

A collage of various hazard symbols and labels, including 'Radioactive', 'Infectious Substance', 'Flammable Gas', 'Corrosive', 'Toxic', 'Oxidizing Agent', 'Compressed Gas', and 'Highly Flammable', arranged in a grid-like pattern. The symbols are colorful and include pictograms like flames, skulls, and biohazard signs. Some labels are partially obscured or cut off by the edges of the image.

In a wrongful death action, the worker's family alleges the chemical supplier committed negligence and strict product liability when it delivered chemical containers that were mislabeled or inadequately labeled.

The defendant regularly delivered one of the chemicals with color-coded, diamond-shaped placards that were blue or red in color and delivered the other with color-coded diamond placards that were black. However, on this occasion, the tote containing the caustic chemical had been marked with a black diamond-shaped placard, and nowhere on that container was the chemical identified by name. Given the worker's extensive experience in the industry, he would have understood the danger involved in mixing the two chemicals and would have expected containers of a certain type and location to remain consistent. By shipping the caustic chemical in an inadequately and mislabeled tote that, on prior occasions contained a different chemical, the defendant increased the chance of foreseeable error and injury.

The mislabeled chemical tote directly led to and was a substantial factor in causing the incident that caused the death.