Hazard Warning Labels for Equipment and Machines

Background

It is not enough today for a manufacturer to produce a well-designed product. Increasing numbers of product liability suits are being filed and won based on the manufacturer’s failure to warn the user of any foreseeable dangers that may be associated with the use of the product.

In order to protect themselves from liability from inadequate warnings, manufacturers must regularly review the hazard warning labels on their products. This process will help insure that the user is adequately warned of any hazards that cannot be eliminated by redesign of the product. The labels must also conform to applicable standards and regulations. They must take into account recent court decisions affecting similar products.

Courts have often found that an inadequate warning is equivalent to no warning at all. Therefore, a company must be careful to give clear and specific warnings of any inherent dangers or possible misuses of the product that could result in injury.

The basic “duty-to-warn” principle can be summarized as follows: A product seller must use reasonable care to inform likely users of the product of any dangerous condition of the product or of the facts which make it likely to be dangerous for its intended use, if he/she knows or should know about the hazard, and he/she has no reason to believe that the users will realize the danger. [Restatement (2nd) of Torts, American Law Institute]

A manufacturer may not have a duty to warn of common dangers that are open and obvious. However, the interpretation of when such a duty arises and the adequacy of a particular warning will vary with the type of product and the circumstances of its use. Courts have consistently held that a manufacturer’s duty to warn users of hazards extends to all foreseeable uses or misuses of its products.

Distinct differences separate directions and warnings. Directions are designed to promote the product’s effective use. By contrast, warnings are intended to assure the safe use of the product. Therefore, warnings must focus on any dangers associated with the use of the product, and how best to avoid them.

Hazard warning labels should meet several basic criteria. They should:

a. Alert the user to the magnitude of the hazard;
b. Identify the nature of the hazard;
c. Instruct on how to avoid the hazard; and
d. Advise of the possible consequences of failure to heed the precaution.

Warnings and instructions should also appear in operation/maintenance manuals. All written materials associated with a product should be reviewed by an attorney who is familiar with current product liability litigation and applicable state and federal regulations.

Guidelines

1. Identify the severity of the hazard. (Use “signal” words, e.g., DANGER, WARNING, CAUTION)
2. Describe the nature of the hazard, using explicit terms. (e.g., fire, explosion, shock, pressure, moving parts, corrosive/toxic chemicals, etc.)
3. Provide clear and concise instructions for avoiding the hazard. (Tell the user specifically what to do and/or what not to do)
4. Identify the potential consequences of the exposure to the hazard. (Let the user know, in no uncertain terms, what the risks are)
5. Place the label at a conspicuous location, appropriate for the hazard. (Place the label where a user is likely to see it in time for appropriate response)
6. Make the message easy to read and understand. (Use terms that are simple, direct and unambiguous)
7. Incorporate hazard symbols wherever possible. (Express the basic message at a glance)
8. Employ color to suggest the degree of risk or relative danger. (Use standard color coding to identify primary types of hazards)
9. Include foreign language translation where appropriate. (Incorporate both regulatory standards and voluntary industry standards)
10. Conform to the content and format of applicable codes and standards. (Incorporate both regulatory standards and voluntary industry standards)
11. Design the label to resist damage and deterioration. (Use materials that will last for the life of the product in the foreseeable use environment)
References

American National Standards Institute, 1430 Broadway, New York, NY 10018.


Specifications for Accident Prevention Signs, Z35.1.

Specifications for Accident Prevention Tags, Z35.2.

American Law Institute, 4025 Chestnut Street, Philadelphia, PA 19104.

Restatement of Torts, Second series, Section 338, Chattel Known to be Dangerous for Intended Use.

Underwriters Laboratories Inc., 333 Pfingsten Road, Norhitbrook, IL 60062.

Standard for Marking and Labeling Systems, UL 969.


Occupational Safety and Health Act Regulations, Title 29, Code of Federal Regulations (CFR), Chapter XVII.

Part 1910.145-Specifications for Accident Prevention Signs and Tags.