

STRUCTURAL BUILDING COMPONENTS MAGAZINE (FORMERLY WOODWORDS)

January/February 1999

"Protect Yourself Before the Accident Happens" by Steve Cabler

You have just arrived at the office on a typical dark and cold Monday morning after another depressing St. Louis Rams loss. Before you've had a chance to take off your jacket, much less get a cup of coffee, the phone rings. On the other end you hear a loud voice exclaim. "Your no good trusses fell down over the weekend and injured three of my men."

What do you say? What do you do?

Many responses may come to mind, but what should you say? What actions should you take? What should you not do? What should you already have done?

I will attempt to discuss some of the practical approaches to handling these situations. There are a great many details surrounding this subject that each could become the focus of a separate article. This is the reason that WTCA has created the WTCA Risk Management Seminar. It is an excellent program for a better understanding of the details of these broader issues.

This is a very serious subject and could have a major impact on your business. Rather than trying to formulate a cogent answer and plan under the pressure of the situation, you should develop an approach proactively and have an idea of the steps you need to take before an event occurs. Also, after an event, you need to have a plan in place that minimizes your exposure.

Although you may never receive this type of call, you nevertheless need to prepare for it.

BEFORE THE EVENT

As obvious as it sounds, you must manufacture a good product. Develop and use quality assurance procedures that will ensure that the manufactured product matches that required by the truss design. Use high-quality materials and careful manufacturing techniques. Integrate the WTCA QC version 3 program into your operations. This, in conjunction with your plant being inspected by an independent third-party quality control agency, will give you a great database of information. In short, avoid problems by developing a sound and consistent process for producing a quality product.

Make sure your insurance policy is current and that you have sufficient coverage. Know whom to contact in case of an event that could result in a potential claim.

Clearly define your scope of responsibility to your customer. Do this in a formal contract or some other form so that he has no misconceptions about your role in the relationship. Your attorney

will be able to help you through this and assist you in developing a package of information to provide with each truss job.

Develop a working relationship with an independent engineer knowledgeable about wood-frame construction and metal plate connected wood trusses. For some, you may already have an employee that appears to fit this description. This person may be a tremendous asset, but does not have the independence from your organization necessary to best protect your interests if a situation escalates to legal action. At the very least, have the name and number of an engineer or two with the appropriate experience. There may, or may not be, a resource locally. Your connector plate supplier, WTCA and/or TPI can provide you with a list of qualified individuals if needed.

Establish a business relationship with an attorney who has construction litigation experience. You need an attorney willing and able to delve in to the details of the relationships and facts of a case. Be prepared to teach them and understand the time commitment necessary.

Maintain accurate and detailed records. Be prepared to prove to others what you did and when you did it. Production records, manufacturing modifications records, delivery receipts, quality assurance records, repair details, etc. should be easy to locate and well documented.

Know whom to contact at your truss design software/connector plate supplier. This individual will be able to help you with advice and guidance and may want to conduct his/her own investigation for certain cases.

Create a failure investigation form that will prompt you to remember to ask the right questions. WTCA has a model form that you can use as a template which your attorney can use to develop a form appropriate for your business.

AFTER THE EVENT

When you receive the call, get as much information over the telephone as possible. Find out when the incident occurred, and if there was personal injury, determine the weather conditions at the time and ascertain whether any blame or cause is being presupposed. Find out the extent of the property damage, the construction bracing applied, the specific truss designs involved and who the general contractor and erection contractor are.

Time is of the essence. Make sure, to the extent possible, that the jobsite is left undisturbed. Stress the importance of this with your contact and with anyone else at the site that may have any degree of control over this. The physical evidence at the site will usually tell the story as to what happened and why. Any investigation will have an infinitely better chance of being productive if the site is left undisturbed.

The first call you should make is to your insurance company. They may decide to send their own engineering experts to investigate and they may have the right to retain counsel of their choice.

Depending on the severity of the situation, your insurance company may want you to contact

your own attorney and independent engineer. Do this right away and arrange for your independent engineer to inspect the site.

If there is personal injury, the chances are very good that there will eventually be legal action. Don't be misled during the early stages of an investigation. Even though it appears obvious that your trusses were not the cause of the accident, do a full and complete investigation. For instance, in an erection failure, the contractor may admit blame for not bracing the trusses properly and order new trusses. But, if there is personal injury or significant economic loss involved, you can bet on the fact that once his insurance company and lawyers get involved, they will try to drag into the fray everyone whose product or actions may have contributed to the accident in any way.

Your independent engineer will know what to do at the jobsite in terms of the investigation. It is possible however, that the site may only be available for inspection for a brief period before clean up begins not allowing time for your independent engineer to get there. If this is the case, you need to investigate it yourself.

Take pictures-lots of pictures. Good photographs recording the facts of the collapse can be the "great equalizer" in case of subsequent legal action. Videos are also helpful.

There are two objectives here. First is to verify that the trusses were manufactured correctly. Be able to show pictorially that the configuration was correct and that the materials used, both plates and lumber, matched the truss design. Secondly, give the forensic engineer an opportunity, by taking a complete set of pictures, to determine what caused or at least contributed to the collapse. Don't forget to photograph areas of the structure that may not have collapsed. This may tell the forensic engineer as much as photographs of the collapsed areas.

This type of problem can also be viewed as an opportunity. The opportunity to develop a relationship with your customer through your actions that will transcend this problem event. Depending on the severity of what has happened, your customer is most likely in a major bind. Speed is of the essence, and helping him out by providing trusses quickly and economically may produce a loyalty that otherwise may not have developed and may even prevent legal action in some cases.

The relationship between you and your truss design software/connector plate supplier is a bit complicated for these investigations. In some instances, both you and your supplier may wish to have the collapse site inspected by an engineer and it might seem to make sense to join with your plate supplier and have the site inspected by a single engineer representing both of you. Better yet, it might seem to make sense to rely solely on the inspection by your plate company's engineer. Usually you should fight this urge. Even though your interests and those of your plate supplier may be similar in many instances, they will rarely be identical. It normally will be in your best interest to hire your own independent engineer. In addition, by having your engineer hired by your attorney and reporting directly to him, it may be possible to keep your engineer's report confidential, which may help you in subsequent settlement talks and litigation. Your attorney will be able to provide further details.

CONCLUSION

Unfortunately, our legal system is such that regardless of all the effort you make to limit your exposure, you can still be dragged in to a suit for no apparent reason and have to spend money to prove your innocence. There is no substitute for the advice of your insurance company and attorney for these situations. Minimizing your exposure and risk beforehand by implementing sound and consistent business processes is critical, but reacting in a planned and logical way after an event occurs is also extremely important in limiting your liability.

Truss Collapse Jobsite Information Checklist

- Inspector name, date of inspection and jobsite location
- Information for each of the involved parties: name, title, address, phone and their insurance company
- Building owner
- Architect or designer
- Engineer
- Contractor
- Subcontractor (e.g. erection contractor)
- Truss designer
- Define the jobsite conditions at time of incident
- Name, age, employer, injury and cause
- Description of the physical damage to the structure and estimated cost of damage
- Describe complaints of the owner like loss of business, contract provisions on construction delays, etc.
- Chronological description of events
- Date of incident
- Weather conditions at time of incident
- Contractor's experience with the size and type of truss
- Contractor's experience with the size and type of building
- Define current jobsite conditions
- Date first notified of the incident
- Has the site been disturbed by salvage crews or weather?
- Provide a sketch of the site conditions
- Specific Truss Information
- Truss type (e.g. T-1, T-2, girder, # of plys, etc.; quantity, engineer's design, etc.)
- Truss material (TC, BC, web size and grade)
- Design loads (TC LL, TC DL, BC LL, BC DL and all special loading)
- Spacing
- Fastening of plys
- Actual construction material used in the assembly roof/floor sheathing, insulation, resilient channel, ceiling type, etc.
- Are trusses plumb that are still standing or unaffected by the collapse?
- Overview of the quality of the trusses
- All markings and tags on the trusses by truss manufacturer or others

- Sketch the individual truss(es) in question and any special or field modifications
 - Sketch the layout of the trusses including TC purlins/sheathing, BC purlins/sheathing, lateral bracing, "T" bracing, strongbacks, diagonal bracing, anchorage details, gable end details, etc.
 - "WTCA's Warning Poster" and/or TPI HIB-91 on the jobsite? Signed as received by the contractor or truss installer?
 - Provide a log of all conversations, inspections and related actions
 - Provide a log of all photographs
-

Steve Cabler is the vice president of engineering for MiTek Industries, Inc., St. Louis. He can be reached by calling 800/325-8075.

[SBC HOME PAGE](#)

Copyright © 1999 by Truss Publications, Inc. All rights reserved. For permission to reprint materials from SBC Magazine, call 608/310-6706 or email editor@sbcmag.info.

The mission of Structural Building Components Magazine (SBC) is to increase the knowledge of and to promote the common interests of those engaged in manufacturing and distributing of structural building components to ensure growth and continuity, and to be the information conduit by staying abreast of leading-edge issues. SBC will take a leadership role on behalf of the component industry in disseminating technical and marketplace information, and will maintain advisory committees consisting of the most knowledgeable professionals in the industry. The opinions expressed in SBC are those of the authors and those quoted solely, and are not necessarily the opinions of any of the affiliated associations (SBCC, WTCA, SCDA & STCA).