsling Technical Committee

## Revision Drafts Currently Available for Public Comment:

**WSTDA-WB-1** (*Recommended Standard Specification for Synthetic Webbing for Slings*, 2015). The Committee is seeking public review and comment on draft revisions through February 24, 2024. Download the revision draft [here](#), and submit your comments [here](#).

## Formal Review in Progress:

**WS-1** (*Recommended Standard Specification for Synthetic Web Slings*, 2015), led by the Web Sling Technical Committee.

**T-6** (*Recommended Standard Specification for Load Binders Used With Chain Tie Downs*, 2016), and **T-4** (*Recommended Standard Specification for Synthetic Webbing Used for Tie Downs*, 2017), both led by the Load Securement Technical Committee.

## Formal Review Slated for 2024:

**RS-1** (*Recommended Standard Specification for Synthetic Polyester Roundslings*, 2019), led by the Roundsling Technical Committee; and **TM-1** (*Strength & Elongation Recommended Test Method for Sling & Tie Down Webbing*, 2019), led by the Testing Technical Committee.

WSTDA is recognized as a Standards-Writing Organization by the U.S. Department of Justice. WSTDA standards are voluntary and consensus standards; WSTDA makes no effort to enforce compliance with any of its standards, nor attempt to influence any governmental agency to adopt its standards as mandatory, although it will certainly cooperate with any governmental agencies seeking its assistance.

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# 2023 FALL MEETING

## ELECTIONS, AWARDS & ENGAGEMENT

The 2023 Fall Meeting brought WSTDA to a new destination, and what a charming spot it was: Greenville, you did not disappoint. In addition to engaging Technical Sessions and two informative education sessions, the event included a tour of Carolina Webbing, the event's Platinum Sponsor.

### New WSTDA Directors Elected at Annual Member Meeting

The 2023-2025 class of Directors were elected during the Annual Member Meeting on September 19. Beginning new two-year terms on the Board are Ralph Abato, DOLECO USA, and Paul Foret, Arabi Sling & Rigging Co., Inc.; Stephane Theriault, Faucher Industries was elected to his first term as well.

The 2023 Nominating Committee was comprised of Gary Distler, of Total Tool Inc., Preston Bray, William Barnet and Son, LLC, and Jeff Iden, Cargo Equipment Corporation.



### Charles Lucas Outstanding Achievement Award to Gelskey

The Charles Lucas Outstanding Achievement Award was presented to Michael J. Gelskey, Sr., President of Lift-It Company in Los Angeles, and was accepted on his behalf by WSTDA Technical Coordinator Bob Jasany (see picture).

WSTDA President Trevor Waycott presented the Award, saying "It was a unanimous decision that this volunteer member deserved to be acknowledged for his hard work and dedication within WSTDA. His contributions are many... leadership, through eight years of service on the Board, and as President of WSTDA from 2009 to 2012; and his Committee leadership, where several innovative new programs were introduced for the industry under his leadership."



### Plant Tour of Carolina Webbing

The WSTDA entourage headed to Gastonia, NC on September 21 at the invitation of long-time Member Carolina Webbing, for an onsite tour of its 250,000 square feet of facilities. Bob Hancuff welcomed everyone and gave a short history of the company, and then he and other CW associates led small group tours through the areas for warping, printing, finishing, processing, weaving and knitting.

Carolina Webbing, owned by Burlan Mfg., LLC, is located on 40 acres. The company was started about 50 years ago as an industrial fabrics manufacturer, and currently has about 135 associates.



### WSTDA Fall Meeting Sponsors - Thank You!

Carolina Webbing (Platinum); Hailide America (Gold); The Ratchet Depot (Gold); US Cargo Control (Gold); ARG Industrial (Bronze); Doleco USA (Bronze); IBS Industrial (Bronze); Ribbon Webbing Corp. (Welcome Reception).

# WSTDA SAFETY WARNINGS

## AN IMPORTANT PART OF OSHA INSPECTOR TRAINING

Sam Socolow, Director of Training and Products for Ashley Sling, Inc. in Atlanta recently delivered live training to OSHA's Atlanta-area compliance officers on synthetic sling rigging, inspection, and safety warnings.

As part of this training for OSHA, and training he delivers to many others, Sam regularly shares WSTDA's Safety Bulletins, and the safety warnings, inspection and use recommendations they provide for users, as a basis for this specialized type of training.

Feedback from participants underscores significant improvements in participants' knowledge and skills and highlights Sam's use of the bulletins and real-world examples during his training. Here's a breakdown of the key takeaways:

**Deepened Understanding through Engagement:** Attendees express that the training significantly contributed to their understanding of rigging concepts.

**Application of Knowledge:** Participants highlighted their ability to apply the information learned during the training to real-world scenarios.

**Insightful Content and Practical Relevance:** The material presented was interesting and relevant, keeping participants eager to learn.

**Introduction to New Topics:** For some participants, the training served as their initial exposure to rigging concepts. Even with limited prior experience, attendees felt better equipped with foundational knowledge, providing a basis for future learning and inspections.

**Visual Aids and Real-World Examples:** The use of visual aids, images, videos, and physical examples of hooks/slings is cited as a valuable aspect of the training, and enhanced attendees' ability to visualize and understand the practical implications of rigging concepts in the field.

In addition to his work for Ashley Sling, Sam also volunteers his time to WSTDA, as chair of its Testing Technical Committee, and as a member of three other WSTDA Technical Committees: Web Sling, Roundslings, and Sling & Tie Down Protection.



# WSTDA SCHOLARSHIP PROGRAM

**APPLICATION DEADLINE IS JUNE 1, 2024**



The WSTDA Scholarship Program seeks to give back to the industry and provides a valuable benefit of WSTDA membership. This year WSTDA will be presenting **two** merit-based awards to help offset educational expenses based on the following:

- **(1) \$3,000 College/University Award** – applying for or attending an accredited two-year or four-year college or university in the Fall of 2024.
- **(1) \$3,000 Technical Career/Trade Educational Institution Award** – applying for or attending an accredited technical career or trade educational institution in the Fall of 2024.

Academic achievement, community involvement, extracurricular activities, work experience, and responses to short essay questions are each considered in the selection process.

**Applications for the 2024-2025 Scholarship Program will open from February 1 - June 1, 2024.** Awards will be announced in late July.

Visit the [WSTDA Scholarship Program webpage](#) for more 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](#)



## 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

The Web Sling Technical Committee has completed its final review of terms and definitions in WB-1, the webbing standard, and were able to distribute the revision draft to seek public comment in the last quarter of 2023. The revision draft is available for download, and public review and comment can be made through February 24th on the [WSTDA website](#).

The Committee has completed its review of WS-1 and has made revisions; it is now in the process of comparison to RS-1, as we work to confirm our standards remain consistent. In trying to make up for lost time, we had a monthly scheduled virtual meeting for almost three years. We have had two months off now, and are going to schedule four to six meetings this year, dependent upon our progress on

WS-1. Again, I would like to thank the committee and staff for their involvement and commitment in getting our reviews back on schedule.

Our Web Sling Technical Session is scheduled for Tuesday, May 21 at 11:00 AM. 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 committee is excited to announce that we have been approved by the board and issued a budget to produce the Sling and Tie-Down Protection Testing Fixture Project. The budget also included the necessary funds to produce a small batch of test slings and cover the cost of some initial testing.

During our next committee meeting, we will seek approval from the committee to proceed with the finalized design and price proposals. The committee will also discuss precisely what types of slings we will use to verify the viability of the fixture. After these discussions, we will petition webbing manufacturers for donations of webbing and then contact sling manufacturers to produce the slings that have been agreed upon.

The Committee hopes to hold at least three meetings before the 2024 Annual Meeting, and if all goes well, will have some initial testing data to present to the rest of the organization in our Testing technical session. At the very least, we will have moved the project forward, and we'll be happy to discuss our progress.



## Roundsling Technical Committee

Chair: Gregory Babinchak & Co-Chair: Amanda Masters

Since the WSTDA 2023 Fall meeting, the Roundsling Technical Committee has held three virtual meetings. The committee completed work on the revision of RS-1HP Standard for High Performance Yarn Roundslings, with the updated draft approved for distribution by the committee at the end of 2023. It will be ready for publication following completion of a few minor formatting updates.

The final subject reviewed by the committee for this revision was “Receiving a load” in Section 4.6 Maintaining Proper Clearance of Personnel. After reviewing a variety of language offerings, including several found in existing documents, the group agreed to adopt relatively simple language, reading as:

*Receiving a Load – When a load is being landed, personnel must remain clear of the load until it is properly secure. Only personnel needed to receive a load are permitted to be within the danger zone when a load is being landed.*

At the Fall Meeting, several topics were raised for discussion and some related example applications were noted. Topics included 1) Application that Cause Tension in Slings, 2) The Anchoring of Equipment, 3) A Review of Outdoor Storage and 4) Slings Repair Limitations. We noted several instances where current content in WSTDA standards indirectly addressed several sling factors applicable to the topics.

The committee has started preparations for this year’s Annual Meeting. A presentation has already been planned, and then we will then look to review and discuss the topic of soft shackles and other topics of current interest. We hope to close the meeting by making note of some fairly recent incidents having a common theme.

On the topic of Soft Shackles, we will look to address types and materials, ratings, compatibility with roundslings (with some initial test data), and application suitability – lifting vs. recovery applications, and then closing with a general discussion.

The committee is also in the process of preparing preliminary language to again address the topic of proposed changes for multi-leg sling rating methods, but with the intent of sharing the proposal with the Web Sling Committee for its consideration.

### 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



# COMMITTEE REPORTS

## Load Securement Technical Committee

Chair: Stephane Theriault & Co-Chair: Tim Sanders

The Committee held a Load Securement Technical Session during the 2023 Fall Meeting in Greenville, South Carolina, featuring an insightful presentation by Corporal Dakota Barnhart, Region 3 Supervisor for the South Carolina Department of Public Safety's State Transport Police. Cpl. Barnhart discussed load securement from a public safety viewpoint, sharing the mission and vision of the Department. He reviewed FMCSA regulations governing cargo securement devices specifically, and spoke about experiences and findings during roadside inspections of heavy-duty truck and trailers, in both internal and external cargo securement.

The Committee is looking forward to interacting with the membership on issues of concern to the synthetic web load securement segment of the industry at its session planned for the 2024 Annual Meeting in Costa Rica.

The Committee has held a series of virtual meetings since fall 2023, and is on track to publish new revisions this year. Here's a recap of the Recommended Standards and Manuals that are actively being worked on by the Committee:

- WSTDA-T-6: (Load Binder Standard) the Committee is continuing its review of public comments received, and plans to publish a revision in 2024.
- WSTDA-T-2: (Web Tie Down Manual) this Care & Use manual is now under review, based on recent published revisions to the T-1 standard, on which T-2 is based.
- WSTDA-T-4: (Tie Down Webbing Standard) the Committee has begun its review and a public comment period will be announced after a revision draft is approved by the Committee and the Board of Directors.

Of the other recommended standards that are under the responsibility of the Load Securement Technical Committee, The T-1 standard for web tie downs, and the T-3 standard for winches, are scheduled for review in 2027, having been revised in 2022.

### **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!



ASK THE PROS



Robert Jasany

## **WSTDA Breaks New Ground: Pioneering a Test Method for Sling and Tie Down Flexible Protection Products**

The WSTDA Testing Committee has been challenged to develop a recommended test method for manufacturers of sling and tie down flexible protection products, for their use in in-house testing of such products. This is especially challenging, since not only is there no existing recognized industry standard or practice to research, but also there is no useful, commonly available test fixturing to conduct such tests.

Following numerous virtual meetings of the Testing Committee, headed up by Chairman Sam Socolow and Vice Chair Troy Raines, a prototype test fixture has been designed and as of this writing, quotes are coming in for the fabrication of the fixture's component parts, physical testing and proofing of the fixture design and test samples. Soon, another meeting of the Testing Committee will convene for the purpose of giving final approval and authorization to proceed with the placement of the orders for the test fixtures. Once the physical testing is underway, a written Recommended Test Method will be initiated and finally developed. An illustration of the WSTDA-designed test fixture will be included in the written document. The Testing Committee is to be congratulated on its progress on this much needed development.

While at the AWRF Technical Committee meeting in January of this year, I gave my WSTDA liaison report on WSTDA activities to the committee which included an overview of the work being done by the WSTDA Testing Committee. The work pertaining to the Test Method for Sling & Tie Down Protection Devices was of particular interest to the committee and was followed with questions, comments and encouragement for the development of such a recommended standard.

### **The WSTDA Safety Bulletin QR Code: A Sustainable Solution**

If you haven't had a chance to explore this modern and economically friendly tool, now's the perfect time to take advantage of the added value it brings to your WSTDA membership.

#### **Key Benefits:**

- **Instant Access:** Customers can access Safety Bulletins by simply scanning the QR code with their cell phones.
- **Multi-Language Support:** Safety Bulletins are available in English, Spanish, and French.
- **Economically Friendly:** The QR code is included FREE with your annual membership dues.
- **Versatile Placement:** You can display the QR code on finished goods, catalogs, websites, and more.

**[Get Started Today!](#)** Ready to unlock the full potential of this member benefit? Click the box below to fill out our online form and review the Terms of Use for the QR code image. Once submitted, you'll receive a personalized Terms of Use document to review, sign, and submit. Afterward, you'll gain access to the QR code image in various digital formats.

Don't worry; printed Safety Bulletins will still be available for purchase, but the QR code provides you with more options to prominently display WSTDA Safety information with your products.

### Defective Design, Inadequate Instructions, and Expert Opinions Unraveled in Court

The case of *Specht v. Kubota Tractor Corporation* (Iowa, 2017) presents insights and rulings on defective design, expert testimony, inadequate instructions and warnings, and causation.

*Three important points:* This case illustrates three important points:

1. A “defective design” claim is different from a negligence claim in this respect. Let’s say you decide to manufacture a sling out of rubber (perhaps its a silly example, but only one I could think of) instead of chain, nylon or polyester. That rubber sling may comply 100% with 100% of the recommendations for making a sling. But the design itself – rubber – is faulty. This is a separate claim from one alleging that the manufacturer failed to follow a recommended standard for making or testing a sling.

2. If a user is fully aware of the danger which a warning would alert him or her to, then any inadequacy in the warning is irrelevant: the plaintiff will not be able to sustain a “failure to warn” claim. Again, an example: If a user knows that s/he should never, ever, under any circumstances, stand on top of a load when securing it, then the securing device’s failure to warn the user not to stand on top of the load will not necessarily be fatal to the manufacturer’s claim that its failure to warn was not a cause of the user’s injury.

3. With respect to the opinions of experts, the opinion itself may not only be crucial, but it is almost or equally important that legal counsel comply with the rules and deadlines set by the court for filing the opinion. If counsel does not, the defendant may suffer the consequences by having the expert’s opinion disregarded. This goes for any court filing or action: counsel must insure it adheres to the rules, deadlines and orders of the court or request an extension of time or

file some other motion to excuse noncompliance.

*Facts of the case.* The suit was brought by the brother of the plaintiff, who died while he was moving hay bales using a tractor and loader. These were designed, manufactured, marketed and distributed by Defendant Kubota.

A sheriff’s investigation found that as the decedent used the loader to lift a hay bale, the hay bale fell backwards from the fully raised position, “rolling onto the operator’s compartment, striking [Daniel], causing a fatal injury.” Upon observation of the tractor and loader, the sheriff learned that the loader’s control lever periodically became stuck in the raise position, without automatically returning to neutral position.

According to the recitation of the facts by the judge, the control lever’s occasional failure to return to neutral position preexisted the date of the accident. Months prior to the accident, Daniel [the plaintiff who died] had warned his brother (who was substituted as plaintiff) that the control lever was “sticky” prior to using the tractor and loader. Additionally, months prior to the accident, a third brother used the tractor and loader to move piles of manure. At that time, the control lever stuck in the raised position, resulting in the full raising of the loader arm, which dumped a pile of manure on the brother in the operator’s seat. This brother told his dead brother about the malfunctioning of the control lever. An inspection of the tractor and loader after the accident revealed rust and corrosion in the bushing joint, which had accumulated due to a lack of lubrication. The investigation found that this rust and corrosion were the causes of the control lever malfunction resulting in the plaintiff’s death.

*Manufacturer’s instructions and*

*warning.* The operator’s manual for the loader instructed operators to lubricate grease fittings and joints of the control lever every 10 hours of operation. This instruction was accompanied by an illustration of a side-view of the loader, with arrows pointing to the eight grease fittings present on each side of the loader. The illustration did not identify the number or locations of control lever joints that were meant to be lubricated. In addition, there was a decal placed on the loader which instructed operators to “lubricate every 10 hours to: all pivot pins, joints of control lever.” The decal instruction was accompanied by an illustration of a grease gun. Neither the operator’s manual nor any decal warned operators about hazards that may result from a failure to lubricate the identified joints. The operator’s manual and a decal placed on the loader further warned operators of dangers associated with using the loader to lift large shiftable objects without securing such objects with the appropriate loader attachments. The operator’s manual specifically warned operators regarding the “[d]anger of the object rolling or sliding down the loader boom onto the operator.”

*Defective design.* The plaintiff alleged that the manufacturer’s design of the loader was defective because it “failed to provide a method for introducing lubricant into the control lever bushing and into the joints of the control lever linkage” without disassembly of the control box.

*Failure to instruct; failure to warn.* Second, the plaintiff alleged that the manufacturer was negligent due to its failure to reasonably instruct operators on how to properly lubricate the control lever joints and its failure to reasonably warn operators of the dangers that would result from failing to lubricate the control lever joints.

*Manufacturer's response.* In response, the manufacturer moved the court to grant summary judgment (judgment without a full trial and verdict) for it on the plaintiff's design defect and inadequate instructions and warning claims. The manufacturer also argued that certain expert opinions introduced by the plaintiff had to be stricken because they violated the rules of procedure.

*Expert opinions.* The court took up the expert opinion argument first. The issue of experts in a products liability case is fundamentally important because cases hold that when technical issues are involved (issues beyond common knowledge and experience) in a products liability or a products-related case, expert testimony is required to generate a jury issue.

One argument that the manufacturer made was that the expert's opinion contained new opinions that were not disclosed to the manufacturer by the court's deadline. (Federal rules of procedure require that a party disclose to opposing parties the identity of any experts and their written reports containing any opinions.) Disclosure must be made at the time the court orders. If the party fails to disclose on time, it may not use the information or the witness. However, a court has discretion to decide whether to exclude evidence that is not disclosed on time. In this case, the court ruled that the failure to file the expert's additional opinions was justified because depositions did not take place until one month after the deadline for disclosing expert evidence. Accordingly, the court refused to exclude the expert's evidence. The court also refused to exclude the expert's opinion on the ground that it contradicted previously disclosed opinions. (The expert had opined that the manufacturer failed to adequately instruct operators to lubricate the bushing joint and that inspection of the loader 15 months after the accident would not necessarily prove that the plaintiff failed to lubricate the bushing joint.)

*Defective design.* The legal basis for a defective design claim is that, even though the product meets the manufacturer's design specifications, the specifications themselves create unreasonable risks. To sustain this claim, the plaintiff must do two things: 1) the plaintiff has to propose an alternative: the plaintiff must ordinarily show the existence of a reasonable alternative design and that this design would, at a reasonable cost, have reduced the foreseeability of harm posed by the product. And 2) the plaintiff must prove that the design defect caused the plaintiff's injury.

In ruling on whether the plaintiff's alternative design is reasonable and would reduce foreseeable harm, courts take into account a variety of factors, including: the magnitude and probability of the foreseeable risks of harm, the instructions and warnings accompanying the product, and the nature and strength of consumer expectations regarding the product, including expectations arising from product portrayal and marketing. The relative advantages and disadvantages of the product as designed and as it alternatively could have been designed may also be considered. A court may also consider the likely effects of the alternative design on production costs; the effects of the alternative design on product longevity, maintenance, repair, and esthetics; and the range of consumer choice among products.

*Manufacturer's response to alternative design proposal.* In this case, in response to the plaintiff's alternative design proposal, the manufacturer made three arguments: 1) the alternative design proposed by the plaintiff was unreasonable; 2) the loader was not unsafe as originally designed; and 3) even if the design was defective, it did not cause the plaintiff's death.

*Court's response to "unreasonable alternative" argument.* With respect to the manufacturer's alternative design argument, the court noted contrary opinions from the manufacturer's expert and ruled that therefore due to such disagreement between the parties' experts, it could not grant summary judgment: the dispute creates a "genuine issue as to the particular fact in dispute."

But the court went further: it noted evidence that the manufacturer applied grease lubricant to the bushing joint during manufacturing of the loader "for ease of assembly and the prevention of rust prior to sale"; evidence that the operator's manual urged operators to use "[h]igh quality grease" when lubricating the loader; and the decal posted on the loader depicted a grease gun corresponding to the warning to lubricate regularly. The reference to "high quality grease" also appeared in an instruction pertaining to the lubrication of both the loader arm joints and the control lever joints, reasonably indicating to operators that the same grease lubricant was suitable for both types of joints. "These instructions and warnings reasonably create the expectation that operators can use grease to lubricate the bushing joint, which would be facilitated by the proposed grease zerk [fitting] design", the court wrote.

*Court's response to argument that alternative design would not reduce harm.* With respect to the manufacturer's argument that an alternative design would not reduce the foreseeable harm posed by the loader, the court found that the alternative design proposed by the plaintiff would improve the ease and efficiency of lubrication, thereby reducing the probability of foreseeable harm. The court went back to the operator's

manual and warning decal which, it wrote, “reasonably suggest to operators that grease must be applied to the bushing joint.”

*Court’s response to manufacturer’s causation argument.* Finally, the court addressed the manufacturer’s argument that the defective design did not cause the plaintiff’s death. This argument was based on evidence that the various other loader joints—unassociated with the control lever—exhibited signs that they had not “been lubricated for a considerable period of time prior to the accident,” even though they featured the very grease zerks proposed as an alternative design by plaintiff’s expert.

In considering this argument, the court pointed out that the dead plaintiff’s brother testified that the dead plaintiff carried WD-40 in a toolbox that he kept on his tractor. It also pointed out that the plaintiff knew that the control lever would occasionally stick. Evidence that the decedent carried WD-40 on the tractor, paired with evidence that he was aware that the control lever had a tendency to stick, provides circumstantial evidence that he used the WD-40 in an attempt to lubricate the control lever to fix the malfunction—yet the malfunction remained, the court found.

In so finding, the court recognized that the evidence of causation “presents a close call.” In its conclusion, the court said it was “guided by the principle that ‘[c]ausation is a question for the jury’ save in very exceptional cases where the facts are so clear and undisputed, and the relation of cause and effect so apparent to every candid mind, that but one conclusion may be fairly drawn therefrom.” The court cited another cause stating that in a products liability context, “[o]rdinarily, the question of proximate causation is for the finder of fact [and] will be decided as a matter of law only in extraordinary cases”.

*Rules regarding inadequate instructions and warnings.* To prove liability for failure to instruct or warn, the plaintiff must prove that the lack of instructions or warnings caused the plaintiff harm. The rules are: Commercial product sellers must provide reasonable instructions and warnings about risks of injury posed by products. Instructions inform persons how to use and consume products safely. Warnings alert users and consumers to the existence and nature of product risks so that they can prevent harm either by appropriate conduct during use or consumption or by choosing not to use or consume. A product is defective because of inadequate instructions or warnings when the foreseeable risks of harm posed by the product could have been reduced or avoided by the provision of reasonable instructions or warnings and the omission of the instructions or warnings renders the product not reasonably safe. “The concept of ‘reasonableness’ for judging the adequacy of warnings is a malleable concept that is intertwined with the facts and circumstances of each case.” Factors to consider when assessing the adequacy of instructions or warnings are content and comprehensibility, intensity of expression, and the characteristics of expected user groups.

*Court’s application of rules to facts of case.* The court in this case applied these rules to the instruction in the operator’s manual, which provided:

Lubricate all 16 grease fittings every 10 hours of operation. Also, lubricate joints of control lever linkage every 10 hours. High quality grease designating “extreme pressure” and containing Molybdenum disulfide is recommended. This grease may specify “Moly EP” on its label.

Accompanying this instruction was an image of the side view of the loader, in which the eight loader arm joints visible

from the side view are circled and emphasized with arrows. There was no image of the control lever apparatus or any emphasis placed on the control lever joints.

The challenged warning existed in the form of a decal posted on the body of the loader, which stated: “lubricate every 10 hours to: all pivot pins, joints of control lever.” Accompanying the warning was an image of a grease gun.

The court agreed with the manufacturer that these instructions and warnings were adequate with respect to lubricating the joints and that to do so did not require any disassembly. Nevertheless, the court refused to grant summary judgment to the manufacturer for the reasons that the control box housed ten separate control lever joints reasonably encompassed by the instruction and warning, whereas the number of joints was not specified in the instruction or warning.

Additionally, the court observed, the bushing joint was the only joint that was visible or accessible in any way from the exterior of the control box, while the others were concealed by the control box. Thus, even though a part of the control box could be lifted to view the interior of the control box, theoretically allowing an operator to lubricate the control lever joints located therein, the instructions and warnings provided no information to orient the operator as to its contents, the court concluded. “In other words,” the opinion read, “having read the operator’s manual and the warning decal, an operator would understand that he or she must lubricate all of the joints located inside the control box, but would not understand with any particularity where the lubrication should be applied, with the

exception of the bushing joint whose bolt is visible and accessible from the exterior.”

The court compared this lack of any meaningful information about the number and placement of the control lever joints within the control box with the thorough guidance regarding the number and placement of the loader arm joints. Because the content regarding the control lever joints was lacking to a degree that would frustrate an operator's ability to comply with the instructions and warning's directives, the court ruled that it could not grant summary judgment for the manufacturer on this issue.

*Court's holding that plaintiff did not prove causality.* However, despite this ruling, the court went on to hold that the plaintiff had not established causality. He failed to do so because, first, although the instructions and warning contained no information about the number and placement of the control lever joints visible solely from within the control box, it was undisputed that the only joint implicated in the malfunction at issue was the bushing joint that is readily visible from the exterior of the control box.

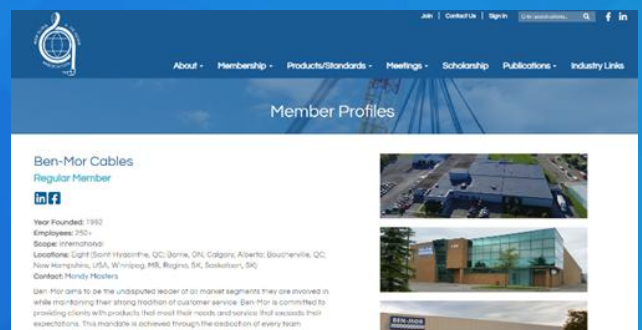
Regardless of any inadequacies with respect to particular joints, both the instructions and the warning clearly instructed operators to lubricate the "joints of control lever." "Even granting that the inadequate instructions and warning may have frustrated Daniel's [the person who was killed when the hay fell on him] ability to identify and lubricate the concealed control lever joints, a reasonable jury could not conclude that the inadequacy of the instructions and warning prevented Daniel from identifying and lubricating the visible bushing joint."

*Evidence suggested plaintiff knew to lubricate joint.* And, in fact, the court added, the substitute plaintiff himself relied on circumstantial evidence to imply that his deceased brother did in fact lubricate the bushing joint. This evidence suggested that the deceased plaintiff knew to lubricate the bushing joint despite any inadequacy in the instructions and warning. And, he used a

suitable lubricant despite the lack of specification in the instructions and warning. Because the deceased plaintiff was fully aware of the need to lubricate the particular joint at issue despite the inadequate instructions and warning, the substitute plaintiff could not point to the inadequate instructions and warning as the proximate cause of his brother's death.

These facts illustrate the rule that: "If, despite deficient warnings, a user is fully aware of the danger which a warning would... alert him or her of, then the lack of warning is not the proximate cause of the injury." The fact that the deceased plaintiff's purported attempts to lubricate the bushing joint were ultimately unsuccessful or ineffective due to a design characteristic of the joint is unrelated to the instructions and warning, but instead implicates the design defect claim discussed above. So, in the end, the court did grant summary judgment to the manufacturer on the issue of whether the failure to instruct and warn was the cause of the plaintiff's death.

## 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.

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# MEMBER NEWS

## American Webbing and Fittings “LEAN-ing Forward the American Way”

When COVID-19 drove small business cutbacks, Steve Schroeder, President of American Webbing and Fittings, decided to invest in Lean. By applying underutilized resources, Steve kick-started a lean transformation that continues today. The effort, led by Kevin Mercer a Boeing Company veteran, concentrated on safety and workplace organization.

[Learn more >>](#)



Submitted by:  
American Webbing and Fittings  
[www.americanwebbing.com](http://www.americanwebbing.com)

## AMH Calls for Improved Safety in Non-Standard Lifts

All Material Handling (AMH) believes that too many non-traditional lifts are still taking place using the wrong hoist rings and eyebolts, creating unnecessary safety risks.

[Learn more >>](#)



Submitted by:  
All Material Handling  
[www.allmaterialhandling.com](http://www.allmaterialhandling.com)

## New Leadership at Ashley Sling

New leadership has been ushered in at Ashley Sling with Jay Ashley named as Division Manager and Jeff Ashley as Vice President of Sales. Founded in 1992 by, Greg, David, and Mike Ashley, Ashley Sling has grown as a leader in the wire rope and rigging industry.

[Learn more >>](#)



Submitted by:  
Ashley Sling  
[www.ashleysling.com](http://www.ashleysling.com)

## Chant Engineering Welcomes Young, Ambitious Engineers to Ignite Innovation in the Industry

Chant Engineering has always been committed to pushing the boundaries of innovation, and their latest hiring initiative reinforces that commitment. By bringing in a group of talented and forward-thinking engineers, these engineers represent the future of the industry, with a passion for cutting-edge technologies, sustainability, and creative problem-solving that aligns seamlessly with Chant’s vision. Considering a career change? Chant Engineering would love to talk to you about your career goals!

[Learn more >>](#)



Submitted by:  
Chant Engineering  
[www.chantengineering.com](http://www.chantengineering.com)

## Betsy Goff Celebrates 50 Years at Columbus McKinnon

Design Engineer Betsy Goff has been with Columbus McKinnon since 1973. Betsy went looking for her first job straight out of high school, two years after CMCO’s carbon chain plant opened its doors in Lexington, Tennessee. “The manager gave me a job as a general utility,” Betsy says, “filling orders and packing products in the Shipping department.” A year later, she became the stock foreman for shipping.

[Learn more >>](#)



Submitted by:  
Columbus McKinnon  
[www.cmco.com](http://www.cmco.com)

## Doleco USA Opens New Production Facility

Doleco USA, Inc., a Meriden, CT based company and subsidiary of Dolezych GMBH of Dortmund, Germany announced it is opening a new, 33,000 sq. ft. facility in Charlotte, NC in March, 2024.

The expansion will allow Doleco to better serve its customers along with its CT warehouse, as well as Indianapolis and Portland, OR 3rd party warehouses.

[Learn more >>](#)



Submitted by:  
Doleco USA  
[www.doleco-usa.com](http://www.doleco-usa.com)

## Lift-All Company Announces Leadership Changes

Lift-All Company (Landisville, PA) announces leadership changes effective January 1, 2024. CFO Melissa D. Light has been promoted to the role of President as Steven Pacilio moved into the role of Chairman of the Board.

[Learn more >>](#)



Submitted by:  
Lift-All Company  
[www.lift-all.com](http://www.lift-all.com)

## WELCOME TO OUR NEW MEMBERS



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Associate Member



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Associate Member



# 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 on your mailbox on how to submit your news later in 2024!



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## 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.

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- Active participation in technical committees
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