

# OCCUPATIONAL SAFETY & HEALTH ACT (OSHA)

Since the Occupational Safety and Health Act (OSHA) was enacted in 1970, OSHA regulations and employer-compliance obligations have expanded considerably.

At the same time, OSHA inspections have become increasingly targeted through the agency's programmed enforcement activities, including Site-Specific Targeting (SST), National Emphasis Programs (NEPs), Regional Emphasis Programs (REPs), Local Emphasis Programs (LEPs), and Enhanced Enforcement Programs (EEPs). As the regulatory environment has become increasingly complex, compliance efforts often require collaboration between skilled personnel within the company and outside counsel and consultants with appropriate technical knowledge.

## WHO IS AFFECTED?

Nearly every company in every industry is subject to OSHA regulations and therefore faces potential OSHA inspections. At Hodgson Russ, we have helped clients in a number of industries to manage their OSHA exposures. To name just a few, we have assisted cabinetmakers, chemical manufacturers, coating and dipping facilities, common carriers, construction contractors, dairies,

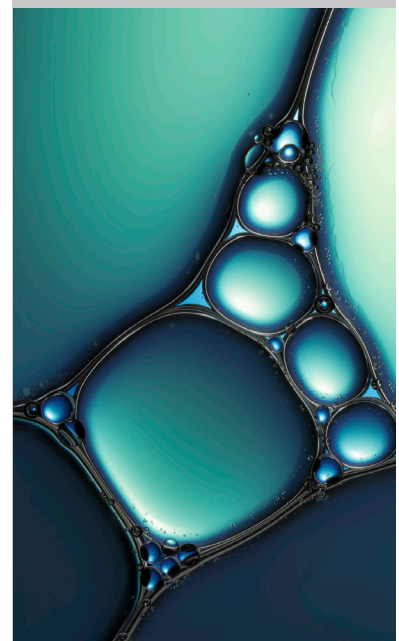
hospitals, industrial equipment manufacturers, machine shops, metal fabricators, nonprofit health and human service providers, nursing homes, sawmills, school districts, supermarkets, trenchers, and warehousing operators.

## HOW WE CAN HELP

Our attorneys regularly assist clients at every stage of OSHA inspections, including providing proactive pre-inspection planning and counseling on employers' legal rights related to the inspection process. When OSHA inspections are due to specific accidents or injuries, we lead clients through appropriate investigations to help manage the workers' compensation and civil liability exposures that can result. We also counsel clients on the interplay of OSHA's enforcement activities and civil liability. Regular successes on behalf of clients include the withdrawal or narrowing of OSHA inspection requests and the avoidance or reduction of citations and penalties, including through negotiation and administrative litigation.



Nearly every company in every industry is subject to OSHA regulations and faces potential OSHA inspections.



We counsel clients on the interplay of OSHA's enforcement activities and civil liability.



## SELECTED SERVICES INCLUDE:

- Analysis by employer classification of likely exposures through identification of commonly cited regulations
- Communication with OSHA officials on an employer's behalf
- Compliance counseling about applicable regulations and the "general duty" clause
- Counseling for construction contractors regarding liability exposures and other implications of OSHA's multi-employer citation policy
- Counseling with regard to workers compensation and civil liability exposures associated with workplace accidents and OSHA inspections
- Defense of citations, penalties, and abatement
- Defense of whistleblower and discrimination complaints
- Development and implementation of protocols and procedures to be followed in the event of an inspection
- Drafting and negotiation of settlement agreements
- Employer-rights counseling regarding the commencement, procedure, and conduct of an OSHA inspection
- Participation in OSHA inspections
- Plant and worksite tours to facilitate hazard identification and safety planning
- Record keeping and reporting of occupational injuries and illness
- Representation of employers in contest proceedings before the Occupational Safety & Health Review Commission
- Risk and inspection-exposure counseling related to programmed enforcement activities, including SSTs, NEPs, REPs, LEPs, and EEPs
- Risk and inspection-exposure counseling related to unprogrammed inspections commenced as a result of employee complaints, referrals, or accidents
- Strategic decision-making and preparation for managing an inspection

## CONTACT

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## PROFESSIONALS

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