



# How Safe Is Safe Enough?

We raised a real brouhaha with the May/June issue of *Professional Deck Builder*. The second sentence in “Rod Railings” reads “... horizontal cables form a ladder that is dangerous for children to climb.” Despite the fact that the IRC allows horizontal cable railings, that statement seemed to the staff to be indisputable. Were we ever wrong about that, if the e-mails that came in from manufacturers are right (see *Letters*, page 14).

While I have no data that indicate cable railing, or any horizontal-infill railing, is inherently more dangerous or climbable than other types of rail, common sense (and an informal poll of staffer’s children) suggests otherwise. Common sense can be wrong, though.

As described in the letters we printed, it does make sense that most falls occur because of over-large openings in the rails or climbable furniture near them. However, that statement doesn’t address the question in a relative manner. Common sense, again, suggests that large openings and furniture near the railing are far more common than cable, or any horizontal-infill, railings. What are needed are data that compare the frequency of falls relative to the type of railing, and I invite anyone possessing those statistics to share them with the magazine.

One question that this discussion raises is the relationship between work that’s “code compliant” and a builder’s liability. A story that came out of the discussions I had with representatives of the

cable railing industry involved a New Jersey deck builder who ended up in court. He’d built a decorative, but code-compliant, wooden porch rail. His client climbed atop the rail to change a light bulb, fell, and was injured. The client sued the deck builder, and although the case was thrown out of court, the deck builder and his insurance company bore the costs of defending the suit, as well as the loss of productive time to the builder.

As Cheri B. Hainer says in “New Ledger Attachment Requirements Adopted” on page 78 in this issue, “Although the code-development community tries to be proactive, most current building codes are reactions to events.” In a nutshell, this means that even if your work is code compliant, you can still end up in court. You might not lose, but defending a lawsuit is always expensive.

I think we’ve made great strides recently, both in codifying ledger attachment, and in clarifying the code requirements for attaching guardrails (see *Question & Answer*, May/June 07). I wonder, though, if a decade hence builders of decks that comply with today’s codes will find themselves in court, anyway? Not to minimize people’s injuries, but wouldn’t it be nice if deck builders could tell exactly where the line between liability and prosperity lay? And wouldn’t it be nice if that line were the code requirements in place at the time the deck was built? I bet that New Jersey builder was surprised to learn that’s not the case.

A handwritten signature in black ink that reads "Andy Engel". The signature is stylized and fluid, with a long horizontal stroke extending to the right.

Andy Engel  
Editor