

## WORKPLACE SAFETY & HEALTH



Husch Blackwell understands that attention to safety compliance on the front end can avert government citations and penalties, whistleblower claims, third-party lawsuits, and workers' compensation payments. Our law firm partners with employers to develop compliance strategies and manage successful relationships with enforcement agencies such as the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA).

When litigation is unavoidable, our MSHA and OSHA defense attorney team provides clients with the information they need to make prudent and time-sensitive decisions on contesting or settling citations and whistleblower claims. And when injuries or accidents do occur, our MSHA/OSHA attorney team mobilizes immediately to coordinate a seamless response that minimizes the liability and risks of unforeseen workplace events.

Our guidance to clients on workplace safety and health includes:

Compliance counseling, including OSHA and MSHA

Agency investigations

Defense of agency citations, including those involving catastrophic events and fatalities

Training for front-line supervisors and managers

Investigation and defense of whistleblower claims

*When we were hit with a complex web of wage and hour class actions, Husch Blackwell was the natural choice. The team's expertise in the substantive legal issues, combined with the investment they made to develop a deep knowledge of our business, has made them a uniquely effective litigation partner.*

— Carey L. Bartell,  
Vice President, Chief  
Counsel – Legal &  
Government Affairs,  
Conagra Brands Inc.

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### Contact Information

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Responses to anonymous safety complaints

Negotiation of site-specific safety rules

Defense of criminal investigations and charges

Responses to agency rulemaking initiatives

Crisis response and management

## Representative Experience

Obtained defense verdict on behalf of The Kansas City Southern Railway Co. in a week-long jury trial in St. Louis County, Missouri wherein an employee alleged that KCSR had violated the Federal Employers' Liability Act, Federal Safety Appliance Act, and the Locomotive Inspection Act.

Negotiated with OSHA on behalf of a medium-sized medical practice, successfully achieving the elimination of six citations and a penalty reduction of 80%.

Obtained dismissal of a whistleblower complaint filed with OSHA against a client in the cable television sector. The whistleblower accused our client of failing to provide him with certain safety equipment and of retaliating with wrongful termination.

Represented national construction contractor in multistate dispute with the Mine Safety and Health Administration (MSHA).

Managed OSHA investigation involving employee fatality for multinational manufacturer of automotive components, including negotiation of favorable settlement to avoid

repeat/willful citations.

Successfully negotiated a settlement for a leading producer of high alloy commercial castings in a multiyear dispute with OSHA over air quality and employee exposure. The settlement protected the workers and did not require the installation of any new engineering controls.

Defended a corporation with facilities throughout the U.S. in OSHA proceedings regarding the potential hazards of combustible dust in the client's production processes. Prior to trial, the Secretary of Labor conceded and withdrew all citations and penalties against the client, who was not required to make any changes in its operations, processes, equipment or facilities.

Successfully defended a client at hearing, getting an MSHA impeding citation vacated in an enforcement action.

After a one-day hearing, successfully got MSHA citation vacated by administrative law judge.

Defended Arizona-based mine in costly and repeated MSHA citations alleging defective steering linkage on a haul truck. MSHA vacated citation after truck manufacturer representative presented expert testimony.

Served as primary environmental, health and safety compliance counsel to multiple-plant, multiple-state chemical manufacturer. Responded to requests for information on release reports; advised on hazardous waste recycling; resolved notices of violation, OSHA citations and notices of probable violation for rail and truck hazardous

materials transportation; interpreted requirements for risk management programs and chemical safety security; and planned for permit renewal changes.

Persuaded OSHA to completely dismiss an enforcement action against one of the nation's largest producers of animal feed and veterinary pharmaceuticals. OSHA initially assessed six-figure penalties, as well as abatement steps that would have required comprehensive retrofitting at virtually all of the client's facilities—potentially costing more than \$10 million.

Defended food manufacturer when former employee falsely claimed that he was discharged for reporting a safety concern associated with the integrity of the client's food storage. Successfully moved to strike salacious allegations from the employee's complaint, assisted the client with sending cease and desist letters to stop the former employee from approaching the client's customers with his unfounded allegations, and ultimately prevailed on summary judgment before a plaintiff-friendly tribunal.

Successfully challenged discrimination complaint filed by MSHA against mining company on behalf of employee who claimed he was dismissed because of whistleblowing activities. Administrative law judge denied complaint and dismissed proceeding.