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Risk Management & Insurance Part 2: Responsibilities to Your Customers by Kent Pagel (Based on his BCMC 2002 presentation)

At BCMC 2002 in Columbus, OH, I presented two sessions on Risk Management and Insurance. In my first session "[Component Manufacturing Responsibilities](#)," I focused on the fine details that are sometime overlooked by component manufacturers with respect to customer contracts and consenting to insurance requests. Once this process is through, we need to remember that liability also exists once the product is shipped from our plant.

My second session, "Responsibilities to Your Customers," delves into our responsibilities once the truss leaves the plant. Specifically, what our scope of work is in relation to temporary and permanent bracing, the importance of a jobsite safety package, what a jobsite safety package should contain, and what to do if there is a truss collapse.

TEST YOUR SKILLS

I opened the session with a set of questions designed to test the risk management knowledge of those in attendance. I used these questions as a basis for the session's content. Knowing the appropriate response to the questions and what documentation you can use may either save you from a lawsuit or at least help your chances in those situations where a lawsuit is inevitable.

UNDERSTANDING CAUSES OF ACCIDENTS INVOLVING TRUSSES

To fully understand the causes of accidents involving trusses, it is important to remember that liability largely begins "once the product leaves the plant." In other words, component manufacturers face liability in the event of truss collapses, product recalls, or a construction defect case that may follow completion of construction—sometimes years later. With respect to truss collapses and product recalls, three main reasons for these accidents to occur are:

- inadequate and/or improperly located temporary bracing
- bracing connections and/or improper connection of trusses to the supporting structure
- construction overload and improper field alterations or installation of damaged trusses

DO YOU KNOW HOW TO ANSWER THE FOLLOWING QUESTIONS?

Test yourself:

- 1. What is your scope of work with respect to temporary bracing?
- 2. What is your scope of work with respect to permanent bracing?
- 3. True or False: If my company properly sets forth its scope of work in its customer contract, we need not concern ourselves with supplying jobsite handling, installation and bracing documents as this is outside our scope of work.
- 4. Upon learning of a truss collapse, what is the first thing I should do?
 - a. ignore the situation and hope the problem goes away.
 - b. call my lawyer.
 - c. call my insurance agent.
 - d. travel to the jobsite.
 - e. contact a local engineer to travel to the jobsite.
 - f. confirm that a jobsite package was delivered with my trusses.

HANDLING, INSTALLING AND BRACING

Question #1: What is your scope of work with respect to temporary bracing?

If you negotiate your customer contract correctly, your scope of work will not include any responsibilities regarding temporary bracing. Further-more, this is not something that is required of the component manufacturer under either WTCA 1-1995, Standard Practice for Metal Plate Connected Wood Truss Design Responsibilities or under ANSI/TPI/WTCA 4-2002, National Standard and Recommended Guidelines on Responsibilities for Construction Us-in Metal Plate Connected Wood Trusses. Nevertheless, it is good risk management to provide industry-based guidelines and documentation to help your customers intelligently handle, store, brace and install the products you manufacture and sell. The bracing warning tags available from WTCA are another effective way of bringing to the erector's attention the importance of temporary bracing for the safe installation of trusses.

Question #2: What is your scope of work with respect to permanent bracing?

If you negotiate your customer contract correctly, your scope of work will not include permanent bracing responsibilities except to provide bracing locations for the web compression braces on the trusses. This does not include, however, either the manner in which to attach the braces or the type of braces to be used. This responsibility is consistent with both WTCA 1-1995 and ANSI/TPI/WTCA 4-2002. If your customers or the design professionals for a particular project do not understand where the component manufacturer's permanent bracing responsibilities begin or end, the design responsibility standards referenced above can be effective tools to communicate such responsibilities. Furthermore, a document in the Truss Technology in Building series called "Web Member Permanent Bracing" (TTBPERM-D) is available from WTCA. This document is a valuable resource that explains how important web bracing is to the structural integrity of individual components.

DISPEL THE MYTH

Question #3: Answer: False.

It is sometimes said that since handling, installation and bracing is outside the scope of work of the component manufacturer (assuming the customer contract has been properly negotiated), we should not concern ourselves with supplying documentation to the erectors. While in theory this may be accurate, although many would dispute the legitimacy of such theory, this is not a suggested practice. In the event of any kind of truss problem, whether a collapse or some kind of product recall, one of the first questions that will be asked is whether the manufacturer of such products has properly educated the users of such products. And do not overlook the fact that through proper education, the component manufacturer may very well prevent a loss—the best of all risk management practices.

TRUSS COLLAPSE—WHAT DO DO?

Question #4: Answer: f. While many of the answers may be correct depending on the situation, one of the first things that should be done is to confirm that a jobsite package was delivered with my trusses.

THE JOBSITE PACKAGE

An effective jobsite package is very important risk management tool as I have explained above and may be quite helpful in explaining how you warned and instructed in the areas that may have contributed to the collapse. As you assemble your jobsite packages you want to remember that each job is different and you need to tailor the package to the particular project, customer and erector. The WTCA Jobsite Safety Package, consists of several documents from the Truss Technology in Build-in series. These documents genuinely warn and instruct. Other documents can be added depending on the aspects of the job that may be unique. Another advantage to consider is that many of the documents are now available in English or Spanish and those that are not available other than in English are quite pictorial which can certainly help for those erectors that cannot read or who do not read English.

BE ABLE TO DEMONSTRATE THAT THE JOBSITE PACKAGE HAS BEEN PROVIDED

You need to develop a systematic approach with respect to providing a jobsite package—and you need to develop a method by which you can prove such a package was delivered with all jobs. Too often in litigation whether or not warnings or instructions were provided to the erectors becomes a contested issue. The erectors may vigorously deny having been provided any documentation whatsoever. In that event, your charge is to disprove the erectors and demonstrate that a jobsite package was in fact provided on that particular job in addition to all jobs you produce and deliver. One method may be through the use of overnight delivery with proof of receipt to the jobsite or erection crew. The use of delivery tickets or jobsite personnel signing for a document is another option, but is often difficult because many times there is no one at the jobsite to sign the delivery ticket. Taking pictures of the jobsite package attached to the trusses is a method used by many component manufacturers. These are all ways to be able to demonstrate compliance and allow for an inexpensive way to guarantee that you provided the appropriate documentation of safety precautions.

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