



Jackson Kelly's Workplace Safety and Health practice is a firm-wide group with a nationwide practice, with clients in all regions of the country. We have one of the preeminent practice groups in the country. Our focus is on defense of state and federal civil and criminal enforcement matters in the area of occupational safety and health. Our attorneys represent clients in the mining, construction, manufacturing, trucking, hospitality, and chemical industries.

Attorneys in the Workplace Safety and Health practice group are equipped to provide a broad spectrum of legal services to employers, individual officers, directors, and agents, including:

- Defense of OSHA/MSHA matters
- Conference preparation assistance and representation
- Enforcement negotiation, administrative litigation, and litigation in U.S. Circuit Courts of Appeal, U.S. District Courts, state courts, and administrative appellate courts
- Advice on OSHA/MSHA regulatory interpretation and compliance
- Comments on proposed rules
- Safety and industrial hygiene compliance audits
- Accident and special investigation counseling
- Legislative analysis and congressional and state monitoring
- Agency policy monitoring
- DOT compliance assistance and representation
- BATFE compliance assistance and representation
- Development and presentation of training programs for employers, employees, agents, officers, and directors on legal rights and responsibilities

Representative experience of this practice group includes:

- Representing manufacturing companies in relation to allegations of improper guarding, training, and chemical exposures
- Representing construction companies regarding improper excavation and trenching
- Representing service providers in defense of improper electrical, lockout/tagout procedures,
- Providing counsel to government contractor relating to allegations of chemical and noise overexposures
- Representing manufacturer during accident investigation and resulting citations from alleged nip-points
- Representing national provider of cold-storage warehousing in defense of process safety management inspections involving allegations concerning electrical, guarding, lockout/ tagout, forklift operation and training, HazCom training,

chemical exposures, and all areas of process safety management

- Representing electrical power plants during process safety management inspection and resulting citations
- Defending mineral supplier in relation to allegations of improper training, noise protection, and chemical exposures
- Representing national hotel chain during fatality investigation, which resulted in minor OSHA violations and summary judgment in a civil suit
- Providing counsel to employers during OSHA and MSHA fatality, whistleblower, and accident investigations throughout the U.S.
- Representing operators during state and federal investigation of fatal accident at sand and gravel mine
- Litigating Section 104(d) citations and orders issued after accidents and incidents to operators and achieving vacates of enforcement actions in some matters
- Litigating two citations issued by MSHA to two different operators in an attempt by MSHA to broaden its workplace examination requirement to elevators. Both citations were vacated by the Administrative Law Judge.
- Representing operators in Section 111 compensation proceedings
- Litigating enforcement actions for underground and surface operators and contractors under the Mine Act in all regions of the United States
- Defending against Section 103(k) mine closure orders at all types of mines
- Representing operators in Section 105(c) discrimination investigations, temporary reinstatement proceedings and hearings
- Providing counsel to management officials and representation to agents during Section 110(c) investigations.
- Representing operators in Part 50 immediate notification cases.
- Providing counsel and representation to operators regarding jurisdiction disputes between OSHA and MSHA.

The Firm's attorneys in this practice group have been involved in numerous national regulatory proceedings since the passage of Occupational Safety and Mine Act and have participated in many landmark cases before the Review Commissions and federal and state courts. These attorneys also serve on various state and national industry safety and health committees, boards of trade associations, and legal educational groups.