

State OSH Plans

Our attorneys don't just know the law; they know how each state's OSH program operates in practice. While the federal OSHA sets nationwide standards, 22 states and territories operate their own OSHA-approved State Plans, often with stricter regulations. Our team represents employers across all jurisdictions, guiding them through the unique compliance obligations, enforcement, and procedural differences.

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

State-by-State Guidance

Strategically located in key State OSH jurisdictions, we represent employers before state OSHA boards, administrative law judges, and courts across the country. From drafting proactive compliance strategies to defending high-profile enforcement cases, we bring decades of on-the-ground experience inside state agencies and in the courtroom.

Our attorneys cover the full spectrum of employer needs in every state OSH-plan state in the nation:

- Multi-state audits, program development, and training
- On-the-ground support during state OSHA inspections
- Contesting citations, negotiating reductions, and pursuing appeals
- Representation before state OSH review boards and courts
- Catastrophic Incident Response (workplace accidents or fatalities)
- Regulatory advocacy on proposed standards

Regulatory Insight from the Inside

Our team is distinguished by a deep bench of attorneys with career-long experience in workplace safety law, many of whom previously served in senior roles at State OSHA programs, the U.S. Department of Labor, and federal investigative agencies such as the U.S. Chemical Safety and Hazard Investigation Board. In addition to this enforcement-side experience, our attorneys maintain longstanding professional relationships with OSHA and

State Plan leadership, providing a practical, insider understanding of how inspections are conducted, citations are developed, and enforcement priorities are set at both the state and federal levels.

California State Plan (DOSH – Cal/OSHA)

- Litigated California’s first COVID-19 citations (under new and novel legal theories) under the Cal/OSHA Aerosol Transmissible Disease standard on behalf of a leading health care system.
- Represented a utility company in defending against Cal/OSHA citations related to one of the country’s largest natural gas leaks, including complex jurisdictional issues.
- Led multiple efforts to advocate for employers and trade associations in various Cal/OSHA rulemakings.
- Contested and appealed citations and penalties before Cal/OSHA Appeals Board, and other equivalent bodies.
- Represented employers in Serious and Willful cases before the California Workers Compensation Appeals Board.
- Defended employers in hearings before the California Occupational Safety and Health Appeals Board in appeals of Serious Accident-Related citations.
- Represented a safety sales, maintenance, and monitoring company in California OSHAB trial, resulting in vacatur of Cal/OSHA citations.
- Represented a food processing company, including deposing a Cal/OSHA expert, in litigation contesting Division COVID citations, resulting in a successful settlement.
- Represented a national retailer in navigating a wall-to-wall Cal/OSHA PSM Inspection, which resulted in only one PSM citation along with several minor related citation items.
- Negotiated the withdrawal of nearly all the citation items, including the PSM item.
- Represented an aerospace company in a wall-to-wall Cal/OSHA PSM Inspection, which resulted in no PSM citations along with several minor general industry citation items. Counseled the client in negotiating the withdrawal of all the citation items.

Hawaii State Plan (HIOSH)

- Defended aerospace contractors in OSHA enforcement action related to a reportable incident, and all citations were vacated.
- Defended a hotel at a hearing before the Hawaii Labor Relations Board on HIOSH’s motion to dismiss for a late appeal and subsequently resolved the matter with favorable settlement terms.

Indiana State Plan (IOSHA)

- Resolved a fall protection citation issued to a bulk storage facility on favorable terms.
- Represented a construction materials provider in a fatality inspection, securing the withdrawal and/or revision of several citation items.
- Represented an industrial services provider that received a citation related to a fatality that occurred inside a permit-required confined space. We secured the withdrawal of the citation after contesting and litigating the citation.
- Represented a midwestern construction company in an inspection involving a serious incident and injury. Negotiated withdrawal of 9 of 10 citation items.

Iowa State Plan (Iowa OSHA)

- Representing concrete services and products providers in litigation contesting Iowa OSHA citations.
- Convinced Iowa OSHA to withdraw several citations issued to a grain handling company following a serious injury inspection.
- Represented a logistics company facing a series of HAZWOPER citations relating to a chemical spill. After contesting and litigating the citations, we secured a favorable settlement for the client.

Kentucky State Plan (Kentucky OSH)

- Represented telecommunications companies in contests of Kentucky OSHA citations, resulting in reduced severity classifications or vacatur.
- Secured the withdrawal of a machine guarding citation issued to a paper products manufacturer after an amputation incident.
- Represented a national frozen food manufacturer in PSM inspection, which resulted in no PSM citation items. Negotiated the withdrawal of multiple general industry citation items.
- Represented a national frozen food manufacturer in an inspection involving a listeria outbreak, which resulted in no citations.

Maryland State Plan (MOSH)

- Represented telecommunications company in Maryland OSHA whistleblower proceeding, resulting in no findings against employer.
- Represented physician contracting company in a bloodborne pathogen and COVID-19 inspection in a Maryland penitentiary. Negotiated withdrawal of nearly all citation items.
- Represented a leading medical technology company in defending Section 5-604 whistleblower/retaliation allegations.

Michigan State Plan (MIOSHA)

- Represented a grain handling company that received citations relating to work performed inside a storage bin. Following multiple appeals, we secured a favorable settlement for the client.
- Represented multiple companies (e.g., national food manufacturer, auto parts supply manufacturer, hospital system, construction companies) in MIOSHA inspections, first and second appeals before the agency, appeals before administrative law judges, and the Board.
- Represented multiple companies (e.g., Fortune 20 automobile manufacturer, automobile parts manufacturer, hospital system) in Section 65 discrimination/retaliation defense before the agency.
- Represented a hospital company in an appeal of an agency determination of section 65 complaints before an administrative law judge.

Minnesota State Plan (MNOSHA)

- Represented a logistics provider in a citation under Minnesota's indoor temperature standard, where MN OSHA alleged the employer did not maintain a suitably warm temperature in the facility during the winter months. The citation was vacated after we contested and initiated litigation.
- Represented an industrial services provider after a serious accident that occurred during demolition

operations. We secured a favorable settlement for the client.

Nevada State Plan (NVOSHA)

- Represented a multinational retailer in repeat citations and successfully got a reclassification to an Other than Serious violation.
- Represented a logistics company in negotiating settlements for citations issued at all facilities under a national emphasis program.

New Mexico State Plan (NM OSHA)

- Represented an international energy company in PSM inspection, litigation, and settlement.

North Carolina State Plan (NC DOL)

- Supported the telecommunications company's response to an NC DOL OSHA complaint letter, resulting in the investigation closing with no findings.

Oregon State Plan (Oregon OSHA)

- Defended an automotive retailer in an OR OSHA enforcement action related to walking working surfaces and negotiated a favorable resolution and abatement terms.
- Represented a national fuel company in PSM inspection and litigation.

South Carolina State Plan (SC OSHA)

- Defended a hospital system against discrimination/retaliation claims under sections 41-15-510 and 41-15-520.

Tennessee State Plan (TOSHA)

- Represented a candy manufacturer after it received a series of citations arising out of an amputation.
- Represented a pet food manufacturer after it received a series of citations as a result of an emphasis program inspection, securing the dismissal of several citation items.

Virginia State Plan (VOSH)

- Defended a major multinational retailer in VOSH enforcement action related to a large-scale, complex robotic palletizing and racking system.
- Represented a construction company in a VOSH enforcement action related to scaffolds and negotiated withdrawal of citations and significant penalty reduction.
- Represented crane company in Motion for Failure to Prosecute Citations in the Circuit Court for the City of Charlottesville and achieved a favorable disposition of citations.
- Represented a general construction contractor in fatality inspection, which resulted in the closing of the inspection without any citations.
- Defended a construction company in a fatality investigation and VOSH enforcement action involving trenching and excavation activities.
- Represented a medium-sized manufacturing employer in two high-exposure state plan citation matters

exceeding \$300,000, involving broad safety and health allegations.

- Represented a foodservice distributor that received a willful citation related to a fatal injury that occurred as a result of a storage racking system collapse. We contested and convinced VOSH to recharacterize the violation as serious.
- Represented a steel company in combustible dust inspection, which resulted in no combustible dust-related citation items. Negotiated the withdrawal of multiple general industry citation items.

Washington State Plan (WISHA)

- Represented distribution centers across Washington in multiple DLI inspections, enforcement actions, and litigation before the Washington Board of Industrial Insurance Appeals.
- Negotiated a successful outcome of multiple Willful citations related to Powered Industrial Truck operations and successfully removed the employer from the DLI Severe Violator Enforcement Program.
- Defended an aircraft manufacturer in numerous cases before the Washington Board of Industrial Insurance Appeals and negotiated favorable outcomes on a range of cases involving fall protection, hexavalent chromium, personal protective equipment, machine guarding, and hazard communication.
- Defended a veterinary clinic before the Washington Board of Industrial Insurance Appeals related to DLI's hazardous drugs standard, resulting in the withdrawal of numerous citations.
- Defended retailer in significant enforcement action related to bloodborne pathogens and issues related to inadvertent exposure to illicit drugs from the public in the workplace.
- Represented a national health care company in an inspection and settlement involving highly hazardous chemicals.