

## EVENT DATA RECORDERS – LOOKING INTO PANDORA'S SUBROGATION BOX

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Most fire cause and origin investigators will tell you one of the reasons they love investigating fire scenes is the challenge of putting the puzzle back together after it has been destroyed by a fire. But what if the investigators were able to see information about the fire scene at the time of the fire, even when nobody was there? This is precisely the advantage provided by event data recorders (EDRs) which are beginning to penetrate the marketplace in products other than aircraft. This information will assist investigators in determining the cause of a possible product malfunction.

### What Are Event Data Recorders?

Event data recorders, often referred to as a “black box,” are commonly found on large aircrafts. When a catastrophic plane crash occurs, investigators search for the “black box” in an effort to determine how the plane was operating at the time of the crash.

Today EDRs are not just limited to aircrafts. We are already seeing them in cars, alarm panels, and clothes dryers, with more products to come. For example, a dryer's EDR will provide information about the history of that dryer including the number of hours the dryer had been used (in cycles or hours), the model, serial number, and date/plant of manufacture. It will also provide information regarding how it was operating at the time of the fire, including whether the door was fully closed.

Similarly, many alarm systems have internal memory boards. The internal memory board will show whether the alarm was able to report a fire to the monitoring company.

Most newer automobiles have an EDR device which will record, after an accident, whether the occupants were

wearing their seatbelts, the speed of the vehicle, whether the brakes were applied, and the weather conditions at the time of the accident.

Early EDR models stored information on the device itself, making it critical to locate the EDR after the fire or accident. However, newer EDRs in some products can transmit data electronically and wirelessly to the manufacturer. The importance of obtaining EDR information in vehicle accidents is highlighted by the involvement of the National Highway Traffic Safety Administration (NHTSA), which has recently required that new vehicles with EDRs make the information immediately available to law enforcement personnel.

### Impact on Subrogation Cases

The impact of real-time information of a product at the time of a loss cannot be overstated. As is demonstrated by the memory boards in alarm systems, the data may reveal that the fire burned longer and caused more damage than it would have had the alarm operated properly. Similarly, in dryer fires, the additional data regarding the product's operation may allow for a comparison with the manner in which other similar models operate.

As “smart” technology in appliances continues to improve, including LG's new refrigerator that sends the owner a “tweet” on his or her Twitter account when food is spoiled or the refrigerator door is left ajar, we can expect more appliances to be introduced that are capable of providing real-time information about their operation.

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*For additional information, contact David Brisco or other members of Cozen O'Connor's Subrogation and Recovery Department.*