

# OUR PRACTICE

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## OSHA

**The OSHA statute is unambiguous – employers must provide a safe and healthful workplace for their employees. Companies turn to Baker Donelson to ensure that they are meeting that obligation.**

We represent companies located in several states, ensuring compliance with federal OSHA requirements as well as with the more stringent state regulations. We assist companies in all industries, from manufacturing and transportation, to retail, construction, health care and beyond.

Our representation is both consultative and enforcement defense. We help companies determine what regulations apply to their workplace, and then develop compliance procedures, training programs and internal auditing protocols. We monitor new regulations and help clients revise their programs accordingly. In transactional settings, we help buyers with due diligence of OSHA regulatory compliance.

We partner with clients to conduct onsite OSHA presentations to management, safety teams, safety departments and line employees. We advise clients on safety and health issues that cross into both Environmental Protection Agency and Department of Transportation requirements, such as asbestos compliance. And we conduct mock OSHA inspections, so that management is prepared for onsite inspections.

When necessary, we represent clients before federal and state Occupational Safety and Health regulators. We have represented clients in fatality investigations, and defended against six-figure citations. We also work to prevent OSHA issues from escalating into union-promotion issues and help with whistleblower cases.



### Representative Matters

- On one-day notice, drafted response on behalf of client in natural gas industry to an OSHA Letter of Inquiry citing more than 20 alleged OSHA violations; no hazards or violations were found.
- Defended client in federal OSHA enforcement on employee fatality due to failure to implement lockout-tagout.
- Assisted scrap metal client in responding to TOSHA inquiry into respiratory protection program, and advised on rights and responsibilities during audit when TOSHA auditor collected air samples and interviewed employees.
- Developed bloodborne pathogens programs for clients in medical industry.
- Drafted response to OSHA Letter of Inquiry on behalf of agricultural client concerning confined space entry and respiratory protection needs related to grain silo; result was finding of no hazards or violations.
- Defended metals galvanizing client in joint TOSHA/TDEC multi-media enforcement case, evaluating respiratory protection, hazard communication requirements for non-English speaking employees and other issues.
- Advised manufacturing client on respiratory protection and lead exposure OSHA regulations, OSHA log recording requirements and ergonomics requirements.
- Conducted due diligence for multi-national chemical manufacturer who sought to enter a joint venture, and for another company that was preparing for a multi-million dollar sale of facilities across the southeastern United States.
- Drafted comments to OSHA in response to OSHA's proposed ergonomics regulation.