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## Much-Needed Guidance For Product Safety Manuals

Law360, New York (October 14, 2008) -- Manufacturers long have had guidelines from the American National Standards Institute (ANSI) regarding the design of warning and safety labels. This has led to uniformity in safety labeling, and clear guidance for the courts when these standards were not followed and manufacturers did not comply with their "duty to warn" obligations.

The same, however, has not been true for safety and instruction manuals. No standards existed for how information was to be presented. As a result, product safety manuals varied dramatically from company to company in both presentation and organization.

Recently, however, ANSI has adopted a standard which applies specifically to product safety and instruction manuals. The new standard, known as ANSI Z535.6, gives long needed guidance and substance to writers of product safety and instruction manuals.

### *The Need For Manual Standards*

Until recently, manufacturers could only guess how to best articulate safety precautions in their manuals. For example, some place all of the safety admonitions in a single "safety" section in their manual.

But this approach doesn't take into consideration situations where the reader needs specific information on only one topic. An individual installing a product may read the installation section, and then have little incentive to read other sections.

As a result, in those instances where safety instructions confined to a single section, those reading only specific chapters would miss important information.

The lack of standards also raises risks for manufacturers from a product liability standpoint. In

any "duty to warn" product liability lawsuit, the manual may often be the most important piece of evidence for the company.

Done correctly, the manual will speak volumes to a jury about the company's concern for safety. Done poorly, it may reflect what will be perceived as a callous disregard for the safety of the users of the product.

The entire culture of a company may be negatively reflected through a poorly written product safety and instruction manual.

Thankfully, with the introduction of ANSI Z536.6 – Product Safety Information in Product Manuals, Instructions and Other Collateral Materials – manufacturers now have much clearer guidance regarding fulfilling their duty to warn obligations with respect to manuals.

### *The New Standard For Manuals*

The new ANSI Product Manual Standard recognizes that existing safety sign standards were not well suited for free-standing product brochures or manuals. The drafting committee distinguished labels from what they defined as "collateral" materials -- manuals, pamphlets, booklets, single sheets of paper, and even electronic documents. The new standard is intended to set forth a hazard communication system specifically for these materials.

The standard organizes the safety messages which are typically found in collateral materials into four categories and then provides guidelines for the purpose, content, format and location of each.

These four types of messages are:

- (1) Supplemental directives;
- (2) Group safety messages;
- (3) Section safety messages; and
- (4) Embedded safety messages.

The standard distinguishes messages involving personal safety from messages that address only property damage, which, while important, are to be differentiated in product manuals.

The new standard also incorporates guidelines for the use of safety alert symbols and signal words, similar to those for labeling. Safety alert symbols and signal words are intended to call attention to a safety message or messages, as well as designate a degree or level of hazard seriousness. The recognized signal words are "DANGER", "WARNING", "CAUTION", and "NOTICE", each of which are defined under the standards.

"Notice" is the preferred signal word to address practices not related to personal injury. Safety alert symbols are not to be used with this signal word. As an alternative, the word "Caution", without the safety alert symbol, may be used to indicate a message not related to personal injury.

Signal words may be used only to identify safety messages and the potential for property damage; safety alert symbols may be used only to alert persons of safety issues, not property.

Where a safety alert symbol is used, signal words or pictorials may be used to clarify, supplement or substitute for a portion of all or part of a safety message. The conveyed message, as with labels, should describe the type of hazard, potential consequences of the hazard, and avoidance actions to be taken.

### *Supplemental Directives*

The first type of safety message recognized by ANSI is supplemental directives. These are messages about other safety messages and not about a specific hazard.

For example, a supplemental directive may address the general safety instructions of the document (e.g., "read all instructions before use to avoid injury" or "improper use of product can cause injury") or generic consequences information (e.g., "improper use of product can result in serious injury").

Supplemental directives also provide generic messages regarding the handling of the safety information (e.g., "keep this manual in the storage sleeve on back of the operating seat"), and reference other sources of information (e.g., "read all product safety labels" or "refer to safety manual").

Supplemental directives may typically be provided by a safety alert symbol without the use of a signal word, panel or border. An example would be:

Read equipment manufacturers manual and this material before using this product. Failure to do

so can result in serious injury or death.

Signal words are not generally used for supplemental directives. The standard does provide, however, that signal words such as "DANGER", "WARNING" or "CAUTION" may be used, but only for supplemental directives that refer to a particular safety message that corresponds to the signal word.

### *Group Safety Messages*

Group safety messages are those collected or grouped in a single document or section of a document meant primarily to convey safety information. They are typically found in a safety section in the manual, so that safety messages that apply to multiple sections do not have to be repeated unnecessarily throughout the document.

As with safety labels, group safety messages should identify the hazards, indicate how to avoid the hazards, and advise of the probable consequences of not avoiding the hazards.

Where information regarding the hazards, consequences, or avoidances may be readily inferred, the standard specifically allows the information to be omitted. Messages unrelated to safety should not be placed among group safety messages.

The standard allows group safety messages to be organized and presented in a variety of ways, such as numbered or bulleted lists, separate paragraphs, etc.

When group safety messages include a large number of separate points, they may be further organized into subsections, with meaningful subheadings provided to indicate the nature of the topics addressed in each subsection.

Typically, product safety sign and labeling formatting should not be used for individual messages. Safety symbols may be used in conjunction with group safety messages. To avoid unnecessary repetition, the safety alert symbol should not be used in conjunction with each safety message in a group.

### *Section Safety Messages*

Section safety messages apply to single chapters, sections or subsections, or multiple paragraphs or procedures, within a document. The messages apply to larger units of information than do embedded safety messages and typically appear at the beginning of the section.

Section safety messages serve several purposes. Generally, they provide safety information that pertains to the topic of a particular section, but that is not related to any particular procedural step or message in the section. Similarly, they address the requirement that safety information be presented in the section of the manual where it will most likely be read and followed.

As with group safety messages, section safety messages should identify the hazard, indicate how to avoid the hazard, and advise of the probable consequences of not avoiding the hazard.

This information again may be omitted from the safety message if it can be readily inferred or would produce unnecessary repetition. Section safety messages should also be differentiated from other, non-safety information in the body of a document. Section safety messages should be preceded by either a signal word panel or a safety alert panel.

Here are some examples of section safety messages:

Example 1:

Make sure that power is off, locked out, and the machine is completely stopped before installing parts or servicing.

It is important to maintain your product...(continue with general text)

Example 2:

**WARNING!** Make sure the lower blade guard of the saw is closed before setting the saw down. When lifting the saw from the work piece, the blade is exposed on the underside of the saw until the lower blade guard closed.

The operation of the saw blade involves six steps. These steps include...(continue with general text)

Where multiple section safety messages are presented together, a single signal word panel or safety alert symbol may be used with the messages. In such instances, the signal word corresponding to the greatest risk level addressed by the safety messages should be used.

### *Embedded Safety Messages*

Embedded safety messages apply to a specific part of a paragraph or part of a procedure in a

document. They apply to smaller units of information than do section safety messages, and provide safety information within procedures or other text (e.g., product descriptions, specifications, etc.) so that users will encounter them in an appropriate place when reading the procedure or other text.

Embedded safety messages should be integrated with the non-safety messages to which they apply. They should also be included as a step or part of a step in any procedure so that, when followed, the hazard may be avoided.

Embedded safety messages may be presented without special formatting if their content and context make it clear they have to do with safety. They may also be differentiated from other information by the use of special formats, safety alert symbols or signal words. A few examples are as follows:

Example 3:

It is important to maintain your bicycle's brake system.

WARNING! Never ride a bicycle if you are not sure if the brakes are working. Malfunctioning brakes can cause you to lose control and fall.

The brake system requires certain tools to make repairs and adjustments. We recommend...(continue with general text)

Example 4:

The saddle or seat of a bicycle offers a wide variety of adjustments. WARNING! An improperly adjusted seat can cause you to lose control and fall. Make sure the seat is positioned and tightened. Before riding the bicycle to adjust the angle of the seat, take these steps...(continue with general text)

Embedded safety messages, as with other messages, should indicate the hazard, identify how to avoid the hazard, and advise of the probable consequences of not avoiding the hazard. Again, if this information may be readily inferred, it may be reduced or eliminated.

*Property Damage Messages*

The requirements for safety messages do not apply to property damage messages, and do not

specify any particular format for them. There are, however, restrictions on what safety message formats may be used with property damage messages.

For example, when a signal word is used for property damage only message, "NOTICE" may be used. Alternatively, "CAUTION", without the safety alert symbol may also be used. Property damage messages must be clearly distinguished from safety messages by the use of meaningful headlines, subheadings, or other distinguishing features.

### *Conclusion*

A product's safety and instruction manual is a showcase for the manufacturer's concern for safety. Properly done, a manual will instruct users on how to safely use the company's product and avoid harm. Accidents will be avoided, leading to reduced claims and losses.

Product safety and instruction manuals represent the face of the company. The manual should be viewed as the company's pride and joy; the key exhibit in the defense of any failure to warn claim. The manual should showcase the company's concern for safety. The new ANSI Z535-6 standard is a positive step in allowing manufacturers to address their legal duties to warn and instruct.

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