

Home Depot needs to do its civic duty



Since Feb. 21, Atlanta Business Chronicle has published a series of stories documenting injuries and deaths of employees and customers in stores of The Home Depot Inc., the country's second-largest retailer.

Because the federal Occupational Safety & Health Administration regulates workplaces, the public can find out when any of 315,000-plus employees of Home Depot, or any other company, are injured or killed on the job.

But that doesn't apply to the millions of customers who shop at Home Depot.

Home Depot refuses to disclose how many customers are being injured in its 1,500-plus stores, and no federal law requires it to disclose any information about such injuries. The only indication is personal injury lawsuits filed against the company. A story on this week's front page documents 235 such cases filed in federal courts since 2001.

But the public could soon get a better idea about at least some customer injuries at Home Depot.

As reported in another story on this week's front page, a Cobb County woman, Rachel Elliott, has sued Home Depot after she was injured in a Marietta store when a cart used to transport large rolls of carpet turned over on her. Judge David P. Darden, who is hearing the case, recently required Home Depot to give the woman's attorney, Matthew C. Flournoy, written data on customers or employees who have been injured in similar incidents nationwide during a five-year period.

At press time, Flournoy had not gotten the data. But when he does it can be made public, he says. "Customers have a right to know the safety record, whether it's good or bad, of a gigantic warehouse store like this."

Flournoy, who says he is a former Navy officer who was in charge of secret documents on his ship, says Home Depot's attorneys contended data on accidents is commercially sensitive and a trade secret that competitors like Lowe's would love to get, and thus should be kept confidential.

He believes Home Depot is trying to keep customer injuries in its stores out of the public eye because it's embarrassing.

There's little question that Home Depot knows exactly how many customers are injured in its stores. In a May 13 hearing in the Elliott case, Home Depot attorney C.G. Jester confirmed to Judge Darden that the company maintains at its Cobb County headquarters a nationwide database of customers who have been injured in its stores.

Another fact that came out in the hearing is that while Home Depot's headquarters collects reports about customer injuries in the company's stores, the reports are not routinely disseminated to stores on either a statewide or nationwide basis.

Flournoy noted that Home Depot has its headquarters in Cobb County, where he practices law. He says he owns stock in the company, and that he wants it to be a safer store.

"I believe that Home Depot should improve itself. People should not be getting hurt at the rate they are," he said.

Flournoy says Home Depot should do the right thing and disclose its accidents before government forces it to. "I think Congress or the General Assembly could mandate public disclosure of customers' injuries, but I think the leadership at Home Depot shouldn't be forced to by government regulation," he said.

Flournoy noted a July 16 press account of Home Depot's support for the company's employees in the military, which CEO Bob Nardelli called "our civic duty."

"If he's concerned about his civic duty," Flournoy said, "he needs to reveal the data on injured customers and share it."



EDITOR'S
NOTEBOOK
David Allison