

# Using Warnings and Instructions to Increase Safety and Reduce Liability

June 23–25, 2015  
Madison, Wisconsin

A practical, results-oriented course for:

- Product safety managers
- Engineering managers
- Technical writers
- Product safety and liability prevention professionals
- Anyone responsible for creating and reviewing directions and warnings

*Please share this brochure with colleagues who may benefit from attending this course.*



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# Using Warnings and Instructions to Increase Safety and Reduce Liability

June 23–25, 2015  
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- Review factors useful in evaluating manuals and warnings
- Learn how to test and revise warnings and instructions
- Learn about the ANSI standards that apply to your product warnings
- Consider product safety issues in the global marketplace
- Study international standards for warnings and more!



# Using Warnings and Instructions to Increase Safety and Reduce Liability

June 23–25, 2015 in Madison, Wisconsin

Dear Colleague:

*Using Warnings and Instructions to Increase Safety and Reduce Liability* is a course filled with information from four widely recognized experts to assist companies in making their products safer and avoid liability. Thoroughly developed warnings and instructions are the most cost-effective way to increase the safety of your product while decreasing your product liability exposure.

During this course, you will:

- Review factors useful in evaluating effective warnings and instructions
- Examine the current legal duty to warn and instruct
- Consider court interpretations of this duty
- Learn how to test and revise warnings and instructions
- Learn about the ANSI standards that apply to your product warnings
- Learn about the ANSI Z535.4-2011 regarding product safety signs and labels
- Consider product safety issues in the global marketplace
- Study international standards for warnings
- Learn about resources and techniques available to help write clearer instructions and warnings

When you attend, you will receive numerous resources, including the 2011 ANSI Z535.4-2011 Standard for Product Safety Signs and Labels, and the Z535.6-2011 Standard for Product Safety Information in Product Manuals, Instructions and Other Collateral Materials. Speaker handouts are also included in the course fee.

Whether you are a manager, an engineer, a technical writer, or a product safety and liability prevention specialist who is responsible for creating or reviewing directions and warnings, you will benefit by attending this course. We will make every effort possible to tailor this course to your interests.

Sincerely,

Jeff Oelke, Program Director

i. INADEQUATE INSTRUCTIONS OR WARNINGS. 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 so that they can prevent harm either by appropriate conduct during use or consumption or by choosing not to use or consume. In most instances, the instructions and warnings will originate with the manufacturer, but sellers down the chain of distribution must warn when doing so is feasible and reasonably necessary. In any event, sellers down the chain are liable if the instructions and warnings provided by predecessors in the chain are inadequate.

Restatement of the Law Third Torts, Products Liability  
American Law Institute, 1997  
Section 2 (comment: i, p. 29)

## Past Participants Say...

**"THE PROGRAM IS VERY WELL-ROUNDED AND COVERS EACH OF THE ELEMENTS OF WARNINGS AND INSTRUCTIONS IN A THOROUGH, EFFECTIVE, AND INTERESTING MANNER."**

**"I'D BE HARD PRESSED TO SAY WHAT WAS BEST—THERE WAS SO MUCH USEFUL INFORMATION, AND THE OUTSIDE EXPERTS WERE SUPER."**

**"GOOD CONSISTENT INFORMATION THROUGHOUT THE PRESENTATIONS. EVERYONE HAD THE SAME MESSAGE FOR ACTION BY COMPANIES FOR WARNINGS AND INSTRUCTION."**

## Earn Continuing Education Credits

By participating in this course, you will earn 15 Professional Development Hours (PDH) or 1.5 Continuing Education Units (CEU).



# Using Warnings and Instructions to Increase Safety and Reduce Liability

June 23–25, 2015 in Madison, Wisconsin

## Course Outline

### Day 1

#### Welcome, Course Overview

*Jeff Oelke*

Program Director

Engineering Professional Development  
University of Wisconsin–Madison

#### An Overview of the Legal Duty to Warn and Instruct

*Cal Burnton*

Attorney

Stephens & Johnson

Chicago, Illinois

#### Duty to Warn and Instruct: Legal Responsibility

- No guarantees
- Broad and important topic
- Key: being organized
- Theories of liability: negligence/strict liability
- Factors in determining whether duty exists
- Warnings vs. instructions

#### There Is No Duty to Warn Where Hazard Is Open and Obvious

- General principle
- Debate of what is open and obvious
- Know the use of the product

#### Unintended/Unforeseeable Misuse

- Foreseeability
- Know the use of the product

#### Environmental Test

- Modifications
- Adequacy of warnings
- Reasons
- Factors

#### Causation: Did the Failure to Warn Cause the Accident?

- History
- Factors
- Warnings/retrofit/recall

#### How to Improve Your Product

- Be organized
- Documentation and its importance
- The role of sales/service

#### The New Era of Product Safety Labeling

*Geoffrey Peckham*

CEO

Clarion Safety Systems, LLC

Milford, Pennsylvania

#### The ANSI Z535 Standards for Product Safety Signs and Labels

- History, purpose
- Guidelines for content of product safety signs (hazard nature, seriousness, consequence, avoidance)
- Guidelines for format of product safety signs (signal word, color, pictorials, word messages)

#### International Standards

- ISO standards for product warnings
- EC machine safety directive

#### International Standard Harmonization

- U.S. standards harmonization
- ANSI Z535 revision
- ISO 3864 revision

#### Durability Considerations

- Product environment
- Product surface
- Material choices

#### Team-Based Workshop Activity

- Evaluate warning
- Develop recommendations
- Team presentations

#### Discussion

### Day 2

#### Writing and Designing Manuals and Warnings

*Dr. Patricia Robinson*

President

Coronado Consulting, LLC

Sonoita, Arizona

#### The Legal Context

- Legal theories
- The manufacturer's duty
- When is a warning adequate?

#### The Global Marketplace

- The regulations and standards environment
- Developing a global safety program
- Managing translation issues

#### Integrating Product Safety

- How to conduct a hazard analysis
- Designing instructions and warnings for users

#### Designing Instructions

- Who is your user?
- What you see is what you read...or not
- What to put in...and what to leave out

#### Designing Warnings and Safety Messages

- The duty to warn revisited
- Liability prevention vs. product safety
- Meeting standards
- Testing your warnings

#### Putting It All Together and Selling It to The Boss

#### Discussion of Today's Sessions and Related Questions

#### Adjournment

### Day 3

#### Evaluating Warnings and Instructions

*Charles G. Burhans, MSE CPSM*

Senior Consultant

Applied Safety and Ergonomics

Ann Arbor, Michigan

#### Evaluation Considerations

- When to evaluate
- Evaluation methods
- Iterating through evaluation
- When and how to document
- Evaluation workshop

#### Complete Evaluation and Final Adjournment

## Course Schedule

#### Registration and course will be held at:

The Pyle Center

702 Langdon Street

Madison, WI

### Day 1

7:30 a.m. to 8:00 a.m. Registration

8:00 a.m. to 5:00 p.m. Class

### Day 2

8:00 a.m. to 4:45 p.m. Class

### Day 3

8:00 a.m. to 11:45 a.m. Class

Midmorning and midafternoon refreshment breaks and lunches (11:30 a.m.) will be provided on the first two days. Lunch is optional on Day 3.

## Your Instructors

**Charles Burhans, MSE, CPSM**, is a Senior Consultant at Applied Safety and Ergonomics, a consulting service that has been providing valuable analysis, insight, answers, training, data, and problem solving strategies in consultation and expert witness capacities to help clients make informed decisions since 1994. Recent professional activities include development and evaluation of warnings, instructions, and product literature, analysis of standards, accident investigation and the development of safety training materials and product safety/integrity documentation. While at the University of Michigan, Burhans was an Instructional Assistant for Product and Occupational Safety Management courses and is currently a member of the American National Standards Institute (ANSI) Z535.6 Subcommittee on Product Safety Information in Product Manuals, Instructions, and Other Collateral Materials.

## Four Easy Ways to Enroll

**Internet:**

epd.engr.wisc.edu/registerR100

**ENROLL ONLINE  
TODAY!****Phone:****800-462-0876** or  
608-262-1299 (TDD 265-2370)**Mail to:**The Pyle Center  
Attn: Engineering Registration  
702 Langdon Street  
Madison, Wisconsin 53706**Fax:****800-442-4214** or  
608-265-3448

### Course Information

- Please enroll me in **Using Warnings and Instructions to Increase Safety and Decrease Liability**  
**Course #R100** June 23–25, 2015 in Madison, Wisconsin Fee: \$1495
- Team Discount:** \$1395 per person when two or more enroll from the same organization
- I cannot attend at this time. Please send me brochures on future courses.

### Personal Information (Please print clearly.)

Name \_\_\_\_\_

Title \_\_\_\_\_

Company \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Phone (\_\_\_\_\_) \_\_\_\_\_ Fax (\_\_\_\_\_) \_\_\_\_\_

E-mail \_\_\_\_\_

### Additional Enrollees

Name \_\_\_\_\_

Title \_\_\_\_\_

E-mail \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

E-mail \_\_\_\_\_

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**Cal Burnton, JD**, Steptoe & Johnson LLP has earned a national reputation for coordinating, managing, and defending complex product liability and mass toxic tort cases with a special emphasis on high-risk matters involving novel legal, scientific, and environmental theories. Throughout his 25-year career, Burnton has represented corporate clients in both federal and state courts in almost every state in the U.S., while also frequently lecturing at the UW–Madison, and presenting seminars on product liability issues in Japan and the University of Warwick in England.

**Geoffrey Peckham** is the CEO and Director of Research and Development of Clarion Safety Systems. He is also the chair of the ANSI Z535 Committee for Safety Signs and Colors. Under Peckham's leadership and guidance, Clarion has grown to be a recognized force in the safety markings industry, serving the needs of over 10,000 companies representing more than 180 industries around the world. As an expert witness in the area of warnings, Peckham regularly lectures at the request of various manufacturing, risk management, insurance, and academic organizations on the application benefits of compliance with ANSI and ISO standards for safety signs, labels, and photoluminescent safety markings.

**Patricia Robinson, PhD**, author of *Writing and Designing Manuals*, brings over 25 years experience to consulting and training in product safety, predominantly in the area of warnings and instructions. Robinson has helped more than one hundred national and international companies improve their warnings and instructions, addressing safety issues in products as diverse as infant car seats, industrial gravel separators, and food-industry patty-forming machines. Robinson recently retired as the Executive Dean of Criminal Justice for Fox Valley Technical College in Appleton, Wisconsin where she oversaw on-campus academic and continuing education programs as well as ten-plus million dollars in federal grants providing training and technical assistance nationwide.

### Need to Know More?

Call toll free **800-462-0876** and ask for

**Program Director:** Jeff Oelke

**Program Associate:** Maggie Richardson

Or email [custserv@epd.engr.wisc.edu](mailto:custserv@epd.engr.wisc.edu)

### General Information

**Fee Covers** Notebook, course materials, break refreshments, lunches, and certificate. Course materials are distributed only to course participants.

**Cancellation** If you cannot attend please notify us at least seven days prior to the course start, and we will refund your fee. Cancellations received after this date and no-shows are subject to a \$150 administrative fee per course. You may enroll a substitute at any time before the course starts.

**Location** This course will be held at the Pyle Center, 702 Langdon Street, Madison, WI.  
Phone messages: 608-262-1122

**Accommodations** We have reserved a block of guest rooms (rates starting at \$94, including continental breakfast) at Lowell Center, 610 Langdon Street, Madison, WI. Reserve a room online at [epd.engr.wisc.edu/lodgingR100](http://epd.engr.wisc.edu/lodgingR100) or call 866-301-1753 or 608-256-2621 and indicate that you will be attending this course under group code R100EPD. Other fees and restrictions may apply.

We have reserved a second block of guest rooms (rates starting at \$99, including parking) at Graduate Madison, 601 Langdon Street, Madison, WI. Reserve a room online at [epd.engr.wisc.edu/lodgingBR100](http://epd.engr.wisc.edu/lodgingBR100) or call 800-589-6285 or 608-257-4391 and indicate that you will be attending this course under group code 157256. Room requests after June 1 will be subject to availability. Other fees and restrictions may apply.

**Recording the Session** To generate free and open exchange of information, we will not allow the recording of course sessions.

**CLEs** Attorneys attending courses similar to this have qualified in the past for Continuing Legal Education credits in their home states. You may want to investigate this possibility by contacting the appropriate department in your state.

**ENROLL ONLINE TODAY! Or visit our website.**