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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

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# Workplace Injuries

# **Most Dangerous Occupation in USA?**



**Steel Worker** 



**Metal Fabrication** 



**Chemical Worker** 



**Construction Worker** 





# 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**



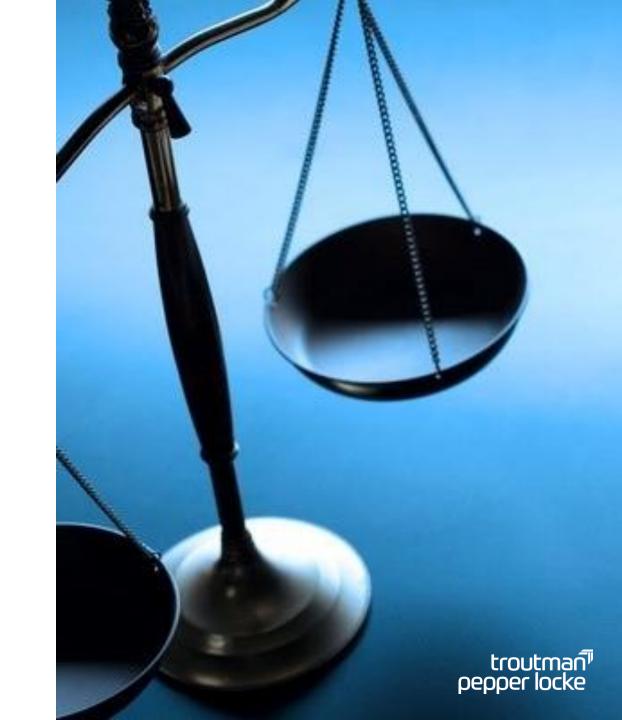
# **OSHA** Organization

- 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



