

GAUL & ASSOCIATES, P.C.
ATTORNEYS AT LAW

pennsylvania
1800 JFK Boulevard,
Suite 300
Philadelphia, PA 19103

new jersey
Willow Ridge
Executive Office Park
750 Route 73 South, Suite 301
Marlton, NJ 08053

p 267.238.3813
f 267.238.3713
email rgaul@law-gaul.com

WINTER 2009 SUBROGATION NEWSLETTER

“Baby It’s Cold Outside . . .” sings Frank Loesser in his wintertime pop standard. It is February in the Northeast and it really is cold outside. This is the time of year when many people use space heaters to supplement their home’s heating system. The National Fire Protection Association estimates that space heaters account for about one third of home heating fires.¹

The subrogation professional presented with a new loss during the winter heating season should investigate whether a space heater was in use. If a fire starts near a portable heater, the professional should eliminate the improper use of that heater or a problem/defect with the heater itself as a cause of the fire.

A main cause of space heater fires is the use of the heater in close proximity to bedding, paper, plastic or other combustible materials. Many heaters warn consumers to keep the heater at least three (3) feet away from combustibles. Another potential problem is plugging the heater into an extension cord. Most heaters have warnings against this as the cord may overheat. If an extension cord is necessary, the size and wattage rating of the cord itself must be adequate for the heater. Further, generally speaking, space heaters should not be left on and unattended.

The other main cause of space heater fires is a malfunction in the heater itself. Electrical short circuits due to design or manufacturing defects and the failure of older heaters to have a device which de-energizes the heater when it tips over are common defects that can cause fires. If a product defect is suspected, consult the Consumer Product Safety Commission’s Web Site (www.cpsc.gov) for recalls and make sure the manufacturer is identified, put on notice and the product preserved.

Subrogation Tip

When presented with a space heater fire, the subrogation professional should consider whether the cause was misuse or a product defect. If an insured was using the heater, the improper use of the heater could present an obstacle to recovery. If the insured is an exposure, both negligence in the use of the heater and potential defects in the product itself should be investigated.

Stay warm and stay safe.

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¹ NFPA Journal November/December 2008, p. 6