

U.S. OSHA and Global Health & Safety



Our health and safety team is an integral part of the firm's nationally recognized Crisis Management practice and regularly counsels a variety of clients on health and safety matters within the United States and around the world. Our clients are chemical companies, pharmaceutical and medical device manufacturers, petrochemical companies, conventional and alternative energy companies, foundries, metal fabricators, motor vehicle industry manufacturers, large-chain retail companies, and trade associations. In the energy sector, our work has involved upstream, midstream and downstream operations around the world and has involved offshore E&P and midstream operations in the marine environment. Our health and safety experience includes regulatory advice, enforcement defense, transactional due diligence, OPEX and CAPEX planning, crisis management, privileged investigations of fatalities and serious injuries, and health and safety management system consulting.

Our team is also experienced with DOI/BSEE offshore health and safety compliance, U.S. Coast Guard investigations and regulatory compliance, Chemical Safety Board investigations, and a wide variety of industry and consensus health and safety standards (e.g., NFPA, NEC, ANSI, AIHA, NIOSH, API, OCIMF). Our team, including an experienced maritime lawyer, brings broad interdisciplinary expertise from previous academic training and work experience in the sciences, engineering, manufacturing, and government policy and rule making.

The spectrum of our health and safety work includes:

- Numerous workplace fatality investigations under the jurisdiction of U.S. OSHA, several State Plan OSHAs, and other federal and state health and safety regulators.
- Counseling on industrial hygiene monitoring, employee notifications, and abatement steps related to workplace presence of asbestos, benzene, hexavalent chromium, lead, mercury, and silica, among several other OSHA PEL regulated substances.
- Counseling and enforcement defense related to virtually every federal OSHA and State Plan OSHA general industry standard covering workplace safety.
- Negotiating resolutions of enforcement citations following employee complaints, programmed inspections, and National Emphasis Program inspections and assisting in development of health and safety management systems required under enforcement orders.
- Our work for global clients has included operations governed by the United Kingdom Safety Case regime; our international health and safety experience has also included matters arising in Africa, Australia, Latin America, Canada, France, Bangladesh, Indonesia, Singapore, Pakistan, Kazakhstan, and Southeast Asia.

Our lawyers regularly assist clients in health and safety matters in the U.S. and around the world. We have successfully defended clients in enforcement actions, led privileged internal investigations following major accidents, favorably influenced rule makings on our clients' behalf, and built health and safety management systems for several clients.



Some of our recent health and safety matters have been:

- Directed a privileged internal investigation of an industrial accident at a natural gas processing facility in the Middle East, including the technical and legal analysis of the incident's root cause and counseling regarding actions needed to allow restart of the plant; worked extensively with local counsel on compliance with jurisdictional laws and regulations.
- Directed a privileged compliance gap assessment for a Fortune 20 national retail chain operating several thousand stores as well as more than 20 distribution centers around the U.S.; assisted the same client in development of an enterprise-wide compliance system for health and safety.
- Counseled a variety of energy and transportation clients on mercury safe handling practices in oil and gas production, onshore and marine transport, and refining.
- Advised the Board of Directors of a large food industry client following a multi-fatality accident at a product processing facility.
- Advised an automotive industry client on investigation and corrective measures related to a double-fatality accident involving hot work activities.
- Advised a government contractor client on a federal and state investigation of a fatality following a pressure vessel accident.
- Assisted an oil and gas operator in responding to a federal investigation and in performing a root cause analysis at a multi-employer drill site following a fatality during well flowback operations.
- Assisted oilfield service companies in responding to investigations by DOI/BSEE into safe work procedures at production facilities on the U.S. Outer Continental Shelf.
- Assisted vessel owners in responding to U.S. Coast Guard investigations after collisions, allisions, and onboard fatalities.
- Defended a diverse chemical manufacturer in tort litigation and environmental enforcement actions alleging occupational exposures, as well as general population exposure and environmental contamination.
- Advised a mining company on the legal risks presented by a government study of occupational health effects caused by diesel exhaust.
- Led a legal evaluation of a global health and safety management system developed by a major energy company; the system comprises jurisdictional legal obligations and internally developed standard operating procedures; produced a report on observations and recommendations to CEO, General Counsel and VP EHS.
- Counseled a client regulated by Cal/OSHA on workplace regulations related to mitigating asbestos exposure in large-scale demolition projects.
- Performed extensive PSM counseling and developed a catastrophic accident avoidance regime for a large Gulf Coast petrochemical company.
- Assisted a chemical industry client in ensuring compliance with applicable boiler, burner, and furnace codes.
- Counseled one of the largest manufacturers of wind turbine units on health and safety compliance issues related to end user operation of turbine unit towers and nacelles.
- Advised a chemical manufacturer on inspection and penalty risks associated with its operations under OSHA's Process Safety Management program and OSHA's National Emphasis Program for chemical facilities.
- Regular OSHA counseling for a construction products manufacturing industry association; counseling has included participation in OSHA rule makings on permissible exposure limits (PELs) for crystalline silica and hexavalent chromium; convinced OSHA to set hexavalent chromium PEL at a higher, more feasible limit than the PEL in the initial OSHA proposal.
- Represented large chemical company in enforcement action alleging violations of OSH Act General Duty Clause and risk management provisions of the Clean Air Act.

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