Name _____ Date

Class

Chapter 21 Activity Analyzing 1

STREET LAW

Directions: Read the case study below, keeping strict liability in mind. Then decide the case. Discuss the reasons for your decision.

Vasily hated opening the hot dog stand for the summer season. There was always so much to do—cleaning, painting, stocking the shelves—it never seemed to stop. But, as much as he hated it, he liked making the money that kept his car on the road.

The boss had asked him to make sure that the restrooms were clean so that employees could use them. The toilet bowl looked pretty bad. Dripping water all winter had left a lot of rust. This was going to be a tough one. As soon as Vasily dumped the cleaner in the bowl, a cloud of gas escaped, choking him. His boss heard Vasily choking and rushed him to the hospital. He was treated at the hospital for 122 days for acute bronchitis and acute asthma. Vasily's lungs were permanently damaged. Participating in sports was out of the question. He could hardly breathe, and his condition was not going to improve.

Vasily sued the manufacturer of the cleaner for his injuries. Experts testified that sodium bisulfate and a chlorine ion in the bowl cleaner reacted with iron oxide (rust) to release poisonous chlorine and hydrogen chloride gases. Vasily testified that he did not know what chemicals had caused his injury. There was no warning label on the bottle of cleaner. The manufacturer contended that there was no direct proof that the cleaner had, in fact, caused Vasily's injury.

How should this case be decided? Give your reasons.					
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CHAPTER 21 ACTIVITY Analyzing 2

STREET LAW

Directions: Read the case study below, keeping strict liability in mind. Then decide the case. Discuss the reasons for your decision.

Kai-Lin's boss wanted to display some new items in the store. He asked Kai-Lin to use polyurethane foam sheets to make a little display box and gave Kai-Lin a soldering gun to melt the foam and cut it into pieces that were the size she needed to make the box.

During heating, the foam gave off smoke and fumes. Shortly thereafter, Kai-Lin was diagnosed as having a progressive, debilitating illness that caused shortness of breath, reduced pulmonary function, bronchitis, and chest pains. Kai-Lin sued the manufacturer of the foam. Experts testified that such illness may be caused by toluene diisocyanate (TDI), a chemical used to make polyurethane that remains in the foam.

The Occupational Safety and Health Administration (OSHA) has found it dangerous to inhale concentrations of TDI above 0.02 parts per million for 20 minutes. Kai-Lin testified that she was never warned of any hazard in heating the material and that she did not see a warning label that was included with each shipment of foam.

She argued that each polyurethane foam sheet should have had the label stapled to it so that the ultimate user could not avoid seeing it. Her lawyers did not indicate that the warning sheet itself was inadequate, only that its distribution was faulty.

The manufacturer countered that the employer had received a 40-page safety booklet that experts testified was one of the best in the industry, that the employer also had had personal experience that indicated that these materials were hazardous under certain conditions, that stapling the safety note to the sheets would have destroyed the sheets, and that many of the notes would have been torn off during packaging. In addition, the company sold the materials only to knowledgeable customers and gave them clear warning of the dangers inherent in using the product, including cutting it with a hot wire or heat contact. They indicated that this process should be done only with adequate ventilation.

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