

## ICY WALKING SURFACES

### Expert Investigates use of Cat Litter to Treat Icy Walkways

A patron at a strip mall slipped and fell during winter weather while crossing from the sidewalk to the parking lot. Prior to his fall, ice had formed in the parking lot and sidewalk. After the property owner failed to address the ice, the manager of one of the stores spread cat litter in the parking lot to provide safe footing. After the fall, many parties were sued including the cat litter manufacturer with claims that cat litter is an unreasonably dangerous material to place on icy walkways and that wet cat litter in the parking lot caused the fall. Robson Forensic was hired to evaluate the validity of those claims.

The plaintiff gave differing accounts of what happened, where he slipped and how many times he slipped before he fell. He and all witnesses agreed that he landed on his back with most of his body on the sidewalk and only his lower legs on the parking lot side of the curb. Witnesses all agreed that there was ice covered with cat litter in the parking lot and there was only ice on the sidewalk. Our expert analyzed the mechanics of his slip and fall and showed that he could not have slipped in the parking lot and could only have slipped on the sidewalk where there had been no cat litter.

We also tested the safety of cat litter on walkways. We tested the slip resistance of ice panels and asphalt and concrete surfaces using both English XL and Brungraber MKII testers. We tested those surfaces dry, wet and also when covered with a slurry of dissolved cat litter clay and water to evaluate the plaintiff's claims that this would make those surfaces dangerously slippery. Predictably, the asphalt and concrete were reasonably slip resistant dry or wet, and ice was very slippery. Cat litter slurry on asphalt or concrete slightly reduces slip resistance but the walkways remained above accepted thresholds for safe walking. Covering ice with wet cat litter significantly increased the walkway slip resistance and raised values high enough to provide for safe walking.

Our expert demonstrated that cat litter was not a cause of the plaintiff's fall and that spreading cat litter on icy surfaces was not a dangerous practice. The case settled beneficially for our client.