

OSHA

The team offers a wide range of services relating to the protection of worker health and safety across a broad spectrum of industries, including compliance advice with respect to specific industry standards and general duty requirements, reporting and recordkeeping requirements, development of required safety plans, manuals and training (such as lockout/tagout, process safety, hazard and chemical exposure) and defense of enforcement actions.

Representative Cases include:

- **North Carolina Department of Labor v. Central Transport, Inc.** We represented Central Transport in one of the longest OSHA penalty appeal hearings yet conducted in North Carolina. The main issue in the appeal is whether Central Transport's failure to require employees to wear seatbelts while operating forklifts constitutes a violation of the "general duty" clause of the North Carolina Occupational Safety and Health Act.
- **Textile Manufacturer.** We represented a North Carolina textile manufacturer in connection with the appeal of an OSHA penalty after an employee was injured. NC OSHA alleged the employer had failed to provide proper machine guarding. We negotiated a satisfactory resolution of the appeal.
- We represented Niemand in litigation over the proper sampling and measuring methodologies used by the US Department of Labor for the detection of talc dust in the workplace. Even though the Administrative Law Judge and the Review Commission ignored the wording and intent of the standard, we ultimately prevailed in the US Court of Appeals.
- We represented the former Piedmont Airlines in citation and penalty enforcement action involving a fatality caused by a hanger door. After multiple meetings and negotiations, the Commissioner of Labor agreed to dismiss the citations and penalties.