

## OSHA & Workplace Safety

CMC's OSHA & Workplace Safety Practice focuses exclusively on all aspects of occupational safety and health law. Our attorneys turn complex workplace safety challenges into clear, actionable solutions.

"CMC is made up of some of the best legal expertise that is available when it comes to safety and health matters. The firm is always available and very personable. They are keen to build a good relationship with their clients so that they can anticipate needs and exceed expectations."

– Client Quoted in Chambers USA

With the deepest bench of true OSHA-focused attorneys and professionals in the country, including former attorneys for OSHA in the Office of the Solicitor of Labor, officials and counsel from State OSH agencies and the Chemical Safety Board (CSB), as well as attorneys with longstanding relationships with key workplace safety regulators, we provide unmatched insight into both the law and the agencies that enforce it.

Conn Maciel Carey LLP's national OSHA Practice, which has been recognized as [one of only two "Band 1" Rated OSHA Law Firms by Chambers USA](#) every year since 2022 (the first year that Chambers ranked the OSHA Law category) and as the OSHA Law Firm of the Year by Corporate INTL in 2025.

### Regulatory Agency Representation

We support our clients across all industries for issues involving the following entities:

- Occupational Safety and Health Administration (OSHA)
- [State OSH Agencies](#) (e.g., [Cal/OSHA](#), WA L&I, Michigan OSHA, NC OSHA, etc.)
- Mine Safety and Health Administration (MSHA)
- [Environmental Protection Agency](#) (EPA)
- U.S. Chemical Safety and Hazard Investigation Board (CSB)
- U.S. Attorneys in the Department of Justice (DOJ)
- National Transportation Safety Board (NTSB)
- U.S. Bureau of Alcohol, Tobacco and Firearms (ATF)
- U.S. Coast Guard
- Other state and local regulatory agencies

## Range of Work

- Accidents and catastrophes
- Citation defense
- Citations characterized as “willful” or “repeated”
- Citations issued under OSHA’s multiemployer enforcement policy
- Defend Serious and Willful petitions in California Workers’ Compensation proceedings
- Development and implementation of contractor safety programs
- Efforts to achieve OSHA VPP status
- Egregious and substantial enforcement cases
- Employee, union, and agency safety complaints
- EH&S training programs, policies, and procedures
- General Duty Clause violations
- Implementation of OSHA’s new GHS Hazardous Communication Standard (HazCom)
- [Inspections under OSHA’s numerous national, local, and regional emphasis programs](#)
- Internal accident/incident investigations
- Issues related to OSHA’s Severe Violator Enforcement Program
- M&A deal due diligence issues involving safety and health
- Multi-agency investigations (OSHA, CSB, EPA, MSHA, ATF, NTSB, etc.)
- Obtaining variances
- OSH Act criminal referrals, grand jury investigations, and prosecutions
- [OSHA injury and illness recordkeeping support](#)
- OSHA rulemaking advocacy
- Process Safety Management (PSM) and Risk Management Program (RMP) enforcement
- Review of contracts related to Environmental Health and Safety (EH&S)
- [State OSH Plan enforcement](#)
- [Workplace violence](#) threat assessments, plan development, and restraining orders
- Wall-to-Wall inspections
- Workplace COVID-19 issues
- Workplace safety audits

## Illustrative Experience

### Agriculture

- Defended a major grain and agronomy cooperative in a substantial OSHA enforcement action resulting from an engulfment accident, including convincing the U.S. Attorney’s office not to bring a criminal charge under the OSH Act.
- Bargained for a substantial reduction in a state OSHA enforcement action against a grain and feed manufacturer after a catastrophic grain elevator dust explosion.
- Negotiated a change in OSHA’s national enforcement policy to allow work inside grain bins with energized sweep augers.

### **Chemical Manufacturing**

- Represented a specialty chemical manufacturer in multi-agency (OSHA, CSB, EPA, ATF, U.S. Coast Guard, and a state environmental regulator) investigations, inspections, and enforcement actions arising out of a catastrophic explosion in a reactor that resulted in two fatalities. OSHA's enforcement action was cut by more than half; violations alleged by OSHA to be "Willful" and "Repeated" were withdrawn or re-characterized.
- Oversaw the on-site inspection under the PSM Covered Chemical Facilities National Emphasis Program of a high-profile chemical plant in West Virginia. A team of four compliance officers, including two PSM specialists from OSHA's Salt Lake City Technical Center, spent more than two months scrutinizing all elements of the PSM Standard at the facility. At the conclusion of our work, OSHA did not issue any citations.

### **Construction**

- Represented a construction general contractor in OSHA investigations of fatal construction accidents raising complex multiemployer worksite citation policy issues at Baltimore-Washington International Airport, the Pentagon, and Fort Meade. The result — No citations at any location.
- Managed numerous OSHA inspections, appeals of citations, and complex settlement negotiations following general construction, steel erection, and concrete shoring fatal accidents at construction projects throughout New York.

### **COVID-19**

- Submitted written comments and engaged in other advocacy on the fed OSHA and various State OSH Plan COVID-19 emergency rulemakings
- Represented healthcare employers in COVID-19 fatality and national emphasis program inspections
- Litigated appeals of COVID-19 citations – General Duty Clause and specific standards
- Helped employers develop COVID-19 Prevention Plans, vaccine policies, and other related COVID-19 related policies

### **Health and Life Sciences**

- Assisted a major health services provider in New York in challenging a General Duty Clause Workplace Violence citation issued after a mental health care provider was attacked by a patient during an inpatient group therapy session.
- Managed multi-agency investigations of one of the most significant combustible dust explosions in history. The explosion injured 42 employees, including six fatalities. We established an on-site Command Center, coordinated the investigation of a team of forensic experts, and managed the investigations and inspections of federal OSHA, state OSHA, CSB, EPA, DNR, ATF, FBI, SBI, the State Fire Marshal, insurance investigators for dozens of entities, and numerous plaintiffs' attorneys. The process involved conducting hundreds of interviews and producing hundreds of thousands of pages of records. In the end, nearly half of the citation items were withdrawn and the penalty was reduced by 83%.

### **Hospitality**

- Assisted a hotel employer in dealing with safety and health complaints raised by a union in conjunction with ongoing labor negotiations.

- Advised a major national hotel chain in resolving fire, electrical safety, and other citations arising out of a programmed inspection at a property in Chicago.

### **Manufacturing**

- Conducted due diligence reviews, in which we identified key gaps in a Process Safety Management Program that resulted in substantial additional dollars transferring to our client in the overall structure of the deal.
- Managed a months-long wall-to-wall safety and health inspection of a weld and tire wire manufacturing facility in the Midwest that included key combustible dust, lead exposure program, and electrical safety issues.
- Defended a manufacturer in a U.S. Attorney investigation of possible criminal OSH Act violations, and bargained for the first ever “deferred prosecution agreement” in an OSHA case, ensuring the Company and its executives were not charged with or convicted of any criminal wrongdoing.

### **Natural Gas & Electrical Power**

- Defended an oil and gas drilling specialist in an OSHA enforcement action arising out of a flash fire on a natural gas drilling rig in West Virginia. The fire involved the first alleged Flame Retardant Clothing PPE violation following OSHA’s controversial 2010 FRC enforcement memorandum. After months of litigation with the Solicitor’s office, a settlement resulted in the **elimination of 75 percent of the citation items and proposed penalties.**
- Represented a major electrical contractor in the Northeast in multiple electrocution accidents with positive outcomes for the client.

### **Petroleum Refining**

- Managed inspections, investigations, and enforcement actions by OSHA, CSB, EPA, and the U.S. Attorney in relation to a catastrophic storage tank explosion, a confined space nitrogen asphyxiation accident, and a PSM Program Quality Verification for an East Coast petroleum refinery.
- Counseled petroleum refiners throughout the nation in preparing for, and defending, enforcement actions arising out of inspections under OSHA’s Petroleum Refinery Process Safety Management National Emphasis Program.

### **Retail**

- Represented a major national retail trade association in the rulemaking proceeding for OSHA’s proposed injury and illness reporting rule.
- Defended numerous OSHA citations regarding blocked exits and exit routes, electrical safety, safe storage and handling of inventory, and issues related to training and operation of powered industrial trucks.

**The [OSHA] team is always extremely prepared and takes the time to get to know the business.**

**Client Quoted in Chambers USA**

**Conn Maciel Carey are outstanding. They offer fantastic expertise and can handle everything, from day-to-day to complex work.**

**Client Quoted in Chambers USA**

**CMC is full of intelligent, hardworking lawyers that are experts in the field. They are responsive, cognizant of our particular needs and thoughtful in their advice and strategy.**

Client Quoted in Chambers USA

**Thanks so much for these [OSHA] blogs! I find them really useful and well-written. Really good information and even better flowchart. Could be a good tool for our safety professionals.**

Client in the Agricultural Industry

**You folks do a fantastic job preparing and presenting the material. Your firm is the best of the best.**

Client in the Retail Industry

**Sincere appreciation to all of you for enduring this interesting ordeal with OSHA...your responses, guidance, and most of all your tenacious expertise were most welcome and valuable! I learned a few more things on this journey and am glad you were able to participate in it.**

Client in the Aerospace Industry

**We continue to be delighted and impressed with the level of service, expertise, attention and results that you all bring. We truly appreciate having your team as part of our extended team. Our leaders continue to be impressed with the value and impact our collaboration delivers.**

Client in the Consumer Goods Sector

**Our team views our partnership with CMC as highly successful and integral to our service to our sites. Your team does a great job of applying the right amount of effort at the right time to be efficient and productive. We've had truly great experiences and outcomes with those on your team whom we've interacted with and we look forward to continuing to partner closely with you and your team going forward.**

Client in the Consumer Goods Industry

**We love the webinars and blog posts.**

Client in the Aerospace Industry

**Much more informative than other firms...we depend on the CMC firm for correct interpretations. A top-notch team.**

Client in the Aerospace Industry

**You guys always provide practical and speedy support when I need it. I've found your COVID-19 resource page and client alerts to be extremely helpful as we navigate an endless set of OSHA and HR related concerns as a result of the pandemic.**

Client in the Rail Industry

**Their [OSHA] team provides depth and knowledge across the US at the federal level, and they are experts in the unique requirements of various states, too.**

Client Quoted in Chambers USA

**The team is very responsive. We always receive prompt and helpful guidance.**

Client Quoted in Chambers USA

**They are familiar with the challenges facing employers and they provide business-appropriate advice.**

Client Quoted in Chambers USA

**Conn Maciel Carey provides good knowledge, skills and communication in handling a variety of OSHA issues.**

Client Quoted in Chambers USA

**Every attorney we deal with is strong and they work well as a team. The firm is very well positioned to handle the most complex and sophisticated matters in the OSHA space.**

Client Quoted in Chambers USA

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Client Quoted in Chambers USA

**Conn Maciel Carey has one of the deepest and most experienced benches of OSHA attorneys in the US. The firm provides excellent legal service and is very responsive to client needs.**

Client Quoted in Chambers USA

**We have found them to be very responsive, especially when circumstances required urgent advice. They make every effort to understand clients' needs and pressures, and keep that in mind when providing useful and practical advice.**

Client Quoted in Chambers USA

**Conn Maciel are perhaps the foremost experts in workplace health and safety law. The firm closely monitors federal OSHA but also has attorneys throughout the country with expertise on state safety regulatory requirements.**

**Client Quoted in Chambers USA**