

# CASE STUDY: Post Accident Modifications

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## SITUATION:

A packaging machine manufacturer had a customer who had an operator lose four fingers when he became trapped in a machine during an operating cycle. After the accident, the customer asked the manufacturer for a modification to the area where the accident occurred. A guard valued at less than \$200 was added to the customer's machine.

The manufacturer included the newly designed guard on all similar machines currently in production and all future machines. However, the manufacturer did not send or offer the new guard to any customer who already had a similar machine, nor did they send a safety bulletin to notify these customers of the incident.

## SOLUTION:

Anytime an accident occurs, the situations surrounding the accident have to be analyzed. If it is determined that a modification has to be made for the safety of the personnel working with the machine, then all similar machines in the field, on the production floor and to be built in the future should have that modification incorporated.

Similar machines currently in production should have the cost absorbed by the manufacturer. Future machines can have the costs built in. The cost to upgrade the machines currently in the field is a business decision that has many parameters. Do you absorb the cost and installation time? Do you charge the customer cost plus mark-up and installation time? Do you absorb the cost but charge for installation time? Do you charge the customer cost and send them installation drawings for them to install the modification?

A safety bulletin should be sent to all customers of similar machinery informing them that an accident occurred on this type of machine and to caution

their personnel on the issue. The safety bulletin should also inform them of any modifications that are to be made and if they will receive or have to purchase the modification from you.

You do not have to give safety modifications to your customers at no charge. However, you do have a duty to inform them of the modifications you have made. They can then make the decision on whether or not they would like to receive the modification.

There may be times when a customer who has had an accident wants you to make a modification to the area of the accident. Your review of the circumstances surrounding the accident may not lead you to believe that a modification is necessary. You may at this point make the modification to the customer's machine and not make the same modification to any legacy machines or future machines. However, you would still need to send a safety bulletin to customers of existing machines to notify them of the incident and modification.