

29TH ANNUAL BUSINESS & INDUSTRY'S

Sustainability & Environmental, Health and Safety



S Y M P O S I U M

Workshop K

**Passionate about Safety -- Keeping
Your People Safe: Best Practices in
Workplace Safety ... Preventing and
Avoiding OSHA Citations and Expert
Tips on How to Navigate Informal
Conferences**

**Tuesday, March 24, 2020
11:15 a.m. to 12:30 p.m.**

Biographical Information

William H. Haak, Founder
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William H. Haak is the Founder of Haak Law LLC (www.haaklawllc.com) – an environmental, health & safety legal and consulting firm based in Cleveland, Ohio. He has 20 years of experience in occupational safety law and worker safety, and more than 25 years of experience in environmental law (including extensive experience in air pollution control law and multi-media environmental compliance). Mr. Haak practices nationally in the United States and consults globally on all matters related to the EHS field (plus security and crisis management).

Mr. Haak graduated from The University of Akron (Business Finance) and Case Western Reserve University School of Law (J.D. with an emphasis on litigation and trial practice). Following law school, he worked as an Assistant Attorney General in the State of Ohio Attorney General's Environmental Enforcement Section. As counsel to Ohio EPA, Mr. Haak's practice was focused primarily on civil and administrative air pollution control cases. During his time with the Attorney General's Office, Mr. Haak resolved civil environmental enforcement actions resulting in civil penalties totaling approximately \$4 million.

Prior to forming Haak Law LLC, Mr. Haak was Senior EH&S Counsel for General Electric. He supported GE's Appliances and Lighting Businesses, and was engaged in complex air permitting issues for other GE businesses nationwide. Mr. Haak has also been Associate General Counsel – EH&S for Hexion Specialty Chemicals in Columbus, Ohio, and Senior Regulatory Law Counsel for Owens Corning in Toledo, Ohio. He served overseas in the former Soviet Union (Ukraine) as an Environmental Enforcement Specialist with the American Bar Association's Central & East European Law Initiative ("ABA/CEELI").

Haak is a frequent lecturer to attorneys, engineers, and environmental professionals on topics concerning federal and state air pollution law. In addition, he has taught as an adjunct faculty member at the University of Central Florida in Orlando and Columbus State in Columbus, Ohio. From 2005 to 2018, Haak taught classes focusing on Air Pollution Law and Occupational Safety and Health Law at The University of Toledo College of Law as an Adjunct Professor.

Biographical Information

Kaleb J. Brankamp
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Kaleb Brankamp is in-house legal counsel for Marathon Petroleum Company LP. Kaleb joined the HES&S Law group at Marathon in 2015 focusing primarily on OSHA compliance and enforcement matters, including process safety management compliance. In addition, Kaleb advises his client concerning security-related legal issues. Kaleb holds a juris doctor degree from Capital University and a bachelor of arts degree from The Ohio State University. Prior to joining Marathon, Kaleb worked for 2 years at the law firm Porter, Wright, Morris & Arthur and spent 5 years in-house legal counsel for Konecranes, Inc.

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Gaye Johnson began her career with the U.S. Department of Labor, The Occupational Safety and Health Administration in the Cincinnati Area Office in 1985. She has held positions on both the administrative and professional side of OSHA. Gaye went through the Upward Mobility Program in 1989 to become a safety specialist at OSHA, a position she held for 17 years before being selected as a Compliance Assistance Specialist in September of 2007. In August of 2011, Gaye became an Assistant Area Director for the Cincinnati OSHA office. She has served on committees such as OSHA's National Reinvention Committee, and Region V's Training committee. She has received numerous awards over her career in OSHA, including the Distinguished Career award.

Best Practices in Safety:

*Preventing and Avoiding OSHA Citations, and
Expert Tips for Handling Informal
Conferences*

Session K
March 24, 2020

Gaye Johnson
OSHA

William H. Haak
Haak Law LLC

Kaleb J. Brankamp
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HAAK LAW LLC
Environmental, Health & Safety
Legal and Consulting Services

*The views expressed (where applicable) represent the views of
Gaye Johnson. They do not necessarily represent, and should
not be attributed to, either the Department of Labor, or OSHA.*



Introduction & Agenda

- Overview, and a little about today's format
- OSHA fatalities update and injury/fatality reporting reminders
- Setting the proper "tone" in the closing conference
- How (and why) OSHA issues citations
- You've received a citation. Now what?!?
- Deciding whether to settle or go to an informal conference
- Prepping for an informal conference (and expectation setting)
- Seeing an informal conference from both sides
- To contest or not contest? That is the question!!!
- Wrap-up and questions

REGION V FATALITY STATISTICS

Fatalities under OSHA's jurisdiction in Region V

	Fiscal Year 2020 End Date: February 29th	Fiscal Year 2019 End Date: February 28th
Federal	39	34
State	33	38

Immigrant Language Fatalities FY 2020	
Immigrant Language Fatality Inspections	1
Hispanic	1

FATALITIES BY EVENT AND INDUSTRY SECTOR

(FOR FEDERAL OFFICES ONLY)

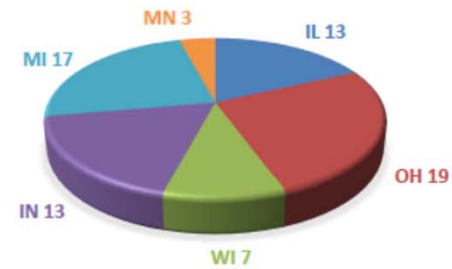
FY 2020

	Construction NAICS 23*	Manufacturing NAICS 31* - 33*	Other
Caught	2	2	5
Electrocution	1	0	1
Exposure	1	0	2
Fall	4	2	6
Fire & Explosion	0	0	0
Other / Pending	2	2	2
Struck	2	1	4
Trench Cave-In*	1	0	0
Total	12	7	20

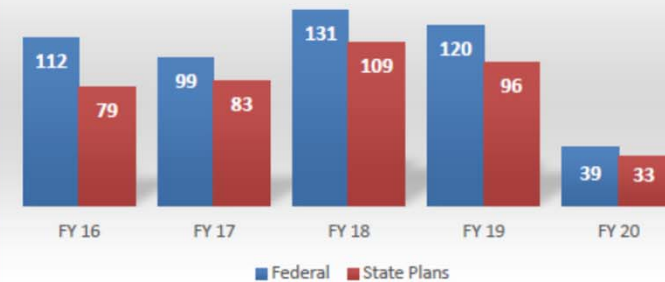
* Included in Caught



NUMBER OF FATALITIES INVESTIGATED PER STATE FOR FY 2020



Region V Fatalities



Produced by the Administrative Programs Unit on 3/2/20. **NOTE: Data subject to change upon completion of investigations.**

Tips & Reminders on OSHA Severe Injury and Fatality Reporting

Setting the Tone at the Closing Conference

How (and Why) OSHA Issues Citations

You've Received a Citation. Now What?!?

Just “Settling” Versus Informal Conferences

Preparing for an Informal and Expectation Setting

Seeing an Informal Conference from Both Sides

To Contest or To Not Contest? That is the Question!!!

Questions?

Thank You!