



2025 MICHIGAN SAFETY CONFERENCE

Serious Accidents: Avoidance + Consequences

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April 16, 2025



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Over 40 years of combined industry and legal experience with environmental and safety issues, handling a range of regulatory, compliance and administrative matters, as well as litigation involving federal agencies.

Wayne State University

B.S.Ch.E., Chemical Engineering

Graduate Certificate in Hazardous Waste Management

Wayne State University Law School

Juris Doctor – Law

Monsanto Company

Safety and Environmental Specialist, 12 years

Attorney in Private Practice

OSHA and Environmental Law, 33 years

Agenda

- 01 **WORKPLACE INJURIES**
- 02 **CONSEQUENCES OF SERIOUS INJURIES**
- 03 **AVOIDANCE OF SERIOUS INJURIES**
- 04 **WHISTLEBLOWER CASES**
- 05 **LESSONS LEARNED**

Workplace Injuries

Most Dangerous Occupation in USA?



Steel Worker



Metal Fabrication



Chemical Worker



Construction Worker



Fishing Industry!

Common Serious Injuries

- Traumatic Brain Injuries
- Broken Bones
- Spinal Injuries
- Amputations
- Crushed Limbs
- Paralysis
- Electrocution
- Fatalities



Consequences of Serious Injuries

Direct Costs

- **Medical Bills**
- **Workers' Compensation**



Indirect Costs

Lost time

**Training new
employee(s)**

**Loss of
production**

**Less
productivity
related to
employee
morale**

Legal costs

**Consultants/
Experts**

OSHA Enforcement Costs



OSHA Organization

- Federal OSHA
- “State-Plan States”
- Not “neutral”
- Whistleblower cases



Legal Costs

- Initial consulting
- Informal conference
- Settlement agreement
- Notice of Contest
- Litigation



Private Litigation

- **Wrongful death claims**
- **Workers' Compensation bar**
- **Can be very expensive**



Trauma

- **Effect on coworkers**
- **Effect on business**
- **Surveillance video**



Time

- Plant management
- Corporate management



Avoidance of Serious Injuries

Training

- **“Low Hanging Fruit” for OSHA**
- **Do It ... Document It**
- **Training Related Tragedies**
- **“Hard to Predict” Tragedies**



Self Audits

**Audit
Privilege**

**Attorney-
Client
Privilege**

**Form the
Team**

Whistleblower Cases

Whistleblower cases

- OSHA Handles Claims for over 20 Agencies
- Filed under Section 11(c) of OSHA
- Like “crying wolf” – the *first* time
- Handled by separate section of OSHA
- Settlement strongly encouraged by OSHA
- Caveat: OSHA is advocate for the employee
- Caveat: OSHA moves *very* slowly

Whistleblower cases

Risks

- Reinstatement
- Back Pay
- Benefits
- Legal Costs
- “Copy Cats”

Resolution

- Informal
- Formal

Lessons Learned



