

# Nicholas W. Scala

Chair, MSHA & Mine Safety Practice

Partner, OSHA & Workplace Safety Practice

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## Nicholas Scala

“He is an expert in MSHA regulations and has a wealth of experience in assisting companies work through health and safety matters.”

– Client Quoted in Chambers USA

Nicholas W. Scala is the Chair of the firm’s national MSHA & Mine Safety Practice and a Partner in the OSHA & Workplace Safety Practice. His practice focuses on issues involving mining and occupational safety and health law. In mining matters, Nick represents coal and metal/non-metal mining operators, with operations on both the surface and underground, and independent contractors. In OSHA matters, Nick represents all employers including but not limited to manufacturers, construction and demolition contractors, food manufacturers, and healthcare organizations.

Nick represents and advises clients in all phases of involvement with the Mine Safety and Health Administration (MSHA) and Occupational Safety and Health Administration (OSHA), including managing all types of investigations, including serious accident and whistleblower investigations, challenging enforcement, and working with clients proactively by developing corporate safety and health policies and conducting safety and health audits of client facilities.

Nick is actively involved with numerous industry association safety committees and is a Certified Mine Safety professional through the Society for Mining, Metallurgy & Exploration’s International Academy of Mine Safety & Health. Prior to joining Conn Maciel Carey, Nick was an attorney in a national MSHA practice group in the DC area. He also worked in-house for a national retailer on intellectual property portfolio management and corporate compliance. Before attending law school, Nick worked in the mining and heavy-highway construction industry.

Nick frequently speaks on MSHA and OSHA matters at industry events around the country. He is a published author on a variety of safety and health topics. Since 2024, Nick has been nationally recognized by Chambers

USA as an 'Up and Coming' attorney in the Occupational Safety and Health category. Additionally, he has been named a "Rising Star" by Washington, DC Super Lawyers in 2017, 2018, and 2019.

## Recognition & Awards

- "Up and Coming" in Occupational Safety and Health, Chambers USA – Nationwide (2024 – Present)
- Rising Star, Super Lawyers® (2017 – 2022)

## Speaking Engagements

- Nick frequently presents on a variety of topics for the firm's [MSHA Webinar Series](#) and [OSHA Webinar Series](#)

## Affiliations

- American Bar Association, Occupational Safety and Health Law Committee
- Society for Mining, Metallurgy & Exploration's International Academy of Mine Safety & Health
- National Stone, Sand & Gravel Association, Young Leaders Steering Committee Member, Safety & Health Committee, and M&S Division Board of Directors
- Illinois Association of Aggregate Producers, Safety Committee
- Ohio Aggregates and Industrial Minerals Association, Safety Committee
- Ohio Manufacturers' Association, Safety and Workers' Compensation Committee

## Education

- J.D., University of New Hampshire School of Law, 2012
- B.A., Miami University, 2009

## Admissions

- District of Columbia
- Ohio
- U.S. District Court for the District of Columbia
- U.S. District Court for the Northern District of Ohio
- U.S. Patent and Trademark Office – Registered Patent Attorney

## Experience

- Advising and representing clients in relation to inspections, accident and fatality investigations and enforcement actions involving MSHA, OSHA, and state and local regulators;
- Defending operators and contractors during the full range of litigation against MSHA, including informal and formal contest of citations or orders, negotiations of settlements to minimize the impact of future enforcement actions at the mine and on wrongful death and personal injury civil cases, and trials before the Federal Mine Safety and Health Review Commission;
- Representing employers and managing investigations resulting from complaints under Sections 105(c) and 110 of the Mine Act;
- Advising clients with regards to MSHA/OSHA jurisdiction concerns, through review of the MSHA/ OSHA

- Interagency Agreement, and contest of jurisdiction disputes;
- Developing and auditing safety programs and policies, including on-site facility inspections; and
  - Providing nationwide, workplace safety training and compliance counseling for employers, state-grant programs and trade associations.