



## OSHA and Workplace Safety

### PRACTICES

## OVERVIEW

OSHA enforcement is on the rise and with it the need for experienced and practical legal guidance. Smith Anderson's OSHA lawyers provide substantial resources to help clients navigate the maze of worker safety and OSHA regulations, which can critically impact operations, finances, personnel and sustainability. We assist businesses throughout North Carolina and the Southeast, ranging from start-ups to publicly-traded companies, in connection with their worker safety and OSHA-related needs. Our clients include manufacturers, pharmaceutical companies, convenience store chains, technology and biotechnology companies, health care professionals, builders, materials suppliers, developers, contractors, lenders, investors and public utilities.

Our OSHA team is led by two former Assistant Attorneys General with the N.C. Department of Justice who have significant experience representing State agencies in enforcement, permitting and rulemaking matters. They maintain strong relationships with State agency personnel, including Occupational Safety and Health Administration and Department of Labor regulators, and their agency backgrounds help offer clients an insider's perspective of the process. The team also includes attorneys who have worked at national and regional law firms.

*Chambers USA* recognizes the two head Partners in our OSHA practice as among the best in North Carolina. In its 2014 edition, *Chambers* quotes a client of the practice as saying, "The lawyers just seem to know how to talk the language of both the businesses and the state regulators, and they are very effective at translating the business needs for the regulators, and vice versa" (*Chambers USA*). Our OSHA lawyers also have been continually recognized in *The Best Lawyers in America*®, *North Carolina Super Lawyers*, and *Business North Carolina's "Legal Elite."*

As the largest law firm headquartered in our State's capital, Raleigh, our firm has rich government and regulatory experience coupled with deep transactional and litigation expertise. We are a full-service business and litigation law firm and provide legal counsel in such related areas as Construction, Employment, Labor and Human Resources, Employment Litigation, Government Affairs, Environmental and Real Estate Development. [CLICK HERE](#) to see our full list of practice areas.

## Services

- OSHA due diligence investigations and compliance audits
- Whistleblower defense and risk mitigation
- Transactions, including contractual allocation of worker safety and OSHA-related risks and liabilities
- Petitions for regulatory changes, declaratory rulings and permanent variances
- Defense and management of retaliation complaints

- Crisis management due to workplace injuries, accidents and spills, including internal investigations
- OSHA and administrative litigation, including employee injury claims
- Enforcement defense, including citations and civil penalty assessments issued by the U.S. and N.C. Departments of Labor
- Legislative and agency advocacy before the N.C. General Assembly, N.C. Department of Labor, N.C. Safety and Health Review Commission and other State administrative boards
- OSHA compliance, including hazard communication, confined space entry, lockout/tagout, fall protection, personal protective equipment (PPE), recordkeeping and process safety management

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## EXPERIENCE

- Represented an international privately-held soft drink manufacturer, seller and distributor in acquisitions, due diligence investigations, OSHA compliance matters and enforcement defense across the United States
- Represented one of the nation's largest poultry producers in NCDOL enforcement actions and OSHA compliance and inspection matters
- Represented a global developer and manufacturer of pharmaceuticals in one of NCDOL's largest single OSHA enforcement actions and personal injury actions filed by more than 50 individuals alleging exposure to toxic chemicals
- Represented one of the largest North Carolina design and construction companies in its worker safety, enforcement defense and safety program development
- Represented a cellulose-based specialty products manufacturer in its OSHA compliance at several North Carolina facilities
- Represented a national distributor in connection with enforcement defense and risk management alternatives
- Represented a national trucking company in connection with enforcement defense and permanent variance for trade association
- Represented a leading manufacturer of elastomeric, closed cell insulation products in connection with enforcement defense stemming from an employee amputation incident
- Represented a leading distributor of natural stone, quartz and stainless steel & porcelain products in connection with enforcement defense and risk mitigation stemming from an employee fatality
- Represented a national engineering, investigation and construction services firm in connection with federal OSHA enforcement defense and risk mitigation stemming from a cell tower collapse and employee fatalities

## PROFESSIONALS

Stephen T. Parascandola

J. Mitchell Armbruster

David W. Berry

Kevin M. Ceglowski

Sarah W. Fox

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## RELATED AREAS

Administrative Law

Construction & Infrastructure

Employment, Labor and Human Resources

Environmental

Government Relations

Real Estate Development

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