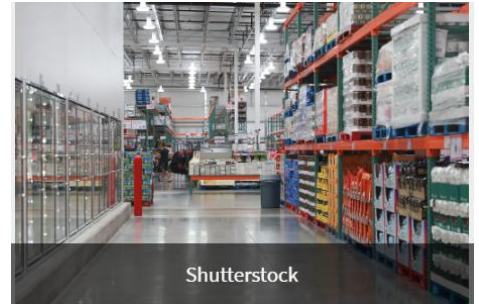


Look Out Below! Falling Merchandise a Hazard in Big Box Stores

By Scott Callahan

Big box stores have revolutionized the way we shop.

But, have you ever *really* looked up as you walked through your local home improvement store? These warehouse superstores, which are a combination of traditional industrial warehouses and retail stores, often are referred to as “big box retailers,” “super-warehouses” and “superstores.” They include such recognizable outlets as Home Depot, Lowe’s, Costco, Sam’s, Wal-Mart, and Toys R Us.



The concept is simple: It is more profitable to store as much merchandise as possible on the sales floor instead of a large stock room or remote warehouse. Retailers can save millions of dollars by incorporating the two facilities. In return, customers pay lower prices.

However, unwary customers entering these mega-stores are being exposed to the same dangers inherent in industrial warehouses. And, at times, the lure of low prices has come at the expense of customer safety.

Stacking It High

High stacking and heavy machinery are trademarks of warehouse superstores. Merchandise ranges from lumber, doors, bathtubs, paint cans, toys and canned food to cement and televisions. Products are stacked and displayed in bulk on the same steel racks used in industrial warehouses. Shelving can tower as high as 15 to 20 feet.

As customers shop, merchandise is moved onto and around the sales floor by employees operating heavy machinery such as forklifts, propane trucks, order pickers, and electric pallet jacks. The purpose is to keep the display and overstock shelves constantly full. This is precisely the image that retailers want to portray.

Unfortunately, unsecured merchandise and the negligent operation of heavy machinery are sometimes unintended consequences.

Falling merchandise injuries often result from:

Unstable or unsecured products on display or overstock shelves;

Merchandise being pushed from overhead shelving through to an adjacent aisle;

Negligent operation of machinery; and

Damaged or broken pallets or shelving.

Accident prevention in big box stores is unique. Retailers must adhere to the same safety standards that apply to industrial warehouses, including the Occupational Safety and Health Act (OSHA) and American National Standards Institute



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(ANSI). However, retailers also must account for those inherent dangers when combined with the presence of unwary retail shoppers, including children and the elderly.

In a traditional warehouse, workers are provided hard hats, gloves, steel-toed boots, protective eye-wear, back restraints, and other protective equipment. Workers also receive specific job training. However, in superstores, customers enter these environments and are expected to protect themselves without any training, protective equipment or adequate warnings of hazards.

While retailers and their employees are far better positioned when it comes to training, safety, and protective equipment, customers too should be aware of their surroundings and recognize that these stores can pose significant dangers.

Safety Guidelines

Following are some recommended safety guidelines that stores should be implementing:

Completely barricade working aisles and adjacent aisles.

Ensure adequate employee safety training.

Do not use heavy machinery on the showroom floor when stores are open.

Do not restock overhead shelves when stores are open.

Restrain merchandise with safety devices such as retainer bars, rails, banding, shrink-wrap, fencing, wiring, and similar restraints.

Use an adequate number of employees, or spotters, in working aisles and adjacent aisles.

Limit the height of stacked merchandise.

Injuries and Death

Since warehouse stores appeared well over a decade ago, thousands of people have been hurt or killed while shopping. Customers primarily sustain injuries to the head and neck, which can cause traumatic brain injuries, spinal injuries, and even death.

Unfortunately, falling merchandise injuries are not isolated occurrences. The number of nationwide falling merchandise incidents is troubling. For example, a Home Depot company official previously testified that the company was receiving 185 injury claims per week, many involving falling merchandise.

There is no agency that keeps statistics concerning falling merchandise at big box retailers. Most of these stores are largely self-reporting and self-regulated.

However, the following devastating examples illustrate how people can die as a result of falling merchandise in various big box stores:

A 3-year-old girl in Twin Falls, Idaho (falling countertops);

A Connecticut man (falling 2,000-pound pallet of landscaping timbers);

A woman in Los Angeles (falling lumber);

A 2-year-old girl in Virginia Beach, Virginia, (falling 100-pound television cabinet);

A 3-year-old boy in Abilene, Texas (falling bookcase);

A woman in Edmonds, Washington (falling 3,000-pound pallet of tiles);

A 3½-year-old girl in San Diego (falling door).

Your Next Shopping Trip

Customer and employee safety must be of utmost importance for warehouse superstores. Falling merchandise incidents occur all too frequently and many of them can be prevented easily. Customers particularly should not face the risk of significant injuries at the expense of convenient shopping and discount prices. So, the next time you enter a big box warehouse, take caution and recognize the potential hazards around you and your family.

The information in this column is not intended as legal advice, but to provide a general understanding of the law. Readers with legal issues, including those whose questions are addressed here, should consult attorneys for advice on their particular circumstances.

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