

## **HSE ALERT**

**ISSUE DATE: 07/01/2010**

**NOTICE NUMBER 04/2010**

### **FALSE AND MISLEADING STATEMENT**

### **REGARDING FALLRIGHT'S MINI BLOC**

SAFERIGHT as the owners of Fallright Height Safety products, hereby formally confirm the information in the above Safety Alert is false and misleading.

We confirm Fallright products are fully compliant to relevant Australian Standards (AS/NZS 1891.3). With reference to the Delta Mallion in question, we confirm this product is rated with a "safe working load" of 250 kg and we strongly believe that any user would not weigh more than 250 kg. This device is referred to in the Australian Standards as a tube nut connector and comprises a semi permanent attachment hardware device. It has a requirement under the relevant Australian Standards to be "tested" to AS/NZS 1891.1 – Section 5.2.2 – Static Testing.

#### **5.2.2 STATIC TESTING**

*Attachment hardware shall meet the following requirements:*

- (a) ***STATIC STRENGTH – When tested in accordance with the static strength requirements of ISO 10333-5 the device shall withstand a minimum static force of 20 kN without any evidence of fracture or partial fracture, or inadvertent opening of the gate.***

SAFERIGHT confirms that the product in question has a breaking strength of 26.6 kN well in excess of the requirement of the Australian Standards. We wish to further point out that as this device is a semi permanent attachment hardware, it has no requirement to show a strength static test rating as it forms part of the device. SAFERIGHT's labeling of the product in question is accurate and compliant to AS/NZS 1891.3.

We confirm SAFERIGHT is an ISO 9001 Quality Endorsed Company and as such our manufacturing facilities are audited to Australian Standards on a regular basis, (four times per year).

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SAFERIGHT is a licensed manufacturer to Australian Standards (License No 1270). The owner of SAFERIGHT has been a senior author of all relevant Australian Standards. The point being made is SAFERIGHT is an expert in this field of height safety fall protection equipment.

The author of the HSE Alert in question has a history of writing false and misleading statements regarding SAFERIGHT's equipment. Mr Stratton has a history of quoting outdated Standards or the wrong Standard.

We would like to point out to all customers and safety professionals, that if you have a query regarding a company's product, it is professional etiquette to contact the manufacturer with your enquiry.

We strongly believe it is unprofessional and inappropriate to write Safety Alerts and promulgate this false and misleading information when you have not bothered to check with the manufacturer to confirm your concerns. We also strongly believe that if you have issued a Safety Alert and the manufacturer writes to you to point out you are incorrect with your allegations, you as a safety professional have a duty of care to act in an appropriate manner and withdraw the Safety Alert as soon as is practical, for should you fail to act in a reasonable manner, you can be held responsible for deliberately slandering a company product or services with false and misleading information.

As the founder and owner of SAFERIGHT, we have ran our small business to the best of our ability, ensuring quality control systems are in place and products are third party audited (SAI Global) to the relevant Australian Standards. Having fulfilled SAFERIGHT's duty of care, we believe it is totally inappropriate for our company's name and reputation to be damaged by false and misleading information. This situation has had a major negative effect on our company's sales turnover. This is normally referred to in a Court of Law as financial damages.

Attached for your reference is all correspondence with Mr Stratton regarding this matter.

We wish to confirm the information contained in HSE Alert – Notice 04/2010 is false and misleading as stated below.

*"required to be rated at a minimum of 6 kN"*

This statement is incorrect, Australian Standards for fall arrest rated equipment is 15 kN not 6 kN.

*"the one fitted here is only rated to 2.5 kN or 250 kg".*

This information is misleading, for Delta Mallions are stamped with a safe work load rating and not ultimate break strength as per karabiners.

SAFERIGHT is frustrated that this false and misleading information has not been withdrawn from circulation, especially given that the accurate information was passed on to the author on 14 January 2010. We also wish to make it public notice that Mr Stratton has a history of writing false and misleading information regarding SAFERIGHT's inertia reels.

As such, SAFERIGHT has instructed its Lawyers to start legal action against Mr Stratton for slander against our company's good name. We will be looking to take out a restraining order against Mr Stratton to ensure that this slander campaign comes to a halt.

In summary, we wish to bring to the attention of all safety professionals that should you have any concerns regarding any products, we strongly believe you have a duty of care to bring these concerns to the manufacturers attention so that the matter can be clarified and handled in a professional manner prior to issuing Safety Alerts which have not been verified in a professional manner.

A handwritten signature in black ink, appearing to read 'G.N.J. (MACK) McCORMACK', written in a cursive style.

**G.N.J. (MACK) McCORMACK**  
**MANAGING DIRECTOR/OWNER**

cc: Richard Payne and Associates