

Defective Hot Water Heaters and Scalding/Burn Injuries to Young Children

Reportedly, there are several thousand scalding injuries to young children every year who, when left unattended or even when attended to, fall into or are accidentally placed into bath tubs which unknowingly have scalding hot water in them.

The injuries from such an occurrence can be devastating to both a child and parents.

The greatest “at risk” group is comprised of children under 5 years of age. Also, elderly and disabled persons are at a higher risk as well.

In the case of young children and infants, their skin is more sensitive to and larger percentages of their bodies are exposed to the scalding water. With elderly and disabled persons, which is also true of infants, their response time in exiting such hot water is greater and therefore they are exposed longer to it.

Generally speaking, any water temperature over 120 degrees is considered dangerous and may cause severe burns. As just discussed, the danger to children and elderly and disabled persons is even higher. Consequently, as a tub is filled, the temperature should be constantly tested before any bathing begins.

The number one cause of the water being too hot in a tub appears to be the installation of a hot water heater without an accompanying mixer valve (either at “point of source” near or inside the hot water heater itself or “point of use” where the mechanism is installed near the particular sink or bath tub).

Without a mixer valve, the hot water heater temperature setting can be misleading in that it measures the temperature of water on the bottom of the hot water heater, which is colder than the water at the top of the hot water heater due to a “layering” or “stacking” effect which results from the (lighter) hot water rising to the top of the heater.

Additionally, at 100 degrees Fahrenheit, there is at least a ten degree margin of error built in that naturally occurs even when hot water heaters are running smoothly.

Furthermore, the thermostat may not turn off immediately when the indicated temperature is reached, thereby causing a spike in the temperature such is additional to any inaccuracy in the water temperature setting as described above.

When all this is put together, it cannot be emphasized enough that the hot water heater and the temperature of the water delivered must be periodically monitored, in addition to making sure that the hot water heater is initially installed properly and that the selling indicator is reasonably accurate.

For example, the hot water heater should be flushed every year to wash out calcium deposits, which can otherwise significantly alter the temperature of the water passing through the system.

Also, the places where the water is distributed, especially bath tubs and hot tubs, should be filled in stages and tested along the way, to make sure that the water is not too hot, before it is used.

Installation of a good mixer valve goes a long way toward alleviating any danger from water that otherwise would be too hot due to a faulty hot water heater or other factors. Also, there are anti-scalding devices on the market which are relatively inexpensive and effective which can be attached to a faucet to prevent scalding.

On the one hand, the water initially needs to be hot to eliminate bacteria within the water that is being run through the system and used at various end points.

On the other hand, the indicator needs to be reliable and the water must not get too hot to prevent potentially catastrophic scalding burns.

A mixer valve accomplishes this purpose by allowing the water to remain hot within the water heater, then mixing it thoroughly so that the danger of scalding water is thereby reduced and all but eliminated.

Mixer valves are relatively inexpensive. So is proper periodic testing and monitoring of the water temperature at points of use.

If a child is burned by falling or otherwise entering a bath tub which has scalding water in it, and suffers serious or catastrophic burns or even loss of life, a lawyer should be contacted immediately. Preferably this lawyer should have expertise in the area of scalding burns and defective water heaters and bath tubs and installation of them, as well as in premises and products liability law.

Such an attorney will have access to expert witnesses, such as professional engineers, plumbers, reconstructive surgeons and life care planners.

They will also have the expertise to properly evaluate and litigate these complex, serious and specialized cases.

Throughout the years I have represented numerous people who have been injured as a result of defective products, including defective hot water heaters. I have many years of trial experience and a passion to help people, especially young children, who are seriously injured as a result of being scalded by water that was too hot but would not have been, if not for a defect within a hot water heater or other consumer product.

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