Kenneth Ross

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Product Safety, Regulatory Compliance and Product Liability Prevention Legal and Consulting Services



Kenneth Ross is one of the world's most experienced and well-known lawyers and consultants practicing in the areas of product safety, product liability prevention, and regulatory and corporate compliance. For over 40 years, he has advised U.S. and foreign manufacturers, product sellers, and the insurance industry on ways to identify, evaluate, minimize and avoid the risk of liability, especially product liability, regulatory liability, and contractual liability. This advice is provided pre-sale, after sale, and after incidents or lawsuits.

Ken is a former partner and currently Of Counsel to Bowman and Brooke LLP, one of the nation's premier product liability defense law firms. Prior to entering private practice, Ken was an in-house lawyer at Westinghouse Electric and Emerson Electric where he counseled on safety and prevention issues and managed litigation.

Ken has written extensively on these subjects. He has also presented hundreds of seminars and webinars for over 40 years on product safety, product liability prevention and regulatory compliance in the U.S., Canada, Asia, Latin America, and Europe for business persons, engineers, lawyers, and insurance company personnel. See https://incompliancemag.com/author/kennethross/ to access recent articles.

He has been selected for inclusion in *The International Who's Who of Product Liability Defence Lawyers (now Lexology Index)* every year since 2009 and starting in 2023 was selected as a Thought Leader in product liability. In addition, he has been referred to by the National Law Journal as a "preventive law pioneer." Ken is a Life Member of the American Law Institute and taught product liability at two law schools in Minnesota for 26 years. Also, he was on the Board of Directors of the International Consumer Product Health and Safety Organization and is now on the Board of Directors for the Society of Product Safety Professionals.

Representative Services

Ken has provided the following preventive services to manufacturers and sellers of all kinds of products including consumer products, agricultural and construction products, commercial and industrial products, vehicles, motor vehicle equipment, chemicals and medical devices:

- **Safety Management** - policies, procedures, personnel, safety committees.
- **Design and Manufacture** - hazard analysis, risk assessment, design decisions, quality, standards compliance, documentation.
- **Marketing and Safety Communications** – warnings, instructions, marketing and advertising, catalogs, safety videos.
- **Post-Sale** - management systems, recalls, retrofits, safety improvements, and government reports.
- **Document Management** - policies and procedures, implementation, education.
- **Contracts** - purchase and sales terms and conditions, contracting procedures, risk spreading techniques, dealer agreements.
- **Regulatory Compliance** - reporting to various agencies such as the U.S. Consumer Product Safety Commission, the National Highway Traffic Safety Administration, the Food & Drug Administration, Health Canada, Profeco, the European Union and the Australian government.

- **Legal Audits** - pre-sale and post-sale legal audits, internal investigations, claims and litigation audits.
- **Legal Risk Assessments and Risk Management** - for manufacturers or insurance companies.
- **Claims and Litigation Management** - policies and procedures, staffing, strategic planning, training, and managing litigation and claims.
- **Seminars and Training** - presented to manufacturers, product sellers, insurance companies, trade associations and insurance brokers on above issues.

In addition to offering the above services, Ken works with a variety of companies that assist him with design, warning label testing, warning label production, technical writing, risk analysis, crisis management, chemical analysis and recall issues. He can also make referrals to excellent product liability defense counsel all over the world.

Ken has worked for various U.S. and foreign insurance companies, risk retention groups, and insurance brokers. He has also presented a number of seminars on behalf of these entities for both their insureds and employees.

Warnings, Instructions, and Safety Communications

Ken helps companies analyze risk and develop adequate warnings and instructions. In addition, he has lectured and written extensively in this area, including co-authoring one of the early warnings compliance manuals while he was an attorney at Westinghouse Electric. Ken has also provided legal advice regarding the testing of warning labels and has helped several industries create industry-wide labeling systems. Some of the testing projects he has worked on include the Mr. Ouch label in 1980 and the water heater flammable vapor labels in 1990. He has also helped trade associations revise voluntary industry standards for their products to incorporate new general labeling standards.

In the area of instructions, Ken has revised many instruction manuals, promotional literature, marketing and advertising, websites, and other communications.

Recalls, Retrofits, and Post-sale Safety Improvements

Another area where Ken concentrates his practice is post-sale issues such as recalls and retrofits involving machinery, industrial equipment, consumer products, motor vehicles and accessories, medical devices and food. He has worked with the U.S. Consumer Product Safety Commission ("CPSC") for over 40 years and more recently with the FDA, the NHTSA, Health Canada, the European Union and countries who are members and with the Australian, New Zealand, South Korean and Japanese government safety agencies.

He assists companies in setting up systems so that they can better identify possible safety and regulatory issues as early as possible and also counsels them on all aspects of pre-sale and post-sale recall preparedness and compliance.

Ken has assisted many companies in reporting safety issues to the CPSC and implementing an acceptable corrective action, including recalls. In addition, he has advised manufacturers on reporting to the CPSC and has convinced the CPSC that a recall is not necessary. And, he has also defended numerous companies against investigations into timeliness of their reporting and has been successful, in virtually all of these cases, in convincing the government not to seek civil penalties.

Consulting and Expert Witness

Ken has served as a consulting and expert witness in litigation on the issues of safety management, warnings and instructions, and compliance with post-sale duties, including recalls and reporting issues.